

TO: MAYOR AND CITY COUNCIL

THROUGH: *Linda Norris*
LINDA NORRIS, CITY MANAGER PRO TEM

FROM: VICKIE HARDIN WOODS, DIRECTOR *VHW*
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: CONSIDERATION OF EXISTING REGULATIONS APPLICABLE TO RELIGIOUS ORGANIZATIONS WITHIN THE CB (CENTRAL BUSINESS DISTRICT) ZONE

ISSUE:

Should the City Council consider amending the requirements of the City's CB (Central Business District) zone (SRC Chapter 154) to allow religious organizations as an outright permitted use?

RECOMMENDATION

Staff recommends that the Council direct staff to prepare a resolution to initiate amendments to SRC Chapter 154 to allow religious organizations as outright Permitted Uses within the CB zone.

BACKGROUND:

On October 8, 2007, the City Council approved a motion directing staff to bring back additional information on current code requirements that prohibit/limit worship activities in the Central Business District (Attachment A).

Within the CB (Central Business District) zone, religious organizations, Standard Industrial Classification (SIC) No. 866, are currently allowed only as a "Special Use" which limits them to being located within historic buildings that contain a theater.

A zoning map depicting the boundaries of the City's CB zone is included as Attachment B to this report.

FACTS AND FINDINGS:

1. Within the CB (Central Business District) zone, membership organizations (SIC 86), with the exception of religious organizations (SIC 866), are allowed as an outright permitted use.
2. Religious organizations were not allowed within the CB (Central Business District) zone until 2001, when the code was amended to allow them as a Special Use. Specific documentation describing the reasons for the original limitation of this use in the downtown is not available. It is likely that the prohibition stems from the fact

that religious organizations do not fit the definition of a business and would compete with retail, commercial, and office users for space within the downtown. Additional reasons include not being required to pay property taxes and the potential creation of zones of inactivity within retail districts which result from the often different hours of operation that religious organizations have as compared to those of typical retail, commercial, and office uses.

The amendment to allow religious organizations as a Special Use in the CB zone was based upon a property owner's request and placed specific limitations on where in the CB zone religious organizations could be located. As the code stands today, religious organizations may be located only within designated historic structures that contain theaters that have retained their historic configuration as of November 16, 2001 (SRC 119.500(d)(1)). There are two existing structures within the CB zone that qualify under this standard, the Elsinore Theater and the Grand Theater.

The rationale for limiting religious organizations within the CB zone to historic theaters was to help facilitate the rehabilitation of these historic structures and a reinvestment in the downtown historic district through their adaptive reuse. The spatial and architectural configuration of the theaters naturally lent themselves to adaptive reuse for organizations that hold large gatherings, including religious organizations.

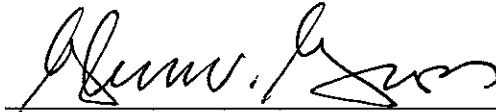
Staff's original recommendation to the Planning Commission at that time was to allow religious organizations both in historic theaters and within the upper floors of buildings within the City's downtown historic district. In consideration of that recommendation, the Planning Commission modified the proposed amendment to allow religious organizations only within historic theaters out of concern for a religious organizations potential impact and competition with commercial development within the downtown. By confining religious organizations to historic theaters, competition with other businesses would be limited and the downtown would benefit from the allowance of an additional use to occupy those buildings.

3. The CB zone currently allows membership organizations (SIC 86) as an outright permitted use (SRC 154.020(h)(18)). This major SIC category includes such activities as Business Associations, Professional Membership Organizations, Labor Unions and Similar Labor Organizations, Civic, Social, and Fraternal Associations, Political Organizations, Religious Organizations, and Membership Organizations not Elsewhere Classified.

In order to establish consistency within the CB zone in how membership organizations, including religious organizations, are handled, two alternative approaches could be utilized:

- A. Allow both religious organizations and membership organizations as Special Uses with the additional requirement that they be located on the upper floors (i.e., the second floor and above) of buildings within the CB zone; or
- B. Allow religious organizations as outright Permitted Uses within the CB zone.

Of the two above alternatives, staff recommends Alternative B because this alternative provides consistency in how religious organizations and membership organizations are addressed within the CB zone. If the approach of Alternative A were utilized, there could be the potential for the creation of a number of non-conforming uses within the CB zone due to the breadth of types of uses that fall under the membership organization Major SIC Category and the fact that membership organizations currently are allowed outright within the CB zone without any additional restrictions beyond the typical CB zone development standards.



Glenn W. Gross, Urban Planning Administrator

- Attachments: A. City Council Motion: October 8, 2007
B. Zoning Map Identifying CB Zone Boundaries

Prepared by Bryce Bishop, Associate Planner

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Council Meeting of:
Agenda Item:

October 8, 2007
11.2 (a)



CITY OF SALEM,
OREGON
City Council
555 Liberty Street SE, Room 220
Salem, Oregon 97301
503-588-6159

MEMORANDUM

To: Mayor and City Council
From: Dan Clem, City Councilor – Ward 8
Subject: City/Urban Renewal District Codes on Worship Activities Downtown

Motion:

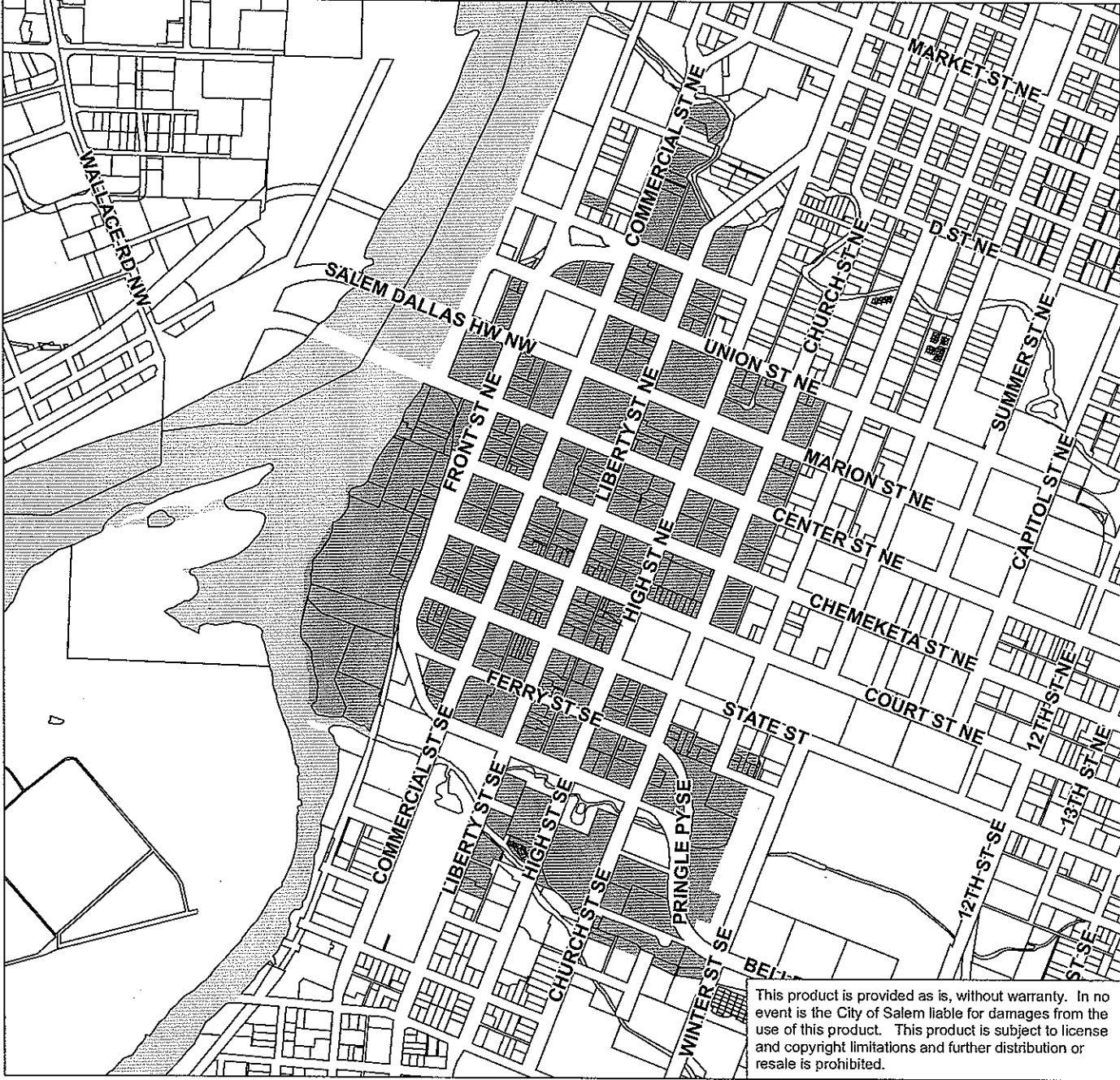
I move that staff bring to Council information related to city and/or urban renewal district codes which prohibit/limit worship activities in the downtown/business district areas of Salem.

Discussion:

Worship is allowed in the downtown business district, but only in historic structures. Limiting worship in the downtown business district to only certain types of structures does not, on its face, make much sense. There may be information available within staff records which may reveal why this limitation exists.


ATTACHMENT A

Central Business District (CB) Zone




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Legend

 CB - (Central Business District) Zone

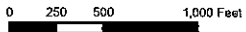
 Urban Growth Boundary

 Outside Salem City Limits

 Taxlots

 Parks

* For additional information contact the Planning Dept. at: 503-588-6173
 ** For precise location contact the Public Works Dept. at: 503-588-6211



ATTACHMENT B