



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

10/27/2009

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment  
DLCD File Number 008-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, November 10, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Bryce Bishop, City of Salem  
Gloria Gardiner, DLCD Urban Planning Specialist

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DLCD

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# Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

<input type="checkbox"/> In person	<input type="checkbox"/> electronic	<input type="checkbox"/> mailed
<b>DEPT OF</b>		
OCT 20 2009		
<b>LAND CONSERVATION AND DEVELOPMENT</b>		

Jurisdiction: **City of Salem**

Local file number: **CA 09-5**

Date of Adoption: **9/28/2009**

Date Mailed: **10/16/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **6/19/2009**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendments to Salem Revised Code (SRC) Chapters 145 through 160 modifying the provisions of the RA (Residential Agriculture), RS (Single Family Residential), RD (Duplex Residential), RM1 & RM2 (Multiple Family Residential), RH (Multiple Family High Rise Residential), CO (Commercial Office), CN (Neighborhood Commercial), CR (Retail Commercial), CG (General Commercial), CB (Central Business District), IC (Industrial Commercial), IBC (Industrial Business Campus), IP (Industrial Park), IG (General Industrial), II (Intensive Industrial), and P (Public Use) zone districts to allow the Planning Administrator to refer those uses which cannot be readily classified under the provisions of the zoning code to the Planning Commission for a formal interpretation as provided under SRC 113.090(d); and to allow an existing non-conforming use to be changed to another non-conforming use with conditional use approval as provided under SRC 112.040(c).

Does the Adoption differ from proposal? Yes, please explain below:

The adopted amendment differs from the proposed amendment in that additional language was included within the prohibited uses sections of the amended zone districts providing greater explanation of the proposed new cross references to SRC Chapters 112 and 113. In addition, corresponding amendments to SRC Chapter 112.030 and 112.040 were made clarifying and cleaning-up the provisions of those sections.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **NA**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

..

45-days prior to first evidentiary hearing?  Yes  No  
If no, do the statewide planning goals apply?  Yes  No  
If no, did Emergency Circumstances require immediate adoption?  Yes  No

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DLCD file No. \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: **Bryce Bishop, Associate Planner** Phone: (503) 588-6173 Extension: 7599  
Address: <sup>BJB</sup> 555 Liberty St SE, Room 305 Fax Number: 503-588-6005  
City: Salem Zip: 97301-3513 E-mail Address: [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net)

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1 upon the date of such damage or destruction. Cost of repair or restoration, and  
2 replacement cost, shall be determined by the building official. The building  
3 official's ~~Such~~ determination is appealable as provided in SRC 20J.240-20J.430  
4 for ~~contested case proceedings~~ 4.040.

5 (e) No nonconforming use or ~~nonconforming~~ development which has terminated  
6 as provided in this section shall ~~thereafter~~ be re-established.

7 **Section 2.** SRC 112.040 is amended to read:

8 **112.040. Nonconforming Uses, Generally; Extension, Alteration, Expansion and**  
9 **Change in Use.**

10 (a) Except as provided in SRC 112.050, any nonconforming use may be  
11 continued as a lawful use unless and until terminated as provided in SRC 112.030,  
12 ~~and may be extended, altered, enlarged, or changed, as provided in this section,~~  
13 ~~subject to the following restrictions as to expansion, alteration, and change of use:~~

14 (1a) A nonconforming use of a portion of a building may be extended into  
15 other portions of that building with conditional use approval, ~~pursuant to~~  
16 ~~as provided in subsection (b) (d) of this section.~~

17 (2b) A building or structure occupied for a nonconforming use may be  
18 structurally altered or enlarged for the benefit of such use ~~with conditional~~  
19 ~~use approval, pursuant to as provided in subsection (b) (d) of this section,~~  
20 provided that the alteration or enlargement itself is otherwise lawful under  
21 the development standards of this zoning code and the provisions of all  
22 other applicable laws, ordinances, and regulations.

23 (3e) A nonconforming use may be changed to ~~another non-conforming~~  
24 ~~use~~ with conditional use approval, ~~pursuant to as provided in subsection~~  
25 ~~(b) (d) of this section,~~ if the change in use has no greater adverse impact to  
26 the neighborhood.

27 (bd) The nonconforming ~~conditional~~ uses specified in this section are conditional  
28 ~~uses in all zones, and conditions may be imposed on proposals to extend, alter,~~  
29 ~~enlarge, or change a non-conforming use to minimize likely adverse impacts of~~  
30 ~~the nonconforming use on the immediate neighborhood.~~ However, Unlike

1 conditional uses generally, nonconforming uses under this section they are not  
2 deemed allowed uses in the zone. permitted uses. All such nonconforming  
3 conditional use applications to extend, alter, enlarge, or change a nonconforming  
4 use and proceedings shall be subject to the criteria set forth in SRC 114.160. In  
5 addition, the applicant shall have the burden of showing must show that the  
6 proposal to extend, alter, enlarge, or change the nonconforming use meets the  
7 following criteria:

- 8 (1) The character and history of the proposed extension, alteration,  
9 enlargement, or change of use is consistent with the general development  
10 character of the surrounding area.
- 11 (2) The degree of noise, vibration, dust, odor, fumes, glare, or smoke  
12 detectable at the property line will not be increased by the proposed  
13 extension, alteration, enlargement, or change of use.
- 14 (3) The number and kinds of vehicular trips to the site will not exceed the  
15 maximums typical for the zoning district within which the nonconforming  
16 use project is located.
- 17 (4) The amount and nature of outside storage, loading, and parking will  
18 not be increased or altered by the proposed extension, alteration,  
19 enlargement, or change of use so as to cause further impacts.
- 20 (5) The hours of operation for the proposed extension, alteration,  
21 enlargement, or change of use will not be altered or increased beyond  
22 those of the existing nonconforming use.

23 **Section 3.** SRC 145.050 is amended to read:

24 **145.050. Prohibited Uses.** Within an RA district, no building, structure, or land shall be  
25 used, erected, structurally altered, or enlarged for any use not permitted under SRC  
26 145.020 to 145.040, unless the use is deemed an equivalent use pursuant to except as  
27 provided in SRC 113.090(e) SRC 113.090(d) or allowed as a nonconforming use  
28 pursuant to SRC Chapter 112.

29 //

30 //

1 **Section 4.** SRC 146.050 is amended to read:

2 **146.050. Prohibited Uses.** Within any RS district, no building, structure, or land shall be  
3 used, erected, structurally altered, or enlarged for any use not permitted under SRC 146.020  
4 to 146.040, ~~unless the use is deemed an equivalent use pursuant to except as provided in SRC~~  
5 ~~113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter 112.~~

6 **Section 5.** SRC 147.050 is amended to read:

7 **147.050. Prohibited Uses.** Within any RD district, no building, structure, or land shall be  
8 used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020  
9 to 147.040, ~~unless the use is deemed an equivalent use pursuant to except as provided in SRC~~  
10 ~~113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter 112.~~

11 **Section 6.** SRC 148.200 is amended to read:

12 **148.200. RM1 Prohibited Uses.** Within the RM1 district, no building, structure or land  
13 shall be used, erected, structurally altered or enlarged for any use not permitted under SRC  
14 148.160 to 148.190, ~~unless the use is deemed an equivalent use pursuant to except as~~  
15 ~~provided in SRC 113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter~~  
16 ~~112.~~

17 **Section 7.** SRC 148.350 is amended to read:

18 **148.350. RM2 Prohibited Uses.** Within the RM2 district, no building, structure or land  
19 shall be used, erected, structurally altered or enlarged for any use not permitted under SRC  
20 148.310 to 148.330, ~~unless the use is deemed an equivalent use pursuant to except as~~  
21 ~~provided in SRC 113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter~~  
22 ~~112.~~

23 **Section 8.** SRC 149.050 is amended to read:

24 **149.050. Prohibited Uses.** Within any RH district, no building, structure or land shall be  
25 used, erected, structurally altered, or enlarged for any use not permitted under SRC 149.020  
26 to 149.040, ~~unless the use is deemed an equivalent use pursuant to except as provided in SRC~~  
27 ~~113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter 112.~~

28 **Section 9.** SRC 150.050 is amended to read:

29 **150.050. Prohibited Uses.** Within any CO district, no building, structure, or land shall be  
30 used, erected, structurally altered, or enlarged for any use not permitted under SRC 150.020

1 to 150.040, unless the use is deemed an equivalent use pursuant to except as provided in SRC  
2 113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter 112.

3 **Section 10.** SRC 151.050 is amended to read:

4 **151.050. Prohibited Uses.** Within any CN district, no building, structure, or land shall be  
5 used, erected, structurally altered, or enlarged for any use not permitted under SRC 151.020  
6 to 151.040, unless the use is deemed an equivalent use pursuant to except as provided in SRC  
7 113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter 112.

8 **Section 11.** SRC 152.050 is amended to read:

9 **152.050. Prohibited Uses.** Within any CR district, no building, structure, or land shall be  
10 used, erected, structurally altered, or enlarged for any use not permitted under SRC 152.020  
11 to 152.040, unless the use is deemed an equivalent use pursuant to except as provided in SRC  
12 113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter 112.

13 **Section 12.** SRC 153.050 is amended to read:

14 **153.050. Prohibited Uses.** Within any CG district, no building, structure, or land shall be  
15 used, erected, structurally altered, or enlarged for any use not permitted under SRC 153.020  
16 to 153.040, unless the use is deemed an equivalent use pursuant to except as provided in SRC  
17 113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter 112.

18 **Section 13.** SRC 154.050 is amended to read:

19 **154.050. Prohibited Uses.** Within any CB district, no building, structure, or land shall be  
20 used, erected, structurally altered, or enlarged for any use not permitted under SRC 154.020  
21 to 154.040, unless the use is deemed an equivalent use pursuant to except as provided in SRC  
22 113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter 112.

23 Otherwise permitted uses in the downtown Historic Core District may not be conducted as  
24 drive-through uses, defined as a business activities involving the buying and selling of goods  
25 or the provision of services to a motorist customer or the customer's motor vehicle and  
26 typically involving queuing lanes, service windows, service islands, and service bays.

27 **Section 14.** SRC 155.050 is amended to read:

28 **155.050. Prohibited Uses.** Within any IC district, no building, structure, or land shall be  
29 used, erected, structurally altered, or enlarged for any use not permitted under SRC 155.020  
30 to 155.040, unless the use is deemed an equivalent use pursuant to except as provided in SRC



1 113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter 112.

2 **Section 15.** SRC 156.050 is amended to read:

3 **156.050. Prohibited Uses.** Within any IBC district, no building, structure, or land shall be  
4 used, erected, structurally altered, or enlarged for any use not permitted under SRC 156.020  
5 to SRC 156.030, ~~unless the use is deemed an equivalent use pursuant to except as provided in~~  
6 ~~SRC 113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter 112.~~

7 **Section 16.** SRC 157.050 is amended to read:

8 **157.050. Prohibited Uses.** Within any IP district, no building, structure, or land shall be  
9 used, erected, structurally altered, or enlarged for any use not permitted under SRC 157.020  
10 to 157.040, ~~unless the use is deemed an equivalent use pursuant to except as provided in SRC~~  
11 ~~113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter 112.~~

12 **Section 17.** SRC 158.050 is amended to read:

13 **158.050. Prohibited Uses.** Within any IG district, no building, structure, or land shall be  
14 used, erected, structurally altered, or enlarged for any use not permitted under SRC 158.020  
15 to 158.040, ~~unless the use is deemed an equivalent use pursuant to except as provided in SRC~~  
16 ~~113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter 112.~~

17 **Section 18.** SRC 159.050 is amended to read:

18 **159.050. Prohibited Uses.** Within any II district, no building, structure, or land shall be  
19 used, erected, structurally altered, or enlarged for any use not permitted under SRC 159.020,  
20 ~~unless the use is deemed an equivalent use pursuant to except as provided in SRC~~  
21 ~~113.090(d)(e) or allowed as a nonconforming use pursuant to SRC Chapter 112.~~

22 **Section 19.** SRC 160.020 is amended to read:

23 **160.020. Prohibited Uses.** Within any P district, no building, structure, or land shall be  
24 used, erected, structurally altered, or enlarged for any use not permitted in the particular  
25 district under SRC 160.030 to 160.120 ~~+60.090, unless the use is deemed an equivalent use~~  
26 ~~pursuant to except as provided in SRC 113.090(d)(e) or allowed as a nonconforming use~~  
27 ~~pursuant to SRC Chapter 112.~~

28 /////

29 /////

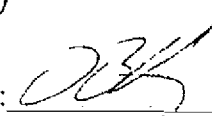
30 /////

1 **Section 20. Severability.** Each section of this ordinance, and any part thereof, is severable, and  
2 if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of  
3 this ordinance shall remain in full force and effect.

4 PASSED by the City Council this 28<sup>th</sup> day of September, 2009.

5 ATTEST:

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7 City Recorder

8 Approved by City Attorney: 

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11 Checked by: B. Bishop

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**FUTURE REPORT: September 7, 2009**  
**FOR COUNCIL MEETING OF: September 14, 2009**  
**AGENDA ITEM NO.: 9.1 (a)**

**TO: MAYOR AND CITY COUNCIL**  
**THROUGH: *Linda Norris* LINDA NORRIS, CITY MANAGER**  
**FROM: VICKIE HARDIN WOODS, DIRECTOR *VHW* COMMUNITY DEVELOPMENT DEPARTMENT**  
**SUBJECT: AMENDMENTS TO THE ZONING ORDINANCE RELATED TO NON-CONFORMING USES AND THE DETERMINATION OF PERMITTED USES (CA 09-5)**

**ISSUE:**

Should the City Council enact Ordinance Bill No. 49-09 amending SRC Chapter 112 and SRC Chapters 145 through 160:

- 1) Clarifying and reorganizing SRC Chapter 112, Non-Conforming Use and Development; and
- 2) Clarifying that one non-conforming use may change to another non-conforming use through conditional use approval; and
- 3) Correcting a cross reference in multiple chapters of the zoning code to clarify that the Planning Administrator must refer interpretations regarding uses not specifically classified in the code to the Planning Commission.

**RECOMMENDATION:**

Staff recommends that the City Council advance Ordinance Bill No. 49-09 to second reading for enactment to amend SRC Chapter 112 and SRC Chapters 145 through 160 by clarifying provisions applicable to non-conforming use and development and the Planning Administrator's authority to refer certain uses not identified within the code to the Planning Commission for formal interpretation.

**BACKGROUND:**

A recent request to replace a non-conforming use with another in an existing building located within the Riverfront Overlay zone brought to light missing and incorrect cross references in the zoning code. A non-conforming use is one that was established lawfully and that no longer conforms to the zoning rules because of subsequent changes to those rules. Staff researched the matter and found that scrivener's errors had been made in past code updates. The proposed amendments are designed to correct the errors as well as to provide clarity with needed new cross references.

## **FACTS AND FINDINGS:**

### ***Procedural Findings***

1. Under SRC 110.070, any amendment to the Salem Zoning Code that amends, supplements, or changes only the text must be initiated either by the City Council or by the Commission by resolution. The Planning Administrator must then fix a date for a public hearing before the Commission and cause notice to be provided as required by the code. On May 5, 2009, the Planning Commission initiated the proposed amendments with the approval of Resolution No. 09-6.

The Planning Administrator subsequently set a public hearing for August 4, 2009, and caused notice of the hearing to be published in the newspaper on July 23, 2009, and July 30, 2009. Notice was also sent to every neighborhood organization and to the Boards of Commissioners of Marion and Polk Counties on July 15, 2009.

2. ORS 197.610 and OAR 660-018-0020 requires that the Department of Land Conservation and Development receive notification of any proposed amendment to a local land use regulation at least 45 days prior to the first public hearing. Such notice was sent by regular mail on June 19, 2009.
3. On August 4, 2009, the Planning Commission held a public hearing to receive testimony and consider the proposed amendments. No public testimony was provided.

Subsequent to the close of the public hearing, the Planning Commission voted to approve the amendments and recommended that the City Council accept first reading of an ordinance bill for the purpose of amending the code.

### ***Proposed Code Amendments***

4. The proposed code amendment consists of three main elements:

- A. **Clean-up Amendments to SRC Chapter 112 (Non-Conforming Use and Development).**

The proposal amends SRC 112.030 and 112.040 by reorganizing and making clarifications and corrections to those code sections.

- B. **Clarification that One Non-Conforming Use may be Changed to Another Non-Conforming Use with Conditional Use Approval.**

The proposal amends the City's base zoning districts included within SRC Chapters 145 through 160 by providing a cross reference to SRC 112 (Non-Conforming Use and Development) to clarify that one non-conforming use may be changed to another non-conforming use with conditional use approval.

The ability to change from one non-conforming use to another non-conforming use is presently allowed within the code pursuant to the provisions of SRC 112.040, but there is no specific cross reference included within the zone districts to those provisions. The proposed amendment addresses this issue.

Approval of a change of use from one non-conforming use to another non-conforming use requires, in summary, that it be demonstrated through the conditional use approval process that the new use will be consistent with the general development character of the area and will not result in greater impact. The review authority for conditional use approval is the Hearings Officer. A public hearing is required.

**C. Establishment of Planning Administrator's Authority to Refer Certain Uses to the Planning Commission for Formal Interpretation.**

The proposal amends the City's base zoning districts included under SRC Chapters 145 through 160 by correcting a cross reference within the prohibited use section of the districts. The correct cross reference relates to the Planning Administrator's authority to refer uses that cannot be readily classified or which are not already identified within the code to the Planning Commission for formal interpretation. The Planning Commission's role in such interpretation is to determine whether or not the use in question is equivalent to another use that is identified within the code based on their similarity and the same intent in classifying the uses. If so, the Planning Commission could determine the use to be allowed within the zone if its "equivalent" use is allowed.

The prohibited use section of the identified districts currently includes language which generally provides that a use is not permitted unless it is specifically identified as being allowed within the particular district, except as provided under SRC 113.090(c).

SRC 113.090(c) officially incorporates the 1987 Standard Industrial Classification Manual into the zoning code as a means of identifying those uses described within the zoning code with reference to the manual, but contains no specific provisions that would make sense in the context of the cross reference provided under the prohibited use sections of the zone districts.

SRC 113.090(d), however, concerns the grant of authority to the Planning Administrator to refer those uses which cannot be readily classified with reference to the SIC or by particular description within the zoning code to the Planning Commission for formal code interpretation, and does make sense in the context of the cross reference provided within the prohibited use sections of the zone districts (*i.e. if a use is not listed within a particular zone district as an allowed use, it is prohibited with the exception of those uses which cannot be readily classified but are determined by the Planning Commission through a formal code interpretation process to be similar in character and intensity to another use described within the code that is listed as an allowed use within the zone*).

In order to seek confirmation that the proposed correction to the cross reference to SRC 113.090(d) is correct, staff researched past versions of the code as well as documents associated with past code amendments. In particular staff found a set of documents dating back to December of 1982 that were associated with the last major re-write of the code (Attachment A). The documents are organized into three columns which portray the code language that existed at the time prior to

the amendment, the proposed amendments to the code, and the Planning Commission revisions to the proposed code.

The attached documents are excerpts showing the proposed amendments to SRC Chapters 146 (RS – Single Family Residential zone) and 113 (Land Use Zones). They specifically show that the prohibited use sections of the zone districts, in this case the RS zone, were originally proposed to provide cross reference to SRC 113.090(c). However, when an additional fourth subsection to SRC 113.090 was added, based upon the Planning Commission revisions, the original subsection (c) of SRC 113.090 became subsection (d), but the zone districts were not correspondingly revised to reflect this modification. As such, the code was adopted with the incorrect cross reference. The proposed code amendment corrects this and fulfills the original intent.

***Consistency with the Salem Area Comprehensive Plan***

5. The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area.

The proposed amendments are consistent with the goals and policies of the comprehensive plan; they do not affect or result in a modification to any of the plan goals and policies. The proposed amendments instead correct the code so that the zoning districts are consistent with the provisions of SRC Chapter 112 and 113.

**ALTERNATIVES:**

The City Council may:

1. Advance Ordinance Bill No. 49-09 to second reading for enactment.
2. Set a public hearing on the proposed amendments.
3. Take no action.

  
\_\_\_\_\_  
Glenn W. Gross, Urban Planning Administrator

Attachment: A. Documentation from Past Code Amendment (1982)

Prepared by Bryce Bishop, Associate Planner

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EXISTING CODE	PROPOSED CODE	PLANNING COMMISSION REVISIONS
<p>(g) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (a) through (f) above, the director shall interpret the district boundaries, and if need be, may refer the matter to the planning commission for their interpretation.</p>	<p>(f) Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined with reference to the scale of the map;</p> <p>(g) In all cases where a zoning or rezoning action was made with reference to a specific property description, that description shall establish the district boundary; and where two or more property descriptions would apparently establish conflicting boundaries, the most recent action shall control;</p> <p>(h) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (a) through (f) of this section, the administrator shall interpret the district boundaries, and, if need be, may refer the matter to the commission for its interpretation as provided in SRC 110.050.</p>	<p>113.050. CLASSIFICATION AND INTERPRETATION OF USES. (a) Within each zoning district, uses are classified procedurally as "permitted," "conditional," and "special." Further, uses are functionally classified by description of the particular activity (such as "single family residence"), or by generic category with reference to the Standard Industrial Classification Manual." Uses functionally classified with reference to the Standard Industrial Classification Manual (SIC) are described with the SIC title for the particular subdivision thereof, followed by the index number assigned in the manual for such subdivision. Uses described without reference to SIC are described with ordinary words of common usage which, where it is necessary that their definitions be</p>

~~113.050. CLASSIFICATION AND INTERPRETATION OF USES. (a) Within each zoning district, uses are classified procedurally as "permitted," "conditional," and "special." Further, uses are functionally classified by description of the particular activity (such as "single family residence"), or by generic category with reference to the Standard Industrial Classification Manual." Uses functionally classified with reference to the Standard Industrial Classification Manual (SIC) are described as shown in the SIC catchline for the particular subdivision thereof followed by the index number assigned in the manual for such category of uses. Uses described without reference to SIC are described with ordinary words of common usage which,~~

ATTACHMENT A

EXISTING CODE	PROPOSED CODE	PLANNING COMMISSION REVISIONS
	<p>for purposes of this zoning code, are defined in SRC Chapter 111. Where a use is not described with reference to SIC or otherwise defined in SRC Chapter 111, the words of this zoning code describing such use are to be given their ordinarily accepted meaning except where the context in which they are used otherwise clearly requires.</p> <p>(b) That certain document entitled "Standard Industrial Classification Manual, 1972," published by the Executive Office of the President, Office of Management and Budget (U.S. Government Printing Office, Stock No. 041-001-00066-6) is, by this reference, adopted as part of this zoning code for the purpose of identifying those uses described in this zoning code with reference to such manual. References in this zoning code to the "Standard Industrial Classification Manual" or "SIC" mean the document adopted by this subsection. One copy of the SIC shall be kept on file by the city recorder, and at least one copy shall be kept on file by the administrator.</p> <p>(c) Uses which the administrator determines cannot be readily classified with reference to SIC or a particular description in this zoning code shall be referred to the commission for a formal interpretation as provided in SRC 110.050 if the need arises. Where such a use is similar in character and intensity to another use described in this zoning code that it is clear that the same intent in classifying and conditioning the already-described use is equally applicable to the use in question, the commission may determine that the use in question shall be deemed equivalent to such similar use, and in all respects governed by the same provisions of this zoning code.</p>	<p>clarified or restricted for purposes of this zoning code, are defined in SRC Chapter 111. Where a use is not described with reference to SIC or otherwise defined in SRC Chapter 111, the words of this zoning code describing such use are to be given their ordinarily accepted meaning except where the context in which they are used otherwise clearly requires. In many cases, uses are listed under convenient categories, often the divisions of the SIC, which appear in capital letters or boldface type. Such catchlines of subsections do not indicate nor shall they be construed as meaning that they themselves independently designate permitted, special, or conditional uses. They are provided for ease of reference only, and only those more specific uses listed thereunder shall be deemed part of this zoning code.</p> <p>(b) SIC classifications are based upon the primary activity of the uses which fall thereunder. The primary activity is determined by the principal product or group of products produced or distributed or services rendered. Ancillary or subordinate activities, conducted in furtherance of the primary activity, shall not be considered in determining the SIC classification for purposes of this zoning code, even though such secondary and dependent activities may be separately classifiable under the SIC were they not secondary to and dependent on the principal use. A more detailed guideline for determining "principal activity" is found in the Introduction to the SIC, and may be considered by the Administrative body in rendering an interpretation as to a particular use; however, those guidelines are advisory only, and the administrative body may find other factors equally or more persuasive in rendering interpretations as to classification of particular uses.</p>



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		<p>(c) That certain document entitled "Standard Industrial Classification Manual, 1972," published by the Executive Office of the President, Office of Management and Budget (U.S. Government Printing Office Stock No. 041-001-00066-6), together with the 1977 supplement thereto, is, by this reference, adopted as part of this zoning code for the purpose of identifying those uses described in this zoning code with reference to such manual. References in this zoning code to the "Standard Industrial Classification Manual" or "SIC" mean the document adopted by this subsection. One copy of the SIC shall be kept on file by the city recorder, and at least one copy shall be kept on file by the administrator.</p> <p>(d) Uses which the administrator determines cannot be readily classified with reference to SIC or a particular description in this zoning code shall be referred to the commission for a formal interpretation as provided in SRC 110.050 as the need arises. Where such a use is so similar in character and intensity to another use described in this zoning code that it is clear that the same intent in classifying and conditioning the already-described use is equally applicable to the use in question, the commission may determine that the use in question shall be deemed equivalent to such similar use, and in all respects governed by the same provisions of this zoning code applicable to such similar use.</p>

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EXISTING CODE	PROPOSED CODE	PLANNING COMMISSIONS REVISIONS
<p>(c) Removal. If a mobile home is removed from its foundation and not replaced by another home within 30 days, the owner of the lot shall immediately thereafter remove the foundations, additions, and accessory structures, as well as disconnect and secure all utilities, unless an extension of time not to exceed 60 days is granted by the building official for good cause shown.</p> <p>(d) Minimum Lot Size. Minimum lot sizes shall conform to the standards specified in the district in which the mobile home subdivision is located.</p> <p>(e) Building Code and Building Permits. All buildings within a mobile home subdivision shall comply with the provisions of SRC chapter 56. As used in this subsection "building" has the meaning set forth in SRC 126.020(a). (Ord No. 94.80)</p>	<p>146.050. PROHIBITED USES. Within any RS district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 146.020 to 146.040, except as provided in SRC 113.090(c).</p> <p><del>146.060. HEIGHT. Within an RS district, altered or enlarged shall not exceed 35 feet in height.</del></p> <p>(b) Heights of accessory structures shall meet the requirements of SRC Chapter 131.</p> <p>(c) No other building or structure erected, altered, or enlarged shall exceed a height of 70 feet. Any building exceeding 35 feet in height shall set back from every lot line one foot for each foot of height in excess of 35 feet, unless a greater yard and setback requirement would apply.</p>	<p>146.060. HEIGHT. Within an RS district:  (a) Dwellings erected, altered, or enlarged shall not exceed 35 feet in height.</p>
<p>131.040. HEIGHT. In an RS district, no building or structure shall exceed 35 feet in height, except churches and public and semipublic buildings, where permitted, may be built to a height of 70 feet, provided any such building sets back from every street and lot line one foot for each foot of height of the building in excess of 35 feet, in addition to other yard and setback requirements herein specified. (Ord No. 56.79)</p>		

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