

CHAPTER 119

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119.010. GENERAL CONCEPT. Special uses are like conditional uses in that they are permitted uses where certain conditions beyond those applicable to all uses in a particular district are met. Unlike conditional uses, however, those conditions can be standardized so that special review of a proposed development is unnecessary if they are met. Where the proposed development does not fully meet the applicable standards of this chapter, the developer may choose to apply for conditional use approval. The hearings officer shall apply the standards set forth in this chapter for the proposed use and may, on application, grant a conditional use to vary the development standards in this chapter upon finding that the criteria of SRC 117.030 have been met. The standards set forth in this chapter apply only where the particular use is a special use in a particular district, and are in addition to the use and development standards generally applicable to all use and development in that zone unless specifically exempted by the provisions of this chapter. (Ord No. 2-93)

119.020. PARKING FOR SPECIAL ACTIVITIES AT A HIGH SCHOOL WITH A COMMUNITY PARK. Where permitted as a special use, parking for special activities at a high school developed in conjunction with a Community Park shall meet the following additional use and development standards:

(a) Parking areas shall be within 500 feet of the property line defining an existing high school campus with the adjoining Community Park.

(b) Access to and from parking areas shall only be provided from a designated collector or arterial street with approval from the City Traffic Engineer. These access points shall be closed to vehicular use except when special activities are held.

(c) The parking area shall be limited in size to a maximum of five (5) acres.

(d) Special activities parking shall be limited to vacant property within an existing RS or RA zone. Such parking within a designated Historic District and/or in an area with identified natural or fabricated hazards and limitations to development, as identified by the Planning Administrator, including, but not limited to, wetlands, unstable areas, and stream side setback, shall be prohibited. The removal of any existing residential structures for the creation of a vacant parcel or lot for the purpose of a special activities parking area shall be prohibited.

(e) Parking shall only be used for the special activities held at the high school or the adjoining Community Park.

(f) A permit for a special activities parking area shall be issued for a period not to exceed one (1) year and annually renewable for no more than four (4) additional years.

(g) All surface improvements shall be asphalt, concrete or other hard surfacing, or gravel. Such improvements shall provide for adequate design, erosion control, grading and drainage of the parking area. Gravel surfaced parking areas shall be improved with a minimum of three inches of base rock covered by a minimum of two inches of three-quarter inch or smaller crushed rock as a leveling course. Wheel barriers shall be provided to designate each parking space. A landscaped area at least five feet in depth shall be provided along the perimeter of the parking area.

(h) A safe and convenient hard-surfaced pedestrian connection shall be provided to connect the parking area to the Community Park / high school site. Such a pedestrian connection may include existing public or private sidewalks.

(i) Special activities parking and the development standards under this section shall sunset on "July 1, 2009." (Ord No. 25-2004)

119.030. through 119.040. Reserved for Expansion.

119.050. VETERINARY SERVICES FOR ANIMAL SPECIALTIES. Where permitted as a special use, veterinary services for animal specialties (SIC 0742) shall meet the following additional use and development standards:

(a) Except as provided in subsection (b) of this section, all operations shall be conducted within completely enclosed and soundproof buildings.

(b) Outside runs for dogs and other animals shall be operated only between the hours of 7:00 a.m. to 6:00 p.m., with an attendant present on the premises. Outside runs shall be located at least 60 feet from every property zoned or used for residential purposes. Outside runs shall be screened from adjacent properties and streets by a sight-obscuring fence, wall, or hedge.

119.070. KEEPING OF MINIATURE SWINE. Where permitted as a special use, not more than one miniature swine of the species *Sus scrofa bittatus* (commonly known as a "potbellied pig") per dwelling unit may be kept provided the following conditions are met and maintained:

(a) The animal is less than 100 pounds in weight;

(b) The animal is less than 18 inches in height at the shoulder;

(c) The animal is spayed or neutered as evidenced by a veterinarian's certificate, which certificate shall also certify the species of the animal, its age, shoulder height and weight when spayed or neutered. (Ord No. 67-93)

119.080 WILDLIFE REHABILITATION FACILITY. Where permitted as a special use, a wildlife rehabilitation facility shall meet the following additional use and nonvariable development standards:

(a) Commercial activities such as breeding or raising wildlife for sale or trade, or the sale or trade of animal products shall be prohibited.

(b) If a dwelling is used for wildlife rehabilitation, the total floor area used for wildlife rehabilitation shall not exceed 25 percent of the habitable space of that dwelling.

(c) No structural alterations shall be made to any dwelling which would be inconsistent with future use of the building exclusively as a dwelling.

(d) Proper sanitation must be maintained at all times. Property sanitation includes, but is not limited to:

(1) Not allowing wildlife waste to adversely affect the health of the wildlife itself, property residents, or neighbors.

(2) Taking necessary steps to ensure odors are not detectable beyond property lines.

(3) Storing of all wildlife food in rodent- and pest-resistant containers.

(4) Butchering, processing, or maintaining live or dead animals or fowl on-site as food for wildlife being rehabilitated shall be conducted entirely within an enclosed building.

(e) Inspection of all cages and wildlife facilities by the Oregon Department of Fish and Wildlife and federal agencies as required.

(f) All wildlife must be naturally occurring in Oregon as defined in ORS Chapter 496.

(g) Current and continuing licensing by the state of Oregon as a wildlife rehabilitator or conducting wildlife rehabilitation under the supervision of a licensed rehabilitator.

(h) Wildlife restored to a condition whereby it can be released and survive under natural conditions must be removed from the property. Wildlife that cannot be restored to a condition whereby it can be expected to survive under natural conditions may be retained for off-site wildlife education, or to assist in the rehabilitation of other animals, provided required state and federal licenses and permits are obtained.

(i) All wildlife shall be kept in enclosures that are designed and constructed in a manner that prevents escapes and access by unauthorized people.

(j) All indoor activities of a wildlife rehabilitation facility shall have a buffer yard of not less than 15 feet and be screened by a site obscuring fence.

(k) All outdoor activities of a wildlife rehabilitation facility shall have a buffer yard of not less than 30 feet and be screened by a site obscuring fence.

(l) If the property is rezoned to something other than RA, RS, CG, IC, or PH, the use must be discontinued within two years.

(m) Rehabilitation facilities in residential zones shall be a secondary use, with the primary use being the residence of the rehabilitation facility operator. (Ord No. 48-94)

119.090 EXISTING WILDLIFE REHABILITATION FACILITIES. Where permitted as a special use, an existing wildlife rehabilitation facility shall comply with the provisions of SRC 119.080(a) through (i) and meet the following additional use and non-variable development standards:

(a) All outside wildlife rehabilitation activities shall be screened from all adjacent uses and street right-of-way by a six foot high sight obscuring fence, wall, or hedge.

(b) For health and sanitation purposes, licensed wildlife rehabilitators who operate an existing wildlife rehabilitation facility must agree in writing to unscheduled and on-site inspections of the premises by the City between the hours of 0800 and 1700 Monday through Friday. Such a written agreement must be filed with the City of Salem on or before July 14, 1994 plus 90 days and contain the name of the licensed wildlife rehabilitator, the address and/or location of the existing wildlife rehabilitation facility as of July 14, 1994.

(c) The operation of an existing wildlife rehabilitation facility shall be dependent upon the continuation of the license issued by the Oregon Department of Fish and Wildlife to the wildlife rehabilitator at the address and location of the wildlife rehabilitation facility on July 14, 1994, filed with the City under subsection (c). The operation of an existing wildlife rehabilitation facility under this section, after a reasonable opportunity to respond to the correction notice, shall terminate with the expiration, discontinuation, or revocation of said license.

(d) Failure to meet, maintain, or comply with the provisions of this subsection shall be grounds for termination of the operation of the existing wildlife rehabilitation facility under this subsection.

(e) Upon termination of the facility for wildlife rehabilitation under this section, all operations shall immediately cease and desist and thereafter not be re-established. (Ord No. 48-94)

119.100. SCRAP AND WASTE MATERIALS ESTABLISHMENTS. Where permitted as a special use, scrap and waste materials establishments (SIC 5093), including

storage and processing establishments, shall meet the following additional use and development standards:

(a) **Screening.** All outdoor operations shall be screened from adjacent streets and all adjacent property by a sight-obscuring fence or wall of not less than seven feet in height with an opacity as defined in SRC 131.130(a) or by a combination of landscaped berm and sight-obscuring fence the top of which is at least eight feet above the highest grade on either side thereof.

(b) **Heavy operations.** If conducted out of doors, the following operations shall be conducted more than 300 feet away from any residential zone or use:

- (1) Shredding or baling of tires;
- (2) Compression, cutting or baling of scrap metal;
- (3) Cutting or baling of used lumber; and
- (4) Breaking up of concrete or masonry other than the removal of mortar for the salvage of stone or brick masonry products. (Ord No. 1-91; Ord No. 2-93)

119.110. LUMBER AND OTHER BUILDING MATERIALS. Where permitted as a special use, lumber and other building materials (SIC 5211), shall meet the following additional use and development standard: **Facilities.** The retail display area of such use shall be limited to either 5% of the gross site area committed to use as a lumber yard or to 10,000 square feet of gross floor area, whichever is lesser. (Ord No. 78-96)

119.120. through 119.140. Reserved for Expansion.

119.150. GASOLINE SERVICE STATIONS. Where permitted as a special use, gasoline service stations (SIC 554) shall meet the following additional use and development standards:

(a) **Lot area and dimensions.** Minimum lot size, 13,000 square feet; minimum of 100 feet of street frontage for an interior lot, 120 feet of frontage on each street abutting a corner lot.

(b) **Screening.** The property shall be screened from every abutting residential district or use by a sight-obscuring fence, wall or hedge.

(c) **Lighting.** Outdoor lighting shall be so designed as not to shine or reflect into adjacent residentially zoned or used property.

(d) **Use and operation restrictions:**

(1) No vehicle repairs or disassembling of vehicles other than routine maintenance such as changing lubricants and coolant, replacement of small parts, or changing tires shall be conducted outside a building.

(2) No merchandise shall be stored or displayed outside a building or underground structure except for lubricants and small accessories in retail packaging or display racks.

(3) No inoperative vehicles or used vehicle parts shall be stored outside a building for any period longer than 72 hours.

(4) No rental trailers shall be parked or stored except in side or rear yards, and then no closer than 20 feet to any right of way.

119.160. INDIVIDUAL AND FAMILY SOCIAL SERVICE. Where permitted as a special use, individual and family social service (832) shall meet the following additional use and development standards:

- (a) Lot Area: Not less than 43,560 square feet.
 - (b) Lot Coverage: not more than 40 percent building coverage.
 - (c) Yards: Non-residential uses shall be set back a minimum of 35 feet from the lot line separating residential uses or zones, unless a bufferyard of greater depth is required in SRC Chapter 132, in which case the most restrictive shall apply.
 - (d) Screening: All non-residential uses shall be screened from adjacent uses by a sight-obscuring fence, wall, or hedge.
- (Ord No. 62-95)

119.170. through 119.190. Reserved for Expansion.

119.200. USED MERCHANDISE STORES. Where permitted as a special use, used merchandise stores (SIC 593) shall meet the following additional use and development standards:

- (a) In a CR zone, all retail sales and storage of merchandise and equipment, shall be conducted entirely within a building.
- (b) In a CG zone, all operations shall be conducted entirely within a building or within a yard fully enclosed by a sight-obscuring fence, wall or hedge, and materials shall not be stored higher than such fence, wall or hedge. (Ord No. 85-92)

119.210. RETAIL NURSERIES, LAWN AND GARDEN SUPPLY STORES. Where permitted as a special use, retail nurseries, lawn and garden supply stores (SIC 5261), shall meet the following additional use and development standards:

- (a) **Use restrictions.** Such use shall be limited to the sale of inert commodities in bulk to include bark, soil, gravel, cinder rock, sawdust, hog fuel, and compost.
- (b) **Building dimensions.** The main building shall not exceed 2,500 square feet of gross floor area. (Ord No. 78-96)

119.220. through 119.240. Reserved for Expansion.

119.250. FUNERAL SERVICE AND CEMETERY SUBDIVIDERS AND DEVELOPERS. Where permitted as a special use, funeral service (726), except crematories, and cemetery subdividers and developers (6553) shall meet the following additional use and development standards.

- (a) **Screening.** The property shall be screened from all adjacent properties by a sight-obscuring fence, wall, or hedge.
- (b) **Height.** Gravemarkers, tombstones, monuments, and memorials shall not exceed five feet in height. Buildings (including, but not limited to mausolea, columbaria, and crypts) shall not exceed 35 feet in height.
- (c) **Lot area.** The minimum lot area is three acres. (Ord No. 57-2000)

119.260. Reserved for Expansion.

119.270. ORTHOPEDIC AND ARTIFICIAL LIMB OFFICES. Where permitted as a special use, orthopedic and artificial limb offices - retail (SIC 5999) shall meet the following additional use and development standards:

(a) No retail sales of non-prescription articles or equipment other than medically related items be carried on and activities be restricted to those services that are medically related or those services and equipment prescribed by the physicians.

(b) The location does not have display windows nor are articles or equipment displayed in a manner similar to a retail use.

(c) On-premises signing be limited to those standards used for physicians' and dentists' offices.

(d) Fabrication and assembly of artificial limbs and other apparatus be carried on in a manner not to be obtrusive to neighboring properties and no sounds or odors be detectable beyond the confines of the property. (Ord No. 100-86)

119.280. [Repealed by Ord No. 78-89]

119.290. ENTERTAINMENT ESTABLISHMENTS. Where permitted as a special use, entertainment establishments are establishments which feature nightclubs or dance halls with music and/or dancing and together with their parking area and are located within 200 feet of a residential district, shall meet the following additional use and development standards:

(a) Parking. One off-street parking space per 100 square feet of gross floor area. Off-street loading should be computed as per SRC 133, Table 133-2(3). Parking and loading areas and driveways shall be developed as required by SRC 133. All required bufferyards and vehicular use areas shall be landscaped and screened as required in SRC Chapter 132. The parking, driving, and loading areas shall be adequately lighted.

(b) Transitional Zone Parking. No transitional zone parking is allowed.

(c) Access. No access other than onto a designated collector or arterial street is permitted.

(d) Lighting. Exterior light fixtures shall be so located and designed that the light source, viewed by an observer five feet above the ground at five feet outside the boundary of the abutting residential zone, shall within 50 feet of the base of the light standard be either:

(1) Completely shielded from direct view; or

(2) Be lighted not greater than five foot candles.

(e) Site design. Site design and building placement for new construction shall locate the establishment as far as practical from any interior lot line that is abutting the residential zone.

(f) Building design. Within 200 feet of a residential district:

(1) No building openings shall be allowed except as required for fire, mechanical, or emergency purposes.

(g) Loudspeakers. Orientation of loudspeakers shall be away from the closest abutting residential zone. (Ord No. 82-86; Ord No. 89-92)

119.300. PUBLIC GOLF COURSES AND MEMBERSHIP SPORTS AND RECREATION CLUBS WITH GOLF COURSES. Where permitted as a special use, public golf courses (SIC 7992) and membership sports and recreation clubs (SIC 7997) with golf courses shall meet the following additional use and development standards:

(a) **Setbacks.** No building shall be located within 100 feet of any property line. Golf fairways, tennis courts, and similar sports courts or fields shall be set back 25 feet from all abutting residential or commercial zones and uses. Swimming pools shall be set back 50 feet from all abutting residential and commercial zones and uses.

(b) **Parking.** No off-street parking or loading area shall be permitted within five feet of the side and rear lot lines.

(c) **Screening.** All parking shall be screened from adjacent uses by a sight-obscuring fence, wall or hedge.

119.310. through 119.330. Reserved for Expansion.

119.340. ADULT DAY CARE CENTERS. Where permitted as a special use Adult Day Care centers in non residential structures shall meet the following additional use and development standards.

(a) No more than 20 adult individuals may be accommodated by any adult day care center in a nonresidential structure at any time.

(b) A minimum of two off-street parking spaces shall be provided, plus one space for every staff member the center is required to have by State standards for employees for Adult Day Care Centers.

(c) Lot size. Lot size shall meet the requirements of the zoning district in which the use is situated.

(d) Off-Street loading. A minimum of one space shall be provided on site.

(e) Street access. No alley only access shall be permitted.

(f) Street location. In a residential zone, adult day care centers shall be located only on arterials and collectors designated in the Salem Transportation System Plan.

(g) Hours of operation shall be limited to 6:00 a.m. to 10:00 p.m. (Ord No. 2-93; Ord No. 91-99)

119.350. NURSING AND PERSONAL CARE AND RESIDENTIAL CARE FACILITIES. Where permitted as a special use, nursing and personal care facilities (SIC 805) and residential care (SIC 836), excluding homes for single families of handicapped individuals, shall meet the following additional use and development standards:

(a) **Lot Coverage.** Not more than 40 percent.

(b) **Yards.** Front yard, 20 foot minimum. Side and rear yards, 20 foot minimum unless a bufferyard of a greater depth is required in SRC Chapter 132 in which case the most restrictive shall apply.

(c) **Off-street parking.** No off-street parking or loading area shall be permitted within five feet of the side and rear lot lines.

(d) **Landscaping.** All lot area not lawfully developed for buildings, structures, parking, loading or driveways, and all required bufferyards and vehicular use areas shall be landscaped and screened as required in SRC Chapter 132.

(e) **Screening.** Parking areas shall be screened from adjacent uses by a sight-obscuring fence, wall or hedge. (Ord No. 28-92; Ord No. 89-92)

119.360. through 119.390. Reserved for Expansion.

119.400. ELEMENTARY AND SECONDARY SCHOOLS. Where permitted as a special use, elementary and secondary schools (SIC 821) shall meet the following additional use and development standards:

- (a) **Lot size.** Minimum of three acres.
- (b) **Lot coverage.** No main building or combination of classroom buildings shall occupy more than 30 percent of the lot area.
- (c) **Setbacks.** Buildings shall set back from every lot line one foot for each foot of height of the building to a maximum of 35 feet.
- (d) **Off-street parking.** No off-street parking or loading area shall be permitted within ten feet of any residential use or zone.

119.410. COLLEGES, UNIVERSITIES, PROFESSIONAL SCHOOLS, AND JUNIOR COLLEGES. Where permitted as a special use, colleges, universities, professional schools, or junior colleges (SIC 822) shall be subject to the following additional standards:

- (a) Enrollment in any single college, university, professional school, or junior college shall be limited to not more than five hundred (500) students;
- (b) Educational and personnel testing services and educational training and seminars shall be allowed ancillary activities; provided that such activities shall occur only between the hours of 8:00 a.m. through 5:00 p.m., Mondays through Fridays.
- (c) All other permitted activities shall occur only between the hours of 6:00 p.m. and midnight, Mondays through Fridays, or at any time on Saturdays or Sundays. (Ord No. 17-2004)

119.420. through 119.440. Reserved for Expansion.

119.450. [Repealed by Ord No. 17-88]

119.460 WIRELESS COMMUNICATION FACILITIES. Where permitted as a special use, antennas attached to existing or approved structures and freestanding support facilities and equipment enclosures shall meet the following additional use and development standards:

- (a) Vegetation that is either removed or destroyed as a result of construction shall be replanted with material as prescribed in SRC 132.200 and SRC 132.220.
- (b) All support structures, antennas and associated equipment, including any equipment enclosures and all exterior mechanical equipment, shall be colored or surfaced so as to blend with the surrounding environment. Colors shall be natural earth or leaf tones. Surfaces shall be nonreflective.
- (c) All freestanding structures shall be surrounded and screened by a 6 feet high sight obscuring fence, wall, or hedge with a minimum 10 feet landscaped bufferyard along the outside perimeter of the site obscuring fence, wall, or hedge. The landscaped bufferyard meet the bufferyard requirements under SRC 132.220 and maintenance requirements under SRC 132.170.
- (d) The base of a freestanding structure must be separated from all "R" or "CO" zones by a setback equal to or greater than the height of the wireless communication facility.

(e) For freestanding structures exceeding 70 feet in height, provisions must be made to allow for collocation sufficient to accommodate at least one additional user on each freestanding support structure.

(f) An obsolete freestanding structure or antenna shall be removed by the facility owner within 6 months of the date it ceases to be operational or if it falls into disrepair. (Ord No. 82-96)

119.500. RELIGIOUS ORGANIZATIONS. Except in the CB zone, where permitted as a special use, religious organizations (SIC 866) shall meet the development standards in Table 119-1 and the following standards/exceptions:

(a) Maximum seating capacity shall be a non-variable standard. The applicant may request a conditional use to vary any one of the remaining ten development standards at the time the application is submitted to the City.

(b) Where a structure and site occupy two or more zones, the entire structure and site shall meet the more restrictive development standards of the zones involved.

(c) Notwithstanding the provisions of SRC 112.030, non-conforming churches existing on the effective date of this ordinance that are substantially damaged or destroyed by any cause may be rebuilt provided that the degree of non-conformity is not increased.

(d) In the CB zone, religious organization use and development shall meet the following:

(1) The building used by a religious organization is a designated historic structure which contains a theater that has retained its historic configuration as of November 26, 2001, and

(2) All exterior and interior alterations shall meet the requirements specified in SRC 154.090 and SRC 120A.060 and the Development Design Handbook. (Ord No. 89-92; Ord No. 2-93; Ord No. 78-2001; Ord No. 4-2003)

119.510. through 119.540. Reserved for Expansion.

119.550. ZERO SIDE YARD DWELLING UNITS. Where permitted as a special use, zero side yard dwelling units shall meet the following use and development standards:

(a) **Permitted development.** When developed as required in this section, not more than three dwelling units, each on a separate platted lot may be attached in RA, RS, and RD districts, and not more than six dwelling units on two or more lots held in separate ownership in any other zone where permitted as a special use, may be attached without regard to the side yard requirements otherwise applicable under this zoning code. Any number of unattached dwellings, built contiguous with one but not both of the side lot lines of a separate platted lot, one dwelling per lot, may be developed under this section in any zone where permitted as a special use.

(b) **Yards adjacent to a street.** The requirements of this zoning code for yards adjacent to a street are not relieved by this section, and shall be met.

(c) **Interior side yards.** Any exterior wall or portion thereof which faces but is not contiguous to a side lot line shall meet all applicable interior side yard requirements under this zoning code; otherwise, the interior side yard requirements of this zoning code shall not apply.

(d) **Building separation.** Buildings on adjacent properties but not attached to each other shall be separated by a distance as specified in the development standards of the underlying district.

(e) **Maintenance easement.** As a condition of issuance of a building permit for any building having a wall contiguous to a property line, the applicant shall furnish an easement from the owner of the property adjacent to the wall providing for reasonable ingress, egress and use of such adjacent property for the purpose of maintaining, repairing and replacing the premises. Such easement shall be approved as to form by the city attorney, and shall be recorded with the county clerk prior to issuance of the permit.

(f) **Adjustment of property line.** Notwithstanding any provision of the Salem Subdivision Code to the contrary, the owner or owners of adjacent lots either of which has thereon a zero side yard dwelling unit, may, by appropriate instrument, adjust the common side lot line by no more than 18 inches to make the wall intended to be contiguous with the common lot line actually contiguous. Such adjustment shall move the line as a whole; and may, without the necessity of an adjustment or variance and without making the premises nonconforming, reduce the required area or frontage of the lot, increase the allowable lot coverage, or any combination thereof necessary to make the side lot line and building contiguous within the limits of this subsection. The instrument accomplishing such adjustment, and a survey by a registered land surveyor evidencing the need for and description of such adjustment, shall be reviewed and approved by the administrator prior to recording the instrument; otherwise the exemption granted by this subsection shall not apply.

(g) **Accessory buildings.** The provisions of this section apply to accessory as well as main buildings. (Ord No. 127-85; Ord No. 18-94; Ord No. 60-97)

119.560. COTTAGE HOUSING. Cottage housing and structures existing within the RA (Residential Agriculture) and RS(Single Family Residential) zones prior to May 15, 1979, are deemed special uses and conforming structures. Such structures may be structurally altered, enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement or construction otherwise complies with the regulations specified by the Salem Zoning Ordinance for the zone in which the use is permitted. Abandonment of such structures shall not preclude future residential use, however, conversion of such structures to nonresidential use shall thereafter prevent conversion back to a residential use. Such structures may be structurally altered, enlarged, or rebuilt following damage or destruction providing that such alteration, enlargement or construction otherwise complies with the following standards:

(a) The residence be rebuilt on the same location on the lot or in compliance with the setback standards of the underlying zone.

(b) The square footage and the height of the replacement structure does not exceed the square footage and/or height of the original structure by more than twenty percent (20%); and

(c) The replacement structure otherwise complies with the regulations specified by the Salem Zoning Ordinance, including any design review if required under SRC Chapter 120, for the zone in which the use is permitted and to all other applicable provisions of this zoning code and other laws, ordinances and regulations. (Ord No. 30-05)

119.570. SINGLE FAMILY DWELLING UNITS IN COMMERCIAL AND INDUSTRIAL ZONES. Where permitted as a special use in commercial and industrial zones, single family dwellings, other than manufactured dwellings, constructed prior to February 1, 1983, are deemed allowed uses and conforming structures under the Salem Zoning Code. Abandonment of such structures shall not preclude future residential use, however, conversion of

such structures to nonresidential use shall thereafter prevent conversion back to a residential use. Such structures may be structurally altered, enlarged, or rebuilt following damage or destruction providing that such alteration, enlargement or construction otherwise complies with the following standards:

- (a) The residence is rebuilt on the same location on the lot or in compliance with the setback standards of the underlying zone;
- (b) The square footage and the height of the replacement structure does not exceed the square footage and/or height of the original structure by more than twenty percent (20%); and
- (c) The replacement structure otherwise complies with the regulations specified by the Salem Zoning Ordinance, including any design review if required under SRC Chapter 120, for the zone in which the use is permitted and to all other applicable provisions of this zoning code and other laws, ordinances and regulations. (Ord No. 34-05; Ord No. 38-06)

119.580. through 119.590. Reserved for Expansion.

119.600. TWO FAMILY SHARED HOUSING. Where permitted as a special use, two family shared housing shall meet the following additional use and development standards:

- (a) The building to be converted for two family shared housing must have been constructed as a single family dwelling, and have been occupied as such by an owner for any continuous six month period between the date of its first occupancy and the date of its conversion to a two family dwelling.
- (b) The building must contain not more than two dwelling units after conversion, and there must be not more than two dwelling units per lot.
- (c) At least 60 percent of the building's habitable space prior to conversion must be included within one of the dwelling units.
- (d) Each dwelling unit must contain at least 600 square feet of floor area.
- (e) Not more than 60 square feet of floor area shall be added to the building; provided, however, that conversion of unfinished areas to habitable space or bathrooms shall not count toward the 60 foot limitation.
- (f) Only one of the two dwelling units may be occupied by a family which does not include an owner-occupant of the building.
- (g) Two family shared housing under this section shall not be separated in ownership under the provisions of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building or space therein.

119.610. through 119.640. Reserved for Expansion.

119.650. BOAT AND RECREATIONAL VEHICLE STORAGE AREA.

Where permitted as a special use, storage areas which are operated by nonprofit neighborhood homeowners associations and are limited exclusively to the storage and not active use on the premises, of members' boats or trailers, recreational vehicles, utility trailers and horse trailers, none of which are kept or used in connection with a business or commercial activity, shall meet the following additional use and development standards:

(a) **Screening.** Outdoor storage areas shall be screened from all adjacent properties and from all but one abutting street by a sight-obscuring fence, wall or hedge.

(b) **Landscaping.** All unpaved areas not occupied by buildings or structures and all required bufferyards shall be landscaped and screened as required in SRC Chapter 132.

(c) **Paving.** All driveways, outdoor storage space, and other outdoor vehicle parking, loading and maneuvering areas shall be paved as provided for parking areas in SRC Chapter 133. All paving shall set back from all lot lines other than those adjacent to a street by at least five feet.

(d) **Lighting.** Outdoor lighting shall be so designed as not to shine or reflect into adjacent residentially zoned or used property. (Ord No. 89-92)

119.660. PUBLIC AUTOMOBILE PARKING AREAS. Where permitted as a special use, a public automobile parking area where the side lot line of a residential lot upon which the parking area is developed, and abuts in total or in part, a parcel which is designated commercial or industrial, shall meet the additional use and development standards listed in subsections (a) through (e). For the purposes of this section, a parcel does not abut another parcel if they are separated by a street, alley, or creek.

(a) The boundaries of the parking area shall provide a bufferyard, landscaping and screening as required in SRC Chapter 132.

(b) The maximum total area of paving, or gravel surface if allowed, shall be 10,000 square feet or a maximum of 24 parking spaces, whichever is smaller.

(c) Vehicular access to the parking area is permitted only to or from the same street that provides vehicular access to the abutting commercial or industrial parcel.

(d) The entire residential lot upon which the parking area is developed must be within 165 feet of the commercial or industrial district.

(e) The parking area shall be paved as provided in SRC 133.200(b), or approved for gravel surface pursuant to SRC 133.220. (Ord No. 149-84; Ord No. 59-87; Ord No. 89-92)

119.670. GENERAL WAREHOUSING AND STORAGE. Where permitted as a special use, general warehousing and storage (4225) shall meet the following development standards:

(a) No warehousing or storage of a general line of goods, except an inventory of goods needed to conduct a business on the site that is permitted within the zoning district, shall be located on the first or ground floor of the building/structure and accessible to pedestrian traffic.

(b) Access to the warehousing and storage shall be off alleys or directly off loading docks where no alley exists.

(c) The building or structure used for warehousing and storage shall not be accessible by skybridge with access to retail facilities. (Ord No. 2-93)

119.680. TEMPORARY MOTOR VEHICLE AND RECREATIONAL VEHICLE SALES. Where permitted as a special use, temporary automobile sales (551) and/or recreational vehicle sales (556) shall meet the following development standards:

(a) motor vehicle special event sales and/or recreational special event sales shall be temporary, not to exceed four (4) days duration, and

- (b) not to be held more than three (3) times per calendar year. (Ord No. 57-2000)

119.690. RECREATIONAL VEHICLE SALES. Where permitted as a special use, a recreational vehicle sales (5561) display area shall not exceed five (5.0) acres. (Ord No. 17-2004)

119.700. MIXED USE BUILDINGS. Where permitted as a special use, a building or complex of buildings on the same lot having more than 25 dwelling units or guest rooms may include office, retail, and service uses meeting the following additional use and development standards:

(a) **Permitted uses.** In addition to the residential and lodging uses permitted in the underlying zone, the following additional uses shall be permitted:

(1) Communication (48) BUT EXCLUDING communication services, not elsewhere classified (489);

(2) Variety stores (533);

(3) Food stores (54);

(4) Apparel and accessory stores (56);

(5) Home furnishing stores, miscellaneous (5719);

(6) Eating and drinking places (58); and

(7) Retail, miscellaneous (59) BUT EXCLUDING nonstore retailers (596) and fuel and ice dealers (598).

(8) Commercial banks (602);

(9) Savings institutions (603);

(10) Personal credit institutions (614);

(11) Insurance agents, brokers, and service (641);

(12) Real estate (65).

(13) Personal services (72) BUT EXCLUDING power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants, except rug cleaning (7216), carpet and upholstery cleaning (7217), and industrial launderers (7218);

(14) Management, consulting, and public relations services (874);

(15) Amusement and recreation services, (79) BUT EXCLUDING commercial sports (794);

(16) Offices of physicians (801);

(17) Offices of dentists (802);

(18) Offices of osteopathic physicians (803);

(19) Offices of other health practitioners (804);

(20) Legal services (81);

(21) Engineering, Accounting, Research, Management, and Related Services (87) BUT EXCLUDING Research, Development, and testing Services (873);

(22) Services, not elsewhere classified (899).

(b) **Use restrictions.** No use permitted under subsection (a) of this section shall in any way involve any of the following:

(1) The keeping of live animals;

(2) The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products except for consumption on the premises;

- (3) The packaging of products for retail sale, except the purchase made by a retail customer at the time of purchase;
- (4) Any outdoor display or storage of merchandise or materials.
- (c) **Location in the building.** All retail showrooms where goods are offered for sale on the premises, or where customers may view samples or catalogues on the premises and place orders for future delivery shall be confined to the first floor of any building.
- (d) **Nonresidential floor area.** At least 50 percent of the floor area of each building housing any use permitted in subsection (a) of this section shall be devoted to dwelling units or guest rooms; except that an eating establishment may be housed in a separate building if all uses permitted in subsection (a) of this section, including the eating establishment, total less than 50 percent of the total floor area of the complex of buildings on the same lot, and all other buildings in the complex of buildings comply with this subsection. (Ord No. 71-91)

119.705. CONSTRUCTION OF A REPLACEMENT SINGLE FAMILY DWELLING UNIT ON AN INDIVIDUAL LOT. Where permitted as a special use, a replacement single family dwelling unit may be constructed on an individual lot occupied by an existing single family dwelling unit providing that the following non-variable development standards are met:

- (a) An existing site-built single family dwelling occupied by the owner must be located on the lot where a replacement single family structure is to be constructed.
- (b) A removal permit for the existing structure shall be obtained by the property owner(s) at the time the building permit for the replacement structure is issued.
- (c) The existing structure shall be removed within six (6) months from date of issuance of the initial building permit for the replacement structure.
- (d) The property owner(s) of the existing structure shall post \$7,500 bond for the removal of the structure.
- (e) The property owners(s) shall enter into an agreement with the City of Salem consenting to a judgment against the property for injunctive relief.
- (f) The owner may be granted one extension by the council of the City of Salem for up to six months to remove the structure being replaced if the owner proves that unusual circumstances beyond the owner's control and not financial circumstances have delayed occupancy of the replacement structure. (Ord No. 16-95; Ord No. 51-96)

119.710. MANUFACTURED HOMES ON INDIVIDUAL LOTS. Where permitted as a special use, manufactured homes on individual lots shall meet the following non-variable development standards:

- (a) The manufactured home shall be multisectional and enclose a space of not less than 860 square feet.
- (b) The manufactured home shall be placed on an excavated and back-filled foundation, and enclosed continuously at the perimeter with material comparable to the predominant materials used in foundations of surrounding dwellings.
- (c) The manufactured home shall have a pitched roof, with a slope not less than a nominal three feet in height for each 12 feet in width.
- (d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on

residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the city.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

(f) The manufactured home shall have a garage or carport constructed of like materials.

The non-variable nature of the foregoing development standards means that said standards may not be varied or deleted by the conditional use approval process. (Ord No. 10-91)

119.720. BED AND BREAKFAST ESTABLISHMENTS. Where permitted as a special use, bed and breakfast establishments, defined as dwellings where travelers are lodged for sleeping purposes with a morning meal provided for compensation, shall meet the following additional use and development standards.

(a) Non-variable standards. The bed and breakfast establishment shall meet the following minimum standards which shall not be varied through conditional use application under SRC 119.010.

(1) Bed and breakfast establishments shall be owner occupied residences. No separate structures shall be utilized.

(2) The number of guest bedrooms shall not exceed two.

(3) The length of stay for any guest shall not exceed 15 consecutive nights.

(4) Bed and breakfast establishments shall not include as a separate use the taking of boarders or leasing of rooms by the resident family.

(b) Variable standards. The bed and breakfast establishment shall meet the following standards, unless such standards are modified through conditional use application under SRC 119.010.

(1) Off street parking spaces beyond the two spaces required for the residence may be provided at a maximum of one space per guest room.

(2) Off street parking for guest rooms shall be screened from adjacent residential properties by a six foot fence, wall or hedge.

(3) Bed and breakfast establishments shall be located within dwellings that abut an arterial or collector street. (Ord No. 81-92)

119.730. through 119.740. Reserved for Expansion.

119.750. SECONDARY DWELLINGS AND GUEST ROOMS. Where permitted as a special use, dwelling units or guest rooms may be located in a building devoted primarily to a nonresidential use, provided that none of the ground floor area within 25 feet of the exterior wall of the building facing at least one business street is occupied by any portion of a dwelling unit or guest room other than an entrance, hallway or stairway no more than six feet in width. As used in this section, "business street" means a street providing vehicular and pedestrian access to C or I zoned lots fronting thereon, and does not include any street other than a designated arterial or collector street where access is also afforded by a collector or arterial.

119.800. MOBILE HOME AS DWELLING FOR CARETAKER.

(a) "Caretaker" means one who takes care of the house or property of an owner who may be absent.

(b) Where permitted as a special use, mobile homes used as dwellings for a caretaker shall meet the following additional use and development standards:

(1) The mobile home will be used exclusively as a residence for a caretaker having the responsibility to protect persons and property only on the premises upon which the mobile home is located;

(2) Only those mobile homes used as permanent residences, manufactured after June 15, 1976, which exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards shall be permitted. All such mobile homes shall be at least 24 feet or wider, with exterior dimensions enclosing a space of not less than 864 square feet. In addition, the mobile homes shall have siding materials similar to that presently used on houses constructed under the Uniform Building Code (UBC); a composition or wood shingle or shake roof, at a minimum slope of two inches in 12 inches (16 percent); and, unless the mobile home is set on a ground level foundation, skirting which in design, color, and texture appears to be an integral part of the adjacent exterior wall of the mobile home.

(3) The outdoor storage of furniture, tools, equipment, building materials, or supplies shall be screened. Screening shall be sight-obscuring and shall blend with the environment of the main use of the premises.

(4) Mobile home foundation shall be of sufficient strength to support the loads imposed by the mobile home, based on accepted engineering design standards as approved by the building official. Foundations, tie-downs, or other supports shall be provided to withstand the specified horizontal, up-lift, and overturning wind forces on a mobile home and any attached or supported structures based on accepted engineering design standards, as approved by the building official. See SRC chapter 140 for foundation and tie-down requirements in floodplains.

(5) Landscaping: A total of not less than 4,000 square feet of property at least 20 feet in depth from each side of the mobile home shall be landscaped. (Ord No. 57-83)

119.850. MOBILE FOOD UNITS. (a) Where permitted as a special use, a mobile food unit shall:

(1) Be a temporary use as provided in SRC 31.1090;

(2) Have a current license from the Building and Safety Administrator;

(3) Be licensed for a period not to exceed six months; and

(4) Meet all applicable provisions of the Salem Zoning Code for the particular district in which it is located.

(b) No mobile food unit shall be allowed unless the on-site parking requirements under SRC Chapter 133 for all businesses being served by the parking lot or facility are met, excluding the parking area to be covered by the mobile food unit and one additional space to accommodate mobile food unit customers.

(c) No mobile food unit shall be within 500 feet of another mobile food unit on the same side of the street or highway, or within 250 feet of another mobile food unit on the opposite side of the street or highway.

(d) Site plan; skirting:

(1) The owner and/or operator of any semi-permanent mobile food unit must prepare and file a complete site plan with the Building and Safety Administrator. This plan shall be to scale and include all structures and present uses served by the parking lot in which the mobile food unit will be located; all parking, loading, and maneuvering areas; lot ingress and egress; and type and location of the mobile food unit, screening, landscaping, utility services, sewage and waste disposal, and propane tank size and arrangement.

(2) All semi-permanent mobile food units shall be fully skirted and all conduit, tanks and storage shall be completely screened from all public areas and streets by the use of sight-obscuring fencing and/or temporary landscaping.

(3) For the purpose of this section, a semi-permanent unit is defined as any unit which is not a self-propelled, self-contained, fully operational motorized vehicle.

(e) Primary access to mobile food units shall be from arterial streets, through existing driveways. (Ord No. 116-94; Ord No. 57-2000; Ord No. 7-2003)

119.900. RESIDENTIAL SALES/DEVELOPMENT OFFICE. Where permitted as a special use, residential sales and/or development offices for a subdivision, Planned Unit Development (PUD), condominium development, apartment complex, or mobile home park shall meet the following development standards:

(a) The principal use of the office is for the sale, rent, lease, and/or development of lots, parcels, units and/or structures in the subdivision or development.

(b) A structure, building, mobile home, manufactured home in a mobile home park, or a manufactured home meeting the provisions of SRC 119.710, which is being temporarily used as an office, shall, except for a mobile home, be constructed or sited for the ultimate purpose of a legally permitted use. A mobile home which is being temporarily used as an office shall be removed when its use as a development/sales office ceases.

(c) The exterior of the structure shall be finished and the site must be landscaped and maintained while the structure, building, or mobile/manufactured home is being used as a temporary sales/development office. All plant material that dies or is diseased while the structure is being used as an office shall be replaced.

(d) All signs identifying the structure or building as the sales or development office shall comply with the Salem Sign Code (SRC Chapter 62).

(e) The hours of operation for the temporary sales/development office shall be limited to the hours between 8:00 a.m. and 8:00 p.m.

(f) The use of the structure as a temporary sales/development office shall terminate upon the completion of the subdivision or development or when the sale, rent, or lease of all lots, parcels, and/or structures in the subdivision or development occurs.

(g) Upon termination of the use of the structure or building as a sales and/or development office, the property shall be restored to its residential condition and use. (Ord No. 62-95)

DEVELOPMENT STANDARDS BY ZONING DISTRICT FOR RELIGIOUS ORGANIZATIONS - TABLE 119-1

STANDARD	ZONE					
	RA	RS	RD	RM/RH	CO	CR/CG
Maximum Seating Capacity of Largest Space (Non-variable Standard)	A. 375 B. No max if located at the intersection of collector and arterial or two collectors or two arterials or double frontage lots with both frontages on an arterial or collector or 250 feet of frontage on collector or arterial.	375	500	A. 500 B. No max if located at the intersection of collector and arterial or two collectors or two arterials or double frontage lots with both frontages on an arterial or collector or 250 feet of frontage on collector or arterial.	A. 500 B. No max if located at the intersection of collector and arterial or two collectors or two arterials.	No max
Access	Local street, one access	Local street, one access	On collector or arterial or not more than 125' from collector or arterial on local street.	On collector or arterial or not more than 125' from collector or arterial on local street.	On collector or arterial or not more than 125' from collector or arterial on local street.	On collector or arterial or not more than 125' from collector or arterial on local street.
Contiguous Lot Area (min/max)	A. No min/2 acres B. No min/no max	No min/2 acres	A. No min/3.5 acres B. No min/no max	A. No min/3.5 acres B. No min/no max	A. No min/3.5 acres B. No min/no max	No min/no max
Lot Frontage	Minimum 100'/street	Minimum 100'/street	Minimum 150'/street	Minimum 150'/street	Minimum 150'/street	Minimum 150'/street
Lot Coverage	No more than 40% on the area of all contiguous lots and parcels**	No more than 40% on the area of all contiguous lots and parcels**	No more than 40% on the area of all contiguous lots and parcels**	No more than 40% on the area of all contiguous lots and parcels**	No more than 40% on the area of all contiguous lots and parcels**	
Street Type	A. Type C or greater, see Table SRC 63-2. B. Collector or arterial	Type C or greater, see Table SRC 63-2.	Collector or arterial	Collector or arterial	Collector or arterial	Collector or arterial
Parking Location	Shall be contiguous lots and parcels or in a non residential zone not more than 600 feet from the site of the main building.**	Shall be contiguous lots and parcels or in a non residential zone not more than 600 feet from the site of the main building.**	Shall be contiguous lots and parcels or in a non residential zone not more than 600 feet from the site of the main building.**	Shall be contiguous lots and parcels or in a non residential zone not more than 600 feet from the site of the main building.**	Shall be contiguous lots and parcels or in a non residential zone not more than 600 feet from the site of the main building.**	Shall be contiguous lots and parcels or in a non residential zone not more than 600 feet from the site of the main building.**
Landscaping	All lot area not lawfully developed for buildings, structures, parking, loading or driveways shall be landscaped as provided in SRC chapter 132.	All lot area not lawfully developed for buildings, structures, parking, loading or driveways shall be landscaped as provided in SRC chapter 132.	All lot area not lawfully developed for buildings, structures, parking, loading or driveways shall be landscaped as provided in SRC chapter 132.	All lot area not lawfully developed for buildings, structures, parking, loading or driveways shall be landscaped as provided in SRC chapter 132.	All lot area not lawfully developed for buildings, structures, parking, loading or driveways shall be landscaped as provided in SRC chapter 132.	All lot area not lawfully developed for buildings, structures, parking, loading or driveways shall be landscaped as provided in SRC chapter 132.
Parking Area Development	All parking areas shall set back from side and rear property lines as provided in SRC Chapter 132 and 12' from property line adjacent to a street, all parking areas shall be screened from adjacent property zoned or used for residential purposes.	All parking areas shall set back from side and rear property lines as provided in SRC Chapter 132 and 12' from property line adjacent to a street, all parking areas shall be screened from adjacent property zoned or used for residential purposes.	All parking areas shall set back from side and rear property lines as provided in SRC Chapter 132 and 12' from property line adjacent to a street, all parking areas shall be screened from adjacent property zoned or used for residential purposes.	All parking areas shall set back from side and rear property lines as provided in SRC Chapter 132 and 12' from property line adjacent to a street, all parking areas shall be screened from adjacent property zoned or used for residential purposes.	All parking areas shall set back from side and rear property lines as provided in SRC Chapter 132 and 12' from property line adjacent to a street, all parking areas shall be screened from adjacent property zoned or used for residential purposes.	All parking areas shall set back from side and rear property lines as provided in SRC Chapter 132 and 12' from property line adjacent to a street, all parking areas shall be screened from adjacent property zoned or used for residential purposes.
Height	35', spires, steeples and tower without usable floor space may extend to 50'.	35', spires, steeples and tower without usable floor space may extend to 50'.	As allowed in the zone.	As allowed in the zone.	As allowed in the zone.	As allowed in the zone.

DEVELOPMENT STANDARDS BY ZONING DISTRICT FOR RELIGIOUS ORGANIZATIONS - TABLE 119-1 (Cont'd)

ZONE						
STANDARD	RA	RS	RD	RM/RH	CO	CR/CG
Structure Setback	Minimum 12' up to 25' in height plus 2 feet of setback for each additional 5 feet of building height in excess of 25' unless a greater setback is required under SRC 132.220, in which case the greater setback shall apply.	Minimum 12' up to 25' in height plus 2 feet of setback for each additional 5 feet of building height in excess of 25' unless a greater setback is required under SRC 132.220, in which case the greater setback shall apply.	Minimum 12' up to 25' in height plus 2 feet of setback for each additional 5 feet of building height in excess of 25' unless a greater setback is required under SRC 132.220, in which case the greater setback shall apply.	Minimum 12' up to 25' in height plus 2 feet of setback for each additional 5 feet of building height in excess of 25' unless a greater setback is required under SRC 132.220, in which case the greater setback shall apply.	All new structures on property that is adjacent to a residential use or zone shall set back a minimum of 20 feet from the property line adjacent to a street and 50 feet from all other property lines.	All new structures on property that is adjacent to a residential use or zone shall set back a minimum of 20 feet from the property line adjacent to a street and 50 feet from all other property lines.
Other Related Uses	Schools, day care facilities, kindergartens, meeting facilities for clubs and organizations, and other similar uses which are not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation shall be permitted only to the extent otherwise permitted in the zone.	Schools, day care facilities, kindergartens, meeting facilities for clubs and organizations, and other similar uses which are not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation shall be permitted only to the extent otherwise permitted in the zone.	Schools, day care facilities, kindergartens, meeting facilities for clubs and organizations, and other similar uses which are not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation shall be permitted only to the extent otherwise permitted in the zone.	Schools, day care facilities, kindergartens, meeting facilities for clubs and organizations, and other similar uses which are not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation shall be permitted only to the extent otherwise permitted in the zone.	Schools, day care facilities, kindergartens, meeting facilities for clubs and organizations, and other similar uses which are not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation shall be permitted only to the extent otherwise permitted in the zone.	Schools, day care facilities, kindergartens, meeting facilities for clubs and organizations, and other similar uses which are not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation shall be permitted only to the extent otherwise permitted in the zone.

* Maximum seating capacity is fixed bench length (2 feet of bench length equals 1 seat), fixed individual seating, or areas where portable seating may be arranged (1 seat equals 15 square feet of floor area).

** For the purposes of Table 119-1, contiguous lots and parcels shall include lots and parcels that are separated only by an alley. (Ord No. 56-05)