

**ARTICLE I
GENERAL PROVISIONS**

ARTICLE I – GENERAL PROVISIONS

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17.02 PURPOSE AND SCOPE

17.02.010 TITLE

This document shall be known as the **Sweet Home Development Code**. Further, the regulations contained herein this Title may be referred to as the "Development Code" or "Code."

17.02.020 PURPOSE

This Development Code is enacted to:

- A. Implement the goals and policies of The City of Sweet Home Comprehensive Land Use Plan;
- B. Promote the public health, safety, prosperity, and general welfare of the community; and
- C. Provide methods of administering and enforcing the provisions of this Development Code.

17.02.030 CONFORMANCE REQUIRED

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within The City of Sweet Home shall conform to the requirements of this Code.

17.02.040 ADMINISTRATION

The Development Code shall be administered by the City Manager of The City of Sweet Home. Unless otherwise specifically prohibited by Charter, the City Manager is granted the authority to delegate his/her duties under this Code.

17.02.050 VIOLATIONS

- A. *Enforcement.* It shall be the duty of the City Manager, or other designated agents of The City, to enforce this Code. All officials, employees, and contract employees of The City of Sweet Home who have the authority to issue permits shall comply with the provisions of this Code and shall not issue or approve any permit, certificate or license for any use, building, or purpose, which violates or fails to comply with conditions or standards imposed by this Code. Any permit, certificate or license issued in conflict with the provisions of this Code, intentionally or otherwise, shall be void.

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- B. *Penalty.* Violation of this title constitutes a violation and may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36 as now enacted or hereafter amended. Each day's violation is a separate offense.
- C. *Inspection and Right of Entry.* Whenever there is reasonable cause to suspect a violation of this Development Code, or when necessary to investigate an application or revocation of an approval under procedures prescribed in this Development Code, officials responsible for enforcement or administration of this Development Code may enter onto a site or structure for the purpose of investigation, provided it shall be done in a reasonable manner. No premises shall be entered without first attempting to obtain the consent of the owner or occupant. If consent cannot be obtained, the responsible official shall secure an inspection warrant from a court of competent jurisdiction before further attempts to gain entry and shall have recourse to every other remedy provided by law to secure entry.
- D. *Alternative remedy.* In case a structure is located, constructed, maintained, repaired, altered or used, or land is used in violation of this title, the structure or land thus in violation shall constitute a nuisance. The City may, as an alternative to other remedies that are legally available for enforcing this title, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use. For abatement The City may follow the procedure set out in Sweet Home Municipal Code Article II of Chapter 8.04 as now enacted or hereafter amended, except no hearing need be held before abatement occurs if a hearing before the Planning Commission or City Council has already been held on the issue in dispute and the body has made a final decision thereon. The City can recover its expenses as set forth in the abatement procedure.
- E. Permits or approval, including renewals and extensions, shall not be issued for development on property in which uncorrected code violations exist except to the extent the permits or approvals are needed to correct the violation.

17.02.060 INTERPRETATION

- A. *Authority.* The provisions of this Development Code shall be interpreted as minimum requirements. When this Development Code imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Development Code shall control. When a certain provision of the Development Code conflicts with another provision of this Development Code, or is unclear, the correct interpretation of the Code shall be determined by the City Manager. The Manager may request that City Legal Counsel, the Community and Economic Development

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Director, the Planning Commission, or the City Council resolve the conflict or uncertainty.

- B. Process. The City shall keep a record of all such interpretations made by The City including the reasoning behind the interpretation. Requests by the public for an interpretation shall be processed as a Type I application.

17.02.070 EFFECT ON OTHER PUBLIC AND PRIVATE REGULATIONS AND RESTRICTIONS

It is not the intent of the Development Code to interfere with other laws or Codes relating to the use of structures, vehicles or land, or, relating to the construction or alteration of any buildings or improvements. It is not the intent of this Development Code to interfere with any easement, deed restriction, covenant or other legally enforceable restriction imposed on the use or development of land more restrictive than the provisions of this Development Code. Further, it is not the intent of this Development Code to enforce deed restrictions, covenants and similar legal instruments.

17.02.080 CONFLICTING REGULATIONS

All other codes, ordinances or parts of codes or ordinances in conflict herewith are hereby repealed.

17.02.090 SEVERABILITY AND VALIDITY

If any article, section, sentence, clause or phrase of this Development Code is held by a court of competent jurisdiction to be invalid, for any reason, said decision shall not affect the validity of the remainder of this Development Code. The City Council of The City of Sweet Home, Oregon hereby declares that it would have adopted this Development Code, and each article, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more article, section, sentence, clause or phrases might be declared invalid.

17.02.100 FEES

- A. Purpose. Fees are for the purpose of defraying administrative costs.
- B. General Provisions:
1. Payment. Fees shall be payable at the time of application and shall be as set forth by Resolution of the City Council. There shall be no fee required for an application initiated by the Planning Commission or the City Council.
 2. Failure to Pay. The failure to submit the required fee with an application or notice of appeal, including return of checks unpaid or

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other failure of consideration, shall be a defect and result in an incomplete application.

3. Refunds. Fees are not refundable unless the application is withdrawn prior to the notification of the application or hearing.
4. Fee Reduction. The City Council may reduce or waive the fees upon showing of just cause to do so.

17.02.110 NONDISCRIMINATION

The city shall not discriminate on the basis of race, religion, national origin, age, color, gender, sexual orientation, physical disability, or socio-economic status in the administration or enforcement of this code.

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17.04 DEFINITIONS

17.04.010 GRAMMATICAL INTERPRETATION

- A. Interpretation. Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future, the singular number includes the plural, and the word "shall" is mandatory and not discretionary. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use.
- B. Headings. If there is any conflict or inconsistency between the heading of an article, section or paragraph of this Development Code and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.
- C. General and Specific Terms. The definitions in this Section include those that are applicable to the entire Development Code and those terms that apply to specific Sections. For example, "Recreational Vehicle" refers to recreational vehicles located within The City; "Recreational Vehicle (FHO)" refers to recreational vehicles located within the Flood Hazard Area Overlay Zone. Terms used in specific sections are identified as follows:

(NRO)	Natural Resource Overlay Zone Chapter 17.28
(FHO)	Flood Hazard Area Overlay Zone; Chapter 17.30
(HPO)	Historic Property Overlay Zone, Chapter 17.32
(SIGN)	Signs; Chapter 17.50
(WTCF)	Wireless Telecommunications Facilities; Chapter 17.80

17.04.020 DEFINITIONS

The following words and phrases, when used in this Development Code, shall have the meanings ascribed to them in this Chapter, except in those instances where the context clearly indicates a different meaning.

ABANDONED SIGN (SIGN) - A sign structure with a display surface associated with a use of a property that has ceased for a period of at least six months.

ABUT OR ABUTTING - Adjacent, contiguous or adjoining exclusive of street right-of-way with a common boundary line, except that where two or more lots adjoin only a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures at least eight feet in a single direction.

ACCESS - The way or means by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to property.

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1. Alternate Property access by a means other than the proposed approach or access connection. It may include an existing public right-of-way, another location on the subject street or highway, an easement across adjoining property, a different street, a service road, a local road, or an alley, and may be in the form of a single or joint approach.
2. Control Where the right of access between a property abutting the highway and the highway has been acquired by a roadway authority, or eliminated by law, pursuant to access or approach spacing standards.
3. Easement An access conveyed for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a lot or parcel across intervening property under separate ownership from the parcel being provided access. Cross access easement is an easement providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.
4. Point A connection providing for the movement of vehicles between a lot or parcel and a public roadway.
5. Reasonable Access that does not require excessive out-of-direction travel or pose a safety hazard.
6. Spacing / Intersection Spacing The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.
7. Way A walkway or multi-use path connecting two rights-of-way to one another where no vehicle connection is made.

ACCESS MANAGEMENT - Regulation of access to streets, roads, and highways from abutting property and public and private roads and driveways.

ACCESSORY BUILDING, STRUCTURE - A detached, subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land but does not include dwellings or living quarters.

ACCESSORY DWELLING ~~An interior, attached, or detached residential structure, with or without kitchen and bathroom facilities, that is constructed on the same lot and used in connection with, or that is accessory to, a single-family dwelling. This definition includes guesthouse.~~ **An interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.**

ACCESSORY USE - A use incidental, appropriate and subordinate to the main use of the parcel, lot or building.

ACCESSWAY - An unobstructed way or required width containing a paved drive or roadway, which provides vehicular access within a development.

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ADJACENT - In near, or close, proximity.

ADEQUATE ACCESS - Direct routes of travel between destinations.

ADEQUATE AREA - Space sufficient to provide all required public services to standards defined in this Development Code.

ADVERSE - Acting against or contrary to, as to cause harmful interference or conflict.

ADVERSE IMPACT - An impact that is detrimental to or contrary to the desired effect or so opposed as to cause harmful interference. A negative effect that is detrimental to the public welfare or injurious to people, property or the community environment.

AGRICULTURE - The use of land, typically larger than one acre, for the primary purpose of deriving income from growing plants, crops, orchards or fruit production.

ALLEY - A minor public or private accessway affording only secondary means of access to the back or side of property otherwise abutting a public street.

ALTERED OR ALTERATION - Any change or repair, which is intended to prolong the life of a supporting component of a building, such as bearing walls, columns, beams or girders; or any excavation, grading, or contouring of land, which changes the topography, slope, and/or drainage flow from natural conditions.

ALTERED (SIGN) - The modification of the size, shape, or height of a sign, including the replacement of the display surface materials with other comparable materials and the sign structure. This does not include normal maintenance and repair of an existing sign.

ALTERATION (HPO) - A change, addition, or modification to the exterior of a building.

AMUSEMENT OR RECREATIONAL SERVICES - Establishments engaged in providing entertainment for a fee and including, but not limited to, such activities as dance halls; studios; theatrical productions; bands, orchestras and other musical entertainment; commercial facilities such as arenas, rings, rinks and racetracks; public golf courses; coin operated devices; amusement parks; membership sports and health clubs; swimming pools; and expositions.

ANTENNA, WIRELESS TELECOMMUNICATIONS - The physical device, commonly in the form of a metal rod, wire panel or dish, through which electromagnetic, wireless telecommunications signals authorized by the Federal

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Communications Commission are transmitted or received. Antennas used by amateur radio operators, police, fire and AM radio are excluded from this definition.

APARTMENT - A dwelling unit in a multiple-family building.

APPLICANT - The owner of record, -contract purchaser, or legal representative or designee.

APPEAL - A request for a review, by a higher review authority, of any land use decision or interpretation of any provision of this Development Code.

APPEAL (FHO) - A request for a review of the interpretation of any provision of this Code or a request for a variance.

APPROACH OR DRIVEWAY APPROACH - That portion of land which accesses onto a public or private street.

APPROVAL AUTHORITY - The person or body authorized to make application decisions.

~~**ANTENNA, WIRELESS TELECOMMUNICATIONS (WTCF)** - The physical device, commonly in the form of a metal rod, wire panel or dish, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators, police, fire and AM radio are excluded from this definition.~~

AREA OF SHALLOW FLOODING (FHO) - A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a 1% or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD (FHO) - The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".

ATTACHED WIRELESS TELECOMMUNICATION FACILITY (WTCF) - A wireless telecommunications facility that is affixed to an existing structure, other than a wireless telecommunications tower.

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AUTOMOBILE WRECKING YARD - A building or lot used for dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

AWNING - A permanent roofed structure which may be free-standing or partially attached to a building for the purpose of providing shelter.

BANKFULL STAGE - The elevation at which water overflows the natural banks of the stream.

BASE FLOOD (FHO) - The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) - (FHO) - The elevation to which floodwater is anticipated to rise during the base flood.

BASEMENT - A portion of a building which has less than one-half (1/2) or more of its height measured from finished floor to finished ceiling below the average elevation of the adjoining grade.

BASEMENT (FHO) - Any area of the building having its floor subgrade (below ground level) on all sides.

BED AND BREAKFAST ESTABLISHMENT - A building or premises used for the provision of lodging and meals, usually breakfast, for compensation.

BICYCLE FACILITIES – Improvements that provide for the needs of bicyclists, including bikeways and bicycle parking.

BIKEWAY - The general term for the five basic types of bikeways:

1. **Bike Lanes** - A hard surfaced or paved facility, either separated physically from a road or separated by paint stripes, and which is designated specifically for use by bicyclists.
2. **Cycle Track** - A hard surfaced or paved facility separated physically from a road or street and which is designated specifically for two-way use by bicyclists
3. **Shoulder Bikeways** are where bicyclists travel within the roadway's paved shoulder. Typically, shoulder bikeways are four to six feet in width.
4. **Shared Roadways** are roadways where bicyclists and motor vehicles share the travel lane.
5. **Multi-Use Paths** are separated from vehicular traffic. They are two-way pathways about 10 feet wide used by pedestrians, bicyclists and joggers.

BIOENGINEERING – A method of erosion control and landscape restoration using live plants, such as willows.

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BLOCK - A tract of land bound on four sides by streets or bounded by streets and other such features as the city limits or physical barriers such as bodies of water or canyons.

BOARDING AND/OR ROOMING HOUSE - A building where lodging, with or without meals, is provided for compensation. This term shall not include Nursing Homes or Group Care Homes.

BUFFERS OR BUFFERING - Distance, landscaping, walls, berms, or other measures used to physically separate one land use from another.

BUILDING - Any structure enclosed with walls, excluding canvas or fabric, including windows and doors, having a roof and permanent foundation, conforming to the design and construction requirements of the Oregon Residential Structural Specialty Code, built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. Trailers, with or without wheels, shall not be considered as buildings, except that manufactured homes sited in accordance with standards in this Development Code shall be considered a building.

BUILDING (FHO) - See **STRUCTURE**.

BUILDING ADMINISTRATOR/INSPECTOR - A designated person with duties and authority to enforce all building codes and the provisions of this Development Code.

BUILDING COVERAGE - The maximum percent of a lot that may be covered with all buildings on the lot and based on the ground floor area.

BUILDING ENVELOPE - The land area, outside of all required setbacks, which is available for construction of a primary structure on a particular property.

BUILDING HEIGHT - The vertical distance from the average ground level measured five feet away from the foundation of a building to the highest point of the coping of a flat roof, deck line of a mansard roof, or to the middle height between the eaves and ridge of a pitch or hip roof. If a building is divided into units or segments by means of masonry walls or firewalls and parapets, each unit shall be calculated separately relative to building height.

BUILDING LINE - A line that is adjacent to the front side of a main building parallel to the front lot line.

BUILDING OFFICIAL - An individual empowered by the City Council to administer and enforce building regulations.

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BUILDING, PRIMARY - A building within which is conducted the principal use permitted on the lot, as provided in this title.

CAPACITY - Maximum holding or service ability, as used for transportation, utilities, parks, and other public facilities. See also, definition of "Occupancy" in applicable building codes.

CARPOOL - Two or more persons commuting in a single vehicle.

CARPORT - A stationary structure consisting of a roof with its supports anchored and not more than one wall or storage cabinet substituting for a wall and used for covering a vehicle parking space.

CEMETERY - Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery.

CHANGE OF USE - Change in the primary type of use on a site as defined and administered by the Building Official.

CITY - The City of Sweet Home, Oregon.

CITY COUNCIL OR COUNCIL - The legally elected City Council of The City of Sweet Home, Oregon.

CITY MANAGER - The individual employed by the City Council of The City of Sweet Home, Oregon as the City Manager.

CLEARANCE (SIGN) - The distance measured from the highest point of the grade below the sign to the lowest point of the sign.

CLEAR-VISION AREA - A triangular area on a lot at the intersection of two streets or a street and a railroad. Two sides are lines measured from the corner intersection of the right-of-way lines for a specific distance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the right-of-way lines will be extended in a straight line to a point of intersection.

CLINIC - A facility for delivering ambulatory patient-centered care by a group of physician(s), dentist(s), or other licensed practitioner(s) on an out-patient basis and not involving overnight housing of patients.

CLINIC, LARGE ANIMAL - A business establishment in which veterinary services are rendered to large animals including livestock with no overnight boarding.

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CLINIC, SMALL ANIMAL - A business establishment in which veterinary services are rendered to small domestic pets with no overnight boarding.

CLUB - A facility owned or operated for a social, fraternal, religious, educational, or recreational purpose, to which membership is required for participation and which is neither operated primarily for profit nor to render a service which is customarily carried on by a business.

CO-LOCATION (WTCF) - A wireless telecommunications facility comprised of a single telecommunications tower or building supporting one or more antennas, dishes or similar devices owned or used by more than one provider.

COMMUNITY CENTER - A facility owned and operated by a governmental agency or a non-profit community organization which is open to any resident of the neighborhood in which the facility is located or to any resident of The City or surrounding area, provided that the primary purpose of the facility is for assembly, and provided further that no permanent or temporary commercial eating or drinking facilities shall be operated on the premises.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR - The individual holding the position of the Community and Economic Development Director for The City of Sweet Home, Oregon.

COMPREHENSIVE PLAN - The Comprehensive Plan of The City of Sweet Home, Oregon.

CONDOMINIUM - A type of residential development utilizing zero lot lines, individual ownerships of units and common ownership of open space and other facilities, and which are regulated, in part by O.R.S. Chapter 100.

COUNTY ASSESSOR - The County Assessor of Linn County, Oregon.

CRITICAL FACILITY (FHO) - Means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

CULTURAL RESOURCE INVENTORY (HPO) - Historical buildings or sites identified as "significant" on the Goal 5 historical resource inventory.

CURB LINE - The line indicating the edge of the vehicular roadway within the overall right-of-way. Also, the face of the curb that delineates the roadway line from block to block, excluding pedestrian and parking bulb outs.

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CUT - Any act by which earth, sand, gravel, rock, or any other similar material is excavated or removed from a site or parcel of land and includes the conditions resulting there from.

DAY CARE FACILITY - An institution, establishment, or place, appropriately licensed by the State of Oregon and not a part of a public-school system that provides child care to three or more children not of common parentage, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before or after school care, or child development center, except those excluded under ORS 329A.250. This term applies to the total child care operation and includes the physical setting, administration, staff, equipment, program, and care of children.

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DAY NURSERY - Any institution, establishment or place, including nursery schools or private kindergartens, in which are commonly received at one time three or more children not of common parentage, under the age of six years for a period or periods not exceeding 12 hours for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

DECLARANT - The person who files a declaration under ORS 92.075.

DECLARATION - The instrument described in ORS 92.075 by which the subdivision or partition plat was created.

DEDICATION - The designation of land by its owner for any public use as reflected on a subdivision or partition plat, deed, or other recording with the County. The term may also be used for dedications to a private homeowners' association.

DELINEATION - An analysis of a resource by a qualified professional that determines its boundary according to an approved methodology.

DEMOLISH (HPO) - To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a landmark or any building within an historic zone.

DENSITY - The number of residential dwelling units per acre of land.

1. Gross density is calculated based on the total property acreage of each tax lot multiplied by the allowed units per acre.
2. Net density is calculated on the total acres, minus any floodplain, dedicated right-of-way, or other proposed or required dedications or allocations of land to uses other than the allowed residential units, except garages and other typical residential accessory uses.

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DEVELOPMENT - Any human-caused change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

DEVELOPMENT (FHO) - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DISCRETIONARY - A permit action or decision that involves substantial judgment or discretion.

DISPLAY SURFACE (SIGN) - The area made available by the sign structure for the purpose of displaying the message.

DLCD – Oregon Department of Land Conservation and Development.

DRIVEWAY - A private way used by vehicles and pedestrians to gain access from an approved public access or right-of-way onto a lot or parcel of land.

DRIVEWAY, JOINT USE– When land uses on two or more parcels share one driveway.

DWELLING, MULTI-FAMILY - ~~A building or portion thereof designed for occupancy by three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.~~ A structure containing three or more dwelling units. The land underneath the structure is not divided into separate lots.

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DWELLING, SINGLE-FAMILY - ~~A detached building or manufactured home designed for and occupied by not more than one family and containing one dwelling unit, excluding tents, teepees, travel trailers and other similar uses.~~ A detached structure on a lot or parcel that is comprised of a single dwelling unit.

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Per OAR 660-046

DWELLING, SINGLE-FAMILY ATTACHED - ~~Two or more single-family dwelling units with common end walls.~~ A dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

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DWELLING, TWO-FAMILY (DUPLEX) - A building designed or used as two attached residential dwelling units, neither of which meets the definition of an accessory dwelling unit.

DWELLING UNIT - ~~A building or portion thereof designed with one or more rooms for residential purposes by not more than one family and including a kitchen and bathroom.~~ A building, or a portion thereof that has independent living

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facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. A recreational vehicle is not a Dwelling Unit.

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EASEMENT - A grant of the right to use a strip of land for designated purposes.

ENCROACHMENT - Advancement of a surrounding or adjacent use or structure onto another property, right-of-way or a natural resource or hazard.

ERECT - To build, construct, attach, place, suspend or affix, ~~including the painting of wall signs.~~

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EXCAVATION - The removal of organic or inorganic material (e.g., soil, sand, sediment, muck) by human action.

EXPOSED ILLUMINATION - A light source that is seen such as neon, fiber optics, LED, bare bulbs, or similar light sources.

EXTERNAL ILLUMINATION - An external light source directed to illuminate the exterior surface of the sign.

FAMILY - An individual or two or more persons related by blood, marriage, legal adoption or legal guardianship living together as one housekeeping unit, using one kitchen and providing meals or lodging to not more than two additional persons, excluding service and/or care providers: or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.

Commented [BL13]: Walt, the PC would like to know the reasoning behind 5 unrelated persons in this definition. Why 5?

FARMING - To engage in the cultivation of crops or the raising of animals. Farm Use as defined in ORS 215.203 including non-farm uses authorized by ORS 215.213 and ORS 215.283.

FENCE - Any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure, including hedges or living bushes or shrubs, encircling either wholly or any portion of any area.

FENCE, SIGHT OBSCURING - A continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

Commented [WW14R13]: This definition has been used in the past to prohibit such uses as group homes in single family zoned areas. In effect, zoning defines "family". I believe courts have previously upheld this limitation for health and safety reasons. Times have changed and I am not sure they are entirely defensible. Oregon may have side-stepped the issue as there are provisions for group homes and facilities as outright uses. And if I recall, the limitation was used to prohibit communes! Again, times have changed. Suggest keeping the provision unless otherwise directed by the City Attorney.

FILL - Any act by which earth, sand, gravel, rock, or any other similar material is deposited, placed, pulled, or transported to raise the land to a higher level or grade.

FLOOD OR FLOODING (FHO)

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

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- a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph 1.b., of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1.a., of this definition.

FLOOD ELEVATION STUDY (FHO) - An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM) - (FHO) - The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY (FIS) - (FHO) - See **FLOOD ELEVATION STUDY**.

FLOOD PROOFING (FHO) - Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY (FHO) - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

FLOOR AREA - The area of the building, exclusive of porches and exterior stairs, which shall extend to the exterior faces of all walls. Floor area shall include all levels within a structure, including mezzanines and additional stories above the first floor, and including basements improved for regular human occupancy. Within a residential structure, floor area does not include garages or carports.

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FLOOR ELEVATION - The height above mean sea level of the first floor of a building that is not a basement.

FLOOR, HABITABLE - Any floor area intended to be used for residential living purposes, which includes working, sleeping, eating, cooking or recreating, or a combination thereof. A floor area used only for storage purposes is not a "habitable floor".

FRONTAGE - The linear edge of a property along the property line abutting a street, or private accessway.

FUNCTIONALLY DEPENDENT USE (FHO) - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

GARAGE, PRIVATE - A detached accessory building or portion of a main building for the parking of automobiles of the occupants of the premises.

GARAGE, PUBLIC - A building other than a private garage used for the care, repair, parking or storage of automobiles.

GRADE – GROUND LEVEL - The average elevation of the finished ground level at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground level.

HARD SURFACE - An area surfaced with asphalt, concrete, paving blocks or an equivalent substance approved by the City Engineer but shall not include gravel.

HEDGE - A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary in the front yard or street side yard.

HIGH GROUNDWATER - The near surface groundwater which can present a problem to land development and engineering construction.

HALF-STORY - Means that part of any building wholly or partly within the roof frame and not occupying more than two-thirds of the floor area immediately below it.

HANDOFF (WCTF)- Refers to the process of transferring an active call or data session from one cell in a cellular network to another or from one channel in a cell to another.

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HEIGHT (SIGN) - The distance measured from the highest point of the natural grade below the sign to the highest attached component of the sign.

HIGHEST ADJACENT GRADE (FHO) - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE (FHO) - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

HISTORIC ZONE (HPO) - A geographically definable area, the boundaries of which have been adopted by the City Council pursuant to provisions in Chapter 17.215.

HOME OCCUPATION - A lawful occupation carried on by a resident of a dwelling, where the occupation is secondary to the main use of the property as a residence.

HOTEL OR MOTEL - Any building or portion thereof designed or used to offer guest rooms or suites for temporary lodging, with or without meals, for compensation but excluding any institution in which human beings are housed or detained under legal restraint.

HOUSE OF WORSHIP - A permanently located building primarily used for religious worship. This definition shall also include accessory buildings for related religious activities and a residence.

ILLUMINATED (SIGN) - A sign that contains or consists of lights or a light source including the following:

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IMPERVIOUS AREA - An area with minimal infiltration of surface water into the underlying soil and shall include pavement, such as concrete, asphalt, gravel, roadways, structures, and roofs or other similar surfaces that limit water penetration.

IMPERVIOUS SURFACE - Any material (e.g., rooftops, asphalt, concrete) which reduces or prevents absorption of water into soil.

IMPROVED STREET - A hard surfaced roadway with sidewalk, curb and gutter.

INTERNAL ILLUMINATION (SIGN) - A source of illumination from within a sign.

INTERESTED PERSON - A person who has legal standing in a land use decision and may appeal a decision by virtue of their participation in the public hearing process for that decision.

INTERMITTENT RUNOFF - The officially designated natural or manmade, open drainage channel or course necessary to convey stormwater runoff

INTERSECTION - An at-grade connection of a public or private approach road to the highway.

JUNK YARDS - The use of property for the storage of salvage materials, including scrap metals or other scrap materials; or, for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise.

KENNEL - Any premises where four or more dogs, cats, or other small animals or any combination thereof, are kept commercially or permitted to remain for compensation, propagation, training or sale, except not including a clinic for small or large animals.

LANDMARK (HPO) - Any site, object, building or structure designated by the City Council pursuant to provisions in Chapter 17.32.

LANDSCAPING - The term includes trees, grass, shrubs, flowers, water features, garden areas, the arrangement of paths, walkways, fountains, patios, decks, fencing, street and yard furniture, ornamental concrete or stonework, decorative retaining walls, earth forms, such as grading, mounding, contouring, and terracing, exterior use of artificial turf or carpeting, artificial plants, shrubs, or flowers. Both native and non-native vegetation may constitute landscaping materials. This definition pertains to complete site modifications other than buildings and parking areas and driveways.

LAND DIVISION - Any partition or subdivision of a parcel or lot.

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LAND USE - The activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses.

LAND USE DECISION - A final decision or determination made by The City of Sweet Home that concerns the adoption, amendment, or application of the Statewide Planning Goals, the Comprehensive Plan, or any land use regulation (i.e., this Development Code) where the decision requires the interpretation or exercise of policy or legal judgment. Decisions requiring Quasi-Judicial review by The City are considered Land Use Decisions. Decisions subject to Administrative review are considered Limited Land Use Decisions, pursuant to ORS 197.015.

LAWN - Any grass or similar materials usually maintained as a ground cover of less than six inches in height. For purposes of this chapter, lawn is not considered native vegetation regardless of the species used.

LATTICE TOWER (WTCF) - A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

LCDC - Oregon Land Conservation and Development Commission.

LEGISLATIVE PROCESS - A process that leads to the adoption of rules or policies that have broad implications for a large geographic area or for the community as a whole.

LETTER OF MAP CHANGE (LOMC) - (FHO) - Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

1. Conditional Letter of Map Amendment (CLOMA): A CLOMA is FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
2. Conditional Letter of Map Revision (CLOMR): A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
3. Conditional Letter of Map Revision based on Fill (CLOMR-F): A CLOMR-F is FEMA's comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
4. Letter of Map Amendment (LOMA): An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is

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- naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.
5. Letter of Map Revision (LOMR): A LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
 6. Letter of Map Revision based on Fill (LOMR-F): A LOMR-F is FEMA's modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.
 7. PMR: A PMR is FEMA's physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

LIVESTOCK - Animals of the bovine species, horses, mules, asses, sheep, goats and swine.

LOADING SPACE - An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LOT - A unit of land created by a subdivision as defined in ORS 92.010 in compliance with all applicable zoning and subdivision codes; or created by deed or land sales contract if there were no applicable zoning, subdivision or partitioning codes, exclusive of units of land created solely to establish a separate tax account. Such lots may consist of a single lot of record; a portion of a lot of record; or a combination thereof. Lots created judicially may be considered legal lots only if established as part of a formal judicial decree or settlement.

LOT AREA - The total horizontal area contained within the lot lines of a lot, excluding street or alley rights-of-way, and the portion of a flag lot within the pole or driveway area.

LOT, CORNER - A lot abutting upon two or more streets at their intersection, or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees within the lot lines.

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LOT COVERAGE - That portion of the total lot area covered by structures and paving expressed as a percentage of the total lot area.

LOT DEPTH - The horizontal mean average distance between the front and rear lot lines.

LOT, FLAG - A lot created which is behind a lot fronting on a street and which is connected to that street by a driveway located on a narrow strip of land. The strip of land may be a portion of the lot behind the street-fronting lot, or an access easement over the street-fronting lot.

LOT, INTERIOR - A lot or parcel of land other than a corner lot.

LOT LINE - A line that defines a boundary of a lot.

LOT LINE, FRONT - The boundary line of a lot that abuts a street other than a side or rear yard line. For a corner lot, the shortest property line along a street, other than an alley. If two or more street lot lines are of equal length, the location of the architectural front of the home, either existing or proposed by the owner, shall be considered the front lot line. If the lot does not abut a street, the longest boundary line closest to the street, other than the pole portion of a flag lot, shall be the front lot line.

LOT LINE, REAR - A lot line not abutting a street which is opposite and most distant from the front lot line, and not intersecting a front lot line, except on a corner lot. In the case of irregular, triangular or other shaped lots, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE - Any lot line not a front or rear line.

LOT, THROUGH - Any lot, except a corner lot, that abuts two or more streets and/or highways.

LOT OF RECORD - A legally created lot held in separate ownership as shown on the records of the County prior to the time of the passage of an ordinance or regulation establishing a new zoning district, or new standards within an existing district, within which it is located regardless of lot's compliance with standards of the new regulation.

LOT WIDTH - The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

LOWEST FLOOR (FHO) - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not

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considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Code.

MAINTAIN - To cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, improvement, condition or area to such an extent that it remains attractive, safe and presentable and carries out the purpose for which it was installed, constructed or required.

MAJOR PUBLIC IMPROVEMENT (HPO) - The expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of property within a zone or on a landmark site, except for the repair or maintenance of existing public improvements.

MANUFACTURED DWELLINGS

1. **Manufactured Home** - A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
2. **Mobile Home** - A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
3. **Residential (Travel) Trailer** - A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

MANUFACTURED DWELLING (FHO) - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".

MANUFACTURED HOME PARK - Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person.

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MANUFACTURED DWELLING PARK OR SUBDIVISION (FHO) - A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

MARQUEE (SIGN) - A permanent roofed structure attached to and supported by the building and projecting over public property.

MASS MOVEMENT - The slow or rapid, natural or artificially induced movement of rock, soil or fill downslope in response to gravity. The major geologic types of mass movement include earthflow, slump, rockslide, rockfall and mudflow.

MEAN SEA LEVEL (FHO) - For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

MINI-STORAGE WAREHOUSE - An area or areas located within an enclosed building or structure used only in connection with a residential land use for the storage of nonflammable or non-explosive materials.

MITIGATION - Compensating for impacts to a significant natural resource or its buffer including: restoration, creation or enhancement. Some examples of mitigation actions are construction of new wetlands to replace an existing wetland that has been filled, replanting trees, removal of nuisance plants and restoring streamside vegetation where it is disturbed.

MOBILE HOME PARK - See **MANUFACTURED HOME PARK**.

MOBILE HOME SPACE - A plot of land within a manufactured or mobile home park designed for the placement of one mobile home.

MODULAR HOME - A structure for residential use that has sleeping, cooking, and plumbing facilities, and is constructed off-site in compliance with the Uniform Building Code (Oregon State Structural Code) and designed to be transported to a site for installation and/or assembly of modular components to form a permanent structure.

MONOPOLE (WTCF) - A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

MOTEL - See **HOTEL**.

MURAL (SIGN) - Artwork on the inventory of and under the ownership of the Sweet Home Active Revitalization Effort (SHARE) - Mural Committee, a part of the Sweet Home Economic Development Group (SHEDG).

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NATIVE VEGETATION - Plants identified as naturally occurring and historically found within The City of Sweet Home.

NATURAL GRADE (SIGN) - The elevation of the original or undisturbed natural surface of the ground.

NATURAL RESOURCE - An area of any locally inventoried wetland, pond, stream, channel, river, lake or habitat area.

NATURAL RESOURCE ENHANCEMENT - A modification of a natural resource to improve its quality.

NATURAL RESOURCE OVERLAY - A designation given to all significant wetlands and riparian corridors delineated on the Significant Natural Resources Map.

NEARBY USES - Activities or uses within one quarter mile of a development which can be reasonably expected to be used by pedestrians and within one mile of a development which can reasonably expected to be used by bicyclist.

NEIGHBORHOOD ACTIVITY CENTERS - Schools, parks, and other similar sites.

NEW CONSTRUCTION - Structures for which construction was initiated on or after the effective date of this Development Code.

NEW CONSTRUCTION (FHO) - For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by City of Sweet Home and includes any subsequent improvements to such structures.

NONCONFORMING SIGN (SIGN) - A sign lawfully existing at the time this chapter becomes effective which does not conform to the requirements of this chapter.

NON-CONFORMING SITE CONDITIONS - A legally established site that does not conform to the landscaping, parking, or other site development standards of the zone in which it is located.

NON-CONFORMING STRUCTURE OR LOT - A lawful existing structure or lot at the time this chapter or any amendment thereto becomes effective which does not conform to the dimensional or similar standards of the zone in which it is located.

NON-CONFORMING USE - A lawful existing use at the time this chapter or any amendment thereto becomes effective which does not conform to the use requirements of the zone in which it is located.

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NURSING HOME – A facility which provides a wide range of health and personal care services (but mostly focused on medical care), on an in-patient basis, for a period exceeding 24 hours for two or more patients not related to the nursing home administrator or owner by blood or marriage.

Nursing home – A profit or nonprofit facility licensed by the State of Oregon providing long-term skilled nursing care and/or intermediate nursing care to the aged, ill, or disabled.

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OCCUPANCY - The purpose for which a building, or part of a building, is used or intended to be used.

OFFICIAL ZONING MAP - The Map established by adoption by the City Council on which plan locations, particularly of streets, are indicated with detail and exactness so as to furnish the basis for property acquisition, building restrictions, building permits, zoning or other uses or activities, the original of which shall be kept on file at City Hall.

OPEN SPACE - Land that is not covered by buildings, paving, or other hard surfaces, unless such hard surfaces are part of an approved landscape plan, and such land is intended to remain open for visual and/or active or passive recreational use.

OPEN STORAGE - To put aside or accumulate property for use when needed or at a later date, or for disposal, in an area that is exposed to the public view from a public street.

OWNER - The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel or property under written contract.

PARCEL - A single unit of land that is created by a partitioning of land, or a unit of land created by deed or land sale contract prior to adoption of local planning, zoning or partitioning regulations. Parcel does not include a unit of land created solely to establish a separate tax account.

PARKING AREA, PRIVATE - An open area, building or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

PARKING AREA, PUBLIC - An open area, building or structure, other than a private parking area, street or alley, used for the parking of automobiles and other motor vehicles and available for use by persons patronizing a particular building, establishment or area.

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PARKING SPACE - A durable, dustless, concrete or asphalt paved, and marked surface area, but excluding paved area necessary for access and maneuvering into and out of the space. The following are not considered parking spaces for the purposes of OAR 660-12-045(5) (c): park and ride lots, ADA accessible parking, and parking for carpools and vanpools.

PARTITION - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include:

1. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots; or
2. Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning regulation; or
3. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s).

PATHWAY - A pedestrian facility that is entirely separate from the roadway and generally serves as an on-site pedestrian system within a development or park.

PEDESTRIAN CONNECTION - A continuous, unobstructed, reasonably direct route intended and suitable for pedestrian use between two points. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges.

PEDESTRIAN WAY - A right-of-way for pedestrian traffic.

PERMANENT (SIGN) - Any sign intended to be used for a period greater than 60 days.

PERMIT (NOUN) - Any action granting permission to do an act or to engage in activity where such permission is required by this Code.

PERMITTED USE - Those uses permitted in a zone that are allowed without obtaining a conditional use permit.

PERMITTEE - The person who is proposing to use or develop property for which use, or development, requires a permit or the person who is using the property or development subject to a permit issued for the property.

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PERSON - Every individual, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government or any group of combination acting as a unit.

PETS - Dogs or cats, excluding large or exotic varieties normally located in the wild or displayed by zoological societies; birds, excluding poultry; turtles, fish, lizards, non-poisonous reptiles and snakes, and rodents when contained and housed within a residence and not present in sufficient numbers as to constitute a nuisance to neighbors or to constitute a business.

PLAN MAP - An officially adopted map of The City, including urban growth boundary, showing land use designations and other graphic information which is part of The City's Comprehensive Plan.

PLANNED ROAD OR STREET - A highway, road, street, or alley identified in an adopted corridor plan, comprehensive plan or transportation system plan in accordance with administrative procedures of OAR 660-012 and ORS Chapter 197, but that has not been constructed.

PLANNED DEVELOPMENT - A type of development of a site which, as a single project, is based on a design which incorporates all elements of land, structures and uses in conformance with the applicable standards of this Code.

PLANNING COMMISSION OR COMMISSION - The Planning Commission of The City of Sweet Home, Oregon.

PLANTER STRIP - A landscape area for street trees and other plantings within the public right-of-way, usually a continuous planter area between the street and a sidewalk.

PLAT - A map, diagram, drawing, re-plat or other writing containing all of the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision, condominium division or land partition.

1. A tentative plat is one that is prepared for review and considered by The City for compliance with development regulation standards.
2. A final plat is one that is prepared for recordation with the County after The City has approved the tentative plat. A final plat must substantially conform to the specifications as approved for the tentative plat.

PONDING - The local accumulation of rainwater on the surface of the ground or to rising groundwater which actually has surfaced.

PROFESSIONAL OFFICE - An office occupied by medical professionals, accountants, attorneys, architects, professional engineers or surveyors or persons engaged in similar occupations.

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PROPERTY (OR LOT) BOUNDARY - The division line between two units of land.

PROPERTY (OR LOT) LINE ADJUSTMENT - The relocation of a common property line between two abutting properties.

PROVIDER (WTCF) - A company holding a Federal Communications Commission (FCC) license that is in business to provide telecommunications services.

PUBLIC FACILITIES AND SERVICES - Projects, activities, and facilities which are necessary for the public health, safety, and welfare.

QUALIFIED NATURAL RESOURCE PROFESSIONAL - An individual who has proven expertise and vocational experience in a given natural resource field. A qualified professional conducting a wetland delineation must have the delineation approved by the Oregon Division of State Lands.

QUASI-JUDICIAL REVIEW - A decision affecting land use within The City which requires the interpretation and/or amendment of existing standards or maps contained in this Code.

REASONABLY DIRECT - A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

RECREATIONAL VEHICLE - A vacation trailer, vehicle or portable unit, which is either self-propelled, towed, or carried by a motor vehicle, which is:

1. Built on a single chassis;
 2. Less than four hundred (400) square feet;
 3. Designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use; and
 4. Not designed or intended as a permanent dwelling.
5. A recreational vehicle does not meet the definition for a manufactured home or mobile home.

RECREATIONAL VEHICLE (FHO) - A vehicle which is:

1. Built on a single chassis.
2. 400 square feet or less when measured at the largest horizontal projection.
3. Designed to be self-propelled or permanently towable by a light duty truck.
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECREATION PARK - Any area for picnicking or overnight camping by the general public or any segment of the public.

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RECREATIONAL FACILITY - A recreation facility under private ownership and operated by a profit or nonprofit organization, open to bona fide members, and providing one or more type of recreation activity.

RECREATIONAL RETAIL - An establishment engaged in selling goods or merchandise when associated with a recreational development, marina and docks, and other similar uses.

RECREATIONAL VEHICLE, PARK - A lot, which is designed and operated for compensation as a place for temporary or short-term parking of occupied recreational vehicles.

RECREATIONAL VEHICLE, STORAGE - A lot which is designed and operated for compensation as a place for temporary or long-term storage of unoccupied recreational vehicles.

RESIDENTIAL CARE FACILITY - As used in ORS 197, a residential facility is a residential treatment or training home, or adult foster home, licensed by the State of Oregon, which provides care, treatment or training for six (6) to fifteen (15) individuals, and which may also provide housing for staff persons who provide services to those individuals. For the purposes of this Development Code, a residential facility is considered to be a form of multi-family residential development.

RESIDENTIAL CARE HOME - As used in ORS 197, a residential facility is a residential treatment or training home, or adult foster home, licensed by the State of Oregon, which provides care, treatment or training for five (5) or fewer individuals, and which may also provide housing for staff persons who provide services to those individuals. For the purposes of this Development Code, a residential care home is considered to be a form of single-family dwelling unit.

RESORT - A facility for transient guests where the primary attraction is generally recreational features or activities.

RETAINING WALL – A structure that holds back any material (usually earth) and prevents it from sliding or eroding away.

REVIEW AUTHORITY - The individual, Board, Planning Commission, or City Council who has authority to decide on a land use application as defined by this Development Code.

RIGHT-OF-WAY - Real property or an interest in real property owned by a roadway authority for the purpose of constructing, operating, and maintaining public facilities.

ARTICLE I GENERAL PROVISIONS

RIPARIAN BOUNDARY - An imaginary line that is a certain distance upland from the top of the bank and encompasses everything within the area between the wetland and the upper edge of the riparian area. The City of Sweet Home has adopted the safe harbor setback methodology for this identification.

RIPARIAN CORRIDOR - A Goal 5 resource that includes the water areas, fish habitat, riparian areas and wetlands within the riparian corridor boundary. For purposes of this chapter, riparian areas are identified on the Significant Natural Resource Overlay Zone Maps, as adopted in the Comprehensive Plan.

ROADWAY - The portion of a right-of-way that is improved for motor vehicle and bicycle travel, subject to applicable state motor vehicle licensing requirements. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

ROADWAY AUTHORITY - The City or other agency with jurisdiction over a road or street.

SCHOOL, ELEMENTARY, JUNIOR HIGH OR HIGH SCHOOL - A public, private, or parochial institution offering instruction in the several branches of learning and study in accordance with the rules and regulations of the State Department of Education.

SCHOOL, TRADE OR COMMERCIAL - A building where the instruction is given to pupils for a fee in money or otherwise, which fee is the principal reason for the existence of the school.

SEMI-PUBLIC USE - A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other non-profit organization.

SENIOR HOUSING - Housing specifically designed for, and occupied by, individuals ~~55 years of age and older~~~~of an aging population~~55 years of age and older. Housing arrangements may include independent living (apartments), nursing and rehabilitation care and continuing care communities.

SERVICE STATION (AUTOMOBILE) - A place or station designed and used primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhauling.

SETBACK - The minimum allowable horizontal distance from the point or line of reference, such as a property line, to the nearest vertical wall or other element of a building or structure.

SHARED DRIVEWAY - A driveway used to access two or more parcels.

Commented [BL17]: The PC asked for this to be reworded, and suggested something alluding to an "aging population," however, I don't think that's the right term (all people are aging), and I can't think of a better one.

Walt, do you have any ideas?

Commented [WW18R17]: Senior housing encompasses a wide variety of housing types including adult care, nursing homes, retirement communities and so forth. One reason for calling this out is to allow reduced parking. However, existing definitions cover many of these "senior" housing options. This definition could be eliminated.

ARTICLE I GENERAL PROVISIONS

SHARED PARKING - Required parking facilities for two or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities.

SHOPPING CENTER - A retail store or combination of stores, usually including a grocery store, which provide goods for sale to the general public.

SHRUBS - For the purpose of the Natural Resource Zone, a woody vegetation usually greater than three feet, but less than 20 feet tall, including multi-stemmed shrubs and small trees and saplings.

SIDEWALK - A publicly or privately paved pedestrian walkway within or adjacent to a street right-of-way or private street.

SIGN (SIGN) - Any object or device or part thereof that is used to advertise or identify an object, person, institution, organization, business, product, service, event or location by means including words, pictures, graphics, logos, symbols, colors, motion, illumination or projected images.

SIGN STRUCTURE (SIGN) - Any structure which supports a sign.

SIGNIFICANT NATURAL RESOURCE - Significant wetlands and riparian corridors within The City of Sweet Home's Urban Growth Boundary and designated on the Significant Natural Resources Map.

SIGNIFICANT WETLANDS - A wetland mapped on The City of Sweet Home Local Wetlands Inventory which meets the primary criteria of the Oregon Division of State Lands Administrative Rules for Identifying Significant Wetlands.

SITE DEVELOPMENT - Any human-caused change to improved or unimproved property, including, but not limited to, land surface mining, grading, filling, excavating, tree cutting, clearing, construction, installation or alteration of a building or other structure, paving, landscaping, establishment or termination of an access or outdoor storage on the land.

SITE PLAN OR DEVELOPMENT PLAN - A drawing or graphic depiction or plan, prepared to scale, showing accurately and with complete scaled dimensioning, all existing and proposed uses, buildings, paving, and landscaping proposed for a specific parcel of land.

SPACE, MANUFACTURED HOME - An area or lot reserved exclusively for the use of a manufactured home occupant.

SPECIAL FLOOD HAZARD AREA (FHO) - See **AREA OF SPECIAL FLOOD HAZARD** for this definition.

ARTICLE I GENERAL PROVISIONS

START OF CONSTRUCTION - The date a building permit is issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement occurs within 180 days of the permit date.

START OF CONSTRUCTION (FHO) - Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE AND FEDERAL NATURAL RESOURCE AGENCIES - The Oregon Division of State Lands, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Department of Agriculture Natural Resources Conservation Service, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency.

STORY - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade as defined herein, such basement or cellar shall constitute a story.

STREAM - A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding human-made irrigation and drainage channels.

STREAMBANK EROSION - The loss of land by stream action.

STREET OR ROAD - A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, or road.

1. **Alley** - A narrow street through a block used primarily for access by service vehicles to the back or side of properties fronting on another street.

ARTICLE I GENERAL PROVISIONS

2. Arterial - A street used primarily for through traffic external to The City. Arterials are intersected by collector streets and typically have limited direct access to abutting properties.
3. Collector - A street used to some extent for through traffic and also for local circulation and access to abutting properties.
4. Cul-de-sac (dead-end) - A short street with one end open to traffic and the other terminated by a vehicle turn-around.
5. Frontage - A minor street parallel to and adjacent to an arterial or major collector street intended to provide access to abutting properties and providing protection from through traffic.
6. Half-street - A portion of the standard full width of a street, usually along the edge of a development where the remaining portion of the street could be provided in another development. A half-street improvement could include up to one half the total design width, plus sufficient additional width past the centerline to ensure proper design and construction of the centerline crown, as defined by the City Engineer.
7. Limited Access Street - A means of access to property that is limited by law for public roads or by posting by an owner for private roads.
8. Local - A street used exclusively for access to abutting properties.
9. Private - A street which is privately owned and maintained.
10. Stub Street - A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.
11. Through Street - A street that connects to other streets at both ends or is planned to do so in the future, pursuant to a comprehensive plan, transportation system plan, access management plan, or land use approval.

STRUCTURAL ALTERATION - Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or structural change in the roof or in the exterior walls.

STRUCTURE - Anything that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. Structure does not include at-grade paved areas or vegetative landscaping materials.

STRUCTURE (FHO) - For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

SUBDIVIDE LAND - To divide land into four or more lots within a calendar year, or to affect a subdivision of land, as defined below.

SUBDIVISION - Either an act of subdividing land, or an area or tract subdivided as defined in this Development Code. A subdivision means the division of land into more than three lots within a calendar year.

ARTICLE I GENERAL PROVISIONS

SUBSTANTIAL DAMAGE (FHO) - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL DEVELOPMENT - Receipt of a valid public works permit or building permit for construction activities, other than a grading permit, is deemed to constitute "substantial development".

SUBSTANTIAL IMPROVEMENTS

1. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:
 - a. Before the improvement or repair is started; or
 - b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
2. The term does not, however, include either:
 - a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUBSTANTIAL IMPROVEMENT (FHO) - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

TENTATIVE PLAN - A tentative plan is the application, supplemental data and map showing the general design of a proposed subdivision or partition, submitted to The City for approval under the provisions of ORS 92.44 and the Sweet Home Development Code

Commented [AC19]: Verify

Commented [WW20R19]: ORS 92.44

ARTICLE I GENERAL PROVISIONS

TINY HOME - A permanent one-family dwelling of 400 sq. ft. or less that will be permanently anchored to the ground and able to follow the 2018 International Residential Code (IRC) with Appendix Q, allowing for ladder access to sleeping lofts and reduced ceiling height limits. It requires permanent utility connections and fixtures as defined by standard plumbing and electrical code.

TOP OF BANK - A distinct break in slope between the stream bottom and the surrounding terrain, which corresponds with the bankfull stage, which is the two-year high-water mark, of the stream.

TRANSPORTATION FACILITIES - A physical facility used to move people and goods from one place to another (i.e., streets, sidewalks, pathways, bike lanes, transit stations, bus stops, etc.).

TRANSPORTATION IMPROVEMENTS - Facility improvements include, but are not limited to:

1. Normal operation, maintenance, repair, and preservation activities associated with existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way
3. Projects specifically identified in The City's adopted Transportation System Plan
4. Landscaping as part of a transportation facility.
5. Measures necessary for the safety and protection of property or the public.
6. Construction of a street or road as part of an approved subdivision or partition consistent with The City's adopted Transportation System Plan.
7. Construction of a street or road as part of an approved subdivision or land partition approved in accordance with the applicable land division code.

TREES - For the purpose of the Natural Resource Zone, a woody plant five inches or greater in diameter at breast height and 20 feet or taller.

USE - The purpose for which land or a building is arranged, designed, or intended for which either land or a building is or may be occupied.

UTILITIES - Any water, gas, sewer, storm drainage, electrical, telephone, or communication service, and all persons, companies, and agencies supplying the same.

URBAN GROWTH BOUNDARY - An adopted boundary around The City which defines the area in which The City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Linn County.

ARTICLE I GENERAL PROVISIONS

VACATION - A procedure to revert public lands, including right-of-way, easements, and other public places, to adjoining private property ownerships.

VARIANCE - A grant of relief from the requirements of this Development Code which permits development in a manner that would otherwise be prohibited by this Development Code.

VARIANCE (FHO) - A grant of relief by The City of Sweet Home from the terms of a flood plain management regulation.

VIOLATION - The division or use of land or structures, or the construction of, addition to, or alteration of, structures in a manner that does not fully comply with the provisions of this Development Code.

VIOLATION (FHO) - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Code is presumed to be in violation until such time as that documentation is provided.

VISUAL COMPATIBILITY CHARACTERISTICS (WTCF) - Characteristics that minimize the visual impact of a tower or antennas.

WALL - A structure of brick, stone, etc., that surrounds an area or separates one area from another.

WAREHOUSE - A place for the safekeeping of goods and materials necessary for the proper functioning of an industrial or commercial enterprise. Also, a facility designed and intended to be used for the rental of storage units to individuals for the safekeeping of personal items.

WETLAND BOUNDARY - The edges of a wetland as delineated by a qualified professional.

WETLANDS - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. For purposes of this title, Riparian Areas are identified on the Significant Natural Resource Overlay Zone Maps, as adopted in the Comprehensive Plan.

WETLANDS-JURISDICTIONAL - A wetland subject to rules and regulations identified in Section 404 of the US Clean Water Act and Oregon's Fill and Removal statute.

**ARTICLE I
GENERAL PROVISIONS**

WIRELESS TELECOMMUNICATIONS (WTCF) - The transmission, via radio frequency electromagnetic waves, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

WIRELESS TELECOMMUNICATIONS ACCESSORY STRUCTURE/EQUIPMENT (WTCF) - Equipment shelters or radio equipment necessary for the operation of wireless telecommunications in addition to the antenna and tower.

WIRELESS TELECOMMUNICATIONS EQUIPMENT SHELTER (WTCF) - The structure in which the electronic radio equipment and relay equipment for a wireless telecommunications facility is housed.

WIRELESS TELECOMMUNICATION FACILITY (WTCF) - A facility consisting of the equipment and structures involved in receiving and or transmitting telecommunications or radio signals.

WIRELESS TELECOMMUNICATIONS SUPPORT FACILITY (WTCF) - A wireless telecommunication tower.

WIRELESS TELECOMMUNICATIONS TOWER (WTCF) - A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice towers, but not excluding any other approved structure.

WORK OF ART (SIGN) - A work made and/or valued primarily for an artistic rather than practical function.

WRECKING YARD - See **JUNK YARD**.

YARD - Any open space on the same lot with a building or group of buildings, which is unoccupied and unobstructed by any structure from the ground upward to the sky, other than by landscaping or a permitted fence, and except for the projections as permitted in this Development Code.

1. Yard, Corner Lot - The front yard is adjacent to the shortest lot line along a street. The rear yard is opposite the front yard. The street side yard is adjacent to the longest lot line along a street. The side yard is opposite the street side yard.
2. Exterior Yard - A yard area abutting a street right-of-way created by a setback line.
3. Front Yard - A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley shall be considered a front yard.

**ARTICLE I
GENERAL PROVISIONS**

4. Yard, Front-Inset - A yard on a flag lot, or similarly configured lot, paralleling the street and at the rear of another lot.
5. Interior Yard - A yard area adjacent to a property line created by a setback line that may be either a side yard or rear yard abutting another property.
6. Rear Yard - A yard opposite the Front Yard.
7. Side Yard - A yard that is not a Front Yard or Rear Yard.
8. Street Facing Side Yard - An exterior side yard facing a street that is not a front yard. For corner lots, usually the largest street facing dimension of the property.

ZERO LOT LINE SUBDIVISION OR PARTITION - A type of residential subdivision or partition utilizing zero lot lines between dwelling units and providing for individual ownership of each lot.

ZERO SETBACK - A property line having no setback therefrom permitting building locations on the property line and may equally divide a common wall between buildings on adjacent properties.