

Article 1.0 — Introduction

Chapters:

1. 1. How to Use the Development Code
1. 2. General Administration
1. 3. Definitions
1. 4. Use Categories
1. 5. Enforcement

Chapter 1.1 — How to Use the Development Code

Welcome to the City of Creswell Development Code (“Code”). This is a comprehensive land use and development code that governs all of the land within the incorporated limits of City of Creswell. The five Articles of the Code are used together to review land use applications. They are organized as follows:

Article 1. In addition to this brief introduction, Article 1 provides definitions for selected terms, land use classifications and categories, and information on the legal construct of the Code. It also explains the city authority to enforce its Code.

Article 2. Every parcel, lot, and tract of land within the City’s incorporated boundaries is also within a “land use district”. (Land use districts are shown on the City’s official zoning map.) Chapter 2 identifies the land uses that are permitted within each district, and the standards that apply to each type of land use (e. g., lot standards, setbacks, and use-specific design standards). As required by state law, the zones or “land use districts” conform to the City of Creswell Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

Article 3. The design standards contained in Article 3 apply throughout the City. They are used in preparing development plans, and reviewing applications, to ensure compliance with city standards for access and circulation, landscaping, parking, public facilities, surface water management, housing densities, and sensitive lands.

Article 4. Article 4 provides all of the application requirements and procedures for obtaining permits required by this Code. Four types of permit procedures are covered: Type I (non-discretionary, “ministerial” decision); Type II (discretionary, “administrative” decision); Type III (“quasi-judicial” decision with public hearing); and Type IV (“legislative” decisions).

Article 5. Article 5 provides standards and procedures for variances and non-conforming situations (i.e., existing uses or development that do not comply with the Code). This Code cannot provide standards to fit every potential development situation. The City’s varied geography, and complexities of land development, require flexibility. Article 5 provides that flexibility, while maintaining the purposes and intent of the Code.

Chapter 1.2 — General Administration

Sections:

- 1.2.100 Severability**
- 1.2.200 Compliance and Scope**
- 1.2.300 Consistency with Plan and Laws**
- 1.2.400 Use of a Development**
- 1.2.500 Pre-Existing Approvals**
- 1.2.600 Building Permit and Certificate of Occupancy**
- 1.2.700 Official Action**

1.2.100 Severability

The provisions of this Development Code (“Code”) are severable. If any section, sentence, clause or phrase of the Code is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Code.

1.2.200 Compliance and Scope

- A. Compliance with the provisions in the Development Code.** Land and structures may be used or developed only as this Code or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
- B. Obligation by successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.
- C. Most restrictive regulations apply.** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. Variances.** Variances shall be governed by the provisions of Chapter 5.1.
- E. Transfer of development standards prohibited.** No lot area, yard, landscaping, or open space that is required by this Code for one use shall be a required lot area, yard, landscaping, or open space for another use, except as otherwise specifically allowed by this Code.

1.2.300 Consistency with Plan and Laws

This Code is designed to implement the City of Creswell Comprehensive Plan. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan and applicable State and Federal laws.

1.2.400 Use of a Development

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Chapter 5.2), and is not prohibited by law.

1.2.500 Pre-existing Applications and Approvals

- A. Pre-existing Approvals.** Approvals granted for development and uses prior to the effective date of this Code may proceed under the pre-existing Code; except that modifications to those approvals shall comply with Chapter 4.1, Modifications to Approved Plans and Conditions of Approval.
- B. Pre-existing Applications.** Approval or denial of applications submitted prior to the effective date of this Code that were made complete within 180 days of the date of original submittal shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
- C. Subsequent Development Applications.** All applications for development and uses submitted on or after the effective date of this Code shall conform to the provisions of this Code and approval or denial of that application shall be based upon the standards and criteria of this Code.”

1.2.600 Building Permit and Certificate of Occupancy

- A. Building permit.** A building permit shall not be issued until the City Administrator or designee has issued a Land Use Review or Site Design Review approval in accordance with the provisions of Chapter 4.2, or has otherwise found that such review is not required.
- B. Certificate of occupancy required.** To ensure completion of a development or use in the manner approved, a building shall not be occupied and a use shall not begin until the Building Official has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable approvals and permits.
- C. Prior to final completion.** Prior to the final completion of all work, the Building Official, at his or her discretion, may issue a certificate of occupancy for a portion of the structure conditioned upon further work being completed by a date certain.

1.2.700 Official Action

- A. Official Action.** The City Administrator and his or her designees are vested with authority to issue permits or grant approvals in conformance with this Code, and shall issue no permit or grant approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. Invalid Approvals.** Any permit or approval issued or granted in conflict with the provisions

of this Code shall be void, unless it is modified to conform to the Code. The Planning Director shall determine when an approval is void and he or she may modify the approval, or refer it back to the original decision making body for modification, to make it conform to the Code.

- C. **Notice.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to notice.

Chapter 1.3 — Definitions

Sections:

1.3.100	Purpose
1.3.200	Applicability
1.3.300	Definitions

1.3.100 Purpose

The purpose of Chapter 1.3 is to define terms that are used frequently in the City of Creswell Development Code (“Code”), to assist decision makers in interpreting and applying the Code. Some of the terms that are defined here may have different meanings in other communities.

1.3.200 Applicability

- A. Definitions.** The definitions in Chapter 1.3 apply to all actions and interpretations under the Code. The meanings given terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control. Where a term used in this Code is already defined in another part of the City of Creswell Code (e.g., the Uniform Building Code, etc.) the term is not redefined herein for purposes of that other code. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster’s Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.
- B. Land Use Categories.** Chapter 1.4 provides descriptions of the land use categories used in Article 2.

1.3.300 Definitions

The following definitions are organized alphabetically and some related terms are also grouped together and cross-referenced under group headings (e.g., Transportation-Related, Environment-Related, etc.). See also, Chapter 1.4 for descriptions of the land use categories used in Article 2.

A

Abutting. Contiguous or adjoining. It shall include the terms adjacent, adjoining and contiguous.

Access. See Transportation-Related terms.

Accessory. Secondary or incidental to a primary use or structure.

Accessory dwelling. See Residential Structure Types.

Accessory parking facility. A parking facility that provides parking for a specific use or uses. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking facility need not be in the same ownership as the specific uses to which it is accessory. See also Commercial Parking in Chapter 1.4, Descriptions of Use Categories.

Accessory structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are detached from the primary structure. Examples of accessory structures include but are not limited to: garages, decks, fences, arbors, gazebos, heat pumps, and other structures. See also Primary Structure.

Accessory use. A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. See also Primary Structure.

Adjacent. Abutting or located directly across a street right-of-way.

Adjustment. A discretionary approval that modifies or waives a specific development standard, as expressly allowed under this Code (e.g., Section 4.2.510, Site Design Review Performance Option).

Administrative. A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal.

Adult foster care. A family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage. "Provider" means any person operating an adult foster care home. See also, "Group Home/Facility."

Adverse impact or effect. Negative effect that can be measured (e.g., noise, air pollution, vibration, dust, property values, etc.).

Affordable. Housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. For more information, contact the federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

Agriculture. See use category under Chapter 1.4, and ORS 215.203(2)(a).

Airport-Related Definitions

- Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.
- Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.

- Airport Imaginary Surfaces. Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.
- Airport Noise Impact Boundary. Boundary located 1,500 feet from the end and edge of the airport runway.
- Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport.
- Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - 1,250 feet for a utility runway; or
 - 1,500 feet for a runway other than a utility runway.

The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward. The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

- Average Day-Night Sound Level (Ldn or DNL). Average day-night sound level is the FAA standard measure for determining the cumulative exposure of individuals to noise. Ldn is the equivalent of noise levels produced by aircraft operations during a 24-hour period, with a ten-decibel penalty applied to the level measured during nighttime hours (10:00 p.m. to 7:00 am).
- Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.
- FAA. The Federal Aviation Administration.
- FAA's Technical Representative. As used in this ordinance, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDA-APHIS-Wildlife Services.
- Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the

adjacent arcs by lines tangent to those arcs. The radius of each arc is 5000 feet.

- Ldn. See Average Day-Night Sound Level.
- Obstruction. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.
- Other than Utility Runway. A runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.
- Primary Surface. A surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:
 - 250 feet for utility runways.
 - 500 feet for other than utility runways.
- Public Assembly Facility. A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.
- Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- Runway Protection Zone (RPZ). An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is currently located outside of Creswell's urban growth boundary. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of: 1,000 feet.
- Significant Bird Strike Hazards. As it relates to bird strike hazards, "significant" means a level of increased flight activity by birds across an approach surface or runway that is

more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

- **Transitional Surface.** Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.
- **Utility Runway.** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
- **Water Impoundment.** Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.

Alley. See Transportation-Related definitions.

Alteration. See Development-Related definitions.

Ambient. Normal or background environmental condition, as in the level of light, dust or noise.

Annexation Related Definitions

- **Affected City.** A city, city-county or cities, named in a petition, for which a boundary change is proposed or a city, city-county or cities, named in an ordinance or order, for which a boundary change is ordered.
- **Affected County.** Each county that contains any territory for which a boundary change is proposed or ordered.
- **Affected District.** Each special district named in a petition that contains or would contain territory for which a boundary change is proposed or ordered. Affected district also means a district or districts, named in a petition, for which a boundary change is proposed or ordered.
- **Affected Territory.** Territory described in a petition. Affected territory also means an area within the urban growth boundary of a city that is otherwise eligible for annexation to a city where there exists an actual or alleged danger to public health as defined in ORS 222.

- **Annexation.** The attachment or addition of territory to, or inclusion of territory in, an existing city or district.
- **Annexation Agreement.** A written agreement between the City and owners of land requesting annexation that states the terms, conditions and obligations of the parties to mitigate fiscal and service impacts to the City associated with the annexation and future development of the property. The agreement may be used to ensure annexation consistent with the Comprehensive Plan.
- **Annexation Contract.** A contract between a city and a landowner relating to extraterritorial provision of service and consent to eventual annexation of property of the landowner. The contract shall be recorded and shall be binding on all successors with an interest in that property.
- **Boundary Change.** An action by the City Council duly authorized by ORS 222 that results in the adjustment of the City limits or the boundary of a special district.
- **Cadastral Map.** A map prepared by the Lane County Assessor’s office showing bearings and distances and the boundaries of parcels, lots, and tracts of land.
- **Consent to Annex.** Forms provided by the affected City that must be signed by the owner when urban services are provided to property that cannot annex. The Consent to Annex commits the property to future annexation, is recorded, and is binding on any successive owner or owners. The signature of the owner of part or all of the affected territory and electors, if any, is required, as applicable.
- **Contiguous.** Territory that abuts the City limits at any point along the property’s exterior boundary or separated from the City limits by a public right-of-way or a stream, bay, lake, or other body of water.
- **Effective Date of Annexation.** The effective date of the boundary change as prescribed in ORS 222.040, 222.180, or 222.465.
- **Elector.** An active registered voter at an address within the affected territory.
- **Extraterritorial Connection of Service.** The connection of water or sanitary sewer service to developed property located outside the City limits and within the urban growth boundary.
- **Extraterritorial Extension of a Facility.** The extension of a water or sanitary sewer line outside the City limits and within the urban growth boundary.
- **Extraterritorial Service/Facility Contract.** A contract between the owner of property proposed to be served and the City specifying and identifying service provisions, obligations of the City and cost obligations of the owner of the affected territory. The

decision to enter into such contract shall be initiated at the sole discretion of the City Council.

- **Filing.** The submittal of materials to initiate a boundary change process.
- **Initiation Methods.** Any of the following descriptions of participants and documentation necessary for commencement of City annexation process:
 - (i) All of the owners of land in the territory proposed to be annexed, and not less than 50 percent of the electors, if any, residing in the territory proposed to be annexed, have consented in writing to the annexation and file a statement of their consent to annexation with the City;
 - (ii) More than half of the owners of land in the territory proposed for annexation who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation and file a statement of their consent to annexation with the City;
 - (iii) A majority of the electors registered in the territory proposed to be annexed and owners of more than half of the land in that territory consent in writing to the annexation and file a statement of their consent to annexation with the City;
 - (iv) The City Council may, without any vote or any consent by the owners, annex territory within the urban growth boundary if it is found that a danger to public health exists within that territory and that such condition can be removed or alleviated by sanitary, water or other facilities ordinarily provided by incorporated cities; or
 - (v) The City Council may by resolution initiate annexation of right-of-way or other public land contiguous to the city limits.
- **Legal Description.** As defined in ORS 308.225(2), which states: the legal description of the boundary change shall consist of a series of courses in which the first course shall start at a point of beginning and the final course shall end at that point of beginning. Each course shall be identified by bearings and distances and, when available, refer to deed lines, deed corners, and other monuments, or, in lieu of bearings and distances, be identified by reference to:
 - (i) Township, range, section, or section subdivision lines of the U.S. Rectangular survey system.
 - (ii) Survey centerline or right-of-way lines of public roads, streets or highways.
 - (iii) Ordinary high water or ordinary low water of tidal lands.
 - (iv) Right-of-way lines of railroads.
 - (v) Any line identified on the plat of any recorded subdivision defined in ORS 92.010.
 - (vi) Donation land claims.
 - (vii) Line of ordinary high water and line of ordinary low water of rivers and streams, as defined in ORS 274.005, or the thread of rivers and streams.

In lieu of the requirements of the above, boundary change areas conforming to areas of the U.S. Rectangular survey may be described by township, section, quarter-section or quarter-quarter section, or if the areas conform to subdivision lots and blocks, may be described by lot and block description.

- **Notice.** An ordinance, resolution, order, or other similar matter providing notice authorized or required to be published, posted, or mailed.
- **Owner.** The legal owner of record according to the latest available Lane County tax assessment roll or, where there is an existing recorded land contract that is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land, each consenting owner is counted as a fraction to the same extent as the interest of the other owners and the same fraction is applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in the affected territory, the corporation must be considered the individual owner of that land.
- **Petition.** Any document such as signature sheets, resolutions, orders, or articles of incorporation, required for initiating an annexation, withdrawal, or provision of extraterritorial services. In the case of a petition initiated by property owners, the person signing on behalf of a corporation or business must provide evidence showing that person is authorized to sign legal documents for the firm.
- **Proceeding.** A proceeding to consider a boundary change.
- **Proposal.** The set of documents required to initiate proceedings for a boundary change.
- **Special District.** Any of the districts identified in ORS 198.
- **Urbanizable Land.** Those lands between the city limits and Urban Growth Boundary.
- **Urban Growth Boundary.** A site-specific line, delineated on a map or by written description that separates urban and urbanizable land from rural lands, that is part of a Comprehensive Plan.
- **Withdrawal.** The detachment, disconnection or exclusion of territory from an existing city or district.

Antenna, Wireless Telecommunications. The physical device used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Applicant. A person who applies for a land use review or building permit. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, or architect.

Arborist. A professional listed as a certified arborist or a registered consulting arborist.

Arterial. See Transportation-Related definitions.

Articulate/articulation. The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

Attached house (townhouse or rowhouse). See Residential Structure Types.

Attached structure. See Development-Related definitions.

Automobile-dependent/oriented development. See Development-Related definitions.

Automobile-oriented use. Automobiles and/or other motor vehicles are an integral part of the use, such as drive-through restaurants and banks.

B

Backhaul network. The lines that connect a provider’s tower/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Bed and breakfast inn. Any establishment located in a structure designed for a single-family residence and structures appurtenant thereto, regardless of whether the owner or operator of the establishment resides in any of the structures, that:

- (a) Has at least one room and no more than four for rent on a daily basis to the public; and
- (b) Offers a breakfast meal as part of the cost of the room.

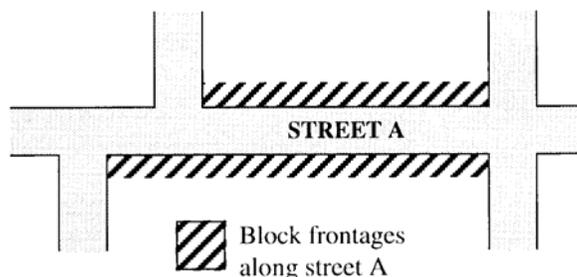
Berm. A small rise or hill in a landscape that is intended to buffer or visually screen certain developments, such as parking areas.

Bicycle Facility. See Transportation-Related definitions.

Block. All of the property bounded by streets, rights-of-way, and water features, but is not divided or separated in any way by streets or water features.

Block frontage. All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines the boundary of the block frontage only on the side of the street that it intercepts. See Figure.

Block Frontage



Bollard. A permanent or removable post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles); may contain sidewalk or pathway lighting.

Boulevard. See Transportation-Related definitions.

Building. See Development-Related definitions.

Building Official. The person authorized by the City Administrator to carry out and enforce the Uniform Building Code (UBC) and regulations for the City, and other ordinances and regulations as assigned, or the building official's designee.

Build-to Line. A maximum front or street yard setback that is typically required along commercial street frontages to promote a storefront character and pedestrian-oriented design.

C

Canopy. A permanent roofed structure that may be free-standing or be partially attached to a building, for the purpose of providing shelter to patrons on foot and/or in motor vehicles; does not include a completely enclosed structure. See also, Tree Canopy, under Environment-Related definitions.

Capacity. Maximum holding or serviceability, as used for transportation, utilities, parks and other public facilities.

Carport. A stationary structure consisting of a roof, its supports, not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats.

Centerline radius. The radius of a centerline of a street right-of-way.

Certificate of Occupancy. A certificate of occupancy or a certificate of inspection issued by the City at the completion of a building permit or change of occupancy.

Change of Use. Change in the primary type of use on a site.

Child care center, family child care. Care or supervision of three or more persons by a paid

caregiver who is not the parent, guardian, or related by blood or marriage to the person being served. Day care does not include boarding of temporary care or other support services for adult transitory persons.” See ORS 657A for certification requirements.

City. The City of Creswell, Oregon.

City Administrator. An administrator appointed by the city council to manage the affairs of the municipality. For the purposes of this Code, the City Administrator also includes his or her designee.

Clear and objective. Decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Clearing. See Development-Related Definitions.

Collocation. The use of a wireless telecommunication facility by more than one wireless telecommunications provider.

Collector. See Transportation-Related definitions.

Commercial. Land use involving buying/selling of goods or services as the primary activity.

Common area. Land commonly owned to include open space, landscaping or recreation facilities (e.g., typically owned by a homeowners' association).

Comprehensive Plan. The current adopted Comprehensive Plan of the City of Creswell.

Conditional use. A use that requires a Conditional Use Permit. See Chapter 4.4.

Condominium. Ownership of a single unit in a multi-unit structure that includes common areas and facilities.

Conservation easement. See Environment-Related definitions.

Corner Lot. See Lot, Corner Lot.

Corner radius. The radius of a street corner, as measured around the curb or edge of pavement.

Cottage. See Residential Structure types.

Council. The City Council of Creswell, Oregon.

Creswell Butte Protection Area. The area defined as south of a line drawn from the intersection of Kings Row and Holbrook Lane, west down the middle of Kings Row to the Urban Growth Boundary and east from the intersection of Kings Row and Holbrook Lane to Park Drive.

Courtyard. See Development-Related definitions.

Crown cover. See Environment-Related definitions.

D

Days. Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding holidays.

Dead-End Street. See Transportation-Related Definitions.

Decibel (dB). A unit for describing the intensity or level of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to a standard reference pressure.

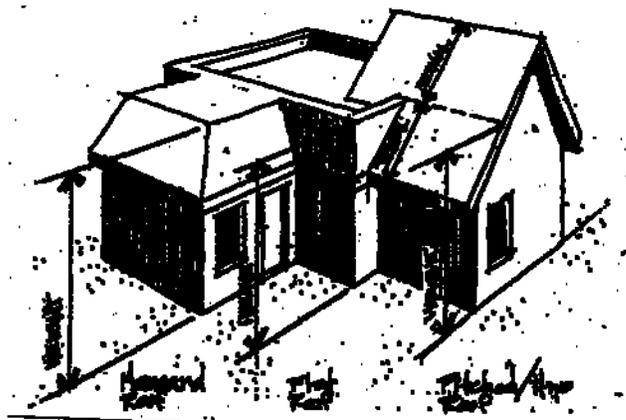
Dedication. The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners' association.

Density(ies). A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density is determined based on the *gross* parcel or lot area, which includes land that will be dedicated as right-of-way through the development process. It does not include land previously dedicated as right-of-way. Density is a measurement used generally for residential uses.

Development-Related Definitions

- **Alteration.** A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. (See also, Interior/Exterior Alteration.)
Alteration does include the following:
 - Changes to the exterior of a building;
 - Changes to the interior of a building;
 - Increases or decreases in floor area of a building;
 - Changes to other structures on the site, or the development of new structures;
 - Changes to exterior improvements;
 - Changes to landscaping; and
 - Changes in the topography of the site.
- **Arcade.** An arched or covered passageway, e.g., along building fronts or between streets.
- **Attached structure.** Any structure that is attached to another structure by a common wall, by a roof, or by structural connections that allow pedestrian access to both structures. For example, decks or stairways are attached structures when they are connected to another structure. A garage may be attached to another structure by sharing a wall or by a breezeway. Structures connected by an "I" beam or similar connections are not considered attached.

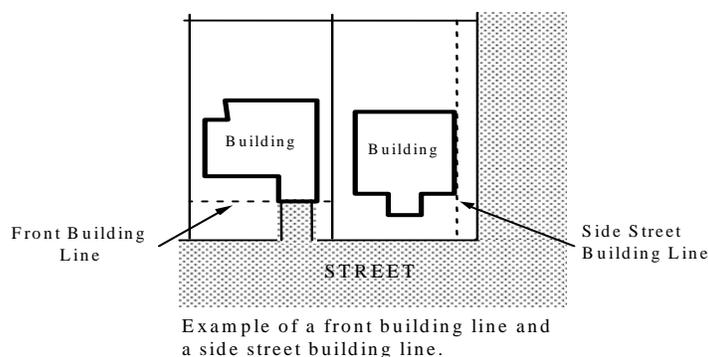
- **Automobile-dependent development.** Primary or accessory uses servicing motor vehicles, or patrons in motor vehicles, such as motor vehicle repair, gas station, car wash, auto and truck sales, drive-up windows, kiosks, and similar uses.
- **Automobile-oriented development.** Development in which the site layout and design gives preference to automobiles as the primary mode of transportation; generally discouraged in all residential areas and most commercial and light industrial areas.
- **Building.** A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.
- **Building area.** The total area of a building, both above and below ground, measured from the exterior faces of a building or structure. Gross building area does not include the following:
 - Roof area;
 - Roof top mechanical equipment; and
 - Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.
- **Building coverage.** The area that is covered by buildings, and decks, stairways and entry bridges that are more than 30 inches above grade. Eaves are not included in building coverage. Building coverage is included within Lot Coverage. See also, Lot Coverage.
- **Building footprint.** The outline of a building, as measured around its foundation, or Building Coverage, whichever is greater.
- **Building height.** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the midpoint of the highest gable on a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be either 1 or 2, whichever yields a greater height:
 1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
 2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection ‘a’ is more than 10 feet above the lowest grade.
- **Building height step-down.** A development standard that requires a transition in



allowable building height, whereby the buildings in a specific land use district must “step-down” in elevation where they abut a lower-intensity land use district.

- **Building line.** A line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site. See Figure.

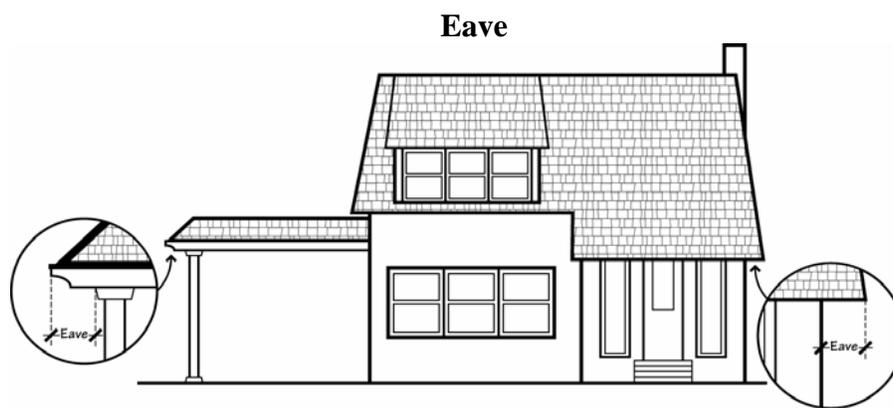
Building Lines



- **Building mass.** The aggregate size of a building, or the total height, width, and depth of all its parts.
- **Building pad.** A relatively flat site, having a grade of 5% or less, which is designed to be occupied by buildings and is prepared by artificial means, including grading, excavating, filling or any combination thereof.
- **Building scale.** The dimensional relationship of a building and its component parts to other buildings.
- **Build-to line.** A maximum distance, or range within which, a building must be setback from a street right-of-way for pedestrian-orientation and human-scale design.
- **Clearing.** Any activity that removes existing vegetation or strips surface material from any portion of the site.
- **Cornice.** The projecting horizontal element that tops a wall or flat roof.
- **Courtyard.** A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.
- **Dangerous Tree.** Any tree, shrub, plant, or vegetation posing a significant threat to public health or safety or to property due to a structural defect, disease, extreme size or combination of these factors and growing in public right-of-ways, parking strips, public places, or on private property abutting such public spaces.
- **Develop.** To construct or alter a structure or to make a physical change to the land including excavations and fills.
- **Development.** Fill, grading, and all improvements on a site, including heavy equipment crossings, buildings, other structures, parking and loading areas, landscaping, paved or

graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.

- **Driveway.** There are two types of driveways:
 - The area that provides vehicular access to a site from a street. A driveway is the same width as the curb cut excluding any aprons or extensions of the curb cut. This type of driveway begins at the street and extends into the site. A driveway does not include parking, maneuvering, or circulation areas in parking areas, such as aisles; and
 - The area that provides vehicular circulation between two or more noncontiguous parking areas. A driveway does not include maneuvering or circulation areas within the interior of a parking area. Where required by Code for fire safety, a driveway must be used exclusively for circulation, with no abutting parking spaces.
- **Driveway apron/approach.** The edge of a driveway where it abuts a public way; usually constructed of concrete.
- **Eave.** Projecting overhang at the lower border of a roof and extending from a primary wall or support. See Figure.



- **Exterior Alteration.** An alteration that is outside any buildings.
- **Exterior Improvements.** All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, natural geologic forms, or unimproved land. See also Development.
- **Facade.** The front or street-facing elevation of a structure.
- **Fire apparatus lane or fire lane.** Unobstructed area or driveway meeting Uniform Fire Code requirements; typically may not be used for parking or loading area.

- **Fire Code.** The State of Oregon 2004 Fire Code Amendments, based on the International Fire Code 2003 Edition, or as amended by South Lane County Fire & Rescue.
- **Floor area.** The total floor area of a building, both above and below ground with a clear ceiling height of at least seven (7) feet. Floor area is measured from the interior walls of a building or structure and does not include the following:
 - Roof area;
 - Roof top mechanical equipment; and
 - Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.
- **Foundation plane.** The surface area defined by a structure’s foundation, including the perimeter of all footings, slabs and pads.
- **Grading.** All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.
- **Impervious surface.** Surface area that does not allow for water infiltration or has a runoff coefficient of 0.90 or more (*e. g.*, non-permeable pavement, solid rock, roofs, foundations, underground tanks and vaults, and similar areas). Gravel is deemed an impervious surface unless the City Engineer finds otherwise.
- **New Development.** Development of a site that was previously unimproved or that has had previously existing buildings demolished; *e.g.*, not a remodel of an existing building.
- **Paved area.** An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as porous concrete or pavers) that is able to withstand vehicular traffic or other heavy-impact uses. Graveled areas are not paved areas but are typically impervious.
- **Pedestrian amenity(ies).** Areas and objects that serve as places for public socializing and enjoyment and are usually closed to motorized vehicles. Examples include plazas, building frontage areas (extra-wide sidewalks), street furnishings (*e. g.* , benches, drinking fountains, bus waiting shelters), and pocket parks adjacent to a street, and similar areas and objects. Sidewalks designed to meet the minimum sidewalk width standards under Section 3.4.1 are not “amenities” for the purpose of this Code.
- **Pedestrian-Oriented Development.** Development that is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades that face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.
- **Ridge line (building).** The top of a roof at its highest elevation.

- **Roof pitch.** The slope of a roof, usually described as ratio (e.g., 1 foot of rise per 2 feet of horizontal distance).
- **Shared driveway.** See also, Transportation-Related definitions. When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.
- **Shopping street.** A driveway in a commercial development that is designed to mimic a public street with sidewalks, tree wells, pedestrian lighting, and street furnishings. A shopping street may also have on-street parking.
- **Stormwater facility.** A facility designed to improve the quality and manage the quantity of stormwater runoff. Stormwater facilities include vegetated swales and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Stormwater facilities do not include conveyance systems that are meant only for conveying the stormwater from one place to another and do not affect the quality or quantity of the stormwater.
- **Storefront character.** The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.
- **Street furniture/furnishings.** Benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks, and similar pedestrian amenities; may be located within a street furnishings zone or building front zone of a sidewalk or in a plaza. See also, Pedestrian Amenities.
- **Structure.** Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.
- **Structure height.** The height of a structure, and the cumulative height of a building with any appurtenant structures.
- **Swale.** A type of stormwater facility. Usually a broad, shallow depression with plants that filter and process contaminants.
- **Vehicle areas.** All of the areas on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

Disabled Person. For the purposes of this Code, a disabled person is a person who has a condition of physical or mental disability that substantially limits one or more major life activities as stated in Section 504 of the Federal Rehabilitation Act of 1973 and state law.

Discontinued use. A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract. See Chapter 5.2, Non-Conforming Uses and Developments. A use is considered temporarily discontinued during the first two (2) years after it ceases, after which it is considered permanently discontinued.

Discretionary. A permit action or decision that involves substantial judgment or discretion.

Disturbance area. See Environment-Related Definitions

Drainage way. See Environment-Related Definitions.

Drip-line. See Environment-Related definitions.

Drive-through/Drive-up facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales and Service use where the drivers may or may not remain in their vehicles, may perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters.

Driveway. See Development-Related Definitions.

Driveway apron/approach. The edge of a driveway where it abuts a public way; usually constructed of concrete.

Duplex. See Residential Structure Types.

Dwelling Unit. See Residential Structure Types.

Drought-tolerant/drought-resistant plants or xeriscaping. As listed and described in the Sunset Western Garden Book (latest edition) or a list maintained by Lane Council of Governments for the Southern Willamette Valley.

E

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities. Recorded and on record at Lane County.

Eave. See Development-Related Definitions.

Elevation. Scaled drawing of the outside wall of a building or structure, from grade to roof

ridgeline, typically specifying materials, color, and dimensions.

Environment-Related Definitions

- **Bankfull stage.** The stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland.
- **Conservation easement.** An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees or groves, floodplains, wildlife habitat, and similar resources, typically in perpetuity. See ORS 271.715 to 271.795.
- **Crown cover.** The area directly beneath the crown and within the drip line of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.
- **Detention (stormwater).** The temporary storage of stormwater (i.e., as in a stormwater detention facility) before it is released through an engineered system that is designed to slow runoff. Detention facilities may be designed to filter or biologically process stormwater runoff, improving water quality before it is released. See also, Retention.
- **Disturbance area.** An area that contains all temporary and permanent development, exterior improvements, vehicle and equipment crossing, and staging and storage areas on the site, both existing and proposed. Vegetation planted for resource enhancement and agricultural and pasture land is not included.
- **Drainage way.** An open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water. It may be permanently or temporarily inundated.
- **Drip-line.** Imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.
- **Ecologically/Scientifically significant natural areas.** Land and water that has substantially retained its natural character, but is not necessarily completely natural or undisturbed, and that is significant for historical, scientific, paleontological, archeological, or natural features.
- **Fish and wildlife habitat areas.** Lands that contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies.
- **Flood or flooding.** As designated by the National Flood Insurance Act of 1968, the general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of streams, rivers or other inland water.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.

- c. Mudslides (i.e., mudflows).
 - d. Flooding also means the collapse or subsidence of land along a water body as a result of erosion or undermining exceeding anticipate levels or suddenly caused by an usually high water level.
- **Flood elevation determination.** A determination by the Federal Insurance Administrator of the water surface elevations of the base flood from the best available data source.
 - **Flood hazard area.** Area of floodplain or lands with Special Flood Hazard as identified and delineated on the Flood Insurance Rate Map (FIRM).
 - **Flood hazard map.** The official map of Creswell is the Flood Insurance Rate Map (FIRM) for Lane County and Incorporated Communities dated June 2, 1999, and as may be amended. The FIRM delineates a Special Flood Hazard Area or floodplain where regulations apply.
 - **Flood plain.** A physical geographic term describing any land area susceptible to being inundated by water from any source.
 - **Flood Plain Management.** Means the operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.
 - **Floodproofing.** Any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real property, water and sanitary facilities, structures, and their contents.
 - **Floodway, regulatory.** The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation.
 - **Identified natural features (e.g., wetlands or streams).** Natural features that are identified in the National Wetlands Inventory and/or other references used by the City or natural resource regulatory agency, as being significant and in need of protection.
 - **Ordinary) High Water Mark (HWM).** The visible high water mark of any lake, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river stream, or other body of water a character distinct from that of the banks, both in vegetation and in the nature of the soil itself. Typical features may include, a natural line or "mark" impressed on the bank or shore, indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics. See Section 2.10.200.
 - **Retention (stormwater).** The infiltration of stormwater (i.e., as in a stormwater retention facility) in an engineered system that is designed to contain runoff on a development site.

Retention facilities are typically designed to filter or biologically process stormwater runoff, improving water quality before it is released. See also, Detention.

- **Riparian areas.** Lands adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils that are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.
- **Sensitive lands.** Wetlands, significant trees, steep slopes, flood plains and other natural resource areas including but not limited to those designated for protection or conservation by the Comprehensive Plan or refinements to the Comprehensive Plan (e.g., Parks and Open Space Master Plan).
- **Stream.** An area where enough natural surface water flows to produce a stream channel, such as a river or creek that carries flowing surface water either intermittently or during most of the year. This includes:
 - The water itself, including any vegetation, aquatic life, or habitat;
 - Beds and banks below the high water level that may contain water, whether or not water is actually present;
 - The floodplain between the high water levels of connected side channels;
 - Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
 - Stream-associated wetlands.
- **Stream channel.** An area with evidence of perennial or seasonal water passage. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.
- **Top of bank.** The first major change in the slope of the incline from the ordinary high water level of a water body. A major change is a change of ten degrees or more. If there is no major change within a distance of 50 feet from the ordinary high water level, then the top of bank will be the elevation 2 feet above the ordinary high water level.
- **Tree canopy.** The ground area that, when viewed from above the crown of one or more trees, is mostly covered by the tree(s). For deciduous trees, canopy area is based on the time of year when foliage is present.
- **Water bodies.** Permanently or temporarily flooded lands that may lie below the deepwater boundary of wetlands. Water bodies include rivers, streams, creeks, sloughs, drainage ways, lakes, and ponds.

- **Wetland.** An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas.

Evidence. Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

Excavating or filling. The removal, placement, or replacement of earth, concrete, asphalt, and similar non-decomposable materials whether permanent or temporary in nature. Excavating or filling does not include the movement of earth or placement of gravel, asphalt, or other paving materials that is done in conjunction with road improvements. It does not include the excavation of mineral or aggregate resources. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

Exterior display. Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Exterior display does not include goods that are being stored or parked outside, if there is no variety or distinction among the goods, and the goods are not examined and compared by customers. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Exterior display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, and plant nurseries. See also, Exterior Work Activities and Exterior Storage.

Exterior improvements. See Development-Related Definitions.

Exterior storage. Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; vehicles that have been towed and are being kept in an impound lot; and other similar items. The storage of recreational vehicles outdoors is also considered exterior storage. Damaged or inoperable vehicles, or vehicles that have missing parts, which are kept outside are also included as exterior storage. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments, and port facilities. See also, Exterior Display and Exterior Work Activities.

Exterior work activities. Exterior work activities include the outdoor processing, assembly, or fabrication of goods; the maintenance, repair, and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation. Exterior work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, exterior eating areas, outdoor recreation, or outdoor markets. See Exterior Display and Exterior Storage.

F

FCC. Federal Communications Commission.

Facade. See Development-Related definitions.

Family day care. See Child Care Center, Family Child Care.

Farming or farm use. As used in this Code, “agriculture” is the same as “farm use”. [See ORS 215.203(2)(a).] Includes utilization of land to raise, harvest, or sell crops; feed, breed, manage, and sell livestock, poultry, fur-bearing animals, honeybees, or their produce; dairy and sell dairy products; or any other agricultural or horticultural use, animal husbandry, timber agricultural use, or combination thereof. Farm uses include preparation or processing and storage of products raised on such land, but do not include construction or use of dwellings and other buildings customarily provided in conjunction with farm uses.

Fence. An accessory structure, including landscape planting, wood, vinyl, masonry, or any other material, designed and intended to serve as a barrier or as a means of enclosing a yard or other area, or other structure, or to serve as a boundary feature separating two or more properties.

Festoon Light. A group of two (2) or more incandescent light bulbs hung or strung overhead, not on a building or structure that is exposed to persons on a public right-of-way, or that are not shaded or hooded to prevent the direct rays of the light from being visible from the property line.

Final plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division.

Fire apparatus lane or fire lane. See Development-Related definitions.

Flag. A piece of cloth or other flexible material attached to a staff, cord, bracket, or structure.

Flag Lot. See Lot.

Flood hazard area. See Environment-Related definitions.

Floor area. See Development-Related definitions.

Foundation plane. See Development-Related definitions.

Foot-candle. A unit of illumination (light standards), equal to one lumen per square foot, or the amount of light from a source of one candle directly thrown on a square foot of surface at a distance of one foot.

Frontage. The dimension of a property line abutting a public or private street.

Frontage street or road. A minor street that parallels an arterial street or highway in order to provide access to abutting properties and minimize direct access onto the arterial or highway.

Functional classification. The classification given to streets by the road authority (e.g., “local/collector/arterial”). See Transportation-Related definitions, and Section 3.4.100 for street standards.

Future division plan or future development plan. A document that shows lot, tract and right-of-way boundaries for all potential future phases of a land division. The plan is not binding on the City or the applicant. The purpose of the plan is to document that the design of the first phase of the plan does not preclude future phases from meeting City standards.

G

Garage. A covered structure designed to provide shelter for vehicles, and that is accessory to a use in these structure types: houses, attached houses, duplexes, mobile homes, or houseboats. Carports are considered garages. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage. A garage may be attached to or detached from another structure. See also Structured Parking.

Grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. This is the definition used in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.)

Grading. See Development-Related Definitions.

Ground cover. Living or processed plant material (e.g., mulch, bark chips) that is used to cover bare ground. See Chapter 3.2, Landscaping, Street Trees, Fences and Walls.

Group living structure. See Residential Home/Facility and Residential Structure Types.

H

Hardscape. Non-vegetative landscape materials or installations, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

Hazardous Substances. Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste;
- Chemicals Subject to Reporting Under *Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986*, published July, 1987, U.S. Environmental Protection Agency; and
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101.

Height, tower or other telecommunications structure. The distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Historic Resource-Related Definitions

- **Conservation Landmark.** A Conservation Landmark may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City has designated or listed for their special historic, cultural, archaeological, or architectural merit. They are primarily of local or neighborhood importance.
- **Historic context.** The significant historic environment and background related to a historic resource that describes or explains the role played by that resource in the development of the city, region, state or nation. This includes physical development, notable events, and other human activity.
- **Historic ensemble.** A geographic grouping of historic resources that collectively have historic significance that is greater than the individual significance of any one resource in the group.
- **Historic Landmark.** Historic Landmark designations may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit.
- **Historic resource.** A structure or object that has historic significance. Historic Resources include:
 - Historic Landmarks, including those that are listed in the National Register of Historic Places;
 - Conservation Landmarks;
 - Conservation Districts;
 - Historic Districts, including those listed in the National Register of Historic Places;
 - Structures or objects that are identified as contributing to the historic significance of a Historic District or a Conservation District; and
 - Structures or objects that are included in the Historic Resources Inventory.
- **Historic Resources Inventory.** The Historic Resources Inventory is a documentation and preliminary evaluation of historic resources. Information for each resource includes a

photograph, the year the resource was constructed, the builder or architect, original owner, significant features, architectural style, and, in most cases, a ranking for significance.

- **Historic value.** A physical, aesthetic, scenic, educational, or other characteristic that is a reminder of important events or developments in the community's past.
- **Renovation plan.** A written proposal to restore the distinctive and historically authentic architectural, historical, or cultural character of a historic resource while retaining or establishing the possibility for efficient, contemporary use.

Home occupation, home occupation site. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site, subject to the provisions of Chapter 2.2 (Residential Districts) and Section 4.9.200 (Home Occupation Permits).

Hotel/Motel. A building or portion thereof designed and used for occupancy of transient individuals lodged with or without meals. (See ORS 446.310.)

House. See Residential Structure Types.

Household. One or more persons related by blood, marriage, civil union, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than 5 additional persons, who live together in one dwelling unit.

Human-scale design/development. Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings that have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those that are primarily intended to accommodate automobile traffic. (See also, Pedestrian-Oriented Development under Development-Related definitions.)

I

Impervious surface. Surface area that does not allow for water infiltration, or has a runoff coefficient of 0.90 or more (e.g., non-permeable pavement, solid rock roofs, foundations, underground tanks and vaults, and similar areas).

Incidental and subordinate to. Secondary to, and less apparent, than the primary use or other portion of the development.

Infill. The development of vacant, bypassed lands located in an area that is mainly developed.

International Fire Code/IFC. The Fire Code as currently adopted by the State of Oregon.

J

Junk yard. (1) Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials. (2) Any establishment or place of business on which two (2) or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, automobile grave yards, garbage dumps, and scrap metal processing facilities.

K

Kennel. Any location where 5 or more dogs or cats aged 6 months or older are boarded or bred. The sale of these animals may be a part of the kennel use. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

L

Land division. The process of dividing land to create parcels or lots. See Chapter 4.3.

Landing (stairs). A level part of a staircase, usually at the end of a flight of stairs. See also, Transportation-Related definitions for Airport Landing.

Landmark. See Historic Resource-Related Definitions.

Landscaping. Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of trees.

Land use. The activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses. See also, Chapter 1.4, Use Categories.

Land use approval. A land use decision for approval or approval with conditions. It includes any time limits or other restrictions that may apply to the land use decision.

Land use district. As used in this code, a land use district is the same as a zoning district.

Land Use Review. An application for land use approval under Section 4.2.200.A, or the review

of such application.

Lane, mid-block. See Transportation-Related definitions.

Living area. The habitable floor area of a residential structure conforming to applicable building codes; typically does not include garage area, and attic and basement areas with substandard ceiling height or substandard egress.

Legislative. A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). See also, Chapter 4.1.500 (Type IV Review).

Light manufacture. See Chapter 1.4, Use Categories.

Livestock. Domestic animal types customarily raised or kept on farms. See Agriculture.

Local Improvement District ("LID"). A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485.

Loading Area. The area for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other articles. See also, Chapter 3.3, Parking and Loading.

Longest street-facing wall. The longest wall that faces a street. If two or more street-facing walls are of equal length, then the applicant chooses which is to be the longest street-facing wall for purposes of applying regulations of the Development Code. See also, Facade, and Chapter 2.3.150, Building Orientation in Commercial Districts.

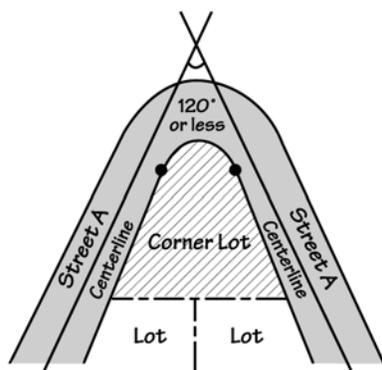
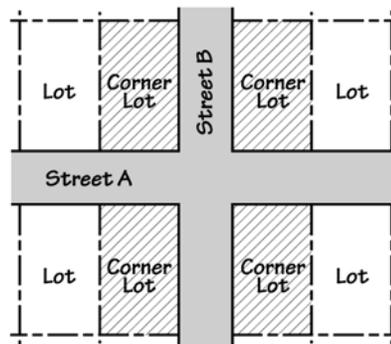
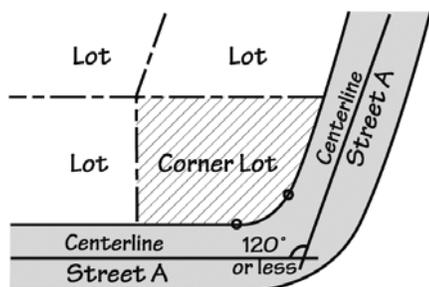
Lot. A lot is a legally defined piece of land other than a tract that is the result of a subdivision. The following definitions for “lot” apply to the State definition of both lot, (result of subdividing), **and** parcel, (result of partitioning). See also, Ownership and Site.

- **Corner lot.** A lot that has frontage on more than one intersecting street. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figures that follow.
- **Flag lot.** A lot with two distinct parts (See Figure that follows):
 - The flag, which is the only building site; and is located behind another lot; and
 - The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.
- **Through lot.** A lot that has frontage on two parallel or approximately parallel streets.

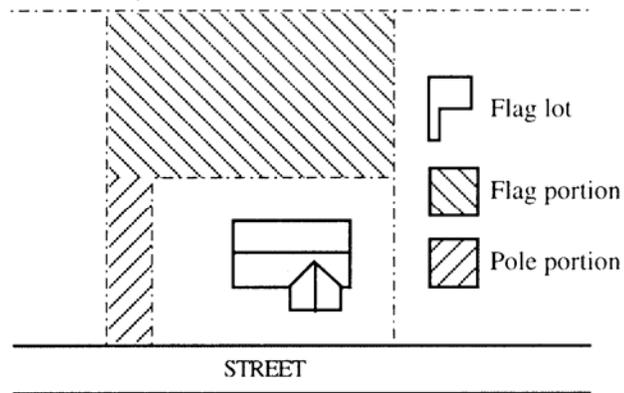
Lot lines/property lines. The property lines along the edge of a lot or site.

- **Front lot line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See Figures that follow.
- **Rear lot line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figures that follow.
- **Side lot line.** A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line. See Figures that follow.
- **Side street lot line.** A lot line that is both a side lot line and a street lot line. See Figures that follow.
- **Street lot line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines. See Figures that follow.

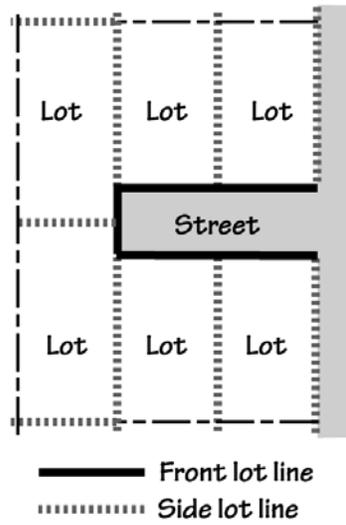
Corner Lots



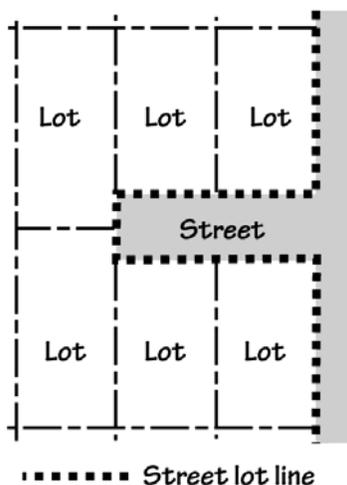
Flag Lot



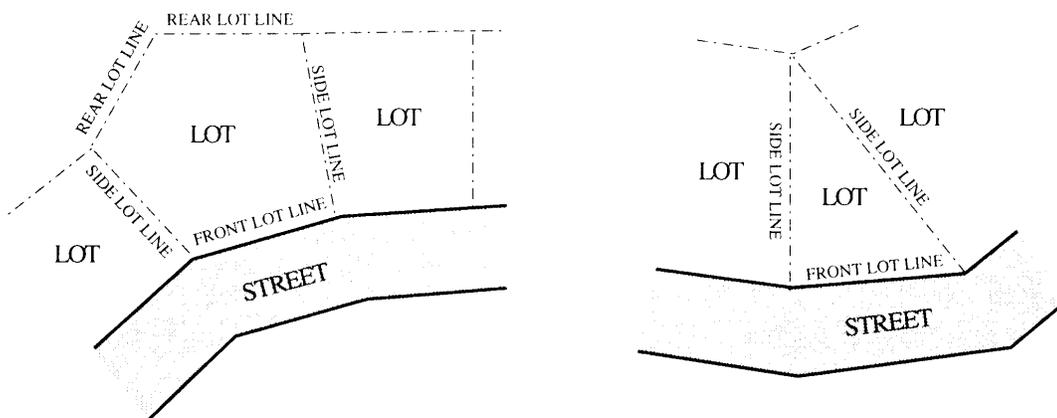
Front and Side Lot Lines



Street Lot Lines



Lot Lines on Irregular Lots



Lot of record. A lot of record is a plot of land:

- that was not created through an approved subdivision or partition;
- that was created and recorded before *[date of code adoption]*; and
- for which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.

See Chapter 5.3, Lots of Record

Lot, double-frontage. See Lot, Through Lot.

Lot area. The total surface area (measured horizontally) within the boundary lines of a lot.

Lot coverage. The total area of a lot covered by the foundation plane, as allowed by the applicable land use district development standards. Does not include overhangs, eaves, decks, and similar projections beyond the foundation plane.

Lot line adjustment. See Property Line Adjustment.

M

Main/Primary building entrance. A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. In single-tenant buildings, main entrances open directly into lobby, reception, or sales areas.

Major remodeling. Projects where the floor area is being increased by 50 percent or more, or where the cost of the remodeling is greater than the assessed value of the existing improvements on the site. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

Manufactured home/dwelling. Includes residential trailer, mobile home, and manufactured home. See also, Residential Structure Types.

Maneuvering area/aisle. The driving area in a parking lot where motor vehicles are able to turn around and access parking or loading spaces.

Manufactured dwelling park. Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land 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 for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot. See also, ORS Chapter 446.

Ministerial. A routine administrative action or decision that involves little or no discretion. The issuance of a building permit is generally such an action. See Chapter 4.1.200 (Type I Review).

Mitigation. To avoid, rectify, repair, or compensate for negative impacts that result from other actions (e.g., improvements to a street may be required to mitigate for transportation impacts

resulting from development.)

Mixed-use. The combination on a site of residential uses with commercial (e.g., office, retail, or services), civic, or industrial uses.

Mobile home park. Two or more mobile homes that are located on a single site for 30 days or more and intended for residential use. Mobile home park does not include sites where unoccupied mobile homes are offered for sale or lease. See also Recreational Vehicle Park.

Mobile home space. The area occupied by a mobile home and its accessory uses and structures in a mobile home park.

Motor home. See Recreational Vehicle, under Vehicle Types.

Motor vehicle. See Vehicle Types.

Multi-dwelling development or **Multifamily housing.** See Residential Structure Types.

Multi-dwelling structure. See Residential Structure Types.

Multi-use pathway. See Walkway and Bicycle facility.

N

Natural resource areas/natural resources. See Environment-Related Definitions.

Natural hazard. Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, and areas prone to landslides, floodways and flood plains.

Neighborhood. A residential area usually having distinguishing character or geography.

Neighborhood commercial. See Use Categories, Commercial.

Nonconforming development. An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards. Nonconforming development includes development that is over a maximum allowed amount of floor area, as long as the development does not include an amount of floor area that is specifically prohibited by the current development standards. See Chapter 5.2.

Nonconforming residential density. A residential use that is an allowed use in the zone and that was constructed at a lawful density, but which subsequently, due to a change in the zone or zoning regulations, now has greater density than is allowed in the zone. See Chapter 5.2.

Nonconforming situation. A Nonconforming Residential Density, Nonconforming Development, or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also Nonconforming Residential Density, Nonconforming Development, and Nonconforming Use. See Chapter 5.2.

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See Chapter 5.2.

Non-native invasive plants. Plants listed under current Oregon State University Extension Service Bulletins as non-native, invasive plants in Oregon.

O

Off-street parking. All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. See Chapter 3.3 for parking standards.

On-street parking. Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. See Chapter 3.3 for parking standards.

Open space (public/private/dedicated in common). Land that has been dedicated in common to the ownership within a development or to the public, or privately held, specifically for the purpose of providing places for recreation, conservation or other open space uses. Includes parks and mini-parks and incorporates the classifications found in the City of Creswell Parks and Open Space Master Plan. See Section 2.2.200(H) for multi-family housing open space standards.

Orientation. To cause to face toward a particular point of reference (e.g., “A building oriented to the street”). See also, Pedestrian-Oriented Development.

Outlying commercial pad. A small, free-standing commercial use (e.g., bank, restaurant, gas station, car wash, etc.) adjacent to larger commercial use(s), either on the same parcel or on a separate parcel, and typically oriented and designed to take advantage of internal driveways and surface parking that the uses share; may include a drive-up/drive-through facility.

Outdoor commercial use. A use supporting a commercial activity that provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

Overlay zone/district. Overlay zones impose and/or relax requirements of an underlying land

use district, or base zone, where characteristics of the land or neighborhood, or the types of development planned for an area, require special regulations. See Chapters 2.7-2.10.

Owner. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.

Ownership. An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a right-of-way. See also, Lot and Site.

P

Parcel. A legally defined area of land created through a partition.

Parking Area. A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading. See also, Driveway, Garage, Structured Parking, and Vehicle Areas.

Parking lot perimeter. The boundary of a parking lot area that usually contains a landscaped buffer area.

Parking space. A space designed to provide standing area for a motor vehicle. See Chapter 3.3 for parking space standards.

Partial Street. See Transportation-Related Definitions.

Parking. Area designed and developed in accordance with Chapter 3.3 for automobile or bicycle parking, as applicable.

Parking bay. A parking area with a concrete curb forming one side of the parking stall(s). Bays are typically adjacent and accessible to a sidewalk or walkway within a development.

Parking versus storage. Parking is to leave a motor vehicle for a temporary time, no longer than 24 hours. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use more than 24 hours in the future. See also, Exterior Display.

Parol. Expressed or evidenced by word of mouth; not written. This definition is specific and applies to Section 2.7, Flood Plain.

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. (See ORS 92. 010(8).)

Pathway. See Walkway and Bicycle facility.

Paved area. See Development-Related definitions.

Pedestrian amenity(ies). See Development-Related definitions.

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. See also, Tree Well.

Plat. Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the State law definitions of “partition plat” and “subdivision plat”. See also, Chapter 4.3, Land Divisions.

Plaza. An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping for use by pedestrians. See also, Pedestrian Amenities (Development-Related definitions).

Practicable. Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Primary structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

Primary use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

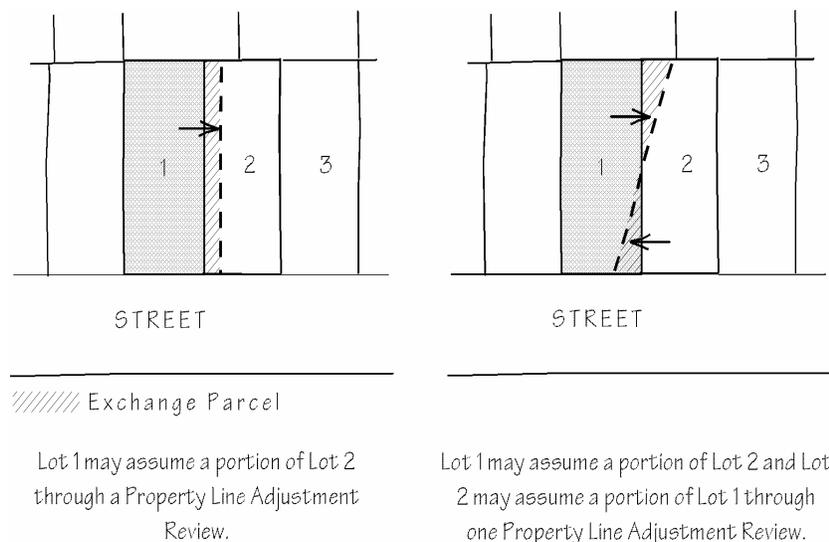
Project. An existing or proposed use or development.

Project, major. A project that requires Site Design Review (Sections 4.2.400-600), Subdivision or Partition review (Chapter 4.3), Conditional Use Permit review (Chapter 4.4), or Master Planned Development review (Chapter 4.5).

Project, minor. A project that requires Land Use Review (Section 4.2.300), but does not require Site Design Review (Section 4.2.400-600), Subdivision or Partition review (Chapter 4.3), Conditional Use Permit review, or Master Planned Development review (Chapter 4.5).

Property line adjustment. The relocation of a single common property line between two abutting properties, in conformance with ORS 92.010(11). See Figure.

Property Line Adjustment



Public access easement. See Transportation-Related Definitions.

Public safety facility. A facility necessary to respond to an immediate hazard to the public health and safety, and that is owned, leased, or operated by the City of Creswell. Public safety facilities include fire and police stations, flood control facilities, water towers and pump stations needed for emergency service, and emergency communication broadcast facilities.

Property line: front, rear, interior side, street side. See Lot Line.

Public improvements. Development of public infrastructure, as required by the City, County, Special District, or Road Authority, as applicable. See Chapter 3.4.

Q

Quasi-judicial. An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to the facts of a development proposal, and usually involves a public hearing. See Chapter 4.1.400 (Type III Review).

Queue area. Places where people wait for goods or services.

R

Rail Right-of-way. See Transportation-Related Definitions.

Recreation camp. (1) An area devoted to facilities and equipment for recreation purposes, including swimming pools, tennis courts, playgrounds, and similar uses, either open to the public upon payment of a fee, or limited to private membership. (2) An area designated by the landowner for picnicking or overnight camping and offered to the general public, with or without a fee or charge. (See ORS Chapter 446)

Recreational vehicle. See Vehicle Types.

Recreational vehicle park. A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Mobile Home Park.

Residence. Same as Dwelling. See Residential Structure Types.

Residential Structure Types

- **Accessory Dwelling Unit.** A second dwelling unit created on lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.
- **Attached Duplex.** A duplex located on its own lot that shares one or more common or abutting walls with one other duplex (for a total of 4 dwelling units). The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling.
- **Attached House (Townhome or Rowhouse).** A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse or a common-wall house.
- **Cottage.** A small house, generally containing not more than 1,200 square feet of floor area that may be used as an accessory dwelling.
- **Cottage cluster.** A group of two or more cottages on one lot.
- **Duplex.** A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill.
- **Group Living Structure.** A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses:
 - **Residential facility/group care facility.** A residence for 6 to 15 physically or mentally disabled persons, and for staff persons. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Facility; or
 - **Residential home/group care home.** A residence for five or fewer physically or mentally disabled persons, and for staff persons. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Home.
- **Mobile Home.** A dwelling unit constructed off of the site and that is not constructed to the standards of the uniform building code. Mobile homes include residential trailers and manufactured homes.
 - **Manufactured Home.** A manufactured home is a mobile home constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976.
 - **Residential Trailer.** A mobile home that was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), in effect after June 15, 1976. This definition includes the State definitions of residential trailers and mobile houses, as stated in Oregon Revised Statutes (ORS) 446.
- **Multi-dwelling development.** A grouping of individual structures where each structure contains one (1) or more dwelling units. The land underneath the structures is not divided into separate lots. A multi-dwelling development project may include an existing single-dwelling detached building with one (1) or more new detached structures located to the rear or the side of the existing house. It might also include a duplex in front with either one (1) or more single-dwelling houses behind or one (1) or more duplex units or multi-dwelling structures behind. There is no requirement for the structures on the sites to be attached.
- **Multi-dwelling structure.** A structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.

- **Senior housing.** See Residential Structure types. Housing designated and/or managed for persons over a specified age. Specific age restrictions vary.
- **Single-family House.** A detached dwelling unit located on its own lot.
- **Single room occupancy housing (SRO).** A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels and rooming houses.

Review Body. The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Planning Director, Planning Commission, and the City Council.

Right-Of-Way. See Transportation-Related Definitions.

Riparian Areas. See Environment-Related Definitions.

Roadway; Roadway Authority. See Transportation-Related Definitions.

S

Senior housing. See Residential Structure types.

Sensitive lands. See Environment-Related Definitions.

Setback/Setback yard. The minimum distance required between a specified object, such as a building, and another point, measured from lot lines to a specified object. Typically, a setback refers to the minimum distance (yard dimension) from a building to a specified property line.

Shared driveway. See Transportation-Related definitions.

Shared parking. See Development-Related Definitions. Required parking facilities for two or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities. See Chapter 3.3.

Shopping street. See Development-Related definitions.

Sign. Any outdoor device, or device visible from outdoors, providing identification, advertising or directional information for a specific business, group of businesses, service, product, brand, person, organization, place or building. Including in this definition of signs are: graphic devices such as logos, trademarks, and attention attracting objects such as wind-driven spinners and portable sign devices, logo sculpture and, banners, balloons, streamers, strobe lights, flags, inflatable structures, projected picture signs, holographic projection signs, laser projected

designs/images/copy and other attention attracting media and devices. Signs are not regulated in the Ordinance but are subject to applicable local, state, and federal requirements and ordinances.

Significant trees, significant vegetation. Any tree, shrub, or combination thereof, meeting the threshold standards in Section 3.2.200, and those that are located within a sensitive land area as identified by the Comprehensive Plan or any refinement of the Comprehensive Plan. See also, Environment-Related Definitions in this Chapter, and Section 3.2.200, Landscape Conservation.

Single Room Occupancy Housing (SRO). See Residential Structure Types.

Site. For land divisions, property line adjustments, and lot consolidations, the site is the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes multiple ownerships, then the site is the combined area of all the ownerships.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site frontage. The part of a site that abuts a street. See also, Block Frontage.

Site design review. A discretionary review that applies to all developments except those specifically designated for Land Use Review. A development proposal is reviewed in light of the basic Chapter 2 land use district development standards and more detailed design standards and public improvement requirements in Chapter 3. See Chapter 4.2, Land Use Review and Site Design Review.

Specific Area Plan. An adopted plan for a sub area of the City and/or Urban Growth Area providing a framework and standards for future land uses, densities, blocks, typical lot patterns, public improvements and streets, and site design; may also include architectural design guidelines or standards.

Standards and criteria. Both are Code requirements for how to develop uses and structures on land. A standard is a quantitative requirement, or a qualitative requirement that is used in interpreting a subjective criterion. (*Example.* Criterion: All developments subject to site design review shall comply with the Chapter 3 parking standards. Standard: Medical and dental office uses must provide one vehicle parking space for each x square feet of gross floor area.)

Stealth facilities. Man-made trees, clock towers, bell steeples, light poles, and similar camouflaging designs that camouflage or conceal the presence of antenna or towers.

Steep slopes. Slopes of greater than 20 percent.

Step-down. See Building Height in Development-Related definitions.

Storefront character. See Development-Related definitions.

Stormwater facility. See Development-Related definitions.

Stormwater management system. A stormwater facility (e. g., conveyance, detention/retention, treatment system or outfall).

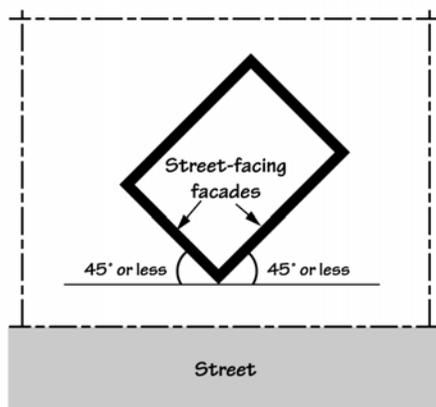
Stream. See Environment-Related Definitions

Street. See Transportation-Related Definitions.

Street connectivity. See Transportation-Related definitions.

Street-facing façade/wall. All the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line. See Figure below.

Street-facing Facade



Street furniture/furnishings. See Development-Related definitions.

Structure. See Development-Related Definitions.

Subdivision. To divide land into four or more lots within a single calendar year. See also, Chapter 4.3, Land Divisions, and ORS 92.010(13).

Surface water management. Storm drainage and/or storm drainage facilities that are functioning in accordance with the City of Creswell Storm Drainage Master Plan.

Swale. See Development-Related definitions.

T

Tangent. Meeting a curve or surface in a single point.

Terrace. A porch or promenade supported by columns, or a flat roof or other platform on a building.

Through lot. See Lot.

Through street. See Transportation-Related Definitions.

Top of bank. See Environment-Related Definitions.

Topographical constraint. Where existing slopes, landforms (e.g., streams, canals, rock outcropping, etc.) or manmade feature (e.g., embankment or berm) make conformance with a Code standard impracticable.

Tower, Wireless Communications. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Tract. A piece of land within a platted subdivision reserved for open space, utility corridor, recreation facilities, sensitive lands, or other purpose; may be dedicated to a homeowner's association or other entity for maintenance.

Transportation-Related Definitions (See also, Chapter 3.4.1 for related standards.)

- **Access.** A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property.
- **Access easement.** An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access. **Cross access** is a service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.
- **Access way.** A walkway or multi-use pathway providing a through connection for pedestrians between two streets, between two lots, or between a development and adjoining public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walkway on public or private property (i.e., with a public access easement). See also, Walkway.

- **Accessible.** Two meanings are possible depending on the specific code provision: In general, accessible means approachable by pedestrians, vehicles or other transportation mode, as applicable. Accessible may also mean, under approachable and useable by people with disabilities, in conformance with the Federal Americans With Disabilities Act. Either or both definitions may apply in a particular situation. See Accessible Route.
- **Accessible route.** A route that can be used by a disabled person using a wheelchair and that is also usable by people with other disabilities.
- **Access management.** The systematic control of the location, spacing, design, and operation of driveways, median openings, interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists and pedestrians. The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management include roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. Measures that may be included as conditions of approval for development decisions include but are not limited to 1) standards such as minimum spacing of driveways and onsite vehicle storage requirements, 2) mitigations related to site conditions such as right-in-right-out only approaches, medians, dedicated turn lanes, and shared access approaches, and 3) provision for future opportunities for mitigation by land dedication or easement.
- **Access 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.
- **Alley.** A right-of-way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed, not possible, or not desirable the alley may provide primary vehicle access.
- **Apron.** That portion of the driveway approach extending from the gutter flow line to the property line and lying between the end slopes of the driveway approach. When the sidewalk is located at the curb line, the apron is a part of the sidewalk section.
- **Arterial.** The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties.
- **Bicycle facility.** There are different types of bicycle facilities: In general, a bicycle facility is a public or private way designed for and dedicated to bicycle use. It may consist of a road, a lane within or on the shoulder of a road, a path, multi-use path, or other way that is specifically designated for bicycle travel or shared bicycle/pedestrian travel.

- **Boulevard.** A street with broad open space areas; typically with planted medians. See standards under Section 3.4.1.
- **Bus stop.** A location where bus service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.
- **Collector, minor/major.** Type of street that serves traffic within commercial, industrial, and residential neighborhood areas. Connects local neighborhood or district streets to the arterial network. Part of the street grid system. See standards under Section 3.4.1.
- **Common green.** A courtyard that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.
- **Curb cut.** A driveway opening delineated by a concrete apron along a street.
- **Dead-end street.** A street that connects to another street at only one end and does not have a City-approved turnaround on its other end. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.
- **Driveway.** An area on private property where automobiles and other vehicles are operated or allowed to stand.
- **Driveway approach.** An area, construction or improvement between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to a definite area of the private property, such as a parking area, a driveway, or a door at least seven feet wide, intended and used for the ingress and egress of vehicles. The component parts of the driveway approach are termed the apron, the end slopes or curb return and the sidewalk section.
- **Lane, mid-block.** A narrow, limited use roadway facility, similar to an alley in design, usually used to access a limited number of dwelling units.
- **Level of service ("LOS").** A quantitative standard for transportation facilities describing operational conditions. Level of Service may be described for intersections (signalized or unsignalized) or street segments (between signalized intersections).
- **Pathway.** A walkway conforming to Chapter 3.1 that is not within a street right-of-way.
- **Pedestrian connection.** See Access way.

- **Public access easement.** A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.
- **Rail right-of-way.** A public or private right-of-way, for the purpose of allowing rail travel.
- **Right-of-way.** An area that allows for the passage of people or vehicles. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract.
- **Roadway.** The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.
- **Road authority.** The City or other agency (e.g., Oregon Department of Transportation, Land County, a special purpose district, or other agency) with jurisdiction over a road or street.
- **Sidewalk.** A paved walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb or curb and planter strip.
- **Sight distance.** The unobstructed viewing distance measured from one object or location to another object or location, usually required for the purpose of traffic safety.
- **Street.** A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or freeways and their onramps.
- **Street connectivity.** Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.
- **Street stub.** A temporary street ending where the street will be extended through adjacent property in the future, as that property develops. Not a permanent street-end or dead-end street.
- **Street tree.** A tree planted in a planter strip or tree well between the street and sidewalk.
- **Through Street.** A street that connects to other streets at both ends.

- **Transit Street.** A street that is classified in the Transportation Element of the Comprehensive Plan as a bus route.
- **Transportation mode.** The method of transportation (e.g., automobile, bus, walking, bicycling, train, etc.)
- **Turnaround.** A vehicle maneuvering area at the end of a dead-end street (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around. See Section 3.4.1 for related standards.
- **Walkway.** A sidewalk or pathway, including access ways, providing a pedestrian connection that is improved to City standards, or to other roadway authority standards, as applicable. See also, Access way, Pathway, Sidewalk.

Travel trailer. A vacation structure or self-propelled vehicle equipped with wheels for street or highway use; intended for human occupancy; equipped with plumbing, sink or toilets; used for vacation and recreational purposes; and not used as a residence. (See ORS 446.003(5), (24).)

Travel trailer/recreational vehicle park/campground. A lot or parcel on which two or more travel trailers, recreational vehicles, motor homes, tent trailers, tent sites, capers, and/or similar vehicles or devices are permitted outright, with or without a charge or fee.

Tree well. A planter area cut out of a sidewalk within the street furnishing zone, planted with a street tree and including ground cover or a grate cover; typically used in commercial districts where on-street parking or pedestrian traffic makes the use of a planter strip impracticable.

U

Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained. See also, Chapter 1.4, Use Categories.

Utilities. For the purposes of this Code, utilities are telephone, cable, natural gas, electric, and telecommunication facilities. See also, Chapter 3.5.100, Wireless Telecommunication Facilities.

V

Vacate plat/street. To abandon a subdivision or street right-of-way. For example, vacation of a public right-of-way that is not needed or cannot be used for a street or other public purpose. Vacation of a plat typically returns the property to the adjoining owners and restores it to an undivided condition and ownership.

Vacation home rental. A commercial use of a single-family or duplex dwelling unit where the unit is rented for periods of time of 28 or fewer consecutive days.

Variance. An administrative or quasi-judicial decision to lessen or otherwise modify the

requirements of this Code. See Chapter 5.1.

Vehicle areas. See Development-Related definitions.

Vehicle Types.

- **Motor vehicle.** Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles, except all terrain vehicles, off-road vehicles, snow mobiles, and similar vehicles that are not allowed on streets.
- **Passenger vehicle.** A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicles are passenger cars and multipurpose passenger vehicles as defined by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.
- **Recreational vehicle.** A vehicle with or without motive power that is designed for sport or recreational use, or that is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:
 - **Motor home.** Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.
 - **Accessory recreational vehicle.** Accessory recreational vehicle includes nonmotorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as all-terrain vehicles, dune buggies, and recreational boats.
- **Truck.** A motor vehicle that is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. See also, National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.
 - **Light Truck.** Trucks and similar vehicles with single rear axles and single rear wheels.
 - **Medium Truck.** Trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.
 - **Heavy Truck.** Trucks, including truck tractors, and similar vehicles with two or more rear axles.

- **Utility Trailer.** A vehicle designed to be pulled by a motor vehicle that is used to carry property, trash, or special equipment and that is 16 feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than 16 feet are considered industrial vehicles and are regulated as heavy trucks.

V

Vision Clearance Area. Those areas near intersections of roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety and to maintain adequate sight distance. See standards in Chapter 3.1.200.

W

Waste collection areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

Window. A transparent or semi-transparent (not more than 50% opaque) glazing on a building facade. For the purpose of this Code, a window may be a display window (e.g., for merchandise, art, etc.) that is integral to a building design, but a window is not a display box mounted onto the exterior of a building.

Wireless communication equipment. Cellular towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

Wireless Telecommunication Facilities. The site, structures, equipment, and appurtenances used to transmit, receive, distribute, provide, or offer wireless telecommunications services. This includes, but is not limited to, antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics, and switching equipment.

X *[placeholder]*

Y

Yard. The area defined by setbacks (i.e., between the setback line and nearest property line). See Setbacks.

Z

Zero-lot line house. A single-family detached dwelling with one "0" side yard setback.

Zone of benefit. The area benefited by the construction of sewer, water, surface water management or street improvements financed in whole or in part by a person without the formation of a local improvement district. A Zone of Benefit may be formed in conjunction with a local improvement district where a person finances a share of the cost of the improvement that is larger than the share that would result from a uniform application of the district assessment formula to property located in the district and owned by the person.

Chapter 1.4 — Use Categories

Background: Chapter 1.4 is intended to be used in conjunction with the land use standards in Article 2. For example, the tables in Article 2 summarizing permitted uses for each zone contain only general land use categories. Chapter 1.4 provides specific examples of uses that fall under each general category. By providing examples of specific uses, and not an exhaustive list, the city has flexibility in determining similar uses, which should be helpful as community values, technology, and consumer needs change.

Sections:

Introduction to the Use Categories

- 1.4.010 Purpose
- 1.4.020 Category Titles
- 1.4.030 Classification of Uses

Residential Use Categories

- 1.4.100 Group Living
- 1.4.110 Household Living

Commercial Use Categories

- 1.4.200 Commercial Outdoor Recreation
- 1.4.210 Commercial Parking
- 1.4.220 Quick Vehicle Servicing
- 1.4.230 Major Event Entertainment
- 1.4.235 Educational Services, Commercial
- 1.4.240 Office
- 1.4.250 Retail Sales and Service
- 1.4.260 Self-Service Storage
- 1.4.270 Vehicle Repair

Industrial Use Categories

- 1.4.300 Industrial Service
- 1.4.310 Manufacturing and Production
- 1.4.320 Warehouse, Freight Movement, and Distribution
- 1.4.330 Waste-Related
- 1.4.340 Wholesale Sales

Institutional Use Categories

- 1.4.400 Basic Utilities
- 1.4.410 Colleges
- 1.4.420 Community Service
- 1.4.430 Daycare
- 1.4.450 Medical Centers
- 1.4.460 Parks and Open Areas
- 1.4.470 Religious Institutions and Places of Worship
- 1.4.480 Schools

Other Use Categories

- 1.4.500 Agriculture
- 1.4.510 Mining
- 1.4.520 Radio Frequency Transmission Facilities
- 1.4.530 Rail Lines and Utility Corridors

Introduction to the Use Categories**1.4.010 Purpose**

This Chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics, as follows:

- A. Categorization.** Uses are assigned to the category whose description most closely describes the nature of the primary use. The "Characteristics" subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.
- B. Interpretation.** When a use's category is not clearly identifiable, the City of Creswell Planning Director, through a Type II procedure, determines the applicable use category. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
- The description of the activity(ies) in relationship to the characteristics of each use category;
 - The relative amount of site or floor space and equipment devoted to the activity;
 - Relative amounts of sales from each activity;
 - The customer type for each activity;
 - The relative number of employees in each activity;
 - Hours of operation;
 - Building and site arrangement;
 - Vehicles used with the activity;
 - The relative number of vehicle trips generated by the activity;
 - Signs;
 - How the use advertises itself; and
 - Whether the activity would function independently of the other activities on the site.
- C. Developments with multiple primary uses.** When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a cafe would be classified in the Retail Sales and Service category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

D. Accessory uses. Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Typical accessory uses are listed as examples with the categories.

E. Use of examples. The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers, would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

Residential Use Categories

1.4.100 Group Living

- A. Characteristics.** Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility (see Chapter 1.3.300, Definitions).
- B. Accessory Uses.** Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.
- C. Examples.** Examples include dormitories; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for the physically and/or mentally disabled; some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities.
- D. Exceptions.**
1. Lodging where tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short-term housing.
 2. Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.
 3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

1.4.110 Household Living

- A. Characteristics.** Household Living is characterized by the residential occupancy of a dwelling unit by a household. Where units are rented, tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging

(see the Retail Sales and Service and Community Service categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy (SRO) housing, that do not have totally self contained dwelling units are also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents. In addition, residential homes as defined by the State of Oregon are included in the Household Living category.

B. Accessory Uses. Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, and bed and breakfast facilities are accessory uses that are subject to additional regulations.

C. Examples. Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, and other structures with self-contained dwelling units. Examples also include living in SROs if the provisions are met regarding length of stay and separate meal preparation.

D. Exceptions.

1. Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category.
2. SROs that provide common dining are classified as Group Living.
3. Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses.
4. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter.

Commercial Use Categories

1.4.200 Commercial Outdoor Recreation

- A. Characteristics.** Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.
- B. Accessory Uses.** Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.
- C. Examples.** Examples include amusement parks, theme parks, golf driving ranges, miniature golf facilities, and marinas.
- D. Exceptions.**
1. Golf courses are classified as Parks and Open Space.
 2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Entertainment.

1.4.210 Commercial Parking

- A. Characteristics.** Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
- B. Accessory Uses.** In a parking structure only, accessory uses may include car washing, and vehicle repair activities.
- C. Examples.** Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).
- D. Exceptions.**
1. Parking facilities that are accessory to a use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
 2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility. See Accessory Parking Facilities in Chapter 1.3.300, Definitions.

3. Public transit park-and-ride facilities are classified as Basic Utilities.

1.4.220 Quick Vehicle Servicing

A. Characteristics. Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (See Chapter 1.300, Definitions.) Full-serve and mini-serve gas stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when they are in conjunction with other uses.

B. Accessory Uses. Accessory uses may include auto repair and tire sales.

C. Examples. Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, and quick lubrication services.

D. Exceptions.

1. Truck stops are classified as Industrial Service.
2. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) that are on the site where the vehicles are kept, are accessory to the use.

1.4.230 Major Event Entertainment

A. Characteristics. Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.

B. Accessory Uses. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

C. Examples. Examples include sports arenas, race tracks (auto, horse, dog, etc.), auditoriums, exhibition and meeting areas, outdoor amphitheaters, and fairgrounds.

D. Exceptions.

1. Exhibition and meeting areas with less than 10,000 square feet of total event area are classified as Retail Sales and Service.
2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.
3. Theaters, including drive-in theaters, are classified as Retail Sales and Service.

1.4.235 Educational Services, Commercial

- A. Characteristics.** Commercial Educational Service uses are characterized by activities conducted in an office setting and generally focusing on serving students with supplemental education, enrichment, and/or tutoring.
- B. Accessory uses.** Accessory uses may include incidental retail (e.g., sale of instructional materials), parking, or other amenities primarily for the use of employees and customers.
- C. Examples.** Examples include tutoring centers, computer classes, after school math and reading centers, and arts and crafts classes.

1.4.240 Office

- A. Characteristics.** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.
- B. Accessory uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- C. Examples.** Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs.
- D. Exceptions.**

1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
2. Contractors and others who perform construction or similar services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.
3. Mobile health screening uses are considered temporary uses.

1.4.250 Retail Sales and Service

A. Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

B. Accessory uses. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.

C. Examples. Examples include uses from the four subgroups listed below:

1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
2. Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; tax preparers, accountants, real estate, legal, financial services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.
3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.
4. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

D. Exceptions.

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
2. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.
3. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.

4. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
5. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop that is classified as Industrial Service.
6. In certain situations, hotels and motels may be classified as a Community Service use, such as short-term housing or mass shelter. See Community Services.
7. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales and Service or Agriculture.

1.4.260 Self-Service Storage

- A. Characteristics.** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.
- B. Accessory uses.** Accessory uses may include security and leasing offices. Living quarters for one resident manager per site are allowed. Other living quarters are subject to the regulations for Residential Uses. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.
- C. Examples.** Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called mini warehouses.
- D. Exceptions.** A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

1.4.270 Vehicle Repair

- A. Characteristics.** Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed. (Different than Quick Vehicle Services category.)
- B Accessory Uses.** Accessory uses may include offices, sales of parts, and vehicle storage.

- C. Examples.** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- D. Exceptions.** Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

Industrial Use Categories

1.4.300 Industrial Service

- A. Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- B. Accessory uses.** Accessory uses may include offices, parking, storage, rail spur or lead lines, and docks.
- C. Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; dry-docks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.
- D. Exceptions.**
1. Contractors and others who perform Industrial Services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.
 2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

1.4.310 Manufacturing and Production

- A. Characteristics.** Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- B. Accessory uses.** Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair

facilities, or truck fleets. Living quarters for one caretaker per site are allowed. Other living quarters are subject to the regulations for Residential Uses.

C. Examples. Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; slaughter houses, and meat packing; feed lots and animal dipping; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; ship and barge building; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; production of artwork and toys; sign making; production of prefabricated structures, including mobile homes; and the production of energy.

D. Exceptions.

1. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.
2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

1.4.320 Warehouse, Freight Movement, and Distribution

A. Characteristics. Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

B. Accessory uses. Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

C. Examples. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

D. Exceptions.

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

2. Mini-warehouses are classified as Self-Service Storage uses.

1.4.330 Waste-Related

A. Characteristics. Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.

B. Accessory Uses. Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

C. Examples. Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.

D. Exceptions.

1. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.
2. Sewer pipes that serve a development are considered a Basic Utility.

1.4.340 Wholesale Sales

A. Characteristics. Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

B. Accessory uses. Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

C. Examples. Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

D. Exceptions.

1. Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.
2. Firms that engage in sales on a membership basis are classified as either Retail Sales and Service or Wholesale Sales, based on a consideration of characteristics of the use.
3. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

Institutional and Civic Use Categories

1.4.400 Basic Utilities

- A. Characteristics.** Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public safety facilities are Basic Utilities.
- B. Accessory uses.** Accessory uses may include parking; control, monitoring, data or transmission equipment; and holding cells within a police station.
- C. Examples.** Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; bus stops or turnarounds, suspended cable transportation systems, transit centers; and public safety facilities, including fire and police stations, and emergency communication broadcast facilities.
- D. Exceptions.**
1. Services where people are generally present, other than bus stops or turnarounds, transit centers, and public safety facilities, are classified as Community Services or Offices.
 2. Utility offices where employees or customers are generally present are classified as Offices.
 3. Bus barns are classified as Warehouse and Freight Movement.
 4. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines and Utility Corridors.

1.4.410 Colleges

- A. Characteristics.** This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks, though they may be contained in a single building.

B. Accessory Uses. Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.

C. Examples. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, computer schools, higher education religious schools, and seminaries.

D. Exceptions. Business and trade schools are classified as Retail Sales and Service.

1.4.420 Community Services

A. Characteristics. Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass shelter or short-term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

B. Accessory uses. Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; daycare uses; and athletic facilities.

C. Examples. Examples include city hall and similar governmental uses, libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short-term housing when operated by a public or non-profit agency, vocational training for the physically or mentally disabled, soup kitchens, and surplus food or clothing distribution centers.

D. Exceptions.

1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales and Service. Commercial museums (such as a wax museum) are in Retail Sales and Service.
2. Parks are in Parks and Open Areas.
3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.
4. Public safety facilities are classified as Basic Utilities.

1.4.430 Daycare

- A. Characteristics.** Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.
- B. Accessory Uses.** Accessory uses include offices, play areas, kitchens, laundry, and parking.
- C. Examples.** Examples include preschools, nursery schools, latch key programs, and adult daycare programs.
- D. Exceptions.** Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include care given by a "family daycare" provider as defined by ORS 657A.250 if the care is given to 12 or fewer children at any one time including the children of the provider. Family daycare is care regularly given in the family living quarters of the provider's home, and is regulated as a home occupation.

1.4.450 Medical Centers

- A. Characteristics.** Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.
- B. Accessory uses.** Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing facilities for staff or trainees.
- C. Examples.** Examples include hospitals and medical complexes that include hospitals.
- D. Exceptions.**
 - 1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.
 - 2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.
 - 3. Urgency medical care clinics are classified as Retail Sales and Service.

1.4.460 Parks and Open Areas

- A. Characteristics.** Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
- B. Accessory uses.** Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, and parking.
- C. Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, linear parks, recreational trails, botanical gardens, boat launching areas, nature preserves, and land used for grazing that is not part of a farm or ranch.

1.4.470 Religious Institutions and Places of Worship

- A. Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.
- B. Accessory uses.** Accessory uses include Sunday school facilities, parking, caretaker's housing, one transitional housing unit, and group living facilities such as convents. A transitional housing unit is a housing unit for one household where the average length of stay is less than 60 days. Religious schools, when accessory to a religious institution, are different than a school as a primary use.
- C. Examples.** Examples include churches, temples, synagogues, and mosques. See also, Religious Schools included in Section 1.4.480, Schools.

1.4.480 Schools

- A. Characteristics.** This category includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.
- B. Accessory uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare.
- C. Examples.** Examples include public and private daytime schools, boarding schools and military academies.
- D. Exceptions.**
 - 1. Preschools are classified as Daycare uses.
 - 2. Business and trade schools are classified as Retail Sales and Service.

Other Use Categories

1.4.500 Agriculture

A. Characteristics. Agriculture includes activities that raise, produce or keep plants or animals.

B. Accessory uses. Accessory uses include dwellings for proprietors and employees of the use, and animal training.

C. Examples. Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; kennels or other animal boarding places; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries.

D. Exceptions.

1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing and Production.
2. Livestock auctions are classified as Wholesale Sales.
3. Plant nurseries that are oriented to retail sales are classified as Retail Sales and Service.
4. When kennels are limited to boarding, with no breeding, the City may determine the use category is Agriculture or Retail Sales and Service.

1.4.510 Mining

A. Characteristics. Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.

B. Accessory uses. Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material

C. Examples. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.

1.4.520 Radio Frequency Transmission Facilities

A. Characteristics. Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300

GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.

B. Accessory Uses. Accessory use may include transmitter facility buildings.

C. Examples. Examples include broadcast towers, communication/cell towers, and point to point microwave towers.

D. Exceptions.

1. Receive-only antennae are not included in this category.
2. Radio and television studios are classified in the Office category.
3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

1.4.530 Rail Lines and Utility Corridors

A. Characteristics. This category includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The category also includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

B. Examples. Examples include rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.

C. Exceptions.

1. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
2. Rail lines and utility corridors that are located within motor vehicle rights-of-way are not included.
3. Railroad yards are classified in the Railroad Yards category.

Chapter 1.5 — Enforcement

Sections:

1.5.100	Provisions of this Code Declared to be Minimum Requirements.
1.5.200	Violation of Code Prohibited.
1.5.300	Penalty.
1.5.400	Complaints Regarding Violations.
1.5.500	Inspection and Right of Entry.
1.5.600	Abatement of Violations.
1.5.700	Stop-Order Hearing.

1.5.100 Provisions of this Code Declared to be Minimum Requirements.

- A. Minimum requirements intended.** In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Most restrictive requirements apply.** When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

1.5.200 Violation of Code Prohibited

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto.

1.5.300 Penalty

- A. Class 1 penalty.** A person violating a provision of this Code shall, upon conviction, be punished by a fine of not more than \$1,000. A violation of this Code shall be considered a separate offense for each day the violation continues.
- B. Each violation a separate infraction.** Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.
- C. Abatement of violation required.** A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any other remedies available to the City. Violations of this Code may constitute public nuisances and may be abated pursuant to the City's nuisance ordinance.
- D. Responsible party.** If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

1.5.400 Complaints Regarding Violations.

- A. Filing written complaint.** The City attorney, upon request of the City Administrator, shall institute any necessary legal proceedings to enforce the provisions of this Development Code. The proceedings may include, but are not limited to, suit in municipal or circuit court to prohibit the continuance of any use, occupation, building, structure, or sign or the carrying on of any conduct or activity in violation of any provision of this Code.
- B. File complaint with City Administrator.** Such complaints, stating fully the causes and basis thereof, shall be filed with the City Administrator. The City Administrator shall properly record such complaints, investigate and take action thereon as provided by this Code.

1.5.500 Inspection and Right of Entry

When necessary to investigate a suspected violation of this Code, or an application for a revocation of any permit issued under this Code, the City Administrator, or his or her designee, may enter on any site or into any structure open to the public for the purpose of investigation, provided entry is done in accordance with law. Absent a search warrant, no site or structure that is closed to the public shall be entered without the consent of the owner or occupant. No owner or occupant or agent thereof, shall, after receiving reasonable notice and opportunity to comply, refuse to permit entry authorized by this section. If entry is refused, the City Administrator shall have recourse to the remedies provided by law to secure entry.

1.5.600 Abatement of Violations.

Any development or use that occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by City personnel through appropriate proceedings. Violations of this Code may constitute public nuisances and may be abated pursuant to the City's nuisance ordinance.

1.5.700 Stop Order Hearing.

- A. Stop order issued.** Whenever any work or use are in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the City Administrator may order the work stopped by notice in writing posted at the project site or served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized in writing by the City to continue.
- B. Appeal opportunity.** A person or organization that has been served the stop work order may appeal the decision by submitting a letter to the City Administrator requesting a hearing with the City Council. The City Council shall hold this hearing and make written findings as to the violation within 45 days of receiving such letter.
- C. Stop order hearing.** The City Administrator may schedule a City Council hearing on the stop order. At the discretion of the City Administrator such hearing may be:

1. part of a hearing on revocation of the underlying development approval; or
2. solely to determine whether a violation has occurred.

The City Council shall hold this hearing and shall make written findings as to the violation within 45 days of the stop order's issuance. Upon finding a violation, the stop order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Director that the violation has been abated.

D. Stop order non-compliance. Non-compliance with a stop order shall be an independent group for penalties and additional enforcement action.

1.5.800 Revocation of Conditional Use Permits.

- A.** If revocation proceedings are initiated by the City Administrator, a conditional use permit may be revoked under this section upon a finding by the City Council that:
 1. The permit was issued on the basis of erroneous or misleading information or a material misrepresentation;
 2. The development violates the permit or other applicable law; or
 3. There was a failure to pay an administrative penalty as provided under Section 1.5, Enforcement, for violations relating to the subject development site.
- B.** The City Council shall conduct a public hearing concerning a potential revocation of a conditional use permit according to the Type III procedures in this Code. After a public hearing and determination by the City Council that one or more of the criteria in subsection (1) are satisfied, the City Council may, by issuing a written notice of such determination, suspend or revoke a conditional use permit issued under the provisions of this Code.
- C.** The permit holder shall be entitled to appeal the decision of the City Council in the manner provided in Article 4, Administration of Land Use and Development.

1.5.900 Administrative Civil Penalties.

- A.** In addition to, and not in lieu of any other enforcement mechanism authorized by this Code, upon determination by the City Administrator that a person has violated a provision of this Code, the City Administrator may impose an administrative civil penalty, as provided in this chapter, upon the responsible person. For purposes of this section, "responsible person" includes the violator and, if the violator is not the owner of the building or property at which the violation occurs, the owner.
- B.** In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative penalty imposed pursuant to subsection (1) of this section shall be grounds for the City Administrator to:

1. Withhold issuance of any requested permits or licenses other than those issued pursuant to Code or
2. Issue a stop order.