

Chapter 16.04

DEFINITIONS

Sections:

- 16.04.010 Meaning of words generally.
- 16.04.020 Meaning of common words.
- 16.04.030 Meaning of specific words and terms.

16.04.010 Meaning of words generally.

All of the terms used in this title have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or definition appears in the Oregon Revised Statute, or the context in which they are used clearly indicates to the contrary. (Ord. 415 § 7.25.010, 2002)

16.04.020 Meaning of common words.

- A. All words used in the present tense include the future tense.
- B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- C. All words used in the masculine gender include the feminine gender.
- D. The word "shall" is mandatory and the word "may" is permissive.
- E. The word "building" includes the word "structure."
- F. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- G. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.
- H. The term "this ordinance" shall be deemed to include the text, the accompanying zoning map and all amendments made hereafter to either. (Ord. 415 § 7.25.020, 2002)

16.04.030 Meaning of specific words and terms.

(Also see Chapters 16.18, 16.36, 16.44 and 16.50).

As used in this title:

"Abut/abutting" and "adjacent/adjoining or contiguous lots" means two or more lots joined by a common boundary line or point. (See Illustration 1, Appendix A set out at the end of this title.)

"Accept" means to receive as complete and in compliance with all submittal requirements.

"Access" means the place, means or way by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to a property or use.

"Access, private" means an access not in public ownership or control by means of deed, dedication or easement.

"Accessory structure" means a detached subordinate building, the use of which is clearly incidental to that of the existing principal building and is located on the same lot with the principal building **and includes accessory dwelling units and accessory buildings.**

"Accessory use" means a use customarily incidental, appropriate and subordinate to the existing principal use and located on the same lot.

"Acre" means a measure of land containing forty-three thousand five hundred sixty (43,560) square feet.

"Addition" means a modification to an existing building or structure which increases the site coverage or building volume.

"Adjacent" means near or close; property located across the street from a site (see Illustration 1, Appendix A set out at the end of this title).

"Adjoin" See "Abut."

"Adult bookstore" means an establishment having at least ten (10) percent of its merchandise, items, books, magazines, other publications, films or videotapes for sale, rent or viewing on the premises that are distinguished or characterized by their emphasis on matters depicting the sexual activities or anatomical areas.

"Adult motion picture theater" means an establishment used for the presentation of motion pictures or videotapes having as a dominant theme material distinguished or characterized by an emphasis on matter depicting sexual activities or anatomical areas.

"Adverse possession" means the right of an occupant to acquire title to a property by having continuously and openly used and maintained a property over a statutory period of time.

"Agricultural use" means the term includes farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry.

"Alley" means a public way or thoroughfare less than sixteen (16) feet but not less than ten (10) feet in width which has been dedicated or deeded to the public for public use, and provides a secondary means of access to the back or side of abutting properties that have access on another street.

"Alteration" means a change in construction, use or occupancy. When the term is applied to a change in construction, it is intended to apply to any change, addition or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one classification to another or from one division to another per the Uniform Building Code.

"Alteration of historic site" means any exterior change or modification, through public or private action, of any cultural resource or of any property located within the historic districts, including, but not limited to: demolition, relocation or exterior changes to or modification of structure, architectural details or visual characteristics such as building materials, paint, color and surface texture, grading, surface paving, new building materials, cutting or removal of trees and other natural features; disturbance of archeological sites or areas; and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

Alteration, Structural. "Structural alteration" means any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

"Amendment" means a change in the wording, context or substance of this title or the comprehensive plan, or a change in the boundaries of a zone on the zoning map or the boundaries of a designation on the comprehensive plan map.

"Animal hospital" means any building or portion thereof designed for the care, observation or treatment of animals.

"Appeal" means a request that a final decision by the initial hearing authority be considered by a higher authority.

"Applicant" means the owner of the affected property, or such owner's authorized representative.

"Approval authority" means either the planning director, the planning commission, or the council, depending on the context in which the term is used.

"Automobile and truck sales area" means an open area, other than a street, used for the display, sale of, or rental of new or used motor vehicles or trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

"Automobile service station" means any building or land area used, or intended to be used, for the retail sale of vehicular fuels. May include, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories. (Note: The phrase "as an accessory use" would not allow a business that, for example, consists solely of tire sales and service to locate in a zone

that listed only automobile service station as a permitted or conditional use -- see "Accessory use" definition).

"Auto wrecker" means any person who wrecks, dismantles, permanently disassembles or substantially alters the form of any motor vehicle.

"Auto wrecking yard" means any land, building or structure, used for the wrecking or storing in the open of such motor vehicles or the parts thereof, or sale of used automobile parts, or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof and are not being restored to operation. Two or more dismantled, obsolete, inoperable motor vehicles on one lot, or the parts thereof, shall constitute a wrecking yard. Also see "Junkyard."

"Awning" means a roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. (Note: If the awning is made of canvas and moveable, it may project into the setback. If it is permanently attached to the building, all setbacks must be measured from the end of the awning.)

"Basement" means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement, unless such floor level qualifies as a first story as defined herein. (See Illustration 2, Appendix A set out at the end of this title.)

"Bed and breakfast inn" means a use subordinate to the principal use of a single-family dwelling and involving not more than three bedrooms, which provides temporary overnight lodging and a morning meal in return for compensation. The owner or manager must reside onsite. The building design must be compatible with the residential neighborhood and be inspected by both the fire and health departments.

"Berm" means a manmade mound of earth, two to six feet high with a 2:1 slope (see Illustration 6, Appendix A set out at the end of this title), used to deflect sound or to buffer incompatible areas.

"Bike lane, path or way" means any trail, path or part of a highway, shoulder, sidewalk or any other travel way specifically signed and/or marked for bicycle travel.

"Bond" means any form of security including a cash deposit surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the city.

"Buffer" means a landscaped area providing separation between uses or as a shield to block noise, lights and other nuisances.

"Building" means any structure greater than ~~one~~ **two** hundred ~~twenty~~ (~~120~~ **200**) square feet or ten (10) feet in height, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, foods or materials of any kind or nature.

"Building envelope" means that portion of a lot or development site exclusive of the areas required for front, side and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.

"Building height" means the vertical distance from the average elevation of the finished grade within twenty (20) feet of the building to the highest point of the structure (see Illustration 2, Appendix A set out at the end of this title).

"Building line" means a line parallel to the street right-of-way, at a distance equal to the depth of the required front yard.

"Building official" means a person duly authorized by a municipality and the state of Oregon with responsibility for the administration and enforcement of the State Building Code in the municipality, or his or her duly authorized representative. (Oregon Revised Statutes 456.806(1).)

"Building, principal" means the structure within which is conducted the principal use of the lot.

"Building type" means:

1. Nonresidential: buildings not designed for use as human living quarters.

a. Detached: a single main building, free-standing and structurally separated from other buildings.

b. Attached: two or more main buildings placed side by side so that some structural parts are touching one another, located on a lot or development site or portion thereof.

2. Residential: see "Dwelling types."

"Caretaker dwelling" means a single-family detached dwelling for housing the caretaker of an approved ~~industrial~~ **commercial** development and located on the same lot as the approved ~~industrial~~ **commercial** development.

"Carport" means a covered shelter for an automobile open on two or more sides. A carport shall not attach two single-family dwellings or create duplexes, or multifamily dwellings except when the carport contains common building structural parts designed to be an integral part of a continuous structure.

"Certificate of appropriateness" means the permit granted by the Aurora historic review board to alter a designated landmark.

"Church" means a structure or set of structures, the principal purpose which is for persons to regularly assemble for worship, and which has legally been recognized by the state of Oregon.

"City" means the city of Aurora, Oregon.

"City recorder" means the person designated by the city council to perform the duties of city recorder for the city of Aurora, Oregon.

"Commercial use" means establishments or places engaged in the distribution and sale or rental of goods and the provision of services.

"Commission" means the planning commission of the city of Aurora, Oregon.

"Community building" means a publicly owned and operated facility used for meetings, recreation or education.

"Complete" means every item is included without omissions or deficiencies.

"Complex" means a structure or group of structures developed on one lot of record.

"Comprehensive plan" means the coordinated land use map and policy statement of the governing body of the city as acknowledged by the state of Oregon.

"Conditional use" means a use which may be approved, denied or approved with conditions by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.

"Conditional use permit" means a permit issued by the city, following the procedures in Chapter 16.60, which states that the use meets all of the conditions placed on it by the commission and this title.

Contiguous. See "Abut/abutting."

"Convenience store" means one-story retail store containing less than two thousand five hundred (2,500) square feet of gross floor area, designed and stocked to sell primarily food, beverages, and other household supplies to customers purchasing only a relatively few items (in contrast to a "supermarket") for example, "7-11" and "Plaid Pantry" stores.

"Council" means the city council of Aurora, Oregon.

"Courtyard" means a landscaped area open and unobstructed to the sky, located at or above grade level on a lot, and bounded on three or more sides by walls of a building.

"Coverage, building or lot" means the percentage of the total lot area covered by buildings.

"Cultural resources" means buildings, structures, signs, sites, districts and objects of historic, architectural, archeological or aesthetic significance to the citizens of the city, to the state of Oregon or the nation.

"Day care" means care provided to not more than twelve (12) unrelated children or five unrelated adults in a residential dwelling certified by the state of Oregon during a period not to exceed twelve (12) hours in any twenty-four (24) hour day.

"Day care facility" means any facility that provides day care to children, including a child day care center, group day care home, home of a family day care provider, including those known under a descriptive name such as nursery school, preschool or kindergarten.

"Days" means calendar days, unless working days are specified, which shall mean Monday through Friday, exclusive of official city holidays.

"Declarant" means the person who files a declaration as required under ORS 92.075 to subdivide or partition property.

"Declaration" means the instrument described in ORS 92.075 by which the subdivision or partition plat was created.

"Dedication" means the donation of property by its owner to the city for any public purpose (i.e., the construction or widening of a street).

"Demolish" means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated structure or resource.

"De novo" means a new hearing, usually without consideration of any previous hearing testimony.

"Density" means the number of dwelling units allowed on a parcel of land, frequently expressed as the number of units per acre.

"Density, gross" means including all of the land within the boundaries of the lot in the computation of density.

"Density, net" means excluding from the computation those lands necessary for streets and underground utilities, as well as easements, floodways and steep slopes.

"Designated landmark" means any cultural resource that has special historical, cultural, aesthetic or architectural character, interest or value as part of the development, heritage or history of the city, the state of Oregon or the nation, and has been designated pursuant to this title.

"Designated landmark site" means a parcel on which a cultural resource is situated and any abutting parcel constituting part of the premises on which a cultural resource is situated and which has been designated a landmark site under the provisions of this title.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations that makes a material change in the use or appearance of a structure or land and including partitions and subdivisions as provided in Oregon Revised Statutes 92 and 227.215.

"Development permit" refers to any document or permit that authorizes an applicant to commence construction or development activities.

"Development site" means the lot or combination of lots upon which development occurs.

"Drainageway" means undeveloped land inundated during a twenty-five (25) year storm with a peak flow of at least five cubic feet per second and conveyed, at least in part, by identifiable channels that either drain to the Aurora floodway directly or after flowing through other drainageways, channels, creeks or floodplain.

"Dwelling Types" (See Illustration 3, Appendix A set out at the end of this title).

1. 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.

2. Single-family, detached: one dwelling unit, structurally separated from any other dwelling on the same lot.

3. Single-family, attached: two dwelling units, each located on a separate lot, sharing a fire resistant common wall which follows the property line.

4. Two-family or duplex: a structure on a single lot containing two dwelling units connected by either a fire resistant common wall, unpierced from ground to roof, or an unpierced ceiling and floor.

5. Three-family or triplex: a structure on a single lot containing three dwelling units connected by either a fire resistant common wall, unpierced from ground to roof, or an unpierced ceiling and floor.

6. Townhouse: a dwelling unit, located in a row of three or more, with each having its own front and rear access to the outside, and each being connected to the other by one or more fire resistant common walls, unpierced from ground to roof.

7. Zero lot line: a single detached dwelling unit located with a zero foot setback from one lot line.

"Dwelling unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the S.S.C., designed for occupancy by only one family.

"Easement" means the granting, by a recorded interest, of one or more property rights by the owner to the public, another person or entity.

"Employees" means all persons, including proprietors, working on the premises during the largest shift.

"Erect" means the act of placing or affixing a component of a structure upon the ground or upon another such component.

"Exterior architectural feature" means the architectural elements embodying style, design, general arrangement and components of all the outer surfaces of a building, including, but not limited to, the kind, color, and texture of building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

“Façade” means one side of the exterior of a building, usually the front but sometimes the side or rear, used to meet architectural treatment details and sets the tone for the rest of the building.

"Family" means an individual or two or more persons related by genetics, adoption or marriage or a group of five or fewer persons (excluding domestic employees) who are not related by genetics, adoption or marriage.

"Fence, sight-obscuring" means a fence or wall constructed in such a way as to obstruct vision.

"Final action," "final decision" or "final order" means a determination reduced to writing, signed and mailed to the applicant that includes a statement of the facts determined to be relevant by the approval authority as the basis for making its decision.

“Finish Material, Exterior” means the siding and color of the exterior walls of any structure.

"Findings" means written statements of fact, conclusions and determinations based on the evidence presented at a public hearing in relation to the criteria and accepted by the approval authority in support of their decision.

"Flag lot" means a lot which has access to a right-of-way by means of a narrow strip of land. The lot area for a flag lot shall comply with the lot area requirements of the applicable zoning district and shall be provided entirely within the building site area exclusive of any accessway. (See Illustration 4, Appendix A set out at the end of this title.)

"Flood fringe" means the area bordering the floodway and within the floodplain that acts as a reservoir of flood waters (see Illustration 5, Appendix A set out at the end of this title).

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable.

"Flood, one hundred (100) year or base" means a flood with a one-percent chance of occurrence in any given year. It is mapped by the Army Corps of Engineers and is used by the Federal Emergency Management Agency and the city for the purposes of regulating development within flood boundaries.

"Floodplain" means the combined area of the floodway and the flood fringe as defined herein (see Illustration 5, Appendix A set out at the end of this title).

"Floodway" means the minimum area necessary for the passage of floodwaters, which must be reserved to discharge the one hundred (100) year flood without increasing the water surface elevation more than one foot (see Illustration 5, Appendix A set out at the end of this title).

"Floor area" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

"Frontage" means the side of a lot abutting a street; the length of the front lot line (see Illustration 7, Appendix A set out at the end of this title).

Front Lot Line. See "Lot line, front."

Garage, Private. "Private garage" means a building or portion of a building in which motor vehicles used by the tenant of the structure on the premises are stored or kept.

Garage, Public. "Public garage" means a structure that provides facilities for the repair of motor vehicles including body and fender repair, painting, rebuilding, reconditioning, upholstery, or other vehicle maintenance or repair.

"Grade" means the degree or rise of a sloping surface (see Illustration 6, Appendix A set out at the end of this title).

"Grade, finish" means the final elevation of the ground surface after development.

Grandfather Clause. See "Nonconforming use."

"Gross acres" means all of the land area included in the legal description of the property.

"Guest house" means an accessory building used for the purpose of providing temporary living accommodations and having no cooking facilities.

"Hedge, sight-obscuring" means an evergreen barrier grown for the purpose of obstructing vision which shall be at least two feet tall at the time of planting, and capable of obscuring at least eighty (80) percent of the view between two and six feet from the ground within five years of planting.

"Height" means the vertical distance of a structure measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the structure. Projections such as chimneys, spires, domes, elevator shaft housings, towers excluding television dish receivers, aerials, flag poles and other similar objects not used for human occupancy, are not subject to the building height limitations of this title if located outside the airport overlay zone.

"Historic district" means the land area included in the Aurora Colony Historic District as designated on the National Register of Historic Places, and shown on the city zoning map as the historic zone.

"Home occupation" means a lawful income-producing activity conducted in a dwelling while maintaining the residential character; having no outward appearance of a business and no infringement on the rights of neighboring residents (see Chapter 16.46). Home occupation does not include activity conducted by a resident of the dwelling acting as an employee of a business located outside of the residence.

"Homeowners association" means an incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a planned development or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

"Implementing ordinance" means an ordinance adopted to carry out the comprehensive plan, including, but not limited to, the provisions of this title.

"Impervious surface" means those hard-surface areas located upon real property which either prevent or retard saturation of water into the land surface, as existed under natural conditions pre-existent to development, and/or cause water to run off the land surface in greater quantities or at an increased rate of flow from that present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to, roof tops, concrete or asphalt sidewalks, walkways, patio areas, driveways, parking lots or

storage areas, streets, roads, and graveled, oiled, macadam or other surfaces which similarly impact the natural saturation or runoff patterns which existed prior to development.

"Improvement" means any building, structure, place parking facility, fence, gate, wall, work of art or other object constituting a physical improvement of real property or any part of such improvement of real property or any part of such improvement.

"Industrial park" means a large tract of land that has been planned as an integrated facility for a number of individual industrial uses, with special attention given to traffic circulation, parking, utility needs, landscaping and compatibility of uses.

"Industrial use" means any use of land, structure or natural resources involving the manufacturing, processing or assembly of semifinished or finished products from raw materials, or similar treatment or packaging of previously prepared materials.

"Junk" means old discarded or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, wrecked, scrapped or ruined motor vehicles or motor vehicle parts, iron, steel or other old or scrap ferrous or nonferrous materials, metal or nonmetal materials.

"Junkyard" means any land area, building or part thereof used for the storage, collection, processing, sale, purchase or abandonment of two or more unregistered and inoperable motor vehicles, wastepaper, scrap metal, discarded goods, machinery or other materials defined as "junk."

"Kennel" means any premise where five or more dogs, cats or other small animals are kept for the business of boarding, training, propagation or sale.

"Land form alteration" means any manmade change to improved or unimproved real estate, including but not limited to, the addition of buildings or other structures, mining, quarrying, dredging, filling, grading, earthwork construction, stockpiling of rock, sand, dirt or gravel or other earth material, paving, excavation or drilling operations.

"Landscaping" means ground cover, trees, grass, bushes, flowers, garden areas and any arrangement of fountains, patios, decks, street furniture and ornamental concrete or stonework areas.

"Legislative amendment" means a change to the text of this title, to the comprehensive plan text, to the city plan map or to the city zoning map that is general in nature or large in size of area, and, therefore, affects a significant number of properties and owners. If there are questions as to whether a specific request for a land use review is quasi-judicial or legislative, the decision will be made by the city attorney. The decision will be based on current law and legal precedent.

"Loading space" means an off-street space or berth on the same lot or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle for loading or unloading persons, merchandise or materials, and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

"Lot" means a parcel or tract of land sufficient in size to meet minimum zoning requirements for use, coverage, area, yards and open space, with frontage on a public street. Abutting property under the same ownership, whether in a platted lot or property described by metes and bounds, shall be considered part of the same lot (see Illustration 7, Appendix A set out at the end of this title).

"Lot area" means the computed area contained within the lot lines, exclusive of street or alley rights-of-way and easements of access to other property.

"Lot, corner" means a lot with two adjacent sides abutting streets other than alleys.

"Lot coverage" means the percent of a lot area covered by the horizontal projection of any structures or buildings.

"Lot depth" means the average distance between the front lot line and the rear lot line (see Illustration 4, Appendix A set out at the end of this title).

"Lot, interior" means a lot other than a corner lot, with frontage only on one street (see Illustration 4, Appendix A set out at the end of this title).

"Lot line" means any property line bounding a lot (see Illustration 4, Appendix A set out at the end of this title).

Lot Line Adjustment. See "Property line adjustment."

Lot Line, Front. "Front lot line" means, in the case of an interior lot, a property line which abuts the street; in the case of a corner, through lot or flag lot, the shortest of the two property lines which abut the street or access way or from which primary vehicular access to the property is gained. (See Illustration 7, Appendix A set out at the end of this title.)

Lot Line, Rear. "Rear lot line" means a lot line opposite to and most distant from the front lot line; or, in the case of an irregular or triangular-shaped lot, a line ten (10) feet long drawn entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side. "Side lot line" means any lot boundary not a front or rear property line.

"Lot of record" means a legally created lot meeting all applicable regulations in effect at the time of creation.

"Lot, through or double-frontage lot" means an interior lot having frontage on two parallel streets (see Illustration 4, Appendix A set out at the end of this title).

"Lot width" means the average horizontal distance between the side lot lines.

"Major impact utility" means services and utilities which have a substantial visual impact on an area. Typical uses are electrical and gas distribution substations, radio microwave, telecommunications towers, telephone transmitters and cable television receivers and transmitters.

"Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

"Manufactured home park" means any place where four or more manufactured homes are located 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.

"Mining and/or quarrying" means premises from which any rock, sand, gravel, topsoil, clay, mud, peat or mineral is removed or excavated for sale, as an industrial or commercial operation, and exclusive of excavating and grading for street and roads and the process of grading a lot preparatory to the construction of a building for which a permit has been issued by a public agency.

"Minor impact utility" means services which have minimal off-site visual impact.

"Modular home" means a structure constructed in accordance with federal requirements for modular construction including compliance with Uniform Building Codes.

"Net acres" means the total amount of land which can be used for development.

"Nonconforming lot" means a lot which was lawful in terms of size, area, dimensions or location, prior to the adoption, revision or amendment of the zoning ordinance, but which now fails to conform to the requirements of the zoning district.

"Nonconforming sign" means any sign lawfully existing on the effective date of an ordinance, or amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations.

"Nonconforming structure" means a structure the size, dimensions or location of which were lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails to meet the present requirements of the zoning district.

"Nonconforming use" means an activity lawfully existing prior to the effective date of the ordinance codified in this title, or any amendment thereto, but which fails to meet the current standards and requirements of the zone. (Note: In the case of nonconformance, the key phrase is "...lawfully existing prior to the effective date of the ordinance codified in this title or any amendment..." which make the use or the lot, sign or structure nonconforming. These are frequently referred to as being "grandfathered in," meaning that they are allowed to remain under the conditions set by said ordinance (see Chapter 16.62).

"Non-remonstrance Agreement" means a written agreement executed by a property owner or a property owner's predecessor in title that waives the right of a property owner to file a remonstrance and thereby potentially delay the formation of an Local Improvement District (LID). Such agreements are typically entered into as a condition of development or improvement that impacts or connects to a substandard public facility in lieu of requiring immediate improvement of the substandard facility.

"Occupancy permit" means a required permit allowing occupancy of a building after it has been determined that all requirements are met.

"On-the-record" means an appeal procedure in which the decision is based on the record established at the initial hearing. New information may be added only under certain limited circumstances.

"Open space" means an area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use, or for the use of owners and occupants of land adjoining or neighboring such open space.

"Owner" means any person, agent, firm or corporation having a legal or equitable interest in the property.

Owner, Contract Purchaser Deemed. A person or persons purchasing property under contract, for the purposes of this title shall be deemed to be the owner or owners of the property covered by the contract. The planning commission or the council may require satisfactory evidence of such contract of purchase.

"Parcel" means a unit of land that is created by partitioning land.

"Park **and recreation facility**" means any land set apart and devoted to the purposes of pleasure, recreation, ornament, light and air for the general public.

"Parking space" means an area within a private or public parking area, building or structure meeting the specific dimensional requirements and designated as parking for one vehicle.

"Partitioning land" means division of 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. Partitioning does not include divisions of land resulting from lien foreclosures nor the adjustment of a property line by the relocation of a common boundary when no new parcel is thereby created.

"Permit" means an official document or certificate, issued by the city or its designated official, authorizing performance of a specified activity.

"Permitted use" means a use which is allowed outright, but is subject to all applicable provisions of this title.

"Person" means an individual, corporation, governmental agency, official advisory committee of the city, business trust, estate, trust, partnership, association, two or more people having a joint or common interest or any other legal entity.

"Planning director" means the person designated by the city council as responsible for planning activities for the city.

"Plat" means: (1) a map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) a map of a subdivision or site plan.

"Plat, final" means the final map of all or a portion of a site or subdivision plan which is presented to the city for final approval. (Note: final approval is granted only upon the completion

or installation of all the required improvements, or the posting of performance bonds or guarantees assuring the completion or installation of such improvements.)

"Potential future flooding" means condition that exists when a property elevation is at or below the established one hundred (100) year flood plain.

"Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

"Principal building" means the ~~primary~~ **principal** structure on a lot built for the support, shelter, protection or enclosure of any persons, animals or property of any kind, excluding an accessory building. The principal building shall conform to the stated uses within the zoning district and all other restrictions of this title.

"Professional office" means the office of a member of a recognized profession maintained for the conduct of that profession.

"Property line" means the division line between two units of land.

"Property line adjustment" means the relocation of a common property line between two abutting properties which does not result in the creation of an additional lot, or the creation of a substandard lot.

"Public support facilities" means services which are necessary to support uses allowed outright in the underlying zone and involves only minor structures such as power lines and poles, phone booths, fire hydrants, as well as bus stops, benches and mailboxes which are necessary to support principal development.

"Quasi-judicial amendment" means a change to the text of this title, the comprehensive plan text, the city plan map or the city zoning map that is specific in nature or involves only a small number of properties or owners. If there are questions as to whether a specific request for a land use review is quasi-judicial or legislative, the decision will be made by the city attorney. The decision will be based on current law and legal precedent.

"Receipt" means an acknowledgment of submittal.

"Recreational vehicle" means a vacation trailer or other unit with or without motor power which is designed for human occupancy and to be used temporarily for recreational purposes and is identified as a recreational vehicle by the manufacturer.

"Recreational vehicle park" means any property developed for the purpose of parking or storing recreational vehicles on a temporary or transient bases, wherein two or more of such units are placed within five hundred (500) feet of each other on any lot, tract or parcel of land under one ownership.

“Remonstrance Agreement” means a formal written objection to formation of an Local Improvement District (LID) filed by an owner of property within the proposed LID pursuant to ORS 223.117 that can, in conjunction with other formal written objections from two-thirds or more of the affected property owners, delay formation of an LID.

"Remodel" means an internal or external modification to an existing building or structure which does not increase the site coverage.

"Residence" means a structure designed for occupancy as living quarters for one or more persons.

"Residential care facility" means any facility licensed or registered by or under the authority of the Department of Human Resources as defined in ORS 443.400 to 443.460 or licensed by the Children's Services Division which provides residential care for six to fifteen (15) individuals who need not be related, excluding required staff persons.

"Residential care home" means any home licensed by or under the authority of the Department of Human Resources as defined in ORS 443.400, a residential home registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.505 to 443.825 which provides residential care for five or fewer individuals who need not be related, excluding required staff persons.

"Reserve strip" means a strip of property usually one foot in width overlaying a dedicated street which is reserved to the city for control of access until such time as additional right-of-way is accepted by the city for continuation or widening of the street.

"Residential use" means a structure used for human habitation by one or more persons.

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other special use. The usage of the term "right-of-way for land division purposes" means that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

"Roadway" means the portion of the street right-of-way developed for vehicular traffic.

"School" means any public, elementary, junior high, high school, college, or comparable private school.

"Screening" means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

"Setback" means the minimum allowable distance between the property line and any structural projection. If there is an access easement or private street on the lot or parcel, "setback" shall mean the minimum allowable distance between the access easement or property street and any structural projection. Structural projections include fireplaces, **closed** porches, balconies, ~~decks~~, canopies and similar features. Cornices, eaves, belt courses, sills or similar architectural features may extend or project into a required setback not more than **twenty-four (24)** ~~thirty-six (36)~~ inches.

"SHPO" means the State Historic Preservation Officer.

"Sign" means any lettered or pictorial device designed to inform or attract attention, and which shall comply with Chapter 16.44.

"SSC" means Structural Specialty Code.

"Steep slope" means a slope with a gradient of twenty-five (25) percent or greater (see "Grade").

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused underfloor space is more than six feet above grade as defined in this section for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined in this section at any point, such basement or unused underfloor space shall be considered as a story.

Story, First. "First story" means the lowest story in a building which qualifies as a story, as defined in this section, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined in this section, for more than fifty (50) percent of the total perimeter, or more than eight feet below grade, as defined in this section, at any point.

Story, Half. "Half story" means a story under a gable or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story. If the finished floor level directly above a basement or unused underfloor space is not more than six feet above grade, as defined in this section, for more than fifty (50) percent of the total perimeter or is not more than twelve (12) feet above grade as defined in this section, at any point, such basement or unused underfloor space shall be considered as a half story.

"Street" or "road" means a public or private way affording the principal means of access to abutting property, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

Street Classifications.

1. Alley: a public way or thoroughfare less than sixteen (16) feet but not less than ten (10) feet in width which has been dedicated or deeded to the public for public use, and provides a secondary means of access to the back or side of abutting properties that have access on another street.

2. Local: a minor public street whose function is to provide access to immediately adjacent property.

2.3 Arterial: a major public street carrying large amounts of traffic and so designated on the official city street map.

3.4 Collector: a public street carrying traffic between minor and arterial streets.

4.5 Cul-De-Sac: a street that terminates in a vehicular turnaround.

5.6 Half street: the dedication of right-of-way equal to one-half the planned width of a public street and running the length of the property frontage. The same term can be applied to street improvements made to the center line of the street. (Note: A property owner cannot be required to dedicate more than half of the right-of-way width.)

Street, Private. "Private street" means an access way which is under private ownership.

Structural alteration. See "Alteration, structural."

"Structure" means that which is built or constructed, erected, or air-inflated, permanent or temporary; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground. Among other things, structure includes buildings, walls, signs, billboards and poster panels.

"Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

"Subdivision" means either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

"Substantial" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the replacement value of the structure.

"Unstable soil" means soil types which pose severe limitations upon development due to potential flooding, structural instability, or inadequate sewage waste disposal, as defined by the U.S. Soil Conservation Service, and include Cloquato silt loam (Cm), concord silt loam (Co), terrace escarpment (Te), Wapato silty clay loam (Wc) and Newberg fine sandy loam (Nu).

"Urban growth boundary" means an adopted line used as a planning guideline to designate the future urban area of the city and indicating areas into which city services will be extended upon annexation to the city.

"Use" means the primary purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

"Variance" means a grant of relief from the standards of this title when it can be shown that, due to unusual conditions related to a piece of property, strict application of the title would result in an unnecessary hardship. (See Chapter 16.64.)

"Visual clearance area" means a triangular area on a lot at the intersection of two streets or a street and an alley, driveway, other point of vehicular access or railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance of twenty (20) feet. The third side of the triangle is a line across the corner of the lot adjoining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The visual clearance area shall not contain visual obstructions.

"Visual obstruction" means any fence, hedge, tree, shrub, device, wall or structure between the elevations of three and one-half feet (forty-two (42) inches) and eight feet above the adjacent curb height or above the elevation of gutter line of street edge where there is no curb, as determined by

the planning director, and so located at a street, drive or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on such streets, drives or alleys.

"Wetlands" means uncultivated land often called swamp, marsh or bog, that exhibits all of the following characteristics:

1. The land supports hydrophytic vegetation. This occurs when more than fifty (50) percent of the dominant species from all strata are classified as wetland species;

2. The land has hydric soils. Hydric soils are soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile;

3. The land has wetland hydrology. Wetland hydrology is permanent or periodic inundation, or soil saturation for a significant period (at least one week) during the growing season.

"Yard" means an open space unobstructed from the ground upward except as otherwise provided in this title. (See Illustration 9, Appendix A set out at the end of this title.)

Yard, Corner Side. "Corner side yard" means a yard extending from the front yard to the rear lot line on the street side of a corner lot.

"Yard, exterior side" means a yard extending from the front yard to the rear lot line on the street side of a corner lot.

Yard, Front. "Front yard" means a yard extending across the full width of the lot, with a depth equal to the minimum horizontal distance between the front lot line and a line drawn parallel to it at the nearest point of the building.

"Yard, rear or back" means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the foundation of a building.

Yard, Side. "Side yard" means a yard between the main building and side lot line, extending from the front yard to the rear yard and measured horizontally from the nearest point of the side lot line to the nearest point of the principal building.

"Zoning district" means an area of land within the Aurora city limits designated for specific types of permitted developments subject to the development requirements of that district. (Ord. 419 § 18A, 2002; Ord. 415 § 7.25.030, 2002)