

Section 9.04.030 Definitions.

As used in this title:

DO WE ADD DEFINITION FOR MURAL

“Access” means the way or means by which pedestrians and vehicles enter and leave property.

“Accessory structure or accessory use” means a structure or use incidental and subordinate to the main use of a property and located on the same lot as the main use.

“Alley” means a minor way for secondary access to properties which abut other streets.

“Alter” means any change, addition or modification of construction or occupancy of a building or structure. Or, in the case of signs, it means: to make a change to a sign or sign structure, including but not limited to, changes in area, height, projection, illumination, shape, materials, placement and location on a site. Altering a sign does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of messages or image, or exchanging the display panels of a sign.

“Amendment” means a change in wording, content or substance of this title, or a change in the zone boundaries or area district boundaries upon the zoning map.

“Apartment” means a dwelling unit as defined in this section.

“Apartment hotel” means a building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units, but excluding all facilities coming within the definition of “bed and breakfast facility.”

“Apartment house” means a building or portion thereof designed, built, rented, leased, let or hired out to be occupied, or which is occupied or is the home or residence of three (3) or more families living independently of each other and doing their own cooking in the building, and shall include flats and apartments.

“Automobile service station” means a premises used for supplying direct to the consumer at retail: gasoline, oil, minor accessories and services for automobiles.

“Awning” means a movable shelter supported entirely from the exterior wall of a building and of such a type which can be retracted, folded or collapsed against the face of a supporting building.

“Awning, manufactured dwelling” means any stationary structure, permanent or demountable, used in conjunction with a manufactured dwelling, other than a window awning, for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

“Basement” means a story partly or wholly underground.

“Bed and breakfast facility” means a single-family dwelling containing rooms for rent in accordance with Section [9.72.050](#).

“Block” means an area of land which may be bounded on all sides by streets, unsubdivided land, water courses, or any combination thereof.

Boarding House. See “Rooming house.”

“Boundary line” means the line defining the perimeter of a lot, parcel, area or tract of land.

“Boundary line, front line” means the boundary line separating the lot or parcel from the street, other than an alley. In the case of a corner lot or parcel, the shortest boundary line along a street, other than an alley; or, in the case of a lot or parcel which does not front directly upon a public street, that line toward which most houses in the immediate area face.

“Boundary line, rear line” means a boundary line which is opposite and most distant from the front line. In the case of an irregular, triangular, or other shaped lot or parcel, a line a

1 minimum of ten (10) feet in length, within the lot or parcel parallel to and at a maximum
2 distance from the front line.

3 “Boundary line, side line” means any boundary line not a front or rear line.

4 “Bridge crossing” means the portion of a bridge spanning a waterway or wetlands, not including
5 supporting structures or fill.

6 “Bridge crossing support structure” means piers, piling and similar structures necessary to
7 support a bridge span but not including fill for causeways or approaches.

8 “Building” means a structure built or assembled for the support, shelter or enclosure of persons,
9 animals, chattels or property of any kind.

10 “Built” means created by assembling basic elements such as foundations, floors, walls, roofs,
11 plumbing and wiring systems, etc., by following step-by-step construction procedures.

12 “Business” means a commercial enterprise carried on for profit.

13 “Cabana” means a stationary, lightweight structure, which may be prefabricated, or
14 demountable, with two (2) or more walls, used adjacent to and in conjunction with a
15 manufactured dwelling to provide additional living space meant to be moved with the
16 manufactured dwelling.

17 “Canopy” means a structure other than an awning made of cloth, metal or other material with a
18 frame attached to the building and also supported by a frame on the ground.

19 “Carport” means a stationary structure consisting of a roof with its supports and not more than
20 one wall or storage cabinet substituting for a wall and used for sheltering a motor vehicle.

21 Cellar. See “Basement.”

22 “Cemetery” means land used or intended to be used for the burial of the dead and dedicated for
23 cemetery purposes, including a columbarium, crematory, mausoleum or mortuary when
24 operated in conjunction with and within the boundary of such cemetery.

25 “Church” means a building, together with its accessory buildings and uses, where persons
26 regularly assemble for worship and which is maintained and controlled by a religious
27 body organized to sustain public worship.

28 “City” means the incorporated City of Yachats, Oregon.

29 “City Council” means the governing body of the City of Yachats.

30 Clearance. See “Sign, Clearance.”

31 “Clinic” means a building utilized by persons licensed by the State of Oregon to treat or analyze
32 medical or surgical needs of humans.

33 “Club” means any organization, group or association supported by the members thereof, the
34 purpose of which is to render a service, but not carried on as a business.

35 “Common property” means a lot(s) together with the improvements thereon, the use and
36 enjoyment of which are shared by owners and occupants of individual building sites in a
37 planned unit development or standard subdivision.

38 “Community center” means a facility owned and operated by a governmental agency or a
39 nonprofit community organization, provided that the primary purpose of the facility is for
40 recreation, social welfare, community improvement, or public assembly, and further
41 provided that no permanent commercial eating or drinking facilities shall be operated on
42 the premises.

43 “Comprehensive plan” means the comprehensive land use plan of the City of Yachats. This plan
44 is the document which: (1) interrelates functional and natural systems and activities
45 related to the use of land and water; and (2) is adopted, reviewed and refined by the City
46 as a guide to growth and improvement within the City.

1 “Condominium” means a system of ownership under which one may own an individual unit in
2 an apartment or other building complex and share in the ownership of common elements
3 such as the land; also refers to the buildings that are owned under such a system.
4 Convalescent. See “Nursing home.”
5 “County” means the County of Lincoln, Oregon.
6 “Day care center” means an institution, establishment or place not a part of the public school
7 system, other than a family day care provider, in which are commonly received at one
8 time five (5) or more children not related by parentage to the provider of the day care
9 service, fourteen (14) years of age or under, for the purpose of being given board, care or
10 training, apart from their parents or guardians for compensation or reward.
11 “Day nursery” means any institution, establishment or place, other than a family day care
12 provider, in which are commonly received at one time three (3) or more children not of
13 common parentage, under the age of six (6) years, for the purpose of being given board,
14 care or training apart from their parents or guardians for compensation or reward.
15 “Deck/porch” means an outside walking area, the floor of which is elevated more than eight (8)
16 inches from grade.
17 “Deed restrictions” means a private, contractual agreement to limit the use (e.g., building height)
18 of real property; a deed covenant. The City assumes no responsibility for enforcement of
19 covenants and restrictions between private parties.
20 “Density” means the number of units per acre.
21 “Design” means the design of any street or alley alignments, grade or width, alignment of width
22 of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities,
23 and lot area, width or layout.
24 “Development” means work done on any site resulting in physical changes to that site, including,
25 but not limited to, grading and/or excavation, vegetation removal and/or any construction
26 or placement of facilities on that site.
27 “Dock for marina use” means a floating moorage facility constructed perpendicular or parallel to
28 the shoreline.
29 “Double frontage lot” means a lot having frontage on two (2) parallel or approximately parallel
30 streets.
31 “Double wide manufactured dwelling” consists of two (2) coach units constructed on two (2)
32 separate chassis that are combined horizontally at the site to complete the living unit.
33 “Dredging” means the removal of materials from a wetland or body of water for channel
34 deepening, realignment, boat basin or other uses.
35 “Driveway” means a minor private way used by vehicles and pedestrians on a lot or for common
36 access to a small group of lots or common facilities.
37 “Dwelling” means a building or portion thereof which is occupied in whole or in part as a
38 residence or sleeping place, either permanently or temporarily by one or more families,
39 but excluding hotels, motels and tourist courts.
40 “Dwelling, Multifamily” means a building containing three (3) or more dwelling units.
41 “Dwelling, Single-Family” means a building designed or used exclusively for the occupancy of
42 one family and having kitchen facilities for only one family.
43 “Dwelling, Two-Family” means one building containing two (2) dwelling units (duplex).
44 “Dwelling unit” means one or more rooms designed for permanent occupancy by one family and
45 having not more than one kitchen facility.
46 Dynamic Element. See “Sign, Dynamic Element.”

1 “Easement” means a right of usage of real property granted for a specific purpose by an owner to
2 specific persons, firms, corporations, or the public.

3 “Erect” means to build, construct, attach, hang, place, suspend or affix; in the context of signs,
4 shall also include the painting of wall signs.

5 “Estuarine enhancement” means an action which results in a long-term improvement of existing
6 estuarine functional characteristics and processes that is not the result of a restoration
7 action or the creation of additional estuarine habitat. This activity may include snag
8 removal.

9 “Expando” means a room or rooms that folds, collapses or telescopes into a manufactured
10 dwelling during transport and which can be expanded at the site to provide additional
11 living space.

12 “Factory built dwelling” means a dwelling unit built substantially or entirely at a place other than
13 the residential site, meeting County and State building code requirements, and including
14 prefabricated or modular homes and excluding manufactured dwellings.

15 “Family” means an individual or two (2) or more persons related by blood, marriage, adoption or
16 legal guardianship, living together as one housekeeping unit using one kitchen, and
17 providing meals or lodging to not more than two (2) additional persons; or a group of not
18 more than three (3) unrelated persons, living together as one housekeeping unit using one
19 kitchen.

20 “Family day care provider” means a day care provider who provides day care in the provider’s
21 home in the family living quarters to no more than twelve (12) children including
22 children of the provider, regardless of full-time or part-time status.

23 “Fence” means an unroofed barrier or an unroofed enclosing structure such as masonry,
24 ornamental iron, woven wire, wood pickets of solid wood or any other material used as
25 an unroofed barrier to light, sight, air or passage.

26 “Fence, Sight-Obscuring.” consists of either a continuous fence, wall, evergreen planting, or
27 combination thereof, constructed and/or planted so as to effectively screen the particular
28 use from view.

29 “Fill” means the placement by man of sand, sediment or other material, usually in submerged
30 lands or wetlands, to create new uplands or raise the elevation of land.

31 “Finished grade” means the plane on which the footprint of the structure meets the ground.

32 “Flag” means rectangular piece of fabric of distinctive design that is displayed hanging free from
33 a staff, halyard or building to which it is attached. A flag is often used to display the
34 symbol of the United States, a nation, state, local government, business, organization or a
35 person. If any dimension of the flag is more than three times as long as any other
36 dimension, it is classified and regulated as a banner regardless of how it is anchored or
37 supported.

38 “Flag lot” means a lot meeting minimum lot area depth and width requirements, excluding the
39 access portion of the lot.

40 Flashing. See “Sign, Flashing.”

41 “Floor area” means the sum of the gross horizontal areas of the several floors of a building,
42 measured from the exterior faces of the exterior walls or from the center line of walls
43 separating two (2) buildings, but not including:

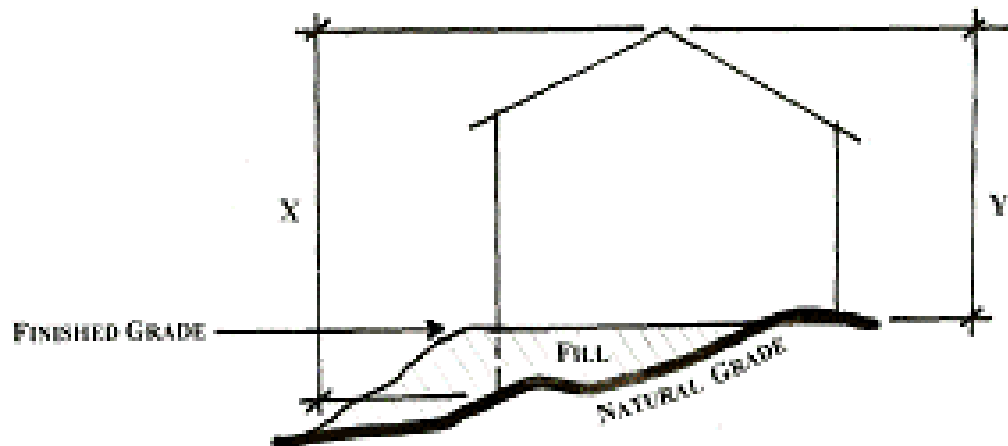
44 1. Uncovered steps or fire escapes;
45 2. Accessory water towers or cooling towers;
46 3. Accessory off-street parking or loading spaces.

1 “Formula business” means a business that is required by contractual or other arrangement to
2 adhere to prescribed standards and features, particularly for exterior color schemes, signs
3 or architectural design.
4 “Garage” means a building or portion thereof in which a motor vehicle is stored, repaired or
5 kept.
6 Garage, Private. “Private garage” means a detached accessory building or portion of a main
7 building for the parking or temporary storage of automobiles in which no business,
8 occupation or service is provided for or is in any way conducted.
9 Garage, Public. “Public garage” means a building, other than a private garage, used for the care,
10 repair or equipping of motor vehicles, or where such vehicles are parked or stored for
11 compensation, hire or sale.
12 “Grade” means the elevation of the ground at the midpoint from all corners of a building, post
13 construction.
14 Grade for freestanding signs. See “Sign, Grade.”
15 “Height of building” means the vertical distance from the average finished grade to the highest
16 point of the building plus any fill above the natural grade. To determine building height,
17 calculate the average building height for each side: Add the shortest building height and
18 the tallest building height, then divide the two (2) building heights by two (2). Add
19 together the average height for each side and divide by the number of sides.
20 Height for sign. See “Sign, Height.”
21

TO DETERMINE BUILDING HEIGHT

"Height of building" means the vertical distance from the average finished grade to the highest point of the building plus any above the natural grade.

Step 1. Calculate the average height for each side of structure.



X = tallest building height

Y = shortest building height

$(X + Y) / 2 = \text{Average height (H)}$

Step 2. Add together the height for each side and divide by the number of sides.

$$\frac{H_1 + H_2 + H_3 + H_4}{4} = \text{average building height}$$

1
2 "High water line or mark" means the high water elevation as shown on the County Assessor's
3 records, or as determined by the County Surveyor, based upon the line where normal high
4 water elevation results in a pronounced change in vegetation characteristics.

5 "Home occupation" means a business, profession or other economic activity conducted full or
6 part-time in the principal residence and/or accessory structure of the person conducting
7 the business.

8 "Homeowners association" means an incorporated, nonprofit corporation to operate under
9 recorded land agreement through which: (1) each lot owner in a planned unit
10 development or other described land area is automatically a member; and (2) each lot is
11 automatically subject to a charge for a proportionate share of the expenses for the
12 organization's activities such as maintaining a common property.

13 "Homes for the aged or infirm" means any home or institution, other than a residential home or
14 residential facility, that provides board and domiciliary care for compensation to three (3)

1 or more persons who are of the age of sixty-five (65) years or more, or persons less than
2 sixty-five (65) years, who by reasons of infirmity, require domiciliary care.

3 “Hotel” means any building containing guest rooms which are rented or hired out to be occupied
4 for sleeping purposes for guests, excluding any facility which meets the definition of
5 “bed and breakfast facility.”

6 “Interpretation” means that the provisions of this title shall be held to be the minimum
7 requirements fulfilling its objectives. Where the conditions imposed by any other
8 provisions of this title are less restrictive than comparable conditions imposed by any
9 other ordinance, resolution or regulation, the provisions which are more restrictive shall
10 govern. The only exception would be a planned unit development (P.U.D.).

11 “Junk yard” means any property utilized for breaking up, dismantling, sorting, storing,
12 distributing, buying or selling of any scrap, waste material, junk or used equipment or
13 machinery of any nature.

14 “Landscape” means to improve or ornament by landscape architecture or gardening appropriate
15 to the scale of the development.

16 “License” means a certificate for operation issued by the City pursuant to any City ordinances.

17 “Light industrial” means a business that manufactures, fabricates, or assembles goods and that
18 occupies less than six thousand (6,000) square feet.

19 “Linear Street Frontage” means the contiguous tax lots, with adjoining street frontage, under
20 single ownership on which the business is located.

21 “Loading space” means an off-street space or berth on the same lot with a main building, or
22 contiguous to a group of buildings, for the temporary parking of a commercial vehicle
23 while loading or unloading merchandise or materials, and which abuts upon a street, alley
24 or other appropriate means of access.

25 “Lot” means a unit of land that is created by a subdivision of land.

26 “Lot area” means the total area within the lot lines of a lot measured on a horizontal plane.

27 Lot, Corner. “Corner lot” means a lot abutting on two (2) or more streets, other than an alley, at
28 their intersection.

29 “Lot depth” means the average horizontal distance between the front lot line and the rear lot line.

30 Lot, Double Frontage. See “Double frontage lot.”

31 “Lot, Interior” means a lot other than a corner lot.

32 “Lot line” means the property line bounding a lot.

33 “Lot Line, Front” means the property line separating the lot from the street, other than an alley.
34 In the case of a corner lot, the shortest property line along a street other than an alley; or,
35 in a case where the lot does not front directly upon a public street, that lot line toward
36 which most houses in the immediate area face.

37 “Lot Line, Rear” means the property line which is opposite and most distant from the front lot
38 line. In the case of an irregular, triangular, or other shaped lot, a line ten (10) feet in
39 length, within the lot, parallel to and at a maximum distance from the front lot line.

40 “Lot Line, Side” means any property line not a front or rear lot line.

41 “Lot width” means the average horizontal distance between the side lot lines, ordinarily
42 measured parallel to the front lot line.

43 “Main building” means a building within which is conducted the principal use permitted on the
44 lot, as provided by this title.

45 “Maintenance and repair (estuarine areas)” means the work of keeping an existing structure or
46 facility in good working order or in conformance with current engineering or building
47 codes, or of restoring a structure or facility to sound condition after damage or injury.

1 Maintenance and repair is confined to the same geographic area as the existing structure
2 or facility, and does not result in an increase in floor area or surface area. Replacement of
3 bridge crossing support structures and bridge approach ramps may be considered a form
4 of maintenance if the resulting bridge support structure or ramp is the minimum size
5 necessary to accommodate the same number of traffic lanes as exist on that portion of the
6 highway.

7 Maintenance of a sign. See “Sign, Maintenance.”

8 “Manufactured dwelling” means:

9 1. A residential trailer, a structure constructed for movement on the public highways,
10 that has sleeping, cooking and plumbing facilities, that is intended for human occupancy,
11 is being used for residential purposes and was constructed before January 1, 1962;
12 2. A mobile home, a structure constructed for movement on the public highways, that has
13 sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being
14 used for residential purposes and was constructed between January 1, 1962 and June 15,
15 1976, and met the construction requirements of Oregon mobile home law in effect at the
16 time of construction;
17 3. A manufactured home, a structure constructed for movement on the public highways,
18 that has sleeping, cooking and plumbing facilities, that is intended for human occupancy,
19 is being used for residential purposes and was constructed in accordance with Federal
20 manufactured housing construction and safety standards and regulations in effect at the
21 time of construction.

22 “Manufactured dwelling” does not mean any building or structure subject to the structural
23 specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a
24 recreational vehicle by the manufacturer.

25 “Manufactured dwelling park” means any place where four (4) or more manufactured dwellings
26 as defined in ORS 446.003 are located within five hundred (500) feet of one another on a
27 lot, tract or parcel of land under the same ownership, the primary purpose of which is to
28 rent space or keep space for rent to any person for a charge or fee paid or to be paid for
29 the rental or use of the facilities or to offer space free in connection with securing the
30 trade or patronage of such person. “Manufactured dwelling park” does not include a lot
31 or lots located within a subdivision being rented or leased for occupancy by no more than
32 one manufactured dwelling per lot if the subdivision was approved by the City under an
33 ordinance adopted pursuant to ORS 92.010 to 92.190.

34 “Manufactured dwelling space” means a plot of ground within a manufactured dwelling park that
35 is designed for the accommodation of one manufactured dwelling.

36 Manufactured Home. See subsection 3 of the definition of “Manufactured dwelling.”

37 “Marina” means a commercial boat launch, moorage or similar facility which may include dry or
38 wet boat storage and boathouses.

39 “Marquee” means a permanent roofed structure attached to and supported by the building and
40 projecting over public property.

41 “Mean high water” means the average height of the high waters over a nineteen (19) year tidal
42 cycle (as per U.S.G.S. definitions).

43 “Mean higher high water” means the average height of the higher high waters over a nineteen
44 (19) year tidal cycle (as per U.S.G.S. definitions).

45 “Mean low water” means the average height of the low waters over a nineteen (19) year tidal
46 cycle (as per U.S.G.S. definitions).

1 “Mean sea level” means the average height of the surface of the sea for all stages of the tide
2 usually determined from hourly height readings over the nineteen (19) year tidal cycle (as
3 per U.S.G.S. definitions).

4 “Mitigation” means the creation, restoration or enhancement of an estuarine area to maintain the
5 functional characteristics and processes of the estuary, such as its natural biological
6 productivity, habitats and species diversity, unique features and water quality.

7 “Mobile Home.” See subsection 2 of the definition of “Manufactured dwelling.”

8 Mobile Home Park. See “Manufactured dwelling park.”

9 “Modular home” means a dwelling unit, constructed partly on-site, consisting of some
10 prefabricated members; excluding manufactured homes.

11 “Mobile vending unit” means any motorized or non-motorized vehicle, trailer, kiosk, pushcart,
12 stand, display, blanket, ground covering or other device designed to be portable and not
13 permanently attached to the ground from which any goods, wares, merchandise or food
14 are peddled, vended, sold, served, displayed, offered for sale or given away. This
15 includes any display consisting solely of the goods, wares or merchandise being peddled,
16 sold, served, displayed or offered for sale.

17 “Motel” means a series of sleeping units, each having a separate entrance, composed of one or
18 more bedrooms and bathroom, excluding any facility which meets the definition of “bed
19 and breakfast facility.”

20 Motor Home. See “Recreational vehicle.”

21

22 “Mural”

23

24 “Natural grade” means the grade prior to grading or fill, and is defined as where the roots and
25 stems meet to form the natural elevation of the lot or the grade that existed at the date of
26 the adoption of this ordinance (February 13, 2008). Natural grade is the grade prior to
27 cutting or filling.

28 “Nonconforming lot” means a lot which does not meet the area or width requirements of the
29 zone in which it is located.

30 “Nonconforming structure or use” means a lawful structure or use, existing at the time the
31 ordinance codified in this title or any amendment thereto becomes effective, and which
32 does not conform to the requirements of the zone in which it is located.

33 “Notification area” means the area two hundred fifty (250) feet in all directions of the affected
34 property excluding road or street rights-of-way.

35 “Nursing home” means any home, place or institution which operates and maintains facilities
36 providing convalescent or nursing care, or both, for a period exceeding twenty-four (24)
37 hours for two (2) or more ill or infirm patients not related to the nursing home
38 administrator, or owner, by blood or marriage. Convalescent care may include, but need
39 not be limited to, the procedures commonly employed in nursing and caring for the sick.
40 A nursing home includes rest homes and convalescent homes, but does not include a
41 boarding home for the aged, a residential home, a residential facility, a retirement home,
42 hotel, hospital or a licensed chiropractic facility.

43 “Ocean flooding” means the flooding of lowland areas by salt water owing to tidal action, storm
44 surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include
45 beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean
46 flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean
47 flooding includes areas of velocity flooding and associated shallow marine flooding.

1 “Open recreation area” means recreation development providing for picnicking, camping,
2 hunting, fishing, riding or other similar activities, but excluding trailer parks and outdoor
3 commercial amusements such as miniature golf courses, go-cart tracks, etc.

4 “Overstory” means the canopy of the uppermost level of a forest, formed by the tree crowns.
5 Canopy trees refers to the trees in a forest which form the canopy. The uneven layers of
6 the canopy are formed by both dominant and co-dominant trees.

7 “Owner” means the person of record of real property as shown on the latest tax rolls or deed
8 records of the County, or a person who is purchasing a parcel of property with a written
9 contract. (See also “Person.”)

10 “Owner-occupied dwelling” means a dwelling unit which is occupied by the owner for not less
11 than seven (7) months out of any calendar year. In any case, the burden of proof shall fall
12 to the applicant to prove that a dwelling is owner-occupied.

13 “Pad” means a minimum foundation treatment for a permanent manufactured dwelling
14 installation, the construction of which is to be in conformance with the State of Oregon
15 Building Code Agency guidelines, extending the length and width of the manufactured
16 dwelling unit or units.

17 “Parcel” means a unit of land that is created by partitioning land.

18 “Parking Area, Private” means an open area, building or structure, other than a street or alley,
19 used for the parking of the automobiles of residents and guests of a building.

20 “Parking Area, Public” means an open area, building or structure, other than a private parking
21 area, street or alley, used for the parking of automobiles and available for use by the
22 public or by persons patronizing a particular building or establishment.

23 “Parking space” means space within a private or public parking area, building or structure, for
24 the parking of one automobile.

25 “Parking Space, Off-Street” means a parking space located outside of public right-of-way with
26 minimum dimensions of eighteen (18) feet long and nine (9) feet wide. Off-street parking
27 spaces shall have surfaces such as gravel, pavement, tile, brick or concrete suitable for
28 parking a vehicle. Required off-street parking spaces shall not be located in a required
29 yard that abuts a street.

30 “Partition” means either an act of partitioning land or an area or tract of land partitioned.

31 “Partition, Major” . means a partition which includes the creation of a road or street.

32 “Partition, Minor” means a partition that does not include the creation of a road or street.

33 “Partition land” means to divide land into two (2) or three (3) parcels of land within a calendar
34 year, but does not include:

35 1. A division of land resulting from lien foreclosure, foreclosure of a recorded contract
36 for the sale of real property or the creation of cemetery lots;

37 2. An adjustment of a property line by the relocation of a common boundary where an
38 additional unit of land is not created and where the existing unit of land reduced in size
39 by the rezoning complies with any applicable zoning ordinances;

40 3. A sale or grant by a person to a public agency or public body for State highway,
41 County road, City street or other right-of-way purposes, provided that such road or right-
42 of-way complies with the applicable comprehensive plan and ORS 215.213(2)(q) to (s)
43 and 215.283(2)(p) to (r).

44 “Partition plat” means a final map and other writing containing all the descriptions, locations,
45 specifications, provisions and information concerning a major or minor partition.

46 “Person” means a natural person, his or her heirs, executors, administrators, or assigns and also
47 includes a firm, partnership or corporation, its or their successors or assigns or the agent

1 of any of the aforesaid, and any political subdivision, agency, board or bureau of the
2 State.

3 “Pier” means a fixed moorage facility constructed outward from the shoreline.

4 “Piling” means the driving of wood, concrete or steel piling into the bottom in aquatic areas to
5 support piers or docks, structures, moored floating structures, or other purposes.

6 “Planned unit development” means a subdivision of land in which the individual building sites
7 are reduced in size but are compensated by area used in common for recreation purposes.
8 A planned unit development involving dwelling or commercial units may incorporate
9 detached, semi-detached, attached, single-story, or multi-storied units or any combination
10 of the aforementioned. Such projects may also involve religious, cultural, recreational
11 and commercial uses and purposes.

12 “Planning commission” means a body appointed by the City Council to administer the planning
13 ordinances.

14 “Plat” means a final subdivision plat, replat or partition plat.

15 “Porch” means an outside walking area, the floor of which is elevated more than eight inches
16 from the ground.

17 “Professional office” means an office occupied by physicians, dentists, accountants, attorneys,
18 optometrists, architects, professional engineers, or surveyors, or persons engaged in
19 similar occupations.

20 “Public utility facility” means a pipe, transmission line, treatment facility, storage facility,
21 substation, tower or other structure designed to provide the public with electricity, gas,
22 heat, steam, water, communication, sewage collection or other similar service.

23 “Ramada” means a stationary structure having a roof extending over a manufactured dwelling
24 which may also extend over a patio or parking space for motor vehicles, and is used
25 principally for protection from sun and rain.

26 “Real Estate Commissioner” means a State of Oregon official.

27 “Recreational vehicle” means a vacation trailer or other unit with or without motive power,
28 which is designed for human occupancy and to be used temporarily for recreational or
29 emergency purposes, and has a gross floor space of less than four hundred (400) square
30 feet. “Recreational vehicle” includes camping trailers, camping vehicles, motor homes,
31 park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers
32 and any vehicle converted for use or partial use as a recreational vehicle. The unit shall
33 be identified as a recreational vehicle by the manufacturer.

34 “Recreational vehicle park” means a lot or tract where the primary land use is the parking on a
35 fee or other basis of occupied recreational vehicles.

36 “Recreational vehicle site” means the area or place used for parking occupied recreational
37 vehicles, and may include sewer, water, gas or electrical hookups. Places to store
38 unoccupied recreational vehicles are not considered to be recreational vehicle sites.

39 “Refuse” means any putrescible and nonputrescible solid wastes including garbage, rubbish,
40 ashes, dead animals, abandoned automobiles, solid market wastes, street cleanings and
41 industrial wastes (including waste disposal in industrial salvage).

42 “Repair” means the reconstruction or renewal of any part of an existing building for the purpose
43 of its maintenance. The word “repair” or “repairs” shall apply to any structural alteration.

44 “Replat” means a final map of the reconfiguration of lots and easements of a recorded
45 subdivision or partition plan and other writings containing all the descriptions, location,
46 specifications, dedications and provisions and information concerning a recorded
47 subdivision.

1 “Reserve strip” means a strip of land usually one foot in width, across the end of a street or alley
2 which shall be under the ownership of the City to insure street extensions where needed.

3 “Residential facility” means a facility licensed by or under the authority of the Department of
4 Human Resources under ORS 443.400 to 443.460 which provides residential care alone
5 or in conjunction with training or treatment or a combination thereof for six (6) to fifteen
6 (15) individuals who need not be related. Staff persons required to meet Department of
7 Human Resources licensing requirements shall not be counted in the number of facility
8 residents, and need not be related to each other or to any resident of the residential
9 facility.

10 “Residential home” means a home licensed by or under the authority of the Department of
11 Human Resources under ORS 443.300 to 443.825 which provides residential care alone
12 or in conjunction with training or treatment or a combination thereof for five (5) or fewer
13 individuals who need not be related. Staff persons required to meet Department of
14 Human Resources licensing requirements shall not be counted in the number of facility
15 residents, and need not be related to each other or to any resident of the residential home.

16 “Resort” means a tourist-oriented establishment, having recreational, eating and sleeping
17 accommodations located on the premises.

18 “Resource Capability” means a use is consistent with the resource capabilities of the natural
19 estuarine management unit area when either the impacts of the use on estuarine species,
20 habitats, biological productivity and water quality are not significant or that the resources
21 of the area are able to assimilate the use and activity and their effects and continue to
22 function in a manner to protect significant wildlife habitats, natural biological
23 productivity, and values for scientific research and education.

24 Rest Home. See “Nursing home.”

25 “Restaurant, café” means an establishment where prepared food is served to the public for
26 consumption on the premises, or to “take out” to some other location.

27 Restaurant, Drive-In. See “Restaurant, café.”

28 “Restoration” means to revitalize or re-establish functional characteristics and processes of the
29 estuary diminished or lost by past alterations, activities or catastrophic events. A restored
30 area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is
31 performed, and may not have been a functioning part of the estuarine system when
32 alteration work begins.

33 “Restoration, Active” means the use of specific positive remedial actions to revitalize or re-
34 establish functional characteristics and processes of the estuary.

35 “Restoration, Passive” means the use of natural processes, sequences, and timing which occurs
36 after the removal or reduction of adverse stresses without other specific positive remedial
37 action.

38 “Right-of-way” means a strip of land within which is located a passageway, as conveyed for a
39 specific purpose.

40 “Riparian” means of or pertaining to or living on the bank of a river or lake or, of a tidewater.

41 “Riprap” means a layer, facing or protective mound of stones placed to prevent erosion, scour or
42 sloughing of a structure or embankment; also, the stone so used.

43 “Rooming house” means a residential building or portion thereof providing sleeping rooms
44 where lodging for three (3) or more persons is provided for compensation.

45 “Sewer Director” means a City employee in charge of the Sewer Department.

46 Shielded. See “Sign, Shielded.”

1 “Shoreline stabilization” means the protection of the banks of tidal or intertidal streams, rivers,
2 estuarine waters, and oceanfront by vegetative or structural means.

3 “Sign” means a display, illustration, structure, or device that has a visual display, visible from
4 the tax lot access street, and designed to identify, announce, direct, or inform. The scope
5 of the term sign does not depend on the content of the message or image being
6 conveyed. Each display surface of a sign other than two (2) surfaces parallel and back-
7 to-back on the same structure shall be considered a sign.

8 “Sign, A-frame or sandwich sign” means an advertising device which is ordinarily two (2) sided
9 and in the shape of an “A” or some variation thereof, located on the ground and not
10 permanently affixed.

11 “Sign, Abandoned” means a sign or sign structure where:
12 a. The sign is no longer used by the entity for which the sign was erected. Discontinuance
13 of sign use may be shown by cessation of use of the property where the sign is located;
14 b. The sign has been damaged, and repairs and restoration are not started within 90 days
15 of the date the sign was damaged, or are not diligently pursued, once started.

16 “Sign, Altered” means to make a change to a sign or sign structure, including but not limited to:
17 changes in area, height, projection, illumination, shape, materials, placement and location
18 on a site, etc. Altering a sign does not include ordinary maintenance or repair, repainting
19 an existing sign surface, changes to a message or image, or exchanging the display panels
20 of a sign.

21 “Sign, Awning” means a sign attached to or incorporated into an awning.

22 “Sign, Balloon” means a sign consisting of a membrane that relies on internal gaseous pressure
23 or semi-rigid framework for maintaining its form.

24 “Sign, Banner” means a non-rigid sign designed to be hung either with or without a frame.

25 “Sign, Beacon” means any light with one or more beams directed into the atmosphere or directed
26 at one or more points not on the same lot as the light source; also any light with one or
27 more beams that rotate or move.

28 “Sign, Bench” means a sign on an outdoor bench.

29 “Sign, Billboard” means a free-standing sign on which any sign face exceeds 200 square feet in
30 area.

31 “Sign, Building” means a wall, projecting/hanging, window, or roof sign.

32 “Sign, Bulletin Board” means a permanent sign providing information in a horizontal linear
33 format, that can be changed either manually through placement of letters or symbols on
34 tracks mounted on a panel, or electronically, through use of an array of lights in a dot
35 matrix configuration, from which characters can be formed.

36 “Sign Clearance” means the distance between the average grade below a sign to the lowermost
37 portion of the sign.

38 “Sign, Digital” means a sign or portion thereof that uses light emitting diode technology or
39 similar semiconductor technology to produce an illuminated image, picture, or message
40 of any kind, regardless of whether the image, picture, or message is moving or stationary.
41 This type of sign includes conventional (using discrete LEDs), surface mounted
42 (otherwise known as individually mounted LEDs), transmissive, organic light emitting
43 diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL), or
44 any similar technology.

45 “Sign, Directional” means a sign having no advertising of any kind, which provides direction or
46 instruction to guide persons to facilities intended to serve the public, including, but not

1 limited to, signs identifying restrooms, public telephones, parking areas and other similar
2 facilities.

3 “Sign, Dynamic Element” means any characteristic of a sign that appears to have movement or
4 that appears to change, caused by any method other than physically removing and
5 replacing the sign face or its components, except through the operation of moving,
6 rotating, or otherwise animated parts. This definition does not include Video Signs or Tri-
7 Vision Signs as defined below. This definition includes a display that incorporates a
8 technology or method allowing the sign face to change the image without having to
9 replace the sign face or its components physically or mechanically. This definition also
10 includes any flashing, blinking, or animated graphic or illumination, and any graphic that
11 incorporates LED lights manipulated through digital input, “digital ink” or any other
12 methods or technology that allows the sign face to present a series of images or displays.

13 “Sign, Flashing” means the presence of an intermittent or flashing light source (whether on the
14 sign face or externally mounted), or the presence of a light source which creates the
15 illusion of intermittent or flashing light by means of animation.

16 “Sign, Flying” means a sign kept aloft by mechanical, wind, chemical, or hot air means that are
17 attached to the property, ground, or other permanent structure, such as blimps, kites, or
18 other inflatable devices.

19 “Sign, Freestanding” means a sign supported by a structure or supports upon the ground and not
20 attached to or supported by any building.

21 “Sign, Government” means a sign that is constructed, placed or maintained by the federal, state
22 or local government for the purpose of carrying out an official duty or responsibility or a
23 sign that is required to be constructed, placed or maintained by a federal, state or local
24 government either directly or to enforce a property owner’s rights.

25 “Sign Grade” for freestanding signs means the average level of the ground measured five (5) feet
26 from either end of the base of the sign, parallel to the sign face. For signs mounted on
27 buildings, grade means the average level of the sidewalk, alley or ground below the
28 mounted sign measured five (5) feet from either end of the sign.

29 “Sign, Ground Mounted” means a freestanding sign with a minimum of twelve (12) inches of
30 vertical solid base directly and continuously connected to at least fifty (50) percent of the
31 sign face width or, is borne by two or more supports which are a minimum of twelve (12)
32 inches but less than eight (8) feet above grade.

33 “Sign Height” means the vertical distance measured from grade to the highest attached
34 component of a sign including the supporting structure.

35 “Sign, Illuminated” means a sign illuminated by an internal light source or an external light
36 source primarily designed to illuminate the sign. The illumination is “external” when the
37 light source is separate from the sign surface and is directed to shine upon the sign and
38 “internal” when the light source is contained within the sign. This does not include signs
39 where the text or image is composed of dot matrix lights or LEDs. External illumination
40 is “direct” when the source of light is directly seen by the public, such as a floodlight, and
41 “indirect” when the source of light is not directly seen by the public.

42 “Sign, Incidental” means a sign that is not legible to a person of ordinary eyesight with vision
43 adequate to pass a state driver’s license exam standing at ground level at a location on the
44 public right of way or on other private property.

45 “Sign, Indirect Illumination” means the external illumination of a sign from a source located
46 away from the sign that lights the sign, but which is itself not visible to persons viewing
47 the sign from any street, sidewalk, or adjacent property.

- 1 “Sign, Inflatable” means a sign consisting of a membrane that relies on internal gaseous pressure
2 or semi-rigid framework for maintaining its form.
- 3 “Sign, Integral” means a sign that is embedded, extruded or carved into the material of a
4 building facade. A sign made of bronze, brushed stainless steel or aluminum, or similar
5 noncombustible material attached to the building facade and projecting no more than two
6 (2) inches from a building.
- 7 “Sign, Interior” means a sign erected and maintained inside of a building, including, but not
8 limited to, a sign attached to or painted on the inside of windows. This definition does not
9 include text, pictures, graphics, or similar representations in display windows.
- 10 “Sign, Lawn” means a temporary freestanding sign made of lightweight materials such as
11 cardboard or vinyl that is supported by a frame, pole or other structure directly in or upon
12 the ground without other support or anchor.
- 13 “Sign, LED” means a semiconductor diode that converts applied voltage to light and is used in
14 digital displays.
- 15 “Sign, Maintenance” means normal care or servicing required to keep a sign functional or
16 perpetuate its use, such as cleaning, replacing or repairing a part made unusable by
17 ordinary wear, and changing light bulbs.
- 18 “Sign, Monument” means a ground-mounted sign supported from grade with a solid base that is
19 at least seventy-five (75) percent of the width of the sign. A monument sign can also be
20 supported with multiple architectural-designed posts. Single posts are prohibited.
- 21 “Sign, Neon” means a signs that is made using electrified, luminous tube lights that contain
22 rarefied neon or other gases.
- 23 “Sign, Non-Conforming” means a sign that was legally erected but that does not comply with
24 currently applicable sign restrictions and regulations.
- 25 “Sign, Open/Closed” means a sign referencing if the business is open or closed.
- 26 “Sign, Projecting” means a sign attached to a building or wall and extending more than sixteen
27 (16) inches beyond the line of the building or wall.
- 28 “Sign, Roof” means a sign erected or maintained in whole or in part upon, against or directly
29 above the roof or parapet of a building.
- 30 “Sign, Shielded” The description of a luminaire from which no direct glare is visible at normal
31 viewing angles, by virtue of its being properly aimed, oriented, and located and properly
32 fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.
- 33 “Sign Site” means the area, tract, parcel, or lot of land owned by or under the lawful control of
34 an owner. Abutting platted lots under the same ownership shall be considered one (1)
35 site.
- 36 “Sign Size” means the aggregate area of all sign display surfaces located on a single structure,
37 but excluding posts and bases that are without attached identification, description or
38 illustration. Two surfaces parallel and back-to-back on the same structure, e.g., a
39 projecting sign or two-sided monument sign shall be considered a single display surface.
- 40 “Sign, Temporary” means a sign advertising a specific, occasional event or activity of limited
41 duration. “Temporary” defines the activity, not the sign. A portable or movable sign
42 which is displayed from time to time, such as during business hours, is not a temporary
43 sign.
- 44 “Sign, Tri-Vision” means a sign that contains display surfaces composed of a series of three-
45 sided rotating slate arranged side-by-side, either horizontally or vertically, that are rotated
46 by an electro-mechanical process capable of displaying a total of no more than three
47 separate and distinct messages, one message at a time, provided that the rotation from one

1 message to another message is no more frequent than every eight (8) seconds and the
2 actual rotation process is accomplished in four (4) seconds or less.

3 “Sign, Wall” means a sign attached to an exterior wall of a building or dependent upon a
4 building for support with the exposed face of the sign substantially parallel to the exterior
5 building wall. For the purpose of this title, a sign attached flat against a sloping surface of
6 a mansard roof shall be considered a wall sign.

7 “Sign, Window” means a sign attached to, placed upon, or painted on a window or glazed door
8 of a building, which is intended for viewing from the exterior of the building.

9 “Sign, Vehicle” means a sign placed in or attached to the motor vehicle, trailer, railroad car, or
10 light rail car that is used for either personal purposes or is regularly used for purposes
11 other than the display of sign.

12 “Sign, Video” means a sign providing information in both horizontal and vertical format (as
13 opposed to linear), through use of pixel and sub-pixel technology having the capacity to
14 create continuously changing sign copy in a full spectrum of colors and light intensities.

15 “Sign, Directional” means a sign having no advertising of any kind, which provides direction or
16 instruction to guide persons to facilities intended to serve the public, including, but not
17 limited to, signs identifying restrooms, public telephones, parking areas and other similar
18 facilities.

19 “Sign, Freestanding” means a sign supported by a structure or supports upon the ground and not
20 attached to or supported by any building.

21 “Sign, Inflatable” means a sign consisting of a membrane that relies on internal gaseous pressure
22 or semi-rigid framework for maintaining its form.

23 “Sign, Projecting” means a sign attached to a building or wall and extending more than sixteen
24 (16) inches beyond the line of the building or wall.

25 “Sign, Roof” means a sign erected or maintained in whole or in part upon, against or directly
26 above the roof or parapet of a building.

27 “Sign, Temporary” means any sign that is not permanently installed or affixed to any sign,
28 structure, or building.

29 “Sign, Wall” means a sign attached to an exterior wall of a building or dependent upon a
30 building for support with the exposed face of the sign substantially parallel to the exterior
31 building wall. For the purpose of this title, a sign attached flat against a sloping surface of
32 a mansard roof shall be considered a wall sign.

33 “Sign, Window” means a sign attached to, placed upon, or painted on a window or glazed door
34 of a building, which is intended for viewing from the exterior of the building.

35 “Skirt” means a durable all-weather material having a finished exterior surface surrounding a
36 manufactured dwelling and effectively screening the wheels and undercarriage from
37 view.

38 “Slope” means the relationship, as expressed in percent, of the number of feet of vertical rise or
39 fall for each one hundred (100) feet of horizontal distance as determined from a common
40 reference point. For example, a twelve (12) percent slope means that for every one
41 hundred (100) feet the terrain changes twelve (12) feet in distance up or down.

42 “Specifications” means a written or printed description of work to be done, forming part of a
43 contract and describing qualities of material and mode of construction, and also giving
44 dimensions and other information not shown in the drawings.

45 “Street” means a way of travel for vehicular traffic which has been dedicated, deeded, or an
46 easement granted to the public for public use.

1 “Street, Arterial” means a street designed to carry traffic from one community to another, to
2 carry traffic to and from major traffic generators, and to carry through traffic.
3 “Street, Collector or Secondary” means a street designed to carry traffic between minor streets
4 and the arterial system, to function as primary traffic carriers within a neighborhood, to
5 carry traffic to local traffic generators.
6 “Street, Cul-de-Sac or Dead End” means a minor street with only one outlet which provides a
7 vehicular turn-a-round.
8 “Street, Minor” means a street designed to provide access to abutting residential property with
9 only incidental service to through traffic.
10 “Structural alteration” means any change to the supporting members of a building including
11 foundations, bearing walls, or partitions, columns, beams or girders, or any structural
12 change in the roof or in the exterior walls.
13 “Structure” means something constructed or built and having a fixed base on, or fixed to the
14 ground or another structure.
15 “Subdivide land” means to divide land into four (4) or more lots within a calendar year.
16 “Subdivision” means either an act of subdividing land or an area or a tract of land subdivided.
17 “Subdivision plat” means a final map and other writing containing all the descriptions, locations,
18 specifications, dedications, provisions and information concerning a subdivision.
19 “Temporary alteration” means dredging, filling or any other estuarine alteration occurring over a
20 specified short period of time which is needed to facilitate a use allowed in the applicable
21 estuary zone. Temporary alterations may not be for more than three (3) years and the
22 affected area must be restored to its previous condition. Temporary alterations include:
23 1. Alterations to establish mitigation sites, alterations for bridge construction or repair;
24 and
25 2. Minor structures (such as blinds) necessary for research and educational observation.
26 “Tie-down” means any device designed to anchor a manufactured dwelling securely to the
27 ground.
28 “Tip-out” means a movable section of a mobile home, recreational vehicle or manufactured
29 dwelling which can be extended from the main structural frame to increase living space.
30 “Town house” means an attached, single-family dwelling, usually with two (2) or more stories,
31 living and dining areas on the first floor, and bedrooms on the upper floors.
32 “Use” means the purpose for which land or a building is arranged, designed or intended, or for
33 which either land or a building is, or may be, occupied.
34 “Vision clearance” means a triangular area at an intersection; the space being defined by a line
35 across the corner, the ends of which are on the street lines or alley lines, an equal and
36 specified distance from the corner.
37 “Water Director” means a City employee in charge of the Water Department.
38 “Water-dependent” means a use or activity which can be carried out only on, in or adjacent to
39 water areas because the use requires access to the water body for water-borne
40 transportation, recreation, energy production, or source of water.
41 “Wetlands” means those areas that are inundated or saturated by surface or ground water at a
42 frequency and duration sufficient to support, and that under normal circumstances do
43 support, a prevalence of vegetation typically adapted to life in saturated soil conditions.
44 “Yard” means a space other than a court on the same lot with a building open from the ground.
45 Yard, Front. “Front yard” means a yard extending across the full width of the lot, the depth of
46 which is the minimum horizontal distance between the front lot line and a line parallel
47 thereto at the nearest point of the foundation of the main building.

1 “Yard, Rear” means a yard extending across the full width of the lot between the most rear main
2 building and the rear lot line; but for determining the depth of the required rear yard it
3 shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot
4 line adjoins an alley, then from the center line of the alley, toward the nearest part of the
5 foundation of the main building.

6 “Yard, Side” means an area adjacent to any side lot line the depth of which is the specified
7 horizontal distance measured at right angles to the side lot line and being parallel with the
8 side lot line. (Ord. 354 § 1, 2018; Ord. 348 § 1, 2017; Ord. 323, 2013; Ord. 318, 2013;
9 Ord. 314, 2012; Ord. 281, 2008; Ord. 277, 2008; Ord. 232, 2002; Ord. 218, 2000; Ord.
10 73I, 1994; Ord. 73E § 17.010, 1992; Ord. 73C, 1986)