

1.02 Definitions

Note: Terms not defined in this Section have the meaning set forth in the New Oxford American Dictionary, 2010 edition (see Section 4.02.06.B.6.)

Abutting: Touching on the edge or on the line, including at a corner. It shall include the terms adjacent, adjoining and contiguous.

Access: The place, means or way by which pedestrians or vehicles have ingress and egress to and/or from a lot or use.

Accessory Building, Structure or Use: A detached building, structure or use which is incidental and subordinate to, and supports the primary use on, the same premises.

Accommodations:

- **Bed and Breakfast Inn:** A single-family dwelling with at least one room offered to the general public for lodging on an overnight or weekly basis, with a meal provided.
- **Hotel:** A building in which rooms are offered to the general public for lodging on an overnight or weekly basis, where the primary entrance is through a lobby or foyer with internal circulation to the rooms.
- **Living Unit:** A room or suite of rooms, providing living and sleeping facilities for one or more persons where either cooking or eating and/or sanitation facilities are shared. In a rooming and boarding house, each bed rented for compensation is a “Living Unit.” Note: Living unit is not synonymous with “dwelling unit.”
- **Motel:** a group of attached or detached buildings, in which more than five rooms are offered to the general public for lodging on an overnight or weekly basis, where the rooms have direct access to the outside without the necessity of passing through the main lobby of a building.
- **Rooming and Boarding House:** A residential building or portion thereof with guest rooms, providing lodging or lodging and meals, for three or more persons for compensation.

Adjacent: Near, close or bordering but not necessarily contiguous with; adjoining but separated by a right-of-way.

Administrative Body: The City Council, Planning Commission, Design Review Board, or staff member having the jurisdiction to hear and decide proceedings on land use actions.

Alley: A public right-of-way not more than 20 feet wide and not less than 10 feet in width that provides secondary vehicular access to property and intersects with a public street.

Alteration, Structural: Any change in the exterior dimensions of a building, or a change which would affect a supporting member of a building, such as a bearing wall, column, beam or girder.

Anti-Graffiti Surface: Either a preparation applied to the surface area of a wall or fence that is formulated to aid in the removal of unintended paint or other surface markings; or evergreen

vegetation planted directly in front of, or covering, a fence or wall in a way that obscures the visibility of at least 75 percent of any element of each exterior face.

Application: Any request for approval of a development or a legislative amendment to the City's land use regulations, comprehensive plan or related maps.

Approval Criteria and Approval Standards: All standards which must be met in order to approve an application. Depending upon the specific application, approval criteria include standards contained in the Woodburn Development Ordinance, Woodburn Comprehensive Plan and applicable state law.

Articulate/Articulation: The joining and intersecting of walls or building spaces through offsets, projections, overhangs, extensions and similar features.

Berm: A linear mound of soil, a small rise or hill in a landscape which is intended to buffer or visually screen certain features of development, such as parking.

Block: A unit or contiguous units of land bounded by intersecting streets.

Buffer: Landscaping and/or screening between two land uses of differing character to minimize potential conflicts and provide a more aesthetic environment.

Building: Any structure having a roof built for the support, shelter, or enclosure of persons, animals, or property of any kind.

Building Height: The vertical distance above a reference datum measured to the highest point of the coping or flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by either of the following, whichever yields the greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within 5-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above the lowest grade (See Figure Figure 1.02A).
2. An elevation 10 feet higher than the lowest grade, when the sidewalk or ground surface described in section 1 above is more than 10 feet above the lowest grade (See Figure Figure 1.02B).

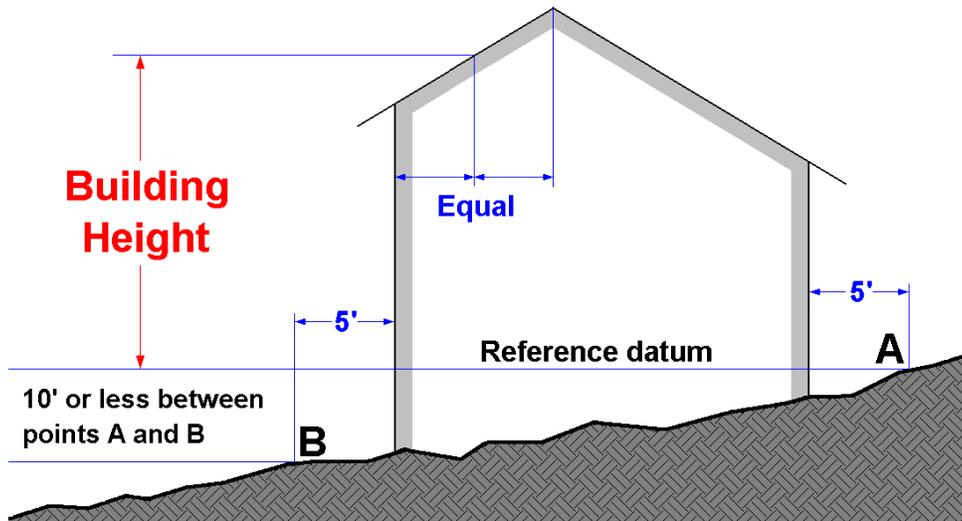


Figure 1.02A – Building Height

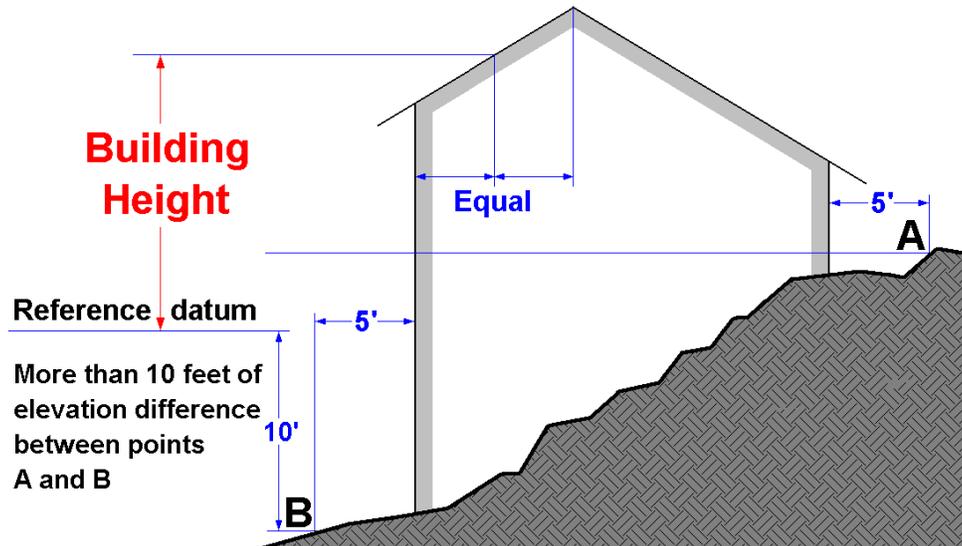


Figure 1.02B – Building Height

Building, Primary: A building within which is conducted the main or principal use of the property.

Cabana: A stationary structure with two or more walls, used in conjunction with a manufactured dwelling to provide additional living space and meant to be moved with the manufactured dwelling.

Caliper: The diameter of a tree measured 6 inches above ground level for trees up to 4 inches in diameter, or 12 inches above ground level for trees 4 inches or more in diameter. Note: A “significant tree” is determined by its diameter measured at 5 feet above ground level, regardless of its caliper.

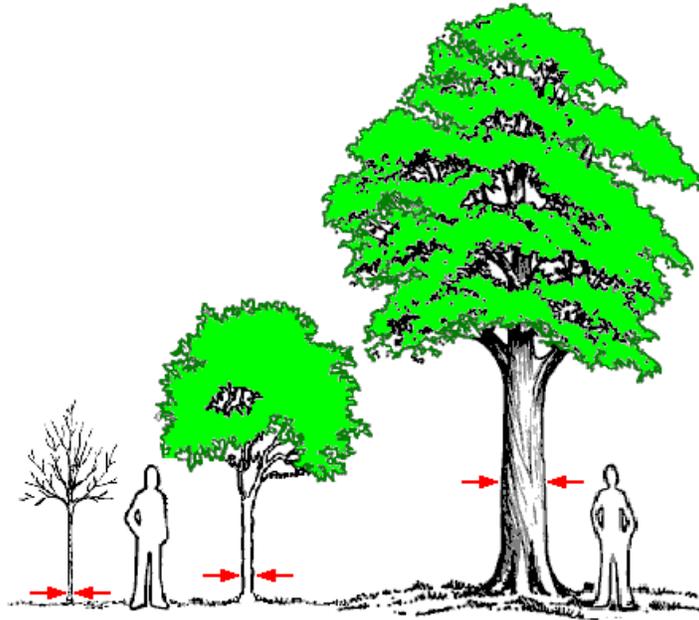


Figure 1.02C – Measurement of Caliper and Significant Tree Diameter

Care services:

- **Child Care:** The care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part of the 24 hours of the day, in a place other than the child’s home, with or without compensation.
- **Child Care Facility:** A facility that provides child care, including a day nursery, nursery school, day care center, or similar unit operating under any name, but not including:
 - a facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of a church or an organized club or hobby group.
 - a facility operated by a school district or a governmental agency.
 - a facility providing care while the child’s parent remains on the premises and is engaged in an activity offered by the facility or in other non-work activity.
 - a Child Care Home.
- **Child Care Home:** A residential facility certified by the Oregon Child Care Division.
- **Group Care Facility:** A facility that provides residential care, treatment, or training for six or more socially dependent individuals or individuals with physical disabilities or mental retardation or other developmental disabilities or mental, emotional or behavioral disturbances or alcohol or drug dependence. Note: See “Residential Care,” Residential Care Facility,” “Residential Training Facility,” “Residential Treatment Facility,” “Training,” and “Treatment” in ORS 443.400. Group Care Facility includes what is commonly called an “assisted living facility.”
- **Group Home:** A facility that provides residential care, treatment, or training for five or fewer socially dependent individuals or individuals with physical disabilities or mental retardation or other developmental disabilities or mental, emotional or behavioral disturbances or alcohol or drug dependence. Note: See “Residential Care,” Residential

Care Home,” “Residential Training Home,” “Residential Treatment Home,” “Training,” and “Treatment” in ORS 443.400. Group Home includes what is commonly called an “assisted living facility” or “adult foster home.”

- Nursing Home: A building or portion of a building containing living units and providing inpatient nursing and rehabilitative services. Nursing Home includes “hospice” but does not include “Group Care Facility,” “Group Home,” or “Hospital.”

Carport: A permanent structure consisting of a roof and supports for covering a parking space which is not completely enclosed.

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

Change of Use: A change from one type of use of a building or land to another type of use for uses as defined by the Woodburn Development Ordinance.

Church: See “House of Worship.”

Community Building: A facility available for public use for meetings, recreation, education.

Condominium: A building or group of buildings, in which separate buildings or portions of buildings are separately owned, while the land on which the building(s) is located is held in a common ownership.

Conforming: In compliance with the current regulations of the Woodburn Development Ordinance.

Contiguous: Touching along a boundary or point. Note: see also “abutting” and “adjacent.”

Corner Clearance: The distance from an intersection of a street to the nearest driveway. The distance shall be measured along the traveled way of the street connecting the intersecting street and the driveway, starting from the closest edge of the pavement of the intersecting street and ending at the closest edge of pavement of the driveway (See Table 3.04A).

Delivery Service: The delivery of packages and the sale and/or delivery of food and/or beverages.

Density :

- Gross Density or Units per Gross Acre: The number of dwelling units or living units per acre prior to the dedication of public right-of-way; irrevocable easements for private streets or access ways; and private streets in Manufactured Dwelling Parks.
- Net Density or Units per Net Acre: The number of dwelling units or living units per acre based on the land area committed to housing and common, private ownership but excluding public right-of-way, irrevocable easements for private streets or access ways, and private streets in Manufactured Dwelling Parks.

Department: The Department of Economic and Development Services of the City of Woodburn.

Development: A building or grading operation, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, partitioning or subdividing land, or the creation or termination of an access right.

Development Standard: The requirement of the City with respect to the quality and quantity of an improvement or activity.

Director: The Director of the Department of Economic and Development Services of the City of Woodburn or designee.

Driveway: A private access way to and from a property, a parking space or area, a garage, or a use, intended to allow vehicular ingress and egress but not intended to provide the traffic circulation function of a street.

Dwellings:

- Duplex: A detached building on a single lot containing 2 dwelling units designed exclusively for occupancy by 2 families living independently of each other.
- Dwelling Unit: A building or portion of a building providing complete, independent living facilities for occupancy by one family, including permanent provisions for living, sleeping, eating, cooking and sanitation. Note: “Dwelling unit” is not synonymous with “living unit.”
- Medium Density Residential: Any building where the predominant use is multiple-family residential, nursing home, or group care facility.
- Manufactured Dwelling: Any of the following:
 1. Residential trailer: A structure constructed for movement on the public highways which has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
 2. Mobile home: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of the Oregon mobile home law in effect at the time of construction.
 3. Manufactured home: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulation in effect at the time of construction.

Manufactured dwelling does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code adopted pursuant to ORS Chapter 455 or any unit identified as a recreational vehicle by the manufacturer.

- Multiple-Family Dwelling: A building on a single lot containing three or more dwelling units. Note: This definition does not include row houses, where attached single-family dwelling units are located on separate lots.
- Row House: A building containing three or more dwelling units, arranged so that each dwelling unit is located on a separate lot. The building often consists of a series of

houses of similar or identical design, situated side by side and joined by common walls.

- **Single-Family Dwelling:** A detached building constructed on a single lot, containing one dwelling unit designed exclusively for occupancy by one family.

Employees: All persons, including proprietors, performing work on a premises. For calculating required off-street parking, it shall be the number present during the largest shift or peak season.

Family: An individual or two or more persons related by blood, marriage, legal adoption or guardianship, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit. "Family" shall include two or more handicapped persons as defined in the Fair Housing Amendments Act of 1988 living as a single housekeeping unit.

Final Action and Final Decision: The City's final decision on a permit application for which there is either no appeal to another decision-maker within the City, or, if there is the possibility of a local appeal, an appeal was not timely perfected in accordance with the Woodburn Development Ordinance.

Frontage: That portion of a lot which abuts a public street.

Garage: A building, or portion of a building, which is completely enclosed and designed for the storage or parking of a vehicle.

Grade: Adjacent ground elevation is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

Gross Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior wall or from the centerline of walls separating two buildings, but not including:

1. Attic and basement space providing headroom of less than seven feet;
2. Uncovered steps or fire escapes;
3. Private garages, carports, or porches;
4. Accessory water towers or cooling towers;
5. Off-street parking or loading spaces.

Home Occupation: A business or professional activity engaged in by a resident of a dwelling unit as a secondary use of the residence, and in conformance with the provisions of the Woodburn Development Ordinance. Such term does not include the lease or rental of a dwelling unit (See Section 2.02.12).

House of Worship: A church, synagogue, temple, mosque or other permanently located building primarily used for religious worship. A house of worship may also include accessory buildings for related religious activities and one dwelling unit.

Interested Person: With respect to a land use action, any person or organization, or the duly authorized representative of either, having a right of appeal under the Woodburn Development Ordinance.

Kennel: Any lot or premises on which four or more dogs and/or cats over the age four months are kept for sale, lease, boarding or racing.

Landscaping: Areas primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways, sculpture, trellises and screens.

Legal Description: The description of a subject property by either metes and bounds or in reference to a lot, or lot and block, number of a recorded subdivision or partition.

Legislative Action: Any final decision of the city that adds to, amends or repeals the City’s land use regulations, comprehensive plan or related maps and does not pertain to a particular property or small set of properties.

Loading Space: An on-site space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or material.

Lot: A lot or parcel created by subdivision or partition in compliance with ORS Chapter 92 and applicable zoning and subdivision ordinances, or created by deed or land sale contract recorded before subdivision requirements or partition requirements in the City of Woodburn (April 16, 1963) or for land in Marion County not yet incorporated in the City of Woodburn prior to major partition regulations (August 8, 1962) and minor partition regulations (September 1, 1977), exclusive of units of land created solely to establish a separate property tax account.

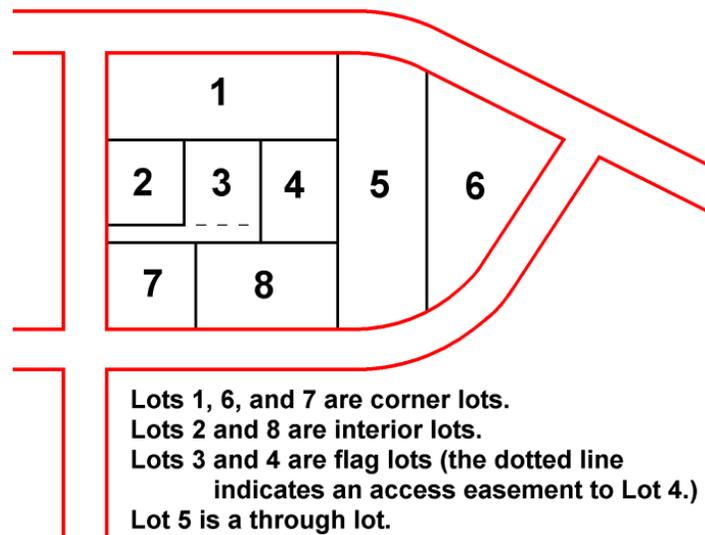


Figure 1.02D – Lot Types

- **Corner Lot:** A lot abutting two segments of street right-of-way along either, a curvilinear street, or two intersecting streets, where the projection of the two line segments forms an angle of intersection that is no greater than 135 degrees.
- **Flag Lot:** A lot that is either a) accessed by an easement; or b) accessed by a strip of land; where the width of the driveway access is neither less than, nor exceeds by more than 20 percent, the standards of Table 3.04A.

- Interior Lot: A lot with frontage on a single street.
- Lot, Through: A lot which fronts on two streets which do not intersect along the boundaries of the lot.

Lot Area: The total area of a lot, measured in a horizontal plane, within the boundary lines, excluding dedicated public rights-of-way and recorded irrevocable easements for private streets or driveways.

Lot Coverage: The percentage, or portion, of total lot area covered by primary and/or accessory buildings, including roofed but unenclosed structures, but excluding covered structures less than five feet in height and having less than 20 square feet of gross floor area (such as pet shelters and play houses).

Lot Depth, Average: The horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Line: The property lines forming the exterior boundaries of a lot.

- Front Lot Line:
 1. In the case of an interior lot, a line separating the lot from the street.
 2. In the case of a corner lot, a line separating the lot from the street from the architectural front of the existing or contemplated primary building.
 3. In the case of a flag lot, the lot line which is most nearly parallel to the street that provides access to the interior lot.
- Rear Lot Line:
 1. In the case of a triangular shaped lot, diamond shaped lot, or a trapezoidal lot which is narrowest at the rear and has a distance between the side lot lines at the rear of less than ten feet, the rear line for setback purposes shall be an assumed line within the lot ten feet in length, parallel to and at the maximum distance from the front lot line; or
 2. In any other case, the lot line opposite and most distant from the front lot line.
- Side Lot Line: Any lot line, which is not a front or rear lot line.

Lot Width: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Manufactured Dwelling Park: Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease or use facilities or to offer space free in connection with securing the trade or patronage of such person. The term does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot, if the subdivision was approved pursuant to ORS Chapter 92.

- Park Space: Any area or portion of a manufactured dwelling park, which is designated or used for the placement of one manufactured dwelling and appurtenant facilities.

Mini-Storage Warehouse: An area within an enclosed building or structure used for the storage of personal property for compensation.

Mobile Food Services: A vehicle, trailer, or wagon used for the preparation and/or sale of food and/or beverages.

Nonconforming Development: Any development which met all applicable development standards imposed by applicable City or County zoning ordinance provisions when the development was established, and which has been maintained in compliance with such standards; but which does not comply with the current development standards of the Woodburn Development Ordinance solely because of the adoption or amendment of the Woodburn Development Ordinance, or because annexation to the City resulted in application of different development standards to the subject property.

Non-final Decision: Any decision by the Director, Planning Commission or Design Review Board which is not a final decision, but is appealable to another decision maker within the City.

Open Space, Common: An area, feature, building or other facility within a development which has been dedicated in common to the ownership within the development, or to the public, specifically for the purpose of providing places for recreation, conservation or landscaping, and which is intended for the use of the residents and property owners of the development.

Open Space, Usable Common: Common open space, the use of which conforms with use and development guidelines specified by the Woodburn Development Ordinance.

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

Parking Lot or Area: An on-site building, structure, or improved area, other than a street or alley, used for the parking of automobiles and other vehicles.

Partition: Note: Partition is defined in State statute. See ORS 92.010.

Pedestrian Facilities: Improvements which provide for public pedestrian foot traffic, including sidewalks, walkways, crosswalks and other improvements, such as lighting or benches, which provide safe, convenient and attractive walking conditions.

Permit: Any form of approval pertaining to the use of land rendered by the City under the Woodburn Development Ordinance, including subdivisions, partitions, property line adjustments, zone changes and plan amendments, land use, limited land use and expedited land divisions.

Planned Unit Development or PUD: A type of land development which, as a single project, allows for mixed use and design flexibility that is based on a design which is in compliance with the Comprehensive Plan, the uses allowed by underlying zoning, specified exceptions to zoning standards and applicable subdivision, condominium and homeowner association requirements of the Woodburn Development Ordinance.

Plant Unit: A quantity of specified plant materials (See Table 3.06B).

Recreational Vehicle or RV: A vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes. The term includes camping trailer, motor home, park trailer, travel trailer, and truck camper.

Recreational Vehicle Park or RV Park: A plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles belonging to the general public as temporary living quarters for recreational or vacation

purposes.

Recycling Center: An area or structure used for the collection and temporary storage of non-putrescible, discarded materials, which will be transported elsewhere to be reused or recycled.

Repair: The reconstruction or renewal of any part of an existing building or structure for the purposes of maintenance. The term shall not include structural alteration.

Review Area: The review area that defines the character of surrounding dwellings and immediately surrounding dwellings shall encompass the five nearest dwellings to the subject lot that are on the same street and that are within 500 feet of the subject lot.

School, Elementary, Middle or High: A public or private institution offering instruction in the several branches of learning and study, in accord with the rules and regulations of the State Department of Education.

Screening: A sight-obscuring fence, architectural wall, or evergreen hedge at least 6 feet in height.

Setback or Setback Line: The minimum distance between a specified line and the foundation or exterior wall of a building or structure, whichever is closer.

1. For interior and corner lots, the distance shall be measured from the abutting property line.
2. In a Manufactured Dwelling Park, setbacks shall be measured from the delineation of a “Park Space.”
3. For Interior Flag Lots, setbacks shall be measured from a property line, except in the case of development that abuts a flag lot driveway access easement or strip of land in fee. In that case, the setback shall be measured from the easement line or the property line, whichever is closer to the development.

Note: A setback is the *minimum required distance* between a structure and a lot line, whereas a yard is the *actual area* between a structure and a lot line.

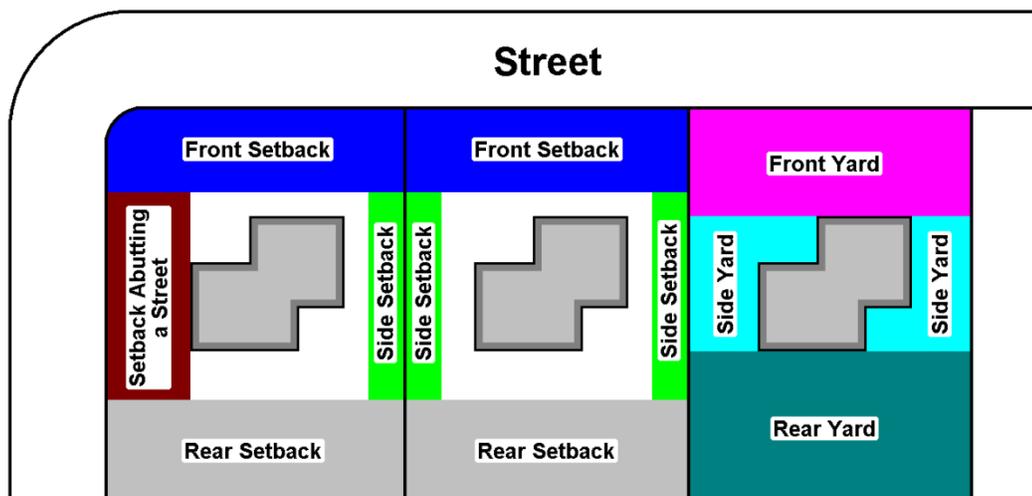


Figure 1.02E – Setbacks and Yards

Setback, Average: For any continuous wall, “average setback” shall be as follows:

1. For a straight wall: The distance derived from dividing the sum of the closest and furthest points of the building wall from the property line by two; or
2. For an articulated wall: The location of a wall where the yard area abutting the property line (accounting for offsets and jogs) is equal to the yard area computed by multiplying the length of the wall by the standard for the allowable average setback.

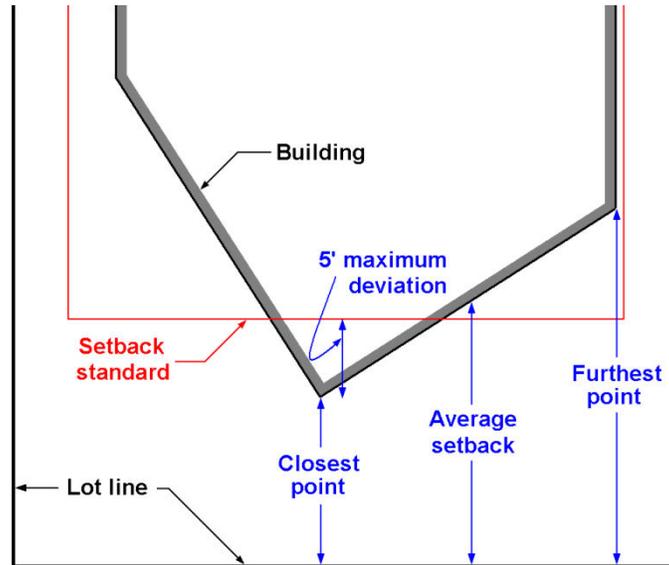


Figure 1.02F – Average Setback for a Straight Wall

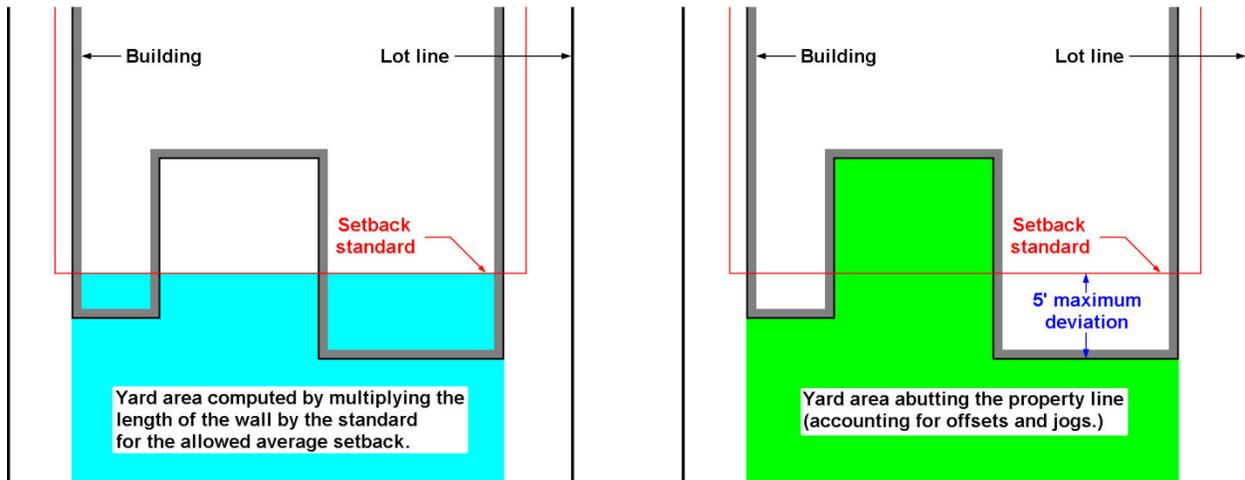


Figure 1.02G – Average Setback for an Articulated Wall

Significant Tree: Any existing, healthy tree 24 inches or more in diameter, measured five feet above ground level (See Section 3.06.07).

Street:

- Boundary Street: That portion, or portions, of a street right-of-way abutting a subject

property where existing or proposed development is located within 260 feet of the subject right-of-way.

- Cul-de-sac: A dead end street having a turnaround area at the dead end.
- Park Street: A private street which affords the principal means of access to abutting individual manufactured dwelling spaces and auxiliary buildings within a manufactured dwelling park.
- Public Street: The entire width between the right-of-way lines of a public way capable of providing the principal means of access to abutting property.

Structural Alteration: Any alteration, addition or removal of any structural member of a building, or structure.

Structure: That which is built or constructed; an edifice or building of any kind; or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless of whether it is wholly or partly above or below grade.

Subdivision: Note: Subdivision is defined in State statute. See ORS 92.010.

Subject Property: The real property or properties that is/are the subject of a permit application.

Use: (noun) An activity or a beneficial purpose for which a building, structure or land is designed, developed or occupied.

- Ancillary Use: An ancillary use is a use that is subsidiary to a predominant use and is either vertically integrated with, or directly linked with, the conduct of a predominant use, or is exclusively for the benefit of occupants, or employees, of a predominant use.
- Nonconforming Use: A use which met all applicable use standards imposed by applicable City or county zoning ordinance provisions when it was established, but which does not comply with the use standards of the Woodburn Development Ordinance solely because of the adoption of or amendment of the Woodburn Development Ordinance, or because annexation to the City resulted in the application of different use standards to the subject property (See also Nonconforming Development).
- Permitted Use: Those land uses permitted in a zoning district that are allowed outright, subject to the standards of the Woodburn Development Ordinance.
- Required Supporting Use: An on-site space or facility necessary to fulfill a dimensional or development standard of the Woodburn Development Ordinance, or a condition of a land use approval. Required supporting uses include access facilities, parking, loading, landscaping, and open space.

Utilities: Water, sanitary sewer, storm drainage, natural gas, electrical, wire communication service, cable television and all persons and companies supplying the same.

Vision Clearance Area: An area defined by the standards within which visual obstructions are regulated for safety purposes (See Section 3.03.06).

Wall, Architectural: A brick, poured concrete, precast concrete, or CMU wall that meets the design standards of Section 3.06.06.

Wetlands: An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetlands, Significant: Wetlands which are defined by the criteria adopted by the Department of State Lands (DSL) pursuant to ORS Chapter 197 and are subject to land use regulation.

Yard: An open and unoccupied space on the lot on which a building is situated. Note: A setback is the *minimum required distance* between a structure and a lot line, whereas a yard is the *actual area* between a structure and a lot line. (See Figure 1.02E)

- Buffer Yard: A yard improved with landscaping and/or screening to applicable standards of the Woodburn Development Ordinance, that is located between two land uses of differing character to minimize potential conflicts and to provide a more aesthetic environment.
- Front Yard: The space extending across the full width of a lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the nearest point of the foundation or exterior wall of the primary building or structure, whichever is closer.
- Rear Yard: The space extending across the full width of the lot between the rear lot line, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel to the nearest point of the foundation or exterior wall of the primary building or structure, whichever is closer.
- Side Yard: The space extending from the front yard line to the rear yard line, the depth of which is the minimum horizontal distance between the side lot line and a line parallel to the nearest point of the foundation or exterior wall of the primary building or structure, whichever is closer.