

CHAPTER 1

GENERAL ORDINANCE PROVISIONS

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1.100 GENERAL PROVISIONS

1.101 TITLE

This Ordinance shall be known and may be referred to as the **City of Amity, Development Code 2000**.

1.102 PURPOSE

1.102.01 General

This Ordinance is enacted to:

- A. Implement the goals and policies of the **City of Amity, Comprehensive Land Use Plan; May 1979**, as amended ~~1987~~.
- B. Provide methods of administering and enforcing the provisions of this Ordinance; and
- C. Promote the public health, safety, and general welfare of the community.

1.102.02 Conformance Required

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

1.102.03 Violations

Upon failure to comply with any provision of this Ordinance, or with any restrictions or conditions imposed hereunder, the Council may withhold any further permits and may withhold or withdraw City utility services until correction is made. Notwithstanding any such action taken by the Council, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the Ordinance shall be subject to civil penalties as set by resolution of the council for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

The City may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or enjoin, abate, remove, or nullify the unlawful transfer, location, construction, maintenance, repair, alteration, or use.

1.102.04 Interpretation

The provisions of this Ordinance shall be interpreted as minimum requirements. When this Ordinance imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Ordinance shall control.

When there is doubt regarding the intent of this ordinance as interpreted by the City Staff, the Planning Commission may issue an interpretation of the question if they have first determined that such interpretation is within their power and is not a legislative act.

The Planning Commission may request an interpretation of this Ordinance by the City Council.

1.102.05 Savings Clause

Should any section, clause, or provision of this ordinance be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole or of the remaining sections. Each section, clause, and phrase is declared severable.

1.102.06 Conflicting Ordinances

City of Amity Ordinances No. 409, No. 430, No. 485, No. 487, No. 498, No. 505 and No. 509 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

1.103 ESTABLISHMENT OF ZONING DISTRICTS

1.103.01 Districts

For the purposes of this ordinance, the incorporated area of the City of Amity, Oregon, is hereby divided into the following zoning districts:

<u>Plan Designation</u>	<u>Zoning District Name</u>	<u>Section</u>
Residential [Low Density]	Single-Family Residential (R-1)	2.101
Residential [Medium Density]	Medium-Family Residential (R-2)	2.102
Residential [High Density]	High-Density Residential (R-3)	2.103
Commercial	Central Business District (CBD)	2.104
Commercial	General Commercial (G-C)	2.105
Industrial	Light Industrial (L-I)	2.106

Public	Public (P)	2.107
n/a	Agricultural Holding (A-H)	2.108

For the purposes of this ordinance, the following overlay zones are placed in certain areas of the City of Amity:

Restricted Development (R-D)	2.110
Floodplain Overlay Zone (FP)	2.111
Downtown Development District (DD)	2.112

1.103.02 Boundaries

- A. The zoning district boundaries are shown on the zoning map of the **City of Amity, Oregon, Zoning Map for 1979 as amended**. This map is hereby made a part of this Ordinance by reference.

Any future changes to the zoning of land within the City of Amity which are approved under the provisions of this Ordinance shall be appropriately depicted on the Zoning Map.

- B. The Planning Commission shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of such boundaries on the Zoning Map, the Planning Commission shall rely on the Amity Comprehensive Plan Map and the following guidelines for the location of zoning district boundaries; section lines; property lines; lot lines; center lines of streets, alleys, streams, or railroad right-of-ways; City boundaries; or other planning criteria determined appropriate by the Planning Commission. Any decision of the Planning Commission regarding the location of a zoning district boundary may be appealed to the City Council pursuant to the general procedures outlined for appeal requests in Section 3.205.

1.200 DEFINITIONS

1.200.01 Grammatical Interpretation.

Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future, the singular number includes the plural. The word "shall" is mandatory and not directory. The word "may" is permissive. All terms in this code have their commonly accepted, dictionary meaning unless they are specifically defined in the following section or the context in which they are used clearly indicates to the contrary.

1.200.02 Definitions.

The following words and phrases, when used in this Ordinance, shall have the meanings set forth in this Chapter, except in those instances where the context clearly indicates a different meaning. Definitions marked with a # are further illustrated in Section 1200.03.

Access: The way or means by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to property. A private access is an access not in public ownership and is controlled by means of deed, dedications or easement.

Accessways: a walkway that provides pedestrian and or bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees and lighting. Where accessways cross driveways, they are generally raised, paved or marked in a manner which provides convenient access for pedestrians.

Accessory Structure: A detached, subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land, but does not include dwellings or living quarters.

Accessory Use: A use incidental, appropriate and subordinate to the main use of the parcel, lot or structure.

Addition: A modification to an existing building or structure which increases the site coverage.

Adjoining: Contiguous or abutting, exclusive of street width. It shall include the terms adjacent, abutting, or contiguous.

Administrative Review: A decision affecting land use within the City which is based on the application and/or enforcement of existing standards contained in Ordinance.

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

Amity Design Standards (ADS): A separate document detailing specific design requirements applicable to all development within the City of Amity, also known as the Amity Public Works Design Standards (APWDS).

Annexation: The incorporation of a land area into the City with a resulting change in the boundaries of the City.

Appeal: A request for a review of the decision authority's action on an application or interpretation.

Applicant: The owner of record or contract purchaser who submits an application for approval of a permit or land use action.

Area of Special Flood Hazard: The land in the flood plain subject to a one percent or greater chance of flooding in any given year.

Assisted Living Center: Means a building, complex or distinct part thereof, consisting of fully self-contained individual living units where six or more seniors and persons with disabilities may reside. The facility offers a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents, using a program approach that promotes resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, independence, and home-like surroundings.

Automobile Service Station: A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Basement: That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, it shall be considered a story.

Bed and Breakfast: A structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients for a charge or fee paid for the rental or use of the facilities. An operator of a Bed and Breakfast must be a permanent, full time resident of the structure where the use takes place.

Bike Lane: A portion of a roadway which has been designated by striping and pavement markings for the preferential or exclusive use of bicyclists.

Block: A parcel of land bounded by three (3) or more streets, railroad right-of-way, waterway, or combination thereof.

Boarding, Lodging, or Rooming House: A building where lodging with or without meals is provided for compensation for not more than five (5) persons in addition to members of the family occupying such building.

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

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

- a. The elevation of the highest adjoining sidewalk or ground surface within five-foot horizontal distance of exterior wall of building when such sidewalk or ground surface is not more than ten feet above lowest grade.
- b. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in (a.) of this subsection is more than ten feet above lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Building Line: A line on a plat indicating the limit beyond which buildings or structures may be erected.

Building Official: An individual empowered by the City Council to administer and enforce the State Building Code [ORS 456.806 (1)].

Building, Primary: A building in which is conducted a principal or main use of the building site on which it is situated.

Building Site: A parcel, lot, or plot of land occupied or to be occupied by a principal use and accessory uses and/or building or group of buildings, which parcel, lot, or plot of land complies with all the requirements of this ordinance relating to building sites.

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

Campground: A premises under one ownership where persons camp or live in any manner other than a permanent building constructed entirely of wood or more lasting materials, excepting mobile home parks.

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

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

Change of Use: Any use that differs from the previous use.

Church: A permanently located building primarily used for religious worship. A church shall also include accessory buildings for related religious activities and a residence.

City: The City of Amity, Oregon.

Clear-Vision Area: A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lines measured from the corner intersection of the right-of-way lines. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the right-of-way lines will be extended in a straight line to a point of intersection.

Clinic: A facility for examination and treatment of human ailments by a group of physicians, dentists, or other licensed practitioners on an out-patient basis and not involving overnight housing of patients.

Club: An organization, group, or association supported by the members thereof, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business for profit.

Commission: The Planning Commission of the City of Amity, Oregon.

Common Open Space: An area, feature, or building or other facility within a development designed and intended for the use or enjoyment of all occupants of the development or for the use and enjoyment of the general public.

Community Building: A publicly owned and operated facility used for meetings, recreation, or education.

Comprehensive Plan: The Comprehensive Plan of the City of Amity, Oregon including all adopted supporting documents.

Conditional Use: A use which may be permitted by the Planning Commission following a public hearing, upon findings by the commission that the approval criteria have been met or will be met upon satisfaction of conditions of approval.

Condominium: Property submitting to the provisions of ORS 94.004 to 94.480, and, 94.991.

Conforming: In compliance with the regulations of the Code.

Council: The City Council of Amity, Oregon.

Conveyance: The carrying capacity of all or a part of the flood plain. It reflects the quantity and velocity of flood waters. Conveyance is measured in cubic feet per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second.

Critical Feature: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Day Care Facility: An institution, establishment or place, not a part of a public school system, in which are commonly received three (3) or more children, not of common parentage, under the age of 14 years, for a period not exceeding 12 hours per day for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

Dedication: The limited grant by a property owner allowing the use of property by the public for specified purposes.

Density: The number of dwellings, mobile homes, or mobile home spaces per gross acre.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, drilling, and site alteration such as grading, paving, or excavation.

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

Dwelling: A structure or portion thereof that is used for human habitation including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, Duplex or Two-Family: A detached building containing two (2) dwelling units designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Multi-Family: A building containing three (3) or more dwelling units designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Single-Family: A detached building containing one dwelling unit designed exclusively for occupancy by one (1) family.

Dwelling Unit: One or more habitable rooms designed for occupancy by one family and not having more than one cooking facility.

Easement: A grant of right to use an area of land for a specific purpose.

Employees: All persons normally working on the premises during the largest shift. The estimated number of employees of a new business shall be determined by the Planning Commission and the number of employees of an established business shall be determined from an examination of the payroll.

Encroachment: Any obstruction in the flood plain which affects flood flows.

Expansion: Any increase of floor area equal to or greater than the lesser of 5% or 50 square feet.

Face: To front upon.

Family: An individual or two or more persons related by blood or marriage, including adopted children or those pending adoption, or a group of not more than five persons who need not be related by blood or marriage living as one housekeeping unit.

Farming: The use of land for purposes defined in ORS Chapter 215.

Fence: An unroofed barrier or an unroofed enclosing structure or obstruction constructed of any materials including but not limited to, wire, wood, cement, brick, and plastic.

Fence, Sight Obscuring: A fence or evergreen planting arranged in such a way as to obstruct vision.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map: [FIRM] The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (flood plain) and the risk premium zones.

Flood Insurance Study: [FIS] The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Flood Plain: Lands within the City that are subject to a one (1) percent or greater chance of flooding in any given year.

Floodproofing: A combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe: The area of a flood plain lying outside of the floodway, but subject to periodic inundation.

Floor Area: The gross horizontal areas under a roof of all floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven feet;
2. Basement, if the floor above is less than six feet above grade;
3. Uncovered steps or fire escapes;

4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers;
6. Off-street parking or loading spaces.

Frontage: That portion of a property which abuts a street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way.

Garage, Private: An accessory building or portion of a main building used for the parking or temporary storage of automobiles in which no business, occupation, or service is provided.

Garage, Public: A building, other than a private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked or stored for compensation, hire, or sale.

Grade: The average elevation of the finished ground at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation.

Group Care Home: A home or private institution maintained and operated for the care, boarding or training of one or more persons.

Guest House: A detached accessory building used as sleeping quarters for guests of the occupants of the main dwelling on a non-commercial basis and having no cooking facilities.

Home Occupation: A lawful occupation carried on by a resident of a dwelling as a secondary use within the same dwelling. The residential character of the property is maintained in a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. A home occupation shall not include the outside storage of equipment or materials.

Homeowners Association: An association operating under recorded land agreements through which each lot owner of a planned development, condominium development, subdivision or other described land is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

Hospital: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis.

Hotel: Any building in which lodging is provided to guests for compensation and in which no provision is made for cooking in individual rooms.

Improvement: Any permanent structure that becomes part of, placed upon, or is affixed to property.

Industrial: Any enterprise involving the manufacturing, processing, or assembly of semi-finished or finished products from raw materials or similar treatment or packaging of previously prepared materials.

Junk Yard: The use of more than 200 square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise.

Kennel: Any lot or premises on which four (4) or more dogs and/or cats over the age of four months are kept for sale, lease, boarding, or training.

Land Division: Any partition or subdivision of a lot or parcel.

Livestock: Domestic animals of types customarily raised or kept on farms for profit or other purposes.

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

Lot: A unit of land created by a subdivision or partitioning of land. Except where otherwise stated, the term "lot" includes the term "parcel."

Lot, Corner: A lot abutting on two intersecting streets, other than an alley.

Lot, Flag: A lot or parcel of land taking access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is in the same ownership or title.

Lot, Interior: A lot other than a corner lot.

Lot, Through: An interior lot having frontage on two streets.

Lot Area: The total area of a lot, measured in a horizontal plane within the lot boundary lines. For flag-shaped lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Ordinance.

Lot Coverage: The portion of a lot covered or occupied by buildings or other structures.

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

Lot Frontage: The distance between the two side lot lines measured at the minimum front setback line, parallel to the street line.

Lot Line, Front: The property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley.

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

Lot Line, Side: Any property line which is not a front or rear lot line.

Lot Line Adjustment: The relocation of a common property line between two abutting properties which does not involve the creation of a new lot or parcel.

Lot of Record: A lawfully created lot or parcel established by plat, deed, or contract as duly recorded in Yamhill County property records.

Lot Width: The average horizontal distance between the side lot lines, measured parallel to the front lot line.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement, of a building or structure. For purposes of Section 2.111, Flood Plain Management only, an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

Manufactured Home:

1. A residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
2. A mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
3. A home, a structure with a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended August 22, 1981 and constructed after June 15, 1976.

Manufactured Home Park: Any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental, lease, or use of facilities or to offer space free in connection with securing the trade or patronage of such person. A person shall not construct a new manufactured home park or add lots to an existing manufactured home park without approval by the State of Oregon. "Manufactured home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to this Ordinance.

Master Plan: A sketch or other presentation showing the ultimate development lay-out of a parcel or property that is to be developed in successive stages.

Mini-Warehouse Storage: An area or areas located within an enclosed building or structure designed and intended to be used for the rental of storage units to individuals for the safekeeping of personal items.

Modular or Prefabricated Home: A dwelling unit whose components are assembled and brought to the site and erected. The dwelling unit is intended and designed to be placed upon a permanent foundation and substantial construction is needed before it is complete and ready for permanent occupancy. Modular or prefabricated homes are regulated by the Uniform Building Code (UBC).

Motel: A building or group of buildings on the same lot containing rooms designed for lodging, with or without cooking facilities, which are available for rent and in which each lodging unit has a separate entrance from the building exterior. The term includes auto courts, tourist courts, tourist homes, and motor lodges.

New Construction: Structures for which construction was initiated on or after the effective date of this Ordinance.

Non-Conforming Structure or Use: A lawfully existing structure or use at the time this Ordinance or any amendments thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

Nursing Facility: Means an establishment with permanent facilities that include inpatient beds; providing medical services, including nursing services but excluding surgical procedures; and which provides care and treatment for two or more unrelated residents. In this definition, *Atreatment@* means complex nursing tasks that cannot be delegated to an unlicensed person. *ANursing facility@* shall not be construed to include facilities licensed and operated pursuant to any Oregon Revised Statute other than ORS 441.020(2).

Nursing Home: Any home, place or institution which operates and maintains facilities providing convalescent or nursing care, or both, for period exceeding 24 hours for 2 or more ill or infirm patients not related to the nursing home administrator, or owner, by blood or marriage. Convalescent care may include, but is not limited to, the procedures commonly employed in nursing and caring for the sick and includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under ORS.

Official Zoning Map: The map or maps upon which the zone locations in the City of Amity are indicated.

Outdoor Storage: The keeping, not within a building area, of any goods, material, merchandise or vehicles in violation of Ordinances 555 and 561.

Owner: The owner of record of real property as shown on the latest tax rolls or deed records of Yamhill County, and includes a person who furnishes evidence that he is purchasing a parcel of property under a written recorded or unrecorded land sale contract.

Parking Area, Private: An open area, building or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

Parking Area, Public: An open area, building or structure, other than a private parking area, street or alley, used for the parking of automobiles and other motor vehicles, and available for use by persons patronizing a particular building or establishment.

Parking Space: An enclosed or unenclosed surfaced area, exclusive of maneuvering and access area, permanently reserved for the temporary storage of an automobile and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles.

Partition: To divide an area or tract of land into two or three parcels within any five year period, when such area or tract of land exists as a unit or contiguous units of land under single ownership at the time of the initial partition. "Partition" does not include:

1. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property, and divisions of land resulting from the creation of cemetery lots; or
2. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

Pedestrian Circulation System: Pedestrian connection(s) between entrance(s) of the proposed development and adjacent street(s), the parking area, and the existing or future development on adjacent properties.

Pedestrian Connection: A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are hard surfaced. In parks and natural areas,

pedestrian connections are hard surfaced or soft-surfaced pathways. On undeveloped parcels intended for redevelopment, pedestrian connections may also include right-of-way or easements for future pedestrian improvements.

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.

Pedestrian Plaza: A small semi-enclosed area usually adjoining a sidewalk or a transit stop, which provides a place for pedestrians to sit, stand, or rest. They are usually paved with concrete, paving stones or similar material and include seating, pedestrian scale lighting and similar pedestrian improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas are generally located at a transit stop, building entrance or an intersection and connect directly to adjacent sidewalks, walkways, transit stops, and buildings. A plaza including 150-200 square feet would be considered "small".

Pedestrian Scale Lighting: Light standards or placement no greater than 14 feet in height located along walkways.

Pedestrian Way: A right-of-way for pedestrian traffic.

Person: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Permit: Any form of written approval pertaining to the use of land rendered by the city.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions, applicable to that zoning district as provided in the development code.

Planned Unit Development: A type of development of a site, which, as a single project, is based on a design which incorporates all elements of land, structures and uses in conformance with the applicable standards of this Ordinance.

Planning Commission: The Planning Commission of Amity, Oregon.

Plat: The final map which is a diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition.

Professional Office: An office occupied by an accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, land use planner, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character.

Public Facilities and Services: Projects, activities, and facilities which are necessary for the public health, safety, and welfare.

Quasi-Judicial Review: A decision affecting land use within the City which requires the interruption and/or amendment of existing standards or maps contained in this Ordinance. Quasi-Judicial decisions are heard by the Planning Commission. The decision of the Planning Commission is final except when the decision would necessitate an amendment to this ordinance, or as may be appealed in accordance with Section 3.205. In those cases the Planning Commission decision is forwarded as a recommendation to the City Council for a final decision.

Ramada: A stationary structure having a roof extending over a manufactured home, which may also extend over a patio or parking space and is used principally for protection from the elements.

Recreational Vehicle: A vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for temporary human occupancy and is designed for vacation or recreational purposes but not residential use.

Recreational Vehicle Park: Any area operated and maintained for the purposes of picnicking or providing space for overnight use by recreational vehicles.

Reserve strip: A strip of land, usually one foot in width, deeded to the city, reserved across the end of a street or alley at the boundary of a subdivision or partition; or a strip of land deeded to the city between a dedicated street and adjacent property; in either case reserved or held by the city for future street extension or widening, or to prohibit access from property adjacent to a street.

Residential Facility: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which

provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to and resident of the residential facility.

Residential Home: A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to and resident of the residential facility.

Retail Trade: The process of selling to the consumer for direct consumption and not for resale.

Right-of-Way: The full length and width of a public street or way, planned or constructed.

School; Elementary, Junior High or High School: An institution public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

School, Trade or Commercial: A building where the instruction is given to pupils for a fee in money or otherwise, which fee is the principal reason for the existence of the school.

Service Station: Any lot used primarily for the retail sales of motor vehicle fuels and lubricants for delivery on premises, and minor automobile repair and service.

Setback: The distance between a specified lot line and the foundation or exterior wall of a building or structure.

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. Sign does not include house numbers. For purposes of Section 2.206, the following definitions apply:

- **Alteration or Altered:** Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.
- **Area:** The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces.
- **Awning:** A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.
- **Building Face:** The single wall surface of a building facing a given direction.
- **Building Frontage:** The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this chapter. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.
- **Canopy Sign:** A sign hanging from a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.
- **Flashing Sign:** A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

- **Free-Standing Sign:** A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.
- **Incidental Signs:** A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.
- **Indirect Illumination:** A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.
- **Internal Illumination.** A source of illumination from within a sign.
- **Message Sign:** A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.
- **Monument Sign:** A square or rectangular sign that sits directly on the ground without pole or uprights. It may advertise one or more businesses.
- **Multi-faced Sign:** A sign which has two (2) or more identical sign faces, contained in a single sign structure.
- **Mural:** An illustration (with or without words or numbers) which is painted or otherwise applied (without projections) to an outside wall of a structure.
- **Nonconforming Sign:** Any sign which lawfully exists prior to the effective date of this chapter but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations.
- **Owner:** As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed.
- **Portable Sign:** Any sign that is not permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board

signs, signs attached to wood or metal frames and designed to be self supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this chapter.

- **Projecting Signs:** A sign the face of which is not parallel to the wall on which it is mounted, projecting more than 12 inches from a structure.
- **Real Estate Sign:** A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space.
- **Roof Line:** Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)
- **Roof Sign:** A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.
- **Rotating/Revolving Sign:** A sign, all or a portion of which, moves in some manner.
- **Sign Face:** Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "Sign Area."
- **Sign Height:** Height is measured from the grade of the curb line lowest to the base of the sign to the highest portion of the sign, sign structure or frame, whichever is greater highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the ground level shall be used to measure the height.
- **Sign Structure:** The supports, uprights, braces, framework and other structural components of the sign.
- **Temporary Business:** A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Amity.
- **Temporary Sign:** A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support.

- **Wall Sign:** A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within 3.5 feet of the wall shall also be considered a wall sign.

Space, Manufactured Home: An area reserved exclusively for the use of a single manufactured home.

Start of Construction: The date a building permit is issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement occurs within 180 days of the permit date.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade as defined herein, such basement or cellar shall constitute a story.

Street: The entire width between the boundary lines of every way of travel which provides for public or private use for the purpose of providing ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. A private way is excluded that is created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

1. **Alley:** A thoroughfare not more than 20 feet and not less than 10 feet in width, which has been dedicated or deeded to the public for public use providing a secondary means of access to abutting property.
2. **Arterial:** A street of considerable continuity which is used primarily for through traffic and interconnection between major areas of the City.
3. **Collector:** A street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties.
4. **Cul-de-sac (dead-end):** A short street with one end open to traffic and the other terminated by a vehicle turn-around.

5. **Half Street:** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
6. **Frontage Road:** A service road parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
7. **Minor (Local) Street:** A street intended primarily for access to abutting properties, but protected from through traffic.
8. **Private Street:** A street or right-of-way serving a subdivision or planned unit development that is not dedicated to the public or accepted by the City

Structural Alteration: Any change to the supporting members of a structure, including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

Structure: That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivide: To divide an area or tract of land into four or more parcels within a calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division of property.

Subdivision: All divisions of property which create four or more lots in a single calendar year.

Substantial Improvement: The cost of any repair, reconstruction or improvement of a structure equal to or greater than fifty percent (50%) of its market value before such alteration occurred.

Tax Lot: A lot designation created by the County Assessor for the purpose of levying property taxes.

Temporary Use: A use that is 1) seasonal or directed toward a specific event or period of time; or 2) occasioned by an unforeseen event.

Trailer (Travel or Vacation): See Recreational Vehicle.

Transportation Facilities: Any physical facility that moves or assist in the movement of people or goods including facilities identified in OAR 660-012-0020 but excluding electricity, sewage and water systems.

Travel Trailer Parks: See Campground, or, Recreational Vehicle Park.

Unstable Soil: Any soil type, as defined by the U.S. Soil Conservation Service and identified in the Comprehensive Plan, which has severe limitations for development due to potential flooding, erosion, structural instability or inadequate sewage waste disposal.

Urban Growth Boundary: An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Yamhill County.

Use: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Veterinary Clinic: A facility designed to contain treatment and temporary care facilities for the cure and prevention of ailments or injuries of domestic animals, including both domestic pets and farm animals, under the direction of a licensed veterinarian.

Visual obstruction: Any fence, hedge, tree, shrub, device, wall or structure between the elevations of three and eight feet above the adjacent curb height or above the elevation of the street edge where there is no curb, as determined by the Public Works Dept, City Manager or City Engineer, as so located at a street, drive, or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on said streets, drives, or alleys.

Walkway: A right-of-way deeded, dedicated, and designated for the use of non-motorized vehicles and pedestrians.

Warehouse: A place for the safekeeping of goods and materials necessary for the proper functioning of an industrial or commercial enterprise.

Wholesale Trade: The bulk sale of goods for resale to a person other than the direct consumer.

Yard: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.

Yard, Rear: A yard extending across the full width of the lot between the most rear primary building and the rear lot line, but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line.

Yard, Side: A yard, between a primary building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard or the rear lot line if no rear yard is required; the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of a primary building.

Zero Side Yard: No required set back from the adjacent property line.

1.200.03 **Definition Designs**

- **Basement**

- **Block**

- **Clear-Vision Area**

- **Building Height**

- **Grade**

[lot configurations]

- **Lot Width**
Lot Depth
- **Right-of-way**
- **Sign**
- **Street**
Arterial
Cul-de-sac
Half Street
Frontage Road
Local Street

- Yard, Front
Yard, Rear
Yard, Side
- Zero Side
Yard Dwelling