

SUBCHAPTER 13

DEFINITIONS

See Subchapter 10.060 Interpretation regarding conflicts of definitions.

ACCESS

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

ACCESSORY BUILDING

"Accessory Building" means a detached building or portion of a main building, the use of which is incidental, appropriate, and subordinate to that of the main building or to the use of the land.

ACCESSORY STRUCTURE

"Accessory Structure" means a detached structure or a structure attached to a building the use of which is incidental, appropriate, and subordinate to that of the main building or use of the land.

ACCESSORY USE

"Accessory Use" means a use incidental, appropriate, and subordinate to the main use of a building or land.

AGRICULTURE

"Agriculture means" activities that raise, produce or keep plants or animals. Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; kennels or other animal boarding places; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries.

AIR CONTAMINANT

"Air Contaminant" means any dust, fume, mist, odor, smoke, vapor, pollen, soot, carbon, acid, or particulate matter which is emitted into the atmosphere.

AIRPORT

"Airport" means a land area, field, runway, or other facility designed, used, or intended to be used for the landing and take-off of aircraft. Such definition shall

also include structures and facilities for the storage, maintenance, or repair of aircraft, which use the landing field or runway.

ALLEY

"Alley" means an unnamed street which affords only a secondary means of access to property.

ALTER

"Alter" means any change, addition, or modification in construction of a structure or building.

ALTERATION, STRUCTURAL

"Alteration, Structural" means any alteration or repair which changes a supporting member of a building such as a bearing wall, column, beam, header, or girder.

APARTMENT

"Apartment" means a dwelling unit that is part of an apartment house.

APARTMENT HOUSE

"Apartment House" means three or more dwelling units within the same building or sharing one or more common walls on one lot or parcel and designed for occupancy by three or more families living independently of each other. (Same as dwelling, MULTIPLE-FAMILY.)

AUTOMOBILE OR TRAILER SALES LOT

"Automobile or Trailer Sales Lot" means a lot or parcel used for the display, sale, or rent of new or used automobiles or trailers, and where no repair work is done except for the minor, incidental repair of automobiles or trailers to be displayed, sold, or rented on the premises.

AUTOMOBILES WRECKING YARD (JUNK YARD)

"Automobiles Wrecking Yard" means any property where more than two motor vehicles, not in running condition, or the parts of more than two vehicles are stored in the open; or any property used for the storage, sale, dismantling, or abandonment of wrecked automobiles, trailers, trucks, machinery, or parts thereof. "Automobiles Wrecking Yard" does not include legally established commercial vehicle service repair businesses.

AWNING

"Awning" means an overhead cover extending above the sidewalk (usually above windows and doors) as a shelter and/or sunshade.

BAND

"Band" means any horizontal flat member or molding or group of moldings projecting slightly from a wall plane and usually marking a division in the wall.

BASEMENT

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

BAY

"Bay" means 1) Within a structure, a regularly repeated spatial element defined by beams or ribs and their supports. 2) A protruded structure with a bay window.

BED and BREAKFAST ESTABLISHMENT

"Bed and Breakfast Establishment" means 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 establishment with more than five sleeping rooms shall be considered a hotel.

BELT COURSE

"Belt Course" means a horizontal band or molding set in the face of a building as a design element; also referred to as a string course.

BLOCK

"Block" means an area of adjoining properties on one side of a street and lying between the nearest intersecting streets, railroad or right-of-way, boundaries of unsubdivided acreage, water-courses, city limits, or bodies of water.

BOARDING HOUSE

"Boarding House" means a building or portion thereof used for the purpose of providing meals or meals and lodging for pay or family occupying such dwelling. An establishment where meals are served for compensation to more than five

persons shall be considered a restaurant. An establishment with more than five sleeping rooms shall be considered a hotel.

BOARDING OF ANIMALS

"Boarding of Animals" means the care and keeping of four or more dogs, cats, or other non-resident pets over the age of four months for a period of time greater than 48 hours. The care and keeping of animals at a veterinary clinic while such animals are undergoing treatment or are convalescing shall not be considered boarding of animals.

BUILDING

"Building" means a structure built or used for the shelter or enclosure of persons, animals, or property of any kind.

BUILD-TO-LINE

"Build-to-Line" means a predetermined line (most often a front, side or rear property line) from which a building, landscaping or some other site requirement is measured.

BUILDING BASE

"Building Base" means the area extending from the top of the finished grade or sidewalk to the bottom of the windowsill.

BUILDING LINE

"Building Line" means a line that is parallel with and adjacent to the most forward portion of a building.

BUILDING OFFICIAL

"Building Official" means the duly appointed head of the building department or designee.

CABANA

"Cabana" means a stationary light-weight structure which may be prefabricated or demountable and which has two or more walls, used adjacent to and in conjunction with a manufactured home or trailer to provide additional living space and designed to be moved with the trailer or mobile home.

CAFE

Same as RESTAURANT.

CAMPER

"Camper" means a portable structure intended to shelter persons or property during recreation, work or travel and designed to be mounted or carried upon a car, truck, or other vehicle and having no motive power of its own.

CAMP GROUNDS

"Camp Grounds" means any property under one ownership where two or more camp sites are located so as to provide facilities for temporary sleeping and cooking in any manner other than in a permanent dwelling, a manufactured dwelling, or a recreational vehicle.

CANOPY

"Canopy" means a covered area, which extends from the wall of a building protecting an entrance or loading dock.

CAPACITY

"Capacity" means the maximum holding or service ability, as used for transportation, utilities, parks, and other public facilities.

CARPORT

"Carport" means a stationary structure used to shelter an automobile, and having two or more open sides.

CASEMENT

"Casement" means a window sash, which swings open along its entire length; usually on hinges fixed to the sides of the opening into which it is fitted.

CELLAR

See BASEMENT.

CEMETERY

"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes. Such definition includes a columbarium, crematory, or mortuary, when operated in conjunction with and within the boundary of a cemetery.

CHAMFER

“Chamfer” means to cut off the edge or corner of a building at a 45-degree angle to open entry to both directions.

CHILD CARE FACILITY

“Child Care Facility” means any facility that provides care and supervision of minor children for periods of less than 24 hours. Such a facility includes a day nursery, nursery school group, group child care home, child care center, family child care home or similar unit operating under any name.

CHURCH

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

CITY

"City" shall mean that area under the jurisdiction of the governing body of the City of Independence, the City Council, or a representative of the City authorized to act in that capacity by the City Council.

CITY COUNCIL

"City Council" shall mean the governing body of the City of Independence, Oregon.

CITY MANAGER

“City Manager” means the Independence city manager or designee.

CLEAR VISION AREA

"Clear Vision Area" means a triangular area on a lot at the intersection of two streets; a street and an alley; a street and a driveway; or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. 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 lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

CLERESTORY

“Clerestory” means the upper level of the primary ground-floor walls that extends beyond the single-story height; often penetrated by windows.

CLINIC

"Clinic" means an establishment where human patients, who are not lodged overnight, are admitted for treatment or examination by one or more physicians, dentists, chiropractors, or other practitioners of medicine. (For animal care, refer to "Veterinary Hospital".)

CLUB

"Club" means buildings and facilities, owned or operated for a social, educational or recreational purpose, to which membership is required for participation, and not operated primarily for profit nor to render a service which is customarily carried on as a business.

COLUMN

"Column" means in structures, a relatively long, slender structural compression member such as a post, pillar, or strut; usually vertical, supporting a load, which acts in (or near) the direction of its longitudinal axis.

COMMERCIAL PARKING

"Commercial parking" means a parking structure, surface, or below grade parking lot for which a charge or fee is assessed for parking that is not accessory to a primary use, except as identified in an approved parking plan.

COMMERCIAL OUTDOOR RECREATION

"Commercial outdoor recreation" means large uses that provide continuous recreation or entertainment-oriented activities. Examples include amusement parks, theme parks, golf driving ranges, miniature golf facilities, and marinas.

COMMISSION

"Commission" means the City Planning Commission.

COMMON AREA

"Common Area" means private land commonly owned to include open space, landscaped or recreation facilities.

COMMON WALL CONSTRUCTION

"Common Wall Construction" means a single-family townhome having one or more walls attached to one or more single-family townhomes.

COMMUNITY BUILDING

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

COMMUNITY SERVICES

"Community Services" means uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. The use may provide mass shelter or short term housing. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency.

COMPREHENSIVE PLAN

"Comprehensive Plan" means the Comprehensive Plan for the City of Independence as adopted by the City Council, and including the Comprehensive Plan map and policies.

CONDOMINIUM

"Condominium" means the land, whether leasehold or in fee simple and whether contiguous or noncontiguous, all buildings, improvements, and structures thereon, and all easements, rights, and appurtenances belonging thereto, as provided by ORS 100, Condominiums.

CONVALESCENT HOME

Same as NURSING HOME.

CORNICE

"Cornice" means a decorative projection or crown along the top of a wall or roof.

COUNCIL

"Council" means the common council of the City.

COURTYARD

"Courtyard" means a space, open and unobstructed to the sky, bounded on three or more sides by walls of a building.

CUPOLA

"Cupola" means a dome-shaped ornamental structure on the top of a larger roof or dome. In some cases, the entire roof of a tower or spire can be a cupola. More frequently, however, the cupola is a smaller structure that sits on top of the main roof and at the corner of the building.

CURB LINE

"Curb Line" means the line indicating the edge of the vehicular roadway within the overall right-of-way on improved streets. The curb line is the face of the curb at the storm water gutter line.

DAY CARE CENTER

A "Day Care Center" is the supervision of and care for children or physically or mentally disabled adults that is provided during the day by a person or organization.

DECK

"Deck" means a flat-floored, roofless area adjoining a dwelling or other building and adapted especially to outdoor dining and living.

DEDICATION

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

DENSITY

"Density" means the number of dwelling units per acre of land within a subdivision, manufactured dwelling park, planned unit development, lot or parcel. Accessory dwelling units, as allowed by this ordinance, are not included in density calculations. The number of acres shall be determined by measurement of the gross area of the property, that is, to include the area of any future streets, common areas, or other rights-of-way to be dedicated to the public. For the purpose of this ordinance, ranges of density shall be defined as follows:

- A. Low Density: up to 8 dwelling units per gross acre;
- B. Medium Density: up to 12 dwelling units per gross acre;
- C. High Density: up to 20 dwelling units per gross acre.

DETENTION FACILITIES

"Detention Facilities" means facilities for people who are under judicial detainment and are under supervision.

DEVELOPMENT

"Development" means all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes. For floodplain management purposes, the definition of "development" found in Section 51.010 is used.

DORMER

"Dormer" means a structure projecting from a sloping roof usually housing a window or ventilating louver.

DORMITORY

"Dormitory" means a building other than a hotel, boarding house, or rooming house and used primarily for sleeping purposes.

DRIVE-THROUGH FACILITY

"Drive-Through Facility" means a facility or structure that is designed to allow drivers to remain in their vehicles during an activity on the site. Examples are drive-up windows, menu boards, order boards or boxes. Off-street parking spaces used for customer pick-up or loading of goods or products purchased on-site, on the phone, or on-line from the establishment are not a drive-through facility. Facilities designed for the picking-up or loading of goods or products purchased from the establishment that include a stacking lane and a service area are a drive-through facility.

DWELLING UNIT

"Dwelling Unit" means one or more habitable rooms occupied or intended or designed to be occupied by one family and having facilities for living, sleeping, cooking, and eating; such definition shall not include a hotel, motel, boarding house, camp ground or recreational vehicle.

DWELLING, ACCESSORY

"Dwelling, Accessory" means a single dwelling unit, either attached or detached, that is a subordinate use on the same lot with any single-family dwelling unit.

DWELLING, QUAD OR QUINT

"Dwelling, Quad or Quint" means a dwelling unit consisting of four or five rooms used for both living and sleeping, designed around a central kitchen, and intended primarily for occupancy by unrelated individuals. For the purpose of determining residential density, the number of dwelling units in each quad or quint shall be considered to be the number of dwelling rooms surrounding the core kitchen divided by two.

DWELLING, SINGLE-FAMILY

"Dwelling, Single-Family" means a single detached dwelling unit designed exclusively for occupancy by one family.

DWELLING, TOWNHOUSE

"Dwelling, Townhouse" means a single-family structure, which is attached on one or more sides to another single family structure, and so designed that each individual dwelling unit is located upon a separate lot or parcel.

DWELLING, TWO-FAMILY (Duplex)

"Dwelling, Two-Family (Duplex)" means two dwelling units sharing one or more common walls on one lot or parcel and designed exclusively for occupancy by two families living independently of each other.

DWELLING, MULTIPLE-FAMILY

"Dwelling, Multiple-Family" means three or more dwelling units within the same building or sharing one or more common walls on one lot or parcel and designed for occupancy by three or more families living independently of each other. (Same as APARTMENT HOUSE.)

EASEMENT

"Easement" means a non-possessory interest or right of usage of real property granted by an owner to the public or to specific person(s), firms, or corporations.

EAVES

"Eaves" mean the lower edge of a sloping roof; that part of a roof of a building which projects beyond the wall, limiting rainwater from hitting the façade.

EDUCATIONAL INSTITUTION

"Educational Institution" means a college or university supported by public funds, tuition, contributions, or endowments and giving general academic instruction, excluding elementary and high schools and trade or commercial schools.

ELEMENTARY SCHOOL

"Elementary School" means a public elementary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary school teaching children as described in ORS 339.030(1)(a).

ENGAGED COLUMN

"Engaged Column" means a column embedded in a wall and partly projecting from the surface of the wall.

ENTERTAINMENT/MAJOR EVENT

"Entertainment/Major Event" means uses characterized by activities and structures that draw large numbers of people to specific events or shows. Examples include sports arenas, racetracks (auto, horse, dog, etc.), auditoriums, exhibition and meeting areas, outdoor amphitheaters, and fairgrounds.

FACADE

"Façade" means the exterior face of a building, which is the architectural front, sometimes distinguished from the other faces by elaboration of architectural or ornamental details.

FAMILY

"Family" means an individual; or two or more persons related by blood, marriage, or adoption; or a group of not more than five persons (excluding servants) not related by blood or marriage and living together in a dwelling.

FENCE

"Fence" means any obstruction constructed of any materials, including but not limited to wire, wood, cement, brick and evergreen or shrubbery planting arranged in such a way as to partially or wholly obstruct vision.

FENESTRATION

"Fenestration" means the arrangement of windows in a building to provide interior light; also used as decorative elements in a façade.

FLAG LOT

“Flag lot” means a lot that has frontage on and primary access to a street by means of a “flag stem”.

FLAG STEM

“Flag stem” means that portion of a flag lot that is a narrow strip of land providing primary frontage and access to the main body of the lot.

FLOOR AREA

"Floor Area" means the sum of the gross horizontal areas of the several 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:

- A. Attic space providing headroom of less than seven feet;
- B. Basement of the floor above is less than six feet above grade;
- C. Uncovered steps or fire escapes;
- D. Private garages, carports or porches;
- E. Accessory water towers or cooling towers;
- F. Accessory off-street parking or loading spaces.

FOOT CANDLES

“Foot candles” means a unit of measurement to calculate lighting levels. A foot candle is defined as the amount of illumination the inside surface an imaginary 1-foot radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere.

FRATERNITY, SORORITY, STUDENT HOUSE

"Fraternity, Sorority, Student House" means a residential building in which living accommodations are furnished to the students of an educational institution.

FRIEZE

“Frieze” means a decorative horizontal band along the upper part of a wall in a room; often used for signage in modern buildings but derived from classical architectural principles.

FRONTAGE

"Frontage" means the distance along which a lot or parcel abuts a street as defined in this ordinance.

GABLE ROOF

“Gable roof” means a roof having a gable at one or both ends.

GAMBLING ESTABLISHMENT

An establishment whose primary purpose is to host gambling activities. This includes off track betting parlors, but does not apply to video poker, lottery and other gambling activities which are secondary to a bar, restaurant or store’s clientele.

GARAGE, PRIVATE

"Garage, Private" means an accessory building or portion of a main building for the parking or storage of automobiles for the residents, tenants, employees, or owners of the building. A private garage for a dwelling shall not be designed to accommodate more than 3 automobiles and shall not exceed 750 square feet in floor area.

GARAGE, PUBLIC

"Garage, Public" means a building other than a private garage where motor vehicles are parked or stored for compensation, hire or sale.

GARAGE, REPAIR

"Garage, Repair" means a building in which automobiles or other motor vehicles are repaired or modified for compensation.

GOOSE NECK FIXTURE

“Goose neck fixture” means a type of light fixture attached to a building face or wall that extends out from the building or wall like a neck.

GRADE, (GROUND LEVEL)

"Grade, (Ground Level)" means the lowest elevation of the finished surface of the ground between the exterior wall of building and a point five feet distant from said wall; or the lowest elevation of the finished surface of the ground between the exterior wall of a building and the property line if such line is less than five feet distant from the wall. In the case that walls are parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.

GRASSCRETE

“Grasscrete” means a structural vehicular paver that consists of pores or holes that

are typically infilled with grass or some other type of ground cover that helps to reduce storm water runoff by treating the water on site.

GUEST HOUSE

"Guest House" means an accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests or by persons employed on the premises.

HANGAR, PRIVATE

"Hangar, Private" means an accessory building or portion of a main building primarily for the parking or storage of aircraft for the residents, tenants, or owners of the building.

HANGAR, PUBLIC

"Hangar, Public" means a building other than a private hangar where aircraft are parked or stored for compensation, hire or sale.

HEAVY INDUSTRIAL

"Heavy industrial" means industrial uses that are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Few customers, especially the general public, come to the site. Examples include machine shops, auto and truck salvage and wrecking, printing, dyeing establishments, and fertilizer production.

HEIGHT OF BUILDING

"Height of Building" means the vertical distance from the grade 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 pitch or hip roof.

HELIPORT

"Heliport" means an area used or intended for landing or take-off of helicopters or other vertical take-off and landing aircraft capable of hovering, and which includes all of the area or buildings which are accessory to these functions.

HIP ROOF

"Hip roof" means a roof, which slopes upward from all four sides of a building requiring a hip rafter at each corner.

HOME OCCUPATION

"Home Occupation" means an occupation carried on solely by the resident or residents of a dwelling and which is incidental, secondary, and subordinate to the residential use, and which is conducted in accordance with the provisions and requirements of this ordinance. All home occupations shall comply with the requirements of Subchapter 72. A Marijuana Facility is not a home occupation.

HOSPITAL

"Hospital" means an institution devoted primarily to the rendering of healing, curing, and nursing care; and which maintains and operates facilities for the diagnosis, treatment, or care of two or more non-related individuals suffering from illness, injury, or deformity; or where obstetrical or other healing or nursing care is rendered over a period exceeding 24 hours.

HOTEL OR LODGING HOUSE

"Hotel or Lodging House" means a building or portion of a building, which is not a residence, containing rooms customarily occupied by travelers as temporary quarters and for which compensation is paid.

JUNK YARD

Same As AUTOMOBILE WRECKING YARD.

KENNEL

"Kennel" is as defined in Chapter 4-52 of the Independence Municipal Code.

LANDSCAPE

"Landscape" means to change the natural features of a site so as to make it more attractive, by adding trees, bushes, ground cover, and other plants or built features such as paths, fountains, and pools.

LAND-USE ACTION

"Land-Use Action" means a quasi-judicial decision rendered by the Planning Commission or the City Council on a request for a variance, conditional use, zone change, plan amendment, subdivision, manufactured dwelling park, planned unit development or partition.

LIGHT INDUSTRIAL USES

"Light industrial uses" means industrial uses that are usually less capital intensive

and produce products for end users as opposed to for other industries. Light industrial uses also have less environmental impacts. Examples include the manufacture of clothes, shoes, furniture, consumer electronics, household items, as well as research and development activities and high-tech activities

LINE, FRONT BUILDING

"Line, Front Building" means a horizontal line parallel to the front lot line and passing through that part of the main building's foundation which is closest to the front lot line. In the case of a lot which has no improvements upon it, the front building line shall be considered to be a line located halfway between the front and rear lot lines and parallel to the front lot line.

LINTEL

"Lintel" means the horizontal member above a door or window which supports the wall above the façade opening.

LIQUID WASTE

"Liquid Waste" means waste oils, septic tank pumpings, industrial wastes, or other similar liquids.

LOADING SPACE

"Loading Space" means an off-street space or berth for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Such space shall be on the same lot as the building or group of buildings that it serves and shall abut upon a street, alley, or other appropriate means of access.

LOT

"Lot" means a unit of land created by a subdivision of land.

LOT AREA

"Lot Area" means the total area measured on a horizontal plane within the lines of a lot.

LOT, CORNER

"Lot, Corner" means a lot abutting on two or more streets, other than an alley, at their intersection.

LOT COVERAGE

"Lot coverage" means the percentage of the site that is occupied by a structure.

LOT, CURVILINEAR

"Lot, Curvilinear" means a lot having a curved frontage.

LOT DEPTH

"Lot Depth" means the horizontal distance between the front lot line and the rear lot line measured in the mean direction of the side lot lines.

LOT, DOUBLE FRONTAGE

"Lot, Double Frontage" means a lot which has frontage on two streets, but which is not a corner lot.

LOT, INTERIOR

"Lot, Interior" means any lot other than a corner lot.

LOT LINE

"Lot Line" means the lines bounding a lot as defined herein.

LOT LINE, FRONT

"Lot Line, Front" means in the case of an interior lot, a line separating the lot from the street; in the case of a corner lot or double frontage lot, the line separating the lot from the street on which the improvements or contemplated improvement will face, or if that is not applicable, the line adjoining the street from which the property will take its access, or, if neither of the preceding is applicable, the line having the shorter street frontage.

LOT LINE, REAR

"Lot Line, Rear" means a lot line which is opposite and most distant from the front lot line. In the case of a triangular lot, the rear lot line for building purposes shall be assumed to be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE

"Lot Line, Side" means any lot line which is not a front or rear lot line.

LOT, THROUGH

Same as DOUBLE-FRONTAGE LOT. A lot that has frontage on a public or private street on 2 or more sides and that is not a corner lot.

LOT OF RECORD

"Lot of Record" means a lot which is part of an approved, recorded subdivision, or a lot or parcel described by metes and bounds and which has been recorded in the office of the County Clerk.

LOT WIDTH

"Lot Width" means the 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.

LUNETTE-HALF WINDOW

"Lunette-Half Window" means a half-moon shaped space, either masonry or void, formed when a horizontal cornice transects a round-headed arch at the level of the impostes where the arch springs.

MAIN BUILDING

"Main Building" means a structure housing the primary land use which occurs on a lot or parcel. There may be several main buildings on a single lot or parcel.

MANUFACTURED DWELLING

"Manufactured Dwelling" means:

- a. Manufactured home, as defined by this ordinance.
- b. Mobile home, as defined by this ordinance.
- c. Residential trailer, as defined by this ordinance.

"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 Oregon Revised Statutes 455.100 to 455.449 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

MANUFACTURED DWELLING PARK

"Manufactured Dwelling Park" means a privately owned property where four (4) or more manufactured dwellings, used as residences, are within 500 feet of one another on the same lot, tract, or parcel of land under the same ownership the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the City as a subdivision.

MANUFACTURED HOME

"Manufactured Home" means a structure constructed for movement on 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 regulations in effect at the time of construction.

MANUFACTURING AND PRODUCTION

"Manufacturing and Production" means the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site. The manufacturing or production of art and unique artisanal products sold from a retail store in the same building is not included in this definition and is therefore allowed. Manufacturing of art and unique artisanal products may require compliance with Subchapter 80: Site Design Review.

MARGINAL ACCESS STREET

"Marginal Access Street" means a minor street parallel and adjacent to major streets and which provides access to abutting properties with protection from through traffic.

MARIJUANA

“Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. “Marijuana” does not include industrial hemp as defined in ORS 571.300.

MARIJUANA FACILITY

“Marijuana Facility” means any of the following: a medical marijuana processing site, a medical marijuana dispensary, a recreational marijuana producer, a recreational marijuana processor, a recreational marijuana wholesaler, a recreational marijuana retailer, a marijuana research facility or a marijuana testing laboratory.

MARIJUANA RESEARCH FACILITY

“Marijuana Research Facility” means cannabis researcher certified by the Oregon Liquor Control Commission pursuant to ORS 475B.235.

MARIJUANA TESTING LABORATORY

“Marijuana Testing Laboratory” means a laboratory that conducts testing of marijuana items and is licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.560 and accredited by the Oregon Health Authority pursuant to ORS 475B.565.

MEDALLION

“Medallion” means a decorative element set into the upper portion of a building façade periodically, typically medallions are incorporated into columns or pilaster.

MEDICAL MARIJUANA DISPENSARY

“Medical marijuana dispensary” means a medical marijuana dispensary registered with the Oregon Health Authority pursuant to ORS 475B.450.

MEDICAL MARIJUANA GROW SITE

“Medical marijuana grow site” means a site registered with the Oregon Health Authority pursuant to ORS 475B.420 to produce marijuana for an individual who has been issued a medical marijuana registry identification card by the Oregon Health Authority.

MEDICAL MARIJUANA PROCESSING SITE

“Medical Marijuana Processing Site” means a medical marijuana processing site registered with the Oregon Health Authority pursuant to ORS 475B.435.

MINING

“Mining” means the mining or extraction of mineral or aggregate resources from the ground for off-site use.

MOBILE HOME

“Mobile Home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed 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.

MODULAR PAVERS

“Modular Pavers” means a pre-cast piece of usually either concrete or brick that is commonly used in exterior paving applications. Pavers can be made permeable so that moisture filters through the joints allowing for ground water recharge.

MOTEL (Auto Court, Tourist Court)

"Motel" means a series of attached, semi-detached, or detached units customarily occupied by travelers as temporary quarters and for which compensation is paid. Such units shall have an entrance directly from the outside into the building and shall not be used as residences.

MULLION

“Mullion” means a vertical post or upright element dividing a window or other opening into two or more sections.

NONCONFORMING LOT OF RECORD

"Nonconforming Lot of Record" means a lot which was lawfully created in compliance with all applicable ordinances and laws, but which because of the application of a subsequent zoning ordinance or amendments, no longer conforms to the requirements for the zone in which it is located.

NONCONFORMING STRUCTURE

"Nonconforming Structure" means the use of a structure or land which use was lawfully established in compliance with all applicable ordinances and laws, but which, because of the application of a subsequent zoning ordinance or amendments, (1) no longer conforms to the setback, height, maximum lot coverage, or other building development requirements of this Chapter, or (2) is clearly designed and intended for uses other than those permitted in the zone in which it is located.

NOTIFICATION AREA

"Notification Area" means, as applied to a request for a land use action, the notification area shall be deemed to include the area bounded by lines 250 feet (350' for wireless communications facilities) from and parallel to the boundaries of the property that is the subject of the request. The notification area also include the property that is the subject of the request. In those cases where the subject property is adjoined by property under the same ownership, the notification area shall be measured from the outermost property line of all the contiguous properties under that ownership.

NURSERY

A facility where young plants are grown for transplanting, for use as stocks for budding and grafting, or for sale.

NURSING HOME (Convalescent Home, Rest Home)

"Nursing Home" means any home, place or institution which operates and maintains facilities providing convalescent or nursing care or both for a period exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent care may include, but need not be limited to, the procedures commonly employed in nursing and caring of the sick. A nursing home 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 according to Oregon Revised Statutes.

OWNER

"Owner" means 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 property according to the term of a recorded contract.

PARAPET

"Parapet" means a low, solid, protective screening or decorative wall that is an extension of exterior building walls beyond the roof or deck level.

PARCEL

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

PARKING AREA, PRIVATE

"Parking Area, Private" means an open area other than a street or alley used for the parking of automobiles and available for use by the public or by persons patronizing a particular building or establishment.

PARKING SPACE, AUTOMOBILE

"PARKING Space, Automobile" means a designated area for the parking of one automobile.

PATIO

"Patio" means an unenclosed, covered recreation area adjoining a dwelling or other building and adapted especially to outdoor dining and living.

PERSON

"Person" means a person or their heirs, executors, administrators, or assigns; or a firm, partnership, or corporation, or its successors or assigns; or the agent of any of the aforesaid; or any political subdivision, agency, board, or bureau of government.

PERVIOUS ASPHALT

"Pervious Asphalt" means asphalt that consists of pores or openings that allows for liquid or gas to pass through.

PILASTER

"Pilaster" means a rectangular or round column or shallow pier attached to a wall constructed to coordinate with the style of the building.

PLAN AMENDMENT

"Plan Amendment" means a change of the plan designation of a property as shown on the Comprehensive Plan map.

PLAN DESIGNATION

"Plan Designation" means the designation of a property as shown on the comprehensive plan map.

PLANNING COMMISSION

"Planning Commission" means the Planning Commission of the City of Independence, Oregon.

PORTICO

"Portico" means a porch or covered walk consisting of a roof supported by columns.

PROFESSIONAL OFFICE

"Professional Office" means an office occupied by services including but not limited to, an accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts.

PROJECTED WINDOW SILL

"Projected Window Sill" means an articulated, horizontal member at the base of the window that supports the window, wicks water from the facade and provides a slight shadow line that accentuates the depth of the opening.

PROPERTY LINE

Same as LOT LINE.

PUBLIC ATHLETIC FIELD

"Public Athletic Field" means an athletic field that is owned or operated by a government entity or nonprofit organization and that is open to the general public.

PUBLIC LIBRARY

"Public Library" means a library open to the general public and owned or operated by a government entity or nonprofit organization.

PUBLIC PARK

"Public Park" means a park that is owned or operated by a government entity or nonprofit organization and that is open to the general public.

PUBLIC PLAYGROUND

“Public Playground” means a playground that is owned or operated by a government entity or nonprofit organization and that is open to the general public.

PUBLIC RECREATIONAL FACILITY

“Public Recreational Facility” means a recreational facility that is owned or operated by a government entity or nonprofit organization and that is open to the general public.

RAILROAD YARDS

“Railroad Yards” means areas that contain multiple railroad tracks used for rail car switching, assembling of trains and shipment of goods to other transportation modes.

RAMADA

"Ramada" means a stationary structure which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from the snow, sun, or rain.

RECREATIONAL MARIJUANA PROCESSOR

“Recreational Marijuana Processor” means a recreational marijuana processor licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.090.

RECREATIONAL MARIJUANA PRODUCER

“Recreational Marijuana Producer” means a recreational marijuana producer licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.070.

RECREATIONAL MARIJUANA RETAILER

“Recreational Marijuana Retailer” means a recreational marijuana retailer licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.110.

RECREATIONAL MARIJUANA WHOLESALER

“Recreational Marijuana Wholesaler” means a recreational marijuana wholesaler licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.100.

RECREATIONAL VEHICLE

"Recreational Vehicle" means a vehicle, with or without motive power, which is designed for human occupancy and designed to be used temporarily for

recreational, seasonal, or emergency purposes. Such definition shall include pickup campers, motor homes, camper trailers, and similar vehicles regardless of whether they are self-propelled, carried or towed.

RECREATIONAL VEHICLE PARK

"Recreational Vehicle Park" means a plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.

REFUSE

"Refuse" means any putrescible and non-putrescible solid wastes including but not limited to garbage, rubbish, ashes, dead animals, abandoned automobiles, solid market wastes, street cleanings, and industrial waste (including waste disposal from industrial salvage).

REPAIR, BUILDING

"Repair" means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance or improvement. The word "repair" or "repairs" shall not include any structural alteration.

RESIDENCE

"Residence" means any dwelling unit, apartment, building, mobile home, or other structure in which residential activities are conducted and which is occupied by a person, family, or group of persons for a period exceeding thirty days within any 12-month period.

RESIDENTIAL

"Residential" means that which pertains to the activities normally conducted within a residence (i.e., living, sleeping, cooking, and eating).

RESIDENTIAL FACILITY

"Residential Facility" means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, licensed or registered under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327 by the Department of Human Services that 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 licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

RESIDENTIAL HOME

"Residential Home" means a residential treatment or training or an adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that 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 licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

RESIDENTIAL TRAILER

"Residential Trailer" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

REST HOME

Same as NURSING HOME.

RESTAURANT (Cafe)

"Restaurant" means an establishment where prepared food is served to the public either for consumption within the building or as a take-out service.

RIGHT-OF-WAY (R.O.W.), PUBLIC

"Right-of-Way" means a defined area of land dedicated to and wholly owned by the public so that it may be used or passed across by the public.

ROOF PITCH

"Roof Pitch" means the angle of the roof described as a horizontal to vertical proportion.

ROOMING HOUSE

"Rooming House" means a dwelling or portion thereof where sleeping rooms are provided, where no meals are provided, and where lodging for three or more persons is provided for compensation. An establishment having more than five sleeping rooms shall be considered a hotel.

SCHOOL, PRIVATE (Elementary, Junior High/Middle, or High)

"School, Private" means an institution, public, private or parochial, offering instruction in several branches of learning in accordance with the rules and regulations of the State Department of Education.

SCHOOL, TRADE OR COMMERCIAL

"School, Trade or Commercial" means a school in which instruction is given to pupils for a fee in money, and which is not a public school, and which specializes in the teaching of a particular skill, trade or profession.

SECONDARY SCHOOL

"Secondary School" means a public secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial secondary school teaching children as described in ORS 339.030(1)(a).

SELF-SERVICE STORAGE STATION

"Self-Service Storage" means a designated area that provides separate storage for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.

SETBACK

"Setback" means the distance between a building (or other feature of development) and a property line. Minimum and maximum setbacks may be required for front, rear, and side yards.

SHARED PARKING

"Shared Parking" means 1) An arrangement between adjacent property owners or uses that allow for the sharing of a central parking facility 2) A legal arrangement between separate uses, typically one that is a morning/afternoon oriented use and one that is an evening use, that allows for the shared use of parking facilities.

SIGN

"Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business.

SIGN, ADVERTISING

"Sign, Advertising" means a sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold or offered upon the premises where such sign is located.

SIGN, BLADE

"Sign, Blade" means a pedestrian-oriented sign that projects perpendicular from and is supported by or attached to a wall that hangs out over the public right-of-way or any private area subject to pedestrian travel.

SIGN, BUSINESS

"Sign, Business" means a sign which directs attention to a business, professional, service, product, activity, or entertainment sold or offered upon the premises where such sign is located.

SIGN, PORTABLE

"Sign, Portable" means any sign that is not permanently affixed to a building, structure, or the ground; a sign designed to be moved from place to place. These signs primarily included but are not limited to: A-frame or sandwich board signs, signs attached to wood or metal frames which are designed to be self-supporting and movable, and trailer reader boards. Portable sign does not mean a sign affixed to and hanging from a marquee or awning provided the bottom of such sign is not less than eight feet above the sidewalk grade.

SMALL SOLAR ENERGY SYSTEM

"Small solar energy system" means a system composed of a solar energy collector, an energy storage facility, and components for the distribution of transformed energy that may be attached to a residence or other structure. A small solar energy system may be a photovoltaic system to convert the sun's energy to electricity or it may be a solar thermal system used to heat water.

SMALL WIND ENERGY SYSTEM

"Small wind energy system" means a wind energy conversion system consisting of a wind turbine, a support structure, and associated control of conversion electronics and that has a rated capacity of not more than 10kW and that is intended to reduce on-site consumption of utility power.

STACKING AREA/LANE

"Stacking Area/Lane" means a designated lane where vehicles queue before

proceeding through a drive-through facility.

STORY

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

STREET

"Street" means a public way or thoroughfare which has been dedicated or deeded to the public to provide access.

STRING COURSE

"String Course" means a horizontal band or molding set in the face of a building as a design element (also called a belt course).

STRUCTURE

"Structure" means 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.

STRUCTURAL ALTERATION

"Structural Alteration" means any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

SUBJECT PROPERTY

"Subject Property" means the lot or parcel that is the subject of a request for a land use action as defined in this ordinance.

TOURIST COURT

Same as MOTEL.

TRAILER (TRAVEL OR VACATION)

Same as RECREATIONAL VEHICLE.

TRANSOM

"Transom" means a horizontal glass plane, typically encased in a wood or metal frame, that separates the storefront from the middle of the façade, or which is located between a door frame and ceiling.

TURRET

"Turret" means a very small and slender tower attached to a larger building.

USE

"Use" means the purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is used.

VEHICLE SERVICING/REPAIR

Vehicle Servicing/Repair – Businesses servicing motor vehicles. Generally, the customer does not wait at the site while the service or repair is being performed. Examples include, but are not limited to vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.

VETERINARY HOSPITAL OR CLINIC

"Veterinary Hospital or Clinic" means a building or premises for the medical or surgical treatment of animals or pets.

VISION CLEARANCE

"Vision Clearance" means a triangular area at the street intersection corner of a corner lot, or at the corner at any alley and street intersection. The triangular area is defined by a diagonal line connecting points on the right-of-way lines a prescribed distance from corner formed by the intersecting streets.

WALL SCONCE

"Wall Sconce" means a wooden or metal bracket affixed to a wall and designed to hold candles, lamps, or other types of illumination.

WAREHOUSE AND FREIGHT

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

WASTE-RELATED

“Waste-Related” means a land use that receives solid or liquid wastes from another source for disposal on the site or for transfer to another location.

WETLANDS

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term is defined more specifically by the Federal Clean Water Act (Section 404) and Oregon Administrative Rules (OAR 141-85-010). The protection, development, and regulation authority over designated wetlands are subject to local, state, and federal regulations.

WHOLESALE RETAIL

“Wholesale Retail” means the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates.

WITHIN 1,000 FEET

“Within 1,000 Feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction between any point on the boundary line of the real property on which the Marijuana Facility is located and the real property on which an Elementary or Secondary School is located.

WITHIN 250 FEET

“Within 250 Feet” means a straight line measurement in a radius extending for 250 feet or less in every direction between any point on the boundary line of the real property on which the Marijuana Facility is located and the real property which is residentially zoned, or on which a Public Library, Public Park, Public Playground, Public Recreational Facility or Public Athletic Field is located, as applicable.

WOOD FRAME CONSTRUCTION

"Wood Frame Construction" means the prevalent method for constructing homes using a structural system of wood. Structures can be built above a concrete pad or plinth.

YARD

"Yard" means the area defined by setbacks (i.e. between the setback line and respective property line).

YARD, FRONT

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

YARD, LANDSCAPED

"Yard, Landscaped" means an open area devoted primarily to the planting and maintaining of trees, grass, shrubs and plants together with sufficient permanent irrigation equipment to maintain properly all vegetation. As complementary features, fountains, pools, screens, decorative lighting, sculpture and outdoor furnishings may be placed within said area.

YARD, REAR

"Yard, Rear" means a yard extending across the full width of the lot between the nearest main building and the rear lot line. The required rear yard depth shall be measured horizontally from the nearest point of the rear lot line, or, if the rear lot line adjoins an alley, then from the center line of the alley, toward the nearest part of the foundation of the building.

YARD, SIDE

"Yard, Side" means a yard between the main building and the side lot line extending from the front yard or front lot line to the rear yard; the required side yard depth shall be measured from the nearest point of the side lot line toward the nearest part of the foundation of the main building.

ZONE CHANGE

"Zone Change" means a change of the zoning of one or more properties, as shown on the zoning map adopted by the City of Independence.