

Article 6 – Definitions

(Definitions in bold italic are from the current code definitions (Chapter 18.38) but were not in the Article 6 Draft. Definitions in this font are from the National Landmark District Chapter 5.1.) Where there are multiple definitions for a term, an asterisk denotes staff preference.)

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6.1.010 Purpose

The purpose of Chapter 6.1 is to define terms that are used in the City of Jacksonville Development Code and other terms that may arise in interpreting the Code, particularly those that may be uncommon or have more than one meaning.

6.1.020 Applicability

A. Definitions. The definitions in Chapter 6.1 apply to all actions and interpretations under the City of Jacksonville Land Development Code. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control.

B. When A Term Is Not Defined. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. *Webster’s Third New International Dictionary of the English Language, Unabridged*, shall be considered a standard reference.

C. Land Use Categories. Chapter 6.1 defines the land use categories used in Article 2.

D. Conflicting Definitions. Where a term listed in Chapter 6.1 is defined by another section of this Code or by other regulations or statutes referenced by this Code, the term is not redefined herein for purposes of that other code.

6.1.030 Definitions

5.1.030 Definitions. As used in this Article, the following words and phrases shall have the following meanings. Terms not defined have their commonly construed meaning:

The following definitions are organized alphabetically.

Abutting: *Abutting: adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures 8 feet or more in a single direction.*

Access. A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property.

Access Easement. An easement conveyed for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a lot or parcel across intervening property under separate ownership from the parcel being provided access. **Cross access easement** is an easement providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

Access Way. A walkway providing a through connection for pedestrians between two streets, between two lots, or between a development and a public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walkway on public or private property (*i.e.*, with a public access easement); may also be designed to accommodate emergency vehicles. See also, Walkway.

Accessible. Two meanings are possible depending on the specific code provision: In general, accessible means approachable by pedestrians, vehicles or other transportation mode, as applicable. Accessible may also mean approachable and useable by people with disabilities, in conformance with the Federal Americans With Disabilities Act. Either or both definitions may apply in a particular situation.

Accessory Dwelling Unit. A secondary house or apartment with its own kitchen, living area and separate entrance that shares the building lot of a larger, primary house.

Accessory Structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. An Accessory Dwelling Unit is permitted only when it is clearly incidental, subordinate and accessory to the principal use. Accessory structures are detached from the primary structure. Examples of accessory structures include but are not limited to: garages, decks, fences, arbors, gazebos, heat pumps, workshops and other structures. See also Primary Structure.

Accessory Use. A use or activity that is a subordinate part of a primary use and that is clearly incidental to

a primary use on a site. See also Primary Structure.

Adjacent. Abutting or located directly across a street right-of-way or easement.

Adjacent: Abutting or located directly across a street right-of-way.

Adjustment. A minor modification providing relief to Code standards that have the unintended effect of preventing reasonable development in conformance with all other code standards.

ADVERTISING STRUCTURE: Any notice or advertisement, pictorial or otherwise, and any structure or three dimensional form used as, or for the support of, any notice or advertisement for the purpose of making anything known about goods, services or activities, or for simply attracting visual attention to a business.

***Alter/Alteration.** A change in use or occupancy or physical change to a structure or site. Alteration does not include normal maintenance and repair. Alterations may or may not require land use approval, but property owners should check with the City of Jacksonville before preparing project plans or commencing development. Alterations include but are not limited to the following:

- Changes in use or occupancy;
- Changes to the exterior of a building;
- Changes to the interior of a building;
- Increases or decreases in floor area of a building;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Alteration: Addition, removal, or reconfiguration that changes the appearance of a Landmark. Ordinary Maintenance and proposals for solely the Replacement of Building Features are excluded from this definition. A request for Substitute Materials will be an Alteration.

Exterior Alteration: A physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior alteration does include the following: - Changes to the facade of a building; - Increases or decreases in floor area that result in changes to the exterior of a building; - Changes to other structures on the site or the development of new structures; - Changes to exterior improvements; - Changes to landscaping; and - Changes in the topography of the site.

Applicant. A person who applies for a permit or approval under this Code. An applicant can be the owner of the property, a contract purchaser, or someone who is legally authorized to represent the owner, such as a builder, developer, or contract purchaser.

Awning: A roof-like cover that is connected to the primary structure extending over or in front of a building as a shelter.

BALCONY: *A platform projecting from the exterior wall, enclosed by a railing, supported by brackets or columns or cantilevered out.*

Bed and Breakfast Inn. Any establishment located in a structure designed for a single family residence and structures appurtenant thereto, providing limited overnight lodging and meals for guests pursuant with the special use requirements for bed and breakfast inns.

BERM: *An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.*

Block. All of the property bounded by streets, rights-of-way (pedestrian or vehicle ways), water features, or any combination thereof, but is not divided or separated in any way by streets or water features.

Block Face/Street Frontage. All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines the boundary of the block frontage only on the side of the street that it intercepts. See Figure.

Block Frontage

BOARDING OR ROOMING HOUSE: *A residential building, other than a hotel or motel, where lodging or meals are provided to three or more persons, and for which a fee is charged.*

BUFFER: *A combination of physical space and vertical elements, including but not limited to plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.*

Building. See applicable International Building Code.

Building: A house, barn, church place of worship, hotel, or similar construction created principally to shelter any form of human activity.

***BUILDING:** *A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including swimming pools, fences, and patios.*

Building Footprint. The outline of a building, as measured around its foundation, or Building Coverage, whichever is greater.

BUILDING REGISTER SIGN: *A sign which identifies four or more businesses contained within a*

single building structure or complex.

Building/Structure Height. The vertical distance from the grade plane to the average height of the highest roof structure. See also, International Building Code.

Building Official. The person who enforces the building ordinances and regulations for the City, and other ordinances and regulations as assigned.

BUSINESS FRONTAGE: The lineal front footage of the building or a portion thereof, devoted to a specific business or enterprise, and having an entrance/exit opening to the general public.

CAMPING OR RECREATIONAL VEHICLE: Vacation trailer, park trailer, self-propelled vehicle, or structure equipped with wheels for highway use which is designed for human occupancy and is being used for temporary vacation/recreational or emergency purposes, as allowable by this ordinance but not for residential purposes, and may be equipped with plumbing, sink, or toilet.

Capacity. Maximum holding or service ability, as used for transportation, utilities, parks and other public facilities. See also, definition of “Occupancy” in applicable building codes.

Carport. A stationary structure consisting of a roof, its supports, not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats; does not include temporary shelters or canopies not affixed to a permanent foundation per applicable building codes.

CEMETERY: Land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium, when operated within the boundary of a cemetery.

Certificate of Appropriateness (COA): A document issued by the Historic Preservation Commission or Officer indicating that the applicant has satisfactorily met the provisions of this Ordinance for the alteration, relocation, or demolition of a Landmark.

Change of Use. Change in the primary type of use on a site.

Child Care Facility. A facility that provides care and supervision of minor children for periods of less than 24 hours that does not otherwise meet the definition of Family Daycare.

CHURCH: A place of worship and religious training.

City. The City of Jacksonville, Oregon.

Clearing (as in clearing and grading). Any activity that removes existing vegetation or strips surface material from any portion of the site and exceeds typical yard maintenance for a single family dwelling.

Clear and Objective. Decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

CLINIC MEDICAL, DENTAL OR OPTICAL: Facility for examining, consulting with, and treating patients, including offices, laboratories, and outpatient facilities, but not including hospital beds for overnight care or treatment.

Club. Any organization, group, or association supported by the members thereof, the purpose of which is to render a service customarily rendered 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.

Commercial. Land use involving buying/selling of goods or services as the primary activity. See also “Retail Sales and Services.”

Commercial Outdoor Recreation (Land Use). Includes firing ranges, golf courses and driving ranges, etc.

Common Area. Land jointly owned to include but not be limited to open space, landscaping or recreation facilities (e. g., may be managed by a homeowners' association).

Community Services (Land Use). Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community, except for Schools, which are categorized separately. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Private lodges, clubs, and non-profit organizations that have membership provisions may be considered a Community Service. Uses providing mass shelter or short term housing where tenancy may be arranged for periods of less than one (1) month when operated by a public or non-profit agency may also be considered a Community Service. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature. See also, “Religious Institutions” and “Parks and Open Spaces.”

Comprehensive Plan. The current adopted Comprehensive Plan of the City of *Jacksonville*.

Conditional Use. A use that requires a Conditional Use Permit. See Chapter 4.4.

Condominium. Ownership of a single unit in a multi-unit structure that may contain common areas and facilities; includes both residential and commercial condominiums. See ORS 100 for applicable requirements.

CONTIGUOUS: Lots, parcels, or lots and parcels that have a common boundary. "Contiguous" includes, but is not limited to, lots, parcels, or lots and parcels separated only by an alley, street, or other right of way or flagpole. Lots or parcels are not contiguous if their common boundary is an arterial or collector street.

CONTRACT ANNEXATION: *A binding agreement between a city and county which requires the parties to accomplish specified tasks prior to and/or after property identified in the contract is annexed by City action into city jurisdiction.*

CONTRIBUTING: *Properties that date from the period of significance (1850's to 1950) and retain physical integrity of materials, design, and setting, so as to convey a sense of their history. This category would encompass all properties previously ranked "primary" and "secondary", some properties ranked "compatible," and a few "non-compatible" properties from the 1980 Historical Survey prepared by Gail Evans or the 1993 Historic Resource Inventory Update prepared by George Kramer, as modified by the 1999 Jacksonville Historic Inventory Update prepared by Evans-Hatch. (similar to definition in Article 5)*

Corner lot. See Lot, Corner lot.

CONSOLIDATION: *The act of aggregating two or more tax lots or tracts of land into one or more lots or parcels.*

Corner Radius. The radius of a street corner, as measured around the curb or edge of pavement, except as otherwise specified by applicable engineering design standards.

Council/City Council. The City Council of Jacksonville, Oregon.

County. Jackson County.

D.B.H.: *Circumference of a tree's trunk(s) at four and a half (4.5') feet above grade/ground level, and dividing by 3.14.*

Day Care Center: An institution maintained under public or private auspices and licensed by the state, for which care is provided on a daily basis for five or more children less than sixteen years of age.

Days. Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding Federal holidays.

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

Demolition: The complete destruction or dismantling of sixty-five (65) percent of [square footage or value]?, or greater, of the entirety of a Landmark.

Density. A measurement of the number of dwelling units in relationship to a specified amount of land based on the minimum lot size per dwelling unit required by the applicable zone.

Develop. To construct or alter a structure or to make a physical change to the land including excavations, clearing and fills. See also, Alteration.

Development. All improvements on a site, including alterations to land and new or remodeled structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities.

DEVELOPMENT PERMIT: *Any permit or authorization issued by the city as a prerequisite for undertaking any development. It includes permits and authorizations customarily known as certificates of appropriateness, building permits, zoning or rezoning permits, variances, conditional use permits, street plans, plat approvals, subdivision or planned unit development permits.*

DIAMETER AT BREAST HEIGHT OR DBH: *means the diameter of the trunk, at its maximum cross section, measured fifty-four (54") inches, four and one half (4.5') feet above mean ground level at the base of the trunk.*

DIRECTOR: *The Planning Director of the City of Jacksonville, or a designee.*

Discontinued Use. A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract. See Chapter 4.1 Non-Conforming Situations.

Discretionary. A permit action or decision that involves substantial judgment or discretion.

DIVIDE: *To separate land into two (2) or more parcels or lots for the purpose of transferring a substantial interest in land.*

DIVISION: *The act or process of dividing land or a tract that has been divided.*

DOUBLE FRONTAGE: *A term used to describe a lot or parcel which has road access and frontage at each end. Corner lots are not considered to have double frontage unless they front roads on three sides. Alley access is not considered "frontage" in this definition.*

DOWN SLOPE: *Of or having ten (10%) percent or greater slope from an adjoining property line to point of setback.*

Downtown Historic District (DHD): That area within the boundary of the District, as set forth herein as (insert reference such as Map 5-1).

DRIP LINE: *The area on the ground below every tree that would be affected if water were dripping off of the tree's leaves and branches on a calm day. From a plan view, the area on the*

ground covered by the tree canopy.

Drive-Through/Drive-Up Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, including but not limited to air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. All driveways queuing and waiting areas associated with a drive-through/drive-up facility are similarly regulated as part of such facility.

***Driveway.** The area that provides vehicular access to a site from a street, or the area that provides vehicular circulation on a site.

Driveway. A legally and physically defined area available and practical for motor vehicle ingress and egress to the building site from a road.

Driveway Apron. The edge of a driveway where it meets a public right-of-way. Note: The design standards of the applicable roadway authority apply.

Driveway Approach. A driveway connection to a public street or highway where it meets a public right-of-way. Note: The design standards of the applicable roadway authority apply. See also, Oregon Administrative Rules 734, Division 51, for definitions specific to state highways.

Driveway, Shared. When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. If the individual units are self-contained, assisted living facilities for the elderly or disabled as defined by the State of Oregon, having common food preparation, dining, social, recreational and/or housekeeping facilities are included in this definition. Typical accessory uses include: accessory storage buildings; private garage and parking areas; storage of not more than one commercial vehicle per dwelling unit; common area buildings for residents, guest houses and guest quarters not in the main building, provided such houses and quarters are and remain dependent upon the main building for either kitchen or bathroom facilities, or both, and the guest facilities are used for temporary lodging only and not as a place of residence; and the taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two (2) in any dwelling unit. For the purposes of this Code, the following types of dwelling units are defined:

- **Accessory Dwelling.** A secondary dwelling unit on a lot where the primary use is a single-family dwelling.
- **Attached, Single Family (Townhome/Rowhouse).** A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).

- **Duplex Dwelling.** A structure that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.
- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.
- **Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
- **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.
- **Multifamily Structure.** A structure containing three (3) or more dwelling units. The land underneath the structure is not divided into separate lots.
- **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.
- **Recreational Vehicle (RV).** A vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined by State law and/or administrative rules.
- **Residential Home** is a residential treatment or training or 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 (5) or fewer individuals who need not be related. (See also, ORS 197.660.).
- **Residential Facility** is defined under ORS 430.010 (for alcohol and drug abuse programs); ORS 443.400 (for persons with disabilities); and ORS 443.880; residential facilities provide housing and care for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet State-licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents.
- **Senior Housing.** Housing designated and/or managed for persons over a specified age. Specific age

restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.

- **Single-Family, Detached Dwelling.** A detached dwelling unit located on its own lot.

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities. Recorded and on record at *Jacksonville County*.

Eave. Projecting overhang at the lower border of a roof and extending from a primary wall or support.

Eligible/Contributing: A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient historic integrity (location, design, setting, materials, workmanship, and association) to convey a sense of history. These properties strengthen the historic integrity of Jacksonville's existing historic district and are given full protection under this Article.

Eligible/Significant: A building, structure, object, or site originally constructed within the primary period of significance that retains and exhibits exceptional integrity (location, design, setting, materials, workmanship, and association) to convey a sense of history. These properties led to the nomination and acceptance of Jacksonville's National Historic Landmark District and are given full protection under this Article.

Emergency Apparatus Lane or Fire Lane. Unobstructed area or driveway meeting Uniform Fire Code requirements; typically not be used for parking or loading area.

EMERGENCY MEDICAL FACILITY: *A first aid station or headquarters for an ambulance service, which offers emergency outpatient treatment only.*

EMERGENCY WATER STORAGE FACILITY: *A facility for the storage of water used for fire protection and suppression. Such facility may consist of a storage tank, whether elevated, above ground, or underground, a swimming pool, or other reasonable means to store an emergency water supply on the premises.*

ENGINE OR MOTOR REPAIR SHOP: *A shop for the repair of engines or motors. Term includes electric or fuel power motors.*

Exceptional Significance: - the quality of historic significance achieved

outside the usual norms of age, association or rarity.

Family Daycare. Care for not more than sixteen (16) children in a home. See ORS 657A.440(4) for applicable licensing and other requirements.

FAMILY: An individual or two or more persons related by blood, marriage, adoption or legal guardianship using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants, or a group of not more than five unrelated persons, living together as one housekeeping unit, using one kitchen. The maximum occupancy allowed in special group homes that permitted outright by State Law in single or multifamily zones shall not exceed the number of persons allowed by State statute.

FARMERS MARKET: an event held where produce or plant stock is sold. The sale of processed food is prohibited with the exception of limited processing of agricultural products such as jams, jellies, and honey. Craft merchandise is not permitted to be sold. (ORD. 584, passed 12-2-2008)

Final Decision or Final Order. A determination reduced to writing which is signed by the appropriate approval authority.

Final Plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division, pursuant to ORS 92 and Chapter 4.3 of this Code.

FLAG LOT: A "panhandle" shaped lot or parcel with its widest area set back some distance from a road, and having a thin strip of land connecting to the road to provide legal access.

FLAGPOLE: The thin strip of land connecting the widest area of a flag lot to a road. The flagpole shall be considered a part of the tax lot for purposes of calculating total lot area.

Floodplain/Hazard Area. Area as so indicated by the Federal Flood Insurance Rate Map, as amended.

Floor Area. Area of building, which may be described in terms of gross (overall) square feet, or net marketable/leasable space.

FLOOR AREA RATIO (FAR): The gross floor area of all buildings or structures on a lot divided by the total lot area.

FOSTER HOME: A home licensed by the state and providing shelter and food to not more than five persons in addition to the primary owner or occupant of the home.

FRATERNAL OR LODGE BUILDING: A building for a chartered private service organization, club, society, or order.

FRONTAGE: *The single wall surface of a building facing a given direction.*

FUEL BREAK: *An area maintained around buildings and structures for fire protection, which is cleared of dry brush and grass. The fuel break may contain ornamental shrubbery, specimen trees, lawn, or other plants used as ground cover, provided the plant material does not provide a means of rapidly transmitting fire from native growth to buildings and structures, or from development to surrounding rural lands.*

Garage. A covered permanent structure designed to provide shelter for vehicles, and which is accessory to a dwelling or other primary use. Carports are considered garages.

GARDEN SHOP AND PLANT SALES, DISPLAY, OR GREENHOUSE: *Facility for the growing, display, and sale of garden and/or flower seeds, plants, nursery stock, and related items, which may include a glassed enclosure for the cultivation or protection of tender plants.*

Grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building. This is the definition used in the Oregon Structural Specialty Code (the International Building Code as amended by the State of Oregon.)

GUEST HOUSE: *Living quarters within an accessory structure, located on the same tax lot as the main dwelling, and occupied solely by members of the owner's family or temporary guests. A guest house contains no kitchen or kitchen facilities. A guest house must conform to the dwelling density and standards of the zoning district.*

Grading. All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

GROSS FLOOR AREA (GFA): *The gross floor area of a building is the same (in square feet) of the area at each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are included within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all stories or areas that have floor surfaces with clear standing head room (six (6') feet, six (6") inches, minimum) regardless of their use. Where a ground level area, or part thereof, within the principal outside faces of the exterior wall is left unenclosed, the gross floor area of the unenclosed portion is said to be considered as a part of the overall square footage of the building. All unroofed areas and unenclosed roofed-over spaces, except as defined above, are to be excluded from the area calculations. Any roofed-over areas with three or more sides and used for storage of materials or goods shall be included in the gross floor area.*

Ground Cover. Living or processed plant material (e. g. , mulch, bark chips), river rock and cinders used for aesthetic purposes and to prevent erosion (i.e., cover bare ground) in designated landscape areas. See

Chapter 3.4 Landscaping.

Ground Floor. Building floor closest to street level and within four (4) feet of finished grade.

GROUP HOME: A licensed home maintained and supervised by adults for the purpose of providing care, food, and lodging for children under the age of eighteen (18) years, unattended by parent(s) or guardian(s), where the number of unrelated persons living together as one household commonly exceeds five. The maximum occupancy allowed in group homes shall not exceed the number of persons allowed by State statute.

Group Living. Group Living is characterized by the long-term (i.e., more than 28 days) residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents including those for dining, social and recreational and laundry. Group Living is divided into two subcategories based on whether or not residents receive any personal care, training and/or treatment:

Room and board facilities are group living establishments where no personal care, training and/or treatment is provided. Examples include dormitories, fraternities, sororities, boarding houses, monasteries and convents, residential hotels, lodging houses operated by organizations for members only, and similar uses.

Long-term care facilities are group living establishments where personal care for children, the aged, and special categories of persons with some limits on ability for self-care is provided. In addition to the provision of room and board, services including but not limited to supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; and recreation are provided. Medical care may or may not be a major element. Examples include hospice, nursing and personal care facilities, homes for the deaf or blind, and similar uses.

HALF STREET: a portion of the standard width of a street (1/2 + 10 feet + shoulder) along the boundary of a development, where the remaining portion of the street width could be provided from the adjoining property.

Hazardous Substances. Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste;
- Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, published July, 1987, U. S. Environmental Protection Agency; and
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101.
- Other substances as determined by applicable state or federal agency.

HEARINGS OFFICER: The Hearings Officer appointed by the Board to carry out functions described in this ordinance.

HERITAGE TREE: Any tree listed on the official City of Jacksonville Heritage Tree list adopted by the City Council. Also any documented historically significant trees or trees that are rare or of outstanding size and/or form for their species, as noted in the adopted Community

Forestry Plan.

Historic Integrity: A measure of authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period in comparison with its unaltered state; for example, a historic building of high integrity has few alterations or ones that can be easily reversed.

Historic Preservation Commission (HPC): See section 5.2.010 below for a full description.

Historic Preservation Officer: The city official responsible for the administration of this Article. Unless otherwise identified, the City Planning Director is the Historic Preservation Officer under this Article.

HISTORIC REHABILITATION: The act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient, contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

Historic Resource: A building, structure, object, or site that is at least fifty (50) years old and meets criteria for listing in the Local Landmark Register, but may not necessarily be recorded in the Historic Resource Survey.

Historic Resource Survey: The record of buildings, structures, objects, and sites recorded by the City of Jacksonville used to identify historic resources potentially eligible for listing in the Local Landmark Register. This includes all properties within the City's National Register Historic Landmark District boundary. Properties are listed as eligible significant, eligible contributing, non-contributing, or not eligible/out of period.

Historic Significance: The physical association of a building, structure, site, object, or district with historic events, trends, persons, architecture, method of construction, or that have yielded or may yield information important in prehistory or history.

Home Occupation, Home Occupation Site. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site, subject to the special use provisions of Chapter 2.3.

Hotel/Motel. A building or portion thereof designed and used for occupancy of transient individuals lodged with or without meals for a continuous period not to exceed 29 days. (See ORS 446.310.)

Industrial Service Uses. Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Examples include welding shops; machine shops; tool repair; electric motor repair; sales, repair, salvage or wrecking of heavy machinery, metal, building materials, autos or trucks (does not include junk yards); towing and temporary vehicle storage; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; industrial laundry, dry-cleaning, and carpet cleaning plants; photofinishing laboratories; and similar uses.

Junk Yard. (1) Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials. (2) Any establishment or place of business on which two or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, automobile graveyards, garbage dumps, and scrap metal processing facilities.

Jurisdictional Delineation: A delineation approved by the Oregon Division of State Lands and the U.S. Army Corps of Engineers, if required, of the wetland boundary.

Kennel. Any lot or premises where three (3) or more dogs or cats aged six (6) months or older are boarded or bred for compensation. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

***Kennel.** A facility, 1) In which dogs are given training for which a fee is charged; 2) Operated, not for profit, and intended to provide temporary care for lost, strayed, or abandoned animals; 3) Where dogs that are not licensed in ORS 609.200(100) are kept (when such dogs are kept for farm use, breeding or sale; or 4) a business conducted for the purpose of boarding and/or sale of dogs or cats.

Land Division. The process of dividing land to create parcels or lots. See Chapter 4.3.

Landmark: All designated historic buildings or structures on the Local Landmark Register are considered landmarks. A landmark is either a historic contributing building, site, or structure within Jacksonville's historic district, or is listed individually on the National Register of Historic Places.

Landscaping. Any combination of living plants including but not limited as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features including but not limited to walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of trees.

LANDSCAPE OR PLANT NURSERY: *Facility for raising and marketing plants, trees, shrubs, bulbs, and related materials.*

Land Use. The activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses.

Land Use Decision. A final decision or determination made by the City of Jacksonville that concerns the adoption, amendment, or application of the Statewide planning goals, the Comprehensive Plan, or any land use regulation (i.e., this Code) where the decision requires the interpretation or exercise of policy or legal judgment. (ORS 197.015) Note: All decisions requiring Quasi-Judicial review by the City of Jacksonville are Land Use Decisions. Decisions subject to Administrative review are considered Limited Land Use Decisions, pursuant with ORS 197.015.

Legislative. A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e. g., adoption of, or amendment to, a comprehensive plan or development regulation). See also, Section 4.1.050.

Level of Service ("LOS"). A quantitative standard for transportation facilities describing operational conditions. See City of Jacksonville Transportation System Plan.

Loading Area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other articles. See also, Chapter 3.5, Parking and Loading.

Local Landmark Register: The list of historic resources officially recognized by the City of Jacksonville as important to its history and given full protection under this Article. This list includes Eligible Significant Resources and Eligible Contributing Resources.

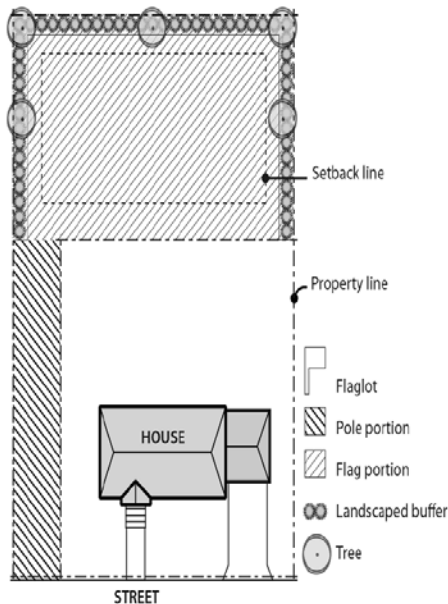
Locally Significant Wetland: Wetland sites that provide functions or exhibit characteristics that are pertinent to community planning decisions made at the local level. Locally significant wetlands are as determined by Oregon Administrative Rule (OAR) 141-86-350. The Jacksonville Comprehensive Plan specifies the wetlands determined to be locally significant.

LOCAL UTILITIES: *The usual electric power, telephone, gas, water, sewer drainage lines, and those inline facilities such as gas regulating stations and water pumping stations.*

Local Wetlands Inventory (LWI): A report prepared in 1999 by Plato Doundoulakis and the Rogue Valley Council of Governments using the methodology developed by the Oregon Division of State Lands.

Lot. A lot is a legally defined piece of land other than a tract that is the result of a land division. The following definitions for “lot” apply to the State definition of both lot (result of subdividing) **and** parcel (result of partitioning). See figures below.

- **Corner Lot.** A lot that has frontage on more than one intersecting street. A street that curves with angles of 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figures below.
- **Flag Lot.** A lot with two distinct parts:
 - The flag, which is the only building site; and is located behind another lot; and
 - The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.
 - The total area of the pole shall not be considered when calculating lot coverage.



- **Through Lot.** A lot that has frontage on two parallel or approximately parallel streets.

Lot Area. The total surface area (measured horizontally) within the boundary lines of a lot.

Lot Consolidation. The reduction in the number of lots; i.e., the creation of one lot from two or more existing lots.

Lot Coverage. The area that is covered by roofed structures. A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is

below. Building coverage also includes uncovered horizontal structures including but not limited to decks, stairways and entry bridges that are more than 6 feet above grade. Eaves are not included in building coverage. The pole of a flag lot shall not be included when calculating lot coverage.

LOT DEPTH: *The average horizontal distance between the front lot or parcel line and the rear lot or parcel line.*

Lot, Double-Frontage. See Lot, Through Lot.

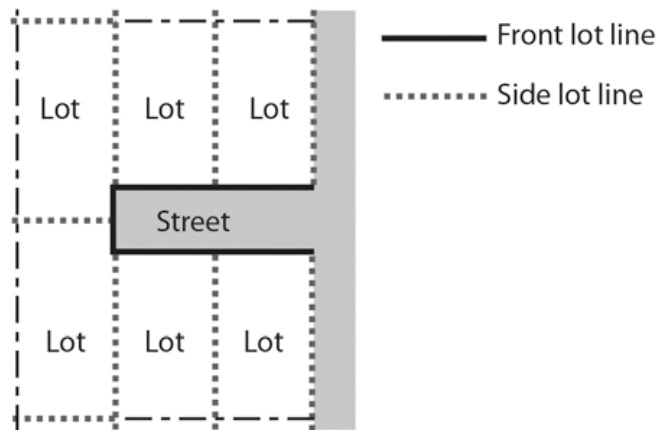
Lot Lines/Property Lines. The property lines along the edge of a lot or site. See Figures below.

- **Front Lot Line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line for the purpose of determining required setbacks. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See Figures below.
- **Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figures below.
- **Side Lot Line.** A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line. See Figures below.
- **Side Street Lot Line.** A lot line that is both a side lot line and a street lot line. See Figures below.
- **Street Lot Line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut a dedicated alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines, however, both are considered front yards for the purpose of measuring required setbacks. See Figures below.

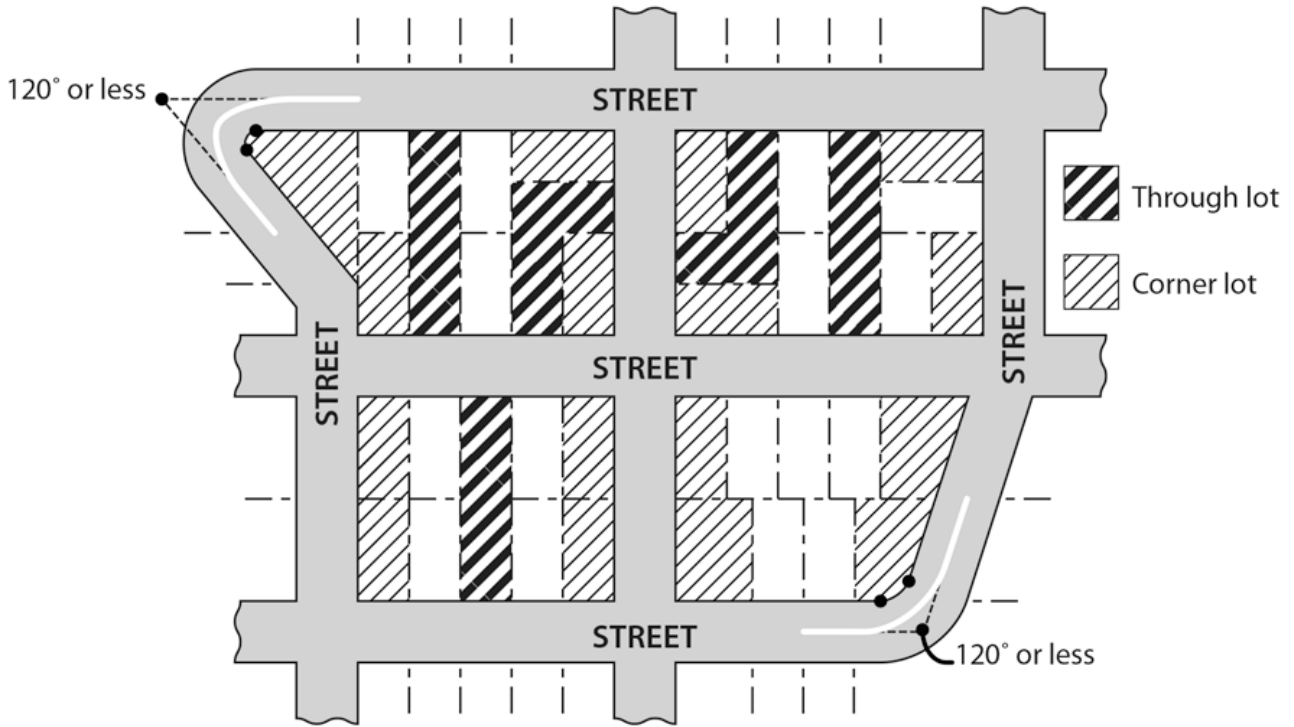
Corner Lots

Flag Lot

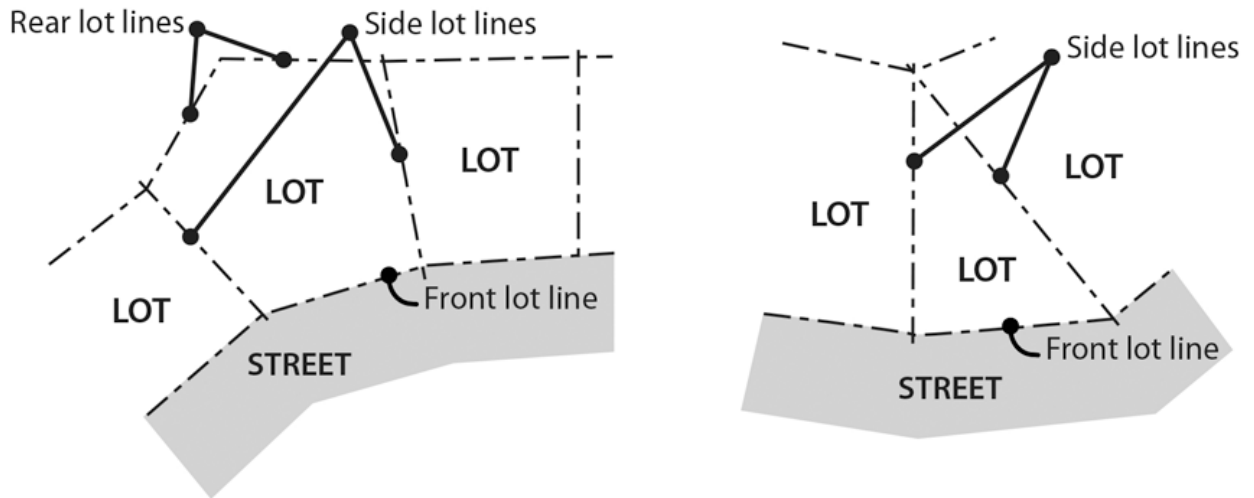
Front and Side Lot Lines



Street Lot Lines



Lot Lines on Irregular Lots



Lot Line Adjustment. See Property Line Adjustment.

LOT WIDTH: The average horizontal distance between the side lot or parcel lines, calculated by dividing the lot area measured in square feet by the length of the lot (e.g., the distance between the front and rear property lines excluding the flag strip) measured in feet.

MACHINE SHOP: Facility in which material is processed by machining, cutting, grinding, welding, or similar processing. Term includes blacksmith shop, electric motor repair, and gun shop.

Mailing of Notice. The mailing of a notice required by the Development Code may be made by any methods authorized by statute. The intent of this definition is to allow effective delivery of notice to property owners to reflect the best practices, such as electronic mail.

Main/Primary Building Entrance. A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance, however, some buildings may have more than one primary entrance or may have entrances that open directly into the building's lobby or principal interior ground level circulation space.

Major Remodeling. Projects where the floor area or the developed area of the site increases by [#] percent or more.

Maneuvering Area/Aisle. The driving area in a parking lot where motor vehicles are able to turn around and access parking or loading spaces.

Manufactured and Mobile Homes. See Dwelling.

Manufactured and Mobile Home Park (Land Use). Any place where four (4) or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease 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 an approved subdivision being rented or leased for occupancy by no more than one (1) manufactured dwelling per lot. See also, ORS Chapter 446.

Manufacturing and Production (Land Use). Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Examples include processing of food and related products; breweries and distilleries when not accessory to a commercial use; slaughterhouses or meat packing; taxidermist; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment,

vehicles, appliances; sign making; production of prefabricated structures, including mobile homes; and the production of energy.

Mixed-Use. The combination of residential uses with commercial (e.g., office, retail, or services), civic, or light industrial uses on a site.

Multifamily Housing. See Dwelling.

National Historic Landmark District - Jacksonville: As established by the National Park Service in 1966, the district includes 78 eligible significant properties.

National Register of Historic Places: The nation's official list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture. Jacksonville's Historic District is listed on the National Register of Historic Places as a National Historic Landmark.

NATURAL STATE: An undisturbed area either in a wild, primitive state that is untouched by civilization or an area that has not been reconfigured topographically within the last fifty (50) years.

New Construction: Any new outbuilding, Accessory Dwelling Unit, Guest House, etc. to be added to a historic property.

Not in Period: A building, structure, object, or site that was originally constructed outside the applicable period of significance. These properties are not protected under this Article.

Nonconforming Development. An element of a development, including but not limited to lot area, setback, height, lot coverage, landscaping, sidewalk, or parking area, or lack thereof, that was created in conformance with development regulations but which subsequently, due to a change in the zone or applicable Code standards, is no longer in conformance with the current applicable development regulations. See Chapter 1.4.

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See Chapter 1.4.

Non-Contributing: A building, structure, object, or site originally

constructed within the applicable period of significance that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition. These properties can be re-rated (see below) to contributing.

Office (Land Use). Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

Off-street Parking. All off-street areas designed, constructed, used, or required or intended to be used for the parking of motor vehicles. See Chapter 3.5 for parking standards.

On-street Parking. Parking in the street right-of-way, typically in parking lanes or bays, when allowed by the applicable roadway authority. See Chapter 3.5 for parking standards.

OPEN SPACE: Any portion of a building lot not covered by a building, and shall more specifically include parks, landscaped view sheds, natural areas, former orchards or groves, outdoor parking areas, covered and partially enclosed patios, terraces, and courtyards provided such areas have at least one side open, and are available for public use and enjoyment in conjunction with commercial use of the premises.

Ordinary Maintenance: Activities that do not alter qualities that make a Historic Resource eligible for listing in the Local Landmark Register. This does not including cleaning, painting (when color is not specifically noted in a Landmark’s Record of Designation). Replacement of building features are is not ordinary maintenance.

Oregon Fresh Water Assessment Methodology (OFWAM): A wetland function and quality assessment methodology developed by the Oregon Division of State Lands.

Orientation. To cause to face toward a particular point of reference (e.g., “A building oriented to the street”).

ORNAMENTAL TREE: A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

OVERBURDEN: Soil, rock, sand, and similar materials that lie above natural deposits of minerals.

Overwhelm

Owner. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale signed by the owner of record.

Parcel. A legally defined area of land created through a partition.

Parks and Open Space (Land Use). Parks and Open Space Areas are public parks or private common areas consisting mostly of recreational facilities, community gardens, or natural areas.

Parking Area. A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading or fire apparatus lanes.

Parking Lot Perimeter. The boundary of a parking lot area that usually contains a landscaped buffer area.

Parking Space. An improved space designed to provide standing area for a motor vehicle. See Chapter 3.5 for parking space standards.

Parking Versus Storage. Parking is to leave a motor vehicle for a temporary time. Storage is to place or leave in a location for storage, maintenance, repair, future sale or rental, or future use for an indefinite period of time.

Partition. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. See ORS 92.010(8).

Pathway. A walkway, bikeway or access way conforming to City standards and separated from the street right-of-way, that may or may not be within a public right-of-way.

PEDDLER: includes any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, sells Or offers the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance; or who solicits orders and as a separate transaction makes deliveries to purchasers.

Period of Significance: The time period, as set forth below, during which a property or district was associated with an important historic event(s), trend(s), person(s), architecture, or method(s) of construction.

Jacksonville has two Periods of Significance. The primary period of

significance identifies the National Register and the secondary period of significance identifies the Local Register.

Jacksonville's Primary Period of Significance is 1852-1884

Jacksonville's Secondary Period of Significance is 1885-1927

PLACE OF PUBLIC ASSEMBLY: A structure or area in which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, or awaiting transportation.

PLANNED COMMUNITY: A development of residential, commercial, industrial, or a mixture of residential, commercial, industrial, and semi-public units grouped in a fashion not customarily allowed by zoning or subdivision regulations, and providing for variety and diversification in the relationship between buildings and open spaces. Planned unit developments should each be planned as an entity, grouping dwellings units, allowing an area for open space, mixing housing types, including mobile homes, land uses, and should be designed to preserve natural features.

Planned Road or Street. A highway, road, street or alley identified in an adopted corridor plan, comprehensive plan or transportation system plan in accordance with administrative procedures of OAR 660-012 and ORS chapter 197 but has not been constructed.

Planter Strip. A landscape area for street trees and other plantings within the public right-of-way, usually a continuous planter area between the street and a sidewalk.

Plat. Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the State law definitions of "partition plat" and "subdivision plat." See also, Chapter 4.3, Land Divisions.

Practicable. Capable of being done after taking into consideration reasonable cost, existing technology, and logistics in light of overall project purposes.

PRIMARY REVENUE SOURCE: No less than seventy-five (75%) percent of gross total principal income derived from a business.

Primary Structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, design, appearance, and the orientation of the structures on a site.

Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Project. An existing or proposed use or development subject to one or more land use approvals.

Property Line Adjustment. The relocation of a single common property line between two abutting properties not resulting in an increase in the number of lots, pursuant with Chapter 4.3. See Figure below.

Property Line Adjustment

Public Access Easement. A public access easement is an easement granted to the public for vehicular and pedestrian access, or for non-motorized access.

Public Improvements. Development of public infrastructure, as required by the City, Special District, or Road Authority, as applicable. See Chapter 3.6.

Qualified Professional for Wetlands: An individual such as a wetland biologist or ecologist who has expertise in applying Federal and/or State-approved methods for wetland delineations and value assessments.

Quasi-judicial. An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to the facts of a development or land use proposal, and requires a public hearing. See Section 4.1.040.

Radio Frequency Transmission Facilities (Land Use). Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.

Recreational Vehicle Park (Land Use). A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park, however, the City may establish the maximum length of stay. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks.

Rehabilitation: The process of returning a Landmark to a state of utility through repair or alteration, while preserving those portions and features of the Landmark which convey its historic significance.

Religious Institutions and Places of Worship (Land Use). Uses primarily providing meeting areas for religious activities; may include schools as an accessory use.

Relocation: The removal from or moving of a Landmark from its original location noted in the Record of Designation.

Replacement of Building Features. Activities of replacement of siding, trim, door components and window components, or other non-structural building features.

Re-rating. An upgrade or or downgrade of the status of a historic structure **because: (A) the structure has been altered in such a way to compromise** the historic integrity, or (B) a structure has been restored to the standards established by Title 5 of this code and the Secretary of the Interior's Guidelines for Rehabilitation.

Rehabilitation, Secretary of the Interior's Guidelines: The regulatory standards established by the United States Department of the Interior for preservation of historic properties. The Standards encompass related landscape features and the building's site and environment as well as attached, abutting, or related new construction.

RESIDENTIAL HOME: As provided by Oregon Revised Statutes, a residence licensed by the State for the care of five or fewer persons having physical or mental handicaps, including staff personnel, is permitted in residential or commercial zones (excluding resource lands) subject to the normal requirements for a residence. Residents and staff need not be related to each other or any other home resident. Handicapped means that a person suffers from a functional limitation in one or more major life activities.

Residential Use (Land Use). Long-term (i.e., more than 28 days) occupancy of a dwelling unit, which may be owner-occupied or rented. Occupancy of a dwelling unit for shorter periods of time is considered an overnight accommodation.

RESOURCE LAND: Any land that has been identified and designated on the Jackson County Comprehensive Plan and Zoning Map(s) as Forest Resource, Woodland Resource, Open Space Reserve, Exclusive Farm Use, or Aggregate Resource is considered resource land. This definition shall not be construed to exclude from protection under the provisions of city, state or county law other identified resources which have not been zoned, including but not limited to riparian habitat, natural areas, critical winter deer and elk range, historic sites, structures, corridors, or

scenic areas.

Retail Sales and Service Uses (Land Use). Retail Sales and Service uses sell, lease, or rent new or used products, goods, or services. They include services such as barber/salon, accountant, restaurant, bar, repair service, and similar uses. See also, "Vehicle Service."

RETIREMENT HOME: *A facility providing living quarters, either owned or rented to persons sixty-two (62) years of age or older. Such facility may be a single structure or a group of structures, and may include limited medical, recreational, and commercial services if such services are limited to the residents and their guests. This type of facility should be developed as a planned unit development.*

Right-Of-Way. Real property or an interest in real property owned by a roadway authority for the purpose of constructing, operating and maintaining public facilities.

Riparian Area: The area adjacent to a stream consisting of the area of transition from the aquatic ecosystem to the terrestrial ecosystem.

Riparian Corridor: The area within the boundary established by 18.24.030 "Applicability", including the waterway and the boundary area on both sides of the waterway.

ROADS: *The following definitions apply to roads (none of these definitions is intended to supersede ORS 368.001):*

(a) Road: "Road" means the entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by mean of vehicles. "Road" includes, but is not limited to: Ways described as streets, highways, throughways or alleys, Road related structures that are in the right of way such as tunnels, culverts or similar structures: and structures that provide for continuity of the right of way such as bridges.

(b) Alley: A narrow street, with a sixteen (16') to twenty (20') foot right-of-way and the minimum of a twelve (12') foot travel lane, through a block primarily for vehicular access to the back or side of properties.

(c) Arterial: A road which carries traffic through and between major centers of activity in urban, suburban, and rural areas.

(d) Collector: A road which is used primarily as a connector from local roads to one or more arterials.

(e) County Road: A public road under the jurisdiction of a county that has been designated as a county road under ORS 368.016.

(f) Cul-de-sac: A local or limited local road having only one outlet with a turnaround at the opposite end, and which is not intended to be extended or continued.

(g) Dead-end: Street A road or street with no outlet to other roads or streets.

(h) Frontage Road: A road which is parallel to and adjacent to an arterial or other limited access road or a railroad right-of-way, and which provides access to abutting properties.

(i) Public Road: A road over which the public has a right of use that is a matter of public record.

(j) Public Street: *A physical transportation structure that has been accepted by the City for maintenance either through the Comprehensive Plan or by City ordinance and that is located in a public right-of-way.*

(k) Stubbed Road: *A road having one outlet intended to be extended or continued.*

(1) Through Street: *A road or street that connects to another road. Not all "through streets" are arterials. (ORD. 547, passed 5-17-2005)*

ROAD APPROACH PERMIT: *A formal agreement between the developer/land owner and either the state, county or city concerning the private use of public right-of-way and facilities for access to adjoining property. The terms "road approach permit" and "approach road permits" are interchangeable in the context of this title, and includes both driveways and intersecting roads.*

Roadway. The portion of a right-of-way that is improved for motor vehicle and bicycle travel, subject to applicable State motor vehicle licensing requirements. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

Road/Roadway Authority. The City or other agency (e. g., Oregon Department of Transportation, City of Jacksonville, or Jackson County) with jurisdiction over a road or street.

ROOT ZONE: *Any area within the drip line of any tree and any area within twenty (20') feet of any resource tree trunk, whichever is further from the trunk of the tree.*

SCALE: *The relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics, to its surroundings.*

Schools (Land Use). Public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level.

SCREEN: *A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, including but not limited to plants, berms, fences, walls, or any appropriate combination thereof.*

Self-Service Storage (Land Use). Mini-storage or other storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.

SENSITIVE FISH AND/OR WILDLIFE HABITAT: *Areas important to the survival of a species, or group of species, and habitats with a limited area.*

Setback. The minimum distance required between a specified object, such as a building, and another point, measured from lot lines to a specified object. Typically, a setback refers to the minimum distance (yard dimension) from a building to a specified property line.

Shared Driveway. A driveway used to access two or more parcels.

Shared Parking. Required parking facilities for two or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities. See Chapter 3.5.

SHELTER CARE FACILITY: *A home licensed by the state to provide for short term emergency care for no more than nine (9) children at any one time. See also halfway house or residential/day treatment facility.*

Sidewalk. A paved walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb[, drainage facility (e.g., ditch or swale),] or planter strip.

Sight Distance. The unobstructed viewing distance measured from one object or location to another object or location, usually required for the purpose of traffic safety. For example, a length of street or highway that a driver can see with an acceptable level of clarity, pursuant with the standards of the applicable roadway authority.

Sign. Any outdoor device, or device visible from outdoors, providing identification, advertising or directional information for a specific business, group of businesses, service, product, brand, person, organization, place or building. Including in this definition of signs are: graphic devices including but not limited to logos, trademarks, and attention attracting objects such as wind-driven spinners and portable sign devices, logo sculpture and, banners, balloons, streamers, strobe lights, flags, inflatable structures, projected picture signs, holographic projection signs, laser projected designs/images/copy and other attention attracting media and devices.

The scope of the term “sign” does not depend on the content of the message or image being conveyed.

SITE (as it relates to project study areas for determining development impacts and mitigation measures): *In most cases, the entire subject property. However, it may be reduced to relevant portions of a property if deemed appropriate by the City Planner.*

Site(Historical): The location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of any existing building, structure, or object.

SLOPE: *Percentage of vertical rise over horizontal run measured over a horizontal distance of thirty (30') feet, a building envelope or other delineated area of development that represents the greatest degree of rise measured perpendicular to the contour lines. (ORD. 547, passed 5-17-2005)*

SLOPE EASEMENT: *An area adjoining a road which is affected by the road fill or cut, but is not within the road easement or right-of-way.*

SOLAR ORIENTATION: *The layout and design of parcels and siting of a structure on*

building lots to take advantage of solar insulation for optimal utilization of the sun & an energy source.

Spacing Standards. The minimum distance required between a proposed street or driveway connection, as applicable, and the center of the nearest existing street or driveway connection on the same side of the highway in both directions, as set forth by the standards of the applicable roadway authority. Spacing standards for state highways are contained in OAR 734-051-4020.

START OF CONSTRUCTION: *Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction repair, construction or placement of other improvement was within one hundred eighty (180) days of the permit date. The actual start of construction is either the first placement of permanent construction of a structure on a site, including but not limited to the pouring of slabs or footings, the installation of piles, the installation of columns or any work beyond the stage of excavation; or the placement of a mobile home on a temporary or permanent foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of street and/or walkways, nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units for residential purposes and not part of the main structure.*

State Historic Preservation Office: Each State has a designated State Historic Preservation Office (SHPO) to help the Federal government administer provisions of the National Historic Preservation Act.

STREAMS, CLASS I AND II

(a) Class I Stream: *Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing, or migration routes as designated by the State of Oregon. Stream flows may be perennial or intermittent.*

(b) Class II Stream: *Any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation as designated by the State of Oregon. They are used by only a few, if any, fish for spawning or rearing. Their principal value is their influence on water quality or quantity downstream in Class I waters. Stream flow may be perennial or intermittent.*

Street. A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or freeways and their on-ramps.

Street-Facing/Oriented to Street. A wall plane of a structure that faces or is oriented within 45 degrees

or less from a street lot line.

STREET FRONTAGE: *The lineal dimension in feet of the property upon which a structure is built.*

Street Stub. A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

STREET TREE: *Any trees within twenty (20') feet of the edge of the traveled portion of the road or the edge of pavement, and/or any tree whose drip line extends into the traveled or paved portion of the street.*

Structure. Except as provided by applicable building codes, any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, utility vaults, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

STRUCTURAL ALTERATION: *Any change in the supporting members of a structure, including but not limited to the foundation, bearing walls, columns, beams, girders, floor or ceiling joists, or rafters.*

Subdivision. To divide land into four (4) or more lots within a single calendar year. See also, Chapter 4.3, Land Divisions, and ORS 92.010.

SUBSTANTIAL IMPROVEMENT: *Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either,*

- (a) Before the improvement, reconstruction or repair is started; or,*
- (b) If the structure has been damaged and is being repaired, reconstructed or improved before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.*

The term does not, however, include either:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or*
- (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.*

Substitute Materials: Materials made from different sources than the original materials. For example: If wood were the original material for siding, window or trim, material other than wood would be substitute material. Substitute Materials are prohibited unless approved as part of

an Alteration.

TAX LOT: *A parcel, lot or other unit of land as created by the County Assessor for the purpose of taxation. A tax lot may also be a lot or parcel when created at a property owner's request for the purpose of land division consistent with applicable planning and zoning regulations in effect at that time.*

TEMPORARY: *Temporary shall mean twenty-seven (27) days or less in any twelve (12) month period, unless otherwise specified by a provision of this ordinance.*

Through Lot. A lot that has frontage on two parallel or approximately parallel streets.

Top-Of-Bank: The elevation at which water overflows the natural banks of the stream. In the absence of physical evidence, the two (2) year recurrence interval flood elevation may be used to approximate the bank-full stage or delineate the top-of-bank. (Ord. 584, passed, 12-2-2008)

Topographical Constraint. Where existing slopes, landforms (e.g., streams, canals, rock outcropping, etc.) or existing manmade feature (e.g., embankment or berm) make conformance with a Code standard impracticable.

Traffic Impact Analysis. A report prepared by a professional engineer that analyzes existing and future roadway conditions, and which may recommend transportation improvements and mitigation measures.

TREE IN IMMEDIATE DANGER OF COLLAPSE: *meaning that the tree may already be leaning with the surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fall and cause damage. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment.*

TREE REMOVAL: *To cut down a tree, or remove twenty-five (~25%) percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. "Removal" includes topping. "Removal" includes but is not limited to damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal trimming or pruning of trees.*

Turnaround. A vehicle maneuvering area at the end of a dead-end street (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around.

Travel Trailer. A vacation structure or self-propelled vehicle equipped with wheels for street or highway use; intended for human occupancy; equipped with plumbing, sink or toilets; used for vacation and recreational purposes; and not used as a residence. See ORS 446.003(5), (24); and see Recreational Vehicle.

URBAN GROWTH BOUNDARY: *A site specific line imposed on the Official Comprehensive Plan and Zoning map of Jackson County, which identifies and encompasses urban and urbanizable lands in or adjacent to each incorporated city in the County.*

Use (Land Use). The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Utilities. For the purposes of this Code, there are two types of utilities: 1) Private: telephone, electric, telecommunication, and similar franchise facilities; and 2) Public: water and wastewater conveyance and treatment facilities.

Utilities (Land Use). Utilities are infrastructure services, which need to be located in or near the area where the service is provided. Basic Utility uses may or may not have regular employees at the site. Services may be public or privately provided. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; suspended cable transportation systems; public safety facilities; district heating and cooling systems; solar, wind, or geothermal power generation facilities that are not accessory to a primary use; and emergency communication broadcast facilities. Larger-scale utility facilities, and those that do not conform to the above definition (e.g., biomass power generation), may be classified as Industrial uses or “Other” uses (e.g., Utility Corridor) as applicable.

Variance. A Planning Commission decision to lessen or otherwise modify the requirements of this Code. See Chapter 4.7.

Vehicle Areas. All of the areas on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

Vehicle Repair. Repair of passenger vehicles, trucks or other motor vehicles such as motorcycles, boats and recreational vehicles.

Vehicle Servicing. Gas stations, unattended card key stations, car washes, commercial vehicle maintenance and/or, oil and lubrication services, and similar uses.

Vision Clearance Area. Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance. See Chapter 3.3.

Walkway. A sidewalk or path, including any access way, improved to City standards, or to other roadway authority standards, as applicable. See also, Access Way, Pathway, Sidewalk.

Waste/Trash Collection Areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

Waste-Related Use. Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive, store, sort, and distribute post-consumer recyclable materials; and those that receive hazardous wastes from others and are subject to the regulations of OAR 340. 100-

110, Hazardous Waste Management.

Warehouse, Freight Movement and Distribution. The storage or movement of goods, except as accessory to a primary permitted use on the subject site.

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

Wetland Buffer Area: An area within fifty (50') feet of any locally significant wetland, measured horizontally from the wetland boundary.

Wetland Protection Area: An area that includes any wetland determined to be locally significant plus its wetland buffer area.

Wireless Communication Equipment. Cellular towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

Work Plan: The applicant's detailed proposal which is reasonably in accord with the Department of Interior standards for the methodology and materials as set forth in 5.4.060 or that an applicant proposal of a different approach or methodology, which is as good or better than Department of Interior standards

Yard. The area defined by setbacks (i.e., between the setback line and nearest property line).

YARD, FRONT: A yard between side lot lines, measured horizontally at right angles from the front lot line, to the nearest point of a building or other structure. **YARD, REAR:** A yard between side lot lines, measured horizontally at right angles from the rear lot line, to the nearest point of a main building.

YARD, REQUIRED: Open space on a lot, which is unobstructed from the ground upward, except as otherwise provided in this ordinance.

YARD, SIDE: A yard between the front and rear yards, measured horizontally at right angles from the rear lot line, to the nearest point of a main building.

(Am. ORD 579, passed 3-4-2008)