

Chapter

One

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Chapter 1: - Introduction

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1.1 How to Use the Development Code

Welcome to the Weston Development Code. This is a comprehensive land use and development code that governs all of the land within the incorporated limits of Weston. The five chapters of the code are used together to review land use applications. They are organized as follows:

Chapter 1.0 - In addition to this brief introduction, Chapter 1.0 provides definitions for selected terms and information on the legal construct of the code. It also explains the City's authority to enforce the Development Code.

Chapter 2.0 - Every parcel, lot, and tract of land within the City's incorporated boundaries is also within a "land use district." (Land use districts are shown on the City's official zoning map.) Chapter 2.0 identifies the land uses permitted within each district and the standards that apply to each type of land use (e.g., lot standards, setbacks, and use-specific design standards). As required by state law, the zones or "land use districts" conform to the Weston Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

Chapter 3.0 - The design standards contained in Chapter 3 apply throughout the City. They are used in preparing development plans and reviewing applications to ensure compliance with City standards for signs, access and circulation, landscaping, parking, public facilities, surface water management, housing densities, and sensitive lands.

Chapter 4.0 - Chapter 4.0 provides all of the application requirements and procedures for obtaining permits required by this Code. Four types of permit procedures are covered: Type I (non-discretionary, "Ministerial" decision); Type II (Quasi-Judicial); Type III (Legislative).

Chapter 5.0 - Chapter 5.0 provides standards and procedures for variances and non-conforming situations (i.e., existing uses or developments that do not comply with the Code). This Code cannot provide standards to fit every potential development situation. The City's varied geography and the complexities of land development require flexibility. Chapter 5.0 provides that flexibility while maintaining the purposes and intent of the code.

Chapter 6.0 - Chapter 6.0 creates a placeholder for the City's maps and map amendments. This chapter serves as a placeholder for various city maps and related ordinances to be located for reference for staff and applicants. Map amendments will be located in this section in chronological order from when they were adopted.

Chapter 7.0 - Chapter 7.0 creates a placeholder for the various Amendments, Additions & Critical and Necessary Supporting Data and References:

General Administration

1.2.100 Severability

The provisions of this title are severable. If any section, sentence, clause or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this title or of County, State, Federal, or building codes.

1.2.200 Compliance and Scope

- A. Compliance with the Provisions in the Development Code.** Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as this Development Code ("Code") or any amendment thereto permits. No plat shall be recorded and no building permit shall be issued without compliance with the provisions of this Code.
- B. Applicability.** The area regulated by this Code includes the entire City of Weston and the urban growth boundary as delineated in the Weston Urban Growth Area Joint Management Agreement with Umatilla County (1978).
- C. Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons' successors in interest.
- D. Most Restrictive Regulations Apply.** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- E. Variances.** Variances shall be governed by the provisions of Section 5.1 - Variances.
- F. Transfer of Development Standards Prohibited.** No lot area, yard, or other open space or off-street parking or loading area that is required by this Code for one use shall be a required lot area, yard, or other open space or off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

1.2.300 Consistency with Plan and Laws

Each development and use application and other procedure initiated under this Code shall be consistent with the adopted Comprehensive Plan of the City of Weston as implemented by this Code and with applicable state and federal laws and regulations. All provisions of this Code shall be construed to be in conformity with the adopted Comprehensive Plan.

1.2.400 Use of a Development

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Section 5.2 - Non-Conforming Uses and Developments) and is not prohibited by law.

1.2.500 Pre-Existing Approvals

- A. Legality of Pre-existing Approvals.** Developments, including subdivisions, projects requiring Development Review or Site Design Review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals; except that modifications to development approvals shall comply with Section 4.6 - Modifications to Approved Plans and Conditions of Approval.
- B. Subsequent Development Applications.** All development proposals and applications received by the City staff or designee after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by County, State, or Federal law.

1.2.600 Building Permit and Certificate of Occupancy

- A. Building Permit.** A building permit shall not be issued until the City staff or designee has issued a development permit in accordance with the provisions of Section 4.2 - Development Review and Site Design Review, or otherwise found that a development permit is not required.
- B. Prior to Final Completion.** Prior to the final completion of all work, a Certificate of Occupancy may be issued for a portion of the structure conditioned upon further work being completed by a certain date.

1.2.700 Official Action

- A. Official Action.** All officials, departments, and employees (including contractor-officials) of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code and shall issue no permit or grant approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. Severability.** Any permit or approval issued or granted in conflict with the provisions of this Code will be void.
- C. Notice.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code.

1.3 Definitions

Abutting - Contiguous or adjoining. It shall include the terms adjacent, adjoining, and contiguous.

Access - A way or means of approach to provide pedestrian, bicycle, or motor vehicle entrance or exit to a property.

Access Easement - An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access

Access Management - The control of street (or highway) access for the purpose of improving the efficiency, safety, and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement.

Access Point - Any driveway, street, turnout, or other means of providing for the movement of vehicles to or from the public roadway system.

Accessible - Approachable and useable by people with disabilities. Complies with the Americans with Disabilities Act.

Accessory Dwelling Unit - An accessory dwelling is a small, secondary housing unit on a single-family lot, usually the size of a studio apartment.

Accessory Storage Building - A building originally constructed for the storage of materials and equipment accessory to a primary use located on the property. This does not include cargo containers, railroad cars, truck vans, converted manufactured dwellings, trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials.

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

Administrative - A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal.

Adverse Impact - Negative affect of development that can be measured (e.g., noise, air pollution, vibration, dust, etc.).

Agriculture - As used in this Code, "agriculture" is the same as "farm use." Also see Oregon Revised Statutes (ORS) 215.203(2)(a).

Alley - A narrow street (12-foot to 20-foot right-of-way), usually a thoroughfare through the middle of the block giving access to the rear of lots or buildings.

Alteration - An addition, removal, or reconfiguration that significantly changes the character of a historic resource, and that includes new construction in historic districts.

Ambient - Something that surrounds (e.g., light, dust or noise).

Appeal - A request for a review of the interpretation of any provision of this Code or a request for a variance.

Area of Special Flood Hazard - The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special Flood Hazard Area" is synonymous in meaning and definition with the phrase "Area of Special Flood Hazard."

Arterial - An arterial street. Arterials form the primary roadway network within a region, providing a continuous road system that distributes traffic between cities, neighborhoods, and districts. Generally, arterials are high-capacity roadways.

Automobile-Dependent Use - The use serves motor vehicles and would not exist without them, such as vehicle repair, gas station, car wash, and auto and truck sales.

Automobile-Oriented Use - Automobiles and/or other motor vehicles are an integral part of the use such as drive-in restaurants and banks.

Base Flood - Means a flood having a 1 percent chance of being equaled or exceeded in any given year.

Base Flood Elevation - The elevation to which floodwater is anticipated to rise during the base flood.

Basement - Any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast Inns (Short-term rentals/Vacation Rentals) - An operator- or owner-occupied home primarily used for the purpose of providing accommodations (three or more rooms) plus breakfast on a daily or weekly basis. This provision of lodging and food is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. Bed and Breakfast Inns shall include inns that operate restaurants offering meals to the general public as well as to overnight guests. Standards for this use apply to short-term rentals/vacation rentals (less than 30 days per year of occupancy).

Below-grade Crawl Space - An enclosed area below the base flood elevation in which the interior grade is not more than 2 feet below the adjacent exterior grade and the height measured from the interior grade of the crawlspace to the top of the crawlspace foundation does not exceed 4 feet at any point.

Berm - A small rise or hill in a landscape intended to buffer or visually screen certain developments, such as parking areas.

Bikeway - Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

1. Multi-use Path. A paved way (typically 10- to 12-foot wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non- motorized users.
2. Bike Lane. A portion (typically 4- to 6-foot wide) of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
3. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
4. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.
5. Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

Block - A parcel of land or group of lots bounded by intersecting streets.

Bollard - A post of metal, wood, or masonry used to separate or direct traffic (vehicles, pedestrians, and/or bicycles). Bollards are usually decorative, and may contain sidewalk or pathway lighting.

Breakaway Wall - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building - A construction made for purposes of shelter or habitation (e.g., house, barn, store, theater, train station, garage, school, etc.)

Building Footprint - The outline of a building, as measured around its foundation.

Building Mass - The aggregate size of a building, or the total height, width, and depth of all its parts.

Building Scale - The dimensional relationship of a building and its component parts to other buildings.

Business Day - Monday through Friday, holidays and weekends excluded.

Capacity - Maximum holding or service ability, as used for transportation, utilities, parks, and other public facilities.

Cargo Container - A standardized reusable vessel originally designed for shipping goods and is capable of being transported by rail, truck, or ship.

Childcare Center, family childcare - Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family childcare providers" provide care for not more than 12 children in a home. See also, ORS Chapter 657A for state certification requirements.

City - The City of Weston, Oregon.

City Council - The City Council of the City of Weston, Oregon.

City Official - The City Recorder, whom the Mayor and City Council have designated as the individual responsible for providing applications and permit information. Duties include reviewing applications for completeness and procedural compliance, notifying applicants that they must submit materials at least one week before planning meetings, date stamping upon receipt of complete applications. Sending copies of completed applications to the Planning Commission and/or the City Council, posting the Planning Commission's agenda for Type I reviews per Oregon Meeting Law, filing notices for Type II and III applications, typing minutes for planning hearings and Type II meetings. Sending permit acceptance or denial letters to applicants and when applicable copies for recording to Umatilla County.

Clear and Objective - Relates to decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Collector - Type of street that serves traffic within the commercial, industrial, and residential neighborhood areas. Collectors connect local neighborhoods or districts to the arterial network. Collectors are part of the grid system.

Commercial - Land Use involving buying/selling of goods or services as the primary activity.

Common Area - Commonly owned land, including open space, landscaping, or recreation facilities (e.g., owned by homeowners' associations).

Comprehensive Plan - The Comprehensive Plan of Weston, Oregon.

Conditional Use - A use that requires a Conditional Use Permit.

Conservation Easement - An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources.

Corner Clearance - The distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

Corner Radius - The radius of a street corner, as measured around the curb or edge of pavement.

Cornice - The projecting horizontal element that tops a wall or flat roof.

Cottage Cluster - A group of two or more cottages on one lot. Cottage clusters are two to four small, single-family dwellings on one lot, oriented to an alley or common green.

Courtyard - A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

Cross Access - A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Curb Cut - A driveway opening where a curb is provided along a street.

Deciduous - Tree or shrub that sheds its leaves seasonally.

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 razing, destruction, or dismantling of a resource to the degree that its historic character is substantially obliterated.

Density(ies) - A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density does not include land devoted to street right-of-way. Density is a measurement used generally for residential uses.

Developable - Buildable land, as identified by the City's Comprehensive Plan. Includes both vacant land and land likely to be redeveloped, per ORS 197.295(1).

Development - All improvements on a site, including buildings, placement or replacement of manufactured or 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 the purpose of floodplain management, development is defined as "any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials."

Development Review - A non-discretionary or "ministerial" review conducted by the Planning Commission within a regular planning meeting usually done to discuss and review options prior to an actual application for a development. It is for complex developments and land uses that do not require Site Design Review approval. Development review is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as setbacks, lot coverage, building height, and similar provisions of Chapter 2.0 - Land Use Districts.

Discretionary - Describes a permit action or decision that involves substantial judgment or discretion.

District - A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites that are unified historically by plan or physical development (e.g., downtown, residential neighborhood, military reservation, ranch complex, etc.).

Drip line - Imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.

Drive Lane/Travel Lane - An improved (e.g., paved) driving surface for one lane of vehicles.

Driveway - Areas that provide vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking lots and parking spaces.

Duplex - A building with two attached housing units on one lot or parcel.

Dwelling Unit - A “dwelling unit” is a living facility that includes provisions for sleeping, eating, cooking, and sanitation, as required by the Uniform Building Code (UBC) for not more than one family, or a congregate residence for ten or fewer persons (UBC 205).

Easement - A specific right-of-usage of real property granted in writing by an owner to the public or to specific persons, firms, and/or corporations.

Elevation - Refers to a building face, or scaled drawing of the same, from grade to roof ridgeline.

Environmentally Sensitive Areas - See “Sensitive lands.”

Established Residential Area - An area within the Residential District that was platted prior to the effective date of a land ordinance.

Evidence - Application materials, plans, data, testimony, and other information used to demonstrate compliance or noncompliance with a Code standard or criterion.

Extraordinary Historic Importance - The quality of historic significance achieved outside the usual norms of age, association, or rarity.

Family Daycare - See “Childcare center.”

Farming, Farm Use - The use of land for raising and harvesting crops; or for the feeding, breeding, and management of livestock; or for dairying; or for any other agricultural or horticultural use; or any combination thereof, including disposal of such products by marketing or otherwise. Farming also includes the use and construction of buildings customarily used in the above activities.

Flag Lot - A lot or parcel that has access to a road, street, or easement, by means of a narrow strip of lot or easement that does not meet the minimum lot width standard.

Flood area - The total area of all floors of a building as measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, attached porches and balconies, excluding open courtyards and vent shafts.

Flood Insurance Rate Map (FIRM) - The official map of a community, on which the Federal Insurance and Mitigation Administration has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) - An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood or Flooding - (a) A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal water and/or (2) the unusual and rapid accumulation of runoff of surface waters from any source (3) mudslides (i.e., mudflows) that are caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event, which results in flooding as defined in paragraph (a)(1) of this definition.

Flood Elevation Study - See “Flood Insurance Study.”

Flood Proofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as “Regulatory Floodway.”

Frontage - The dimension of a property line abutting a public or private street.

Frontage Street Or Road - A minor street that parallels an arterial street to provide access to abutting properties and minimize direct access onto the arterial street.

Functionally Dependent Use - A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities. Under limited circumstances, variances may be issued for functionally dependent uses provided that the structure is protected by methods that minimize flood damage during the base flood and there are no additional threats to public safety.

Functional Classification - The classification given to streets (e.g., “local/collector/arterial”) by the City’s Transportation System Plan (TSP), by adopted County plans, and by the Oregon Department of Transportation.

Grade - The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within 5 feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

Ground Cover - A plant material or non-plant material (e.g., mulch, bark chips/dust) used to cover bare ground.

Hammerhead Turnaround - A “T” or “L” shaped dead-end street that allows for vehicles to turn around.

Hardscape - Non-plant landscape materials, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Resource - A building, structure, object site, or district that meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:

1. Building - A construction made for purposes of shelter or habitation (e.g., house, barn, store, theater, train station, garage, school, etc.).
2. Structure - A construction made for functions other than shelter or habitation (e.g., bridge windmill, dam, highway, boat, kiln, etc.).
3. Object - A construction that is primarily artistic or commemorative in nature and not normally movable or part of a building or structure (e.g., statue, fountain, milepost, monument, sign, etc.).
4. Site - The location of a significant event, use, or occupation, which may include associated standing, ruined, or underground features (e.g., battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.).
5. District - A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites unified historically by plan or physical development (e.g., downtown, residential neighborhood, military reservation, ranch complex, etc.).

Historic Resources of Statewide Significance - Buildings, structures, objects, sites, and districts which are listed on the National Register of Historic Places (NRHP).

Historic Structure: Any structure that is:

1. Listed individually in the NRHP (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the NRHP;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation, home occupation site - Small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence.

Incidental and Subordinate To - A use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the development.

Infill - A dwelling that is proposed on land zoned for residential use where at least 75 percent of the abutting parcels have a dwelling, but not counting any parcel that is too small for a residence and any parcel that is large enough that it can be divided into four or more lots. These standards also apply where a structure is removed to make way for a new house, manufactured home, duplex, and attached house. These standards do not apply to a dwelling that is proposed on land large enough that it can be divided into four or more lots.

Land Division - The process of dividing land to create parcels or lots.

Land USE - The main activity that occurs on a piece of land, or the structure in which the activity occurs (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

Land Use District - As used in this Code, a land use district is the same as a zone district.

Landing - A level part of a staircase, as at the end of a flight of stairs.

Landscaping - Any combination of living plants such as trees, shrubs, plants, vegetative ground cover, or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and revegetation or the preservation, protection, and replacement of existing trees.

Lane, mid-block lane - A narrow, limited use roadway facility usually used to access a limited number of dwelling units. Similar to an alley in design.

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).

Livestock - Domestic animal types customarily raised or kept on farms.

Local Improvement District (LID) - A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485.

Lot - A lot is a unit of land that is created by a subdivision of land (ORS 92.01 0(3)). A lot or parcel under the same ownership as mapped and referenced by the Umatilla County Assessor's Office.

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

Lot Coverage - The area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

Lot Depth - The average distance measured from the front lot line to the rear lot line.

Lot Line Adjustment - The adjustment of a property line by the relocation of a common line where no additional lots are created. In this Code, lot line adjustment also includes the consolidation of lots (i.e., resulting in fewer lots) as a lot line adjustment.

Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Dwelling - A manufactured dwelling can include the following residences defined below: a residential trailer, a mobile home, or a manufactured home. For the purposes of the Flood Hazard section, a manufactured dwelling is a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home."

Manufactured Home - A manufactured home is a portable residence constructed after 1976. A transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the U.S. Department of Housing and Urban Development, but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations, and is intended for permanent occupancy.

Manufactured Structure - A manufactured structure includes the following residence types: a recreational vehicle, residential trailer constructed prior to 1962, a mobile home constructed between 1962 and 1976, or a manufactured home constructed after 1976. For the purposes of this Code, manufactured structure also includes structures built and installed as temporary classrooms or other non-residential uses.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's FIRM are referenced.

Ministerial - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is such an action.

Mitigation - To avoid, rectify, repair, or compensate for negative impacts that result from other actions (e.g., improvements to a street may be required to mitigate for transportation impacts resulting from development.)

Multi-Family Housing - Housing that provides more than three dwelling units on an individual lot (e.g., multi-plex's, apartments, condominiums, etc.).

Multi-Use Pathway - Pathways for pedestrian and bicycle use.

Natural Hazard - Natural areas that can cause dangerous or difficult development situations such as steep slopes, unstable soils, landslides, and flood areas.

Neighborhood - A geographic area that is primary residential and usually has a distinguishing character.

Neighborhood-Scale Design - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics. These features are generally smaller in scale than those primarily intended to accommodate motor vehicle traffic.

New Construction - For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by the City of Weston and includes any subsequent improvements to such structures.

Non-Conforming Use/Non-Conforming Development - An existing land use, structure, or property access that would not be permitted by the regulations imposed by the Code and was lawful at the time it was established.

Non-Native Invasive Plants - See Oregon State **University** Extension Service Bulletin.

Object - A construction that is primarily artistic or commemorative in nature and not normally movable or part of a building or structure (e.g., statue, fountain, milepost, monument, sign, etc.).

Off-Street Parking - All off-street areas designed, used, required, or intended to be used for the parking of motor vehicle

Open Space (common/private/active/passive) - Land within a development that has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation, or other open space uses.

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

Oriented To a Street - See “Orientation.”

Outdoor Commercial Use - A use supporting a commercial activity that provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards, and equipment rental businesses.

Parcel - A parcel is a unit of land created by a partitioning of land (ORS 92.01 0(6)).

Parking Lot Perimeter - The boundary of a parking lot area, which usually contains a landscaped buffer area.

Parking Space - An area adequately sized, having access to a public street, used or intended to be used for the parking of a vehicle.

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 also, ORS 92.01 0(8)).

Pathway/Walkway/access way - A pathway or multi-use pathway may be used to satisfy the requirements for “access ways” in the Transportation Planning Rule (Oregon Administrative Rule [OAR] 660-012-045).

Pedestrian Amenity(ies) - Pedestrian areas and objects that serve as places for socializing and enjoyment of the City’s downtown/main street. Examples include benches or public art or sculpture.

Planter Strip or tree cut-out/tree well - An area for street trees and other plantings within the public right-of-way. A planter strip is located between the street and a sidewalk. A tree cut-out/well is within the sidewalk area.

Plat - A map of a subdivision, prepared as specified in ORS 92.080, and recorded with the Umatilla County Assessor’s Office.

Plaza - A public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity.

Pocket Park - A small park, usually less than one-half acre.

Portable Storage Container (PSC) - Any box-like container that can be transported by truck or trailer.

Primary - The largest or most substantial element on the property, as in “primary” use, residence, entrance, etc. All other similar elements are secondary in size or importance.

Property Line - Boundary line between two pieces of property.

Public Facilities - Public and private transportation facilities and utilities.

Public Improvements - Development of public facilities.

Quasi-judicial - Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code, and usually involves a public hearing. This usually pertains to Type II and/or Type III procedures.

Recreational Vehicle - A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use.

Relocation - The removal of a resource from its historic context.

Residence - Same as "Dwelling Unit."

Residential Care Home/Residential care facility - Residential treatment or training homes or adult foster homes licensed by the State of Oregon.

Residential Caretaker Unit - A dwelling unit for caretakers living on-site in the industrial district.

Right-Of-Way - Land that is owned in Fee Simple by the public, usually for transportation facilities and/or utilities.

Senior Housing - Housing designated and/or managed for persons over the age of 55. (Specific age restrictions vary.)

Sensitive Lands - Wetlands, significant trees, steep slopes, floodplains, and other natural resource areas designated for protection or conservation by the Comprehensive Plan.

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

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

Shared Parking - Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap. (Daytime versus nighttime primary uses.)

Sign - An identification, description, or device that directs attention to a product, place activity, person, institution, or business and which is affixed to or represented upon a building structure or land. Each display surface of a sign structure shall be considered a separate sign.

Significant Trees, significant vegetation - Trees and shrubs with a trunk diameter of 8 inches or more, as measured 4 feet above the ground, and all plants within the drip line of such trees and shrubs. Other trees may be deemed significant when designated by the City Council as "Heritage Trees."

Single-Family Attached Housing (townhomes) - Two or more single-family dwellings with common end-walls.

Single-Family Detached House - A single-family dwelling that does not share a wall with any other building.

Site - A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code. For the purposes of historic preservation, a site is defined as, the location of a significant event, use, or occupation which may include associated standing, ruined, or underground features (e.g., battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.)

Site Design Review - A discretionary review that applies to all developments in the City, except those specifically listed under Development Review. Site design review ensures compliance with the basic development standards of the land use district, as well as more detailed design standards and public improvement requirements in Chapters 2 and 3.

Solar Energy System - An assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

Special Flood Hazard Area: See “Area of Special Flood Hazard” for this definition.

Specific Area Plan - Describes in more detail the type of development planned for a specific area (not just one site) than is typically found in a comprehensive plan, zone map, or public facilities plan.

Standards and Criteria - Standards and criteria are Code requirements. Criteria are the elements required to comply with a particular criterion.

Start Of Construction - Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets 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 or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Building Code - The combined specialty codes.

Steep Slopes - Slopes greater than 25 percent.

Storefront Character - The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

Street Access - Passage for pedestrians and vehicles to circulate through a connected street system.

Street Furniture/furnishings - Benches, lighting, bicycle racks, drinking fountains, mailboxes, kiosks, and similar pedestrian amenities located within a street right-of-way.

Street Stub - A temporary street ending (i.e., 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 - A tree planted in a planter strip or tree cut-out.

Street/Road - A public or private way for travel by vehicles, bicycles, and pedestrians that meets the City standards.

Structure - For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Subdivision - To divide land into four or more lots within a single calendar year, as defined in ORS 92.010(13).

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to ensure safe living conditions; or
2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Surface Water Management - Protective actions and design features to minimize impact to waterbodies from construction or development.

Swale - A type of stormwater facility. Usually a broad, shallow depression with plants that filter and process contaminants.

Tangent - Meeting a curve or surface in a single point.

Terrace - A porch or promenade supported by columns or a flat roof or other platform on a building.

Topographical Constraint - Where existing slopes prevent conformance with a Code standard.

Tract: private/public - A piece of land set aside for dedication to the public, a homeowner’s association, or other entity (e.g., open space, recreation facilities, sensitive lands, etc.).

Transportation Facilities and Improvements - The physical improvements used to move people and goods from one place to another (e.g., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.). Transportation improvements include the following:

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
3. Projects specifically identified in the City's adopted TSP as not requiring further land use review and approval.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Construction of a street or road as part of an approved subdivision or partition as designated in the City's adopted TSP, except for those located in exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition consistent with the applicable land division ordinance.

Transportation Mode - The method of transportation (e.g., automobile, bus, walking, bicycling, etc.).

Triplex - A building with three attached housing units on one lot or parcel.

Urban Growth Boundary - The urban growth boundary designated for the City of Weston, Oregon.

Variance - An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code. See Section 5.1 - Variances. For floodplain purposes, a variance is a grant of relief by the City from the terms of a floodplain management regulation.

Vision Clearance Area - The vision clearance area includes corner clearance, which is the distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

Wetland - Wetlands are land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. They are defined more specifically by the Federal Clean Water Act (Section 404) and OAR 141-85-010. Excavation, filling, or development of wetlands generally requires a permit from the Oregon Department of State Lands and/or the U.S. Army Corps of Engineers. For more information, contact the Oregon Department of State Lands.

Window Hood - An architectural detail placed above a window, used as an accent.

Wireless Communication Equipment - Facilities used for radio signal transmission and receiving, includes cell towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

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

Zero-Lot Line House - Single-family courtyard home that is not subject to side yard setbacks on one side of a typical lot.

1.4. Enforcement

1.4.100 Provisions of this Code Declared to be Minimum Requirements.

- A. **Minimum Requirements Intended.** In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of public health, safety, and general welfare.
- B. **Most Restrictive Requirements Apply.** When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

1.4.200 Violation of Code Prohibited

No person shall erect, construct, alter, maintain, or use any building or structure or shall use, divide, or transfer any land in violation of this Code or any amendment thereto.

1.4.300 Penalty

- A. **Class 1 Penalty.** A violation of this Code shall constitute a Class 1 civil infraction, which shall be processed accordingly.
- B. **Each Violation a Separate Infraction.** Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.
- C. **Abatement of Violation Required.** A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.
- D. **Responsible Party.** If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

1.4.400 Complaints Regarding Violations

- A. **Filing Written Complaint.** Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a signed, written complaint.
- B. **File Complaint with City Council.** Such complaints, stating fully the cause and basis thereof, shall be filed with the City Council. The City Council shall properly record such complaints and investigate and take action thereon as provided by this Code.

1.4.500 Abatement of Violations

Any development or use, that occurs contrary to the provisions of this municipal development code or contrary to any permit or approval issued or granted under this municipal development code, is unlawful, and may be abated by appropriate proceedings by municipal codes or the City Attorney.

1.4.600 Stop Order Hearing

- A. Stop Order Issued.** Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the City Council may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.
- B. Stop Order Hearing.** The City Council shall schedule a hearing before the Planning Commission on the stop order for the earliest practicable date, but not more than 30 days after the effective date of any required notice. At the discretion of the City Council such hearing may be:
1. Part of a hearing on revocation of the underlying development approval; or
 2. Solely to determine whether a violation has occurred. The City Council shall hold this hearing and shall make written findings as to the violation within 30 days. Upon a finding of no violation, the Planning Commission shall require the issuance of a resume work order. Upon finding a violation, the stop order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Commission that the violation has been abated. The Planning Commission decision is subject to review under Section 4.1.500 - Type III Procedure (Legislative).