

Chapter 1

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Section 1.1

SUTHERLIN DEVELOPMENT CODE

This Sutherlin Development Code shall govern development within the corporate city limits of the city of Sutherlin.

SECTION 1.2

GENERAL ADMINISTRATION

1.2.100 Interpretation of Purpose Sections. Many of the divisions of this land use code contain “introduction” and “purpose” sections which are intended to provide general explanatory information concerning subsequent code sections. The content of these sections shall not constitute approval criteria or be used to interpret such criteria unless the sections are specifically referenced for that purpose in another section of this land use code. The Community Development Director may permit in any zone a use not listed in this ordinance if the requested use is of the same general type and is similar to the uses permitted within the zone. The decision of the Community Development Director may be reviewed by the Planning Commission on its own motion or appealed to the Planning Commission.

1.2.110 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.

1.2.120 Pre-Existing Approvals. Development for which approvals were granted prior to July, 2007 may occur pursuant to such approvals; except that modifications to development approvals shall comply with section 4.7, Modifications to Approved Plans and Conditions of Approval.

1.2.130 Building Permit and Certificate of Occupancy.

- A. Building permit.** A building permit shall not be issued for a project or use until the proposal has been approved in accordance with applicable provisions of chapter 4, Applications and Review Procedures, if any.
- B. Certificate of occupancy required.** To ensure completion of a development or use in the manner approved, a development shall not be occupied and a use shall not begin until the city has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building codes. A certificate of occupancy may be granted for a portion of a structure.

Section 1.3

DEFINITIONS

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

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. (See also, section 3.2.110.)

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

Accessory building or use - The use of land or a subordinate building or a portion of a principal building, such use or building being secondary to or incidental to the principal use or structure, except for accessory dwellings as defined by this code. (See section 2.1.130)

Accessory dwelling - A small, secondary housing unit on a lot with a single family dwelling. Accessory dwellings are limited in size and restricted to certain zoning districts. They can be attached to the primary dwelling or not attached. An accessory dwelling may also be located above a garage that is either attached to the primary dwelling or free-standing. (See section 2.6.100.)

Affordable - Means housing affordable to a certain percentage of the population earning a specified level of income and spending no more than thirty (30) percent of their income on housing expenses. For more information, refer to the Federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

Agriculture - As used in this code, “agriculture” is the same as “farm use”. (See also, Oregon Revised Statutes (ORS) 215.203(2)(a).)

Alley - A public or private right-of-way which provides a secondary means of access to a property.

Approving Authority – The person or body identified in section 4.2 as the decision-maker under a Type I, II, III, or IV process.

Arcade - An arched or covered passageway; often along building fronts or between streets.

Arterial - The primary function of an arterial is to provide through movement to traffic, distributing it to collector streets and principal highways, and providing limited land access. These streets are generally characterized by a three to five lane cross section, and should accommodate pedestrian and bicycles movements. Signalization should be provided at intersections with other arterials and collector streets, as warranted. Sutherlin’s arterials are designed with large rights-of-way (68-100 feet wide) with pavement widths of at least 48 feet. Arterial streets have limited or controlled access to them and have little or no on-street parking. Oregon’s Transportation Planning Rule requires bicycle lanes and sidewalks along arterials. Bicycle lanes are required on arterials even if they do not generate significant bicycle traffic. (See section 3.5.110(F))

Articulate/articulation - The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

Basement - The lowest floor of any building when the main entrance to the building is on the floor above. When a building has its main entrance on the third actual story, it may be said to have a basement and a subbasement.

Bed and breakfast inn - Provides accommodations (two (2) or more rooms) plus breakfast on a daily or weekly basis in an operator- or owner-occupied home that is primarily used for this purpose. This use 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. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests. (See section 2.6.120)

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

Beveled building corner - A rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars, or other architectural details and ornamentation.

Block - An area of land which may be bounded on all sides by streets, railroad rights-of-way, unsubdivided land, or water courses. (See also, section 3.2.110.L.)

Boarding (lodging or rooming) houses - A building or portion thereof, other than a hotel, where lodging and/or meals for five or more persons, but not more than twenty (20) persons, are provided for a compensation and without individual cooking facilities.

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

Boulevard - A street with broad open space areas; typically with planted medians. (See section 3.5.110.F.)

Boundary Line – The property line abutting a lot or parcel.

Boundary line adjustment - The adjustment of a property line by the relocation of a common line where no additional lots are created. This development code also defines the consolidation of lots (i.e., resulting in fewer lots) as a lot line adjustment.

Building - A structure having a roof, but excluding all forms of vehicles even though immobilized, except a mobile home or similar vehicle may be considered a building if it has been certified as meeting the requirements of the building code as defined herein. Where this code requires or where special authority granted pursuant to this code requires that a use shall be entirely enclosed within buildings, this definition shall be qualified by adding ‘and enclosed on all sides.

Building Code - The building code of the state of Oregon which consists of the structural specialty code and fire and life safety code, the plumbing specialty code as adopted and administered by the city of Sutherlin.

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 pad - A vacant building site on a lot with other building sites.

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

Bulkhead - The wall below ground-floor windows on a building (i.e., may be differentiated from other walls by using different materials or detailing).

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

Centerline radius - The radius of a centerline of a street right-of-way.

Child care center, family child care - Facilities that provide care and supervision of minor children for periods of less than twenty-four (24) hours. “Family child care providers” provide care for not more than twelve (12) children in a home. (See also, ORS 657A for certification requirements.)

Church - A building designated or used for public worship by a religious body.

Clinic - A healthcare facility operated by a group of physicians, dentists, or other licensed medical practitioners for the treatment and examination of out-patients.

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

Collector - The primary function of a collector is to move traffic between arterials and local streets, and to provide access to adjacent uses. The collector street is generally characterized by a two or three lane cross section. Oregon’s Transportation Planning Rule requires bicycle lanes and sidewalks along major collectors. Bicycle lanes are required on major collectors even if they do not generate significant bicycle traffic. Intersections with other collectors and arterials may be signalized, as warranted. Sutherlin’s collectors have a minimum right-of-way width of 60 feet with a minimum pavement width of 40 feet. Property access from collector streets should be discouraged. (See section 3.5.110.F.)

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

Commission - The Planning Commission of the city of Sutherlin.

Common area - Land commonly owned to include open space, landscaping or recreation facilities (e.g., typically owned by homeowners associations).

Community building - A publicly owned and operated facility used for meetings, recreation, or education.

Comprehensive Plan - The generalized, coordinated land use map and policy statement of the city of Sutherlin or Douglas County, as applicable, that interrelates all functional and natural systems and activities in the use of lands, sewer and water systems, transportation systems, educational systems, recreational systems, and natural resources and air and water quality management programs.

Comprehensive Plan support document - Background information, facts and considerations that served as the basis for the conclusions in the Comprehensive Plan. Although not a part of the legally adopted plan document, the background material is essential to understand why and how the plan's conclusions were reached.

Conditional use - The relaxation of strict terms of this code to permit similar uses in districts where such similar uses may require additional controls and safeguards not required of otherwise permitted uses. A use which requires a conditional use permit. (See section 4.5.)

Condominium - An arrangement by which property is jointly owned. It involves joint ownerships of multiple-occupant building with each occupant having title to a separate divided interest in the property.

Consensus - Agreement or consent among participants.

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 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 - A small house that may be used as an accessory dwelling, in conformance with section 2.6.100.

County - Douglas County.

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

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.

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, 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.

Development site - A property consisting of a parcel or group of contiguous that is/are proposed for development, or under development, and subject to a permit approval under this code. (See also, “site.”)

Discontinued/abandoned use - See chapter 5.3 - Non-Conforming Uses and Developments.

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 line vehicles.

Drivethrough facilities – (See section 2.6.130.)

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.

Driveway apron/approach - The edge of a driveway where it abuts a public way; usually constructed of concrete. (See Figure 3.2.110M.)

Drought-tolerant/drought-resistant plants – As defined and/or listed by the Oregon State University extension service publication(s) for western Oregon.

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, for not more than one family, or a congregate residence for ten (10) or less persons. (UBC 205)

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

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

Electric powered personal vehicles - Electric powered carts, scooters, and other personal vehicles, including but not limited to golf carts.

Employee - All persons (including proprietors, executives, professional staff, labor, administrative, production, sales and distribution employees) working on the premises during the largest shift.

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

Facility – A structure that is constructed, placed, or erected for the purpose of furthering a permitted or conditional use.

Family - An individual, or two or more persons related by blood, marriage, adoption, legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to no more than two additional persons, excluding servants; or a group of more than five unrelated persons living together as one housekeeping unit using one kitchen; or a group of six or more persons living together as one housekeeping unit using one kitchen, if said persons are handicapped persons as defined in Title VII of the Civil Rights Act of 1968.

Family day care - See “child care facilities.”

Farm - A body of land devoted to agriculture, either raising crops or pasture for livestock.

Farming - The practice of agriculture, either raising crops or pasture for livestock.

Fire apparatus lane - As defined by the uniform fire code.

Flag lot - A lot or parcel which has access to a road, street or easement, by means of a narrow strip of the lot.

Flashing sign - A sign, part or all of whose lights go on and off, or appear to go on and off intermittently, whether computer controlled or not.

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

1. Attic space providing headroom of less than seven (7) feet.
2. Basement, if the floor is less than six (6) feet above grade.
3. Uncovered steps or fire escapes.
4. Private garages, carports or porches.
5. Accessory water towers or cooling towers.
6. Accessory off-street parking or loading spaces.

Floor area ratio (FAR) – The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one (2:1) means two (2) square feet of floor area for every one (1) square foot of site area.

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

Frontage street or road - A minor street which parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial.

Functional classification - The classification given to streets (e.g., “local/collector/arterial”) by the Sutherlin’s comprehensive plan, transportation system plan, by adopted county plans, and Oregon department of transportation.

Garage, automobile repair - Any building or premises used for commercial repairs of motor vehicles but not including auto wrecking of storage or wrecked cars.

Garage, private - An accessory building or an accessory portion of the main building designed and/or used for shelter or storage of automobiles, boats, and/or any other vehicles owned or operated by the occupants of the main building, and in which no occupation for profit is carried on.

Geotechnical Report – A report prepared by an engineering geologist, geotechnical engineer, or civil engineer licensed to practice in the state of Oregon, in which the author describes the geologic characteristics of a proposed development site, including all testing procedures used, and assesses the suitability of the site for the proposed use, together with grading and drainage recommendations. (See *Guidelines for Preparing Engineering Geologic Reports in Oregon*, adopted by the Oregon State Board of Geologist Examiners on May 8, 1990.)

Grade, (ground level) - 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 five (5) feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation.

Ground cover - Living plants or other plant-derived landscaping material (e.g., mulch, bark chips) that is used to cover bare ground. (See also, section 3.3 - Landscaping.)

Guest house - An accessory building to a dwelling providing sleeping facilities but no cooking facilities and which building is not rented nor leased.

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.

Height of building - The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Home occupation, home occupation site - A home occupation is an occupation carried on within a dwelling by members of the family occupying the dwelling with no employee or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. Such occupation shall be a secondary use on the premises, shall not occupy more than twenty-five (25) percent of the floor area of one floor of the dwelling and there shall be no stock in trade stored or displayed, or goods sold upon the premises. (See section 2.6.150.)

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

Hotel - A building containing six (6) or more rooms designed and rented out for sleeping purposes for visitors and other transient customers.

Human-scale design/development - Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

Impervious surface - Development which does not allow for water infiltration (e.g., pavement, roofs, etc.).

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 - The development of vacant, bypassed lands located in an area that is mainly developed.

Internal access road - A private road entirely within a manufactured home park or recreational vehicle park, providing vehicular access to manufactured homes or recreational vehicles and accessory uses.

Kennel - A use providing for the accommodation of four (4) or more dogs or cats which are six (6) months old or older, where such animals are kept for board, propagation, training or sale.

Kindergarten - An activity or facility which provides preschool education and training for preschool children at which each class session per day shall be longer than three and one-half (3 ½) hours in duration.

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

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). (See section 4.2.150.)

Level of service (LOS) - For transportation, a standard of a street's carrying capacity, based upon

prevailing roadway, traffic and traffic control conditions during a given time period. The level of service range, from LOS A (free flow) to LOS F (forced flow) describes operational conditions within a traffic stream and their perception by motorists/passengers. Level of service is normally measured for the peak traffic hour, at intersections (signalized or unsignalized) or street segments (between signalized intersections).

Light manufacture – (See section 2.5.)

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

Loading, off-street - An off-street space or berth on the same lot with a principal building for the parking of a vehicle while loading or unloading merchandise and which has direct access from a public street or alley.

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. (See also chapter 3.5.100.)

Lot - A lot is a unit of land that is created by a subdivision of land (ORS 92.010(3)). (See also, section 4.4.)

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

Lot corner - A lot situated at the intersection of streets or, if on a curved street, where the angle of intersection of curve tangents is less than one hundred thirty-five (135) degrees.

Lot coverage - The area of a lot covered by a building or buildings and impervious (paved) surfaces, including accessory structures, expressed as a percentage of the total lot area.

Lot depth - The perpendicular distance measured from the midpoint of the front lot line to the rear lot line. In the case of irregular or triangular lots, the lot depth will be established by a lot depth line which is parallel to the front lot line and located by the intersection of the perpendicular from the front lot line midpoint and the rear lot line (identified as the lot line intersected by the perpendicular from the front lot line midpoint).

Lot frontage - The front to a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street other than an alley shall be considered frontage, and yards shall be provided as indicated under “yards” in this section.

Lot, interior - A lot other than a corner lot with only one frontage on a street.

Lot line - The property line bounding a lot or parcel.

Lot, through - An interior lot having frontage on two (2) streets.

Main/Primary entry/entrance - A main entrance is the entrance, or entrances, to a building that most pedestrians are expected to use. Generally, smaller buildings have one main entrance. Main entrances may also be the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. Buildings may also have main entrances opening directly into a reception or sales areas, a courtyard, or plaza.

Mall - An area of street-like proportions given over entirely to pedestrian traffic. Such an area usually forms a line in the regular street-plan of a city where the need for a vehicular right-of-way is not great and such traffic can be routed around the mall area.

Maneuvering area/aisle - Refers to the driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.

Manufactured home - 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 home lot line - A boundary line of a lot or site designated or used for the occupancy of one manufactured home.

Manufactured home park - As defined by ORS 446.

Marquee - A permanent canopy projecting over an entrance.

Ministerial - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is such an action. (See also, section 4.2.130.)

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

Motel - An individual building or group of attached or non-attached building containing guest rooms together with conveniently located parking spaces on the same lot, which are designated, used or intended to be used for the accommodation of automobile transients. The term includes auto courts, motor lodges, and tourist courts.

Motor Vehicle Wrecking Yard - An area used for the dismantling and/or wrecking of used motor vehicles, machinery, or trailers; or the storage or sale of dismantled, obsolete, or wrecked motor vehicles, machinery, or trailers or their parts; or the storage of vehicles unable to be moved under the power of the vehicle.

Multi-family housing - A building designed, built, rented, leased, let or hired out, to be occupied, or which is occupied as residences by three or more families living independently of each other. (See section 2.2.110.)

Multi-use pathway - A pathway for pedestrians, bicycles, and electric personal vehicles, and may include a soft path for equestrian use. (See section 3.2.120A4.)

Natural resource areas/natural resources – Natural areas that contain resources of value to the community, whether or not specifically identified in the comprehensive plan, such as woodlands, riparian zones, floodplains, and wetlands.

Natural hazard - Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, faults, landslides, flood areas.

Neighborhood - A geographic area lived in by neighbors and usually having 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 which are primarily intended to accommodate automobile traffic.

Non-conforming use/non-conforming development - A structure on or use of land established prior to enactment of and prohibited by this code or any amendment thereto. (See chapter 5.3.)

Non-native invasive plants - See Oregon State University extension service bulletin for your area.

Nursery school - A school, home, or institution designed or used to provide daytime care and instruction for four (4) or more preschool children not resident therein.

Off-street parking - All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of section 3.4.

On-street parking - Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. (See also, section 3.4.)

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

Orientation - To cause to face toward a particular point of reference (e.g., “A building is oriented to the street when its front elevation and entrance face the street.”)

Oriented to a street - See “Orientation.”

Outdoor commercial use - A use supporting a commercial activity which 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.

Overlay zone/district - Overlay zones provide regulations that address specific subjects that may be applicable in more than one zoning district.

Owner – Property owner; may include an authorized agent of the owner for the purpose of filing applications under this code.

Parcel - A parcel is a unit of land that is created by a partitioning of land (ORS 92.010(6)). (See also, section 4.4.)

Parking area, public - A structure or open area, other than a public street or an alley, designed or used for the temporary parking of vehicles and available for public use, whether free, for compensation, or as an accommodation to customers or clients.

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

Parking vs. storage - Parking is the area used for leaving motor vehicles for a temporary time. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use.

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 92.010(8).)

Pathway/walkway/accessway – (See section 3.2.120A.) As defined in this code, a pathway or multi-use pathway may be used to satisfy the requirements for “accessways” in the transportation planning rule. (Oregon Administrative Rules (OAR) 660-012-045.)

Pedestrian amenity(ies) - Pedestrian amenities (benches, drinking fountains, landscaping, etc.) serve as informal gathering places for socializing, resting, and enjoyment of the city’s downtown, and contribute to a walkable district.

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

Personal service - A business which is neither the practice of a profession nor dealing primarily with the sale of products as stock in trade on the premise.

Pier - Exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

Planned unit development - Is a development which stays within the density requirements of area in which it is located for the overall project while allowing a degree of latitude in describing individual lot sizes and also has a percentage of its gross area devoted to recreational development or open space uses.

Planning Commission - Shall mean the planning commission of the city of Sutherlin.

Planter strip, tree cut-out - A landscape area for street trees and other plantings within the public right-of-way, usually between the street and a sidewalk.

Plat - A map of a subdivision, prepared as specified in ORS 92.080, and recorded with the Douglas County assessor's office. All plats shall also conform to section 4.4 - Land Divisions.

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.

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.

Professional office - An office occupied by persons providing personal services such as an accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, practitioner of the human healing arts or other similar services.

Projection - Eaves, cornices, platforms, porches, or any type of structure attached to the main building.

Property line: front, rear, interior side, street side - A lot boundary or parcel boundary as defined in ORS 92.

Property line adjustment - means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel; has the same meaning as Boundary Line Adjustment.

Public facilities - A public project or city facility. (See also section 3.5.)

Public improvements - Development of public facilities. (See also section 3.5.)

Quasi-judicial - Refers to an action or decision that requires substantial discretion or judgement in applying the standards or criteria of this code, and usually involves a public hearing. (See also section 4.8.120.)

Recreational vehicle - A vacation trailer or other unit with or without motive power, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, and has a gross floor space of less than four hundred (400) square feet. "Recreational vehicle" includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter. A recreational vehicle is not a single family dwelling or a dwelling unit under the provisions of this code.

Recreational vehicle park - An area of ground upon which one (1) or more trailers or recreational vehicles may be temporarily placed for human occupancy, and with other facilities therein which are required by this code.

Rehabilitation center - A domiciliary structure housing or intended to house persons for care or treatment for and rehabilitation from alcohol, drug, criminal or comparable or allied social and personal problems.

Residence - See “dwelling.”

Residential caretaker unit – A dwelling unit that is accessory and interior to a commercial, industrial, or public use.

Residential Care Center – A residential care, residential training, or residential treatment facility as defined in ORS 443.705, that is licensed by the Department of Human Services and provides residential care alone or in conjunction with treatment or training or a combination thereof for sixteen (16) or more individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Residential Facility – A residential care facility, residential training facility, or residential treatment facility as defined by ORS 443.400, that is licensed by the Department of Human Services and provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any other resident of the residential facility.

Residential Home – A residential treatment home or residential training home as defined in ORS 443.400, or an adult foster home as defined in ORS 443.705, that is licensed by the Department of Human Services and 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. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Ridge line (building) - The top of a roof at its highest elevation.

Right-of-way - Land that is owned in fee simple by the public, usually for transportation facilities.

Roof pitch - The slope of a roof, usually described as ratio (e.g., one (1) foot of rise per two (2) feet of horizontal distance).

Roof-top garden - A garden on a building terrace, or at top of a building with a flat roof (usually on a portion of a roof).

School - Any public kindergarten, elementary, junior high, high school or college, or comparable private school.

Screened - Concealed or cut off from visual access.

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

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 (2) or more lots or parcels share one (1) driveway. An easement or tract (owned in common) may be created for this purpose.

Shared parking – Shared parking is defined as the shared use of required parking spaces which serve a collection of land uses in a downtown or development without conflict or encroachment. The calculation of shared parking allows for a reduction of the total amount of parking which would be required if the individual uses were considered separately. (See section 3.4.120C4.)

Sign - Any face of any lettered or pictorial device or structure designed to inform or attract attention. (See Section 3.7)

Significant trees, significant vegetation – Trees and vegetation are deemed to be significant and thus require protection when they meet the standards in section 3.3.

Single-family attached housing (townhomes) - Two (2) or more single family dwellings with common end-walls.

Single-family non-attached house - A single family dwelling that does not share a wall with any other building.

Single-family non-attached zero-lot line house - A single family non-attached house with one (1) side yard setback equal to zero (0).

Site - A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this code.

Site plan review, development review - Site design review and development review are two types of land use approvals that can be granted under this code. (See also section 4.3.)

Special flood hazard area - The land in the floodplain within a community subject to a one (1) percent or greater change of flooding in any given year.

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

Steep slopes - Slopes of greater than twenty-five (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.

Storm water facility - A detention and/or retention pond, swale, or other surface water feature that provides storage during high-rainfall events and/or water quality treatment.

Story - That portion of a building included between the upper surface of any floor and the upper floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. The finished floor level directly above a basement or cellar shall be considered a story.

Street/road - A public or private way for travel by vehicles, bicycles and pedestrians that meets the city standards in section 3.5.

Street access – Vehicle access taken from a public right-of-way, usually but not always requiring a street opening or curb cut. (See also section 3.2.110.)

Street connectivity - The number of street connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

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

Street grade and right-of-way - The officially established street grade or right-of-way lines upon which a lot fronts.

Street line - A dividing line between a lot, tract, or parcel of land, and a contiguous street.

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.

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

Structure - Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground. See “building.”

Subdivision - To divide land into four (4) or more lots within a single calendar year. (ORS 92.010(13).)

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

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

Temporary Commercial Vendor – A commercial business operating within a pre-fabricated structure that is constructed for movement on the public highway. Such a use may locate in any commercial zone so long as 1) the structure has been reviewed by the County Building Department; 2) the structure remains road ready with chassis, wheels and trailer tongue attached; 3) the parking requirements of

Section 3.4 have been met; and 4) the County Health Department has licensed the vendor for food and beverage handling.

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.

Tower - A portion of a building that is higher than the remainder of the building, or a tall structure of smaller dimension separate from the building it accompanies, such as the steeple of a church.

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

Training - The systematic, planned maintenance, development, or enhancement of self-care skills, social skills, or independent living skills, or the planned sequences of systematic interactions, activities or structured learning situations designed to meet each resident's specified needs in the areas of physical, social, emotional, and intellectual growth.

Transportation facilities - The physical improvements used to move people and goods from one (1) place to another (i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.).

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

Treatment - A planned, individualized program of medical, psychological, or rehabilitative procedures, experiences, and activities designed to relieve or minimize mental, emotional or physical symptoms or social, educational, or vocational disabilities resulting from or related to the mental or emotional disturbance or physical handicap.

Triplex - A building with three (3) attached housing units on one (1) lot or parcel.

Urban Growth Boundary (UGB) - A line drawn on the city's official map that indicates the outermost limit of the city's planned expansion.

Urban Growth Management Agreement - A written agreement between the city and Douglas County specifying how the unincorporated area within the jointly adopted urban growth boundary is to be managed.

Use - The purpose for which land or a building is designed, arranged or intended or for which it is occupied or maintained, let or leased.

Vacate plat/street - To abandon a subdivision or street right-of-way. For example, "vacation" of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

Variance - An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this code. (See section 5.2.)

Vision clearance area – The triangular area on a parcel or lot located at the intersection of two streets where visual obstructions are restricted for clear vision from vehicles. (See also, Figure 3.2.110.P.)

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 section 404 of the Federal Clean Water Act, and OAR 141-85-010. 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 - Includes cell towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

Yard, required - The area defined by setbacks (i.e., between the setback line and respective property line). For triangular or irregularly shaped lots, the required rear yard is that which abuts the rear lot line identified when calculating lot depth as defined above.

Zone - A land use area or district established by the Sutherlin city council for designated purposes.

Zoning - The division of the territory of a county or municipality into districts which provides various restrictions on the use of land in the districts.

Section 1.4

ENFORCEMENT

1.4.100 Minimum Requirements. In their interpretation and application, the provisions of this code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.

1.4.110 Violations. 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.

1.4.120 Penalty.

- A. Penalty.** A violation of this chapter is declared to be punishable by a fine not to exceed \$1,000.00.
- B. Each violation a separate infraction.** Each violation of a 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.

1.4.130 Complaints Regarding Violations. Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a signed, written complaint with the city recorder. Such complaints shall state fully the causes and basis thereof. The city recorder shall refer such complaints to the proper department to investigate and take action thereon as provided by this code.

1.4.140 Abatement of Violations. Any development or use which occurs contrary to the provisions of this code or contrary to any permit or approval issued or granted under this code is unlawful, and may be abated as a nuisance by appropriate proceedings as approved by the city manager.

1.4.150 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 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 shall schedule a hearing if requested on the stop order for the earliest practicable date, but not more than thirty (30) days after the effectiveness of any required notice. At the discretion of the city planner, 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 planning commission shall hold this hearing and shall make written findings as to the violation within thirty (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 4.2.140 - Type III (Public Hearing) Procedure.