

SECTION 1 – TITLE

This Ordinance shall be known as the "Zoning Ordinance" of the City of Tillamook City, Oregon.

SECTION 2 - PURPOSE

The purpose of this Ordinance is: to encourage the orderly development of the City; to promote appropriate uses of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide adequate light and air; to lessen congestion; to prevent undue concentration of population; to facilitate adequate provisions for community facilities such as water supply and sewerage; to protect and enhance the appearance of the countryside; and in general to promote the public health, safety, convenience, and general welfare.

SECTION 3 - COMPLIANCE WITH ORDINANCE PROVISIONS

A lot or parcel may be created or used; and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this Ordinance permits.

SECTION 4 - DEFINITIONS

As used in this Ordinance, the masculine includes the feminine and the singular includes the plural. Unless the context of the Ordinance otherwise requires, the following definitions of words and phrases shall be used in the interpretation and construction of this Ordinance.

Abutting shall mean adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall be considered as abutting if the common property line between the two parcels measures less than eight (8) feet in a single direction.

Access, Access Easement, or Access Way shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Ordinance.

Access Management shall mean 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.

Accessory Structure or Use shall mean a structure or use incidental, appropriate, and subordinate to the main structure or use on the same lot.

Adjacent shall mean near, close; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".

Adjoin shall mean the same as "Abutting".

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

Adult Business shall mean any person, group, firm, business, or organization (except non-profit corporations which are not open to the general public) which prohibits admission to all or portions of the premises to any persons younger than 18 years of age in which an adult use is conducted.

Adult Use shall mean a use of whatever character, conducted on the premises of any business, where persons under 18 years of age are prohibited by law in ORS Chapter 167 and as amended.

Adult Business and Adult Uses shall be those businesses which are not legally open to minors under age 18 as defined by ORS Chapter 167.060 to 167.090 and as amended.

Adult Foster Home, as defined by OAR 411-5-400(2), shall mean a State-Certified dwelling operated in a family-type setting for senior citizens and/or disabled persons over the age of 18 who are in need of help in the provision of shelter, food, medical care and/or other service.

Advertising Structure shall mean any notice or advertisement, pictorial or otherwise, and any structure used as, or for the support of, any such notice or advertisement, for the purpose of making anything known about goods, services, or activities not on the same lot as the said advertising structure.

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

Agriculture shall mean the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce, provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities and provided further that the above uses shall not include the operation of a feedlot or other commercial feeding of animals. This definition is not intended to comply with Oregon State Laws relating to Farm Uses.

Airport Approach Safety Zone shall mean a surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for Utility Runway having only visual approaches; 1500 feet for a runway other than a Utility Runway having only visual approaches; 2,000 feet for a Utility Runway having a non precision instrument approach; 3,500 feet for a non precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; 4,000 feet for a non precision instrument runway having visibility minimums as low as three-fourths statute mile; and 16,000 feet for precision instrument runways. The Airport Approach Safety Zone extends for a horizontal distance for 5,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.

Airport Hazard shall mean any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.

Airport Imaginary Surfaces shall mean those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.

Alley shall mean a public right of way through a block which affords access to abutting property at the rear or sides thereof. Normally used as secondary access, but primary access may be approved by the Planning Commission after consideration of public safety or improved traffic circulation.

Altered shall mean "Structurally Altered".

Animal Hospital shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use. See also Section 26(2)

Antenna shall mean a specific exterior transmitting or receiving device used to capture, transmit, or receive radio frequency signals, microwave signals, and/or other communications energy transmitted from, or to be received by, other antennas. This includes, but is not limited to, Omni-directional ("Whip") antennas, directional ("panel") antennas, parabolic ("dish") antennas.

Antenna Array shall mean two or more antennas.

Antenna Support Structure shall mean a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude or elevation which is above the base of such structure. Such support structures shall include, but are not limited to the following:

Lattice tower shall mean a vertical support structure consisting of a network of crossed metal braces, forming a tower with three, four, or more sides.

Guyed tower shall mean a monopole or lattice tower that is tied to the ground or to the surface by diagonal cables.

Monopole shall mean a vertical support structure consisting of a single vertical metal, concrete, or wooden pole, pipe, tube or cylindrical structure, typically round or square, and driven into the ground or mounted upon or attached to a foundation.

Apartment shall mean a dwelling unit in a multiple-family building.

Appeal shall mean request for review of a Planning Staff or Planning Commission decision or any interpretation of any provision of this ordinance.

Arcade shall mean an arched or covered passageway; often along building fronts or between streets.

Area of Shallow Flooding shall mean a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of Special Flood Hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Special Flood Hazard Area designation on maps always includes the letters A or V.

Assessor shall mean the County Assessor of Tillamook County.

Automobile, Boat or Trailer Sales Lot shall mean an open lot used for display, sale or rental of new or used motor vehicles, boats or trailers in operative condition and where no repair work is done.

Automobile Repair, Major shall mean the general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; overall painting or paint shop.

Automobile Repair, Minor shall mean upholstering of, replacement of parts for, and motor service to passenger cars and trucks not exceeding one and one-half (1 1/2_ tons capacity, but not including any operation named under "Automobile Repair, Major", or any other similar operation thereto.

Automobile Service Station or Filling Station shall mean a building or lot having pumps and storage tanks where fuels, oils, or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only, and where repair service is secondary. See also Section 26 (1).

Automobile Wrecking shall mean the dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

Awning shall mean a shade structure that is supported by either posts or columns and ~~or~~ by a permanent structure.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."
Designation on maps always includes the letters A or V.

Basement shall mean any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast shall mean any establishment located in a structure designed for a single family residence, regardless of whether the owner or operator of the establishment resides in such structure, which:

- a. Has one (1) or more rooms for rent on a daily basis to the public; and
- b. Offers a breakfast meal as part of the cost of the room;
- c. Serves only one breakfast meal a day to guest, staff and owners, only.
- d. License requirements per OAR Chapter 333, Division 170.

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

Bicycle Facilities shall mean a general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

Bikeway shall mean 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:

- a. 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.
- b. Bike Lane. A portion of the roadway (typically 4 to 6-foot wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- c. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
- d. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.
- e. Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

Billboard shall mean the same as "Advertising Structure".

Block shall mean a parcel of land or group of lots bounded by intersecting streets.

Board shall mean the Board of County Commissioners of Tillamook County, Oregon.

Boarding or Lodging House shall mean a dwelling or part thereof, other than a hotel or motel or multiple-family dwelling, where lodging with or without meals is provided, for compensation,

for three (3) or more persons.

Boat Yard shall mean a place where boats are constructed, dismantled, stored, serviced or repaired, including maintenance work thereon.

Buildable Area as it relates to the calculation of required landscaping shall mean the area of a lot remaining after other zoning requirements, including, but not limited to setback, off street parking, and ingress/egress have been met.

Building shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. Trailers, with or without wheels, shall not be considered as buildings.

Building footprint shall mean the outline of a building as measured around its foundation.

Building Height shall mean the vertical distance from the average contact ground level of the building to the highest point of the building.

Building Inspector shall mean the Building Inspector of the City of Tillamook City, Oregon, as designated by the City Council.

Building Line shall mean a line on the plat map indicating the limit beyond which buildings or structures may not be erected.

Building Lot shall mean a lot occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, together with such open spaces as are required by this ordinance, and having the required frontage on a street.

Building, Main shall mean a building within which is conducted the principal use permitted on the lot, as provided in this Ordinance.

Bush or Shrub shall mean a planting whose primary purpose is decorative and whose normal height will not be in excess of ten (10) feet.

Cabana shall mean a stationary, lightweight structure which may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a mobile home to provide for additional living space, meant to be moved with the mobile home.

Capacity shall mean maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

Capacity Tower shall mean a tower lower than a "Coverage Tower" with lower antennas and reduced power output, added to fill in the service ability not covered by a "Coverage Tower".

Cell Tower please see Utility Facility, Wireless Communication Facility.

Change of Use as relates to a non-conforming use shall include visible or audible changes that would affect surrounding properties and neighbors, including but not limited to traffic, parking, noise level, lighting, signing, smoke, dust, odor, vibration, soot, heat or glare. An application for such change of use may be granted administratively or by the Planning Commission in accordance with provisions of Section 27 of this Ordinance.

Church shall mean a permanently located building commonly used for religious worship, fully enclosed with walls (including windows and doors) and having a roof (canvas or fabric excluded), and conforming to applicable legal requirements affecting design and construction. A church is considered a public facility.

City shall mean the City of Tillamook City, State of Oregon.

City Council or Council shall mean the City Council of the City of Tillamook City, Oregon.

City Engineer shall mean the City Engineer of the City of Tillamook City, Oregon, as designated by the City Council.

City Manager shall mean the duly appointed administrative officer of the City of Tillamook or a person designated by him/her to fulfill his/her obligations as set forth in this Ordinance.

City Planner shall mean the duly appointed city planner of the City of Tillamook, or the City Planning Commission.

City Recorder shall mean the City Recorder of the City of Tillamook City, Oregon.

Clear Vision Area is identified in Section 30, (5) Interpretations and Exceptions.

Clear Zone shall mean an area that extends from the primary surface to a point where the approach surface is 50 feet above the runway and elevation.

Clinic shall mean a place for group medical services not involving overnight housing of patients.

Club shall mean an association of persons (whether or not incorporated, religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

Co-location (collocation) shall mean the use of a personal wireless service facility or wireless communication facility by two or more wireless communications service providers for more than one type of communication technology and/or placement of two or more wireless service facilities on adjacent properties, or utilization of a single antenna support structure, alternative antenna support structure, or an underground conduit or duct by more than one Wireless communications service provider

Commercial. Any use of land or structure involving buying/selling of goods or services as the primary activity.

Commercial Enterprise shall mean any use of land, structures or natural resources for profit, or non-profit making activities not residential, public facility, or industrial in character.

Commercial Retail shall mean any commercial enterprise of, relating to, or engaged in the sale of commodities or goods in small quantities directly to the ultimate consumer.

Commercial Service shall mean any commercial enterprise which provides a useful labor that does not produce or involve the sale of a tangible commodity or good.

Commission or Planning Commission or Planning and Zoning Commission shall mean the Planning and Zoning Commission of the City of Tillamook City, Oregon.

Comprehensive Plan. The Tillamook City Comprehensive Plan, which interrelates all functional and natural systems and lands, including but not limited to sewer and water systems, transportation systems, education systems, recreational management programs.

Comprehensive: means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the Plan.

Conditional Use. A use which is permitted within a given zone only when certain conditions have been or will be met as provided under that zone or as a part of the criteria and procedures established in Section 27, Conditional Use Permits.

Condominium shall mean a structure containing more than one dwelling unit, each of which is owned individually, exclusive of the land of the land upon which the structure is located.

Conical Surface shall mean an area that extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway at 150 feet above the airport elevation) an upward extending to a height of 350 feet above the airport elevation.

Contiguous shall mean the same as "Abutting".

Cottage shall mean a small house that may be used as an accessory dwelling.

County shall mean the County of Tillamook County, State of Oregon.

Court shall mean an open unoccupied space, other than a yard, on the same lot with a building or group of buildings.

Coverage Tower shall mean a wireless communication facility tower for initial deployment of a large area. "Coverage Towers" operate at high power levels and are tall.

Creek (see "Stream").

Crop and Tree Farming shall mean the use of land for horticultural uses.

Curb cut shall mean a driveway opening where a curb is provided along a street.

Day Care Center shall mean a facility other than the residence of the day care provider, which receives three or more children for a part of the 24 hours of the day for the purpose of providing care and board apart from the children's parents or guardians.

Deciduous shall mean a tree or shrub that sheds its leaves seasonally.

Dedication shall mean the designation of land by its owner(s) for any public use as shown on a subdivision plat or deed. The term may also be used for dedication to a private homeowners association.

Density (Residential) shall mean the number of residential dwelling units per unit of land area.

Design Review Committee shall mean the members of a subcommittee of the Planning and Zoning Commission established to review fence and hedge installations in accordance with Section 26 of this Ordinance.

Developable shall mean buildable land as identified by the City's Comprehensive Plan. This shall include both vacant land and land likely to be redeveloped.

Development shall mean 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.

Director shall mean the City Manager or his designated representative.

District shall mean a portion of the territory of the City of Tillamook City within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this Ordinance.

- a. That certain uses are required to be a specified distance from "any R District" as provided in this Ordinance, the term "an R District" shall include any R-7.5, R-5.0 and R-O District.
- b. The term "any C District" shall include any C-N, C-H C-C or C-T District.
- c. The term "any I District" shall include any I-L or I-G District.

Driveway shall mean 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 space areas.

Durable, Dustless Surface shall mean a permanently surfaced area of asphalt, concrete, brick, cobblestone, oil-matte, and/or chip-seal for the standing and maneuvering of vehicles in all zones maintained adequately for all weather uses.

Dwelling shall mean 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 (10) or less persons.

- a. Dwelling, Single-Family shall mean a building designated or used for residential purposes by not more than one family and containing one dwelling unit only.
- b. Dwelling, Two-Family, or Duplex shall mean a building designated and used for residential purposes with two (2) attached dwelling units on one lot or parcel by not more than two families and containing two dwelling units only.
- c. Dwelling, Triplex shall mean a building designed and used for residential purposes with three (3) attached dwelling units on one lot or parcel.
- d. Attached Single-Family shall mean two or more single-family dwellings on individual lots or parcels with common end walls. See "a", above.
- e. Dwelling, Multiple-Family shall mean a building or portion thereof designated or used for residential purposes containing four or more dwelling units.

Dwelling Unit shall mean one room, or a suite of two or more rooms, designated for or used by one family or housekeeping unit for sleeping purposes, and having not more than one (1) kitchen or kitchenette.

Easement. A non-possessory interest in the land of another which entitles the owner of the interest to a limited use or enjoyment of the other's land and to protection from interference with this use.

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

Family shall mean a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house.

Family Day Care Center shall mean a day care facility where care is provided in the home of the provider to fewer than 13 children including children of the provider, regardless of full or part-time status.

Farm Use shall mean the current employment of land for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use of animal husbandry or any combination thereof.

"Farm Use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise.

Fence, Sight Obscuring shall mean any fence which contains any sort of non-transparent paneling, lath, sheeting, planking, posts, fabric or organic material either dead or alive, etc., of any material which is not necessary for the support of the fence, shall be termed sight obscuring. This shall not include chain link or other similar fences which are maintained clear and clean of any material, either organic or inorganic.

Fill. The placement by man of sand, sediment, concrete, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land. Fill shall also include a properly engineered sanitary landfill.

Final Map shall mean a map prepared in accordance with this Ordinance, which is designated to be filed with the Tillamook County Clerk and the State of Oregon.

Fish Habitat shall mean those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration (According to Oregon Administrative Rule 660-23-090(1)).

Fish Use shall mean an area inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts. Fish use is determined from Oregon Department of Forestry Stream Classification maps.

Flood or Flooding shall mean a general and temporary condition of partial complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters and/or
- 2) The unusual and rapid accumulation of runoff of surface waters from any source.

Floodplain. The area adjoining a stream, river, or lake that is subject to regional flooding. A regional flood is standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one percent chance of occurring in any one year in an area as a result of periods of higher than normal rainfall or stream flows, high winds, rapid snow melt, natural stream blockages, or combinations thereof.

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

Foster Family Home, as defined by OAR 412-22-010 (4), shall mean any State-certified home maintained by a person who has under his or her care any child unattended by parents or a guardian for the purpose of providing such child with care, food, and lodging. Such homes include foster, family, group, and shelter homes.

Frontage shall mean that portion of a parcel of property which abuts a dedicated public street or highway.

Garage or Carport shall mean a permanently constructed building with a covered roof available for the parking of a motor vehicle.

Government Facility shall mean projects, activities, and facilities deemed to be necessary for the maintenance of city, county, state, or federal purposes consistent with Comprehensive Plan policies. Government facilities shall include federal, state, county or municipal offices or facilities. See also "Public Facility"

Grade shall mean the average elevation of the existing ground at the centers of all walls of the existing building.

Ground Cover shall mean a plant material or non-plant material (e.g. mulch, bark chips, dust) that is used to cover bare ground.

Guest House shall mean an accessory building designated, constructed and used for the purpose of providing temporary living accommodations for guests, or for members of the same family as that occupying the main structure, and containing no kitchen or kitchen facilities.

Hammerhead turnaround shall mean a "T" or "L" shaped dead-end street that allows for vehicles to turn around.

Hedge shall mean any combination of non-annual plantings intended to form an obstruction to ingress or egress, and/or vision, such plantings providing no physical or visual space between individual plantings and where branches or foliage of one planting physically contact adjacent plantings.

Home Occupation shall mean an occupation conducted entirely within a building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which complies with the conditions of Section 28 (12).

Horizontal Surface shall mean a horizontal plan 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and connecting the adjacent arcs by lines tangent to those arcs.

Hospital shall mean any institution, place, building, or agency which maintains and operates organized facilities for twenty (20) or more persons for the diagnosis, care and treatment of human illness, including convalescence and including care during and after pregnancy, or

which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or for a longer period.

Hotel shall mean any building or portion thereof designed or used, or containing six (6) or more guest rooms or suites of rooms, but not including any institutions in which human beings are housed or detained under legal restraint.

Impervious surface shall mean development that does not allow for water infiltration (e.g. pavement, roofs, etc) and any material which reduces and prevents absorption of stormwater into previously undeveloped land.

Industrial. Any use of land, structure, or natural resources involving the manufacturing, processing, or assembly of semi-finished or finished products.

Infill shall mean the development of vacant bypassed lands located in an area that is mainly developed.

Junk Yard shall mean a place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operative conditions, or salvaged materials incidental to manufacturing operations.

Kennel shall mean any premises where five (5) or more dogs, cots, or other small animals or any combination thereof, are kept commercially or permitted to remain, for board, propagation, training or sale, except veterinary clinics and animal hospitals.

Land Division shall mean the process of dividing land to create parcels or lots. Please see Partition Land for further details.

a. Expedited Land Division Process. A land division process with distinct procedures and requirements from the quasi-judicial process (see administrative).

Land Use shall mean the main activity that occurs on a piece of land, or the structure in which the activity occurs.

Landscaping shall mean not only trees, grass, bushes, shrubs, flowers and garden areas, but also the arrangement of fountains, patios, decks, street furniture and ornamental concrete, or stonework areas, and artificial turf or carpeting, but excludes artificial plants, shrubs, bushes or flowers.

Lawn shall mean grass or similar materials maintained as a ground cover of less than 6 inches in height, and generally managed to restrict the growth of shrubs and trees that inhibit the

growth of grasses and forbs. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

Light Industrial. Any industrial enterprise where activities and operations in no manner affect in a detrimental way any of the surrounding properties and where any adverse impacts are restricted to the subject property. Such uses shall not be adverse due to odor, particulate matter, smoke, noise, vibration, appearance, or similar impacts. Vehicular access to and use of streets shall be no greater than that generated by a commercial enterprise.

Local Improvement District (LID) shall mean a small 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.

Lowest Floor shall mean 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 found at Section 5B(1)b.

Lot shall mean a parcel of land used or capable of being used under the regulations of this Ordinance, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation.

Lot Area shall mean the computed area contained within the lot lines; said area to be exclusive of street or alley right-of-way.

Lot, Corner shall mean a lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees within the lot lines.

Lot Coverage shall mean that percentage of the total lot area covered by structures as herein defined.

Lot Depth shall mean the horizontal distance between the front and the rear lot lines. In the case of a corner lot, the depth shall be the length of its longest front lot line.

Lot, Flag shall mean a lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement.

Lot, Interior shall mean a lot or parcel of land other than a corner lot.

Lot Line shall mean any line bounding a lot as herein defined.

Lot Line, Front shall mean the property line abutting a street.

Lot Line, Rear shall mean a lot line not abutting a street which is opposite and the most distance from the front lot lines.

Lot Line, Side shall mean any lot line not a front lot line or a rear lot line.

Lot of Record shall mean a lot held in separate ownership as shown on the records of the County Assessor at the time of the passage of an Ordinance or regulation establishing the zoning district in which the lot is located.

Lot, Through shall mean an interior lot having a frontage on two (2) streets and/or highways.

Lot Width shall mean horizontal distances between the side lot lines measured within the lot boundaries or the main distance between the side lot lines within the buildable area. In the case of a corner lot, lot width shall mean the main horizontal distance between the longest front lot line and the opposite lot line not abutting the street.

Maintain shall mean to cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, improvement, conditions or area to such an extent that it remains attractive, safe and presentable and carries out the purpose for which it was installed, constructed or required.

Management Unit shall mean a discrete geographic area, defined by physical characteristics and features, within which particular uses and activities are promoted, encouraged, protected, or enhanced, and others are discouraged, restricted, or prohibited.

Manufactured Dwelling:

- a. A Residential Trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- b. A Mobile Home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962 and June 16, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- b. A Manufactured Home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

Manufactured Dwelling Park shall mean any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person

for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

"Manufactured Dwelling Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the City of Tillamook.(added per Ord. 1121, effective 2/22/92)

Manufactured Home Accessory Building or Structure shall mean any awning, portable, demountable, or permanent cabana, ramada, carport, porch skirting, or steps established for use of the occupant of the manufactured dwelling and which are designed or intended to be attached to and which depend, in whole or in part, upon the manufactured dwelling for structural support.

Map shall mean a final diagram, drawing or other writing concerning a major or minor partition.

Microfacility shall mean an attached wireless communication facility which consists of antennas equal to or less than four (4) feet in height, or six (6) feet in height for omnidirectional antennas and with an area of not more than 580 square inches.

Minifacility shall mean an attached wireless communication facility which consists of antennas equal to or less than ten (10) feet in height, or a parabolic antenna up to one (1) meter in diameter and with an area of not more than fifty (50) square feet as viewed from any one point.

Mitigation shall mean to avoid, rectify, repair or compensate for negative impacts, which result from other actions and restoration of riparian areas, enhanced buffer treatment or similar measures.

- a. Off-Site Mitigation means mitigation undertaken in areas distant from or coterminous with a development site.
- b. On-Site Mitigation means mitigation undertaken within the lot or parcel affected by a development action.

Mitigation Plan shall mean a detailed plan to compensate for identified adverse impacts on water resources, riparian setback areas, and wetlands that result from alteration, development, excavation or vegetation removal within the Wetland-Riparian overlay district. A Mitigation Plan must be prepared by qualified biologists (According OAR 660-23-090(1)).

Motel shall mean a building or group of buildings used for transient residential purposes containing guest rooms and/or dwelling units with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers; including groups designated as auto cabins, motor courts, motor hotels and similar designations.

Motel/Apartment shall mean a building or group of buildings used for transient, periodic, or temporary tenancies containing guest rooms and kitchen facilities. Also automobile storage space as provided in Section 21 of this Ordinance.

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

Neighborhood shall mean a geographical area lived in by neighbors and usually having distinguishing character.

Neighborhood-scale design shall mean site and building design elements that are dimensionally related to housing and pedestrians, such as narrow streets with tree canopies, smaller parking areas, lower building heights and similar neighborhood characteristics. These features are generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

Net Loss shall mean a permanent loss of riparian functions provided by native riparian structure and vegetation that results from a development action despite mitigation measures having been taken.

Noise Sensitive Areas shall mean the area within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.

Nonconforming Use shall mean the conduct of an activity in a structure or on a parcel of land, such activity lawfully existing at the time of the adoption of this Ordinance or of any amendment thereto but, such not being allowed by the listed "permitted uses" or "conditional uses" in the Ordinance section applying to that particular parcel.

Off-street Parking shall mean all off-street areas designed, used, required, or intended to be used for the parking of motor vehicles. "Off-street Parking" areas shall be a durable and dustless, surfaced and marked area.

On-street Parking shall mean 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.

ORS shall mean Oregon Revised Statutes -(State Law).

Owner shall mean the owner of the title to real property, or the contract purchaser of real property of record, as shown on the last available complete tax assessment roll. "Owner" shall also mean any agent with written authority of the owner.

Parcel shall mean a unit of land that is created by a partitioning of land (ORS 92.010(6)).

Park shall mean recreation developments which provide for picnicking, swimming, fishing, riding or other similar recreational activities, but which exclude overnight camper or

recreational vehicle use and outdoor commercial amusements such as miniature golf courses and go-cart tracks.

Parking Area, Public shall mean an open area, other than a street or other public way, used for the parking of motor vehicles and available to the public whether for a fee, free or as an accommodation for clients or customers.

Parking Space shall be a durable and dustless, permanently surfaced and marked area not less than eight and one-half (8 1/2) feet wide and twenty (20) feet long, excluding a paved area necessary for access, used for parking of a motor vehicle.

Partition shall mean either an act of partitioning land or an area or tract of land partitioned as defined in this section.

- a. Major Partition a partition which includes the creation of a street.
- c. Minor Partition a partition that does not include the creation of a street.

Partition Land shall mean 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. "Partition land" does not include divisions of land resulting from the creation of cemetery lots and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by Chapters 10 to 14. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

Pedestrian Facilities shall mean improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

Pedestrian Way shall mean a right-of-way for pedestrian traffic.

Permittee shall be the person who is proposing to use or who is using the land pursuant to any permit required herein.

Person shall be a natural person, firm, partnership, association or corporation.

Place of Public Assembly shall mean a structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

Planned Unit Development shall mean a development of primarily residential character which gives special attention to areas not built upon by varying the orientation of structures for energy and space conservation, and by allowing types of structures and uses which otherwise would not be considered under conventional zoning specifications.

Planning Commission is a commission appointed by the governing body of the City to be responsible for the administration of planning as provided by ORS 227.020.

Planter strip, tree cutout shall mean a landscaped area for street trees and other plantings within the public right-of-way, usually between the street and sidewalk.

Plat shall mean a map of a subdivision, prepared as specified in ORS 92.080, and recorded with the County Assessor's Office.

Platted Lot shall mean a lot whose legal boundaries have been established by a legally created plat which has been duly recorded in the office of the Tillamook County Clerk.

Plaza shall mean 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 activities.

Pocket Park shall mean a small park, usually less than one-half acre.

Porch, Covered, shall mean a covered entrance to a building. This includes an enclosed patio.

Poultry Farm shall mean any premises used for the breeding, raising, or maintaining of poultry for sale of eggs or poultry.

Primary Surface shall mean a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches and 500 feet for other than utility runways.

Public Facility. Projects, activities, and facilities deemed to be necessary for the maintenance of other public purposes consistent with Comprehensive Plan policies, including non-public activities permitted by government agencies. Such public facilities shall include any activity undertaken or structure held, used, or controlled for public or quasi-public purposes including but not limited to, churches, fraternal organizations or clubs, hospitals, schools, nursing homes, federal, state, county or municipal offices or facilities, recreation facilities, and public utilities. Such determination shall be made without reference to the ownership of the structure or the realty upon which it is situated.

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.

Ramada shall mean a stationary structure having a roof extending over a mobile home or trailer which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from sun and rain.

Rear Lot shall mean a lot which at its widest point (measured by a parallel to the City Street of access or a tangent to such street) lies with at least one-half its width behind another lot, i.e., a perpendicular to the City street of access which intersects the lot in question at its widest point will pass through another (front) lot for half or more than half of the width of the lot in question. (Refer to the accompanying diagram at the end of this Section for clarification).

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

Residential Any use of land or structure of or relating to a place where people dwell.

Residential Care, Training, or Treatment Facility shall mean any facility which provides care, training, or treatment for six (6) or more physically, mentally, emotionally, or behaviorally disabled individuals as defined by ORS 443.400. Facilities that provide for five (5) or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

Right-of-way shall mean the area between boundary lines of a street or other easement.

Riparian Area shall mean the area adjacent to a river, lake or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem (According to Oregon Administrative Rule (OAR) 660-23-090(1)).

Riparian Corridor shall mean a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary (According OAR 660-23-090(1)).

River (see "Stream").

Roadside Stand shall mean a temporary structure designed or used for the display or sale of merchandise and/or produce, or agricultural products produced on the premises upon which such a stand is located.

Roadway shall mean the portion of a street right-of-way developed for vehicular traffic.

Secondary Use shall mean a use which is supplementary or subordinate to an allowed principal use in that it functions to furnish direct aid or support to the use.

Senior Housing shall mean housing designated and/or managed for persons over the age of 55.

Setback shall mean the minimum allowable horizontal distance from a given point or line of reference such as a street right-of-way, to the nearest vertical wall or other element of a building or structure as defined herein.

Sewage shall mean water-carried wastes from a home, business operation or community.

Sewage Treatment Plant shall mean facilities for the treatment and disposal of sewage.

Shadow Plan (Future Re-division Plan) means a plan for future division of lots or parcels that exceed the maximum lot size standard of the underlying zone. Large lots (i.e., those that exceed the minimum lot size by more than 200 percent) shall be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the underlying zone. The re-division plan shall identify:

- a. Potential future lot division(s) in conformance with all applicable city standards.
- b. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.
- c. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owner(s), except as may be required through conditions of land division approval.

Shared driveway shall mean 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.

Shopping Center shall mean three (3) or more commercial retail or service establishments on a single unit of land.

Sign shall mean a presentation or representation, other than a house number, by words, letters, figures, designs, pictures, or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid or other type of advertising. This includes the board, metal, or surface upon which the sign is painted, included, or attached; or any material used to support the sign.

Sidewalk shall mean a pedestrian walkway.

Site shall mean a property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code.

Site Design Review, Development Review, Plan Review please see Section 22.

Site Plan shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for a special parcel of land. See also Section 20.

Solar Energy System shall mean any device, structure, mechanism, or series of mechanisms which uses solar radiation as a source for heating, cooling, or electrical energy.

Speculation Support Structure shall mean an antenna support structure designed for the purpose of providing location mounts for wireless communication facilities without a binding

commitment or option to lease a location upon the tower by a licensed service provider at the time of initial application.

Standards and Criteria. Standards are code requirements, such as rules governing the size or dimensions of a lot or parcel, or the placement of buildings or activities thereon. Criteria are the elements required to comply with a particular standard.

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. 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 home 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 foundation 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.

Steep slopes shall mean slopes of greater than 25 percent.

Storefront character shall mean 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 shall mean a detention and/or retention pond, swale, or other surface water feature that provides storage during high rainfall events.

Stream shall mean a channel such as a river or creek that carries flowing surface water including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels (According OAR 660-23-090(1)).

Street shall mean a public or private right-of-way being the entire width from lot line to lot line that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term "road", "highway", "lane", "avenue" or similar designations.

- a. "Arterial" a street of considerable continuity which is primarily a traffic artery for intercommunication among large areas. It is designed to move traffic as efficiently as possible. A "Major Arterial" is the principal mover of traffic in a region. A "Minor Arterial" is the feeder than brings the majority of traffic to the "Major Arterial". A highway (e.g. Highway 101, Highway 6) can be considered an "Arterial" street.
- b. "Collector" a street used to provide some access to abutting properties, and also is intended to move traffic from "Local" streets to "Arterial" streets. A "Major Collector" is a street supplementary to, and used as an alternative to, the arterial street system, used to some

extent for through traffic and to carry a majority of truck traffic within the City. A "Minor Collector" is the main traffic artery within a given neighborhood, encouraging traffic movement to Major Collectors and Local Streets, and providing a high degree of access to abutting properties. McCormack Loop, Marolf Loop, Williams Avenue, Miller Avenue, Third Street, Eleventh Street and Twelfth Street are considered "Collectors"

- c. "Cul-de-sac" (Dead end street) a short street having one end open to traffic and being terminated by a vehicle turn around.
- d. "Half Street" the dedication of a portion only of the width of the street, usually along the edge of a subdivision where the remaining portion of a street has been or could later be dedicated in another subdivision.
- e. "Local/Minor Street" a street intended primarily for access to abutting properties.
- f. "Marginal Access Street" a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

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

Street Line shall mean a property line between a lot, tract or parcel of land and an adjacent street or private way.

Structure shall mean anything, such as a building or other major improvement that is constructed, built, or installed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which requires location on the ground or is attached, such as a structural addition, to something having a location on the ground, including swimming and wading pools, and covered patios, excepting outdoor areas such as paved areas, driveways or walks, and other minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances.

Structural Alteration shall mean any change in the supporting members of a building, such as a bearing wall, column, beam or girder, floor or ceiling joist, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

Subdivide Land shall mean to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision ~~is~~ shall mean either an act of subdividing land or an area or tract of land subdivided.

Substantial Damage shall mean 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 shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. before the improvement or repair is started, or
2. if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

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

Temporary shall mean a land use that is not permanent and is only allowed for a limited time period.

Tentative Plans shall mean the preliminary proposal for a subdivision which includes the information specified in Section 22.

Top-of-bank shall mean a clearly recognizable sharp break in the stream bank. It has the same meaning as "bankfull stage"; the stage or elevation at which water overflows the natural banks of streams and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage (According OAR 660-23-090(1)).

Townhouse shall mean a single-family dwelling unit constructed in a row of attached units separated by property lines and with open space on at least two (2) sides.

Tract, private/public shall mean 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.).

Transitional Zones shall mean an area that extends seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

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

1. Normal operation, maintenance;
2. Installation of improvements within the existing right-of-way;
3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
4. Landscaping as part of a transportation facility;
5. Emergency Measures;
6. Street or road construction as part of an approved subdivision or partition;
7. Transportation projects that are not designated improvements in the Transportation System Plan; (Conditional Use Permit for Transportation System Facilities and Improvements) and
8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition (Conditional Use Permit for Transportation System Facilities and Improvements).

Transportation Mode shall mean the method of transportation (e.g. automobile, train, bus, walking, bicycling, etc.).

Travel Trailer shall mean a "Recreational Vehicle"

Tree shall mean a planting whose purpose may be decorative or otherwise, and which has clearly identifiable trunk or trunks, and whose normal height is expected to be ten (10) feet or greater.

Urban Growth Area (UGA) shall mean land that is inside the City's Urban Growth Boundary but outside the City Limits. Land in the UGA is considered "urbanizable land".

Urban Growth Boundary (UGB) shall mean a boundary line that indicates the outermost limit of the City's planned expansion. The City and the County must adopt the UGB.

Urban Land shall mean those lands which normally have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also:

- a. have concentrations of persons who generally reside and work in the area; and
- b. have supporting public facilities and services.

Urbanized Land shall mean land within the Urban Growth Boundary which is identified and:

- a. determined to be necessary and suitable for future urban land;
- b. can be served by public facilities; and
- c. is needed for the expansion of an urban land area.

Use shall mean the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Utility facility shall mean a structure, pipe, or transmission line, which provides the public with electricity, gas, steam, heat, communication, water, sewage collection or other similar services.

Utility Runway shall mean a runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Vacate plat/street shall mean 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 shall mean a deviation from the requirements of this ordinance which may be granted according to the provisions of Section 32.

Visual Obstruction shall mean any fence, hedge, tree, shrub, device, wall or structure, exceeding three (3) feet in height above the elevation of the top of the curb, as determined by section 30 as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed of branches to a minimum height of at least six (6) feet. See also Section 26 (5).

Vision Clearance Area see Section 30 (5).

Water area shall mean the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream (According OAR 660-23-090(1)).

Wetlands shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted to life in saturated soil conditions (This definition has been selected from OAR 660-23-090(1)). There are two types of wetlands:

- a. A "Significant Wetland" is a wetland that appears on the City of Tillamook Wetlands and Riparian Inventory Maps.
- b. A "Non-Significant Wetland" is a wetland that does not meet the Division of State Lands (DSL) definition of a Locally Significant Wetland. Non-Significant Wetlands are not regulated by the Section pertaining to wetlands in this Ordinance, but do require DSL notification under ORS 227.350 and 21.1.11.

A "Wetland" is also defined by the Federal Clean Water Act (Section 404) and OAR 141-85-010. Wetlands include land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities.

Width, of a Building shall mean the shortest side of elevation dimension measured horizontally.

Wireless communication facilities shall include cell towers, antennae, monopoles, "coverage" towers, and "capacity" towers, and related facilities, including microfacilities and minifacilities, and equipment used for radio signal transmission and receiving. A Wireless communication facility is considered a "Utility Facility".

Yard shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed by any structure from the ground upward to the sky, except for the projections as permitted in Section 26 (6) of this ordinance.

Yard, Front shall mean an open space extending the full width of the lot between a building and the front lot line unoccupied and unobstructed from the ground upward, except as specified elsewhere in this ordinance.

Yard, Rear shall mean an open space extending the full width of the lot between a building and rear lot line unoccupied and unobstructed from the ground upward, except as specified elsewhere in this ordinance.

Yard, Side shall mean an open space extending the full length of the lot between a building and side lot line unoccupied and unobstructed from the ground upward, except as specified elsewhere in this ordinance. Side yard setback is not applicable on the street side of a corner lot; both sides of lot that face a street or streets are considered front yard.

Zone shall mean a section of the City in which certain land uses are permitted and other are prohibited by the Ordinance.

Zone Change shall mean an action taken by the City to change the type of zoning on one or more pieces of land. A "Zone Change" may be sought by an individual landowner, in which case the request is usually considered to be a legislative action initiated by a Planning Commission decision.

Zoning Ordinance shall mean a set of land-use regulations enacted by the City to create districts within which the type, location, density, bulk, height, and lot coverage of land uses are restricted.

(Added by Ordinance #1187, effective 12/03/03)