

## **Chapter 1.0 - Introduction**

**1.1 - How to Use the Development Code**

**1.2 - General Administration**

**1.3 - Definitions**

**1.4 - Enforcement**

## Chapter 1.1 - How to Use the Development Code

Welcome to the Detroit Development Code (Code). This comprehensive land use and development code governs all the land within the incorporated limits of Detroit and Detroit's urban growth boundary. The 5 chapters of the Code are used together to review land use applications. They are organized as follows:

**Chapter 1** - In addition to this brief introduction, Chapter 1 provides definitions for selected terms and information on the legal construct of the Code. It also explains the city authority to enforce the Development Code.

**Chapter 2** - Every parcel, lot, and tract of land within the city's incorporated boundaries is also within a "land use district." Land use districts are shown on the city's official zoning map. Chapter 2 identifies the land uses that are permitted within each district, and the standards that apply to each type of land use (e.g., lot standards, setbacks, and use-specific design standards). As required by state law, the zones or "land use districts" conform to the Detroit Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

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

**Chapter 4** - Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this Code. Four types of permit procedures are covered: Type I, non-discretionary, "ministerial" decision; Type II, discretionary, "administrative" decision; Type III "quasi-judicial" decision with public hearing; and Type IV "legislative" decision by City Council.

**Chapter 5** - Chapter 5 provides standards and procedures for variances and nonconforming situations i.e., existing uses or development that do not comply with the Code. This Code cannot provide standards to fit every potential development situation. The City of Detroit's varied geography and complexities of land development require flexibility. Chapter 5 provides that flexibility while maintaining the purposes and intent of the Code.

## **Chapter 1.2 - General Administration**

### **Sections:**

#### **1.2.1 Purpose**

#### **1.2.2 Severability**

#### **1.2.3 Compliance and Scope**

#### **1.2.4 Consistency with Plan and Laws**

#### **1.2.5 Use of a Development**

#### **1.2.6 Pre-Existing Approvals**

#### **1.2.7 Building Permit and Certificate of Occupancy**

#### **1.2.8 Official Action**

#### **1.2.9 Conflicting Ordinances**

#### **1.2.10 Repealing Conflicting Ordinances**

### **1.2.1 Purpose**

This Development Code is adopted for the purpose of promoting the health, safety, peace comfort, convenience, economic well being, and general welfare of the City of Detroit, including but not limited to the following objectives:

- A. Implementation of the City Comprehensive Plan and its urban growth boundary.
- B. Establishment of uniform interpretations, terms and definitions, and authorities for the application of land use development regulations.
- C. Establishment of application review, hearings, decision-making, and appeal procedures for the consideration of land use and development requests.

### **1.2.2 Severability**

The provisions of this title are severable. If a court of competent jurisdiction adjudges any section, sentence, clause or phrase of this title invalid, that decision shall not affect the validity of the remaining portion of this title.

### **1.2.3 Compliance and Scope**

- A. Compliance with the provisions in the Development Code. Land and structures may be used, developed by construction, reconstruction, alteration, occupancy, and use, or otherwise, only as this Development Code (“Code”) or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
- B. Obligation by successor. The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.
- C. Most restrictive regulations apply. The provisions of this Code shall be construed to be the general requirements of the promotion of the public health, safety and general welfare. Where the standards or requirements of this Code are in apparent conflict, the most restrictive provision shall apply.

- D. Variances. The provisions of Chapter 5.1 shall govern variances.
- E. Transfer of development standards prohibited. No lot area, yard or other open space or off-street parking or loading area which is required by this Code for one use shall be a required lot area, yard or other open space or off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

#### **1.2.4 Consistency with Plan and Laws**

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

#### **1.2.5 Use of a Development**

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including nonconforming uses, subject to Chapter 5.2), and is not prohibited by law.

#### **1.2.6 Pre-Existing Approvals**

- A. Legality of pre-existing approvals. Developments, including subdivisions, projects requiring development review or site-design review approval, or other development applications for which approvals were granted before the effective date of this Code, may occur pursuant to such approvals; except that modifications to development approvals shall comply with Chapter 4.6 - Modifications to Approved Plans and Conditions of Approval.
- B. Subsequent development applications. All development approvals received by the City after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by state law.

#### **1.2.7 Building Permit and Certificate of Occupancy**

- A. Building permit. The City shall not issue a building permit until:
  - (1) the City has issued a development permit in accordance with the provisions of Chapter 4 - Administration of Land Use and Development Review, or otherwise found that a development permit is not required, and
  - (2) the property owner provides for property survey stakes to be visible for use during building and site work inspections for new construction or remodeling that changes the “footprint” of the structure.
- 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 Building Official has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building permits.

- C. Prior to final completion. Before the completion of all work, the Building Official may issue a certificate of occupancy for a portion of the structure conditioned upon completion of further work by a date certain.

### **1.2.8 Official Action**

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

### **1.2.9 Conflicting Ordinances**

The provisions of this Code are not intended to repeal, abrogate, or impair any covenants or deed restriction however, where this Code and another ordinance, covenant, or deed restriction conflict or overlap, the more stringent restriction shall prevail.

### **1.2.10 Repealing Conflicting Provisions**

The following Ordinances passed by the governing body and all ordinances amendatory thereof, and all other ordinances and parts of ordinances in conflict herewith are hereby repealed:

- Ordinance No. 61, enacted the 25th day of July, 1978
- Ordinance No. 62, enacted the 25th day of July, 1978
- Ordinance No. 92, enacted the 12th day of March, 1991
- Ordinance No. 223, enacted May 10, 2011
- Ordinance No. 241, enacted December 8, 2015
- Ordinance No. 254, enacted April 10, 2018

## Chapter 1.3 - Definitions

### Sections:

#### 1.3.1 Grammatical Interpretation.

#### 1.3.2 Definitions

### 1.3.1 Grammatical Interpretation

Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future; the singular number includes the plural. The word "shall" is mandatory and not directory. The word "may" is permissive. All terms in this code have their commonly accepted, dictionary meaning unless they are specifically defined in the following section or the context in which they are used clearly indicates to the contrary.

### 1.3.2 Definitions

The following words and phrases, when used in this Code, shall have the meanings set forth in this Chapter, except in those instances where the context clearly indicates a different meaning. Definitions marked with a # are further illustrated in Appendix A.

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

\* **Access** - The way or means by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to property. A private access is an access not in public ownership and is controlled by means of deed, dedications or easement.

**Access easement** - An easement recorded for 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 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 Chapter 3.1, Section 2.

**Accessory dwelling** (attached, separate cottage, or above detached garage) - An accessory dwelling is a small, secondary housing unit on a single-family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, tiny home, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the Residential Zone does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

1. Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code;

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\* See accompanying graphics in Appendix A.  
Note: Graphics are for illustrative purposes only.

2. **Owner-Occupied.** The primary residence or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident caretaker of the principal house and manager of the accessory dwelling;
3. **One Unit.** A maximum of one accessory dwelling unit is allowed per lot;
4. **Floor Area.** The maximum floor area of the accessory dwelling shall not exceed 800 square feet;
5. **Building Height.** The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet; and
6. **Buffering.** A minimum four-foot hedge or fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.

**Accessory Structure** - A detached, subordinate building the use of which is incidental to that of the main building or to the use of the land, but does not include dwellings or living quarters.

**Accessory Use** - A use incidental, appropriate and subordinate to the main use of the parcel, lot or structure.

**Addition** - A modification to an existing building or structure that increases the site coverage.

**Adjoining** - Contiguous or abutting, exclusive of street width. It shall include the terms adjacent, abutting, or contiguous.

**Administrative** - A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal. See also Chapter 4.1, Section 4.

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

\* **Alley** - A public thoroughfare not more than 20 feet, or less than ten (10) feet in width dedicated or deeded to the public to provide a secondary means of access.

**Alteration, Structural** - Any change in the exterior dimensions of a building or a change or repair which would affect or materially change a supporting member of a building, such as a bearing wall, column, beam, or girder.

**Annexation** - The incorporation of a land area into the city with a resulting change in the boundaries of the city.

**Apartment** - A room or suite of rooms within a structure which has facilities for the preparation of meals and is designed for and used or intended to be used by one family.

**Appeal** - A request for a review of the decision authority's action on an application or interpretation.

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\* See accompanying graphics in Appendix A.  
Note: Graphics are for illustrative purposes only.

**Area of Special Flood Hazard** - The land in the flood plain subject to a one percent (1%) or greater chance of flooding in any given year.

\* **Awning** - A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building.

\* **Basement** - That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, it shall be considered a story.

**Bed and Breakfast** - Provides accommodations 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.

\* **Berm** - A mound or small hill of earth used to deflect sound or used as a buffer in landscaping provisions to separate incompatible areas or to provide aesthetic enhancement in site design.

**Bike Lane** - A portion of a roadway designated by striping and pavement markings for the preferential or exclusive use of bicyclists.

\* **Block** - A parcel of land or group of lots bounded by 3 or more intersecting streets, railroad right-of-way, waterway, or combination thereof. See also Chapter 3.1, Section 2.J.

\* **Buffer** - Open spaces, landscaped areas, fences, wall berms, or any combination thereof used to physically separate or screen a use or property from another to visually shield or block noise, lights or other nuisances.

**Buildable Lands** - Lands in urban and urbanizable areas that are suitable, available and necessary for residential uses. "Buildable lands" includes both vacant land and developed land likely to be redeveloped. ORS 197.295(1).

**Building** - A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

**Building Height** - The vertical distance between the average level of the finished ground surface adjacent to the building and the uppermost point of the building, excluding only those features that may exceed the zoning district height limits.

**Building, Main** - A building in which is conducted a principal or main use of the building site on which it is situated.

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\* See accompanying graphics in Appendix A.  
Note: Graphics are for illustrative purposes only.

**Building Official** - An individual empowered by the City Council to administer and enforce the State Building Code [ORS 456.806 (1)].

**Building Site** - A parcel, lot, or plot of land occupied or to be occupied by a principal use and accessory uses and/or building or group of buildings, which parcel, lot, or plot of land [which] complies with all the requirements of the title relating to building sites.

**Cabana** - A stationary structure that may be prefabricated or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured home to provide additional living space and meant to be moved with the manufactured home.

**Campground** - A premises under one ownership where persons camp or live in any manner other than permanent building constructed entirely of wood or more lasting materials, excepting manufactured home parks.

**Carport** - A stationary structure consisting of a roof, its supports and not more than one wall or storage cabinet substituting for a wall, used for sheltering a motor vehicle.

**Cemetery** - Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary when operated in conjunction with and within the boundary of such cemetery.

**Certified Engineering Geologist:** Registered Geologist who is certified in the specialty of Engineering Geology under the provisions of ORS 672.505 and 672.705.

**Child Care** - The care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part of the 24 hours of the day, in a place other than the child's home, with or without compensation. [From ORS 657A.250 part omitted]

**Child Care Facility** - Any facility that provides child care to children, including a day nursery, nursery school group, group child care home, child care center, family child care home or similar unit operating under any name. [From ORS 657A.250, part omitted.]

**Church** - A permanently located building primarily used for religious worship. A church shall also include accessory buildings for related religious activities and a residence.

\* **Clear-Vision Area** - A triangular area on a lot at the intersection of any streets, alleys, or driveways in any combination or a street and a railroad, two sides of which are lines measured from the corner intersection of the right-of-way lines or property lines for a specified distance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the right-of-way lines will be extended in a straight line to a point of intersection.

**Clinic** - A facility for examination and treatment of human ailments by a group of physicians, dentists, or other licensed practitioners on an out-patient basis and not involving overnight housing of patients.

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\* See accompanying graphics in Appendix A.  
Note: Graphics are for illustrative purposes only.

**Club** - An organization, group, or association supported by the members thereof, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on a business.

\* **Collector** - A street connecting intra-area traffic to the arterial system. Collectors provide links between an area or neighborhood and the arterial system. To supply abutting property with the same degree of land service as a local street but are usually given priority over local streets in any traffic control installation. Collectors penetrate into all areas of a city, gathering traffic, and channeling it to arterials or rural collectors.

**Common area** - An area, feature, or building or other facility within a development designed and intended for the use or enjoyment of all occupants of the development or for the use and enjoyment of the general public.

**Common Open Space** - An area, feature, or building or other facility within a development designed and intended for the use or enjoyment of all occupants of the development or for the use and enjoyment of the general public.

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

**Comprehensive Plan** - The long-range plan, maps, and elements of the plan, adopted by the City Council, intended for the guidance of the community.

**Conditional Use** - A use which may be permitted by the Planning Commission following a public hearing, upon findings by the Commission that the approval criteria have been met or will be met upon satisfaction of conditions of approval. See Chapter 4.4.

**Conforming** - In compliance with the regulations of this Code.

**Conveyance** - The carrying capacity of all or a part of the flood plain. It reflects the quantity and velocity of floodwaters. Conveyance is measured in cubic feet per second (cfs). If the flow is 30,000 cfs at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second.

**Critical Wetlands** – Wetlands on the National Wetland Inventory Map and other wetlands added to City Water Quality Resource Management Area, Significant Natural Resource Area, and Special Flood Hazard Area maps. Critical wetlands do not include artificially constructed and managed stormwater and water-quality treatment facilities.

**Dedication** - the designations of land by its owner for any public use as shown on a subdivision plat or deed.

**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.

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\* See accompanying graphics in Appendix A.  
Note: Graphics are for illustrative purposes only.

**Developed Property, Residential** - A property within the city limits zoned Single Family or Multi-Family containing single-or multi-family housing that is site built or manufactured, and is connected to the municipal water system, electricity and an approved individual sewage disposal system or city sewer system.

**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.

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

**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 space areas.

**Driveway apron/approach** - The edge of a driveway where it abuts a public way.

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

**\*Dwelling** - 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 10 or less persons. (UBC 205)

**Dwelling, Multiple Family (Multifamily)** - A building, or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

**Dwelling, Single Family** - A detached building designed exclusively for occupancy by one (1) family.

**Dwelling, Tiny Home** – A detached structure containing a dwelling unit with less than a total of 600 square feet, intended for permanent or temporary residence. A tiny home may be one of the following:

1. Site Built--with a foundation according to Oregon Residential Specialty Code requirements;
2. Modular--constructed on a moveable trailer according to the requirements of the Oregon Residential Specialty Code, with the wheels removed, and strapped/secured to the ground according to the requirements of the Oregon Residential Specialty Code for manufactured homes; or
3. Mobile—on wheels and located within a Tiny Home Park in the Commercial and Industrial zones.

The tiny house unit shall not be a recreational vehicle (although may be registered as an RV), auto home, shipping container, motor vehicle, semi-trailer, camper, or boat.

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\* See accompanying graphics in Appendix A.  
Note: Graphics are for illustrative purposes only.

**Dwelling, Townhouse** - A multifamily structure so designed that each individual dwelling unit is located upon a separate lot or parcel.

**Dwelling, Two-Family (Duplex)** - A detached building designed exclusively for occupancy by two (2) families living independently of each other.

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

**Eave** - The projecting lower edges of a roof overhanging the wall of a building.

**Employees** - All persons normally working on the premises during the largest shift. The estimated number of employees of a new business shall be determined by the City Council and the number of employees of an established business shall be determined from an examination of the payroll.

**Encroachment** - Any obstruction in the flood plain which affects flood flows.

**Family** - An individual, or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons not related by blood or marriage, living together in a dwelling unit.

**Fence** - An unroofed barrier or an unroofed, enclosing structure such as masonry, ornamental iron, woven wire, wood pickets or solid wood or any other material used an unroofed barrier to light, sight, air or passage.

**Flag Lot** - A lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement. See Chapter 2.1, Section 140.

**Flood or Flooding** - A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source. The following definitions shall be used for Chapter 3.7.1 Flood Hazards.

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

**Critical Facility** - A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations that produce, use or store hazardous materials or hazardous waste.

**Critical Feature** - An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**Development** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

**Elevated Building** - For insurance purposes, a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

**Existing Manufactured Home Park or Subdivision** - A manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

**Expansion to an Existing Manufactured Home Park or Subdivision** - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Finish Ground Level** - The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, whichever is the lowest.

**Flood Insurance Rate Map (FIRM)** - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** - The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

**Flood Plain** - Lands within the city that are subject to a one percent (1%) or greater chance of flooding in any given year.

**Floodproofing** - A combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

**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.

**Floodway Fringe** - The area of a flood plain lying outside of the floodway, but subject to periodic inundation.

**Floor Area** - The gross horizontal areas under a roof of all 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 above 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. Off-street parking or loading spaces.

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

**Lowest Floor** - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 5.2-1(2).

**Manufactured Home** - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**Manufactured Home Park or Subdivision** - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**New Construction** - Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

**New Manufactured Home Park or Subdivision** - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

**Recreational Vehicle (RV)** – A vehicular-type structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to travel trailers, truck campers, and self-propelled motor homes. For the purpose of recreational vehicles self-contained is defined as a complete and independent unit with such built-in equipment as kitchen units or fixtures and toilet rooms.

**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 foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other

structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** - A walled and roofed building including a gas or liquid storage tank that is principally above ground.

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

**Substantial Improvement** - Any 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.

The term does not include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Water Dependent** - A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

**\*Frontage, Building** - The dimension of a property line abutting a public or private street, the front lot line.

**Garage, Private** - A detached building or a portion of a main building for the parking or temporary storage of automobiles.

**Garage, Public** - A building, other than a private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked or stored for compensation, hire or sale.

**Geotechnical Engineer:** A Professional Engineer, registered in the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education, and experience is qualified in the practice of geotechnical or soils engineering practices.

**Grade** - (1) The degree of inclination of a road or slope.

- (2) The average elevation of the finished ground 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.

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\* See accompanying graphics in Appendix A.  
Note: Graphics are for illustrative purposes only.

**Guest House** - A detached accessory building used as sleeping quarters for guests of the occupants of the main dwelling on a non-commercial basis and having no cooking facilities.

**Highway** – A facility for moving inter-area traffic, primarily carrying through traffic. A highway is intended to provide for the majority of regional travel passing through an area as well as the majority of local trips entering and leaving the urban area. It should also provide continuity for all rural arterials that intercept the UGB and should include connections to all rural collectors. Arterials generally emphasize mobility over land access. Access to highways should be managed to protect the mobility function of the street as much as possible.

**Home Occupation** - A lawful occupation carried on by a resident of a dwelling as a secondary use within the same dwelling. The residential character of the property is maintained in a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. A home occupation shall not include the outside storage of equipment or materials. See Chapter 4.5.2.

**Hotel** - any building containing guest rooms intended or designed to be used, which are used, rented or hired out to be occupied, or which guests occupy for sleeping purposes.

**Junk Yard** - The use of more than 200 square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise.

**Kennel** - Any lot or premises, on which four (4) or more dogs and/or cats over the age of 4 months are kept for sale, lease, boarding, or training.

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

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

**Livestock** - Domestic animals of types customarily raised or kept on farms.

**Loading Space** - An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

\***Local (Street)** - A type of street primarily providing access to abutting properties and protected from "through" traffic. Local streets entail all those not otherwise defined as arterials or collectors. While connectivity is encouraged for all streets, through traffic movement is not the intended purpose of a local street.

**Lot** - A unit of land created by a subdivision of land.

**Lot area** - The total surface area (measured horizontally) within the lot boundary lines. For flag-shaped lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Ordinance.

**Lot, Corner** - A lot abutting on two (2) adjacent streets, where the angle of intersecting streets is no greater than 135 degrees.

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

\***Lot Depth** - The horizontal distance between the front lot line and the rear lot line measured at a point halfway between the side lot lines.

\***Lot, Flag** – A lot that has a narrow strip of land abutting the street and expands into a larger area. A lot shall not be considered a flag lot if the frontage meets the minimum parcel width.

\***Lot, Interior** - A lot other than a corner lot.

**Lot Line** - The lines bounding a lot, as defined herein, on all perimeters.

**Lot Line Adjustment** – See Property Line Adjustment.

**Lot Line, Front** - In the case of an interior lot, the line separating the lot from the street; in the case of a corner lot, a line separating the lot from the street on which the improvement or contemplated improvement will face.

**Lot Line, Rear** - A lot line that is opposite and most distant from the front lot line. In the case of a triangular shaped lot, the rear lot line, for building purposes, shall be assumed to be a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.

**Lot Line, Side** - Any lot line that is not a front or rear lot line.

**Lot of Record** – A lot or parcel created pursuant to ORS 92 or another unit of land created:

1. In compliance with all applicable planning, zoning, subdivision or partition regulations;  
or
2. By deed or land sales contract, if there were no applicable planning, zoning, subdivision or partition regulations.

\***Lot, Through** – An interior lot having frontage on two streets.

\***Lot Width** - The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**Manufactured Home** - A transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the US 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 Park** - As defined by ORS 446.

**Manufactured Home Subdivision** - A privately owned place where manufactured homes are parked on adjacent lots, tracts, or parcels of land under different ownership and used for human occupancy.

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\* See accompanying graphics in Appendix A.  
Note: Graphics are for illustrative purposes only.

**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, Chapter 4, Section 1.4.

\***Multiuse Building** – A building containing two (2) or more distinct uses under different business names or ownerships.

**Neighborhood Collector** – Streets connecting residential areas with the highway system and urban collectors. Property access is generally a higher priority for neighborhood collectors than urban collectors; through traffic movements are served as a lower priority.

**New Construction** - Structures for which construction was initiated on or after the effective date of this Ordinance.

**Non-Conforming Use or Structure** - A lawful structure or use in existence at the time of the adoption of this Ordinance, which does not conform to the requirements of the zone in which it is located or other applicable provisions of this Code.

**Official Zoning Map** - The map or maps upon which the zone locations in the City of Detroit are indicated.

\***Offset, Front Wall** – Designs that preclude large expanses of uninterrupted building surfaces including but not limited to, balconies, insets, projections, or similar elements.

\***Offset, Roofline** – See Offset, Front Wall.

**Owner** - The owner of record or real property as shown on the latest tax rolls or deed records of Marion County, or a person who is purchasing property under a written contract. '

**Pad** - A minimum foundation treatment for a permanent manufactured home installation extending the length and width of the manufactured home unit or units, the construction of which is to be in conformance with the State of Oregon, Department of Commerce guidelines.

**Parcel** - A unit of land created by a partition of land.

\***Parking Area, Public** - An open area, building or structure, other than a private parking area, street or alley, used for the parking of automobiles and other motor vehicles, but not to include trucks, and available for use by the public or by persons patronizing a particular building or establishment.

\***Parking Area, Shared** – Joint use of a parking area for more than one use, or by one or more individuals or businesses.

**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 land into not more than three parcels within a calendar year. "Partition" does not include:

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\* See accompanying graphics in Appendix A.  
Note: Graphics are for illustrative purposes only.

1. Divisions of land resulting from lien foreclosures, foreclosure of recorded contracts for the sale of real property, or the creation of cemetery lots; or
2. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

**Permit** - Any form of written approval pertaining to the use of land rendered by the city.

**Permitted Use** - Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district as provided in the Development Code.

**Person** - Any individual firm, partnership, corporation, company association, syndicate, or legal entity, and including trustees, receivers, assignees, or other similar representative thereof.

**Plan Map** - An officially adopted map of the City, including urban growth boundary, showing land use designations and other graphic information which is part of the City's Comprehensive Plan.

**Planned Unit Development** - The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, building, type of dwelling, density, lot coverage, or required open space to the regulations otherwise required by this code, and which normally includes commonly owned open space and/or facilities.

**Plat** - The final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision, partition or replat.

**Professional Office** - An office occupied by an accountant, architect, artist, lawyer, professional engineer, land surveyor, land use planner, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character.

**Property Line** – The division line between two units of land.

**Property Line Adjustment** – The 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.

#### **Protected Water Features -**

*Primary Protected Water Features* shall include:

1. Critical wetlands as defined in this section; and
2. Rivers, streams, and drainages downstream from the point at which 100 acres or more are drained to that water feature (regardless of whether it carries year-round flow); and
3. Streams carrying year-round flow; and
4. Springs which feed streams and wetlands and have year-round flow; and
5. Natural lakes

*Secondary Protected Water Features* shall include intermittent streams and seeps downstream of the point at which 50 acres are drained and upstream of the point at which 100 acres are drained to that water feature.

**Public Facilities and Services** - Projects, activities, and facilities which are necessary for the public health, safety, and welfare.

**Quasi-Judicial** - Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code, and usually involves a public hearing. See Chapter 4.1, Section 5.

**Ramada** - A stationary structure having a roof extending over a manufactured home, which may also extend over a patio or parking space and is used principally for protection from the elements.

**Recreational Vehicle (RV)** - A vehicular-type structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to travel trailers, truck campers, and self-propelled motor homes.

For the purpose of recreational vehicles self-contained is defined as a complete and independent unit with such built-in equipment as kitchen units or fixtures and toilet rooms.

**Recreational Vehicle Park** - See **Campground**.

**Replat** – The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

**Residential Facility** - A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 that provides residential cares alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

**Residential Home** - A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 that provides residential cares alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to ant resident of the residential facility.

**Reserve strip** - A strip of land, usually one foot in width, deeded to the city, reserved across the end of a street or alley at the boundary of a subdivision or partition; or a strip of land deeded to the city between a dedicated street and adjacent property. In either case, reserved or held by the city for future street extension or widening, or to prohibit access from property adjacent to a street.

\***Right-of-Way** – The full length and width of a public street or way, planned or constructed.

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\* See accompanying graphics in Appendix A.  
Note: Graphics are for illustrative purposes only.

**School, Elementary, Junior High, or High** - An institution, public or private, offering instruction in several branches of learning and study, in accordance with the rules, and regulations of the State Department of Education.

**School, Trade or Commercial** - A building where the instruction is given to pupils for a fee in money or otherwise, which fee is the principal reason for the existence of the school.

\***Screening** – A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation. See graphic for buffering.

**Semi-Public Use** - A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other non-profit organization.

**Sensitive lands** - Wetlands, significant trees, steep slopes, flood plains and other natural resource areas designated for protection or conservation by the Comprehensive Plan.

**Service Station** - Any lot used primarily for the retail sales of motor vehicle fuels and lubricants for delivery on premises, and minor automobile repair and service.

**Setback** - The distance between a structure and a property line. Setbacks are measured from the outermost portion of the structure or its component parts.

**Sign** - Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. Sign does not include house numbers. For purposes of Section 3.6.2, the following definitions apply:

**Alteration or Altered** - Any change in the size, shape, method or illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

\***Area**: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet, the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglass panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or the triangle. For computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only half (1/2) the total area of all sign faces.

\***Awning** - A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

**Billboard** - A sign or structure subject to the provisions of the Oregon Motorist Information Act of 1971 and erected for the purpose of leasing advertising space to promote an interest

other than that of an individual, business, product or service available on the premises the billboard is located on.

**Building Face** - The single wall surface of a building facing a given direction

**Building Frontage** - The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this chapter. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.

**Canopy Sign** - A sign hanging from a canopy or eave, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.

**Construct** - Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being.

**\*Face-Perimeter** – The area around a sign having no designated borders. The area is measured using the tallest letter or graphic. Parallel lines run horizontal to the top and based of the largest letter or graphic. Lines perpendicular to the horizontal lines intersect at the farthest-reaching points at either end of the sign.

**Flashing Sign** - A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

**\*Freestanding Sign** - A sign supported by one or more uprights, poles, or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

**Incidental Signs** - A sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.

**\*Indirect Illumination** - A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

**\*Internal Illumination** - A source of illumination from within a sign.

**\*Multi-Use Sign** - When two or more businesses combine part or all of their total allowed sign area into freestanding sign for each common frontage of such business.

**Message Sign** - A sign that can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.

**Multi-faced Sign** - A sign that has two (2) or more identical sign faces, contained in a single sign structure.

**Mural** - An illustration (with or without words or numbers) that is painted or otherwise applied (without projections) to an outside wall of a structure.

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\* See accompanying graphics in Appendix A.  
Note: Graphics are for illustrative purposes only.

**Nonconforming Sign** - Any sign that lawfully exists before the effective date of this chapter but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations.

**Off-premise Directional Sign** – A directional sign that displays only the name, logo, and/or address of a business or other use and a directional indicator and is located on another’s property.

**Owner** - As used in these regulations “owner” means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, the “owner” means owner or purchaser of the land on which the sign is placed.

**Portable Sign** - Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self-supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this chapter.

**Projecting Signs** - A sign the face of which is not parallel to the wall on which it is mounted, projecting more than 12 inches from a structure.

**Real Estate Sign** - A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space.

**Roof Line** - Either the eaves of the roof or the top of the parapet, at the exterior wall. (A “mansard roof” is below the top of a parapet and is considered a wall for sign purposes.)

\***Roof Sign** - A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.

**Sign Height** - The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater.

\***Temporary Sign** - A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support.

**Wall Sign** - A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within 3.5 feet of the wall shall also be considered a wall sign.

**Significant Tree:** Any living, standing, woody plant, having a trunk eight inches or more in diameter or 25 inches in circumference, measured at a point four (4) feet above grade at the base of the trunk.

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\* See accompanying graphics in Appendix A.  
Note: Graphics are for illustrative purposes only.

**Site design review**, development review - See Chapter 4.2

**Space, Manufactured Home** - An area or lot reserved exclusively for the use of a manufactured home occupant.

**Steep Slopes** - Slopes of greater than 25 percent.

**Story** - That portion of any building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused under-floor space is more than 6 feet above grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar, or unused under-floor space shall be considered as a story.

**Story, Half** - A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such story.

\***Street/road** - A public or private way for travel by vehicles, bicycles and pedestrians that meets the city standards in Chapter 3.4, Section 1. Excluded from this is a private way that is created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

**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.

**Structure** - That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless whether it is wholly or partly above or below grade.

**Subdivide** - To divide land into four or more lots within a calendar year.

**Substantial Improvement** - The cost of any repair, reconstruction or improvement of a structure equal to or greater than 50 percent of its market value before such alteration occurred.

**Townhouse** - Attached or semi-detached buildings, each containing a single dwelling unit and each located or capable of being located on a separate lot.

**Undeveloped Property, Residential** - A property within the city limits zoned Single Family or Multi-Family that does not contain single- or multi-family housing and is not connected to an approved, individual sewage disposal system or city sewer system. The property may be connected to the municipal water system and may contain an electrical panel that is serviced by the local electric utility company.

**Urban Collector** – Streets connecting residential areas and the highway system with the downtown and recreational facilities. Property access is generally a lower priority for urban collectors than neighborhood collectors; through-traffic movements are served as a low priority.

**Urban Growth Boundary** - An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Marion County.

**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 Chapter 5.1.

**Wetland** - Wetlands are land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. They are defined more specifically by the Federal Clean Water Act (Section 404) and Oregon Administrative Rules (OAR 141-85-010). For more information, contact the Oregon Division of State Lands.

**Wireless Communication Equipment** - Includes cellular towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

**Wrecking or Junk Yard** - Premises used for the storage of used auto parts or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof.

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

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\* See accompanying graphics in Appendix A.  
Note: Graphics are for illustrative purposes only.

## **Chapter 1.4 - Enforcement**

### **Sections:**

#### **1.4.1 Provisions of this Code Declared to be Minimum Requirements**

#### **1.4.2 Administration**

#### **1.4.3 Violation of Code Prohibited**

#### **1.4.4 Penalty**

#### **1.4.5 Complaints Regarding Violations**

#### **1.4.6 Abatement of Violations**

#### **1.4.7 Stop-Order Hearing**

### **1.4.1 Interpretations**

In the interpretation and application of this Code, the following guidelines shall be followed:

- A. Minimum requirements intended. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Most restrictive requirements apply. When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.
- C. All provisions shall be liberally construed in favor of the governing body.
- D. This Ordinance shall neither limit nor repeal any other powers granted under state statutes.

### **1.4.2 Administration**

The City Recorder or other official(s) designated by the City Council shall have the power and duty to enforce the provisions of this Code.

### **1.4.3 Violation of Code Prohibited**

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

### **1.4.4 Penalty**

- A. Class1 penalty. A violation of this Code shall constitute a Class 1 civil infraction which shall be processed accordingly
- B. Each violation a separate infraction. Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.
- C. Abatement of violation required. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the city.

- D. Responsible party. If a firm or corporation violates a provision of this Code, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

#### **1.4.5 Complaints Regarding Violations**

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

#### **1.4.6 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 by appropriate proceedings.

#### **1.4.7 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 Mayor 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 Mayor shall schedule a hearing if requested on the stop order for the earliest practicable date, but not more than 21 days after the effectiveness of any required notice. At the discretion of the Mayor, such hearing may be:
1. Part of a hearing on revocation of the underlying development approval; or
  2. Solely to determine whether a violation has occurred. The City Council shall hold this hearing and shall make written findings as to the violation within 21 days. Upon a finding of no violation, the City Council 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 City Council that the violation has been abated. The City Council decision is subject to review under Chapter 4.1.5 - Type III (Public Hearing) Procedure.