

ARTICLE 22

USE CATEGORIES AND DEFINITIONS

[22.010 – 22.370 added by Ord. 5555, 2/7/03]

USE CATEGORIES

22.010 Introduction to the Use Categories. This section classifies land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors. The use categories provide a systematic basis for assigning present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the goals and policies of the Comprehensive Plan.

The Schedules of Permitted Uses (by zoning district), special conditions and the development standards are located in Article 3, Residential Zoning Districts; Article 4, Commercial and Industrial Zoning Districts; and Article 5, Mixed Use Village Center Zoning Districts. The environmental performance standards in Article 9, On-site Development and Environmental Standards, may limit the placement of certain uses in some zoning districts.

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22.020. Description of Use Categories.

- (1) **Considerations.** Uses are assigned to the category whose description most closely describes the nature of the primary use. The “Characteristics” subsection of each use category describes the characteristics of each category. Developments may have more than one primary use. Developments may also have one or more accessory uses. The following are considered in determining what category the use is in, and whether the activities constitute primary uses or accessory uses:
 - The description of the activity(ies) in relationship to the characteristics of each use category;
 - The relative amount of site or floor space and equipment devoted to the activity;
 - Relative amounts of sales from each activity;
 - The customer type for each activity;
 - The relative number of employees in each activity;
 - Hours of operation;
 - Building and site arrangement;
 - Vehicles used with the activity;
 - The relative number of vehicle trips generated by the activity;
 - Signs;
 - How the use advertises itself; and
 - Whether the activity would be likely to be found independent of the other activities on the site.
- (2) **Developments with multiple primary uses.** When all the primary uses of a development fall into one use category, the development is assigned to that use category. For example, a development that contains a retail bakery and a café would be classified in the Retail Sales and Service category because all of the primary uses are in that category. When the primary uses of a development fall into different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.
- (3) **Accessory uses.** Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with the categories.
- (4) **Use of examples.** The “Use Examples” subsection of each use category provides a list of examples of uses that are included in the category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is “Wholesale Liquidation” but that sells mostly to consumers would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

INDUSTRIAL USE CATEGORIES

22.030 Contractors and Industrial Services

- (1) *Characteristics.* Contractors are engaged in mostly off-site activities. These include building construction and the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Industrial service uses serve businesses and industries; relatively few general public customers come to the site.
- (2) *Accessory uses.* Accessory uses may include offices, parking, storage, rail spur or lead lines. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.
- (3) *Use Examples.* Types of uses include, but are not limited to: building, heating, plumbing or electrical suppliers and contractors; printing, publishing and lithography; tool repair; exterminators; laundry, dry-cleaning, and carpet cleaning plants; photo-finishing laboratories; bulk landscape materials including rocks, bark chips or compost; welding shops; machine shops; electric motor repair; repair of scientific or professional instruments; rental of equipment; sales, rental, repair, equipment storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; overnight or long-term equipment storage; heavy truck servicing and repair; tire retreading or recapping; truck fueling stations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards.
- (4) *Exceptions.*
 - (a) If fabrication is not carried on at the site and equipment and materials are not stored on site, contractors and others who perform services off-site are included in the Office category.

22.040 Manufacturing and Production

- (1) *Characteristics.* Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of products or energy. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site. If they are, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- (2) *Accessory uses.* Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, truck fleets, or caretaker living quarters. Other living quarters are subject to the regulations for residential uses in the base zones.
- (3) *Use Examples.* Types of uses include, but are not limited to: the manufacturing, researching, testing, experimentation and development of products, including engineering and laboratory research, pharmaceuticals, medical and dental devices and instruments; manufacturing, assembly, or packaging of products from previously prepared materials (excluding vehicle repair shops); weaving or production of textiles or apparel; manufacture or assembly of machinery, equipment, instruments, including musical instruments, appliances, precision items, and other electrical items; movie production facilities; production of artwork and toys; printing, publishing and book binding; catering establishments; processing of food, beer, wine and related products, including slaughterhouses and meat packing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; sign making; crematoriums; wood products manufacturing; concrete and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; production of prefabricated structures, including manufactured homes; and energy production.
- (4) *Exceptions.*

- (a) Manufacturing of goods to be sold primarily on site and to the general public is classified as Retail Sales and Service.
- (b) Small-scale manufacturing or assembly that is compatible with an office building is classified as Office.
- (c) Manufacturing and production of goods from composting organic material is classified as Waste and Recycling Related uses.

22.050 Railroad Yards

- (1) *Characteristics.* Railroad yards are areas that contain multiple railroad tracks used for rail car switching, assembling of trains, and transshipment of goods from other transportation modes to or from trains.
- (2) *Accessory Uses.* Accessory uses include offices, employee facilities, storage areas, railcar maintenance and repair facilities, and parking.

22.060 Warehousing and Distribution

- (1) *Characteristics.* Warehousing and Distribution firms are involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- (2) *Accessory Uses.* Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.
- (3) *Use Examples.* Types of uses include, but are not limited to: separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold-storage plants, including frozen-food lockers; major wholesale distribution centers; trucks or trucking terminals; bus barns and rail barns; parcel services; major post offices; the overnight or long-term storage of vehicles or equipment (e.g., RV storage, contractor equipment storage) as the primary use; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.
- (4) *Exceptions.*
 - (a) Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste and Recycling Related uses.
 - (b) Mini-warehouses are classified as Self-Serve Storage uses.

22.070 Waste and Recycling Related

- (1) *Characteristics.* Waste-Related uses are uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others.
- (2) *Accessory Uses.* Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

- (3) *Use Examples.* Types of uses include, but are not limited to: sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous waste collection sites.
- (4) *Exceptions.*
 - (a) Disposal of dirt, concrete, asphalt, and similar non-decomposable materials is considered a fill.
 - (b) Sewer pipes that serve a development are considered a Basic Utility.

22.080 Wholesale Sales

- (1) *Characteristics.* Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on site or delivered to the customer.
- (2) *Accessory uses.* Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.
- (3) *Use Examples.* Types of uses include, but are not limited to: the sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail-order houses; and wholesalers of food, clothing, auto parts, or building hardware.
- (4) *Exceptions.*
 - (a) Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.
 - (b) Firms that primarily store goods with little on-site business activity are classified as Warehousing and Distribution.

COMMERCIAL USE CATEGORIES

22.090 Adult Entertainment

- (1) *Characteristics.* Adult entertainment uses are sexually-oriented business entertainment uses and accessory uses which exclude minors by virtue of age under the laws of the State of Oregon, whether or not such minors are accompanied by a consenting parent, guardian, or spouse.
- (2) *Accessory Uses.* Accessory uses may include parking and general office.
- (3) *Use Examples.* Types of uses include, but are not limited to: adult motion picture theaters, video arcades, massage parlors, nude modeling studios, lotion studios, adult bookstores, nude photography studios, or eating and drinking establishments which have sexually-oriented entertainment such as nude dancers, strippers, or other similar entertainers.

22.100 Entertainment and Recreation, Indoor and Outdoor

- (1) *Characteristics.* Entertainment uses are characterized by activities that provide entertainment and recreational activity either indoors or outdoors. Activities are both spectator and participatory. Some entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows.
- (2) *Accessory Uses.* Accessory uses may include food sales, offices, maintenance facilities and parking.

- (3) *Use Examples. Indoor:* Types of uses include, but are not limited to: public or private athletic, exercise and health clubs or gyms; bowling alleys; skating rinks; game arcades; pool halls; theaters; indoor firing ranges.

Outdoor: Types of uses include, but are not limited to: miniature golf, driving ranges; drive-in theaters; fairgrounds; convention centers; sports complexes, ball fields, coliseums or stadiums; equestrian centers and animal arenas; theme and water parks.

- (4) *Exceptions.*
 - (a) Golf courses are classified as Parks, Open Areas and Cemeteries.
 - (b) Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Retail Sales and Service.
 - (c) Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.
 - (d) Adult Entertainment is its own use category.

22.110 Offices

- (1) *Characteristics.* Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.
- (2) *Accessory uses.* Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- (3) *Use Examples.*
 - (a) Offices with limited customer traffic: Types of uses include, but are not limited to: corporate offices, company headquarters or financial and operational divisions; insurance headquarters; financial headquarters for brokerage houses, banks or other lenders; data processing; public utility offices; newspaper, television and radio offices and studios; and research labs.
 - (b) Offices intended to provide personal or professional services to customers on-site: Types of uses include, but are not limited to: professional services such as lawyers, accountants, employment services, insurance and travel agencies; financial and investment services such as banks, lenders, or brokerage houses; real estate agents; sales offices; some government offices; medical and dental clinics or labs; veterinarians and animal hospitals; and blood-collection facilities.
- (4) *Exceptions.*
 - (a) Offices that are part of and located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other use category.
 - (b) Contractors and others who perform services off site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site. Otherwise, contractor offices are included in the Contractors and Industrial Services category.

22.120 Parking

- (1) *Characteristics.* The Parking use category includes facilities that provide both accessory parking for a specific use and regular fee parking for people not connected to the use. The Parking use category does not include parking that is required for a primary use on the same or adjacent property as the primary use. A fee may or may not be charged.

- (2) *Accessory Uses.* In a parking structure only, accessory uses may include gasoline sales, car wash, and vehicle repair activities if these uses provide service to autos parked in the garage, and not to the general traffic.
- (3) *Use Examples.* Types of uses include, but are not limited to: off-site parking lots for commercial, education, religious, and institutional uses; fee parking facilities, commercial district shared parking lots, park-and-ride lots, and mixed parking lots (partially for a specific use, partly for rent to others).
- (4) *Exceptions.*
 - (a) Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Parking.
 - (b) The overnight or long-term storage of vehicles or equipment (e.g., RV storage, contractor equipment storage) as an accessory use is not Parking. Overnight or long-term storage of vehicles or equipment as the primary use is classified as Warehousing and Distribution.

22.130 Restaurants

- (1) *Characteristics.* Restaurants are involved in the sale of food and/or beverages to the general public. Businesses may also provide entertainment in addition to food sales.
- (2) *Accessory Uses.* Accessory uses may include offices, storage of goods and packaging of goods for sale on site, and parking.
- (3) *Use Examples.* Types of uses include, but are not limited to: cafes and delicatessens; restaurants with sit-down, carry-out, and fast food (with or without drive-through window), taverns, bars and night clubs.
- (4) *Exceptions.* Food sales at events and entertainment centers are accessory uses to the primary use type.

22.140 Retail Sales and Service

- (1) *Characteristics.* Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. Businesses may also provide personal services, or provide product repair or services for consumer and business goods. For the most part, operations are conducted within enclosed buildings, and outside storage is screened.
- (2) *Accessory Uses.* Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.
- (3) *Use Examples.* Types of uses include, but are not limited to, uses from the four subgroups listed below:
 - (a) Convenience-oriented: Retail items generally necessary or desirable for everyday living and usually purchased at a convenient nearby location. Because these goods cost relatively little compared to income, they are often purchased without comparison shopping.
 - (b) Personal service-oriented: Branch banks; urgent medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; private lodges or clubs; business and other trade schools; galleries; martial arts, dance or music studios; taxidermists; mortuaries; veterinarians; and animal grooming.
 - (c) Sales and service-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric,

furniture, garden supplies, gifts, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles; adult entertainment theaters, stores and clubs; and hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.

- (d) Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop-off; quick printing; recycling drop-off; tailors; locksmiths; and upholsterers.

(4) *Exceptions.*

- (a) Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
- (b) Bulk sales of landscape materials, including bark chips and compost, is classified as Contractor and Industrial Services.
- (c) Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair.
- (d) Repair and service of industrial vehicles and equipment and heavy trucks is classified as Contractor and Industrial Services.
- (e) Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
- (f) Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as Contractor and Industrial Services.
- (g) In certain situations, such as short-term housing or mass shelter, hotels and motels may be classified as Community Services.
- (h) Public or private athletic, exercise and health clubs or gyms are classified as Entertainment and Recreation, Indoor.

22.150 Self-Serve Storage

- (1) *Characteristics.* Self-Serve Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
- (2) *Accessory uses.* Accessory uses may include security and leasing offices and caretaker living quarters. Other living quarters are subject to the regulations for Residential uses in the base zones. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Serve Storage use. Rental of trucks or equipment is also not considered accessory to a Self-Serve Storage use.
- (3) *Use Examples.* Examples include single-story and multi-story facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.
- (4) *Exceptions.* A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

22.160 Vehicle Repair

- (1) *Characteristics.* Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
- (2) *Accessory Uses.* Accessory uses may include offices, sales of parts, and vehicle storage.

- (3) *Use Examples.* Types of uses include, but are not limited to: vehicle repair, transmission or muffler shop, auto body and paint shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- (4) *Exceptions.* Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

22.170 Vehicle Service, Quick (gas, oil, wash)

- (1) *Characteristics.* Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits while the service is performed. Full-serve and mini-serve gas stations are always classified as primary uses (Vehicle Service, Quick), rather than accessory uses, even when they are in conjunction with other uses.
- (2) *Accessory Uses.* Accessory uses may include auto repair, oil change, tire and other retail sales.
- (3) *Use Examples.* Types of uses include, but are not limited to: full-serve and mini-serve gas stations, unattended card key stations, car washes, quick lubrication services, tire repair and Department of Environmental Quality vehicle emission test sites.
- (4) *Exceptions.*
 - (a) Truck stops are classified as Contractors and Industrial Services.
 - (b) Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) and which are on the site where the vehicles are kept, are accessory to the use.

INSTITUTIONAL USE CATEGORIES

22.180 Basic Utilities

- (1) *Characteristics.* Basic Utilities uses provide community infrastructure, including water and sewer systems, telephone exchanges, power substations and transit. Utility uses generally do not have regular employees at the site. Services may be public or privately provided.
- (2) *Accessory Uses.* Accessory uses may include parking, control, monitoring, data or transmission equipment.
- (3) *Use Examples.* Types of uses include, but are not limited to: water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; storm water facilities and conveyance systems; telephone exchanges; mass transit stops, transit centers, park-and-ride facilities for mass transit; and emergency communication broadcast facilities.
- (4) *Exceptions.*
 - (a) Public Works projects, such as streets, utility lines, and pump stations.
 - (b) Services where people are generally present, other than transit stops and park-and-ride facilities, are classified as Community Services or Offices.
 - (c) Utility offices where employees or customers are generally present are classified as Offices.
 - (d) Bus and light-rail barns are classified as Warehousing and Distribution.
 - (e) Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail and Utility Corridors.

- (f) Energy production facilities are classified as Manufacturing uses; see Section 22.040.

22.190 Community Services

- (1) *Characteristics.* Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may provide shelter or short-term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- (2) *Accessory uses.* Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; daycare uses; and athletic facilities.
- (3) *Use Examples.* Types of uses include, but are not limited to: libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, public safety facilities including fire and police stations, ambulance stations, drug and alcohol centers, social service facilities, shelters or short-term housing when operated by a public or non-profit agency, vocational training for the physically or mentally disabled, soup kitchens, and surplus food distribution centers.
- (4) *Exceptions.*
 - (a) Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales and Service.
 - (b) Parks and cemeteries are classified as Parks, Open Areas and Cemeteries.
 - (c) Uses where tenancy is arranged on a month-to-month basis (except at hotels/motels) or for a longer period are residential, and are classified under Residential use categories.

22.200 Daycare

- (1) *Characteristics.* A daycare facility is operated with or without compensation, and is certified by the state for the daytime care of children, teenagers or adults who need assistance or supervision, located in a building constructed as other than a single-family dwelling.
- (2) *Accessory Uses.* Accessory uses include offices, play areas, and parking.
- (3) *Use Examples.* Types of uses include, but are not limited to: nursery schools, preschools, kindergartens, before- and after-school care facilities, child development centers and adult daycare programs.
- (4) *Exceptions.*
 - (a) Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters.
 - (b) Daycare use also does not include care given by a “family daycare” provider as defined by ORS 657A.250 if the care is given to 12 or fewer children at any one time, including the children of the provider. “Family daycare” is care regularly given in the family living quarters of the provider's home. Family daycare homes are allowed outright in residential, mixed use and commercial districts without site plan review. These homes may require a license from the State of Oregon Children's Services Division.

22.210 Educational Institutions

- (1) *Characteristics.* This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree, and public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education. They are certified by the State Board of Higher Education or by a recognized accrediting agency.
- (2) *Accessory Uses.* Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, support commercial uses, play areas, cafeterias and meals programs, recreational and sports facilities, auditoriums, and before- or after-school daycare.
- (3) *Use Examples.* Types of uses include, but are not limited to: universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, seminaries, public and private daytime schools, boarding schools and military academies.
- (4) *Exceptions.*
 - (a) Business, trade and vocational schools are classified as Retail Sales and Service.
 - (b) Preschools are classified as Daycare uses.

22.220 Hospitals

- (1) *Characteristics.* Hospitals include uses providing medical or surgical care to patients and offering overnight care. Hospitals tend to be on multiple blocks or in campus settings.
- (2) *Accessory uses.* Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing facilities for staff or trainees.
- (3) *Use Examples.* Examples include hospitals and medical complexes that include hospitals or emergency care facilities.
- (4) *Exceptions.*
 - (a) Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.
 - (b) Medical clinics that provide care where patients are generally not kept overnight are classified as Office.
 - (c) Urgency medical care clinics are classified as Office.

22.230 Jails and Detention Facilities

- (1) *Characteristics.* Detention Facilities includes facilities for judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by sworn officers, except when on approved leave.

- (2) *Accessory Uses.* Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, and hobby and manufacturing activities.
- (3) *Use Examples.* Types of uses include, but are not limited to: prisons, jails, probation centers, and juvenile detention homes.
- (4) *Exceptions.* Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by sworn officers, are classified as Group or Assisted Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where sworn officers do not supervise residents, are also classified as Group or Assisted Living.

22.240 Parks, Open Areas And Cemeteries

- (1) *Characteristics.* Parks, Open Areas and Cemeteries uses focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Land tends to have few structures.
- (2) *Accessory uses.* Accessory uses may include clubhouses, maintenance facilities, ball fields, concessions, caretaker's quarters, and parking.
- (3) *Use Examples.* Types of uses include, but are not limited to: parks, golf courses, cemeteries or mausoleums, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, and land used for grazing that is not part of a farm or ranch.

22.250 Religious Institutions

- (1) *Characteristics.* Religious Institutions are primarily intended to provide meeting areas for religious worship and activities.
- (2) *Accessory Uses.* Accessory uses include Sunday school facilities, parking, social halls, gymnasiums and other recreational activities, soup kitchens, caretaker's housing, group living facilities such as convents, and temporary shelter.
- (3) *Use Examples.* Churches, temples, synagogues, and mosques.

RESIDENTIAL USE CATEGORIES

22.260 Group or Residential Care Facilities

- (1) *Characteristics.* A public or private facility for six or more unrelated persons who are physically, mentally or socially handicapped, delinquent, or drug- or alcohol-dependent; with a person residing on site who is not related by blood, marriage, legal adoption or guardianship to the residents, and who may be responsible for supervising, managing, monitoring them and/or providing care, training or treatment to them. The residents may or may not receive any combination of care, boarding, training, or treatment, as long as they also reside at the site. Larger facilities may offer shared facilities for eating, hygiene and/or recreation. Tenancy is for longer than one month. Group or Residential Care Facilities include the state definition of residential care facility (in the Definitions section following the Use Categories).
- (2) *Accessory Uses.* Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.
- (3) *Use Examples.* Types of uses include, but are not limited to: group homes (for six or more residents);

residential programs for drug and alcohol treatment; and alternative or post-incarceration facilities.

(4) *Exceptions.*

- (a) “Residential Homes” boarding, caring for or housing five or fewer physically, mentally or socially handicapped, delinquent persons or persons in need of treatment by a person who is not the parent or guardian of, and who is not related by blood, marriage, or legal adoption of, such persons are allowed in zones that allow single-family homes.
- (b) Child or adult foster homes, where residential care is provided in a homelike environment for five or fewer non-related individuals are classified under Single- and Two-Family Homes.
- (c) Hospitals and medical treatment facilities with overnight care are classified as Hospitals.
- (d) Nursing homes are classified as Assisted Living.
- (e) Lodging where tenancy may be arranged for periods of less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged on a short-term basis may be classified as a Community Service use (such as short-term housing or mass shelters).
- (f) Lodging where the residents meet the definition of a household, and where tenancy is arranged on a month-to-month basis, or for a longer period, is classified as Single or Two-Family, Live Work, or Three or More Units.
- (g) Correctional or detention facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Jails and Detention Facilities category.

22.270 Assisted Living

- (1) Assisted Living facilities are characterized by unrelated elderly or disabled persons, and at least one person residing on the site who is responsible for providing daytime care, protection, supervision, monitoring and/or training or treatment of residents. Larger group-living facilities may offer shared facilities for eating, hygiene and/or recreation. Tenancy is for longer than one month.
- (2) *Accessory Uses.* Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.
- (3) *Use Examples.* Types of uses include, but are not limited to: nursing and convalescent homes; residential care/treatment facilities, lifecare or continuing care services, and assisted living facilities.
 - (a) Retirement housing units that are separate units and ownership are classified as Single Family, Two Family or Three or More Units.
 - (b) Lodging where tenancy may be arranged for periods of less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged on a short-term basis may be classified as a Community Service use (such as short-term housing or mass shelters).
 - (c) Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period, is classified as Single Family, Two Family, Live Work, or Three or More Units.

22.280 Single Family and Two Family

- (1) *Characteristics.* Single-family units are characterized by the residential occupancy by a household of a dwelling unit on one lot. Single units may be attached or detached, with the opportunity to be owner-occupied. A two-family unit (duplex) is defined as a building with two separate households on the same property.
- (2) *Accessory Uses.* Examples of accessory uses include parking, home occupations, accessory dwelling units, and bed and breakfast facilities. For Accessory Buildings, see Section 22.320 below.

- (3) *Use Examples.* Single-family units, two-family units, duplexes, manufactured housing, and other structures with self-contained dwelling units on individual lots.
- (4) *Exceptions.*
 - (a) In certain situations, lodging where tenancy may be arranged for periods less than one month, such as short-term housing or mass shelter, may be classified as Community Service uses.

22.290 Live Work

- (1) *Characteristics.* Live Work units are units that contain both a household and a business. The business may have up to 3 employees in addition to the resident employee.
- (2) *Accessory Uses.* Accessory uses include recreational activities, raising of pets, hobbies, and parking.

22.300 Three or More Units

- (1) *Characteristics.* Three or More Units are characterized by the residential occupancy of three or more dwelling units on one lot by three or more households. A structure containing at least three dwelling units in any vertical or horizontal arrangement, located on a single lot or development site, but excluding single-family attached building types on two or more contiguous lots.
- (2) *Accessory Uses.* Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, and bed and breakfast facilities are accessory uses that are subject to additional regulations.
- (3) *Use Examples.* Apartments, condominiums, retirement center apartments, and other structures with self-contained dwelling units.
- (4) *Exceptions.*
 - (a) Lodging in a dwelling unit or Single Room Occupancy (SRO) unit where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category.
 - (b) SROs that contain programs that include common dining are classified as Group or Residential Care Facilities.

22.310 Units Above a Business

- (1) *Characteristics.* Two or more residential dwelling units located above a business or office on the ground floor(s).
- (2) *Accessory Uses.* Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, and bed and breakfast facilities are accessory uses that are subject to additional regulations.
- (3) *Use Examples.* Apartments, condominiums, retirement center apartments, and other structures with self-contained dwelling units located above a business.

(4) *Exceptions.*

- (a) Lodging in a dwelling unit or Single Room Occupancy (SRO) unit where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category.
- (b) SROs that contain programs that include common dining are classified as Group or Residential Care Facilities.

22.320 Residential Accessory Buildings

- (1) *Characteristics.* A detached or semi-detached building that is subordinate to and consistent with the principal use of the property. Accessory buildings are permitted outright in residential zones if they meet the following conditions:
 - (a) Detached accessory buildings, garages and carports are less than 750 square feet and have walls equal to or less than eleven feet in height.
 - (b) Attached accessory buildings, garages or carports are less than 1,000 square feet.
 - (c) Accessory apartments have special conditions. See Articles 3, 4 and 5.

OTHER USE CATEGORIES

22.330 Agriculture

- (1) *Characteristics.* Agriculture includes activities that raise, produce or keep plants or animals.
- (2) *Accessory uses.* Accessory uses include seasonal sales of produce or plants, animal training, parking and storage.
- (3) *Use Examples.* Types of uses include, but are not limited to: breeding or raising of fowl or other animals; dairy farms; stables; riding academies; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries.
- (4) *Exceptions.*
 - (a) Kennels and animal boarding facilities are classified separately under Kennels.
 - (b) Processing of animal or plant products, including milk, and feedlots, is classified as Manufacturing and Production.
 - (c) Livestock auctions are classified as Wholesale Sales.
 - (d) Plant nurseries oriented to retail sales are classified as Retail Sales and Service.

22.340 Communication Towers and Poles

- (1) *Characteristics.* Communication Towers and Poles include all devices, equipment, machinery, structures or supporting elements necessary to produce signals or messages. Towers may be self-supporting, guyed, or mounted on poles or buildings. See Article 8, Section 8.400, for site design standards.
- (2) *Accessory Uses.* Accessory use may include transmitter facility buildings.
- (3) *Use Examples.* Types of uses include, but are not limited to: broadcast towers, telecommunication towers, and point-to-point microwave towers.

(4) *Exceptions.*

- (a) Receive-only antennas and satellite dishes are not included in this category.
- (b) Radio and television studios are classified in the Office category.
- (c) Radio frequency transmission facilities that are public safety facilities are classified as Basic Utilities.

22.350 Kennels

- (1) *Characteristics.* Kennels includes facilities where the overnight boarding of dogs, cats or other household pets is conducted as a business.
- (2) *Accessory uses.* Accessory uses include offices and parking.
- (3) *Exceptions.*
 - (a) Veterinary hospitals or clinics that keep animals overnight are classified as Offices.

22.360 Passenger Terminals

- (1) *Characteristics.* Passenger Terminals includes train stations and rail service (multi-modal facility), bus stations and loading facilities, and facilities for the landing and takeoff of aircraft, including loading and unloading areas and passenger terminals.
- (2) *Accessory Uses.* Accessory uses include freight-handling areas, concessions, offices, parking, hangars, runways, maintenance and fueling facilities.
- (3) *Use Examples.* Airports, bus passenger terminals, railroad passenger stations for regional rail service, and helicopter landing facilities.
- (4) *Exceptions.*
 - (a) Bus transit stops are classified as Basic Utilities.
 - (b) Park-and-ride facilities are classified as Parking.
 - (c) Private helicopter landing facilities that are accessory to another use are considered accessory uses.

22.370 Rail and Utility Corridors

- (1) *Characteristics.* This category includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The category also includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.
- (2) *Use Examples.* Rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.
- (3) *Exceptions.*
 - (a) Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
 - (b) Rail lines and utility corridors located within motor vehicle rights-of-way are not included.

DEFINITIONS

22.400 Definitions. As used in this Code, the following words and phrases shall have the following meanings:

Abut: Contiguous to; for example, two lots with a common property line. However, “abut” does not apply to buildings, uses, or properties separated by public right-of-way.

Access: The place, means, or way by which pedestrians or vehicles shall have ingress and/or egress to a property or parking area.

Accessory Apartment: A self-contained living unit which is attached to or a part of a single-family dwelling, or constructed within an accessory structure built before February 1, 1998, and which is incidental and subordinate to the principal dwelling unit. [Ord. 5338, 1/28/98]

Accessory Building: A detached or semi-detached building the use of which is subordinate to and consistent with the principal use of the property.

Accessory Use: A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

Access Way: An unobstructed way of specified width containing a drive or roadway which provides vehicular access and connects to a public street.

Active, Passive Solar Systems: Active or indirect solar heating utilizes heat collection which is separate from the area being heated, with a mechanical method of transferring heat between the two areas. A passive solar system is any method which requires no external energy input to collect and disperse solar heat. In new building design, this means utilizing site design, building orientation, window placement, insulation, vegetation, etc. to heat and cool a building. Passive solar systems may also include the addition of such solar collectors as greenhouses, water traps, improved insulation, or other weatherization techniques.

Adjacent: Contiguous to a property boundary or across an adjoining right-of-way.

Adult Entertainment: Adult entertainment uses are sexually-oriented business entertainment uses and accessory uses which exclude minors by virtue of age under the laws of the State of Oregon, whether or not such minors are accompanied by a consenting parent, guardian, or spouse. Such uses include but are not limited to, adult motion picture theaters, video arcades, massage parlors, nude modeling studios, lotion studios, adult bookstores, nude photography studios, or eating and drinking establishments which have sexually-oriented entertainment such as nude dancers, strippers, or other similar entertainers.

Affected Party: Any person who owns property or resides on property within the notification area for a development permit application, or any person who provides written or oral testimony in regard to a development permit application and who can demonstrate standing by virtue of an affected property interest.

Alley: A public way not over 30 feet wide providing a secondary means of access to private property.

Alter, Alteration: A change, addition, or modification in construction or occupancy of a building or structure.

Amendment: A change in the working, context, or substance of the Code, or a change in the zone boundaries or use district boundaries upon the zoning map or a change in the Comprehensive Plan.

Apartment House: See Dwelling, Multiple.

Approval Authority: The Director, Hearings Board, Planning Commission, or City Council, whichever has jurisdiction for making a determination under the various provisions of this Code.

Arterial Street: A major street which functions primarily to move large amounts of traffic and is identified as such on the Master Street Plan.

Bed and Breakfast Home: A structure designed for and occupied as a single-family dwelling, in which travelers are lodged for sleeping purposes for two weeks or less and a morning meal is provided, and for which compensation is paid.

Bedroom: A private room planned and intended for sleeping, separable from other rooms by a door and accessible to a bathroom without crossing another bedroom, kitchen, or living room.

Berm: A mound 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 Path, Lane, Way: A bike path is completely separate from vehicular traffic and within an independent right-of-way or the right-of-way of another facility. A bike lane is part of the roadway or shoulder and delineated by pavement markings. A bikeway is any trail, path, or part of a highway, shoulder, sidewalk, or any other travelway specifically signed and/or marked for bicycle travel.

Block: An area of land containing one or more lots or parcels surrounded by streets, railroad rights-of-way, unsubdivided acreage, or a combination thereof.

Board: See Hearings Board.

Boarding House: A building where lodging and meals are provided for more than two weeks for compensation, exclusive of bed and breakfast homes or other homes or institutions providing supervisory care.

Bond , Performance or Security: Collateral security for the performance of a specific action or duty imposed by the City.

Buffer, Buffering: A landscaped area which provides a separation between potentially conflicting land uses.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Principal: A building within which is conducted a principal use permitted on a lot.

Building Official: The Superintendent of the Building Division or a person designated by the City Manager as such.

Carport: A structure consisting of a roof with its supports and which is entirely open on two or more sides and is 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 columbaria, crematories, mausoleums, and mortuaries.

Child Care Home: A residence or other facility within which day time care is provided for less than thirteen children (including the children of the provider) under the age of fifteen years and may require a license from the State of Oregon Children's Services Division.

Child Care Institution: An institution, establishment, or place in which are regularly received at one time thirteen or more children under the age of fifteen years, for a period not exceeding 12 hours, for the purpose of being given board, care, or training apart from their parents or guardians and which also requires a license from the State of Oregon Children's Services Division.

City: The City of Albany.

City Council: The Council of the City of Albany.

City Engineer: The Director of the Department of Engineering and Public Works or a person designated as such by the City Manager.

City Recorder: The Finance Director of the City of Albany or the duly authorized representative.

Clinic: Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, and members of the healing arts, including incidental and appropriate accessory uses.

Code: Shall mean the City of Albany Development Code.

Collector Street: A major street which transports traffic from local streets to the arterial street system and is identified as such on the Master Street Plan.

Commission: The Albany City Planning Commission.

Comprehensive Plan: An official document which establishes the future land use pattern and land use policies for the City, as may be currently established by the City Council.

Condominiums: A type of residential development offering individual ownership of units and common ownership of open spaces and other facilities and regulated, in part, by State Law (ORS 91.010.900).

Courtyard: A landscape area enclosed by two or more walls.

Coverage: See lot coverage.

Criteria: A general rule or test on which a judgment or decision can be based.

Cul-de-sac: A short street which has one end open to traffic and usually terminated by a vehicle turn-around.

Cul-de-sac Bulb: The circular radius at the end of a cul-de-sac.

Day(s): Shall mean calendar days, unless working days are specified which shall mean Monday through Friday.

De Novo: A new hearing usually without consideration of any previous hearing testimony.

Density: The number of living units per acre of land.

Development: Any manmade change to improved or unimproved real estate, including but not limited to construction, installation, or change of a building or other structure, land division, establishment or termination of a right of access, storage on the land, drilling and site alteration such as that due to land surface mining, dredging, paving, excavation, or clearing.

Development Permit: A permit issued by the Director for a development which is in compliance with this Code and the Comprehensive Plan.

Development Site: A tract of land either unsubdivided or consisting of two or more contiguous lots of record which, on the effective date of this Ordinance or subsequently, came under single or common ownership and continued to be so owned at the time a development permit was applied for.

Director: Director of the City's Planning Department or his/her designee.

District: A portion of territory of the city within which certain uniform regulations and requirements of this Code apply.

Dividing Land: See Land Divisions.

Drainageway: Any natural or manmade watercourse, trench, ditch, swale, or similar depression into which surface water flows.

Duplexes: A building under single or common ownership designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family.

Dwelling, Multiple: A building under single or common ownership designed and used for occupancy by two or more families, all living independently of each other, and having separate housekeeping facilities for each family.

Dwelling, Single Family: A building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family and, if attached, is under separate ownership from any attached dwelling.

Dwelling Unit: One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with housekeeping facilities for living, sleeping, cooking, and eating.

Dwelling Unit, Quad: A dwelling, which for purposes of this Code shall count as two dwelling units, which has separate sleeping and living quarters for four individuals but which is centered around a common kitchen facility.

Dwelling Unit, Quint: A dwelling, which for purposes of this Code shall count as two and one-half dwelling units, which has separate sleeping and living quarters for five individuals but which is centered around a common kitchen facility.

Easement: A recorded interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

Employees: All persons, including proprietors, working on the premises during the largest shift at peak season.

Family: An individual or two or more persons related by blood or marriage or a group of unrelated individuals (at a density of not more than two people per bedroom) which is established in structure and appearance to resemble a traditional family unit. In cases where a Group Care Home takes on the appearance of a family, it shall be considered a Group Care Home and subject to all applicable regulations of this Code.

Findings: Written statements of fact, conclusions and determinations based on the evidence presented in relation to the approval criteria and accepted by the approval authority in support of a decision.

Floor Area: The combined floor area on each level or story of a building exclusive of vent shafts, court yards, stairwells, elevator shafts, restrooms, rooms designed and used for the purpose of storage and operation of maintenance equipment, and enclosed or covered parking area.

Frontage: That portion of a property which abuts a street right-of-way.

Future Street Plan: An approved street plan indicating the location of future streets within undeveloped or partially developed portions of the Urban Growth Area.

Garage, Private Parking: A structure having one or more tiers of height used for the parking of automobiles for the tenants, employees, or owners of the property for which the parking spaces contained in or on said garage are required by this Article and are not open for use by the general public.

Garage, Public Parking: A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons, or clients which are required by this Article provided said parking spaces are clearly identified as free parking space(s) for the building or use.

Garage, Repair: A building used for the care and repair of motor vehicles, including major and minor work such as body and fender work or engine and transmission overhaul, and incidental storage or parking of vehicles.

Goals: Statements identified as such in the Comprehensive Plan.

Governmental Bodies: Shall mean city, county, state and federal boards, councils, commissions, and agencies and the like.

Grade (Adjacent Ground Elevation): The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from and parallel to the building.

Gross Floor Area: The combined floor area on each level or story of a building as measured within the exterior walls of such building.

Group Care Home: Any private or public institution maintained and operated for the care, boarding, housing, or training of five or fewer physically, mentally, or socially handicapped or delinquent, elderly or dependent persons by a person who is not the parent or guardian of, and who is not related by blood, marriage, or legal adoption of such persons.

Half Street: A portion of the width of a street, usually along the side of a subdivision where the remaining portion of the street could be provided in another subdivision.

Hearings Board: A subcommittee of the Planning Commission empowered with certain decision making authority by City ordinance.

Height of Building: The vertical distance above "Grade" as defined herein to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk to ground surface within a five-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

High Volume Traffic Generation: All uses involving the sales, rental, and servicing of goods, merchandise, and equipment which cannot be classified in the 4.100, 4.300, and 4.500 subsections of Article 5, Section 5.050, Schedule of Permitted Uses (see definition of Low Volume Traffic Generation).

Home Occupation: An occupation carried on within a dwelling provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

Hospitals: Institutions devoted primarily to the rendering of healing, curing, and/or nursing care which maintain and operate facilities for the diagnosis, treatment, and care of two or more non-related individuals suffering from illness, injury, or deformity, or where other healing, curing, and/or nursing care is rendered over a period exceeding 24 hours.

Hospital, Small Animal: A building, together with animal runs, in which veterinary services, clipping, bathing, boarding, and other services are rendered to dogs, cats, and other small animals and domestic pets.

Hotel (Motel, Motor Hotel, Tourist Court): A building or group of buildings used for transient residential purposes containing six or more rental units which are designed to be used, or which are used, rented, or hired out for sleeping purposes.

Indoor Recreation Area: A room or rooms within an enclosed building which is designed and used for recreational purposes by the public and/or occupants of a residential development. Activities provided for within an indoor recreation area may include, but are not limited to, the following: indoor swimming pools, saunas, gymnasiums, exercising rooms, dance floors, tennis or handball courts, and games such as pool, ping pong, shuffleboard, etc.

Junkyard: Any premises upon which any of the following are kept outside an enclosed building:

- a. The principal components of more than four (4) inoperable and unregistered vehicles.
- b. The principal components of more than five (5) inoperable washers, dryers, hot water heaters, stoves, ranges, televisions, video cassette recorders, radios, stereos, or other major appliances.
- c. More than six (6) inoperable bicycles or lawnmowers.

This definition is not intended to include salvage yards, which are separately defined in this Code. (Ord. 5281, 3/26/97)

Kennels: A lot or premise on which three or more adult dogs are kept, whether by the owner(s) of the dogs or by person(s) providing facilities and care, whether or not for compensation. An adult dog is one that has reached the age of six months.

Land Divisions: The creation of a lot or parcel of land through the process of subdividing or partitioning land or through the leasing of land for more than three years, or less than three years if the lease may be renewed under the terms of the lease for a total period more than three years; or through the sale of interest in a condominium as that term is defined in ORS Chapter 91; or through sale of any security interest under a land sales contract, trust deed, or mortgage.

Landscaping: The term "landscaping" includes ground cover, trees, grass, bushes, shrubs, flowers, and garden areas and any arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting.

Loading Space: An off-street space or berth on the same lot with a main building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading which abuts a street, alley, or other appropriate means of ingress and egress.

Lot: A portion of a subdivision intended as a unit for transfer of ownership or for development. Lots may be occupied by principal and accessory structures, together with the yards or open spaces required, and must have legal access to public right-of-way.

Lot, Corner: A lot abutting two intersecting streets, other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.

Lot, Coverage: That portion of a lot which, when viewed directly from above, would be covered by a building, or any part of a building, except any area covered by a structure where fifty percent or more of the perimeter of such structure is open from grade.

Lot, Depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line excluding any “panhandles.”

Lot, Frontage: That portion of a lot nearest the street. For the purpose of determining yard requirements, all sides of a lot adjacent to a street shall be considered frontage and yards shall be provided as required.

Lot, Interior: A lot other than a corner lot.

Lot Line: Any property line bounding a lot.

Lot Line, Front: A property line contiguous with any street line.

Lot Line, Interior: Any lot line other than a front lot line.

Lot Line, Rear: A lot line which is opposite and most distant from the front lot line and in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

Lot Line, Side: A lot line which extends from any front lot line to a rear lot line, or in the case of a corner, triangular or irregular shaped lot, to another side lot line.

Lot of Record: A lot shown as part of a recorded subdivision or approved partition map; or any parcel of land described by metes and bounds in a recorded deed, record of survey, or other appropriate document recorded in the Office of the County Recorder prior to December 12, 1956. No lot or parcel of land created without complying with the provisions of the Land Division Requirements of the State of Oregon and the City Subdivision Ordinance is recognized as a lot of record.

Lot, Width: The average horizontal distance between the side lot lines, ordinarily measured parallel to the rear lot line (excluding lot “panhandles”) at the front and rear setbacks.

Low Volume Traffic Generation: Uses such as furniture stores, floor covering stores, major appliance stores, wholesale sales, equipment rental stores, equipment servicing, etc. that sell or service items that are large and bulky that need a relatively large amount of storage, display, or service area per item, or that provide customer services primarily off-site, and that, therefore, generate substantially less customer traffic per square foot of usable space than stores or services dealing in smaller items or on-site services.

Major Partition: A partitioning of property into 2 or 3 parcels in a calendar year including the creation of a road or street.

Major Zoning District: The primary zone designation of property within the City such as R-1, C-2, or MH.

Manager: The City Manager of the City of Albany or his designee or person otherwise appointed by the City Council.

Marginal Access (or Frontage Street): A minor street parallel and adjacent to a major arterial street providing access to abutting properties and protection from through traffic.

Minor Partition: A partitioning of property into 2 or 3 parcels in a calendar year that does not include the creation of a road or street.

Minor Street: A street used exclusively for access to abutting properties.

Manufactured Home: A dwelling unit constructed on one or more chassis in an off-site manufacturing facility and designed to be used with a foundation as a dwelling unit on a year-round basis with approved connections to water, sewer, and electric utility systems. A commercial coach, motor home, camper, or other unit originally designed as a recreation vehicle is not a mobile or manufactured home for purposes of this Code and is not permitted for occupancy purposes outside of approved locations for such units.

Manufactured Home Park: A parcel of land under common ownership on which four or more manufactured homes are occupied as residences and which conforms to the regulations of this Code.

Manufactured Home Space or Lot: A plot of ground within a home park or subdivision designed for the accommodation of one manufactured home, its accessory structures, parking spaces, and required yard areas.

Manufactured Home Subdivision: A subdivision developed under the provisions outlined in Article 12 in this Code and that meets the standards for conventional subdivisions as prescribed by State Statutes and this Code. Manufactured home subdivisions are designed for sale of lots for residential occupancy by manufactured homes.

Mobile Home: See “Manufactured Home.”

Modular Home: A factory fabricated transportable building designed to meet the Uniform Building Code to be used by itself or incorporated with similar structures or units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include buildings constructed at a site from prefabricated panels, trusses, and other prefabricated supplements.

Motel or Tourist Court: See Hotel.

Motor Vehicle and Trailer Sales Area: A lot used for display, sale, or rental of new or used motor vehicles or trailers where no repair work is done except minor, incidental repairs of motor vehicles or trailers to be displayed, sold, or rented for use off the premises.

Nonconforming Building: Any building which lawfully existed prior to the effective date of this Code but which due to the requirements adopted herein, no longer complies with the height, yard, area, and coverage regulations, off-street parking requirements, or other provisions of this Code.

Nonconforming Development: Any physical development of land which lawfully existed on the effective date of this Code but which, due to the requirements adopted herein, no longer complies with the site development standards of this Code for the zoning district in which the development is located.

Nonconforming Lot: A parcel of land which lawfully existed as a lot on the effective date of this Code or which is legally created after the effective date of this Code, but which in either case does not conform to the lot area and lot dimension standards for the zone in which it is located.

Nonconforming Situation: An inclusive term for nonconforming lot, nonconforming use, nonconforming building, and/or nonconforming development.

Nonconforming Use: Any use which lawfully existed on the effective date of this Code but which, due to the requirements adopted herein, no longer complies with the schedule of permitted uses and which has not been deemed terminated under the provisions of this Code. Uses allowed in certain use districts by Conditional Use Permit but which were existing on the effective date of this Code without a Conditional Use Permit shall also be considered as nonconforming.

Outdoor Living Area: Outdoor or semi-outdoor area designed to provide a more pleasant and healthful environment for the occupants of a dwelling unit and the neighborhood in which such dwelling unit is located. It includes natural ground areas, landscaped areas, balconies, porches, patios, terraces, verandas, outdoor swimming pools, play areas, tennis courts, walkways, and similar areas developed for active or passive recreational activities. Outdoor living area does not include accessways, parking and loading areas, strips between buildings less than ten feet in width, storage areas, and other areas not usable for outdoor activities.

Owner: Where used in relationship to real property, “owner” means the legal owner of record or, where there is a recorded land sales contract in force, the purchaser thereunder.

Parking Area, Private: Privately or publicly owned property, other than streets and alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required and not open for use by the general public.

Parking Area, Public: Privately or publicly owned property other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public, either free or for remuneration.

Parking Space: A permanently maintained paved surface with proper access for one standard-size automobile.

Partition: The process of dividing a single property into two or three parcels for sale, taxation, development, or other purpose.

Pedestrian Way: A right-of-way through a block to facilitate pedestrian access to adjacent streets and properties.

Person: A natural person, his heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid and the singular includes the plural.

Planned Development (PD): A tract of land having singular ownership and developed under provisions of this Code which provide for flexibility and innovation in design and placement of structures and which provide for detailed Planning Commission involvement in review and approval of such developments. The terms Planned Development (PD) and Planned Unit Development (PUD) may be used interchangeably.

Plat: The map, drawing, or chart on which the subdivider’s plan of subdivision is presented and which he/she submits for approval and intends in final form to record.

Private Driveway: A driveway to serve residential premises.

Public Need: A conclusion based on presentation of factual evidence which demonstrates that a particular request for a change is in the best public interest for economic, social, and environmental reasons.

Ramada: A structure having a roof extending over a manufactured home or manufactured home space which is designed for protection of the manufactured home from sun and rain.

Residential Care Institution: Any private or public institution maintained and operated for the care, boarding, housing, training, or rehabilitation of six or more physically, mentally, or socially handicapped or delinquent, elderly, or drug or alcohol dependent persons in one or more buildings on contiguous properties but not including jails or other criminal detention facilities. Residential care institutions include but are not limited to nursing homes, rehabilitation centers, residential care and training facilities for the mentally and socially handicapped, delinquent youth care centers, and specialized health care homes.

Right-of-way: The area between boundary lines of a street.

Roadway: The portion or portions of a street right-of-way available for vehicular traffic.

Salvage Yard: Any premises upon which any type of material is dismantled, stored, and disposed of for the purpose of recycling the base material or its components. It is the intention of this definition to include the type of operation commonly known as an auto wrecking yard. (Ord. 5281, 3/26/97)

Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive signals. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's, and satellite microwave antennas.

Service Station: A place or station selling motor fuel and oil for motor vehicles, servicing batteries, furnishing repair and service, excluding painting, body work, steam cleaning, tire recapping, and mechanical car washing which necessitates equipment to wash more than one car at a time and at which accessory sales or incidental services are conducted.

Service Driveways: Any driveway constructed, installed, maintained in or over any portion of the public streets for the purpose of ingress and egress of vehicles from the street to the property abutting the street.

Setback Line: The innermost line of any required yard area on a lot (see Yard).

Special Purpose District: Overlay zone designations which set forth specific land use regulations in addition to the standards of the underlying major zoning district.

Staff: An employee or employees of the City of Albany.

Stand: A hard surfaced area within a manufactured home space or lot designed for placement of a manufactured home.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

Story, Half: A basement or cellar, except as provided in this Code, which has less than six feet of its height above grade.

Street: A public thoroughfare or right-of-way dedicated, deeded or condemned; other than an alley, which

affords the principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, road, and other thoroughfares except as excluded in this Code. The word “street” shall include all arterial highways, freeways, traffic collector streets, and local streets.

Street Line: A lot line abutting a street.

Structure: Anything constructed or built, 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.

Subdivide Land: Means to divide a parcel of land into four or more parcels of less than five acres each for the purpose of transfer of interest or ownership, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division.

Subdivision: Means either an act of subdividing land or a tract of land subdivided as defined in this Code.

Substantial Construction: Any physical improvement of a property, the cost of which equals or exceeds fifty percent of the fair market value of the property before the improvement was started.

Temporary Residence: A residence (which may be a manufactured home) that is: a) located on the same property as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or b) located on the same property as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed, or c) located on a non-residential site and occupied by persons having construction or security responsibilities over such site.

Townhouse: Two or more common wall single family dwelling units, each unit of which is built upon an individually owned subdivided or partitioned lot or parcel.

Travel Trailer: A portable structure capable of being towed or driven, having a width of less than ten feet, and which is designed to be used as a temporary dwelling unit.

Trailer: See Travel Trailer.

Use: The purpose for which land or a building is arranged, designed, or intended or for which either land or a building is or may be occupied or maintained.

Water-Dependent: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production, or source of water.

Water-Oriented Use: Any use which received a demonstrable benefit from being located with a view to the river. Examples might include restaurants, residential structures, and commercial structures when river views are incorporated into the design of the river.

Water-Related: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.

Wetland: Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wrecking Yard, Motor Vehicles, and Building Materials: Any premises used for the storage, dismantling,

or sale of either used motor vehicles, trailers, machinery and/or building materials, or parts.

Yard: Any open space which is required, created, or is maintained on a lot and which is not obstructed from the ground up by any structure or building.

Yard, Front: The area between the front property line and the nearest point of any building on that same parcel.

Yard, Interior: Any yard, required or otherwise, which is not a front yard and which is adjacent to an interior lot line.

Zoning District: A classification of land in which only uses specified by this Code are allowed, except for nonconforming uses, and for which specific requirements are set forth pertaining to height, yard, area, coverage, landscaping, parking, and other land use restrictions.