

RESOLUTION 09-10

A Resolution Establishing a Fee Schedule for Zoning Ordinances & Planning Services in the City of Weston and A Resolution Establishing a Fine Schedule for Violations to the City's Zoning & Planning Ordinances carried out by the Weston City Police Department.

WHEREAS, the City of Weston provides planning services for the citizens of Weston and its future, and

WHEREAS, there is a cost of providing & maintaining Zoning Ordinance Documents & Planning Services, and

WHEREAS, the burden to pay for new development is the responsibility of the patron or developer, and not the citizens of Weston. Said charges are collected for the work done by the City of Weston employees, and

WHEREAS, some services involve more time & expense to manage, and

WHEREAS, it is in the interest of the citizens of Weston that users of these services pay for the incurred costs at today's rates,

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The common council of the City of Weston hereby establishes the following fee and fine schedule:

Application Fees: (a 5% increase because of inflation over the past 3 years)		
Fence Permit	\$ 10.50	Type I
Access Permit/Driveway	\$ 78.75	Type I
Building Permit	\$ 52.50	Type I
Building Permit	\$ 157.50	Type II
Permitted Use	\$ 36.75	
Lot Line Adjustment	\$ 42.00	
Temporary Use Permit	\$ 42.00	
Conditional Use	\$ 105.00	
Partition	\$ 105.00	
Variance	\$ 105.00	Type I
Variance	\$ 157.50	Type II & III
Zone Change	\$ 183.75	
Annexation	\$ 105.00	
Comprehensive Plan Change	\$ 262.50	
Vacation	\$ 236.25	
Preliminary Plot Plan	\$ 1,575.00	
Final Plot Plan	\$ 1,105.00	
Sub-Division/Re-Plat	\$ 787.50	

Additional fees (hourly wages & federal mileage) may occur when the city's engineer & technical crew is needed to inspect new development.

City of Weston Development Code TABLE OF CONTENTS

1.0	Introduction	1.0.1
1.1	How to Use the Development Code	1.1.1
1.2	General Administration	1.2.1
1.3	Definitions.....	1.3.1
1.4	Enforcement.....	1.4.1
2.0	Land Use Districts.....	2.0.1
2.1	Residential ® District	2.1.1
2.2	Downtown (D) District.....	2.2.1
2.3	General Industrial (GI) District.....	2.3.1
2.4	Light Industrial (LI) District.....	2.4.1
2.5	Historic Preservation Ordinance.....	2.5.1
3.0	Design Standards	
3.1	Access and Circulation	3.1.1
3.2	Landscaping, Street Trees, Fences and Walls	3.2.1
3.3	Vehicle and Bicycle Parking.....	3.3.1
3.4	Public Facilities Standards	3.4.1
3.5	Reserved for Surface Water Management.....	3.5.1
3.6	Other Design Standards.....	3.6.1
3.7	Reserved for Sensitive Lands	3.7.1
3.8	Loading Standards	3.8.1
3.9	Flood Damage Prevention	3.9.1
4.0	Applications and Review Procedures.....	4.0.1
4.1	Administration of Land Use and Development Review	4.0.1
4.2	Types of Applications and Review Procedures	4.1.1
4.3	Development Review and Site Design Review.....	4.2.1
4.4	Land Divisions and Lot Line Adjustments.....	4.3.1
4.5	Conditional Use Permits.....	4.4.1
4.6	Master Planned Developments	4.5.1
4.7	Modifications to Approved Plans & Conditions of Approval ..	4.6.1
4.8	Land Use Districts Map and Text Amendments	4.7.1
4.9	Code Interpretations.....	4.8.1
4.10	Miscellaneous Permits (Temporary Uses)	4.9.1
5.0	Exceptions to Code Standards.....	5.0.1
5.1	Introduction	5.0.1
5.2	Variances.....	5.1.1
5.3	Non-Conforming Uses and Developments.....	5.2.1
6.0	Zoning Map Amendments	6.0.1

Chapter 1.1 How to Use the Development Code

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

Chapter 1 - 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's 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 Weston 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", administrative decision with public hearing); and Type IV ("legislative" decision by City Council).

Chapter 5 - Chapter 5 provides standards and procedures for variances and non-conforming 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'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 6 - Chapter 6 creates a placeholder for the Town's map amendments. This chapter serves as a placeholder for ordinances to be located for reference for staff and applicants. Map amendments would be located in this section in chronological order from when they were adopted.

Chapter 1.2 General Administration

Sections:

- 1.2.100 - Severability
- 1.2.200 - Compliance and Scope
- 1.2.300 - Consistency with Plan and Laws
- 1.2.400 - Use of a Development
- 1.2.500 - Pre-Existing Approvals
- 1.2.600 - Building Permit and Certificate of Occupancy
- 1.2.700 - Official Action

1.2.100 Severability.

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

1.2.200 Compliance and Scope.

- A. **Compliance with the Provisions in the Development Code.** Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as this Development Code (“Code”) or any amendment thereto permits. No plat shall be recorded and no building permit shall be issued without compliance with the provisions of this Code.
- B. **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.** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. **Variances.** Variances shall be governed by the provisions of Chapter 5.1.
- 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.

1.2.300 Consistency With Plan and Laws.

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

1.2.400 Use of a Development.

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

1.2.500 Pre-Existing Approvals.

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

1.2.600 Building Permit and Certificate of Occupancy.

- A. **Building Permit.** A building permit shall not be issued until the City Staff or designee has issued a development permit in accordance with the provisions of Chapter 5 - Administration of Land Use and Development Review, or otherwise found that a development permit is not required.
- B. **Prior to-Final Completion.** Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain.

1.2.700 Official Action.

- A. **Official Action.** All officials, departments and employees (including contractor-officials), of the city vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code, and shall issue no permit or grant approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. **Severability.** Any permit or approval issued or granted in conflict with the provisions of this Code 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.

Chapter 1.3 Definitions

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

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

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

Access management - The control of street (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement. See Chapter 3 .1, Section 2.

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

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

Accessory dwelling - An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. See Chapter 2.1, Section 200.B.

Accessory use/Accessory structure - Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses and similar structures. See Chapter 2.1, Section 200 .J.

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

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

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

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

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

Alley - A narrow street (16' -20' right-of-way), usually a thoroughfare through the middle of the block giving access to the rear of lots or buildings. See Chapter 3.4, Section I.F.

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

Arterial - An arterial street. Arterials form the primary roadway network within a region, providing a continuous road system that distributes traffic between cities, neighborhoods, and districts. Generally, arterials are high capacity roadways. See Chapter 3, Access and Circulation.

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

Automobile-dependent use - The use serves motor vehicles and would not exist without them, such as vehicle repair, gas station, car wash, auto and truck sales. See Chapter 2.2 Section 180.E.

Automobile-oriented use - Automobiles and/or other motor vehicles are an integral part of the use such as drive-in restaurants and banks. See Chapter 2.2, Section 180.E.

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

Bed and breakfast inn - An operator- or owner-occupied home primarily used for the purpose of providing accommodations (three or more rooms) plus breakfast on a daily or weekly basis. This provision of lodging and food is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. Bed and breakfast inns shall include inns that operate restaurants offering meals to the general public as well as to overnight guests.

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

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

Block - A parcel of land or group of lots bounded by intersecting streets. See Chapter 3.1, Section 2.J.

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

- a. Multi-use Path. A paved way (typically 10 to 12-foot wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
- b. Bike Lane. A portion (typically 4 to 6-foot wide) of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- c. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.

- d. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.
- e. Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

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

Boulevard - A street with broad open space areas; typically with planted medians. See Chapter 3.4, Section 1.F.

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

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

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

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

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

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

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

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

City - The City of Weston, Oregon.

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

City Official - The City Council, who is designated by the Mayor & City Council as the city employee responsible to administer the Zoning Ordinance by providing information regarding permits, issue certain non-discretionary permits, & assuring that all procedural requirements are followed in the issuance of permits (amended 5/5/08).

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

Collector - Type of street which serves traffic within the commercial, industrial and residential neighborhood areas. Collectors connect local neighborhoods or districts to the arterial network. Collectors are part of the grid system. See Chapter 3.4, Section 1.F.

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

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

Comprehensive Plan - The comprehensive plan of Weston, Oregon.

Conditional use - A use which requires a Conditional Use Permit. See Chapter 4.4.

Consensus - Agreement or consent among participants.

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

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

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

Cornice - The projecting horizontal element that tops a wall or flat roof. See Chapter 2.2, Section 160.

Cottage - A small house that may be used as an accessory dwelling, in conformance with Chapter 2.1, Section 200.B.

Cottage Cluster. A group of two or more cottages on one lot. Cottage Clusters are 2-4 small single family dwellings on one lot, oriented to an alley or common green.

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

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

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

Deciduous - Tree or shrub that sheds its leaves seasonally.

Dedication - The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners association.

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

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

Development - All improvements on a site, including buildings, placement or replacement of manufactured or other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes.

Development Review - A non-discretionary or "ministerial" review conducted by the city official without a public hearing. It is for complex developments and land uses that do not require site design review approval. Development Review is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as setbacks, lot coverage, building height, and similar provisions of Chapter 2 Land use Districts.

compliance with the basic development standards of the land use district, such as setbacks, lot coverage, building height, and similar provisions of Chapter 2 Land use Districts.

Discontinued/abandoned use - See Chapter 5.2.

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

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

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

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

Driveway apron/approach - The edge of a driveway where it abuts a public way; usually constructed of concrete. See Figure 3.1.2K.

Drought-tolerant/drought-resistant plants - Refer to *Sunset Western Garden Book* (latest edition).

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

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

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

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

Environmentally sensitive areas - See "Sensitive lands".

Established residential area - An area within the Residential District that was platted prior to the effective date of a land ordinance. See Chapter 2.1 , Section 120.F.

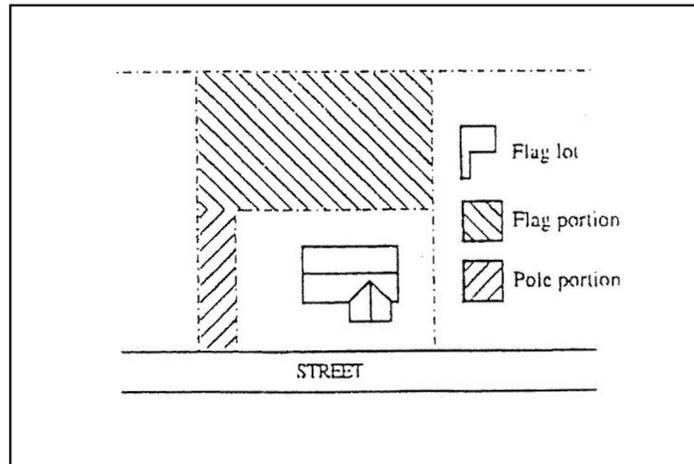
Evidence - Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a Code standard or criterion.

Family day care - See "Child care center".

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

Fire apparatus lane - As defined by the Uniform Fire Code.

Flag lot - A lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement that does not meet the minimum lot width standard. See Chapter 2.1, Section 140.



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

Flood hazard boundary map - 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 - 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 baseflood.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal water and/or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood way - 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.

Floor area ratio - The relationship of a building's floor area to the total area of its lot. The floor area ratio (FAR) is measured by dividing the gross enclosed floor area of a building by the land area of the development. See Chapter 2.2, Section 130.

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

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

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

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

Ground cover - A plant material or non-plant material (e.g., mulch, bark chips/dust) that is used to cover bare ground. See Chapter 3.2 ..

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

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

Home occupation, Home occupation site - Small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. See Chapter 4.9, Section 2.

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

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

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

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

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

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

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

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

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

Lane, mid-block lane - A narrow, limited use roadway facility usually used to access a limited number of dwelling units. Similar to an alley in design. See Chapter 2.1, Section 140.A.

Legislative - A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). See Chapter 4, Section 1.6.

Light manufacture - Light Manufacturing operations (e.g., electronic equipment, printing, bindery, furniture, and similar goods) See Chapter 2, Section 4.11.0.

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

Local Improvement District (LID) - A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.).

Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485. See Chapter 3, Section 4.1.

Lot - A lot is a unit of land that is created by a subdivision of land (ORS 92.010(3)). A lot or parcel under the same ownership as mapped and referenced by the Umatilla County Assessor's Office. See Chapter 4.3.

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

Lot, Corner - Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (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 average distance measured from the front lot line to the rear lot line.

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

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

tenant's outside entrance is a main entrance. Buildings may also have main entrances opening directly into a reception or sales area, a courtyard or plaza.

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

Manufactured dwelling. A manufactured dwelling can include one of the following residences defined below: a residential trailer, a mobile home or a manufactured home.

Manufactured dwelling park - Four or more units located on one lot allowing manufactured dwellings.

Manufactured Home - A manufactured home is a portable residence constructed after 1976. A transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the US Dept. 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. See Section 2.1.700 and 2.1.200 (c)

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

Ministerial - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is such an action. See Chapter 4, Section 1.4.

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

Mixed-use building/development/horizontal/vertical - Mixed-use refers to residential with commercial or public/institutional use. Vertical mixed-use is housing above the ground floor, and horizontal mixed-use is housing on the ground floor. See Chapter 2.2, Section 180.A.

Multi-family housing - Housing that provides more than three dwelling units on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). See Chapter 2.1, Section 200F.

Multi-use pathway - Pathways for pedestrian and bicycle use. See Chapter 3.1, Section 3.A.4.

Natural resource areas/natural resources - Same as "Sensitive lands". See Chapter 3.7.

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

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

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

Neighborhood commercial - Small scale commercial uses allowed within the residential neighborhood commercial district. See Chapter 2.1, Section 200.K.

Non-conforming use/non-conforming development - An existing land use, structure, or property access that would not be permitted by the regulations imposed by the Code and was lawful at the time it was established. See Chapter 5.2.

Non-native invasive plants - See Oregon State University Extension Service Bulletin for your area.

Off-street parking - All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of Chapter 3.3.

On-street parking - Parking in the street right-of-way, typically in parking lanes or bays. Parking may be "parallel" or "angled" in relation to the edge of the right-of-way or curb. See Chapter 3.3.

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

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

Oriented to a street - See "Orientation."

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

Overlay zone/district - Overlay zones provide regulations that address specific subjects that may be applicable in more than one land use district. See Chapter 2.6.

Parcel - A parcel is a unit of land that is created by a partitioning of land (ORS 92.01 0(6)). See Chapter 4.3.

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

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

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

Partition - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. (See also, ORS 92.010(8)).

Pathway/walkway/access way - See Chapter 3.1, Section 3.A. As defined in this Code, a pathway or multi-use pathway may be used to satisfy the requirements for “accessways” in the Transportation Planning Rule. (OAR 660-012-045).

Pedestrian amenity (ies) - Pedestrian areas and objects that serve as places for socializing and enjoyment of the City’s downtown/main street. Examples include benches or public art or sculpture. See Chapter 2.2, Section 170.

Pedestrian Facilities - A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

Performance Standards - For transportation, a standard of a street’s carrying capacity, based upon prevailing roadway, traffic and traffic control conditions during a given time period. The Level of Service range, from LOS A (free flow) to LOS F (forced flow) describes operational conditions within a traffic stream and their perception by motorists/passengers. Level of Service is normally measured for the peak traffic hour, at intersections (signalized or unsignalized) or street segments (between signalized intersections).

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

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

Plat - A map of a subdivision, prepared as specified in ORS 92.080, and recorded with the Umatilla County Assessor’s Office. All plats shall also conform to Chapter 4.3 - Land Divisions.

Plaza - A public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity. See Chapter 2.2, Section 170.

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

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

Property line: front, rear, interior side, street side - See Figure 2.1.130.

Public facilities - Public and private transportation facilities and utilities. See Chapter 3.4.

Public improvements - Development of public facilities. See Chapter 3.4.

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.

Residence - Same as "Dwelling Unit".

Residential caretaker unit - See Chapter 2.3, Section 160.B.

Residential care home/Residential care facility - Residential treatment or training homes or adult foster homes licensed by the State of Oregon. See Chapter 2.1, Section 200.G.

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

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

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

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

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

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

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

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

Shared parking - Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap. (daytime versus nighttime primary uses. See Chapter 3.3, Section 3.C.4.

Shopping street - A street or drive designed with the elements of a good pedestrian oriented street: buildings with close orientation to the street, on street parking, wide sidewalks, street trees, pedestrian scale lighting. See Chapter 2.2, Section 140.C.

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

Significant trees, significant vegetation - Trees and shrubs with a trunk diameter of 8 inches or more, as measured 4 feet above the ground, and all plants within the drip line of such trees and shrubs. Other

trees may be deemed significant, when designated by the City Council as “Heritage Trees”. Also any trees and shrubs that have been designated as “Sensitive Lands”, in accordance with Chapter 3.7. See Chapter 3.2, Section 2.B.1.

Single-family attached housing (townhomes) - Two or more single family dwellings with common end-walls. See Chapter 2.1, Section 110 and Section 200.

Single-family detached house - A single family dwelling that does not share a wall with any other building. See Chapter 2.1, Section 110.

Single-family detached zero-lot line house - A single family detached house with one side yard setback equal to zero. See Chapter 2.1, Section 110 and Section 200.

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

Site design review - A discretionary review that applies to all developments in the city, except those specifically listed under Development Review. Site design review ensures compliance with the basic development standards of the land use district, as well as more detailed design standards and public improvement requirements in Chapters 2 and 3. For Site Design Review and Development Review see Chapter 4.2.

Specific Area Plan - Describes in more detail the type of development planned for a specific area (not just one site) than is typically found in a comprehensive plan, zone map, or public facilities plan. See Chapter 2.5.

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

Steep slopes - Slopes of greater than 25 percent.

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

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

Street/road - A public or private way for travel by vehicles, bicycles and pedestrians, that meet the city standards in Chapter 3.4, Section 1.

Street access - See Chapter 3.1, Section 2.

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

Street furniture/furnishings - Benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks, and similar pedestrian amenities located within a street right-of-way. See also, Chapter 2.2, Section 170.

Street stub - A temporary street ending; i.e., where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street tree - A tree planted in a planter strip or tree cut-out.

Structure - A walled and roofed building or “manufactured structure” (see definition above) that is principally above ground; an open-air, non-enclosed construction, e.g., a patio roof or a gazebo.

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

Surface water management - See Chapter 3.5.

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

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

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

Topographical constraint - Where existing slopes prevent conformance with a code standard.

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

Transportation facilities and improvements - The physical improvements used to move people and goods from one place to another; e.g., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.). Transportation Facilities and Improvements require a Conditional Use Permit (CU) under Section 4.4.4000. Transportation improvements include the following:

- a. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- b. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- c. Projects specifically identified in the City’s adopted Transportation System Plan as not requiring further land use review and approval.
- d. Landscaping as part of a transportation facility.
- e. Emergency measures necessary for the safety and protection of property.
- f. Construction of a street or road as part of an approved subdivision or partition as designated in the City’s adopted Transportation System Plan except for those that are located in exclusive farm use or forest zones.

- g. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

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

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

Urban growth area - The urban growth area designated for the City of Weston, Oregon.

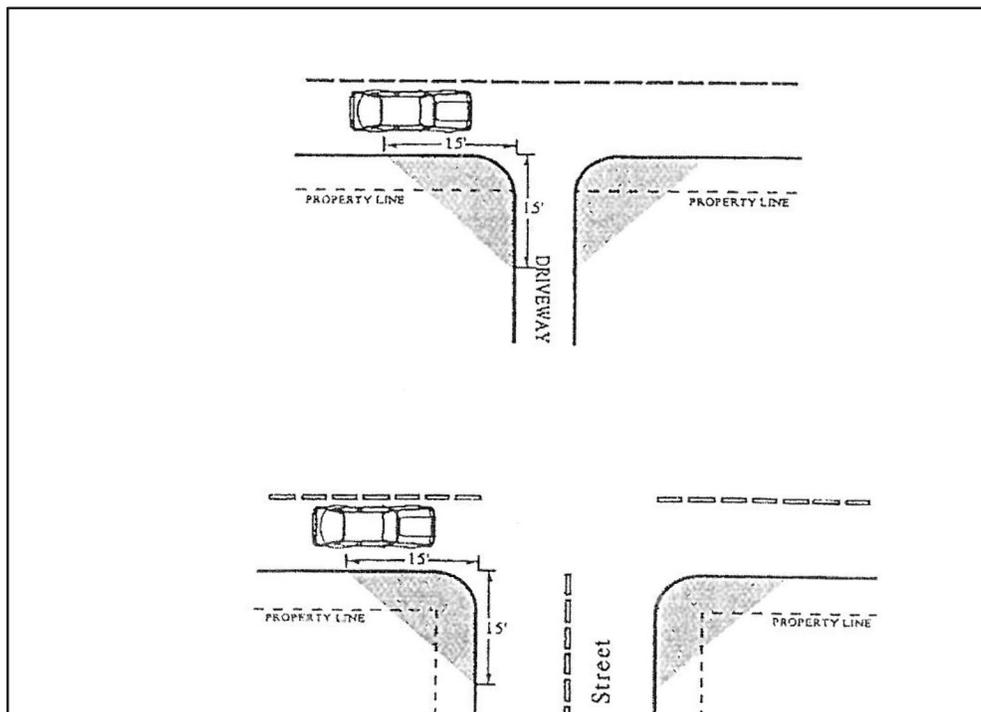
Urban growth boundary - The urban growth boundary designated for the City of Weston, Oregon.

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.

Vision clearance area - The shaded area as shown on the figure below is the Vision Clearance Area. The Vision Clearance Area includes Corner Clearance, which is the distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

The Vision Clearance area is regulated and further described in Section 3.1.2.N of the Code.



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).

Excavation, filling, or development of wetlands generally requires a permit from the Oregon Division of State Lands and/or the US Army Corps of Engineers. For more information, contact the Oregon Division of State Lands.

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

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

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

Zero-lot line house - Single family courtyard home that is not subject to side yard setbacks on one side of a typical lot. See Chapter 2. 1, Section 200.A.

Chapter 1.4 Enforcement

Sections:

- 1.4.100- Provisions of this Code Declared to be Minimum Requirements
- 1.4.200 - Violation of Code Prohibited
- 1.4.300- Penalty
- 1.4.400 - Complaints Regarding Violations.
- 1.4.500- Abatement of Violations.
- 1.4.600 - Stop-Order Hearing.

1.4.100 Provisions of this Code Declared to be Minimum Requirements.

- A. **Minimum Requirements Intended.** In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of 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.

1.4.200 Violation of Code Prohibited.

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

1.4.300 Penalty.

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

1.4.400 Complaints Regarding Violations.

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

1.4.500 Abatement of Violations.

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

1.4.600 Stop-Order Hearing.

- A. **Stop Order Issued.** Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the City Council may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.
- B. **Stop Order Hearing.** The City Council shall schedule a hearing before the Planning Commission on the stop order for the earliest practicable date, but not more than 30 days after the effective date of any required notice. At the discretion of the City Council such hearing may be:
1. Part of a hearing on revocation of the underlying development approval; or
 2. Solely to determine whether a violation has occurred. The City Council shall hold this hearing and shall make written findings as to the violation within 30 days. Upon a finding of no violation, the Planning Commission shall require the issuance of a resume work order. Upon finding a violation, the stop order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Commission that the violation has been abated. The Planning Commission decision is subject to review under Chapter 4.1.5 - Type III (Public Hearing) Procedure.