

## **11.15.0005 Title**

This Chapter shall be known and may be cited as the *Zoning Ordinance of Multnomah County, Oregon*.

## **11.15.0010 Definitions**

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

### **A**

#### **Accessory Building**

A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

#### **Accessway**

A private road which is not a part of a lot or parcel and which provides access to more than one lot or parcel. *[Amended 2009, Ord 1128 § 2]*

#### **Adult Arcade**

An establishment offering viewing booths or rooms for one or more persons in which a substantial portion of the material presented (either live, closed circuit or reproduced) is characterized by an emphasis on nudity and/or specified sexual activities. *[Added 1984, Ord. 421 § 2]*.

#### **Adult Bookstore**

An establishment having, as a substantial or significant portion of its merchandise, such items as books, magazines, other publications, films, video tapes or video discs which are for sale, rent or viewing on premises and which are distinguished by their emphasis on matters depicting specific sexual activities. *[Added 1983, Ord. 373 § 5; Amended 1984, Ord. 421 § 2]*

#### **Adult Cabaret**

An establishment having as its primary attraction live exhibitions (either for direct viewing, closed circuit viewing, or viewing through a transparent partition) for patrons, either individually or in groups, where a substantial portion of the material presented is characterized by an emphasis on nudity and/or specified sexual activities. *[Added 1984, Ord. 421 § 2]*.

#### **Adult Entertainment Business**

A term intended to cover a broad range of activities characterized by live, closed circuit, or reproduced material which has an emphasis on nudity and/or sexual activity. The term adult business also includes the full range of adult theaters and related businesses defined below. Adult businesses generally limit their patrons to persons at least 18 years of age. Adult businesses include the following types of establishments: adult bookstores, adult theaters, adult arcades, adult cabarets, adult paraphernalia shops, and other establishments which feature a combination of activities or merchandise described above which collectively make up a substantial or significant portion of the establishment's activities or merchandise. The term *Adult Entertainment Business* also includes other uses similar to the uses listed above, presenting material for patrons to view (live, closed circuit or reproductions), and/or purchase or rent, a substantial portion of which is characterized by an emphasis on nudity and/or specified

sexual activity; and limiting entrance to patrons who are over 18 years of age. [Added 1983, Ord. 405 § 2; Amended 1984, Ord. 421 § 2]

#### Adult Paraphernalia Shop

An establishment offering as a substantial or significant portion of its merchandise objects which simulate human genitalia and/or objects designed to be used to substitute for or be used with human genitalia while engaged in specified sexual activities. [Added 1984, Ord. 421 § 2].

#### Adult Theater

An establishment used primarily for presenting material (either live, closed circuit or pre-recorded) for observation by patrons therein, having as a dominant theme an emphasis on nudity and/or specific sexual activities. [Added 1983, Ord. 373 § 5; Amended 1984, Ord. 421 § 2]

#### Agriculture

The tilling of the soil, the raising of crops, dairying and/or animal husbandry, but not including the keeping or raising of fowl, pigs, or furbearing animals unless such is clearly incidental to the principal use of the property for the raising of crops.

#### Agricultural Land

- a. Land of predominantly Class I, II, III and IV soils, as identified in the Soil Capability Classification System of the United States Soil Conservation Service.
- b. Other land suitable for farm use, taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, and accepted farming practices; and
- c. Land in other soil classes which is necessary to permit farm practices to be undertaken on adjacent or nearby lands.

#### Airport

See *Aircraft Landing Field*.

#### Aircraft Landing Field

Any landing area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing or taking off of aircraft and including all necessary taxiways, aircraft storage, tie-down areas, hangars, and other necessary buildings and open spaces.

#### Alley

A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

#### Alteration

May be a change in construction or a change of occupancy. When the term is applied to a change in construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to change of occupancy from one trade or use to another or from one division of trade or use to another.

**Alteration (Structural)**

Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

**Apartment**

Any building or portion thereof used for or containing three or more dwelling units.

**Annual Average Day/Night Sound Level**

See Ldn (Annual Average Day/Night Sound Level).

**Applicant**

The record owner or owners of a unit, area or tract of land proposing land development activities covered by this Chapter and includes the authorized representative of the record owner or owners. *[Added 1990, Ord. 643 § 2]*

**Approval Authority**

The Planning Commission, Hearings Officer or Planning Director authorized to grant approvals as specified by this Chapter.

**Archeological Resource**

A district, site, building, structure or artifact which possesses material evidence of life and culture of the prehistoric and historic past.

**B**

**Ballot Measure**

*[Deleted 1983, Ord. 365 § 3]*

**Base Flood**

A flood of such magnitude as to have a one percent probability of being equalled or exceeded in any given year. *[Added 1982, Ord. 324 § 2]*

**Base Flood Level**

The elevation of a Base Flood, referenced to the National Geodetic Vertical Datum of 1929 (NGVD). *[Added 1982, Ord. 324 § 2]*

**Basement**

*[Deleted 1984, Ord. 428 § 3]*

**Bench Advertising Sign**

*[Deleted 1986 Ord. 543 § 2]*

**Board**

The Board of County Commissioners of Multnomah County, Oregon.

## Boarding House

See *House (Boarding, Lodging or Rooming)*.

## Building

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

## Building Height

The vertical distance above a reference datum measured 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 reference datum shall be selected by either of the following, whichever yields a greater height of building:

- a. The elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.
- △ An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item (1) above is more than 10 feet above the lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building, or as amended by the *State of Oregon Structural Specialty Code and Fire and Life Safety Regulations*. [Amended 1984, Ord. 428 § 3]

## Building Line

A horizontal line that coincides with the front side of the main building.

## Building Permit

A permit required pursuant to Multnomah County Code 11.15.8210(A), certifying compliance with all applicable building regulations. [Added 1990, Ord. 643 § 2]

## C

### Car Wash (Convenience)

Mechanical facilities for the washing or waxing of private automobiles, light trucks and vans, but not commercial fleets, as an accessory use to an automobile service station.

### Car Wash (Full Service or Self-Service)

Mechanical facilities for the washing, waxing and vacuuming of automobiles, light trucks and vans.

### Car Wash (Industrial)

Mechanical facilities for the washing, waxing, and vacuuming of automobiles, heavy trucks and buses.

## Cellar

That portion of a building between floor and ceiling which is wholly or partly below grade, and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

## Clinic

A place in which out-patients are given health related treatment and in which one or more health related professionals practice. *[Added 1983, Ord. 373 §5]*

## Community Plan

The Community Plan of a specific area adopted as a component of the Comprehensive Plan.

## Comprehensive Plan

The Comprehensive Plan adopted by Multnomah County, including any plan or plan element adopted as a component of the Comprehensive Plan.

## Conditional Use

A use which may be permitted by the Approval Authority following action proceedings, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.

## Corner Lot

See *Lot (Corner)*.

## Convenience Car Wash

See *Car Wash (Convenience)*.

## Cottage Industry

A processing, assembling, packaging or storage industry, generally employing fewer than 20 persons, conducted wholly within an enclosed building located on a site isolated from other such uses, generating low traffic volumes and with little or no noise, smoke, odor, dust, glare or vibration detectable at any property line.

## County Road

A public road that is maintained by the County and has been designated as a county road under ORS 368.016. *[Amended 2009, Ord 1128 § 2]*

## Court

An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by such building.

## D

### Day Nursery

A facility for the provision of care during a portion of a 24 hour day for five or more children not related to nor the wards of the attending adult. A Day Nursery with 12 or fewer children is distinguished from Family Day Care either by:

- a. Location in a non-residential structure; or
- b. Provision of care by someone other than a resident of the home.

*[Amended 1990, Ord. 643 § 2]*

## Development

Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative. *[Added 1990, Ord. 643 § 2]*

## Director

The Director of Multnomah County Department of Environmental Services or the Director's delegate. *[Added 1982, Ord. 324 § 2]*

## Dormitory

A room for sleeping purposes for more than four persons, which is rented.

## Drive-In

An establishment so developed with a driveway, drive-up or drive-through facility or parking area that services are supplied in whole or in part to a customer in a motor vehicle, or in the case of self-service food or drink, for consumption outside the building.

## Driveway

See *Private Driveway*. *[Added 2009, Ord 1128 § 2]*

## Dwelling Unit

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

## Dwelling (Duplex or Two-Unit)

A detached building designed for two dwelling units, whether in separate or single ownership.

## Dwelling (Single Family Detached)

A detached building designed for one dwelling unit including *Mobile Homes* under the provisions of MCC .7705 through .7715 or as specified within the district. *[Amended 1991, Ord. 681 § III]*

## Dwelling (Multi-Plex Structure)

See *Multi-plex Dwelling Structure*.

## Duplex Dwelling

See *Dwelling (Duplex or Two Unit)*.

## E

### Educational Institution

A college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instruction as approved by a recognized accrediting agency, including fraternity and sorority houses, excluding elementary and high schools, and trade and commercial schools.

### Election

*[Deleted 1983, Ord. 365 § 3]*

## Elementary School

See *School (Primary, Elementary or High)*.

## Emergency/Disaster

A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment. *[Added 2000, Ord. 947 § 1]*

## Emergency/Disaster Response

Actions involving any development (such as new structures, grading, or excavation) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above). Emergency/disaster response actions not involving any structural development or ground-disturbance (such as use of emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions. *[Added 2000, Ord. 947 § 1]*

## Erosion

The process of the gradual wearing away of land masses. *[Added 1982, Ord. 324 § 2]*

## Existence

To continue to be in being; to remain.

## F

### Family

Any one of the following shall be considered a family when living together as a single housekeeping unit within a dwelling unit (excluding servants):

- a. An individual or two or more persons related by blood, marriage, legal adoption, foster care or guardianship; or
- b. A group of not more than five (5) unrelated persons; or
- c. Residential Home- A residence for (5) or fewer unrelated mentally or physically handicapped persons and staff persons who need not be related to each other or any other home resident. A residential home must be registered as an Adult Care Home with Multnomah County Department of Human Services pursuant to Chapter 8.90 of Title 8 of the Multnomah County Code, 8.90.005 -8.90.260.

Each group described herein or portion thereof, shall be considered a separate family. *[Amended 1984, Ord. 431 § 2]*

### Family Day Care

A residence where 12 or fewer children are provided care during a portion of a 24 hour day by an adult residing within said residence. Minor children of the provider shall be included in the 12-child limit if also cared for in the home. *[Added 1990, Ord. 643 § 2]*

### Fast Food Service

The retail sales in a building of convenience food or specialty menu items, and ordered and served at a counter or window whether for consumption on or off the premises, when the facility

is designed primarily to serve customers arriving by automobile Such food items include, but are not limited to, dairy products, donuts, fish and chips, fried chicken, hamburgers, hot dogs, ice cream, pizza, sandwiches, soft drinks or tacos.

#### Feed Lot

Any pen, corral or structure wherein livestock are maintained in close quarters for the purpose of fattening for market.

#### Fill

The addition of any material to land other than a structure or landscaping. *[Added 1982, Ord. 324 § 2]*

#### Findings

A written statement of facts, conclusions and determinations based on the evidence presented in relation to the approval criteria and prepared by the Approval Authority in support of a decision.

#### Flag Lot

A lot or parcel which includes a private driveway as part thereof.

#### Flood

A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation of runoff of surface waters from any source. *[Added 1982, Ord. 324 § 2]*

#### Flood Hazard Boundary Map

The current official map of the Federal Insurance Administration on which areas of flood hazard are identified. *[Added 1982, Ord. 324 § 2]*

#### Flood Insurance Rate Map

The current official map of the Federal Insurance Administration on which areas of special flood hazard and risk premium zones are identified. *[Added 1982, Ord. 324 § 2]*

#### Flood Level

The surface elevation of flood waters. *[Added 1982, Ord. 324 § 2]*

#### Flood Plain

Those land areas which are susceptible to inundation by flood waters. *[Added 1982, Ord. 324 § 2]*

#### Floodproofing

Any combination of additions, changes or adjustments to structures or land designed to prevent or reduce flood damage. *[Added 1982, Ord. 324 § 2]*

#### Floor Area

The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

#### Forest Land



The designation of forest lands shall be according to the United States Forest Service Manual *Field Instructions for Integrated Forest Survey and Timber Management Inventories Oregon, Washington and California, 1974* and shall include:

- a. Land composed of existing forested land suitable for commercial forest uses;
- b. Other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation;
- c. Land on which extreme conditions of climate, soil and topography require the maintenance of vegetative cover; and
- d. Other forested land in urban and agricultural areas which provides an urban buffer, wind break, wildlife and fisheries habitat, livestock habitat, scenic corridor or recreational use.

**Front Lot Line**

See *Lot Line (Front)*.

**Frontage**

That portion of a lot on one side of a street between two intersecting streets, accessways or other rights-of-way (crossing or terminating), measured along the line of the street, or, for a dead-end street or an accessway, all the property between an intersecting street or other right-of-way and the dead-end of the street or accessway.

**Front Yard**

See *Yard (Front)*.

**Full Service Car Wash**

See *Car Wash (Full or Self Service)*.

**Future Street Plan**

A plan approved by the Approval Authority for the continuation into nearby property of any street in a Type I Land Division to facilitate the future division of the nearby land according to the provisions of the Land Division Chapter.

**G**

**Garden Apartment**

A walk-up apartment structure of two or three stories having three or more dwelling units, each of which occupies only one story.

**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 the building, or as amended by the *State of Oregon Structural Speciality Code and Fire and Life Safety Regulations. [Amended 1984, Ord. 428 §3]*

**Grazing**

The use of land for pasture of horses, cattle, sheep, goats, and/or other domestic herbivorous animals, alone or in conjunction with agricultural pursuits.

#### Group Care Facility

A building or buildings on contiguous property used to house six or more handicapped or socially dependent persons. This definition includes the definitions of Residential Care Facility, Residential Training Facility, and Residential Treatment Facility contained in ORS 443.400(5), (7) and (9). [Added 1984, Ord. 431 § 2; Amended 1990, Ord. 643 § 2].

## H

#### Hearings Officer

A person appointed to conduct public hearings and take action in *action proceedings* as specified by this Chapter.

#### High School

See *School (Primary, Elementary or High)*.

#### Highway (State)

Any road or highway designated as such by law or by the Oregon Transportation Commission; includes both primary and secondary State highways.

#### Historical Building

Any building or structure designated under a local government landmark or historic district ordinance, or entered in the *National Register of Historic Places*, or listed in the *Oregon State Inventory of Historical Sites, Buildings, and Properties Approved for Nomination to the National Register of Historic Places by the State of Oregon Advisory Committee on Historic Preservation*.

#### Historical Resources

Those districts, sites, buildings, structures and artifacts which have a relationship to events or conditions of the human past.

#### Homes for the Aged

[Deleted 1984, Ord. 431 § 2]

#### Home Occupation

- A. A type A home occupation is one where the residents use their home as a place of work. Type A home occupations may have up to one non-resident employee or customer on the premises at any one time in addition to the resident participant. No new buildings or modifications to existing structures shall be allowed (constructed after March 14, 1998). No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. - 6 p.m. No outdoor storage or displays shall occur (including vehicle parking associated with the Home Occupation). No signage shall be allowed (including temporary signage and those exempted under MCC 11.15.7912 with the exception of those required under MCC 11.05.500 - .575), and no noise above 50 dba (decibels adjusted) at the property lines shall be permitted. No repair or assembly of any vehicles or motors can occur as part of a type A home occupation. A

type A home occupation may not serve as headquarters or dispatch where employees come to the site. A type A home occupation must have direct access to a public road (no easements). Type A home occupations shall be filed on a form provided by the Planning Director. Type A Home Occupations must be in conformance with all other applicable state codes.

- B. Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the type A home occupation. Type B home occupations shall be approved as per MCC 11.15.7105 and .7455.

*[Amended 1984, Ord. 431 § 2; Amended 1998, Ord. 900 § III].*

#### Homestead Lot

A lot of from two to five acres, depending upon the conditions of soil, topography or other circumstances which govern parcel size on which the existing dwelling shall have been the principal farm dwelling for at least ten years prior to August 14, 1980. The Hearings Officer may approve a Homestead Lot division as a non-farm use, provided that all of the approval criteria of this Chapter are met.

#### Horticulture

The cultivation of plants, garden crops, trees and/or nursery stock.

#### Hotel

Any building containing six or more rooms designed to be used, or which are used, by paying guests for sleeping purposes.

#### House (Boarding, Lodging or Rooming)

Any building or portion thereof containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise, excluding a Residential Home as defined in this Section. *[Amended 1984, Ord. 431 § 2].*

### I

#### Industrial Car Wash

See *Car Wash (Industrial)*.

### J

#### Junk Yard

The use of more than 200 square feet of the area of any lot, or the use of any portion of that half of any lot, but not exceeding a depth or width, as the case may be, of 100 feet which half adjoins any street, for the dismantling or *wrecking* of automobiles or other vehicles or machinery, or for the storage or keeping of the parts or equipment resulting from such dismantling or *wrecking* or for the storage or keeping of junk, including scrap metals or other scrap material.

### K

#### Kennel

Any lot or premises on which four or more dogs, more than six months of age, are kept.

## L

### Large Fill

The addition of more than 5,000 cubic yards of material to a site.

### $L_{dn}$ (Annual Average Day/Night Sound Level)

The  $L_{dn}$  *Day/Night Sound Level*, in decibels, is the 24-hour average sound level, from midnight to midnight, obtained after adding ten decibels to sound levels in the night from midnight to 7:00 AM, and from 10:00 PM to midnight (0000 to 0700, and 2200 to 2400 hours), and then averaged day to day over a 12 month period. [Added 1984, Ord. 415 §3]

### Loading Space

An off-street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise or materials and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

### Lodging House

See *House (Boarding, Lodging or Rooming)*.

### Lot

A plot, parcel or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

### Lot Area

The total horizontal area within the lot lines of a lot, but not including the private driveway area of a flag lot.

### Lot (Corner)

A lot which occupies an interior angle of less than 135 degrees, formed by the intersection of two streets or a street and an accessway.

### Lot Coverage

The area of a lot covered by a building or buildings, expressed as a percentage of the total lot area.

### Lot Lines

The lines bounding a lot, but not the lines bounding the private driveway portion of a flag lot.

### Lot Line (Front)

In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot.

### Lot Line (Rear)

The line dividing one lot from another and on the opposite side of the lot 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 the maximum distance from the front lot line.

#### Lot Line (Side)

Any lot line not a front or rear lot line.

#### Lot of Record

Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, unit of land or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 11.45.117. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

- a. "Satisfied all applicable zoning laws" shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.
- b. "Satisfied all applicable land division laws" shall mean the parcel or lot was created:
  1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or
  2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or
  3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or
  4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and
  5. "Satisfied all applicable land division laws" shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

#### Lot Width

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

## M

#### Manufactured Homes

See *Mobile Home*. [Added 1987, Ord. 549 § 2; Amended 1991, Ord. 681 § III]

#### Manufactured Home Park or Subdivision

For purposes of MCC .6301 through .6324, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. [Added 1987, Ord. 549 §2]

#### May

*May* is permissive.

Measures or Ballot Measures  
[Deleted 1983, Ord. 365 § 3]

Mobile Home

A structure transportable in one or more sections, which is designed to be used for permanent occupancy as a dwelling and which is not constructed to the standards of the uniform building code (the *State of Oregon Structural Specialty Code and Fire and Life Safety Regulations*). Mobile homes include *residential trailers* and *manufactured homes* subject to the siting provisions of MCC .7705 through .7715 or as specified within the district:

- a. Residential Trailer A mobile home which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD), in effect after June 15, 1976. This definition includes the State definitions of *Residential Trailers* and *Mobile Homes* stated in the Oregon Revised Statutes (ORS) 446;
- b. Manufactured Home A mobile home constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976;
- c. For flood plain management purposes (MCC .6301 through .6324) only, the term *Manufactured Home* also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. [Amended 1990, Ord. 643 § 2; Amended 1991, Ord. 681 § III]

Mobile Home Park

Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land where space is rented or kept for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. [Amended 1991, Ord. 681 § III]

Mortgage Lot

A lot having less than the minimum area required under this Chapter, created out of a tract which itself conforms to lot area requirements, to enable the contract purchaser of the tract to finance construction of a single family residence thereon. A mortgage lot may be created only in the EFU, CFU and MUF districts.

Motel

Same as *Hotel*.

Multi-Plex Dwelling Structure

A row house or town house apartment structure.

Museum

A building, room, etc. for preserving and exhibiting artistic, historical or scientific objects. [Added 1986, Ord. 510 §2]

**N**

New Structure

Any structure for which a building permit is required after July 15, 1982. [Added 1982, Ord. 324 § 2]

Noise Contour

A *Noise Contour* is the graphic depiction of the extent to which an average noise level affects the area surrounding a source of noise. *[Added 1984, Ord. 415 §3]*

#### Noise Contour (65 L<sub>dn</sub>)

The most current 65 L<sub>dn</sub> Noise Contour, as annually updated by the Port of Portland and approved by the FAA. *[Added 1984, Ord. 415 §3]*

#### Noise Impact

*Noise Impact* is the extent to which a level of noise interferes with the full utilization of land. The Oregon Department of Transportation, Aeronautics Division identifies two (2) levels of noise impact:

- a. Moderate noise impact occurs in the areas subject to noise levels of from L<sub>dn</sub> 55 to L<sub>dn</sub> 65.
- b. Substantial noise impact occurs in areas subject to noise levels of from L<sub>dn</sub> 65 and upwards. *[Added 1984, Ord. 415 §3]*

#### Non-Conforming Sign

A sign that does not conform to the requirements of this Chapter.

#### Non-Conforming Use

A legally established use, structure or physical improvement in existence at the time of enactment or amendment of the Zoning Code but not presently in compliance with the use regulations of the zoning district in which it is located. *[Amended 2000, Ord. 940 § 11]*

#### Nude

See *Nudity*.

#### Nudity

Being devoid of a covering for the male or female genitalia consisting of an opaque material which does not simulate the organ covered and in the case of a female exposing to view one or both breasts without a circular covering, centered on the nipple that is at least three inches in diameter and does not simulate the organ covered. *[Added 1984, Ord. 421 § 2].*

#### Nursing Home

A building or part thereof in which:

- a. Convalescent and/or chronic care is rendered in exchange for compensation to two or more patients requiring regular on-premise physician or nurse care. Convalescent and/or chronic care includes, but is not limited to, the procedures commonly employed in nursing and caring for the sick; *[Amended 1984, Ord. 431 § 2].*
- b. Persons who are acutely ill or are surgical or maternity cases are excluded;
- c. Qualified personnel and a consulting physician are available at all times; and<
- d. Isolation facilities are provided.

## O

#### One-Hundred Year Flood Plain

Any land area susceptible to inundation by a flood which has a one percent probability of being equalled or exceeded in any given year.[*Added 1982, Ord. 324 § 2*]

## **P**

### **Permit Section**

The division of the Department of Environmental Services authorized to issue building and other land development permits.

### **Permitted Use**

A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this Chapter.

### **Planning Commission**

The Commission established under MCC 11.05.010(B).

### **Planning Director**

The Director of the Division of Planning and Development or the Director's delegate.

### **Premises**

A lot with or without buildings.

### **Primary School**

See *School (Primary, Elementary or High)*.

### **Primary Use**

See *Permitted Use*.

### **Principal Use**

The main use to which the premises is devoted and the primary purpose for which the premises exists.

### **Private Driveway**

A private means of access to a public road or private road which is part of and provides access only to one lot or parcel. [*Amended 2009, Ord 1128 § 2*]

### **Private Road**

A private accessway built on a separate lot from the lots it serves, connecting more than one property to the local public road system and each lot using the private road for access has an undivided interest in the private road. [*Added 2009, Ord 1128 § 2*]

### **Private Street**

See *Private Road*. [*Amended 2009, Ord 1128 § 2*]

### **Professional Office**

An office containing activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist or teacher, but not real estate or insurance sales.



## Public Road

A road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads. *[Added 2009, Ord 1128 § 2]*

## R

### Rear Lot Line

See *Lot Line (Rear)*.

### Rear Yard

See *Yard (Rear)*.

### Recreational Vehicle Park

Any place where two or more vehicles designed and used for temporary human occupancy are located within 500 feet of each other on a lot, parcel or tract which is rented or kept for rent for periods of one month or less.

### Residential Care Facility

See *Group Care Facility*. *[Added 1984, Ord. 431 § 2]*.

### Residential Home

See *Family*. *[Added 1984, Ord. 431 § 2]*.

### Residential Trailer

See *Mobile Home*. *[Added 1991, Ord. 681 § III]*

### Residential Treatment Facility

See *Group Care Facility*. *[Added 1984, Ord. 431 § 2]*.

## Road

The entire right-of-way of any public or private way that provides ingress to, or egress from, property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- a. Ways described as streets, highways, throughways, or alleys;
- b. Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and
- c. Structures such as bridges that provide for continuity of the right-of-way.

*[Amended 2009, Ord 1128 § 2]*

### Rooming House

See *House (Boarding, Lodging or Rooming)*.

### Row House

A one-story apartment structure having three or more dwelling units.

## S

### School (Trade and Commercial)

A building or land where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

### School (Primary, Elementary or High)

Including private or parochial, but not including nursery school, kindergarten or day nursery, except those operated in conjunction with a school.

### Self Service Car Wash

See *Car Wash (Full or Self Service)*.

### Service Station

Any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

### Shall

*Shall* is mandatory.

### Sight-Obscuring Fence

A fence consisting of wood, metal or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

### Side Lot Line

See *Lot Line (Side)*.

### Side Yard

See *Yard (Side)*.

### Sign Area

*[Deleted 1986, Ord. 543 § 2]*

### Sign (Bench Advertising)

*[Deleted 1986, Ord. 543 § 2]*

### Sign (Political)

*[Deleted 1983, Ord. 365 § 3]*

### Sign (Public)

*[Deleted 1986, Ord. 543 § 2]*

### Sign (Useful Life Span)

*[Deleted 1983, Ord. 365 § 3]*

### Single Family Detached Dwelling

See *Dwelling (Single Family Detached)*.

### Specified Sexual Activities

Real or simulated acts of human sexual intercourse, human/animal sexual intercourse, masturbation, sadomasochistic abuse, sodomy or the exhibition of human sexual organs in a stimulated state or the characterization thereof in printed form. *[Added 1983 Ord. 373 § 5; Amended 1983, Ord. 405 § 2; Amended 1984, Ord. 421 § 2].*

#### State Highway

See *Highway (State)*.

#### 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 topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above an useable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story, or as amended by the *State of Oregon Structural Speciality Code and Fire and Life Safety Regulations*. *[Amended 1984, Ord. 428 § 3]*

#### Story (Half)

*[Deleted 1984, Ord. 428 § 3]*

#### Street

See *Road*. *[Amended 2009, Ord 1128 § 2]*

#### Structural Alteration

See *Alteration (Structural)*.

#### Structure

That which is built or constructed. An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

#### Substantial Improvement

- a. Any improvement, repair or reconstruction to an existing structure in a Flood Hazard District having a construction cost of more than fifty percent of the structure's assessed value immediately prior to improvement, or
- b. The addition, extraction or movement of any dirt, rock, or other material, or any new structure which will result in a volume larger than the volume required to increase the elevation of the property by a total height of six inches. *[Added 1982, Ord. 324 § 2]*

## T

#### Timber Growing

The growing of trees for the production of timber.

#### Town house

An apartment structure of two or more stories having three or more dwelling units which share common walls but not floors and ceilings.

## Trade School

See *School (Trade and Commercial)*.

## Transitional Area

An area consisting of a lot, lots, or parts of lots, within any residential district, having side lot lines abutting a boundary of a commercial or industrial district, and extending not more than 100 feet from such boundary into the residential district.

## Transitional Use

A use allowed in a transitional area which is intended to create a gradual change in uses from industrial and commercial areas to residential areas.

## Two-Unit Dwelling

See *Dwelling (Duplex or Two-Unit)*.

## U

### Use Under Prescribed Conditions

A use permitted in a district when administratively approved by the Planning Director upon findings by the Director, without action proceeding, that the conditions or criteria of approval specified in this Chapter have been met.

## W

### Wetlands

Those 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. Wetlands generally include swamps, marshes, bogs and similar areas. *[Added 1990, Ord. 643 §2]*

## Y

### Yard

An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building.

### Yard (Front)

A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

### Yard (Rear)

A yard extending across the full width of the lot between the most rear building other than an accessory building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of the building.

Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten foot line parallel to the front lot line, measured from one side line to the other.

**Yard (Side)**

A yard between any building and the side lot line, extending from the front yard to the rear yard, or front lot line to rear lot line where no front yard or rear yard is required. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the building.