



17.08.200 T terms.  
17.08.210 U terms.  
17.08.220 V terms.  
17.08.230 W terms.  
17.08.240 X terms.  
17.08.250 Y terms.  
17.08.260 Z terms.

**17.08.001 Definitions – Generally.**

Where words or phrases used in this code have specialized or technical meanings, definitions are provided. The word “shall” is mandatory and not permissive. All other words or phrases shall be interpreted as they are commonly defined in everyday usage. Some individual Chapters have specific definitions relating to the standards being discussed therein. [Ord. 89-O-446 § 1.]

**17.08.010 A terms.**

“Abutting” means having a common boundary line, except where two or more lots or parcels adjoin only at a corner.

“Access or accessway” means the place, means or way by which pedestrians and vehicles have ingress and egress to a property or use.

“Accessory structure or use” means a use or structure incidental and subordinate to the main use of the property, and which is located on the same lot with the main one.

“Addition” means a structure that increases size of an existing building or structure on a lot or parcel.

“Adjacent” means to be near, close; for example, a commercial district across the street or highway from a residential district shall be considered as “adjacent.”

“Adjoining” means the same as “abutting.”

“Agriculture structures” means structures intended primarily or exclusively for support of agricultural functions and exemplified by, but not restricted to, barns, silos, water towers, windmills, greenhouses, stables.

“Agriculture” means the use of the land for farming, dairying, pasturage, horticulture, floriculture, silviculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of the normal agricultural activities; and provided further, that the above uses shall not include the operation of a feed lot or other commercial feeding of animals.

“Alley” means a public or private way not more than 30 feet wide affording only secondary means of access to abutting property.

“Alteration” means any structural change to a building or other structure.

“Altered” means structurally changed.

“Amendment” means a change in the wording, context or substance of this code or the comprehensive plan document, or a change in the zone boundaries or area district boundaries upon the zoning map or designations upon the comprehensive plan map.

“Animal hospital” means a place where animals or pets are given medical or surgical treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

“Antenna” means a device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation and is typically mounted on a supporting tower, pole, mast or building.

“Apartment” means a dwelling unit in a multiple-family building or mixed-use structure.

“Architectural projections/features” means decorative extensions or other portions of a building that add no floor space nor key structural value.

“Assessor” means the County Assessor of Curry County. [Ord. 91-O-446.F § 1; Ord. 89-O-446 § 1.]

#### **17.08.020 B terms.**

“Basement” means a space wholly or partly underground, and having more than one-half of its height, measured from its floor to its ceiling below the average adjoining finished grade; if the finished floor level directly above a basement is more than six feet above finished grade at any point, such space shall be considered a story.

“Bed and breakfast” means the rental of one or more rooms in an owner occupied single-family residence where a breakfast meal is served during the a.m. hours only.

“Building” means any structure built and maintained for the support, shelter or enclosure of persons, animals, or property of any kind.

“Building, main” means a building within which is conducted the principal use permitted on the lot or parcel, as provided in this code. [Ord. 03-O-446.SS; Ord. 91-O-446.F § 1; Ord. 89-O-446 § 1.]

#### **17.08.030 C terms.**

“City” means the City of Brookings, Oregon, as represented by the City manager or designated representative.

“City engineer” means the City engineer of the City of Brookings, Oregon.

“City manager” means the City manager of the City of Brookings, Oregon.

“Clinic” means a place for group medical services not involving overnight housing of patients.

“Club” means an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not groups organized primarily to render a service carried as a business for profit.

“Code” means the City of Brookings Land Development Code.

“Collocation” means the placement of two or more antenna systems or platforms by separate FCC license holders (“providers”) on a structure such as a tower, building, water tank or utility pole.

“Commercial service drive” means an access way for a shopping center containing four or more businesses having common parking areas.

“Commission” or “Planning Commission” means the Planning Commission of the City of Brookings, Oregon.

“Comprehensive Plan” means the comprehensive plan of the City of Brookings, Oregon.

“Condominiums” means a type of residential, commercial or industrial development offering individual ownership of units and common ownership of open spaces and other amenities and facilities, and regulated, in part, by state law (ORS 94.004 through 94.480).

“Construct” means to build, form, or erect by fitting parts together systematically. For the purposes of this code, “construct” shall also include the preparation of a site for building by the clearing of brush and grading of land for roads, driveways, utilities and foundations.

“Contiguous” means the same as “abutting.”

“Council, City” or “Common Council” means the City Council of the City of Brookings, Oregon.

“Courtyard” means an open, unoccupied space of one lot or parcel on which a group of dwelling units face or front.

“Cul-de-sac” means a short street which has one end open to traffic and is terminated by a vehicular turn-around. [Ord. 06-O-572 § 1; Ord. 94-O-446.V § 2; Ord. 89-O-446 § 1.]

#### **17.08.040 D terms.**

“Day care or nursery” means a school or child care center housing 17 or more children for no more than 12 hours a day, with or without compensation, including for board, supervision, and/or training provided at premises not the normal residence of the child.

“Dedicate” means to place in public ownership by the recording of a plat or by other conveyance.

“Density” means the total site area, minus the area dedicated to streets, divided by the total number of dwelling units.

“Development” means the alteration of improved or unimproved land, land use approvals, buildings permits activities regulated in Chapter 17.100, Hazardous Building Sites, BMC, and other activities requiring written authorization in this Code.

“Development permit” means a permit issued for a development which is in compliance with this code and the comprehensive plan.

“District” means a zoning district.

“Drainageway” means a natural or manmade watercourse which has the specific function of collecting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation and which conveys concentrations of water over the surface of the land.

“Dwelling group” means the integrated site design of a group of two or more dwelling units located on a lot or parcel in one ownership and having a yard or courtyard in common.

“Dwelling, single-family” means a detached structure that contains one dwelling unit.

“Dwelling, two-family” or “duplex” means a structure that contains two dwelling units.

“Dwelling, multifamily” means a structure that contains three or more dwelling units.

“Dwelling unit” means two or more rooms, used by one or more persons for living, sleeping, cooking and sanitation purposes, and having not more than one kitchen. [Ord. 89-O-446 § 1.]

#### **17.08.050 E terms.**

“Easement” means an interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

“Enlargement of use” means to increase the physical area for, or the intensity of, the existing use and/or placing an additional use on a lot or parcel. [Ord. 91-O-446.F § 1; Ord. 89-O-446 § 1.]

#### **17.08.060 F terms.**

“Fence, sight-obscuring” means a fence, wall or non-deciduous planting arranged in such a way as to obstruct vision.

“Findings” means written statements of fact, conclusions and determinations based on evidence presented in relation to the decision approval criteria and accepted by the review body in support of a decision.

“Flag lot” means the same as “rear-lot”.

“Floodplain, 100 year” means the land within the City subject to a one percent chance of flooding in any given year.

“Floodway” means that portion of a floodplain and river channel that is necessary to conduct

the waters of the base flood without cumulatively raising the water level more than one foot.

“Floor area” means the area included in the surrounding walls of a building, or portion thereof, exclusive of cantilevered bay windows and courts.

See definition for “Street, frontage.” [Ord. 89-O-446 § 1.]

**17.08.070 G terms.**

“Garage” or “carport” means a permanently constructed building with covered roof available for the parking of a motor vehicle.

“Grade (ground level)” means the average of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

“Guest house” means an accessory building no greater in size than 500 square feet and containing no kitchen or kitchen facilities. that is designed, constructed, and used to provide temporary living accommodations for guests or for members of the same family as that occupying the main structure. [Ord. 89-O-446 § 1.]

**17.08.080 H terms.**

“Height” see definition for “Structure, height of”.

“Home occupation” means a lawful occupation carried on within a dwelling or in an accessory building to a dwelling by members of the family occupying the dwelling, and which complies with the conditions of Chapter 17.104 BMC.

“Hotel/ Motel” means any building or portion thereof designed and used for temporary occupancy of individuals lodged with or without meals. [Ord. 89-O-446 § 1.]

**17.08.090 I terms.**

“Irregularly shaped parcel” means a lot or parcel that due to shape or frontage has property lines that do not fit the definition of front, side and rear lot lines making the lot depth and width difficult to determine.

**17.08.100 J terms.**

Reserved.

**17.08.110 K terms.**

“Kennel” means any premises where four or more dogs, cats or other small animals are

boarded or bred, excluding those kenneled for medical or grooming purposes. [Ord. 89-O-446§ 1.]

**17.08.120 L terms.**

“Land divisions” means partitioning or subdividing a subject property.

“Livestock” means any domestic farm animal kept for sale, use or as a pet but not including dogs, cats or poultry.

“Lot” means a single unit of land that is created by a subdivision of land.

“Lot area” means the total amount of land within the property lines bounding a lot or parcel.

“Lot, corner” means any lot having at least two (2) contiguous sides abutting on one or more streets provided that the interior angle at the intersection of such two sides is less than 135 degrees.

“Lot coverage” means that percentage of the total lot area covered by structures.

“Lot depth” means the average distance measured from the front lot line to the rear lot line. For irregular shaped parcels see definition for “Irregularly shaped parcel.”

“Lot, interior” means a lot that is not a corner lot.

“Lot line” means any property line bounding a lot or parcel.

“Lot line adjustment” means the relocation of a common boundary, where an additional lot or parcel is not created.

“Lot line, front” means, in the case of an interior lot, the lot lines separating the lot from the street other than an alley. In the case of a corner lot, “front lot line” means the frontage from which the lot is accessed and addressed.

“Lot line, rear” means a lot line which is opposite and most distant from the front lot line. For an irregular shaped lot, see definition for “Irregularly shaped parcel.”

“Lot line, side” means any lot line not a front lot line or a rear lot line.

“Lot, through” means an interior lot having frontage on two parallel or approximately parallel streets other than alleys.

“Lot width” means the average horizontal distance between the side lot or the distance between the side lot lines within the buildable area (area of the lot less required setbacks). In the case of a corner lot, lot width shall mean the horizontal distance between the lot line adjacent to a street that does not provide access and the opposite lot line. For an irregular shaped lot, see definition for “Irregularly shaped parcel.” [Ord. 98-O-446.DD § 2; Ord. 89-O-446 § 1.]

**17.08.130 M terms.**

“Maintain” means to keep in good order and repair at all times so that the structure, improvement, or required condition of approval does not constitute any danger or hazard to public safety or a visual blight, and carries out the purpose for which it was installed, constructed or required.

“Manufactured home” means a transportable, single-family dwelling intended for permanent occupancy conforming to the Manufactured Housing Construction and Safety Standards Code (also referred to as the HUD code).

“Manufactured home park” means a defined area under single ownership or control in which manufactured homes are used for human habitation, or in which spaces are improved, designed or offered for such purposes.

“Minor change” means a change to the design and/or conditions of approval of a planned unit development, conditional use permit, partition, or subdivision that does not significantly change the nature of the project or subdivision.

#### **17.08.140 N terms.**

“Nonconforming structure or use” means a use of land or structure which lawfully existed at the time of the adoption of this Code, or of any amendment thereto, but which presently does not conform with the regulations imposed by this Code.

[Ord. 89-O-446 § 1.]

#### **17.08.150 O terms.**

Reserved.

#### **17.08.160 P terms.**

“Parcel” means a single unit of land that is created by the partitioning process.

“Parcel, discrete” means a unit of land created by partitioning of the subject property as defined in ORS 92.010 and in compliance with all regulations in this Code; or by deed or sales contract, if there were no applicable planning, zoning, or partitioning ordinances or regulations in effect at the time the parcel was created.

“Parking area, public” means an open area, other than a street or other public way, used for parking and available to the public whether for a fee, free, or as an accommodation for clients or customers.

“Parking space” means a permanently surfaced and marked area conforming to Chapter 17.92 BMC excluding paved area necessary for access.

“Partition” means creation of three or fewer parcels from the subject property, within the calendar year, and without the creation of a street.

“Permittee” means the person who is proposing to use or who is using the land pursuant to any permit.

“Person” means an individual, firm, co-partnership, joint venture, association, social club,

fraternal organization, corporation, estate, trust, receiver, syndicate, the federal or state government, town, county, district or any other group or combination acting as an entity.

“Plat” means the map or drawing on which the subdividers plan of subdivision is presented and which is submitted for approval and intended to be recorded in its approved final form. [Ord. 91-O-446.F § 1; Ord. 89-O-446 § 1.]

**17.08.170 Q terms.**

Reserved.

**17.08.180 R terms.**

“Rear-lot” means a “flag” shaped lot or parcel with its buildable area set back some distance from a road and having a narrow strip of land on which the driveway provides access to a road.

“Reasonable hours of operation” means daylight hours all days of the week.

“Recreational vehicle” or “travel trailer” means a self-propelled or towable mobile unit used for temporary dwelling purposes by travelers.

“Recreational vehicle park” means a commercially developed lot upon which two or more recreational vehicles occupied for living or sleeping purposes are located, regardless of whether a fee is paid for such service or accommodations.

“Rent” means the consideration charged for the occupancy of space in a hotel/ motel or short-term rental as defined in BMC 17.08.190, valued in money, goods, labor, credits, property or other consideration valued in money. [Ord. 01-O-446.MM; Ord. 95-O-446.Y § 2; Ord. 89-O-446 § 1.]

**17.08.190 S terms.**

“School, private” means an educational facility meeting federal, state, and local requirements and funded by means other than public monies. It does not include business colleges, nursery schools, dance schools, riding academies, or specialized trade or vocational schools.

“School, public” means an educational facility meeting federal, state, and local requirements and funded by public monies.

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

“Shopping center” means a group of four or more stores planned and designed for the site on which it is built, functioning as an integrated unit, with off-street parking and landscaped areas.

“Short-term rental” means a residential structure, either single-family, duplex, apartment or

condominium, that is rented for lodging purposes for a period of less than 30 days.

“Sign” means any notice, or advertisement, or communication, including the supporting structure, used as an outdoor display.

“Sign, area” means the total amount of the square footage within the outside dimensions of the sign face. Size calculations for double-sided signs consider only the outside dimensions of one side.

“Site plan” means a plot plan, prepared to scale, showing accurate and complete dimensions of all of the existing and proposed structures etc. as listed in 17.80.030, BMC for a specific parcel of land or development site.

“Site plan committee” means the Committee as defined in 17.80.020, BMC.

“Stealth characteristics” means the use of camouflage techniques to disguise or minimize the visual impact of a tower or antennas (i.e., located in conjunction with a church, steeple, stadium lighting, made to look like a tree or flagpole, etc.)

“Street, arterial” means a major street accommodating intra-community through traffic and trips of moderate length. Highway 101 is the only street identified as an arterial street in the City of Brookings Transportation System Plan (TSP).

“Street, collector” means a major street which transports traffic from local streets and neighborhoods to the arterial street system and is identified as such in the City of Brookings Transportation System Plan (TSP).

“Street, frontage” means a street that abuts a front lot line and from which the lot or parcel is accessed and addressed.

“Street, private” means a street that has not been dedicated to the City public purposes.

“Street, public” means a thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, lane, drive, boulevard, highway, road and any other thoroughfare.

“Structural alteration” means any change in the supporting members of a building, such as a bearing wall, column, beam or girder, floor or ceiling joist, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components. [Ord. 01-O-446.MM; Ord. 89-O-446 § 1.]

“Structure” means anything constructed or built, or any piece of work deliberately built up or composed of parts adjoining in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation areas.

“Structure, height of” means the average of the vertical distance measured from the highest ridge line of the roof to the finished grade at the center of all four sides of the structure.

“Subdivision” means a division of land creating four or more lots from the subject property, or creating three or less fewer lots and the creation of a street.

**17.08.200 T terms.**

“Tax lot” means a single unit of land shown on the Curry County assessor’s parcel map which is identified by a tax lot number and which may, or may not be a discrete parcel.

“Townhouse” means a type of residential, commercial or industrial development offering individual ownership of units including a minimum of the land under the unit and common ownership of open spaces and other amenities and facilities, and regulated, in part, by state law (ORS 94.004 through 94.480). [Ord. 89-O-446 § 1.]

**17.08.210 U terms.**

“Use” means the purpose for which land and/or a structure is designed, arranged, or intended, or for which it is occupied or maintained. [Ord. 89-O-446 § 1.]

**17.08.220 V terms.**

“Vision obstruction” means objects limiting visibility for motorists, pedestrians, or bicyclists as defined in BMC 17.128.050. [Ord. 89-O-446 § 1.]

**17.08.230 W terms.**

“Water-dependent (WD)” means a use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production or source of water.

“Water-related (WR)” means uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.

“Wholesale” means the business of selling goods or merchandise to retailers or jobbers for resale to the ultimate consumer.

“Wireless telecommunication facility” means unmanned structures and equipment for the transmission and reception of radio frequency (RF) signals; usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure (tower), antennas or other, transmission and reception devices.

“Wireless telecommunication provider” means a person or company in the business of offering telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

**“Wireless telecommunication tower”** means a structure more than 10 feet tall, built primarily to support one or more telecommunication antennas.

**“Wrecking yard”** means an area used for the dismantling and/or wrecking of used motor vehicles, machinery, or trailers; or the storage or sale of dismantled, obsolete, or wrecked motor vehicles, machinery, or trailers or their parts; or the storage of inoperable vehicles [Ord. 89-O-446 § 1.]

**17.08.240 X terms.**

Reserved.

**17.08.250 Y terms.**

**“Yard”** means the area defined by required setbacks.

**“Yard, front”** means an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this code.

**“Yard, side”** means an open space extending from the front yard to the rear yard between a structure and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this code. [Ord. 89-O-446 § 1.]

**“Yard, rear”** means an open space extending the full width of the lot or parcel between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this code.

**17.08.260 Z terms.**

Reserved.

First reading: April 14, 2008  
Second reading: April 14, 2008  
Passage: April 14, 2008  
Effective date: May 14, 2008  
Signed by me in authentication of its passage this 15<sup>th</sup> day of April, 2008.

  
\_\_\_\_\_  
Mayor Larry Anderson

ATTEST:  
  
\_\_\_\_\_  
Interim City Recorder, Joyce Heffington