

Chapter 18.120 DEFINITIONS

Sections:

- 18.120.010** **Meaning of Words Generally**
- 18.120.020** **Meaning of Common Words**
- 18.120.030** **Meaning of Specific Words and Terms**

18.120.010 **Meaning of Words Generally**

All of the terms in this title have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or the context in which they are used clearly indicates to the contrary.

18.120.020 **Meaning of Common Words**

- A. Tense. All words used in the present tense include the future tense.
- B. Singular/plural. All words used in the plural include the singular, and all words used in the singular include the plural unless the context indicates to the contrary.
- C. Gender. All words used in the masculine gender include the feminine gender.
- D. Use of “shall,” “will” and “may.” The words “shall” and “will” are mandatory and the word “may” is permissive.
- E. Use of “building” and “structure.” The word “building” includes the word “structure.”
- F. Use of “used for.” The phrase “used for” includes the phrases “arranged for,” “designed for,” “intended for,” “maintained for” and “occupied for.”
- G. Use of “land” and “property.” The words “land” and “property” are used interchangeably unless the context clearly indicates to the contrary.

18.120.030 **Meaning of Specific Words and Terms**

- A. For additional words and terms, also see Use Categories (Chapter 18.130); Mixed Solid Waste and Recyclable Storage (Chapter 18.755); Sensitive Lands (Chapter 18.775); Signs (Chapter 18.780); and Wireless Communication Facilities (Chapter 18.798). As used in this title and corresponding administrative rules, the following words and phrases mean:
 - 1. “Abut/abutting lots,” “adjacent/adjoining lots” or “contiguous lots” - Two or more lots joined by a common boundary line or point.
 - 2. “Accept” - To receive as complete and in compliance with all submittal requirements.
 - 3. “Access” - The place, means or way by which pedestrians, bicycles and vehicles enter or leave property. A private access is an access not in public ownership and is controlled by means of deed, dedication or easement.

4. “Accessory building or structure” - A structure whose use is incidental and subordinate to the main use of property, is located on the same lot as the main use, and is freestanding or is joined to the primary structure solely by non-habitable space as defined by the state building code.
5. “Accessory use” – Uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site. Developments may have more than one accessory use.
6. “Acre” - A measure of land area containing 43,560 square feet.
7. “Addition” - A modification to an existing building or structure which increases its height or increases the site coverage. A structure is considered an addition only when it shares a common wall and is structurally dependent on the primary structure. (See also “Accessory building or structure” and “common wall.”)
8. “Administrative action” - A quasi-judicial action, including: an action conducted pursuant to a portion of the Tigard Community Development Code in which the legal rights, duties or privileges of specific parties are determined, and any appeal or review therefrom; or any other proceedings as provided by ordinance, rule or resolution adopted by the council.
9. Adult entertainment-related definitions:
 - a. “Adult bookstore - An establishment having at least 50% of its merchandise, items, books, magazines, other publications, films or videotapes which are for sale, rent or viewing on the premises and which are distinguished or characterized by their emphasis on matters depicting the specified sexual activities or specified anatomical areas defined in this section.
 - b. “Adult motion picture theater” - An establishment used primarily for the presentation of motion pictures or videotapes having as dominant theme material distinguished or characterized by an emphasis on matter depicting specified sexual activities or specified anatomical areas defined in this section.
 - c. “Specified anatomical areas” - Uncovered or less than opaquely covered, postpubertal human genitals, pubertal human genitals, pubic areas, post-pubertal human female breasts below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state.
 - d. “Specified sexual activities” - Human genitals in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse, sodomy, flagellation, torture or bondage either real or simulated.
10. “Aisle” - The corridor by which cars enter and depart parking spaces.
11. “Alley” - A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
12. “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.

13. “Alternative access” - The ability to enter a highway or other public street indirectly through another improved roadway rather than direct driveway entrance from the public right-of-way frontage.
14. “Amendment” - A change in the wording, context or substance of this title or the comprehensive plan, or a change in the boundaries of a district upon the zoning district map or the boundaries of a designation on the comprehensive plan map.
15. “Amenity” - A natural or created feature that enhances the aesthetic and functional quality, visual appeal, or makes more attractive or satisfying a particular property, place, or area.
16. “Americans With Disabilities Act” - A 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.
17. “Annexation” - The incorporation of a land area into the City of Tigard with a resulting change in the boundaries of the city.
18. “Antenna” - A device used to transmit and/or receive radio or electromagnetic waves between land- and/or satellite-based structures.
19. “Appeal” - A request that a final decision be considered by a higher authority.
20. “Applicant” - A person submitting an application for development.
21. “Application” - Materials submitted or to be submitted.
22. “Approval authority” - Either the director, the initial hearing body or the council, depending on the context in which the term is used.
23. “Approved plan” - A plan that has been granted final approval by the appropriate approval authority.
24. “Arcade” - An exterior covered passageway along a building façade that is open to the street frontage.
25. “Archaeological site” - Land or water areas that show evidence of artifacts of human, plant or animal activity, usually dating from periods of which only vestiges remain.
26. “Assessed valuation” - The value at which property is appraised for tax purposes.
27. “Awning” - An overhead cover extending above the sidewalk (usually above windows and doors) as a shelter and/or sunshade.
28. “Band” - Any horizontal flat member or molding or group of moldings projecting slightly from a wall plane and usually marking a division in the wall.
29. “Basement” - Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as first story as defined in this section.

30. “Bay” - (a) Within a structure, a regularly repeated spatial element defined by beams or ribs and their supports; (b) a protruded structure with a bay window.
31. “Belt course” - A horizontal band or molding set in the face of a building as a design element (also called a string course).
32. “Berm” - A mound of earth.
33. “Bike lane” - Lanes on an improved street which are designated for use by cyclists and separated from vehicular traffic either by striping or small concrete barrier.
34. “Bikeway” - A pathway, paved and separated from streets and sidewalks, designed to be used by cyclists.
35. “Buildable area” - The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.
36. “Building” - 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.
37. “Building envelope” - That portion of a buildable area exclusive of the areas required for front, side and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.
38. “Building, primary” - A building in which the primary use of the property is conducted.
39. “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 (See Figure 18.120.1). 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 five-foot horizontal distance of exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade;
 - b. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subdivision (a) of this subsection is more than 10 feet above lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.
40. “Building official” - A person charged by a municipality with responsibility for the administration and enforcement of the State Building Code in the municipality, or his duly authorized representative. [Oregon Revised Statutes 456.806 (1)]
41. “Building permit” - Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.
42. “Canopy” - A covered area which extends from the wall of a building, protecting an entrance or loading dock.
43. “Chamfer” - To cut off the edge or corner of.

44. "Change of use" - Any use that differs from the previous use as defined in the Chapter 18.120, Use Categories.
45. "City" - The area within the territorial limits of the City of Tigard.
46. "City Engineer" - The person assigned the title of City Engineer for the City of Tigard, Oregon, or designee.
47. "City of Tigard" - The governing structure for the municipality of Tigard, Oregon.
48. "City Recorder" - The person assigned the title of City Recorder for the City of Tigard, Oregon, or designee.
49. "Column" - In structures, a relatively long, slender structural compression member such as a post, pillar, or strut; usually vertical, supporting a load which acts in (or near) the direction of its longitudinal axis.
50. "Commission" - The Planning Commission of Tigard, Oregon.
51. "Common wall" - A wall or joined walls that share a boundary to provide separation of interior spaces. For vertical additions, a floor/ceiling assembly is a shared boundary separating spaces.
52. "Complete and entire" - Every item of the thing spoken of without omissions or deficiencies.
53. "Complex" - A structure or group of structures developed on one or more contiguous lots of record and developed as part of an overall development plan.
54. "Comprehensive Plan" - The generalized, coordinated land use map and policy statement of the governing body of the City of Tigard that interrelates all functional and natural systems and activities relating to the use of land, including, but not limited to: sewer and water systems, transportation systems, educational facilities, natural resources, and air and water quality management systems.
 - a. "Comprehensive" - All-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan.
 - b. "Generalized" - A summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use.
 - c. "Plan coordination" - When the needs of all levels of government, semipublic and private agencies and the citizens of Tigard have been considered and accommodated as much as possible.
 - d. "Land" - includes water, both surface and subsurface, and the air.
55. "Conditional use" - A use which may be permitted by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.
56. "Contiguous" - See "Abutting."

57. “Cornice” - Decorative projection or crown along the top of a wall or roof.
58. “Council” - The City Council of Tigard, Oregon.
59. “Cul-de-sac” - The circular turnaround at the end of a dead-end street.
60. “Custom arts and craft work” - Manufacture of crafts, art, sculpture, pottery, stained glass, musical instruments and similar items produced without the use of a mechanized assembly line.
61. “Dedication” - The limited grant by a property owner allowing the use of property by the public for specified purposes.
62. “Dedication, fee in lieu of” - Payments in cash as an alternative to dedication of land or construction of improvements.
63. “Deed” - A legal document conveying ownership of real property.
64. “Demolish” - To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated structure or resource in an historic overlay district.
65. “Density” - The intensity of residential land uses, usually stated as the number of housing units per acre and defined in Chapter 18.715.
66. “Density bonus” - Additional dwelling units that can be earned as an incentive for providing undeveloped open space, landscaping, or tree canopy as defined further in this code.
67. “Density transfer” - The transfer of all or part of the permitted density from one part of a development site to another part.
68. “Development” - (1) A building or mining operation; (2) a material change in the use or appearance of a structure or land; or (3) division of land into two or more parcels, including partitions and subdivisions as provided in Oregon Revised Statutes 92.
69. “Development impact area” - The area on a site or right-of-way associated with a site affected by any and all site or right-of-way improvements, including, but not limited to, buildings, structures, walls, parking and loading areas, street improvements, paved and graveled areas, utilities, irrigation, equipment storage, construction parking and landscaping. The impact area also refers to areas of grading, filling, stockpiling, demolition, tree removal, trenching, boring and any other activities that require excavation or soil disturbance.
70. “Development site” - A lot or combination of lots upon which one or more buildings and/or other improvements are constructed.
71. “Director” - The Director of Community Development for the City of Tigard, Oregon, or designee.
72. “Drainage way” - Undeveloped land inundated during a 25-year storm with a peak flow of at least five cubic feet per second and conveyed, at least in part, by identifiable channels that either drain to the Tualatin River directly or after flowing through other drainage ways, channels, creeks or floodplain.

73. “Drive-through facility” - A facility or structure that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.
74. “Driveway” - A private way providing ingress and egress from one or two lots, parcels or tracts to a public or private street.
75. Dwelling-related definitions:
- a. “Dwelling” - A structure or portion thereof that is used for human habitation including permanent provisions for living, sleeping, eating, cooking and sanitation.
 - b. “Accessory dwelling unit” - One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling.
 - c. “Apartment” or “multiple-family dwelling” - A structure containing at least three dwelling units in any vertical or horizontal arrangement, located on a single lot or development site, but excluding single-family attached building types on two or more contiguous lots.
 - d. “Duplex” - Two dwelling units placed so that some structural parts are in common and are located on a single lot.
 - e. “Single-family dwelling”:
 - i. “Attached dwelling” - Two or more dwelling units attached side by side on two or more contiguous, separate lots with some structural parts in common at a common property line.
 - ii. “Detached dwelling” - One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot.
 - iii. “Manufactured home” - Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the U.S. Department of Housing and Urban Development (HUD) code.
76. “Easement” - A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.
77. “Eaves” - The lower edge of a sloping roof; that part of a roof of a building which projects beyond the wall.
78. “Egress” - An exit.
79. “Enlargement” - An increase in size of an existing structure or use, affecting the physical size of the property, building, parking and other improvements.
80. “Entry” - The space comprising a door and any flanking or transom windows associated with a building.
81. “Exception” - Permission to depart from a specific design standard in the Development Code.

82. “Face” - To front upon.
83. “Fence, sight-obscuring” - A barrier consisting of wood, metal, masonry or similar materials, which obstructs vision.
84. “Final action,” “final decision” or “final order” - A determination reduced to writing, signed and filed by the appropriate approval authority.
85. “Findings” - A written statement of the facts determined to be relevant by the approval authority as the basis for making its decision. The approval authority applies the relevant facts to the approval criteria or standards in order to reach its decision.
86. Flood-related definitions:
- a. “Base flood” - The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.”
 - b. “Floodplain” - The zone along a watercourse enclosed by the outer limits of land which is subject to inundation in its natural or lower revised contours by the base flood.
 - c. “Floodway” - The normal stream or drainage channel and that adjoining area of the natural floodplain needed to convey the waters, including the zero-foot rise floodway area defined by the U.S. Corps of Engineers Flood Insurance Study, February, 1984. Floodways must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
 - d. “Floodway fringe” - The area of the floodplain lying outside of the floodway.
87. “Floor area” - The gross horizontal area, under a roof, of all floors of a building, measured from the exterior walls, excluding vents, shafts, courts and space devoted to off-street parking. 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.
88. “Floor area ratio” - The gross floor area of all buildings or structures on a lot divided by the total lot area.
89. “Frieze” - A decorative horizontal band, as along the upper part of a wall in a room; often used for signage in modern buildings, but derived from classical architectural principles.
90. “Frontage” - That portion of a development site which abuts a public or private street.
91. “Garage” - A building or portion thereof in which a motor vehicle is stored, repaired or kept.
92. “Glare” - The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
93. “Habitable floor area” - The total floor area of all the habitable rooms in a dwelling unit.
94. “Home occupation” - When a dwelling unit in a residential, commercial or industrial zone is used for a for-profit business purpose.

95. “Homeowners association” - An association operating under recorded land agreements through which each lot owner of a planned development, condominium development, subdivision or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization’s activities, such as maintaining a common property.
96. “Household” - A group of related or unrelated individuals living together in a single dwelling unit.
97. “Impact analysis” - A study to determine the potential direct or indirect effects of a proposed development on activities, utilities, circulation, surrounding land uses, community facilities, environment, and other factors.
98. “Impervious surface” - Any material that prevents absorption of storm water into the ground.
99. “Implementing ordinance” - An ordinance adopted to carry out the comprehensive plan, including, but not limited, to the provisions of this title.
100. “Improvement” - Any permanent structure that becomes part of, placed upon, or is affixed to property.
101. “Ingress” - Access or entry.
102. “Land form alteration” - Any man-made change to improved or unimproved real estate, including but not limited to, the addition of buildings or other structures, mining, quarrying, dredging, filling, grading, earthwork construction, stockpiling of rock, sand, dirt or gravel or other earth material, paving, excavation or drilling operations located within the area of special flood hazard.
103. “Landscape architect” - An individual registered with the Oregon State Landscape Architect Board as a registered landscape architect.
104. “Landscaping” - Areas primarily devoted to plantings, trees, shrubs, lawn and other organic ground cover together with other natural or artificial supplements such as water courses, ponds, fountains, decorative lighting, benches, bridges, rock or stone arrangements, pathways, sculptures, trellises and screens.
105. “Legislative” - A land use decision that applies to a large number of individuals or properties.
106. “Loading space” or “loading area” - 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 which is 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.
107. Lot-related definitions:
- a. “Lot” - A unit of land that is created by a subdivision or partition of land and is owned by or under the lawful control and in the lawful possession of one ownership.
 - b. “Corner lot” - A lot situated at the intersection of two streets where the interior angle of such intersection does not exceed 135°.

- c. “Flag lot” - A lot located behind a frontage lot, plus a strip of land out to the street for an access drive. A flag lot results from the subdivision or partitioning of a residential lot or parcel which is more than twice as large as the minimum allowed in the underlying zone, but without sufficient frontage to allow two dwellings to front along a street. There are two distinct parts to a flag lot: the “flag” which comprises the actual building site located at the rear portion of the original lot, and the “pole” which provides access from a street to the flag lot. The flag pole can either be part of the rear lot or granted as an easement from the front lot.
- d. “Front lot line” - In the case of an interior lot, a property line which abuts the street; in the case of a corner lot, the shortest of the two property lines which abut the street; except where the narrowest side of a lot is a minimum of 75 feet there may be a choice of frontage.
- e. “Improved lot” - (1) A lot upon which a building can be constructed and occupied; (2) a lot with buildings or structures.
- f. “Interior lot” - A lot other than a corner lot and having frontage on only one street.
- g. “Lot area” - The total horizontal area within the lot lines of a lot exclusive of public and private roads, and access easements to other property or the private driveway area of a flag lot.
- h. “Lot averaging” - A design technique permitting one or more lots in a subdivision to be undersized, providing that the average lot size is no less than that required in the underlying zone.
- i. “Lot coverage” - The percent of a lot area covered by the horizontal projection of any structures or buildings.
- j. “Lot depth” - The distance from the midpoint of the front lot line to the midpoint of the rear lot line.
- k. “Lot line” - The property line bounding a lot.
- l. “Lot line adjustment” - The relocation of recorded lot lines which does not result in the creation of an additional lot.
- m. “Lot of record” - A lawfully created lot which existed prior to the effective date of the code codified in this title.
- n. “Lot width” - The average horizontal distance between the side lot lines measured within the building envelope.
- o. “Rear lot line” - The recorded lot line or lines most distant from and generally opposite the front lot line, except that in the case of an interior triangular lot or lot with more than four sides, it shall mean a straight line ten feet in length which is parallel to the front lot line or its chord and intersects the other lot lines at points most distant from the lot line.
- p. “Side lot line” - Any lot boundary not a front or rear lot line.

- q. “Substandard lot” - A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located unless part of a project in which lot averaging has been approved.
 - r. “Tax lot” - Lot designation created by the county assessor for the purpose of levying property taxes.
 - s. “Through lot” - A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.
 - t. “Zero lot line” - The location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.
108. “Marijuana” - All parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
109. “Marijuana facility” - A commercial or public use or structure where marijuana is produced, processed, distributed, transferred, sold, or consumed.
110. “Marquee” - A permanent roof-like shelter over an entrance to a building.
111. “Medallion” - A decorative element set into the upper portion of a building façade periodically, typically aligning with columns or pilaster.
112. “Mitigation” - Methods used to alleviate or lessen the impact of development.
113. “Mixed-use development” - The development of a tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public or entertainment, in a compact urban form.
114. “Mobile home” - A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
115. “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 under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental use of facilities or to offer space free in connection with securing the trade or patronage of such person.
116. “Mobile home subdivision” - A subdivision designed and approved for sale of lots for residential occupancy in mobile homes only.

117. "Neighborhood activity center" - A use such as schools, parks, libraries, shopping areas, employment centers or pools which provide recreational or social services for groups of people.
118. "Noise" - Any undesired audible sound.
119. "Nonconforming situation" - A use, activity, lot or development that was lawful prior to the adoption, revision or amendment of the Tigard Development Code but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.
120. "Occupancy permit" - A required permit allowing the use of a building or structure after it has been determined that all the requirements of applicable ordinances have been met.
121. "Off-site impact" - A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe or unhealthy conditions on a site proposed for development or on off-site property or facilities.
122. "Off-site improvement" - Improvements required to be made off-site as a result of an application for development and including, but not limited to, road widening and upgrading, stormwater facilities, and traffic improvements.
123. "Open space facility" related definitions. Open space facilities may be privately or publicly owned:
- a. "Minimal use facilities" - No other improvements (apart from underground utilities and natural and ecological enhancements) are allowed.
 - b. "Passive use facilities" - Areas reserved for medium-impact recreation and education uses related to the functions and values of a natural area that require limited and low impact site improvement, including soft surface trails, raised walkways, pedestrian bridges, seating areas, viewing blinds, observation decks, informational signage, drinking fountains, picnic tables, interpretive centers, and other similar facilities. Accommodations for ADA access shall be provided where site considerations permit.
 - c. "Active use facilities" - Areas reserved for high-impact recreation that require a greater degree of site development and/or ground disturbance; such as sports fields, playground equipment, group picnic shelters, swimming pools, hard and soft surface pathways, restrooms, and similar facilities.
124. "Oregon Administrative Rules" - The Oregon State administrative rules.
125. "Oregon Revised Statutes" - The Oregon State law references.
126. "Outdoor storage" - The keeping, not within a building area, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.
127. "Owner" - Any person, agent, firm or corporation having legal or equitable interest in the property.
128. "Parapet" - A low, solid, protective screening or decorative wall as an extension of exterior building walls beyond the roof or deck level.

129. "Park" - Any tract of land set apart and devoted to the purposes of pleasure, recreation, ornament, light, and air for the general public.
130. "Parking space" - An area within a private or public parking area, building, or structure for the parking of one vehicle.
131. "Partition" - Division of 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. Partitioning land does not include:
- a. Divisions of land resulting from lien foreclosures, foreclosures of recorded contracts for the sale of real property, or creation of cemetery lots;
 - b. Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel, reduced in size by the adjustment, is not reduced below the minimum lot size established by an applicable zoning ordinance; or
 - c. The sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by single owner.
132. "Party" - A person who makes an appearance in a proceeding through the submission of either written or verbal evidence.
133. "Perimeter" - The boundaries or borders of a lot, tract, or parcel of land.
134. "Permanent building" - A non-mobile structure with a roof supported by columns or walls, and permanently attached to a permanent foundation or footings.
135. "Permitted use" - Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district as provided in the Development Code.
136. "Person" - An individual, corporation, governmental agency, official advisory committee of the city, business trust, estate, trust, partnership, association, or two or more people having a joint or common interest or any other legal entity.
137. "Pilaster" - An ornamental or functional column or pillar incorporated into a wall.
138. "Plat" - A final map, diagram or other writing containing all the descriptions, specifications and provisions concerning a subdivision.
139. "Primary use" - A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Development may have more than one primary use.
140. "Projection" - Part of a building or structure that is exempt from the bulk requirements of the Development Code.
141. "Public business day" - The regular hours of business of the Tigard City hall as designated and posted by the city.

142. "Public support facilities" - Services which are necessary to support uses allowed outright in the underlying zone and involve only minor structures such as underground utilities and construction of improvements including sidewalks, curbs, streetlights, and driveway aprons, power lines and poles, phone booths, fire hydrants, as well as bus stops, benches and mailboxes which are necessary to support principal development.
143. "Quasi-judicial" - Action which involves the application of adopted policy to a specific development application or amendments.
144. "Receipt" - A mere acknowledgment of submittal.
145. "Recreational vehicles" - A vacation trailer or other unit, with or without motor power, which is designed for human occupancy and to be used temporarily for recreation or emergency purposes. The unit shall be identified as a recreational vehicle by the manufacturer.
146. "Remodel" - An internal or external modification to an existing building or structure which does not increase the site coverage.
147. "Reserve strip" - A strip of property usually one foot in width overlaying a dedicated street which is reserved to the city for control of access until such time as additional right-of-way is accepted by the city for continuation or widening of the street.
148. "Residence" - A structure designed for occupancy as living quarters for one or more persons. The term is synonymous with "dwelling unit."
149. "Residential trailer" - A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
150. "Right-of-way" - A strip of land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, street trees or other special use. The usage of the term right-of-way for land division purposes shall mean that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.
151. "Road" - See "Street."
152. "Roof" - The exterior surface and its supporting structure on the top of a building.
153. "Setback" (front, rear, side, street and garage entrance) - The minimum allowable horizontal distance from a given point or line of reference, which shall be the property line unless otherwise stated to the nearest vertical wall of a building or structure, fence or other elements as defined by this title.
154. "Site" - Any plot or parcel of land or combination of contiguous lots or parcels of land.
155. "Slope" - The deviation of a surface from the horizontal, usually expressed in percent or degrees.
156. "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 a basement or unused under-floor space is more than six feet above grade as defined in this section for more than 50% of the total perimeter or is more than 12 feet above grade as defined in this section at any point, such basement or unused under-floor space shall be considered as a story.

157. "Story, first" - The lowest story in a building which qualifies as a story, as defined in this section, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined in this section, for more than 50% of the total perimeter, or more than eight feet below grade, as defined in this section, at any point.
158. "Story, half" - A story under a gable or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story. If the finished floor level directly above a basement or unused under-floor space is not more than six feet above grade, as defined in this section, for more than 50% of the total perimeter or is not more than 12 feet above grade as defined in this section, at any point, such basement or unused under-floor space shall be considered as a half-story.
159. "Street" - A public or private way that is created to provide ingress or egress for persons to three or more lots, parcels or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.
160. "Street, public" - An accessway in public ownership. Also see "Right-of-way."
161. "Street, private" - An accessway which is under private ownership.
162. "String course" - A horizontal band or molding set in the face of a building as a design element (also called a belt course).
163. "Structure" or "building" - See "Building."
164. "Subdivision" - To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. The term "subdivision" also applies to an area or tract of land which has been subdivided.
165. "Substantial improvement" - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:
- a. Before the improvement or repair is started; or
 - b. If the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - i. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions; or

- ii. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
166. “Temporary use” - A use that is (1) seasonal or directed toward a specific event; (2) occasioned by an unforeseen event; or (3) sales offices and model homes for the sale of homes, as regulated by Title 18.
167. “Tigard-based nonprofit organization” - An organization which has nonprofit status as defined by the state of Oregon which raises funds which are used by the organization which is located in the city.
168. “Traffic Flow Plan” - A plan submitted with a proposal for skinny streets that shows the potential queuing pattern that will allow for safe and efficient travel of emergency vehicles, service vehicles and passenger vehicles with minimal disturbance. This may include a combination of strategic driveway locations, turnouts or other mechanisms which will foster safe and efficient travel.
169. “Transom” - A horizontal glass plane, typically encased in a wood or metal frame that separates the storefront from the upper facade.
170. Tree-related definitions:
- a. “Caliper” - The tree care industry standard for measuring the trunk diameter of nursery stock. Caliper is the average diameter of the trunk of a nursery tree measured six inches above the ground for trunks less than or equal to an average of four inches in diameter (when measured six inches above ground). When the trunk of a nursery tree is greater than an average of four inches in diameter (when measured six inches above ground), caliper is the average diameter at 12 inches above ground (see Figure 18.120.3).
 - b. “Certified arborist” - An individual certified by the International Society of Arboriculture as a certified arborist.
 - c. “Covered soil volume” - A volume of soil that is under pavement and specially designed to support the growth of a tree. Covered soil volumes contain existing, new or amended soil with the physical, chemical and biological properties necessary to support the growth of a tree, while at the same time supporting the load-bearing requirements and engineering standards of the overlying pavement. Covered soil volumes would not be considered tree growth limiting by a project arborist or landscape architect in an urban forestry plan developed per the standards in Chapter 18.790 and the Urban Forestry Manual.
 - d. “Diameter at Breast Height (DBH)” - The average diameter of the trunk of a tree measured 4½ feet above mean ground level at the base of the trunk (see Figure 18.120.4). If the tree splits into multiple trunks above ground, but below 4½ feet, the DBH is the average diameter of the most narrow point beneath the split (see Figure 18.120.5). If the tree has excessive swelling at 4½ feet, the DBH is the average diameter of the most narrow point beneath the swelling. If the tree splits into multiple trunks at or directly below ground, it shall be considered one tree and the DBH shall be the square root of the sum of the cross-sectional area of each trunk at 4½ feet above mean ground level multiplied by 1.1284 (see Figure 18.120.6).
 - e. “Dripline” - The outer limit of a tree canopy projected to the ground.

- f. “Hazard tree” - Any tree or tree part that has been or could be determined by an independent tree risk assessor to constitute a high level hazard requiring hazard tree abatement with an overall minimum risk rating of 8 for trees or tree parts up to four-inch DBH, 9 for trees or tree parts greater than four-inch and up to 20-inch DBH, or 10 for trees or tree parts greater than 20-inch DBH using the the tree risk assessment methodology in Appendix 1 of the Urban Forestry Manual.
- g. “Hazard tree abatement” - The process of reducing or eliminating a hazard to an overall risk rating of less than 8 for trees or tree parts up to four-inch DBH, 9 for trees or tree parts greater than four-inch and up to 20-inch DBH, or 10 for trees or tree parts greater than 20-inch DBH using the tree risk assessment methodology in Appendix 1 of the Urban Forestry Manual through pruning, tree removal or other means in a manner that complies with all applicable rules and regulations.
- h. “Hazard tree owner or responsible party” - The property owner or responsible party with the largest percentage of a hazard tree trunk immediately above the trunk flare or root buttresses. In cases where the hazard tree consists of a branch instead of an entire tree, the hazard tree owner or responsible party is the person who owns or is responsible for the property from where the branch originates.
- i. “Heritage tree” - Any tree or stand of trees of landmark importance due to age, size, species, horticultural quality, or historic importance that has been approved as a heritage tree by the Tigard City Council.
- j. “Median tree” - Any tree within the public right-of-way under City of Tigard jurisdiction between opposing lanes of vehicular traffic. Trees in the centers of cul-de-sacs and roundabouts within the public right-of-way under City of Tigard jurisdiction shall also be considered median trees.
- k. “Nuisance tree” - Any tree included on the Nuisance Tree List in the Urban Forestry Manual.
- l. “Open grown tree” - Any tree that has grown and established in an isolated manner without significant competition for light, space and nutrients from other trees. Open grown trees generally retain more foliage, develop greater trunk tapers, have more extensive root systems and are more resistant to windthrow than stand grown trees.
- m. “Open soil volume” - An unpaved volume of soil, which contains existing, new or amended soil with the physical, chemical and biological properties necessary to support the growth of a tree.
- n. “Parking lot tree” - Any tree used to meet the requirements in 18.745.050.E.
- o. “Significant tree grove” - A stand of trees that has been identified as significant through the Statewide Land Use Planning Goal 5 process. A Significant Tree Grove Map is maintained by the director.
- p. “Stand (of trees)” - A distinct area of stand grown trees, often predominantly native and with contiguous canopies, which form a visual and/or biological unit.
- q. “Stand grown tree” - Any tree that has grown and established in close association with other trees and, as a result, has experienced significant competition for light, space, and nutrients

from other trees. Stand grown trees generally retain less foliage, develop less trunk taper, have less extensive root systems and are less resistant to windthrow than open grown trees.

- r. "Street tree" - Any tree equal to or greater than 1½ inch caliper or DBH within a public right-of-way under City of Tigard jurisdiction or easement for public access under City of Tigard jurisdiction, or any tree equal to or greater than 1½ inch caliper or DBH outside of a public right-of-way or easement for public access that the city can demonstrate was planted or preserved as a street tree to meet the requirements for a city permit or project. Median trees shall not be considered street trees.
 - s. "Tree" - A woody perennial plant, often with one dominant trunk, the capacity to achieve a mature height greater than 16 feet, and primarily referred to as a tree in scientific literature.
 - t. "Tree canopy" - The area above ground which is covered by the trunk, branches and foliage of a tree or group of trees' crowns.
 - u. "Tree canopy cover, effective" - A formula detailed in Chapter 18.790 and the Urban Forestry Manual used to calculate the amount of tree canopy that will be provided for a given lot or tract through any combination of preserving existing trees and planting new trees. In general, the formula grants bonus tree canopy credit based on the existing tree canopy of trees that are preserved, and grants additional tree canopy credit based on the projected mature tree canopy of newly planted trees.
 - v. "Tree care industry standards" - Generally accepted industry standards for tree care practices detailed in the most current version of the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations. In addition, tree care industry standards shall include adherence to all applicable rules and regulations for the completion of any tree care operation.
 - w. "Tree removal" - The cutting or removing of 50% or more of a crown, trunk or root system of a tree, or any action which results in the loss of aesthetic or physiological viability or causes the tree to fall or be in immediate danger of falling.
 - x. "Tree risk assessor" - An individual deemed qualified by the International Society of Arboriculture to conduct tree risk assessments.
 - y. "Understory tree" - Any tree that is adapted to grow and complete its lifecycle within the shade and beneath the canopy of another tree.
171. "Turret" - A very small and slender tower attached to a larger building.
172. "Use" - The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.
173. "Vehicle parking space" - An area within a private or public parking area, building or structure for the parking of one vehicle.
174. "Visible transmittance" - A measure of the amount of visible light transmitted through a material (typically glass). Information about visible transmittance typically is, or can be, provided by window manufacturers.

175. “Vision clearance area” - A triangular area located at the intersection of two streets, a street and a railroad, or a street and a driveway; defined by a line across the corners, the ends of which are on the street or alley lines, an equal and specified distance from the corner.

176. “Visual obstruction” - Any fence, hedge, tree, shrub, device, wall or structure between the elevations of three feet and eight feet above the adjacent curb height or above the elevation of gutter line of street edge where there is no curb, as determined by the public works director or city engineer, and so located at a street, drive, or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on said streets, drives, or alleys.

177. “Wetlands” - Land often called swamp, marsh, or bog, that exhibits all of the following characteristics:

- a. The land supports hydrophytic vegetation. This occurs when more than 50% of the dominant species from all strata are classified as wetland species;
- b. The land has hydric soils. Hydric soils are soils that are saturated, flooded, or in ponds long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile; and
- c. The land has wetland hydrology. Wetland hydrology is permanent or periodic inundation, or soil saturation for a significant period (at least one week) during the growing season.

The city will use the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands” as the basis for determining where wetlands are located. An area of privately owned land which otherwise satisfies the definition of a wetland is not defined as a wetland if it was created by human activity after October 11, 1984, as part of an approved development project. This exclusion does not apply to wetland migration areas.

178. “Will” - Mandatory; in all instances, “will” shall be interchangeable with “shall.”

179. “Window” - Any opening constructed in a wall to admit light or air, framed and spanned with glass.

180. Yard-related definitions (See Figure 18.120.2):

- a. “Yard” - An open space unobstructed from the ground upward except as otherwise provided in this title.
- b. “Corner side” - A yard extending from the front yard to the rear lot line on the street side of a corner lot.
- c. “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 at the nearest point of the main building.
- d. “Rear” - A yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line.
- e. “Side” - A yard between the main building and the side lot line extending from the front yard or front lot line where not front yard is required, to the rear yard. 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 main building.

181. "Zoning district" - An area of land within the Tigard city limits designated for specific types of permitted developments, subject to the development requirements of the district. (Ord. 15-07 §3; Ord. 12-09 §1; Ord. 10-15 §1; Ord. 10-02 §2; Ord. 09-13; Ord. 06-16, Ord. 02-33)

Fig. 18.120.1
Measuring Building Height

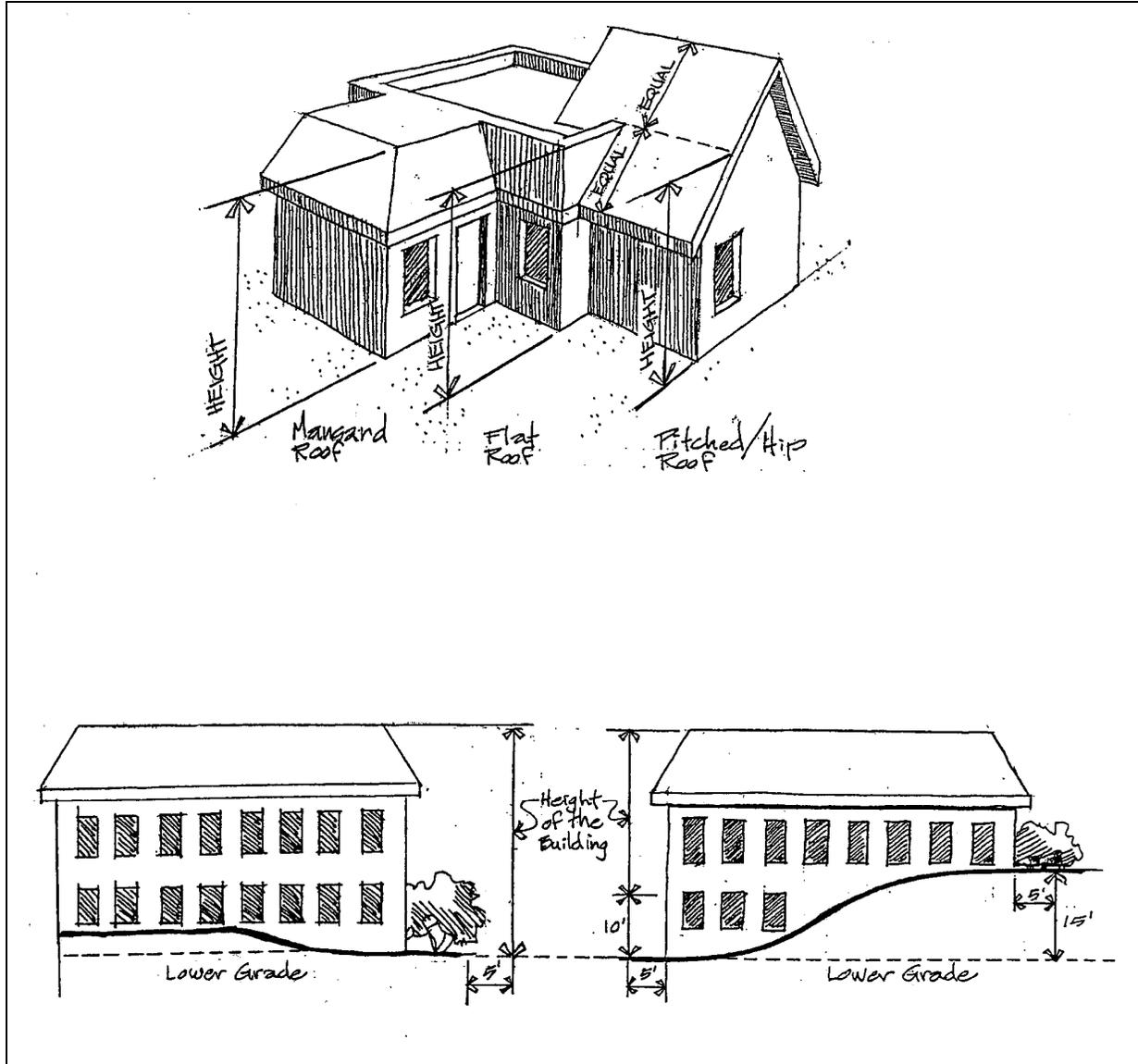
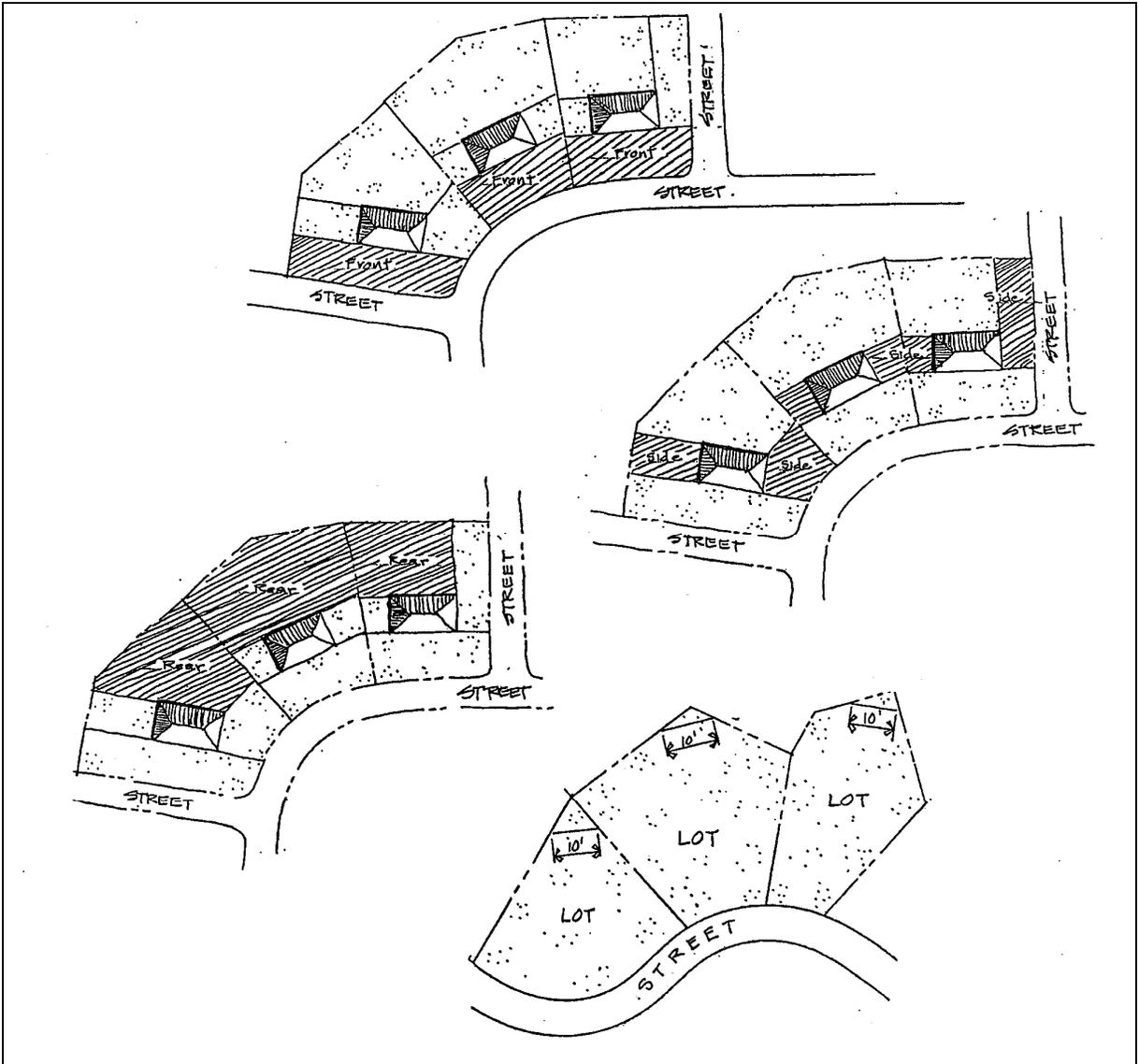
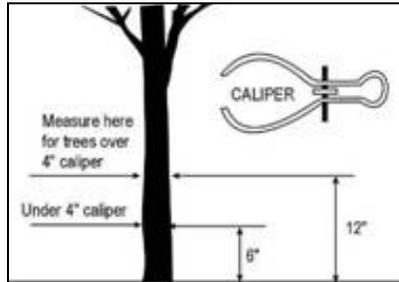


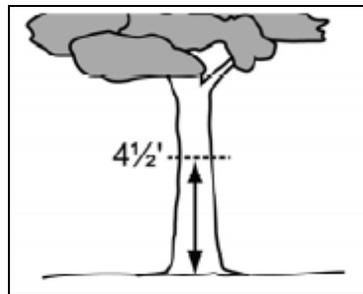
Fig. 18.120.2
Yard Definitions
Determining Rear Lot Line on Irregularly Shaped Parcels



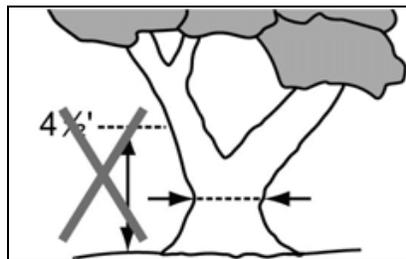
**Fig. 18.120.3
Caliper**



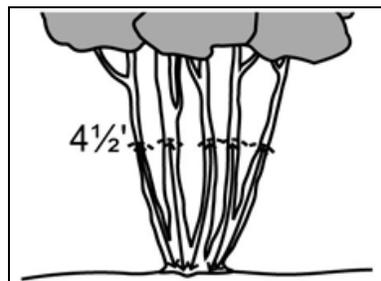
**Fig. 18.120.4
Standard DBH**



**Fig. 18.120.5
DBH for Split Trunk**



**Fig. 18.120.6
DBH for Multiple Trunks**



(Ord. 12-09 §1) ■