

**ORDINANCE NO. 2018-947-O**

**AN ORDINANCE AMENDING ORDINANCE 458, TALENT ZONING CODE, AMENDING TITLE 8, CHAPTER 3, DIVISION J, ARTICLE 11 SUPPLEMENTARY PROVISIONS, AMENDING TITLE 8, CHAPTER 3, DIVISION C, ARTICLES 1-4 RESIDENTIAL ZONES AND AMENDING TITLE 8, CHAPTER 3, DIVISION B, ARTICLE 1 DEFINITIONS. AMENDED LANGUAGE PROVIDES REVIEW PROCEDURES FOR SHORT-TERM RESIDENTIAL RENTALS DWELLINGS WITHIN THE CITY OF TALENT.**

WHEREAS, after due consideration, the City of Talent has made certain findings in connection with the proposed amendments and have followed the statutory procedures.

WHEREAS, the City has an interest in the livability and preservation of character of its residential neighborhoods; and

WHEREAS, the City is experiencing a shortage of affordable housing for its residents and prospective residents; and

WHEREAS, the City believes that unregulated short-term residential rental dwellings may negatively impact its available affordable housing stock by removing long-term rentals from the rental pool; and

WHEREAS, the City has an interest in regulating short-term residential rentals to ensure that they are operated appropriately and meet existing health, life and safety regulations; and

WHEREAS the City has an interest in providing adequate housing options for tourists and transient visitors, and ensuring that transient occupancy taxes are collected and remitted on a fair and equitable basis; and

WHEREAS, the ability to provide short-term residential rentals allows owners and lessees to use their property interest in their housing to improve their economic circumstances; and

WHEREAS, the City has determined that the establishment of rules and regulations to permit short-term residential rentals is a reasonable means to ensure the safety and convenience of transient visitors as well as preserve the peace, safety and general welfare of long-term residents of residential zones,

NOW, THEREFORE, THE CITY OF TALENT ORDAINS AS FOLLOWS:

**SECTION 1.** That the following sections within Title 8, Chapter 3 have been amended as described in EXHIBIT A attached herein:

Division J, Article 11, Supplementary Provisions  
Division C, Articles 1-4, Residential Zones  
Division B, Article 1, Definitions

**SECTION 2.** That the amendments as described herein comply with all applicable Comprehensive Plan Policies of the City of Talent as well as all applicable State and Federal Laws.

**SECTION 3.** That the amendments as described herein have been advertised and publically noticed in accordance with Section 8-3M. Article 1 of the Talent Zoning Ordinance.

Duly enacted by the City Council in open session on December 19, 2018 by the following vote:

Ayes:                      Nays:                      Abstain:                      Absent:

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Gabriella Ciprazo, City Recorder and Custodian of City records

8-3 Division B. Article 1.  
**DEFINITIONS**

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[Adopted by Ord. No. 943; 7/20/18]

**8-3B.110 RULES OF CONSTRUCTION**

For the purpose of this Chapter certain words, terms and phrases are defined as follows: Words used in the present tense include the future; the singular member includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Chapter" is used herein, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. All definitions found in the City's Subdivision Code and Comprehensive Plan, and any amendments thereto, are by this reference considered a part of this Chapter.

**8-3B.120 GENERAL DEFINITIONS**

**Abutting**

Adjoining with a common boundary line.

**Access**

The way or means by which pedestrians and/or vehicles enter and leave property or a building [amended by Ord. 460]

**Accessory Dwelling Unit (ADU)**

An interior, attached, or detached residential structure that is used in connection with, or that is accessory to a single-family dwelling.

**Accessory Structure or Use**

The terms "accessory structure" and "accessory use" shall mean a structure or a use that is incidental and subordinate to the main structure or use of the property and located on the same lot as that main structure or use. It is possible to have an accessory structure such as a garage or shed on a lot without the main structure when that main structure has been removed but the lot is still planned and zoned for that same or similar primary use. [amended by Ord. 460]

**Accessory structure, mobile home**

See "mobile home accessory building or structure."

**Access way**

The ingress and egress to a property or building; or an unobstructed way which provides vehicular and/or pedestrian access and circulation within a specific area, such as within a subdivision, shopping center, or a mobile home park. [amended by Ord. 460]

**Adjacent**

Near, close; for example, an industrial zone across the street or highway from a residential zone shall be considered "adjacent."

**Adjoining**

Same as "abutting."

**Adult Business**

Any business, including bookstores, theaters or other commercial establishments relying on sexually explicit products or activities as a principal attraction to customers, or any massage parlor other than 1) a licensed individual practice or 2) a practice that is located with and accessory to a medical clinic, licensed physical therapy practice or exercise or health club.

**Agriculture or agricultural use**

The use of buildings, structures, and/or land for crops, orchards, pasturage, animal and poultry husbandry, and/or the preparation and storage of the products raised on the land. Does not include auction yards, fed lots, slaughterhouses or rendering plants.

**Agricultural resource**

(also known as “Critical Rural/Agricultural Lands” in Talent Ordinance No. 385). Prime agricultural lands adjacent to the urban growth boundary and urbanizable lands across the boundary, which must be protected from the effects of use conflicts which inhibit agricultural use. Those areas designated on an LCDC-acknowledged Jackson County Comprehensive Plan and/or Zoning Map as Exclusive Farm Use are determined to be agricultural resources. Furthermore, any other lands may be determined an agricultural resource upon a mutual City-Jackson County written agreement.

**Alley**

A narrow public street through a block, primarily for vehicular service access to the back or side of properties otherwise abutting on another street, to be used only as a secondary means of access to abutting properties.

**Alteration**

Same as “structural alteration.”

**Amendment**

A change in the wording, content, or substance of this ordinance, or a change in the zone boundaries on the zoning map.

**Apartment**

A dwelling unit in a multiple-family structure or building that is typically designed for and utilized as a rental dwelling. A condominium-type dwelling might also be referred to as an apartment, regardless of the ownership status, if it is within a multi-family structure. [amended by Ord. No. 460]

**Apartment house**

Any building or portion thereof, which contains three or more individual dwelling units, regardless of the ownership arrangement. [added by Ord. No. 460]

**Assessor**

The County Assessor of Jackson County.

**Basement**

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 a finished grade at any point, such space shall be considered a "story."

**Bedroom**

For purposes of this Chapter, the determination of whether a room is a bedroom shall be made by the building official of the City using the then-current building code, but generally it shall be any enclosed room in a dwelling suitable for sleeping purposes containing both a closet and an emergency egress window.[added 6 September 2006; Ord. no. 808]

**Boarding house**

Any building or portion thereof containing not more than five guest rooms which are occupied, or intended for occupancy, by guests in return for money, goods, labor or otherwise. [amended by Ord. No. 460]

**Buffer**

A means to help reduce or prevent conflicts between incompatible land uses, including, but not limited to: special setbacks; lot coverage and height restrictions; screen plantings, berms, fencing or walls; parks and open space; and natural topography.

**Buildable area**

That portion of a lot excluding the minimum setback areas.

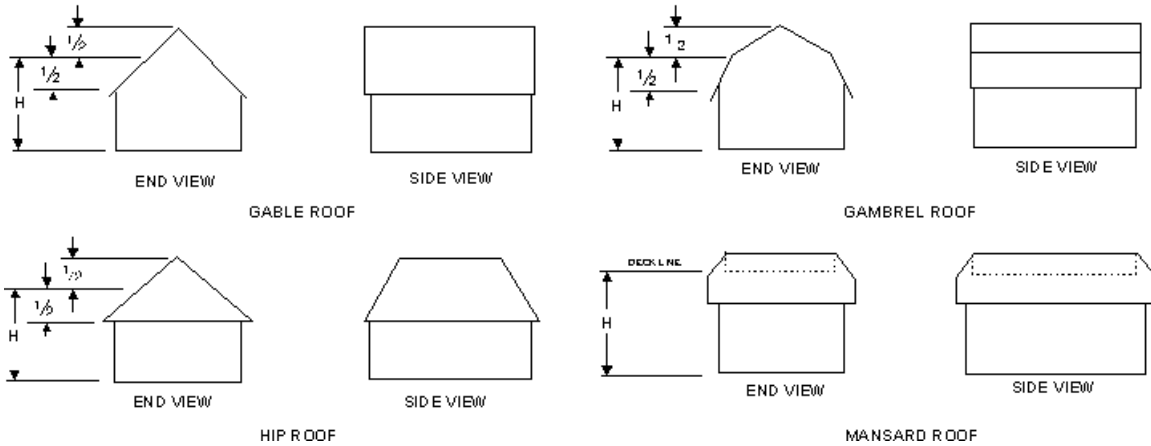
**Building**

Any structure used or intended for supporting or sheltering any use or occupancy. [amended by Ord. No. 460]

**Building height**

The vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof surface for flat roofs; to the deck line for mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs (see illustration below).

H = Height of Building



[amended by Ord. no. 810; 10/04/2006]

### Building (or Structure), Legal Pre-existing

Any building or structure which was legally erected prior to the adoption of current City requirements shall be considered a “legal preexisting” building or structure. (NOTE: Although such buildings maybe legal and allowed to continue, they may also be considered “Nonconforming” by current standards and subject to the requirements for nonconforming uses, as contained in Article 8-3M.2). [amended by Ord. No. 460]

### Building line

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

### Building lot

A lot occupied or intended to be occupied by a principal or main building or a group of such buildings and accessory buildings, or by a mobile home when designated for such, together with such open spaces as are required by this ordinance, and having the required frontage on a street.

### Building, Main

A building within which is conducted the principal use permitted on the lot, as distinguished from an accessory use, as provided by this ordinance.

### Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

### City

The City of Talent, a municipal corporation of the State of Oregon, where the provision involves a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department or

agency of the City indicated by the context; or where the context does not clearly indicate a specific officer, department or agency, then the City Council of said City.

**City Engineer**

The City Engineer of the City of Talent.

**Clinic**

A place for group medical or dental services, not involving overnight housing of patients.

**Club**

Any organization, group, or association supported by members thereof for a common purpose, the purpose of which is to render a service customarily rendered for members and their guests, but which shall not include any groups which are organized primarily to render a service customarily carried on as a business for profit.

**Collocation**

The use of a wireless communications facility by more than one wireless communication provider. [added by Ord. No. 902]

**Commission or Planning Commission**

The Planning Commission of the City of Talent.

**Common area**

Any area or space designed for joint use of tenants occupying a mobile home park, or residents in any residential development or area, but not including parking area or streets.

**Condominium**

An estate in real property, consisting of any undivided interest in common in a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building, such as an apartment, office, or store. [amended by Ord. No. 460]

**Contiguous**

Same as “abutting.”

**Council or City Council**

The City Council of the City of Talent.

**Court**

An open unoccupied space, other than a yard, on the same lot with a building or group of buildings.

**Craft Manufactory & Retail**

A use established expressly for the on-site creation and retail sale of original artisan products. Each individual use is permitted no more than 15 employees at one time. The intent is that such uses are clearly retail, that they generate walk-in traffic, and that they maintain the quality of the zone while providing craftspeople the ability to run a small business and sell something on the same site. This definition does not include bakeries or other food-production businesses; such uses are classified as either “retail” or “industrial” depending on the disposition of the product  
[added 19 January 2005; Ord. No. 776]

**Curb Lot**

The place where a curb is decreased in height to enable access to property from a street. A curb cut is used in terms of that distance from the place where the curb height is reduced for access to the place where it is increased back up to its standard height as a curb.

**Density**

The ratio expressed as the number of dwelling units per area of land, and computed by dividing the number of dwelling units by the acreage of the site, neighborhood, community, or other area. The result is "dwelling units per acre." [amended by Ord. No. 460]

**District**

Same as "zone."

**Drive-in, drive-through, or drive-up**

Any building, structure or use wholly or partly designed or intended to offer a service or product to a patron while the patron waits in her or his motor vehicle, generally while the engine is running; such as drive-through food service establishments, drive-up banks, and similar facilities; but not including automobile/truck service stations and parking lots.

**Driveway**

A road or other access way that is located entirely on the parcel it serves and provides vehicular access from a street or road to the off-street parking area that serves a single-family home, group of dwellings, apartment building or other structure. An access way that serves more than one parcel is considered a street. [amended by Ord. No. 460]

**Driveway, one-way**

A driveway where either ingress or egress, but not both, is allowed.

**Driveway, two-way**

A driveway where both ingress and egress is allowed.

**Duplex**

Two-family dwelling.

**Dwelling, Conventional**

Refers to any dwelling or multiple-dwelling structure that is constructed on the site and in conformance with Uniform Building Code standards. [amended by Ord. No.460]

**Dwelling group**

A group of two or more detached buildings used for residential purposes and located on a single tax lot with yard areas shared as common areas for all dwelling group occupants. [added by Ord. 460]

**Dwelling, Manufactured or factory-built**

Also referred to herein as "Manufactured Home." Refers to residential dwellings or multiple-dwelling structures that are constructed in total or large part at a factory and assembled at the site. Such dwellings are constructed to conform to Uniform Building Code standards and do not include a frame, axels or wheels that make them adaptable for highway transport [added by Ord. No. 460]



**Dwelling, mobile home**

A residential dwelling that is constructed primarily in a factory in accordance with manufacturing standards established by the Department of Housing and Urban Development (HUD) for mobile homes, and which are commonly designed with framing, axels, and wheels that permit their transport on public highways. Permanent placement and removal of axels and wheels has no effect on the “mobile home” designation. [added by Ord. No. 460]

**Dwelling, Multiple-family**

A building or portion thereof, designed or used as a residence by three or more families or individual households, and containing three or more dwelling units. [amended by Ord. No. 460]

**Dwelling, Single-family**

A detached building designed or used for residential purposes by not more than one family and containing a single dwelling unit. A mobile home, modular home, a factory built home, and other housing “alternatives” are also considered single-family dwellings when intended and designed for that purpose. [amended by Ord. No. 460]

**Dwelling, two-family**

A detached building containing two complete residential dwelling units and commonly referred to as a “duplex.” [amended by Ord. No. 460]

**Dwelling unit**

Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the Uniform Building Code, for not more than one family or household. [amended by Ord. No. 460]

**Encroachment**

Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.

**Enlarge or extend**

To increase the cubic content of a building or increase a use of land to occupy a greater area than was previously occupied.

**Family**

A household head and one or more other persons living in the same household who are related to the head by blood, marriage, or adoption. [amended by Ord. No. 460]

**Fence, site-obscuring**

A fence, or a fence and evergreen planting, arranged in such a way as to obstruct vision of a building or use of land.

**Flood plain**

Any land area susceptible to being inundated by water from any source; particularly any area designated as being within the floodway or one-hundred year flood boundary in the most recent available data of the Federal Insurance Administration and referred to as such by this or any other City ordinance.

**Foster home**

A home licensed by the State of Oregon to provide food and shelter to not more than five persons in addition to the primary owner and occupants of the dwelling unit. [added by Ord. No. 460]

**Frontage**

That portion of a parcel or property which abuts a public street other than an alley.

**Garage**

A building or portion thereof in which a motor vehicle containing flammable liquids or gas in its tank is stored, repaired, or otherwise kept, or intended to be kept. [added by Ord. No. 460]

**Grade (ground level)**

The average of the finished ground level at the center of all walls of a building. In the case where walls are parallel to and within five (5) feet of a sidewalk, the ground level shall be measured at the elevation of the sidewalk.

**Group home**

A licensed home maintained and supervised by adults for the purpose of providing care, food, and lodging for children under the age of 18 years, unattended by parents or guardians, where the number of unrelated persons living as one household commonly exceeds five. [added by Ord. No. 460]

**Guest, commercial**

Any person who is temporarily occupying a room or suite in a hotel, motel, convalescent home, or other commercial facility that provides such "guest rooms" that are designed and intended to be rented or leased (short term) to persons or families. Such guests are not occupying the room or rooms as their primary residence. [added by Ord. No. 460]

**Guest, residential**

Any person who is temporarily occupying a dwelling, guest house, recreational vehicle parking area, or any other portion of a dwelling at the invitation of that dwelling's owner or legal occupant and is not paying rent or other type of reimbursement in return for that company privilege. [added by Ord. No. 460]

**Guest house**

A building or structure on the same lot as, but appurtenant to, a primary single-family dwelling unit, and that is intended for the lodging of guests. A guest house may contain rooms and furnishings similar to those of any other dwelling except that it shall not have a designated kitchen area nor kitchen facilities or appliances. A guest house shall be utilized solely for the lodging of residential guests and shall not be rented or otherwise managed for income purposes. A guest house may be used for the temporary residence of an infirm person under the care of the occupants of the primary dwelling. [added by Ord. No. 460]

**Guest Lodging (includes hotels, motels ~~and~~ bed-and-breakfast inns ~~and similar uses~~ but excludes short-term rentals)**

A building containing six or more rooms, or suites of rooms, designed to be used for the temporary living and sleeping place of its commercial guests, and which customarily provides such services as linen, maid service, furnishings, and often recreational or meeting facilities. Bed-and-breakfast inns are exempt from the minimum six-room requirement [added 19 January 2005; Ord. No. 776]

**Guest room**

Any room or rooms within a dwelling unit that is used or intended to be used for the lodging of residential guests, as defined above, and not including a separate kitchen area or kitchen facilities in addition to those already available in the primary dwelling unit. [added by Ord. No. 460]

**Historic building, structure, site**

Any building, structure, site or other physical object and its site recognized by the City to be of particular cultural, aesthetic, educational or historic significance to its citizens, such as: a building, structure, physical object, or site in which the broad cultural history of the nation, state or community is reflected or exemplified; which is identified with historic personages or with important events in national, state or local history; which embodies the important distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style or method of construction; or a notable work of a master builder, designer or architect.

**Historic building or structure exterior remodel**

The addition to, removal of or from, or physical modification or repair of, and exterior part or portion of a historic building or structure.

**Home occupation**

An occupation carried on within a dwelling and/or accessory building by a member or members of the family occupying the dwelling, no employee or other persons being engaged in the same, said activity being secondary to the use of the dwelling for living purposes. A home occupation is conducted in such a manner as to not give an outward appearance nor outwardly manifest any characteristic of a business in the ordinary meaning of the term, except as permitted in any ordinance regulating signs, nor to infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes. A home occupation maintains the residential character of the building in which it is located.

**Hotel or motel**

See *Guest Lodging*. [deleted by Ord. No. 776]

**Integrated shopping center**

A shopping complex designed to provide a broad range of retail products and services in one location.

**Kennel**

Any lot or premises on which four (4) or more dogs over three months of age are kept, and any business conducted for the purpose of boarding and/or sale of dogs and/or cats.

**Landscaping**

Any combination of permanently maintained live trees, lawns, shrubs, or other plant materials, including inorganic accessory materials utilized to accent or complement the vegetation. Fountains, ponds, sculpture, lampposts, fences, benches, and other functional or decorative features may be integral components of a landscape plan. [amended by Ord. No. 460]

**Live-Work Building**

A type of mixed-use development or home occupation. It can be either a detached building, or a building attached to one or more other buildings through common end walls (but not front or rear walls). The entire building must be constructed to commercial standards. It contains a ground floor,

street-fronting unit with a retail, service, office, or artisan/light industrial use otherwise permitted in this zone, and a second story or rear residential unit that includes bathroom and kitchen facilities. The same person or persons occupy both units. The commercial unit shall be at least 200 square feet of gross floor area and no more than 5,000 square feet of gross floor area. The residential unit is at least 400 square feet of gross floor area and no more than 1,500 square feet of gross floor area [added 19 January 2005; Ord. No. 776]

**Lot**

A parcel of land lawfully created as such in accordance with the land division, partitioning, or subdivision laws or ordinances in effect at the time of its creation. [amended by Ord. No. 460]

**Lot area**

The total land area, commonly measured in square feet, within the boundaries of a legal lot, exclusive of any street or alley rights-of-way. [amended by Ord. No. 460]

**Lot coverage**

That portion of a lot covered by a building or any part of a building or mobile home, expressed as percentage of the total lot area.

**Lot depth**

The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.

**Lot line**

The property line bounding a lot.

**Lot line, front**

The lot line separating a lot from the street other than an alley. For corner lots, one street lot line shall be considered the front lot line.

**Lot line, rear**

A lot line which is opposite and most distant from the front lot line. In the case of a triangular or other irregular lot, the "rear lot line" shall mean a line ten (10) feet in length within the lot, which is parallel to the front lot line, or parallel to the chord of a curved front lot line, and at a maximum distance from the front lot line.

**Lot line, side**

A lot line which is not a front or rear lot line.

**Lot of record**

A lot recorded with the Jackson County recording officer and designated by a separate tax lot number in the records of the County Assessor.

**Corner lot**

A lot abutting two or more intersecting streets, other than alleys, provided that the streets do not intersect at an angle greater than 135 degrees.

**Flag lot**

A lot with no direct access to a public street except via a drive contained within the tax lot boundaries of the lot.

**Interior lot**

A lot other than a corner lot, with only one frontage on a street other than an alley.

**Through lot**

An interior lot having frontage on two parallel or approximately parallel streets other than alleys.

**Lot width**

The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot lines; or the mean distance between the side lot lines within the buildable area (area not including required yards).

**Maintain**

To cause or allow to continue in existence. When the context indicates, “maintain” shall mean to preserve and care for a structure, improvement, condition or area to such an extent that it remains attractive, safe and presentable and carries out the purpose for which it was installed, constructed or required.

**Major southwall**

The largest single, exterior planar surface area of a roof of a dwelling or other building. This definition is used mainly in terms of solar energy. A major wall area exposed to the south would afford a dwelling or other building the most surface area to utilize a solar collection system and receive solar energy.

**Major southroof**

The largest single, planar surface area of a roof of a dwelling or other building. This definition is used mainly in terms of solar energy. The major roof area exposed to the south provides the most available space to receive solar energy and utilize roof top solar collection systems.

**Mobile Home**

See *Dwelling, Manufactured*. [deleted by Ord. No. 460]

**Mobile home accessory building or structure**

Any awning, portable, demountable or permanent cabana, ramada, carport, porch, skirting or steps established for the use of the occupant of the mobile home which are designed or intended to be attached to and which depend, in whole or in part, upon the mobile home for structural support.

**Mobile home park**

Any lot on which two or more mobile homes are located and being used for residential purposes, other than as approved “guest house”, and where the primary purpose of the property owner is to rent or lease the spaces and related or necessary facilities to the owners or occupants the mobile homes, or to offer same in exchange for trade or services. [amended by Ord. No. 460]

**Mobile home stand**

That part of a mobile home space reserved for the placement of the mobile home.

**Motel**

See *Guest Lodging* [deleted by Ord. No. 460]

**Noise**

Unwanted sound. For commercial and industrial operations, the Department of Environmental Quality maintains rules and standards on noise. Typical noise sources include: refrigeration units, car wash dryers, air conditioners, boilers and gas turbines, particularly as they related to adjacent “noise sensitive” uses. A noise sensitive use is a residence, church, library, and school. Other noise sources, which are not subject to the DEQ regulation, include Interstate 5, Highway 99 and the trains running on the Southern Pacific railroad tracks. Another noise source but subject to DEQ regulation that commonly occurs in residential areas is a heat pump.

**Non-conforming building or structure** [deleted by Ord. No. 460]**Non-conforming lot**

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

**Non-conforming use**

A structure, building or use that was lawfully constructed or established, but no longer conforms to the regulations or requirements of the City’s codes and standards.

**Open space**

Land which is mostly open and unobstructed from the ground to the sky except for natural features. Open space may be utilized to preserve a natural land area to provide a buffer, and/or to provide space for recreational use by persons occupying a residential development or mobile home park, or for the general public. Improved pedestrian, bicycle and equestrian ways may be provided.

**Owner**

The owner of record of real property, as shown on the latest tax rolls or deed records of the County, or a person who is purchasing a parcel of property under written contract.

**Parking area**

Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, customers and/or tenants, employees or property owners, either free or for remuneration, for the parking of automobiles. For purposes of calculating shading and landscaping requirements, parking facilities shall include those through areas which are intended as primary vehicular circulation areas into and through the parking lot.

**Parking space**

A permanently maintained area for the parking of one standard size automobile, with proper access and measuring not less than eight and one-half (8½) feet wide by eighteen (18) feet long.

**Person**

An individual, firm, partnership, corporation, company, association, syndicate, branch of government, social or fraternal organization or any other group of combination acting as legal entity, and including any trustee, assignee, or other similar representative thereof.

**Planned Unit Development** [deleted 15 October 2008; Ord. No. 847]

**Planning Commission**

The planning commission of the City of Talent, authorized under Chapter 1-9 of the General Ordinances.

**Planning office/department**

A department or agency of the City created or designated by the City Council to perform ministerial functions in the administration of the affairs of the planning commission; where no such department or agency has been not created or designated, reference thereto herein shall mean the City Council.

**Plot plan**

A scale drawing of a lot and the adjacent and surrounding areas, showing the use and location of all existing and proposed buildings, structures, and improvements, and drawn to such scale, detail and description, as may be required by the City staff, the Planning Commission, or the specific provisions of the City's Zoning or Subdivision Codes. [added by Ord. No. 460]

**Premises**

The lot or plot of land upon which a structure or use is located.

**Public facilities and services**

Basic facilities and services that are primarily planned for by the City but which also may be provided by other governmental agencies or private enterprise and are essential to the support of development in accordance with the City's comprehensive plan. Public facilities and services include police protection; fire protection; sanitary facilities; public water facilities; storm drainage facilities; planning, zoning, and subdivision control; health services; recreation facilities and services, energy and communication services; and community governmental services (including schools and transportation).

**Public road or access way**

A state highway other road or access way that has been dedicated for the use by the public for roadway purposes; not including an alley. Also referred to as a "Public Street", or simply a "street." [added by Ord. No. 460]

**Recreation area**

Land developed and maintained as usable open space, playgrounds, play fields, swimming pools, bicycle paths, community gardens and/or joint use recreation buildings (subject to lot coverage requirements of the applicable zone) or similar uses, for the common use of residents of a development.

**Recreation vehicle**

A vacation trailer, camping vehicle, motor home, or other vehicle, with or without motor power, which is designed for short-term occupancy for recreational or vacation purposes, but not as a permanent or long-term residence. The vehicle is identified as a recreation vehicle by the manufacturer and licensed as such. [amended by Ord. No. 460]

**Recreational vehicle park or campground**

An area designed to accommodate recreational vehicles and/or tent campers and to provide related and needed facilities and services. [amended by Ord. No. 460]

**Relocated structure**

Any structure requiring a building permit, as provided by the Uniform Building Code, current edition, which has been constructed and placed on a permanent foundation for the purpose of occupancy, at location other than the proposed location within the City of Talent. This definition does not include the structures generally referred to as “manufactured houses”, “modular houses” or “mobile homes.” [added by Ord. No. 492]

**Retirement home**

A facility that provides living quarters, owned or rented, to persons that have attained retirement age. The facility may be a single structure or a group of structures, designed primarily for residential purposes, but often including limited medical, recreational, commercial, or health services for the residents and their guests. [added by Ord. No. 460]

**Row house**

A single-family dwelling with no side yards between adjacent row houses. These dwellings are generally aligned in rows, typically along a street.

**Screen planting**

An evergreen planting of trees or shrubs arranged in such a way as to obstruct vision of a building or use of land or create a buffer between incompatible land uses.

**Service station**

A place or business selling motor fuel and oil for motor vehicles and which may provide the following additional types of services: the sale and installation of motor vehicle accessories; the performance of motor tune-ups, tire patching, battery charging and other similar minor or emergency repairs to motor vehicles; and other accessory services and incidental sales.

**Setback**

The minimum allowable distance from a given point or line of reference – such as a street right-of-way or property line.

**Shaded**

An area or space that does not receive direct solar radiation from the sun. In terms of solar collectors, a solar energy collector is deemed shaded if vegetation or structures block the direct solar energy that would otherwise reach its collecting surface during a specified time period. However, such insubstantial shadows as those caused by utility poles, wires, flagpoles and slender antennas are not deemed to shade.

**Shadow patterns**

The area on the ground surface or structures or objects which is shaded during a specified time.

Short-Term Rental



A short-term rental is where an individual or family resides in a dwelling unit and rents bedrooms to overnight guests for fewer than 30 consecutive days. Short-term rentals, also called Transient Rentals, are defined in City's Transient Room Tax ordinance.

**Site development plan**

A plan, drawn to scale, showing accurately and with complete dimensioning all of the users proposed for a specific parcel of land, and any other information required by the applicable provisions of this ordinance.

**Solar access**

The ability of something to receive solar energy without being shaded.

**Solar collector**

A device, or combination of devices, structures, or part of a device or structures that transforms solar energy into thermal, mechanical, chemical or electrical energy that satisfies a structure's (or swimming pools) energy requirements.

**Solar collector, active**

These are generally, but not limited to, solar collectors that require external or mechanical power to move the collected heat.

**Solar collector, passive**

This term is typically considered in terms of "techniques." Passive solar techniques are those that deal with the orientation of vegetation and architectural features such as buildings, eaves, windows, water or rock work to allow materials to shade and to collect, store, conduct or block heat. They are generally used to heat structures in the winter and allow for natural cooling in the summer.

**Solar energy**

Radiant energy received from the sun.

**Staff advisor**

A member of the planning department designated to advise the planning commission and/or City Council on planning matters.

**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 above.

**Street**

The entire width between boundary lines of a public or private way to provide ingress or egress for vehicular or pedestrian traffic, and placement of utilities, to one or more lots, parcels, areas or tracts of land; including "highway," "lane," "place," "avenue," "alley," or similar designations. The definitions for specific types of streets are set forth in the City subdivision and land partition ordinance and apply to this ordinance.

**Street improvements**

Improvements constructed within a street right-of-way, including but not limited to paving, curbs, gutters, sidewalks, storm water drainage facilities, planting of street trees and other improvements required by standards set and adopted by the City of Talent.

**Street line**

A lot line separating a street from other land.

**Structural alteration**

A change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls. [amended by Ord. No. 460]

**Structure**

Anything constructed or built which requires location on the ground or is attached to something having a location on the ground including swimming pools, covered patios, fences and walls, but not including normal plants and landscaping materials, paved outdoor areas, walks, driveways, and similar improvements. [amended by Ord. No. 460]

**Temporary**

Unless otherwise defined or specified, such as in a condition of approval of a particular land use, the term “temporary” shall mean thirty (30) days or less within any 12-month period of time. An extension of time may be granted by the City for certain types of temporary uses or structures.

[added by Ord. No. 460]

**Tent**

A shelter consisting primarily of a fabric supported by metal or wood poles and ropes, which is designed for temporary short-term occupancy for recreational or emergency purposes. A tent is not intended for permanent residential habitation.

**Townhouse**

A single-family dwelling unit on a separately platted lot, with use and occupancy identical to all other single-family dwelling units, except without the required side yard setbacks. Individual townhouse units are generally separated by common firewalls and their owners may or may not share in the ownership of a common area. Sometimes referred to as “attached” dwellings. [amended by Ord. No. 460]

**Trailer**

See Dwelling, Manufactured. [deleted by Ord. No. 460]

**Travel trailer**

A vehicle or other structure with wheels for highway use, that is intended for human occupancy and is designed for vacation, travel or recreational purposes but not residential uses to include “campers.” See also “recreational vehicle.”

**Undevelopable land**

Areas that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 25 percent, severe topographic relief, water bodies and floodways, or conditions that isolate one portion of a property from another portion so that access is not practicable to the

unbuildable portion; or man-made conditions, such as existing development that isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area. [added 1 December 2004; Ord. No. 777]

**Uniform Building Code standards**

The Uniform Building Code (UBC) standards promulgated by the International Conference of Building Officials (ICBO), as adopted by the City of Talent. [added by Ord. No. 460]

**Use**

The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained. [amended by Ord. No. 460]

**Wireless communications antenna**

The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Does not include any support structure upon which an antenna is mounted. [added by Ord. No. 902]

**Wireless communications facility**

Any device or system for the transmitting and/or receiving of electromagnetic signals for cellular technology, personal wireless services, mobile services, paging systems and related technologies. Facilities include antennas and all other types of equipment used in the transmission and reception of such signals; structures for the support of such facilities, associated buildings or cabinets to house support equipment, and other accessory development. [added by Ord. No. 902]

**Wireless communications tower**

A structure intended to support one or more antennas and associated equipment to transmit and/or receive communications signals including monopoles, guyed and lattice construction steel structures. [added by Ord. No. 902]

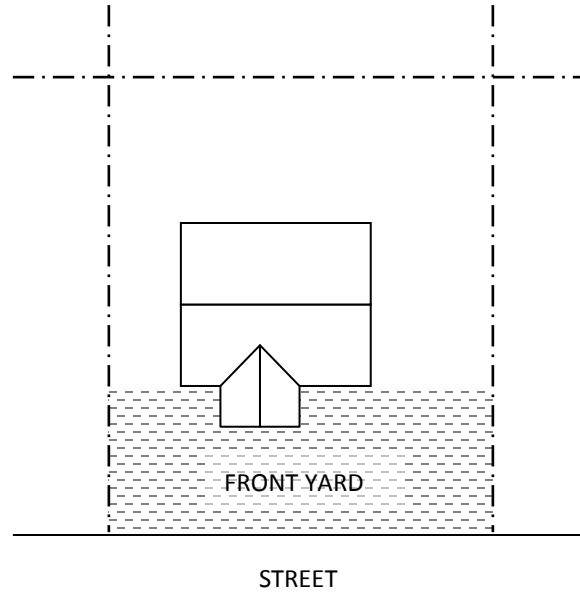
**Yard**

Open space on the same lot with a building, manufactured dwelling or other structure, unoccupied and unobstructed by any structure from the ground upward, except as otherwise provided herein.

**Yard, Front**

The yard on a lot between the front lot line(s) and a line drawn parallel to and flush with the plane of any building facade of a principle building that faces a front lot line. [amended by Ord. No. 844. 9/3/2008]

**Yard, rear**



A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the building or mobile home.

**Yard, side**

A yard extending from the front yard to the rear yard and measured horizontally and at rights angles from the side lot line to the nearest point of the building or mobile home.

**Yard, street side**

A yard extending from the front yard to the rear yard on the street side of a corner lot.

**Zone**

A district established by this ordinance and shown on the zoning map, within which specified buildings and uses of land are permitted as set forth herein.

8-3 Division C. Article 1

**RESIDENTIAL ZONE**

**SINGLE-FAMILY—LOW-DENSITY (RS-5)**

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**8-3C.110 DESCRIPTION AND PURPOSE**

The Low-Density Single-Family Residential (RS-5) zone is intended to provide a stable, healthful and livable residential environment, together with the full range of urban services, for those residents choosing to live in neighborhoods where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur in a manner compatible with a single-family, small town, neighborhood character.

**8-3C.120 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

- A. Single-family detached dwellings.
- B. Manufactured homes that are multi-sectional and a minimum of 1,000 square feet, not including garage or carport; however, manufactured homes are prohibited within the Old Town District or other historic districts.
- C. Home occupations, subject to the provisions of 8-3L.6.

D. Short-term rentals, subject to the provisions of 8-3J.11

~~D. [Reserved]~~

- E. Agricultural uses, including field crops, truck gardening, berry crops, orchards, raising of bees, rabbits and poultry, and raising and grazing of horses, cows, sheep and goats. Keeping of animals shall be subject to the following additional restrictions:
  - 1. Swine shall not be permitted.
  - 2. Horses, cows, goats and sheep shall not be permitted on any lot less than 20,000 square feet in area; no more than two head of livestock over six months of age shall be kept per acre of property area; and no livestock shall be kept within one hundred (100) feet of any dwelling other than the one on the same property.
  - 3. Bees may be kept provided there are not more than two colonies on any one lot and that there shall be a minimum of 8,000 square feet of lot size.
  - 4. The number of chickens, fowl and/or rabbits over the age of six months shall not exceed one for each 1,000 square feet of property; the number of young chickens, fowl and/or rabbits (under six months) shall not exceed three times the allowable number of animals over six months.
  - 5. Animals, including chickens or fowl, shall be properly fenced, caged or housed and proper sanitation shall be maintained at all times.

- F. Accessory buildings and structures, including private garages, guest houses, storage sheds for garden equipment, private greenhouses, solar energy collectors or other energy-conserving device and equipment used for the mounting or operation of such devices, stables, barns and other uses determined to be similar by the planning staff advisor or Commission.
- G. Accessory Dwelling Units on individual lots, subject to the provisions of 8-3L.5, "Accessory Dwelling Units." [Amended by Ord. No. 943; Effective 7/20/2018]
- H. Other uses determined by the Planning Commission to be similar to those listed above.

**8-3C.130 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered, neither shall any land be developed, except for the following uses, which are subject to the site development plan review process in 8-3L.1.

- A. Two or three main buildings on an individual lot, provided that there shall be a minimum of 8,000 square feet of lot area per dwelling unit.
- B. Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.
- C. Other uses determined by the Planning Commission to be similar to those listed above or under Section 120, above.

**8-3C.140 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed except for the following buildings and uses that are permitted subject to the provisions of 8-3L.1 and 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, or other interested or affected persons, as to how the use may be developed on the proposed site.

- A. Parks and playgrounds.
- B. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of 20 percent (20%) of the property width but not less than ten feet.
- C. Churches and other places of worship, excluding rescue missions and temporary revivals held outside of religious institution buildings. Other uses determined by the Planning Commission to be similar to those listed above, or under Sections 120 or 130, above.
- D. Relocated Structures

**8-3C.150 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure set forth in 8-3L.2. The following uses permitted conditionally in the RS-5 zone meet the description and purpose set forth in 8-3L.2:

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).
- B. Kindergartens, day nurseries and preschools.
- C. Public and private elementary, junior high and high schools and colleges.
- D. Mobile home for the infirm, subject to the supplemental provisions of 8-3L.250.
- E. Community centers, fraternal or lodge buildings.
- F. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area and where the exterior appearance has a residential appearance similar to the residences on adjacent properties.
- G. Buildings over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is the lesser. Such buildings must additionally meet the Building Height Transition Standards in 8-3J.123(B).
- H. The having, keeping or maintaining of any apiary of more than two colonies.
- I. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RS-5 zone.

#### **8-3C.160 YARD REGULATIONS**

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.
- B. Side yard.
  - 1. Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height. The following additional provisions shall also apply to side setbacks:
    - a. Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; Fifteen (15) feet when side street is a collector or arterial; Twenty (20) feet for garage and carport entrances.
    - b. Ten (10) feet on one side for zero lot-line lots.
- C. Rear yard. Ten (10) feet; five (5) feet for alley-access garages; and Twenty (20) feet for double-frontage lots.

#### **8-3C.170 LOT AREA AND DIMENSIONS**

In the RS-5 zone, the minimum lot area shall be as follows:

- A. Minimum Lot Area (for rules on lot averaging, refer to 8-2.330(C)(1a)):
  - 1. 8,000 square feet.
  - 2. Corner lots: 9,000 square feet.

- B. Minimum Lot Area per Dwelling Unit:
  - 1. 8,000 square feet.
- C. Minimum Lot Width:
  - 1. 65 feet; reducible to 50 feet to permit flag lot partitioning.
- D. Maximum Building Bulk:
  - 1. Height: 30 feet.
  - 2. Building Coverage: 35 percent.
- E. Non-conforming Lots of Record:
  - 1. A lot having an area of less than 8,000 square feet of record at the time of the passage of this ordinance (June 24, 1980) may be occupied by one single-family dwelling if all other dimensional requirements of the zone are complied with.

**8-3C.180 LANDSCAPING, FENCES, WALLS AND SIGNS**

In the RS-5 zone, all required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted in accordance with Section 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

**8-3C.190 SINGLE-FAMILY TRANSITIONS**

Single-family development that is adjacent to non-residential zones may be required to provide a transitional buffer in accordance with 8-3J.450(B). [Amended by Ord. No. 918; 7/15/2016]



## 8-3 Division C. Article 2

### RESIDENTIAL ZONE

#### SINGLE-FAMILY— MEDIUM-DENSITY (RS-7)

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##### **8-3C.210 DESCRIPTION AND PURPOSE**

The Medium-Density Single-Family Residential (RS-7) zone is intended to provide a stable, healthful and livable residential environment, together with the full range of urban services, for those residents choosing to live in neighborhoods where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur in a manner compatible with a single-family, small town, neighborhood character.

##### **8-3C.220 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

- A. Single-family detached dwellings.
- B. Manufactured homes that are multi-sectional and a minimum of 1,000 square feet, not including garage or carport; however, manufactured homes are prohibited within the Old Town District or other historic districts.
- C. Home occupations, subject to the provisions of 8-3L.6.

D. Short-term rentals, subject to the provisions of 8-3J.11

~~D. [Reserved]~~

- E. Agricultural uses, including field crops, truck gardening, berry crops, orchards, raising of bees, rabbits and poultry, and raising and grazing of horses, cows, sheep and goats. Keeping of animals shall be subject to the following additional restrictions:
  - 1. Swine shall not be permitted.
  - 2. Horses, cows, goats and sheep shall not be permitted on any lot less than 20,000 square feet in area; no more than two head of livestock over six months of age shall be kept per acre of property area; and no livestock shall be kept within one hundred (100) feet of any dwelling other than the one on the same property.
  - 3. Bees may be kept provided there are not more than two colonies on any one lot and that there shall be a minimum of 8,000 square feet of lot size.
  - 4. The number of chickens, fowl and/or rabbits over the age of six months shall not exceed one for each 1,000 square feet of property; the number of young chickens, fowl or rabbits (under six months) shall not exceed three times the allowable number of animals over six months.
  - 5. Animals, including chickens or fowl, shall be properly fenced, caged or housed and proper sanitation shall be maintained at all times.

- F. Accessory buildings and structures, including private garages, guest houses, storage sheds for garden equipment, private greenhouses, solar energy collectors or other energy-conserving device and equipment used for the mounting or operation of such devices, stables, barns and other uses determined to be similar by the planning staff advisor or Commission.
- G. Accessory Dwelling Units on individual lots, subject to the provisions of 8-3L.5, “Accessory Dwelling Units” [Amended by Ord. No. 943; Effective 7/20/2018]
- H. Other uses determined by the Planning Commission to be similar to those listed above.

**8-3C.230 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered, neither shall any land be developed, except for the following uses, which are subject to the site development plan review process in 8-3L.1.

- A. Two or three main buildings on an individual lot, provided that there shall be a minimum of 6,000 square feet of lot area per dwelling unit.
- B. Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.
- C. Other uses determined by the Planning Commission to be similar to those listed above or under Section 220, where permitted by the Planning Commission after written application.

**8-3C.240 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed except for the following buildings and uses, which are, permitted subject to the provisions of 8-3L.1 and 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, or other interested or affected persons, as to how the use may be developed on the proposed site.

- A. Parks and playgrounds.
- B. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of 20 percent (20%) of the property width but not less than ten feet.
- C. Churches and other places of worship, excluding rescue missions and temporary revivals held outside of religious worship buildings.
- D. Other uses determined by the Planning Commission to be similar to those listed above, or under Sections 220 or 230.
- E. Relocated Structures

### **8-3C.250 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure set forth in 8-3L.2. The following uses permitted conditionally in the RS-7 zone meet the description and purpose set forth in 8-3L.2:

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).
- B. Kindergartens, day nurseries and preschools.
- C. Public and private elementary, junior high and high schools and colleges.
- D. Mobile home for the infirm, subject to the supplemental provisions of 8-3L.250.
- E. Community centers, fraternal or lodge buildings.
- F. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area and where the exterior appearance has a residential appearance similar to the residences on adjacent properties.
- G. Buildings over two and a half (2½) stories or thirty (30) feet in height, whichever is the lesser. Such buildings must meet the Building Height Transition Standards in 8-3J.123(B).
- H. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RS-7 zone.

### **8-3C.260 YARD REGULATIONS**

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.
- B. Side yard.
  - 1. Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height. The following additional provisions shall also apply to side setbacks:
    - a. Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; fifteen (15) feet when side street is a collector or arterial; twenty (20) feet for garage and carport entrances.
    - b. Ten (10) feet on one side for zero lot-line lots.
- C. Rear yard. Ten (10) feet; five (5) feet for alley-access garages; and twenty (20) feet for double-frontage lots.

### **8-3C.270 LOT AREA AND DIMENSIONS**

In the RS-7 zone, the minimum lot area shall be as follows:

- A. Minimum Lot Area (for rules on lot averaging, refer to 8-2.330(C)(1a)):
  - 1. 6,000 square feet.
  - 2. Corner lots: 7,000 square feet.

B. Minimum Lot Area per Dwelling Unit:

1. 6,000 square feet.

C. Minimum Lot Width:

1. 50 feet; reducible to 40 feet to permit flag lot partitioning.

D. Maximum Building Bulk:

1. Height: 30 feet.
2. Building Coverage: 35 percent.

E. Non-conforming Lots of Record:

1. A lot having an area of less than 6,000 square feet of record at the time of the passage of this ordinance (June 24, 1980) may be occupied by one single-family dwelling if all other dimensional requirements of the zone are complied with.

**8-3C.280 LANDSCAPING, FENCES, WALLS, AND SIGNS**

In the RS-7 zone, all required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted in accordance with Section 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

**8-3C.290 SINGLE-FAMILY TRANSITIONS**

Single-family development that is adjacent to non-residential zones may be required to provide a transitional buffer in accordance with 8-3J.450(B). [Amended by Ord. No. 918; 7/15/2016]

8-3 Division C. Article 3.

**RESIDENTIAL ZONE**

**SINGLE-FAMILY—MANUFACTURED HOME (*RS-MH*)**

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**8-3C.310 DESCRIPTION AND PURPOSE**

The Manufactured Home Zone is intended to provide a stable, healthful and livable environment, together with the full range of urban services, for those choosing to reside in manufactured homes on a permanent basis or in a neighborhood with a variety of housing types, including both manufactured homes and single-family dwellings. Small economic enterprises, such as home occupations and neighborhood commercial activity, may occur indistinguishably or compatibly with the residential character. This zone should provide residents with neighborhoods comparable in quality with Low-density Residential areas.

**8-3C.320 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

No building, structure or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

- A. Manufactured home or single-family dwelling on an individual lot.
- B. Manufactured home park, subject to the supplementary provisions of Article 8-3L.8, and including common use recreation and laundry facilities.
- C. Home occupation, subject to the provisions of Article 8-3L.6.
- D. Short-term rentals, subject to the provisions of 8-3J.11
- ~~D. [Reserved]~~
- E. Other uses similar to those listed above where permitted by the Planning Commission after written application.
- F. Accessory buildings and structures, including private garages, accessory living quarters and guest houses, storage sheds for garden equipment, private greenhouses, solar energy collectors or other energy conserving devices and equipment used for the mounting or operation of such devices, stables, barns and other uses determined to be similar by the planning staff advisor or Commission. Accessory structures that are not separated from a manufactured home are subject to the additional restrictions of Section 395(F) or Section 8-3L.850(U), as applicable.
- G. Accessory Dwelling Units on single-family lots, subject to the provisions of Article 8-3L.5. [Amended by Ord. No. 943; Effective 7/20/2018]

**8-3C.330 BUILDING AND USES PERMITTED SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered, neither shall any land be developed, except for the following uses, which are subject to the site development plan review process in 8-3L.1.

- A. Two or three main buildings on a single-family or manufactured home lot, provided that there shall be 6,000 square feet of lot area per single-family or manufactured dwelling.
- B. Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.
- C. Other uses similar to those listed above or under Section 320, where permitted by the Planning Commission after written application.

**8-3C.340 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed except for the following buildings and uses which are permitted subject to the provisions of Article 8-3L.1 and Section 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, as to the best methods to perform or develop the use.

- A. Parks and playgrounds.
- B. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of twenty percent (20%) of the property width but not less than ten feet.
- C. Churches, except rescue missions and temporary revivals held outside of church buildings.
- D. Rental apartments within existing dwellings that contain at least 2,000 square feet of floor space, including garages, where off-street parking space is provided as set forth in Article 8-3J.5 and where the exterior of the building visible from the street is not changed.
- E. A second detached single-family dwelling, provided all setbacks, parking, buffering and lot coverage requirements are met and no dwelling contains less than 6,000 square feet of floor area.
- F. Travel trailer or recreation vehicle accommodations in a manufactured home park.
- G. Grocery stores, drug stores, restaurants, beauty and barber shops, and other compatible uses to provide services in a manufactured home park to the occupants of the park.
- H. Bins or containers along streets used for temporary storage of garbage or material for recycling.
- I. Other uses similar to those listed above, or under Section 320 or 330, where permitted by the Planning Commission after written application.

**8-3C.350 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The Planning Commission may grant or deny a conditional use permit in accordance with the procedures set forth in Article 8-3L.2. The following uses permitted conditionally in the RS-MH zone meet the description and purpose set forth in Article 8-3L.2:

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).
- B. Kindergartens, day nurseries and preschools.
- C. Public and private elementary, junior high and high schools and colleges.
- D. Manufactured home for the infirm, subject to the supplemental provisions of 8-3L.250.
- E. Golf courses, country clubs, tennis clubs and community swimming pools.
- F. Community centers, fraternal or lodge buildings.
- G. Cemeteries.
- H. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area and where the exterior appearance has a residential appearance similar to residences on adjacent properties.
- I. Buildings over two and one-half (2½) stories or thirty (30) feet in height, whichever is the lesser.
- J. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RS-MH zone.

**8-3C.360 MANUFACTURED HOME PARK REGULATIONS GENERALLY**

Additional regulations pertaining to manufactured home parks are contained in Article 8-3L.8. The following regulations apply to manufactured homes located on individual lots in the RS-MH zone.

**8-3C.370 YARD REGULATIONS**

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.
- B. Side yard.
  - 1. Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height. The following additional provisions shall also apply to side setbacks:
    - a. Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; fifteen (15) feet when side street is a collector or arterial; twenty (20) feet for garage and carport entrances.
    - b. Ten (10) feet on one side for zero lot-line lots.
- C. Rear yard. Ten (10) feet; five (5) feet for alley-access garages; and twenty (20) feet for double-frontage lots.

**8-3C.380 LOT AREA AND DIMENSIONS**

In the RS-MH zone, the minimum lot area shall be as follows:

- A. Minimum Lot Area (for rules on lot averaging, refer to 8-2.330(C)(1a)):
  - 1. 6,000 square feet.

- 2. Corner lots: 7,000 square feet.
- B. Minimum Lot Area per Dwelling Unit:
  - 1. 6,000 square feet.
- C. Minimum Lot Width:
  - 1. 50 feet; reducible to 40 feet to permit flag lot partitioning.
- D. Maximum Building Bulk:
  - 1. Height: 30 feet.
  - 2. Building Coverage: 35 percent.
- E. Non-conforming Lots of Record:
  - 1. A lot having an area of less than 6,000 square feet of record at the time of the passage of this ordinance (June 24, 1980) may be occupied by one single-family dwelling if all other dimensional requirements of the zone are complied with.

**8-3C.390 LANDSCAPING, FENCES, WALLS AND SIGNS**

In the RS-MH zone, all required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted and in accordance with Section 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

**8-3C.395 ADDITIONAL STANDARDS FOR MANUFACTURED HOME INSTALLATION AND OCCUPANCY IN THE RS-MH ZONE**

(See also Article 8-3J.2). Installation and occupancy of manufactured homes on individual lots will be subject to the following additional requirements.

- A. The manufactured home shall be equipped with a toilet, lavatory and bathtub or shower, and with a kitchen area.
- B. No manufactured home shall be occupied until it is connected with the public water and sewer systems.
- C. The manufactured home shall have its wheels removed and be placed on a concrete, concrete block, or similar foundation and, unless the foundation is continuous, shall have continuous skirting (conforming to state standards) installed within sixty (60) days of occupancy.
- D. Installation of a manufactured home on a lot shall be limited to a lot owned by the owner of the manufactured home.
- E. If the manufactured home is removed from its foundation and not replaced with another manufactured home, the owner shall remove the foundation and permanently disconnect the sewer, water and other utilities. If the owner fails to accomplish this work within forty-five (45) days from the date the manufactured home is removed from its foundation, the City may perform the work and place a lien against the property for the cost of the work.



- F. Any manufactured home accessory building or structure that is not visually separated from a manufactured home shall be constructed with material and appearance compatible with the manufactured home. This does not apply to patios, porches and decks, or out-buildings that are separated from the manufactured home.
- G. The manufactured home shall be in a condition that conforms to one of the following construction standards:
  - 1. A manufactured home constructed after April 1972 shall bear the Oregon insigne of compliance to standards in effect in Oregon at the time of construction.
  - 2. A manufactured home constructed prior to April 1972 shall be in a condition that is not less than the substantial equivalent of any construction standards in effect in Oregon after April 1972, as determined by the building official.
- H. The manufactured home shall have a minimum area of six hundred (600) square feet, as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device. Space within a manufactured home accessory structure shall not be included in the computation of minimum area. [amended 15 October 2008; Ord. No. 847]

8-3 Division C. Article 4.

**RESIDENTIAL ZONE**

**MULTIPLE-FAMILY—HIGH-DENSITY (RM-22)**

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**8-3C.410 DESCRIPTION AND PURPOSE**

The Residential—Multiple-Family—High-Density (RM-22) zone is intended to provide a healthful and livable residential environment, together with the full range of urban services, for housing units at densities higher than provided for in other residential zones. This zone is also intended to accommodate housing alternatives to conventional housing and an area where small economic enterprises, such as home occupations and neighborhood commercial activity, can occur indistinguishably or compatibly with the residential character. It is generally intended that high-density residential zones will be situated in close proximity to activity centers and major streets.

**8-3C.420 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW**

No building, structure, or land shall be used, and no building or structure shall be hereafter erected, enlarged or structurally altered, except for the following uses:

- A. Detached Single-family dwellings on individual lots.
- B. Manufactured homes that are multi-sectional and a minimum of 1,000 square feet, not including garage or carport. Manufactured homes are prohibited within the Old Town or other historic district.
- C. Use of existing structures for the permitted uses listed in Sections 430 and 440 of this Article below, where all the provisions of this Chapter and any amendment thereto are met.
- D. Home occupations, subject to the provisions of Article 8-3L.6
- E. Short-term rentals, subject to the provisions of 8-3J.11
- ~~E. [Reserved]~~
- F. Other uses determined by the Planning Commission to be similar to those listed above.
- G. Accessory Dwelling Units on single-family lots, subject to the provisions of Article 8-3L.5.  
[Amended by Ord. No. 943; Effective 7/20/2018]

**8-3C.430 BUILDING AND USES PERMITTED SUBJECT TO TYPE-2 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered, neither shall any land be developed, except for the following uses, which are subject to the site plan review process in Article 8-3L.1.

- A. Up to four dwelling units, either duplexes, multiple-family dwellings, condominiums, row houses and townhouses (attached single-family dwellings), but not including the conversion of multiple-

family dwellings to unit ownership. Attached single-family dwellings (row houses or townhouses) are permitted only if vehicular access is provided via alleyway(s).

- B. Boarding and rooming houses not exceeding accommodations for five (5) residents.
- C. Conversion of existing single-family dwellings to multi-family units, up to four dwelling units, provided each unit shall have no less than 450 square feet of living area and 250 square feet of open space in compliance with the provision of Section 470, below.
- D. More than one single-family dwelling (detached or attached and not exceeding four dwelling units) on an individual lot that is with or without existing dwelling units.
- E. Wireless communication antennae within the Public Right of Way, subject to the provisions of Section 8-3J.910.
- F. Other uses determined by the Planning Commission to be similar to those listed above or under Section 420.

**8-3C.440 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPMENT PLAN REVIEW**

No building or structure shall be hereafter erected, enlarged or structurally altered; neither shall any land be developed except for the following buildings and uses, which are permitted subject to the provisions of Article 8-3L.1 and Section 8-3M.130. The following uses are those that, although permissible, contain certain characteristics that can impact nearby properties. The purpose of the public hearing is to obtain points of view and suggestions from persons owning property within 250 feet of a proposed use, or their representatives, or other interested or affected persons, as to whether and how the use can be located on the designated site.

- A. Any use in Section 430, above, that exceeds the size thresholds listed.
- B. Parks and playgrounds.
- C. Public and semi-public buildings essential to the physical welfare of the area; such as fire and police substations, libraries, substations, pump stations and reservoirs, provided that each side yard on an interior lot shall be a minimum of twenty percent (20%) of the property width but no less than ten (10) feet.
- D. Churches and other places of worship, excluding rescue missions and temporary revivals held outside of religious worship buildings.
- E. Kindergartens, day nurseries and pre-schools.
- F. Relocated Structures.
- G. Other uses determined by the Planning Commission to be similar to those listed above, or under Sections 420 or 430.

**8-3C.450 BUILDINGS AND USES PERMITTED SUBJECT TO CONDITIONAL USE REVIEW**

The Planning Commission may grant or deny a conditional use permit in accordance with the procedure set forth in Article 8-3L.2. The following uses permitted conditionally in the RM-22 zone meet the description and purpose set forth in Article 8-3L.2:

- A. Hospitals, sanitariums, rest homes, homes for the aged, nursing homes, group care homes, retirement homes, and medical and dental clinics and laboratories (not including animal hospitals and clinics).
- B. Public and private elementary, junior high, and high schools and colleges.
- C. Community centers, fraternal or lodge buildings.
- D. Business, technical, art or music schools.
- E. Professional offices for accountants, attorneys, engineers, architects, landscape architects, surveyors, designers, planners and similar professionals.
- F. Studios for interior decorators, photographers, artists and draftsmen.
- G. Antique stores.
- H. Neighborhood grocery store located on a lot of not more than 12,000 square feet in area.
- I. Mobile home for the infirm, subject to the supplemental provisions of Section 8-3L.250.
- J. Building over two-and-a-half (2½) stories or thirty (30) feet in height, whichever is less. Such buildings must also meet the Building Height Transition Standards in Section 8-3J.123(A).
- K. Other buildings, structures or uses that the Planning Commission determines to be similar to other uses permitted conditionally in the RM-22 zone.

#### **8-3C.460 YARD REGULATIONS**

- A. Front yard. The front yard shall have a depth of not less than twenty (20) feet for dwellings and twenty-four (24) feet for garages and carport entrances.
- B. Side yard.
  - 1. Five (5) feet for the first story, plus three (3) feet for buildings over eighteen (18) feet in height; zero (0) feet for attached single-family dwellings. The following additional provisions shall also apply to side setbacks:
    - a. Ten (10) feet for street-facing side yards on corner lots when side street is a local or an alley; fifteen (15) feet when side street is a collector or arterial; twenty (20) feet for garage and carport entrances.
    - b. Ten (10) feet on one side for zero lot-line lots.
- C. Rear yard. Ten (10) feet; five (5) feet for alley-access garages.

**8-3C.470 LOT AREA AND DIMENSIONS**

In the RM-22 zone, the minimum lot area shall be as follows:

A. Minimum lot size by dwelling type:

- 1. Single-Family Residence (SFR)  
(detached): 5,000 square feet.

Note: Lots (or groups of lots forming a development) greater than two (2) acres in size may not be used for SFR developments; such lots shall be preserved for higher-density development. In developments larger than two acres, half of the area—but only up to two acres total—may be designed to contain SFRs.

- 2. Duplex: 6,000 square feet.
- 3. SFR (attached): 1,800 square feet.

Attached or zero lot line townhouses or row houses may be on individual pad lots smaller than 1,800 square feet so long as the density per net acre does not exceed 16 dwellings and for each dwelling there is at least 250 square feet of recreation area, as described in Section 480, below.

- 4. Apartment building containing three dwellings: 6,000 square feet. For each additional dwelling unit on the same lot, the lot size shall be 1,800 square feet larger.
- 5. Additional regulations:
  - a. Corner lots for all the above: increase minimum lot size by 1,000 square feet.
  - b. Double-frontage lots for all the above: increase minimum lot size by 1,000 square feet.

B. Maximum number of dwellings by type per net acre (see definition below):

- 1. SFR (detached) 6
- 2. Duplex 12 (i.e., six separate buildings)
- 3. SFR (attached) 16
- 4. Apartment 22

Net Acre: For the purposes of this Section, a *net acre* is the total development acreage net of undevelopable lands (as defined in Article 8-3B.1) and a 24-percent reduction allowing for infrastructure. Development projects less than 1.5 acres in size do not need to subtract infrastructure allowance. Development proposals 1.5 acres or larger may not exempt 1.5 acres from calculating infrastructure allowance.

C. Maximum Building Coverage

- 1. SFR (detached): 40 percent

- 2. Duplex: 40 percent
- 3. SFR (attached): 40 percent, as averaged over the entire development area minus streets.
- 4. Apartment: 40 percent

D. Minimum Lot Width

- 1. SFR (detached): 40 feet
- 2. Duplex: 50 feet
- 3. SFR (attached): None
- 4. Apartment: 50 feet

E. Maximum Building Bulk:

- 1. Height: 30 feet.
- 2. Building Coverage: 40 percent.

F. Non-conforming Lots of Record:

- 1. A lot having an area of less than 5,000 square feet of record at the time of the passage of this ordinance may be occupied by one single-family dwelling or one duplex dwelling if all other dimensional requirements of the zone are complied with. [Section 6 amended by Ord. 793; 11/02/2005]

**8-3C.480 RECREATION AREA FOR MULTI-FAMILY DWELLINGS**

In addition to the required landscaped open space (see Section 476, below), a minimum of 250 square feet of useable recreation area shall be provided for each multi-family dwelling unit. The recreation area may be in one or more locations, and may include recreation buildings, but no area with any minimum dimension of less than fifteen (15) feet—except for bicycle paths—shall be counted toward this requirement.

**8-3C.482 LANDSCAPING, FENCES, WALLS AND SIGNS**

In the RM-22 zone, all required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted in accordance with Section 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

**8-3C.484 BUFFERING**

When a development or use is proposed on property in the RM-22 zone, which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the Planning Commission shall require a buffer in accordance with Section 8-3J.450. [Amended by Ord. No. 918; 7/15/2016]

# 8-3 Division J. Article 11.

## SUPPLEMENTARY PROVISIONS

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[Amended by Ord. No. 947; Effective 11/17/2018]

### 8-3J.1110 DESCRIPTION AND PURPOSE

This Section supplements the standards of the Talent Zoning Code. It provides additional standards for permitted land uses in order to control the scale and compatibility of those uses within the City.

### 8-3J.1120 APPLICABILITY

This section supplements the other requirements of this ordinance. Uses designated as special uses and uses the City determines to be similar to such uses, are subject to this section. Some special use standards contained in this article, and others have a corresponding section in this ordinance. Where standards differ between chapters, the provisions of this article apply.

### 8-3J.1130 REVIEW PROCESS

City Staff or Planning Commission applies the standards of this article through the applicable review process (i.e., Type 1 review, Type 2 review or Type 3 review). Site Development Plan Review pursuant to Chapter 8-3L.1, or a Conditional Use Permit pursuant to Chapter 8-3L.2 may be required for some uses.

### 8-3J.1140 MARIJUANA RELATED USES

The purpose of this section is to regulate the cultivation of marijuana within the City of Talent in a manner that protects the health, safety and welfare of the community, while avoiding undue interference with an individual’s right to cultivate marijuana as allowed by the laws of the State of Oregon.

A. **Homegrown Marijuana Cultivation.** Marijuana Cultivators shall be allowed to cultivate, produce, process and/or possess marijuana as an outright permitted use, subject to the following general conditions:

1. The resident grower must live on the property where the cultivation of marijuana is located and that same property must be the primary residence of the resident grower;
2. Marijuana cultivation shall not be the primary use of a dwelling. Vacant, uninhabited or abandoned dwelling units shall not be used for marijuana cultivation.
3. Marijuana cultivation and any related activities shall be in full compliance with all applicable provisions of the Oregon Health Authority (OHA) and Oregon Liquor Control Commission (OLCC);
4. Marijuana processing including any drying, keeping or storage of homegrown marijuana shall be located indoors;
5. Licensed commercial grows, as defined by Measure 91, are strictly prohibited in all residential zones.

6. The use of explosive or flammable gas products for marijuana cultivation or processing is prohibited;
7. The cultivation area shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, smoke, traffic, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes;
8. Disposal of any excess or unused marijuana, marijuana products, or other byproducts thereof, shall meet all local and state requirements for disposal, and shall be disposed of in a secure fashion to avoid access by children, visitors, casual passersby, vandals or anyone not licensed or authorized to possess marijuana;
9. **Building Code.** Any structure, accessory structure, electrical service, plumbing, or mechanical equipment such as lighting, fans, heating and cooling systems associated with marijuana cultivation shall satisfy the Oregon Building Code requirements and obtain all required permits prior to installation;
10. **Accessory Structures.** Any accessory structure shall meet the requirements of the City's Zoning Code;
11. **Light and Glare.** Light pollution, glare, or brightness that disturbs the repose of another shall be minimized. All lighting shall be shielded or confined to the interior of the structure;
12. **Outdoor Cultivation.** Up to four (4) recreational marijuana plants per lot or up to six (6) medical marijuana plants per lot are allowed to be grown in accordance with applicable Oregon Revised Statutes and Oregon Administrative Rules. Outdoor marijuana cultivation shall meet all of the following requirements;
  - a. Outdoor cultivation areas must be in compliance with ORS 475.320(2)(b)(d) which requires all medical marijuana grows to obtain and display a medical marijuana grow site registration card.
  - b. Locate marijuana plants so that they are not visible from a public place, public street or area the general public has access (e.g. schools, playgrounds, parks, open space, pedestrian and bicycle paths and trails). Marijuana plants shall not be located in a front yard.
  - c. Marijuana plants grown outdoors shall meet the following dimensional standards:
    - i. Cultivation areas shall be sited closer to the primary dwelling of the resident grower than to dwellings on adjacent properties;
    - ii. Cultivation areas may include one area or a combination of areas on the property;
    - iii. Contiguous legal lots or parcels under single ownership shall be considered a single lot or parcel for the purpose of calculating the allowed marijuana plants;



- iv. Number of marijuana plants grown outdoors may not exceed four (4) recreational or six (6) medical plants;
- v. Maximum marijuana plant height shall not exceed 10 feet in height. Plant height is measured from the average adjacent grade.
- vi. Minimum cultivation area setbacks from any property line shall be ten (10) feet and twenty (20) feet from dwellings on adjacent properties or from multifamily dwelling units within a multifamily development.

**B. Marijuana-Related Businesses.**

- 1. Marijuana-related businesses may require a Type 2 or Type 3 Site Development Plan Review under Section 8-3L.1 or a Type 3 Conditional Use Permit under Section 8-3L.2. Marijuana-related businesses shall meet all of the following requirements.
  - a. The business must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor marijuana production, cultivation, and storage of merchandise, raw materials, or other material associated with the business are prohibited.
  - b. Any modifications to the subject site or exterior of a building housing the business must be consistent with the Site Development Plan standards, if required by Section 8-3L.1 of the Talent Zoning Code. Security bars or grates on windows and doors are prohibited.
  - c. The business must provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the business' exterior refuse containers.
  - d. Light and Glare. Shield lighting systems and the use of window coverings may be required to confine light and glare from light systems associated with indoor cultivation to confine light and glare to the interior of the structure. Grow light systems within a greenhouse are prohibited.
  - e. Building Code. Any structure, accessory structure, electrical service, plumbing, or mechanical equipment (e.g., lighting, fans, heating and cooling systems) associated with a business shall satisfy the Building Code requirements and obtain all required building permits prior to installation.
  - f. Methodology for Measuring Separation Requirements. The following methodology shall be used for marijuana related- businesses that are required to be separated by a specific distance (i.e., marijuana production facility, marijuana wholesale facility, marijuana retail outlet). For the purposes of determining the distance between a marijuana related-business and another marijuana-related business, "within 1,000 feet"

means a straight-line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of an approved marijuana related- business to the closest point anywhere on the premises of a proposed marijuana-related business of the same type. If any portion of the premises of a proposed marijuana related-business is within 1,000 feet of an approved marijuana related business of the same type, it shall not be approved. For the purpose of this section, premises is all public and private enclosed areas within a building at the location that are used in the business operation, including offices, kitchens, rest rooms, and storerooms.

**8-3J.1150 TEMPORARY USES**

All temporary uses must comply with the provisions of this ordinance. Only temporary uses lasting more than two (2) days require a temporary use permit. Temporary Uses lasting two (2) days or less shall be subject to a Special Use Permit.

A. Application. Applications for the temporary use permit shall be filed with Community Development and shall include:

1. Form prescribed by the City and signed by the property owner.
2. A statement explaining the request.
3. Site plan showing location of any proposed structures, activity areas, and parking with respect to property lines and existing buildings, parking areas, and landscaping.
4. Drawings or photos showing proposed structures.
5. Any other information needed to describe the proposed use in sufficient detail for Community Development Director to determine how the proposed use meets the approval criteria.

B. Approval Standards. A temporary use may be granted only if:

1. The temporary use is consistent with the purpose of the zoning district in which it is placed.
2. The temporary use shall comply with the applicable criteria listed in Section 8-3J.1140(C) below.

C. Allowable Temporary Uses.

1. Temporary displays, sales, and events. Temporary displays, sales and events may be permitted in all industrial, commercial and public facilities and parks zones. All activities must meet the following criteria:
  - a. Adequate parking facilities are available. The temporary activity does not eliminate parking spaces required by Section 8-3J.5 of this ordinance.
  - b. The temporary activity does not encroach on the required setbacks of the lot.

- c. Food vendors shall comply with all state and county health and fire regulations and shall furnish written evidence of compliance prior to opening for business.
  - d. Renew the Temporary Use Permit each year.
  - e. Temporary activities involving tents, tarps, or sales out of vehicles will last no more than two (2) consecutive days.
2. Temporary stationary food vending, coffee stands or other kiosks. Temporary stationary food vending, coffee stands or other kiosks may be permitted in all commercial zones for a period not to exceed one (1) year.
- a. No extension cords shall be used to provide electricity.
  - b. The use shall not connect to City water or sewer and shall identify the method of grey water disposal.
  - c. Prior to the issuance of any permit or a business license, the Fire Marshal shall inspect and approve any mobile unit to determine compliance with all applicable Building and Fire Codes.
3. Second Dwelling on Property During Construction or Demolition of Dwelling. A manufactured home or RV may be used temporarily during construction or reconstruction of a permanent residence. Or, a building permit may be issued for a new residence while an existing home remains occupied to allow for the residents to remain on their lot until the new dwelling is ready to occupy. The temporary use, including demolition of building, shall be limited to a maximum of one year unless an extension is approved by the Community Development Director. The following standards must be met for either of these temporary uses:
- a. The applicant shall provide evidence of an approved water supply and sewage disposal system.
  - b. The certificate of occupancy for the new residence shall not be issued until the original dwelling has been demolished and the site cleaned up, or until the manufactured home being used temporarily is removed from the site.
  - c. If a manufactured home is to be used as a temporary residence, a building permit for the siting and anchoring of the manufactured home shall be submitted and approved by the building inspector prior to occupancy. Upon expiration of the temporary use, the manufactured home shall not be converted to an accessory use.
  - d. RV use shall be limited to not more than 180 days, unless an active building permit exists. RV use may be extended with a written request beyond the 180 days if a final building permit for the construction or demolition of a second dwelling has not been obtained.
4. Outdoor Storage (not involving sales). Temporary outdoor storage not exceeding 180 days may be permitted in all industrial and commercial zones. All outdoor storage areas must meet the following criteria:
- a. The storage does not encroach on the required setbacks of the lot.

- b. Adequate parking facilities are available. The temporary outdoor storage does not eliminate parking spaces required by Section 8-3J.5 of this ordinance.
  - c. The materials being stored will not cause any contamination of stormwater runoff. The materials being stored shall be screened from view with sight-obscuring fence or landscaping in compliance with Section 8-3J.4 of the Talent Zoning Code.
  - d. The materials do not create an attractive nuisance as defined in the Talent Municipal Code.
  - e. After one (1) year, the temporary use permit period expires. The use shall then either be converted to a permanent use through Conditional Use Permit review in compliance with the standards of Section 8-3L.2, or be discontinued.
5. Standards for a manufactured dwelling as a temporary office in the commercial or industrial zone during construction of a permanent structure.
- a. Within six (6) months from the date the approval is granted, an application for a building permit for a permanent structure or modification of an existing structure on the premises must be filed. Failure to submit the application within the specified time will terminate the approval.
  - b. The temporary permit shall be for a period not to exceed eighteen (18) months.
  - c. All owners of the lot agree in writing to remove the manufactured dwelling from the lot not later than eighteen (18) months from the date on which the building permit is issued or not later than two (2) months following the completion of the construction, whichever shall occur first.
  - d. All owners of the lot agree in writing to remove all evidence that the manufactured dwelling has been on the lot within 30 days after the removal of the manufactured dwelling and that the manufactured dwelling shall not be converted to an accessory building.
  - e. Any electric, water and sewer connections which are necessary must be made according to City specification.
  - f. A building permit for the siting and anchoring of the manufactured dwelling shall be submitted and approved by the building inspector prior to occupancy.

D. Procedures for Approving Temporary Uses.

- 1. The Community Development Director may approve, disapprove, or conditionally approve the Temporary Use Permit. Approval of the Temporary Use Permit will be subject to compliance with the standards as set forth in this ordinance and standards as established elsewhere by City ordinance.
- 2. The Community Development Director may attach appropriate and reasonable conditions to the permit that are necessary to ensure the public health, safety, and welfare and to maintain compliance with city codes and ordinances. Such clear

and objective standards may include but are not limited to:

- a. Setback requirements
  - b. Screening
  - c. Control of points of ingress and egress
  - d. Special provisions for signs
  - e. Landscaping and maintenance of landscaping
  - f. Maintenance of grounds
  - g. Control of noise, vibration, and odors
  - h. Limitation of hours for certain activities
  - i. Limitation of duration of temporary use
3. Once approved, the site plan for the temporary use as modified with conditions shall become the official plan and a revised plan meeting the conditions shall be submitted to Community Development.
  4. Compliance with conditions imposed in the temporary use permit and adherence to the approved plans is required. The Community Development Director may revoke the temporary use permit with any departure from the approved plans or conditions of approval.
  5. All temporary uses require a City business license.

E. Procedures for Renewing Temporary Use Permits.

1. Temporary Use Permit shall be subject to review and approval by the Community Development Director on an annual basis for a period not to exceed three (3) years, after which the use shall be discontinued or application for Site Development Plan review shall be approved.
2. Temporary Use Permit renewals may be approved by the Community Development Department provided that:
  - a. No formal complaints have been filed regarding the temporary use.
  - b. There have been no changes made to the site plan or activities from the time of initial approval as verified by the Community Development Director.

**8-3J.1160 BACKYARD CHICKENS & DUCKS**

- A. The keeping of chickens or ducks within the City is allowed in all residential zoning districts as an outright permitted use, subject to the following conditions:
1. One (1) chicken or duck is allowed for each one thousand (1,000) square feet of assessed lot size, up to a maximum of ten (10) chickens.
  2. Roosters and geese are not allowed.

- B. Chickens and ducks kept under this section shall be secured at all times:
1. During non-daylight hours, chickens and ducks shall be confined within a secure coop sufficient to protect chickens and ducks from predators;
  2. During daylight hours, chickens and ducks shall be confined within a coop or run meeting the requirements of Section 8-3J.1160(C), below, or within a securely fenced backyard.
- C. Coops and Runs:
1. Coops and runs shall be built in compliance with all applicable building and zoning codes if over 200 square feet;
  2. Coops shall be set back at least 20 feet from dwellings on abutting property;
  3. Coops shall be set back a minimum of five (5) feet from abutting side property;
  4. Coops and runs shall not exceed eight (8) feet in height in a back yard or three (3) feet in height in the front yard;
  5. Coops must have at least two (2) square feet of floor area per adult chicken or duck.
  6. Runs must have at least six (6) square feet of run area per adult chicken or duck.
- D. To protect public health, the areas in which chickens or ducks are kept must be maintained in compliance with the following requirements:
1. All animal or poultry food shall be stored in metal or other rodent proof receptacles;
  2. Manure must be collected, stored, composted and/or removed from the property on a regular basis so as not to create a public health hazard or nuisance. All manure not used for composting or fertilizing shall be removed from the property;
  3. Noise resulting from the keeping or maintaining of chickens or ducks must not exceed the limitations set forth in Talent Municipal Code.

### **8-3J.1170 SHORT-TERM RENTALS**

The Purpose of this article is to allow short-term rentals in the city of Talent. A short-term rental is defined as a dwelling unit that is rented to successive tenants for periods of less than 30-days duration over a 12-month period. Short-term rentals are permitted in all residential zones, in both owner-occupied and leased properties, provided that the short-term rental meets the definition as stated in 8-3B.1 of this Code, the requirements of this Article, and all other applicable City, County or State laws and regulations.

- A. Application Requirements. Any occupant of a dwelling unit may make an application to the Community Development Department to operate a short-term rental. The application shall consist of the following:
1. Name of applicant with site address and applicant's mailing address (if different), assessor's map number and tax lot number of the subject property;
  2. A written description of the subject property, including property type (single family

home, multi-family apartment, etc.), and a description of the portion of the dwelling to be rented.

3. Site map showing location of dwelling unit on the parcel, and location of required off-street parking.
4. If the property is leased, a copy of a lease agreement valid for at least 6-months from the date of application, plus an original, signed letter from the property owner indicating the tenant has permission to use the property as a short-term rental.
5. A one-time application fee and annual permit fee, in an amount established by resolution or ordinance of the City Council.

B. Conditions of Approval.

1. The dwelling unit to be used as a short-term rental must be owner-occupied. For the purposes of this Section, owner-occupied means the owner or lessee of the property declares the property as his/her legal permanent residence and occupies must reside in the dwelling for at least 270 days of the calendar year. Owners or lessees may not enter into a short-term rental agreement for periods when they do not ~~occupy~~ reside on the property unless an adult 18-years or older is present on the premises during the rental period, and that adult is responsible for ensuring compliance with the provisions of this Article.
2. The owner or lessee of the subject property may lease up to three bedrooms (attached or detached to the primary dwelling), plus common areas of the occupied dwelling, but no dwelling unit may be rented in its entirety. Existing accessory dwelling units and new accessory dwelling units permitted under this ordinance shall not be used as short-term rentals.
3. The short-term rental must demonstrate compliance with city off-street parking standards.
  - a. For one- and two-bedroom dwelling units: two spaces per unit.
  - b. For three- or more bedroom dwelling units: two spaces per unit, and one space for each additional bedroom between three and five, for a maximum of five spaces.
4. Applicant shall demonstrate that the dwelling unit is in compliance with all applicable health and safety laws and regulations, including installation of smoke and carbon monoxide detectors.
5. Applicant shall keep a guest log recording the name, address and dates of stay for each short-term rental guest. The log shall be available for inspection by city staff at any time.

6. No exterior signs advertising the short-term rental accommodations shall be allowed.
  7. Applicant shall prominently post rental rules and regulations in the interior of the dwelling unit where they can be seen by guests. Rules shall include reference to on-street parking prohibitions, excessive noise, and disturbance of neighbors.
  8. Applicant agrees to allow city staff to inspect the dwelling unit prior to approval of the short-term rental application, and at any time after approval upon 24-hours-notice to the applicant.
  9. Applicant shall provide evidence of a current city business license, and registration with the applicable state and local taxing authorities for purposes of paying state and local lodging taxes.
- C. **Level of Review.** An application for a short-term rental shall be a Type 1 review by the Community Development Department based on the conditions for approval set forth in this Article. An administrative decision by the Community Development Department is final on the date that it is made and cannot be appealed to the City or City officials.
- D. **Pre-Existing Non-Conforming Use.** Pre-existing non-conforming use of a residential property as a short-term rental shall be allowed if all of the following conditions are met:
1. The owner/occupant files an application under this Article and pays all applicable fees, within 60 days of final approval of a short-term rental ordinance.
  2. The owner/occupant demonstrates to the satisfaction of the Community Development Department that the property was in compliance with all applicable state and local laws and regulations in the 12 months prior to enactment of the ordinance, including obtaining a business license and paying all required taxes.
- E. **Enforcement.** The granting of a business license to operate a short-term rental shall be subject to payment of an annual permit fee, and to review by the Community Development Department. If the Community Development Department determines that a short-term rental is operating in violation of the conditions of approval of this Article, the license holder shall be subject to all applicable fines under the Talent Municipal Code.