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1. Five feet for one to two the first story structures, plus five three-feet for three-story buildings over 18 feet in height; zero feet for attached single-family dwellings. The following additional provisions shall also apply to side setbacks:

- a. Ten feet for street-facing side yards on corner lots when side street is a local or an alley; 15 feet when side street is a collector or arterial; 20 feet for garage and carport entrances.
- b. Ten feet on one side for zero-lot-line lots.

C. *Rear Yard.* Ten feet; five feet for alley-access garages.

D. *Additional setbacks adjacent to residential uses.* To provide compatible building scale and privacy between developments, buildings in the RHD zone shall provide additional setbacks or "step-downs" adjacent to lower-density residential development.

1. This standard applies to new and vertically expanded buildings that exceed 30 feet or two stories, whichever is less, on lots adjacent to lots zoned RLD, RMD, or RMH.
2. The minimum side or rear yard setback shall be equal to the height of the proposed building less 15 feet. For example, a 35 foot-tall building would require a 20-foot setback.
3. Building height may "step-down" within the additional setback area provided that no portion of the building exceeds the allowed ratio in Section (D)(2) and the building meets the minimum side and rear yard setbacks otherwise required in this section.

[Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.460, 2006.]

### **18.30.065 Density regulations.**

A. *Minimum Density.* The minimum density shall be 18 units per net acre.

Net Acre: For the purposes of this Section, a *net acre* is the total development acreage net of undevelopable lands (as defined in Chapter 18.15 TMC) 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.

B. *Maximum Density.* There shall be no maximum density, provided lot area and dimensional standards in TMC 18.40.070 are met.

### **18.40.070 Lot area and dimensions.**

In the RM-HD zone, the minimum density shall be 18 units per net acre.

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.

#### A. *Minimum Lot Area.*

1. For single-family detached (existing) and duplex dwellings: 2,500 square feet.
2. For single-family attached dwellings: 1,800 square feet.
3. For triplex, quadplex and multiple-family dwellings: 5,000 square feet.

#### B. *Maximum Building Coverage.*

1. Seventy-five percent. Apartment: 40 percent.

#### C. *Minimum Lot Width.*

1. For single-family detached (existing) and duplex dwellings: 25 feet.
2. For single-family attached dwellings: 20 feet.
3. For triplex, quadplex and multiple-family dwellings Apartment: 50 feet.

#### D. *Maximum Building Height-Bulk.*

1. Forty feet or three stories, whichever is less. Height: 30 feet.

D. *Nonconforming Lots of Record*. A lot having an area of less than ~~2,500~~ 5,000-square feet of record at the time of the passage of the ordinance codified in this title may be occupied by one single-family dwelling or one duplex dwelling if all other dimensional requirements of the zone are complied with. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.470, 2006.]

### **18.40.080 Recreation area for multiple-family dwellings.**

~~In addition to the required landscaped open space (see TMC 18.40.090),~~ A minimum of 250 square feet of usable recreation area shall be provided for each multiple-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 15 feet – except for bicycle paths – shall be counted toward this requirement. Recreation area may be counted towards the required landscaped open space in TMC 18.105.020. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3C.480, 2006.]

### **18.40.090 Landscaping, fences, walls and signs.**

In the ~~RHD, RM-HD~~-zone, all required landscaping shall be installed in accordance with Chapter 18.105 TMC including any required perimeter buffer in accordance with TMC 18.105.050. Fences and walls shall be permitted in accordance with Chapter 18.105 TMC. Signs shall be permitted in accordance with Chapter 18.120 TMC. [Ord. 943 § 1 (Exh. A), 2018; Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3C.482, 2006.]

### **~~18.40.100~~ — Buffering.**

~~When a development or use is proposed on property in the RM-HD 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 TMC 18.105.050.~~ [Ord. 943 § 1 (Exh. A), 2018; Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3C.484, 2006.]

## Chapter 18.45

### COMMERCIAL ZONE – NEIGHBORHOOD (CN)

#### 18.45.010 Description and purpose.

The neighborhood commercial zone (CN) is intended to create, preserve and enhance areas of retail establishments serving frequently recurring needs for goods and services in convenient locations, with opportunities for residential uses to create mixed-use sites. This commercial zone is typically appropriate to small shopping clusters or integrated shopping or mixed-use centers in developments of one-third to one acre within residential neighborhoods. Facilities should be oriented to serve residents' commercial service needs, to strengthen neighborhood interaction ~~and a rural character,~~ to minimize the need for automobile trips and to make commercial services more readily available within proximity to residential neighborhoods and accessible by walking, bicycling or other alternative modes of transportation to senior citizens, families with only one car, and others who could walk or ride a bicycle to these facilities. These areas should be located adjacent to collector or arterial streets. [Ord. 817 § 8-3D.110, 2006.]

#### 18.45.020 Buildings and uses permitted subject to Type I 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, none of which shall include drive-in, drive-up or drive-through facilities:

- A. Existing residential uses, ~~without any increase in density.~~ Accessory buildings and structures, including private garages, guest houses, accessory dwelling units subject to TMC 18.165, 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 director.

~~B. Dwelling units, provided the units are above stores or offices and the ground floor is devoted entirely to business permitted in this chapter.~~

C. Use of existing structures for the permitted uses listed in TMC [18.45.030](#) and [18.45.040](#), where all the provisions of this title and any amendment thereto are met.

~~D. Paving, surfacing, or resurfacing of existing parking lots subject to the provisions of Chapter 18.110 TMC.~~

~~E. Public and commercial off-street parking lots or structures, not exceeding 25 parking spaces.~~

~~D. Uses customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low-density residential zones. [Ord. 817 § 8-3D.120, 2006.]~~

### **18.45.030 Buildings and uses subject to Type II 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, none of which shall include drive-in, drive-up or drive-through facilities. Further, the following uses are permitted subject to the provisions of Chapter [18.150](#) TMC:

- A. Retail stores (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets), shops and offices supplying commodities or performing services for residents of the surrounding community, such as food stores, bakeries (retail), drug or variety stores, and hardware stores.
- B. Repair and maintenance service of the types of goods to be found in the above-mentioned retail trade establishments, provided such service is performed wholly within an enclosed building.
- C. Professional, financial and business offices, and personal service establishments such as beauty and barber shops, laundromats, cleaning agencies (provided the equipment used for cleaning shall be a type of unit using nonflammable cleaning solvent), shoe repair shops, and tailor or dress-making shops.

- D. Restaurants, cafes and soda fountains.
- E. Medical or dental clinics or medical laboratories.

A. Residential uses, including multiple-family dwellings, attached single-family dwellings, and triplex and quadplex dwellings, subject to the provisions of TMC 18.45.120.

F. Wireless communication antennas subject to the provisions of TMC [18.130.010](#).

G. Other uses similar to those listed above, ~~where permitted as determined~~ by the ~~planning commission~~ Community Development Director after written application consistent with TMC 18.20.020(A).

~~H. Uses customarily incidental to the above uses, including the usual accessory buildings and structures provided in the low density residential zones.~~ [Ord. 817 § 8-3D.130, 2006.]

#### **18.45.040 Buildings and uses permitted subject to Type III 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 and buildings which are permitted, none of which shall include drive-in, drive-up or drive-through facilities. Further, the following uses are subject to the provisions of Chapter [18.150](#) TMC and TMC [18.190.050](#). 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. Community meeting buildings, fraternal and social organizations.
- B. Utility substations.
- C. Churches.
- D. Bins or containers along streets used for temporary storage of garbage or material for recycling.
- E. 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 of the property width but no less than 10 feet.

F. Other buildings or uses similar to those listed above, or under TMC [18.45.020](#) or [18.45.030](#), where permitted by the planning commission after written application. [Ord. 817 § 8-3D.140, 2006.]

### **18.45.050 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 and provisions set forth in Chapter [18.155](#) TMC. The following uses permitted conditionally in the CN zone meet the description and purpose set forth in Chapter [18.155](#) TMC:

- A. Passenger terminals (bus or rail).
- B. Temporary medical hardship, subject to the supplemental provisions of TMC [18.155.070\(B\)](#).
- C. Buildings over two and one-half stories or 30 feet in height, whichever is the lesser.
- D. Wireless communication towers.
- E. Other buildings or uses that the planning commission determines to be similar to other uses permitted conditionally in the CN zone. [Ord. 817 § 8-3D.150, 2006.]

### **18.45.060 Yard regulations.**

A. *Front Yard.* The front yard shall have a depth of not less than 10 feet, including a parking setback of not less than 10 feet; except when abutting a lot in a residential zone, and then the front yard and parking setback shall ~~be 15 feet, conform to the front yard requirement of the residential zone.~~

B. *Side Yard.*

1. No side yard is required between commercially zoned properties.

2. When abutting a lot in a residential zone, there shall be a minimum side yard of 10 feet.

3. A side yard abutting a street and/or alley shall have a depth of not less than 10 feet.

C. *Rear Yard.* No rear yard is required between commercially zoned properties; when abutting a lot in a residential zone, there shall be a rear yard of not less than 10 feet.

D. *Existing Residential Uses.* For existing residential ~~structures or uses~~, setbacks in conformance with the ~~RHD-medium density single family residential (RS-7)~~ zone shall apply. [Ord. 817 § 8-3D.160, 2006.]

### **18.45.070 Lot area and dimensions.**

~~For existing residential uses, the minimum lot sizes of the high-density residential zone shall apply. For dwelling units above the ground floor of a business, there shall be a minimum of 1,200 square feet of total lot area for each dwelling unit. For all other permitted uses, in the CN zone~~ there shall be no minimum lot size or lot width. [Ord. 817 § 8-3D.170, 2006.]

### **18.45.080 Lot coverage restrictions.**

In the CN zone there shall be no lot coverage restrictions except as provided in the yard setback, [minimum landscaped area per TMC 18.105.020](#), and off-street parking regulations. [Ord. 817 § 8-3D.180, 2006.]

### **18.45.090 Parking and loading requirements.**

A. Off-street loading spaces shall be provided as prescribed in Chapter [18.110](#) TMC. Off-street parking spaces adequate to serve commercial establishments shall be made available, but may be provided on a district-wide or joint-use basis rather than adjacent to each commercial use. If adequate public or commercial parking areas are not available, the individual business shall be responsible for providing adequate off-street parking in conformance with the requirements of Chapter [18.110](#) TMC.

B. On-site parking is prohibited between the building and the street, with the exception of sites with three or more frontages. Access to parking lots shall be from alleys wherever possible. [Ord. 817 § 8-3D.190, 2006.]

### **18.45.100 Landscaping, fences, walls and signs.**

All required landscaped areas shall be installed in accordance with Chapter [18.105](#) TMC. Fences, walls, hedges and screen plantings shall be permitted in accordance with Chapter [18.105](#) TMC. Signs shall be permitted and in conformance with Chapter [18.120](#) TMC. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3D.195, 2006.]

### **18.45.110 Buffering.**

~~When a development or use is proposed on property within the CN 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~~ Perimeter buffers shall be provided in accordance with TMC [18.105.050](#). [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3D.196, 2006.]

### **18.45.120 Additional residential standards.**

A. All new residential uses shall be proposed along with any nonresidential use allowed in the CN district in a single development application, unless previously developed nonresidential uses already exist on the site.

B. All ground-floor residential uses, with the exception of entrances for upper-story residential uses, shall be set back a minimum of 100 feet from the property line along the highest classification road.

C. Ground-floor residential building square footage shall not exceed fifty percent of the ground-floor nonresidential building square footage onsite. There shall be no limitation on upper-story residential building square footage.

D. Ground-floor residential uses shall achieve a minimum density of 18 units per net acre, with no maximum density. There shall be no minimum density requirement for upper-story residential uses.

Net Acre: For the purposes of this Section, a *net acre* is the total development acreage net of undevelopable lands (as defined in Chapter 18.15 TMC) 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.

E. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the RHD zone for the proposed residential use type.

F. The maximum allowed height for all residential uses including mixed-use buildings with residential and nonresidential uses shall be three stories or 40 feet, whichever is less. TMC 18.45.050.C shall not apply.

## **Chapter 18.50**

### **COMMERCIAL ZONE – CENTRAL BUSINESS DISTRICT (CBD)**

#### **18.50.010 Description and intent.**

The central business district (CBD) zone shall serve as the hub of government, public services and social activities; shall permit retail trade, personal and business services; and shall include residential uses to strengthen and enliven the community core. The CBD shall be pedestrian oriented and shall highlight and incorporate historic places and structures, parks and public transit facilities and opportunities. [Ord. 817 § 8-3D.210, 2006.]

#### **18.50.020 Buildings and uses permitted subject to Type I 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, none of which shall include drive-in, drive-up, or drive-through facilities:

A. Existing residential uses, without any increase in density, or any expansion of use, floor area or improvements.

1. Except: Accessory dwelling units subject to TMC 18.165 are permitted with existing single-family detached dwellings.

~~B. Dwelling units, provided the units are above nonresidential uses and the ground floor is devoted entirely to a commercial use or uses permitted in this chapter. One dwelling unit is allowed at ground level behind a nonresidential use, and cannot exceed 50 percent of the total ground floor space of buildings on the parcel.~~

~~C.~~ Use of existing structures for the permitted uses listed in TMC [18.50.030](#) and [18.50.040](#), where all the provisions of this title and any amendment thereto are met.

~~DC.~~ Uses and structures customarily incidental to the above uses, including the usual accessory buildings and structures provided in the ~~low- and medium-density~~ RLD AND RMD zones.

~~ED.~~ Paving, surfacing, or resurfacing of existing parking lots subject to ~~city staff review for conformance with~~ the provisions of Chapter [18.110](#) TMC. ~~If a question arises as to conformance with said provisions, the city planner shall subject the project to a site plan review without a public hearing.~~ [Ord. 817 § 8-3D.220, 2006.]

E. Public and commercial off-street parking lots or structures, not exceeding 200 parking spaces.

### **18.50.030 Buildings and uses subject to Type II site development plan review.**

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures, which shall not include drive-in, drive-through or drive-up facilities. The following uses are permitted subject to the provisions of Chapter [18.150](#) TMC and review by the planning department:

- A. Any use permitted subject to site plan review without a required public hearing in the neighborhood commercial zone (CN).
- B. Retail stores (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and offices; personal, business and repair services, not including automotive repair. Such uses may not exceed 6,000 square feet. Automotive parts and sales are permitted; provided, that the activity happens fully within enclosed buildings.
- C. Eating and drinking establishments (which may include entertainment) not exceeding 6,000 square feet.
- D. Churches and other religious institutions not exceeding 6,000 square feet.
- E. Guest lodging, not exceeding 10 rooms.
- F. Performing arts theaters and motion picture theaters (not including drive-ins), not exceeding 6,000 square feet.

~~G. Public and commercial off-street parking lots or structures, not exceeding 200 parking spaces.~~

~~H.G.~~ Wireless communication antennas subject to the provisions of TMC [18.130.010](#).

~~H.~~ Other uses similar to those listed above, as determined by the ~~planning director~~ Community Development Director consistent with TMC 18.20.020, where permitted by the city planner after written application. Where there is question as to similarity, the planner shall refer the matter to the planning commission for a determination.

~~H.I.~~ Uses and structures customarily incidental to the above uses.

~~K.J.~~ Live-work units.

~~L.K.~~ Dwelling units, subject to the provisions of TMC 18.50.120.

#### **18.50.040 Buildings and uses permitted subject to Type III site development plan review.**

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures, which shall not include drive-in, drive-through or drive-up facilities. The following uses are permitted subject to the provisions of Chapter [18.150](#) TMC and review by the planning commission in a public hearing. Although permitted, the following uses have characteristics that may negatively impact nearby properties:

- A. Any use permitted subject to site plan review with a required public hearing in the neighborhood commercial zone (CN), excluding utility substations.
- B. Any use listed in TMC [18.50.030](#) that exceeds the listed size/capacity threshold.
- C. Craft manufactory and retail, provided the structure housing the manufactory is sound and suitable for the intended use (refer to definition in Chapter [18.15](#) TMC for further information).
- D. Public parks, playgrounds and other similar publicly owned recreational areas.
- E. Passenger terminals for bus or rail.

F. Public and semi-public buildings essential to the physical welfare of the area, such as fire and police substations, libraries, and government offices. Such uses, which may be developed in campus-like settings, are exempt from the dimensional requirements of the zone, except for parking lot setbacks.

G. Other uses similar to those listed above, or under TMC [18.50.020](#) or [18.50.030](#), as determined by the planning commission consistent with TMC 18.20.020. where permitted by the planning commission after written application.

H. Uses and structures customarily incidental to the above uses. [Ord. 817 § 8-3D.240, 2006.]

### **18.50.050 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 and provisions set forth in Chapter [18.155](#) TMC.

A. Any uses permitted conditionally in the neighborhood commercial zone (CN).

B. Brewery, distillery, or winery not exceeding 6,000 square feet (pub or tasting room required).

C. Commercial or trade schools.

D. Wireless communication towers.

~~E. Buildings over two and one-half stories or 30 feet in height, whichever is the lesser. Buildings more than 30 feet in height are permitted only if they include residential uses.~~

~~1. The maximum height allowed through conditional use review is 40 feet. The proposed building must include site design and architectural elements such that it is compatible with the small town character of Talent. Building elements to be considered include, but are not limited to, size, proportion, massing, articulation, detailing and location. Landscaping, buffering, fencing and similar elements may also be considered, but not as the only method of ensuring compatibility.~~

F. Temporary uses.

G. Pump stations and water reservoirs.

H. Other buildings or uses ~~that the planning commission determines to be~~ similar to other uses permitted conditionally in the CBD zone as determined by the planning commission consistent with TMC 18.20.020. [Ord. 817 § 8-3D.250, 2006.]

### **18.50.060 Yard regulations.**

#### A. *Front Yard.*

1. Minimum: zero feet.
2. Maximum: 10 feet for no more than 50 percent of the ground-floor width.
3. Parking lots: 10 feet, which shall be landscaped to provide screening.

#### B. *Side Yard.*

1. Minimum: zero feet.
2. Maximum: 10 feet for no more than 50 percent of the ground-floor width on street-facing sides; 10 feet on alley-facing sides.
3. Parking lots: 10 feet, which shall be landscaped to provide screening.

C. *Rear Yard.* No rear yard is required between commercially zoned properties.

D. *General Provision Applying to All Setbacks.* Where public utility or similar easements exist on or across property lines, setbacks shall be measured from the lot-interior edge of the easement.

E. *Adjacency to Residential Zones.* Where lots abut residentially zoned lots, all setbacks shall be ~~10 feet 20 feet~~ on the side(s) abutting said lots. ~~This includes front setbacks in order to provide a transition.~~ The setback area shall include all buffers required by TMC 18.105.050.

F. Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions. [Ord. 817 § 8-3D.260, 2006.]

**18.50.070 Lot area and dimensions.**

~~For dwelling units above the ground floor of a business, there shall be a minimum of 1,200-square feet of total lot area for each dwelling unit. For all other permitted uses, In the CBD zone~~ there shall be no minimum lot size or lot width. [Ord. 817 § 8-3D.270, 2006.]

**18.50.080 Lot coverage restrictions.**

In the CBD zone there shall be no lot coverage restrictions except as provided in the yard setback, [minimum landscaped area per TMC 18.105.020](#), and off-street parking regulations. [Ord. 817 § 8-3D.280, 2006.]

**18.50.090 Parking and loading requirements.**

A. Off-street loading spaces shall be provided as prescribed in Chapter [18.110](#) TMC. Off-street parking spaces adequate to serve commercial establishments shall be made available but may be provided on a district-wide or joint use basis rather than adjacent to each commercial use. If adequate public or commercial parking areas are not available, the individual business shall be responsible for providing adequate off-street parking in conformance with the requirements of Chapter [18.110](#) TMC.

B. On-site parking is prohibited between the building and the street, with the exception of sites with three or more frontages. Access to parking lots shall be from alleys wherever possible. [Ord. 817 § 8-3D.290, 2006.]

**18.50.100 Landscaping, fences, walls and signs.**

All required landscaped areas shall be installed in accordance with Chapter [18.105](#) TMC. Fences, walls, hedges and screen plantings shall be permitted in accordance with Chapter [18.105](#) TMC. In all cases, and at all times, they shall not exceed four feet in height within front and street-side yards. Signs shall be permitted in accordance with Chapter [18.120](#) TMC. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3D.295, 2006.]

### **18.50.110 Buffering.**

~~When a development or use is proposed on property within the CBD 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. Buffers shall be provided~~ in accordance with TMC [18.105.050](#). The planning commission may waive buffering that would otherwise be required by TMC [18.105.050\(B\)](#) if it finds that the need to fulfill the intent of the CBD zone outweighs the need for buffering. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3D.296, 2006.]

### **18.50.120 Additional residential standards.**

A. All new residential uses shall be proposed along with any nonresidential use allowed in the CBD district in a single development application, unless previously developed nonresidential uses already exist on the site.

B. All ground-floor residential uses, with the exception of entrances for upper-story residential uses, shall be set back a minimum of 100 feet from the property line along the highest classification road.

C. Ground-floor residential building square footage shall not exceed fifty percent of the ground-floor nonresidential building square footage onsite. There shall be no limitation on upper-story residential building square footage.

D. Ground-floor residential uses shall achieve a minimum density of 18 units per net acre, with no maximum density. There shall be no minimum density requirement for upper-story residential uses.

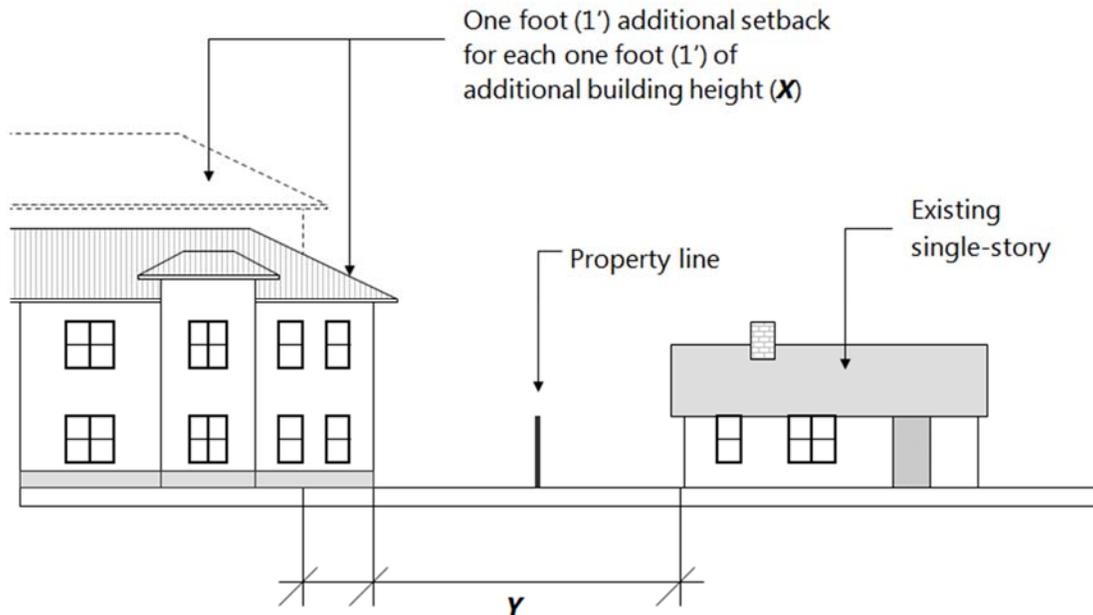
Net Acre: For the purposes of this Section, a *net acre* is the total development acreage net of undevelopable lands (as defined in Chapter 18.15 TMC) and a 24-percent reduction allowing for infrastructure. Development projects less than 1.5 acres in size do not need to subtract infrastructure allowance. Development proposals 1.5 acres or larger may not exempt 1.5 acres from calculating infrastructure allowance.

F. The maximum allowed height for all residential uses including mixed-use buildings with residential and nonresidential uses shall be three stories or 40 feet, whichever is less.

## Chapter 18.90 GENERAL PROVISIONS

### 18.90.050 Building height.

A. *Limitations and General Exceptions.* ~~The maximum height of any structure shall be two and one-half stories or 30 feet, whichever is less. Taller~~ Structures exceeding the maximum height allowed in each zone shall be permitted only as a conditional use ~~in each zone~~. Height limitations shall not apply to chimneys, spires, aerials, flagpoles, solar energy collectors and necessary mounting or operational equipment, utility poles, or other similar objects not used for human occupancy. Barns and silos are permitted subject to written approval by the city or district fire chief. Buildings and other objects cited in this section should not be permitted to significantly impair solar access of buildings or solar collectors.



B. *Building Height Transition.* To provide compatible building scale and privacy between developments, buildings in any zone that exceed 30 feet shall provide additional setbacks or "step-downs" adjacent to lower-density residential development. ~~to create a building height transition to adjacent single-story building(s) in residential zones.~~

1. This standard applies to new and vertically expanded buildings that exceed 30 feet or two stories, whichever is less, on lots adjacent to lots zoned RLD, RMD, or RMHP. (as measured horizontally) of an existing building with a height of 30 feet or less, as shown above.

~~2. The building height transition standard is met when the height of the taller building (X) does not exceed one foot of height for every one foot separating the two buildings (Y), as shown above.~~

2. The minimum side or rear yard setback shall be equal to the height of the proposed building less 15 feet. For example, a 35-foot-tall building would require a 20-foot setback.

3. Building height may "step-down" within the additional setback area provided that no portion of the building exceeds the allowed ratio in Section (D)(2) and the building meets the minimum side and rear yard setbacks otherwise required in the zone. [Ord. 817 § 8-3J.123, 2006.]

### **18.90.080 Minimum frontage requirement.**

Every lot shall have at least 20 feet of frontage on a street. Alleys are not considered to be streets for the purposes of this requirement. Cluster housing is exempt from this requirement. [Ord. 817 § 8-3J.126, 2006.]

### **~~18.90.190 Buffering.~~**

~~Where buffering is required between adjacent uses or zones, the type of buffering shall be appropriate to its purpose. Where the purpose is primarily the screening of objectionable views, a fence, wall or screen planting of six feet in height—or of such greater or lesser height as will be adequate to obscure the objectionable view—shall be required. Fences or walls shall either be of a material so as to provide an aesthetically pleasing buffer or shall be landscaped so as to provide an aesthetically pleasing buffer for adjacent properties. Other appropriate means of buffering, including but not limited to spatial separations, landscaping, natural topography and other barriers, shall be utilized to minimize other types of incompatibility between land uses. [Ord. 817 § 8-3J.180, 2006.]~~

## Chapter 18.95

### RESIDENTIAL LOT IMPROVEMENT STANDARDS

#### **18.95.010 Purpose.**

The purpose of this chapter is to provide specific guidelines and requirements for the development of residential dwellings of all kinds within the city of Talent in order to better ensure the health and safety of community residents and also to better ensure the quality, appearance, aesthetic values, and property values of all residential neighborhoods. [Ord. 817 § 8-3J.210, 2006.]

#### **18.95.020 Applications.**

A. The provisions of this chapter shall not apply to:

1. Manufactured home parks, which shall be designed and constructed in accordance with the minimum standards contained in OAR Chapter 814, Division 28, and other provisions contained in this title that pertain to manufactured home parks, including TMC 18.180.030.

2. Multiple-family dwellings, which shall be consistent with all provisions contained in this title that pertain to multiple-family dwellings, including TMC 18.96.

3. Cluster housing, which shall be consistent with all provisions contained in this title that pertain to cluster housing, including TMC 18.97.

B. The provisions of this chapter shall apply to:

1. Single-family dwellings, including detached, attached, and common-wall dwellings, and individual manufactured homes outside of a manufactured home park.

2. Duplex dwellings.

3. Triplex and quadplex dwellings.

~~all new residential subdivisions, whether intended for "conventional" site-built dwellings, modular homes, prefabricated homes, factory-built homes, manufactured homes, or mobile homes. Such subdivisions shall be developed in accordance with the requirements of the TMC Title 17 and any other applicable codes.~~

~~C. The provisions of this chapter shall also apply to all new residential development that is constructed, assembled, or placed upon any legal tax lot in any residential zoning district of the city of Talent, with the exception of manufactured home parks.~~

D. Any building or structure containing one or more residential dwelling units that is moved in the city, relocated within the city, rehabilitated or remodeled to an extent greater than 50 percent of its appraised market value shall be made to conform to the requirements of this chapter and to the minimum standards for the construction of that type of dwelling that are in effect at the time of subject action or activity.

1. All residential dwellings that are defined in Chapter [18.15](#) TMC as "dwelling, manufactured or factory-built" shall comply with the current minimum construction standards for manufactured homes, as administered by the Department of Housing and Urban Development (HUD), and any amendments to that code.

2. All residential dwelling units, ~~including multiple family buildings,~~ other than manufactured homes, shall comply with the provisions of the Uniform Building Code, as adopted by the city of Talent.

E. Any residential dwelling unit or residential structure that is subject to the requirements of this title shall be brought into compliance with all applicable requirements prior to occupancy of that dwelling and in no case shall a dwelling unit remain uninhabitable longer than six months. [Ord. 817 § 8-3J.220, 2006.]

### **18.95.030 Location by housing type.**

A. The location of any particular type of residential structure is controlled by the provisions of each zoning district and specified in the lists of permitted and conditional uses in Division [III](#) of this title.

B. All proposed residential land uses in all residential zoning districts of the city of Talent shall be reviewed for compliance with this chapter prior to issuance of a building permit or, in

the case of a manufactured home, a manufactured home placement or installation permit, unless exempted from compliance with this chapter under TMC 18.95.020.A. [Ord. 817 § 8-3J.230, 2006.]

#### **18.95.040 Residential development standards.**

The following development standards shall apply to all residential development in the city of Talent, with the exception of manufactured homes located within manufactured home parks, multiple-family dwellings, and cluster housing:

- A. The owner of any residential dwelling shall also be the owner of the tax lot on which the dwelling is constructed or placed. No lots or portions of lots shall be rented or leased to another party for the temporary placement of a dwelling unit.
- B. All newly constructed or placed dwelling units shall meet the construction codes for that type of structure that are in effect at the time of construction or placement, as stated in TMC 18.95.020(D).
- C. Any dwelling unit that was not totally constructed on the site shall remove all appliances or other attachments that were necessary for its transport to the site, but that are not necessary for the residential use of that structure, including wheels, axles, tongues, trailers, etc.
- D. All homes, other than manufactured homes, shall be placed on permanent perimeter foundations and shall be attached thereto. Manufactured homes shall be sited, at a minimum, according to the manufacturer's specifications and shall have the perimeter of the structure enclosed with cement block or cement footing wall-style skirting.
- E. All residential structures shall be constructed or placed with a minimum clear space under the lowest structural floor support beam of 18 inches.
- F. Crawl space access of a least 18 inches by 24 inches shall be provided in a location that is convenient to sewer, water or other under-structure connections, but not at a location which may be a low point or water collection point.
- G. All manufactured homes, modular homes, or other "manufactured" or "factory-built" dwellings shall be recessed to achieve a low profile. The depth of the recess shall be no more than 12 inches above the finished backfilled grade.

H. *Garages or Carports.* Single-family and duplex-dwellings shall have a garage or carport with capacity for a minimum of one vehicle. The garage shall be accessed by a driveway with a minimum width of 10 feet. To minimize impervious surfaces, the driveway may be constructed with parallel tracks, leaving the space between unpaved. Garages shall be constructed to conform to the construction code of the type of residence it will serve and may have either a single double-width door or two single-width doors. The exterior finishes of garages or carports shall conform in pattern, shape, texture, and color to the materials used on the primary dwelling structure, including the siding, roofing, and any architectural decorative trim.

I. *Siding.* Exterior siding ~~may include~~ shall consist of painted or stained wood siding, fiber cement or composite siding, or aluminum or vinyl siding that is textured to simulate wood. ~~or that is otherwise~~ Other materials that are similar to the established architectural style or character of the neighborhood may be approved by the planning director.

J. *Roofs.* All residential dwellings shall be designed with gable, mansard, or other pitched roofs having an average slope of no less than 1:4 and covered with asphalt, fiberglass, or wood shingles, shakes, or tile. Accessory structures, such as garages, carports, sheds, etc., shall have the same roofing type. An exception may be made by the planning commission without a variance for roofs that are designed to be flat, or that may be unsuitable for the specified roofing materials for some other documented reasons. Metal or similar roofing materials may only be used on flat or slightly sloping roofs that are not visible from the street or surrounding properties and are not suitable for shingles or other materials.

K. *Sewer.* All residential dwellings shall be connected to the public sewer system at the time of construction, placement, or major rehabilitation.

L. Any structural addition to an existing residential structure shall meet the following requirements:

1. Any addition shall be designed to conform to the design and construction of the original building. An exception may be made in the case of a total structural remodel which will change the original design.
2. The roof type and pitch of any new addition shall conform to the type and pitch of the main structure.

3. Exterior building materials shall be the same basic type, texture and color as those of the primary building.

4. Any addition to an existing dwelling shall include an extension of the foundation along the perimeter of the new addition.

5. Such additions as porches, awnings, patios, patio covers, decks, or storage sheds may be permitted if designed and constructed as required above. In no case shall a "ramada" be approved. (A ramada is a stationary structure having a roof extending over the dwelling unit, primarily for protection from sun and rain, and usually associated with old deteriorated manufactured homes.)

M. An under-structure drainage system must be constructed to ensure that water does not collect beneath the structure, but drains property to the street or other approved storm drain system.

N. *Accessory Structures.* As defined in TMC [18.90.060](#) shall meet all setback and building coverage requirements for the zone. However, up to two accessory structures with a combined total area of 200 square feet or less are not required to have rear or side yard setbacks, provided such structures shall be placed at least 40 feet from any right-of-way, shall not exceed 10 feet in height and shall not exceed 20 feet in any horizontal dimension. Storm water from the roof of the exempted structures shall not flow onto the neighboring property. No accessory structure excepted under this provision shall be used as an apiary or for the keeping of livestock, including the housing of bees, swine, horses, chickens or rabbits. Conversion of accessory structures into accessory residential units is prohibited unless in compliance with the zone's standard setbacks. Maintenance of accessory structures without yard setbacks shall be the responsibility of the structure's property owner. [Ord. 868 § 1, 2013; Ord. 817 § 8-3J.240, 2006.]

### **18.95.045 Additional standards for duplex dwellings.**

In addition to the other standards in this chapter, duplexes shall also comply with the following standards.

A. The exterior finish of the structure must be the same for both units.

B. The eaves must be uniform for the entire structure.

C. The window and door trim must be the same in type, size, and location for the entire structure.

D. Windows must match in proportion and orientation for the entire structure.

E. For duplexes on corner lots, each entrance is required to face a separate street frontage. Where an existing house is being converted, one main entrance with internal access to both units is allowed.

F. For duplexes facing one frontage, only one entrance is required to face the frontage.

### **18.95.050 Additional standards for individual manufactured home in the RMH zone.**

Installation and occupancy of manufactured homes on individual lots will be subject to the following additional requirements:

A. *Size.* The manufactured home shall enclose a space of not less than 300 square feet.

B. *Foundation.* The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

C. *Roof Pitch.* The manufactured home shall have a pitched roof with a nominal slope of at least three feet (3') in height for each twelve feet (12') in width.

D. *Siding and Roofing Requirements.* The manufactured home shall comply with siding and roofing standards in TMC 18.95.040.

E. *Thermal Performance.* The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010.

F. Nothing in this section shall allow a manufactured home to be placed on residential land immediately adjacent to a designated historic landmark or historic resource as defined in Chapter 18.175 TMC, or any other property with a historic designation for tax or assessment purposes.

G. Manufactured homes shall also meet applicable standards of Chapter 18.95 TMC.

**18.95.050060 Removal of a dwelling or residential structure.**

A. When a dwelling unit, regardless of type or size, is removed from its site, the owner of the property shall, within 60 days of the dwelling's removal, ensure the removal of all foundations, supports, blocks, piers, and other materials that will not be necessary for the future development and use of the property and that may, in the interim, be a hazard or neighborhood nuisance, or an eyesore that may adversely affect the community's or the neighborhood's appearance.

B. Following removal of a dwelling from its site, the owner of the property shall immediately disconnect all utility services to the property, cap the sewer connection and well or other water source and cover or fill an excavation or basement that may be a hazard.

C. Should the property owner fail within 60 days after the removal of the dwelling to perform the requirements of subsections (A) and (B) of this section, the city of Talent is authorized to perform the work and thereafter record a lien against the real property. Prior to the initiation of the work, the city of Talent shall deliver or mail by certified mail notice to the last known address of the owner specifying that the work will be initiated by the city of Talent within 10 days from the date of the notice and that the cost will be liened against the property unless the owner, within the 10-day period, initiates the work described in subsections (A) and (B) of this section. [Ord. 817 § 8-3J.250, 2006.]

## Chapter 18.96

### MULTIPLE-FAMILY DESIGN

#### 18.96.010 General provisions.

A. Purpose and intent. It is the policy of the city of Talent to provide for multiple-family dwellings that provide diverse housing options with units to accommodate a range of household sizes and income ranges; incorporate good site and building design, contribute to livability, safety, and sustainability; create a stronger community; and foster a quality environment for residents and neighbors.

The guidelines and standards are intended to achieve the following principles that the City encourages for multiple-family development:

1. Livability. Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian connections, and providing open spaces for outdoor use.
2. Compatibility. Development should have a human scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Talent.
3. Functionality. Development should be functional, by providing desirable amenities for residents and by creating a circulation system that prioritizes pedestrian safety.

#### 18.96.020 Applicability and required review.

A. Applicability. The design standards and design guidelines in this chapter apply to all multiple-family dwellings in any zoning district.

B. Review Process. An applicant for multiple-family dwellings may elect to use either the objective or discretionary process. The objective process uses clear objective standards that do not require the use of discretionary decision-making. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility.

1. Projects reviewed through the objective process will be evaluated through a Type II site development plan review, pursuant to Chapter 18.150 TMC and shall comply with the design standards in TMC 18.96.030.
2. Projects reviewed through the discretionary process will be evaluated through a Type III site development plan review, pursuant to Chapter 18.150 TMC and shall comply with the design guidelines in TMC 18.96.040.
3. A project can be reviewed using only one of the two review processes. For example, a project may not use some of the objective standards and some of the discretionary guidelines in one application.

### **18.96.030 Design standards.**

#### **A. Building orientation and entrances.**

1. Building orientation. Multiple-family residential buildings located within 40 feet of a front lot line shall have their primary orientation toward the street.
2. Building entrances. The main entrance(s) of any residential building located within 40 feet of a street must face the front lot line. Main entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. The following exceptions shall apply:
  - a. On corner lots the main building entrance(s) may face either of the streets or be oriented to the corner.
  - b. For buildings that have more than one entrance serving multiple units, only one entrance must meet this requirement.

#### **B. Building mass and façade.**

1. Maximum building dimension. The maximum length of any building shall not exceed 150 feet.
2. Windows. Street facades shall contain windows covering a minimum of 15% of the façade on each story.

#### **C. Building Design.**

1. Building materials. Permitted building materials shall include:

- a. Painted or stained wood siding or shingles, fiber cement or composite siding or shingles, or aluminum or vinyl siding that is textured to simulate wood.
- b. Brick or stone, not including plain concrete or concrete block.
- c. Stucco.

2. Design features. The primary façade shall incorporate at least three of the following architectural features:

- a. Window trim: minimum four-inch width.
- b. Eaves: overhang of not less than 12 inches.
- c. Decorative top: e.g., cornice or pediment with flat roof or brackets with pitched roof.
- d. Bay window: one per dwelling unit that projects from front elevation by 12 inches.
- e. Dormers: one per dwelling unit.
- f. Balcony: one per dwelling unit.
- g. Other: feature not listed but providing visual relief or contextually appropriate design similar to options a-j, as approved by the planning director through a Type II procedure.

3. Entrances. The main building entrance(s) shall incorporate a minimum of one of the following options:

- a. A covered front porch not less than six feet deep and not less than 30 percent of the width of the building.
- b. A recessed entrance not less than three feet deep.
- c. An awning, canopy or portico not less than six feet deep.

D. Building Articulation. To preclude large expanses of uninterrupted wall surfaces, exterior elevations of buildings shall incorporate design features such as offsets, projections, balconies, bays, windows, entries, porches, porticos, or similar elements. These features shall

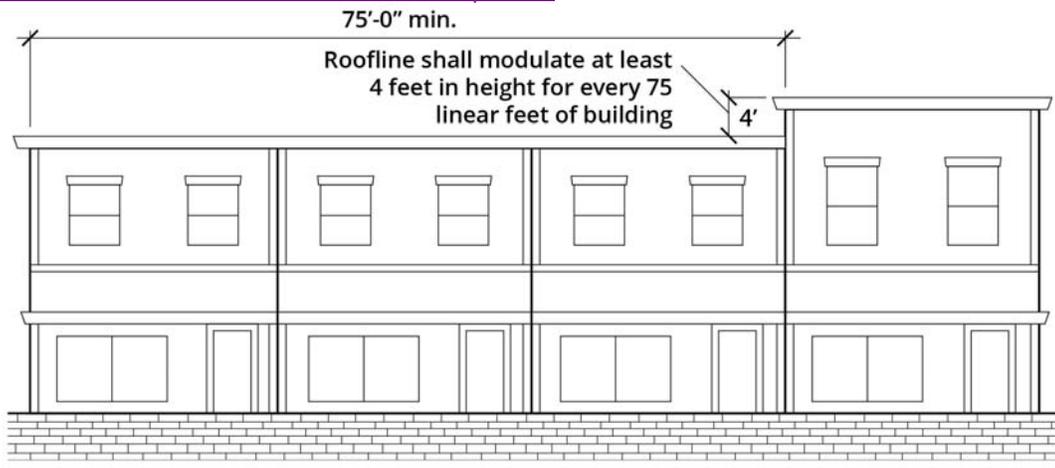
vary from the other wall surfaces by a minimum of 2 feet, and shall have a minimum width of 6 feet.

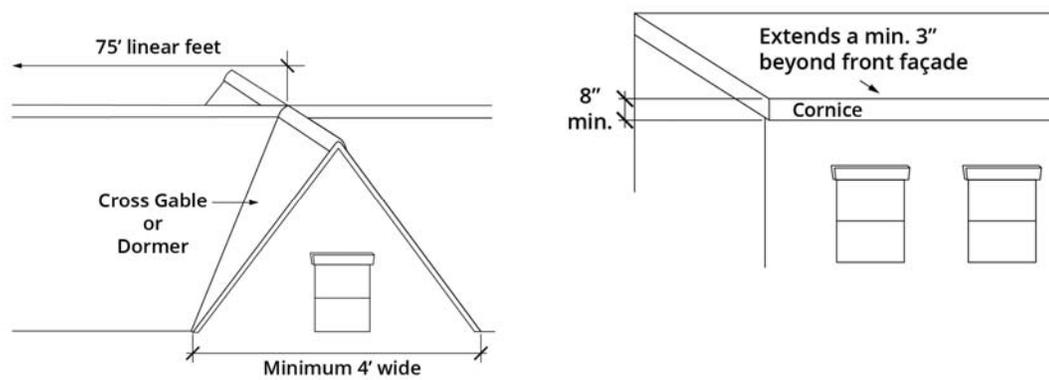
1. Horizontal surface: At least two of the design features outlined above shall be incorporated along the horizontal face (side to side) of the structure, to be repeated at intervals of no more than 30 feet.

2. Vertical surface: At least two of the design features outlined above shall be incorporated along the vertical face ( top to bottom) of the structure, to be repeated at intervals of no more than 15 feet.

E. Roofline Modulation. To increase visual interest and break up large expansive roof lines, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 75 feet without providing differences in elevation of at least four feet in height. Alternatively, the building may be designed with a cross gable or dormer at least four feet wide or a cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the façade.

Figure 18.96.030-1. Roofline Modulation Options.





F. Common Open Space. Common open space shall be provided in all newly constructed multiple-family developments as follows:

1. A minimum of 20 percent of the gross site area shall be provided in designated and permanently reserved open space. The following may count towards the required open space:

a. Indoor or covered recreation space.

b. Private open space. Private open spaces not more than 5 feet above finished grade shall measure a minimum of 96 square feet with a minimum horizontal dimension for all sides of 6 feet. Private open spaces 5 feet or more above finished grade shall measure a minimum of 48 square feet with a minimum horizontal dimension for all sides of 6 feet.

c. Natural areas, floodplains, steep slopes greater than 25 percent, may be included provided that such areas do not exceed 25 percent of the required common open space.

d. Required setback and buffer areas.

2. At least one common open space area shall be provided within developments of 12 units or more that has a minimum area size of 750 square feet plus an additional 250 square feet for every 12 units, or portion thereof, over 12 units. The minimum dimension for all sides of the required common open space is 25 feet.

3. The total amount of open space may be reduced by up to 25 percent if the development provides improved open space. Improved open space shall meet the

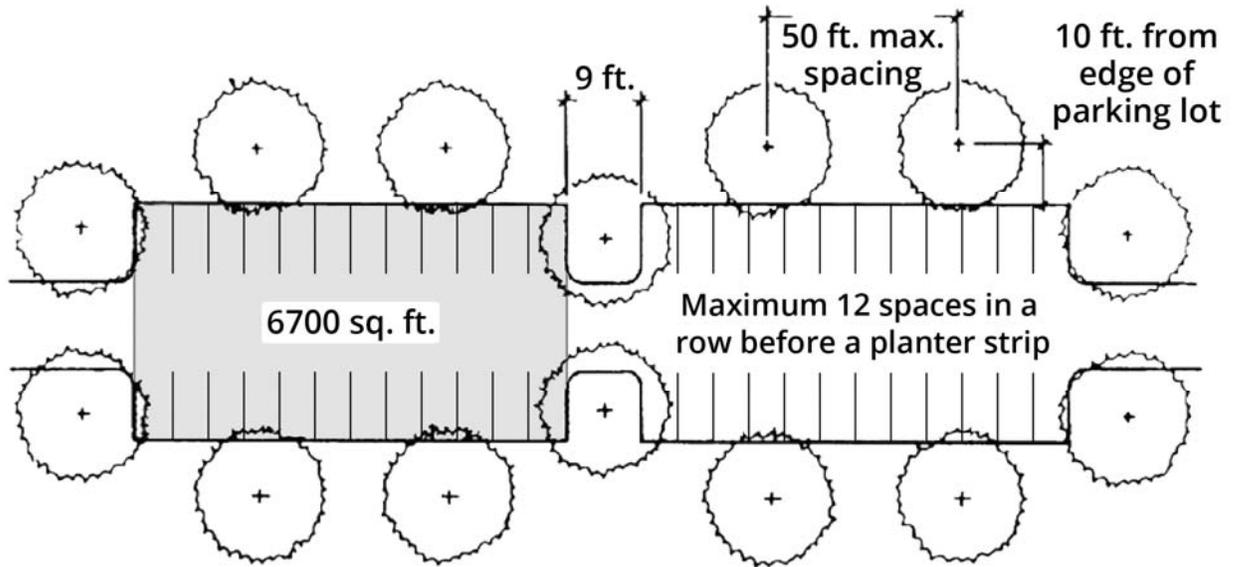
minimum size requirements of TMC 18.96.030.F.2 and incorporate at least one of the following types of features, or combination of features:

- a. Covered pavilion
- b. Picnic areas with tables and/or benches, including the tables and clear ground space immediately surrounding each table.
- c. Ornamental or food gardens.
- d. Developed and equipped children's play areas, with a minimum 30-inch tall fence to separate children's play areas from any parking lot, drive aisle, or street.
- e. Sports courts (tennis, handball, volleyball, etc.).
- f. Swimming pools, spas and adjacent patios and decks.

G. Parking areas and site access.

1. Parking and vehicle use areas shall be located behind or beside buildings and structures, such that no more than 50 percent of the site's buildable width shall be occupied by parking or vehicle use areas at the setback line. Parking areas shall not be located between buildings and the street.
2. Parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of 9 feet in width. Individual parking areas may be connected by an aisle or driveway (see Figure 18.96.030-2).
3. A minimum of one tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within 10 feet of the edge of the parking area (see Figure 18.96.030-2.)
  - a. A minimum of one tree shall be planted within each planter bay.
  - b. A landscaped planter bay a minimum of 9 feet in width shall be provided at a minimum spacing of one for every 12 spaces. Individual parking areas may be connected by an aisle or driveway.

Figure 18.96.030-2. Conceptual Parking Area Layout



#### H. Pedestrian circulation.

1. To ensure safe pedestrian access throughout the site, pedestrian pathways shall be provided that connect to and between buildings, common open space, parking areas, and to the public sidewalks.
2. To ensure safe pedestrian access to adjacent public sidewalks, direct pedestrian access from the street to individual units, clusters of units, or common interior lobbies shall be provided for residential buildings located within 20 feet of a public street.
3. Pedestrian walkways shall be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.
4. Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 feet wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-foot-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

I. Screening. Mechanical and communication equipment and outdoor garbage and recycling areas shall be screened so they are not visible from streets and other ground-level private open space and common open spaces.

1. Appropriate screening for rooftop equipment includes parapet walls or architecturally compatible fabricated enclosures such as panels and walls.

2. Utilities such as transformers, heating and cooling, electric meters, and other utility equipment shall be not be located within 5 feet of a front entrance and shall be screened with sight-obscuring materials.

#### **18.96.040 Design guidelines.**

A. Building orientation and entrances. Buildings shall be located with the principal façade oriented to the street or a street-facing open space such as a courtyard. Building entrances shall be well-defined and easily identifiable.

B. Building mass and façade. The development shall be designed to reinforce human scale and incorporate transparency through appropriately placed windows that do not compromise residents' privacy.

C. Building design.

1. Building materials. Buildings shall be constructed with architectural materials that provide a sense of permanence and high quality. Street-facing façades shall consist predominantly of a simple palette of long-lasting materials such as brick, stone, stucco, wood and similar siding, and wood and similar shingles.

2. Design features. Buildings with long monotonous exterior walls shall be avoided and shall instead incorporate varied architectural elements and facade materials arranged in a way to provide interest and a harmonious, balanced design.

3. Entrances. Architecturally defined and covered entryways shall be incorporated into the design of buildings.

D. Building articulation. The appearance of building bulk shall be minimized by incorporating changes in wall planes, layering, horizontal datums, vertical datums, building materials, color, and/or fenestration to create simple and visually interesting buildings.

E. Roofline modulation. Building roofs shall be modulated to provide variety and contribute to residential character of the neighborhood.

F. Common open space. The development shall provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.

G. Parking areas and site access. Vehicle parking shall be integrated into the site in a manner that does not detract from the design of the building, the street frontage, or the site. Parking areas shall be located to minimize their visibility from the public right-of-way. Parking areas shall be designed to minimize the expanse of continuous parking and trees shall be distributed throughout the interior, and planted along the perimeter, of parking areas.

H. Pedestrian circulation. Site design shall promote safe, direct, and usable pedestrian facilities and connections throughout the development and to adjacent streets and pedestrian facilities.

I. Screening. Mechanical equipment, garbage collection areas, and other site equipment and utilities shall be screened so they are not visible from the street and open spaces. Screening shall be visually compatible with other architectural elements in the development.

## Chapter 18.105 LANDSCAPING, FENCING AND HEDGES

### 18.105.010 Description and purpose.

The purpose of this chapter is to provide for the regulation of planting, maintenance, and removal of landscaping within the city of Talent. All yards, required buffers or screening areas, and parking areas shall be landscaped in accordance with this chapter. [Ord. 918 § 2 (Exh. A), 2016; Ord. 817 § 8-3J.410, 2006.]

### 18.105.020 Minimum landscaped area.

A. The minimum percentage of required landscaping is as follows:

1. *Residential Zones*. ~~Twenty~~ Thirty percent of each lot for residential developments.
2. *Central Business District (CBD) and ~~Commercial Neighborhood (CN) Central Business Highway (CBH)~~ Zones*. ~~Fifteen~~ Twenty percent of the site.
3. *Commercial Highway (CH), Central Business Highway (CBH) and Commercial Interchange (CI) Zones*. Twenty percent of the site.
4. *Industrial Zones (IL)*. Fifteen percent of the site.
5. When the above requirements conflict with landscaping requirements found elsewhere in this title, the standard which maximizes landscaped area shall apply. [Ord. 918 § 2 (Exh. A), 2016; Ord. 817 § 8-3J.420, 2006.]

### 18.105.030 Minimum vegetation and ground cover.

A. Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:

1. One tree, minimum two-inch caliper.

2. Four five-gallon shrubs or accent plants.

B. *Minimum Percentage Ground Cover.* All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with nonplant material as defined in subsection [\(C\)](#) of this section, shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy unless a xeriscape plan is approved.

C. *Landscape Materials.* Permitted landscape materials include trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three or more years after planting. The landscape materials below may be modified as part of an approved xeriscape plan.

1. *Existing Vegetation.* Existing noninvasive vegetation may be used in meeting landscape requirements.
2. *Plant Selection.* A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, soil, exposure, water availability, and drainage conditions. Applicants are encouraged to select native plants which are drought tolerant to reduce the demand on the city's water supply.
3. *Plant Establishment.* Unless a certified landscape architect specifically recommends otherwise, all new landscaping shall be irrigated for a minimum of two years to ensure viability.
4. *Soil Amendment.* When new vegetation (including sod) is planted, topsoil shall be added and/or soils amended or aerated as necessary, to allow for healthy plant growth. Compaction of the planting area shall be minimized whenever practical and compacted soils shall be amended and/or aerated as necessary prior to planting.
5. "Invasive" plants shall be removed during site development and the planting of new invasive species is prohibited. Lists of locally invasive species are available through the local USDA extension office.
6. *Hardscape Features.* May cover up to 10 percent of the required landscape area (unless a xeriscape plan is approved); except in the downtown area where publicly accessible hardscape features may cover up to 80 percent of the required landscape

area, subject to approval through site development plan review. Swimming pools, sports courts, and similar active recreation facilities, as well as paving for parking and access, may not be counted toward fulfilling the landscape requirement.

7. *Nonplant Ground Covers.* Bark dust, chips, aggregate, or other nonplant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Nonplant ground covers cannot be a substitute for ground cover plants unless approved as part of a xeriscape plan. [Ord. 918 § 2 (Exh. A), 2016; Ord. 817 § 8-3J.430, 2006.]

### **18.105.050 Buffer and screening.**

The planning commission shall require a buffer when a development or use proposed in a commercially and industrially zoned area is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone.

A. *Commercial and Industrial Transition Buffers.* The following standards shall be considered during any land use review that includes commercial or industrial uses in commercial or industrial zones adjacent to sites zoned RLC, RMD, RMH or RHD ~~a residential use~~:

1. The buffer shall be sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use.
2. The type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired.
3. Buffers may consist of spatial separation, physical barriers, landscaping, and natural topography or other features. In the case that a proposed building is directly adjacent to the required setbacks, a fence or wall is not an appropriate buffer and a hedge per subsection (A)(3)(b) of this section shall be required.
  - a. When a fence or wall is being proposed as a buffer it shall be sight-obscuring. In order to be "sight-obscuring," fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall.
  - b. Hedges shall be of an evergreen species which will meet and maintain year-round 75 percent opacity. Opacity shall be obtained within three years of planting.

- c. Creative use of deciduous hedge materials may be proposed to provide screening in conjunction with wider planting areas. Deciduous hedges may be approved on a case-by-case basis at the discretion of the community development director or planning commission.

B. *Mixed-Use and Multifamily Transition Buffers.* The following buffers are required for development in the CN and CBD zones that includes residential uses and multifamily development in the RHD zone.

1. A minimum 10-foot wide transition buffer shall be provided along all property lines adjacent to sites zoned RLD, RMD, or RMH.

2. The buffer shall include either:

a. A minimum of one tree, minimum 2 inches caliper, and three five-gallon shrubs or accent plants for every 30 linear feet of required buffer, with a minimum six-foot tall, masonry wall (stucco, stone, rock, brick, or similar quality material), or "see-through" fence (wrought iron or similar quality material); or

b. A "living wall" where a combination of trellises and plants provide a 95 percent opaque vegetative screen to a minimum height of six feet. The living wall shall be coupled with trees planted 30 feet on center planted within 10 feet of the living wall. A five-foot-wide planted strip that has continuous landscaping consisting of ground cover(s), shrubs that have potential to reach minimum six feet in height and be 95 percent opaque, and trees planted 30 feet on center.

3. Landscaping within the buffer shall count towards minimum landscaped area and vegetation required by TMC 18.105.020 and 18.105.030.

~~B. *Single-Family Transition Buffers.* The following buffers may be required during any land-use reviews that include single-family development adjacent to a nonresidential zone:~~

~~1. The planning commission may require application of the same buffering standards as are required of commercial development (subsection (A) of this section).~~

~~2. In addition to the general provisions of subsection (A) of this section, the planning commission may require one or more of the following types of buffering fences, walls and landscaping:~~

- ~~a. A masonry wall (stucco, stone, or similar quality material), coupled with trees planted 30 feet on center planted within six feet of the wall.~~
- ~~b. A "see-through" wall (wrought iron or similar quality material), coupled with trees planted 30 feet on center.~~
- ~~c. A "living wall" where a combination of trellises and plants provide a 95 percent opaque vegetative screen to a minimum height of six feet. The living wall shall be coupled with trees planted 30 feet on center planted within 10 feet of the living wall. A five-foot-wide planted strip that has continuous landscaping consisting of ground cover(s), shrubs that have potential to reach minimum six feet in height and be 95 percent opaque, and trees planted 30 feet on center.~~

C. *Agricultural Buffers*. To implement the agricultural buffering standards of the Greater Bear Creek Valley regional plan, buffering provisions in TMC [18.215.200](#) shall be addressed when urban development on land along the urban growth boundary abutting land zoned exclusive farm use is proposed. [Ord. 918 § 2 (Exh. A), 2016; Ord. 817 § 8-3J.450, 2006.]

## **Chapter 18.150**

### **SITE DEVELOPMENT PLAN**

Sections:

- 18.150.010 Description and purpose.**
- 18.150.020 Site development plan review required.**
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- 18.150.070 Compliance.**
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#### **18.150.010 Description and purpose.**

Whereas the zoning map establishes only zone boundaries and the text of this title establishes the permitted uses of land in the various zones and the conditions applicable to such uses, the site development plan provides a means for applying the provisions and objectives as they apply to a particular site. Review of the site development plan is not intended to deny a development, but to determine and establish compliance with the objectives of this title in those zones where inappropriate development may cause a conflict between uses in the same or an adjacent zone; to determine the conformance with any city plan; to encourage the best utilization of land in order to preserve the public safety and general welfare; and, when public hearings are required, to obtain points of view from adjoining property owners as to the best methods to carry out the provisions of this chapter and title. [Ord. 817 § 8-3L.110, 2006.]

#### **18.150.020 Site development plan review required.**

A. *Types of Site Development Plan Review.* Before any building permit shall be issued for development as set forth in any zone prescribed in this title, or as set forth in any other

applicable provisions of this title (e.g., road approach permits along arterial streets or surfacing projects of parking lots), except as provided in subsection (B) of this section, a site development plan for the total parcel or development shall be prepared and submitted ~~to the planning commission~~ for review and approval.

1. Minor Site Development Plan Review shall be reviewed through a Type II process consistent with TMC 18.190.040.

2. Major Site Development Plan Review shall be reviewed through a Type III process consistent with TMC 18.190.050.

B. The requirements of this chapter do not apply to:

1. A modification of a structure which does not change the use ~~or intensity of operation~~ or does not increase the floor area.

2. Accessory dwelling units, single-family dwellings of any type, or duplex dwellings.

C. The requirements of this chapter shall not be construed to be a substitution for more detailed review requirements set forth by this title for any specific zone or use. [Ord. 817 § 8-3L.120, 2006.]

### **18.150.030 Procedure.**

A. *Fee.* Accompanying the requirements of subsection (B) of this section shall be a nonrefundable fee. The amount of the fee shall be established, and may be changed, by general resolution or ordinance by the city council. In addition, the applicant shall be liable for the costs to the city for engineering and legal services rendered by the city engineer and attorney in the reviewing of the documents and plans, conducting inspections and other services necessary to fulfill the requirements and conditions provided for in this chapter.

~~*B. Plans and Review.* The site development plan shall be submitted to the planning office at least 30 days prior to the planning commission meeting at which review is requested. A site development plan shall not be considered "submitted" until the staff advisor determines that the application adequately addresses the required data listed in TMC 18.150.040 and the required findings in TMC 18.150.050. [Ord. 817 § 8-3L.130, 2006.]~~

**18.150.040 Site development plan – Required data.**

The site development plan shall be drawn to scale and shall indicate clearly the following information:

- A. Name and address of applicant;
- B. Assessor's map number and tax lot number of the property concerned;
- C. North point and scale of drawing;
- D. Dimensions and orientation of the lot or parcel;
- E. Location, size, height and proposed use of all buildings, both existing and proposed, and relationship to existing development on immediately adjacent properties;
- F. Location, dimensions and layout of all off-street parking and loading facilities, including bicycle parking; internal circulation pattern; access points for pedestrians, bicycles and motor vehicles; required standards and improvements of TMC [18.110.120](#) and [18.110.130](#), if any;
- G. Location and nature of exterior lighting;
- H. Location, height and construction materials of walls and fences;
- I. Location, materials and maintenance of proposed landscaping, including the location, names, mature height, crown diameter, and growth rate of mature trees and shade trees;
- J. A plan showing the shadow patterns of all buildings, fences, walls and trees at their mature heights between the hours beginning at 9:00 a.m. and ending at 3:00 p.m. Pacific Standard Time on November 21st existing or proposed on the property; determination of shadow patterns is set forth in TMC [18.125.040\(C\)](#);
- K. Street improvements;
- L. Yards and open space between buildings and in setbacks;
- M. Proposed method of buffering, where indicated;
- N. Existing natural features, including all trees with a circumference of 14 inches or greater, measured at a point three feet above grade at the base of the tree;

- O. The location and methods taken to mitigate noise sources to and from adjacent properties;
- P. Location and type of natural hazards occurring on the site including, but not limited to, floodplains and floodways, soils and areas with erosion, shrink-swell, high runoff, mass movement and high groundwater characteristics; with a description of how any hazards will be mitigated;
- Q. Location and size of all existing and proposed water, sewer and public safety facilities and existing street right-of-way and roadway widths adjacent to the property;
- R. Location and dimensions of existing and proposed easements;
- S. Any other data as may be required by this chapter to permit the [review authority](#) ~~planning commission~~ to make the necessary findings;
- T. Where an attachment, minor addition or appurtenant building to an existing building, recycling facilities, storage drop-off boxes, or a road approach permit is proposed, the site development plan shall indicate the relationship of said proposal to the existing development, parking facilities and access points on the property and immediately adjacent properties, but need not include other data required in subsections [\(A\)](#) through [\(R\)](#) of this section, unless required by the staff advisor or planning commission;
- U. For a relocated structure, the applicant shall provide the city with photographs of the structure being proposed for relocation;
- V. For a relocated structure, the applicant shall provide the city with a detailed list, prepared by a licensed building inspector, architect or engineer, detailing the necessary improvements to assure compliance with the current edition of the Uniform Building Code. Such listing shall be accompanied by a cost estimate for all required work, said estimate to be prepared by a licensed contractor or estimator;
- W. For relocated structures, an estimated schedule of completion shall be provided. In no case shall the time required for completion exceed the time limit specified by TMC [18.95.020\(E\)](#);
- X. For relocated structures, the applicant shall post a bond(s) adequate to insure completion of all required upgrading. The applicant and contractor may jointly post such a bond(s). The required bond(s) shall be drawn in favor of the city of Talent;

Y. If approval for relocation is given, and upon issuance of the proper building permits, the applicant shall notify the building official, at least three days prior to the movement of the structure, of the date and time of the move so that the building official can, at the applicant's expense, witness the move to ensure that the approved structure is being relocated. If the building official is not satisfied that the proper structure is being moved he shall take the appropriate steps to ensure that the structure is not brought into the city. [Ord. 817 § 8-3L.140, 2006.]

### **18.150.045 Required findings for approval of minor site development plan.**

After an examination of the site, the review authority shall approve, or approve with conditions, the minor site development plan if all of the following findings are made:

A. All provisions of this chapter and other applicable city ordinances and agreements are complied with;

B. The proposed development will be in conformance with the standards of the zone in which it will be located;

C. The proposed development will be in conformance with the following standards, as applicable:

1. TMC 18.90, General Provisions.
2. TMC 18.95, Residential Lot Improvement Standards.
3. TMC 18.100, Tree Preservation and Protection.
4. TMC 18.105, Landscaping, Fencing and Hedges.
5. TMC 18.110, Off-Street Parking and Loading.
6. TMC 18.115, Access, Circulation and Street Improvements.
7. TMC 18.120, Signs, Billboards and Advertisements.
8. TMC 18.125, Solar Energy and Access.
9. TMC 18.135, Public Trees.

D. That no wastes, other than normal water runoff, will be conducted into city storm and wastewater facilities; and

E. The applicant has made any required street and other needed public facility and service improvements in conformance with the standards and improvements set forth in this title and the applicable portions of TMC Title 17, or has provided for a required security arrangement with the city to ensure that such improvements will be made.

**18.150.050 Required findings for approval of major site development plan.**

After an examination of the site, the planning commission shall approve, or approve with conditions, the major site development plan if all of the following findings are made:

- A. All provisions of this chapter and other applicable city ordinances and agreements are complied with;
- B. The proposed development will be in conformance with the intent and objectives of the zone in which it will be located;
- C. All applicable portions of the city comprehensive plan or other adopted plan are complied with;
- D. The proposed development will be compatible with or adequately buffered from other existing or contemplated uses of land in the surrounding area;
- E. That no wastes, other than normal water runoff, will be conducted into city storm and wastewater facilities;
- F. The following are arranged so that traffic congestion is avoided, pedestrian and vehicular safety, solar access, historic sites, and the public welfare and safety are protected, and there will be no adverse effect on surrounding property:
  - 1. Buildings, structures, and improvements;
  - 2. Vehicular and pedestrian ingress and egress, and internal circulation;
  - 3. Parking and loading facilities;

4. Setbacks and views from structures;
5. Walls, fences, landscaping and street and shade trees;
6. Lighting and signs; and
7. Noise generation facilities and trash or garbage depositories;

G. The applicant has made any required street and other needed public facility and service improvements in conformance with the standards and improvements set forth in this title and the applicable portions of TMC Title [17](#), or has provided for ~~an~~required ~~adequate~~ security arrangement with the city to ensure that such improvements will be made. [Ord. 817 § 8-3L.150, 2006.]

### **18.150.060 Conditions and restrictions.**

In approving a site development plan or the substantial alteration of an existing development plan, the ~~review authority planning commission~~ may impose conditions and require the installation of improvements which it considers necessary to conform to the provisions of this title and to permit the necessary findings set forth in TMC [18.150.050](#) to be made. [Ord. 817 § 8-3L.160, 2006.]

### **18.150.070 Compliance.**

A. Any development subject to the provisions of this chapter shall be carried out in accordance with the approved plans and any conditions imposed by the ~~review authority planning commission~~, and shall be maintained in conformance as a continuous condition of use and occupancy. The written findings of the ~~review authority planning commission~~ shall be retained in the city's planning files.

B. The building official of the city shall not grant a certificate of use and occupancy or release utilities until satisfied that all improvements and conditions imposed by the ~~review authority planning commission~~ on the approved plans have been complied with or until an agreement for improvements and a financial security arrangement, as set forth in TMC [17.20.060\(A\)](#), has been approved by the city council and filed with the city recorder.

C. Any approval or permit granted pursuant to this chapter shall be deemed automatically revoked if substantial construction or development in conformance with the plan has not occurred within one year of the date of approval, unless an extension of up to six months is granted by the ~~review authority~~planning commission, after written application stating the reasons that the extension is requested. [Ord. 817 § 8-3L.170, 2006.]

### **18.150.080 Revisions to a plan.**

Revisions to an approved site development plan shall be made pursuant to the requirements of TMC [18.150.040\(T\)](#). [Ord. 817 § 8-3L.180, 2006.]

### **18.150.090 Appeal.**

Any decision on a site development plan ~~made by a site development review committee~~ may be appealed ~~to the planning commission. Any decision made by the planning commission may be appealed to a hearings officer.~~ Appeals shall be filed and processed according to the provisions of Chapter [18.190](#) TMC. [Ord. 817 § 8-3L.190, 2006.]

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## **Chapter 18.162**

### **CLUSTER HOUSING**

#### **18.162.010 General provisions.**

A. Purpose and intent. It is the policy of the city of Talent to provide for cluster housing that allows more flexible development as an alternative to traditional housing types. Cluster housing is intended to:

1. To provide a variety of housing types that respond to changing household sizes and ages, including but not limited to retirees, small families, and single-person households.
2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.
3. To ensure that the overall size and visual impact of the cluster development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units.
4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cluster housing developments.
5. To ensure minimal visual impact from vehicular use and storage areas for residents of the cluster housing development as well as adjacent properties.

#### **18.165.020 Permits – Eligibility and application.**

A. Authorization for Cluster Housing by Zoning District. Cluster housing is permitted in residential districts as permitted by individual zoning districts.

B. Approval Process.

1. Cluster housing shall be reviewed as a Type II site plan review consistent with Chapter 18.150 TMC and TMC 18.190.040.

2. If the cluster housing development includes dwellings on individual lots to be created through land division, the site plan review and tentative plan may be reviewed concurrently, with the condition of approval that the site plan review approval shall only become effective after the final plat is recorded.

C. *Systems Development Charges.* For the purposes of calculating systems development charges (SDCs), cluster dwellings shall be regarded as apartments and all SDCs shall be assessed accordingly, except the following modifications will be factored into the calculations:

1. Rogue Valley Sewer Services or its successor shall determine SDCs for sanitary sewer. [Ord. 943 § 1 (Exh. A), 2018; Ord. 817 § 8-3L.520, 2006.]

### **18.162.030 Development standards**

A. *Applicability.* Where there is a conflict between these standards and standards elsewhere in the code, the Cluster Housing standards shall apply.

B. *Permitted Housing Types.*

1. Residential Low Density District: Units may be single-family detached or duplexes.
2. Residential Medium Density District: Units may be single-family detached, duplexes, or up to four units attached.
3. Residential High Density District: Units may be single-family detached, duplexes or up to 12 units attached.

C. *Dimensional Standards.*

1. Maximum average gross floor area: 1,200 square feet per dwelling unit.
2. Maximum height for dwellings: 25 feet or two stories, whichever is less.
3. Units Per Cluster:
  - a. Residential Low Density District: There may be 4-12 units per development.
  - b. Residential Medium Density District: There may be 4-12 units per development.

c. Residential High Density District: There may be 4-12 units per cluster with no limit on the number of clusters per development.

4. Minimum Lot Size.

	<u>Minimum lot size for cluster development on a single lot</u>	<u>Minimum lot size for development with individual lots</u>
<u>RLD</u>	<u>15,000 square feet</u>	<u>3,000 square feet</u>
<u>RMD</u>	<u>10,000 square feet</u>	<u>2,000 square feet</u>
<u>RHD</u>	<u>8,000 square feet</u>	<u>1,500 square feet</u>

5. Minimum lot dimensions: Minimum lot width for individual lots shall be 20 feet, with a minimum lot depth of 50 feet.

6. Minimum setbacks from site perimeter: Same as the base zone.

7. Minimum setbacks for single-family and duplex dwellings on individual lots within a Cluster Housing development:

	<u>Setback</u>
<u>Front</u>	<u>10 ft.</u>
<u>Porch or stairs</u>	<u>5 ft.</u>
<u>Side</u>	<u>3 ft.</u>
<u>Rear</u>	<u>5 ft.</u>

8. Maximum building coverage: Same as the base zone.

9. Minimum distance separating dwelling units (excluding attached dwellings and accessory structures): 6 feet.

D. Density.

1. For developments in the RLD and RMD districts: Minimum density standards shall be met. Maximum density shall be twice the maximum density permitted in the base zone.

2. For developments in the RHD district: The minimum density shall be met as established in TMC 18.40.065.A. No maximum density standard applies.

3. For purposes of this section, density may be calculated based on the total development site acreage, after subtracting undevelopable land. No percentage reduction for infrastructure is required.

E. Open Space. Cluster housing developments shall provide and maintain at least one common open space for the use of all occupants. The open space shall have the following characteristics:

1. Located on land with less than a 5 percent slope.
2. Cleared sufficiently of trees, brush and obstructions so that recreational use is possible.
3. Not used for temporary or regular parking of automobiles or other vehicles.
4. Includes at least 150 square feet of area for each dwelling unit.
5. Provides at least 50% of open space in the form of a single compact, contiguous, central open space that:
  - a. Has a minimum dimension of 20 feet.
  - b. Abuts at least 50 percent of the dwellings in a cluster housing development.
  - c. Has dwellings abutting on at least two sides.
6. The common open space shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, or a community building built for the sole use of the cluster housing residents. Impervious elements of the common open space, excluding community buildings, shall not exceed 30 percent of the total open space.
  - a. Shared non-recreational facilities such as shared laundry or storage facilities shall not count towards the open space requirement.
7. If private open space is provided for dwelling units, it shall be adjacent to each dwelling unit. Private open space may include landscaping, porches and decks. The minimum dimension for private open spaces shall be 10 feet, except that porches shall have a minimum dimension of 5 feet.

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F. *Siding and Roofing Requirements.* Cluster dwellings shall comply with siding and roofing standards in TMC 18.95.040.

G. *Existing dwelling unit onsite.* One existing single-family dwelling incorporated into a Cluster Housing Development that does not meet the requirements of this chapter is permitted to remain on a site developed for cluster housing and shall be considered a dwelling in the development. The existing single-family dwelling unit shall not be part of the average gross floor area calculations.

## Chapter 18.180

# MANUFACTURED HOME PARK DEVELOPMENT STANDARDS AND PROCEDURES

### 18.180.010 State and local law.

A manufactured home (MH) park shall be built to all state standards in effect at the time of construction and shall comply with the additional provisions of this chapter. The following statutes, as they now read or are hereafter amended to read, are hereby adopted by reference and made a part of this chapter: ORS [446.003](#) through [446.145](#). Construction and maintenance of a new MH park and expansion or reconstruction of existing MH park shall be in conformance with the standards established by this chapter. [Ord. 817 § 8-3L.810, 2006.]

### 18.180.020 ~~Submittal requirements Site and development plan and fee.~~

~~No land within the city of Talent shall be developed for use as a MH park, and no plan for a MH park shall be filed or recorded, until submitted to and approved by the planning commission. All Applications submitted for approval of a new MH park or expansion, modification or reconstruction of an existing MH park shall consist of eight copies of a development plan and a nonrefundable filing fee. The amount of the fee shall be established, and may be changed, by general resolution or ordinance of the city council. In addition to the nonrefundable fee, the applicant shall be liable for the expense of engineering services provided by the city engineer in reviewing the plans and for any other reasonable services rendered. The plan shall be submitted at least 15 days before the planning commission meeting at which consideration is requested, and shall contain at least the following information:~~

- A. Name of person who prepared the plan.
- B. Name(s) and address(es) of person(s) owning and/or controlling the land proposed for a MH park.

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- C. Name of MH park and address.
  - D. Date, scale and north point of the plan.
  - E. Boundaries and dimensions of the MH park.
  - F. Vicinity map showing relationship of MH park to adjacent properties and surrounding zoning.
  - G. Location and dimensions of each MH site, with each site designated by number, letter or name.
  - H. Location and dimensions of each existing and proposed building.
  - I. Location and width of MH park streets, bicycle ways and pedestrian ways.
  - J. Location of each lighting fixture for lighting the park.
  - K. Location of recreational areas and buildings and common areas.
  - L. Location and type of trees, landscaping, fences, walls or combination of any of these, or other methods of screening or buffering proposed.
  - M. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.
  - N. Location of existing and proposed fire hydrants.
  - O. A drainage plan.
  - P. Topography of the park site with contour intervals of not more than five feet.
  - Q. The plan shall indicate positions of the MHs on the MH sites, so that the commission may determine adequacy of entrances, setbacks, solar orientation and access, etc.
  - R. Enlarged plot plan of a typical MH space, showing location of the stand, storage space, parking, sidewalk, utility connections and landscaping.
  - S. Natural features, including all trees with a circumference of 14 inches or greater, measured at a point three feet above grade at the base of the tree.

T. Location and types of natural hazards occurring on the site, including, but not limited to, floodplains and floodways; soils and areas with erosion, shrink-swell, high runoff, mass movement and high ground water characteristics; with a description of how any hazards will be mitigated.

U. ~~Names, location,~~ mature heights, crown diameters, growth rates, shadow patterns between the hours beginning at 9:00 a.m. and ending at 3:00 p.m. Pacific Standard Time on November 21st, and maintenance facilities of and for existing and proposed street and shade trees.

V. Any other data as may be required to permit ~~review of the application~~~~the planning commission to make the necessary findings for approval.~~ [Ord. 817 § 8-3L.820, 2006.]

### **18.180.030 ~~Planning commission r~~ Review of site and development plan.**

~~A. MH parks shall be reviewed subject to a Type II site plan review process in Chapter 18.150 TMC and the provisions of TMC 18.190.040.~~

~~A. Following receipt of the site and development plan, the staff advisor to the planning commission shall prepare a report including information on compliance with ordinance requirements, the city comprehensive plan, any other adopted city plan and any other data as appears pertinent to the planning commission's review of the plan.~~

~~B. Planning commission shall hold a public hearing on the proposed MH park. Notice of the public hearing shall be provided as set forth in TMC 18.190.050.~~

~~C. The planning commission shall take action to approve, disapprove or conditionally approve the plan within 60 days from the first regular planning commission meeting following submission of the site and development plan, unless an extension of such time limit is mutually agreed upon by the applicant and the commission. The plan shall be approved if it contains all of the information required in TMC 18.180.020, and the proposed MH park conforms with the provisions of law and the standards set forth in this chapter. Approval of the site and development plan shall indicate approval of the final plan provided there is no change from the approved plan and there is full compliance with all requirements of this chapter. [Ord. 817 § 8-3L.830, 2006.]~~

### **18.180.040 Final approval.**

~~Planning director~~Community Development Director~~commission~~ will grant final approval of MH park plans through a Type I review subject to TMC 18.190.030 when all of the following conditions are met:

- A. A site and development plan has been approved.
- B. Detailed plans for the construction of roadways, pedestrian walkways, bicycle paths, parking areas, MH stands, sewer and water facilities, and drainage systems have been approved by the city engineer as being in compliance with the standards of this section, the approved plans ~~approved by the planning commission~~, and other applicable chapters of this title. The applicant shall be liable to the city for the expense of plan review and inspection of improvements by the city engineer.
- C. A detailed tree planting landscaping and buffering plan is submitted ~~and approved by the planning commission~~, showing information about landscape and fencing or wall materials to be used, spacing, size and botanical names of plants, and maintenance systems for landscaped areas.
- D. If final approval is not granted within one year of site and development plan approval or conditional approval, the site and development plan must be resubmitted ~~to the planning commission and reviewed following the procedure prescribed in TMC 18.180.030~~.
- E. Final approval granted ~~by the planning commission~~ pursuant to this section shall expire in one year from the date of such approval unless the plan is substantially implemented.
- F. Any final approval of MH park plans granted ~~by the planning commission~~ prior to the effective date of this title shall expire in one year from the effective date of this title unless substantially implemented. [Ord. 817 § 8-3L.840, 2006.]

### **18.180.050 Standards and improvements.**

The following standards and improvement requirements shall be required for the development of a MH park or the expansion or reconstruction of an existing MH park. In the case of an expansion of an existing park, the requirements shall apply to the expanded portion only, unless the improvements within the existing part of the park are less than the

standards in effect when the park was originally approved. In that case, the improvements shall be brought into compliance with those standards, in the preexisting portion of the park, within one year of ~~the planning commission's~~ approval of the park expansion.

A. *Certificate of Sanitation.* A MH park shall have a certificate of sanitation issued by the State Department of Commerce and must comply with all state requirements for MH parks.

B. *Area.* A MH park shall not be less than one acre, ~~two acres nor more than 30 acres in area.~~ ~~MH parks which would accommodate housing for residents numbering more than five percent of Talent's population (based on 2.5 people per MH) shall be staged or phased so that the population increase that would be created in any one year by the MH park will amount to less than five percent of the city's population.~~

C. *Permitted Uses in a MH Park.* Uses permitted outright and uses permitted subject to site development plan review and conditional use processes in a MH park are listed in TMC [18.35.020](#), [18.35.030](#), [18.35.040](#) and [18.35.050](#).

D. *MH Park Access.*

1. All MH parks shall have at least 200 feet of frontage on a public street. All parks over 10 acres in size shall be located so as to have principal access on a street designated by the city as a collector or arterial street.

2. At least two pedestrian exits and one vehicular exit shall be provided in every MH park, and shall be located no closer than 150 feet from any other exit.

E. *Density of MHs.* No more than ~~eight~~ eighteen MH units shall be located per net acre (net acreage includes MH spaces and common open space and recreational uses, but does not include roads, parking areas or commercial uses).

F. *Parking.* Two off-street parking spaces shall be provided at each MH site. Additional parking space shall be provided in parking lots distributed around the park to accommodate at least one space per eight MHs, but not more than one additional space per MH. In addition, sufficient off-street parking shall be provided for MH park employees. Parking facilities shall conform to the requirements of Chapter [18.110](#) TMC.

G. *Streets and Accessways.*

1. Each MH park site shall have an accessway of at least 36 feet in width which connects to an existing public street.
2. The first 50 feet of an accessway, measured from the public street, shall be surfaced to a width of at least 28 feet, with no on-street parking permitted. Where a MH park street intersects an existing public street, the MH park developer shall improve the park street to the centerline of the existing city street.
3. Exterior streets abutting the MH park which are not improved to subdivision standards shall be improved as set forth in TMC [17.10.060](#).
4. For MH park accessways, beyond the first 50 feet, the minimum surfaced width of the roadway within the park shall be 10 feet for each travel lane and eight feet for each parking lane.
5. All roadways shall be paved with crushed rock base and asphalt concrete surfacing according to structural specifications prescribed by the city (refer to city of Talent standard details).
6. Streets shall be oriented in a manner that permits MH pads and spaces to provide maximum solar access to MHs.

H. *Pedestrian Ways.* Pedestrian walkways shall be separated from vehicular ways and shall be developed and maintained to provide safe and convenient movement to all parts of the park walkways leading to destinations outside the park. Pedestrian walkways shall be surfaced with concrete at least three inches thick, to a width of at least three feet.

I. *Bicycle Ways.* Bicycle paths shall be provided, where determined appropriate by the planning commission for the public convenience, to provide safe and convenient movement to locations in the park and to connect to bicycle routes or streets which can be utilized safely by bicyclists outside of the park. Bicycle ways shall be improved to standards approved by the city.

J. *MH Park Perimeter Setbacks.* All MHs, MH park buildings, and required parking areas shall be located at least 25 feet from the property line abutting upon a public street or highway and at least 15 feet from other MH park boundary lines.

K. *Utilities.*

1. *Undergrounding of Utilities.* All utilities shall be installed underground, according to the provisions of TMC Title [17](#).
2. *Water and Sewer.* Each MH site shall be connected to the public water and sewer system, and each occupied MH shall be connected to same.
3. *Electricity.* Each MH site shall have an electrical connection with service adequate for electric cooking and other household appliances.
4. *Fire Hydrants.* Each MH shall be located within 250 feet of an accessible fire hydrant. Determination of accessibility shall be made by the fire chief.
5. *Telephone Service.* Public telephone service shall be available in every MH park.
6. *Safety Lighting.* Vehicular and pedestrian accessways shall be adequately lighted by a safety lighting plan utilizing underground wiring.

L. *Drainage.* The MH park shall be well-drained and provisions for drainage shall be made according to plans approved by the city engineer. The condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants.

M. *Recreation Area.* In a MH park, not less than six percent of the net park area shall be developed for recreation use. The recreation area may be in one or more locations, none of which shall be less than 2,500 square feet in area or less than 25 feet in width, with the exception of bicycle paths which may be counted toward the recreation area requirement. Recreation areas shall be developed and maintained as usable open space, playgrounds, playfields, swimming pools, bicycle paths, community gardens and/or joint-use recreation buildings, or other approved recreation uses for the common use of MH park residents. Required parking areas and pedestrian walkways may not be counted as part of the recreation area requirement.

N. *Storage of Unoccupied MHs, Recreation Vehicles and Boats.* Unoccupied MHs, recreation vehicles and boats may be stored only in areas designated and suitable for such purposes. They shall not be stored in accessways, required parking spaces, or areas designated for another purpose.

O. *Orientation of MH Pads and Spaces.* MH pads and spaces shall be oriented to provide as many mobiles a major south wall of uninterrupted solar access as possible.

P. *MH Location and Setbacks.* Occupied MHs shall be parked only on MH stands, shall be set back at least 10 feet from any park roadways, at least 15 feet from any other MH or park building, at least 10 feet from any separate accessory structure, and at least 25 feet from any public street. No MH space within a MH park shall be located in such a manner that a public street must be used to place a MH in the space.

Q. *Buffering.* Buffering beyond the perimeter requirements set forth in this section shall be required when necessary to conform to the buffering standard set forth in TMC Title [17](#).

R. *Improvements Required for Each MH Space or Site.* Each MH space or site shall have the following improvements:

1. A MH foundation stand, which shall be improved to provide adequate support for the placement and tie-down of the MH. The stand shall be all-weather surfaced with asphalt, concrete or crushed rock, and shall be constructed so that it will not heave, shift or settle unevenly under the weight of the MH due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Each stand design shall be approved by the building inspector. The stand must be at least as large as the MH placed on it.
2. A patio or combination of patios of concrete, asphalt, flagstone, wood or other equivalent material with an area of not less than 150 square feet and no dimension less than seven feet.
3. Two paved parking spaces and at least 14 feet of direct access to a park street.
4. A deciduous tree shall be planted on the south side of each MH site where active solar collectors will not be utilized.

S. *MHs Permitted.* Only MHs meeting the following requirements will be permitted as an outright use:

1. Every occupied MH shall be equipped with a toilet, lavatory and bathtub or shower, and with a kitchen area.
2. The MH shall be in a condition that conforms to one of the following construction standards:

- a. A MH constructed after April 1972 shall bear the Oregon insigne of compliance to standards in effect in Oregon at the time of construction.
  - b. A MH 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 inspector.
3. The MH shall have a minimum area of 400 square feet, as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device. Space within a MH accessory structure shall not be included in the computation of minimum area.

T. *MH Placement and Exterior Finishing.*

1. Each occupied MH shall be located on a MH stand and shall be adequately secured against uplift, sliding, rotation and overturning.
2. All MHs shall have compatible skirting of a noncombustible material or fire-retardant wood, which must be installed within 60 days of MH occupancy and which shall be maintained.
3. All awnings, carports, cabanas, etc., shall be of materials, size, color, and pattern so as to be compatible with the MH.

U. *Accessory Buildings and Structures.*

1. Any MH accessory structure that is not visually separated from a MH shall be constructed with materials and appearance compatible with the MH. This does not apply to patios, porches and decks, or out-buildings that are separated from the MH.
2. Except for automobiles and wood to be used on the site, storage outside a MH shall be in a totally enclosed structure.

V. *Fences, Walls, Hedges and Screen Plantings and Signs.* All fences, walls, hedges and screen plantings shall conform to the requirements of Chapter [18.105](#) TMC, except as may be permitted in subsection [\(W\)](#) of this section, and be properly maintained. Signs shall be permitted and in conformance with Chapter [18.120](#) TMC.

W. *Landscaping and Screening.*

1. *Perimeter Landscaping and Buffering.* The outer perimeter of the MH park shall be improved with:

- a. A sight-obscuring fence or wall at least six feet in height, set back at least 15 feet from the front property line; and at least five feet from the side and rear property lines if it exceeds six feet in height; or
- b. Maintained evergreen landscaping that is at least 10 feet in depth and which will reach at least six feet in height within a period of five years, set back at least 15 feet from the front property line, and at least five feet from side and rear property lines if over six feet in height; or
- c. A combination of subsections [\(W\)\(1\)\(a\)](#) and [\(W\)\(1\)\(b\)](#) of this section.
- d. Where perimeter landscaping is set back from the property boundary line, a yard containing lawn or other suitable ground cover, flowers, and shrubs and/or trees shall be established and maintained between the boundary lines and the chosen screening.

2. *Landscaping within the MH Park.* All open areas and recreation areas within the park not otherwise used shall be suitably landscaped and maintained. Prominent aspects such as rock outcroppings, trees with circumferences of 14 inches or greater (measured at a point three feet above grade at the base of the tree), and other natural landscaping features are encouraged to be worked into the landscaping plan. The maintenance of open spaces is necessary to the continued renewals of the MH park license.

X. *Licensing of MH Parks.*

1. *License Required.* No use or occupancy of any MH park, or building or facility in connection therewith, shall be permitted within the city of Talent until a MH park license is issued.

2. *Application for License.*

- a. *New MH Parks.* An application for a license to operate a new MH park shall be submitted to the city council after final approval of the development plans by the planning commission. An enlargement of a MH park or an increase in the number of MH spaces in an existing park shall be subject to the provisions of this section regulating new parks.

b. *Existing Parks.* Application for the renewal of a business license for an existing MH park shall be made to the city and will be granted as long as the park conforms to all applicable state laws and any conditions set forth at the time the MH park was approved, and provided the condition set forth in subsection (Y) of this section is met.

3. *License Fee.* The annual license fee for a MH park shall be the same as prescribed by the city of Talent for business licenses.

4. *Term of License.* MH park licenses shall be valid for a period not to exceed one year, unless a longer time is noted and approved by the planning commission on the signed copies of the development plan, and such time period is approved by the city council.

Y. *Upgrading of Preexisting MH Parks for Fire Protection.* Within three years of the date of enactment of the ordinance codified in this title, every preexisting MH park shall either install fire hydrants or provide adequate access to fire hydrants, so that every MH is located within 250 feet of an accessible fire hydrant. Conformance with this requirement will be determined by the Talent fire chief. Any MH park that does not meet this requirement will be ineligible for renewal of the MH park license.

Z. *Building Permits.* No building permit shall be issued for the development of a new MH park until the development plans have received final approval by the planning commission.

AA. *MH Set-Up Permits.* No MH shall be moved onto a MH space or lot until a MH set-up permit has been issued. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3L.850, 2006.]

### **18.180.060 Addendum – New MH park rules – Design and land use (OAR 814-28-060(1)).**

A. *Space Utilization.* Building separation in a MH park for each MH and its accessory structures shall be in accordance with the following:

1. The distance between MHs shall in no case be less than 10 feet end to end or side to side. All HUD-approved MHs may be 10 feet from adjacent MHs on both sides.
2. The distance between non-HUD-approved MHs placed parallel to each other may be 10 feet on one side but must be at least 14 feet on the other.

B. *Exceptions.*

1. Non-HUD-approved MHs may be placed 10 feet apart in MH parks that comply with current fire safety standards.
2. Parallel non-HUD-approved MHs with less than half their lengths side by side may be 10 feet apart on both sides.
  - a. When not placed parallel to each other, or when parallel if one or more of the units is a tip-out, non-HUD-approved MHs may be 10 feet apart on both sides but must be at least 14 feet apart for half their length.
  - b. Adjacent MHs in all parks must be placed at least 14 feet apart where a flammable or combustible fuel storage vessel is located on or between units.
  - c. A MH may not be closer than 10 feet to a park building within the MH park, or closer than five feet to a park property line. The area occupied by the MH, accessory buildings, and structures on a MH lot shall not exceed 75 percent of the lot area.  
[Ord. 817 § 8-3L.860, 2006.]

## 18.190.020 Description of permit procedure.

There are four types of permit/decision-making procedures: Types I, II, III, and IV. These procedures are described in the following subsections. In addition, Table 18.190.020 lists all of the city's land use and development applications and their required permit procedure(s).

A. *Type I Procedure (Ministerial)*. Type I decisions are made by the city planner, or someone he or she officially designates, without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying city standards and criteria requires no use of discretion;

B. *Type II Procedure (Administrative)*. Type II decisions are made by the city planner with public notice and an opportunity for a public hearing. The planning commission hears the appeal of a Type II decision;

C. *Type III Procedure (Quasi-Judicial)*. Type III decisions are made by the planning commission after a public hearing, with appeals reviewed by the hearings officer. Type III decisions generally use discretionary approval criteria; and

D. *Type IV Procedure (Legislative)*. Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments which apply to entire districts). Type IV matters are considered initially by the planning commission with final decisions made by the city council.

**Table 18.190.020. Summary of Development Decisions/Permits by Type of Decision-Making Procedure\***

Access Permit (Public Street)	Type I	Chapter <a href="#">18.115</a> TMC	Access and Circulation
Accessory Dwelling Unit	Type II	Chapter <a href="#">18.165</a> TMC	ADU
Annexation	Type IV	Chapter <a href="#">18.200</a> TMC and city/county IGA	
Comprehensive Plan Amendment	Type IV	Chapter <a href="#">18.190</a> TMC, comprehensive plan	
Conditional Use Permit	Type III	Chapter <a href="#">18.155</a> TMC	Conditional Uses

Design Review	Type II, III	Chapter <a href="#">18.175</a> TMC	Historic Preservation
Home Occupation	Type I	Chapter <a href="#">18.170</a> TMC	Home Occupation
Lot Line Adjustment	Type I	TMC <a href="#">17.25.010</a>	
Minor Land Partition	Type II	TMC Title <a href="#">17</a>	Subdivision Code
Nonconforming Use	Type I	Chapter <a href="#">18.195</a> TMC	Nonconforming Lots, Uses and Structures
Planning Inquiry	Type I		
Public Tree Removal	Type I	Chapter <a href="#">18.100</a> TMC	Trees and Landscaping
Rezoning	Type IV	Chapter <a href="#">18.190</a> TMC	Procedures
Sign Permit	Type I, III	Chapter <a href="#">18.120</a> TMC	Signs
Site Development Plan Review	Type II, III	Chapter <a href="#">18.150</a> TMC	Site Development Plan Review
Subdivision	Type <a href="#">IIIII</a>	TMC Title <a href="#">17</a>	Subdivision Code
Temporary Use Permit	Type II, III	various	
Variance	Type III, IV	Chapter <a href="#">18.160</a> TMC	
Zoning Clearance or Permit	Type I	TMC <a href="#">18.190.030</a>	
Zoning Code Amendment	Type IV	TMC <a href="#">18.190.060</a>	Procedures

\* **Note:** The code provisions referenced above in the third column describe the types of land uses and development activity that require permits under each type of decision-making procedure.

[Ord. 817 § 8-3M.120, 2006.]

### **18.190.080 General provisions.**

A. *One-Hundred-Twenty-Day Rule.* The city shall take final action on permit applications, which are subject to this chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete. Any exceptions to this rule shall conform to the provisions of ORS [227.178](#). (The 120-day rule does not apply to Type IV legislative decisions – comprehensive plan and development code amendments – under ORS [227.178](#).)

[B. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:](#)

1. The project includes five or more residential units, including assisted living facilities or group homes;
2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Jackson County or for the state, whichever is greater; and
3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.

### **18.190.090 Special procedures.**

A. *Expedited Land Divisions.* An expedited land division (ELD) shall be defined and may be used as in ORS [197.360](#), which is expressly adopted and incorporated by reference here.

1. *Selection.* An applicant who wishes to use an ELD procedure for a partition or subdivision, instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;
2. *Review Procedure.* An ELD shall be reviewed in accordance with the procedures in ORS [197.365](#);
3. *Appeal Procedure.* An appeal of an ELD shall be in accordance with the procedures in ORS [197.375](#).

B. *Neighborhood Meeting Requirement.* Applicants shall meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. After a pre-application conference, the applicant shall meet with any adjacent property owners within 250 feet of subject property, prior to the city's acceptance of an application as complete. The city will furnish a form letter to the applicant to be mailed to all property owners within 250 feet of the subject property that provides due notice of the scheduled neighborhood meeting. The applicant shall be responsible for any costs associated with the mailing. The city's intent is to include neighbors in the design process, as well as improving communication among the city, neighbors, and applicant and, as a result, facilitating the public approval process.

A neighborhood meeting shall be required for the following ~~Type III~~ applications:

1. Subdivision tentative plans.
2. Site plan review applications within a residential zoning district.
3. Other Type III development applications, such as conditional uses, which are likely to have neighborhood or community-wide impacts (e.g., traffic, parking, noise, or similar impacts). [Ord. 847 § 4 (Exh. B), 2008; Ord. 817 § 8-3M.190, 2006.]