

ARTICLE 6 USE STANDARDS

SECTION 6.010 USE STANDARDS

In addition to the Development Standards specified in **Article 5**, there are also uses that may occur in more than one district. The following Sections specify development standards applicable to specialized uses within the City of Turner.

SECTION 6.101 HOME OCCUPATION STANDARDS

A Home Occupation is an accessory use to any residence in the City.

- (1) The home occupation shall be secondary to the main use of the dwelling as a residence.
- (2) All aspects of the home occupation shall be contained and conducted within a completely enclosed building and shall not disrupt the residential character of the neighborhood.
- (3) No structural alteration of the land or dwelling, or location of additional structures, either temporary or permanent, shall detract from the outward appearance of the property as a whole as a residential use. Allowed accessory structures for the purpose of Home Occupation will be limited to less than 25% of the total ground square footage of the main dwelling. No accessory dwelling will be allowed in a street facing yard. **(6.101(3) Amended by Ord. 18-101)**
- (4) No more than 1 person other than those residing within the dwelling shall be engaged in the home occupation.
- (5) No window display or sample commodities displayed outside the principal dwelling or accessory structures shall be allowed.
- (6) No materials or mechanical equipment shall be used which are detrimental to the residential use of the dwelling or any nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or any other factor.
- (7) No parking of customer vehicles in a manner or frequency that would cause disturbance or inconvenience to nearby residents or that would necessitate the provision of additional off-street parking shall be allowed.
- (8) No signs shall be permitted except for a single name plate not to exceed 1.5 square feet in area.
- (9) The home occupation may not engage in the business repair or maintenance of vehicles if located in a residential zone.
- (10) Day care facilities with less than thirteen (13) children are exempt from this section.

- (11) The home occupation may not include the use of hazardous substances or material that might create a fire hazard or danger to the environment or neighboring property, including but not limited to, gasoline, paint, oxygen/acetylene tanks or other flammable or hazardous material.

(Amended by Ord. 10-106)

SECTION 6.102 RESIDENTIAL CARE HOME STANDARDS

A Residential Care Homes for 5 or less people and Group Child Care Homes for 12 or less children are a Permitted Use in a dwelling located within any residential district with the following additional standards:

- (1) Outdoor areas shall be provided in accordance with State Standards for each type of use. The outdoor area shall be adequately fenced in order to provide for the safety and privacy of those at the facility.
- (2) The Care Home shall be readily accessible for people with disabilities and fire or other emergency access.
- (3) The Care Home shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.

SECTION 6.103 RESIDENTIAL CARE FACILITY STANDARDS

A Residential Care Facility other than a private residence for more than 12 children or for more than 5 adults is a Permitted Use in the Multi-family Residential District, R-11 and may be allowed in accordance with the Conditional Use provisions of **Section 2.500** provided municipal water and sewer service is available in the Single-family Residential Districts with the following additional standards:

- (1) Access shall be from a designated arterial or collector street.
- (2) Requirements for front, rear, side and street side yards, for Care Facilities shall comply with the District standards in which the facility is located.
- (3) Additional landscaping, privacy fencing, buffers or other screening devices may be required to screen or protect the facility or adjacent properties.
- (4) Outdoor areas shall be provided in accordance with State Standards for each type of use. The outdoor area shall be adequately fenced in order to provide for the safety and privacy of those at the facility.
- (5) The Care Home shall be readily accessible for people with disabilities and fire or other emergency access.
- (6) The Care Home shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.

~~SECTION 6.104 MULTIPLE-FAMILY STANDARDS~~

~~Medium density multiple-family housing is allowed in the R-11 residential district up to 15 20 units per acre and high density Multiple-family housing may be allowed in accordance with the Conditional Use provisions of **Section 2.500** (provided municipal water and sewer service is available).~~

- ~~(1) Access shall be from a designated arterial or collector street.~~
- ~~(2) Requirements for front, rear, side and street side yards, for Care Facilities shall comply with the District standards in which the facility is located.~~
- ~~(3) On-site bicycle storage facilities, bicycle paths and pedestrian ways shall be provided for developments exceeding six dwelling units.~~
- ~~(4) The City may require establishment of deed covenants, conditions and restrictions (CC&R's) or other conditions when deemed necessary for the mitigation of potential adverse impacts on a neighborhood or adjacent areas:~~
- ~~(5) The City may regulate the type of dwelling units for high density multiple-family to mitigate potential adverse impacts on a neighborhood or adjacent areas.~~
- ~~(6) Additional landscaping or screening on the property boundary may be required to mitigate potential adverse impacts on adjacent properties.~~
- ~~(7) Development of Multiple-Family dwelling units of four or more units will comply with the design guidelines and standards of multiple-family dwellings contained in Section II of the City of Salem Development Design Handbook dated January, 1999, unless a waiver or modification is requested by the developer and approved by the Planning Commission as a part of a Site Plan Review.~~

(Item (7) Added by Ord. 00-101)

SECTION 6.104 MULTIPLE-FAMILY STANDARDS

Medium density multiple-family housing is allowed in the R-11 residential district up to 20 units per acre. High density Multiple-family housing at over 20 units per acre may be allowed in accordance with the Conditional Use provisions of **Section 2.500** (provided municipal water and sewer service is available).

The Multiple-Family standards set forth in this chapter are in addition to, and not in lieu of, all other applicable development standards in the LUDC. Where the Multiple-Family standards conflict with other development standards in the LUDC, the Multiple-Family standards shall be the applicable development standard.

SECTION 6.104.1 OPEN SPACE STANDARDS.

- (1) To encourage the preservation of natural open space qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 20 percent of

the gross site area as designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.

(a) To ensure usable open space, at least one common open space area shall be provided within the development that is at least 500 square feet in size and has a minimum dimension of 20 feet for all sides.

(b) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 6.104-1, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 6.104-1.

TABLE 6.104-1. PRIVATE OPEN SPACE SIZE AND DIMENSIONS

| <u>Location of Dwelling Unit</u> | <u>Minimum Open Space Area Size</u> | <u>Minimum Dimension</u> |
|--|-------------------------------------|--------------------------|
| <u>Not more than 5 feet above finished grade</u> | <u>96 sq. ft.</u> | <u>6 ft.</u> |
| <u>More than 5 feet above finished grade</u> | <u>48 sq. ft.</u> | <u>6 ft.</u> |

(c) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 500-square-foot improved open space area may count as 1,000 square feet toward the open space requirement.

1. Be a minimum 500 square feet in size with a minimum dimension of 20 feet for all sides; and
2. Include at least one of the following types of features:
 - a. Covered pavilion.
 - b. Ornamental or food garden.
 - c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.
 - d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).

- e. Swimming pool or wading pool.

SECTION 6.104.2 LANDSCAPING STANDARDS.

- (1) Where a development site abuts property that is zoned Single-Family Residential (R-1) or Single Family Residential (R-2), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting R-1 or R-2 zoned property. The landscaping and screening shall include the following:
 - (a) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and
 - (b) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials.
- (2) Multiple family developments shall comply with the landscaping standards applicable in the underlying zone in which such developments are located.

SECTION 6.104.3 SITE SAFETY AND SECURITY.

- (1) Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.
- (2) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development.

SECTION 6.104.4 PARKING AND SITE DESIGN.

- (1) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.
- (2) To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks.

SECTION 6.104.5 FAÇADE AND BUILDING DESIGN.

- (1) Where a development site abuts property zoned Single-Family Residential (R-1) or Single Family Residential (R-2), buildings shall be setback from the abutting R-1 or R-2 zoned property as set forth in Table 6.104-2 to provide appropriate

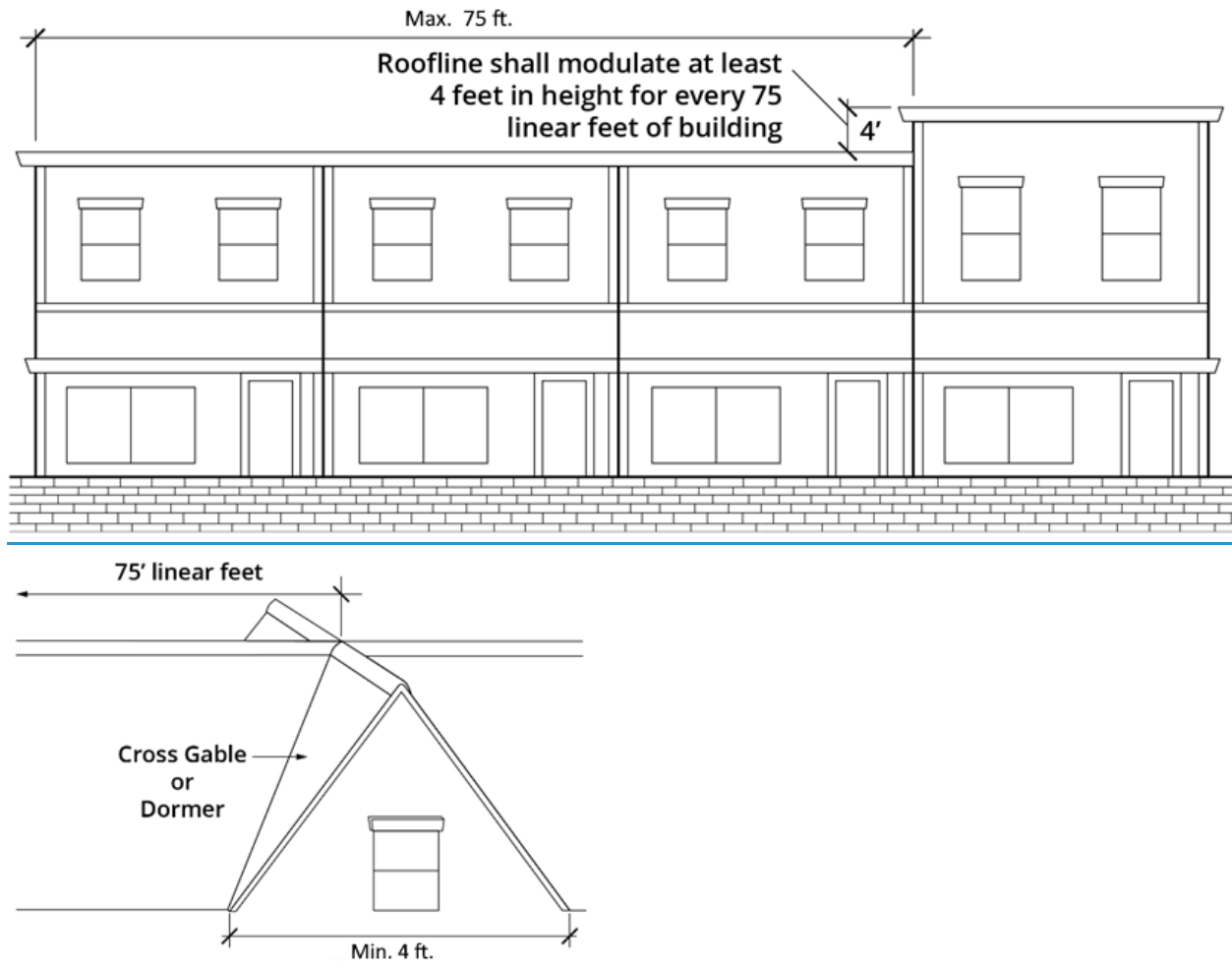
transitions between new buildings and structures on-site and existing buildings and structures on abutting sites.

TABLE 6.104-2. SETBACKS ABUTTING PROPERTY ZONED R-1 AND R-2

| <u>Building Dimension Adjacent to Property Zoned R-1 and R-2</u> | <u>Number of Building Stories</u> | <u>Minimum Setback</u> |
|--|-----------------------------------|--|
| <u>80 feet or less</u> | <u>1 or 2</u> | <u>10 feet</u> |
| | <u>3 or more</u> | <u>20 feet</u> |
| <u>Greater than 80 feet</u> | <u>1</u> | <u>Min. 1 foot for each 1 foot of building height, but in no case less than 14 ft.</u> |
| | <u>2 or more</u> | <u>Min. 1 foot for each 1 foot of building height, but in no case less than 20 ft.</u> |

- (2) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.
- (3) To orient buildings to the street, any ground-level unit, cluster of units, or interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing the street, with direct pedestrian access to the adjacent sidewalk.
- (4) A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade or portico.
- (5) Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment, and shall be integrated with exterior building design.
- (6) To reinforce the residential character of the neighborhood, 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. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided. (See Figure 6.104-1)

FIGURE 6.104-1. MULTIPLE FAMILY ROOFLINE MODULATION OPTIONS



(7) To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 6.104-2). Design elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.

- (a) Offsets (recesses and extensions).
- (b) Covered deck.
- (c) Covered balcony.
- (d) Cantilevered balcony, provided at least half of its depth is recessed.
- (e) Covered entrance.

FIGURE 6.104-2. EXAMPLE OF DESIGN ELEMENTS FOR ARTICULATION



(8) To visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors by at least one of the following (see examples in Figure 6.104-3):

(a) Change in materials.

(b) Change in color.

(c) Molding or other horizontally-distinguishing transition piece.

FIGURE 6.104-3. EXAMPLE OF DESIGN ELEMENTS FOR ARTICULATION

(Section 6.104 added by Ord. 22-100)

SECTION 6.105 ACCESSORY DWELLING UNITS

Accessory Dwelling Units may be allowed in a residential zone subject to a Site Plan Review as described in Section 2.400.

- (1) **One Unit.** A maximum of one Accessory Dwelling unit is allowed per legal lot.
- (2) **Floor Area.** An Accessory Dwelling unit shall not exceed 800 square feet of floor area, nor shall it exceed the square footage of the primary dwelling. The unit may be a detached cottage, a unit attached to a dwelling, or in a portion of an existing dwelling. The floor area of any garage associated with the primary dwelling is not included in the calculation of maximum floor area.
- (3) **Lot Size.** The minimum lot size for a lot with an Accessory Dwelling is 6,000 square feet.
- (4) **Building Design.** The Accessory Dwelling shall be constructed of materials that are the same or similar to the materials used on the primary dwelling. The Accessory Dwelling shall comply with applicable Oregon Structural Specialty Code requirements.
- (5) **Building Height.** The height of an accessory dwelling shall not exceed the height of the primary dwelling.
- (6) **Screening and Buffering.** The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Article 5.134(3) Fences.

(Section 6.105 added by Ord. 22-100)

SECTION 6.106 COTTAGE HOUSING

Cottage- Housing is a permitted use in the R2 and R11 zones subject to a Site Plan Review as described in Section 2.400.

(1) General Cottage Housing Development Standards.

- (a) Size of Unit: Each dwelling shall be a minimum of 600 square feet and shall not exceed a maximum square footage of 1,200 square feet.
- (b) Number of Cottages in a development: Cottage housing units shall be developed in clusters of a minimum of 4 units to a maximum of 12 units.
- (c) Maximum Height: The height limit for all structures shall not exceed 25 feet.
- (d) Parking Requirements: There shall be at least one (1) off street parking space per dwelling unit.
- (e) Fences: All fences on the interior of the development shall be no more than 3.5 in height. Fences along the exterior of the development shall comply with the fence requirements in Section 5.134 Landscaping.

(2) Cottage Orientation. Cottages must be clustered around a common area and must meet the following standards:

- (a) A minimum of fifty (50) percent of cottages within a cluster must be oriented to the common area and must:
 - 1. Have a main entrance facing the common area;
 - 2. Be within 10 feet from the common area, measured from the façade of the cottage to the nearest delineation of the common area; and
 - 3. Be connected to the common area by a pedestrian path.
- (b) Cottages within 20 feet of a street property line may have their entrances facing the street.
- (c) Cottages not facing the common area or the street must have their main entrances facing a pedestrian path that is directly connected to the common area.

(3) Common Area Design Standards. Each cottage cluster must share a common area in order to provide a sense of openness and community of residents.

Common areas must meet the following standards:

- (a) The common area must be a single, contiguous, useable piece.
- (b) Cottages must abut the common area on at least two sides of the courtyard.
- (c) The common area must contain a minimum of 150 square feet per cottage within the associated cluster.
- (d) The common area must be a minimum of 15 feet wide at its narrowest dimension.
- (e) The common area shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common area shall not exceed 75 percent of the total common area.
- (f) Pedestrian paths qualify as part of a common area. Parking areas, required setbacks, and driveways do not qualify as part of a common area.

(4) Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or

community eating areas. Community buildings must meet the following standards:

- (a) Each cottage cluster is permitted one community building.
- (b) A community building shall not exceed 1,400 square feet of floor area.

(5) Pedestrian Access.

- (a) An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - 1. The common area;
 - 2. Shared parking areas;
 - 3. Community buildings; and
 - 4. Sidewalks in public rights-of-way abutting the site or roadways if there are no sidewalks.
- (b) The pedestrian path must be hard-surfaced and a minimum of five (5) feet wide

(6) Parking Design.

- (a) Clustered parking. Off-street parking may be arranged in clusters of not more than 5 contiguous spaces separated from other clusters by at least 4 feet of landscaping. Clustered parking areas may be covered.
- (b) Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - 1. Within of 20 feet from any street property line, except alley property lines;
 - 2. Between a street property line, except alley property lines, and cottages abutting the street property line.
- (c) Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
- (d) Screening. Landscaping or architectural screening at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
- (e) Garages and carports. Garages and carports (whether shared or individual) must not abut common courtyards. Garage doors for individual garages must not exceed 12 feet in width.

(7) Existing Structures. On a lot or parcel to be used for a cottage cluster project, a pre-existing detached single dwelling may remain within the cottage cluster project area under the following conditions:

- (a) The existing dwelling may be nonconforming with respect to the requirements of this code.
- (b) Existing dwellings may be expanded up to the maximum height or footprint allowed by this code; however, existing dwellings that exceed the maximum height, footprint, and/or unit size of this code may not be expanded.

(Section 6.106 added by Ord. 22-100)

SECTION 6.110 MANUFACTURED DWELLING STANDARDS

Oregon Revised Statutes (ORS), Chapter 446 and Oregon Administrative Rules (OAR), Chapter 918 specify the standards and regulations for Manufactured Dwelling (MD) use in the State of Oregon. The 2002 Oregon Manufactured Dwelling and Park Specialty Code (OMDS) define the state standards and Section 6.170 provides additional supporting standards for all manufactured dwelling developments within the City of Turner. The standards contained herein are intended to support suitable living environments for residents of manufactured dwellings and to increase compatibility with adjacent land uses.

SECTION 6.111 GENERAL PROVISIONS

- (1) **Definitions.** The definitions of terms used are as defined in the 2002 Oregon Manufactured Dwelling and Park Specialty Code (OMDS) or Section 1.200 of this Code.
- (2) **Relationship to Deed Restrictions.** Nothing in these provisions shall be interpreted as superseding more restrictive deed covenants, conditions or restrictions (CC&R's). —The Standards contain herein are the "minimum requirements" of the City.— Applicant/Owners may specify more restrictive standards for their development as part of their CC&R's.
- (3) **Manufactured Dwelling Construction & Safety Standards.** All manufactured dwellings must comply with the minimum construction standards in effect at the time of construction, and all associated rules, regulations, amendments and interpretations of both federal and state authorities. All manufactured dwellings placed in the City of Turner must bear a U.S. Department of Housing and Urban Development, HUD, certification label or a State of Oregon Manufactured Dwelling Insignia of Compliance.
- (4) **Building Permit.** The owner of a lot upon which a manufactured dwelling is to be installed shall, before installation, obtain a Manufactured Dwelling Building Installation Permit, and any other required permits, from the City. In applying for and obtaining said permit, the owner of a lot shall be deemed to have agreed to comply with Oregon State Standards and the terms of this Code.
- (5) **Inspection.** The manufactured dwelling shall be inspected by the Building Inspector, who shall determine that the manufactured dwelling complies with State standards for manufactured dwelling construction and siting, the standards set forth in this Code and, prior to approval of installation, require the owner of said manufactured dwelling to bring the manufactured dwelling up to the required standards by repair and improvement.

No reconstruction or equipment installation shall have been made to the manufactured dwelling unless it has been state approved as evidenced by an appropriate State of Oregon insignia.

- (6) **Perimeter Enclosures & Support Systems.** All load bearing foundations, supports, and enclosures shall be installed in conformance with state regulations

and with the manufacturer's installation specifications. There are two primary types of perimeter enclosures permitted:

- (a) **Perimeter Skirting:** Skirting shall be constructed in accordance with the Oregon Manufactured Dwelling Standards. Permitted perimeter skirting materials are any material or system approved by the State of Oregon.
 - (b) **Perimeter Foundations:** shall be constructed in accordance with the Council of American Building Officials (CABO) One and Two Family Dwelling Code in addition to the Oregon Manufactured Dwelling Standards. Permitted perimeter foundation materials are concrete, masonry, or other materials approved by the Building Official.
- (7) **Accessory Structures.** All accessory structures must be constructed to the Oregon State One and Two Family Dwelling Code.
- (8) **Removal.** If a manufactured dwelling is removed, the owner shall immediately disconnect and cap all sewer, water and utility services. The owner of the property shall within (6) months of said removal, make application for and replace said manufactured dwelling with an approved manufactured dwelling, or remove the foundation and all protrusions above the slab or ground level. Should the property owner fail to comply, the city may contract for removal and disconnection, and collect the costs thereof from the property owner or place a lien against the real property for the unpaid amount.
- (9) **Continued Use.** Any manufactured dwelling in place at the time of passing this Code and appropriately connected to a sewer and water system, but otherwise not conforming to the above requirements, may be maintained in the place of location. Any replacement of or addition to said manufactured dwelling shall comply with the requirements stated herein and The State of Oregon Installation Standards.

SECTION 6.112 CLASSIFICATIONS OF MANUFACTURED DWELLINGS

Manufactured Dwelling Classes. For purposes of these regulations, manufactured dwellings are divided into two classes, "A" and "B". The classes are segregated by the size of the manufactured dwelling. All manufactured dwellings placed within the City after the effective date of this Code must comply with the following placement standards.

- (1) **Class "A"** A Class "A" manufactured dwelling is one that complies with the following standards:
- (a) A double-wide or multi-sectional unit ~~ten (10) years old or newer bearing a U.S. Department of Housing and Urban Development, HUD, certification label in conformance with the Federal Manufactured Dwelling Construction and Safety Standards in effect on the date of manufacture. The unit shall be in excellent condition and free of structural, electrical, mechanical, or plumbing defects.~~ certified by the manufacturer and including an insignia of

compliance consistent with the applicable provisions of ORS 446 and Oregon State building and specialty codes. Inspection and verification by the Building Official is required prior to placement.

- (b) Contains more than one thousand (1,000) square feet of occupied space in a double-section or larger multi-section unit.
 - (c) Placed onto a permanent foundation system with piers, perimeter foundations or perimeter skirting. Wheels, axles, and hitch mechanisms shall be removed in accordance with approved state installation standards.
 - (d) Minimum roof pitch shall be ~~3-inch~~3-inch rise for each 12-~~inches~~ of run with materials commonly used for site-built houses such as composition, wood or tile shingles.
 - (e) Exterior materials shall be similar to those used on site-built houses.
 - (f) Placement: Class "A" manufactured dwellings are permitted on all individual lots in all Residential Districts and in all approved manufactured dwelling parks. Class "A" manufactured dwellings are also permitted for approved temporary uses specified in **Section 6.114**
- (2) **Class "B"** A Class "B" manufactured dwelling is one that complies with the following standards:
- (a) A single-section unit certified by the manufacturer and including an insignia of compliance consistent with the applicable provisions of ORS 446 and Oregon State building and specialty codes. Inspection and verification by the Building Official is required prior to placement.~~ten (10) years old or newer bearing a U.S. Department of Housing and Urban Development, HUD, certification label in conformance with the Federal Manufactured Dwelling Construction and Safety Standards in effect on the date of manufacture. The unit shall be in excellent condition and free of structural, electrical, mechanical, or plumbing defects.~~ Inspection and verification by the Building Official required prior to placement.
 - (b) Contains more than five hundred (500) square feet of occupied space in a single or expanded unit.
 - (c) Placed onto a permanent foundation system with piers, perimeter foundations or perimeter skirting. Wheels, axles, and hitch mechanisms shall be removed in accordance with approved state installation standards.
 - (d) Exterior materials shall be similar to those used on site-built houses.
 - (e) Placement: Class "B" manufactured dwellings are permitted in all manufactured dwelling parks and approved temporary uses specified in

Section 6.114. Class "B" manufactured dwellings may also be permitted by Conditional Use on individual lots as specified in **Section 6.113**.

[\(Section 6.112 amended by Ord. 22-100\)](#)

SECTION 6.113 PLACEMENT ON INDIVIDUAL LOTS

(1) Class "A" and "B" Manufactured Dwellings are permitted on individual parcels outside of Manufactured Dwelling Parks in the City's Residential Districts, R-1, R-2 and R-11 in accordance with the standards of this Section and all other provisions of the Turner Land Development Code for conventional built dwellings placed within a Residential District.

- (a) All manufactured dwellings placed outside of manufactured dwelling parks shall be set onto an excavated area with a perimeter foundation of concrete or masonry.
- (b) All manufactured dwellings placed on individual lots or parcels outside of manufactured dwelling parks shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards required for single-family dwellings constructed under the state building code as defined in **ORS 455.010**.

~~(2) Conditional Use approval is required for placement of a Class "B" manufactured dwelling on an individual lot. In order to be approved, the unit must be found to have design compatibility with other dwellings within 500 feet of the subject lot or parcel. The criteria for determining acceptable compatibility shall be based upon a review of the following design elements:~~

~~(a) Roofing materials shall be similar in appearance to site-built housing in the vicinity. The roof pitch shall be a minimum roof pitch of 2/12.~~

~~(b) The perimeter foundation and siding materials shall be similar in appearance or complementary to other dwellings in the vicinity.~~

~~(c) The placement of the manufactured dwelling and accessory structures upon the lot shall be consistent with other dwellings in the review area in terms of setback dimensions, angle to the street, location of garage or carport, and any other special features of the neighborhood or vicinity.~~

~~(d) The location and design of porches, patios, driveways, walkways, and landscaping shall be similar to and complementary to the features of other dwellings in the vicinity.~~

[\(Section 6.113 amended by Ord. 22-100\)](#)

SECTION 6.114 TEMPORARY MANUFACTURED DWELLING USE

(1) **Application:** Applicants for a temporary use permit shall make written application for a Site Plan Review on the City's Application Form. The Planning Commission may grant approval for a Temporary Manufactured Dwelling use subject to the procedures of **Section 2.400**. The Applicant shall provide a

statement of intended use and the estimated length of time for the temporary use on the application form and shall submit the site plan information specified in **Section 2.140**.

- (2) **Approved Uses:** A temporary manufactured dwelling use may be granted for the following uses:
- (a) A manufactured dwelling as a temporary accessory dwelling to a residence for designated members of the immediate family. The temporary use shall be subject to a Periodic Review by the Planning Commission. The manufactured dwelling and all accessory elements shall be removed within 60 days of non occupancy by the designated family members.
 - (b) Temporary on-site residence for owners whose dwelling is under construction or a dwelling that has been destroyed.
 - (c) Caretaker residence for a commercial or industrial facility.
 - (d) Temporary offices accessible to the general public for use during construction or remodeling.
 - (e) Temporary building space for public and semi-public agencies.
 - (f) Other temporary uses may be considered by the Planning Commission under the Conditional Use procedures specified in **Section 2.500**.
- (3) **Conditions of Use:** The Temporary Use Permit may be limited to a specified time period and shall be a Class "A" or "B" Manufactured Dwelling for use on a single lot in accordance with the following provisions:
- (a) Compliance with the State of Oregon Manufactured Dwelling Installation Standards.
 - (b) Manufactured dwellings shall not be included or sold as a part of any property on which it is located.
 - (c) Manufactured dwellings shall not be expanded or attached to a permanent structure.
 - (d) Manufactured dwellings shall have an approved perimeter enclosure permitted by the State of Oregon.
 - (e) Manufactured dwellings shall have approved connections to utility systems and the owners shall be allowed to hook to an existing residential sewer service lateral.
 - (f) Use shall be limited to the function as set forth in the application for the temporary permit.

- (g) The manufactured dwelling shall comply with residential setback requirements and shall be sited so as to have the least possible impact on adjacent properties or adjoining streets.
- (4) **Renewal:** The permit as issued shall not exceed the designated approval period. The City shall notify holders of a permit at least thirty (30) days prior to the date of expiration. Applicants for renewal of a temporary use permit shall reapply and submit the same information as required for the original permit.
- (5) **Right of Revocation:** The City shall have the right to revoke any Temporary Use Permit granted under this section with thirty (30) days notice, if upon inspection, the use is found to be in noncompliance with the application for which the permit is issued.
- (6) **Removal:** If the MD is required to be removed from the site, the owner of the property shall remove the foundation and all additions to the MD and permanently disconnect and secure all utilities. The City may perform the work and place a lien against the property for the cost, after 60 days from the date on which the MD is required to be moved from the site. This condition shall not apply in the event that another approved MD is placed on the original foundation within 60 days of the removal of the original unit.

SECTION 6.115 MANUFACTURED DWELLING PARKS

Oregon Revised Statutes (ORS), Chapter 446 and Oregon Administrative Rules (OAR), Chapter 918, and Chapter 10 of the OMDS specify the standards and regulations for Manufactured Dwelling Parks in the State of Oregon. **Section 6.115** contains supporting standards for all Manufactured Dwelling Parks located within the City of Turner as permitted in Chapter 10 of the OMDS. In cases of conflict, the state standards of Chapter 10 shall govern.

- (1) **Where Permitted:** Class "A" or "B" Manufactured Dwellings are permitted in all Manufactured Dwelling Parks. Manufactured dwelling parks are permitted in the City's R-11 Residential District, in accordance with the standards of **Section 6.116 through 6.118** and the provisions for Conditional Use approval, **Sections 2.500**.
- (2) **Minimum Site Area:** An area that provides space for four or more manufactured dwellings together with all conditions and standards required by Chapter 10 of the OMDS and the standards contained in **Section 6.115** herein.
- (3) **Density:** Maximum density of the park shall not exceed 7 units per gross acre.
- (4) **Access:** Manufactured Dwelling Park access shall occur from a public Collector or Arterial street.
- (5) **Permitted Uses:** Manufactured Dwelling Parks may contain manufactured dwellings and accessory structures, community laundry and recreation facilities

and other common buildings for use by park residents only, and one residence other than a manufactured dwelling for the use of a caretaker or a manager responsible for maintaining or operating the park.

- (6) **Conditions:** Upon granting site plan approval for a manufactured dwelling park, the Planning Commission may require establishment of deed covenants, conditions and restrictions (CC&R's) or other conditions including but not limited to any of the following where such are deemed necessary for the mitigation of adverse impacts on an adjacent area:
- (a) Limit the type of units to be installed to Class "A" or Class "B" or both.
 - (b) Additional landscaping or screening on the park boundary.
 - (c) Increased setbacks from park boundaries.

SECTION 6.116 IMPROVEMENT STANDARDS

- (1) **Streets:** Public streets located within the Park and the first 100 feet of Park streets connecting to a public street shall conform to City standards.
- (2) **Perimeter Setbacks:** Distance of a manufactured home or accessory structure from an exterior park boundary or public right of way shall be 20 feet.
- (3) **Landscaping:** All common areas within a manufactured dwelling park; exclusive of required buffer areas, buildings, and roadways; shall be landscaped and maintained in accordance with the following minimum standards per each 1,000 square feet of open area:
- (a) One tree at least six feet in height.
 - (b) Five shrubs or accent plants.
 - (c) The remaining area containing walkways and attractive ground cover at least 50% of which must be living ground cover within one year of planting.
 - (d) All manufactured dwelling spaces shall be similarly landscaped within six months of manufactured dwelling placement. Such landscaping shall be the responsibility of the park owner.
- (4) **Perimeter Property Screening:** The entire perimeter of the Manufactured dwelling park shall be screened except for driveways and the Clear Vision Area. The following minimum standards shall apply:
- (a) At least one staggered row of trees:
 - 1. Deciduous trees - 10 feet high, spaced 30 feet apart
 - 2. Evergreen trees - 5 feet high, spaced 15 feet apart.

- (b) At least five 5-gallon shrubs or ten 1-gallon shrubs per 1,000 square feet of area.
 - (c) One row of evergreen hedge at least four feet in height within two years of planting, or;
A five-foot high fence or masonry wall providing a uniform sight-obscuring screen, or;
An earth berm combined with a fence or evergreen hedge which forms a sight obscuring screen at least six feet in height. Plantings shall obtain the required height within two years of installation.
 - (d) The remaining area shall contain an attractive ground cover.
- (5) **Utilities:** All manufactured dwelling parks must provide each lot or space with storm drainage, municipal sanitary sewer, municipal water, electric and communication cables, including telephone and television cables. All utilities shall be located underground and there shall be no exposed radio or TV antenna. Easements shall be dedicated where necessary to provide service to all utilities. Utilities shall be connected in accordance with state requirements and the manufacturer's specifications.

SECTION 6.117 DESIGN AND SUBMISSION REQUIREMENTS

- (1) **Professional Design Team:** The applicant for proposed Manufactured Dwelling (MD) Parks shall certify in writing that the services of a registered architect, landscape architect or registered engineer licensed by the State of Oregon have been utilized in the design and development of the project.
- (2) **Site Plans Required:** The Conditional Use Application for a new or expansion of an existing MD Park shall be accompanied by 10 copies of the site plan of the proposed park containing the following information in addition to that required in **Section 2.140** for Application Site Plans. The plot plan shall show the general layout of the entire Park and shall be drawn to a scale not smaller than one inch representing 40 feet. The drawing shall include all of the following information:
- (a) Name and type of Park, address, owner, Design Team members, scale, date and north point of plan.
 - (b) A vicinity plan showing streets and properties within 500 feet of the development site.
 - (c) Plot plan of park boundaries and the location, dimensions and number of MD spaces. Number each space and demonstrate that planned spaces can reasonably accommodate the proposed MD types.
 - (d) Location and dimensions of existing and proposed structures, together with the usage and approximate location of all entrances, heights, and gross

floor areas. Heights shall not exceed the maximums specified for the zoning District.

- (e) Location and dimensions of roads, access ways, parking, loading facilities, garbage receptacles and walkways.
- (f) Extent, location, arrangement, and proposed improvements of all open space, landscaping, fences and walls.
- (g) Location of lighting fixtures for park spaces and grounds.
- (h) Location and area of recreation spaces and buildings in square feet.
- (i) Locations where park water, sewer, drainage and utility systems connect to City systems including easement locations.
- (j) Location of existing and proposed fire and irrigation hydrants.
- (k) Enlarged plot plan of a typical MD space, showing location of the stand, patio, storage space, accessory structures, parking, sidewalk, utility connections, and landscaping.
- (l) Architectural drawings and sketches demonstrating the planning and character of the proposed development.
- (m) A construction time schedule and development phasing plan.
- (n) Detailed plans required. Prior to application for a building permit to construct an approved Park or to expand an existing Park, the applicant shall submit five copies of the following detailed plans:
 - 1. A legal survey.
 - 2. Plans of new structures.
 - 3. Water, sewer and utility systems.
 - 4. Utility easements.
 - 5. Road, sidewalk, and patio construction.
 - 6. Drainage system, including existing and proposed finished grades.
 - 7. Recreational improvements including swimming pool plans approved by the Oregon State Board of Health.
 - 8. Landscaping and irrigation plans.

SECTION 6.201 RESIDENTIAL STRUCTURES IN COMMERCIAL DISTRICTS

- (1) **Existing Houses:** In commercial districts pre-existing residential structures may be occupied by commercial uses permitted in the commercial district provided the structure meets minimum building and safety standards as provided in the Building Code and provided further that the City approves a development plan for vehicular access and parking, signing, and exterior lighting in accordance with the Site Plan Review provisions of **Section 2.400**.

- (2) **Second Story Residences:** Single-family or Multi-family housing may be permitted above a commercial business in the C-1 District in accordance with the **Conditional Use** provisions of **Section 2.500** and the standards contained herein.
 - (a) On-site Parking shall be provided for both the commercial and residential uses in accordance with **Section 5.121**.
 - (b) There are no yard setbacks or open space required for second story residences.

SECTION 6.301 PUBLIC & SEMI-PUBLIC STANDARDS

Public and Semi-public uses represent a wide range of "Civic" use types that include utilities, public safety, maintenance, governmental, recreational, educational, cultural, religious, and civic assembly uses or facilities. Public and semi-public uses shall comply with the following additional standards in addition to the standards of the land use district in which the public use is located:

- (1) Public and Semi-public uses in residential districts may be permitted in accordance with the **Conditional Use** provisions of **Section 2.500** and the standards contained herein.
- (2) Public and Semi-public uses in commercial or industrial districts may be permitted in accordance with the **Site Plan Review** provisions of **Section 2.400** and the standards contained herein.
- (3) Requirements for front, rear, side and street side yards, for public uses shall not be less than that specified for the Primary or Overlay District unless specifically approved as part of the conditional use or site plan review procedures. Yard setbacks may be increased by one (1) foot for each foot by which the structure height exceeds that specified for the district.
- (4) Additional landscaping, fencing, buffers or other screening devices may be required to screen or protect adjacent properties or the street.
- (5) Off-street parking for the specified use shall comply with **Section 5.121**.
- (6) In a residential district, all equipment and material storage shall be within an enclosed building unless it is deemed necessary and approvable in accordance with the **Conditional Use** provisions of **Section 2.500**.
- (7) Exterior lighting shall be directed away from abutting residential properties.
- (8) Offices and workshops should be located in the commercial or industrial districts whenever possible and should not be permitted in a residential district unless it is deemed necessary and approvable in accordance with the **Conditional Use** provisions of **Section 2.500**.

- (9) Public utility facilities including treatment, maintenance and storage areas should be located in the industrial district whenever possible and should not be permitted in a residential or commercial district unless it is deemed necessary and approvable in accordance with the **Conditional Use** or **Site Plan Review** provisions of **Section 2.500** or **Section 2.400**.
- (10) The minimum lot size requirement may be waived on finding that the waiver will not result in noise or other detrimental impacts to adjacent or nearby property.

SECTION 6.401 AGRICULTURAL USE STANDARDS

Limited agricultural use of property in the City is allowed under the following conditions and standards:

- (1) Agricultural uses existing at the time of annexation to the City may continue but may not be expanded except in conformance with the standards contained herein.
- (2) The raising of crops in the general field of horticulture including berry, brush, tree, flower and vegetables for on-site home consumption is allowed on any lot within the city.
- (3) The raising of crops in the general field of horticulture including berry, brush, tree, flower and vegetables for sale must meet all conditions and requirements of state and federal law regarding such sales, and is a Home Occupation Conditional Use in all residential districts and is an interim Permitted Use in the Industrial District. **(Amended by Ord. 17-100)**
- (4) The raising of farm animals in the general field of animal husbandry including fowl, rabbits, sheep, goats, pigs, cows, horses, llamas and similar domesticated animals for on-site home consumption or use, sale or trade and sale or trade of animal products may be permitted within the Residential or Industrial Districts as a **Conditional Use** in accordance with **Section 2.500** under the following conditions:
 - (a) Fencing must be designed and constructed to confine all animals within the property line.
 - (b) A Setback of 200 feet from any off-site residence is required for all fenced animals or buildings housing farm animals.
 - (c) Proper sanitation shall be maintained in conformance with applicable health standards for all farm animals. Proper sanitation includes:
 1. Not allowing animal waste to accumulate.
 2. Not allowing animal waste to contaminate groundwater or drainage ways.
 3. Taking the necessary steps to insure odors resulting from farm animals is not detectable beyond the property line.
 4. Storing all farm animal food in metal or other rodent proof containers.

- (d) Minimum area requirements include:
1. Minimum property area of 20,000 sf.
 2. Minimum area per large size animal (Similar to cows or horses) over six months of age - 10,000 sf each.
 3. Minimum area per medium size animal (Similar to sheep, goats or llamas) over six months of age - 5,000 sf each.

It is the responsibility of the applicant for a Conditional Use Permit to clearly demonstrate that proper health and sanitation standards will be maintained and that potential nuisance factors such as noise, smell and unsightly conditions are mitigated.

- (5) It is the continuing responsibility of the owner to properly contain or restrain all animals or fowl and to maintain proper sanitation at all times, and further provided that such raising activities are not part of nor conducted in conjunction with any live stock sales yard, slaughter house, or animal by-product business.
- (6) The above standards are the minimum standards applicable to property located within the City of Turner, additional site area or other standards may be required to comply with Health and Sanitation Standards.