

## **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 Adair Village.

### **SECTION 6.101        HOME OCCUPATION STANDARDS**

A Home Occupation is a business use within a residence located in any residential district and must comply with the Conditional Use provisions of **Section 2.500** and the following additional standards:

- (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.
- (3) The home occupation shall be limited to either a pre-existing garage or accessory structure, or not over 25% of the floor area of the main floor of a dwelling. If located within an accessory structure or a garage, the home occupation shall not utilize over 500 square feet of floor area unless approved by the Planning Commission.
- (4) No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation, except when otherwise required by law. Such structural alteration shall not detract from the outward appearance of the property as a residential use.
- (5) No persons other than members of the immediate family residing within the dwelling shall be engaged in the home occupation.
- (6) No window display or sample commodities displayed outside the dwelling shall be allowed.
- (7) 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.
- (8) No parking of customer vehicles in a manner or frequency that would cause disturbance or inconvenience to nearby residents or that would necessitate off-street parking shall be allowed.
- (9) No signs shall be permitted except for a single nameplate not to exceed 1-1/2 square feet in area.

**SECTION 6.102 RESIDENTIAL CARE HOME STANDARDS**

Residential Care Homes are a permitted use in a dwelling located within any residential district and in commercial districts allowing single-family dwellings as follows:

- (1) Residential Care Homes for 5 or less people as provided in the applicable provisions of State law.
- (2) Group Child Care Home for 12 or less children as provided in the applicable provisions of State law.
- (3) Outdoor areas per 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.
- (4) The Care Home shall be readily accessible for people with disabilities and fire or other emergency access.
- (5) The Care Home shall meet all applicable state licensing requirements. Proof that these requirements are met shall be submitted to the City for inclusion in the Record File.
- (6) The Care Home shall comply with all applicable State laws and 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 may be allowed in Residential Districts in accordance with the Conditional Use provisions of **Section 2.500** provided municipal water and sewer service is available with the following additional standards:

- (1) A Residential Care Facility, other than a private residence, shall be used if more than 12 children are cared for or if more than 5 people are to be enrolled or cared for at the facility. Residential Care Facilities are a Conditional Use in residential districts and shall be sufficiently buffered from abutting residential property to minimize adverse impacts.
- (2) Access shall be from a designated arterial or collector street.
- (3) Requirements for front, rear, side and street side yards, for Care Facilities may be increased from the District standards in which the facility is located under the Conditional Use procedures.
- (4) Additional landscaping, privacy fencing, buffers or other screening devices may be required to screen or protect the facility or adjacent properties under the Conditional Use procedures.

- (5) 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.
- (6) The Care Facility shall be readily accessible for people with disabilities and fire or other emergency access.
- (7) The Care Facility shall comply with all applicable State laws and licensing requirements. Proof that these requirements are met shall be provided.

#### **SECTION 6.104 MULTIPLE-FAMILY STANDARDS**

Multiple-Family housing is allowed in the R-2 and R-3 residential zones in accordance with the Planned Development Provisions of **Section 7.200** provided municipal water and sewer service is available.

- (1) Minimum Lot Area - One Acre
- (2) Maximum Density - 12 Units per Acre unless approved by the Planning Commission.
- (3) Access shall be from a designated arterial or collector street.
- (4) The City may require establishment of deed covenants, conditions and restrictions (CC&Rs) or other conditions including but not limited to any of the following where such are deemed necessary for the mitigation of potential adverse impacts on a neighborhood or adjacent areas:
  - (a) Regulate or limit the type of dwelling units.
  - (b) Additional landscaping or screening on the property boundary.
  - (c) Increased building setbacks from property boundaries.
- (5) On-site bicycle storage facilities, bicycle paths and pedestrian ways shall be provided for developments exceeding six dwelling units.

#### **SECTION 6.105 DUPLEX CONVERSION STANDARDS**

Division of existing duplex properties in the R-1 Zone containing 2 dwelling units may be partitioned into two single-family parcels according to the following standards:

- (1) **Duplex Divisions.** The City Administrator may authorize width and area exceptions for duplex divisions in accordance with **Section 4.111 (4) (i)** where there appear to be no detrimental effects from allowing the division of an existing conforming duplex property containing a two-family dwelling (duplex) provided the original lot contains at least 11,000 square feet of area and the resulting duplex division parcels would be relatively equal in size - a ten percent deviation or less with a minimum area of 5,500 square feet and a minimum average width of not less than 45 feet. Assurance must be provided that each unit establish independent utility service, including but not limited to water, electric, sewer, and

natural gas, unless common utilities are approved by the affected utility agency and the City, and are adequately covered by easements and agreements. A duplex division may be created only if each parcel resulting from a duplex division satisfies the requirements of the City Land Use Development Code and the State Building Code.

- (2) The applicant shall provide drawings and descriptive data of all required construction to comply with the State Building Code including but not limited to a cross section of the existing and proposed common wall(s) from foundation to roof parapet.
- (3) Each dwelling unit shall be situated on an individual legally partitioned parcel in conformance with the land partition requirements **Sections 2.320 and 2.330**. The two dwellings shall have a common wall at the zero lot line.
- (4) The common wall separating two single-family units shall be a firewall and shall be constructed to insure fire protection as per the State Fire Code and State Building Code, and shall extend through the attic space. An attic common firewall shall be provided at the proposed property line division where there are no common walls below. This condition may occur at open recessed entries and carports. Fire protection of the ceilings and walls of these open areas shall be provided as per the State Building Code. Attic access shall be provided for each dwelling unit.
- (5) The Common wall structure shall provide a sound barrier with a sound transmission class rating of not less than 50 as defined by the State Building Code. The building technique used to achieve the sound barrier rating shall be the responsibility of the owner and the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound transmission controls as specified.
- (6) **Duplex Division Agreement.** Prior to granting final approval for creation of a duplex division the City shall require the applicant(s) to enter into a written agreement, in a form approved by the city attorney, that establishes the rights, responsibilities and liabilities of the parties with respect to maintenance and use of any common areas of the former duplex such as, but not limited to, common walls, roofing, pipes, wiring, exterior maintenance and color. Such agreements shall hold the City of Adair Village harmless from any costs, claims, damage or other facilities and shall be binding upon the successors, assigns, lessees, heirs, executors, administrators and representatives of the parties.

#### **SECTION 6.110 MANUFACTURED DWELLING (HOME) STANDARDS**

The Oregon Manufactured Dwelling And Park Specialty Code as provided in Oregon Revised Statutes (ORS), Chapter 446 and Oregon Administrative Rules (OAR), Chapter 918 specify the standards and regulations for Manufactured Dwelling (Home ) use in the State of Oregon. The following Sections 6.110 through 6.117 contain additional development standards for all manufactured dwelling developments within the City. 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 Oregon Revised Statutes (ORS) Chapter 446 or Oregon Administrative Rules Chapter 918 or Article 1 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 Housing 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 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 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) **Foundations/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.

Permanent Perimeter Foundations shall be constructed in accordance with the Oregon Residential Specialty Code. 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 Residential Specialty Code.
- (8) **Removal.** If the manufactured dwelling is removed from its foundation, the owner shall, within (6) months of said removal, make application for and replace said manufactured dwelling with an approved manufactured dwelling, or remove the foundation that protrudes above the slab or ground level. Disconnect and cap all sewer, water and utility services. Should said owner fail to do so, the city may contract to make such removal and disconnection, and collect the costs thereof from said owner or place a lien against said real property for said costs unpaid by said owner.
- (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 said manufactured dwelling shall comply with the requirements stated herein and The State of Oregon Installation Standards.

#### **SECTION 6.112 CLASSIFICATION OF MANUFACTURED DWELLINGS**

Manufactured Dwelling Classes. For purposes of these regulations, manufactured dwellings are divided into four classes, "A", "B", and "C". These classes are segregated by the size, age, and condition 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 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. 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 an approved foundation system and enclosed with a perimeter foundation, siding or skirting with wheels, axles, and hitch mechanisms removed in accordance with approved state installation standards. Placement on individual lots requires an excavated permanent perimeter foundation.
  - (d) Minimum roof pitch shall be 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 the following standards:
- (a) A single-section 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. 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 expando unit.
  - (c) Placed onto an approved foundation system and enclosed with a perimeter foundation, siding or skirting with wheels, axles, and hitch mechanisms removed in accordance with approved state installation standards. Placement on individual lots requires an excavated permanent perimeter foundation.
  - (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 6.11**. Class "B" manufactured dwellings may also be permitted by Conditional Use on individual lots as specified in **Section 6.113**.
- (3) **Class "C"** A Class "C" manufactured dwelling is one which meets the following standards:
- (a) A single or double section unit built after June 15, 1976, and not classified as a Class "A" or "B" manufactured dwelling, 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 good 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 three hundred twenty (320) square feet of occupied space in a single, double, expando, or multi-section unit.

- (c) Placed onto an approved foundation system and enclosed with a perimeter foundation, siding or skirting with wheels, axles, and hitch mechanisms removed in accordance with approved state installation standards. Placement on individual lots requires an excavated permanent perimeter foundation.
- (d) Placement: Class "C" manufactured dwellings are permitted as replacement units for older non-conforming manufactured dwellings existing on individual lots prior to the date of this Code.

### **SECTION 6.113 PLACEMENT ON INDIVIDUAL LOTS**

- (1) **Manufactured Dwelling Placements.** Class "A" Manufactured Dwellings are permitted on individual parcels outside of Manufactured Dwelling Parks in the City's Residential Districts, R-1 and R-2, in accordance with the standards of this Section and all other provisions of the 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 permanent 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 6.114            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 City Administrator may grant approval for a Temporary Manufactured Dwelling use subject to the Site Plan Review 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 City Administrator. 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 who's dwelling is under construction or a dwelling that has been destroyed.
  - (c) Caretaker residence for a public, 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 City Administrator.
- (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 Oregon Manufactured Dwelling And Park Specialty Code 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 approved connections to utility systems and the owners shall be allowed to hook to an existing residential sewer service lateral.
  - (e) Use shall be limited to the function as set forth in the application for the temporary permit.
  - (f) 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. If upon inspection, the use is found to be in noncompliance with the application for which the permit is issued, the City shall notify the owner and seek compliance as specified in **Section 1.180**.
- (6) **Removal:** If the manufactured dwelling is required to be removed from the site, the owner of the property shall remove the foundation and all additions to the manufactured dwelling 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 manufactured dwelling is required to be moved from the site. This condition shall not apply in the event that another approved manufactured dwelling is placed on the original foundation within 60 days of the removal of the original unit.

### **SECTION 6.115 MANUFACTURED DWELLING PARKS**

The City of Adair Village presently permits Manufactured Dwelling Parks only as an approved Planned Development in the R-2 Residential Zone. The Planned Development procedures are specified in **Section 7.200**.

The State of Oregon has prepared a state wide uniform standard for the construction of manufactured dwelling parks that applies to all cities in the State of Oregon. Any proposed manufactured dwelling park shall comply with the current edition of the Oregon Manufactured Dwelling And Park Specialty Code.

### **SECTION 6.201 RESIDENTIAL USE IN COMMERCIAL DISTRICTS**

- (1) **Existing Housing:** 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 Administrator approves a Site Plan Review in conformance with **Section 2.400** that addresses the development plan, vehicular access and parking, signing, and exterior lighting.

- (2) New Housing: Multi-family housing may be permitted in the C-1 District in accordance with the **Planned Development** provisions of **Section 7.200** and the standards contained in this Code.

### **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. In addition to the standards of the Public Use Zone, P-1, public uses located in other zoning districts shall comply with the following standards in addition to the requirements of the underlying zone:

- (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 Land Use District unless specifically approved as part of the Conditional Use or Site Plan Review procedures.
- (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 residential districts, 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 dwelling 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 as a Home Occupation Conditional Use in all residential districts and is an interim Permitted Use in the Industrial District.
- (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 dwelling consumption or use, sale or trade and sale or trade of animal products may be permitted within the R-2 Residential District 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 drainageways.
  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.

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.

- (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.

- (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, additional site area or other standards may be required to comply with Health and Sanitation Standards.