

ARTICLE 6 USE STANDARDS

SECTION 6.010 USE STANDARDS

The following Sections specify development standards applicable to specialized uses within the City of Tangent, and are in addition to the Development Standards specified in **Article 5** and in the zoning district in which the use occurs.

SECTION 6.110 HOME OCCUPATION STANDARDS

A home occupation is defined in **Section 1.200** of this code as any type of profession or occupation, full-time or part-time, that is carried on by any member of the immediate family residing on the premises, where such profession or occupation is subordinate to the primary use of the premises as a residence, and where either (a) non-resident(s) is/are employed on-site or where (b) other exterior characteristics or impacts of the subordinate use are observable. Garage Sales are not considered a Home Occupation unless the frequency exceeds 6 sales per year. For Home Occupations in the Exclusive Farm Use Zoning District, the descriptions and provisions provided under **ORS 215.448** and **Section 4.141 (3)** of this Code shall apply.

A Home Occupation may be approved as a **Conditional Use** in any residential zone. Home Occupations 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 not over 25% of the living area of the dwelling. If located within an accessory structure or a garage, the home occupation shall not utilize over 500 square feet of floor area unless a greater area is approved by the Planning Commission through a site plan review process.
- (4) Any Such structural alteration shall not detract from the outward appearance of the property as a residential use.
- (5) No more than two persons other than those 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 shall be allowed.

- (9) No signs shall be permitted except for a single name plate not to exceed 4 square feet in area unless approved by the Planning Commission.
- (10) No home occupation shall be allowed which requires an emissions permit from any local, state or federal agency.
- (11) No more than one home occupation shall be engaged in at any one time on one lot, regardless of the number of buildings on that lot.

SECTION 6.121 RESIDENTIAL CARE HOME STANDARDS

A Residential Care Home for 5 or less people and Group Child Care Homes for 12 or less children as provided in **ORS 197.660 –670** is 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 for 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 6.122 RESIDENTIAL CARE FACILITY STANDARDS

A Group Child Care Center for 13 or more children or a Residential Care Facility for 15 or less people as provided in **ORS 197.660 – 670** is a Permitted Use in the Multi-family Residential Districts, **RM-10 & RM-6**, and may be allowed in the **RS-10 Single-family District** in accordance with the Conditional Use provisions of **Section 2.500**, provided water and municipal sewer service is available 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 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) All structures associated with the activity shall be readily accessible for people with disabilities and for fire or other emergency access.

- (6) The use shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided prior to the City authorizing occupancy, consistent with the procedures of **Section 2.200(3)** of this code.

SECTION 6.130 MULTIPLE-FAMILY STANDARDS

Low density multiple-family housing is permitted outright in the RM-10 and RM-6 residential districts, and medium to medium-high density multiple-family housing is allowed in these zones subject to **Conditional Use** approval. The following additional standards shall apply:

- (1) Access shall be from a designated arterial or collector street.
- (2) Requirements for front, rear, side and street side yards shall comply with the zoning district standards in which the use is located unless additional standards are approved as part of the **Variance** or **Planned Development** process.
- (3) On-site bicycle parking facilities, bicycle paths and pedestrian ways shall be provided for developments exceeding four 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 and style of multiple-family dwelling units to mitigate potential adverse impacts on a neighborhood or adjacent areas.
- (6) In addition to landscape requirements of **Section 5.134(3)-(8)**, screening in conformance with **Section 5.134 (9)** is required on the property boundaries to mitigate potential adverse impacts on adjacent properties.

SECTION 6.140 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)** defines the state standards, and **Section 6.140-6.152** of this code provide additional supporting standards for all manufactured dwelling developments within the City of Tangent. 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 6.141 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 Tangent 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 whether the manufactured dwelling complies with State standards for manufactured dwelling construction and siting, and the standards set forth in this Code. If the dwelling is deficient relative to any applicable standards, the Building Inspector shall 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 International 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.

- (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 6.142 CLASSIFICATION 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. 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 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 6.143**
- (2) **Class "B"** A Class "B" manufactured dwelling is one that complies with 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 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 6.144**. Class "B" manufactured dwellings may also be permitted by Conditional Use on individual lots as specified in **Section 6.143**.

SECTION 6.143 PLACEMENT ON INDIVIDUAL LOTS

- (1) Class "A" Manufactured Dwellings are permitted on individual parcels outside of Manufactured Dwelling Parks in the City's Residential Districts, RS-10, RM-10 and RM-6 in accordance with the standards of this Section and all other provisions of the Tangent 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, unless approved by the Planning Commission under **Section 6.144** as a temporary use. In all cases, 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 3/12.

- (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 6.144 TEMPORARY MANUFACTURED DWELLING USE

- (1) **Application:** Applicants for a temporary use permit shall make written application for **Conditional Use** on the City's application form. The Planning Commission may grant approval for a Temporary Manufactured Dwelling use subject to the Decision Criteria of **Section 2.500, Conditional Uses**, and the design elements of **Section 6.143(2)**. 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**, as deemed applicable by the City Manager or their designee.
- (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 to alleviate a financial or personal care hardship situation, or for a non-family member providing personal care to members of the family. Either the property owner, the family member or personal care provider may occupy the hardship dwelling.
 - (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) Temporary manufactured dwellings shall not be included or sold as a part of any property on which it is located.
 - (c) Temporary manufactured dwellings shall not be expanded or attached to a permanent structure.
 - (d) Temporary manufactured dwellings shall have an approved perimeter enclosure permitted by the State of Oregon.
 - (e) Temporary 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.
 - (h) The temporary use shall be subject to a Periodic Review by the City.
 - (i) The manufactured dwelling and all accessory elements shall be removed within 60 days of non-occupancy by the designated users for the purpose(s) specified in the Application.
- (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 information in the same manner 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 Temporary Manufactured Dwelling is required to be removed from the site, the owner of the property shall remove the foundation and all additions to the Temporary Manufactured Dwelling and permanently disconnect and secure all utilities. If, after 60 days from the date on which the Temporary Manufactured Dwelling is required to be moved from the site, removal is not completed, the City may perform the work and place a lien against the property for the cost of removal., This condition shall

not apply in the event that another approved Temporary Manufactured Dwelling is placed on the original foundation within 45 days of the removal of the original unit.

SECTION 6.150 MANUFACTURED DWELLING PARKS

Oregon Revised Statutes (ORS), Chapter 446 and Oregon Administrative Rules (OAR), Chapter 918, and Chapter 10 of the Oregon Manufactured Dwelling and Park Specialty Code (OMDS) specify the standards and regulations for Manufactured Dwelling Parks in the State of Oregon. **Section 6.150** contains additional supporting standards for all Manufactured Dwelling Parks located within the City of Tangent 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 RM-6 Residential District in accordance with the standards of **Section 6.150 through 6.152** and the provisions for Conditional Use approval contained in **Sections 2.500**.
- (2) **Minimum Site Area:** The park must provide 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 6.151**.
- (3) **Density:** Maximum density of the park shall not exceed 7 units per net acre of Manufactured Dwelling space.
- (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 6.151 IMPROVEMENT STANDARDS

Park standards shall conform to City Standards except where the **Oregon Manufactured Dwelling and Park Specialty Code (OMDS)** provides standards within the Park boundary.

- (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 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 2,000 square feet of open area:
 - (a) One tree at least six feet in height.
 - (b) Ten 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 except for driveways and the Clear Vision Area shall be screened to the minimum standards of **Section 5.134(9)**.
- (5) **Utilities:** All Manufactured Dwelling Parks shall provide each lot or space with storm drainage, municipal sanitary sewer, 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 6.152 DESIGN AND SUBMISSION REQUIREMENTS

- (1) **Professional Design Team:** The applicant for a proposed Manufactured Dwelling Park 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 Manufactured Dwelling Park shall be accompanied by three (3) copies of the site plan of the proposed park in 18 inch by 24 inch format, and eight (8) copies in 11 inch by

17 inch format. The site plan shall contain 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 which is a multiple of ten feet, 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, accessways, 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, common areas, and buildings in square feet.
- (i) Locations where park water, sewer, drainage and utility systems connect to existing 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 building footprint, 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, except those plans which were prior

reviewed and approved by the Planning Commission under the **Conditional Use** procedures:

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 6.210 COMMERCIAL USE STANDARDS

The Code recognizes that commercial use patterns can vary depending upon the type and location of these facilities. The following conditions and standards shall apply in addition to the standards for Commercial Zones specified in **Section 4.121 & 4.122**.

SECTION 6.211 RESIDENTIAL / COMMERCIAL STRUCTURES

- (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) **Residences:** A single-family residence for the owner of a commercial business may be permitted in the **Community Commercial (CC)** District in accordance with **Site Plan Review** provisions of **Section 2.400** 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) Residences shall be located at rear of the commercial business unless an alternative is approved by the Planning Commission as a **Variance** under **Section 2.600** of this code, except that second story residences above a commercial use shall be permitted. Residential yard setbacks and open space are required for ground floor residences in conformance with the **RS-10** Zoning District.

- (3) **Second Story Residences:** Single-family or Multi-family housing may be permitted above a commercial business in the CC 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 6.212 STREET FRONTAGE COMMERCIAL

Street frontage commercial facilities are recommended for locations adjacent to Principal Arterial or Collector streets in the **Community Commercial Zoning District - CC** where street side pedestrian sidewalks and bikeway access is available. Street frontage commercial development may be approved as part of the **Site Plan Review** procedures of **Section 2.400** or as a **Conditional Use** in conformance with **Section 2.500** under the following conditions:

- (1) Any permitted **Community Commercial** use allowed in **Section 4.121** may be approved as a street frontage commercial facility. A residence for the store owner is also permitted in conformance with **Section 6.211 (2)**.
- (2) A minimum 12 foot wide street side sidewalk with planter openings, street trees, bicycle parking and benches shall be provided.
- (3) Off-street parking for the specified use shall comply with **Section 5.121**.
- (4) On-site commercial parking shall not be located in the front yard but may be provided at the side or rear of the property.
- (5) A front yard setback of 12 feet is permitted. Other setbacks shall be the same as the Commercial Zone with Screening provided adjacent to abutting residences in conformance with **Section 5.134 (9)**.

SECTION 6.213 PARKING FRONTAGE COMMERCIAL OR INDUSTRIAL

Highway Commercial or Industrial facilities are intended for locations adjacent to Principal Arterial and Collector streets in the **Community Commercial Zoning District – CC, Highway Commercial/Industrial Zoning District - HC/I** and the **General Industrial Zoning District – GI** where front yard vehicle parking is desired. Street Frontage Parking may be approved as part of the **Site Plan Review** procedures of **Section 2.400** or as a **Conditional Use** in conformance with **Section 2.500** under the following conditions:

- (1) Any permitted commercial use allowed in **Sections 4.121 or 4.122** and industrial uses allowed in **Section 4.132** may be approved as a Parking Frontage facility.
- (2) Off-street parking for the specified use shall comply with **Section 5.121**.

- (3) A minimum 12 foot wide landscaped buffer shall be provided between the street sidewalk and the front area parking lot. A minimum 12 foot wide entry sidewalk shall be provided at the front of all commercial buildings and include planter openings, street trees, bicycle parking and benches.

SECTION 6.310 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 zoning district unless specifically approved by the Planning Commission through the **Variance** procedures of **Section 2.600**. Yard setbacks may be increased to provide additional safeguards to protect adjoining properties, drainageways or the street.
- (4) Additional landscaping, fencing, buffers or other screening devices may be required to screen or protect adjacent properties, drainageways 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 shielded and directed away from abutting residential properties and public rights-of-way.
- (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 of a primary zone may be waived on finding that the waiver will not result in noise or other detrimental impacts to adjacent or nearby property.

SECTION 6.410 HEMP AND MARIJUANA BUSINESSES

Section 1.130(11) provides the City Manager the authority to enforce regulations and standards relating to the production, handling and processing of hemp and to a marijuana business as defined by this code.

- (1) The following minimum conditions of approval shall be applied to any proposal in the City of Tangent for production, handling or processing of hemp and to any proposed marijuana business as defined in this code:
 - (a) **Odors.** The hemp operation or marijuana business must use an air filtration and ventilation system which is certified by an Oregon Licensed mechanical engineer to ensure, to the greatest extent feasible, that all objectionable odors associated with the marijuana business are confined to the licensed premises. For the purposes of this provision, the standard for judging “objectionable odors” shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is produced and the odor is detected.
 - (b) **State Licensing.** The hemp operation or marijuana business’s state license or authority must be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission, as applicable, and the business or enterprise must comply with all applicable laws and regulations administered by the respective state agencies, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training
 - (c) **Compliance with Other Laws.** The facility must comply with all applicable laws and regulations, including, but not limited to, the development, land use, zoning, building and fire codes.
 - (d) **Public Nuisance.** Any premises, house, building, structure or place of any kind where marijuana is grown, processed, manufactured, sold, bartered, distributed or given away in violation of state law or this code, or any place where marijuana is kept or possessed for sale, barter, distribution or gift in violation of state law or this code, is a public nuisance and may be treated as such in a court of law.
- (2) The City may apply other standards and conditions as it deems necessary to protect the public health, safety and welfare, and to avoid nuisances.

SECTION 6.510 HISTORIC PRESERVATION

Statewide Planning Goal 5 defines Historic Areas as lands with sites, structures and objects that have local, regional, statewide or national historical significance. Goal 5 also specifies that the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966 and the recommendation of the State Advisory Committee on Historic Preservation should be utilized in designating historic resources. OAR 660-23-200 provides specific rules for compliance with Goal 5, Historic Resources.

A Statewide Comprehensive Historic Preservation Plan is authorized by ORS Chapter 358, administered by the State Department of Parks and Recreation as the State Historic Preservation Program. Local governments should encourage the preservation, management, and enhancement of structures, resources, and objects of historic significance in conformance with, but not limited by, the provisions of ORS 358.

SECTION 6.511 TANGENT HISTORIC RESOURCE INVENTORY

A City of Tangent Historic Structures Inventory was prepared for the City of Tangent by the Linn County Planning & Building Department in 1983 in conformance with the Goals, Policies and Cultural Resources identified in the Tangent Comprehensive Plan, and is available for review at City Hall.

- (1) **Purpose.** The designation of historic resources allows the City to formally recognize and protect its historic heritage.
 - (a) The Tangent Planning Commission is recognized by the City as the committee for historic review and recommendation. The Planning Commission shall review all :
 - 1. Requests for designation or removal of a listed Historic Structure or designation of a Historic Resource.
 - 2. Requests for alteration, demolition and relocation of a historic resource or proposed new construction within a designated Historic Area.

SECTION 6.512 HISTORIC RESOURCE DESIGNATION

The designation of a Historic Structure or District supplements the regulations of the Primary Land Use District and can apply to any historic resource contained on the City's adopted Historic Inventory.

- (1) The City or a property owner may apply for designation of a Historic Structure or District in combination with any Primary District in accordance with the application requirements of **Sections 2.130 and 2.140** and the Conditional Use procedures of **Section 2.500** and the requirements of this Section.
- (2) Applications shall first be submitted to the City in accordance with **Sections 2.130 and 2.140** together with the following additional information:

- (a) A description and map of the location of the proposed Historic Structure or District or the proposed historic resource to be evaluated.
 - (b) A statement of the reasons why the proposed district or resource is appropriate for designation as a Historic Resource.
 - (c) A statement of the potential impact, if any, that a historic resource designation would have on the property owners or surrounding property owners of the proposed historic resource.
 - (d) A statement by the property owner agreeing to the Historic Resource designation.
- (3) Submitted applications shall be reviewed by the City Manager or their designee for completeness and forwarded to the Tangent Planning Commission for a public hearing in conformance with the Conditional Use procedures of **Section 2.500** and the requirements of this Section and the hearing procedures of **Section 3.510**.
- (4) The City Manager shall provide the property owner and applicant with information regarding the benefits and obligations of a Historic Structure or District designation at the time of application.
- (5) **Decision Criteria.** In addition to the decision criteria for **Conditional Use** in **Section 2.500(2)**, approval shall be based upon compliance with the submittal requirements of this section and conformance with the following minimum decision criteria:
- (a) Property owner agreement; and.
 - (b) There is an association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state or nation; and/or
 - (c) There is an association with an event that has made a significant contribution to the city, county, state or nation.; and/or
 - (d) There is an association with broad patterns of political, economic. or industrial history in the city, county, state, or nation.
 - (e) The resource embodies distinguishing characteristics of design, style, construction, craftsmanship or materials.
 - (f) The resource retains its original design features, materials and/or character.
 - (g) The property is 50 years old or older.

- (h) The resource is unique, the only remaining or one of a few resources of a particular kind.
 - (i) The resource contributes to the continuity or historic character of the street, neighborhood, and/or the community.
 - (j) The proposed landmark or district complies with the National Register Criteria for Evaluation or the Secretary of the Interior's Standards for Evaluation.
 - (k) The proposed landmark or district is listed in the State Historic Preservation Program or is on the National Register of Historic Places.
- (6) Additional considerations in support of a Historic Structure or District Designation include the following:
- (a) It is a visual community landmark.
 - (b) The site contains, or may yield, historic, prehistoric or archaeological information.
 - (c) Existing land uses surrounding the resource contribute to the integrity of the historic period represented.
- (7) **Conditions of Approval.** The City may attach conditions that are appropriate for the promotion and/or preservation of the Historic Resource.
- (8) The City shall allow property owners of inventoried historic resources to refuse historic resource designation at any time prior to adoption of the Historic Resource designation and shall not add a site on a list of historic resources if the owner of the property objects to its designation.

SECTION 6.513 EXTERIOR ALTERATIONS & NEW CONSTRUCTION

Alterations or additions to historic resources should preserve the characteristics that determined its inclusion in the City's Historic Inventory.

- (1) A property owner of a Historic Resource may apply for alterations or new construction in accordance with the application requirements of **Sections 2.130 and 2.140** and the **Conditional Use** procedures of **Section 2.500**, together with the following additional information:
- (a) A description and plan of the proposed alteration or new construction for the historic resource to be evaluated.
 - (b) A statement of the reasons why the proposed alterations or new construction is needed and appropriate for the historic resource.

- (c) A statement of the potential impact, if any, on the historic character of the resource or surrounding properties.
- (2) Submitted applications shall be reviewed by the Planning Commission in conformance with the **Conditional Use** procedures of **Section 2.500**.
- (3) Nothing in this Ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature on any property covered by this Section that does not involve a change in design, material, or external appearance thereof. Nor does this Ordinance prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, notification shall be provided to the Planning Commission.
- (4) The owner of a designated historic resource shall keep such resource in good repair. City approval is not required for repair, maintenance, or replacement with comparable features or materials, or a change in paint color.
- (5) Alterations and new construction shall be based upon compliance with the Conditions of Approval for the designation of the Historic Resource and the following considerations that include the Secretary of the Interior Standards for Historic Rehabilitation:
 - (a) A property should be used for its historic purpose or a new use that requires minimal change to the defining characteristics of the building, its site and the neighborhood environment.
 - (b) The historic character of a property should be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property should be avoided.
 - (c) Each historic property is recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings or times, should not be undertaken.
 - (d) Most properties change over time; those changes that have acquired historic significance in their own right should be retained and preserved.
 - (e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property should be preserved.
 - (f) Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture, workmanship and other

visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- (g) Chemical or physical treatments, such as sandblasting, that cause damage to historic material should not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (h) Significant archeological resources affected by a project should be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (i) New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. Wherever possible, new additions or alterations to any structures should be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (j) New additions and adjacent or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(6) Conditions of Approval.

- (a) The Planning Commission may attach conditions that are appropriate for the promotion and/or preservation of the Historic Resource. Non compliance may result in removal of the Historic Resource from the City's the City's Historic Inventory and removal of any benefits that apply to that designation.
- (b) The City may delay action for at least 120 days on a request for alterations or new construction to a historic resource if it is satisfied that a genuine effort with a reasonable chance of success is being undertaken to seek more adequate preservation of the historic resource.

SECTION 6.514 RELOCATION, DEMOLITION & REMOVAL

It is the City's intent that all designated historic resources be preserved and maintained. However, it is recognized that it may become necessary to remove or replace the Historic Resource due to changing circumstances. The procedure for relocation, demolition and removal of a Historic Resource from the City's Historic Inventory is essentially the same as that for designating an Historic Resource.

- (1) A property owner of an Historic Resource may apply for relocation, demolition or removal of a Historic Resource from the City's Historic Inventory in accordance with the

application requirements of **Sections 2.130 and 2.140** and the **Conditional Use** procedures of **Section 2.500**

- (2) Applications for relocation, demolition or removal of a Historic Resource from the City's Historic Inventory shall include the following information:
 - (a) A description and map of the Historic Resource to be relocated, demolished or removal from the Historic Inventory.
 - (b) A statement of the reasons why the resource cannot be maintained and needs to be relocated or demolished or why the Historic Resource needs to be removed from the Historic Inventory.
 - (c) A statement of the potential impact, if any, that , relocation, demolition or removal of a Historic Resource from the City's Historic Inventory would have on the City, the public welfare and surrounding property owners considering the significance of the resource and the economic, cultural, and energy consequences of demolition.
- (3) Approval shall be based upon compliance with the following minimum decision criteria:
 - (a) Submitted evidence that every effort has been made to maintain the historic resource at its present location and no other reasonable alternative exists.
 - (b) If the resource is proposed to be relocated, the new site is compatible with the resource.
 - (c) The historic resource cannot be economically rehabilitated on the existing site.
 - (d) There would be unnecessary and substantial hardship on the owner if the requested action was denied or the conditions of approval were excessive.
 - (e) Relocation, demolition or removal of the resource would be detrimental to the public interest, considering the significance of the historic resource to the community.
- (4) Additional considerations which may factor into the decision by the Planning Commission may include:
 - (a) The resource is no longer considered significant to the community.
 - (b) The historic resource is no longer compatible with the existing area.
 - (c) Alterations to the resource have removed the distinguishing features that were the reason for the historic resource designation.

- (d) The historic resource has been damaged in excess of 70% of its previous value.
- (e) There is a demonstrated need for the historic resource site that outweighs the public benefit from preserving the resource at the existing site and the proposed redevelopment is compatible with the surrounding area.

(4) **Conditions of Approval.** The City may attach conditions that are appropriate for the promotion and/or preservation of the Historic Resource and for the relocation of the Historic Resource. Non compliance or demolition may result in removal of the Historic Resource from the City's Historic Inventory and removal of any benefits that apply to that designation.

The City may delay action for at least 120 days on a request for , relocation, demolition or removal of the resource from the Historic Inventory if it is satisfied that a genuine effort with a reasonable chance of success is being undertaken to preserve the Historic Resource.