

SECTION 23 - PROVISIONS APPLYING TO SPECIAL USES

1. Purpose: The purpose of this section is to establish limitations for special land uses which have been identified because of particular characteristics. These characteristics, for special uses, must be carefully regulated in terms of all development proposals. The standards in this section relate to the special characteristics of the uses identified in this section and, unless otherwise specified, are to be applied in addition to all other applicable standards prescribed in this Development code. In the event that the standards contained in this section differ from other applicable standards of this Development code, the more stringent standards shall prevail.
2. Automobile Service Stations. In addition to other standards of this Development code, automobile service stations, where permitted outright or as a conditional use, shall comply with the provisions of this section. Service stations shall be exempted from applicable district regulations only insofar as the provisions in this section conflict with the appropriate district regulations.
 - A. A sight-obscuring fence or wall not less than five (5) feet nor more than six (6) feet in height shall be provided between the service station and abutting property in an R-7.5, R-5.0 or R-O District. Said wall or fence shall be reduced to a three foot maximum in any required front yard setback.
 - B. All lighting shall be of such illumination, direction and color as not to create a nuisance on adjoining property or a traffic hazard.
 - C. Vision clearance area as per Section 21 shall be required at all access points.
3. Animal Hospitals, Kennels, Breeding Grounds and Veterinary Clinics. A veterinary clinic, kennel, breeding ground or animal hospital shall not be located within 100 feet of a lot in any R-7.5, R-5.0 or R-O District, and the applicant shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.
4. Barns, Coops, Corrals, and Hutches, Paddocks, Pens for Farm Animals, Livestock and Poultry Farms and Eggeries.
 - A. Any building housing poultry or other smaller farm animals, such as coops, hutches, pens shall be located not less than twenty-five feet from every lot line. Odor, dust, noise, flies or drainage shall not be permitted to create or become a nuisance to surrounding property.
 - B. All barns, corrals, stables and paddocks housing livestock and larger farm animals shall be located on the rear half of a lot and not closer than fifty feet to any property line. Odor, dust, noise, flies or drainage shall not be permitted to create or become a nuisance to surrounding property.

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- C. The keeping of any farm animals shall be in buildings that fully comply with building and sanitary codes;
 - D. The keeping of any farm animals shall follow best animal husbandry practices as determined by OSU Extension services.
 - E. Barns, Coops, Corrals, and Hutches, Paddocks, Pens for Farm Animals, Livestock and Poultry Farms and Eggeries Farm and Animal Husbandry is allowed in the following zone districts: OS, R-7.5, R-5.0, R-O, C-N, C-H, C-C, I-L, I-G.
5. Bed and Breakfast Establishments. A structure designed for a single-family residence where one (1) or more rooms are available for transient lodging and where a morning meal is provided to guests, staff and owners only. In addition to required parking per Section 25 of this development code, the additional parking spaces shall not be located in the front yard and must be asphalted. Signing shall be per Section 24 of this development code. All necessary State and County permits, certifications, or requirements shall be obtained as a condition of approval of a bed and breakfast service, including compliance with OAR Chapter 333, Division 170. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the neighborhood and the intent of the zoning district in which it is located, and with appropriate City approval where required. Such establishments shall be owner-operated and occupied.
6. Cemetery, Crematory, Mausoleum, Columbarium. A cemetery, crematory, mausoleum or columbarium shall have its principal access on a major street or road with ingress and egress so designed as to minimize traffic congestion and shall provide required off-street parking space. Cemeteries located within any R-7.5, R-5.0 or R-O District or abutting such "R" District shall establish and maintain appropriate landscaping and screening to minimize the conflict with abutting residential use.
7. Churches, Hospitals or Other Religious or Charitable Institutions. In any R-7.5, R-5.0 or R-O District, all buildings shall be set back a minimum of 15 feet from a side or rear lot line and all off-street parking facilities shall be adequately screened from abutting property, and no sign shall exceed six (6) square feet in area or be internally illuminated.
8. Circuses, Carnivals, Animal Rides, Animal Displays, Amusement Rides, Flea Markets, Christmas Tree Lots. A circus, carnival, animal ride, animal display or amusement ride or flea market may be permitted for a term not to exceed 30 days in a "C" or "I" District, except a C-N District, with the written approval of the City Manager and an approved Zoning Clearance Permit. Christmas tree sales lots may be permitted in an R-5.0 or R-O Zoning District after receiving permission in writing from the City Manager and an approved Zoning Clearance Permit. The City Manager may require suitable guarantees that any property used for said purposes shall be restored to a neat and orderly condition after termination of said uses. The

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City Manager's decision may be appealed to the Planning Commission through the General Appeals procedure set forth in Section 33.

9. Community Building, Social Halls, Lodges, Fraternal Organizations and Clubs in an R-7.5, R-5.0 or R-O District. All buildings shall be set back a minimum of 15 feet from a side or rear lot line; there shall be no external evidence of any incidental commercial activities taking place within the building. All off-street parking facilities shall be adequately screened from abutting property, and no sign shall exceed six (6) square feet in area or be internally illuminated.
10. Drive-In Theaters. Drive-in theaters shall be located only on an arterial street and shall provide ingress and egress so designed as to minimize traffic congestions, shall be so screened from an R-7.5, R-5.0 or R-O District or dwelling that any noise shall not disturb neighboring residents, shall maintain signs and other lights only in such a way as not to disturb neighboring residents, and shall be so designed that the screen will be set back from and shall not be clearly visible from any highway.
11. Electric Car Charging Station: shall meet parking stall standards listed in Section 25 of this development code.
12. Gardening (such as a Community or Allotment Garden)/Horticulture (such as field crops, orchards, berries, nursery or flower stock and other agricultural uses)/Animal Husbandry. Allowed for non-commercial purposes subject to the requirements of 23 (B-F) below. For small scale enterprises located in the R-0, R-7.5 or R-5.0 Zone District, temporary harvest time display and sale of agricultural products, primarily based on products raised or grown on the premises shall be subject to an application process with administrative approval. Limitation on commercial use may be required. For Urban Farming, see 23 of this section.
13. Home Occupation. A lawful commercial activity or occupation conducted within a dwelling and/or accessory building provided there is a dwelling on the property. Home occupations shall be a secondary/accessory use of the premises, permitted by right in all residential units, subject to the following standards:
 - A. Appearance of Residence:
 - 1) The home occupation shall maintain the residential character of the building by assuring that the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
 - 2) The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.

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- 3) The home occupation shall not violate any conditions of development approval (i.e. prior development permit approval)
- 4) No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.
- 5) The home occupation shall not exceed 25% of the ground floor of the dwelling; or occupy no more than 500 square feet of a garage, either attached or detached; or occupy no more than 500 square feet of any other outbuilding;
- 6) Baby sitting/Day care facilities with twelve (12) or fewer children shall be considered a home occupation.

B. Storage:

- 1) Outside storage and use of yard areas for storage of tools, equipment and materials, visible from the public right-of-way or from inside a residence located on adjacent properties, is prohibited.
- 2) On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- 3) Storage of inventory products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.
- 4) Outside yard areas may be used for playground equipment for home occupations involving the care of children by a baby sitter or day care facility.

C. Employees:

- 1) The home occupation shall be operated by members of the family residing within the dwelling with no more than one (1) full time, non-family equivalent employee at the home occupation site at any given time.
- 2) Additional individuals may be employed by or associated with the home occupation, so long as they do not report to the home occupation site or pick-up at/deliver to the home.
- 3) The home occupation site shall not be routinely used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

D. Advertising and Signs:

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- 1) One (1) sign, according to Section 24 of this Development code, shall be allowed for the home occupation. In no case shall the sign exceed the size of three (3) square feet if inside or flush against the dwelling, or two (2) square feet if located elsewhere.
- 2) No visual advertisement signs specifically indicating the home occupation is anything more than a residential occurrence or advertising other products shall be allowed.
- 3) No stock in trade shall be displayed upon the home occupation site.

E. Vehicles, Parking and Traffic:

- 1) One (1) commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or another location on the home occupation site.
- 2) There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 6 p.m. to 7 a.m.
- 3) There shall be no more than one client or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.
- 4) Parking for the business is to be the same as for the normal residential occupancy, with no additional parking for the establishment, either on, or off street. Traffic created by the business or customers of the business shall not be of a volume or frequency that will cause disturbance or inconvenience to nearby land uses.

F. Business Hours:

- 1) There shall be no restrictions on business hours, except that clients or customers are permitted at the home occupation from 7 a.m. to 6 p.m. only, subject to A & E above and Section 25 of this Development code.

G. Prohibited Home Occupation Uses:

- 1) Any activity that produces radio or television interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.
- 2) Any activity involving on-site retail is prohibited, except the sale of items via telecommunications and mail, or that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art

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or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by the home business are allowed subject to A - F above.

- 3) Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration is prohibited, such as:
 - a) Ambulance service;
 - b) Animal hospital, veterinary services, kennels or animal boarding;
 - c) Auto and other vehicle repair, including auto painting;
 - d) Beauty shops;
 - e) Barber shops;
 - f) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site;

H. Enforcement:

- 1) Non-Compliance. Any home occupation, which does not comply with the requirements of this Section and the provisions of the underlying district, shall be considered a violation of this Development code and shall be subject to the penalties and remedies of Section 36.
- 2) All uses conducted on the subject property shall comply with all requirements of the Uniform Building Code, the Environmental Health Division and any other applicable state or federal laws.

I. Revocation. The permit for a home occupation may be revoked by the City Planner for a violation of any conditions above imposed or authorized, but the City Planner, before revoking a permit, shall give the permittee reasonable notice and an opportunity to be heard.

14. Housing for the Elderly or Handicapped. The purpose of this section is to establish standards for housing, developments for the elderly within the R-5.0, R-O and C-C Districts. Housing developments for the elderly shall be exempted from applicable district regulations only insofar as the provisions in this section conflict with appropriate regulations.

A. The minimum lot area for single and two-family dwellings shall be 5,000 square feet. For each additional dwelling unit, the lot area shall be increased by 500 square feet. (This aspect

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cannot be changed once granted like the parking below can, so you may wish to rethink this one)

- B. Off-street parking area = .75 space per dwelling unit.
Improved off-street parking = .33 space per dwelling unit.
As long as the multiple family development serves as housing for the elderly in terms of the original intent for the development, the smaller parking requirement shall apply. Any applicant must provide a site plan showing the total off-street parking area including access and parking spaces in the event the development ceases to serve as housing for the elderly or requires additional parking. In the event that the development ceases to serve as housing for the elderly in terms of the original intent of the development, the larger off-street parking area required in this section shall apply and shall be immediately improved and developed. In the event that the improved off-street parking area does not meet the parking needs of the development, the Planning Commission may require development of the total or larger off-street parking area.
- C. Site plan approval is required subject to the requirements of Section 22.
- D. Proof is required that the development qualified for housing assistance under a Governmental Housing Program for elderly or handicapped persons.

15. Landing Strips for Aircraft, Heliports. All landing strips for aircraft or heliports shall be so designed and the runways and facilities so oriented, that the incidents of aircraft passing directly over dwellings during their landing or taking off patterns is minimized. They shall be located so that traffic, both land and air, shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust or bright lights. New landing strips and heliports shall not be construed to be a permitted use in any district established by this Development code unless and until a Conditional Use Permit shall first have been secured.

16. Manufactured Home Standards on Individual Lots. A manufactured home permitted as a dwelling on an individual lot shall be in compliance with the following standards and regulations as a minimum. In such cases where the standards set forth in a specific zone are more restrictive, the more restrictive standards shall govern. In all zones where permitted on individual lots, manufactured homes shall meet the following special standards:

- A. Be multi-sectional and enclose a space of not less than 1,000 square feet.
- B. Have a roof with at least a pitch of 2 in 12.
- C. Shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the

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community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

- D. The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.
- E. The owner of the manufactured home shall be the owner of the lot on which the manufactured home is located, except as approved by the Commission.
- F. The manufactured home shall be provided with a bathroom, toilet, and bathtub or shower which are connected to running water and to the Tillamook City sewage disposal system, and which are located in a room or rooms which afford privacy to the occupant.
- G. The manufactured home unit shall have the Oregon "Insignia of Compliance" as provided for by state law. All pre-owned and pre-occupied units (i.e. used) shall be inspected by the Building Official prior to installation and occupancy to insure compliance with applicable standards required for the "Insignia of Compliance" and to insure that such units are in such a condition as to not be detrimental to the public health, safety and general welfare to adjoining properties.
- H. Each habitable room in the unit shall have an average ceiling height of not less than 7 feet, 0 inches, and no portion of the ceiling height in a habitable room shall be less than 6 feet, 10 inches.
- I. The manufactured home shall be placed upon and securely anchored to a foundation having permanence and strength equal to that provided by a concrete or masonry block foundation, and such foundation shall be installed according to manufacturers' instructions approved by the State Department of Commerce, and all road and transient lights, wheels and the hitch shall be removed.
- J. The manufactured home shall have a continuous perimeter of skirting that shall be composed of the same material and finished as the exterior of the manufactured home or of brick, concrete or masonry block within 30 days of placement of manufactured home. Such skirting shall be secure against the entrance of animals, but there shall be provisions for ventilation and access to the space under the unit.
- K. All plumbing, electric and gas service connections shall be made according to instructions approved by the State Department of Commerce.
- L. All manufactured home accessory building and structures shall comply with Oregon State Department of Commerce and Tillamook City Construction and installation standards. Manufactured home accessory structures include porches and steps, awnings, cabanas,

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carports, or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. Roofing and siding materials shall be of similar material and color and complimentary to the existing manufactured home unit. Ramadas and cabanas are permitted.

- M. The owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home and permanently disconnect sewer, water and other utilities if the manufactured home is removed from its foundation unless otherwise authorized by the City. In the event the owner fails to accomplish said work within 30 days from the date on which the manufactured home is moved from its foundation, the City may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation or on the original foundation as modified, or by another approved manufactured home within 30 days of the original unit's removal. Said lien may be initiated by the City Manager.

17. Manufactured Home Subdivisions.

- A. A manufactured home subdivision shall be a subdivision created by sale of lots for the placement of manufactured homes in conjunction with traditional residences. A manufactured home subdivision shall be created to the standards of the Tillamook City Land Division Standards Development code and all lots shall conform to the requirements of the applicable zoning district. In no case shall any manufactured home subdivision be of lesser standards than those specified for Manufactured Home Parks (See Section 3). Lots created in a Manufactured Home Subdivision which do not meet the standard lot area for traditional dwellings in a particular zoning district may be used only for a manufactured home and not for any other form of dwelling.
- B. There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants of a manufactured home or any other person in a manufactured home subdivision.
- C. All streets in a Manufacture Home Subdivision shall conform to the standards specified in the Tillamook City Street Standards Ordinance.

18. Manufactured Dwelling Parks. A Manufactured Dwelling Park shall be for the rental of spaces for the siting of manufactured dwellings containing at least 500 square feet of space. A manufactured dwelling park shall be built to State standards in effect at the time of construction, the following provisions, and any additional conditions set forth in the Commission's approval prior to occupancy.

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- A. Evidence shall be provided that the park will be eligible for a Certificate of Sanitation as required by State law.
- B. The space provided for each manufactured dwelling shall be provided with piped potable water and electrical and sewerage connections.
The number of spaces for manufactured dwellings shall not exceed twelve (12) for each acre of the total area in the manufactured dwelling park, except that the Commission may vary this density as follows:
- 1) If dedicated open space equals 50% or more of the total area of the park, a maximum 10% increase in units per acre may be granted.
 - 2) If, in addition to No. 1, a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional 5%.
 - 3) If, in addition to No. 1 and 2, an approved recreation/community building is provided, an additional 10% increase of units/acre may be allowed (maximum total increase possible = 25%).
- C. A manufactured dwelling shall occupy not more than 40% of the contiguous space provided for the exclusive use of the occupants of the manufactured dwellings and exclusive use of space provided for the common use of tenants, such as roadways, general use structures, parking spaces, walkways, and areas for recreation and landscaping.
- D. No manufactured dwelling in the park shall be located closer than 12 feet from another manufactured dwelling or from a general use building in the park. No manufactured dwelling accessory building or other building or structure on a manufactured dwelling space shall be closer than 10 feet from a manufactured dwelling accessory building or other building or structure on another manufactured dwelling space. No manufactured dwelling or other building or structure shall be within 20 feet of a public street, property boundary or 10 feet of another property boundary.
- E. A manufactured dwelling permitted in the park shall be by the following standards as determined by an inspection by the building official.
- 1) It shall have a State insignia indicating compliance with Oregon State Manufactured Dwelling Construction Standards in effect at the time of manufacture, and including compliance for reconstruction or equipment installation made after manufacture.
 - 2) Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other cause, the manufactured dwelling shall meet the State standards for manufactured dwelling construction evidenced by the insignia.

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- 3) It shall contain not less than 225 square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.
 - 4) It shall contain a bathroom, toilet, shower or tub, and sink in a kitchen or other food preparation space.
- F. A manufactured dwelling permitted in the park shall be provided with a continuous skirting, and if a single-wide unit, shall be tied down with devices that meet State standards for tie down devices.
- G. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.
- H. If the park provides spaces for 50 or more manufactured dwelling units, each vehicular way into the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department and 9-1-1.
- I. If a manufactured dwelling space or permanent structure in a park within the Urban Growth Boundary is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided with 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the City.
- J. Open Space. A minimum of at least 2,500 square feet plus 100 square feet per manufactured dwelling space shall be provided for a recreational play area group or community activities. (no play area is required if the individual manufactured dwelling spaces contain in excess of 4,000 square feet.) The planning Commission may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent, that conforms to fence regulations, but at least 30 inches in height where allowed by fence standards. Unless otherwise approved, no required open space area shall contain less than 2,500 square feet. Recreation areas shall be improved with grass, plantings, surfacing or buildings suitable for recreational use.
- No recreation facility created within a manufactured dwelling park wholly to satisfy the requirements of this section shall be open to, or offered in itself to, the general public.
- K. Parking space requirement. A parking space shall be provided for each manufactured dwelling space on the site. In addition, guest parking spaces shall also be provided in every manufactured dwelling park within 200 feet of the manufactured dwelling spaces served and at a ratio of one parking space for each two manufactured dwelling spaces.
- L. All manufactured dwelling parks over 10 acres in size shall be located so as to have access on a street designated as a minor collector or higher order street.

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- M. All manufactured dwelling parks containing a total site area of 20 acres or more shall provide a secondary access to the trailer park. Such secondary access shall enter the public street system at least 150 feet from the primary access.
- N. Lighting shall be installed along the access ways of the trailer park and the recreation area with lights 100 feet apart. Wire for service to light poles and manufactured dwelling spaces shall be underground, except in the Flood Hazard Overlay Zone where wires for service may be above ground as approved by the Commission.
- O. Roadways within the park shall be paved and shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway, and an adequate designated area is provided and improved for guest parking tenant recreational vehicles (such area shall be designed and improved to provide not less than one parking space per each two spaces in the park).
- P. No manufactured home park shall be created on a site less than one acre.

19. Murals and Public Artwork.

- A. A mural and public artwork may be located anywhere in the city provided it is first approved by the City Beautification Committee and then a City Zoning Clearance Permit is issued by the City Planner in accordance with the procedures and criteria listed in this section.
- B. An application for a mural and/or public artwork shall be filed with the City Planning Department and shall include:
 - 1. The name of the artist and work samples;
 - 2. Description of the materials to comprise the mural and/or public artwork and manner of application;
 - 3. A statement regarding the durability of the materials and safety concerns of any elements considering the location and positioning of the mural and/or public artwork; and
 - 4. Plans and/or specification for the proposed mural and/or public artwork including a picture, graphic or other description.
 - 5. Notice of administrative action shall be given to all property owners within 200 feet of the external boundaries of the location of the mural or public art. Said notice shall include a summary of the nature and substance of the proposal, a brief description of the

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property involved, and a solicitation of oral or written comments to be submitted within ten (10) days prior to the City Planner's final action on the proposal.

- C. Not less than 15 or more than 45 days after submittal of a complete application, the City Beautification Committee shall meet and review the application. The Beautification Committee shall recommend to the City Planner that a mural and/or public artwork be issued a Zoning Clearance Permit upon a finding that:
1. The mural and/or public artwork will conform within the thematic program established by City Resolution of the area of its proposed location;
 2. The information regarding durability and expected maintenance requirements is accurate; and
 3. The materials to be used and the manner of application will not require excessive maintenance by its owner, and a plan to assure maintenance and safety is provided.
- D. In making its determination, the Beautification Committee will consider evidence that the proposal will conform within the thematic program established by City Resolution, and may consider the opinions of the owners and occupants of affected properties. Absent favorable findings as required hereby, the Beautification Committee shall recommend that a Zoning Clearance Permit for a mural and/or public artwork not be issued by the City Planner.
- E. Upon a favorable recommendation of the Beautification Committee, the City Planner shall review the application materials and the information received by the committee and shall, upon a determination that the application materials are complete and accurate and the findings of the Beautification Committee reasonable, issue a Zoning Clearance Permit for a mural and/or public artwork. Absent such a determination, the City Planner shall deny the application. Upon an unfavorable recommendation of the Beautification Committee, the City Planner shall not issue a Zoning Clearance Permit.
- F. Within 15 days of the meeting of the Beautification Committee, the City Planner shall decide whether or not a Zoning Clearance Permit for a mural and/or public artwork shall be issued. Any person aggrieved by the decision of the City Planner may appeal such decision within 15 days thereof to the City Council which shall apply the standards set forth in this section in reviewing the decision of the City Planner. The City Council may affirm, reverse or reverse with modifications the decision of the City Planner. The decision of the City Council shall be final.

20. Nursery Schools, Kindergartens, Child Care Centers, and Family Child Care Homes. Nursery schools, kindergartens, child care centers, and family child care homes serving more than six (6) children shall provide and thereafter maintain outdoor play areas with a minimum area of 75 square feet per child and provide and maintain an indoor activity area with a minimum of 35

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square feet per child. In any R-7.5, R-5.0 or R-O, or "C" or "I" District, a site-obscuring fence of at least four (4) feet but not more than six (6) feet in height shall be provided separating the play area from abutting lots. A child care center shall meet the requirements listed in OAR 414-300-0000 through 414-300-0415. A family child care home shall meet the requirements listed in OAR 414-350-0000 through 414-350-0405.

21. Recreation Vehicle Parks. A recreation vehicle park shall be for the rental of spaces for the temporary sitting of "recreational vehicles" or mobile homes containing less than 500 square feet of space. A recreation vehicle park shall be built to state standards in effect at the time of construction, with the following provisions and any additional conditions set forth in the Commission's approval prior to occupancy.
- A. The space provided for each recreation vehicle shall be not less than 700 square feet exclusive of any space used for common areas, such as roadways, general use structures, walkways, parking spaces for vehicles other than recreation vehicles, and landscaped areas.
 - B. Roadways shall not be less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway. Roadway shall be paved with asphalt, concrete, paver, or gravel surface and designed to permit easy access to each recreation vehicle space.
 - C. A space provided for a recreation vehicle shall be covered with crushed gravel or paved with asphalt, concrete or similar material and be designed to provide runoff of surface water. The part of the space which is not occupied by the recreation vehicle, not intended as an access way to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel, provided the area is landscaped or otherwise treated to prevent dust and mud.
 - D. A recreation vehicle space shall be provided with piped potable water and sewage disposal service. A recreation vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
 - E. A recreation vehicle space shall be provided with electrical service.
 - F. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park, and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
 - G. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per recreation vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

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- H. The park shall provide toilets, lavatories and showers for each sex in the following ratios; for each 15 recreation vehicle spaces or any fraction thereof; one toilet, one urinal, one lavatory and one shower for men; and two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
- I. The park shall provide 15 square feet of space for clothes drying lines for each ten (10) recreation vehicle spaces or any fraction thereof.
- J. Building spaces required by subsection i and j shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.
- K. The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outdoor storage of materials or equipment belonging to the park or to any guest of the park.
- L. Evidence shall be provided that the park will be eligible for a Certificate of Sanitation as required by state law.
- M. A Recreational Vehicle Park is allowed in the following zone districts:
 - 1) R-0 (Multiple Use Residential)
 - 2) C-N (Neighborhood Commercial)
 - 3) C-H (Highway Commercial)

22. Temporary Permits.

- A. Authorization. The City Planner may, in writing and in a manner consistent with the provisions of subsections a to g herein, authorize temporary structures, including mobile homes, which are incidental to construction on the same property or which are to be used as temporary offices on the same property during construction. In either case, such authorization shall not exceed a period of 12 months.
- B. Application/Notice. The applicant shall submit an application for a temporary permit on the appropriate forms provided by the Planning Department. Notice of administrative action shall be given to all property owners within 200 feet of the external boundaries of lots or parcels affected by a temporary permit of pending administrative action on said application. Said notice shall include a summary of the nature and substance of the proposal, a brief

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description of the property involved, and a solicitation of oral or written comments to be submitted within ten (10) days prior to the City Planner's final action on the proposal.

- C. Standards. Applicants for temporary permits shall submit evidence as may be required to enable the City Planner to make a finding that one or more of the following conditions exist:
- 1) The need of the temporary structure authorization is the direct result of a casualty loss such as fire, windstorm, flood, or other severe damage by the elements to a pre-existing structure previously occupied by the applicant on the premises for which the permit is sought.
 - 2) The applicant has been evicted within sixty days of the date of the application from a pre-existing occupancy of the lot or parcel for which the permit is sought as a result of:
 - a) Condemnation Proceedings by a Public Authority;
 - b) Eviction by abatement of nuisance proceedings, or,
 - c) By determination of a public body or court having jurisdiction that the continued occupancy of facilities previously occupied constitutes a nuisance or is unsafe.
 - 3) The temporary occupancy required is limited in duration by the purposes for which the permit is sought, such as Christmas tree sales, temporary banking or office facilities, parade stands, circuses, fairs or other exhibitions, and other obviously temporary needs.
 - 4) The purpose for which the temporary structure authorization is sought is incidental to the basic purpose for which the lot or parcel is being developed, and the duration of such structure is limited by the period of development, such as construction site offices or temporary real estate offices.
- D. Required Findings. Prior to granting approval of a temporary permit, the City Planner shall analyze the following criteria and incorporate such analysis in his decision;
- 1) The location, size, design, and operating characteristics of the proposed temporary structure, if applicable, will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity.
 - 2) The proposed temporary structures will not adversely affect the capacity, circulation, or generation of traffic on streets or other public ways in the vicinity.

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- 3) The use of the proposed temporary structure is consistent with the spirit and intent of the zone where the structure is to be located and does not create a substantial property right not enjoyed by others within the same zone.
- E. Temporary Permit Conditions. Reasonable, clear, and objective conditions may be imposed by the City Planner in connection with the temporary permit as necessary to meet the purposes of subsections a to g herein. Guarantees and evidence may be required that such conditions will be or are being complied with. Such clear and objective conditions shall be quantifiable whenever possible, and may include, but are not limited to, requiring:
- 1) Special yards and spaces.
 - 2) Fences and walls.
 - 3) Control of points of vehicular ingress and egress.
 - 4) Special provisions for signs.
 - 5) Landscaping and maintenance of such landscaping.
 - 6) Maintenance of the grounds.
 - 7) Control of noise, vibration, and odors.
 - 8) Limitation of operational hours for certain activities.
 - 9) A time period within which the proposed use shall be developed.
 - 10) A time limit on total duration of temporary use.
 - 11) Bond or other security for returning the affected area to equal or better condition as previously existed upon termination of temporary use.
- F. Duration of Temporary Permit. The duration of such temporary permit and attendant structure shall not exceed the period prior to the completion and occupancy of a permanent structure of 12 months, whichever comes first.
- G. Voiding of a Temporary Permit. When a temporary permit is approved, such approval shall become void six (6) months from the date of such approval if the City Planner determines substantial progress, such as substantial excavation or substantial construction, toward the desired use has not been made. The holder of such permit may apply for an extension of such approval as may be granted by the City Planner.

23. Urban Farming.

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- A. The use of property in the OS, C-N, C-H, C-C, I-L, I-G Districts for Urban Farming for commercial or non-profit purposes or sustenance is allowed within the Urban Growth Boundary.
 - B. Produce that can be grown on these farms include fruits, vegetables, and livestock.
 - C. Animal keeping of commonly domesticated animals, on these farms, including pastureland is allowed with the following requirements:
 - 1) Sanitation. Proper sanitation shall be maintained for all animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals, or constitute a nuisance.
 - 2) Fencing. Fencing is required and shall be designed and constructed to confine all animals to the site on which the animal is kept.
 - 3) Enclosures. An enclosure is required and shall be designed and constructed to provide shelter from the weather for all animals kept outdoors on the development site. The requirements are listed in subsection 4, Barns, Coops, Corrals, and Hutches, Paddocks, Pens for Farm Animals, Livestock and Poultry Farms and Eggeries, of this section.
 - D. Lot Area Minimum = 5,000 square feet
 - E. Minimum Setbacks:
 - 1) Front Yard = 10 feet
 - 2) Side and Rear Yard = 10 feet
 - F. Minimum parcel dimensions for Animal Husbandry, livestock, shall be determined by Best Management Practices available at the OSU Extension Office.
 - G. An Urban Farm used for commercial or non-profit purposes shall meet the State requirements listed in ORS 568.900, and provide the City with a copy of the approved permits from the State Department of Agriculture for water quality and the use of herbicides, pesticides, and fungicides.
 - H. Sustainable and/or organic practices are encouraged for all Urban Farms.
24. Utilities. The erection, construction, alteration, or maintenance by public utility or municipal or other governmental agencies of underground; overhead electrical, gas, steam, or water transmission or distribution systems, collection, communication, supply or disposal system

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including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, shall be permitted in any district in accordance with their franchise agreement. Utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in this Development code.

25. Wireless Communication Facilities (WCF)

- A. Purpose. The purpose of this section is to establish standards that regulate the placement, appearance and impact of wireless communication facilities, while providing residents and the business community with the ability to access and adequately utilize the services of these facilities support. The characteristics of wireless communications facilities are such that they have the potential to impact not only the area immediately surrounding the facility, but also the community as a whole. Because of these potential impacts, the standards are intended to ensure that the visual and aesthetic impacts of wireless communication facilities are minimized to the greatest extent possible.
- B. Application Requirements. The following items shall be provided as part of an application for the placement and construction of a wireless communication facility. These items are in addition to other information that may be required for the appropriate use permit. The City Planner may waive the requirement for submittal of any information described herein when determined that it is inapplicable based on project specific factors.
- 1) A site plan drawn to scale indicating the location of the proposed antenna(s), support structure and equipment facility and relevant dimensions.
 - 2) A photograph of the proposed antenna(s), support structure and equipment facility at a site similar to the proposal.
 - 3) The materials being proposed, including the colors of the exterior materials.
 - 4) Photographs of the existing site condition taken from key lines of sight and a photo simulation of the proposed facility at the proposed location from each of the lines of sight.
 - 5) A map showing all existing wireless communication facility sites operated by the applicant within and adjacent to Tillamook, including a description of the wireless communication facility at each location.
 - 6) A co-location feasibility study that indicates that co-location efforts were made and states the reasons co-location can or cannot occur. All antenna support structures shall be designed so as not to preclude co-location.
 - 7) A description of alternatives considered for providing wireless communication service in Tillamook. The alternatives evaluated should include alternative sites, facility

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heights, number of facilities, and equipment utilized. Where less preferred locations or designs are proposed, the reasons why higher priority locations or designs were not selected.

- 8) A peer review study, if required by the City Planner.
- 9) The City of Tillamook will deny the permitting of a wireless communication facility if it has not been demonstrated that co-location on an existing Wireless Communication facility is not a viable solution.

C. Location/Design Standards.

- 1) Wireless communication facilities are allowed outright in the following location(s):
 - a) Co-location or shared location on an existing wireless communication facility
- 2) Wireless communication facilities are allowed under a Zoning Clearance Permit and building permit if of the following design(s) and in the following location(s):
 - a) Microfacility or Minifacility attached to an existing structure;
 - b) Minifacility attached to an existing public facility such as a water tower or public building;
 - c) Minifacility attached to an existing utility pole located in a street right-of-way;
- 3) Wireless communication facilities are allowed under a conditional use permit if of the following design and in the following location(s):
 - a) Facility is attached to an existing structure where the height or dimensions of the antenna exceed those of a minifacility;
 - b) Facility is in the shape of a new utility pole within the street right-of-way with a maximum height of 60 feet;
 - c) Facility is on a monopole not located in a street right-of-way with a maximum height of 60 feet measured from grade level.
- 4) Wireless communication facilities are prohibited if in the following design(s) and in the following location(s):
 - a) Lattice towers and support structures;
 - b) Guyed wire towers and support structures;
 - c) Speculation support structures;

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d) Locations in the following Zone districts:

- (1) O (Open Space District)
- (2) R-7.5 (Single-Family Residential)
- (3) R-5.0 (Single-Family and Duplex Residential)
- (4) R-0 (Multiple Use Residential)
- (5) C-N (Neighborhood Commercial)

D. Development Standards. All wireless communication facilities shall be located, designed, constructed, treated and maintained in accordance with the following standards:

1) Preferred locations and designs. Applicants shall consider the following sites as the preferred order for the location of proposed wireless facilities:

2) General Standards.

- a) All facilities shall be installed and maintained in compliance with the requirements of the Building Codes.
- b) All wireless communication facilities shall be designed to minimize their visual impact to the greatest extent feasible.
- c) The smallest and least visible antennas, to accomplish the coverage objectives, shall be utilized.
- d) Antenna(s) attached to an existing structure shall be placed so as to integrate, as much as possible, with the building's design features and materials. The maximum height for antennas shall be fifteen (15) feet from the base elevation. Roof mounted antennas and associated equipment should be located as far back from the edge of the roof as possible to minimize visibility from street level locations. Where appropriate, construction from screening to obscure the facility shall be required. Wall mounted antennas shall be integrated architecturally with the style and character of the structure, or otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. To the extent feasible, wall-mounted antennas should not be located on the front, or most prominent facade of a structure, and should be located above the pedestrian line-of-sight.
- e) Colors and materials for wireless communication facilities shall be chosen to minimize their visibility. Wireless communication facilities shall be painted or textured using colors to match or blend with the primary background of the facility, including the skyline or horizon.

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- f) Equipment facilities shall be placed in underground vaults wherever feasible. Above ground equipment facilities shall be reviewed through the design review process of Section 22 to ensure that they are designed, sited and landscaped to minimize the visual impact on the surrounding environment.
 - g) Exterior lighting for a wireless communication facility is permitted only when required by a Federal or State authority.
 - h) A wireless communication facility placed pursuant to this section is exempt from the height requirements of the zoning district in which it is located; however, may not exceed the heights listed in 16(C) above.
- E. Peer Review. If determined appropriate, the City Planner may require a peer review study of the technical information developed by the applicant to select the proposed facilities. The purpose of a peer review is to evaluate the feasibility of alternative facility designs and locations not selected by the applicant but which have a higher design priority as described in Section 22. The applicant shall pay all costs associated with a peer review.
- F. Abandonment and Obsolescence. Any wireless communication facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such facility shall remove such facility within ninety (90) days of receipt of notice from the city notifying the owner of such abandonment. If such wireless communication facility is not removed within said ninety (90) days, the City may remove the wireless communication facility at the owner's expense. If there are two or more users of a single wireless communication facility, then this provision shall not become effective until all users cease using the wireless communication facility.
- G. Antennas to which this section has no application. The provisions of this chapter do not apply to radio or television reception antennas, satellite or microwave parabolic antenna not used by wireless communication service providers, and antennas owned and operated by federally-licensed amateur radio operators.
- H. Wireless Communication Facilities Siting Issues
- 1) Location
 - a) Preferences
 - (1) Co-location/Shared Facilities
 - (2) On Existing Structures

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- b) By zone
- 2) Design Issues
 - a) Type of pole
 - b) Height of pole and/or antennae
 - c) Setbacks and other placement issues
 - d) Screening/ landscaping
 - e) Abandonment and obsolescence
 - f) Lighting/Security
 - g) Color & Materials
 - h) Equipment cabinets
- 3) Review Procedure
 - a) Key review procedure to the proposed location -provide simply process for preferred locations, i.e. outright use
 - b) Site Plan Review -Some or all antenna/pole types and locations
- 4) Application Requirements
 - a) Mapping of all proposed locations in city
 - b) Technical data to support locations, particularly if preferred site types are not used.
 - c) Visual impact analysis.