

SECTION 28 - PROVISIONS APPLYING TO SPECIAL USES

1. Automobile Service Stations. In addition to other standards of this Ordinance, automobile service stations, where permitted 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 30, 5 (c, d).
2. Animal Hospitals and Veterinary Clinics. A veterinary clinic 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.
3. 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.
4. 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.
5. 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 an "C" or "I" District, except a C-N District, with the written approval of the City Manager. Christmas tree sales lots may be permitted in an R-5.0 or R-O District after receiving permission in writing from the City manager. 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 City Manager's decision may be appealed to the Planning Commission through the General Appeals procedure set forth in Section 33.
6. 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

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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.

7. 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.
8. 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 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. Utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in this Ordinance.
9. 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 Ordinance unless and until a Conditional Use Permit shall first have been secured therefore.
10. Nursery Schools, Kindergartens and Child Care Centers. Nursery schools, kindergartens and child care centers serving more than six (6) children shall have a minimum site size of 5,000 square feet and shall provide and thereafter maintain outdoor play areas with a minimum area of 100 square feet per child of total capacity. 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. Adequate off-street parking and loading space shall be provided. Nursery schools, kindergartens and child care centers serving more than six (6) children shall meet criteria and standards listed in Section 22 (Site Development Standards).
11. Rear Lot Permits (Site Plan Review Required)
 - A. Purpose. The purpose of this section is to permit development of deep lots or other large parcels in residential areas, which are incapable of being subdivided or divided as a major partition under the strict application of this Ordinance. No deep lots or other large parcels of land may be divided or developed under this section or in any other manner not provided for in the City Land Division Standards Ordinance, if the property is physically capable of

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being subdivided or major partitioned, either separately or in conjunction with adjacent properties, either now or in the future. No rear lots may be created without compliance with the provisions of this section. Any property proposed to be developed under this section shall comply with all the following eligibility and development requirements:

B. Eligibility

- 1) Property must be less than four (4) acres in area.
- 2) Property must be so situated that further subdivision or segregation under terms of other applicable City ordinances and regulations is not possible, either individually or in conjunction with any other adjacent property.
- 3) Minimum Area: Twice that required by the applicable zoning district.

Minimum Depth: 200 feet

Minimum Width: As required by applicable zoning district.

C. Development Standards. Provided the eligibility requirements are met, a permit may be issued subject to the following standards and criteria after Site Plan Review, as provided for in Section 22.

- 1) Front Parcel:
 - a) Minimum Lot width: 10 feet less than required by applicable zoning district.
 - b) Minimum Lot depth: 100 feet.
 - c) Yard requirements: Same as required in applicable zoning district.
- 2) Rear Parcel:
 - a) Access way minimum: 15 feet in width, of which 12 feet (width of standard single lane) shall be a permanent, durable, dustless surface.
 - b) Yard requirements: No building shall be erected within 10 feet of any property line.
 - c) Lot area: Area of rear lot shall be within 15% of the area of the front lot.
 - d) Access way shall be conveyed with ownership of the rear lot and shall be an integral part of the rear lot.
 - e) Access way shall be improved according to the standards of the City of Tillamook Public Works Street Design Standards.

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- f) Development of property subject to approval by the Planning Commission. Applicant shall submit site plan for all buildings, structures, and other improvements such as roadways, walks, and parking facilities to the Planning Commission for approval. All improvements made on the property shall conform to the plans as approved by the Planning Commission.

12. 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.
- 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 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.

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- 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:

- 1) One (1) sign, according to Section 24 of this Ordinance, 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

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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 Ordinance.

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 that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art 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) 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 Ordinance 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.

13. 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

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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.
- 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.
14. **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. In addition to required parking per Section 25 of this ordinance, the additional parking spaces cannot be located in the front yard and must be asphalted. Signing shall be per Section 24 of this ordinance. 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.

15. Adult Businesses:

- A. Applicability. Section 28 (15A-15B), apply to any "adult business" and "adult use" as those terms are defined in Section 4 and permits these uses outright in the Multiple Use Residential (R-0), Neighborhood Commercial (C-N), Town Center (TC), Central Commercial (C-C) and Highway Commercial (C-H) zones as long as they meet the requirements of Section 28 (15A-15B) and all other applicable zoning requirements.

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B. Permit Required.

- 1) An adult business use proposed for a new building or type of development that requires Site Plan Review per Section 22, subsection 3 is subject to a Site Plan Review.
- 2) An adult business use proposed for an existing building is subject to a Building Permit prior to conducting the adult business or use.

16. 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 Planning Director 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.

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- 7) A description of alternatives considered for providing wireless communication service in Tillamook. The alternatives evaluated should include alternative sites, facility 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 Planning Director.
- 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 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 of the following design(s) and in the following location(s):
 - a) Lattice towers and support structures;

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- b) Guyed wire towers and support structures;
 - c) Speculation support structures;
 - 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

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textured using colors to match or blend with the primary background of the facility, including the skyline or horizon.

- 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 Planning Director or City Manager 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
 - b) By zone

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- 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

(Added by Ordinance #1178, effective 10/17/02)