SECTION 4.07 MANUFACTURED HOMES ON INDIVIDUAL LOTS

**Section** **4.07.01** **Scope**

THE PROVISIONS OF THIS CHAPTER ARE APPLICABLE TO ALL MANUFACTURED HOMES SITED ON INDIVIDUAL LOTS IN THE CITY OF WHEELER. MANUFACTURED HOMES SITED IN APPROVED MOBILE/MANUFACTURED HOME PARKS OR MANUFACTURED HOME SHALL *MEET THE PROVISIONS OF SECTION 4.08*

**Section** **4.07.02** **General** **Standards**

Where manufactured homes are permitted on individual lots, the following general standards shall apply. These standards are in addition to the minimum lot area, setback, and height standards of the underlying zone.

(A) SIZE. THE MANUFACTURED HOME SHAL BE MULTI-SECTIONAL AND HAVE AT LEAST 1,000 SQUARE FEET OF GROSS FLOOR AREA.

(B) PERFORMANCE STANDARDS. THE EXTERIOR THERMAL ENVELOPE shall be certified by the manufacturer TO MEET THE STANDARDS SPECIFIED BY *THE* OREGON *MANUFACTURED DWELLING AND PARK SPECIALTY CODE*~~,~~ ~~AS DEFINED IN ORS 455.010.~~

(C) Roof. The manufactured dwelling shall have a pitched roof with a nominal pitch of at least three feet in twelve feet.

(D) FOUNDATIONS. The manufactured dwelling shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 18 inches above grade *AT ANY POINT*. THE 18 INCH LIMITATION SHALL NOT APPLY IF THE MANUFACTURED HOME SITS ON A BASEMENT OR THE REQUIREMENTS OF THE FLOOD HAZARD OVERLAY ZONE MANDATE THAT THE HOME BE ELEVATED MORE THAN 18 INCHES ABOVE GRADE. THE FOUNDATION SHALL MEET BUILDING CODE AND FLOOD HAZARD AREA STANDARDS IF IN THAT ZONE..

(E) UTILITIES. THE MANUFACTURED HOME SHALL *HAVE* STORM DRAINAGE, SANITARY SEWER, ELECTRIC, AND POTABLE WATER UTILITY SERVICES WITH EASEMENTS DEDICATED WHERE NECESSARY TO PROVIDE SUCH SERVICES. MANUFACTURED HOMES SHALL NOT BE OCCUPIED UNLESS CONNECTED TO LOCAL WATER, SEWER, AND ELECTRICAL SYSTEMS.

(F) REMOVAL OF TOWING EQUIPMENT. ALL TOWING HITCHES, WHEELS, RUNNING LIGHTS, AND OTHER TOWING RELATED EQUIPMENT SHALL BE REMOVED WITHIN 30 DAYS AFTER INSTALLATION OF THE MANUFACTURED HOME.

(G) HISTORICAL SITES. NO MANUFACTURED HOME SHALL BE LOCATED ON PROPERTY CONTAINING A HISTORIC LANDMARK, OR ON A LOT OR PARCEL IMMEDIATELY ADJACENT TO PROPERTY CONTAINING A HISTORIC LANDMARK. FOR THE PURPOSE OF THIS CHAPTER, A HISTORIC LANDMARK IS PROPERTY DESIGNATED BY THE WHEELER COMPREHENSIVE PLAN AS CONTAINING A SIGNIFICANT HISTORICAL RESOURCE.

(H) EXTERIOR SIDING AND FINISH.THE EXTERIOR SIDING OF THE MANUFACTURED HOME MUST HAVE THE SAME APPEARANCE AS MATERIALS COMMONLY USED ON RESIDENTIAL DWELLINGS.

(I) GARAGE. *IF A GARAGE IS BUILT, THE GARAGE MUST BE* OF LIKE MATERIAL AND COLOR OF THE MANUFACTURED HOME. THE GARAGE *MAY* BE PLACED ON THE PROPERTY PRIOR TO OCCUPANCY OF THE MANUFACTURED HOME.

(J) OFF-STREET PARKING. PARKING SHALL BE AS SPECIFIED IN SECTION 4.02.05

SECTION 4.08 MANUFACTURED DWELLING PARKS and RECREATIONAL VEHICLE PARKS

**Section** **4.08.01** **Development** **Standards for Manufactured Dwelling Parks**

*THE STANDARDS AND REGULATIONS FOR MANUFACTURED DWELLING PARKS IN THE STATE OF OREGON ARE GOVERNED BY ORS 446, OREGON ADMINISTRATIVE RULES (OAR), 918-600, AND THE OREGON MANUFACTURED DWELLING AND PARK SPECIALTY CODE (OMDS,.*

(A) PERMITTED HOUSING**.** ONLY CLASS "A" MANUFACTURED DWELLINGS ARE PERMITTED IN MANUFACTURED DWELLING PARKS ADJACENT TO AREAS THAT ARE PREDOMINANTLY DEVELOPED WITH SINGLE FAMILY RESIDENTIAL DWELLINGS. CLASS "A" OR "B" MANUFACTURED DWELLINGS ARE PERMITTED IN ALL OTHER MANUFACTURED DWELLING PARKS. NO MANUFACTURED DWELLING SHALL BE MORE THAN 10 YEARS IN AGE AT TIME OF PLACEMENT.

(B) MINIMUM SITE AREA. THE MINIMUM AREA FOR A PARK SHALL BE ONE ACRE.

(C) DENSITY. MAXIMUM DENSITY OF THE PARK SHALL NOT EXCEED *FIFTEEN* UNITS PER ACRE.

(D) ACCESS. MANUFACTURED DWELLING PARK ACCESS SHALL OCCUR FROM A PUBLIC COLLECTOR OR ARTERIAL STREET.

(E) UTILITIES. EACH MANUFACTURED HOME SHALL BE PROVIDED STORM DRAINAGE, SANITARY SEWER, ELECTRIC, AND POTABLE WATER UTILITY SERVICES

(E) 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.

(F) CENTRALIZED STORAGE. A centralized storage area for boats, campers, *AND* camping trailers shall be provided. Such storage area shall contain a minimum of 160 square feet for each mobile home space and be enclosed by a sight-obscuring fence. STORAGE USE SHALL BE LIMITED TO PARK RESIDENTS.

(G) IMPROVEMENT STANDARDS. PARK STANDARDS SHALL CONFORM TO THE OREGON MANUFACTURED DWELLING AND PARK SPECIALTY CODE WITHIN THE PARK BOUNDARY AND SHALL CONFORM TO CITY STANDARDS WHEN ABUTTING PUBLIC STREETS.

(H) STREETS. Streets which are to be dedicated to the city, if any, shall be dimensioned and improved in accordance with ~~the Subdivision Ordinance~~ Title IX, Chapter 92.. For other streets:

1. Minor one way street serving less than 20 spaces shall have a 25 foot right-of-way and have paving that is 15 feet wide

2. Minor two way street serving less than 40 spaces shall have a 30 foot right-of-way and have paving that is 22 feet wide

3. Street serving 40 or more spaces shall have a 40 foot right-of-way and have paving that is 28 feet wide

~~At a minimum, connection to a public street shall be provided by a minor two way street.~~

Aside from the pavement widths set forth above, private streets shall conform to the design and improvement standards of ~~the Subdivision Ordinance~~. Title IX, Chapter 92.

(I) Walkways. Walkways, not less than 4 feet in width, shall be provided from each ~~mobile home~~ manufactured dwelling space to service buildings and along one side of all streets.

(J) PERIMETER SETBACKS. MANUFACTURED DWELLINGS AND ACCESSORY STRUCTURES shall be located no less than twenty feet from ~~side or rear property lines~~ THE EXTERIOR PARK BOUNDARY and twenty five feet from a street providing access.

(K) Application. Applications for mobile home parks shall be accompanied by complete plans and

specifications of the proposed park and all permanent buildings indicating the proposed

methods of compliance with the requirements. Such plans shall be to a scale of not less than

one inch to fifty feet. *BEFORE A MANUFACTURED DWELLIONG PARK IS APPROVED, THE OWNER MUST PRESENT EVIDENCE THAT* the park will be eligible for a certificate of sanitation as required by State law. A performance bond may be required, or an acceptable alternative, in an

amount to be determined by the *CITY COUNCIL* ~~Planning Commission~~, to insure that a development proposal is completed as approved and within the time limit agreed to.

(L) Fencing. Sight obscuring fences or evergreen plantings, at least six feet in height, shall surround the manufactured dwellling ~~mobile home~~ park, except at entry and exit points *AND CLEAR VISION AREAS*.

(M) *ONE NON-ILLUMINATED OR INDIRECTLY ILLUMINATED IDENTIFICATION SIGN WIITH A MAXIMUM AREA OF 24 SQUARE FEET, THE TOP BEING NOT MORE THAN EIGHT (8) FEET ABOVE THE GROUND IS PERMITTED.*

~~i. Signs are limited to one identification sign with a maximum area on one side of 24 square feet, and limited to eight (8) feet in height above ground. Such signs may be indirectly illuminated~~.

**Section** **4.08.02 Development** **Standards for Recreational Vehicle Parks**

THE STANDARDS AND REGULATIONS FOR RECREATIONAL VEHICLE (RV) USE IN THE STATE OF OREGON ARE *ORS 446 AND OAR 918-650*. APPROVED RV PARKS SHALL COMPLY WITH THE STATE OF OREGON STANDARDS AND THE STANDARDS OF THIS SECTION:

(A) VEHICLE SPACE. The space provided for each recreational vehicle shall be at least 1,500 square feet. .

(B) SEPARATION. All recreational vehicles and structures shall be located at least 25 feet from all park property lines.

(C) SCREENING. Except for access roadways into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height. *NONE THE LESS CLEAR VISION AREAS SHALL BE MAINTAINED.*

(D) VEHICLE PAD. The recreational vehicle (RV) pad shall be covered with crushed gravel or paved with asphalt, concrete or similar material and be designed to provide runoff of surface water. EACH RV SPACE SHALL BE PROVIDED WITH ELECTRICAL SERVICE, PIPED POTABLE WATER, AND SEWAGE DISPOSAL SERVICE. ALL RVS WITH SERVICE CONNECTIONS STAYING IN THE PARK SHALL BE CONNECTED TO THESE SERVICES.

(E) DURATION. No ~~trailer or~~ recreational vehicle shall remain in a park for more than thirty in a sixty (60) day period with the following exception. The long-term placement of a ~~trailer or~~ recreational vehicle ~~or vehicles~~ may be allowed for the recreational or vacation use by members ~~or prospective members~~ of a membership recreational vehicle park. *PROSPECTIVE MEMBERS HAVE (30) DAYS OF OCCUPANCY IN THE PARK TO BECOME MEMBERS.* There can be no more than twenty-five percent (25%) of the total RV Park spaces utilized for long-term placement of ~~trailers or~~ recreational vehicles which are to be used by occupants staying thirty (30) days or less.

*(F) ONE NON-ILLUMINATED OR INDIRECTLY ILLUMINATED IDENTIFICATION SIGN WIITH A MAXIMUM AREA OF 24 SQUARE FEET, THE TOP BEING NOT MORE THAN EIGHT (8) FEET ABOVE THE GROUND IS PERMITTED FOR NEW RV PARKS.*

~~Signs are limited to one identification sign with a maximum area of one side of 32 square feet~~

~~and limited to eight feet in height above the ground. Such signs may only be indirectly~~

~~illuminated~~.

(G) STREETS. *FOR NEW RV PARKS OR ADDITIONS TO EXISTING RV PARKS,STREETS WHICH ARE TO BE DEDICATED TO THE CITY, IF ANY, SHALL BE DIMENSIONED AND IMPROVED IN ACCORDANCE WITH TITLE IX, CHAPTER 92.. FOR OTHER STREETS:*

*1. MINOR ONE WAY STREET SERVING LESS THAN 20 SPACES SHALL HAVE A 25 FOOT RIGHT-OF-WAY AND HAVE PAVING THAT IS 15 FEET WIDE*

*2. MINOR TWO WAY STREET SERVING LESS THAN 40 SPACES SHALL HAVE A 30 FOOT RIGHT-OF-WAY AND HAVE PAVING THAT IS 22 FEET WIDE*

*3. STREET SERVING 40 OR MORE SPACES SHALL HAVE A 40 FOOT RIGHT-OF-WAY AND HAVE PAVING THAT IS 28 FEET WIDE*

(H) PARKING SPACES. *FOR NEW RV PARKS OR ADDITIONS TO EXISTING RV PARKS* IN ADDITION TO THE RV PAD AREA, THE TOTAL NUMBER OF PARKING SPACES IN THE PARK SHALL BE EQUAL TO 1.25 SPACES PER RV SPACE. ALL PARKING SPACES SHALL BE PAVED.

(I) MAINTENANCE. THE PARK SHALL BE MAINTAINED IN A NEAT APPEARANCE AT ALL TIMES. THERE SHALL BE NO OUTSIDE STORAGE OF MATERIALS OR EQUIPMENT. TRASH RECEPTACLES SHALL BE PROVIDED AT CONVENIENT LOCATIONS AND IN ADEQUATE NUMBER AND CAPACITY.

(J) UTILITY BUILDING. *FOR NEW RV PARKS OR ADDITIONS TO EXISTING RV PARKS* THE PARK SHALL PROVIDE ONE UTILITY BUILDING OR ROOM CONTAINING THREE CLOTHES WASHING MACHINES, ONE CLOTHES DRYING MACHINE, AND 50 SQUARE FEET OF SPACE FOR EACH 50 RECREATIONAL VEHICLE SPACES.*IN ADDITION DWELLING UNIT(S) FOR THE PARK’S CARETAKERS SHALL BE PERMITTED.*

(J) LANDSCAPING. ALL COMMON AREAS WITHIN AN RV PARK SHALL BE LANDSCAPED AND MAINTAINED BY THE PARK OWNER IN CONFORMANCE WITH AN APPROVED LANDSCAPE AND IRRIGATION PLAN SUBMITTED AS PART OF THE APPLICATION.

(K) APPLICATIONS. Application for a recreational vehicle park shall be accompanied by preliminary plans, showing layout of spaces, buildings, roadways, walkways, drainage, sewers, water lines, and electric

lines, along with building floor plans of the proposed park and all permanent buildings indicating the proposed method of compliance with requirements. Such plans shall be to a scale of not less than one (1) inch to fifty (50) feet. A performance bond or an acceptable alternative may be required, in an amount to be determined by the City Council ~~Planning Commission~~, to ensure that a development proposal is completed as approved and within the time limits agreed to. A ~~Conditional Use~~ *CLEARING, CUTTING, AND FILLING* Permit shall ~~will~~ be applied for prior to any grading or construction begins. ~~being undertaken.~~

SECTION 4.09 ACCESSORY STRUCTURES

**Section** **4.09.01** **Accessory Structures In R-1 and R-2**

ACCESSORY STRUCTURES - EXCLUDING ACCESSORY DWELLING UNITS – SHALL NOT EXCEED 15 FEET IN HEIGHT, CAN NOT BE USED FOR HUMAN HABITATION, AND SHALL COMPLY WITH THE FOLLOWING STANDARDS:

*(A) ALTHOUGH A GEOLOGIC HAZARD REPORT IS ONLY REQUIRED FOR (E) BELOW DUE TO COSTS, IT IS ALWAYS A GOOD IDEA TO HAVE ONE. THE PURPOSE OF A GEOLOGIC HAZARD REPORT IS TO HELP THE OWNER BUILD OR PLACE STRUCTURES IN A WAY THAT ACCOUNTS FOR THE SHIFTING SOIL PREVAVENT IN ALMOST ALL OF WHEELER. WITHOUT IMPLEMENTING ITS RECOMMENDATIONS, YOUR BUILDING COULD EASILY SLIDE. THE OWNER ASSUMES ALL LIABILITY IF THE BUILDING DOES MOVE, IS OTHERWISE IMPARED.OR CAUSES HARM.*

*(B) SETBACKS.THE FOLLOWING SETBACKS APPLY TO ALL ACCESSORY STRUCTURES.*

*1. FRONT YARD: NOT ALLOWED, EXCEPT A “POD” OR SIMILAR CONTAINING SHIPPED MATERIAL MAY BE IN THE FRONT YARD FOR UP TO 10 DAYS FOR UNLOADING PURPOSES.*

*2. BACK YARD: ALWAYS ALLOWED, BUT MUST BE 5 FEET FROM THE LOT LINE.*

*3. SIDE YARD FOR A NON-CORNER LOT: ALWAYS ALLOWED, BUT MUST BE 5 FEET FROM THE LOT LINE.*

*4. SIDE YARD FOR CORNER LOT: NOT ALLOWED WITHOUT A VARIANCE*

*5. EXCEPTION: A SMALL PORTABLE MANUFACTURED ACCESSORY BUILDING THAT MEETS THE FOLLOWING REQUIREMENTS CAN BE NEAR BUT NOT ON THE LOT LINE:*

*A. LESS THAT 25 SQUARE FEET FLOOR AREA*

*B. LESS THAN 6 FEET TALL*

*C. LESS THAN 125 POUNDS IN WEIGHT (EMPTY)*

*(C) REQUIREMENTS. ACCESSORY BULDINGS LESS THAN 250 SQUARE FEET SHALL MEET THE SETBACKS IN (A), 1 – 4 ABOVE AND PROVIDE A SITE PLAN SHOWING THE ACCESSORY BUILDING’S LOCATION ON THE LOT RELATIVE TO LOT LINES AND THE MAIN DWELLING UNIT.*

*:*

(D)LOT AND YARD COVERAGE. ACCESSORY STRUCTURES SHALL NOT OCCUPY MORE THAN 30% OF A REQUIRED YARD AREA *AND ALL LOTS ARE LIMITED TO THREE (3) STRUCTURES.*

*(E) ALL ACCESSORY STRUCTURES 250 SQUARE FEET OR MORE SHALL MEET THE SETBACKS IN (A), 1 – 4 ABOVE AND REQUIRE:*

*1. A PERMANENT FOUNDATION*

*2. A GEOLOGIC HAZARD REPORT*

*3. A SITE PLAN SHOWING ITS LOCATION ON THE LOT RELATIVE TO LOT LINES AND THE MAIN STRUCTURE*

*4. SIDING SIMILAR TO THE DWELLING UNIT*

*5. A SLOPED ROOF WITH A COVERING SIMILAR TO THE DWELLING UNIT*

*6. A BUILDING PERMIT FROM TILLAMOOK COUNTY*

*(F) ALL ACCESSORY STRUCTURES EXCEPT THOSE MEETING THE REQUIREMENTS OF (A), 5 ABOVE REQUIRE A WHEELER ACCESSORY STRUCTURE PERMIT.*

(G)THE USE OF METAL SHIPPING CONTAINERS, SEMI-TRUCK TRAILERS *OR SIMILAR* AS AN ACCESSORY STRUCTURE SHALL BE PROHIBITED.

**Section** **4.09,02 Accessory Structures In** **Commercial** **and** **Industrial**

THERE SHALL BE NO LIMIT TO THE SIZE, NUMBER, OR LOCATION OF ACCESSORY STRUCTURES FOR COMMERCIAL OR INDUSTRIAL DEVELOPMENTS, PROVIDED THE ACCESSORY STRUCTURES SHALL COMPLY WITH ALL SETBACK, AND OTHER DIMENSIONAL AND DESIGN REQUIREMENTS FOR THE PRIMARY STRUCTURE(S) AND LOT COVERAGE REQUIREMENTS. ALL ACCESSORY STRUCTURES SHALL *BE NO MORE THAN 15 FEET TALL, AND BE BUILT* OF LIKE EXTERIOR MATERIALS, FINISH, AND COLOR AS THE PRIMARY STRUCTURE(S).

*(A ALTHOUGH A GEOLOGIC HAZARD REPORT IS ONLY REQUIRED FOR (C) BELOW DUE TO COSTS, IT IS ALWAYS A GOOD IDEA TO HAVE ONE. THE PURPOSE OF A GEOLOGIC HAZARD REPORT IS TO HELP WITH THE BUILDING OR PLACEMENT OF STRUCTURES IN A WAY THAT ACCOUNTS FOR THE SHIFTING SOIL PREVAVENT IN ALMOST ALL OF WHEELER. WITHOUT IMPLEMENTING ITS RECOMMENDATIONS, YOUR BUILDING COULD EASILY SLIDE. THE OWNER ASSUMES ALL LIABILITY IF THE BUILDING DOES MOVE, IS OTHERWISE IMPARED.OR CAUSES HARM.*

*(B) REQUIREMENTS. ACCESSORY BULDINGS LESS THAN 250 SQUARE FEET SHALL PROVIDE A SITE PLAN SHOWING THE ACCESSORY BUILDING’S LOCATION ON THE LOT RELATIVE TO LOT LINES AND THE MAIN STRUCTURE.*

*(C) ALL ACCESSORY STRUCTURES 250 SQUARE FEET OR MORE REQUIRE:*

*1. A PERMANENT FOUNDATION*

*2. A GEOLOGIC HAZARD REPORT*

*3. A SITE PLAN SHOWING ITS LOCATION ON THE LOT RELATIVE TO LOT LINES AND THE MAIN STRUCTURE*

*4.* LIKE EXTERIOR MATERIALS, FINISH, AND COLOR AS THE MAIN STRUCTURE

*5. A BUILDING PERMIT FROM TILLAMOOK COUNTY*

*(D) ALL ACCESSORY STRUCTURES REQUIRE A WHEELER ACCESSORY STRUCTURE PERMIT.*

SECTION 4.10 COTTAGE INDUSTRIES

**Section** **4.10.01** **General** **Requirements**

In residential zones, home occupations and/or cottage industries may be allowed in order to promote a local economic base consistent with the character of the city.These activities are subject to the following:

(A) Allowable uses include LIGHT MANUFACTURING, crafts and small-scale services, SUCH A DRESS-MAKING,*COMPUTER ASSISTANCE/PROGRAMING*, OR BOOKKEEPING, which have little impact on the neighborhood in terms of traffic generation, noise, *ODOR*, appearance and operating hours ~~or other factors~~

(B) THE EXISTENCE OF A COTTAGE INDUSTRY SHALL NOT BE USED AS JUSTIFICATION FOR A ZONE CHANGE.

(C) Activities are to be allowed on an implied contractual basis, with the primary stipulation that approval can be revoked for violation of standards.

**Section** **4.10.02** **Home** **Occupation** **General** **Standards**

All home occupations shall meet the following standards and/or conditions in addition to all other applicable ordinance requirements:

*(A) THE COTTAGE INDUSTRY MAY BE LOCATED IN THE RESIDENCE, GARAGE OR ACCESSORY BUILDING PROVIDED IT DOES NOT OCCUPY MORE THAN 500 TOTAL SQUARE FEET OF FLOOR SPACE*

*(B) THE COTTAGE INDUSTRY MUST BE PRIMARILY CARRIED OUT BY THE DWELLING UNIT RESIDENTS ON SITE*

*(C) THE COTTAGE INDUSTRY CAN BE CARRIED OUT BY* no more than four employees including members of the family.

*(D) IF NON-RESIDENTS ARE USED FOR ANY PART OF THE WORK, THEIR PARKING CANNOT BE IN THE PUBLIC RIGHT OF WAY OR IN ANY PART OF THE FRONT SETBACK AND THEY* shall ONLY WORK between 8 A.M. and 6 P.M*.*

*(E) ALL CUSTOMER PARKING OF OVER A 15 MINUTE DURATION CANNOT BE IN THE PUBLIC RIGHT OF WAY OR IN ANY PART OF THE FRONT SETBACK. LESS THAN 15 MINUTE PARKING CAN BE IN THE DRIVEWAY, BUT NOT THE PUBLIC RIGHT OF WAY.*

*(F) THERE SHALL BE NO ACTIVITIES THAT GIVE THE OUTWARD APPEARANCE OR MANIFEST THE CHARACTERISTICS OF A RETAIL BUSINESS OTHER THAN A SIGN.*

*(G) THE COTTAGE INDUSTRY SHALL BE LIMITED TO ONE NON-ILLUMINATED MOUNTED SIGN NOT TO EXCEED 4 SQUARE FEET IN AREA.*

*(H) T*here shall be no outdoor storage of materials *OR EQUIPMENT.*

(I)Materials shall only be delivered between 8:00 a.m. and 6:00 p.m. daily*.*

*(J) MACHINERY OPERATIONS SHALL BE LIMITED TO THE HOURS OF 9:00 A.M. AND 5:00 P.M. DAILY.*

*(K) NO EQUIPMENT OR PROCESS USED SHALL CREATE NOISE, VIBRATION, GLARE, FUMES, DUST, ODORS, SMOKE, ELECTRICAL INTERFERENCE OR OTHER IMPACTS IN EXCESS OF THOSE CUSTOMARILY GENERATED BY SINGLE-FAMILY RESIDENTIAL USES IN THE NEIGHBORHOOD*

**Section** **4.10.03** **Non-Compliance**

(A) The Planning Commission shall review cottage industries upon receipt of three written complaints from three separate households within 250 feet of the boundary of the affected property, or a complaint from the Planning Commission. The City Manager ~~Recorder~~ shall schedule a public hearing to review the complaints.

(B) The Planning Commission shall hear the evidence presented, and may, with adequate findings of fact:

(1) Approve the use as it exists, or

(2) Require that it be terminated, or

(3) Impose restrictions, such as limiting hours of operation. Decisions of the Planning Commission may be appealed to the City Council.

(C) New complaints which are substantially similar to those previously acted upon will be heard by the Planning Commission only after a period of six months has elapsed from the date of the earlier decision unless the Planning Commission believes that any restrictions it has imposed have not been followed

SECTION 4.11 BED AND BREAKFAST ESTABLISHMENTS

**Section** **4.11.01** **Purpose**

THE PURPOSE OF THIS CHAPTER IS TO PROVIDE DEVELOPMENT GUIDELINES AND OPERATING REQUIREMENTS FOR A BED AND BREAKFAST ESTABLISHMENT WITHIN THE CITY. *THE REQUIREMENTS FOR A BED AND BREAKFAST SHALL DIFFER SLIGHTLY IF IT IS IN A RESIDENTIAL ZONE (R1 OR R2) OR A COMMERCIAL ZONE (GC OR WRC*).

**Section** **4.14.02** **General** **Land** **Use** **Provisions**

THE FOLLOWING GENERAL DEVELOPMENT PROVISIONS SHALL APPLY:

(A) Ownership. The dwelling shall be owner occupied.

(B) LOCATION**.** THE ESTABLISHMENT SHALL BE LOCATED ALONG, OR WITHIN 500 FEET, OF A COLLECTOR OR ARTERIAL STREET. *LOCATION WILL BE A CONSIDERATION FOR TH PLANNING COMMISSION RELATIVE TO TRAFFIC IMPACT ON WHETHER TO APPROVE A BED AND BREAKFAST OR NOT.*

(B) ROOMS. *THE BED AND BREAKFAST ESTABLISHMENT SHALL BE LIMITED TO A MAXIMUM OF TWO GUEST ROOMS IN THE R-1 AND R-2 ZONES AND FOUR GUEST ROOMS IN THE GC OR WRC ZONES*.

(C) ROOM RESTRICTIONS.NO GUEST ROOM SHALL BE LOCATED WITHIN A BASEMENT.

(D) BUILDING MODIFICATION.THE GUEST ROOMS UTILIZED BY THE ESTABLISHMENT in R-1 and R-2 SHALL BE PART OF THE PRIMARY RESIDENTIAL USE AND NOT SPECIFICALLY CONSTRUCTED FOR RENTAL PURPOSES. IN NO CASE SHALL THE RESIDENTIAL CHARACTERBE *OF THE DWELLING BE* MODIFIED OR ALTERED TO ACCOMMODATE A BED AND BREAKFAST ESTABLISHMENT *EXCEP EN SUITE BATHROOMS MAY BE INSTALLED.*

(E) Parking. In addition to the parking requirements for the residence, one additional parking space shall be required for each guest room. *THE ADDITIONAL PARKING SPACE(S) CANNOT BE IN THE PUBLIC RIGHT OF WAY NOR IN ANY PART OF THE FRONT SETBACK. PARKING LOCATED WITHIN THE SIDE YARD OR REAR YARD SHALL BE SCREENED FROM ADJACENT RESIDENTIAL ZONED PROPERTY BY A SIX- FOOT HIGH SIGHT-OBSCURING FENCE OR VEGETATIVE HEDGE*.

(F) SIGNS. *SIGNS SHALL COMPLY* *WITH SECTION 4.06*

**SECTION** **4.10.03** **OPERATIONAL** **REQUIREMENTS**

THE FOLLOWING SHALL CONTINUALLY APPLY TO THE OPERATION OF THE ESTABLISHMENT:

*(A) ALTHOUGH THE ESTABLISHMENT SHALL BE MAINTAINED AND OPERATED SOLELY BY THE ON-PREMISE OWNER OF THE RESIDENCE CONTAINING THE BED AND BREAKFAST, STAFF CAN BE HIRED FOR CLEANING AND SIMILAR TASKS.*

*(B) NO RETAIL OR OTHER SALES SHALL BE PERMITTED UNLESS CLEARLY INCIDENTAL AND DIRECTLY RELATED TO THE CONDUCT OF THE ESTABLISHMENT (E.G., COFFEE CUPS OR T-SHIRTS WITH THE BUSINESS LOGO).*

*(C) THE ESTABLISHMENT SHALL NOT BE USED BY THE PUBLIC OR PAYING GUESTS FOR THE HOSTING OF RECEPTIONS, WEDDINGS, PRIVATE PARTIES, OR SIMILAR FUNCTIONS.*

*(D) MEALS SHALL BE LIMITED TO BREAKFAST AND SNACKS AND SHALL BE SERVED ONLY TO OVERNIGHT GUESTS (EXCEPT RESIDENT FAMILY MEMBERS OR STAFF MAY ALSO RECEIVE BREAKFAST). THE OPERATOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY FOOD SERVICE AND OTHER PERMITS AND COUNTY INSPECTIONS.*

*(E) THE IMPROVEMENTS, MAINTENANCE, AND OPERATION OF THE ESTABLISHMENT SHALL CONTINUALLY COMPLY WITH APPLICABLE BUILDING CODE, SAFETY, AND HEALTH REGULATIONS.*

*(G) A COPY OF THE TILLAMOOK COUNTY BED & BREAKFAST PERMIT AND ANY RENEWALS MUST BE SENT TO THE CITY MANAGER.*

*ALL BED AND BREAKFAST ESTABLISHMENTS ARE SUBJECT TO INSPECTION. PRACTICES THAT DO NOT COMPLY WITH THE REQUIREMENTS ABOVE AND ALL FEDERAL, STATE AND LOCAL REGULATIONS SHALL BE SUBJECT TO THE PENALTIES AND REMEDIES OF THOSE* LAWS AND ORDINANCES.

SECTION 4.11 AUTOMOBILE ORIENTED USES

**Section** **4.11.01** **Drive-up,** **Drive-in** **and** **Drive-through** **Facilities**

DRIVE-UP, DRIVE-IN AND DRIVE-THROUGH FACILITIES (E.G., ASSOCIATED WITH RESTAURANTS, BANKS AND SIMILAR USES) ARE *CONDITIONALLY* PERMITTED – *THEY MUST OBTAIN A CONDITIONAL PERMIT* - ONLY WHEN ACCESSORY TO A PRIMARY COMMERCIAL “WALK-IN” USE, AND SHALL CONFORM TO ALL OF THE FOLLOWING STANDARDS:

(A) THE FACILITY RECEIVES ACCESS FROM AN ALLEY OR DRIVEWAY, AND NOT A STREET;

(B) NONE OF THE DRIVE-UP, DRIVE-IN OR DRIVE-THROUGH FACILITIES (E.G., DRIVEWAY QUEUING AREAS, WINDOW, TELLER MACHINES, SERVICE WINDOWS, DROP-BOXES AND SIMILAR FACILITIES) ARE LOCATED WITHIN 20 FEET OF A STREET AND SHALL NOT BE ORIENTED TO A STREET CORNER. WALK-UP ONLY TELLER MACHINES AND KIOSKS ARE EXEMPTED FROM THIS REQUIREMENT

(C) THE FACILITY IS SUBORDINATE TO A PRIMARY PERMITTED USE. SUBORDINATEMEANS ALL COMPONENTS OF THE FACILITY - IN TOTAL - OCCUPY LESS STREET FRONTAGE THAN THE PRIMARYCOMMERCIAL BUILDING

(D) NO MORE THAN ONE DRIVE-UP, DRIVE-IN OR DRIVE-THROUGH FACILITY SHALL BE PERMITTED ON ONE BLOCK, OR FOR A DISTANCE OF 300 LINEAR FEET ALONG THE SAME STREET FRONTAGE.