

SECTION 21 - INTERPRETATIONS AND EXCEPTIONS

1. General Exceptions to Lot Size Requirements. If at the time of passage of this Ordinance, or annexation to the city, a legally created lot or the aggregate of contiguous lots or land parcels held in a single ownership, has an area or dimension less than required for the zoning district in which the property is located, the lot or aggregate holdings may be occupied by any permitted use in the district subject to compliance with all other requirements of the district, provided however, that the use of a lot in an R-7.5, R-5.0 or R-O District which has an area deficiency shall be limited to a single-family dwelling.
2. Accessory Structures and Uses.
 - A. A greenhouse or hot house may be maintained accessory to a dwelling provided there are no sales.
 - B. A guest house may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house.
 - C. Sight obscuring fences, as per Section 3 (Definitions), may be located in a required front yard or in a vision clearance area provided that they shall not exceed three (3) feet in height measured from the top of the curb.
3. Exception to Height Regulations. Height limitations set forth elsewhere in this Ordinance shall not apply to: Barns, silos, or other farm buildings and structures, water towers and tanks, provided they are not less than 50 feet from every lot line; chimneys, church spires, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, monuments, fire hose towers, masts, aerials, elevator shafts and other similar projections; and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater.
4. Access. Except as permitted by other provisions of this Ordinance, no lot shall contain any building used in whole or in part for residential purposes unless said lot abuts a street or an alley for a distance of at least 40 feet.
5. Vision Clearance Area. Vision Clearance Area shall be provided within the triangular corner, two sides of which are the intersecting right-of-way lines, and the third side, the connection of points on those right-of-way lines the following distance from the point of intersection of those two lines (See Figures 1 and 2.)
 - A. In a residential district, the minimum distance shall be **20 feet at street intersections** or, at intersections including an alley, 10 feet, **measured from the property line.**
 - B. In all other districts where yards are required, the minimum distance shall be 15 feet or at intersections including an alley, 10 feet, except that when the angle of intersection between streets other than an alley is less than 30 degrees, the distance shall be 25 feet, **measured from the property line.**

In districts where no yards are required, the minimum distance shall be 10 feet, **measured from the property line.**

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C. Vision clearance area shall contain no plantings, fences, walls, structures or temporary or permanent obstructions exceeding three (3) feet in height measured from the top of the curb, except that street trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of ten (10) feet above the grade, and a maximum of two (2) sign support posts not exceeding eight (8) inches in diameter may be located in this area provided that no portion of the sign or signboard may extend below ten (10) feet above the grade.

D. In the public right-of-way, the minimum distance shall be 30 feet at street intersections measured from the curb tangent point where the arc and ray, or straight curb meet.

E. Nothing in this Section shall be deemed to permit a sight obstruction within any required yard area at a street or alley intersection interfering with the view of operators of motor vehicles on the streets or alleys to such an extent as to constitute a traffic hazard. If the planning commission finds that this is the case, it shall have the authority to order the removal or modification of any such obstruction within any such required yard area.

F. The order shall be effective upon delivery of written notice to the owner of the property giving the owner ten days after delivery of the notice in which to remove or modify the obstruction; provided, that said notice may be given by certified letter addressed to the owner at the address indicated in the records of the Tillamook County department of assessment and taxation, and the ten-day period shall run from the date of mailing of such notice. Any decision of the planning commission may be appealed in writing to the city council, if written notice of appeal is filed with the city recorder within ten days after the giving of the notice to remove or modify.

6. Exception to Yard Requirements.

A. Projects into required yards. Certain architectural features may project into required yards or courts as follows:

- 1) Cornices, canopies, eaves, belt courses, sills, or other similar architectural features, or fireplaces, but they may not in any case extend more than eighteen (18) inches into any required yard areas.

Fire escapes, open uncovered porches, balconies, landing places or outside stairways may not in any case extend more than eighteen (18) inches into any required side or rear yards, and not exceeding six (6) feet into any required front yard. This is not to be construed as prohibiting open porches or stoops not exceeding eighteen (18) inches in height and not approaching closer than eighteen (18) inches to any lot line.

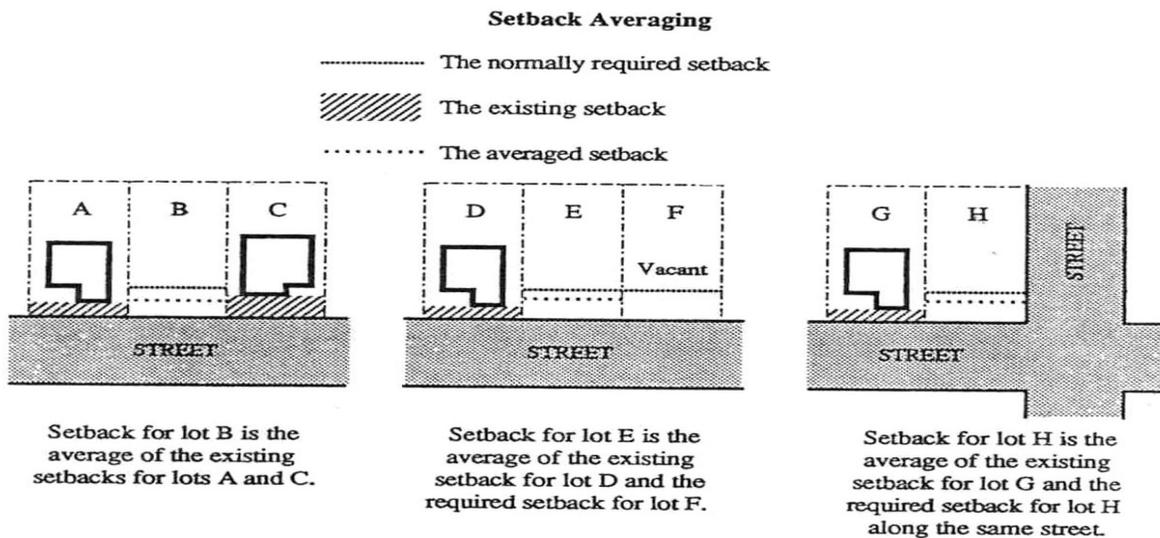
B. Residential use in Commercial or industrial Zoning Districts. Any structure in a "C" or "I" District designed and used for residential purposes shall comply with the requirements of the R-O District. Structures in any "C" or "I" District which contain dwelling units not on the ground floor need not comply with residential district yard requirements, provided such

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structures comply with other applicable codes or regulations as may exist concerning the health and safety aspects of the dwelling units.

C. Front Yard Exceptions. The following exceptions to the front yard requirements are authorized for a lot in any zone:

- 1) If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard of the lot may equal the average front yard of the abutting lots.***
- 2) If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot may equal a depth halfway between the depth of the abutting lot and the required front yard depth.***



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D. Structures Within Yards. Decks, walkways or uncovered porches, 12 inches or less in height above grade, may be located within a required yard no closer than five (5) feet from the property line.

E. Portable accessory structure or object.

1. Portable accessory structures or objects may be located in a rear yard or street-side yard setback provided all of the following are met:

a. Such structures or objects, with the exception of basketball hoops, shall be less than 10' in height. Basketball hoops shall be less than 20' in height; and

b. Shall have structural walls located no closer than five (5) feet from the property line; and

c. Shall have a footprint of less than 200 square feet.

7. Authorization for Similar Uses. The Planning Commission may rule by resolution that a use, not specifically named in the allowed uses of a district shall be included among the allowed uses, if the use is of the same general type and is similar to the allowed uses.

8. Existing Uses. Except as hereinafter specified, any use, building or structure lawfully existing at the time of the enactment of this ordinance, may be continued even though such use, building or structure may not conform to the provisions of this Ordinance for the district in which it is located; provided however, that this section does not apply to any use, building or structure established in violation of any zoning ordinance previously in effect. Any change of use shall be subject to the applicable provisions of this Ordinance.

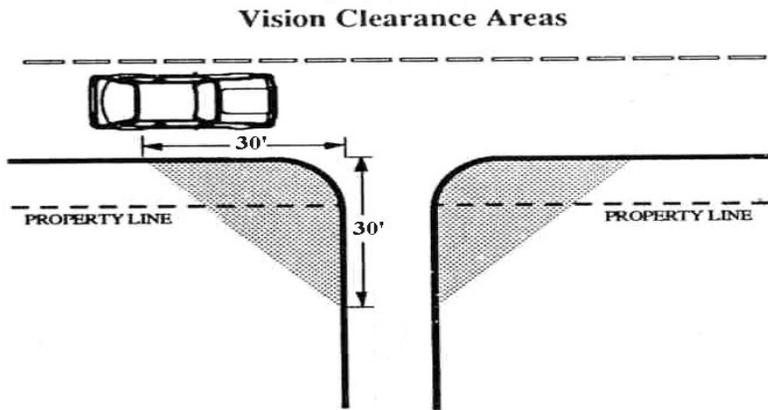
9. Pending Building Permits. Nothing herein shall require any change in the location, site plans, building plans, construction, size, or designated use of any development, building, structure or part thereof, for which the required official approval has been granted prior to the adoption of this Ordinance, or which was lawfully permitted within an area prior to annexation thereof to the City of Tillamook. Unless construction on such building or structure within the City begins within one (1) year after the adoption of this Ordinance, no such existing permit shall be deemed to allow any building or use which would not conform to the requirements of this Ordinance.

10. Existing Land Restrictions. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided however, that where this Ordinance imposed a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

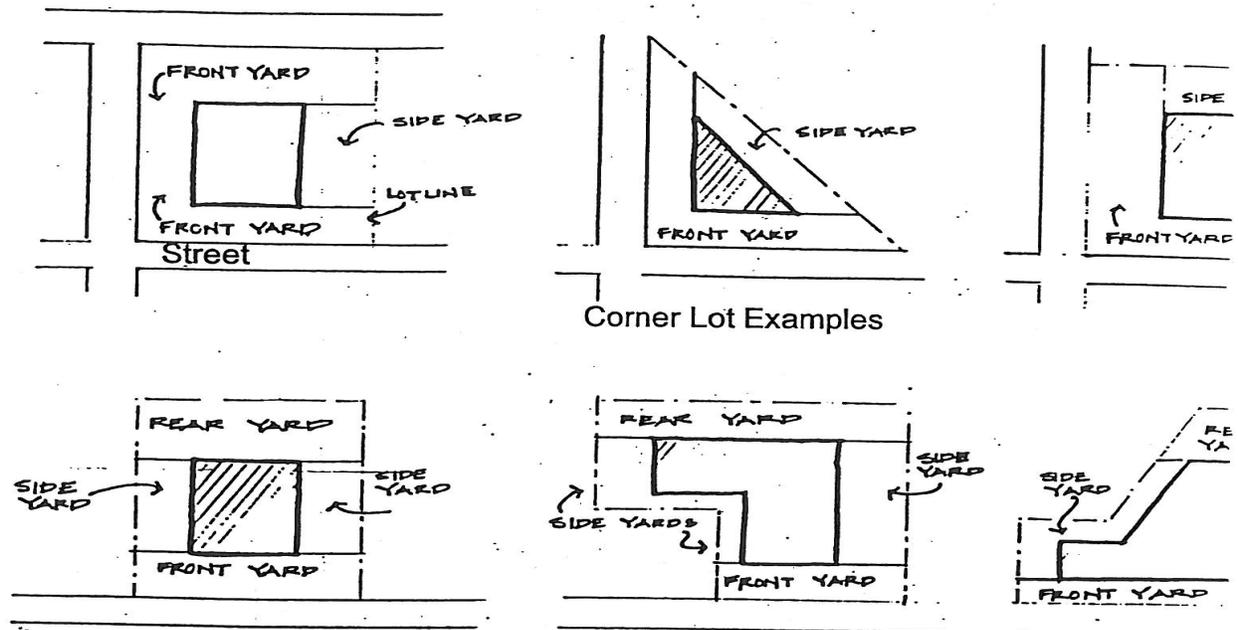
11. The following illustrations are provided for further description.

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A. Clear Vision Area

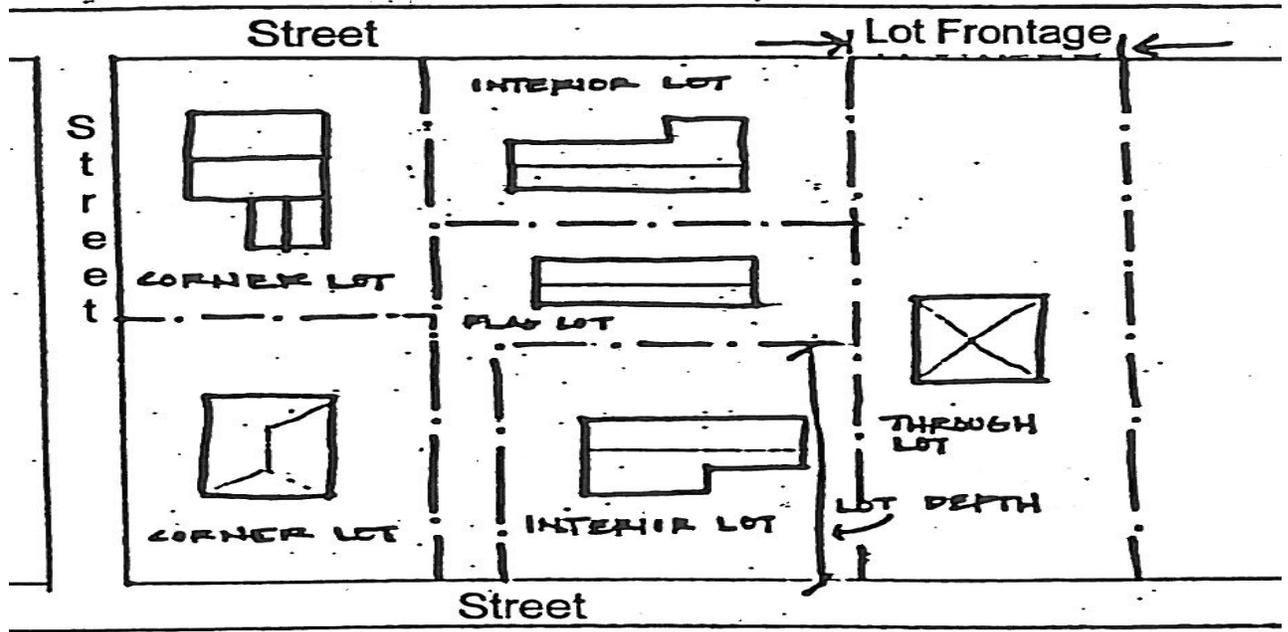


B. Yards.



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D. Lots.



E. Block.

