

## **ARTICLE 5.3 – BUILDING SETBACKS AND YARDS**

### **SECTION 5.3.001 - PURPOSE**

The purpose of requiring yards is to provide for yard area around structures to ensure adequate privacy, desirable and safe visibility, and outlook from nearby roads and buildings; natural light, ventilation, and sunlight; access to and around buildings; buffering between uses; and space for landscaping, gardening, and recreation.

### **SECTION 5.3.002 – PROPERTY LINE LOCATION RESPONSIBILITIES AND EXEMPTION TO YARD STANDARDS**

- A. Property Line Location Responsibilities. It shall be the property owner's responsibility to establish and clearly mark all necessary property boundaries prior to obtaining a building permit as determined by the City. The established property lines shall be used as a reference to ensure that the development satisfies all applicable requirements of this Code. If property boundaries cannot be accurately established by the property owner, the City may require a certified survey. If a survey is required, proof of survey shall be provided to the Planning Division prior to issuing land use authorization for a building permit.
- B. The minimum yard requirement of this Code applies to all uses except the following:
1. Fences, hedges or walls six feet (6') or less in height above the finish grade of the site, when located in a required side or rear yard.
  2. Fences, hedges or walls four feet (4') or less in height, when located in a required front yard.
  3. All common wall constructions.
  4. Where lots comprising more than fifty percent (50%) of the block frontage are developed with front yards less than the depth required herein, the setback may be the average of such existing front yards but shall not be less than ten feet (10').
  5. The following architectural features shall meet the setbacks shown:
    - a. Cornices, eave overhangs, bay windows, chimneys, solar collectors, planting boxes, cantilevered decks and similar architectural features may extend into any required front or rear yards not exceeding five feet (5'), and into any required side yard not exceeding two feet (2').
    - b. Unenclosed porches, landings, stairways, or fire escapes, not covered by a roof may extend into any required front or rear yard not exceeding five feet (5'), and into any required side yard to within three feet (3') of property line. Street corner side yard setbacks shall be the same as Subsection 1 above.
    - c. Decks, patios, sidewalks, driveways, and similar architectural features less than fifteen inches (15") above grade shall not be regulated as to setbacks.

**SECTION 5.3.003 - FRONT YARDS**

The front yard is measured at right angles from the nearest point on the front property line to the building line.

A. Residential Zones

1. Development in subdivisions recorded prior to the 2006 Code shall have a minimum front yard of twenty feet (20').
2. Development in residential zones, including the R-P Zone, within newly created subdivisions recorded subsequent to the 2006 Code, shall have a minimum front yard of fifteen feet (15'), and twenty feet (20') for the garage, measured from the garage door along the center of the driveway to the established property line.

B. Commercial and Industrial Zones

1. Development in Commercial or Industrial Zones shall not require a minimum front yard setback.
2. Front yards in Commercial and Industrial Zones may be used for landscaping and parking, if a front yard is provided.

C. Double Frontage Lots

1. Where double frontage yard locations are not specified by subdivision map requirements or other applicable regulations, the applicant may select the street for the front yard; unless fifty percent (50%) of the lots on a double frontage block are developed with the same front yard orientation, all remaining lots are to orient their front yards the same as the majority.

D. Public Facilities Zone

1. No front yard setback is required, unless the property abuts a Residential Zone, in which case a front yard setback shall be provided as required in said Residential Zone.

**SECTION 5.3.004 - SIDE YARDS**

The side yard is measured at right angles to the side property line to form a line parallel to the side property line, which extends between the front and rear yard areas. The minimum side yard is to be as follows:

A. Residential Side Yard Requirements

1. These requirements apply to development in residential zones, including the R-P Zone, within subdivisions recorded prior to the 2006 Code except where otherwise provided by this section.
  - a. Five feet (5').
2. These requirements apply to development in residential zones, including the R-P Zone, within newly created subdivisions recorded subsequent to the 2006 Code, except where otherwise provided by this section.
  - a. Five feet (5').
  - b. Zero feet (0') for common wall residences.
  - c. Zero feet (0') for detached residences approved as part of a Planned Unit Development (Article 3.7) or Specific Plan areas (Article 3.17).

- B. Corner Lots - The side yard on the street side of a platted corner lot recorded subsequent to the 2006 Code is to be a minimum of fifteen feet (15'), and twenty feet (20') for the garage. This may be reduced to ten feet (10') for an existing platted lot recorded prior to the 2006 Code, and twenty feet (20') for the garage. If a side yard abuts an alley, the minimum side yard width shall be ten feet (10') for a residential unit and five feet (5') for a detached accessory building.
- C. Accessory Buildings - Accessory buildings as herein permitted, shall meet required side yard setbacks of the applicable zone.
- D. Commercial and Industrial Zones - No side yard shall be required in the Commercial or Industrial zones except:
  - 1. When the commercial or industrial site abuts a Residential Zone, the side yard abutting the Residential Zone is to be a minimum of twenty feet (20') and is to be increased one foot (1') for each two feet (2') of commercial or industrial building height above thirty-five feet (35').
  - 2. Commercial uses in the R-P Zone shall have minimum side yard setbacks of five feet (5').
- E. Public Facilities Zone – No side yard shall be required in the Public Facilities Zone, unless the property abuts a Residential Zone, in which case a side yard setback shall be provided as required in said Residential Zone.

**SECTION 5.3.005 - REAR YARD**

The rear yard is measured at right angles to the rear property to form a line parallel to the rear property line.

- A. Residential Zones - There shall be a minimum rear yard of twenty feet (20') in all residential zones, except where otherwise provided within this Subsection.
  - 1. This requirement applies to development in residential zones, including the R-P Zone, within subdivisions recorded prior to the 2006 Code except where otherwise provided by this section.
    - a. Twenty feet (20').
  - 2. These requirements apply to development in residential zones, including the R-P Zone, within newly created subdivisions recorded subsequent to the 2006 Code, except where otherwise provided by this section.
    - a. Twenty feet (20') in the HD, RR-1 and R-3 Residential Zones.
    - b. Fifteen feet (15') in the R-1, R-2 and R-P Residential Zones.
  - 3. Detached Accessory Building - As herein permitted, accessory buildings may be located in a rear yard of a residential zone no closer than five feet (5') from the rear property line, except for a through lot where they must be set back a minimum of twenty feet (20'). A rear yard on an alley may permit building to the property line or ten feet (10') from the center line of the alley if ownership is to center line of said alley, provided the eave does not overhang into the right-of-way in which case it must be set back the depth of the eave.
- B. Commercial Zones - There shall be no minimum rear yard in commercial zones except as follows:

1. Where the rear property line abuts an alley, the rear yard is to be at least five feet (5').
  2. Where the rear property line abuts a residential zone, the rear yard is to be a minimum of twenty feet (20'). The minimum rear yard is to be increased one foot (1') for each two feet (2') of commercial or industrial building height above thirty-five feet (35'). The required rear yard may be used for parking, storage, or landscaping.
- C. Industrial Zones - There shall be no minimum rear yard requirements in industrial zones, except:
1. Where the rear property line abuts an alley right-of-way, in which case the rear yard is to be a minimum of five feet (5').
  2. Where the rear property line abuts a residential zone, in which case the rear yard is to be as specified in Subsection B(2) of this Section.
- D. Public Facilities Zone - No rear yard shall be required in the Public Facilities Zone, unless the property abuts a Residential Zone, in which case a rear yard setback shall be provided as required in said Residential Zone.

**SECTION 5.3.006 - INTERIOR**

Detached buildings located on the same site are to be separated as follows:

- A. Accessory Buildings - An accessory building is to be located no closer than six feet (6') from any principal building, unless fire protection is provided per Building Code. Any building located less than three feet (3') from the primary building shall be attached to the primary building.
- B. Residential Buildings - A principal building (including a multi-family dwelling) is to be located no closer to another principal building than ten feet (10'). Common wall construction is exempt from this setback requirement.
- C. Non-Residential Buildings - As provided by the Building Code as adopted and amended by the State of Oregon.