

418 SETBACKS

418-1 Obstruction in Required Yards

Required yards shall be horizontally unobstructed except as follows:

- 418-1.1 Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend, or project into a required side yard not more than two (2) inches for each (1) foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty (30) inches. Chimneys may not project into a front or rear yard more than twenty-four (24) inches. Chimneys may project up to twenty-four (24) inches into a side yard setback, but no closer than three (3) feet to a property line.
- 418-1.2 Open balconies and unenclosed stairways more than thirty (30) inches in height and not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet and such porches may extend into a required front yard not more than thirty (30) inches.
- 418-1.3 A ground level deck not more than thirty (30) inches in height and not covered by a roof or canopy may be allowed in any yard regardless of the setback requirements.
- 418-1.4 A deck more than thirty (30) inches in height, not covered by a roof or canopy, may be allowed in a required rear yard not closer than five (5) feet to the rear property line when the rear yard abuts a designated open space or public non-buildable tract. Such tracts may include flood plains, power line easements, or drainage courses.

418-2 Additional Setbacks Required for Future Right-of-Way

- 418-2.1 Where a yard or setback abuts a street having insufficient right-of-way width, the minimum yard or setback requirement shall be increased by half the additional right-of-way necessary to meet the County Standard. Classification of streets and roads shall be determined by the Transportation Plan, including the Functional Classification Transportation System Map.
- 418-2.2 Prior to issuance of a building permit where the land use action is subject to growth management, an applicant shall dedicate the additional right-of-way to meet the County Standard. Notwithstanding the above, outside the UGB, dedication of additional right-of-way to meet the County standards shall be required prior to the issuance of any building permit where required as a valid condition of approval.
- 418-2.3 Setback requirements shall be determined from future rights-of-way as set forth by the official Washington County Functional Classification System Map, and as indicated on the Washington County Transportation Plan. When a stub street abuts a site, the property owner shall place all on-site structures in such a way as to not preclude extension of that stub street into or through the site.

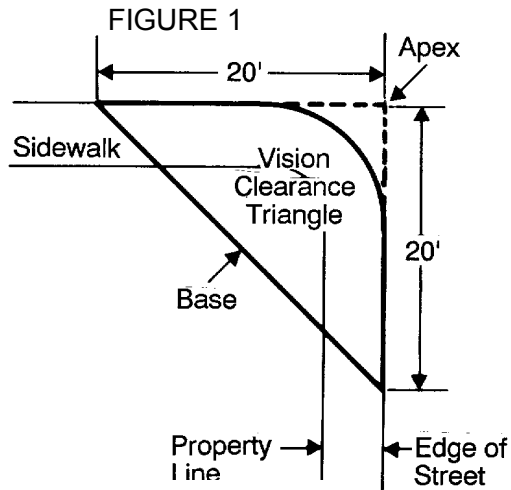
418-3 Corner Vision

Lots or parcels on street corners (public and/or private) shall maintain a sight triangle with no sight obstruction between three (3) feet and ten (10) feet in height as measured from street grade. Sight obstructions include, but are not limited to, fences, vegetation, berms, and structures. The sight triangle shall be measured from the street corner (apex), a distance of twenty (20) feet along each street side (see Figure 1). For the purpose of this Section, street corner is defined as that point where the extended edge of the road surface of two intersecting streets meet. The County may require additional vision clearance based on a hazard identified by the County. Nothing in this Section shall supersede proper application of the sight distance standards in Section 501-8.5 E.

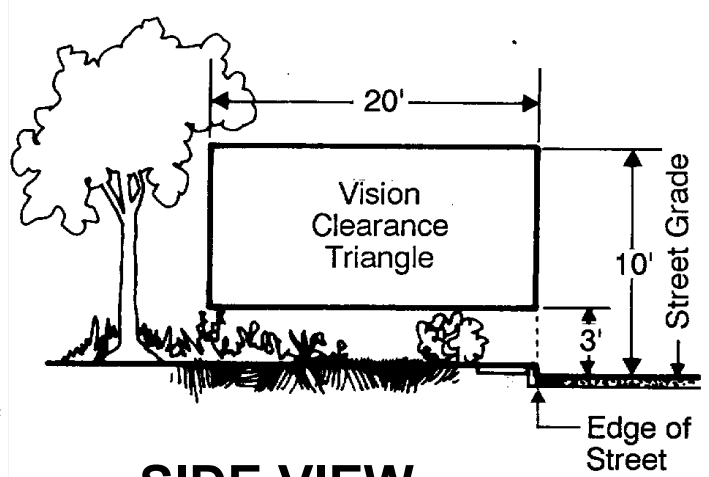
418-4 Fences and Retaining Walls

The setback requirements of this Code are not applicable to the following fence or retaining wall structures (or any combination thereof) except as required by Section 418-3:

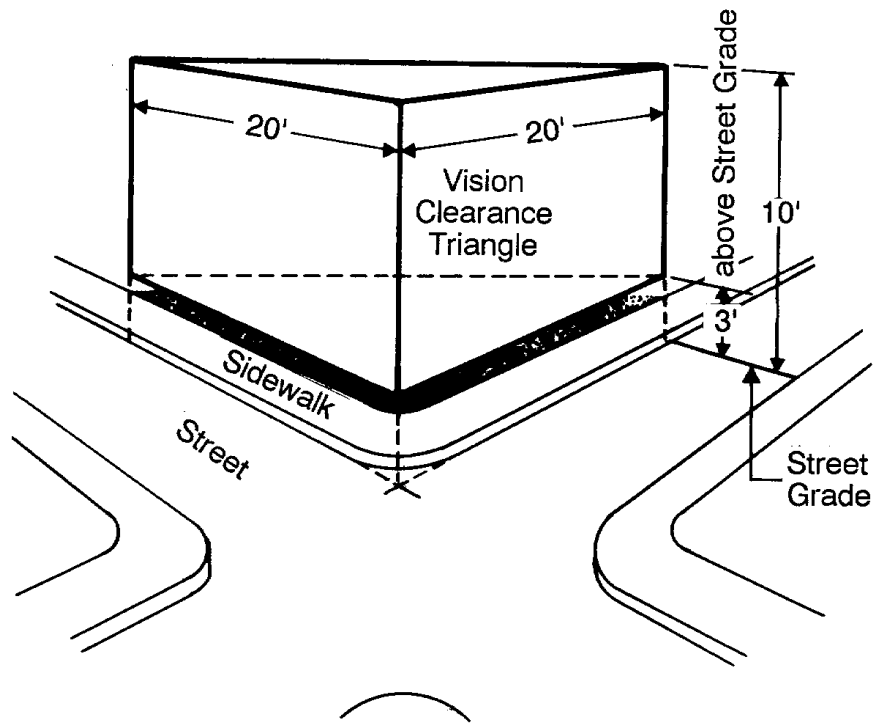
- 418-4.1 A fence, wall (includes retaining wall), screen or lattice work not more than seven (7) feet in height.
- 418-4.2 A fence, wall (includes retaining wall), screen or lattice work not more than eight (8) feet in height along a rear, side or front yard which abuts an arterial or limited-access highway.
- 418-4.3 A combination fence [not more than six (6) feet in height] and retaining wall structure [not more than four (4) feet in height] located in a side or rear yard (for design standards see Section 419-4).
- 418-4.4 Tiered retaining wall structures not exceeding seven (7) feet in height in any required yard. The maximum height measurement includes all tiers located within the yard or setback area. All non-tiered retaining walls located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.
- 418-4.5 All retaining wall structures, exceeding seven (7) feet in height, not within a required yard or setback area, on two or more contiguous properties, are exempt from the side yard setback requirement.
- 418-4.6 A wall not more than eight (8) feet in height along a side or rear property line as required by Section 411.
- 418-4.7 Residential lots or parcels shall maintain a clear vision area with no sight obscuring fence or wall (does not include retaining wall) more than three (3) feet in height, measured from finished grade, within a fifteen (15) by fifteen (15) foot triangle along a driveway. A clear vision area shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the fence line (for design standards see Figure 2 and Figure 3).



PLAN



SIDE VIEW



PERSPECTIVE

Figure 2. Plan View

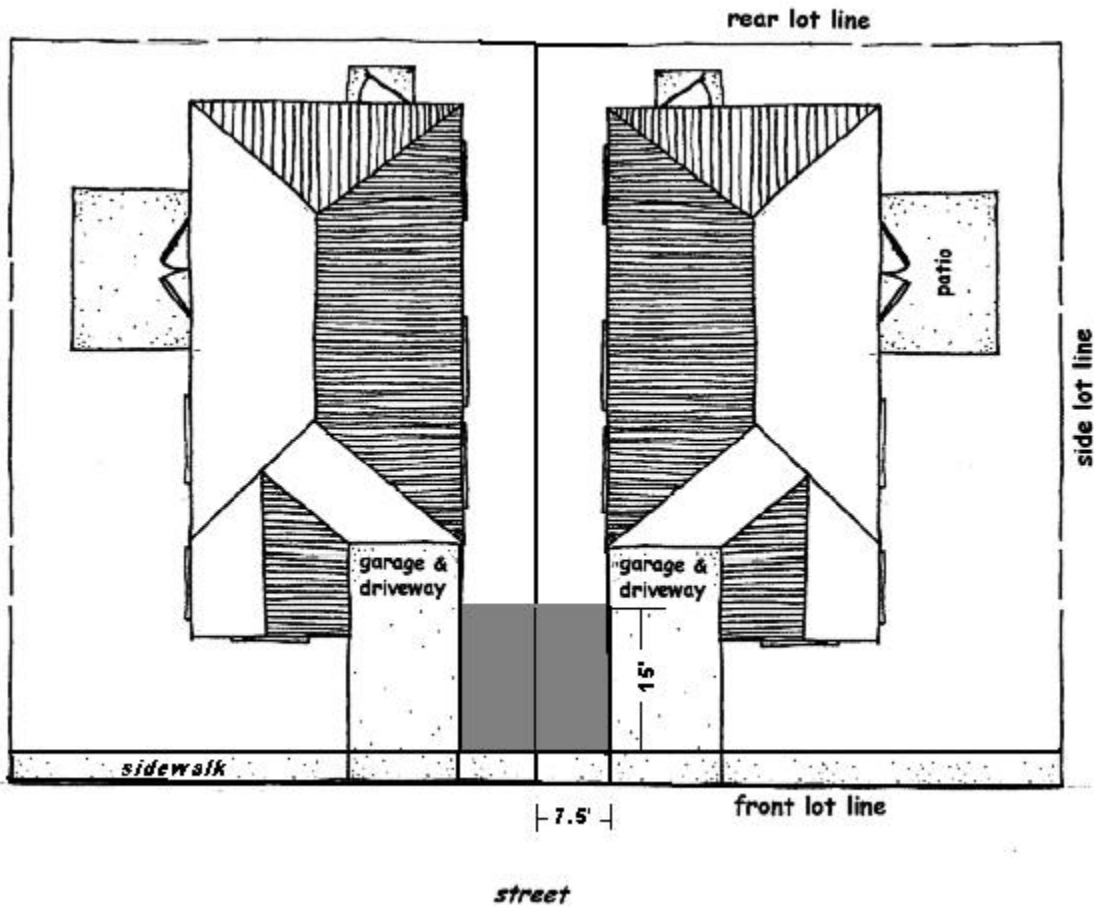
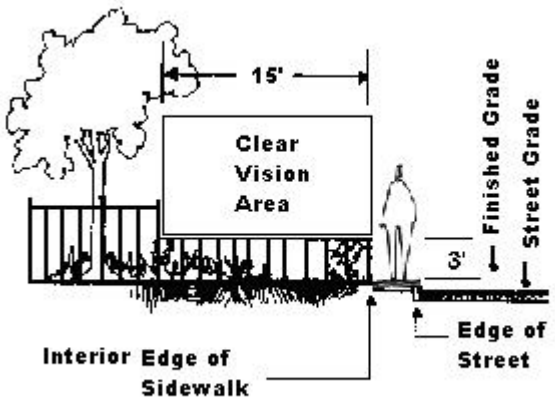


Figure 3. Side View

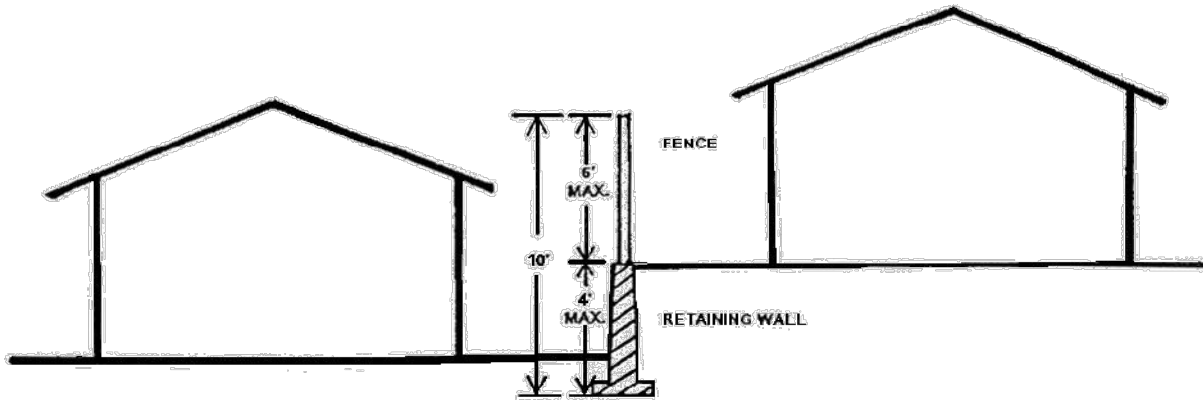


419 HEIGHT

In addition to the height restrictions in the primary districts, the following limitations shall apply:

- 419-1** Within twenty (20) feet of another primary district with a lower height restriction, the height restriction of the adjacent district shall apply.
- 419-2** Beyond the twenty (20) foot area in Section 419-1 above, the height may increase on the subject property at a ratio of one (1) foot of height to one (1) foot of horizontal distance from the adjacent primary district with a lower height limitation, to the maximum height permitted in the primary district.
- 419-3** A fence, lattice work, screen or wall (includes retaining wall) not more than seven (7) feet in height may be located in any required side, front or rear yard, except as required by Section 418-3 (corner vision). Where a rear, side or front yard abuts an arterial or limited access highway, fence height along the yard may be increased to eight (8) feet. Any fence over six (6) feet in height requires a building permit. Any retaining wall over four (4) feet in height requires a building permit (the height measurement of a retaining wall is from the bottom of footing to the top of the retaining wall).
- 419-4** A combination fence and retaining wall structure may be located in a side or rear yard. This structure shall consist of a retaining wall [not more than four (4) feet in height] and a fence [not more than six (6) feet in height]. The fence portion shall be measured from the back-filled or highest side of this structure and may not exceed six (6) feet in height. The non-back-filled or lowest side measurement may not exceed a combined total of ten (10) feet in height. This provision may only be used when there is an existing or proposed grade difference between properties and a retaining wall is required by the Building Official (see Figure 1). This structure is exempt from a structural building permit only when the backfill is level for a proportional horizontal distance to the height of the retaining wall or as approved by the Building Official.
- 419-5** Tiered retaining wall structures shall not exceed seven (7) feet in height in any required yard. The maximum height measurement includes all tiers located within the yard or setback area. All non-tiered retaining walls located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.
- 419-6** There shall be no limitation of vegetation such as hedges, except as provided in Section 418-3.
- 419-7** No structure or structural part shall exceed height standards for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.

Figure 1.



420 CREATION OF LOTS BELOW 20,000 SQUARE FEET IN THE R-9, R-15, R-24 and R-25+ DISTRICTS

To partition or subdivide below twenty-thousand (20,000) square feet in the R-9, R-15, R-24 and R-25+ Districts, approval shall be based on the following:

- 420-1** Placement of the dwelling units in a manner which will not preclude future development of the site unless the development plan indicates complete parcelization of the site;
- 420-2** A plan indicating access and circulation on the site and the relationship to surrounding properties, street stubs, existing rights-of-way and proposed roads;
- 420-3** The location of urban services. If urban services are not available, the time table for their provision and the future location of the services;
- 420-4** Location of any natural features (flood plain or other hazards) which might inhibit full development;
- 420-5** Compliance to the requirements of Articles V and VI.

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