

BINGEN MUNICIPAL CODE

Chapter 17.60

USE REGULATIONS

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17.60.010 Purpose.

Provisions of this chapter are of general application to several districts unless otherwise noted. It is the intent of this title to provide standards sufficient to afford continuing protection to property and yet be adaptable enough to avoid unnecessary hardship or interference with growth and natural change. Those special deviations are to be contrasted with the granting of a variance which requires discretionary action by the board of adjustment where standards cannot be completely defined. (Ord. 440, Att. A (part) 1997).

17.60.020 Lot reduction—Prohibited when.

No property may be so reduced in area that it would be in violation of minimum lot size, yard provisions, lot coverage, off-street parking or any other requirements of the district or use. (Ord. 440, Att. A (part) 1997).

17.60.030 Lot reduction—Exceptions.

Building or structures may be erected, moved, or structures altered on property which is less than the minimum lot area or dimensions for the district in which it is located provided such property existed by title in its present form and size before the date of adoption of the ordinance codified in this title. In such cases documentation shall be submitted by the person claiming benefits from this cause. This section shall not waive other minimum requirements of this title. (Ord. 440, Att. A (part) 1997).

17.60.040 Front yard requirements.

Where any front yard is required, no building shall be thereafter erected or altered so that any portion thereof is nearer the front property line than the distance indicated by the depth of the required front yard. (Ord. 440, Att. A (part) 1997).

17.60.050 Front yard projections.

- A. Eaves, cornices, steps, platforms, front porches, decks and similar projections, having a roof covering and not being enclosed but not exceeding in width one-half of the building nor more than one story in height, may extend into the front yard not more than twenty percent of the distance from the exterior wall of the structure to the front property line.

- B. Steps, terraces, platforms, porches, decks and similar projections having no roof covering and no more than the minimum required support structure as per applicable building codes may be built within a front yard, but in no case shall such projections cause a front yard to be less than ten feet from the face of the projection to the front property line. The lower portion supporting steps, terraces, platforms, porches, decks and similar projections that are no more than four (4) feet in height may be enclosed but may not be used for living space. At grade steps, sidewalks and driveways are allowed within the front yard. (Ord. 440, Att. A (part), 1997; Ord. 509 §2, 2005; Ord. 526 §2, 2006).

17.60.060 Side yard requirements.

Where any specified side yard is required, no building shall be erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard. (Ord. 440, Att. A (part) 1997).

17.60.070 Side yard projections.

Eaves, cornices, chimneys, and similar projections, may extend over the required side yard for a distance of not more than two feet. (Ord. 440, Att. A (part) 1997).

17.60.075 Projections in side yards along flanking street of corner lot.

Upon review and approval by the mayor or his designee, eaves, cornices, chimneys, steps, terraces, platforms, porches, decks and similar projections having no roof covering and no more than the minimum required support structure as per applicable building codes may be built within a side yard along a flanking street of a corner lot, but in no case shall such projections cause a side yard along a flanking street of a corner lot to be less than ten feet from the face of the projection to the side yard property line along a flanking street of a corner lot. The lower portion supporting steps, terraces, platforms, porches, decks and similar projections that are no more than four (4) feet in height may be enclosed but may not be used for living space. At grade steps, sidewalks, and driveways are allowed within the side yard along a flanking street of a corner lot. (Ord. 514 §1, 2005).

17.60.080 Rear yard projections.

- A. Eaves, cornices, steps, platforms, rear porches, decks and similar projections that are enclosed and not used for living space but not exceeding in width one-half of the building nor more than one story in height, may extend into the rear yard not more than twenty percent from the exterior wall of the structure to the rear property line.
- B. Steps, terraces, platforms, porches, decks and similar projections having no roof covering and no more than the minimum required support structure as per applicable building codes may be built within a rear yard, but in no case shall such projections cause a rear yard to be less than ten feet from the face of the projection to the rear property line. The lower portion of supporting steps, terraces, platforms, porches, decks and similar projections that are no more than four (4) feet in height may be enclosed but may not be used for living space. At grade steps, sidewalks, and driveways are allowed within the rear yard. (Ord. 440 Att. A (part), 1997; Ord. 526 §3, 2006).

17.60.090 Corner line lot visibility.

For traffic safety purposes, no obstruction restricting corner visibility will be permitted closer than ten feet to the corner. (Ord. 440, Att. A (part) 1997).

17.60.100 Setback—Irregularly shaped lots.

On irregularly shaped lots, the average distance from the building line to the lot line shall not be less than the minimum yard provision, provided, however, that no part of the structure shall be located so that one-half the minimum yard provision occurs at any point along such averaged alignment. (Ord. 440, Att. A (part) 1997).

17.60.110 Home occupations.

- A. Home occupations when permitted are those which customarily are carried on within a dwelling by the residents only. Such activity shall be secondary to the use of the dwelling for living purposes.
- B. No home occupations shall be permitted which is objectionable due to noise, dust, smoke, odor, glare, traffic attraction or other disturbing influences greater than that of other residential properties in the vicinity.
- C. There shall be no exterior modification or adornment of the structure which would suggest a use of other than residential properties in the vicinity.
- D. In all residential districts no service shall be allowed on the premises which attract the presence of persons in connection with the home occupations in excess of an average of four persons per day, including customers.

- E. All home occupations must receive final written permission from the planning commission. (Ord. 440, Att. A (part) 1997).

17.60.120 Professional offices and clinics.

Professional offices and clinics when permitted under conditional exceptions in districts more restrictive than the C district shall meet the following requirements:

- A. Minimum lot shall be ten thousand square feet;
- B. Maximum lot coverage shall be thirty-five percent;
- C. Buildings, structures and landscaping shall harmonize with buildings in the vicinity. (Ord. 440, Att. A (part) 1997).

17.60.130 Accessory structures.

- A. Accessory structures 300 square feet or less shall be allowed within the rear yards of residential districts with the following minimal setback requirements:
 - 1. Minimum rear yard required: 5 feet
 - 2. Minimum side yard required: 5 feet
 - 3. Minimum side yard width along flanking street of corner lot required: 15 feet
- B. Accessory structures within residential districts that are more than 300 square feet shall meet the minimal setback requirements as identified in BMC 17.20, BMC 17.24, and BMC 17.28. (Ord. 576 §2, 2010).