

Sec. 8106-4.4 - Determination of Setbacks for Through Lots

- a. If the area of a through *lot* is less than twice the minimum *lot* area for the zone, one street frontage shall be designated as the front, and the other frontage shall be the rear.
- b. If the *lot* area is two or more times the minimum area for the zone, each street frontage shall be considered a front for purposes of determining setbacks.

(ADD. ORD. 3810 - 5/5/87)

Sec. 8106-5 - Exceptions to Required Setbacks and Height

The following are exceptions to the standards given in Sec. 8106-1:

Sec. 8106-5.1 - Accessory Structures in Certain Setback Areas

Detached accessory structures not used for human habitation may be constructed to within three feet of interior and rear *lot* lines, provided that:

- a. In no case shall any such accessory structure(s) occupy more than 40 percent of the rear setback area which is measured by multiplying the required minimum rear setback set forth in Section 8106-1 by the particular *lot* width; and
- b. Setbacks for the street side of the *lot* shall be maintained as set forth in Section 8106-1.

Sec. 8106-5.2 - Accessory Structures in Front Setbacks on Through Lots

An accessory structure not used for human habitation and not exceeding 15 feet in height may be located in one of the required front setbacks on a large through *lot*, as described in Sec. 8106-4.4b, provided that every portion of such accessory structure is at least ten feet from the nearest front line. (AM. ORD. 3810 - 5/5/87)

Sec. 8106-5.3 - Parking in Setbacks

- a. Vehicles shall not be parked within any front or street-side setback, except that fully operative, licensed and registered motorized vehicles may be parked in the driveway access to the required parking. Said vehicles and operative non-motorized vehicles may park on a paved area (no wider than 10 feet) adjacent to the driveway, as an accessory use to a dwelling, and except as provided elsewhere in this Chapter.
- b. No required setback may be used for the provision of required parking spaces, except as specifically provided in this Chapter.
- c. In the M1 and M2 zones, required setbacks from streets may be used for required off-street parking spaces, provided that such spaces are located behind required landscaping and screening and any other required amenities such as sidewalks. (AM. ORD. 4377 - 1/29/08; AM. ORD. 4407 - 10/20/09)
- d. On interior *lots*, a minimum three-foot-wide area adjacent to one side *lot* line must be kept free of operative vehicles and open storage. (See Sec. 8107-1.6) (AM. ORD. 3730 - 5/7/85; AM. ORD. 3749 - 10/29/85)

(AM. ORD. 3810 - 5/5/87)

Sec. 8106-5.4 - Architectural Features

Eaves, cornices, canopies, belt courses, sills, buttresses and other similar architectural features that do not create additional floor area or living space, may project a maximum of 2½ feet into required front setbacks, two feet into side setbacks and four feet into rear setbacks, and may not be closer than two feet from any side or rear

property line. Such features shall not be closer than two feet to a line midway between the exterior walls of buildings located on the same *lot*. (AM. ORD. 3810 - 5/5/87)

Sec. 8106-5.5 - Heating and Cooling Equipment and the Like

Accessory equipment such as heating, cooling, filtering and circulation pumps, *emergency* backup generators, backup battery packs, and other necessary appurtenances may be located to within 3 feet of any side or rear *lot* line. Such equipment is exempt from a Planning Division *entitlement* pursuant to Sections 8105-4 and 8105-5 of this Chapter. Unless otherwise determined by the *Planning Director*, equipment that is accessory to a *use* with an underlying discretionary *entitlement* will require a permit adjustment or modification to the approved *entitlement*. (AM. ORD. 4216 - 10/24/00; AM. ORD. 4606 - 11/1/22)

Sec. 8106-5.6 - Balconies, Fire Escapes and Stairways

Open, unenclosed stairways or balconies not covered by roofs or canopies may extend into required rear setbacks not more than four feet, and into required front setbacks not more than two and one-half feet. (AM. ORD. 3810 - 5/5/87) (AM. ORD. 4092 - 6/27/95)

Sec. 8106-5.7 - Chimneys and Fireplaces

Masonry chimneys and fireplaces may project into required setbacks or required common open space not more than two feet provided that such chimneys or fireplaces shall not be closer than three feet to any side property line of the *lot*. Where more than one building is located on the same *lot*, such chimneys or fireplaces shall not be closer than three feet to a line midway between the main walls of such buildings.

Sec. 8106-5.8 - Depressed Ramps

Open-work *fences*, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps may be located in required setbacks or required common open space, provided that such devices are not more than three and one-half feet in height.

Sec. 8106-5.9 - Uncovered, Unenclosed Landings and Porches

Uncovered porches, platforms or landings which do not extend above the level of the first floor of the building may extend into required front setbacks not more than six feet, and into required side and rear setbacks no closer than three feet to the property line. An open-work railing not more than three feet high may be installed or constructed on such porch, platform or landing.

Sec. 8106-5.10 - Decks

When constructed at or below the level of the first floor of the building, a deck may extend into required side or rear setbacks, but may not occupy more than 40 percent of a required rear setback, nor be located closer than three feet to a side or rear property line. This does not apply to *hardscape* directly on grade and/or to decks on grade adjacent to swimming pools. (AM. ORD. 3730 - 5/7/85)

Sec. 8106-5.11 - Front Setback with "Swing" Driveways

In the R1 and R2 zones, dwellings constructed with carports or garages having a curved or "swing" driveway, with the entrances to the carports or garages facing the side property line, may have a minimum front setback of 15 feet. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 4377 - 1/29/08)

Sec. 8106-5.12 - Temporary Housing During Construction

A recreational vehicle (RV) used for temporary housing during construction shall be set back at least five feet from the property lines of the *lot* on which it is placed. (ADD. ORD. 3730 - 5/7/85; AM. ORD. 4532 - 10/30/18)

Sec. 8106-5.13 - Swimming Pools and Spas

Swimming pools, spas, hot tubs and similar structures may be constructed to within three feet of rear and interior side *lot* lines, provided that they do not intrude into any front or street-side setback. Pools designed to hold less than 18 inches of water depth are exempt from setback requirements. (ADD. ORD. 3749 - 10/29/85; AM. ORD. 3810 - 5/5/87)

Sec. 8106-5.14 - Miscellaneous Exceptions

These regulations are not intended to apply to trees or other natural vegetation, nor to construction that does not extend above grade level, nor to such things as outdoor furniture or unenclosed play structures for children (except if designed for use by non-motorized wheeled conveyances of any kind), provided that such items are placed so as not to hinder setback objectives (as described in Article 6).

(AM. ORD. 4092 - 6/27/95)

Sec. 8106-5.15 - Building Additions

Horizontal or vertical additions to legally existing principal buildings that do not meet current side yard setback requirements may be constructed with the same side setbacks as the existing construction, provided that:

- a. The existing side yard setback is at least three feet on the side of the expansion; and
- b. The linear front-to-rear dimension of any such forward or rearward expansion, or combination thereof, does not exceed 75 percent of the existing linear front-to-rear dimension of the nonconformity; and
- c. New construction that is directly adjacent to existing conforming construction complies with current setback requirements; and

(ADD. ORD. 4123 - 9/17/96)

- d. No new setback nonconformity is created in a side yard that does not have an existing setback nonconformity; and
- e. Except for architectural features and similar setback intrusions that have no floor area and are allowed elsewhere in this Article, new construction over ten feet in height shall conform to current setback requirements.

(ADD. ORD. 4123 - 9/17/96)

Sec. 8106-5.16 - Mailboxes

Structures that support mailboxes in areas of the County with curbside mail delivery may be placed in the front setback, provided that they do not exceed a height of fifty (50) inches, and are not larger than 24 inches on each side. (ADD. ORD. 4123 - 9/17/96)

Sec. 8106-6 - Miscellaneous Setback Regulations

Sec. 8106-6.1 - Distance Between Structures on the Same Lot

- a. The minimum distance between *structures* on the same *lot* shall be 6 feet, except that: