

Exhibit A: Proposed Zoning Code Text Amendment

17.300.020 - Setback Regulations and Exceptions

This Section establishes standards to ensure the provision of open areas for access to and around structures, access to natural light and ventilation, landscaping, recreation, separation of incompatible land uses, and space for privacy, traffic safety, and visibility.

A. Setback Requirements.

1. All structures shall conform to the setback requirements identified for each zoning district by Article 2 (Zoning Districts, Allowable Land Uses and Zone-Specific Standards), and with any special setbacks established for specific uses by this Title.
2. All setbacks shall be open and unobstructed from the ground upward, except for trees and other plant materials and except as provided in this Section.

B. Exemptions from Setback Requirements. The minimum setback requirements of this Title shall apply to all uses/structures except for the following:

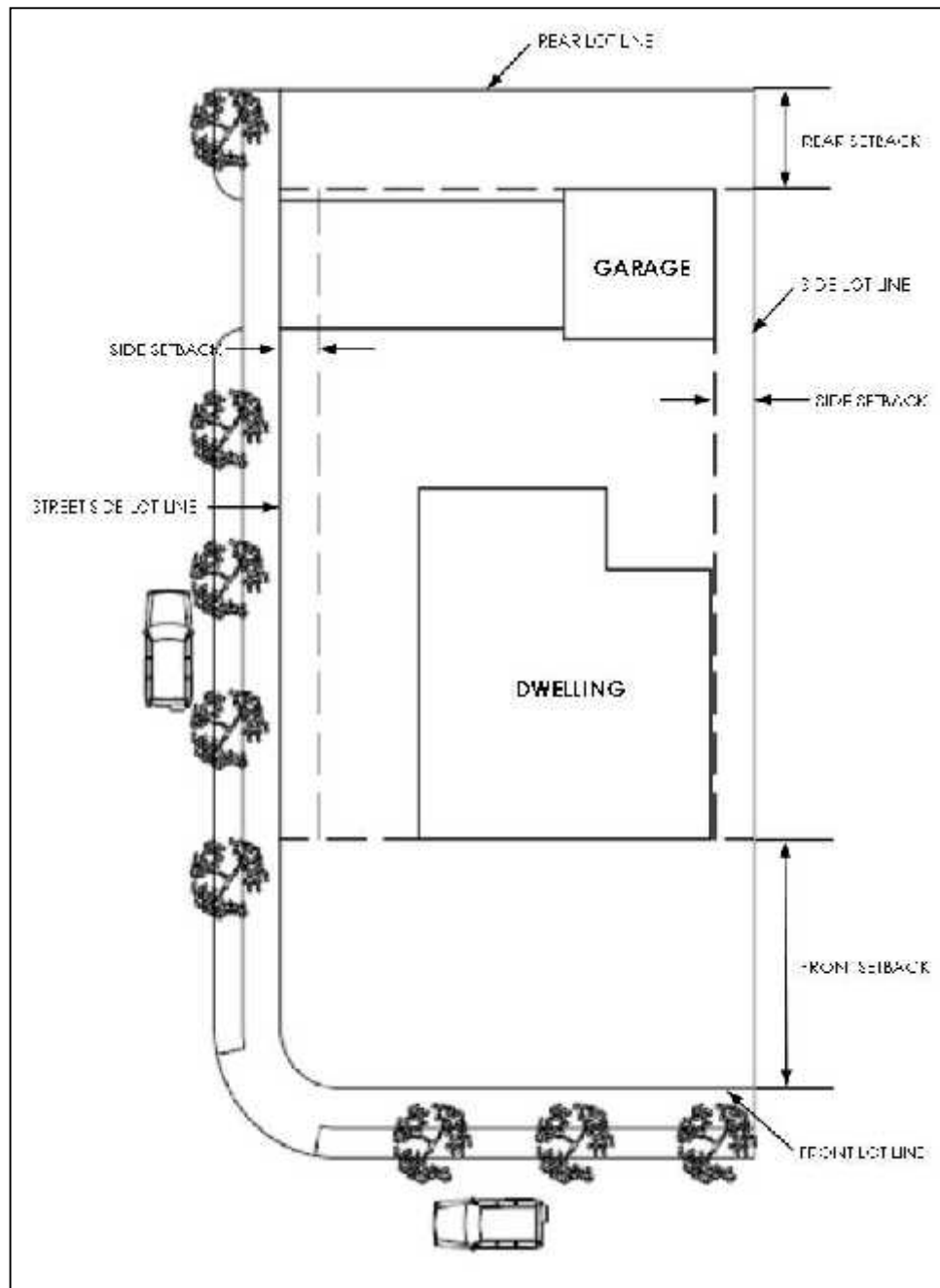
1. Fences or walls constructed within the height limitations of this Title;
2. Decks, with or without hand rails, steps, terraces, and other site design elements that are placed directly upon the finish grade and are up to 24 inches above the surrounding finish grade.

C. Limitations on Use of Setbacks. Required setback areas shall only be used as follows:

1. **Structures.** Required setback area shall not be occupied structures other than:
 - a. Structures that are exempt from setback requirements by Subsection 17.300.020.B. (Exemptions from Setback Requirements), above;
 - b. Residential accessory structures located within setback areas in compliance with Section 17.400.100 (Residential Uses - Accessory Residential Structures).
2. **Parking.** Residential parking is allowed within a required setback only on driveways in compliance with Section 17.320.040 (Driveway and Site Access Standards).
3. **Storage.** Front or street side setbacks shall not be used for the storage of inoperable vehicles, scrap, junk, or similar materials.

D. Measurement of Setbacks. Setbacks shall be measured as follows, see Figure 3-1 (Location and Measurements of Setbacks), below:

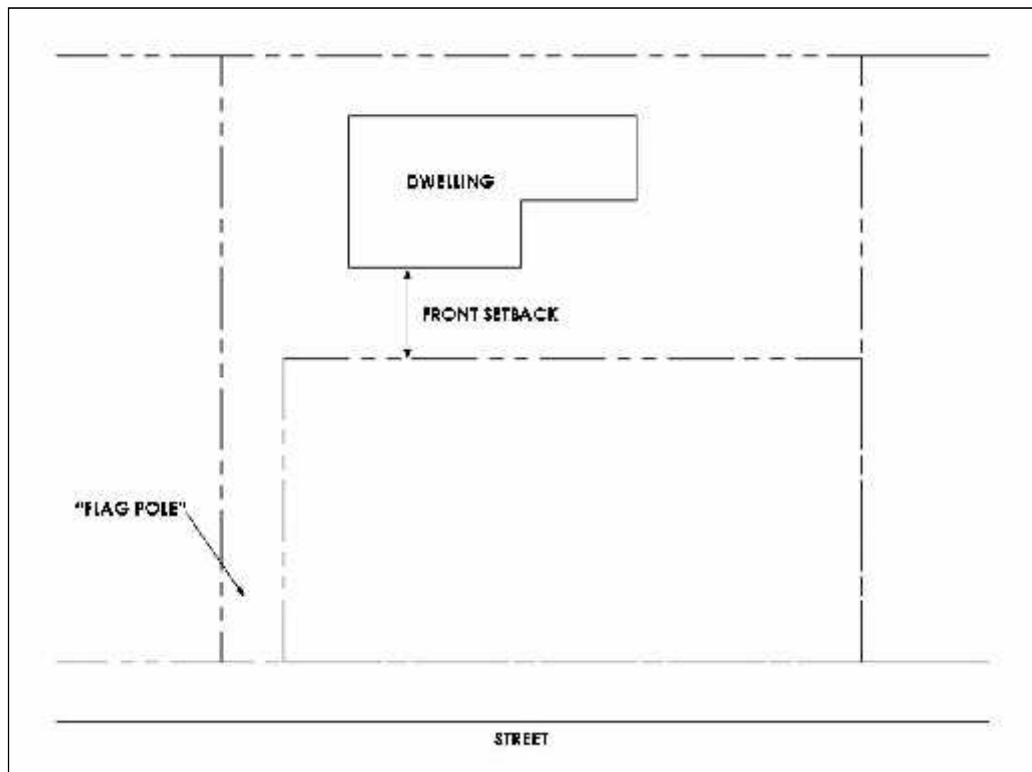
**Figure 3-1
Location and Measurement of Setbacks**



1. **Front setback.** The front setback shall be measured at right angles from the nearest point on the front property line to the nearest wall of the structure, except as follows:
 - a. **Corner parcels.** The setback measurement of corner parcels shall be taken from the nearest point on the structure to the nearest point of the property line adjoining the street that is opposite the rear yard.

- b. **Flag lots.** The setback measurement of flag lots shall be taken from the nearest point on the wall of the structure facing the street to the point where the access strip (“flag pole”) meets the bulk of the parcel, establishing a building line parallel to the lot line nearest to the public street or right-of-way. See Figure 3-2 (Flag Lot), below:

**Figure 3-2
Flag Lot**



2. **Side and street side setback.** The side and street side setbacks shall be measured at right angles from the nearest point on the side property line to the nearest wall of the structure, establishing a setback line parallel to the side property line, that extends between the front and rear yards.
3. **Rear setback.** The rear setback shall be measured at right angles from the nearest point on the rear property line to the nearest wall of the structure, establishing a setback line parallel to the rear property line that extends between the side yards.
- E. **Allowed Projections into Setbacks.** Architectural features and equipment may extend into the front, side, and rear setbacks, as well as required open space, in compliance with Table 3-1 (Allowed Projections into Setbacks), below and as determined by the Director:

**Table 3-1
Allowed Projections into Setbacks**

Projecting Feature	Maximum Projection into Setback (1)(2)		
	Front	Side	Rear
Awnings, Canopies - Residential Zone	18 inches	18 inches	18 inches
Awnings, Canopies - Non-Residential Zone	3 ft or 25% of required setback, whichever is greater.	3 ft or 25% of required setback, whichever is greater.	3 ft or 25% of required setback, whichever is greater.
Stairways open and unenclosed by other than railings – Residential Zone	18 inches	18 inches	18 inches
Stairways open and unenclosed by other than railings – Non-Residential Zone	3 ft or 25% of required setback, whichever is greater.	3 ft or 25% of required setback, whichever is greater.	3 ft or 25% of required setback, whichever is greater.
Balconies, Bay Windows – Residential Zone (No wider than 9' or 25% the width of the subject wall segment on which the balcony or bay window is attached, whichever is greater).	18 inches	18 inches	18 inches
Balconies, Bay Windows – Non-Residential Zone	3 ft or 25% of required setback, whichever is greater.	3 ft or 25% of required setback, whichever is greater.	3 ft or 25% of required setback, whichever is greater.
Chimney	18 inches	18 inches	18 inches
Cornices	18 inches	18 inches	18 inches
Eaves, Roof overhangs, at least 8 ft above grade. (for primary structures; not accessory structures)	24 inches	24 inches	24 inches
Eaves and Roof Overhangs, at least 8 ft above grade (for accessory residential structures, 12 feet or less in height)	12 inches	12 inches	12 inches
Equipment – Air conditioners, ground mounted water heaters, fixed barbecues, sinks, fixed counters, and similar equipment	24 inches	None	24 inches
Equipment – Electric, Gas Meters and Wall Mounted Water Heaters	24 inches	18 inches	24 inches
Equipment - Pool and Spa	None	None	No Limit
Porch, Deck or Landing – covered but otherwise unenclosed (not higher than the first story line) with a width no greater than 9 ft or 25% of the width of the subject wall segment on which the porch, deck, or landing is attached, whichever is greater).	5 ft (including eaves or other projection)	None	5 ft (including eaves or other projection)
Porch, Deck, Landing or Ramp, uncovered, more than 2 ft above grade.	5 ft	None	None
Porch, Deck, Landing or Ramp, uncovered, 2 ft or less above grade.	No limit	No limit	No limit

Article 3 - Site Planning & General Development Standards

(Ordinance No's. 2005-007; 2008-006; 2009-001; 2009-002; 2012-005; 2013-001; 2013-004; 2013-008; 2013-010; 2014-002; 2014-007; 2016-001)

Table 3-1
Allowed Projections into Setbacks

Projecting Feature	Maximum Projection into Setback (1)(2)		
	Front	Side	Rear
Porte Cochere or Carport with no less than 7 ft of vertical clearance above a driveway.	None	To within 6 inches of an interior side property line only.	5 ft
Utility Risers, Rain Gutters, Downspouts, etc.	12 inches	12 inches	12 inches
Wing wall not exceeding 12 ft in height	None	To within 6 inches of an interior side property line only.	None
Wing wall higher than 12 ft in height	None	None	None
Landscape Support Structures - green screens, lattices, and similar structures	12 inches	12 inches	12 inches
<u>Freestanding Trellis – Residential Zones</u> <u>No more than 8 feet in height, 6 feet in width, 2 feet in depth, open on all four sides</u>	<u>No limitation (3)</u>	<u>None</u>	<u>None</u>

Notes:

- (1) See Chapter 17.550 (Variances and Administrative Modifications)
- (2) Unless otherwise noted in the above table: For a structure with a setback of 2 feet or less, no projection into the setback is permitted. If the setback is greater than 2 feet, no projection shall encroach into the 2-foot setback.
- (3) These structures shall maintain a clearance of 5 feet from the intersection of a driveway or alley with a public street right-of-way and 15 feet from the intersection of two public street right-of-ways

- F. Setback Requirements for Specific Structures.** Hot tubs, swimming pools, spas and other water elements intended for human occupancy may be allowed within a required rear or side setback, provided that it is located no closer than 3 feet to any property line. Ponds and other water elements not intended for human occupancy and do not exceed a height of 24 inches may be placed within any required setback.