

Section 5.060 SETBACK REDUCTION

In cases where a pre-existing structure violates current setback standards and the owner proposes an addition or alteration that continues the encroachment without increasing the encroachment, and when the Fire Marshal certifies in writing that such addition or alteration will not increase the fire hazard to the adjoining properties, reduction of setback requirements without variance procedure may be approved by the Planning Director where the following criteria are met:

1. The reduction will not negatively impact adjacent property.
2. There is a valid design reason
3. The reduction will not block views
4. Clear Vision area will be maintained. (See Section 4.050.)
5. Setback reductions shall not apply to all setback requirements established to comply with Statewide Planning goals 7, 16, 17 or 18 to include requirements for geologic hazard, flood and erosion hazard, riparian vegetation, and significant wildlife protection.

Section 5.070 ZERO LOT LINE SETBACKS

Side yard requirements do not apply a common property line established to divide duplexes in an R-2 zone or attached dwellings in an R-3 zone subject to the following standards:

1. The parent lot must conform to the minimum lot size requirements applicable in the zone prior to the division.
2. The structure meets the applicable building and related code requirements necessary to create the zero lot line.
3. Before completing a land division process, the property owner must establish covenant agreement for the subsequent units of land which indicate:
 - A. In case of destruction of one or more units, new construction must follow the same concept of construction as previously designated
 - B. Each owner shall carry fire and liability insurance on their portion of the building and the contiguous owner(s) must also be listed on the policy.
 - C. Provisions that will allow for the maintenance of the zero lot line wall, the roof and any common facilities.
 - D. Specify the procedures for the resolution of disputes.

(Updated per Ordinance No. 2003-06)