

## COMMUNITY DEVELOPMENT DEPARTMENT

- Subject:** Donner Lake Setback Standards
- Issue:** Development Code Section 18.30.120.F.7.b (Side Setbacks) provides relief to single-family dwellings on narrow lots with an average width of 80 feet or less at the building pad. Under this Development Code section, the minimum required side yard setback is reduced to eight feet for building walls. Development Code Section 18.30.120.F.7.c (Side Setbacks for Nonconforming Structures) provides allowances for additions or modifications to nonconforming single-family dwellings that encroach into the side yard setback. Projections, as listed in Table 3-2 (Allowed Projections into Setbacks), may be located up to five feet into a required side setback, but no closer than five feet to any side property line. Clarification of Donner Lake Setback Standards is required regarding the applicability of the narrow lot standards, side setbacks for nonconforming structures, and allowed projections into the Donner Lake setbacks. Currently, the Development Code does not provide clear direction on the applicability of Sections 18.30.120.F.7.b and 18.30.120.F.7.c to Donner Lake lakeside properties (Section 18.538.050.B.5, Donner Lake Development Standards Allowed Projection).
- Reference:** Section 18.38.050 (Donner Lake Development Standards)
- Policy/Procedure:** Development Code Section 18.30.120 (Setback Requirements and Exceptions) requires that all structures shall comply with the setback requirements of the applicable zoning district established by Article II (Zoning Districts and Allowable Land Uses) and with any special setbacks established for specific uses by this Development Code. Single-family residential properties adjacent to Donner Lake are required to be in compliance with the Donner Lake Development Standards, which includes special setback standards.

The side yard setback relief provided for parcels 80 feet or less in width, as identified in Development Code Section 18.30.120.F.7.b, and for additions or modifications to legal nonconforming single-family dwellings, as identified in Development Code Section 18.30.120.F.7.c, do not apply to single-family parcels adjacent to Donner Lake. The Donner Lake side yard setback has been incorporated into the Development Code based on General Plan direction to reduce potential public view impacts and increase visibility to the lake. The relief provided to narrow lots and nonconforming single-family dwellings are

in direct conflict with General Plan Community Character Element Policy P2.6 and P16.1. As a Development Code general rule, special setback standards identified in the Development Code are applied in lieu of any general setback standards.


Modifications or additions on nonconforming accessory structures on parcels adjacent to Donner Lake may be approved, provided a Zoning Clearance is approved by the Director (Development Code Section 18.130.040.A). In addition to the standard Zoning Clearance findings, the Director shall also find that change is compatible with and shall maintain the surrounding neighborhood character and would not adversely impact the surrounding properties, as identified by Development Section 18.130.040.A (Nonconforming Structures – Residential Structures).

All other additions and modifications to nonconforming structures in the front yard, rear yard, and/or lake setbacks on parcels adjacent to Donner Lake shall meet the requirements of Development Code 18.130 (Nonconforming Uses, Structures, and Parcels)

Section 18.38.050.B.5 (Donner Lake Development Standards Allowed Projections) identifies allowed projections for the lake setback only. The allowances are consistent with allowed projections into rear yard setbacks listed in Table 3-2 (Allowed Projections into Setbacks). However, these allowances are not consistent with allowed projections into side yard setbacks. Allowed projections into the Donner Lake side yard setback shall be in compliance with Table 3-2 (Allowed Projections) for general side yard setbacks to ensure the maintenance of visibility to Donner Lake consistent with General Plan policy.

Effective Date: December 7, 2015

Approved by:

  
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John McLaughlin, Director

Date:

12-7-2015