

**903 SETBACK EXCEPTIONS**

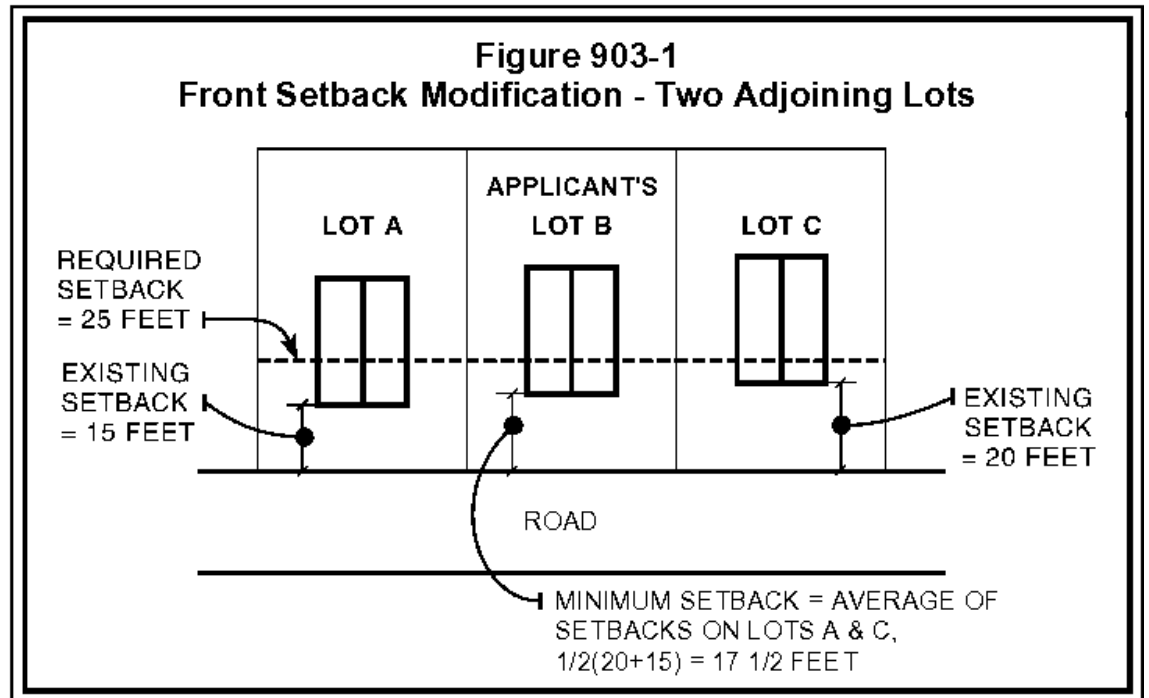
**903.01 APPLICABILITY**

Section 903 applies in all zoning districts except that only the minimum setback exemptions for bus shelters apply in the BP, CI, GI, HDR, LI, RCHDR, and SHD Districts.

**903.02 MINIMUM FRONT SETBACK MODIFICATIONS**

A. The minimum front setback standard is reduced if one or both lots adjoining the subject lot, and with frontage on the same road as the subject lot, are developed with structures, other than accessory structures, whose front setback from that fronting road is lawfully nonconforming.

1. For the purpose of Subsection 903.02(A):
  - a. Lawfully nonconforming does not include a structure whose front setback was reduced through approval of a front setback variance.
  - b. If the adjoining lot is a flag lot, that lot is excluded, and the next lot is included.
2. If both adjoining lots qualify under Subsection 903.02(A), then the minimum front setback for the subject lot is the average of the setbacks on the two adjoining lots. (See Figure 903-1.)



3. If only one adjoining lot qualifies under Subsection 903.02(A), then the minimum front setback for the subject lot is the average of the setback that would be required without an exception and the setback on the adjoining lot with the nonconforming setback.
- B. The minimum front setback standard is reduced for additions to an existing structure if the existing structure has a lawfully nonconforming front setback, subject to the following criteria. For the purpose of Subsection 903.02(B), lawfully nonconforming does not include a structure whose front setback was reduced through approval of a front setback variance.
1. The minimum front setback for the addition is equal to the front setback of the existing structure; and
  2. The total floor area of all additions made pursuant to this provision shall not exceed 40 percent of the ground floor area of the original legally nonconforming structure. Only the floor area of the portion of the addition that is located closer to the front lot line than the current minimum setback standard counts toward the 40-percent maximum.

C. Bus shelters are exempt from minimum front setback standards.

903.03 PUBLIC DEDICATIONS

Minimum setback standards do not apply to existing structures whose setback is reduced by a public dedication. Additions to such structures that do not comply with the minimum front setback shall be allowed pursuant to Subsection 903.02(B).

903.04 REAR AND SIDE SETBACK EXEMPTIONS

The following structures are exempt from minimum rear and side setback standards:

- A. Underground structures, except there is no exemption where the perimeter wall of the structure is above finished grade or for openings into the structure, including doors, windows, skylights, plumbing, intake vents, and exhaust vents;
- B. Ground-mounted solar energy systems extending less than six feet above finished grade; ~~and~~
- C. Rainwater collection facilities extending less than six feet above finished grade; ~~and~~  
and

D. Bus shelters.

903.05 PROJECTIONS INTO REQUIRED SETBACKS

Architectural features and certain structures may project into minimum setbacks, as follows:

A. Architectural features may project a maximum of one-third the distance of the minimum setback, and a maximum of 40 inches into a minimum front setback.

B. Open, unenclosed fire escapes may project a maximum of four feet.

903.06 DECKS AND SIMILAR STRUCTURES

Unless the subject zoning district provides for a lesser setback, the minimum setbacks for a deck, patio, porch, terrace, or underground structure are 10 feet from front and rear lot lines and three feet from side lot lines, provided:

A. The structure shall not be covered; and

B. The structure shall not extend more than 30 inches above finished grade.

903.07 FENCES AND WALLS

Minimum setback standards do not apply to fences or walls unless the standard explicitly refers to fences or walls.

903.08 FLAG LOTS

On flag lots, the location of side, rear, and front lot lines may be modified, for the purpose of determining the minimum setbacks, if:

A. It is not possible to extend a motor vehicle access easement to serve additional properties due to physical conditions such as topographic barriers or existing structures; or

B. It is not necessary to extend a motor vehicle access easement to serve additional properties because such properties are already fully developed or have access from other existing roads or easements.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-266, 5/23/18]