

# ZONING INTERPRETATION AND PROCEDURES MANUAL

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INTERPRETATION NO. 15

DATE: December 21, 2017

PREPARED BY: Gary Price, Contract Planner

SUBJECT: Replacing Destroyed Houses from Sulfur Fire

INTERPRETATION/PROCEDURE: The City suffered several house losses from the Sulfur Fire in October, 2017. These losses involved extensive damage to over one hundred houses requiring them to be completely demolished. As part of the requirements for demolition, clearances must be obtained from the City. Zoning Clearances from the Planning Director must be obtained before these houses can be rebuilt. Many of the destroyed houses are considered non-conforming structures since they may not comply with minimum building setback, size, off-street parking, design, and/or coverage requirements of the Zoning Code. Most properties impacted from the Fire are zoned either R-1, Low Density Residential or RR, Rural Residential. Some of the zoning performance standards that may apply to rebuilding of single family homes are as follows:

## **I RR and R-1 Zones (Both Zones):**

- a. Maximum height of thirty-five (35') feet.
- b. Minimum twenty (20) foot front yard setback.
- c. Minimum five (5) foot side yard setback except feet except on a corner lot where the street side yard shall have a setback of ten (10') feet. Garages or carports having access from the street side yard of a corner lot shall be located and oriented so as to provide a minimum driveway length of twenty (20') feet from the street right-of-way.  
R-1 has some additional exceptions noted below.
- d. Rear Yard: Ten (10') feet except as otherwise specified there shall be no rear yard set back on property that abuts Clear Lake. (Cache Creek Setback does not apply to Sulphur Fire Area).
- e. Two (2) off-street parking spaces per dwelling unit. Second Residential Units: One (1) space per dwelling unit. The required parking area is prohibited from being located within the required front yard and street side yard areas. Covered or uncovered parking shall be provided in accordance with the residential housing standards of the base district. Tandem parking spaces are permitted. The driveway shall be a minimum length of twenty (20') feet, so as to provide for the temporary parking of vehicles free and clear of the street right-of-way.
- f. All dwelling units shall be at least fifteen (15') feet in diameter or width (excluding eaves).
- g. All dwellings shall be at least seven hundred twenty (720) square feet in gross floor area.

## **II. RR, Rural Residential Zones (Exclusive of R-1):**

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- a. No minimum building coverage standards apply.

### III. R-1, Low Density Residential Zones (Exclusive of RR):

- a. Side yard of Five (5') feet except 1) a zero side yard is allowed when two (2) units are constructed simultaneously with a common wall and their opposite side yards each have a minimum setback distance of ten (10') feet and 2) Three (3') foot interior side yard requirement for unenclosed and uncovered porches, decks, stairs and similar structures.
- b. The building coverage for each lot shall not exceed sixty (60%) percent, except in the case of a two-story building in which case, when it shall not exceed fifty (50%) percent.

In accordance with Section 18-4.10 of the Zoning Code regarding non-conforming structures, if the residential structure (is considered a conforming residential use) was built in such a way that does not comply with these above referenced standards, the structures can be reconstructed as they were originally constructed if a building permit is issued for the building within nine (9) months after the date demolition and hazard mitigation clearances are issued by the City subject to a no-cost zoning review by the Planning Director. Upon receipt of a written request by the property owner for an extension of this time (submitted prior to the initial 9 month expiration) the Planning Director may approve a one- time extension of up to six months if there are overriding circumstances, such as insurance problems or financing issues. Upon expiration of this time period all future site development must comply with the Zoning Code in effect at the time a development request is made on the property.

When the Planning Director reviews the zoning clearance, he/she will review the building replacement to meet the intent of compliance with various residential building standards identified in Section 18-5.10 of the Zoning Code as follows (subject to compliance with other related City public Health and Safety requirements of the Building Official):

- a. House should be attached to a permanent continuous concrete or masonry perimeter foundations, or to permanent foundation systems pursuant to Health and Safety Code Section 18551. Where permanent foundation systems are used, dwelling units should be provided with continuous six (6") inch wide concrete or masonry perimeter curb walls extending from a minimum of three (3") inches below grade to a minimum of six (6") inches above grade. The under floor areas of dwelling units requiring curb walls should be enclosed with siding material matching the dwelling and shall be ventilated by openings of not less than one (1) square foot for each one hundred fifty (150) square feet of under floor area.
- b. If replaced with manufactured home, skirting materials should have the same or similar appearance as the siding. Materials prohibited from use as skirting are: lattice work, unpainted wood or plywood, metal not having factory applied color coatings, Styrofoam, plastic, and corrugated fiberglass or metal.
- c. If replaced with manufactured home, skirting should extend to the ground level except that non-pressure treated wood siding cannot extend closer than six (6") inches to the

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- ground and shall be connected to the ground by a concrete or pressure treated wood perimeter sill.
- d. All units should be designed so that exterior walls look like wood, stucco, or masonry regardless of their actual composition.
  - e. All roofing materials should be designed to look like composition roofing, tile, shakes, shingles, or tar and gravel; or architectural metal roof sheathing with factory applied color coatings.
  - f. Residential siding should extend to the ground level (wood excluded) except that when a solid concrete or masonry perimeter foundation or curb wall is used, then siding need only extend one and one-half (1 1/2") inches below the top of the foundation or curb wall.
  - g. The slope of the main roof should not be less than two (2") inches vertical rise for each twelve (12") inches of horizontal run.
  - h. All units should have a perimeter roof overhang on all sides extending not less than one (1') foot measured from the vertical side of the home, not including rain gutters.
  - i. Where any accessory structure is attached to the main structure, the roof overhang requirement at the point of attachment.
  - j. Permanent stairs should be installed for all exterior door openings.
  - k. Tow bars and wheels of any house should be removed when a mobile home or manufactured home is installed.
  - l. All driveways and parking aprons in front of residences or garages should be surfaced with asphaltic concrete or concrete.
  - m. All houses should have address signs.

Other consideration of the Zoning Clearance: The Planning Director, on a case by case basis, may allow for other exceptions to minimum zoning standards as follows:

- n. Covered parking requirements may be waived.
- l. Exact building setbacks from the previous building footprint can be varied when logical as long as the new footprint does not further reduce the typical requirement. For example, if the building was originally constructed with a front yard of ten feet and the minimum setback is 20 feet, the new building footprint should not extend beyond ten feet.
- o. Minor enlargements (less than 10% increase to previous building area) when they are a logical extension to the building. Enlargements to the building that exceed 10% of the previous building should comply with minimum zoning standards.
- p. Replacement with a mobilehome, as defined by the Zoning Code, shall be prohibited.
- q. Replacement with a new manufactured house is allowed. Replacement with a used manufactured house will be considered depending on its age and condition.

**Temporary Living Facilities:** The Building Official may approve temporary, on-site living facilities, such as a travel trailer or recreation vehicle, when an application for a residential building permit has been submitted for construction of the new residence based on the following circumstances:

1. The temporary living facilities are safe for occupancy.

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2. They are located off the street and will not conflict with project construction.
3. They are owner-occupied by fire victims.
4. They will be permanently removed upon occupancy of the main house once completed.
5. Exception may be granted by the City Manager to 3 and 4 above for FEMA Mobile Housing Unit or by posting a financial security approved by the Finance Director for the cost of removal of the temporary living facility and agreement that the temporary living facility will be removed within nine months of the request.