

17.70.170 Setbacks.

A. *Purpose.* This section establishes standards for the measurement of setbacks and required setback areas. These provisions, in conjunction with other applicable provisions of the zoning regulations, are intended to help determine the pattern of building masses and open areas within neighborhoods. They also provide separation between combustible materials in neighboring buildings. Setback areas are further intended to help provide landscape beauty, air circulation, views, and exposure to sunlight for both natural illumination and use of solar energy.

D. Exceptions to Setback Requirements.

2. *Discretionary Exceptions.* Discretionary exceptions to setback requirements shall require a director's action and meet the findings required for a director's action (Chapter [17.108](#)), as well as any findings indicated below for an individual exception.

d. *Other Setback Variations in Previously Subdivided Areas.* Upon approval of a director's action, the director may allow side and rear setbacks to be reduced to zero under either of the following circumstances:

i. When there exists recorded agreement, to the satisfaction of the city attorney, running with the land to maintain at least ten feet of separation between buildings on adjacent parcels and the development will comply with solar access standards of General Plan Conservation and Open Space Element Policy 4.5.1; or

ii. **When the reduction is** for either a minor addition to an existing legal structure that is nonconforming with regard to side and rear setback requirements or **for a detached single-story accessory structure**; provided, that all such minor additions and new accessory structures shall comply with applicable provisions of Title [15](#), Building and Construction (see also Chapter [17.92](#), Nonconforming Structures) **and the director makes the following findings:**

(a) In the case of a minor addition, that the minor addition is a logical extension of the existing nonconforming structure;

(b) In the case of a detached single-story accessory structure (either new or replacing a previously approved nonconforming structure), that the accessory structure is consistent with the traditional development pattern of the neighborhood and will have a greater front and/or street side setback than the main structure;

(c) That adjacent affected properties will not be deprived of reasonable solar exposure, and the development will comply with solar access standards of General Plan Conservation and Open Space Element Policy 4.5.1;

(d) That no useful purpose would be realized by requiring the full setback;

(e) That no significant fire protection, emergency access, privacy, or security impacts are likely from the addition; and

(f) That it is impractical to obtain a ten-foot separation easement in compliance with subsection [\(D\)\(2\)\(d\)\(ii\)\(a\)](#) of this subsection.

17.108.040 Director's Action – Required findings.

A. *Required Findings.* The director may approve a director's action application only after first making all of the following findings. The proposed interpretation, determination, or modification to standards:

1. Is consistent with the intent of these zoning regulations and applicable general plan policies;
2. Is consistent with or an improvement to the character of the neighborhood or zone;
3. Provides adequate consideration of and measures to address any potential adverse effects on surrounding properties such as, but not limited to, traffic, vehicular and pedestrian safety, noise, visual and scale, and lighting.

With regard to cases of granting exceptions to the strict application of development standards, the following additional finding shall be made:

4. While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of these regulations.

B. *Failure to Make Findings.* The director shall deny the application if any one or more of the required findings cannot be made. (Ord. 1650 § 3 (Exh. B), 2018)

The San Luis Obispo Municipal Code is current through Ordinance 1700, passed July 6, 2021.

Disclaimer: The City Clerk's Office has the official version of the San Luis Obispo Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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