

MEMO

To: Planning & Zoning Division
From: Terri Hogan, AICP, Deputy Director/Zoning Administrator
Date: August 30, 2018
Re: Interpretation 18-02: Aggregate Side Setbacks

Purpose: To clarify what aggregate side setbacks means in the City of Buckeye.

Background:

The 2005 Development code indicates under section Section 7-7-6.B.2. a Minimum interior side yard setbacks shall be five (5) feet and eight (8) feet – thirteen (13) feet aggregate. Though aggregate is not defined within this code, historic interpretation and general practice was to apply the aggregate between lots or dwellings rather than by lot. A component of the interpretation involved the fire code which assumed a 13’ separation distance and states that sprinklers will be required for anything less than in the established development code. This implementation was accomplished by requiring the developer and staff to keep elaborate tracking systems for each subdivision so the integrity of this implementation could be kept over time.

The 2010 Development code indicates the following:

TABLE 4.1-1: DIMENSIONAL STANDARDS – RESIDENTIAL DISTRICTS										
<i>[Bracketed numbers refer to notes at the bottom of the table.]</i>										
District	SF-43	SF-18	SF-10	SF-6	SF-3	SF-1	MF-1	MF-2	MH	
Setbacks, minimum	Front (ft)	40	25	21	Front-loaded garage – 18 Side-loaded garage – 15 Living – 10	8	0	15	0	10
	Side (ft) [2]	20	15	10	5 w/ 15 aggregate	5	0 w/ 5 aggregate	5	0	5
	Rear(ft) [3]	30	30	25	20	10	8	15	10	10
NOTES:										
[1] Lot width is measured at front building line.										
[2] An additional 5 feet of setback shall be required for all corner lots adjacent to public right-of-way.										
[3] For accessory buildings, a 5-foot minimum setback.										

4.2.3 Setbacks

A. Required Setbacks

1. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum setback requirements set forth in Section 4.1 for the zoning district in which it is located. Setbacks shall be measured from the lot or property lines.
2. A setback or other open space required by this Development Code for one building, structure, or lot shall not be included as part of a setback or other open space required by this Development Code for another building or structure or lot.

Determination:

Staff has consulted with the Fire Department and because of the changes adopted in the 2010 Development Code understands that they will require fire rating for structures that encroach into a 10 foot separation and will per their code require fire sprinklers for non-standard or unorthodox single-family lots. Applying setbacks across lots is not standard zoning practice and is not in keeping with the language of the 2010 Development Code. Therefore, staff shall not honor the historic interpretation of aggregate but rather shall follow language in the 2010 Development Code meaning aggregate shall be applied by lot only regardless of the subdivision approval date or typical lot details.