

## ARTICLE 31

# Zero Lot Line Residential Development

### SECTION 3.31.000 Purpose

The zero lot line residential development provisions of this Ordinance are designed to provide a more affordable ownership housing opportunity for a wide range of income groups while assuring compatibility with, and maintaining the stability and quality of, existing neighborhoods; to provide the opportunity for lower development costs and lower per-unit land costs that subsequently lower the cost of housing for the consumer; to provide an economical and logical response to high-cost infill properties; to promote a more efficient utilization of land; and to promote energy conservation.

### SECTION 3.31.020 Applicability

The provisions of this article are intended to serve as conditions required for approval of zero lot line residential developments, as they may be conditionally permitted, subject to the provisions of Article 39, within the RS, R-1, R-2 and R-3 zoning districts. It is not intended that this Article apply to townhouse development involving no side yard setbacks on either side, or condominium development.

### SECTION 3.31.100 Buildings and Activities Allowed

Within urban residential zones established by this Ordinance the following uses may be conditionally permitted, subject to Article 39 and other applicable provisions of this Ordinance:

1. A single-family detached dwelling, where the dwelling is situated on a side property line that is common to another parcel.
2. A duplex, where the duplex is constructed to the development standards provided in this Article and intended to be divided, thereby creating two zero lot line dwellings.
3. Conversion of an existing duplex to zero lot line dwellings, provided that the other provisions of this Article are met.

### SECTION 3.31.150 Property Development Standards

1. **Area:**
  - a. Unless otherwise modified by other provisions of this Article, the minimum property area for each unit of a newly created zero lot line residential development shall be:

(1)	RS zone	15,000 sq. feet
(2)	R-1 zone	5,000 sq. feet
(3)	R-2 zone	4,000 sq. feet
(4)	R-3 zone	4,000 sq. feet

- b. In the case of a lot of record, as defined by this Ordinance, 7,500 sq. feet or greater in size and in an R-2 or R-3 zone, a zero lot line duplex may be permitted, provided that other development standards are met.
  - c. In the case of a lot of record, as defined by this ordinance, 7,500 sq. feet or greater in size and in an R-1 zone, a zero lot line duplex may be permitted, provided that other development standards are met and the following conditions exist:
    - (1) The lot is located on a collector street or is a corner lot; and
    - (2) The duplex development conforms to the density standard for the area as specified in the Comprehensive Plan.
  - d. In dividing the property, a maximum of 10% alteration in either lot size or street frontage may be permitted, if the overall development maintains the density required by these regulations and the total amount of street frontage required for the number of parcels created.
  - e. In instances where development may occur on a lot of record, a minimum of 45% of the total lot area shall be attributable to each parcel upon partitioning.
- 2. Setbacks:** Except as governed by §3.35.020.4 for fences and retaining walls setbacks are as follows:
- a. Front yard: No structure other than a fence not to exceed four (4) feet in height or sign shall be located closer than 15 feet from a front property line.
  - b. Side yard: Except for the zero lot line setback on the common property line, no structure shall be located closer than ten feet from other side property lines. In no case shall a setback of 0 feet be permitted under this article for a side yard that is not common to development proposed under this provision.
  - c. Rear yard: No structure shall be located closer than 5 feet from a rear property line.
  - d. Vision clearance: Vision clearance shall be a minimum of 20 feet on corner lots only.
- 3. Height:** Maximum heights for any structure shall be 35 feet.
- 4. Coverage:** Not over 40% of the lot shall be covered by buildings located thereon.
- 5. Parking:** Off-street parking shall be provided in accordance with Article 35, as if each unit were a single-family dwelling.

**6. Street frontage:** It is the legislative intent of this provision of the Ordinance to provide zero lot line residential development with clear, unencumbered public street frontage and vehicular access to each unit. The following minimum public street frontage requirements are established for each zero lot line parcel:

- |    |                |         |
|----|----------------|---------|
| a. | RS zone        | 60 feet |
| b. | R-1 zone       | 50 feet |
| c. | R-2 & R-3 zone | 40 feet |

In dividing the property, a minimum of 40% of the total public street frontage may be attributable to each lot/parcel. Diagrams have been provided in this article to specify alternative unit and lot/parcel arrangements.

### **SECTION 3.31.180 Procedures for Review**

Applications for development or conversion of zero lot line dwellings on contiguous lots/parcels as set forth in this Ordinance shall be processed or reviewed as follows:

1. Three or fewer units shall be processed as a land partition pursuant to §2.060.1.
2. Four or more units shall be processed as a subdivision pursuant to §2.060.1.

### **SECTION 3.31.200 Criteria for Approval of Development**

In review of a proposed zero lot line residential development, the following criteria shall be met:

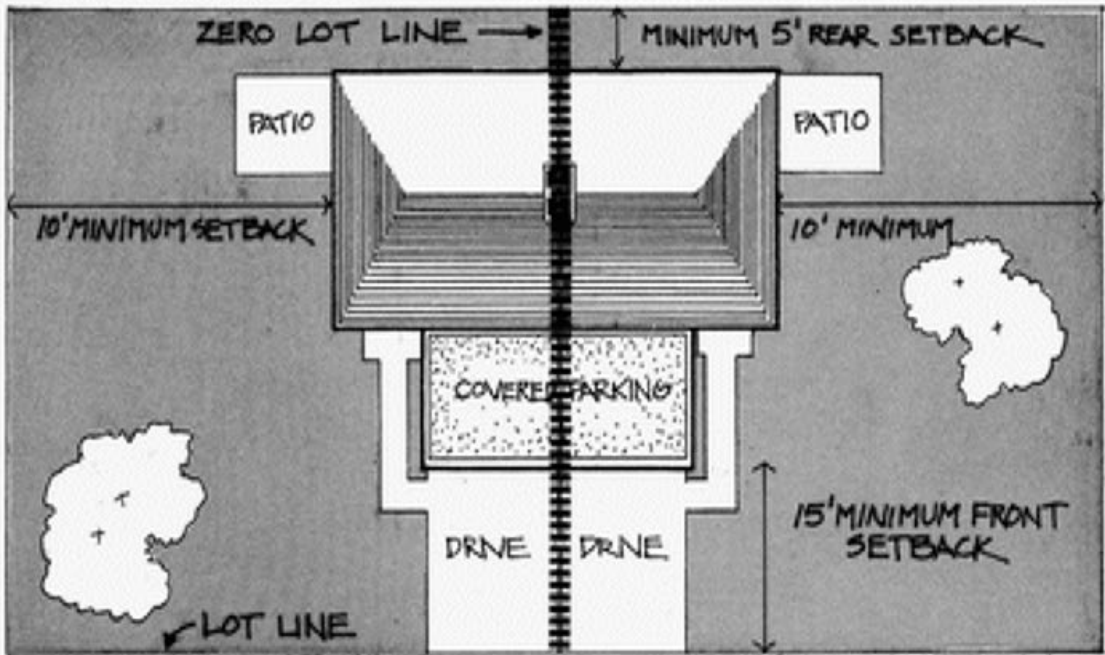
1. The proposed development complies with all other applicable provisions of this Ordinance and the Douglas County Comprehensive Plan.
2. An **Owners Agreement**, as defined by this Ordinance, shall be filed with application for approval, and shall include provisions as determined to be appropriate by the Approving Authority, for resolving the following items associated with the use, maintenance and repair of common areas and facilities:
  - a. Assurance that the building and surrounding property will be used for residential purposes only;
  - b. Provisions for the repair and maintenance of all common areas and facilities as well as a method of fair payment for such repairs and maintenance;
  - c. Provisions for mutual consent prior to making structural, paint, or decorative changes to the building exterior;
  - d. Provisions for equitably resolving liens filed against areas of common responsibility or interest;

- e. Provisions granting access or easement to each owner for the purpose of maintaining or repairing the structure and related facilities;
- f. Assurance that the owner(s) will obtain insurance coverage in an amount not less than the full replacement value of the structure;
- g. Provisions for liability and equitable treatment in the event of damage or destruction of the building due to fire or other casualty; and
- h. Provision for emergency action by one party in the absence of the other where an immediate threat exists to the property of the former.

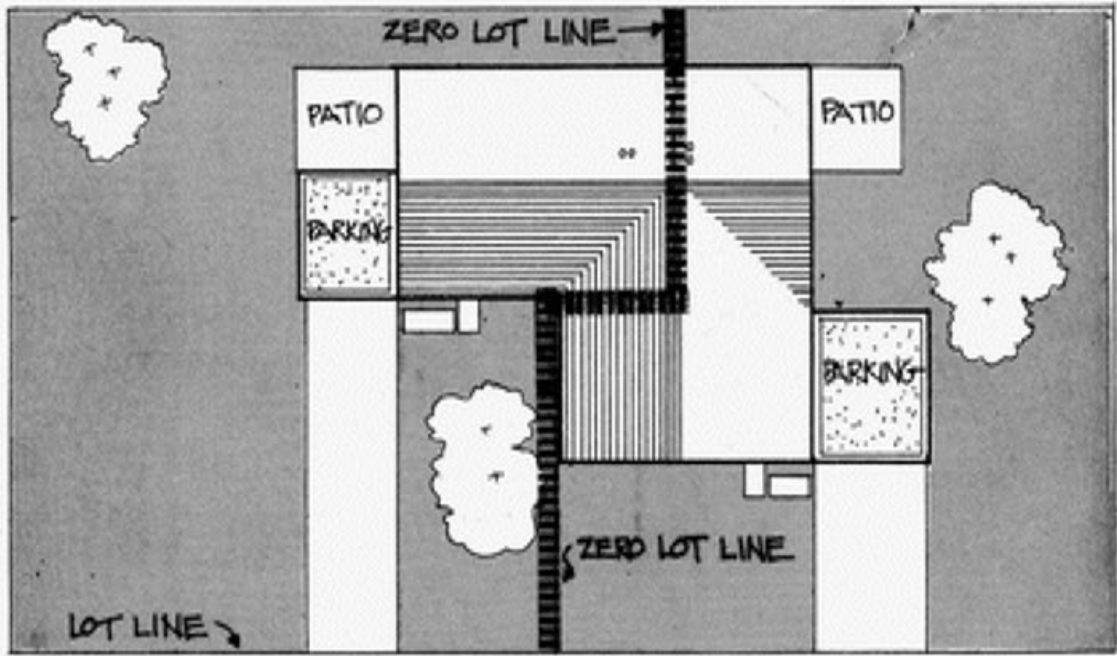
Such Owners Agreement shall be filed with the County Clerk upon approval of the proposed development and shall become perpetual deed restrictions to the property.

### **SECTION 3.31.250 Land Partitioning**

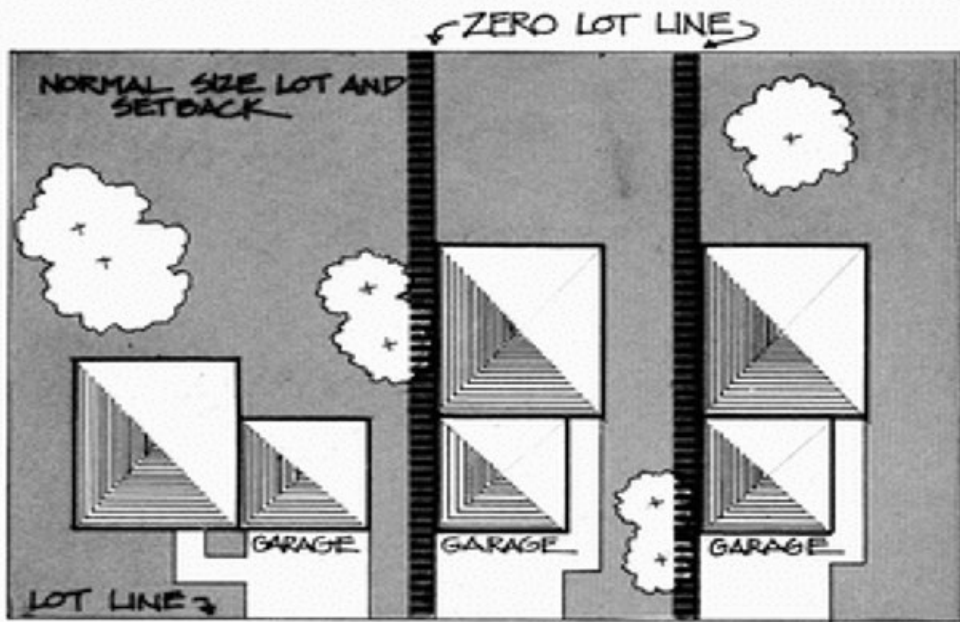
In instances where division of land shall be required for zero lot line residential developments the appropriate provisions of Chapter 4 of this Ordinance shall be followed. However, conditional use review and partitioning or subdivision approval may be requested simultaneously.



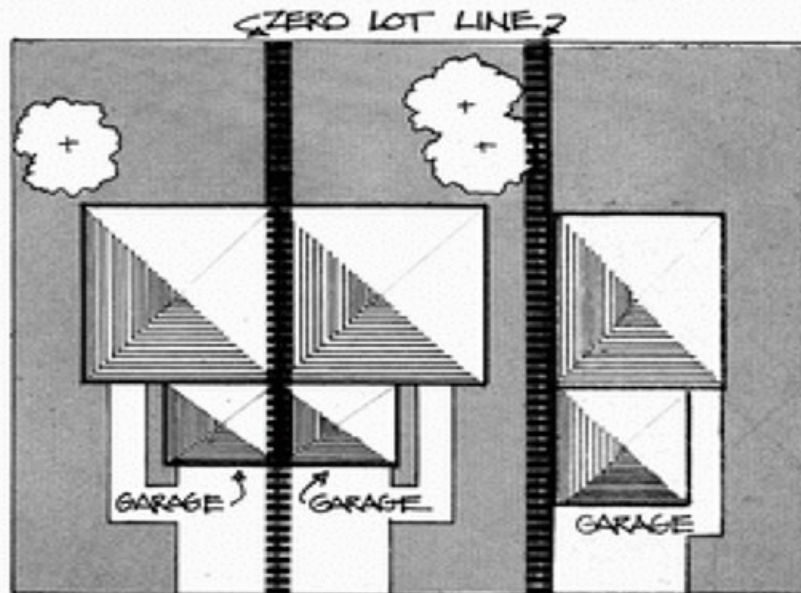
ZERO LOT LINE DUPLEX



ZERO LOT LINE DUPLEX



SINGLE FAMILY RESIDENCES



DUPLEX AND SINGLE FAMILY TOGETHER