

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL POLICY 15.10 REAR YARD SETBACKS IN R-1L ZONING		
	Adoption Date:	6/14/2021	Adopted by:
Revised Date:	--	Revised by:	-
Authority:	City Council		

15.10.1 BACKGROUND

On May 18, 2021, the Planning Commission reviewed Belvedere Municipal Code Section 19.48.010 “Yard and setbacks-Requirements generally,” which describes how setbacks are measured in all zones, however the Planning Commission reviews 19.48.010 (D) which specifically describes how rear and side yard setbacks are measured in the R-1L Zoning.

The policy addressed a possible unintended consequence of the definition that could allow homeowners to create a larger buildable envelope.

15.10.2 INTERPRETATION OF 19.48.010 (D)

19.48.010 (D)

In the R-1L zone, when a rear or side property line is located in the water, setbacks shall be measured from and parallel to the edge of the water as measured at summer-level high tide. (Ord. 2016-4 § 3 (part), 2016; Ord. 2013-2 § 24 (part), 2013; Ord. 92-8 § 6, 1992; Ord. 89-1 § 1 (part), 1989.)

Based on the definition above, the summer level high tide water lines in the lagoon are determined by either by bulkhead, beach, or rip rap.

In order to prevent the arbitrary expansion of an R-1L buildable lot area by changing the location of the water/land interface this policy seeks to provide clarity for City Staff and Commissioners. The intention of this policy amendment is to prevent homeowners from applying to move their bulkhead, beach, or rip rap (summer level high tide water line) to create a larger buildable envelope, should their property line extend beyond the summer level high tide water line. In some instances, in the lagoon, property lines extend beyond the bulkhead, beach, or rip rap. The goal of this policy is that the existing summer level high tide water line remain in its present location, thereby “fixing” the setback location, as is the case for all other properties in Belvedere. Should a project come in for review, the summer level high tide water line shall not be changed, whether defined by bulkhead, beach or rip rap.

All proposed bulkheads, for repair and/or new construction, shall be located in the same location as existing bulkheads. In cases where no bulkhead exists, the proposed bulkhead must be located at the summer level high tide water line as it makes contact with dryland.