

Chapter 18.40

GENERAL REGULATIONS

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18.40.010 General rules and provisions. In the absence of a planning commission established by ordinance, the town council shall do all things required or authorized by the planning act of the state of California of a city planning commission. (Prior code §10 110 (part)).

18.40.020 Chapter applicability. The regulations specified in this chapter shall be subject to the general rules and provisions in Sections 18.40.020--18.40.110. (Prior code §10 110 (part)).

18.40.030 District boundaries and zoning maps and symbols. Where uncertainty exists as to the boundaries of any district shown on the zoning map, the following rules shall apply:

- (1) Where the boundaries are indicated as approximately following property, street or alley lines, the lines shall be construed to be the boundaries;
- (2) Where a district boundary divides a lot, the location of the boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the zoning map;
- (3) A symbol indicating the classification of property on the zoning map shall in each instance apply to the whole of the area within the district boundaries;
- (4) Where one land ownership is divided by a district boundary the total ownership shall be placed in the more restrictive classification. (Prior code §10 110 (part)).

18.40.040 Regulations are minimum. (a) In interpreting and applying the provisions of this title, unless otherwise stated, they shall be held to be the minimum requirements for the

promotion and protection of the public safety, health, and general welfare.

(b) The regulations set forth herein shall apply to all land, buildings and structures, either existing or to be constructed. (Prior code §10 110 (part)).

18.40.050 Relationship to other regulations and to private restrictions. (a) Where conflict occurs between the regulations of this title and any uniform building code or other regulations effective within the town, the more restrictive of any such regulations shall apply.

(b) It is not intended that this chapter shall interfere with or abrogate or annul any easement, covenants or other such agreements, provided, however, that where this title imposes greater restrictions than are imposed or required by other titles, rules or regulations, or by easements, covenants, or agreements, the provisions of this chapter shall apply. (Prior code §10 110 (part)).

18.40.060 Additional uses permitted. The following accessory uses, in addition to those hereinbefore mentioned shall be permitted:

(1) The operation of necessary service facilities and equipment in connection with schools, colleges and other institutions when located on the site of the principal use;

(2) Recreation, refreshment and service buildings on park, playground and other recreational properties;

(3) Off-street parking areas in conjunction with commercial uses may be permitted in "R" districts on properties adjoining C-L districts upon the securing of a use permit in each case.

(4) Surface mining, as defined in the Surface Mining and Reclamation Act of 1975, may be permitted only on town council findings of acceptable environmental impact, and the procedures for review and approval of reclamation plans and issuance of use permits to conduct surface mining operations shall be in conformity with the provisions of said act. (Ord. 375 §5, 1977; prior code §10 110 (part)).

18.40.080 Fences and walls. (a) Maximum Fence Heights.

(1) The maximum height for a side or rear yard fence is six feet.

(2) The maximum height for a front yard fence is four feet. For this section, a front yard fence is one that runs roughly parallel to a road or right-of-way and is within any yard area adjacent to a street. A front yard fence up to 6 feet in height may be permitted with design review approval.

(3) A single arbor-style entry element in the front yard of a residential property is permitted if it is located over a walkway or pathway and does not exceed nine feet in height, five feet in width, and three feet in depth.

(4) Fences and backstops for sports courts, or similar facilities, may be up to ten feet in height with design review.

(5) Fence posts, gate columns and other similar decorative elements are permitted up to a height of six feet six inches with design review.

(b) Driveway entry gates shall be setback at least 18 feet from the edge of the roadway unless a reduced distance is approved by the director of public works.

(c) Measurement of fence and wall height. The height of fences and walls shall be the vertical distance between finished grade at the base of the fence and the top edge of fence material. The height of any wall, fence or abutment that is within thirty-six inches of any other such structure shall be deemed to be in "combination" with said other structure. (Ord. 604 (part), 2008).

18.40.090 Yards. (a) No yard or other open space provided about any building for the purpose of complying with the regulations of this title shall be considered as providing a yard or

open space for any other building or structure, and no portion thereof shall be considered as yard space when it is subject to a vehicular easement that may serve other property.

(b) Front yard depths shall be measured at right angles from the front property line, provided, however, that in all cases where the front property line extends into the street, or beyond the street line, or where the legal title to the property in question includes any portion of the street in front thereof, or abutting thereon, then in all such cases the front yard depth shall be measured from the street line as the line is dedicated, defined, or as the same appears on any official map or recorded map.

It is the intention of this title that no dwelling house shall be set back less than twenty-five feet from the actual street line (inclusive of the sidewalk area).

(c) All yard areas and the area between the setback line and the street line shall be free of out buildings or other structures. All setback lines and yard areas shall be measured from the closest portion of the dwelling.

(d) Roof mounted solar collectors installed substantially at the same angle as the roof pitch and within a foot of the surface of the roof may be located on primary structures within required side and rear yards. (Ord. 604 (part), 2008; Ord. 578 §5, 2003; Ord. 447 §3, 1984; Ord. 404 §1, 1979; Ord. 263 §1, 1967: prior code §10 110 (part)).

18.40.095 Driveways – New construction. (a) Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet with 1 foot shoulders and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with turnarounds, unless waived by the fire official. Driveways in excess of 300 feet in length and less than 20 feet in width shall be provided with turnouts in addition to turnarounds. Exception: When such driveways meet the requirements for an access road in accordance with the California Fire Code.

(b) Driveway turnarounds shall have inside turning radii of not less than 27 feet and outside turning radii of not less than 45 feet. Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds. Driveway turnouts shall be an all-weather road surface at least 10 feet wide and 30 feet long, not including the approach or departure ramps. Driveway turnouts shall be located as required by the director of public works. Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be established by the director of public works and the town engineer.

(c) The gradient for fire apparatus access roads and driveways shall not exceed 18%. (Ord. 611 (part), 2008).

18.40.096 Restricted emergency access. Where emergency vehicle access is restricted because of secured access roads or driveways or where immediate access is necessary for life-saving or firefighting purposes, the fire official is authorized to require a key access to be installed in an accessible location. The key access shall be of a type approved by the fire official and shall contain keys or an approved key switch to gain necessary access as required by the fire official. (Ord. 611 (part), 2008).

18.40.100 Height exceptions. Radio aerials, television antennae and chimneys may exceed the specified height in any district, by not more than thirty feet. (Prior code §10 110 (part)).

18.40.110 Public utility buildings and structures. Public utility facilities and structures for local distribution and service shall be permitted in all districts, subject to the approval of the town public works director. A use permit must be secured prior to construction of any facilities or structures for other than local distribution or local service. (Ord. 534 (part), 1996: prior code §10 110 (part)).

18.40.120 Trailers and vehicles used for habitation. (a) House trailers, campers, camp trailers, trailer coaches, house cars and any vehicle used, or capable of being used, as a residence, place of abode, domicile or shelter or enclosure for human habitation, with wheels either in place, or detached, shall not be used for the purpose of human habitation in any district.

(b) Regardless of the provisions of subsection (a) of this section, manufactured homes as defined in §18007 of the California Health and Safety Code are permitted as residential second units in single family residential zoning districts provided they conform to those requirements included in Chapter 18.42 of this code. (Ord. 578 §6, 2003: Ord. 305 §1, 1970).

18.40.130 Political signs. Political signs may be erected in any district within the town in addition to all other signs permitted by this code without complying with such other provisions of this section as follows:

(1) As used in this section, a "political sign" means a temporary sign, placard, poster, banner or similar device used for outdoor advertising of an election, including advertising of a candidate, an issue, a measure or election headquarters.

(2) Political signs shall not be maintained for a period in excess of sixty days, and in no event shall such signs be maintained more than ten days after the election to which the sign refers.

(3) No political sign shall be permitted on or to extend over any landscaped public property or park on or in a public building.

(4) No political sign shall exceed ten square feet in area nor shall the aggregate area of all such signs placed or maintained on any parcel of real property in one ownership exceed eighty square feet.

(5) Political signs shall be constantly maintained in a state of security, safety and good repair. Any such sign that is not so maintained or is unsafe or insecure so as to be a menace to public safety or unsightly shall be deemed to be a public nuisance and subject to removal as provided in subsection (6) of this section.

(6) Any political sign not posted in accordance with, or existing in violation of, the provisions of this section shall be deemed to be a public nuisance and shall be subject to removal by the candidate, the property owner, or, when a proposition is involved, by the person advocating the vote described on the sign and, after notice to such person and their failure to do so, by the town building official. Any such sign remaining posted after the ten-day post-election period set forth in subsection (1) of this section, shall be subject to summary removal by the building official, without notice. (Ord. 395 §1, 1978).

18.40.140 Posting of signs. It is unlawful to post, stick, stamp, paint, or otherwise affix, or cause to be done by another, any notice, placard, bill, poster or advertisement, to or upon any sidewalk, crosswalk, curbing, hydrant, shade tree or tree box, fence, enclosure, or building, or upon any telegraph, telephone or electric lighting pole. (Ord. 565, 2002).

18.40.150 Business license requirements. Any person engaging in business within the town of Ross must first obtain a business license from the town and pay the business license fee.

Prior to the issuance of a building permit, or at a time as determined by the planning director, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the town, including names, addresses and phone numbers. All such people shall file for a business license. A final list shall be submitted to the town prior to project final. (Ord. 576 (part), 2003).

18.40.160 Road maintenance. All project owners and contractors working in the town of Ross shall be responsible for maintaining town roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. (Ord. 576 (part), 2003).

18.40.170 Portable toilets. Any portable toilets shall be placed off the street and out of public view. (Ord. 576 (part), 2003).

18.40.180 Indemnification. All applicants and/or owners shall defend, indemnify, and hold the town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the particular project or because of any claimed liability based upon or caused by the approval of the particular project. The town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The town shall assist in the defense, however, nothing contained in this condition shall prohibit the town from participating in the defense of any such claim, action, or proceeding so long as the town agrees to bear its own attorney's fees and costs and participates in the defense in good faith. (Ord. 576 (part), 2003).

18.40.190 Lighting. Exterior lighting of landscaping by any means shall not be permitted if it creates glare or annoyance for adjacent property owners. Lighting expressly designed to light exterior walls or fences that is visible from adjacent properties or public right-of-ways is prohibited. Lighting generated by outdoor use of television, video or other electronic devices shall not be permitted if it creates glare or annoyance for adjacent property owners. (Ord. 576-1, 2003).