

## Chapter 18.45

### MINOR EXCEPTIONS

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*Section 18.45.070 (Amnesty Period) repealed (Ord. 696, 2019).*

18.45.010 Purpose and intent. The purpose of this chapter is to provide limited relief from the strict application of the development standards specified in this title to allow fences up to 7 feet tall, small accessory structures, mechanical equipment, and the improvement of existing basements where the improvements will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. (Ord. 696 (part), 2019; Ord. 641 (part), 2013).

18.45.020 Applicability. A minor exception from required side and rear yard setbacks, lot coverage and floor area ratio may be requested from the town planner for the following structures to be located on a lot developed with a single-family residence:

1. Fences between 6 and 7 feet in height.
2. Small play structures that do not exceed a height of 15 feet, footprint of 600 square feet (e.g. the footprint of structure including any deck, slide, trampoline and/or swing set area) and the primary deck or enclosed area does not exceed 64 square feet.
3. Small shed structures used as tool and storage sheds that do not exceed 64 square feet and a height of 6 feet.
4. Air conditioners, generators, pool equipment, and any associated enclosure.
5. Improvement of an existing basement provided the following:
  - a. If the structure is in a Special Flood Hazard Area identified on the town Flood Insurance Rate Map and/or in an area that is known for flooding, that the finished floor level of the improvements shall be above the base flood elevation.
  - b. That modifications proposed to the building exterior do not increase the exterior dimensions of the building and that modifications, such as new windows, are compatible with the design of the existing improvements and shall not create privacy issues. The Council may limit the size of light wells to the minimum size necessary to satisfy California Building Code requirements for light, ventilation and emergency egress.
  - c. That any modifications to site drainage have been designed by a licensed engineer and shall result in no net increase to the rate or volume of peak runoff from the site compared to pre-project conditions. Any new mechanical pumps or equipment shall not create noise that is audible off site.
  - d. Excavation, grading or cutting shall not exceed 35 cubic yards for newly created basement floor area. The excavation limit shall apply to excavation

required to lower the floor to the finished floor and shall not include up to one foot of over excavation for the floor and foundation or any removal of existing foundation or flooring. Additional excavation is permitted for construction of stairs counted as floor area on an upper floor and for existing areas that meet the definition of floor area. If the project involves excavation, grading or cutting for a basement space, new floor area shall not exceed 20% of the existing floor area. (Ord. 696 (part), 2019; Ord. 641 (part), 2013).

18.45.030 Review and approval procedures. (a) Application. An application for an exception shall be filed with the town planner on forms prescribed by the town planner, along with any plans or additional information required and the fee as established by a resolution of the town council. The application shall include, in part, evidence supporting the findings required by this chapter.

(b) Review and Approval Authority. The town planner shall review and approve, conditionally approve, or deny an exception application administratively with no public meeting in accordance with this chapter, if no other entitlements are required. If other approvals are necessary, the exception application shall be filed concurrently with the related applications and shall be acted upon by the town council. The town planner may refer an application directly to the town council for consideration. (Ord. 641 (part), 2013).

18.45.040 Public notice. (a) The town planner shall mail notice of intent to take action on a minor exception at least 10 days prior to the decision to the owner of the property that is the subject of the application and all adjacent property owners as shown on the latest equalized assessment roll. In lieu of using the assessment roll, the Town may use records of the county assessor or tax collector which contain more recent information than the assessment roll.

(b) The notice shall provide that a decision will be made by the town planner to approve or disapprove the minor exception application on a date specified in the notice. The notice shall include the name of the applicant, the scheduled date for action, a general explanation of the matter to be considered, the location of the real property that is the subject of the application and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision. When a hearing is requested, notice of the hearing shall be provided pursuant to Government Code Section 65091. (Ord. 641 (part), 2013).

18.45.050 Approval findings and criteria. The town planner may approve an application for a minor exception if the structure complies with the following criteria:

- (a) If the site is in a Special Flood Hazard Area identified on the town Flood Insurance Rate Map, that the Town Floodplain Administrator has indicated that the project will comply with the requirements for a development permit under Chapter 15.36, Flood Damage Prevention Ordinance.
- (b) The building official has indicated the project complies with building code requirements for separation, even if a building permit is not required.
- (c) If the structure is proposed in a required yard setback, that each property owner adjacent to the yard area where the structure or equipment will be located has consented in writing to the installation of the structure.
- (d) No more than two exceptions shall be allowed on any lot.
- (e) If the project involves mechanical equipment that generates noise, such as an air conditioner or generator, that operation of the equipment will comply with any decibel (db) recommendations, regulations, guidelines and policies in the Town of Ross General Plan and zoning code.
- (f) No practical alternative exists to the proposed exception. For this section, the

town may consider factors such as site topography, existing landscaping, aesthetics and noise impacts.

- (g) There will be no detrimental impact (aesthetically or otherwise) to the site, adjacent properties or neighborhood. (Ord. 641 (part), 2013).

18.45.060 Terms and Conditions. In approving a minor exception, the town planner shall have the authority to impose such conditions as deemed necessary to effect the purposes of this title. (Ord. 641 (part), 2013).

18.45.080 Prior conditions not applicable. This chapter supersedes any town council conditions limiting construction of shed or play structures imposed prior to the effective date of this section. (Ord. 641 (part), 2013).