

Chapter 18.41

DESIGN REVIEW

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18.41.010 Purpose. (a) The “small town” feel and the serene, quiet character of its neighborhoods are special qualities to the town. The existing scale and quality of architecture, the low density of development, the open and tree-covered hills, winding creeks and graciously landscaped streets and yards contribute to this ambience and to the beauty of a community in which the man-made and natural environment co-exist in harmony.

(b) This chapter is intended to guide new development to preserve and enhance these special qualities of Ross and to sustain the beauty of the town’s environment. Other specific purposes include the following:

(1) Provide excellence of design for all new development which harmonizes style, intensity and type of construction with the natural environment and respects the unique needs and features of each site and area. Promote high-quality design that enhances the community, is consistent with the scale and quality of existing development and is harmoniously integrated with the natural environment;

(2) Preserve and enhance the historical “small town,” low-density character and identity that is unique to the Town of Ross, and maintain the serene, quiet character of the town’s neighborhoods through maintaining historic design character and scale, preserving natural features, minimizing overbuilding of existing lots and retaining densities consistent with existing development in Ross and in the surrounding area;

(3) Preserve lands which are unique environmental resources including scenic resources (ridgelines, hillsides and trees), vegetation and wildlife habitat, creeks, threatened and endangered species habitat, open space and areas necessary to protect community health and safety. Ensure that site design and intensity recognize site constraints and resources, preserve natural landforms and existing vegetation, and prevent excessive and unsightly hillside grading;

(4) Enhance important community entryways, local travel corridors and the area in which the project is located;

(5) Promote and implement the design goals, policies and criteria of the Ross general plan;

(6) Discourage the development of individual buildings which dominate the townscape or attract attention through color, mass or inappropriate architectural expression;

(7) Preserve buildings and areas with historic or aesthetic value and maintain the historic character and scale. Ensure that new construction respects and is compatible with historic character and architecture both within the site and neighborhood;

(8) Upgrade the appearance, quality and condition of existing improvements in conjunction with new development or remodeling of a site.

(9) Preserve natural hydrology and drainage patterns and reduce stormwater runoff associated with development to reduce flooding, streambank erosion, sediment in stormwater drainage systems and creeks, and minimize damage to public and private facilities. Ensure that existing site features that naturally aid in stormwater management are protected and enhanced. Recognize that every site is in a watershed and stormwater management is important on both small and large sites to improve stormwater quality and reduce overall runoff.

(c) This chapter establishes procedures and criteria for the review of buildings, structures and improvements necessary to meet this purpose. (Ord. 619 (part), 2010; Ord. 514 §1(part), 1993).

18.41.020 Improvements subject to design review.

(a) Design review is required for the following projects:

(1) All new buildings and for all exterior remodeling resulting in additions, extensions or enlargements to existing buildings exceeding two hundred square feet of new floor area, including enclosing existing open areas.

(2) All building relocations.

(3) Any increase to the existing roof height of a building.

(4) All fences, gates or walls, or a combination of these, greater than forty-eight inches in height in any yard adjacent to the street or right-of-way.

(5) The construction of any retaining wall greater than forty-eight inches in height or any terraced retaining walls totaling more than forty-eight inches in height.

(6) New retaining walls with a cumulative total of more than one hundred linear feet.

(7) Any sports court fences over 6 feet in height and for gate columns and other decorative fence elements that exceed the permitted fence height limits.

(8) Any project resulting in the removal or alteration of more than twenty-five percent of the exterior walls or wall coverings of a residence, as determined by the Planner.

(9) Any activity or project resulting in more than fifty cubic yards of grading or filling, whether or not a building permit is required, excluding pools and associated landscape features in accordance with Chapter 18.47.020 of this Code.

(10) Any construction, improvements, grading/filling or other site work within twenty-five feet of a creek, waterway or drainageway, whether or not a building permit is required with the exception of creek projects in accordance with Section 18.41.020(b)(4) of this Code.

(11) Any project resulting in over 1,000 square feet of new impervious landscape surface, whether or not a building permit is required.

(12) Redevelopment, Rehabilitation, and/or renovation of existing landscaping over 2,500 square feet, including new hardscape, retaining walls, vegetation modifications, modification to topography, additional impervious surfaces, alterations of drainage patterns, and other site modifications that could affect the visual and/or physical character of the site and neighborhood, whether or not a building permit is required.

(b) Design Review is not required for the following:

(1) Repainting existing structures involving no exterior remodeling resulting in additions, extensions or alterations.

(2) Accessory Dwelling Units in Accordance with Chapter 18.42 of this Code.

(3) Attic improvement permitted under Chapter 18.46 unless the project involves exterior work within twenty-five feet of a creek, waterway or drainageway, or if the attic project is associated with a larger project that requires design review.

(4) Creek stabilization and/or stream bank repair and alteration permits subject to issuance of a building permit and local, state, and federal permitting approval.

(5) Improvement of an existing basement in accordance with Chapter 18.45 of this Code.

(6) Outdoor advertising for the Local Service Commercial (C-L) Zoning District in accordance with Section 18.41.090(d) of this Chapter. (Ord. 728 (part), 2025; Ord. 704 (part), 2020; Ord. 696 (part), 2019; Ord. 624 (part), 2011; Ord. 619 (part), 2010; Ord. 604 (part), 2008; Ord. 578 §7, 2003; Ord. 575 (part), 2003; Ord. 558 (part), 2001; Ord. 557 (part), 2001; Ord. 544 (part), 1999; Ord. 534 (part), 1996; Ord. 514 §1(part), 1993).

18.41.040 Submittal requirements. Every design review application shall include drawings, plans, specifications and graphic or written material as required by the Planning and Building Director or their designee or town council to clearly and accurately describe the proposed work, its effect on the environment and its relationship to existing improvements. The applicant shall pay a fee as set by the town council. All drawings and plans shall show both existing and proposed elevations and clearly identify all new construction and label all materials as new or existing. A structural engineer's report on the condition of the existing structure and its ability to meet building code requirements without additional modifications shall be prepared as required by the Planning and Building Director or their designee or town council. An extensive termite, dry rot damage report shall be prepared, as required by the Planning and Building Director or their designee or town council, which shall not only identify areas of damage but shall explore to determine the full extent of the damage, both exposed and concealed. Complete photos and a videotape of the structure's exterior shall be provided as required by the Planning and Building Director or their designee or town council. A project manager, hired by the town at the applicant's expense, shall monitor demolition/construction activity as deemed necessary by the Planning and Building Director or their designee. The applicant shall submit a proposed erosion control and sediment control plan, stormwater control plan, and/or stormwater facilities operation and maintenance plan if required by chapter 12.28 of the town code. Standard submittal requirements will be prepared by the Planning and Building Director or their designee. Additional material may be required by the Planning and Building Director or their designee. (Ord. 728 (part), 2025; Ord. 657 (part), 2014; Ord. 604 (part), 2008; Ord. 534 (part), 1996; Ord. 514 §1(part), 1993).

18.41.050 Review authority. The town council will conduct the design review provided for by this chapter, except as otherwise provided in this chapter. (Ord. 641 (part), 2013; Ord. 514 §1(part), 1993).

18.41.060 Town Council review. Except as otherwise provided in this chapter, the town council will decide design review applications at a public meeting. The town council will review the application at its next available meeting following a determination by the Planning and Building Director or their designee that the application is complete. The town clerk will mail written notice at least ten calendar days prior to the hearing to the applicant and to all owners of property within three hundred feet from the exterior boundaries of the project site. (Ord. 728 (part), 2025; Ord. 641 (part), 2013; Ord. 514 §1(part), 1993).

18.41.070 Approval--Special conditions and findings.

(a) The town council may approve, conditionally approve or deny an application for design review. The town council shall include conditions necessary to meet the purpose of this chapter and for substantial compliance with the criteria set forth in this chapter. The council may adopt by resolution standard conditions for all projects to meet.

(b) The town council shall make the following findings in approving any project:

(1) The project is consistent with the purpose of this chapter as outlined in Section 18.41.010.

(2) The project is in substantial compliance with the design criteria of Section 18.41.100.

(3) The project is consistent with the Ross general plan and zoning ordinance.

(c) The town council shall deny any project for which it cannot make the above findings required in this section. (Ord. 514 §1(part), 1993).

18.41.080 Denial of incomplete or inactive applications. Consistent with state law, the Planning and Building Director or their designee may administratively deny without prejudice any application which remains incomplete or inactive for a period of greater than ninety days or is continued at the applicant's request for more than sixty days. (Ord. 728 (part), 2025; Ord. 514 §1(part), 1993).

18.41.090 Administrative review. The Planning and Building Director or their designee may administratively approve, conditionally approve or deny the following without notice or a public hearing: (a) An amendment to town council approved plans that the Planning and Building Director or their designee determines to be in substantial conformity with the approved plans or minor or incidental in nature and consistent with the intent and criteria of this chapter and with zoning ordinance regulations. (b) Design review of fences pursuant to the provisions of Section 18.41.070 and Section 18.41.080. (c) Outdoor advertising for the Local Service Commercial (C-L) Zoning District in consultation with the Town's Advisory Design Review Group. (Ord. 728 (part), 2025; Ord. 704 (part), 2020; Ord. 641 (part), 2013; Ord. 514 §1(part), 1993).).

18.41.100 Design review criteria and standards. This section provides guidelines for development. Compliance is not mandatory but is strongly recommended. The Town Council may deny an application where there are substantial inconsistencies with one or more guidelines in a manner that is counter to any purpose of this ordinance.

(a) Preservation of Natural Areas and Existing Site Conditions.

(1) The existing landscape should be preserved in its natural state by keeping the removal of trees, vegetation, rocks and soil to a minimum. Development should minimize the amount of native vegetation clearing, grading, cutting and filling and maximize the retention and preservation of natural elevations, ridgelines and natural features, including lands too steep for development, geologically unstable areas, wooded canyons, areas containing significant native flora and fauna, rock outcroppings, view sites, watersheds and watercourses, considering zones of defensible space appropriate to prevent the spread of fire.

(2) Sites should be kept in harmony with the general appearance of neighboring landscape. All disturbed areas should be finished to a natural-appearing configuration and planted or seeded to prevent erosion.

(3) Lot coverage and building footprints should be minimized where feasible, and development clustered, to minimize site disturbance area and preserve large areas of undisturbed

space. Environmentally sensitive areas, such as areas along streams, forested areas, and steep slopes shall be a priority for preservation and open space.

(b) Relationship Between Structure and Site.

There should be a balanced and harmonious relationship among structures on the site, between structures and the site itself, and between structures on the site and on neighboring properties. All new buildings or additions constructed on sloping land should be designed to relate to the natural land forms and step with the slope in order to minimize building mass, bulk and height and to integrate the structure with the site.

(c) Minimizing Bulk and Mass.

(1) New structures and additions should avoid monumental or excessively large size out of character with their setting or with other dwellings in the neighborhood. Buildings should be compatible with others in the neighborhood and not attract attention to themselves. When nonconforming floor area is proposed to be retained with site redevelopment, the Council may consider the volume and mass of the replacement floor area and limit the volume and mass where necessary to meet the intent of these standards.

(2) To avoid monotony or an impression of bulk, large expanses of any one material on a single plane should be avoided, and large single plane retaining walls should be avoided. Vertical and horizontal elements should be used to add architectural variety and to break up building plans. The development of dwellings or dwelling groups should not create excessive mass, bulk or repetition of design features.

(d) Materials and Colors.

(1) Buildings should use materials and colors that minimize visual impacts, blend with the existing landforms and vegetative cover, are compatible with structures in the neighborhood and do not attract attention to the structures. Colors and materials should be compatible with those in the surrounding area. High-quality building materials should be used.

(2) Natural materials such as wood and stone are preferred, and manufactured materials such as concrete, stucco or metal should be used in moderation to avoid visual conflicts with the natural setting of the structure.

(3) Soft and muted colors in the earthtone and woodtone range are preferred and generally should predominate.

(e) Drives, Parking and Circulation.

(1) Good access, circulation and off-street parking should be provided consistent with the natural features of the site. Walkways, driveways, curb cuts and off-street parking should allow smooth traffic flow and provide for safe ingress and egress to a site.

(2) Access ways and parking areas should be in scale with the design of buildings and structures on the site. They should be sited to minimize physical impacts on adjacent properties related to noise, light and emissions and be visually compatible with development on the site and on neighboring properties. Off-street parking should be screened from view. The area devoted to driveways, parking pads and parking facilities should be minimized through careful site planning.

(3) Incorporate natural drainage ways and vegetated channels, rather than the standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration, percolation and absorption.

(f) Exterior Lighting.

Exterior lighting should not create glare, hazard or annoyance to adjacent property owners or passersby. Lighting should be shielded and directed downward, with the location of lights coordinated with the approved landscape plan. Lamps should be low wattage and should be incandescent.

(g) Fences and Screening.

Fences and walls should be designed and located to be architecturally compatible with the design of the building. They should be aesthetically attractive and not create a “walled-in” feeling or a harsh, solid expanse when viewed from adjacent vantage points. Front yard fences and walls should be set back sufficient distance from the property line to allow for installation of a landscape buffer to soften the visual appearance. Transparent front yard fences and gates over four feet tall may be permitted if the design and landscaping is compatible and consistent with the design, height and character of fences and landscaping in the neighborhood. Front yard vehicular gates should be transparent to let light and lines of sight through the gate. Solid walls and fences over four feet in height are generally discouraged on property lines adjacent to a right-of-way but may be permitted for properties adjacent to Poplar Avenue and Sir Francis Drake Boulevard based on the quality of the design, materials, and landscaping proposed. Driveway gates should be automatic to encourage use of onsite parking. Pedestrian gates are encouraged for safety, egress, and to encourage multi-modal transportation and pedestrian-friendly neighborhood character.

(h) Views.

Views of the hills and ridgelines from public streets and parks should be preserved where possible through appropriate siting of improvements and through selection of an appropriate building design including height, architectural style, roof pitch and number of stories.

(i) Natural Environment.

(1) The high-quality and fragile natural environment should be preserved and maintained through protecting scenic resources (ridgelines, hillsides, trees and tree groves), vegetation and wildlife habitat, creeks, drainageways threatened and endangered species habitat, open space and areas necessary to protect community health and safety.

(2) Development in upland areas shall maintain a setback from creeks or drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards.

(3) Development in low-lying areas shall maintain a setback from creeks or drainageways consistent with the existing development pattern and intensity in the area and on the site, the riparian value along the site, geologic stability, and the development alternatives available on the site. The setback should be maximized to protect the natural resource value of the riparian area and to protect residents from geologic and flood hazards.

(4) The filling and development of land areas within the one-hundred-year flood plain is discouraged. Modification of natural channels of creeks is discouraged. Any modification shall retain and protect creekside vegetation in its natural state as much as possible. Reseeding or replanting with native plants of the habitat and removal of broom and other aggressive exotic plants should occur as soon as possible if vegetation removal or soil disturbance occurs.

(5) Safe and adequate drainage capacity should be provided for all watercourses.

(j) Landscaping.

(1) Attractive, fire-resistant, native species are preferred. Landscaping should be integrated into the architectural scheme to accent and enhance the appearance of the development. Trees on the site, along public or private streets and within twenty feet of common property lines, should be protected and preserved in site planning. Replacement trees should be provided for trees removed or affected by development. Native trees should be replaced with the same or similar species. Landscaping should include planting of additional street trees as necessary.

(2) Landscaping should include appropriate plantings to soften or screen the appearance of structures as seen from off-site locations and to screen architectural and mechanical elements such as foundations, retaining walls, condensers and transformers.

(3) Landscape plans should include appropriate plantings to repair, reseed and/or replant disturbed areas to prevent erosion.

(4) Landscape plans should create and maintain defensible spaces around buildings and structures as appropriate to prevent the spread of wildfire.

(5) Wherever possible, residential development should be designed to preserve, protect and restore native site vegetation and habitat. In addition, where possible and appropriate, invasive vegetation should be removed.

(k) Health and Safety.

Project design should minimize the potential for loss of life, injury or damage to property due to natural and other hazards. New construction must, at a minimum, adhere to the fire safety standards in the Building and Fire Code and use measures such as fire-preventive site design, landscaping and building materials, and fire-suppression techniques and resources. Development on hillside areas should adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code. New development in areas of geologic hazard must not be endangered by nor contribute to hazardous conditions on the site or on adjoining properties.

(l) Visual Focus.

(1) Where visibility exists from roadways and public vantage points, the primary residence should be the most prominent structure on a site. Accessory structures, including but not limited to garages, pool cabanas, accessory dwellings, parking pads, pools and tennis courts, should be sited to minimize their observed presence on the site, taking into consideration runoff impacts from driveways and impervious surfaces. Front yards and street side yards on corner lots should remain free of structures unless they can be sited where they will not visually detract from the public view of the residence.

(2) Accessory structures should generally be single-story units unless a clearly superior design results from a multilevel structure. Accessory structures should generally be small in floor area. The number of accessory structures should be minimized to avoid a feeling of overbuilding a site. Both the number and size of accessory structures may be regulated in order to minimize the overbuilding of existing lots and attain compliance with these criteria.

(m) Privacy.

Building placement and window size and placement should be selected with consideration given to protecting the privacy of surrounding properties. Decks, balconies and other outdoor areas should be sited to minimize noise to protect the privacy and quietude of surrounding properties. Landscaping should be provided to protect privacy between properties. Where nonconformities are proposed to be retained, the proposed structures and landscaping should not impair the primary views or privacy of adjacent properties to a greater extent than the impairment created by the existing nonconforming structures.

(n) Consideration of Existing Nonconforming Situations.

Proposed work should be evaluated in relationship to existing nonconforming situations, and where determined to be feasible and reasonable, consideration should be given to eliminating nonconforming situations.

(o) Relationship of Project to Entire Site.

(1) Development review should be a broad, overall site review, rather than with a narrow focus oriented only at the portion of the project specifically triggering design review. All information on site development submitted in support of an application constitutes the approved design review project and, once approved, may not be changed by current or future property owners without town approval.

(2) Proposed work should be viewed in relationship to existing on-site conditions. Pre-existing site conditions should be brought into further compliance with the purpose and

design criteria of this chapter as a condition of project approval whenever reasonable and feasible.

(p) Relationship to Development Standards in Zoning District.

The town council may impose more restrictive development standards than the standards contained in the zoning district in which the project is located in order to meet these criteria. Where two or more contiguous parcels are merged into one legal parcel, the Town Council may consider the total floor area of the existing conforming and legal nonconforming structures and may reduce the permitted floor area to meet the purposes of these standards.

(q) Project Reducing Housing Stock.

Projects reducing the number of housing units in the town, whether involving the demolition of a single unit with no replacement unit or the demolition of multiple units with fewer replacement units, are discouraged; nonetheless, such projects may be approved if the council makes findings that the project is consistent with the neighborhood and town character and that the project is consistent with the Ross general plan.

(r) Maximum Floor Area.

Regardless of a residentially zoned parcel's lot area, a guideline maximum of ten thousand square feet of total floor area is recommended. Development above guideline floor area levels may be permitted if the town council finds that such development intensity is appropriate and consistent with this section, the Ross municipal Code and the Ross general plan. Factors which would support such a finding include, but are not limited to: excellence of design, site planning which minimizes environmental impacts and compatibility with the character of the surrounding area.

(s) Setbacks.

All development shall maintain a setback from creeks, waterways and drainageways. The setback shall be maximized to protect the natural resource value of riparian areas and to protect residents from geologic and other hazards. A minimum fifty-foot setback from the top of bank is recommended for all new buildings. At least twenty-five feet from the top of bank should be provided for all improvements, when feasible. The area along the top of bank of a creek or waterway should be maintained in a natural state or restored to a natural condition, when feasible.

(t) Low Impact Development for Stormwater Management.

Development plans should strive to replicate natural, predevelopment hydrology. To the maximum extent possible, the post-development stormwater runoff rates from the site should be no greater than pre-project rates. Development should include plans to manage stormwater runoff to maintain the natural drainage patterns and infiltrate runoff to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. An applicant may be required to provide a full justification and demonstrate why the use of Low Impact Development (LID) design approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site.

(1) Maximize Permeability and Reduce Impervious Surfaces. Use permeable materials for driveways, parking areas, patios and paths. Reduce building footprints by using more than one floor level. Pre-existing impervious surfaces should be reduced. The width and length of streets, turnaround areas, and driveways should be limited as much as possible, while conforming with traffic and safety concerns and requirements. Common driveways are encouraged. Projects should include appropriate subsurface conditions and plan for future maintenance to maintain the infiltration performance.

(2) Disperse Runoff On Site. Use drainage as a design element and design the landscaping to function as part of the stormwater management system. Discharge runoff from downspouts to landscaped areas. Include vegetative and landscaping controls, such as vegetated

depressions, bioretention areas, or rain gardens, to decrease the velocity of runoff and allow for stormwater infiltration on-site. Avoid connecting impervious areas directly to the storm drain system.

(3) Include Small-Scale Stormwater Controls and Storage Facilities. As appropriate based on the scale of the development, projects should incorporate small-scale controls to store stormwater runoff for reuse or slow release, including vegetated swales, rooftop gardens or “green roofs”, catch-basins retro-fitted with below-grade storage culverts, rain barrels, cisterns and dry wells. Such facilities may be necessary to meet minimum stormwater peak flow management standards, such as the no net increase standard. Facilities should be designed to minimize mosquito production. (Ord. 696 (part), 2019; Ord. 653 (part), 2014; Ord. 641 (part), 2013; Ord. 619 (part), 2010; Ord. 611 (part), 2008; Ord. 575 (part), 2003; Ord. 555, 2000; Ord. 543-1 (part), 1998; Ord. 514 §1 (part), 1993).

18.41.110 Noncompliance. Failure to comply in any respect with the conditions or approved plans constitutes grounds for the town to immediately stop work related to the noncompliance until the matter is resolved. Such violation will be subject to the enforcement penalties procedures of Chapter 18.64 of this code. (Ord. 514 §1(part), 1993).

18.41.120 Emergency situations. If a condition exists which requires immediate action to protect public health, safety and welfare, the Planning and Building Director or their designee may grant emergency approval to temporarily correct or ameliorate such condition without submitting the matter to the Town Council for design review approval or posting written notice. Permanent corrective measures shall require design review approval in accordance with the provisions of this chapter. The Planning and Building Director or their designee may impose conditions on an emergency permit as necessary to ensure compliance with this chapter. (Ord. 728 (part), 2025; Ord. 514 §1(part), 1993).

Chapter 18.12

DEFINITIONS

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Section 18.12.310 (Servants' quarters) repealed (Ord. 613 (part), 2009).

Section 18.12.223 (Medical Marijuana dispensary) repealed (Ord. 670 (part), 2016).

(Ord. 728 (part), 2025)

18.12.010 Definitions generally. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular. The word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The term "town council" means the town council of Ross, and "planning commission" means the town council sitting as a planning commission for the town. The definitions set forth in the uniform building regulations of the town, as amended from time to time shall be applicable to this title if such definitions are not in conflict with those following. (Prior code §10 103 (part)).

18.12.020 Accessory building. "Accessory building" means a detached subordinate building, the use of which is incidental and customarily, accessory to that of the main building on the same lot, or to the use of the land. (Prior code §10 103 (part)).

18.12.030 Accessory dwelling unit. "Accessory dwelling unit" shall have the same meaning as defined in California Government Code Section 65852.2, as amended from time to time, including but not limited to an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:
(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code. (Ord. 728 (part), 2025)

18.12.035 Accessory use. “Accessory use” means a use or building incidental or subordinate to the principal use or building on the same lot. (Prior code §10 103 (part)).

18.12.040 Agency. “Agency” means an office or commercial establishment in which goods, material or equipment is received for servicing, treatment or processing elsewhere. (Prior code §10 103 (part)).

18.12.045 Attic. “Attic” means residual, open space between the ceiling of the uppermost story and the roof. If the “attic” is partitioned off into rooms and/or used for living area, it shall be considered a story. (Ord. 624 (part), 2011; Ord. 430 §1, 1981).

18.12.050 Basement. “Basement” means a space partly or wholly underground. A finished basement is defined as a space used in conjunction with daily household activities. It includes recreation rooms, wine cellars, laundry rooms and/or any space which is seven feet or more in height or has sheet rock or paneled walls. If the finished floor level directly above a basement is six feet or more above natural grade for more than twenty-five percent of the basement perimeter, such basement shall be considered as a “story.” (Ord. 624 (part), 2011; Ord. 471 (part), 1989; Ord. 430 §3, 1981; prior code §10 103 (part)).

18.12.060 Building. “Building” means any structure having a roof supported by columns and/or walls and intended for the use of any persons, animal or chattel. (Prior code §10 103 (part)).

18.12.070 Building coverage. “Building coverage” means the land area covered by all buildings on a lot, including all projections. The first 24 inches of roof eaves, overhangs and gutters are not included in building coverage. The area of any wooden, concrete or masonry deck, porch or patio area that is at ground level or not over eighteen inches from ground level shall not be so included provided such structure is not roofed. (Ord. 654 (part), 2014; Ord. 471 (part), 1989; prior code §10 103 (part)).

18.12.080 Building height. “Building height” means the vertical distance as measured in a straight line from any point to either existing or finished grade, whichever is lower. (Ord. 620 (part), 2010; Ord. 589 §1, 2005; Ord. 471 (part), 1989; prior code §10 103 (part)).

18.12.090 Building site. “Building site” means the land area occupied by or capable of being covered by all structures permissible under this title within required yards or other setback lines. (Prior code §10 103 (part)).

18.12.095 Creek. “Creek” means a watercourse (1) that carries water, either intermittently or continuously, in a defined channel, continuous swale or depression, or in a culvert that was placed in the general historic location thereof; and (2) the water either merges with a larger watercourse or body of water, or is diverted into an engineered structure that does not follow the general historic course of a creek. "Creek" does not include any part of an engineered structure developed for collection of storm or flood waters (e.g. a storm drainpipe) that does not follow the general historic course of a creek. For the purposes of measuring creek setback, the measurement shall start at the top of bank on the nearest side of the creek, as determined by the Town Engineer. (Ord. 708 (part), 2020; Ord. 604 (part), 2008)

18.12.100 Dwelling. “Dwelling” means a building designed for and/or occupied by one or more persons or families. (Prior code §10 103 (part)).

18.12.115 Emergency shelter. “Emergency shelter” has the same meaning as defined in California Health and Safety Code Section 50801(e). (Ord. 631 (part), 2012; Ord. 613 (part), 2009).

18.12.120 Family. “Family” means one or more persons living together in a dwelling unit with common use of all living, kitchen, and eating areas within the dwelling unit.. (Ord. 728 (part), 2025; Ord. 524 (part), 1993; prior code §10 103 (part)).

18.12.130 Floor area ratio. “Floor area ratio” means the floor area of the building or buildings on a lot, divided by the area of that lot. For the purpose of determining the allowable floor area of a lot, the floor area is the sum of the gross horizontal areas of the several floors of the building or buildings measured from the exterior faces of the exterior walls. Floor area also includes mezzanines, finished basements and attics, garages, carports, porches which are screened or enclosed with a depth or width greater than ten feet, stairs and elevators on one floor, and other detached structures which are accessory to a dwelling. Floor area shall not include storage sheds less than 120 square-feet or finished basement space used only for storage with less than seven feet of ceiling height and finished attic space used only for storage that does not meet building code requirements for habitable space and is not accessible by permanent stairs. (Ord. 728 (part), 2025; Ord. 708 (part), 2020; Ord. 624 (part), 2011; Ord. 620 (part), 2010; Ord. 590 §2, 2005; Ord. 575 (part), 2003; Ord. 557 (part), 2001; Ord. 471 (part), 1989; Ord. 439 §1, 1983; Ord. 264 §1, 1967; prior code §10 103 (part)).

18.12.140 Garage, private. “Private garage” means an accessory building or portion of a building designed and/or used only for the shelter or storage of not more than four automobiles not more than one of which may be used for business or commercial purposes, and which are owned or operated by the occupants of the dwelling. (Prior code §10 103 (part)).

18.12.150 Garage, commercial. “Commercial garage” means a building, other than a private garage, used for the parking, repair or servicing of motor vehicles. (Prior code §10 103 (part)).

18.12.160 Garage, parking. “Parking garage” means a public garage designed and/or used on a commercial basis for the storage only of vehicles. (Prior code §10 103 (part)).

18.12.177 Home business. “Home business” means any activity which results in a product or service not used in its entirety by the family group, which is carried on in a residence by members of the family occupying the dwelling, which meets all of the criteria for a home occupation, but includes one other employed person in addition to members of the family. (Ord. 561 (part), 2001).

18.12.180 Home occupation. “Home occupation” means any activity which results in a product or service not used in its entirety by the family group, which is carried on in a residence, meeting all of the following criteria:

(1) The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes;

(2) The use is confined completely within a legal dwelling and occupies not more than twenty-five percent of the floor space of the dwelling or a portion of an accessory building;

(3) The use is carried on by members of the family occupying the dwelling, with no other people employed on-site;

(4) There shall be no advertising sign, nor display, nor stock in trade nor commodity sold upon the premises;

(5) There shall be no activity outside of the dwelling unit not normally associated with residential use, nor shall the home occupation generate a character and volume of vehicular traffic not normally associated with residential use;

(6) No garaging nor storing of vehicles bearing any advertising related to the home occupation shall be permitted nor shall any type of commercial vehicle be used in connection with the home occupation or parked on the property;

(7) A home occupation shall not create excessive parking at the location nor shall it displace off-street motor vehicle parking space requirements of this title;

(8) No professional offices are allowed, specifically including but not limited to the healing arts, law, accounting, real estate, clergy, insurance and similar professional or semiprofessional offices;

(9) No listing or advertising of the address of such home occupation for business purposes is permitted except normal listing, not including display ads, in telephone, business and town directories and in newspapers and magazines;

(10) A home occupation shall produce no external evidence of its existence; there shall be no mechanical equipment used except such as is necessary and customary for housekeeping purposes or electrical equipment acceptable for connection to one-hundred-ten or two-hundred-twenty circuit; no outside operations or storage; no alteration of the residential appearance of the premises and no process used which is hazardous to the health, safety or general welfare of the public or which emits smoke, dust, noise, fumes, odors, vibrations, glare, or electrical disturbances onto any other premises. (Ord. 561 (part), 2001; Ord. 295 §1, 1969; prior code §10 103 (part)).

18.12.190 Junior Accessory Dwelling unit “Junior accessory dwelling unit” shall have the same meaning as defined in California Government Code Section 65852.22, as amended from time to time, including but not limited to a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. (Ord. 728 (part), 2025)

18.12.194 Landscape Features. “Landscape Features” means anything that is constructed upon the ground including pools, spas, landscape features such as decks, patios, fireplaces, seat walls and hardscape areas accessory to a pool or spa located on the portion of a site containing planted areas and plant materials, including trees, shrubs, lawns, flower beds, and ground cover, together with decorative elements such as walks, benches, patios, terraces, water features, and the like, suitable for ornamenting or screening the site, or a use on the site.

18.12.195 Lot. “Lot” means a parcel of land under one ownership used or capable of being used under the regulations of this title, and including both the building site and all required yards and other open spaces and frontages as defined herein. (Prior code §10 103 (part)).

18.12.200 Lot area. “Lot area” means the total area included within a lot excluding vehicular easements serving other property. (Prior code §10 103 (part)).

18.12.210 Lot, corner. “Corner lot” means a lot located at the junction of two or more intersecting streets, with a boundary line thereof bordering on each of the streets. (Prior code §10 103 (part)).

18.12.220 Lot width. “Lot width” means the average distance between side lot lines. (Prior code §10 103 (part)).

18.12.222 Massage establishment. “Massage establishment” is defined by the Massage Therapy Act, California Business and Professions Code Section 4601(f), as the same may be amended from time to time. (Ord. 660 (part), 2015).

18.12.225 Mezzanine. “Mezzanine” means an intermediate floor placed in any story or room. When the total area of such “mezzanine floor” exceeds one-third of the total floor area in that room, it shall be considered as constituting an additional story. The clear height above or below a “mezzanine floor” construction shall be not less than seven feet. (Ord. 728 (part), 2025; Ord. 430 §2, 1981).

18.12.230 Nonconforming structure. “Nonconforming structure” means a building or structure or portion thereof which does not conform to one or more regulations of the district in which it is located. (Ord. 653 (part), 2014; Prior code §10 103 (part)).

18.12.240 Nonconforming use. “Nonconforming use” means a use which does not comply with the use regulations in the district in which it is located, including any use requiring a use permit. (Prior code §10 103 (part)).

18.12.250 Outdoor advertising. “Outdoor advertising” means any outdoor display of advertising material in any form, in, on, or upon any physical structure, vehicle, or natural object. (Ord. 379 §1, 1977; prior code §10 103 (part)).

18.12.260 Outdoor advertising sign or structure. “Outdoor advertising sign or structure” means any structure upon which outdoor advertising is placed or displayed. (Prior code §10 103 (part)).

18.12.270 Parking space. “Parking space” means land or space with a minimum standard dimension of nine (9) feet wide by 18 feet long, privately owned, covered or uncovered, laid out for, and used or designed to be used by a standing vehicle. An enclosed parking space includes a permanent, roofed structure that adequately screens the vehicle from public view, as determined by the Planning and Building Director or their designee. (Ord. 728 (part), 2025; Ord. 708 (part), 2020; Prior code §10 103 (part)).

18.12.273 Porch. “Porch” means a roofed structure projecting from the exterior wall of a dwelling for the purpose of providing shelter for an entrance. Porches provide an architectural transition between the interior of a residence and a yard and may not be used as living space. (Ord. 590 §1, 2005).

18.12.275 Residential care facility. “Residential care facility” means a family dwelling unit licensed or supervised by any federal, state, or local health/welfare agency which provides twenty-four-hour nonmedical care of unrelated persons who are disabled and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the

protection of the individual in a family-like environment. (Ord. 728 (part), 2025; Ord. 524 (part), 1993).

18.12.278 Ross based nonprofit. “Ross-based nonprofit” means an organization that occupies a parcel of property within the Ross town limits and does not declare a profit and instead uses all revenue available after normal operating expenses in service to the public interest for charitable, educational, scientific, religious or literary purposes. (Ord. 652 (part), 2014).

18.12.280 School, private. “Private school” as used in this title means and includes only a private, full-time day school or institution of learning wherein a general course of study is maintained or carried on upon academic and educational standards equivalent to those of the public schools of this state and of the same grade or grades, and which shall offer instruction in the several branches of study required to be taught in the public schools of this state. (Ord. 524 (part), 1993; prior code §10 103 (part)).

18.12.290 Service station. “Service station” means a retail business establishment supplying motor fuel and oil, and minor accessories and services for motor vehicles, and not including repairs.

18.12.300 Setback line. “Setback line” means a line established by this title to govern the placement of buildings with respect to streets, alleys and adjoining property lines. (Prior code §10 103 (part)).

18.12.310 Single room occupancy housing. “Single room occupancy housing” means multi-unit housing that consists of single room dwelling units rented for at least thirty days in which all living activities occur within a single room. (Ord. 631 (part), 2012).

18.12.315 Slope. “Slope” means percent slope determined by the difference between the minimum and maximum elevations, divided by the horizontal distance between these respective elevations measured along a line perpendicular to the natural contours, times one hundred. The measurement of slope shall be determined by the town engineer. (Ord. 604 (part), 2008; Ord. 471 (part), 1989).

18.12.317 Special community event. “Special community event” means an event by a Ross-based nonprofit or Ross School District that takes place within the Ross town limits that is open to the Ross community and does not take place more than once per year. Special community events include, but are not limited to, parades, holiday house tours, garden tours, town dinners, book fairs, or any other similar events. The Town Council may designate events that take place more than once per year as special community events. (Ord. 652 (part), 2014).

18.12.320 Stable, private. “Private stable” means an accessory structure for the keeping and care, for private, noncommercial, and nonremunerative, purposes, of not more than two horses on a minimum lot of one acre, and one additional horse per each additional acre. On sites of less than one acre, the number of horses, if any, shall be as specified in the use permit. On lots of at least one acre, where the “additional property” is less than one acre, the “additional” horses, if any, shall be as specified in the use permit. (Ord. 377 §1, 1977; prior code §10 103 (part)).

18.12.330 Stable, commercial. “Commercial stable” means stable for the keeping of horses for remuneration, hire, sale or use on a commercial basis. (Ord. 377 §2, 1977; prior code §10 103 (part)).

18.12.340 Structure. “Structure” means anything temporarily or permanently constructed or erected upon the ground including, without limitation, including any building, fence or wall, recreational use structures, such as ~~swimming pools, pool aprons or coping, hot tubs, patios, decks,~~ tennis or sports courts and other similar recreational and social facilities, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground, but excluding driveways and walkways upon the ground surface. “Structure” does not include fences under seven feet tall, entry arbors that comply with 18.40-200(c) (3), and retaining walls less than forty-height inches in height. (Ord. 728 (part), 2025; Ord. 641 (part), 2013; 604 (part), 2008; Ord. 447 §1, 1984; prior code §10 103 (part)).

18.12.350 Story. “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and ceiling or roof above. (Ord. 471 (part), 1989; Ord. 430 §4, 1981; prior code §10 103 (part)).

18.12.360 Story, half. “Half story” is as defined the Uniform Building Code edition effective in the town. (Prior code §10 103 (part)).

18.12.370 Street. “Street” means a public vehicular way which affords a primary means of access to property. (Prior code §10 103 (part)).

18.12.380 Structural alterations. “Structural alterations” means any change in the supporting members of a building as bearing walls, columns, beams or girders and floor joists, ceiling joists or roof rafters. Structural alteration does not include replacement of a foundation. (Ord. 604 (part), 2008; Prior code §10 103 (part)).

18.12.382 Supportive housing. “Supportive housing” is rental housing developments receiving assistance under the Multifamily Housing Program regulated through California Code of Regulations, Title 25, Article 7, Section 4. Such housing is occupied by a target population and linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. (Ord. 728 (part), 2025; Ord. 631 (part), 2012).

18.12.385 Sports court. “Sports court” means the area of enclosure within which sports, in its various forms, including without limitation, basketball, tennis, platform and paddle or any other recreational sports, is played. (Ord. 728 (part), 2025; Ord. 368 §1, 1976).

18.12.386 Town event. “Town event” means any event sponsored in whole or in part by the Town of Ross. (Ord. 652 (part), 2014).

18.12.387 Transitional housing. “Transitional housing” is an establishment providing intermediate shelter to persons for up to nine months. Transitional housing will offer, either on or off-site, access to social services, counseling, and other programs to assist formerly homeless residents in the transition to permanent housing. This classification does not include facilities

licensed for residential care by the State of California or homeless shelters. (Ord. 631 (part), 2012; Ord. 613 (part), 2009).

18.12.388 Walkway. “Walkway” means a path less than or equal to four feet in width; less than or equal to eighteen inches above grade; serving a circulation function. (Ord. 471 (part), 1989).

18.12.390 Yards. “Yards” also referred to as “Setbacks” means land unoccupied or unobstructed, except for such encroachments as may be permitted by this title, surrounding a building site. Roof eaves, overhangs and gutters may project into the first 24 inches of a required yard area. (Ord. 708 (part), 2020; Ord. 654 (part), 2014; Prior code §10 103 (part)).

18.12.400 Yard, rear. “Rear yard” also referred to as “rear setback” means a yard extending between the side lines of the lot and measured between the rear line of the lot and the nearest point of the main building or porch nearest the rear line of the lot. (Ord. 708 (part), 2020; Prior code §10 103 (part)).

18.12.410 Yard, front. “Front yard” also referred to as “front setback” means a yard extending across the full width of the lot measured between the street line (or the lot line connected to a street by legal access) and the nearest point of the main building or porch. The front yard of a corner lot is the yard adjacent to the shorter street frontage. (Ord. 708 (part), 2020; Prior code §10 103 (part)).

18.12.420 Yard, side. “Side yard” also referred to as “side setback” means a yard on either side of the lot extending from the front line to the rear lot line, the width of each yard being measured between the side line of the lot, and the nearest point of the main building or porch. (Ord. 708 (part), 2020; Prior code §10 103 (part)).

Chapter 18.47

POOL AND LANDSCAPE EXCEPTIONS

Sections:

- 18.47.010 Purpose and intent.
- 18.47.020 Applicability.
- 18.47.030 Design Regulations.
- 18.47.040 Review and approval procedures.
- 18.47.050 Terms and conditions.
- 18.47.060 Prior conditions not applicable.

18.47.010 Purpose and intent. The purpose of this chapter is to establish a limited administrative process for the review and approval of minor setback exceptions for pools and associated landscape features in residential zoning districts, where strict application of yard setback regulations would be impractical due to site conditions and where the exception will not result in adverse impacts to surrounding properties or the neighborhood.

This chapter is intended to

- (a) Allow the Planning and Building Director or their designee to grant setback exceptions for pools and landscape features in residential zoning districts where lot configuration, topography, existing development, or neighborhood patterns constrain compliance with standard setback requirements.
- (b) Provide a clear, predictable, objective and efficient staff-level review process for pools and landscape features that are incidental to residential use and are not intended to function as residential structures.
- (c) Avoid unnecessary delay and the need for variance applications where proposed pool and landscape improvements are consistent with the intent of the General Plan and this title and can be adequately conditioned to protect privacy, noise levels, and neighborhood character.
- (d) Ensure equitable application of setback regulations throughout the Town by allowing limited flexibility for pools and landscape features, while maintaining appropriate safeguards for adjacent properties.

18.47.020 Applicability. A pool and landscape features setback exception may be reviewed and approved administratively by the Planning and Building Director or their designee in accordance with this chapter. This chapter shall apply only to lots developed with a single-family residence in a residential zoning district. The following improvements may be eligible for pool and landscape feature exception from required yard setbacks:

1. Swimming pools, spas, and similar water features.
2. Pool decks not exceeding eighteen inches in height, patios, fireplace and hardscape areas accessory to a pool or spa.
3. ~~Pool equipment, including pumps, heaters, filters, and associated screening or enclosures.~~
4. Retaining walls, seat walls, steps, landings, and similar landscape features that are accessory to a pool or spa and do not contain habitable space.
5. Outdoor features customarily incidental to pool use, including outdoor showers and low landscape features.

18.47.030 Objective Design and Development Standards for pools and landscape features.

This section establishes objective design and development standards for pools and associated landscape features. Standards are identified by use of the term “shall” and compliance is mandatory.

If any provision of this section conflicts with another provision of this title, the more restrictive regulation, standard, or policy shall apply.

- (a) Minimum setbacks for pools and landscape features shall be provided as follows.

Front Setback	Side Setback	Rear Setback
25 feet	10 feet	10 feet

- (b) When granting a setback exception for pools and landscape features, a minimum three-foot wide planting buffer shall be provided between the improvement and the adjacent property line.

1. The planter buffer shall consist of hedges or similar dense landscaping capable of providing visual screening.
2. Landscaping shall be of a height, species, and spacing sufficient to provide privacy and reduce noise impacts to adjacent properties.
3. Fencing, walls, or other screening elements may be combined with required landscaping where appropriate, provided the combined treatment includes a minimum three-foot wide planting buffer.

- (c) The following landscape features shall not exceed a maximum height of four feet, measured from finished grade.

1. Outdoor kitchens
2. Outdoor fireplaces
3. Built-in seating

- (d) Decks shall not exceed eighteen inches above finished grade.

18.47.040 Review and approval procedures. (a) Application. An application for an exception shall be filed with the Planning and Building Director or their designee on forms prescribed by the Planning and Building Director or their designee, along with any plans or additional information required and the fee as established by a resolution of the town council.

(b) Staff may not grant exceptions that would allow further encroachments greater than the minimum setbacks prescribed above.

(c) Review and Approval Authority. Staff shall review and approve, conditionally approve, or deny an exception application administratively with no public meeting in accordance with this chapter.

(d) Town Council Review. If other approvals are necessary, the exception application shall be acted upon by the town council concurrently with any related applications if applicable.

- (e) Appeal. The decision of the Planning and Building Director or their designee may

be appealed to the Town Council. (Ord.).

18.45.050 Terms and Conditions. In approving a setback exception, the Planning and Building Director or their designee shall have the authority to impose such conditions as deemed necessary to effect the purposes of this title. (Ord.).

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- (a) Allow the Planning and Building Director or their designee to grant setback exceptions for pools and landscape features in residential zoning districts where lot configuration, topography, existing development, or neighborhood patterns constrain compliance with standard setback requirements.
- (b) Provide a clear, predictable, objective and efficient staff-level review process for pools and landscape features that are incidental to residential use and are not intended to function as residential structures.
- (c) Avoid unnecessary delay and the need for variance applications where proposed pool and landscape improvements are consistent with the intent of the General Plan and this title and can be adequately conditioned to protect privacy, noise levels, and neighborhood character.
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