

ARTICLE 42

SEC. 21-42 DEVELOPMENT STANDARD EXCEPTIONS.

42.1 Purpose: To provide relief where strict adherence to the development standards of the base zoning districts would impose undue hardship and prevent the legitimate use of land consistent with the purpose of this Chapter; and to provide additional regulations for specific uses.

42.2 Lots of record:

- (a) Any single lot or parcel of land, which was of record and a legal lot at the time of adoption of this Chapter, but does not meet the requirements of the district in which it is located for minimum lot width and area, may be utilized for all permitted uses, if all other requirements of this Chapter are met.
- (b) No lot existing at the effective date of this Chapter shall be reduced in dimension or area in relation to any building thereon so as to be smaller than required by this Chapter. However, in the case of a recorded lot which already has less area or does not conform with the minimum average lot width or maximum length to width ratio as required by this Code, said lot may be reduced in area by not more than ten (10) percent of the existing lot area and the lot dimensions may be modified at the discretion of the Review Authority through the lot line adjustment provisions in Chapter 17, the Subdivision Ordinance of the County of Lake. .
(Ord. No. 1749, 7/7/1988)

42.3 Height, yard and setback exceptions for agricultural structures, buildings, and fences:

- (a) Fences in excess of four (4) feet in height may occupy any required yard provided they are for agricultural purposes, proposed in a district where agricultural uses are a permitted use, and constructed of wire mesh, chain link or other material allowing unobstructed visibility above four (4) feet in height, except as provided for corner lots in Section 42.11(a). (Ord. No. 1749, 7/7/1988; Ord. No. 2172, 8/12/1993)
- (b) Accessory buildings and structures used for the housing or maintenance of farm animals shall be located at least fifty (50) feet from the front lot line, and twenty (20) feet from any side lot line, and fifty (50) feet from any dwelling on the same or adjacent lot, not including perimeter fencing for grazing purposes. (Ord. No. 1749, 7/7/1988)
- (c) No occupied beehive or box shall be located within 400 feet of any dwelling on an adjacent lot, nor within 150 feet of any public road, street or highway, or as determined by the Planning Director.

42.4 Yard exceptions:

- (a) Every part of a required yard (setback) shall be unobstructed from the ground to the sky, except as otherwise provided in this Article and except for landscaping, septic tanks or other appropriate underground utilities, driveways and sidewalks, and the ordinary projection of sills, buttresses, cornices, chimneys, eaves, solar energy equipment, greenhouses, and ornamental features but in no case shall such projections exceed three (3) feet.
- (b) Where a building setback line has been established by a recorded subdivision or parcel map, sectional district map, or as a condition of any approved specific plan of development, use permit, or variance, the required setback shall be the building setback line shown on the subdivision or parcel map or condition of permit approval. This exception includes setbacks for roads, yards, creeks, building envelopes, and special setbacks for the protection of environmentally sensitive areas, or adjacent land uses. In no case shall the required setback be less than that required by the zoning district.
- (c) Whenever an official setback line has been established for any street or proposed street designated in Section 21-42.20, Official Setback Line Exceptions, yards required by this Chapter shall be measured from such official line unless the yard requirements of this Chapter are more restrictive when measured from the front lot line. In no case shall the provision of this Chapter be construed as permitting any encroachment upon an official setback line. **(Ord. No. 1749, 7/7/1988)**
- (d) In the case of odd-shaped lots where the required yard definitions set forth in this Chapter are not applicable, the Planning Director shall determine the required yards which shall approximate the required yards of a rectangular lot in the same base zoning district.
- (e) In the case of through lots, the required side yard shall extend the full depth of the lot between the street lines and there shall be two (2) required front yards for the purpose of computing setbacks.
- (f) When corner lots not meeting the width requirements of this Chapter abut two or more streets, the following standards shall apply:
 - 1. The shortest lot frontage shall meet the required front yard standards, the length of this frontage shall be the lot width; and the required rear yard shall be opposite this front yard.
 - 2. The required front yard on the remaining street side of such lot shall be not less than twenty (20) percent of the width of the lot, but in no case shall the required front yard be less than ten (10) feet.
 - 3. The required rear yard of a corner lot backing upon a key lot may be reduced to a depth of ten (10) feet, provided the total yard area required on the lot by the applicable district regulations is not thereby reduced.

- (g) Interior lots not meeting the width requirements of this Chapter to be developed with single-family dwellings may have a reduced required side yard equal to ten (10) percent of the average lot width in compliance with the Uniform Building Code. In no case, however, shall the structure encroach closer than three (3) feet to the side lot line. **(Ord. No. 2172, 8/12/1993)**
- (h) Lots smaller than five (5) acres, but larger than one (1) acre in size in the Rural Residential, Rural Lands and Unclassified zoning districts may utilize the minimum yard requirements of the Suburban Reserve district Section 9.14. Lots smaller than one (1) acre in size in the “RR”, “RL” and “U” districts and lots smaller than fifteen thousand (15,000) square feet in the Suburban Reserve district may utilize the minimum yard requirements of the “R1” Single-Family Residential district Section 10.15. **((Ord. No. 1749, 7/7/1988; Ord. No. 1974, 12/20/1990)**
- (i) The yard requirements of this Article and Chapter may be reduced by up to twenty-five (25) percent upon securing a minor use permit in each case. **(Ord. No. 1749, 7/7/1988)**

42.5 Yard exceptions for attached accessory buildings, porches, sundecks, landings, stairways, and solar energy systems:

- (a) Where an accessory building is attached to the main building, it shall be structurally a part of and have a common roof or common wall with the main building, and shall comply in all respects with the requirements of this Chapter applicable to the main building.
- (b) Open, uncovered, raised porches, decks, landing places or outside stairways may project not closer than four (4) feet to any side lot line, or ten (10) feet to any rear lot line.
- (c) Sundecks to serve any story other than the ground floor may project not closer than four (4) feet to any side lot line or ten (10) feet to any rear lot line; provided that such sundeck shall not extend more than twenty (20) feet from the rear of the main structure.
- (d) Solar energy systems attached to the south elevation of a principal building may encroach up to ten (10) feet into the required rear yard.
- (e) Open, uncovered walkways not exceeding four (4) feet in width or thirty-six (36) inches in height may occupy any required yard area.

42.6 Front yard exceptions:

- (a) Where four (4) or more lots in a block, in the same zoning district and on the same side of the street, have been improved with buildings (not including accessory buildings), the required front yard (setback) may be reduced to the average of the existing setbacks; provided that no such front yard shall be less than five (5) feet. If the block is more than 800 feet between intersections, only those parcels within 400 feet of both sides of the subject parcel shall be considered. Vacant lots shall be averaged at the required front yard (setback) line. Any improved lot shall not be averaged at a greater distance than the required yard. This section shall not be interpreted to reduce the required setback for a garage entrance.
- (b) Solar energy systems attached to the south elevation of a principal building may encroach up to six (6) feet into the required front yard.
- (c) Additions may be made to dwelling units within the required front yard, provided that such addition into the required front yard does not exceed the encroachment of the existing main structure. Additions proposed pursuant to this section which are within ten (10) feet of the front property line shall be subject to the approval of a minor use permit. **(Ord. No. 1749, 7/7/1988)**

42.7 Side yard exceptions for dwelling units:

- (a) Where a dwelling unit is located on a lot so that the main entrance is located on the side of the building, the required side yard setback from the front setback line to such entrance, shall not be less than ten (10) feet.
- (b) Additions may be made to dwelling units within the required side yards provided that such addition into the side yard does not exceed the encroachment of the existing main structure. In no case, however, shall the addition encroach closer than three (3) feet to the side lot line. **(Ord. No. 2128, 1/14/1993)**

42.8 Yard and setback exceptions for garages and carports; and sloping lots: (Ord. No. 2128, 1/14/1993)

- (a) Detached garages and carports in any residential district accessory to a single-family residence may be located on the front one-half (1/2) of the lot, provided that it meets all front and side yard requirements applicable to a main building, is not less than three (3) feet from any dwelling on the same lot or an adjacent lot, and meets all other requirements of this Chapter as to location. **(Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993)**
- (b) Garage or carport entrances when opening onto any front lot line shall be located not less than twenty (20) feet from said lot line. Garages or carports opening onto any rear or side lot line facing an alley shall be located not less than thirty (30) feet from the far side of the alley. Garage or carport entrances facing any rear or side interior lot line shall be located not less than twenty-five (25) feet from said line. **(Ord. No. 1749, 7/7/1988; Ord. No. 1897, 12/7/1989)**

- (c) Where the slope of the front half of the lot is greater than one foot rise or fall in a distance of seven feet from the established street at the property line, or where the elevation of the lot at the street line is five feet or more above or below the established street elevation, a private garage or carport (attached or detached), open parking platform, or an outside staircase no wider than four (4) feet may be built to the front line, with no encroachment on required side yards. Any garage or carport constructed pursuant to this section shall be oriented towards a side lot line and shall contain a minimum backup area of twenty-five (25) feet. **(Ord. No. 2128, 1/14/1993)**
- (d) A detached carport may be located immediately adjacent to a single-family dwelling or mobile home. A detached private garage may be located immediately adjacent to a single-family dwelling or mobile home if the interior of the garage wall adjacent to the single-family dwelling or mobile home is constructed of materials approved for one-hour fire resistive construction. If there are openings in the single-family dwelling or mobile home wall adjacent to the garage wall, the garage shall be placed not less than three (3) feet from the adjacent single-family dwelling or mobile home wall. **(Ord. No. 1749, 7/7/1988)**
- (e) **Repealed (Ord. No. 1749, 7/7/1988)**

42.9 Setback exceptions for detached accessory structures and buildings:

- (a) Accessory buildings in any residential district (other than a garage or carport) shall be located on the rear one-half (1/2) of the lot and at least three (3) feet from any dwelling existing or under construction on the same lot, or any adjacent lot; except as provided for in Sections 42.8(d) and 42.9(g). **(Ord. No. 1749, 7/7/1988; Ord. 1897, 12/7/1989)**
- (b) Accessory buildings shall not be located within three (3) feet of the side lot line of the lot or, in the case of a corner lot, shall not project beyond the required front yard or that required front yard existing on the adjacent lot. **(Ord. No. 1749, 7/7/1988)**
- (c) Detached accessory structures shall be kept at a distance no less than three (3) feet from the main building(s) or structure(s); except as provided for in Section 42.8(d). **(Ord. No. 1749, 7/7/1988)**
- (d) Swimming pools may be located on the front one-half (1/2) of the lot, but shall not be located less than five (5) feet from any interior side or rear lot line. Such pools are prohibited within the required front yard(s). **(Ord. No. 1749, 7/7/1988)**
- (e) Detached accessory structures and buildings in any residential district may be located within the required rear yard provided that they shall not be located less than three (3) feet from the rear lot line, and provided that accessory buildings within the required rear yard do not occupy more than thirty-five (35) percent of the width of the required rear yard. **(Ord. No. 1749, 7/7/1988)**

- (f) Accessory structures that need not meet the setback requirements of this code include ground level sidewalks, stepping stones and pathways, curbs, traffic control berms, retaining walls of three (3) feet in height or less (walls greater than three (3) feet in height may be approved pursuant to Sections 42.11 and 42.14), balanced cuts and fills, importation of fill, light standards and similar ornamental or accessory structures or constructs; not including any dam or dam embankment. **(Ord. No. 1749, 7/7/1988)**
- (g) Wells and well houses may be located within a front yard or any required yard area provided they are at least three (3) feet from any property line. Propane tanks may be located within a front yard or any required yard area provided that they are located consistent with the Uniform Fire Code and the Uniform Building Code. When located within any front yard or required front yard, such structures may be screened from view. **(Ord. No. 1897, 12/7/1989; Ord. No. 2172, 8/12/1993)**

42.10 Height exceptions for appurtenant and accessory buildings and structures:

- (a) Accessory buildings, in any district except as noted within the various districts and Articles of this Chapter, may not exceed twenty (20) feet in height; however, upon the securing of a minor use permit, this height limit may be exceeded. **(Ord. No. 1749, 7/7/1988)**
- (b) Appurtenant structures attached to a principal or accessory building including chimneys, vents, towers, heating and cooling fans or other devices, may be erected to a fifteen (15) percent greater height limit than the limit established for the district in which the structure is located. **(Ord. No. 2202, 11/25/1993; Ord. No. 2594, 7/25/2002)**
- (c) Detached and attached appurtenant structures including silos, cupolas, flag poles, monuments, gas tanks, water tanks and those appurtenant structures listed in Section 42.10 (b) may exceed height limits upon the securing of a major use permit in each case. **(Ord. No. 2594, 7/25/2002)**

42.11 Height exceptions for fences, walls, and hedges:

- (a) Fences, walls, and hedges not exceeding four (4) feet in height may be placed in the required front yard (setback) of an interior lot. Fences and walls in excess of three (3) feet in height but not higher than four (4) feet may occupy any required front yard of a corner lot, provided that the portion of the fence exceeding three (3) feet that is located within: 1) fifty (50) feet of the corner property line(s) or extended corner property line(s), or 2) from the edge of a prescriptive right of way, whichever provides the most unobstructed vision, is constructed of wire mesh, chain link or other material allowing unobstructed visibility. Fences, walls, and hedges exceeding four (4) feet but six (6) feet or less in height may be approved in the required front yard area upon first securing a minor use permit in each case if the Review Authority makes the following additional findings **(Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993):**

1. Approval will not result in obstruction of sight distance so as to create or increase any traffic safety hazard.
 2. The design of the project provides for off-street, on-site parking of one (1) vehicle in tandem to any gated vehicle entrance. **(Ord. No. 1749, 7/7/1988)**
- (b) A maximum six (6) foot high fence, wall or hedge may be located within the required side or rear yard (setback) of an interior lot or corner lot. Fences, walls and hedges exceeding six (6) feet in height may be permitted in the required side or rear yard (setback) of an interior lot, or interior side of a corner lot, subject to the approval of a minor use permit in each case. **(Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993)**
 - (c) Fences, walls, and hedges exceeding four (4) feet in height may not be placed within ten (10) feet of the front property line in the "C2" district. **(Ord. No. 2128, 1/14/1993)**
 - (d) Fences, walls and hedges in excess of six (6) feet but not exceeding twelve (12) feet may be located around a tennis court anywhere on a lot, except in a required front yard (setback) adjacent to a street, subject to securing a minor use permit. **(Ord. No. 2128, 1/14/1993)**
 - (e) The Review Authority or Development Review Committee may approve a maximum six (6) foot high wall or fence in any required front yard in any "C3", "M1" or "M2" district. Walls or fences exceeding six (6) feet may be approved subject to first obtaining a minor use permit in each case. **(Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993)**

42.12 Height and yard exceptions for utility facilities: Utility distribution and transmission poles and towers are exempt from the maximum height and minimum yard regulations of this Chapter.

42.13 Repealed (Ord. No. 2202, 11/25/1993; Ord. No. 2594, 7/25/2002)

42.14 Height exceptions, general: The maximum height limitations of this Article and Chapter may be exceeded upon securing a major use permit in each case.

42.15 Coverage exceptions:

- (a) Swimming pools, open decks and appurtenant energy systems are exempt from the maximum lot coverage requirements of this Chapter. **(Ord. No. 1749, 7/7/1988)**
- (b) In the "R1" and "R2" districts, lots less than six thousand (6,000) square feet in area may be developed with single-story structures with a maximum lot coverage of forty (40) percent provided all other requirements of this Chapter are met. **(Ord. No. 1749, 7/7/1988)**

42.16 Length to width ratio exceptions:

- (a) Where the length of an existing parcel exceeds the length to width ratio of any district of this Chapter by a factor of two (2) or more, the Review Authority for a subdivision may approve lots longer than the required length to width ratio as long as the existing lot width is not reduced by more than twenty-five (25) percent.
- (b) The length to width ratio limitations of this Article and Chapter may be exceeded upon securing a major use permit in each case. The Review Authority approving such a request shall in addition to the findings of Section 51.4 find that strict adherence to this standard would result in increased environmental impacts or poor usability of resulting parcels, or physical features such as watercourses, ridges, and existing roads are to be utilized as boundaries.

SEC. 21-42.20 OFFICIAL SETBACK LINE

42.21 Purpose: These regulations are adopted to provide for adequate building setbacks from State highways and other roads in the County of Lake. **(Ord. No. 1749, 7/7/1988)**

42.22 Definitions (Ord. No. 1749, 7/7/1988):

- (a) Master Plan of Streets and Highways means that certain portion of the General Plan of Lake County, California, which consists of a map and text, and shows the location of existing and proposed major thoroughfares in said County.
- (b) Official setback lines refers to lines established as set forth in Section 42.20, and located at specified distance on either side of a line midway between the right-of-way, easement, or side property lines of any road, if there is no right-of-way or easement, the centerline of the traveled surface of said road, or any centerline established by resolution of the Board of Supervisors.
- (c) Precise Plan means such rules and regulations as set forth in Section 42.20 of this Article and such other maps, rules, and regulations which are or may be adopted to protect and carry out the “Master Plan of Streets and Highways.”
- (d) Road means any street, way, lane, avenue, county road, road or state highway in the County of Lake.
- (e) Structure means that which is built or constructed: an edifice or building of any kind, any piece of work, including swimming pools, retaining walls, stairways and any underground storage facility in excess of one thousand (1,000) gallons capacity; provided, however, “structure” shall not include: any structure or building existing on the effective date of Section 42.20; public utility distribution lines; wells; septic tanks; trees, garden or agricultural crops; wire fences or similar fences which are largely transparent; solid fences under three (3) feet in height; structures established by governmental agencies; signs and movable awnings attached to the face of a building and projecting not more than eight (8) feet beyond the official setback line, provided that the lowest part of such sign or

awning and all supporting members shall be not less than eight (8) feet above the ground immediately below.

42.23 Master Plan: There is hereby adopted a Master Plan of Streets and Highways, said plan being the Circulation Plan of the Lake County General Plan, consisting of the following parts of the Lake County General Plan:

- (a) The Circulation Plan, Figure IV-11, page IV-47; and
- (b) Lake County Road Standards, Table 10-9, page IV-48; and
- (c) Pages IV-46 to IV-50.

42.24 Precise Plan: Based on said Master Plan, there is hereby adopted a Precise Plan of Streets and Highways. The following State highways and County roads, together with the official setback lines indicated below, are hereby declared to be the “Precise Plan” for roads and highways of the County of Lake:

Road Number	Road Name	Official Setback Line (Distance from centerline)
Hwy. 20	State Highway	50'
Hwy. 29	State Highway	50'
Hwy. 53	State Highway	50'
Hwy. 175	State Highway	50'
Hwy. 281	State Highway	50'
---	Bryant Road	50'
101	Butts Canyon Road	50'
104	Hartman	30'
107	Big Canyon Road	30'
111	Socrates Mine Road	50'
122	Spruce Grove Road	30'
137	Seigler Canyon Road	30'
140	Morgan Valley Road	50'
205	Lakeshore Drive	30'
209	North	30'
216	Sulphur Bank Drive	30'
219	Point Lakeview Road	30'
220	High Valley Road	25'
301	Elk Mountain Road	30'
303	Bartlett Springs Road	25'
304	Bachelor Valley Road	25'
304B	East Road	25'
304C	Witter Springs Road	25'
Road Number	Road Name	Official Setback Line (Distance from centerline)
311M	Mendenhall Avenue	30'
400	Lakeshore Boulevard	30'
400A	South Main Street	30'

401	Scotts Valley Road	30'
405B	Mathews Road	30'
407	Nice-Lucerne Cutoff	30'
411Xb	Park Way	30'
412	Highland Springs Road	30'
502	Soda Bay Road	30'
509	Gaddy Lane	30'
515	Bottle Rock Road	30'
515A	Harrington Flat Road	30'
515B	Sulphur Creek Road	30'
517E	Red Hills Road	30'
523	Seigler Springs North Road	30'
524	Argonaut Road	25'
525	Loch Lomond Road	30'
541	Big Valley Road	25'

42.25 Effect of Precise Plan:

- (a) No structure shall hereafter be moved, erected or structurally altered so as to be closer to any road than the distance specified by the official setback lines established by Section 42.20.
- (b) In the event that this Article imposes greater setbacks on certain properties than those imposed by the zoning regulations of the County of Lake or by building setback lines on any subdivision map, then the provisions of this Article applicable to setbacks on such properties shall apply.
- (c) No official setback lines, as established herein, shall be interpreted as permitting any encroachment of any building structure, fence or any other device within any road right-of-way.
- (d) The setback provisions of this Article shall not apply to structures built adjacent to any road in areas where the topography of land adjacent to the road is steeper than plus twenty (20) feet vertical per one hundred (100) feet of horizontal distance measured from the edge of the traveled way.

42.26 Community business district exception:

- (a) The official setback lines of Section 42.20 may be lessened by the Planning Director in established community business districts along the highways and roads identified in Section 42.26(b) when the Planning Director finds that any of the following conditions exist:
 1. Existing development in the vicinity does not meet the requirements of the official setback line.
 2. The development proposed will replace a building structure or use existing on the effective date of this Ordinance.

3. On properties not developed on the effective date of this Ordinance, adherence to the official setback line would substantially restrict the development potential of the property, and result in setbacks significantly greater than existing development on adjacent lots.
- (b) Community business districts: In the following areas the official setback lines may be reduced to those of the base zoning district on both sides of the roads unless indicated otherwise:
1. On Hwy. 20:
 - i. From 300 feet west of Mendenhall to 500 feet east of Government Street on the north side of Hwy. 20. **(Ord. No. 1897, 12/7/1989)** Upper Lake
 - ii. Foothill Drive to Country Club Drive. Lucerne
 - iii. From Sayre Avenue to Lakeshore Drive. Nice
 - iv. From Island Drive to High Valley Road and on the south side of Hwy. 20 from High Valley Road to Keys Blvd. Clearlake Oaks
 2. On Hwy. 175: From Hwy. 29 to Big Canyon Road. Middletown
 3. On Hwy. 53: From the junction of Hwys. 29 and 53 to 650 feet north on the west side and 1,100 feet on the east side. **(Ord. No. 1897, 12/7/1989)** Lower Lake
 4. On Hwy. 29: From Hill Avenue to Wardlaw Street Middletown
 5. On Morgan Valley Road: From Hwy. 53 to 300 feet east of Mill Street. Lower Lake

42.27 Existing signs exception:

- (a) Any sign existing on the effective date of Section 42.20., and not otherwise allowed by Section 42.22(e) of this Article, which sign is within any official setback line established herein, may be remodeled, reconstructed or replaced, provided that a development review permit is first secured from the Development Review Committee subject to the following conditions:
1. No part of any sign shall encroach any further into the setback area than the existing sign.
 2. The sign shall be removed by the owner thereof at no expense to the State of California, the County of Lake, or any other public agency, in the event that the area of encroachment is required for street widening or any other public purpose.

- (b) Application for the development review permit required by this Section shall be accompanied by plans and drawings sufficient to demonstrate that the sign applied for shall not constitute a hazard to vehicular or pedestrian traffic.
- (c) A decision of the Development Review Committee made pursuant to this Section may be appealed to the Planning Commission in accordance with the provisions of Section 58.10 et. seq. of this Chapter. **(Ord. No. 1749, 7/7/1988)**