

ORDINANCE CODE PART VII, CHAPTER 19
REGULATIONS CONCERNING STREETS AND HIGHWAYS

(formerly Chapter 5; heading amended by Ord. No. 1204, effective 3-21-68)

ARTICLE 1. BUILDING LINE SETBACKS

(Sections renumbered by Ord. No. 3133, effective 9-19-95)

**DECLARATION
OF PURPOSE**

SECTION 7-19-1000 (formerly Section 7500). The Board of Supervisors hereby declares that the County of Tulare, through the County Planning Agency, is engaged in developing a General Plan of Streets and Highways and a Specific Plan of Streets and Highways for the County. The magnitude of the undertaking precludes such plans being completed in their entirety in time to fully guide the rapid development occurring within the County. The surveys, hearings, map preparation and the requirements of law governing such matters make it necessary for such detailed plans to be developed progressively. Therefore, in order to prevent traffic safety hazards from arising, to assure that light, view and air are reasonably available to all property, and in order to otherwise conserve the public interest and protect the public safety and welfare, it is necessary to establish certain minimum building line setbacks on a County-wide basis. (Former section 7500 repealed, and new section adopted, by Ord. No. 1204, effective 3-21-68.)

VIOLATIONS

SECTION 7-19-1005 (formerly Section 7501).

- (a) It shall be unlawful to construct or erect a building or structure of any type whatsoever, including signs and other advertising structures, or to construct a well for production of water, oil or other hydrocarbon products, or to make an excavation or install a subsurface structure of any type within the building line setbacks established by this Article.
- (b) It shall be unlawful to install, place or maintain within the building line setbacks established by this Article, movable buildings or structures of any type whatsoever, including signs and other advertising structures, if the top of the movable building or structure is more than three (3) feet above the surface of the ground or pavement, or if the movable building or structure is more than three and one-half (3-1/2) feet in width. A motor vehicle or trailer, licensed or unlicensed, which has a sign painted directly on the body of the vehicle or trailer or otherwise mounted on or attached to the vehicle or trailer, and which is used primarily for the purpose of advertising, shall constitute a structure which is subject to the provisions of this Article. Other motor vehicles and trailers are not subject to the provisions of this Article. (Former section 7-19-1005 [formerly 7501] repealed, and new section

adopted, by Ord. No. 1204, effective 3-21-68.)

**SETBACK
DISTANCE**

SECTION 7-19-1010 (formerly Section 7502). A building line setback is hereby established along both sides of every highway in the County which has been dedicated to the public use. Except as otherwise provided in sections 7-19-1015 (formerly Section 7502.1) through 7-19-1175 (formerly Section 7502.33) of this Article, such building line setback shall be located parallel to, and fifty (50) feet from the established centerline of the right of way of each highway. The space between such building line setback and the nearest edge of the right of way shall be kept free of all structures as provided in section 7-19-1005 (formerly Section 7501) of this Article. Certain highways are hereby determined to be of special importance, and they shall have building line setbacks different from the general building line setback set forth in this section. Those highways which have building line setbacks different from those set forth in this section are designated in sections 7-19-1015 (formerly Section 7502.1) through 7-19-1175 (formerly Section 7502.33), inclusive, of this Article, together with the special building line setback applicable to each such highway. (Former section 7-19-1005 (formerly Section 7502) repealed, and new section adopted, by Ord. No. 1204, effective 3-21-68.)

**ROAD 80 AND
ALTA AVENUE**

SECTION 7-19-1015 (formerly Section 7502.1). The building line setback shall be 55 feet from the existing centerline of the right of way of Road 80, and of Alta Avenue within the metropolitan area, between Avenue 296 and the northerly boundary of Tulare County, except that portion within the city limits of the City of Dinuba. (Added by Ord. No. 1204, effective 3-21-68.)

STATE ROUTE 43

SECTION 7-19-1020 (formerly Section 7502.2). The building line setback on State Route 43 between the westerly boundary of Tulare County and the southerly boundary of Tulare County shall be as follows:

- (a) On the westerly side of said State Route 43, 120 feet from the westerly edge of the existing right of way.
- (b) On the easterly side of State Route 43, 15 feet from the easterly edge of the existing right of way. (Added by Ord. 1204, effective 3-21-68.)

ROAD 152

SECTION 7-19-1025 (formerly Section 7502.3). The building line setback shall be 55 feet from the existing centerline of the right of way of Road 152 between Avenue 96 and Avenue 256. (Added by Ord. No. 1204, effective 3-21-68.)

**AVENUE 152 AND
OLIVE AVENUE**

SECTION 7-19-1030 (formerly Section 7502.4). The building line setback shall be 55 feet from the existing centerline of the right of way of

Avenue 152, and of Olive Avenue within the metropolitan area, between Road 96 and the westerly city limits of the City of Porterville. (Added by Ord. No. 1204, effective 3-21-68.)

AVENUE 168

SECTION 7-19-1035 (formerly Section 7502.5). The building line setback shall be 55 feet from the existing centerline of the right of way of Avenue 168 between Road 128 and Road 224. (Added by Ord. No. 1204, effective 3-21-68.)

ROAD 192

SECTION 7-19-1040 (formerly Section 7502.6). The building line setback shall be 55 feet from the existing centerline of the right of way of Road 192 between County Line Avenue and Avenue 192. (Added by Ord. No. 1204, effective 3-21-68.)

**ROAD 164 AND
FARMERSVILLE
BOULEVARD**

SECTION 7-19-1045 (formerly Section 7502.7). The building line setback shall be 55 feet from the existing centerline of the right of way of Road 164, and of Farmersville Boulevard within the metropolitan area, between Avenue 248 and Avenue 296, except that portion within the city limits of the City of Farmersville. (Added by Ord. No. 1204, effective 3-21-68.)

ROAD 140

SECTION 7-19-1050 (formerly Section 7502.8). The building line setback shall be 55 feet from the existing centerline of the right of way of Road 140 between Avenue 192 and Houston Avenue. (Added by Ord. No. 1204, effective 3-21-68.)

**AVENUE 416 AND
EL MONTE WAY**

SECTION 7-19-1055 (formerly Section 7202.9). The building line setback shall be 55 feet from the existing centerline of the right of way of Avenue 416, and of El Monte Way within the metropolitan area, between the westerly boundary of Tulare County and Road 168, except that portion within the City limits of the City of Dinuba. (Added by Ord. No. 1204, effective 3-21-68.)

**AVENUE 280,
CALDWELL
AVENUE AND
VISALIA ROAD**

SECTION 7-19-1060 (formerly Section 7502.10). The building line setback shall be 55 feet from the existing centerline of the right of way of Avenue 280, and of Caldwell Avenue and Visalia Road within the metropolitan areas, between the westerly boundary of Tulare County and the westerly city limits of the City of Exeter, except that portion within the City limits of the Cities of Visalia and Farmersville. (Added by Ord. No. 1204, effective 3-21-68.)

**EAST MAIN
STREET**

SECTION 7-19-1065 (formerly Section 7502.11). The building line setback shall be 60 feet from the existing centerline of the right of way of East Main Street between the easterly city limits of the City of Visalia and Mineral King Avenue. (Added by Ord. No. 1204, effective 3-21-68.)

- AVENUE 196** **SECTION 7-19-1070 (formerly Section 7502.12).** The building line setback shall be 55 feet from the existing centerline of the right of way of Avenue 196 between Road 196 and Road 276. (Added by Ord. No. 1204, effective 3-21-68.)
- K STREET** **SECTION 7-19-1075 (formerly Section 7502.13).** The building line setback shall be 60 feet from the existing centerline of the right of way of K Street between the southerly city limits of the City of Tulare and State Highway 99 Freeway. (Added by Ord. No. 1204, effective 3-21-68.)
- J STREET** **SECTION 7-19-1080 (formerly Section 7502.14).** The building line setback on J Street between the northerly city limits of the City of Tulare and State Highway 99 Freeway shall be as follows:
- (a) On the easterly side of J Street, 60 feet from the existing centerline of the right of way.
 - (b) On the westerly side of J Street, 15 feet from the westerly edge of the existing right of way. (Added by Ord. No. 1204, effective 3-21-68.)
- STATE HIGHWAY 198** **SECTION 7-19-1085 (formerly Section 7502.15).** The following portions of Roads and Avenues in the County, which comprise portions of State Highway 198, shall have the following building line setbacks:
- (a) 60 feet from the existing centerline of the right of way of Avenue 296 between the westerly boundary of Tulare County and State Highway 99 Freeway.
 - (b) The building line setback on Avenue 296 between Road 204 and Road 220 shall be as follows:
 - 1. On the southerly side of Avenue 296, 70 feet from the existing centerline of the right of way.
 - 2. On the northerly side of Avenue 296, 15 feet from the northerly edge of the existing right of way. (Added by Ord. No. 1204, effective 3-21-68.)

**AVENUE 296
AND MINERAL
KING AVENUE**

SECTION 7-19-1090 (formerly Section 7502.16). The building line setback shall be 60 feet from the existing centerline of the right of way of Avenue 296, and of Mineral King Avenue within the metropolitan area, between the easterly city limits of the City of Visalia and Road 156, except that portion within the city limits of the City of Visalia. (Added by Ord. No. 1204, effective 3-21-68.)

**AVENUE 296
AND NOBLE
AVENUE**

SECTION 7-19-1095 (formerly Section 7502.17). The building line setback shall be 60 feet from the existing centerline of the right of way of Avenue 296, and of Noble Avenue within the metropolitan area, between the easterly city limits of the City of Visalia and Road 156. (Added by Ord. No. 1204, effective 3-21-68.)

**AVENUE 144
AND POPLAR
AVENUE**

SECTION 7-19-1100 (formerly Section 7502.18). The building line setback shall be 60 feet from the existing centerline of the right of way of Avenue 144, and of Poplar Avenue in the metropolitan area, between State Highway 99 and South Main Street. (Added by Ord. No. 1204, effective 3-21-68.)

AVENUE 400

SECTION 7-19-1105 (formerly Section 7502.19). The building line setback shall be 60 feet from the existing centerline of the right of way of Avenue 400 between the westerly boundary of Tulare County and Road 128. (Added by Ord. No. 1204, effective 3-21-68.)

**STATE
HIGHWAY 63**

SECTION 7-19-1110 (formerly Section 7502.20). The following portions of Roads and Avenues in the County, which comprise portions of State Highway 63, shall have the following building line setbacks:

- (a) 60 feet from the existing centerline of the right of way of Mooney Boulevard between East Tulare Avenue (State Highway 137) and the southerly city limits of the City of Visalia.
- (b) 60 feet from the existing centerline of the right of way of Road 124, and of Dinuba Boulevard within the metropolitan area, between the northerly city limits of the City of Visalia and Avenue 384.
- (c) 60 feet from the existing centerline of the right of way of Avenue 384 between Road 124 and Avenue 384.
- (d) The building line setback on Road 128, between Avenue 384 and the Santa Fe Railroad right of way crossing south of the town of Cutler shall be as follows:

1. On the westerly side of Road 128, 120 feet from the west

edge of the right of way of the Santa Fe Railroad.

2. On the easterly side of Road 128, 15 feet from the easterly edge of the existing right of way.
- (e) 60 feet from the existing centerline of the right of way of Road 128 between the Santa Fe Railroad right of way crossing south of the town of Cutler and Avenue 416.
- (f) 55 feet from the existing centerline of the right of way of Road 128 between Avenue 416 and Avenue 460.
- (g) 55 feet from the existing centerline of the right of way of Avenue 460 between Road 128 and the westerly boundary of Tulare County.
- (h) 55 feet from the existing centerline of the right of way of Road 120 between Avenue 460 and Avenue 480. (Added by Ord. No. 1204, effective 3-21-68.)

**STATE
HIGHWAY 216**

SECTION 7-19-1115 (formerly Section 7502.21). The following portions of Roads, Avenues and Drives in the County, which comprise portions of State Highway 216, shall have the following building line setbacks:

- (a) 60 feet from the existing centerline of the right of way of Houston Avenue between the easterly city limits of the City of Visalia and Sol Road.
- (b) 60 feet from the existing centerline of the right of way of Ivanhoe Drive between Sol Road and the south bank of the St. Johns River.
- (c) 60 feet from the existing centerline of the right of way of Road 160 between the south bank of the St. Johns River and Avenue 328.
- (d) 60 feet from the existing centerline of the right of way of Avenue 328 between Road 160 and Millwood Drive. (e) 60 feet from the existing centerline of the right of way of Millwood Drive between Avenue 328 and Avenue 344.
- (e) 60 feet from the existing centerline of the right of way of Millwood Drive between Avenue 328 and Avenue 344.
- (f) The building line setback on Avenue 344 between Millwood Drive and the westerly city limits of the City of Woodlake shall be as follows:

1. On the northerly side of Avenue 344, 80 feet from the existing centerline of the right of way.
 2. On the southerly side of Avenue 344, 15 feet from the southerly edge of the existing right of way.
- (g) 60 feet from the existing centerline of the right of way of Naranjo Boulevard between the easterly city limits of the City of Woodlake and St. Johns Street.
 - (h) 60 feet from the existing centerline of the right of way of Avenue 344 between St. Johns Street and Road 228.
 - (i) 60 feet from the existing centerline of the right of way of Road 228 between Avenue 344 and Lomitas Drive.
 - (j) 60 feet from the existing centerline of the right of way of Lomitas Drive between Road 228 and Sierra Drive (State Highway 198). (Added by Ord. No. 1204, effective 3-21-68.)

**STATE
HIGHWAY 137**

SECTION 7-19-1120 (formerly Section 7502.22). The following portions of Roads, Avenues and Drives in the County, which comprise portions of State Highway 137, shall have the following building line setbacks:

- (a) 80 feet from the existing centerline of the right of way of Tulare Avenue between the easterly city limits of the City of Tulare and Mooney Boulevard (State Highway 63).
- (b) 60 feet from the existing centerline of the right of way of Avenue 232 between Mooney Boulevard (State Highway 63), and Fremont Drive.
- (c) 60 feet from the existing centerline of the right of way of Fremont Drive between Avenue 232 and the northwesterly city limits of the City of Lindsay. (Added by Ord. No. 1204, effective 3-21-68.)

AVENUE 56

SECTION 7-19-1125 (formerly Section 7502.23). The following portions of Avenue 56 shall have the following building line setbacks:

- (a) 60 feet from the existing centerline of the right of way between the Central Valley Highway and Road 236.
- (b) 55 feet from the existing centerline of the right of way between Road 236 and Old Stage Road. (Added by Ord. No. 1204,

effective 3-21-68.)

**HENDERSON
AVENUE**

SECTION 7-19-1130 (formerly Section 7502.24). The building line setback shall be 60 feet from the existing centerline of the right of way of Henderson Avenue between State Highway 65 and Westwood Street, except that portion within the city limits of the City of Porterville. (Added by Ord. No. 1204, effective 3-21-68.)

ROAD 132

SECTION 7-19-1135 (formerly Section 7502.25). The building line setback shall be 55 feet from the existing centerline of the right of way of Road 132 between Avenue 304 and Avenue 328. (Added by Ord. No. 1204, effective 3-21-68.)

ROAD 56

SECTION 7-19-1140 (formerly Section 7502.26). The building line setback shall be 55 feet from the existing centerline of the right of way of Road 56 between Avenue 384 and Avenue 432. (Added by Ord. No. 1204, effective 3-21-68.)

AVENUE 328

SECTION 7-19-1145 (formerly Section 7502.27). The building line setback shall be 55 feet from the existing centerline of the right of way of Avenue 328 between State Highway 99 and Road 160. (Added by Ord. No. 1204, effective 3-21-68.)

ROAD 156

SECTION 7-19-1150 (formerly Section 7502.28). The building line setback shall be 55 feet from the existing centerline of the right of way of Road 156 between Avenue 328 and Avenue 384. (Added by Ord. No. 1204, effective 3-21-68.)

**MONSON
DRIVE**

SECTION 7-19-1155 (formerly Section 7502.29). The building line setback on Monson Drive between Avenue 384 and Road 104 shall be as follows:

- (a) On the northeasterly side of Monson Drive, 110 feet from the northeasterly edge of the right of way of the Atchison, Topeka and Santa Fe Railroad.
- (b) On the southwesterly side of Monson Drive, 15 feet from the southwesterly edge of the existing right of way. (Added by Ord. No. 1204, effective 3-21-68.)

ROAD 104

SECTION 7-19-1160 (formerly Section 7502.30). The building line setback shall be 55 feet from the existing centerline of the right of way of Road 104 between Monson Drive and Avenue 416. (Added by Ord. No. 1204, effective 3-21-68.)

ROAD 68 **SECTION 7-19-1165 (formerly Section 7502.31).** The building line setback shall be 55 feet from the existing centerline of the right of way of Road 68 between Avenue 280 and Avenue 304. (Added by Ord. No. 1204, effective 3-21-68.)

ROAD 196 **SECTION 7-19-1170 (formerly Section 7502.32).** The building line setback shall be 55 feet from the existing centerline of the right of way of Road 196 between Avenue 192 and Avenue 232. (Added by Ord. No. 1204, effective 3-21-68.)

ROAD 232 **SECTION 7-19-1175 (formerly Section 7502.33).** The building line setback shall be 60 feet from the existing centerline of the right of way of Road 232 between Avenue 116 and Avenue 144, except that portion within the city limits of the City of Porterville. (Added by Ord. No. 1204, effective 3-21-68.)

**SETBACK
DISTANCE:
MODIFICATION
OF SETBACK
DISTANCE**

SECTION 7-19-1180 (formerly Section 7503).

- (a) If frontage of one side of a highway is located between two intersecting highways which are no more than one thousand three hundred twenty (1,320) feet apart, and such frontage has been occupied since July 1, 1949, with buildings which have setback distances less than those required by sections 7-19-1010 (formerly Section 7502 through 7-19-1175 (formerly Section 7502.33) of this Article, and if the total lineal frontage of such buildings is at least forty (40) percent of the total lineal frontage on the side of the highway being considered between said intersecting highways, then the building line setback for said frontage shall be equal to the average distance from the centerline of the highway of all of said buildings which have setbacks less than those required in sections 7-19-1010 (formerly Section 7502) through 7-19-1175 (formerly Section 7502.33).
- (b) If frontage on one side of a highway does not have two intersecting highways within one thousand three hundred twenty (1,320) feet of each other, the formula set forth in subsection (a) of this section shall be applied to any frontage of six hundred sixty (660) feet, or multiples thereof, to determine whether the modified setback established in subsection (a) is applicable to such frontage. (Former section 7-19-1180 (formerly Section 7503) repealed, and new section adopted by Ord. No. 1204, effective 3-21-68.)

SECTION 7-19-1180.5 (formerly Section 7503.5). (Added by Ord. No. 865, effective 11-15-62; repealed by Ord. No. 1204, effective 3-21-68.)

**SETBACK
DISTANCE:
MODIFICATION
OF SETBACK
DISTANCE
FOR CERTAIN
SUBDIVISIONS**

SECTION 7-19-1185 (formerly Section 7504). The building line setbacks established by section 7-19-1010 (formerly Section 7502) of this Article are hereby modified for all subdivisions which have been assigned tract numbers, commencing with Tract No. 1 which was recorded on February, 18, 1941, under the following circumstances and conditions:

- (a) Septic tanks, leach lines and seepage pits may be constructed and maintained not less than ten (10) feet from the edge of the right of way.
- (b) A residence, including any garage or carport which is attached to or part of such residence, may be constructed and maintained on a corner lot not less than fifteen (15) feet from the edge of the right of way which has the longest frontage on the lot, unless the applicable provisions of Article 3 (formerly Article 2) of this Chapter (commencing at section 7-19-1325 (formerly Section 7520)) require a greater distance from the right of way; provided; however, that if the garage or carport which is attached to or part of such residence opens directly onto the right of way which has the longest frontage on the lot, such garage or carport may be constructed and maintained not less than eighteen (18) feet from the edge of the right of way, unless a greater distance is required under Article 3 (formerly Article 2) of this Chapter (commencing at section 7-19-1325 (formerly Section 7520)).
- (c) A residence, including any garage or carport which is attached to or part of such residence, may be constructed and maintained on a corner lot not less than twenty-five (25) feet from the edge of the right of way which has the shortest frontage on the lot, unless section 7-19-1010 (formerly Section 7502) of this Article allows such residence to be constructed closer to the right of way, or unless the applicable provisions of Ordinance No. 352, or Article I of Chapter 3 (formerly Chapter 2) of this Part (commencing at section 7-11-1000 (formerly Section 7150)), or Article 3 (formerly Article 2) of this Chapter (commencing at section 7-19-1325 (formerly Section 7520)), require a greater distance from the right of way.
- (d) A residence, including any garage or carport which is attached to or part of such residence, may be constructed and maintained on a lot, other than a corner lot, not less than twenty-five (25) feet from the edge of the right of way, unless section 7-19-1010 (formerly Section 7502) of this Article allows such residence to be constructed closer to the right of way, or unless the applicable provisions of Ordinance No. 352, or Article I of Chapter 3 (formerly Chapter 2) of this Part (commencing at section 7-11-

1000 (formerly Section 7150)), or Article 2 of this Chapter (commencing at section 7-19-1325 (formerly Section 7520)), require a greater distance from the right of way.

- (e) A fence or wall may be constructed and maintained on a corner lot not less than five (5) feet from the edge of the right of way which has the longest frontage on the lot unless the applicable provisions of Ordinance No. 352 or Article 3 (formerly Article 2) of this Chapter (commencing at Section 7-19-1325 (formerly Section 7520)) require a greater distance from the right of way; provided, however, that no portion of the fence or wall may be constructed or maintained within the building line setback established by paragraph (c) of this section.

The modifications set forth in this section shall not apply to septic tanks, leach lines, seepage pits, residences, garages, carports, fences or walls which are constructed along any of the highways which are described in sections 7-19-1015 (formerly Section 7502.1 through 7-19-1175 (formerly Section 7502.33) of this Article. (Section 7-19-1185 (formerly Section 7504) repealed, and new section adopted, by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 2516, effective 1-27-83.)

**MODIFICATIONS
OF SETBACK
DISTANCE ON
FRONTAGE
ROADS**

SECTION 7-19-1190 (formerly Section 7505). On frontage roads which are parallel and adjacent to a major street, limited access highway or freeway, the building line setback shall be twenty-five (25) feet from the edge of the right of way. (Section 7-19-1190 (former section 7505) repealed, and new section adopted, by Ord. No. 1204, effective 3-21-68.)

EXCEPTIONS

SECTION 7-19-1195 (formerly Section 7506). Notwithstanding the provisions of section 7-19-1005 (formerly Section 7501) of this Article, the following buildings, structures or portions thereof may be constructed, installed, used, repaired and maintained within the building line setbacks established by this Article:

- (a) A fence which is open to the extent that there is clear, unobstructed vision through at least fifty (50) percent of the total area of the fence.
- (b) Public utility facilities installed or constructed under authority of law.
- (c) Buildings or structures authorized to be installed or constructed pursuant to a special use permit or a variance from the zoning regulations approved in accordance with Section 16 of the Zoning Ordinance (Ordinance No. 352, as amended).

- (d) Architectural features of buildings, including but not limited to, cornices, eaves, belt courses, sills, buttresses, fireplaces and chimneys, in compliance with subsection C of Section 15 of the Zoning Ordinance (Ordinance No. 352, as amended). (Section 7-19-1195 (formerly section 7506) repealed, and new section adopted, by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 2481, effective 7-1-82; amended by Ord. No. 2516, effective 1-27-83.)

**CONDITIONAL
EXCEPTIONS:
METAL POLES,
SIGNS AND
LIGHTS**

SECTION 7-19-1200 (formerly Section 7507). Without complying with any of the provisions of this Article, metal poles may be installed within the building line setbacks to support signs or to support lamps for floodlighting the premises upon which such installation is made, if the installation complies with all of the following conditions:

- (a) Any light or sign shall be installed on a single pole and shall be placed not less than twelve (12) feet above the ground level.
- (b) Floodlights installed on such poles shall be equipped with shields adjusted so that direct rays from the lights do not shine on a public highway.
- (c) Any sign installed on such a pole shall not have an area in excess of thirty-six (36) square feet on each of two (2) sides and such sign shall pertain only to the business or establishment which is located on the premises. Only one (1) such sign may be installed on each business site. If such sign is illuminated, it shall be non-flashing and shall be located so that any green, yellow or red light thereon will not materially interfere with the ability of a driver on a public highway to readily distinguish a traffic signal in the same approximate line of vision.
- (d) All poles, signs and lights installed pursuant to this section shall be removed at no expense to the County or the State, upon order of the County or the State, in connection with a future widening of the highway. (Section 7-19-1200 (formerly section 7507) repealed, and new section adopted, by Ord. No. 1240, effective 3-21-68.)

**EXISTING
BUILDINGS AND
STRUCTURES**

SECTION 7-19-1205 (formerly Section 7507.5). Any building or structure of a type described in section 7-19-1005 (formerly Section 7501) of this Article which was in existence at the time that the provisions of this Article became applicable to such building or structure is not required to be removed, and may continue to be used, repaired and maintained. (Added by Ord. No. 1204, effective 3-21-68.)

**SPECIAL
SETBACK
DISTANCES:
TREES, SHRUBS
AND VINES**

SECTION 7-19-1210 (formerly Section 7508). In order to prevent trees, shrubs and vines from encroaching on County roads, it shall be unlawful to plant, or cause to be planted, a tree, shrub or vine less than ten (10) feet from the edge of the right of way, or one-half (1/2) of the spacing for that type of tree, shrub or vine which is customary in orchards and vineyards in the area, whichever is greater. This section does not apply to trees, shrubs or vines planted for residential landscaping. (Added by Ord. No. 1204, effective 3-21-68.)

VARIANCES

SECTION 7-19-1215 (formerly Section 7509). If practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Article result through the strict and literal interpretation and enforcement of this Article, then the Zoning Administrator shall have the authority to grant a variance from the provisions of this Article such as may be in harmony with its general purpose and intent, so that the spirit of this Article shall be observed, public safety and welfare served and substantial justice done. (Added by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 2481, effective 7-1-82.)

**VARIANCES:
APPLICATIONS
FOR VARIANCES;
FEES**

SECTION 7-19-1220 (formerly Section 7510).

- (a) The Zoning Administrator shall grant a variance under the provisions of this Article only upon the filing of a written application therefor by the owner of the real property affected or his authorized agent. The Planning and Development Director shall prescribe the form of application for such variances.
- (b) Unless otherwise provided, the Board of Supervisors shall adopt, from time to time by resolution, a schedule of fees to be paid by applicants to defray the expenses incidental to proceedings pursuant to this Chapter.

(Added by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 1217, effective 7-1-68; amended by Ord. No. 1299, effective 4-17-69; amended by Ord. No. 1366, effective 4-2-70; amended by Ord. No. 2439, effective 10-1-81; amended by Ord. No. 2481, effective 7-1-82; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2590, effective 3-15-84; amended by Ord. No. 2667, effective 9-12-85; amended by Ord. No. 2728, effective 10-16-86; amended by Ord. No. 2850, effective 10-8-88; amended by Ord. No. 2856, effective 11-5-88; amended by Ord. No. 2885, effective 9-9-89; amended by Ord. No. 2921, effective 9-8-90; amended by Ord. No. 3002, effective 8-29-92; amended by Ord. No. 3035, effective 8-21-93; amended by Ord. No. 3083, effective 8-13-94; amended by Ord. No. 3116, effective 6-24-95; amended by Ord. No. 3262, effective 12-1-01).

**EXEMPTION
FROM FEES**

SECTION 7-19-1225 (formerly Section 7510.5). If the County Road Commissioner certifies to the Building and Planning Director that an application for variance is being filed as a result of a proposed acquisition of property by the County from the person applying for the variance, the Building and Planning Director shall accept and process the application for a variance without payment of the fee prescribed in Section 7-10-1220 (formerly Section 7510) of this Article. (Added by Ord. No. 1273, effective 11-19-68; amended by Ord. No. 2524, effective 3-31-83.)

**PROCEDURE FOR
PROCESSING
VARIANCES**

SECTION 7-19-1230 (formerly Section 7511).

- (a) Before acting on a variance the Zoning Administrator shall hold at least one (1) public hearing. Notice of such public hearing shall be given by publishing a notice of such hearing setting forth the time and place of the hearing and the nature of the variance requested, in a newspaper of general circulation published in the County, once, not less than ten (10) days prior to the date of such public hearing, and by mailing a copy of the notice of said hearing, not less than ten (10) days prior to the date of such public hearing, to the following persons:
1. The applicant.
 2. Division of Highways of the California Department of Transportation, if a State Highway is involved.
 3. County Public Works Director.
 4. Supervisor of the Supervisorial District in which the highway affected is located.
 5. County Health Officer.
- (b) The decision of the Zoning Administrator shall be in writing and shall include findings of facts relied on in making the decision.
- (c) A copy of the decision of the Zoning Administrator shall be publicly posted at or near the door of the Building and Planning Department for a period of one (1) week following the making thereof. Not more than two (2) days after making the decision on the application, the Zoning Administrator shall cause a copy of the decision to be mailed to the applicant, to the Board of Supervisors, and to any other person who has expressed an interest therein and has deposited with the Zoning Administrator a self-addressed, stamped envelope for that purpose. Failure to mail or to receive such notice, as a result of mistake or

inadvertence, shall not affect the validity of the decision. (Added by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 2481, effective 7-1-82; amended by Ord. No. 2524, effective 3-31-83.)

CONDITIONS

SECTION 7-19-1235 (formerly Section 7512). Any variance granted pursuant to the provisions of this Article may be granted subject to any reasonable conditions that the Zoning Administrator may deem necessary to effectuate the purposes of this Article. Any variance which is granted subject to conditions may be revoked by the Zoning Administrator if any of the conditions are violated. The same procedures shall be followed for revocation of a variance as are followed for granting a variance, including the appeal procedures, except that notice of the public hearing by the Zoning Administrator on revocation need not be published in a newspaper. (Added by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 2481, effective 7-1-82.)

APPEALS

SECTION 7-19-1240 (formerly Section 7513).

- (a) Except as herein provided, all appeals regarding decisions on variances shall be subject to the provisions of Section 165 (formerly Section 115) of this Ordinance Code.
- (b) Any person adversely affected by a decision of the Zoning Administrator on the variance may appeal the decision to the Board of Supervisors. An appeal to the Board of Supervisors shall be in writing and filed with the Clerk of the Board of Supervisors within ten (10) days after the date on which the decision of the Zoning Administrator was made. An appeal shall specifically set forth the grounds for the appeal. In addition to the notice requirements of section 165 (formerly Section 115) of this Ordinance Code, the Board shall give notice of the appeal hearing to the persons and agencies named in section 7-19-1230 (formerly Section 7511) of this Article for giving notice by the Zoning Administrator. (Added by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 2481, effective 7-1-82.)
- (c) At the time of filing the appeal, the appellant shall pay a fee of Three Hundred Dollars (\$300) to the Planning and Development Director to defray the expenses incidental to the proceedings. (Amended by Ord. No. 2885, effective 9-9-89; amended by Ord. No. 2921, effective 9-8-90; amended by Ord. No. 3002, effective 8-29-92; amended by Ord. No. 3035, effective 8-21-93; amended by Ord. No. 3083, effective 8-13-94; amended by Ord. No. 3116, effective 6-24-95).

PROCEDURE ON SECTION 7-19-1245 (formerly Section 7514). (Added by Ord. No.

**REHEARING OR
RECONSIDERATI
ON**

1204, effective 3-21-68; repealed by Ord. No. 2481, effective 7-1-82.)

**JUDICIAL
REVIEW
OF DECISION**

SECTION 7-19-1250 (formerly Section 7514.5). (Added by Ord. No. 2019, effective 6-9-77; repealed by Ord. No. 2481, effective 7-1-82.)

**SPECIFIC
PLANS**

SECTION 7-19-1255 (formerly Section 7515). On highways for which Specific Plans of Streets and Highways have been adopted, or are hereafter adopted, pursuant to the provisions of Article 3 (formerly Article 2) of this Chapter (commencing at section 7-19-1325 (formerly Section 7520)), any building line setbacks which are shown upon such Specific Plans shall prevail over the provisions of this Article. (Added by Ord. No. 1204, effective 3-21-68.)

**CONFLICTING
ORDINANCES**

SECTION 7-19-1260 (formerly Section 7516). No zoning ordinance, including Ordinance No. 352 and Article I of Chapter 3 (formerly Chapter 2) of this Part (commencing at section 7-11-1000 [formerly Section 7150]), shall be construed as permitting a building line setback less than that provided in this Article, nor shall this Article be construed as permitting a front yard depth or side yard depth which is less than is required by any such zoning ordinance. (Added by Ord. No. 1204, effective 3-21-68.)

INVALID PERMITS

SECTION 7-19-1265 (formerly Section 7517). County officers and employees who are authorized or required by law to issue permits, licenses or other evidences of authority for the construction, erection or location of any building, structure, well, or any other installation described in section 7-19-1005 (formerly Section 7501) of this Article, shall not issue any such permit, license or other evidence of authority contrary to the provisions of this Article. Any such permit, license or evidence of authority issued which conflicts with the provisions of this Article shall be null and void. (Added by Ord. No. 1204, effective 3-21-68.)

NUISANCE

SECTION 7-19-1270 (formerly Section 7517.5). Any building, structure, well, tree, shrub or other installation described in section 7-19-1005 (formerly Section 7501) of this Article which is not in full compliance with the requirements of this Article shall constitute a public nuisance. (Added by Ord. No. 2235, effective 5-17-79.)

VIOLATIONS

SECTION 7-19-1275 (formerly Section 7518). Any person violating any of the provisions of this Article which are declared to be unlawful shall be guilty of an infraction and shall be punishable as provided in section 125 (formerly Section 106) of this Ordinance Code. Each such persons hall be deemed guilty of a separate offense for each and every

day, or portion thereof, during which any violation of any such provision of this Article is committed, permitted or continued by such person, and shall be punishable therefor as provided hereinabove. (Added by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 2235, effective 5-17-79.)