

Agenda Item 5:

Amendment of Zoning Ordinance Section 610 (Off-Street Parking Facilities), Section 618 (Accessory Buildings), Section 624 (Landscaping), Section 627 (Residential Second Units), and Sections 707, 712, and 713 (Amendments). Addition of new Zoning Ordinance Section 628 (River, Creek, and Wetland Setbacks) and Section 629 (Major Vegetation Removal).

6. The manufactured home may be precluded in an area listed or proposed to be listed on the National Registry of Historic places consistent with Government Code Section 65851.3(b). (Amended by Ord. 399)

610. OFF-STREET PARKING FACILITIES. The purpose of off-street parking facilities is to alleviate or to prevent traffic congestion and shortage of curb spaces. Off-street parking facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses.

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Land Use	Number of Off-Street Parking Spaces for Each Measurement Unit
A. <u>Residential</u> , including single family, two-family, second units, and apartments.	One for each dwelling unit containing one (1) or fewer bedrooms Two for each dwelling unit containing more than one (1) bedroom One additional space is required when no on-street parking is available on the lot frontage. (Amended by Ord. 399)
B. <u>Motels, Hotels and Rooming Houses</u>	2 for each living or sleeping unit plus 1 space for each three employees
C. <u>Trailer Parks</u>	1 for each trailer unit plus 1 additional space for each 4 units
D. <u>Industrial; Manufacturing, Warehousing, Lumbering</u>	1.35 per employee per shift
E. <u>Commercial;</u> retail (grocery, pharmacy, department store, etc.)	1 for each 150 sq. ft. of gross floor area
banks	1 for each 150 sq. ft. of gross floor area
professional, administrative	1 for each 300 sq. ft. of gross floor area
automobile and machinery sales, garages and similar repair, furniture stores, major appliance stores	1 for each 500 sq. ft. of gross floor area

medical and dental offices, ~~_____~~ 1 for each 300 sq. ft. of gross floor area
shopping centers

restaurants, bars, coffee shops ~~_____~~ 1 for every 3 seats
bowling alleys, pool halls ~~_____~~ 4 for each lane, 2 spaces for each
billiard table

F. ~~_____~~ Institutional, Educational ~~_____~~ 2 for each bed (includes employees'
Civic; hospitals ~~_____~~ and visitors' parking)

rest homes, asylums, ~~_____~~ 1 for every 2.5 beds
sanatoriums, nursing homes,
etc. ~~_____~~

churches, lodges, clubs, ~~_____~~ 1 for every 5 seats in the auditorium
theaters ~~_____~~ plus 1 space for every 4 employees

sports arenas, auditoriums, ~~_____~~ 1 for every 5 seats in the auditorium.
other places of public
assembly

adult education ~~_____~~ 1 for every 2 students, 2 teachers,
and 2 employees

private schools, elementary ~~_____~~ 1 for every 3 students, 1 teacher,
schools or day care schools ~~_____~~ and 1 employee
or facilities

A. Schedule of Off-Street Parking Requirements

Land Use	Number of Off-Street Parking Spaces Required
<u>Residential</u> (including single-family, two-family, multi-family , second- units, and accessory dwelling units apartments)	1 for each dwelling unit containing one or fewer bedrooms; 2 for each dwelling unit containing more than one bedroom One additional space is required when no parking is available on the lot frontage. (Amended by Ord. 399)
<u>Motels, Hotels, and Rooming Houses</u>	2 1 for each living or sleeping unit, plus 1 space for every three employees
Trailer <u>Mobile Home Parks</u>	1 for each trailer unit plus 1 additional space for each 4 units

<p><u>Industrial: Manufacturing, Warehousing, Lumbering, Aggregate Extraction</u></p>	<p>1 per 1.35 shift employees or 1 for each 800 sq. ft. of gross floor area whichever is more applicable as determined by the City Planner</p>
<p><u>Commercial</u></p> <p>-retail (grocery, pharmacy, department store, etc.), banks, professional, administrative, medical and dental offices</p> <p>-automobile and machinery sales, garages and similar repair, furniture stores, major appliance stores</p> <p>-restaurants, bars, dance clubs, coffee shops, bowling alleys, pool halls</p>	<p>1 for each 150300 sq. ft. of gross floor area</p> <p>1 for each 500 sq. ft. of gross floor area</p> <p>1 for every three seats; 4 3 for each lane; 2 1 for each billiard table</p>
<p><u>Institutional, Educational, Civic</u></p> <p>-hospital</p> <p>-rest homes, nursing homes, care facilities, etc.</p> <p>-churches, lodges, clubs, theaters, sports arenas, auditoriums, other places of public assembly</p> <p>-adult education</p> <p>-private schools, elementary schools or day-care schools or facilities</p>	<p>2 for each bed (includes employee and visitor parking)</p> <p>1 for every 2.5 beds</p> <p>1 for every five six seats in the auditorium, plus 1 space for every four employees</p> <p>1 for every two students, two teachers, and two employees 1 for every two teachers 1 for every two employees</p> <p>1 for every three ten students, one teacher, and one employee 1 for every one teacher 1 for every one employee</p>

G. B. Additional Requirements and Exceptions

1. More Than One Use on a Site. If more than one use is located on a site, the number of parking spaces provided shall be equal to the sum of the requirements prescribed in this section for each use.

~~2. Off-Street Parking Facilities to Serve One Use. Off-street parking facilities to serve one use shall not be considered as providing required off-street parking facilities for any other use. Off-street parking for one use may be applied toward a second use if it can be shown that restriction of hours prevent overlapping of uses.~~

~~3. The City discourages a land use being provided more off-street parking spaces than required by this section, to avoid the inefficient use of land, unnecessary pavement, and excessive stormwater runoff from paved surfaces.~~

~~3. 3. Reduction of Off-Street Parking Facilities. No off-street parking facility shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this Article. Exception may be made by the Planning Commission with a use permit. or in the following circumstances:~~

~~a. Reduction of one (1) off-street parking space shall be allowed for new land uses in a C or MU district that occur within two-hundred fifty (250) feet of a bus stop.~~

~~b. Reduction of one (1) off-street parking space shall be allowed for land uses that provide four (4) permanent bicycle parking spaces. Each bicycle parking or storage space shall be no less than six feet long by two feet wide, plus additional space as may be needed for access, and shall have a rack or rain-sheltered structure capable of supporting and securing bicycles of various types and sizes in an upright position. Each space shall be conveniently located for intended uses.~~

~~c. Reduction of one (1) off-street parking space shall be allowed for land uses that provide four (4) parking spaces with pervious pavement subject to the provisions contained in Section 63.~~

~~4. Exemption for Sites in Parking Assessment District. In a municipal parking assessment district, residential and motel uses shall be subject to only half of the off-street parking facilities requirements.~~

~~4. 4. The Planning Commission City Planner may waive off-street parking spaces otherwise required based on the historical nature of the property, the architectural or landscaping amenities that would be displaced by parking, or the availability of space on a parcel with existing improvements, the proximity to a bus stop or other alternative transportation facilities, the provision of bicycle parking spaces, or the provision of pervious parking spaces.~~

~~5. 5. Existing Uses. No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking facilities prescribed in this section,~~

provided that facilities being used for off-street parking on 8 November 1973 shall not be reduced in area to less than the minimum standards prescribed in this section.

H. C. Standards for Off-Street Parking Space

1. The minimum off-street parking dimensions shall be as prescribed in the following table, except that a parking space ~~required to be~~ located in a garage or carport shall be not less than 20 feet in length and 10 feet in width.

a. ~~—Description of dimension; parking space width, perpendicular to angle.~~

PARKING ANGLE

0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"

b. ~~—Description of dimension; parking space dimension perpendicular to aisle.~~

PARKING ANGLE

0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
8'6"	14'6"	16'10"	18'8"	19'5"	20'	20'8"	20'9"	20'2"	19'

c. ~~—Description of dimension parallel to aisle.~~

PARKING ANGLE

0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
23'	24'8"	17'	13'2"	12'	11'1"	9'10"	9'	8'7"	8'6"

d. ~~—Description of dimension; aisle width.~~

PARKING ANGLE

0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
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12'	11'	11'	12'	13'6"	12'6"	18'6"	19'6"	24'	25'
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Parking Angle	Width	Length	Drive Aisle Width (maneuvering areas)	
			One-Way	Two-Way
Parallel	8.5'	23'	12'	20'
30 degrees	8.5'	17'	11'	20'
45 degrees	8.5'	19.5'	13.5'	20'
60 degrees	8.5'	21'	18.5'	20'
Perpendicular	8.5'	19'	25'	25'

2. Sufficient aisle space for readily turning and maneuvering vehicles shall be provided on the site, except that no more than 2 parking spaces per site may be located so as to necessitate backing a vehicle across a property line abutting a street. Alleys may be used for maneuvering.

3. Each parking space shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley without moving another vehicle.

4. Entrances from and exits to streets and alleys shall be provided at locations approved by the Director of Public Works. **Fences shall be recessed or constructed at such a height that sufficient vision clearance is provided in accordance with Section 619 of this ordinance. All doors or gates in fences, walls or hedges shall not open outwardly if located within two (2) feet of a street, alley or public walk.**

5. The parking area, aisles and access drives shall be paved so as to provide a durable, dustless surface, except that ~~for a single family residential use,~~ an alternative durable, dustless surface may be approved by the City Planner, and shall be so graded and drained as to dispose of surface water without damage to private or public properties, streets or alleys.

6. Bumper rails shall be provided at locations prescribed by the ~~Director of Planning~~ **City Planner** where needed for safety or to protect property.

7. If the parking area is illuminated, lighting shall be deflected away from residential sites **and natural areas** so as to cause no annoying glare.

8. **Except for emergencies,** ~~No~~ **no** repair work or servicing of vehicles shall be conducted on a parking area.

611. OFF-STREET LOADING FACILITIES. The purpose of off-street loading facilities is to prevent traffic congestion and shortage of curb spaces. Off-street loading facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses.

618. ACCESSORY BUILDINGS.

A. Types of Accessory Buildings

An Accessory Building is an attached or detached subordinate building, the use of which is incidental to that of the main building on the same lot. Accessory buildings come in a variety of types, including but not limited to, buildings used for the storage of household goods (e.g. sheds), gardening or animal keeping (e.g. greenhouses, chicken coops, etc.), parking of vehicles (e.g. garages, carports, etc.), recreational activities (e.g. workshop, game room, etc.) or other uses (e.g. office, guest houses, etc.). A building designed with kitchen facilities is defined as a residential unit and is subject to the requirements of this ordinance pertaining to residential uses.

~~A.~~ B. Attached Accessory Buildings

Accessory buildings to be attached to the main building shall be made structurally a part thereof and shall comply in all respects with the requirements of this ordinance applicable to the main building except as provided in ~~Section~~ **subsections 618-(B)-(3) C(4)(c) & D. This includes, but is not limited to, complying with the setbacks, ground coverage, and height limits of the applicable zone. An attached accessory building shall not be accessible from the interior of the main building on the lot. Accessory buildings attached to single-family residential structures must also comply with the Development Standards contained in Section 626 of this ordinance. Alternatives to the standards in Section 626 require obtaining an Exception from the Planning Commission.**

~~B.~~ C. Detached Accessory Buildings.

1. Detached accessory buildings ~~unless attached to or made a part of the main building as above provided for,~~ shall not be closer than ten (10) feet to the main building., **unless constructed with a fire wall as required in the Uniform Building Code (UBC). The distance between buildings is measured from outside wall to outside wall.**

2. Detached accessory buildings ~~shall not that exceed one (1) story nor sixteen (16) feet in height or 256 s.f. in size shall comply with the same rear yard setback and height requirements applicable to the main building except as provided in subsection D.~~

3. **Detached accessory buildings must comply with the maximum ground coverage requirements of the applicable zone.**

~~3.~~ 4. Detached accessory buildings ~~used solely for storage of household goods (not including private garages)~~ shall conform to the following additional regulations as to their location upon the lots, **except as provided in subsection D of this ordinance:**

- a. Shall not encroach on the front or side yard of any lot.
- b. ~~Shall not project beyond the front yard required on the adjacent lot in the case of a corner lot.~~ **On a corner lot, the minimum setback from any property line with street frontage shall be equal to the front yard required on the adjacent lot.**
- c. May be located within the rear yard setback provided they: **1) do not exceed 256 square feet in lot coverage;** ~~2) are not closer than 3 feet to the rear property line and 4 feet to the side property line;~~ **2) 3) do not exceed in height 7 feet, except that the height may be increased one additional foot for each additional foot the structure is set back from the nearest applicable minimum setback line (e.g., 4 foot side, 3 foot rear), to a maximum of 16 feet (e.g. 12 foot rear yard setback, 13 foot side yard setback);** ~~3) do not exceed 144 square feet in lot coverage;~~ **4) are utilized solely for the purpose of storage of household goods;** ~~4) require no utilities except electrical services.~~ **An attached accessory building may also be located in the rear yard setback subject to the above requirements as referenced in subsection B.**

~~€~~ **D. Private Garages**

Private garages are attached or detached ~~Accessory buildings utilized for private garages~~ **the storage of vehicles and include covered parking spaces and carports.** Private garages may be located within the rear yard setback provided they are not closer than 4 feet to the rear property line **and do not exceed sixteen (16) feet in height.**

E. Size Limitation

Any accessory structure that exceeds 640 s.f. or 60% of the floor area of the main building on the lot, whichever is less, shall be required to obtain site plan approval in accordance with Section 625 of this ordinance.

~~Đ~~ **F. Conversions of Accessory Buildings**

Accessory buildings constructed in conjunction with exceptions allowed by subsections ~~B3~~ **C(4)** and ~~€~~ **D** above shall, if later converted, require modification or relocation to be in conformance with all provisions of the Zoning Ordinance.

~~E~~ **G. Accessory Buildings for Animals**

Locations of accessory buildings for animals - See Zoning Ordinance Section 602. (Amended by Ord. 443)

H. Other Regulations

1. **Site plan approval, in accordance with Section 625 of this ordinance, shall be required for all accessory buildings that require a building permit in the M, ML, RC, and SC Zones.**

2. **Second-story windows which face an adjoining residential property shall be designed to protect the privacy of neighbors. This shall be accomplished through the installation of opaque windows or the placement of windows at a height or orientation which prevents views of adjacent residential properties.**

619. VISION CLEARANCE AND FENCE REGULATIONS.

A. Corner Lots

On a corner lot, no fence, wall, hedge, ornamental landscaping or other obstruction, except the natural grade of the site, shall exceed a height of three (3) feet above the top of the existing or proposed street curb, within a required yard in a triangular area formed by a line drawn between points twenty (20) feet from the intersecting property lines of a corner lot. Corner lots are subject also to the provisions of subparagraph B. hereafter set forth.

B. Other Lots

On all other lots, no fence, wall, hedge, ornamental landscaping or other obstruction, except the natural grade of the site, shall exceed a height of four (4) feet above the top of the street curb, along the street in front of the building and/or dwelling located on the property, and from the point where the property line and the front building line and/or front dwelling line intersect to the street line. Trees or other vegetation are an exception to this regulation, providing they are kept trimmed to not create a sight distance hazard for motorists.

C. Maximum Height Limits

No fence, wall, hedge or other obstruction shall be erected, moved or altered to exceed seven (7) feet in height, except as provided in subsection E. hereafter set forth.

D. Inward Opening

All doors or gates in fences, walls or hedges shall open inwardly if located within two (2) feet of a street or public walk.

E. Waiver For Good Cause

In connection with the procedure for site plan approval set forth in Section 625 or upon application of a developer, the Planning Commission may waive the strict requirements of

C. Landscaping of Lot

In a C, MU, M, and ML zone, not less than 2 percent of the interior of a parking area shall be landscaped with trees and other plant materials suitable for ornamentation. Landscaped areas shall be distributed throughout the parking area. In addition, a landscaped area with material suitable for ornamentation shall be located at the property lines adjoining the street frontages of the site.

624. LANDSCAPING.

A. General Requirements

All screening and landscaping, **except existing natural vegetation**, shall be permanently maintained in neat and orderly condition by the owner. Plant materials shall be watered, weeded, pruned and replaced as necessary to screen or ornament the site. **The provision of required landscaping and maintenance shall be the responsibility of the property owner.** Landscaping features including fences, hedges, trees and ornamental vegetation shall conform to height and other regulations specified in Section 619, Vision Clearance and Fence Regulations.

B. Landscaping Requirements for R-3, and C, Zones, and for Mobile Home Parks

The following **landscaping requirements** apply in a **the Residential Multiple Family (R-3) Zone, and in any Commercial (RC and SC) Zone, the Mixed Use (MU) Zone, the Industrial (M) Zone and Light Industry (ML) Zones, and the Public Facility (PF) Zone. and in a mobile home park.** **The requirements are also applicable to mobile home parks and multi-family residential developments consisting of four (4) or more units.**

1. A portion of the site visible from the street and comprising not less than ~~three~~ **(3) ten (10)** percent of the site area shall be landscaped with plant materials suitable for ornamenting the site. **Developments proposing to landscape with drought tolerant and/or local plant species shall be allowed a reduced site area landscaping requirement of six (6) percent, except in the Residential Multiple Family (R-3) Zone and for mobile home parks and multi-family residential development consisting of four (4) or more units.**

2. **Existing natural vegetation can be counted towards a maximum of 50% of the site area landscaping requirement.**

3. **Required landscape improvements shall be installed prior to final building inspection or commencement of the approved use.**

~~2.~~ 4. A pre-existing use shall not be deemed nonconforming by reason of failure to meet this requirement.

~~3-~~ **5.** The landscaped area required to be provided for an expansion of a use shall be in addition to landscaped area existing prior to the expansion, unless the pre-existing area exceeds the required minimum, in which case it shall be counted as part of the total area required.

~~4-~~ **6.** The Planning Commission may waive **or reduce** the requirements of this section for ~~the Retail Commercial or RC Zone~~ **any zone** when such waiver would better allow the proposed use to blend in with ~~the commercial neighborhood~~ **surrounding development.**

625. **SITE PLAN APPROVAL.** The purpose of this regulation is to promote Blue Lake's orderly and harmonious development, the stability of land values and investments, and in order to help prevent excessive and unsightly grading of hillsides or the erection of structures of unsightly appearance. Applications for development permits shall be reviewed by the Planning Commission. The ugly, the inharmonious and the monotonous shall be discouraged, but originality in architecture, site planning and landscape design shall not be suppressed.

A. Approval Required

Site ~~plan~~ **Plan Approval from the Planning Commission** is required for the following areas:

1. Any use requiring site plan in the zoning regulations.
2. Any use requiring a conditional use permit.

B. Application

Application shall be made by the property owner or agent on a form prescribed for this purpose by the City.

C. Accompanying Maps and Drawings Required

Maps and drawings in duplicate, in a preliminary stage, shall be submitted not less than 7 days prior to the meeting of the Planning Commission at which the same shall be considered, and shall indicate the following:

1. Site plan, drawn to scale, showing the proposed layout of the structures and other improvements on subject property and on adjoining properties.
2. Landscape plan sketch, drawn to scale, showing the location and design of landscaped area and the variety of plant materials, and other landscape features.

- b. Masonary or concrete.
 - c. Stucco.
 - d. Any wood products including shingles, shakes, horizontal overlapping board or pressboard siding in widths of twelve (12) inches or less.
5. Have a roof composed of the following materials:
- a. Interlocking roof tiles.
 - b. Composition shingles.
 - c. Wood.
 - d. Wood, asbestos, cement or slate shingles.>

The Planning Commission is hereby empowered to allow a single-family home (including a manufactured home) to be constructed or placed within the City of Blue Lake with alternative reasonable development standards substituted for those hereinabove set forth, or to exempt such a home from the strict application of such development standards, upon a showing of good cause. A principal criterion for determining whether good cause exists for such exemption or substitution shall be compatibility with the neighborhood in which the structure is proposed to be constructed or placed. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission, and appeal to the City Council from a decision of the Planning Commission may be taken, in accordance with the procedures set forth in Section 625 of this Ordinance, Site Plan Approval. (Added by Ord. 399)

627. ~~RESIDENTIAL SECOND ACCESSORY DWELLING~~ UNITS. The purpose of this section is to provide a mechanism for allowing ~~residential second~~ **accessory dwelling** units in certain residentially zoned districts, thereby providing the opportunity for the development of small housing units designed to meet the special housing needs of one-person and two-person households. Furthermore, the purpose of these provisions is to allow the more efficient use of the City's existing stock of dwellings, to provide housing units for family members who are elderly or disabled, to avoid parking problems in residential neighborhoods, and to protect property values and the single-family character of a neighborhood by insuring that ~~second~~ **accessory dwelling** units are developed under such special conditions as may be appropriate to further the purpose of this section. This section implements the provisions of Government Code Sections 65852.1, 65852.150, and 65852.2.

A. Definitions For the purposes of this section, unless otherwise apparent from the context, certain terms used herein are defined as follows:

1. "Primary Unit" shall mean the primary existing single-family residential dwelling unit which provides complete independent living facilities for one or more persons.

2. "~~Second~~ **Accessory Dwelling Unit**" shall mean an attached or detached residential dwelling unit situated on the same lot as a primary unit, which provides complete independent living facilities for one or more persons.

B. Special Use Permit Required A new ~~residential-second~~ **accessory dwelling** unit may be permitted in accordance with Government Code Section 65852.2 subject to a special use permit, and subject to the standards set forth in this section.

C. Second Accessory Dwelling Unit Development Standards The following development standards shall apply to the approval and development of each ~~residential-second~~ **accessory dwelling** unit:

1. No more than one ~~residential-second~~ **accessory dwelling** unit shall be permitted on any one parcel or lot.

2. A ~~residential-second~~ **accessory dwelling** unit may only be permitted on a residential lot on which one detached residential primary unit is already built and occupied.

3. The ~~second~~ **accessory dwelling** unit must be either attached to the primary unit and located within the living area of the primary unit, or detached from the primary unit and located on the same lot as the primary unit. ~~The floor area of an attached second unit shall not exceed 25% of the existing living area of the primary unit or 640 square feet, whichever is less. The total area of floor space of a detached second unit shall not exceed 640 square feet.~~ **The maximum size limits for attached and detached accessory dwelling units by lot size are shown in Table 1 below.**

Maximum Accessory Dwelling Unit (ADU) Size

Lot Size	ADU TYPE		Setbacks
	Attached	Detached	
6,000-7,999 s.f.	25%* or 640 s.f.; whichever is less	640 s.f.	Same as Zone
8,000-9,999 s.f.	30%* or 750 s.f.; whichever is less	750 s.f.	F-20'/S-6'/R-22'
>10,000 s.f.	30%* or 900 s.f.; whichever is less	900 s.f.	F-25'/S-10'/R-25'

* percentage of the floor area of the existing living area of the primary unit

4. ~~Residential-second~~ **Accessory dwelling** units may not be permitted on residential lots already having two or more dwelling units located thereon.

5. The ~~residential-second~~ **accessory dwelling** unit shall comply with, and be subject to all the development standards of the zone in which it is located, including, but not

limited to, parking, height, setbacks, yards, and lot coverage, except as otherwise herein provided.

6. One off-street parking space shall be required for the ~~second~~ **accessory dwelling** unit in addition to any off-street parking spaces required for the primary unit as provided by this ordinance, as amended from time to time.

7. The ~~second~~ **accessory dwelling** unit shall not be constructed so as to cause the primary unit to conflict with development standards applicable to the zone in which it is located.

8. Code compliance shall be as follows:

a. Minimum housing code compliance shall be required for the primary unit.

b. The ~~second~~ **accessory dwelling** unit shall comply with all provisions of Blue Lake building regulation ordinances in effect at the time of approval of the special use permit, including but not limited to all uniform codes adopted by reference.

c. Products of combustion detectors shall be required for each primary and ~~second~~ **accessory dwelling** unit.

9. If a separate entrance is provided for the ~~second~~ **accessory dwelling** unit, it shall be subordinate to the main entrance of the primary unit.

10. The minimum lot size of the lot on which the ~~second~~ **accessory dwelling** unit may be built shall be 6,000 square feet. The lot shall have a minimum width of 50 feet and minimum depth of 80 feet.

11. Either the primary unit or the ~~second~~ **accessory dwelling** unit must be occupied as a principal residence of the property owner. **If the owner occupancy requirement is not complied with the following shall occur: 1) the special use permit approved for the accessory dwelling shall be revoked; 2) the kitchen shall be removed from the accessory dwelling unit; and 3) the accessory dwelling unit shall not be rented as a separate independent living unit from the primary unit.**

12. The ~~second~~ **accessory dwelling** unit shall be metered separately from the primary unit for gas, electricity, and water services.

13. An ~~second~~ **accessory dwelling** unit shall not be permitted for lots on which the primary unit is a manufactured home, and no ~~second~~ **accessory dwelling** unit shall be a manufactured home.

14. Prior to the issuance of a building permit for an ~~second~~ **accessory dwelling** unit, a deed restriction to run with the land, in a form satisfactory to the City Attorney, shall be recorded with the County Recorder to evidence and give notice of the requirements of this section.

D. Findings Required No special use permit for an ~~residential-second~~ **accessory dwelling** unit may be approved unless the City Planner first makes the following findings:

a. The ~~second~~ **accessory dwelling** unit is compatible with the design of the main unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk, lot coverage, and exterior treatment, and will not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.

b. The ~~second~~ **accessory dwelling** unit will not tend to change the character or cause a concentration of such units sufficient to change the characteristic of the residential neighborhood in which it is located.

E. Environment The approval of an ~~residential-second~~ **accessory dwelling** unit as provided by this section shall be exempt from the provisions of the California Environmental Quality Act.

F. Existing ~~Second~~ Accessory Dwelling Units This section shall in no way validate any existing illegal ~~second~~ **accessory dwelling** unit. An application for a special use permit may be made pursuant to the provisions of this section to convert an illegal ~~second~~ **accessory dwelling** unit to a conforming legal ~~second~~ **accessory dwelling** unit, and the standards and requirements for said conversion shall be the same as for a newly proposed ~~second~~ **accessory dwelling** unit.

G. Limitation Any single-family dwelling (primary unit) constructed after October 26, 1989, the effective date of this section, shall be ineligible for a ~~second~~ **accessory dwelling** unit within the first five years after issuance of a certificate of occupancy for such primary unit.

H. Consistency With General Plan Any ~~residential-second~~ **accessory dwelling** unit for which a special use permit is issued pursuant to this section shall be deemed not to exceed the allowable density for the lot or parcel on which it is located and shall be deemed to be a residential use which is consistent with the existing General Plan and zoning designation for the lot pursuant to Government Code Section 65852.2.

I. Parcel Map Waiver For any ~~residential-second~~ **accessory dwelling** unit for which a special use permit is issued pursuant to this section, the requirement of a Parcel Map is hereby waived pursuant to Government Code Section 66428.

J. Procedure A special use permit for ~~residential-second~~ **accessory dwelling** units pursuant to this section shall not be subject to the procedures set forth in Section 730 through 738, inclusive, of this ordinance, but instead shall be subject to the following procedures:

1. Application for a special use permit shall be filed at City Hall or the office of the City Planner upon a form provided, and shall be accompanied by such information as may be required to describe fully the proposed use for which the permit is sought. Fees must be paid in advance according to the City's current master fee schedule.

2. The application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site.

3. The City Planner may issue a special use permit without a public hearing if the Planner finds from the application that the use complies with the requirements of this section.

4. The granting of the special use permit may be made subject to terms and conditions attached thereto and made a part thereof.

5. The action of the City Planner shall be in writing and shall be filed with the City Clerk as soon as practicable following the taking of the action.

6. Appeals from actions of the City Planner shall be governed by Sections 760 through 765, inclusive, of this ordinance.

7. If a decision of the City Planner denying a special use permit is reversed on appeal, or a decision granting a special use permit is modified on appeal, the City Council on the basis of the record transmitted by the City Clerk and such additional evidence as may be submitted, shall make the findings requisite to the granting of such special use permit.

8. A special use permit granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the special use permit application. (Added by Ord. 469)

628. RIVER, CREEK, AND WETLAND SETBACKS The purpose of this section is to provide minimum setback requirements for properties containing or located adjacent to the Mad River, Powers Creek, or other wet areas such as natural ponds, springs, drainages, wet meadows (exhibiting standing water year-long or riparian vegetation).

A. **Setback Requirement**

No building or parking or storage area shall be constructed within 50 feet horizontal from the following unless the setback would eliminate all reasonable use of the property: (1) the north side of the levee crown or top of bank adjacent to the Mad River; (2) the centerline of the main branch of Powers Creek; and (3) other wet areas such as

natural ponds, springs, drainages, or wet meadows (exhibiting standing water year-long or riparian vegetation). The buffer thus created shall be preserved as an area of riparian and natural vegetation. Trails and habitat enhancement projects are allowable within this zone.

B. Exception Justification

The required setback may be reduced where the City Planner determines that it will not result in a significant impact to fish, wildlife, riparian habitat, or soil stability. Such a determination will require the applicant to submit technical evidence from a biologist or other similar competent professional justifying the reduction.

629. MAJOR VEGETATION REMOVAL The purposes of this section is to: 1) preserve and protect major vegetation within the City that directly and indirectly prevents soil erosion, landslide, and flood hazard; and 2) protect property values and the local economy by maintaining the visual quality of the City, while respecting and recognizing individual rights to develop, maintain and enjoy private property to the fullest extent possible.

A. Applicability

These regulations shall apply to major vegetation removal as defined in this section, except that the following activities shall be exempt:

~~1. Routine maintenance of vegetation such as trimming, pruning, or other normally accepted horticultural practices. that do not result in the loss of any layer of vegetation and do not require earth disturbance.~~

~~1.~~ 2. Major vegetation removal necessary to carry out activities authorized by: 1) a use permit; or 2) satisfying improvement requirements of an approved subdivision.

~~2.~~ 3. Major vegetation removal associated with general agriculture, in zones where agriculture is a principally permitted use, except where the City Planner determines that the major vegetation removal may result in a significant environmental impact.

~~3.~~ 4. Trees, meeting the definition of major vegetation in this section, may be removed if they pose an imminent danger to people or structures, subject to approval of the Public Works Director. At the discretion of the Public Works Director, technical evidence justifying the imminent danger may be required to be submitted by an arborist or other similar competent professional.

5. Habitat restoration activities for the purpose of removing exotic and/or invasive vegetation species.

3. 6. Timber management and timber harvesting activities regulated by the California Department of Forestry and the Board of Forestry.

B. Site Plan Approval Required

Major vegetation removal may be permitted in any zone subject to Site Plan Approval from the Planning Commission. For the purposes of this section major vegetation removal shall be defined to include one or more of the following:

1. The removal of one or more trees with a ~~circumference~~ diameter of ~~twenty-four inches (24")~~ twelve (12") inches or more measured at four and one-half feet (4.5') vertically above the ground.

2. The removal of trees within a total aggregate contiguous or non-contiguous area or areas exceeding 2,500 s.f., measured as the total of the area(s) located directly beneath the tree canopy.

3. The City Planner may determine that a proposal to remove woody vegetation constitutes major vegetation removal if the City Planner finds that it may result in a significant environmental impact. In making a finding that the proposed major vegetation removal may result in a significant environmental impact, the City Planner shall review the proposal and determine if any of the following conditions exist or are proposed:

a. The major vegetation removal involves the use of heavy equipment.

b. The major vegetation removal is proposed on either a steep slope (15% or greater), or on a slope designated as a "medium risk" or "high risk" slope/soil stability hazard area in the Public Safety Element, other relevant publications (e.g. Humboldt County Hazard Mitigation Mapping), or as determined by the Building Official and/or City Engineer.

c. The major vegetation removal may result in soil erosion or landslide.

d. The major vegetation removal is located within or adjacent to an environmentally sensitive habitat.

e. The major vegetation removal may result in significant exposure of adjacent trees to wind damage.

ARTICLE VII.
AMENDMENTS, VARIANCES, USE PERMITS
AND NONCONFORMING USES

AMENDMENTS

701. This ordinance may be amended as other ordinances are adopted or amended, except that: regulations hereof may be amended by changing boundaries of zones, by changing property from one zone to another, by imposing regulations not heretofore imposed, and by removing or modifying adopted regulations wherever the public necessity, convenience or welfare require such amendment, in accordance with the following procedures.

702. An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in the following section, or by action of the Planning Commission or the City Council.

703. The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, and shall be accompanied by an accurate scale drawing of the site including contour lines, if amendment proposed is to change property from one zone to another, and other information as may be required to describe fully the proposed amendment. Fees must be paid in advance according to the City's current master fee schedule.

704. As soon as practicable following the filing of an initiation, or following the action of the Planning Commission, or of the City Council, taking into account the notice requirement of Section 705 of this ordinance, the matter shall be set for a public hearing before the Planning Commission.

705. Notice of the time and place of the hearing before the Planning Commission, including a general explanation of the matter to be considered and including a general explanation of the area affected, shall be given in accordance with Government Code Section 65854 and by posting in three (3) public places in the City of Blue Lake at least ten (10) days prior to the hearing, including one public place in the area directly affected by the proceeding.

706. At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.

707. ~~Within forty (40) days of the conclusion of the hearing~~ **After the hearing**, the Planning Commission shall ~~submit to the City Council a written report of recommendations and reasons thereof~~ **render its decision in the form of a written recommendation to the City Council. Such recommendation shall include the reasons for the recommendation and the relationship of the proposed ordinance or amendment to applicable general and specific plans.**

708. Upon receipt of the written report of the Planning Commission, the City Council (at its next regular meeting) shall set the matter for a public hearing; provided, however, as set forth in the next section.

709. If the matter under consideration is an amendment to a zoning ordinance to change property from one zone to another, and the Planning Commission has recommended against the adoption of such amendment, the City Council shall not be required to take any further action thereon, unless an interested party shall request such a hearing by filing a written request with the Clerk of the City Council within 5 days after the Planning Commission files its recommendations with the City Council.

710. Notice of the time and place of the hearing before the City Council, and including a general explanation of the matter to be considered and including a general explanation of the area affected, shall be given in accordance with Government Code Section 65856 and by posting in three (3) public places in the City of Blue Lake at least ten (10) days prior to the hearing, including one public place in the area directly affected by the proceeding.

711. The City Council may approve, modify or disapprove the recommendation of the Planning Commission, provided, however, as set forth in Section 712.

712. Any modification of the proposed ordinance or amendment by the City Council **not previously considered by the Planning Commission during its hearing**, shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission **is shall not be** required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference, **or such longer period as may be designated by the City Council**, shall be deemed to be approval of the proposed modification.

~~713. Within forty (40) days of the conclusion of the hearing before the City Council, or within forty (40) days of the filing for the report by the Planning Commission with the City Council, or the expiration of the time for filing such report by the Planning Commission with the City Council, on any referral by the City Council as set forth in Section 712, the City Council may adopt the proposed ordinance or amendment. Failure of the City Council to adopt the proposed ordinance or amendment within the period set forth in this section shall be deemed to be denial of such proposed ordinance or amendment. RESERVED~~

714. In the case of an application for combining a zone with a P-D Zone, the City Planning Commission may recommend the granting of the application as applied for in modified form only if, on the basis of the application and the evidence submitted, the Commission makes findings of fact that establish that the following circumstances apply.

A. The development as proposed in the plans and drawings accompanying the application will be consistent with the objectives of this chapter.

B. The proposed location of the planned unit development is consistent with the purposes of the zone in which the site is located.

C. The proposed development will comply with each of the applicable provisions of this chapter.

D. The development standards will produce an environment of sustained desirability and stability, harmonious with the character of the surrounding area and consistent with the objectives of the Blue Lake General Plan adopted by the City Council and subsequent amendments thereto, if any.

E. The combination of dwelling types, not sizes, and uses in the development will compliment each other and will harmonize with existing and proposed land uses in the vicinity.

715. In the case of an application for combining a zone with a P-D zone, the City council may affirm, reverse, or modify a decision of the Commission recommending the granting or denial of the application, provided that if a decision recommending denying the application is reversed by the Council or a decision recommending granting the application is modified by the Council, the Council shall make, on the basis of the application and the evidence submitted, the findings prerequisite to recommending the granting of an application prescribed in this article.

VARIANCES

720. A variance from the strict application of the terms of these regulations, other than regulations directly pertaining to the use of land and buildings which are not existing nonconforming uses, may be granted upon the finding of either:

A. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege, inconsistent with the limitations upon other properties in the vicinity, and zone in which the subject property is situated, and that because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning regulations is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; or

B. That any variance granted will not be contrary to the intent of the zoning regulations or to the public interest, safety, health and welfare, and, where due to special conditions or exceptional characteristics of such property, or its location or surroundings, a literal enforcement of the zoning regulations would result in practical difficulties or unnecessary hardships.

721. Application for a variance shall be filed in the office of the Director of Public Works, upon a form provided, and shall be accompanied by an accurate scale drawing of the site and any adjacent property affected and such other information as may be required to describe