



# CITY OF BLUE LAKE

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DATE: July 16, 2015

FROM: Garry Rees, City Planner

TO: Blue Lake Planning Commission

**RE: City of Blue Lake Strategic Growth Council (SGC) Sustainable Communities Planning Grant No. 3012-552. Task 2(F) Ordinance Update Discussion.**

Task 2(F) of the SGC Grant proposes targeted updates to the City's Ordinances to include sustainable development standards as well as provide consistency with the targeted updates being done to the General Plan as part of the grant. Some revisions are also proposed to be made to comply with State law, clarify confusing sections of the Zoning Ordinance, and incorporate Staff recommended revisions.

Included in your packet for the June special meeting were the following sections of the Zoning Ordinance which were revised by Staff to accomplish the objectives described above:

- Section 201.43 – Definition of Family
- Section 406.5 – Highway Commercial (HC) Zone
- Section 407 – Industrial (M) Zone
- Section 407.1 – Light Industry (ML) Zone
- Section 623(C) – Landscaping of Lot
- Section 624 – Landscaping
- Section 628 – River, Creek, and Wetland Setbacks

Included in your packet for the July meeting are the following sections of the Zoning Ordinance which have been revised by Staff to accomplish the objectives described above as well as incorporate comments from the Planning Commission and Staff from the June meeting:

- Section 403 – Residential One-Family (R1) Zone
- Section 410 – Public Facility (PF) Zone
- Section 602 – Accessory Uses
- Section 603 – Assemblages of Person and Vehicles
- Section 606 – Home Occupations
- Section 610 – Off-Street Parking Facilities
- Section 617 – Yards
- Section 618 – Accessory Buildings
- Section 624 – Landscaping
- Section 627 – Accessory Dwelling Units

- Section 628 – River, Creek, and Wetland Setbacks
- Section 629 – Major Vegetation Removal
- Sections 707, 712, 713 - Amendments

Please review the revised sections of the Zoning Ordinance and be prepared to discuss any revisions or additions you recommend or questions you may have.

ORDINANCE NO. 382

(As Amended by Ordinances 399, 413, 420, 443, 448, 469, 478, 490, and 491)

AN ORDINANCE OF THE CITY OF BLUE LAKE, CALIFORNIA, ESTABLISHING LAND USE DISTRICTS OR ZONES, REGULATING THE USE OF LAND AND BUILDINGS, AND OPEN SPACES ABOUT BUILDINGS, REQUIRING THAT PERMITS BE SECURED FOR CERTAIN OF SUCH USES AND BUILDINGS, ESTABLISHING AND PERMITTING THE ESTABLISHMENT OF CONDITIONS, PRESCRIBING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS THEREOF, AND REPEALING ORDINANCES 241, 244, 250, 252, 274, 276, 277, 279, 283, 284, 289, 294, 309, 311, 315, 316, 318, 324, 328, 331, 333, 338, 342, 343, 349, 356, 360, 365, 366, 367, 368, 369, 370, 380, AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED by the City Council of the City of Blue Lake, Humboldt County, California, as follows:

ARTICLE I.

TITLE, ADOPTION, OBJECTIVES, APPLICATION

101. TITLE. This ordinance shall be known as the "Zoning Ordinance of the City of Blue Lake, California," and may be cited as such. Said ordinance will be referred to hereinafter as the "Zoning Ordinance," or as the "Zoning Plan," and sections and portions hereinafter referred to shall refer to sections or portions of this ordinance.

102. ADOPTION. There is hereby adopted a Zoning Ordinance of the City of Blue Lake, California, consisting of text in accordance with the provisions of Title 7, Chapter 4, Section 65800 of the Government Code of the State of California.

103. OBJECTIVES. The zoning regulations are adopted to achieve the following objectives:

1. to adhere to the principle of orderly residential development, with well-integrated community facilities and public utilities;
2. to discourage scatter of development and sprawl along the highways;
3. to group residential areas into neighborhoods which are planned in relation with playgrounds, parks, schools and other facilities;

4. to combine several neighborhoods into a community, based on a community park and elementary school, day schools or private schools;
5. to provide a wide variety of housing types and living arrangements, including single-family residences, duplexes, fourplexes, apartments, and motels;
6. to experiment with a new concept ("cluster development") of housing layout around a communal open space;
7. to locate housing in industrial zones only if it can be demonstrated by the developer that the industrial use will be compatible with housing;
8. to locate high-density apartments on or near thoroughfares, near open spaces such as parks, or in areas specifically designed for high-density residential uses.
9. to redevelop and rehabilitate blighted or deteriorating housing and commercial buildings;
10. to take care in designing future residential layouts to preserve those natural amenities which make Blue Lake a desirable place to live; and
11. to protect and enhance real property values.

104. APPLICATION. It is expressly declared that all provisions of this Zoning Ordinance shall apply to all property in the City of Blue Lake, whether owned by private or public, firms or corporations, the United States Government or any of its agencies, or political subdivisions, the County of Humboldt, or any district formed under the laws of the State of California.

6. It is hereby declared a nuisance and it shall be unlawful to keep, maintain, or permit on any parcel, lot or piece of land any animal, poultry, or household pet, which by any sound, smell or cry should unreasonably disturb the peace and comfort of any neighborhood, or interfere with any person or prevent the reasonable and comfortable enjoyment of life or property.

D. Definitions

1. Pig Farm. A pig farm is an agricultural operation conducted for the primary or secondary purpose of breeding and/or selling of feeder pigs, and/or the fattening of any swine for slaughter.

2. Poultry Farm. A poultry farm is an agricultural operation conducted for the primary or secondary purpose of egg production, and/or the fattening for slaughter of chickens, capons, turkeys or geese. For purposes of this ordinance, a poultry farm shall be defined as an operation containing more than 25 poultry animals per net acre.

3. Slaughter House or Slaughter Operation. A slaughter house or slaughter operation whereby animals are killed and the animal carcass or parts thereof is offered for sale. This section is not to be construed as prohibiting the slaughter of livestock for personal and family use.

403. RESIDENTIAL ONE-FAMILY OR R-1 ZONE. The residential one-family or R-1 Zone is intended to be applied in single-family home development in areas of the City in which topography, access, utilities and public services make residential density living both suitable and desirable.

A. Principal Permitted Uses

1. Single-family dwellings and servant quarters and guest houses, subject to the development standards specified in Section 626. (Amended by Ord. 399)

2. Public parks and playgrounds.

3. Home Occupations, subject to Section 606 of this ordinance.

B. Uses Permitted With a Use Permit

1. Two-family dwellings.

2. Churches, schools, rest homes and clinics, and libraries.

3. Bed and breakfast accommodations.

C. Other Regulations

1. **R-1 density and minimum lot area:**

a. Minimum lot area: 6,000 square feet, for all lots created on or after 10 September 1987.

**b. Maximum density: one (1) dwelling unit per 6,000 square feet of lot area.**

2. R-1-10 minimum lot area; 10,000 square feet.

3. Minimum yard; front, 15 feet; rear, 20% of depth to a maximum of 20 feet; side, 4 feet.

4. Maximum building height, 35 feet.

5. Maximum ground coverage, 40%.

6. Animal stable or corrals shall be maintained in conformance with Section 602.

7. Off-street parking as prescribed in Section 610.

8. No outdoor advertising sign or structures shall be permitted except for Home Occupation and Real Estate signs, as prescribed in Section 612.

9. Site plan approval, as prescribed in Section 625, for uses permitted with a use permit pursuant to subsection B. of this section. (Amended by Ord. 399)

404. RESIDENTIAL TWO-FAMILY OR R-2 ZONE. Residential two-family or R-2 Zone is intended to provide and encourage a suitable environment for urban family living and to apply in areas of the City where it is reasonable to permit and protect medium density development. The following regulations shall apply in all residential two-family or R-2 Zones.

A. Principal Permitted Uses

1. Single-family dwellings, and servant and guest houses, subject to the development standards specified in Section 626. (Amended by Ord. 399)

2. Two-family dwellings.

3. Home Occupations, subject to Section 606 of this ordinance.

C. Other Regulations

1. Maximum building height, 30 feet.
2. Minimum yards; front and rear side, 50 feet.
3. Off-street parking as prescribed in Section 610.
4. Signs as prescribed in Section 612.

410. PUBLIC FACILITY OR P-F ZONE. The Public Facility or P-F Zone is intended to be applied to lands owned by public agencies or to lands upon which such agencies operate public facilities.

A. Principal Permitted Uses

1. Public schools, parks, playgrounds and recreation facilities.
2. Public fairgrounds and related uses.
3. Public buildings, including City Hall, fire stations, libraries, courts, museums, auditoriums, hospitals and similar uses.

B. Uses Permitted With a Use Permit

1. Public corporation yards, shops, repair and storage yards and buildings.
2. A caretaker's residence, subject to the development standards specified in Section 626. (Amended by Ord. 399)
3. Commercial facilities which, in the opinion of the Planning Commission, will not impair present and potential uses of the property and will not constitute a nuisance or be detrimental to the district or any adjacent zone. (Amended by Ord. 413)

C. Other Regulations

1. Site plan approval as prescribed in Section 625.
2. As provided in the use permit conditions.
- 3. Landscaping as prescribed in Section 624.**

ARTICLE VI.  
GENERAL PROVISIONS AND EXCEPTIONS

601. APPLICABILITY. Each and every zone shall be subject to the provisions of this article, in addition to the requirements and regulations set forth elsewhere in this ordinance for each of the zones.

602. ACCESSORY USES. Accessory uses, as defined herein, shall be permitted appurtenant to any permitted use, without the necessity of securing a use permit, unless particularly provided in this article, provided that no accessory use shall be conducted on any property in any R Zone unless and until the main building is erected and occupied, or until a use permit is secured.

A. Animals and Animal Shelters

Domestic animals may be kept as accessory to residential use so long as such animals are not detrimental to the neighborhood and according to the following:

1. One (1) large domestic animal such as a horse or cow may be kept on any parcel of not less than one (1) acre. One (1) additional animal may be kept for each 20,000 square feet of area by which such parcel exceeds one (1) acre.

2. One (1) medium sized domestic animal including sheep, ~~or~~ goats, **or pigs** may be kept on any parcel of not less than 10,000 square feet of area. One (1) additional animal may be kept for each 3,000 square feet of area by which such parcel exceeds 10,000 square feet.

3. ~~Shelters, runs, corrals and yards~~ for such animals shall be located on the rear half of the lot on which they are kept, and in no case within fifty (50) feet of the front lot line, nor within twenty (20) feet of any other line, nor within fifty (50) feet of any dwelling unit **in the neighborhood. Runs, corrals, and yards for such animals shall be located on the rear half of the lot on which they are kept, and shall be situated so that no such animal is permitted to come within twenty (20) feet of any dwelling unit.**

4. There may be kept on any lot not to exceed ~~sixty (60)~~ **twelve (12)** chicken hens and twelve (12) rabbits, or similar livestock; provided that no such livestock shall be maintained closer than ~~thirty (30) feet from any dwelling now existing or hereafter erected~~ **twenty (20) feet from any property line. No roosters are allowed to be kept on any property within City limits.**

**5. Bee hives may be kept on any lot subject to the provisions contained in subsections A(2) and A(3) above.**

~~5.~~ **6.** All other keeping of animals (**other than household pets**) as accessory to any residential use shall require the securing of a use permit.

B. Nuisance

It is hereby declared a nuisance and it shall be unlawful to keep, maintain, or permit on any parcel, lot, or piece of land any **domestic** animal, ~~poultry~~, or household pet, which by any sound, smell, or ~~ery~~ **sight** should unreasonably disturb the peace and comfort of any neighborhood, or interfere with any person or prevent the reasonable and comfortable enjoyment of life or property.

603. ~~ASSEMBLAGES OF PERSON AND VEHICLES~~ **SPECIAL EVENTS**. No **street fair**, circus, carnival, **farmer's market**, ~~open-air or drive-in theatre, automobile racetrack,~~ religious revival tent **outdoor entertainment**, or similar assemblage of people and automobiles shall be permitted in any zone unless a use permit is first secured in each case, except as hereinafter provided.

A. Special Events on Public Property

**1. Short-term (less than 4 hours) special events on public property require obtaining a special event permit from the City Manager. Longer-term (greater than 4 hours) special events on public property require obtaining an encroachment permit from the City Manager. Public property includes streets and right-of-ways and City property such as the City Hall parking lot or open space occurring on City property.**

**2. Special events that occur at City recreational facilities such as Perigot Park, Prasch Hall, Gymkhana Arena/Rodeo Grounds, and Clemence Field require approval from the Park and Recreation Director.**

**3. The City Manager and Park and Recreation Director may place conditions on the approval of special events as necessary to ensure the public health, safety, and welfare are not adversely affected by the proposed event.**

B. Exceptions

**1. This section shall not apply to indoor events that do not have the potential to adversely affect surrounding uses.**

**2. This section shall not apply to zoning districts which allow public assembly type uses.**

604. GUEST HOUSES. Guest houses are herein defined as detached living quarters of permanent construction, without kitchens which are clearly subordinate and incidental to the use of the main building on the same lot. Guest houses shall not be let, leased or rented, in whole or in part, independently of the main building.

605. HEIGHT LIMITATIONS AND MODIFICATIONS. Heights of buildings and structures shall be measured vertically from the average ground level of the ground covered by the building to the highest point of the roof, but chimneys, stacks, vents, flagpoles, conventional television reception antennas, elevator, ventilating and air-conditioning equipment, parapet walls and similar architectural and mechanical appurtenances shall be excluded in making such measurements. ~~Accessory buildings in R-Zones shall not exceed 16 feet in height.~~

606. HOME OCCUPATIONS.

A. Definition

A Home Occupation is defined as the conduct of a business, including an art or profession, the offering of a service, or the handcraft manufacture of products on a residentially zoned property or in a dwelling, in a manner that is clearly incidental and secondary to the use of the property or dwelling as a residence, and in accordance with the provisions of this section.

B. Conditions

No Home Occupation shall be permitted unless all of the following conditions have been satisfied and, once permitted, all Home Occupation permits shall be deemed to be subject to the following as continuing conditions:

1. A Home Occupation shall occupy not more than 25% of the total floor space of all the structures on a residentially zoned lot, or 25% of the floor space associated with the dwelling in zones other than residential; and
2. A Home Occupation shall involve no sales of merchandise other than that produced on the premises or merchandise directly related to and incidental to the occupation or permitted under allowable uses; and
3. A Home Occupation shall be conducted by members of the family occupying the dwelling with no more than one additional other person employed on the premises; and
4. A Home Occupation shall not result in changes to the residential character of the property; and
5. A Home Occupation shall not result in the creation of dust, noise, odors, smoke, electrical interference or other nuisances to a degree greater than that normal for the neighborhood; and
6. A Home Occupation shall not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which it is located; and

7. A Home Occupation shall meet the requirements of the Chief Building Inspector and Chief of the fire district having jurisdiction; and

8. A Home Occupation shall require no structural, electrical, mechanical or plumbing alterations not normally found in a dwelling; and

9. A Home Occupation shall involve no equipment other than that customarily used in dwellings, except that the Planning Commission may, in particular cases, modify this provision; and

10. A Home Occupation shall not be conducted without first obtaining all licenses and permits, including but not limited to a Home Occupation Permit, Business License and state and county permits as indicated by the type of use; and

11. A Home Occupation shall not involve conversion of a room into a sales room; and

12. A Home Occupation shall involve no excessive or unsightly storage materials or supplies, indoors or outdoors, for purposes other than those uses permitted in the district; and

13. A Home Occupation shall not involve the use of signs or structures other than those permitted in the district in which the Home Occupation is located.

C. Applications

1. Applications for Home Occupation Permits shall be filed with the City Clerk on a form prescribed by the Planning Commission.

2. The Planner shall review the permit application and make an initial determination whether the permit may follow administrative approval procedures or is subject to Planning Commission review.

D. Administrative Review Procedure

1. The following Home Occupations qualify for administrative review and approval:

- o accounting, bookkeeper
- o answering service
- o conducting of groups or classes of 4 or fewer persons
- o consulting services
- o counseling; individual or family
- o crafts involving equipment customarily used in a home
- o day care of 12 children or fewer
- o dating service

- o drafting and/or designing using only the normal drafting equipment
- o fine arts involving equipment customarily used in home
- o cottage food operations**
- o home party sales of groups of 4 or fewer
- o law offices
- o massage and physical therapy
- o photography and photographic reproductions
- o plant propagation not in a greenhouse
- o residential care homes for 6 or fewer persons
- o secondary business offices, where said business has its principal office, staff and equipment located elsewhere
- o sales, including mail order, when all sales are done by written order with no commodities, samples, or displays on the premises
- o sewing, dressmaking and millinery
- o small service operations not requiring significant storage in the home
- o swimming lessons for 4 or fewer persons
- o tutoring individuals or groups of 4 or fewer
- o typing
- o word processing

2. If the proposed Home Occupation is included among those designated for administrative approval pursuant to paragraph one of this subsection D., the Planner shall transmit copies of the application to the members of the Planning Commission, the Chief Building Inspector, and the Fire Chief of the fire district having jurisdiction.

3. If within fifteen (15) days of such transmittal a request by a Planning Commission member, the Fire Chief, the Chief Building Inspector, or the Planner is made to refer the application to the Planning Commission, the application shall be so referred and further proceedings shall be pursuant to subsection E. hereof.

4. If no such request is made within such fifteen (15) day period, the Planner shall approve the application and grant a Home Occupation Permit.

**E. Planning Commission Review and Approval**

1. Except as otherwise herein provided, the following Home Occupations shall be considered for approval by the Planning Commission:

- o barber shop
- o beauty shop
- o ceramics/pottery studio
- o dance studio
- o conducting of groups or classes of 5 or more
- o home party sales of groups of 5 or more

- o mail order business other than those meeting criteria for administrative approval
- o music lessons
- o small motor repair
- o small item repair including but not limited to:
  - small appliances
  - computers
  - electronics
  - musical instruments
  - toys
- o plant propagation in a greenhouse
- o swimming lessons for 5 or more persons
- o any application referred to the Planning Commission pursuant to subsection D.3. of this section 606.

2. Home Occupation permits which do not qualify for administrative review and approval, and applications for Home Occupation not otherwise listed, shall be heard by the Planning Commission. All applicants for a Home Occupation which are required to be heard by the Planning Commission shall pay a fee in an amount to be determined by the duly adopted current fee schedule, prior to the matter being placed on the Planning Commission agenda.

3. Following the conclusion of the hearing, the Planning Commission shall grant, conditionally grant, or deny the home occupational permit. The grant of a home occupation permit may be made subject to terms and conditions set by the Planning Commission and attached thereto and made part thereof.

F. Filing with Clerk

1. All Home Occupation Permits approved by the Planner or the Planning Commission shall be filed with the City Clerk, and shall be final ten (10) days following such filing unless an appeal is taken.

2. Appeals. Appeals shall be governed by Sections 760 through 765, inclusive, of this ordinance.

G. Uses Not Allowed as Home Occupations

The following uses are not allowed as Home Occupations:

- o animal hospitals or kennels
- o antique shops
- o auto body work or painting
- o auto repair or servicing
- o ~~bakeries~~

- o eating establishments
- o ~~food processing~~
- o medical, dental offices
- o residential care homes for 7 or more persons
- o rest homes
- o retail establishments, boutiques, gift shops
- o taxi, limousine service
- o day care of more than 12

H. Signs

Signs shall meet the requirements of Sections 612.D. and 612.E. of this ordinance, provided that signs otherwise meeting the requirements of this ordinance for a Home Occupation sign may be administratively approved by the Planner.

607. LOT AREAS AND WIDTHS. Development of lots which do not conform to the minimum specifications of the zone in which they are located will be permitted where the lot in question was delineated on a recorded subdivision map.

608. LOT NOT FRONTING ON A PUBLIC WAY. A lot not having frontage on a public way, but otherwise conforming to these regulations, may be used provided that either access is developed to standards approved by the City Engineer or a use permit is first secured.

609. MOBILE HOME PARK STANDARDS.

A. Use Exemptions

A mobile home shall be occupied or used for living or sleeping purposes only if it is located in a licensed mobile home park, or an individual lot in accordance with Section 609.1 of this ordinance, with the following exceptions:

1. Temporary Office or Residence. One mobile home may be permitted, with a special permit issued by the Building Department, as a temporary office or residence, after obtaining a building permit for the construction of a permanent building of the same use on the same lot. Such use of the mobile home shall be limited to six months from the date of issuance of the building permit and shall automatically terminate upon the expiration or voidance of the building permit. The Building Department may renew such special permit for one additional period of six months if substantial progress has been made in the construction of the permanent building and it is reasonable and probable that such permanent building will be completed within such additional period.

2. By Building Contractors. Mobile homes may be used, with a use permit, as temporary offices by construction workers.

the residential areas of Blue Lake, other than those zoned PD-R, are substantially filled-in with housing of particular architectural types and historical significance so as to render lots to those areas incompatible with manufactured housing.

**B. Manufactured Homes Permitted on Compatible Lots**

A manufactured home shall be permitted on an individual lot as a single-family dwelling unit if, and only if, it meets the following eligibility requirements:

1. The manufactured home must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974.
2. The manufactured home shall have been constructed and certified not more than ten (10) years before date of application for the required installation permit or permits.
3. The manufactured home must be installed on a permanent foundation system designed in accordance with the provisions of Section 18551 of the Health and Safety Code and the City's current building standards and practices.
4. The manufactured home shall be subject to all development standards to which a conventional single-family residence on the same parcel would be subject (see Section 626).
5. The manufactured home must be owned by the property owner of record.
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**

<u>Land Use</u>	<u>Number of Off Street Parking Spaces for Each Measurement Unit</u>
A. <u>Residential, including single family, two family, second units, and apartments.</u>	<u>One for each dwelling unit containing one (1) or fewer bedrooms Two for each dwelling unit containing more than one (1) bedroom</u>

One additional space is required when no on-street parking is available on the lot-frontage. (Amended by Ord. 399)

- ~~B. Motels, Hotels and Rooming Houses 2 for each living or sleeping unit plus 1 space for each three employees~~
- ~~C. Trailer Parks 1 for each trailer unit plus 1 additional space for each 4 units~~
- ~~D. Industrial; Manufacturing, Warehousing, Lumbering 1.35 per employee per shift~~
- ~~E. Commercial:~~
- ~~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 1 for each 500 sq. ft. of gross floor area~~
- ~~sales, garages and similar repair, furniture stores, major appliance stores~~
- ~~medical and dental offices, shopping centers 1 for each 300 sq. ft. of gross floor area~~
- ~~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 Civic; hospitals 2 for each bed (includes employees' and visitors' parking)~~
- ~~rest homes, asylums, sanatoriums, nursing homes, etc. 1 for every 2.5 beds~~
- ~~churches, lodges, clubs, theaters 1 for every 5 seats in the auditorium 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 schools or day care schools or facilities ————— 1 for every 3 students, 1 teacher, and 1 employee

**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, and accessory dwelling units)	1 for each dwelling unit containing one or fewer bedrooms; 2 for each dwelling unit containing more than one bedroom <del>One additional space is required when no parking is available on the lot frontage. (Amended by Ord. 399)</del>
<u>Motels, Hotels, and Rooming Houses</u>	≥ 1 for each living or sleeping unit, plus 1 space for every three employees
<del>Trailer</del> <u>Mobile Home Parks</u>	1 for each trailer unit plus 1 additional space for each 4 units
<u>Industrial: Manufacturing, Warehousing, Lumbering, Aggregate Extraction</u>	1.35 per employee per shift or 1 for each 800 sq. ft. of gross floor area
<u>Commercial</u>  -retail (grocery, pharmacy, department store, etc.), banks, professional, administrative, medical and dental offices  -automobile and machinery sales, garages and similar repair, furniture stores, major appliance stores  -restaurants, bars, dance clubs, coffee shops, bowling alleys, pool halls	1 for each 150-300 sq. ft. of gross floor area  1 for each 500 sq. ft. of gross floor area  1 for every three seats; 4 3 for each lane; ≥ 1 for each billiard table
<u>Institutional, Educational, Civic</u>	

-hospital	2 for each bed (includes employee and visitor parking)
-rest homes, nursing homes, care facilities, etc.	1 for every 2.5 beds
-churches, lodges, clubs, theaters, sports arenas, auditoriums, other places of public assembly	1 for every <del>five</del> <u>six</u> seats in the auditorium, plus 1 space for every four employees
-adult education	1 for every two students, two teachers, and two employees
-private schools, elementary schools or day-care schools or facilities	1 for every <del>three</del> <u>ten</u> students, one teacher, and one employee

**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.~~

3. 1. 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.**

~~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. —~~

5. 2. 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°	<del>20°</del>	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°
<del>8'6"</del>	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°
12'	11'	11'	12'	13'6"	12'6"	18'6"	19'6"	24'	25'

<b>Parking</b>	<b>Width</b>	<b>Length</b>	<b>Drive Aisle Width (maneuvering areas)</b>
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Angle			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 exists 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.

A. Schedule of Off-Street Loading Berth Requirements

irregular site required yards shall be measured in the manner prescribed by the City Planner. (For non-public streets, see also Section 608, supra.)

616. SPECIAL STUDY ZONES. When unusual or unique situations occur, the Planning Commission may establish a Special Study Zone. An example of such conditions would be hillside lot development, new housing concepts. The Planning Commission shall make the determination in regards to the existence of such situations.

617. YARDS. The minimum yard requirements set out in Articles IV. and V. shall be subject to the regulations of this section.

A. Front Yards

For the purpose of computing front yard dimensions, the measurement shall be taken from the nearest point of the front wall of the building to the street line; provided, however, that if the official building line has been established for the street, or if a future width line is established therefore by the provisions of this ordinance, then the measurement shall be taken from the nearest point of the front wall to ~~of the other~~ **of** the building to such official line or such future width line, except that certain architectural features hereinafter enumerated shall not be considered in making such measurements, and shall be subject to the following limitations:

1. Cornices, canopies, eaves or any other architectural features may extend beyond said front wall a distance of not exceeding two and one-half (2-1/2) feet.

2. Fire escapes, balconies, galleries, may extend beyond said front wall a distance of not exceeding four (4) feet and six (6) inches.

3. A landing place or ~~uncovered~~ porch **(covered or uncovered)** may extend beyond said front wall a distance of not exceeding eight (8) feet provided that such landing place or porch shall have a floor no higher than the entrance floor of the building, ~~and in no event more than three (3) feet above the finished grade.~~ A railing no higher than three (3) feet may be placed around such landing place. In no case, however, shall any such landing place or porch extend beyond any street, or beyond the future width line which is established therefore by the provisions of this ordinance.

B. Front Yard Exception

If an interior lot in any R zone is adjacent to a lot in any zone other than an R zone, the depth required for the front yard on such interior lot may be reduced to not less than the average of the required depth of the front yard of the interior lot and of the front or side yard, as the case may be, of the lot in the adjacent zone. Projections of canopies into streets from property lines, if they are along shopping frontages only, may extend to a maximum of 8 feet, provided that the height shall not be less than 10 feet from the ground to the canopies and

provided that the overall design of the shopping facilities justifies such canopy in the judgement of the Planning Commission.

C. Side Yards

The architectural features enumerated in paragraph A of this Section 617 may also extend into any minimum side or rear yard, the same distance that they are permitted to extend beyond any front wall, except that no porch, terrace, patio, or outside stairway shall project more than three (3) feet into any minimum side yard, and in any event no closer than three (3) feet to said side lot line. An outside stairway may extend into said minimum required side yard only if same is unroofed and unenclosed above and below.

D. Rear Yards

The architectural features enumerated in paragraph (A) of this section 617 may also extend into any minimum rear yard the same distance that they are permitted to extend beyond any front wall. For lots where the rear yard opens into an alley the depth of a rear yard required for any building (excluding dwelling groups regulated elsewhere herein) may consider one-half (1/2) the width of such alley, but not exceeding 10 (ten) feet, as a portion of such rear yard; provided, however, that these provisions shall not be so applied as to reduce the depth of any rear yard to less than 10 (ten) feet. Further, no doors, gates or other constructed elements shall open outwardly beyond the Property lines. Exceptions for location of certain accessory buildings shall be per Section 618 of the Zoning Ordinance. (Amended by Ord. 443)

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;** ~~1) 2)~~ **2) are not closer than 3 feet to the rear property line and 4 feet to the side property line;** ~~2) 3)~~ **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) are~~ **5) 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 ~~A~~ 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 ~~B~~ 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.

zone shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than twenty-five (25) feet in all parts from every lot line not a street lot line.

623. PARKING FACILITIES.

A. Wall or Fence on Streets

Where an open parking facility for more than 5 cars or a loading area in an R zone adjoins a street or a required front yard, or where a parking or loading area is located directly across a street or alley from an R zone, a solid wall or fence, vine-covered fence, or compact evergreen hedge no less than 4 feet in height shall be located on the property line, provided that where parking is not permitted in a required front yard, the screening shall be located on the rear line of the required front yard.

B. Screening on Property Lines

Where a parking facility is permitted as a conditional use or to serve a conditional use in an R zone, it shall be screened by a solid wall or fence, vine-covered fence, or compact evergreen hedge not less than 4 feet in height along the property lines adjoining a street or alley directly across from an R zone and not less than 6 feet in height along the other property lines adjoining an R zone.

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

1. Any use requiring site plan in the zoning regulations.

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

**2. 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. 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.

3. 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 of twenty-four inches (24") 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 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