

SECTION 503

RESERVED

504. SPECIAL DENSITY OR D COMBINING ZONE. The special density combining or D zone and subzones thereunder are intended to be combined with any principal zone where density is not specified, or where sound and orderly planning indicate that the density of that zone be modified.

A. Applicability

The following regulations shall apply in any zone which is combined with the D combining zone in lieu of the lot area requirements normally applicable. In no case shall the D combining zone be applied so as to allow the creation of lots smaller than the minimum lot size specified by the principal zone.

B. Density

D-3	one dwelling unit per 3,000 sq. ft. of lot area.
D-4	one dwelling unit per 4,000 sq. ft. of lot area.
D-5	one dwelling unit per 5,000 sq. ft. of lot area.
D-6	one dwelling unit per 6,000 sq. ft. of lot area.
D-8	one dwelling unit per 8,000 sq. ft. of lot area.
D-10	one dwelling unit per 10,000 sq. ft. of lot area.
D-20	one dwelling unit per 20,000 sq. ft. of lot area.

550. OPEN SPACE LANDS. Attached hereto is map entitled "Open Space Element," reference to which is made for further particulars, and which areas as set forth thereon shall be known as Open Space Lands.

A. In Such Open Space Lands, no structure shall be erected nor shall vegetation be modified, altered, or destroyed, provided that: (1) upon application to the Planning Commission as provided in Article VII, Sections 730 through 738, Use Permits, hereof, limited development for recreation, trails and picnic area may be permitted; (2) as to that area identified as number three (3) on the map attached hereto, a City hall or any other municipal building shall be permitted without necessity for filing an application to the Planning Commission; (3) upon application to the Planning Commission, as provided in Article VII, Sections 730 through 750, hereof, a permit to engage in the activities mentioned in this Section 551, to wit: erection of structures or modification, alteration or destruction of vegetation, may be granted if in the opinion of the Planning Commission the granting of said permit will not result in unreasonable alteration to said lands.

B. In those areas of Open Space Lands, where there are presently existing structures, such as identified as number one (1) and number two (2) on the map attached hereto, nothing in this Article V.A. shall restrict the present use thereof.

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 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.

4. There may be kept on any lot not to exceed sixty (60) 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.

5. All other keeping of animals 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 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.

603. ASSEMBLAGES OF PERSON AND VEHICLES. No circus, carnival, open-air or drive-in theatre, automobile racetrack, religious revival tent or similar assemblage of people and automobiles shall be permitted in any zone unless a use permit is first secured in each case.

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 home party sales of groups of 4 or fewer 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.

B. Location and Other Requirements

All mobile home parks shall be subject to the following requirements:

1. Minimum site area of mobile home park, one acre.
2. Minimum site area for each mobile home space, 5,000 square feet; and minimum floor space area for each mobile home, 500 square feet.
3. Recreation space, at least one recreation space not less than 5,000 square feet in area per one acre lot size.
4. Not more than one mobile home park on the site area.
5. No mobile or dwelling shall be located in a required yard (required yard being: front, 15 feet; rear, 10 feet; side, 5 feet), nor less than 15 feet from a street property line or another mobile home, nor less than 15 feet from a property line not abutting a street.

6. All areas used for automobile circulation or parking shall be at least 35 feet from curb to curb and shall be increased in width by 10 feet for curb parking space on each side of the street on which such curb parking is permitted. All roads and parking spaces shall be permanently paved.

7. The site of the mobile home park shall be landscaped 20 feet in depth from an adjoining street with material suitable for ensuring privacy and ornamenting the site.

8. Each mobile home shall be provided with skirting to hide the wheels and/or foundation.

9. The foundation supporting each mobile home shall not be in excess of 3 feet in height.

10. Landscaping as prescribed in Section 624.

609.1 MOBILE HOMES ON INDIVIDUAL LOTS.

A. Intent

The City Council finds that over 75% of the vacant land designated for residential use in Blue Lake is located in the areas zoned Planned Development Residential, or PD-R, and that anticipated residential growth in Blue Lake will take place primarily in the said PD-R Zones. The City Council further finds that such growth is consistent with the policies of the Housing and Land Use Elements of the Blue Lake General Plan and will allow for flexibility and good planning in placing and assimilating mobile homes on residential lots into the general development of the PD-R Zones. The City Council further finds that 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 in those areas incompatible with mobile homes.

B. Mobile Homes Permitted on Compatible Lots

A mobile home shall be permitted on an individual lot as a single-family dwelling unit if, and only if, it meets both the eligibility requirements of paragraph C and the compatibility requirements of paragraph D hereinafter set forth.

C. Eligibility

1. The mobile home must be certified under the National Mobile Home Construction and Safety Standards Act of 1974.

2. The mobile home must be installed on a permanent foundation system designed in accordance with the provisions of Section 18551 of the Health and Safety Code.

3. The mobile home must be located within an area of the City determined to be compatible with mobile home use, as defined in the following Compatibility section.

D. Compatibility

Mobile homes shall be considered to be compatible on all lots zoned Planned Development Residential or PD-R, subject to the provisions of Section 408 of this ordinance. All other lots shall be considered incompatible with mobile homes and no mobile homes shall be permitted upon such lots.

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> Single-family Two-family Apartments	2 for each dwelling unit 2 for each dwelling unit 1.5 for each dwelling unit
Bed and Breakfast Accommodations	for 2 or fewer guest units: 2 spaces for dwelling, plus 1 space; for 3 or more guest units: 1 space for dwelling, plus 1 space for each unit
B. <u>Motels, Hotels and</u> <u>Rooming Houses</u>	2 fore 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,</u> <u>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, shopping centers	1 for each 300 sq. ft. of gross floor
restaurants, bars, coffee shops	1 for every 3 seats
bowling alleys, pool halls	4 for each lane, 2 spaces for each billiard table

Land Use	Number of Off-Street Parking Spaces for Each Measurement Unit
F. <u>Institutional, Educational Civic; hospitals</u>	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, theatres	1 for every 5 seats in the auditorium plus 1 space for every 4 employees
sports arenas, auditoriums, other places of public assembly	1 for every 5 seats in the auditorium.
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

G. 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. 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.

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. 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. 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°
12'	11'	11'	12'	13'6"	12'6"	18'6"	19'6"	24'	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.

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 where needed for safety or to protect property.

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

8. 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

If, in the application of the requirements of this section, a fractional number is obtained, one loading berth shall be provided for a fraction of one-half or more, and no loading berth shall be required for a fraction of less than one-half.

B. Commerce and Industry

Commercial and industrial establishments, including retail stores, eating and drinking establishments, personal service establishments, commercial service enterprises, warehouses, storage facilities, manufacturing plants, and other industrial uses: no berths for less than 4,000 square feet gross floor area; one berth for 4,000 to 40,000 square feet gross floor area; two berths for 40,000 to 80,000 square feet gross floor area; three berths for 80,000 to 120,000 square feet gross floor area; one additional berth for each 100,000 square feet additional gross floor area.

C. Business

Public and private business offices, professional and administrative offices, hospitals, nursing homes, sanatoriums, institutions, hotels and motels: no berths for less than 15,000 square feet gross floor area, one berth for 15,000 to 100,000 square feet gross floor area; two berths for 100,000 to 200,000 square feet and over.

D. Mortuaries

One berth for less than 5,000 square feet gross floor area plus one additional berth for each additional 10,000 square feet gross floor area.

E. Standards for Off-Street Loading Space

All loading spaces should be at least twelve (12) feet in width by forty-five (45) feet in length by fourteen (14) feet in height.

F. Existing Uses

No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street loading facilities prescribed in this section, provided that facilities being used for off-street loading on 8 November 1973 shall not be reduced in capacity to less than the number of berths prescribed in this section or reduced in area to less than the minimum standards prescribed in this section.

612. SIGNS. The purpose of this regulation is to set standards which will permit a reasonable use of signs to give information, directions and to advertise goods and services while affording protection to the peace, comfort, safety of the general public, and the visual amenity of the community.

A. Signs Regulated, Permits Required

Except for authorized personnel, no person shall paste, paint, post, print, nail, tack, glue, carve, erect, or fasten any sign, banner, pennant, or notice of any kind in any visible manner except expressly permitted in this section; provided further, to ensure compliance with these regulations, a Use Permit shall be obtained from the City Administration.

B. Amendment to Sign Code

The provisions of Volume V, Uniform Building Code, "Signs," 1970 Edition, prepared by the International Conference of Building Officials, and all revisions, supplements and amendments heretofore and hereinafter adopted by the International Conference of Building Officials are hereby adopted and the said code is adopted as a whole. The following subsections C, D and E amend the Uniform Sign Code, 1970 Edition, adopted by the City, and all amendments thereto.

C. Architectural Review

All signs over 35 feet in height or 50 square feet in area, shall be subject to Planning Commission approval.

D. Sign Area Permitted

The maximum permitted area of all faces of all signs visible from beyond the boundaries of a site, except directional signs and signs behind a display window, shall be as prescribed in the following schedule. Advertising signs, where permitted, shall be included as part of the maximum permitted sign area.

E. Schedule of Sign Regulations

Type of Sign	Location Permitted	Maximum Size	Illumination Permitted	Additional Requirement
Home Occupation	Attached flat to building, fence or wall.	2 sq.ft.	None	None
Announcement Bulletin Board	Attached or free-standing minimum 10' from street or property line.	12 sq.ft.	Indirect non-glare or flashing.	-
Outdoor Advertising Sign Bill	Attached or free-standing minimum 20' from street or property line.	100 sq.ft.	Direct or indirect non-flash.	-
Pole or Ground Signs	Free-standing.	50 sq.ft. within total perimeter.	Direct or indirect, non-glare or flashing.	Height, 35' maximum.
Real Estate Sign	Attached or free-standing, temporary, minimum 10' from property line.	6 sq.ft.	None	Maximum 3 months unless application for permit for longer period approved.

Type of Sign	Location Permitted	Maximum Size	Illumination Permitted	Additional Requirement
Tract Sign	Free-standing, temporary.	100 sq.ft.	Indirect	Must be removed at expiration of required temporary use permit.
Other Signs	As regulated by the Planning Commission.	As regulated by the Planning Commission.	Non-glare or flashing.	-
Commercial	Attached or free-standing.	1 sq.ft. per foot of property line, adjoining street, 50 sq.ft. total	Non-glare or flashing.	-
Industrial	Attached or free-standing.	1 sq.ft. per foot of property line, adjoining street or 120 sq.ft. per acre of site area in use, whichever is greater.	Non-glare or flashing.	100 sq.ft. each face; 200 sq.ft. total.

F. Advertising Structures Prohibited Adjacent to All Freeways and Expressways

No advertising structure, billboard or sign shall be erected, constructed, relocated or maintained in the City of Blue Lake:

1. If such advertising structure, billboard or sign is design to have or has the advertising thereon maintained primarily to be viewed from a freeway or expressway; or

2. If such advertising structure, billboard or sign, because of its location, size, nature or type, constitutes or tends to constitute a hazard to the safe and efficient operation of vehicles upon a freeway, or creates a condition which endangers the safety of persons or property thereon.

G. Application Contents and Approvals

Every application for an advertising structure, billboard or sign shall contain a statement by the applicant that said advertising structure, billboard or sign is not to be viewed primarily from a freeway or expressway.

1. No permit shall be issued to erect, construct or relocate any advertising structure, billboard or sign, regardless of location, having the advertising thereon viewed primarily from a freeway or expressway.

2. No permit shall be issued to erect, construct, or relocate any advertising structure, billboard or sign, regardless of location which constitutes a hazard to the safe and efficient operation of vehicles upon a freeway, or creates a condition which endangers the safety of persons or property thereon.

3. All applications for permits for advertising structures, billboards or signs, which are in compliance with this section shall be approved, and a permit issued pursuant to ordinance on the subject of building permits.

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

5. The City Council shall review the application according to such rules of procedure as it adopts, and determine whether or not the provisions of this subsection F have been complied with. Such determination shall be final and conclusive.

613. SWIMMING POOLS. Any pool, pond, lake or open tank, not completely enclosed within a building, which is normally capable of containing water to a

depth greater than 18 inches at any point and in which swimming or bathing is permitted to the occupants of the premises on which it is located, or their guests, and which shall not be used for commercial purposes, shall be permitted with a use permit in any zone and shall be subject to the following regulations.

A. Location

Such pool shall be located on the rear part of a lot and in any case not less than fifty (50) feet from the front lot line. Side and rear yards shall be as required for accessory buildings, but in no case within five (5) feet of any lot line. Filter and heating systems shall not be located within ten (10) feet of any lot line. Except that portable pools shall not be required to maintain the 50-foot setback from the front lot line.

B. Coverage

Ground coverage by a swimming pool shall not exceed 40% of the rear yard required of the lot on which it stands. Ground coverage by a swimming pool shall not be included in computing maximum ground coverage allotted to buildings on the lot.

C. Enclosure

Such pool or the property on which it is located shall be completely enclosed by a wall or fence not less than six (6) feet in height, containing no openings greater than 4 inches except for self-closing and self-latching gates on which the latch is at least six (6) feet above ground level, in order that full control of access by children may be maintained. Supplemental lighting shall be so installed as to prevent annoying glare on adjacent properties.

614. TRACT OFFICES. Temporary tract offices located on the premises of a subdivision shall be allowed, with a use permit limited to a one-year period, in conjunction with the sale of lots in a subdivision. Within thirty

(30) days after the termination of the permitted period or any extension thereof, the structure shall be removed from the premises.

615. MINIMUM LOT SIZE AND MEASUREMENTS. No R Zone building site shall have less than forty (40) feet of frontage on a street or on a cul-de-sac turning space. On an 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 therefor by the provisions of this ordinance, then the measurement shall be taken from the nearest point of the front wall to the other 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 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 therefor 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 depth of rear yard required for any building excluding dwelling groups regulated elsewhere herein where such rear yard opens into an alley,

one-half (1/2) the width of such alley but not exceeding ten (10) feet, may be considered 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 ten (10) feet; and provided, further, that in no case shall the door of any building or improvement, except a fence which opens into any alley, be erected, constructed or established closer than a distance of fifteen (15) feet to the center of such alley.

618. ACCESSORY BUILDINGS

A. Attached Buildings

In case an accessory building is attached to the main building, it shall be made structurally a part thereof, and shall comply in all respects with the requirements of this ordinance applicable to the main building. An accessory building, 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.

B. Detached Buildings

A detached accessory building of not over one (1) story and not exceeding sixteen (16) feet in height shall be permitted.

C. Additional Regulations

Detached accessory buildings in R zones shall conform to the following additional regulations as to their location upon the lots.

1. Shall not encroach on the front yard of any interior lot.
2. Shall not project beyond the front yard required on the adjacent lot in the case of a corner lot.

3. Shall be at least five (5) feet from the side line of the front half of any adjacent lot.

4. Shall be at least fifteen (15) feet from the centerline of any alley.

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 this Section 619; provided, however, that no such waiver shall be made until the Planning Commission makes the following findings:

1. that the actual visual clearance is adequate for safety purposes; and
2. that all design purposes, such as screening parking areas from view, have been satisfied or waived.

620. LOTS ADJOINING FREEWAY, RAILROAD, SCHOOL OR SHOPPING SITE IN R ZONES. In any R zone, no site rearing on a freeway, railroad, school or shopping site shall have a depth of less than 130 feet.

621. NONCONFORMING LOTS. A lot having an area, frontage, width, or depth less than the minimum prescribed for the zone in which the lot is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to 8 November 1973, and which had a legal area, frontage, width, and depth at the time that the subdivision map, deed or contract of sale was recorded, may be used for any permitted use, but shall be subject to all other regulations for the zone in which the lot is located.

622. HEIGHT LIMITS. Height limits imposed on other structures in zones in which they are permitted shall not apply to the following; provided, however, no such structures shall exceed height limitations, imposed by any

other applicable regulations and provided that no such structure shall provide other than incidental usable floor space.

A. Farm Buildings, etc.

Barns, silos or other farm buildings or structures on farms, provided these are not less than fifty (50) feet from every lot line; church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, distribution and transmission lines, towers and poles, windmills, chimneys, smokestacks, flagpoles, radio towers, masts and television antennae; parapet walls extending not more than four (4) feet above the height limit of the building; outdoor theatre screens, provided said screens contain no advertising matter other than the name of the theatre.

B. Places of Public Assembly

Places of public assembly in churches, schools and other permitted public and quasi-public buildings, provided that these are located on the first floor of such buildings and provided that for each one (1) foot by which the height of such building exceeds the maximum height otherwise permitted in the zone, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the zone.

C. R-1 Districts

In R-1 Districts, dwellings may be increased in height not to exceed ten (10) feet and to a total of not exceeding three (3) stories when two (2) side yards of widths of not less than fifteen (15) feet each are provided.

D. C Districts

Upon securing a use permit, any building in any C District may be erected to a height exceeding that herein specified for such district, provided that the cubical contents of the building shall be increased beyond

that possible for a building erected within the height limit hereinbefore specified for such district.

E. Exceptions

Bulkheads, elevator penthouses, water tanks, monitors and scenery lofts, provided not linear dimensions of any such structure exceeds fifty (50) percent of the corresponding street lot line frontage; or towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height; provided, however, that all such structures above the heights otherwise permitted in the 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 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 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. 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 apply in a Residential Multiple Family Zone, and in a Commercial Zone, and in a mobile home park:

1. A portion of the site visible from the street and comprising not less than three (3) percent of the site area shall be landscaped with plant materials suitable for ornamenting the site.

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

3. 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. The Planning Commission may waive the requirements of this section for the Retail Commercial or RC Zone when such waiver would better allow the proposed use to blend in with the commercial neighborhood.

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 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.

3. Sketch, drawn to scale, showing the distribution of the height and bulk of proposed structures.

4. Sketch, drawn to scale, showing elevations of proposed structures as they will appear upon completion with specification of exterior surfacing material and color.

5. Designation of areas to be computed as usable open space, including balconies, roof decks, patios, and other spaces or areas at grade, as appropriate.

6. Designation of future general location of "street furniture" such as: fire hydrants, poles for traffic signs, utility or telephone installations, etc.

D. Duties and Responsibilities of Planning Commission

1. Within 30 days of the date the drawings are submitted for site plan review, the Commission shall approve the drawings or shall advise the applicant of any recommendations for conditional approval, modification, or disapproval.

2. If the Commission approves the drawings, or if the conditions or modifications recommended by the Commission are acceptable to the applicant, drawings shall be approved in the form recommended by the Commission.

E. Principles to be Followed

Areas of aesthetic and site plan consideration shall include, but are not necessarily limited to the following:

1. Review of buildings or structures for scale, mass, proportion, use of materials, relationship to adjacent elements and relationship to the community as a whole.

2. Review of proposed exterior color and material application with relationship to adjacent architectural or natural elements.

3. Review of proposed location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development or to conceal storage area, utility installations or other unsightly development. The planting of ground cover or other surfacing to prevent dust and erosion. The unnecessary destruction of existing healthy trees.

4. Review of location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures, in relation to traffic hazards and the appearance and harmony with the environment.

5. Review of location, height and material of walls, fences, hedges and screen plantings.

6. Review of site layout considering the orientation and location of buildings and open spaces in relation to the physical characteristics of the site, the character of the neighborhood, the appearance and harmony of the buildings with adjacent development and the surrounding landscape.

7. Review of the effect of the site development plan on traffic conditions on abutting streets. The layout of vehicular and pedestrian entrances, exists, drives and walkways. The adequacy of off-street parking facilities to prevent traffic congestion. The location, arrangement, and

dimensions of truck loading and unloading facilities. The circulation patterns within the boundaries of the development. The surfacing and lighting of off-street parking facilities.

8. Review of the effect of the site development plan on the adequacy of storm and surface water drainage.

9. Nothing contained herein shall be construed as restricting or curtailing any of the powers of the Planning Commission of the City of Blue Lake.

F. Appeals

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

G. Conformance to Approval

Development for which site approval has been granted shall conform to the approval and any conditions attached thereto.

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, the Planning Commission shall submit to the City Council a written report of recommendations and reasons thereof.

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 shall first be referred to the Planning Commission for report and recommendation; but the Planning Commission is not required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference 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.

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 fully the proposed variance. Fees must be paid in advance according to the City's current master fee schedule.

722. Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.

723. Notice of the time and place of the hearing shall be given pursuant to Government Code Section 65091 and by posting in three (3) public places of 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.

724. At the public hearing, the Planning Commission shall hear any person affected by the proposed variance. The hearing may be continued from time to time, but shall be concluded within 60 days of the commencement thereof.

725. Following the conclusion of the hearing, the Planning Commission shall grant, conditionally grant, or deny the variance applied for. The grant of a variance may be made subject to terms and conditions attached thereto and made a part thereof. Appeals from actions of the Planning Commission shall be governed by Sections 760 through 765, inclusive, of this ordinance.

USE PERMITS

730. Use permits may be granted, upon application to the Planning Commission for any use for which a use permit is permitted or required by these regulations, or for any use which, while not specifically enumerated in these regulations, is, in the opinion of the Planning Commission, similar to and compatible with the uses permitted in the zone in which the subject property is situated.

731. Application for a use permit shall be filed at the office of the Director of Public Works 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.

732. 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.

733. Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.

734. Such hearing shall be conducted, and notice thereof shall be given, in the same manner as a hearing upon an application for a variance.

735. The City Planning Commission shall make the following findings before granting a use permit:

A. That the proposed location of the conditional use is in accord with the objectives of Section 730 and the purposes of the zone in which the site is located.

B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

736. Following the conclusion of the hearing, the Planning Commission shall grant, conditionally grant, or deny the issuance of the use permit applied for. The granting of any use permit may be made subject to terms and conditions attached thereto and made a part thereof. Appeals from actions of the Planning Commission shall be governed by Sections 760 through 765, inclusive, of this ordinance.

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

738. A use permit granted pursuant to the provisions of this article 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 use permit application.

REVOCATION OF VARIANCE AND USE PERMITS

750. In any case where a use permit or variance application has been granted by the Planning Commission, failure to commence the use in accordance with the approval within a period of one year, or abandonment of the use for a period of one year, shall result in the lapse of the approval, unless the applicant applies to the Planning Commission prior to the actual lapse of the approval, in which case an extension shall be granted by the Planning Commission for a period of one additional year, and if application is again made prior to the expiration of that one year, an extension may be granted for an additional one year upon showing of good cause. In any case where the terms and conditions of a grant of a variance or use permit are not complied with, the Planning Commission may give notice to the holder of such variance or use permit of its intention to revoke such variance or use permit. Proceedings for the revocation of a variance or a use permit shall be conducted in the same manner as proceeding for a grant of a variance or use permit.

APPEALS

760. The purpose of this section shall be to provide recourse in the event that an appellant is aggrieved by any order, requirement, permit, decision or determination made by an administrative official or by an administrative body in the administration or enforcement of this zoning ordinance.

761. All actions of the Blue Lake Planning Commission and any administrative official or body which regulate the use or uses which may be made of any parcel or parcels of real property in the City of Blue Lake, including, but not limited to, decisions approving, conditionally approving, or denying any variance, use permit, site plan, home occupation permit, or determining compatibility of non-specified principal permitted uses, shall be in writing, shall be signed by the commission, official, or body taking the action, and shall be filed with the City Clerk as soon as practicable following the taking of the action. Such writing may be in the form of a resolution, a certified copy of minutes, an endorsement upon an application, map, or drawing, or in such other form as may be prescribed from time to time by the City Council. Such action shall be final ten (10) days following filing with the City Clerk unless an appeal is taken pursuant to Section 763. Any such action shall be taken not later than 364 days following the acceptance of the application for such action as complete; and in the event that no such action is taken within said 364-day period, said application shall be deemed to be denied and such denial filed with the City Clerk on the last day of such 364-day period.

762. Upon the filing of any action required to be in writing and filed with the City Clerk pursuant to Section 761, the City Clerk shall make a reasonable effort to notify the applicant or person whose parcel or parcels of real property are affected by such action at the address such person has most recently delivered to the City Clerk; provided, however, that such person has the primary responsibility of inquiring with the City Clerk to see if such action has been filed, and the failure of the City Clerk to give such notice shall not enlarge nor extend the period within which an appeal may be filed as set forth in Section 763.

763. Any person aggrieved by an action required to be in writing and filed with the City Clerk pursuant to Section 761, including the Director of Public Works, may appeal therefrom by filing a written notice of appeal with the City Clerk within ten (10) days following the filing of such action with the City Clerk, on a form prescribed by the City, and by paying an appeal fee at the time of filing such notice of appeal. The amount of the appeal fee shall be equal to the amount paid for the filing of the application for the action from which the appeal is taken; provided, however, that the appeal fee shall not be less than \$25.00, nor more than \$100.00; and provided further that the City Council may set a different appeal fee from time to time by resolution.

764. Unless otherwise provided by the City Council, all appeals shall be heard by the City Council. The City Clerk shall forthwith set a time and place for the appeal to be heard within thirty (30) days from and after the filing of the notice of appeal, or as soon thereafter as the matter can practicably be heard. The City Clerk shall immediately notify the custodian of records of the commission, official, or body from whose action and appeal has been taken of said appeal and request transmittal of pertinent records to the hearing body. Notice of the time and place of the hearing shall be given pursuant to Government Code Section 65091 and by posting in three (3) public places of 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.

765. At the time set for the hearing of the appeal, the appellant shall be given an opportunity to show cause on the grounds specified in the notice of appeal why the action appealed from should be modified or reversed. The body hearing the appeal may continue the hearing from time to time, and, unless otherwise provided by the City Council, its findings on the appeal shall be final and conclusive in the matter. The body hearing the appeal may reverse, affirm, wholly or partly, modify, or set aside the action from which the appeal was taken. The decision of the body hearing the appeal, including findings, if any, shall be in writing and shall be filed with the City Clerk. The City Clerk shall notify the appellant of such decision and shall make a copy of the decision available to the appellant upon request.

NONCONFORMING USES

770. The lawful use of lands or buildings existing on the effective date of the application of these regulations to the subject property, although such use does not conform to the regulation applied to such subject property, may be continued, except as provided herein.

A. Any use for which a use permit is required by these regulations shall be considered a nonconforming use until a use permit is obtained.

B. If any such use or building, after the effective date of the application of these regulations to the subject property is destroyed to the extent of sixty percent (60%) or more, then the subject property shall become subject to the regulations applicable to the subject property, and any subsequent use or buildings shall be in accordance with such regulations.

C. Any interruption of a nonconforming use, or the use of a nonconforming building which continues for six (6) months or more, shall be deemed to be an abandonment of such use, and subsequent use or buildings shall be in accordance with the regulations applicable to the subject property.

D. Ordinary maintenance and repair may be made to any nonconforming use or building, in accordance with the latest edition of the Uniform Building Code.

E. Any outdoor advertising sign or outdoor advertising structure which exists as a nonconforming use in any zone district after 1 January 1974 shall continue as provided for nonconforming uses in this section of this ordinance, except that every such sign or structure shall be removed within a period of five (5) years from and after 1 January 1974, notwithstanding any particular subsection of Section 770 of this ordinance to the contrary.

F. No such use shall be enlarged, increased or extended to occupy a greater area, nor shall the intensity of such use be increased.

G. Premises in or upon which a nonconforming use existed on the effective date of the application of these regulations to the subject property, shall not thereafter be utilized for a further nonconforming use of a different character or nature unless and until a use permit is obtained for such successive nonconforming use.

780. INVESTIGATION FEES: WORK WITHOUT A PERMIT.

A. Investigation

Whenever any use of land for which a variance, conditional use permit, or equivalent development permit is required by this ordinance has been commenced without first obtaining said variance or permit, a special investigation shall be made before a variance or permit may be issued for such work.

B. Fee

An investigation fee, in addition to the variance or permit fee, shall be collected whether or not a variance or permit is then or subsequently issued. The investigation fee shall be equal to the amount of the variance or permit fee required by this ordinance. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this ordinance nor from any penalty prescribed by law.

ARTICLE VIII.
ENFORCEMENT, INTERPRETATION, SEVERABILITY, REPEAL

801. RESPONSIBILITY FOR ENFORCEMENT. All departments, official and public employees of the City of Blue lake vested with the duty or authority to issue permits, shall conform to the provisions of this ordinance and shall issue no permit, certificate, or license for uses, buildings, or purposes in conflict with the provisions of this ordinance; and any such permits, certificate, or license issued in conflict with the provisions of this ordinance shall be null and void. It shall be the duty of the Director of Public Works and the Director of Planning, or their deputies, of the City of Blue Lake to enforce the provisions of this zoning ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure.

802. DUTIES OF OFFICERS AND EMPLOYEES. It shall be the duty of all officers and employees of this City to report violations of this ordinance to the Director of Public Works. Any employee knowingly withholding such information shall be subject to appropriate disciplinary action by the City Council.

803. DUTY OF THE CITY ATTORNEY. The City Attorney of the City shall upon order of the City Council immediately commence action or proceedings for the abatement, removal, or enjoinder of any person(s) for violation of this zoning ordinance in the manner provided by law. The City Attorney shall take such other steps, and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such building or structures; will restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining, or using any such building or structure, or using property contrary to the provisions of this ordinance.

804. PENALTIES AND PROCEDURES. Any person, firm or corporation, whether as principal, agent, employees or otherwise, violating any provisions of this zoning ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00)

or by imprisonment in the county jail of the County of Humboldt for a term of not exceeding five (5) months, or both. Such person, firm or corporation, shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this ordinance and/or any use of any land, building or premises conducted, operated or maintained contrary to the provisions of this ordinance and/or any use of any land, or contrary to a use permit or variance, or the terms and conditions imposed therewith, shall be and the same is hereby declared to be an unlawful and a public nuisance. The remedies provided herein shall be cumulative and not exclusive.

805. INTERPRETATION. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Except as specifically herein provided, it is not intended by this ordinance to impair or interfere with any permits previously adopted or issued relating to the erection, construction, establishment, moving, alteration, or enlargement of any buildings or improvements; nor is it intended by this ordinance to interfere with abrogate or annul any easement, covenant, or other agreement between parties; provided that in cases in which this ordinance imposes a greater restriction or enlargement of buildings or the use of any such building or premises in said several districts or any of them, than is imposed or required by existing provision of law or ordinance or by such rules, regulations or permits, or by such easements, covenants, or agreements, then in such case the provisions of this ordinance shall control. In case the provisions of this ordinance conflict with any provisions of the Uniform Building Code, the most restrictive of such provisions shall apply.

806. VIOLATION OF A MISDEMEANOR. Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor.

807. PUBLIC NUISANCE. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this article and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this Article, shall be and the same is hereby declared to be unlawful and a public nuisance; and the City Attorney of said City shall, upon order of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building maintaining, or using any such building or structure or using any property contrary to the provisions of this ordinance. The remedies provided for herein shall be cumulative and not exclusive.

808. VALIDITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared invalid.

809. APPLICABILITY. The provisions of this ordinance are applicable not only to private persons, agencies and organizations, but also to all public agencies and organizations to the full extent that they may now or hereinafter be enforceable in connection with the activities of any such public agency or organization.

810. REPEALING. All ordinances and parts of ordinances of the City of Blue Lake in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed; provided that nothing herein contained shall be deemed to repeal or amend any ordinance of said City requiring a permit or license or both to cover any business, trade, or occupation. Ordinance No. 244, as amended by Ordinance Numbers 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, and 380 are specifically repealed and replaced by the above ordinance.

ARTICLE IX.
ENACTMENT

901. SEPARABILITY CLAUSE. The City Council hereby declares that it would have passed this ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof, irrespective of the fact that one or more such sections, subsections, paragraphs, sentences, clauses or phrases might be declared invalid, unconstitutional or void. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if this ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance or such portion thereof was enacted.

902. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of this enactment.

903. DECLARATION. The City Council hereby find, declare and determine that the foregoing amendment to the zoning regulations of the City were duly initiated, that notice of hearing thereon was duly given and posted, that public hearing thereon were duly held by the City Planning Commission and by the City Council and that public necessity and convenience and the general welfare require that said amendment be made.

Passed and adopted by the Council of the City of Blue Lake, County of Humboldt, State of California, on the 22 day of March, 1988, by the following vote:

AYES: Ricca, Jacobson, Cooper, Caywood, Thompson

NOES: None

ABSENT: None

APPROVED

Bobbi Ricca
Mayor

3-22-88
Date

ATTEST:

Karen Nessler
City Clerk

CLERK'S CERTIFICATE

THIS IS TO CERTIFY that Ordinance No. 382 of the City of Blue Lake was introduced and read at the regular meeting of the City Council of the City of Blue Lake, California, held March 8, 1988. This Ordinance, again read at the regular meeting of Blue Lake City Council, held March 22, 1988, and at the time, passed by roll call vote, the vote on the adoption of the Ordinance being as follows:

AYES: Ricca, Jacobson, Cooper, Caywood, Thompson

NAYS: None

ABSENT: None

Karen Neesler
City Clerk, City of Blue Lake

Because of the size of Ordinance
the cover page & signature page
was the only part of document posted.