

**Title 17**

**ZONING**

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BLUE LAKE CODE

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CHAPTER 17.04  
**TITLE, ADOPTION, OBJECTIVES, APPLICATION**

**§ 17.04.010. Title.**

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

**§ 17.04.020. 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.

**§ 17.04.030. Objectives.**

The zoning regulations of this title are adopted to achieve the following objectives:

- A. To adhere to the principle of orderly residential development, with well-integrated community facilities and public utilities;
- B. To discourage scatter of development and sprawl along the highways;
- C. To group residential areas into neighborhoods which are planned in relation with playgrounds, parks, schools and other facilities;
- D. To combine several neighborhoods into a community, based on a community park and elementary school, day schools or private schools;
- E. To provide a wide variety of housing types and living arrangements, including single-family residences, duplexes, fourplexes, apartments, and motels;
- F. To experiment with a new concept ("cluster development") of housing layout around a communal open space;
- G. To locate housing in industrial zones only if it can be demonstrated by the developer that the industrial use will be compatible with housing;
- H. 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;
- I. To redevelop and rehabilitate blighted or deteriorating housing and commercial buildings;
- J. To take care in designing future residential layouts to preserve those natural amenities which make Blue Lake a desirable place to live; and
- K. To protect and enhance real property values.

**§ 17.04.040. Application.**

It is expressly declared that all provisions of this title 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.

CHAPTER 17.08  
DEFINITIONS

**§ 17.08.010. General.**

For the purpose of this title, certain terms used herein are defined as follows: all words used in the present tense shall include the future tense; all words in the plural shall include the singular, all words in the singular shall include the plural, unless the natural construction of the wording indicates otherwise, and the word "shall" is mandatory and directory.

"Advertising Sign" means a sign having more than one-half of its area devoted to directing attention to a business, profession, commodity or service that is not the primary business, profession, commodity or service sold, manufactured, conducted or offered on the site on which the sign is located.

"Agriculture" means the tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying and/or animal husbandry, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, bone yards or plants for the reduction of animal matter of any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

"Airport" means the commercial operation of any area of land or water designed and set aside for the landing and taking off of aircraft.

"Alley" means any public thoroughfare, not exceeding 30 feet in width, for the use of pedestrians and/or of vehicles which affords only a secondary means of access to abutting property.

"Apartment" means a room or suite of two or more rooms which is designed for, intended for and/or occupied by one family doing its cooking therein.

"Apartment Court" —See Dwelling, Group.

"Apartment House" —See Dwelling, Multiple.

"Automobile Court" —See Motel.

"Automobile Repair, Major" means general repair, rebuilding or reconditioning of engines, including removal of same; motor vehicle, truck or trailer collision service, including body, frame or fender straightening or repair; overall painting or paint shop.

"Automobile Repair, Minor" means upholstering, replacement of parts and motor service, not including removal of the motor, to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation under "automobile repair, major."

"Automobile Service, Gas or Filling Station" means a place which provides for the servicing, washing and fueling of operating motor vehicles, including minor repairs, and the sales of merchandise and supplies incidental thereto.

"Automobile Trailer Park" means land occupied by transient campers or tourists traveling by automobile or other means and dwelling in tents, trailers or moveable living quarters for a period not to exceed 60 days by each such dwelling facility.

"Automobile Wrecking" —See Junk Yards.

"Bar" means any establishment or part of an establishment used primarily for the sale or dispensing of liquor, by the drink, to the general public.

"Basement" means a story partly underground and having at least one-half of its height above

grade. A basement shall be termed a "cellar" where more than one-half of its height is below grade.

"Bed and Breakfast Accommodations" means a residential dwelling unit occupied by a resident person or family, containing five or fewer guest rooms occupied on a transient basis for compensation.

"Block" means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or nearest intercepting streets and railroad right-of-way, or unsubdivided acreage.

"Boarding House" means a dwelling, other than a hotel, wherein lodging and/or meals for four or more persons is provided for compensation.

"Building" means any structure having a roof supported by columns and/or by walls and intended for the shelter, housing and/or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each such portion shall be deemed to be a separate building.

"Building, Accessory" means a subordinate building, the use of which is incidental to that of a main building on the same lot. On any lot upon which is located a dwelling, any building which is incidental to the conducting of any agricultural use shall be deemed an accessory building.

"Building, Main" means a building in which is conducted the principal use of the lot upon which it is situated. In an "R" district any dwelling shall be deemed to be a main building upon the lot upon which the same is situated.

"Building Site" —See Lot.

"Bungalow Court" —See Dwelling, Group.

"Business or Commerce" means the purchase, sale or other transaction involving the handling or disposition (other than is included in the term "industry" as defined herein) of any article, substance or commodity for profit or livelihood including, in addition, office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs and outdoor advertising structures, automobile caps, automobile courts, and recreational and amusement enterprises conducted for profit, but not including junk yards.

"Camp, Public" means any area or tract of land used or designated to accommodate temporarily two or more camping parties, traveling by automobile or otherwise.

"Caretaker's Residence" means a dwelling unit which is used by either the owner, manager, operator or surveillance personnel and spouse of a principal permitted or conditionally permitted commercial, industrial, public or quasi-public use located on the same site as the use, and may consist of a single-family residence, an apartment, or a mobile home.

"Carnival" means a traveling or itinerant commercial amusement enterprise consisting of sideshows, vaudeville, games, merry-go-rounds or other mechanical amusement devices temporarily located within the City of Blue Lake.

"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, crematories, mausoleums, mortuaries and chapels when operated in conjunction with and within the boundary of such cemetery, and any activity or business designed for the benefit, service, convenience, education

or spiritual uplift of property owners or persons visiting the cemetery when operated in conjunction with and within the boundary of the cemetery and which is compatible with the purposes of the cemetery and is incidental thereto.

"Circus" means a traveling or itinerant commercial amusement enterprise utilizing an enclosure of any kind, used for exhibitions of horsemanship, aerobatics performances, acts of clowns, feats of animal training, or the like, temporarily located within the City of Blue Lake.

"City" means the City of Blue Lake.

"City Boundary" means the boundary of the City of Blue Lake. COMMISSION—See Planning Commission.

"Council" means the City Council of the City of Blue Lake.

"Court" means an open, unoccupied space, other than a yard, on the same lot with a building or buildings, and which is bound on two or more sides by such building or buildings, including the open space in a house court or court apartment, providing access to the units thereof.

"District" means a portion of the incorporated territory of the City of Blue Lake, within which certain uses of land, premises and buildings are permitted and certain other uses of land, premises and buildings are not permitted, and within which certain yards and other open spaces are required, building site areas are established, and height limits are established for buildings, all as set forth and specified in this title.

"Dwelling, Group" means two or more detached (or semi-detached) one-, two- or multiple-family dwellings located upon a building site together with all open spaces and yards as required by this title.

"Dwelling, Multiple" means a building or portion thereof used and/or designed as a residence for four or more families living independently of each other, and doing their own cooking in the building, including apartment houses, apartment hotels and townhouses, but not including automobile courts.

"Dwelling, One-Family" means a detached building designed for and/or occupied exclusively by one family.

"Dwelling, Semi-Detached" means mail buildings attached by a common or joint wall not over 75% of their depth, or by an accessory building or structure.

"Dwelling, Three-Family" means a detached building designed for and/or occupied exclusively by three families living independently of each other.

"Dwelling, Two-Family" means a detached building designed for and/or occupied exclusively by two families living independently of each other.

"Dwelling Unit" means one room, or a suite of two or more rooms, designed for, intended for, or used by one family, which family lives, sleeps and cooks therein and which unit has one kitchen or kitchenette.

"Family" means one person living alone; two or more persons related by blood, marriage or legal adoption; a group not in excess of five unrelated persons living together as a single housekeeping unit; and in addition thereto domestic employees.

"Farm Dwelling" means a dwelling on farm premises for permanent residents of the farm, such as the owner, lessee, foreman or others whose principle employment is the operation of the farm, as distinguished from quarters for seasonal labor.

"Floodway" means an area which has been inundated by overflow floodwaters in the past and which may reasonably be expected to be inundated by such floods in the future.

"Floor Area" means the enclosed area of a building measured from an exterior surface to exterior surface, but excluding the following: exterior balconies and galleries covered but not enclosed; patios, atriums and the like if not covered; common use areas for all tenants; garages and carports; major mechanical equipment rooms.

"Floor Area Ratio (FAR)" means the ratio of the maximum square feet of floor area (all stories) permitted for each square foot of lot area.

"Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right of easement of access, and which is declared to be such in compliance with the Streets and Highway Code of the State of California.

"Frontage" means all the property on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street or City boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

"Front Wall" means the wall of the building or other structure nearest the street upon which the building faces, but excluding certain architectural features as specified in this title.

"Fur Farm" means a place at which fur-bearing animals are bred and raised for commercial purposes, such as breeding stock or for the reclamation of pelts.

"Garage, Private" means an accessory building or a portion of a building designed for the storage of self-propelled passenger vehicles, camping trailers or boats belonging to the owners or occupants of the site and their guests, including covered parking space or carport; such space to be so located on the lot so as to meet the requirements of this title for an accessory building.

"Garage, Public" means any building or portion thereof or premises, except those herein defined as a private garage, used for the storage or care of self-propelled vehicles, trailers and boats or where any such are equipped for operation or repair or kept for remuneration and hire.

"Garage, Storage" means any structure or portion thereof or premises, except those herein defined as private garages, used exclusively for the storage for remuneration or hire of self-propelled vehicles, trailers and boats.

"Grade" means the finished elevation of the ground at the foundation of the structure. All regulations referring to measurements thereto shall be deemed to be taken from the lowest elevation of the grade.

"Grand Coverage" means the percentage of the total area that is covered by structures as herein defined. GUEST HOUSE—As defined in Section 17.24.040.

"Guest Room" means a room which is intended, arranged or designed to be occupied or which is occupied by one or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes.

"Height of Building" means the vertical distance from the "grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

"Hog Farm" means any premises used for the raising or keeping of three or more hogs when raised, fed or fattened for purposes of sale and consumption by other than the owner of the site.

In an agricultural zone, the term "hog farm" is not intended to otherwise preclude the raising of hogs as part of the general farming operation.

"Home Occupation" —As defined in Section 17.24.060.

"Hotel" means any building or portion thereof containing six or more guest rooms used, designed, or intended to be used, let or hired out.

"House Court" —See Dwelling, Group.

"Junk Yard" means any aggregate area of more than 200 square feet within any parcel, lot or contiguous lots which is used as a place where imported waste, inoperable household appliances, inoperable machinery, more than three inoperable motor vehicles, portions of inoperable motor vehicles or discarded or salvaged materials are disassembled, handled, placed, processed, baled, packaged or stored. This includes, but is not limited to, auto and trailer wrecking yards, scrap metal yards, wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel material and equipment. This does not include the above activities when conducted entirely within a completely enclosed building, nor does it include pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, nor the sale or storage of used cars, farm machinery, trailers or boats in operable condition, nor the salvage of materials incidental to manufacturing or farm operations, provided such salvage takes place where the manufacturing or farming is done.

"Kennel" means any premises, except those accessory to an agriculture use, where five or more small domestic animals, not sick or injured, are boarded for compensation or cared for or trained for hire, or are kept for sale or breeding purposes.

"Lot" means land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this title, having not less than the minimum area required by this title for a building site in the district in which such lot is situated, and having its principal frontage on a street.

"Lot Area" means the total horizontal area included within the lot lines.

"Lot, Corner" means a lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

"Lot Depth" means the average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

"Lot Frontage" means the line separating a lot from the street in the case of an interior lot, and, in the case of a corner lot, the line separating the lot from the street upon which the lot fronts, as shall be determined and designated by the Director of Public Works or the Planning Commission.

"Lot, Interior" means a lot other than a corner lot.

"Lot, Key" means the first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street on which the corner lot fronts.

"Lot Line, Rear" means ordinarily that line of a lot which is generally opposite the lot line along the frontage of the lot. In cases in which this definition is not applicable, the Planning Commission shall designate the rear lot line.

"Lot Lines" means the lines bounding a lot as defined herein.

"Lot Width" means the horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard setback line. Whenever this definition cannot be applied due to irregularity in the shape of the lot, the lot width shall be as determined by the administrative official subject to review by the Planning Commission.

"Manufactured Home" has the same meaning as defined in Section 18007 of the Health and Safety Code. MOBILE HOME has the same meaning as defined in Section 18008 of the Health and Safety Code.

"Mobile Home Park" means any area or tract of land where two or more mobile home site areas are rented or leased or held out for rent or lease to accommodate mobile homes designed and intended for residential occupancy.

"Motel" means a building or group of buildings comprising individual living quarters or dwelling units for the accommodation of transient guests, which is so designed that parking is on the same building site and is conveniently accessible from the living units without having to pass through any lobby, and where luggage is moved between the parking area and living unit without necessarily having to pass through any lobby or interior court, and in which more than 60% of the individual guest rooms are without kitchens or cooking facilities. This definition includes auto court, tourist court, motor hotel, but does not include accommodation for mobile homes or trailers.

"Motor Hotel (Inn)" means a group of attached or semi-attached bedroom and bath units without individual cooking facilities, but with accessory dining, recreation and other facilities provided primarily for the comfort and convenience of the transient occupants, and convention groups.

"Nonconforming Sign" means a sign, outdoor advertising structure, or display of any character, which was lawfully erected or displayed, but which does not conform with standards for location, size, or illumination for the district in which it is located by reason of adoption or amendment of this title, or by reason of annexation of territory to the City.

"Nonconforming Structure" means a structure which was lawfully erected, but which does not conform with the standards of coverage, yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located, by reason of adoption or amendment of this chapter, or by reason of annexation of territory to the City.

"Nonconforming" USE means a use of a structure or land which was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located, by reason of adoption or amendment of this chapter, or by reason of annexation of territory to the City.

"Nurseries and Greenhouses" means buildings and premises for the propagation and display, for retail sale of plants, vines, shrubs and trees, and the sale of horticultural materials when incidental thereto.

"Nursing Home" means a structure operated as a lodging house in which nursing, dietary, and other personal services are rendered to convalescents, invalids, or aged persons, not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals or sanitariums, is not provided. A convalescent home or a rest home shall be deemed a nursing home.

"Off-Street Loading Facilities" means a site or portion of a site devoted to the loading or

unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

"Off-Street Parking Facilities" means a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

"One Ownership" means ownership of property (or possession thereof under a contract to purchase or under a lease the term of which is not less than 10 years) by a person or persons, firm, corporation, or partnership individually, jointly, in common or in any other manner whereby such property is under single or unified control.

"Outdoor Advertising Signs" means any card, cloth, paper, metal, painted glass, wooden, planter, stone, or other sign of any kind or character whatsoever placed for outdoor advertising purposes, on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in the definitions of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, pointing, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.

"Outdoor Advertising Structure" means any structure of any kind or character erected or maintained for advertising purposes, upon which any outdoor advertising sign may be placed, including also out-door advertising statuary.

"Owner" means the person, firm, corporation, or partnership, holding legal or equitable title or recorded contract of purchase or property, or any person authorized by written instrument to act for the owner.

"Patio, Covered" means an attached or detached structure not exceeding 14 feet in height, and enclosed on not more than three sides except for posts necessary for roof support.

"Person" means any individual, public or private corporation, political subdivision, partnership, firm, trust or estate or any other legal entity whatsoever which is recognized in law as the subject of rights of duties.

"Pig Farm" —As defined in Section 17.16.020.D.1.

"Planning Commission" means the City Planning Commission of the City of Blue Lake.  
PLOT—See Lot.

"Poultry Farm" —As defined in Section 17.16.020.D.2.

"Pre-Existing" means in existence prior to the effective date of the ordinance codified in this title.

"Public Use" means a use operated exclusively by a governmental agency or public agency, which has the purpose of serving the public health, safety, convenience or general welfare, and including, but not limited to, such uses as schools, parks, playgrounds, educational, recreational and social facilities, libraries, museums, firehouses, courthouses, hospitals and administrative service facilities.

"Quasi-Public Use" means a use operated by a private nonprofit educational, religious, recreational, charitable, fraternal, or medical institution, association or organization, and including, but not limited to, such uses as churches, private schools, universities, community recreational, educational and social facilities, meeting halls, private hospitals and the like.

"Railroad Right-of-Way" means a strip of land on which railroad tracks, switching equipment, and signals are located, but not including lands on which stations, offices, storage buildings, spur

tracks, sidings, yards, or other uses are located.

"Recreational, Commercial" means recreation facilities open to the general public for a fee, or restricted to members when operated for profit as a business.

"Recreation, Private, Non-Commercial" means clubs or recreation facilities operated by a non-profit organization and open only to bona fide members of such non-profit organization and their guests.

"Restaurant" means any establishment whose principal business is the preparation and sale of foods and beverages to the customer in a ready-to-consume state.

"Rooming House" means a dwelling or structure occupied by four or more persons who have agreed to pay a specific rent for a specific space as distinguished from guests subject to innkeeper's liability.

"Sawmill" means any structure or land used for the processing or reprocessing of lumber or lumber products by the use of power equipment, including saws, planers, joiners and the like.

"Setback Line" means a line established by these regulations or by other ordinance or regulation to govern the placement of buildings or structures with respect to lot lines, streets or alleys.

"Shopping Centers" means an area of more than five different shops and stores which may or may not be under one roof providing facilities for sale of goods and services. The gross shop area is more than 50,000 square feet and parking spaces are provided for more than 250 automobiles.

"Slaughter House or Slaughter Operation" —As defined in Section 17.16.020.D.3.

"Stable, Private" means a detached, accessory building where not more than three horses are kept for the private use of the owner and guests.

"Stable, Public" means a stable other than a private stable for the commercial rental and boarding of horses.

"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

"Story, Half" means a story with at least two opposite exterior sides meeting a sloping roof not more than two feet above the floor of such story.

"Street" means a public or private right-of-way which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined herein.

"Street Line" means the boundary between a street and abutting property.

"Structure" means anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including swimming pools, but excluding driveways, patios or parking spaces where the area is unobstructed from the ground up.

"Structural Alterations" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

"Timber Production" means the systematic harvesting and reseeded of timber stands in accordance with practices designed to maintain the productive capabilities.

"Timber Products Processing Plants" means buildings and premises for the commercial

processing of wood and wood products, including but not limited to, sawmills, lumber mills and plywood mills, but not including pulp mills. Pulp mills shall be classified as heavy industrial uses and shall be permitted in the zones designed to accommodate such uses.

"Trailer" means any vehicle without motive power or designed to be drawn by a motor vehicle and to be used in such a manner as to permit temporary occupancy thereof as sleeping quarters, or occupation or use as a selling or advertising device, or use for storage or conveyance of tools, equipment, or machinery, and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets. The term "trailer" includes the term "camp trailer," "trailer coach," "automobile trailer" and "house trailer," except when the latter falls within the definition of "mobile home."

"Trailer Camp" means any lot or parcel thereof or parcel of land which is used or offered as a location for one or more trailers of camping, weekend or temporary occupancy type of use. As distinguished from a mobile home park, a trailer camp is usually located in or adjacent to a recreation or resort facility and is primarily designed to serve as a seasonal facility or as a place of temporary residence for persons who have a permanent residence established elsewhere.

"Trailer Court or Trailer Park" —See Mobile Home.

"Transient" , when used in conjunction with boarding or lodging, means services that are charged for in units of less than one month and where the majority of people utilizing such services remain for periods of less than three months.

"Usable Open Space" , as used in this title, means that portion of a building site not covered by main or accessory buildings, exclusive of permitted architectural feature encroachments, which is accessible for use and enjoyment of the occupants of the main buildings and which provides requisite amenities and comfort for a proper residential environment; provided, further access drives, off-street parking areas and utility yards shall not be included in computing the required usable open space, but recreation decks over accessory structures and roof gardens may be included. Usable open space shall be permanently maintained by the owner in neat and orderly condition.

"Use" means the purpose for which either land or a structure thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

"Use, Accessory" means a use legally permitted in the zone which use is incidental to and subordinate to the principal use of the site or of a main building on the site, and serving a purpose which does not change the character of the principal use.

"Use, Conditional" means a principal or accessory use of land or of structures thereon which use may be essential or desirable to the public convenience or welfare in one or more zones, but which use may also impair the integrity and character of the zone or adjoining zone, or be detrimental to the public health, morals or welfare unless additional restrictions on location and extent of use are imposed and enforced. Such use shall become a "principal permitted use" or "accessory permitted use" when all specific additional restrictions are completed and permanently satisfied in conformance with an approved use permit. Should such restrictions be of a continuing nature, the use will remain "conditional" so long as the restrictions are complied with, but shall become an "illegal use" whenever and so long as the restrictions are not complied with.

Use, Nonconforming. means a use which lawfully occupied a building or land at the time of the adoption of these regulations and which does not conform to the use regulations of the zone in which it is located.

"Use, Principal Permitted" means the primary use of land or of a main building which use is compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principal permitted use, it means that the owner, lessee or other person who has legal right to use the land has a vested right to conduct such principal permitted use without securing special permission therefor, subject only to usable open space.

"Wrecking Yard" —See Junk Yard.

"Yard" means an open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such lot line, exclusive of certain architectural features, as not to be considered in measuring yard dimensions, or as being permitted to extend into any front, side or rear yard, respectively; provided, however, the measurement shall be taken from the line of the building to the nearest lot line; provided further, that if any official plan line has been established for the street on which the lot faces, or if any future width line is specified therefor by the provisions of this title, then such measurement shall be taken from such official plan line or such future width line to the nearest line of the building.

"Yard, Front" means a yard of uniform depth, extending across the full width of the lot between the front lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto.

"Yard, Rear" means a yard of uniform depth extending across the full width of the lot between the rear lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto, except that the rear yard of a corner lot extends to the side yard adjacent to the street.

"Yard, Side" means a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line on the lot and the nearest vertical support or main wall of each building or enclosed or covered porch attached thereto. A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line.

"Zone" means a portion of the territory of the City of Blue Lake within which certain uniform regulations and requirements or combinations thereof apply under the provisions of these regulations. The word "zone" shall include the word "district."

**CHAPTER 17.12  
ESTABLISHMENT AND DESIGNATION OF ZONES**

**§ 17.12.010. Principal Zones.**

The several zones hereby established, and into which the City of Blue Lake may be divided, are as follows:

Zone	Designation
Agriculture Exclusive	AE
Residential One-Family	R-1
Residential Two-Family	R-2
Residential Multiple-Family	R-3
Retail Commercial	RC
Service Commercial	SC
Highway Commercial	HC
Industrial	M
Planned Development Residential	PDR
Open Space/Recreation	X
Public Facility	PF

**§ 17.12.020. Combining Zones.**

In addition to the principal zones established in Section 17.12.010, certain combining regulation zones are hereby established as follows:

Planned Development	P-D
Special Density	D

**§ 17.12.030. Interim Zoning of Newly Annexed Territory.**

All territory hereafter annexed to the City shall be interimly zoned and classified as part of that zoning district of the City specified by the City Council by ordinance at the time of the annexation. The annexed territory shall retain such zoning classification until such time as the zoning district map is amended in the manner hereinafter provided, to include such annexed territory.

**§ 17.12.040. Location and Boundaries of Zones.**

The designation, location and boundaries of the aforesaid zones shall be delineated on the Zoning Map of the City of Blue Lake.

**§ 17.12.050. Zoning Map.**

This section consists of the Zoning Map of the City of Blue Lake, which map may be amended in whole or in part in accordance with the amendment procedure set forth in Chapter 17.28. The map may consist of more than one individual sheet, adopted pursuant to this section.

**§ 17.12.060. Determining Uncertain Boundaries.**

Where uncertainty exists with respect to the boundaries of the various zones, the following rules shall apply:

- A. **Streets or Alleys.** Where the indicated zoning boundaries are approximately street or alley lines, the center lines of the street or alley shall be construed to be the boundaries of the zone.
- B. **Lot Lines.** Where the zoning boundaries are not shown to be streets or alleys, and where property has been or may hereafter be divided into blocks and lots, the zoning boundaries shall be construed to be lot lines; and where the indicated boundaries are approximately lot lines, the lot lines shall be construed to be the boundaries of the zone, unless the boundaries are otherwise determined.
- C. **Scale on Map—Determination by Commission.** Where the property is indicated on a zoning map or maps as acreage and not subdivided into lots and blocks, or where the zone boundary lines are not approximately street, alley or lot lines, the zone boundary lines on the zoning map or maps shall be determined by scaled contained on the map or maps, and where uncertainty exists, the zone boundary line shall be determined by the Planning Commission. In the event property shown as acreage on the zoning map or maps has been or is subsequently subdivided into lots or blocks by a duly recorded subdivision map or record of survey and the lot and block arrangement does not conform to that anticipated when the zone boundaries were established or property is resubdivided by a duly recorded subdivision map or record of survey into a different arrangement of lots and blocks than shown on the zone map, the Planning Commission, after notice to the owners of the property affected thereby, may interpret the zone maps and make minor readjustments in the zone boundaries in such a way as to carry out the intent and purpose of these regulations and conform to the street, block and lot layout on the ground. The interpretations shall be by written decision, and thereafter the copies of the zoning maps in the Planning Commission Office shall be changed to conform thereto.
- D. **Vacated Street or Alley.** In the event a dedicated street or alley shown on the zoning map or maps is vacated by resolution or ordinance, the property formerly in the street or alley shall be included within the zone of the adjoining property on either side of the vacated street or alley. In the event the street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former center line of the vacated street or alley.

**§ 17.12.070. Established Limitations on Land Use and Structure.**

Except as otherwise provided herein:

- A. **Use Requirements.** No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than is included among the

uses hereinafter listed as permitted in the zone in which such buildings, land, or premises are located.

- B. Height Requirements. No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which the building is located except as provided in Chapter 17.24.
- C. Area Requirements. No building or part thereof or structure shall be erected nor shall any existing building be altered, enlarged or rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations hereinafter designated for the zone in which the building or open space is located.
- D. Duplicate Use of Open Space and Yards. No yard or other spaces provided about any buildings for the purpose of complying with provisions of this title shall be considered a yard or open space for any other building.

CHAPTER 17.16  
REGULATIONS FOR THE PRINCIPAL ZONES

**§ 17.16.010. General Regulations.**

In addition to the regulations specified in this chapter for each of the principal zones, the general regulations set forth in Chapter 17.24 shall be applicable to each and every such zone. In the event of conflict between the particular regulations set forth in Chapter 17.24, the more restrictive regulations shall apply. In doubtful cases, the Planning Commission shall determine which of the conflicting regulations shall be applicable.

**§ 17.16.020. Agriculture Exclusive or A-E Zone.**

The Agriculture Exclusive or A-E Zone is designed to provide for very low density farm or open-space/residential uses to protect and preserve low density areas in their present state or desired character. It is intended that the A-E District will afford areas where semi-rural residential and agricultural uses can be maintained without impairment from industrial, commercial or more intensive residential land use.

**A. Principal Permitted Uses.**

1. Residential Land Use. A maximum of one dwelling unit for 10 acres and one additional dwelling unit for each additional 10 acres, subject to the development standards specified in Section 17.24.260. Such dwelling units shall be occupied by the farm owner and farm employees only.
2. Raising and harvesting of field, tree or bush crops.
3. Raising of three cattle, or 14 goats/sheep, or 20 rabbits per acre.
4. Facilities and storage incidental to a construction project and located on the project site.
5. Publicly owned or operated buildings or properties, including publicly owned or operated parks, playgrounds and other recreational uses.
6. Home occupations, subject to Section 17.24.060.

**B. Uses Permitted With a Use Permit.**

1. Sales stands for the sale of farm or ranch products produced on the premises or items similar to these products or related to the sale of these products.
2. Pig farm or poultry farm, if more than 1,000 feet from the nearest dwelling unit in an "R" Zone.
3. Auction yard, raising animals at a greater density than permitted in paragraph A.3 of this section, slaughterhouse or slaughter operation, subject to:
  - a. Compliance with state and federal regulations; and
  - b. Locations more than 1,000 feet from the nearest dwelling unit in an "R" Zone.
4. Public utility buildings and facilities when necessary for serving the surrounding

territory, provided that no public business offices and no repair and storage facilities are maintained therein.

5. Facilities or storage used for construction on a lot or lots other than the parcel or parcels used for such facilities storage. Such use shall maintain the setbacks provided by the requirements of paragraph C.2 of this section.

C. Other Regulations.

1. There shall be lots of not less than five acres, unless smaller when rezoned Z-E.
2. For all residential uses:
  - a. There shall be a front yard of not less than 40 feet.
  - b. There shall be two side yards, each having a width of not less than 30 feet.
  - c. There shall be a rear yard having a depth of not less than 30 feet.
3. The main building and all accessory buildings shall not occupy more than 10% of all standard lots and substandard lots two acres or more in total area. For substandard lots of less than two acres, this coverage allowance shall not exceed 20% of the total area.
4. No building shall exceed a height of two stories, not to exceed 30 feet.
5. Sales stands or accessory buildings shall be located not nearer than 50 feet from any one side or rear property line and shall not be located nearer than 40 feet from the front property line.
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.

**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.

**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 title, a poultry farm shall be defined as an operation containing more than 25 poultry animals per net acre.

**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.

**§ 17.16.030. 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 17.24.260.
2. Public parks and playgrounds.
3. Home occupations, subject to Section 17.24.060.

## 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 minimum lot area: 6,000 square feet, for all lots created on or after September 10, 1987.
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, four feet.
4. Maximum building height: 35 feet.
5. Maximum ground coverage: 40%.
6. Animal stable or corrals shall be maintained in conformance with Section 17.24.020.
7. Off-street parking as prescribed in Section 17.24.100.
8. No outdoor advertising sign or structures shall be permitted except for home occupation and real estate signs, as prescribed in Section 17.24.120.
9. Site plan approval, as prescribed in Section 17.24.250, for uses permitted with a use permit pursuant to subsection B of this section.

The Planning Commission is hereby empowered to allow a single-family home to be constructed or placed within the City of Blue Lake with alternative reasonable development standards substituted for those hereinabove set forth, or to exempt such a home from the strict application of such development standards, upon a showing of good cause. A principal criterion for determining whether good cause exists for such exemption or substitution shall be compatible with the neighborhood in which the single-family home is proposed to be constructed or placed. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission and any appeal to the City Council from a decision of the Planning Commission may be taken, in accordance with the procedures set forth in Section 17.24.250, Site Plan Approval.

**§ 17.16.040. 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 17.24.260.
  - 2. Two-family dwellings.
  - 3. Home occupations, subject to Section 17.24.060.
- B. Uses Permitted With a Use Permit.
  - 1. Hotels, motels, rooming and boarding houses.
  - 2. Recreation parks.
  - 3. Religious institutions.
  - 4. Private and non-commercial clubs and lodges.
  - 5. Rooming and boarding or more than two guests in any dwelling not designed or intended as a rooming or boarding house.
  - 6. Bed and breakfast accommodations.
- C. Other Regulations.
  - 1. R-2 density and minimum lot area:
    - a. Minimum lot area: 6,000 square feet, for all lots created on or after September 10, 1987.
    - b. Maximum density: one dwelling unit per 2,500 square feet of lot area.
  - 2. Maximum ground coverage: 60%.
  - 3. Minimum yards: front, 20 feet; rear, 60% of depth to a maximum 15 feet; side, 4 feet.
  - 4. Special Yards for Dwelling Groups. The distance between separate buildings of a dwelling group shall be not less than 10 feet. The distance between the front of any dwelling unit in the group and any other building shall not be less than 20 feet. The distance between the front of any dwelling unit in the group and any side lot shall be not less than 12 feet. All of the above distances shall be increased by two feet for each story that any building on the lot exceeds two stories.
  - 5. Maximum building height: 35 feet, or not exceeding two stories.
  - 6. Off-street parking as prescribed in Section 17.24.100.
  - 7. No outdoor advertising signs or structures shall be permitted.
  - 8. Landscaping as prescribed in Section 17.24.240.

9. Site plan approval as prescribed in Section 17.24.250.
10. Signs, other than outdoor advertising signs or structures, as prescribed in Section 17.24.120.

**§ 17.16.050. Residential Multiple Family or R-3 Zone.**

The Residential Multiple Family or R-3 Zone is created to provide an environment for apartment development and higher residential uses and to provide for residences in mobile home parks and for professional offices.

**A. Principal Permitted Uses.**

1. Single-family dwellings, and servant and guest houses, subject to the development standards specified in Section 17.24.260.
2. Two-family and three-family dwellings.
3. Multiple dwellings and dwelling groups for not more than four families.
4. Home occupations, subject to Section 17.24.060.

**B. Uses Permitted With a Use Permit.**

1. Hotels and motels, multiple dwellings and dwelling groups of more than four families, rooming houses and boarding homes.
2. Social halls, fraternal and social organizations.
3. Mobile home parks (subject to regulations in Section 17.24.090).
4. Professional offices.
5. Bed and breakfast accommodations.
6. Multiple dwellings not exceeding one unit per 2,000 square feet of lot area.

**C. Other Regulations.**

1. R-3 Density and Minimum Lot Area.
  - a. Minimum lot area: 6,000 square feet for all lots created on or after September 10, 1987.
  - b. Maximum density: one dwelling unit for each 2,000 square feet of lot area.
2. Minimum lot width: 50 feet.
3. Maximum ground coverage: 60%.
4. Minimum yards: front, 15 feet; rear, 10 feet; side, five feet.
5. Special Yards for Dwelling Groups. The distance between separate buildings of a dwelling group shall not be less than 10 feet. The distance between the front of any dwelling unit in the group and any other buildings shall not be less than 20 feet. The distance between the front of any dwelling unit in the group and any side lot line shall

not be less than 12 feet. All of the above distances shall be increased by two feet for each two feet that any building on the lot exceeds two stories.

6. Maximum building height: 45 feet.
7. Maximum number of household pets for each dwelling unit: two.
8. Off-street parking as prescribed in Section 17.24.100.
9. Off-street loading as prescribed in Section 17.24.110.
10. No outdoor advertising signs or structures shall be permitted.
11. Landscaping as prescribed in Section 17.24.240.
12. Site plan approval as prescribed in Section 17.24.250.
13. Signs, other than outdoor advertising signs or structures, as prescribed in Section 17.24.120.

**§ 17.16.061. Retail Commercial or RC Zone.**

The Retail Commercial or RC Zone is intended to retain the character of downtown while protecting the integrity of the Dave Power's Creek. These include downtown and neighborhood commercial locations which are primarily retail in character, with some light services to include professional, personal and financial. The following regulations apply to all Retail Commercial or RC Zones.

**A. Principal Permitted Uses.**

1. Stores and Retail Businesses. This use type includes stores, agencies and services of a light commercial character conducted entirely within an enclosed building, such as antique shops, art galleries, bakery shops, beauty and barber shops, book stores, clothing stores, coin-operated or assisted dry cleaning and laundry facilities, pharmacies, florists, tailor shops, furniture stores, automobile service stations, studios, enclosed theaters, food markets, hardware and appliance stores, and variety stores.
2. Professional Offices and Services. This use type includes administrative activities of private, profit-oriented administrative firms; radio and television broadcasting stations and offices; medical, dental and related services; and professional consultative, real estate and financial services. It also includes administrative uses defined as those typically performed in public, public nonprofit, parochial, and public utility administrative offices. Uses of this type include banks, personal service shops, visitor service facilities and businesses of a similar nature.
3. Social Halls, Fraternal and Social Organizations. This use type includes any non-commercial building or portion thereof that is utilized for social or community gatherings that are open to the public or restricted to members.
4. Restaurants and Appurtenant Services. This use type includes any establishment whose principal business is the preparation and sale of food and beverages, excluding establishments with drive-thru windows, franchise or formula businesses, and restaurants operating in conjunction with a bar.

5. Craft and Artisan Uses. This use type includes painting, sculpture, papermaking, photography, ceramics, pottery, glass, wooden art items, textiles (spinning, weaving, dyeing) or other craft and artisan uses determined by the City Planner to be of the same general character and which will not be obnoxious or detrimental to the district. The City Planner or any interested party may request that such determination be brought before the Planning Commission. Floor area for such a use shall be no greater than 5,000 square feet, except that salesrooms or other permitted uses associated with the craft or artisan use may use additional area.
  6. Stores and shops not listed which, in the opinion of the City Planner, are of the same general character and will not be obnoxious or detrimental to the district. The City Planner or any interested party may request that such determination be brought before the Planning Commission.
  7. Outdoor advertising signs and structures, when associated with any use permitted in the district and when located on the premises on which such use is conducted; also outdoor advertising signs and structures when used for information or directional purposes.
  8. Home occupations, subject to Section 17.24.060.
  9. Open space, corridors, walkways, and ecological restoration projects.
- B. Uses Permitted With a Use Permit.
1. Single-family dwellings, and servant and guest houses, subject to development standards specified in Section 17.24.260 and standards specified in paragraph (D)(8) of this section.
  2. Two-family and three-family dwellings, when secondary to a principal permitted use, subject to standards specified in paragraph (D)(8) of this section.
  3. Public parks and playgrounds.
  4. Undertaking establishments and mortuaries.
  5. Bars, including clubs for dancing and entertainment, and restaurants in conjunction with a bar.
  6. Animal hospitals, pet shops and commercial kennels.
  7. Furniture and upholstery repair shops.
  8. Shopping centers.
  9. Religious and/or spiritual institutions.
  10. Rest homes and clinics.
  11. Storage of household goods; second-hand stores and pawn shops.
  12. Listed uses that do not meet all the requirements stated in this section but due to specific project design and amenities in the opinion of the Planning Commission conform to the purpose and intent of this section.

13. Other uses not specifically listed herein that, in the opinion of the Planning Commission, are of the same general character and will not be obnoxious or detrimental to the district.

C. Uses Not Allowed.

1. Drive-thru restaurants are not allowed in the RC Zone.

D. Other Regulations.

1. Maximum building height: 45 feet vertical.

2. Maximum ground coverage: 60% of lot area.

3. Maximum density: one dwelling unit per net 2,500 square feet of lot area.

4. Yards Required.

a. Front Yard. In case of a commercial-zoned property bordering on property in an R District, the front yard shall be the same as required for the adjacent R District. No other front yards shall be required.

b. Rear Yard. Ten feet for every building or portion thereof which is designed or used for any dwelling purpose, and 10 feet for any commercial-zoned lot bordering on property in any R or A District. No other rear yards shall be required.

5. Site plan approval as prescribed in Section 17.24.250 shall be necessary to ensure that the architecture and general appearance of all commercial buildings and grounds are in keeping with the character of the neighborhood and are not detrimental to the public health, safety and general welfare of the community. Commercial and residential structures located within the City Center boundary are subject to the City's Downtown Design Guidelines.

6. Parking.

a. Off-street parking as prescribed in Section 17.24.100; provided, however, that off-street parking requirements in the RC Zone for already developed properties included on the City's historic list or designated district may be waived by the City Planner when no reasonable alternative is available, and if: (i) the waiver is only for commercial uses in the RC Zone; and (ii) no reduction in available or potential parking spaces is proposed.

b. The Planning Commission may waive off-street parking spaces otherwise required based on the historical nature of the property, the architectural or landscaping amenities that would be displaced by parking, or the availability of space on a parcel with existing improvements.

c. Off-street parking for one use may be applied toward a second use if it can be shown that restriction of hours prevents overlapping of uses.

d. New or existing developments proposing provision and maintenance of public open space may request, through the conditional use permit process, a reduction in off-street parking requirements for commercial uses. The Planning

Commission shall make a finding that the open space provided is consistent with community goals and is of greater value to the City Center than additional off-street parking.

- e. Location and Paving. Off-street parking is to be located away from street frontage. Parking spaces shall be screened with fencing or landscaping of not less than three feet in height. All off-street parking, loading zones, turnaround areas, etc., shall be paved or provided a permanent, dustless and durable surface.
7. Off-street loading as prescribed in Section 17.24.110.
  8. Dwellings, and uses or structures accessory to dwellings, shall meet one or more of the following, as applicable:
    - a. Be located on the second floor of a structure;
    - b. Be located in the rear of the lot or structure, or behind the commercial use so as not to front directly on the street;
    - c. Be determined by the Planning Commission to not adversely affect the commercial character of the district.
  9. Landscaping as prescribed in Section 17.24.240.
- E. Performance Standards.
1. Toxic Substances. No use shall be permitted which involves processes that will result in any toxic substances escaping (by air or water) from the site. Medical wastes are to be disposed of according to all applicable regulations.
  2. Signs. All signs shall be regulated as prescribed in Section 17.24.120.
  3. Lighting. All outdoor lighting shall be minimized and designed, located, and shielded so that lights shine toward and remain on individual property and not on public streets, open space or adjacent property owners without specific written consent. The type and usage of all exterior lighting must be approved by the City Planner prior to installation.
  4. Noise. No use, activity, or process shall generate noise in excess of the noise level standards in Section 17.24.280(C)(3). New uses that are estimated to exceed the noise level standards in Section 17.24.280(C)(3) shall be required to incorporate noise mitigation measures into the project design to ensure compliance with the noise level standards in Section 17.24.280(C)(3). Existing uses that are determined to exceed the noise level standards in Section 17.24.280(C)(3) shall be required to implement effective noise mitigation measures to achieve compliance with Section 17.24.280(C)(3).
  5. Dust. Fugitive dust from an activity or site is considered a nuisance and shall not be allowed to be generated in the RC Zone.
  6. Sewage. Sewage disposal shall require on-site improvements (interceptor tanks, grease traps, etc.) for those uses that are found by the Public Works Director to generate wastes that may cause a difficulty to the treatment system.

7. Storage, Service and Loading Areas.
  - a. All equipment and materials storage areas shall be fenced to a height of not less than four feet and be consistent with other regulations regarding fencing. In addition, all such areas shall be screened from view from any residential area, public roadway, or recreational use area. Such fencing and screening need not comply with yard setbacks, but shall be outside of access drive locations and be consistent with the City's visibility obstruction regulations (Section 17.24.190).
  - b. Materials, equipment, supplies, garbage containers, recycling bins, and vehicles shall be stored within an enclosed building or behind visual barriers such as fences with lath or walls, berms, or plantings. No storage of material, including garbage containers, is to be located in front of the building.
8. Nuisances. No noxious or offensive activity shall be carried out upon any parcel, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. Nuisances include, but are not limited to, noise, dust, smoke, traffic, parking, electrical interference, lighting, unsightliness, vibration, air emissions, odor, humidity, heat, cold, or glare.
9. Livestock and Poultry. Refer to Section 17.24.020, Accessory Uses, subsection A, Animals and Animal Shelters.
10. Garbage and Refuse Disposal. No parcel shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers.
11. Drive-Ins and Take-Outs (Not Drive-Thru). Any restaurant use that produces products for take out consumption must provide and implement a trash disposal plan prior to approval. Such plan may require, among other things, the placement and maintenance of off-site public trash cans a certain distance from the facility.
12. Watercourses. Streams, lakes, wetlands and other watercourses shall be provided adequate setback and access restrictions to protect the biological integrity of the watercourse. A 25-foot horizontal from bankfull width setback, measured from horizontal bankfull, from edge of stream bank or wetland shall be provided. Exceptions to the setback may be permitted with mitigation approved by the Planning Commission.

(Ord. 540 § 2, 2021)

**§ 17.16.063. Service Commercial or SC Zone.**

This zone is intended to provide for light service, and small-scale manufacturing. The Service Commercial or SC Zone shall be designated in areas where service activities do not conflict with surrounding uses. The following regulations shall apply in all Service Commercial or SC Zones.

- A. Principal Permitted Uses.
  1. Furniture and upholstery repair shops.
  2. Contractor shops and yards.
  3. Retail lumber sales and yards.

4. Carpenter shops; electrical, painting, plumbing, printing, publishing and lithograph shops; nurseries and greenhouses.
  5. Auto laundries, auto repair and rebuilding, body and fender work, spray painting, tire recapping.
  6. New and used car sales within a building; motor bicycle sales shops.
  7. Storage garages.
  8. Outdoor advertising signs and structures, when appurtenant to any use permitted in the district and when located on the premises on which such use is conducted; also outdoor advertising signs and structures when used for information or directional purposes.
  9. Stores and shops for any wholesale business not listed which, in the opinion of the Planning Commission, are of the same general character and will not be obnoxious or detrimental to the district.
  10. Home occupations, subject to Section 17.24.060.
- B. Uses Permitted With a Use Permit.
1. Single-family dwellings, and servant and guest houses, subject to both the development standards specified in Section 17.24.260; and standards specified in paragraph (C)(7) of this section.
  2. Clothing manufacturing.
  3. Distribution warehouses for consumer products.
  4. Storage and wholesale distribution of petroleum products.
  5. Junk yards (only when conducted in a building enclosed on all sides or when enclosed by a fence not less than eight feet nor more than nine feet in height).
  6. Drive-in theatres.
  7. Outdoor storage.
- C. Other Regulations.
1. Maximum building height: 35 feet or not exceeding two stories.
  2. Yard Required. None except:
    - a. Every building or portion thereof which is designed or used for any dwelling purpose shall comply with the provisions of this title as to side yards which are required in R-2 Districts; provided that when the ground floor of any such building is used for any commercial purpose, no side yard shall be required, except as hereinafter in this section provided. Every such building or portion thereof shall have a rear yard of not less than 10 feet.
    - b. In case of a C District bordering on property in an R District, the front yard or side yard required shall be the same as required for the adjacent R District;

except that on a corner lot adjacent to the street shall be not less than one-half of the front yard required for the key lot. There shall be a rear yard of not less than 10 feet on the rear of any lot in a C District bordering on property in any R or A District.

- c. No building shall hereafter be erected, nor shall any use of land be made, except the use of land for agricultural purposes, which will be closer to the right-of-way line of any street than any official plan line or any building line which has been established for such street by the Street and Highway Plan of the City and provided further that on the specifically designated streets the front yard required shall be as noted.
3. The architectural and general appearance and site plan of all commercial buildings and grounds shall be in keeping with the character of the neighborhood and such as not to be detrimental to the public health, safety, and general welfare of the community in which such use or uses are located. Site plan approval as prescribed in Section 17.24.250 shall be necessary.
4. Off-street parking as prescribed in Section 17.24.100.
5. Off-street loading as prescribed in Section 17.24.110.
6. Landscaping as prescribed in Section 17.24.240.
7. Dwellings, and uses or structures accessory to dwellings, shall meet one or more of the following, as applicable:
  - a. Be located on the second floor of a structure;
  - b. Be located in the rear of the lot or structure, or behind the commercial use so as not to front directly on the street;
  - c. Be located in the portion fronting on the street, of an existing commercial structure, provided that an agreement be recorded with the Humboldt County Recorder's Office, at the applicant's expense, stating that the residential use shall be terminated within one year of written notice by the City. This provision allows residential use of existing commercial structures until such time as commercial use of the property may be economically viable;
  - d. Be determined by the Planning Commission to not adversely affect the commercial character of the district.

#### **§ 17.16.065. Highway Commercial or HC Zone.**

The Highway Commercial or HC Zone is intended to provide necessary services and conveniences for traveling public along main roads and highway frontages. The areas are easily accessible by highway traffic.

- A. Principal Permitted Uses.
  1. Restaurants and appurtenant services.
  2. Hotels, motels.

3. Automobile service stations.
  4. Nurseries and greenhouses, retail fruit and vegetable stands.
  5. Commercial recreational facilities.
  6. Outdoor advertising signs and structures, when appurtenant to any use permitted in the district and when located on the premises on which such use is conducted; also outdoor advertising signs and structures when used for information or directional purposes.
  7. Home occupations, subject to Section 17.24.060 of this title.
- B. Uses Permitted With a Use Permit.
1. Small animal hospitals and kennels.
  2. Trailer camps.
  3. Dwellings and boarding and rooming houses.
  4. Other uses which the Planning Commission finds are similar to the principal permitted uses.
- C. Other Regulations.
1. Maximum building height: 35 feet or not exceeding two stories.
  2. Yards Required. None except:
    - a. Every building or portion thereof which is designed or used for any dwelling purpose shall comply with the provisions of this title as to side yards which are required in R-2 Districts; provided that when the ground floor of any such building is used for any commercial purpose, no side yard shall be required, except as hereinafter in this section provided. Every such building or portion thereof shall have a rear yard of not less than 10 feet.
    - b. In case of a C District bordering on property in an R District, the front yard or side yard required shall be the same as required for the adjacent R District; except that on a corner lot adjacent to a key lot, the side yard adjacent to the street shall be not less than one-half of the front yard required for the key lot. There shall be a rear yard of not less than 10 feet on the rear of any lot in a C District bordering on property in any R or A District.
    - c. No building shall hereafter be erected, nor shall any use of land be made, except the use of land for agricultural purposes, which will be closer to the right-of-way line of any street than any official plan line or any building line which has been established for such street by the Street and Highway Plan of the City and provided further that on the specifically designated streets the front yard required shall be as noted.
  3. The architectural and general appearance and site plan of all commercial buildings and grounds shall be in keeping with the character of the neighborhood and such as not to be detrimental to the public health, safety and general welfare of the community

in which such use or uses are located. Site plan approval as prescribed in Section 17.24.250 shall be necessary.

4. Off-street parking as prescribed in Section 17.24.100.
5. Off-street loading as prescribed in Section 17.24.110.
6. Landscaping as prescribed in Section 17.24.240.

**§ 17.16.070. Industrial or M Zone.**

The purpose of the Industrial or M Zone is to provide an environment where unique industries and businesses that may be incompatible with other uses can operate and cooperate with each other with minimum restrictions while having minimum adverse effects on adjacent land uses. Uses in this zone are to be located and designed in a manner where (1) impacts do not leave the site; and (2) are not adversely impacted by adjacent uses.

**A. Principal Permitted Uses.**

1. All uses, principally and conditionally permitted in the ML Zone, except that retail sales, personal services and public assembly type uses are excluded.
2. Manufacturing and Processing. This use type includes processing of wood and wood products (including, but not limited to, sawmills, lumber mills and plywood mills); processing of recycled consumer products, and commercial extraction and storage of aggregate materials or other natural materials; manufacturing of items outside the definition of craft and art manufacturing (e.g., automated replication of same item).
3. Commercial Services. This use type includes major and minor repair of vehicles, industrial parts and heavy equipment; large printing, publishing and lithograph shops; and machine and metal working shops, where portions of the manufacturing or storage of materials occurs outside.

**B. Uses Permitted With a Use Permit.**

1. All uses, principally and conditionally permitted in the ML Zone that are excluded under principally permitted uses, above.
2. Heavy Manufacturing and Processing. This use type includes processing of aggregate and manufactured concrete products, recycling and reuse of construction and other industrial materials, and energy production from natural sources or materials. These industries typically have large blowers, rotary kilns, or emissions stacks greater than 12 inches in diameter.
3. Other Uses. Listed uses that do not meet all the requirements stated in this section but due to specific project design and amenities conform to the purpose and intent of this section. This includes any other use which, in the opinion of the Planning Commission, is compatible with the M Zone or a service to those employed within the zone, and will not constitute a nuisance or be detrimental to the district or surrounding land uses.

**C. Other Regulations.** Specific site development guidelines will be prepared based on the design intent for the business park and the Blue Lake Zoning Ordinance. The objective of

the guidelines is to help integrate buildings and other improvements with the topography and landscape to create a unified environment which is harmonious with the adjacent visual panorama.

1. Building coverage shall not exceed 70% of lot area.
2. Building height limit is eight stories, not to exceed 100 vertical feet, except that no building shall be erected to a height exceeding three stories or 45 feet in vertical height unless there is a minimum 50-foot horizontal setback from front or side property lines.
3. Setbacks and Easements.
  - a. Minimum setback from all property lines is 10 feet horizontal.
  - b. No building (front) shall be constructed within 25 feet horizontal of any public right-of-way. No building (side) shall be within 15 feet horizontal of any public right-of-way.
  - c. No building or parking or storage area shall be constructed within 50 feet horizontal from the north side of the levee crown or top of bank adjacent to the Mad River. The zone thus created, shall be preserved as an open area of riparian and natural vegetation. Trails and habitat enhancement projects are allowable within this zone.
4. Parking and Loading Areas. Sufficient onsite parking, as per Section 611 of the General Plan, shall be provided for employees, visitors and company vehicles. The minimum number of spaces shall be one for every 800 square feet of gross floor area or one parking spot per 1.35 shift employees whichever is more applicable as determined by the City Planner.
5. Utilities.
  - a. All site improvements shall be designed to accommodate underground utilities and shall be required to convert to such as they become available. Utilities shall include, but are not limited to, drainage systems, sanitary sewers, gas, water, power, cable and telephone.
  - b. Within each site, utility lines may be located above ground if they are incorporated and concealed within buildings, trellises, or special architectural features.
  - c. Temporary overhead power and telephone lines will be permitted during construction but are to be removed upon completion of construction.
6. Landscaping. A landscaping plan will be required for each site showing the locations, names, and initial sizes of plant materials, irrigation plan and groundcover materials. Ongoing maintenance and replacement (when needed) is a requirement of all uses within the M Zone. The City Planner will review each landscaping plan for approval. Landscape requirements are defined in Section 17.24.240.
7. Guidelines for architectural and site plan review are required as prescribed in Section 17.24.250. The City Planning Commission may develop additional written guidelines

that provide direction for meeting criteria listed in Section 17.24.250.

D. Performance Standards.

1. Toxic Substances. Any use which involves processes that will result in toxic substances or pollutants escaping (by air or water) from the site shall comply with all applicable local, state and federal regulations and shall require a use permit from the Planning Commission. Medical wastes are to be disposed of according to all applicable regulations. All processes shall comply with the applicable local, state and federal laws regarding airborne and waterborne emissions.
2. Signs. Any signs that will be used on-site, as well as signs on buildings, must be approved by the City Planner before they are posted. Freestanding signs shall be limited to 50 square feet in size and the top thereof shall not be higher than 10 feet above the ground. Signs shall be consistent with the general sign motif established for the industrial park, an example of which is the park entrance sign.
3. Lighting/Glare. The type and usage of all exterior lighting shall be the minimum lumens required, shall be kept low in height, shall be shielded so as not to shine on adjacent properties, shall not shine on nearby properties or natural areas in an adverse manner and must be approved by the City Planner prior to installation. Building materials or other site improvements that cause glare to nearby properties are prohibited.
4. Noise. No use, activity, or process shall generate noise in excess of the noise level standards in Section 17.24.280(C)(3). New uses that are estimated to exceed the noise level standards in Section 17.24.280(C)(3) shall be required to incorporate noise mitigation measures into the project design to ensure compliance with the noise level standards in Section 17.24.280(C)(3). Existing uses that are determined to exceed the noise level standards in Section 17.24.280(C)(3) shall be required to implement effective noise mitigation measures to achieve compliance with Section 17.24.280(C)(3).
5. Dust. Any use that results in dust escaping from the site is required to mitigate to reduce the dust. Refer to North Coast Unified Air Quality Management District regulations for current limitations and requirements.
6. Sewage. Sewage disposal shall require on-site improvements (interceptor tanks, grease traps, etc.) for those uses that are determined by the Public Works Director to generate wastes that may cause a difficulty to the treatment system.
7. Odors. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the Business Park.
8. Storage, Service and Loading Areas.
  - a. Storage, service and loading areas shall be recessed or screened with fences, walls, berms, or plantings to reduce their visibility from adjacent streets or properties.
  - b. Materials, equipment, supplies, trash containers, inoperable vehicles, etc. shall be stored within an enclosed building or behind visual barriers such as fences, walls, berms, or plantings.

9. No use shall be permitted which does not comply with State and Federal laws.  
(Ord. 540 § 3, 2021)

**§ 17.16.071. Light Industry Zone or ML Zone.**

The purpose of the Light Industry Zone or ML Zone is to provide an environment where manufacturing businesses of a light industrial or commercial character, which may be incompatible with other uses, can operate and cooperate with each other with minimum restrictions while having minimum adverse effects on adjacent land uses. This zone encourages craft-type manufacturing businesses to include a retail component of goods produced onsite, enhancing a community "Made in Blue Lake" sense of pride.

**A. Principal Permitted Uses.**

1. **Light Manufacturing and Processing.** This use type includes craft and art manufacturing businesses which manufacture items from wood, ceramics, fabric, metals or glass; food and beverage processing and bottling; manufacture of boats and marine equipment; and light to moderate manufacturing of products such as household goods, clothing, recreational goods, electrical products, furniture, architectural products, and automotive goods. This use also includes retail sales of food, drinks and advertising merchandise primarily of goods manufactured within the business park.
2. **Distribution and Associated Warehousing.** This use type includes nurseries and greenhouses, distribution warehouses for consumer products, and indoor and outdoor storage facilities.
3. **Commercial Services (Limited).** This use type includes equipment rental, repair of small engines or appliances, furniture repair shops, contractor shops and yards (including carpentry, electrical, plumbing, painting, small printing, publishing, lithograph shops and other artistic endeavors), and retail shops that are accessory to an industrial use and conform to the general character of the district. It does not include major repair of vehicles, industrial parts or heavy equipment.
4. **Professional Offices and Services.** This use type includes administrative and research activities; radio and television broadcasting stations and offices; medical, dental and related services; and professional consulting, real estate and financial services. This use type includes research and development laboratories and other professional or personal services not listed which, in the opinion of the Planning Commission, are of the same general character and will not be obnoxious or detrimental to the district. It also includes personal service shops, such as banks, grooming services, visitor service facilities or businesses of a similar nature.
5. **Recreation and Education.** This use type includes trails and outdoor recreational uses, commercial recreational facilities and schools and training programs in the areas of arts, crafts and light manufacturing. It can include performance or art studios, theaters, or other small venues for public assembly when found to be consistent with the purpose and intent of this section.
6. **Public Works Facilities.** This use includes a City corporation yard and includes, but is not limited to, public works improvements, storage of materials, temporary holding of animals, and maintenance and repair of City equipment and vehicles.

B. Uses Permitted with a Use Permit.

1. Commercial Services (Enclosed). This use type includes major and minor repair of automobiles, trucks, watercraft and heavy equipment; machine and metal working shops; equipment rental; and printing, publishing and lithograph shops when enclosed in a building or buildings.
2. Other Uses. Listed uses that do not meet all the requirements stated in this section but due to specific project design and amenities conform to the purpose and intent of this section. This includes any other use which, in the opinion of the Planning Commission, is compatible with the zone or a service to those employed within the zone, and will not constitute a nuisance or be detrimental to the district or surrounding land uses.

C. Other Regulations. Specific site development guidelines have been prepared based on the design intent for the industrial park and the Blue Lake zoning ordinance. The objective of the guidelines is to help integrate buildings and other improvements with the topography and landscape to create a unified environment which is harmonious with the adjacent visual panorama.

1. Building coverage shall not exceed 70% of lot area.
2. Building height limit: three stories but not exceeding 60 vertical feet.
3. Setbacks and Easements.
  - a. No building (front) shall be constructed within 25 feet horizontal of any public right-of-way. No building (side) shall be within 15 feet horizontal of any public right-of-way.
  - b. No building or parking or storage area shall be constructed within 50 feet horizontal of the centerline of the main branch of Dave's Creek. The zone thus created, 50 feet horizontal from the centerline of Dave's Creek outward, shall be preserved as an area of riparian vegetation. Trails and habitat enhancement projects are allowable within this zone.
  - c. No building or parking or storage area shall be constructed within 50 feet horizontal of the boundary of the Blue Lake Rancheria. The zone thus created, 50 feet horizontal from the boundary of the Blue Lake Rancheria, shall be preserved as an undeveloped space area of riparian vegetation.
4. Parking and Loading Areas. Sufficient onsite parking, as per Section 611 of the general plan, shall be provided for employees, visitors and company vehicles. The minimum number of spaces shall be one for every 800 square feet of gross floor area or one parking spot per 1.35 shift employees whichever is more applicable.
5. Utilities.
  - a. All site improvements shall be designed to accommodate underground utilities and shall be required to convert to such as they become available. Utilities shall include, but are not limited to, drainage systems, sanitary sewers, gas, water, power, cable and telephone.

- b. Within each site, utility lines may be located above ground if they are incorporated and concealed within buildings, trellises, or special architectural features.
    - c. Temporary overhead power and telephone lines will be permitted during construction, but are to be removed upon completion of construction.
  6. Landscaping. A landscaping plan will be required for each site showing the locations, names, and initial sizes of plant materials, irrigation plan and groundcover materials. Ongoing maintenance and replacement (when needed) is a requirement of all uses within the ML Zone. The City Planner will review each landscaping plan for approval. Landscape requirements are defined in Section 17.24.240.
  7. Guidelines for architectural and site plan review are required as prescribed in Section 17.24.250, according to the City's current master fee schedule. The Planning Commission may develop additional guidelines in written form that provide direction for meeting criteria listed in Section 17.24.250.
- D. Performance Standards.
  1. Toxic Substances. Any use which involves processes that will result in toxic substances or pollutants escaping (by air or water) from the site shall comply with all applicable local, State and federal regulations and shall require a use permit from the Planning Commission. Medical wastes are to be disposed of according to all applicable regulations. All processes shall comply with the applicable local, State and federal laws regarding airborne and waterborne emissions.
  2. Signs. Any signs that will be used on-site, as well as signs on buildings, must be approved by the City Planner before they are posted. Freestanding signs shall be limited to 50 square feet in size and the top thereof shall not be higher than 10 feet above the ground. Signs shall be consistent with the general sign motif established for the industrial park, an example of which is the park entrance sign.
  3. Lighting/Glare. The type and usage of all exterior lighting shall be the minimum lumens required, shall be kept low in height, shall be shielded so as not to shine on adjacent properties, shall not shine on nearby properties or natural areas in an adverse manner and must be approved by the City Planner prior to installation. Building materials or other site improvements that cause glare to nearby properties are prohibited.
  4. Noise. No use, activity, or process shall generate noise in excess of the noise level standards in Section 17.24.280(C)(3). New uses that are estimated to exceed the noise level standards in Section 17.24.280(C)(3) shall be required to incorporate noise mitigation measures into the project design to ensure compliance with the noise level standards in Section 17.24.280(C)(3). Existing uses that are determined to exceed the noise level standards in Section 17.24.280(C)(3) shall be required to implement effective noise mitigation measures to achieve compliance with Section 17.24.280(C)(3).
  5. Dust. Any use that results in dust escaping from the site is required to mitigate to reduce the dust. Refer to North Coast Unified Air Quality Management District regulations for current limitations and requirements.

6. Sewage. Sewage disposal shall require on-site improvements (interceptor tanks, grease traps, etc.) for those uses that are determined by the Public Works Director to generate wastes that may cause a difficulty to the treatment system.
7. Odors. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the business park.
8. Storage, Service and Loading Areas.
  - a. Storage, service and loading areas shall be recessed or screened with fences, walls, berms, or plantings to reduce their visibility from adjacent streets or properties.
  - b. Materials, equipment, supplies, trash containers, inoperable vehicles, etc. shall be stored within an enclosed building or behind visual barriers such as fences, walls, berms, or plantings.
9. No use shall be permitted which does not comply with State and federal laws.  
(Ord. 540 § 4, 2021)

**§ 17.16.080. Planned Development Residential or PD-R Zone.**

The PD-R or Planning Development Residential Zone is intended to permit a more creative approach in the residential development of land resulting in a more efficient, attractive, desirable use of open area; to permit flexibility in design, including pedestrian and vehicular pathways, and placement of off-street parking areas. The PD-R Zone is further intended to realize best the potential of the sites characterized by special features of shape, topography, or size.

- A. Principal Permitted Uses.
  1. Single-family dwellings and servant quarters and guest houses, subject to the regulations contained in subsection C of Section 17.16.030, Residential One-Family or R-1 Zone, and the development standards specified in Section 17.24.260.
  2. Home occupations, subject to Section 17.24.060.
- B. Uses Permitted With a Use Permit. Subject to subsections C, D and E of this section.
  1. Two-family and three-family dwellings.
  2. Hotels, motels, multifamily dwellings, rooming and boarding houses.
  3. Recreation parks.
  4. Religious institutions.
  5. Churches, schools, rest homes and clinics and libraries.
  6. Private and noncommercial clubs and lodges.
  7. Social halls, fraternal and social organizations.
  8. Mobile home parks (subject to regulations contained in Section 17.24.090).
  9. Professional offices.

- 10. Any other use or combination of uses which is so arranged or designed as to result in an overall development in conformity with the standards, intents and purposes of the Blue Lake General Plan and Blue Lake Municipal Code.
- 11. Single-family dwellings and servant quarters and guest houses subject to the regulations contained in subsections C and D of Section 17.16.030, Residential One-Family or R-1 Zone.
- 12. Public parks and playgrounds.
- 13. Bed and breakfast accommodations.

C. Other Regulations for Uses Permitted With a Use Permit.

- 1. The following requirements shall be observed subject to the provisions of Section 17.24.050, General Provisions. For the purpose of this section, "single-family structure" includes mobile homes or other manufactured housing meeting the criteria of Section 17.24.091.C. The requirements for single-family structures apply to lots used to locate one single-family dwelling unit per legal lot and shall extend to accessory structures associated with such use.
  - a. Maximum building height: 35 feet for single-family structures; 30 feet for all other structures.
  - b. Maximum coverage: 40%.
  - c. Minimum building setback from gross PD-R boundaries or from legal lot lines for lots used for one single-family dwelling unit:

	Single-Family Structures	All Other Structures
Front:	15 feet	25 feet
Side:	4 feet	10 feet
Rear:	20% of depth to a maximum of 20 feet	25 feet

- 2. PD-R maximum density: one dwelling unit per 6,000 square feet of lot area, or as modified within the D combining zone.
- 3. All building setbacks within a PD-R site shall be measured from the exterior property lines of the gross PD-R site. In addition to the above building setback requirements, for buildings and structures exceeding 15 feet in height, there shall be a distance from side and rear boundaries equal to the required yard plus one additional foot for each foot of building height in excess of 15 feet.
- 4. Any buildings within a PD-R site which face a street bounding the PD-R site shall be required to meet the front yard setback standards of the PD-E Zone.
- 5. Common "open space" land shall be clearly designated on the site plan as to character of use and development, but shall not include:
  - a. Areas for the exclusive use of benefit of an individual tenant of owner;
  - b. Dedicated streets, alleys and other public rights-of-way;

- c. Vehicular drives, parking, loading and storage areas; or
    - d. Required setback area at the boundaries of the site.
  6. Permanent retention of the designated usable open space land must be ensured by private reservation for the use of residents within the development, by dedication to the public, or by a combination thereof.
  7. Off-street parking as prescribed in Section 17.24.100.
  8. Off-street loading as prescribed in Section 17.24.110.
  9. No outdoor advertising signs or structures shall be permitted.
  10. Signs, other than outdoor advertising signs or structures, as prescribed in Section 17.24.120.
  11. Landscaping as prescribed in Section 17.24.240.
- D. Application and Procedure for Planned Development. Whenever an application is made for a use permit in a Planned Development Residential (PD-R) Zone, such application shall be deemed to be an application for a planned development and shall conform to the following provisions:
  1. Application. An application to establish a planned development project shall be filed by the owner, owners, or their agents having title to all of the property in the area proposed for the planned development in accordance with the provisions contained in subsections A through C of Section 17.28.030, inclusive, providing for the application for a use permit. No application shall be accepted unless it is complete and verified as to the correctness of the information given by the signature of the applicant attesting thereto.
  2. Site Plan. A site plan may be filed with the application, or afterwards, but no use shall be made of a planned development site until a site plan has been approved and applicable permits issued in accordance with the provisions of Section 17.24.250, providing the site plan approval. In addition to the requirements of subsection C of Section 17.24.250, a planned development site plan shall show the following:
    - a. The boundaries of the site and the names and dimensions of all streets bounding or touching the site.
    - b. Proposed public dedication, if any, within the site.
    - c. Location, dimensions and design of off-street parking facilities, if any, showing points of ingress and egress from the site.
    - d. The location, direction, and bearing of any major physiographic features such as railroads, drainageways and irrigation canals and existing topographic contours at intervals of not more than two feet, together with proposed grading, drainage and landscaping and other pertinent and related data.
  3. Written Statement. There shall be included as a part of the application for a planned development an explanatory written statement of the general purposes of the development and an explanation of all features pertaining to uses and other pertinent

matters not readily identifiable in map form. The adoption of the text specifying the particular nonresidential uses permitted to locate on the site, if any, shall constitute a limitation to those specific uses.

4. Procedure.
    - a. The approval, conditional approval, or disapproval of a planned development by the Planning Commission shall be in accordance with the procedure set forth in subsections D through F of Section 17.28.030, inclusive, providing for the granting or denying of a use permit.
    - b. No planned development will be approved by the Planning Commission, or the City Council on appeal or on review, unless the following findings are made, in addition to the findings required by Section 17.28.030.F:
      - i. The combination of dwelling types, lot sizes, and uses in the planned development will complement each other and will harmonize with existing and proposed land uses in the vicinity.
      - ii. 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 and other applicable plans or policies adopted by the City Council.
  5. Appeals. Appeals shall be governed by Section 17.28.050 of this title.
  6. Change of Ownership. A planned development 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 use permit application.
  7. Revocation. Revocation of a planned development permit shall be in accordance with the provisions of Section 17.28.040, providing for the revocation of a use permit; provided, however, that proceedings may be taken for the revocation of the entire planned development permit or for partial revocation of the permit with respect to only those portions of the planned development not complying with the terms and conditions of the permit as the circumstances required.
  8. Subdivisions. Nothing herein contained shall release an applicant from the obligation of complying with the provisions of Title 16 of this code, as amended, to the extent applicable.
- E. Adjustments in Planned Development for Uses Permitted With a Use Permit.
1. The action of the Commission and Council may include the variations of any of the above features in furtherance of the purposes of this title where there exist unusual conditions relating to the property, such as topography, drainage, flood hazard, peculiarity of the shape of the site, and where the approval of the variation would promote the general welfare of the neighborhood.
  2. Site Plans.
    - a. An approved site plan:

- i. Shall be binding upon the applicants, their successors and assigns.
- ii. Shall limit and control the issuance and validity of all building permits and shall restrict and limit the construction location, use and operation of all land and structures included within the site plan; provided, however, that upon approval by the City Planning Commission Chair, the Director of Public Works and the City Engineer, minor changes may be permitted, if such minor changes will not cause any of the following circumstances to occur:
  - (a) A change in the character of the development;
  - (b) An increase in the number of dwelling units;
  - (c) An increase in the problem of circulation safety and utilities;
  - (d) An increase of the external effects on adjacent property;
  - (e) A reduction of the originally approved setbacks from the property lines;
  - (f) An increase in ground coverage authorized in the Planned Development District;
  - (g) A reduction in the required off-street parking and/or loading space; or
  - (h) A change in the subject, size, lighting, or orientation of originally approved signs.
- b. Whenever the building official finds that any proposed construction or occupancy will not, in his or her opinion, comply with the approved site plan, he or she shall refer the question to the Planning Commission Chair and the City Engineer for review.
- c. Amendment. An amendment to an adopted planned development shall be processed in the same manner as an original application. A fee shall be required as per Section 17.28.030.B.

**§ 17.16.090. Open Space/Recreation or X Zone.**

The Open Space/Recreation or X Zone is intended for areas where the development of useable open space is necessary to fulfill needs for outdoor leisure and recreation, to preserve valuable natural resources, and to improve the quality of residential living.

**A. Principal Permitted Use.**

1. Low intensity recreation on publicly-controlled lands and waters such as hiking and fishing.
2. Public and private noncommercial recreation facilities.
3. Picnicking on public lands designated for such use.
4. General agriculture.

5. Public schools, playgrounds and parks.
  6. Single-family dwellings, subject to the development standards specified in Section 17.24.260, and offices incidental to any permitted use, but not including labor camps and labor supply camps.
- B. Uses Permitted With a Use Permit.
1. Trailer camps for overnight stay of not longer than 14 days.
  2. Public camps.
  3. Commercial recreation facilities, compatible with recreation uses which in the opinion of the Planning Commission will not impair present and potential uses of the area.
- 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 17.24.100.
  4. Signs as prescribed in Section 17.24.120.

**§ 17.16.100. 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 17.24.260.
  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.
- C. Other Regulations.
1. Site plan approval as prescribed in Section 17.24.250.
  2. As provided in the use permit conditions.

**§ 17.16.110. Mixed Use (MU) Zone.**

The Mixed Use Zone is intended to allow for the compatible and beneficial mixture of residential and commercial uses in a single structure or on a single or multiple sites in a manner consistent with the City's General Plan goals and policies. These districts are designed to achieve a convenient business and residential environment in areas where multiple activities and an increased degree of pedestrian orientation are considered to be desirable. Residences in the Mixed Use Zone provide housing near sources of employment or commercial and professional services—an alternative to exclusively residential zones. New structures and additions to existing structures shall be required to meet specific design standards. Typical highway commercial/fast food/chain store or preset architecture is incompatible with this designation.

**A. Principal Permitted Uses.****1. Residential.**

- a. Residential Dwelling Units for Four or Fewer Families. The residential dwelling units for the four or fewer families use type includes single-family dwellings, secondary dwelling units, and two-, three-, or four-family dwellings at a maximum density of one unit per 2,500 square feet of lot area and maximum ground coverage of 60% of lot area. A single-family dwelling is defined as a detached building designed for and/or occupied exclusively by one-family. Two-, three-, or four-family dwellings are defined as a detached building designed for and/or occupied exclusively by two, three, or four families living independently of each other. Such dwellings can include condominiums, duplexes, town houses, apartment buildings, or secondary dwelling units.
- b. Accessory Buildings. The accessory building use type includes storage and gardening sheds, private garages for vehicle parking and or storage, and studios for purposes such as artwork, music, etc. that are not intended for living, sleeping, or cooking. Accessory buildings shall comply with the provisions of Section 17.24.180.
- c. Home Occupations. The home occupation use type includes business activity such as an art or profession, the offering of a service, or the handcraft manufacture of products occurring on a residentially zoned property. Home occupations are to be conducted 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 Section 17.24.060.

**2. Commercial.**

- a. Stores and Retail Businesses. The stores and retail businesses use type includes stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, beauty and barber shops, book stores, clothing and apparel stores, coin-operated or assisted dry cleaning and laundry facilities, pharmacies, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, studios, tailor shops, enclosed theaters, and variety stores. To be principally permitted the floor space of the store or retail business must be less than 10,000 square feet.

- b. Professional Offices and Services. The professional offices and services use type includes administrative activities of private, profit-oriented administrative firms, radio and television broadcasting stations and offices, medical, dental and related services, professional consultative, real estate, and financial services, as well as administrative uses defined as those typically performed in public, public non-profit, parochial, and public utility administrative offices. Such uses can include banks, personal service shops, visitor serving facilities, and businesses of a similar nature. Automated machines such as ATMs are allowed under this use type. To be principally permitted the floor space of the professional office or service must be less than 10,000 square feet.
- c. Restaurant and Appurtenant Services. The restaurant and appurtenant services use type includes any establishment whose principal business is the preparation and sale of food and beverages where the customer must sit down to eat or park their vehicle and enter the premises to receive food to go. This use type does not include restaurants with drive-thru windows where the customer never has to leave their vehicle. To be principally permitted the floor space of the restaurant or appurtenant service must be less than 3,000 square feet.
- d. Nurseries and Greenhouses. The nursery and greenhouse use type includes businesses involved in the propagation and display, for retail sale, of plants, vines, shrubs, and trees, and the sale of agricultural products and goods. Such uses can include retail fruit and vegetable stands.
- e. Social Halls, Fraternal and Social Organizations. The social hall, fraternal, and social organization use type includes any building or portion thereof that is utilized for social or community gatherings that are open to the public or restricted to members.
- f. Bed and Breakfast Accommodations. The bed and breakfast accommodation use type includes any owner-occupied residence where a portion of the structure contains guest rooms (five maximum), designed or intended to be occupied by transient guests for compensation. Bed and breakfast accommodations are to be designed so that parking is available on-site and the guest rooms are accessible through the main entrance to the residence. Guest rooms are rooms intended, arranged or designed to be occupied by one or more guests, but in which no provisions are made for cooking.
- g. Day Care and Educational Facilities. The day care and educational facility use type includes any building or portion thereof that is utilized for child day care, preschool, or other educational facilities. To be principally permitted the floor space of the day care or educational facility must be less than 2,500 square feet.
- h. Craft and Artisan Uses. The craft and artisan use type includes any business involved in the production of crafts and artwork that will not result in the creation of objectionable exterior dust, noise, traffic, odors, smoke, electrical interference, or other impacts to the degree that it would cause a nuisance. Such uses can include painting, sculpture, papermaking, photography, ceramics, pottery, glass, wooden art items, textiles (spinning, weaving, dyeing).

B. Uses Permitted With a Use Permit.

1. Residential.
  - a. Residential Dwelling Units for Five or More Families. The residential dwelling units for five or more families use type includes residential dwelling units for five or more families up to what can be accommodated by the site at a maximum density of one unit per 2,500 square feet of lot area and maximum ground coverage of 60% of lot area. Such uses can include condominiums, duplexes, town houses, apartment buildings, rooming houses, and boarding homes.
2. Commercial.
  - a. Stores and Retail Businesses. The stores and retail businesses use type includes stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, beauty and barber shops, book stores, clothing and apparel stores, coin-operated or assisted dry cleaning and laundry facilities, pharmacies, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, studios, tailor shops, enclosed theaters, and variety stores. With a use permit the floor space of the store or retail business can be greater than 10,000 square feet but less than 20,000 square feet.
  - b. Professional Offices and Services. The professional offices and services use type includes administrative activities of private, profit-oriented administrative firms, radio and television broadcasting stations and offices, medical, dental and related services, professional consultative, real estate, and financial services, as well as administrative uses defined as those typically performed in public, public non-profit, parochial, and public utility administrative offices. Such uses can include banks, personal service shops, visitor serving facilities, and businesses of a similar nature. Automated machines such as ATMs are allowed under this use type. With a use permit floor space of the professional office or service can be greater than 10,000 square feet but less than 20,000 square feet.
  - c. Hotels/Inns. The hotel/inn use type includes any building or portion thereof containing guest rooms (15 maximum), designed or intended to be occupied by transient guests for compensation. Hotels/inns are to be designed so that parking is available on-site and the guest rooms are accessible through a lobby or main entrance. Guest rooms are rooms intended, arranged or designed to be occupied by one or more guests, but in which no provisions are made for cooking (other than microwave ovens).
  - d. Gas Stations. The gas station use type includes businesses with gas pumps able to serve no more than eight cars at one time, in conjunction with and incidental to other retail commercial use. This use type does not include larger gas stations with mini-marts that have preset architecture. See mixed use design guidelines.
  - e. Commercial and Recreational Facilities. The commercial and recreational facilities use type includes any building or portion thereof used for commercial and/or recreational facilities that is operated for profit as a business and open to the general public for a fee or restricted to members. Such uses can include health spas, clinics, health clubs, gyms, sports complexes, roller rinks, arcades, and family gaming centers (non-gambling).

- f. Light Service and Small Scale Manufacturing. The light service and small scale manufacturing use type includes non-nuisance industrial, low-impact manufacturing and development activities which do not create objectionable levels of noise, vibration, air pollution, odor, toxic substances, humidity, heat, cold or glare on adjacent lands. Such uses can include the limited manufacture of electrical and electronic equipment, industrial and scientific research, medical testing, analysis and product testing, carpentry and cabinetmaking shops, clothing manufacture, stone and metalworking shops, equipment repair shops, automobile repair shops, food processing and packaging, wholesale outlet stores, paint and other property maintenance supply shops, printing and lithographing, and associated administrative offices. Emphasis of this use type is small-scale and non-nuisance type activities.
  - g. Day Care and Educational Facilities. The day care and educational facility use type includes any building or portion thereof that is utilized for child day care, preschool, or other educational facilities. With a use permit the floor space of the day care or pre-school can be greater than 2,500 square feet.
  - h. Restaurants and Appurtenant Services. The restaurant and appurtenant services use type includes any establishment whose principal business is the preparation and sale of food and beverages where the customer must sit down to eat or park their vehicle and enter the premises to receive food to go. This use type does not include restaurants with drive-thru windows where the customer never has to leave their vehicle. With a use permit the floor space of restaurant or appurtenant service can be greater than 3,000 square feet.
  - i. Adult Businesses. The adult businesses use type includes a variety of adult sexually-oriented businesses and services, including movie theaters, bookstores, video stores, massage parlors, peep shows, and erotic dancing establishments. "Adult" defined businesses or those providing such products or services are found to be inconsistent with expressed community goals for the Mixed Use Zone and the proximity of residential neighborhoods, churches, and private and public schools. Such activity will require obtaining approval of a use permit after providing a plan that adequately demonstrates surrounding uses and the community will not be adversely affected.
3. Special Uses.
- a. Listed uses that do not meet all the requirements stated in this section but due to specific project design and amenities conforms to the purpose and intent of this section.
  - b. Other uses that, where not specifically listed herein: (i) are similar in type and compatible with listed uses; (ii) meet the general description of the zone and do not impact nor detract from the zone; and (iii) are found to be consistent with the General Plan.
- C. Uses Not Allowed. Drive-thru restaurants are not allowed in the MU Zone.
- D. Other Regulations.
- 1. Site plan approval will be required by the Planning Commission for all non-single-

family residences consistent with the City's mixed use design guidelines and as specified in Section 17.24.250.

2. Performance standards, as listed in subsection F of this section.
3. Maximum density: one dwelling unit per net 2,500 square feet of lot area.
4. Maximum building height: 35 feet, not exceeding two stories.
5. Maximum ground coverage: 60% of lot area.
6. Minimum lot width: 50 feet.
7. Yards Required.
  - a. Front yard: 15 feet for residences, except when combined with commercial structures, and two feet where off-street parking is provided on side or rear of property.
  - b. Side yard: four feet, except where adjoining property owner agrees to less and design elements support use of reduced setbacks.
  - c. Rear yard: 20% of depth to a maximum of 20 feet for residences, except when combined with commercial structures, and 10-foot minimum for commercial structures.
8. Parking facilities as prescribed in Sections 17.24.100 and 17.24.230, except that off-street parking for one use may be used for a second use if it can be shown that restriction of hours prevents overlapping of uses.

The Planning Commission may waive off-street parking spaces otherwise required based upon the historical nature of the property, the architectural or landscaping amenities that would be displaced by parking, or the availability of space on a parcel with existing improvements.

New or existing development proposing provision and maintenance of public open space may request, through the conditional use permit process, a reduction in off-street parking requirements for commercial uses. Before granting a reduction in off-street parking requirements, the Planning Commission shall make a finding that the open space area provided is consistent with community goals and is of greater value to the city center than the additional off-street parking.

9. Loading facilities as prescribed in Section 17.24.110.
  10. Landscaping as prescribed in Section 17.24.240, Landscaping, except that not less than 10% of the developed area shall be landscaped with plant materials suitable for ornamenting the site.
- E. Design Guidelines.
1. New structures or additions/renovations to existing structures shall be subject to the City's duly adopted mixed use design guidelines. Single-family residential structures are only subject to Section 17.24.260.
  2. Within the City center boundary all structures, including single-family residential, are

subject to the downtown design guidelines.

F. Mixed Use Performance Standards.

1. Toxic Substances. No use shall be permitted which involves processes that will result in any toxic substances escaping (by air or water) from the site. Medical wastes are to be disposed of according to all applicable regulations.
2. Signs. All signs shall be regulated as prescribed in Section 17.24.120.
3. Lighting. All outdoor lighting shall be minimized and designed, located, and shielded so that lights shine toward and remain on individual property and not on public streets, open space or adjacent property owners without specific written consent. The type and usage of all exterior lighting must also be approved by the City Planner prior to installation.
4. Noise. No use, activity, or process shall generate noise in excess of the noise level standards in Section 17.24.280(C)(3). New uses that are estimated to exceed the noise level standards in Section 17.24.280(C)(3) shall be required to incorporate noise mitigation measures into the project design to ensure compliance with the noise level standards in Section 17.24.280(C)(3). Existing uses that are determined to exceed the noise level standards in Section 17.24.280(C)(3) shall be required to implement effective noise mitigation measures to achieve compliance with Section 17.24.280(C)(3).
5. Dust. Fugitive dust from activity or site is considered a nuisance and shall not be allowed to be generated in the Mixed Use Zone.
6. Sewage. Sewage disposal shall require on-site improvements (interceptor tanks, grease traps) for those uses that are found by the Public Works Director to generate wastes that may cause a difficulty to the treatment system.
7. Storage, Service, and Loading Areas.
  - a. All equipment and materials storage areas shall be fenced to a height of not less than six feet and be consistent with other regulations regarding fencing. In addition, all such areas shall be screened from view of any residential area, public roadway, or recreational use area. Such fencing and screening need not comply with yard setbacks, but shall be outside of access drive locations and be consistent with the City's visibility obstruction regulations (Section 17.24.190).
  - b. Materials, equipment, supplies, garbage containers, recycling bins, and vehicles shall be stored within an enclosed building or behind visual barriers such as fences with lath or walls, berms, or plantings. No storage of material, including garbage containers, is to be stored in front of the building.
8. Nuisances. No noxious or offensive activity shall be carried on upon any parcel, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. Nuisances include, but are not limited to, noise, dust, smoke, traffic, parking, electrical interference, lighting, unsightliness, vibration, air emissions, odor, humidity, heat, cold, or glare.
9. Livestock and Poultry. Refer to Section 17.24.020, Accessory Uses, subsection A,

## Animals and Animal Shelters.

10. Garbage and Refuse Disposal. No parcel shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers.
  11. Drive-Ins and Takeouts (Not Drive-Thru). Any restaurant use that produces products for take-out consumption must provide and implement a trash disposal plan prior to approval. Such plan may require, among other things, the placement and maintenance of off-site public trash cans a certain distance from the facility.
- (Ord. 540 § 5, 2021)

**§ 17.16.111. Opportunity or O Zone.**

## A. Purpose.

1. The Opportunity Zone or O Zone is intended to allow for the compatible and beneficial mixture of commercial, manufacturing, and residential uses in a single structure or on a single or multiple sites in a manner consistent with the City's General Plan, goals and policies.
2. This zone is intended to encourage a live-work type environment.
3. This zone encourages craft-type manufacturing businesses with and retail commercial spaces on the ground floor of structures with multifamily residential development units located above or behind commercial or manufacturing spaces.
4. This zone is designed to achieve a convenient business and residential environment in areas where multiple activities and an increased degree of pedestrian orientation and open space are considered to be desirable.
5. New structures and additions to existing structures shall be required to meet specific design standards.
6. Land uses in this zone shall be required to meet specific performance standards.

## B. Principal Permitted Uses.

1. Light Manufacturing and Processing. This use type allows craft and art manufacturing businesses which manufacture items from wood, ceramics, fabric, metals or glass; food and beverage processing and bottling; and light to moderate manufacturing of products such as household goods, clothing, recreational goods, electrical products, furniture, architectural products, and automotive goods. This use type can include other light manufacturing and processing uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
2. Distribution and Associated Warehousing. This use type allows nurseries and greenhouses (non-cannabis), distribution warehouses for consumer products, and indoor and outdoor storage facilities. This use type can include other distribution and associated warehousing uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent

of this section, and will not be obnoxious or detrimental to the O Zone.

3. **Commercial Services.** This use type allows a variety of commercial services of both a light and heavy commercial character. Light commercial uses means stores, agencies, and services such as food markets, bakery shops, restaurants, bars, art galleries, book stores, clothing stores, pharmacies, beauty and barber shops, hardware and appliance stores, laundry facilities (excluding dry cleaning), florists, tailor shops, enclosed theaters, and music venues. Heavy commercial uses mean equipment rental, repair of engines or appliances, furniture repair shops, contractor shops and yards (including carpentry, electrical, plumbing, painting, printing, publishing, lithograph shops and other artistic endeavors). This use type can include other commercial services not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
4. **Professional Offices and Services.** This use type allows administrative and research activities; radio and television broadcasting stations and offices; medical, dental and related services; and professional consulting, real estate and financial services. It also allows personal service shops, such as banks, grooming services, visitor service facilities or businesses of a similar nature. This use type can include other professional offices and services not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
5. **Recreation and Education.** This use type allows trails and outdoor recreational uses (e.g. sports fields, sports complex, outdoor performance venues, etc.), public and commercial recreational facilities and schools and training programs in the areas of arts, crafts and light manufacturing. It can include RV/camping facilities, performance or art studios, theaters, or other venues for public assembly. This use type can include other recreation and education uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
6. **Public Works Facilities.** This use includes a City corporation yard and includes, but is not limited to, public works improvements, storage of materials, temporary holding of animals, and maintenance and repair of City equipment and vehicles.
7. **Four or Fewer Residential Dwellings Units.** This use type allows up to four residential units per parcel at a maximum density of one unit per 2,500 square feet of lot area. Such residential units can include, but are not limited to, studios, condominiums, townhouses, and apartments. To be principally permitted, the residential units shall not be located on the ground floor of a structure and shall not exceed 35% of the floor area of a structure. For the purposes of the Opportunity (O) Zone, a residential dwelling unit is defined as having two or more bedrooms. One-bedroom units are allowed at a density of one per 1,250 square feet of lot area, or a total of eight one-bedroom units per parcel as a principally permitted use.
8. **Emergency Shelters.** This use type allows housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. The shelters shall have onsite management and security shall be provided

during hours when the shelter is open. Each shelter shall be limited to a maximum of 15 beds. There shall be a separation of 300 feet between emergency shelters.

C. Uses Permitted with a Use Permit.

1. **Five or More Residential Dwelling Units.** This use type allows five or more residential units per parcel at a maximum density of one unit per 2,500 square feet of lot area. Such dwellings can include, but are not limited to, studios, condominiums, townhouses, and apartments. With a use permit, the residential units shall not exceed 65% of the floor area of a structure. With a use permit, the residential units may also be located on the ground floor of a structure, but shall not front directly on the street or other non-vehicular access corridor (e.g. pedestrian/bicycle trails) and shall not exceed 50% of the floor area of the ground floor. For the purposes of the Opportunity Zone, a residential unit is defined as having two or more bedrooms. One-bedroom units are allowed at a density of one per 1,250 square feet of lot area. This use type allows nine or more one-bedroom units per parcel.
2. **Other Uses.** Listed uses that are not specifically principally permitted in the O Zone or not determined by the City Planner to be consistent with other principally permitted uses in the O Zone. This includes any other use which, in the opinion of the Planning Commission, is consistent with the intent of the zone, and will not constitute a nuisance or be detrimental to the district or surrounding land uses.
3. **Exception to Development Standards.** Projects that do not meet all the requirements in subsection D (Other Regulations), but, due to specific project design and amenities, conform to the purpose and intent of this section. As part of the review for this application type, additional technical studies may be required at the discretion of City staff to address potential impacts of the proposed exceptions. This could include, but is not limited to, preparation of a visual impact assessment, shadow analysis, biological report, lighting study, and noise study. Any technical studies required shall be prepared by a qualified professional as determined by City staff.

D. **Other Regulations.** Specific site development guidelines have been prepared based on the design intent for the Opportunity (O) Zone. The objective of the guidelines is to help integrate buildings and other improvements with the topography and landscape to create a unified environment which is harmonious with the adjacent visual panorama.

1. Minimum lot area: 15,000 square feet.
2. Building coverage shall not exceed 70% of lot area.
3. **Building Height Limit.**
  - a. **North of Taylor Way.** Building height limits for properties north of Taylor Way are allowed to increase with distance from the trail that runs parallel to Powers Creek, as prescribed below.
    - i. Not exceeding 25 feet vertical within 50 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
    - ii. Not exceeding 35 feet vertical from 50–100 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.

- iii. Not exceeding 45 feet vertical beyond 100 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
- b. South of Taylor Way. Not exceeding 45 feet vertical.
4. Setbacks.
  - a. No building or parking or storage area shall be constructed within 50 feet horizontal of the centerline of the main branch of Powers Creek or its tributaries (e.g., South Fork Powers Creek). The zone thus created, 50 feet horizontal from the centerline of Powers Creek out-ward, shall be preserved primarily as an area of riparian vegetation. Trails, art installations, interpretive signs, lighting, benches, picnic areas, and habitat enhancement projects are allowable within this setback area.
  - b. North of Taylor Way. For properties west of Monda Way and for parcel 025-201-018, no building or parking or storage area shall be constructed within 25 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek. This area is intended to be reserved for open space and other amenities such as landscaping, art, and benches.

For properties east of Monda Way, excluding parcel 025-201-018, no building or parking or storage area shall be constructed within 10 feet horizontal of the property line that runs parallel to Powers Creek or its tributaries.
  - c. South of Taylor Way. Buildings that exceed 25 feet vertical shall be required to be located a minimum of 25 feet horizontal from any public right-of-way.
  - d. No building or parking or storage area shall be constructed within 50 feet horizontal of the boundary of the Blue Lake Rancheria. The zone thus created, 50 feet horizontal from the boundary of the Blue Lake Rancheria, shall be preserved as an undeveloped area of open space or riparian vegetation.
5. Manufacturing uses in this zone are required to be located on the ground floor of a structure.
6. Residential uses in this zone are required to be situated and designed to minimize impacts from adjacent heavy commercial and industrial uses.
7. Parking and Loading Areas.
  - a. Sufficient on-site parking, as prescribed in Sections 17.24.100 and 17.24.230 shall be provided for employees, visitors and company vehicles.
  - b. The City Planner may waive off-street parking otherwise required if sufficient parking is proposed to be provided at a common off-site parking area. This shall not apply to accessible off-street parking spaces required by the Americans with Disabilities Act (ADA) or California Building Code.
  - c. Off-street loading as prescribed in Section 17.24.110.
8. Utilities.
  - a. All site improvements shall be designed to accommodate underground utilities

and shall be required to convert to such as they become available. Utilities shall include, but are not limited to, drainage systems, sanitarily sewers, gas, water, power, cable and telephone.

- b. Within each site, utility lines may be located above ground if they are incorporated and concealed within buildings, trellises, or special architectural features.
  - c. Temporary overhead power and telephone lines will be permitted during construction, but are to be removed upon completion of construction.
9. Landscaping. A landscaping plan will be required for each site showing the locations, names, and initial sizes of plant materials, irrigation plan and groundcover materials. Ongoing maintenance and replacement (when needed) is a requirement of all uses within the O Zone. The City Planner will review each landscaping plan for approval. Landscape requirements are defined in Section 17.24.240. Where possible, required landscaping areas may also serve as areas for infiltration of stormwater runoff, subject to review and approval by the City Engineer. Landscaping shall be maintained to comply with the requirements of the Solar Shade Protection Act (Public Resources Code Sections 25980—25986).
10. Open Space. Common usable open space shall be required for all residential development. There shall be 100 square feet of common usable open space required for each bedroom. Usable open space may consist of outdoor area on the ground, in required setbacks or on any balcony, deck, porch, or rooftop which is designed and accessible for outdoor living, recreation, and pedestrian access complying with the following provisions:
- a. Required parking areas and their driveways and required minimum landscaping areas shall not be included in computing usable open space.
  - b. Areas included in computing common usable open space shall be accessible to all units in common and no such required space shall be less than 300 square feet in area and shall have no dimension less than 15 feet. Rooftops gardens and rooftop landscaping may be used to satisfy this requirement. No more than 50% of the required usable open space area shall be hardscape (e.g. concrete, asphalt, etc.), except in the case of private open space provided on the upper floors of a structure-as allowed under subsection g.
  - c. Each element of usable open space shall be completely open on at least one side and shall have a clear vertical height of not less than seven feet, and not less than 50% of the total required usable open space shall be unobstructed to the sky.
  - d. Usable open space shall be improved to support passive or active use by residents. The computation of such open space shall include no obstructions other than devices and structures designed to enhance its usability, such as art, planters, benches, fountains, and landscaping.
  - e. Usable open space shall be situated and designed to minimize impacts from adjacent heavy commercial and industrial uses.
  - f. Where possible, pervious areas set aside as usable open space may also serve as



security.

- c. All lighting fixtures shall be shielded and directed downward to minimize lighting shining on adjacent properties or natural areas. Shielded shall mean that the light rays are directed onto the site, and the light source (e.g., bulb, tube, etc.) is not visible beyond the property boundary of the site of the light source.
  - d. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness.
  - e. Stand-alone light fixtures shall be limited to a maximum of 20 feet vertical.
  - f. No lighting shall produce an illumination level greater than one-foot candle beyond the property boundary of the site of the light source. Building materials or other site improvements that cause glare to nearby properties are prohibited.
4. Noise. No use, activity, or process shall generate noise in excess of the noise level standards in Section 17.24.280(C)(3). New uses that are estimated to exceed the noise level standards in Section 17.24.280(C)(3) shall be required to incorporate noise mitigation measures into the project design to ensure compliance. Existing uses that are determined to exceed the noise level standards in Section 17.24.280(C)(3) shall be required to implement effective noise mitigation measures to achieve compliance.
  5. Dust. Any use that results in dust escaping from the site is required to mitigate to reduce the dust. Refer to North Coast Unified Air Quality Management District regulations for current limitations and requirements.
  6. Sewage. Sewage disposal shall require on-site improvements (interceptor tanks, grease traps, etc.) for those uses that are determined by the Public Works Director to generate wastes that may cause a difficulty to the treatment system.
  7. Odors. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the zoning district.
  8. Storage, Service and Loading Areas.
    - a. Storage service and loading areas shall be recessed or screened with fences, Walls, berms, or plantings to reduce their visibility from adjacent streets or properties.
    - b. Materials, equipment, supplies, trash containers, inoperable vehicles, etc. shall be stored within an enclosed building or behind visual barriers such as fences, walls, berms, or plantings.
  9. No use shall be permitted which does not comply with State and Federal laws.

F. Zoning Map Designation. The Zoning Map designation for the O Zone shall be "O." (Ord. 539 § 1, 2021; Ord. 542 § 1, 2022)

**§ 17.16.120. Design Review Procedure.**

A. Findings. The City Council of the City of Blue Lake finds and determines that:

1. The City of Blue Lake exists in a unique setting of natural beauty.

2. Much of the character of the Blue Lake community is derived from the architectural styles of buildings in the City and the relationship of these buildings to each other.
  3. The City of Blue Lake desires to retain the look of its historic past by establishing standards to maintain the architecture and feeling of the community.
  4. A design assistance procedure is a flexible method to review proposed architectural features in order that development be guided to retain the integrity and character of the community and protect the public health, safety, and welfare.
- B. Goals and Purposes. The goals and purposes of this section are as follows:
1. To promote orderly and harmonious development of the City.
  2. To promote the stability of and enhance land values and investments.
- C. Applicability.
1. This section shall apply to modifications in exterior appearance of structures, including demolition, listed on the Blue Lake Historical Building Register and real property subject to an historical zoning overlay.
  2. The City Planner or Mayor shall have the discretion and authority to refer other development projects to the Planning Commission for review and comment when in their judgment the projects might have a significant impact on the aesthetic character of the City. Such review and comment shall be advisory only and shall not be binding on the developer. No fee shall be charged to the developer.
- D. Procedures.
1. The Planning Commission shall prepare design guidelines that will provide direction to applicants required to comply with this section. Said guidelines may be reviewed and revised at a public hearing.
  2. As part of submittal of building or planning permit application for structures listed on the Blue Lake Historic Building Register and real property subject to a historical zoning overlay, the following information may be required to provide adequate information about the project. The detail of plans, drawings and diagrams shall be appropriate to the size of the project proposed. A multi-building new development may require submission of all of the following information; a minor addition to an existing building should require considerably less detail.
    - a. Elevation drawings to scale, showing building height, architectural forms, and the details of the exterior materials.
    - b. A plot plan.
    - c. Such other plans or information as may reasonably be required to assure compliance with the design assistance criteria.
  3. Projects which are proposed prior to the adoption of City guidelines and projects which are inconsistent with such guidelines shall be referred to the Planning Commission. All other projects may be approved by the City Planner.

4. The Planning Commission may approve, conditionally approve, or disapprove the design as submitted, or suggest changes, modifications, or alternations therein, all in accordance with the standards contained in this section, and such additional standards as may be adopted at a public hearing and published by the Planning Commission.
  5. The Planning Commission shall act upon each application within two meetings or 30 days, whichever occurs later, from the first consideration thereof, unless the applicant consents to further continuance. Failure of the Planning Commission to act within this period will be deemed an approval of the application.
  6. For the purpose of securing the advice of the Planning Commission prior to making application for formal City action or permit issuance, an application for preliminary review may be made together with payment of a fee for information only items as set forth in the Blue Lake fee schedule, as amended from time to time. This review is advisory only and shall not be considered as a formal approval or denial.
- E. Standards for Review. In addition to the goals and purposes of this section as set forth, the following standards shall be used by the City Planner and Planning Commission in reviewing matters within its jurisdictions:
1. Consistency and compatibility with applicable elements of the City's General Plan and guidelines adopted pursuant to subsection (D)(1) of this section.
  2. The Planning Commission shall consider the following elements:
    - a. The height and mass of structures should be generally consistent with those of adjacent buildings.
    - b. Structures should not violate an established rhythm along the street. "Rhythm" refers to the relationship of building masses to the spaces between them.
    - c. Certain basic architectural design elements of the structures could reflect those of the old— for example, the façade of a new structure might be consistent with a basic vertical or horizontal orientation of the façades of its neighbors, or a new structure could have the same roof shape as surrounding buildings.
    - d. Landscape elements such as walks, fences and planting masses should be encouraged to preserve or extend continuity between structures.
    - e. Retaining large trees and shrubs should be encouraged.
  3. The design promotes harmonious transitions in scale and character in areas between different designated land uses.
  4. The amount and arrangement of open spaces and landscaping are appropriate to the design and function of the structures.
  5. The materials, textures, and details of construction are appropriate to the design of the building and neighboring structures.

CHAPTER 17.20  
**REGULATIONS FOR THE COMBINING OF ZONES AND FOR OPEN SPACE  
LANDS**

**§ 17.20.010. General Regulations.**

The regulations set forth in this chapter for each of the Combining Zones shall modify the regulations for the principal zones with which they are combined. All uses and regulations of the principal zone shall apply in the Combined Zone, except insofar as they are modified or augmented by the uses and regulations set forth in the Combining Zone regulations.

**§ 17.20.020. Planned Development or P-D Zone.**

The purpose of the Planned Unit Development Combining Zone is to allow diversification in the relationships of various buildings, structures, and open spaces in planned building groups and the allowable heights of the buildings and structures, while ensuring substantial compliance to the zoning regulations and other provisions in order that the intent in requiring adequate standards related to the public health, safety, and general welfare, shall be observed without unduly inhibiting the advantages of modern large-scale site planning for residential, commercial, or industrial purposes. A site may be joined together with a combined zone permitting a planned unit development provided that the development complies with the following regulations.

- A. Uses. Any use or combination of uses which are so arranged or designed as to result in an overall development in conformity with the standards, intents and purposes of the Blue Lake General Plan may be permitted with a use permit. A P-D Zone may be combined with any of the R, C, M or A Zones.
- B. Development Plan. Applications for use permits for the development of land in Planned Development Zones shall be accompanied by a plan of the development. Such plan shall include a map or maps and such written material as may be required to show:
  - 1. Topography of the land at five-foot intervals; location of major existing trees and other major natural features.
  - 2. Proposed access, traffic and pedestrian ways.
  - 3. Lot design and easements.
  - 4. Areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings and other such uses.
  - 5. Areas proposed for commercial uses, loading and off-street parking, multiple and single-family dwellings, and all other uses proposed to be established within the Zone.
  - 6. Proposed location of buildings on the land, including all dimensions necessary to indicate size of structure, setback and yard areas.
  - 7. Proposed landscaping, fencing and screening.
  - 8. Provisions for drainage of surface waters, watercourses and sewage disposal plans.
  - 9. The application shall be accompanied by a tabulation of the area proposed to be

devoted to each land use and a tabulation of the numbers of the various dwelling types proposed and the average net site area per dwelling unit for each dwelling type.

10. Such other detailed elevations, plans and other information as may be required by the Planning Commission to enable it to evaluate adequately the proposed development and its impact upon the community.
- C. Conformity. All uses shall conform to the height, area, width, depth, ground coverage and yard regulations normally required for such uses, except where the overall development will be improved by a deviation from such regulations. In all cases, each structure shall conform to the precise development plan, which shall be made a part of the approved use permit.
- D. Site Area. The site shall be at least two acres in area and shall have a frontage of at least 100 feet on a public street.
- E. Site Area Per Dwelling Unit. For the purpose of determining the number of dwelling units permitted in a P-D Zone, all street rights-of-way or equivalent private vehicular access ways and all area occupied by nonresidential uses other than community open space occupied by landscaping, natural vegetation or water, and available for the use of all residents of the P-D Zone shall be subtracted, and the remaining area shall be divided by the minimum site area per dwelling unit required in the zone with which the PD Zone is combined. The maximum number of units that would be permitted if the site were not in a PD Zone may be increased by not more than 10%.
- F. Open Space. In addition to the usable open space per dwelling unit required in the R-2 Zone and yards requiring adjoining walls with openings, a planned unit development containing dwellings shall include open space occupied by landscaping, natural vegetation or water, and available for the use of all residents of the P-D Zone, equal to not less than 10% of the minimum site area per dwelling unit in the zone with which the P-D Zone is combined times the number of dwelling units in the P-D Zone. The City Planning Commission shall require the appropriate location, development and provision for perpetual maintenance of the open space to serve the needs of residents of a planned unit.
- G. One-Family Dwelling Sites. The site of one-family dwelling shall comply with all of the requirements for the R1 Zone except that one-family dwellings with no interior side yards shall be permitted on interior lots not less than 30 feet in width and 2,500 square feet in area, with a basic floor area not exceeding 100% of the site area. The minimum side yard on the street side of a corner lot that is the site of a one-family dwelling with no interior side yard shall be 12 feet, the minimum site width shall be 42 feet, and the basic floor area shall not exceed 75% of the site area.
- H. Use Permit Required. No zoning shall be issued for any site in a P-D Zone until a use permit for the entire P-D Zone has been granted in accord with the provisions of Chapter 17.28.
- I. Development Completion Period. Use permits may specify a development completion period of not more than three years, and provide for reversion to prior zoning classification unless an extension has been granted.
- J. Action by Commission. In taking action, the Commission may deny a permit, may grant a permit as submitted or may grant a permit subject to additional conditions.

- K. Public Hearings. No public hearing need be held, provided that no zoning amendment is required; provided, however, that a hearing may be held by the Commission in any case when it deems such hearing to be necessary in the public interest. Such a public hearing shall be held by publishing notice thereof at least 10 days prior to the hearing in a newspaper of general circulation printed and published in the City of Blue Lake.
- L. Development Subject to Conditions. Any planned unit development, as authorized, shall be subject to all conditions imposed, and shall be excepted from other provisions of this chapter only to the extent specified in the permit.
- M. Appeals. Appeals shall be governed by Section 17.28.050 of this title.
- N. Revocation of Permit. A planned unit development permit may be revoked in any case where the conditions of such permit have not been or are not being complied with, in which case the Commission shall give the permittee notice of intention to revoke such permit at least 10 days prior to review of the permit by the Commission. After conclusion of such review, the Commission may revoke such permit if the Commission finds that a violation in fact exists and has not been remedied prior to such hearing.
- O. Other Regulations.
  1. Off-street parking as prescribed in Section 17.24.100.
  2. Off-street loading as prescribed in Section 17.24.110.
  3. Signs as prescribed in Section 17.24.120.

**§ 17.20.030. (Reserved)**

**§ 17.20.040. Special Density or D Combining Zone.**

The Special Density or D Combining 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.

D-1AC	One dwelling unit per acre of lot area.
D-2½AC	One dwelling unit per 2½ acres of lot area.
D-5AC	One dwelling unit per 5 acres of lot area.

**§ 17.20.050. Open Space Lands.**

Attached to the ordinance codified in this chapter is a 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 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 Section 17.28.030, Use Permits, limited development for recreation, trails and picnic area may be permitted; (2) as to that area identified as number three 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 Sections 17.28.030 and 17.28.040, a permit to engage in the activities mentioned in this section—i.e., erection of structures or modification, alteration or destruction of vegetation—may be granted if in the opinion of the Planning Commission the granting of the permit will not result in unreasonable alteration to the Open Space Lands.
- B. In those areas of Open Space Lands where there are presently existing structures, such as identified as number one and number two on the map attached hereto, nothing in this chapter shall restrict the present use thereof.

**§ 17.20.060. Historical Overlay or H Combining Zone.**

The Historical Overlay or H Combining Zone is intended to be combined with any principal zone for the purpose of the preservation of historical features and character of a neighborhood or area of the City.

- A. Designation of Landmark Sites and Historic Districts.
  - 1. The City Council may by ordinance designate one or more areas containing a number of structures having special character or special historical, architectural, or aesthetic interest or value, and constituting distinct sections of the City, with the Historical Overlay Zone.
  - 2. The Criteria for Designating Historical Zones specified in subsection L of this section shall be used as a guide in the evaluation and designation process.
  - 3. Each designating ordinance shall include a description of the characteristics of the historical area which justify its designation, and a list of any particular features that should be preserved, and shall specify the location and boundaries of the historical area.
  - 4. The property designated shall be subject to the controls and standards contained in this section. In addition, the property shall be subject to such further controls and standards as the Council finds necessary or desirable, including, but not limited to,

façade, setback, and height controls.

5. The Council may amend or rescind a designation only by ordinance, after Planning Commission and Council hearings as required for original designations.
- B. **Initiation of Designation.** Designation proceedings may be initiated by written application of the owner or owners of the property or by resolution of the Planning Commission or the City Council.
  - C. **Procedure.** Except as otherwise provided in this section, the proceedings for Historical Overlay or H Zone are the same as for any other zoning of land.
  - D. **Exclusion from Zone on Showing of Hardship.** If any affected property owner presents facts clearly demonstrating to the satisfaction of the Planning Commission or the City Council that inclusion of his or her property in an Historical Overlay or H Zone will work immediate and substantial hardship, the Planning Commission or the City Council may exclude the property from the Historical Overlay or H Zone.
  - E. **Hearing by Planning Commission.**
    1. Hearings shall be conducted in conformance with the standards of Section 17.28.010.
    2. The Commission shall consider the degree of conformity of the proposed designation with the purposes and standards of this title and the General Plan.
  - F. **Designation by City Council.** The City Council shall hold a public hearing as specified in Section 17.28.010(J) to determine the matter.
  - G. **Notice of Designation by Council.** When an Historical Overlay Zone has been designated by the Council, the City Clerk shall promptly notify the owners of the property included therein.
  - H. **Design Review Approval.** Design review approval as set forth in Section 17.16.120 shall be required for all properties subject to the Historical Overlay Zone. In evaluating applications, the Planning Commission shall consider the Standards for Review set forth in Section 17.16.120. None of the provisions of this title shall be used to prohibit the installation of solar heating and cooling devices on structures by the applicant; however, such equipment shall be subject to design review procedures.
  - I. **Showing of Hardship in Cases of Proposed Alterations or Construction.** If the applicant presents facts clearly demonstrating to the satisfaction of the Planning Commission that failure to approve his or her application will work immediate and substantial hardship because of conditions peculiar to the particular structure or other feature involved, and not created by an act of the owner, the Commission may approve the application even though it does not meet the standards set forth in either the enabling or designating ordinance. In this context, personal, family or financial difficulties, loss of prospective profits and neighboring violations are not justifiable hardships.
  - J. **Good Repair.** The City of Blue Lake encourages all persons in actual charge or possession of property in a designated Historical Overlay Zone to keep the resource in good repair. The City shall provide information to property owners to aid them in obtaining loans and grants for rehabilitation.

- K. Appeals. Appeals from actions of the Planning Commission shall be governed by Section 17.28.050.
- L. Criteria for Designating Historical Zones.
1. Historical and Cultural Significance.
    - a. Are the structures particularly representative of a distinct historical period, type, style, region, or way of life?
    - b. Are they an example of a type of structure which was once common and is now rare?
    - c. Are the structures of greater age than most of their kind?
    - d. Are the structures connected in any way with someone who was famous, important, or a local personality?
    - e. Are the structures connected with a business or use which was once common but is now rare?
    - f. Is the architect or builder famous or well recognized?
  2. Architectural Significance.
    - a. Are construction materials used in an unusual, significant, or effective manner or style?
    - b. Is the overall effect of the design of the structures beautiful, or are its details beautiful or unusual?
    - c. Is the style of the structures unusual for its area, for Blue Lake, for California, or is it unusual for any place?
    - d. Do the structures contain original materials or workmanship which can be valued in themselves?
    - e. Is the method of construction employed or the floor plans used ones which are unusual, ingenious, or significant?
    - f. Are the structures especially well-preserved or could they be restored to their former condition?
  3. Neighborhood Setting.
    - a. Are the structures particularly well-related to their sites or to existing buildings?
    - b. Do they express function or method of construction well?
    - c. Are the structures visible or accessible to the public?
    - d. Is the present setting appropriate (trees, walls, yard, etc.)?
    - e. Is the surrounding land use a significant factor in preservation of the structures?

CHAPTER 17.24  
**GENERAL PROVISIONS AND EXCEPTIONS**

**§ 17.24.010. Applicability.**

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

**§ 17.24.020. 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 chapter, 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 large domestic animal such as a horse or cow may be kept on any parcel of not less than one acre. One additional animal may be kept for each 20,000 square feet of area by which such parcel exceeds one acre.
  2. One 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 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 50 feet of the front lot line, nor within 20 feet of any other line, nor within 50 feet of any dwelling unit.
  4. There may be kept on any lot not to exceed 60 chicken hens and 12 rabbits, or similar livestock; provided that no such livestock shall be maintained closer than 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 is 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.

**§ 17.24.030. Assemblages of Persons 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.

**§ 17.24.040. 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.

**§ 17.24.050. 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.

**§ 17.24.060. 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. A home occupation shall:
1. 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. 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. Be conducted by members of the family occupying the dwelling with no more than one additional other person employed on the premises; and
  4. Not result in changes to the residential character of the property; and
  5. 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. Not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which it is located; and
  7. Meet the requirements of the Chief Building Inspector and Chief of the fire district having jurisdiction; and
  8. Require no structural, electrical, mechanical or plumbing alterations not normally found in a dwelling; and
  9. Involve no equipment other than that customarily used in dwellings, except that the Planning Commission may, in particular cases, modify this provision; and

10. 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. Not involve conversion of a room into a sales room; and
12. Involve no excessive or unsightly storage materials or supplies, indoors or outdoors, for purposes other than those uses permitted in the district; and
13. 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:
  - Accounting, bookkeeper;
  - Answering service;
  - Conducting of groups or classes of four or fewer persons;
  - Consulting services;
  - Counseling, individual or family;
  - Crafts involving equipment customarily used in a home;
  - Day care of 12 children or fewer;
  - Dating service;
  - Drafting and/or designing using only the normal drafting equipment;
  - Fine arts involving equipment customarily used in home;
  - Home party sales of groups of four or fewer
  - Law offices;
  - Massage and physical therapy;
  - Photography and photographic reproductions;
  - Plant propagation not in a greenhouse;
  - Residential care homes for six or fewer persons;
  - Sales, including mail order, when all sales are done by written order with no

commodities, samples, or displays on the premises;

Secondary business offices, where the business has its principal office, staff and equipment located elsewhere;

Sewing, dressmaking and millinery;

Small service operations not requiring significant storage in the home;

Swimming lessons for four or fewer persons;

Tutoring individuals or groups of four or fewer;

Typing;

Word processing.

2. If the proposed home occupation is included among those designated for administrative approval pursuant to paragraph 1 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 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 of this section.
4. If no such request is made within such 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:

Barber shop;

Beauty shop;

Ceramics/pottery studio;

Conducting of groups or classes of five or more;

Dance studio;

Home party sales of groups of five or more;

Mail order business other than those meeting criteria for administrative approval;

Music lessons;

Plant propagation in a greenhouse;

Small item repair, including, but not limited to:

- Small appliances,
- Computers,
- Electronics,

- Musical instruments,
- Toys;

Small motor repair;

Swimming lessons for five or more persons;

Any application referred to the Planning Commission pursuant to paragraph D.3 of this section.

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 10 days following such filing unless an appeal is taken.
2. Appeals. Appeals shall be governed by Section 17.28.050.

G. Uses Not Allowed as Home Occupations. The following uses are not allowed as home occupations:

Animal hospitals or kennels;

Antique shops;

Auto body work or painting;

Auto repair or servicing;

Bakeries;

Day care of more than 12 children;

Eating establishments;

Food processing;

Medical, dental offices;

Residential care homes for seven or more persons;

Rest homes;

Retail establishments, boutiques, gift shops;

Taxi, limousine service.

- H. Signs. Signs shall meet the requirements of subsections D and E of Section 17.24.120 of this chapter, provided that signs otherwise meeting the requirements of this title for a home occupation sign may be administratively approved by the Planner.

**§ 17.24.070. 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.

**§ 17.24.080. 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.

**§ 17.24.090. 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 17.24.091 of this chapter, 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, five 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 three feet in height.
10. Landscaping as prescribed in Section 17.24.240.

**§ 17.24.091. Manufactured 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 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 manufactured housing. 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 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 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 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 17.24.260).
  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).

**§ 17.24.100. 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.

**A. Schedule of Off-Street Parking Requirements.**

Land Use	Number of Off-Street Parking Spaces Required
Residential (including single-family, two-family, multifamily, and accessory dwelling units)	1 for each dwelling unit containing 1 or fewer bedrooms 2 for each dwelling unit containing more than 1 bedroom
Motels, Hotels, and Rooming Houses	1 for each living or sleeping unit; plus 1 space for every 3 employees
Mobile Home Parks	1 for each trailer unit; plus 1 additional space for each 4 units
Industrial: Manufacturing, Warehousing, Lumbering, Aggregate Extraction	1 per 1.35 shift employees; or 1 for each 800 sq. ft. of gross floor area, whichever is more applicable as determined by the City Planner
Commercial	
Retail (grocery, pharmacy, department store, etc.), banks, professional, administrative, medical and dental offices	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
Restaurants, bars, dance clubs, coffee shops, bowling alleys, pool halls	1 for every 3 seats; 3 for each lane; and 1 for each billiard table
Institutional, Educational, Civic	
Hospitals	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, theatres, sports arenas, auditoriums, other places of public assembly	1 for every 6 seats in the auditorium; plus 1 space for every 4 employees
Adult education	1 for every 2 students; 1 for every 2 teachers; and 1 for every 2 employees
Private schools, elementary schools or day care schools or facilities	1 for every 10 students; 1 for every teacher; and 1 for every employee

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 for one use may be applied toward a second use if it can be shown that restriction of hours prevents overlapping of uses.
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 chapter. Exception may be made by the Planning Commission with a use permit or as described below in paragraph 4 of this subsection.
4. The City Planner may waive off-street parking spaces otherwise required based on the historical nature of the property, the architectural or landscaping amenities that would be displaced by parking, the availability of space on a parcel with existing improvements, the proximity to a bus stop or other alternative transportation facilities, the provision of bicycle parking spaces, or the provision of previous parking spaces.
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 November 8, 1973, shall not be reduced in area to less than the minimum standards prescribed in this section. Exception may be made by the Planning Commission with a use permit or as described above in paragraph 4.

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 located in a garage or carport shall be not less than 20 feet in length and 10 feet in width.

Parking Angle	Width	Length	Drive Aisle Width (maneuvering areas)	
			One-Way	Two-Way
Parallel	8.5'	23'	12'	20'
30 degrees	8.5'	17'	11'	20'
45 degrees	8.5'	19.5'	13.5'	20'
60 degrees	8.5'	21'	18.5'	20'
Perpendicular	8.5'	19'	25'	25'

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

aisle or drive connecting with a street or alley without moving another vehicle.

4. Entrances from and exits to streets and alleys shall be provided at locations approved by the Director of Public Works. Fences shall be recessed or constructed at such a height that sufficient vision clearance is provided in accordance with Section 17.24.190. All doors or gates in fences, walls, or hedges shall not open outwardly if located within two 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 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 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 repair work or servicing of vehicles shall be conducted on a parking area.

**§ 17.24.110. Off-Street Loading Facilities.**

The purpose of off-street loading facilities is to prevent traffic congestion and shortage of curb spaces. Offstreet 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 12 feet in width by 45 feet in length by 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 November 8, 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.

**§ 17.24.120. Signs.**

The purpose of this section 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 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 freestanding minimum 10' from street or property line	12 sq. ft.	Indirect non-glare or flashing	
Outdoor Advertising Sign Bill	Attached or freestanding minimum 20' from street or property line	100 sq. ft.	Direct or indirect nonflash	

Type of Sign	Location Permitted	Maximum Size	Illumination Permitted	Additional Requirement
Pole or Ground Signs	Freestanding	50 sq. ft. within total perimeter	Direct or indirect, nonglare or flashing	Height 35' maximum
Real Estate Sign	Attached or freestanding, temporary, minimum 10' from property line	6 sq. ft.	None	Maximum 3 months, unless application for permit for longer period approved
Tract Sign	Freestanding, 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 freestanding	1 sq. ft. per foot of property line, adjoining street, 50 sq. ft. total	Non-glare or flashing	
Industrial	Attached or freestanding	1 sq. ft. 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 designed 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 the 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 Section 17.28.050.
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 G have been complied with. Such determination shall be final and conclusive.

#### **§ 17.24.130. 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 50 feet from the front lot line. Side and rear yards shall be as required for accessory buildings, but in no case within five feet of any lot line. Filter and heating systems shall not be located within 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 feet in height, containing no openings greater than four inches except for self-closing and self-latching gates on which the latch is at least six 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.

#### **§ 17.24.140. 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 30 days after the termination of the permitted period or any extension thereof, the structure shall be removed from the premises.

**§ 17.24.150. Minimum Lot Size and Measurements.**

No R Zone building site shall have less than 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 17.24.080 of this chapter.)

**§ 17.24.160. 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.

**§ 17.24.170. Yards.**

The minimum yard requirements set out in Chapters 17.16 and 17.20 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 title, 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 the front wall a distance of not exceeding two and one-half feet.
  2. Fire escapes, balconies, galleries, may extend beyond the front wall a distance of not exceeding four feet and six inches.
  3. A landing place or uncovered porch may extend beyond the front wall a distance of not exceeding eight 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 feet above the finished grade. A railing no higher than three 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 title.
- 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 eight 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 judgment of the Planning Commission.
- C. Side Yards. The architectural features enumerated in subsection A of this section 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 feet into any minimum side yard, and in any event no closer than three feet to the side lot line. An outside stairway may extend into the minimum required side yard only if the stairway is unroofed and unenclosed above and below.

- D. Rear Yards. The architectural features enumerated in subsection A of this section 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 in this title) may consider one-half the width of such alley, but not exceeding 10 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 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 17.24.180.

#### **§ 17.24.180. 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 title pertaining to residential uses.
- 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 title applicable to the main building except as provided in subsections (C)(4)(c) and (D) of this section. 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 17.24.260. Alternatives to the standards in Section 17.24.260 require obtaining an exception from the Planning Commission.
- C. Detached Accessory Buildings.
1. Detached accessory buildings shall not be closer than 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 that exceed 16 feet in height or 256 square feet in size shall comply with the same rear yard setback and height requirements applicable to the main building except as provided in subsection D of this section.
  3. Detached accessory buildings must comply with the maximum ground coverage requirements of the applicable zone.
  4. Detached accessory buildings shall conform to the following additional regulations as to their location upon the lots, except as provided in subsection D of this section:

- a. Shall not encroach on the front or side yard of any lot.
  - b. 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 (i) do not exceed 256 square feet in lot coverage; (ii) are not closer than three feet to the rear property line and four feet to the side property line; (iii) do not exceed seven feet in height, 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., four-foot side, three-foot rear), to a maximum of 16 feet (e.g., 12-foot rear yard setback, 13-foot side yard setback); and (iv) 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 of this section.
- D. Private Garages. Private garages are attached or detached accessory buildings utilized for 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 four feet to the rear property line and do not exceed 16 feet in height.
- E. Size Limitation. Any accessory structure that exceeds 640 square feet 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 17.24.250.
- F. Conversions of Accessory Buildings. Accessory buildings constructed in conjunction with exceptions allowed by subsections (C)(4) and (D) of this section shall, if later converted, require modification or relocation to be in conformance with all provisions of this title.
- G. Accessory Buildings for Animals. Locations of accessory buildings for animals—See Section 17.24.020.
- H. Other Regulations.
1. Site plan approval, in accordance with Section 17.24.250, 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.

**§ 17.24.190. 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 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 20 feet from the intersecting property lines of a corner lot. Corner lots are subject also to the provisions of subsection B of this section.
- 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 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 feet in height, except as provided in subsection E of this section.
- D. **Inward Opening.** All doors or gates in fences, walls or hedges shall open inwardly if located within two 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 17.24.250 or upon application of a developer, the Planning Commission may waive the strict requirements of this section; 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.

**§ 17.24.200. 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.

**§ 17.24.210. 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 November 8, 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.

**§ 17.24.220. 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 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, wind-mills, chimneys, smokestacks, flagpoles, radio towers, masts and television antennae; parapet walls extending not more than four feet above the height limit of the building; outdoor theatre screens, provided the 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 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 10 feet and to a total of not exceeding three stories when two side yards of widths of not less than 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 no linear dimension of any such structure exceeds 50% 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 25% of the area of the lot and shall be distant not less than 25 feet in all parts from every lot line not a street lot line.

#### **§ 17.24.230. Parking Facilities.**

- A. Wall or Fence on Streets. Where an open parking facility for more than five 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 four 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 four feet in height along the property lines adjoining a street or alley directly across from an R Zone and not less than six feet in height along the other property lines adjoining an R Zone.
- C. Landscaping of Lot. In a C Zone, not less than two 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.

#### **§ 17.24.240. 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 17.24.190, Vision Clearance and Fence Regulations.

- B. Landscaping Requirements. The following landscaping requirements apply in the Residential Multiple Family (R-3) Zone, 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. The requirements are also applicable to mobile home parks and multifamily residential developments consisting of four or more units.
1. A portion of the site visible from the street and comprising not less than 10% 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 percent, except in the Residential Multiple Family (R-3) Zone and for mobile home parks and multifamily residential development consisting of four 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.
  4. A pre-existing use shall not be deemed nonconforming by reason of failure to meet this requirement.
  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.
  6. The Planning Commission may waive or reduce the requirements of this section for any zone when such waiver would better allow the proposed use to blend in with surrounding development.

#### **§ 17.24.250. 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 and removal of vegetation or the erection of structures of unsightly appearance. Applications for development permits shall be reviewed by the Planning Commission.

- A. Approval Required. Site plan approval from the Planning Commission is required for the following areas:
1. Any use requiring site plan approval 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. A complete application, including maps and

drawings, shall be submitted not less than 30 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. Public Hearing and Notice. Notice of Planning Commission hearing shall be provided to all property owners within 300 feet of the project site not less than 10 days prior to the hearing date for all site plan approval applications subject to the California Environmental Quality Act (CEQA).
- E. Duties and Responsibilities of Planning Commission.
1. At the Planning Commission meeting at which the site plan is reviewed, 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.
- F. 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 and woody vegetation.
  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, exits, 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. Review of the location, height, size, wattage, and shielding of outdoor lighting.
  10. Nothing contained herein shall be construed as restricting or curtailing any of the powers of the Planning Commission of the City of Blue Lake.
- G. Appeals. Appeals shall be governed by Section 17.28.050.
- H. Conformance to Approval. Development for which site approval has been granted shall conform to the approval and any conditions attached thereto.

**§ 17.24.260. Development Standards.**

- A. Any single-family home (including a manufactured home) constructed or placed within the City of Blue Lake in accordance with these provisions shall:
1. Have a minimum width of 20 feet.
  2. Have a roof with a pitch of not less than four-inch vertical rise for each 12 inches of horizontal run.
  3. Have a minimum six-inch roof overhang on all sides.
  4. Have an exterior siding composed of the following materials:
    - a. Plywood exterior paneling.
    - b. Masonry or concrete.
    - c. Stucco.
    - d. Any wood products including shingles, shakes, horizontal overlapping board or pressboard siding in widths of 12 inches or less.
  5. Have a roof composed of the following materials:
    - a. Interlocking roof tiles.
    - b. Composition shingles.

- c. Wood.
  - d. Wood, asbestos, cement or slate shingles.
  - e. Metal roofing that is standing seam, concealed fastener, and has colors and/or textures that reduce glare/reflection.
- B. The Planning Commission is empowered to allow a single-family home (including a manufactured home) to be constructed or placed within the City of Blue Lake with alternative reasonable development standards substituted for those set forth in this section, or to exempt such a home from the strict application of such development standards, upon a showing of good cause. A principal criterion for determining whether good cause exists for such exemption or substitution shall be compatibility with the neighborhood in which the structure is proposed to be constructed or placed. Application for such substitution of, or exemption from, these 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 17.24.250, Site Plan Approval.
- (Ord. 544B, 11/26/2024)

**§ 17.24.270. Accessory Dwelling Units.**

The purpose of this section is to provide a mechanism for allowing 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 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:
- "Primary unit" means the primary existing single-family residential dwelling unit which provides complete independent living facilities for one or more persons.
- "Accessory dwelling unit" means 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 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. Accessory Dwelling Unit Development Standards. The following development standards shall apply to the approval and development of each accessory dwelling unit:
- 1. No more than one accessory dwelling unit shall be permitted on any one parcel or lot.
  - 2. An 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 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 maximum size limits for attached and detached accessory dwelling units by lot size are shown in Table 1 below.

Table 1 Maximum Accessory Dwelling Unit (ADU) Size			
Lot Size	ADU Type		
	Attached	Detached	Setbacks
6,000-7,999 s.f.	30%* 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'

Notes:

\* Percentage of the floor area of the existing living area of the primary unit.

4. Accessory dwelling units may not be permitted on residential lots already having two or more dwelling units located thereon.
5. The 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 accessory dwelling unit in addition to any offstreet parking spaces required for the primary unit as provided by this title, as amended from time to time.
7. The 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 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 accessory dwelling unit.
9. If a separate entrance is provided for the 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 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 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: (a) the special use permit approved for the accessory dwelling shall be revoked; (b) the kitchen shall be removed from the accessory dwelling unit; and (c) the accessory dwelling unit shall not be rented as a separate independent living unit from the primary unit.
  12. The accessory dwelling unit shall be metered separately from the primary unit for gas, electricity, and water services.
  13. An accessory dwelling unit shall not be permitted for lots on which the primary unit is a manufactured home, and no accessory dwelling unit shall be a manufactured home.
  14. Prior to the issuance of a building permit for an 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 accessory dwelling unit may be approved unless the City Planner first makes the following findings:
1. The 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.
  2. The 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 accessory dwelling unit as provided by this section shall be exempt from the provisions of the California Environmental Quality Act.
- F. Existing Accessory Dwelling Units. This section shall in no way validate any existing illegal accessory dwelling unit. An application for a special use permit may be made pursuant to the provisions of this section to convert an illegal accessory dwelling unit to a conforming legal accessory dwelling unit, and the standards and requirements for the conversion shall be the same as for a newly proposed 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 an 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 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 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 accessory dwelling units pursuant to this section shall not be subject to the procedures set forth in Section 17.28.030, 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 Section 17.28.050.
  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 body deciding the appeal 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.

#### **§ 17.24.280. Noise Standards.**

The purpose of this section is to provide standards for noise that are intended to protect the community health, safety, and general welfare by limiting exposure to the unhealthful effects of noise.

- A. Applicability. No use, activity, or process shall exceed the maximum allowable noise levels established by this section except for the following noise sources:
  1. Activity conducted for public health and safety purposes which may include noise generated by construction, maintenance, and/or repair activities by public agencies and/or utility companies that serve the public interest and/or protect the public health, safety, and welfare.
  2. Emergency operations which may include noise generated by public safety warning

devices (e.g., police, fire, and ambulance sirens), sound for alerting the public to the existence of an emergency (e.g., fire, flood, dam failure, etc.), and authorized emergency work needed to protect public health and safety.

3. Solid waste collection noise generated by solid waste collection activities conducted by the City's contracted waste collection provider between the hours of 7:00 a.m. and 7:00 p.m.
4. State or Federal preempted activities.
5. Authorized Activities at Parks. Noise generated outside of community quiet hours by authorized recreational activities and programs conducted in parks owned and operated by a public entity.
6. Outdoor Events. Noise generated outside of community quiet hours by outdoor gatherings, public dances, shows and sporting and entertainment events provided said events are conducted pursuant to and in compliance with a discretionary license or permit issued by the City.
7. Generator Use for Medical Equipment. Noise from generator use during a power outage for medical equipment or other similar life-sustaining devices.
8. Routine Maintenance of Property. Noise from routine maintenance of property (e.g., landscaping, repairs, etc.) conducted outside of community quiet hours, defined in subsection (B)(2).
9. Construction Activity. Noise generated by construction activities, when conducted in compliance with the following requirements:
  - a. Construction activity shall be limited to the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 5:00 p.m. on Saturdays.
  - b. No heavy equipment related construction activities (e.g., demolition, grading, pile-driving, paving, etc.) shall be allowed on Sundays or holidays.
  - c. All required permits or other approvals have been issued for the construction.

B. Definitions.

"Ambient noise level" means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

"Community quiet hours" means the following periods of time:

- a. Each Sunday beginning at 11:00 p.m. to the following Monday at 8:00 a.m.
- b. Each Monday beginning at 11:00 p.m. to the following Tuesday at 8:00 a.m.
- c. Each Tuesday beginning at 11:00 p.m. to the following Wednesday at 8:00 a.m.
- d. Each Wednesday beginning at 11:00 p.m. to the following Thursday at 8:00 a.m.
- e. Each Thursday beginning at 11:00 p.m. to the following Friday at 8:00 a.m.

- f. Each Friday beginning at 11:59 p.m. to the following Friday at 9:00 a.m.
- g. Each Saturday beginning at 11:59 p.m. to the following Sunday at 9:00 a.m.

"Decibel" or "dB" means a standard unit of acoustic measurement that has a zero-reference of two ten-thousandths (0.0002) microbar.

"Holiday" means and includes New Year's Day (January 1), Martin Luther King Jr. Day (the third Monday in January), Washington's Birthday (the third Monday in February), Cesar Chavez Day (March 31), Memorial Day (the last Monday in May), Independence Day (July 4), Labor Day (the first Monday in September), California Admission Day (September 9), Native American Day (the fourth Friday in September), Indigenous People's Day (the second Monday in October), Veteran's Day (November 11), Thanksgiving Day (the fourth Thursday in November), and Christmas Day (December 25).

"Impulsive noise" means a noise characterized by brief excursions of sound pressures whose peak levels are very much greater than the ambient noise level, such as might be produced by the impact of a pile driver, punch press or a drop hammer, typically with one second or less duration.

"Leq" means the equivalent continuous sound level in decibels, equivalent to the total sound energy measured over a stated period of time.

"Noise" means and includes excessive undesirable sound, including that produced by persons, pets and livestock, industrial equipment, construction, motor vehicles, boats, aircraft, home appliances, electric motors, combustion engines, and any other noise-producing objects.

"Noise level" means the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of 20 micropascals. The unit of measurement shall be designated as dBA.

"Noise sensitive land uses" include uses such as dwellings, transient lodging, hospitals, extended care, meeting facilities, auditoriums, theaters, libraries, schools, and similar uses.

"Sound" means an oscillation in pressure, partial velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of the medium.

"Sound level meter" means an instrument that meets or exceeds American National Standard Institute's Standard S1.4-1971 for Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

"Sound pressure level" means a sound pressure level of a sound, in decibels, as defined in ANSI Standards 51.2-1962 and 51.13-1921; that is, 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be 0.0002 dynes per square centimeter.

#### C. Noise Standards.

1. Unreasonable Noise Prohibited. No person shall allow or cause the generation of any noise of a type, volume, pitch, repetition, or duration that would be found to be a nuisance beyond the boundaries of the property where the noise is generated.

The characteristics and conditions which should be considered in determining whether a violation of this section exists should include, but not be limited to the following:

- a. The level of the noise.
  - b. Whether the nature of the noise is usual or unusual.
  - c. Whether the origin of the noise is natural or unnatural.
  - d. The level of the ambient noise.
  - e. The proximity of the noise to sleeping facilities.
  - f. The nature and zoning of the area from which the noise emanates and the area where it is received.
  - g. The time of day or night the noise occurs.
  - h. The duration of the noise.
  - i. Whether the noise is recurrent, intermittent, or constant.
2. Community Quiet Hours. No loud, disturbing, or unreasonable noise shall be generated during the designated community quiet hours (defined in subsection (B)(2), above). The following acts, among others, are declared to be loud, disturbing, and unreasonable noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:
- a. Blowing Horns or Signaling Devices. The sounding or blowing of any horn or signal device on any automobile, truck, bus, motorcycle or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.
  - b. Radios, Sound Systems, Musical Instruments, Etc. The playing of any radio, sound system, or any other musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.
  - c. Yelling, Shouting, Etc. Yelling, shouting, hooting, whistling or singing on the public streets or at any place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.
  - d. Pets. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of persons in the vicinity.
  - e. Use of Vehicles. The use of any automobile, truck, bus, motorcycle or other vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
  - f. Use of Tools or Equipment. The use of any tools or equipment for landscaping, maintenance, repairs, etc. in such a manner as to disturb the comfort or repose of persons in the vicinity.

- g. Loading and Unloading Operations. The creations of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- 3. Maximum Allowable Noise Level by Receiving Sensitive Land Use. No use, activity, or process within the City shall generate noise in excess of the levels identified in the following table at receiving sensitive land uses.

Table 1 - Maximum Allowable Noise Level by Receiving Land Use						
Noise Level Descriptor	Maximum Exterior Noise Level			Maximum Interior Noise Level		
	7 am–7 pm	7–10 pm	10 pm–7 am	7 am–7 pm	7–10 pm	7–10 pm
Dwellings, Transient Lodging, Hospitals, Extended Care, and Similar Uses						
Hourly Leq	55 dBA	50 dBA	45 dBA	45 dBA	40 dBA	35 dBA
Meeting Facilities, Auditoriums, Theaters, Libraries, Schools, and Similar Uses						
Hourly Leq	55 dBA	55 dBA	n/a	40 dBA	40 dBA	n/a

- a. Compliance with the exterior noise level standards shall be measured at the property line of a noise sensitive land use receiving the noise. Noise measurement shall be made with a sound level meter using the 'A' weighted scale at slow meter response. Fast meter response shall be used only for an impulsive noise.
- b. If the measured ambient noise level exceeds the applicable noise level standard in any category shown in the tables, the applicable standards shall be adjusted to equal the ambient noise level.
- c. If the noise source being evaluated is continuous and cannot reasonably be discontinued or stopped to allow measurement of the ambient noise level, the noise level measured while the source is in operation shall be compared directly to the applicable noise level standards identified in the tables.
- 4. Standards for New Sensitive Receptors. In elevated noise environments (e.g., near industrial operations or major roadways), new noise sensitive land uses shall be required to conduct exterior and interior noise analysis to ensure future occupants are not subject to noise levels in excess of the standards in Table 1. If it is determined that the noise level standards in Table 1 will be exceeded, effective noise mitigation measures shall be incorporated into the project design. In zones that allow a mixture of residential and commercial or light industrial uses, it is recommended that residential structures be designed to provide an hourly Leq noise level of 35 dBA in the interior living spaces.
- 5. Point sources of noise (e.g., compressors, generators, etc.) shall be located within an enclosure or attenuated with another equally effective method.
- 6. Vehicles and equipment used outdoors on a consistent basis shall not utilize back-up alarms which are audible at any residential property, unless required by CalOSHA or other governmental regulatory agency for the safety of employees or the public. This does not apply to delivery trucks, service vehicles, or equipment that are operated in

City limits on an intermittent basis. If required by CalOSHA or other governmental regulatory agency, the required back-up alarm device or approved safety method shall be selected which has the least noise impact on surrounding residential properties and still allows for the reasonable operation of the business. Any business required by CalOSHA to use back-up alarms shall provide documentation to the City of this determination.

D. Waiver of Noise Standards.

1. The City Manager, in coordination with other City staff (e.g., City Planner, Public Works, etc.), may waive the requirements set forth in subsections A and C of this section for certain short-term, temporary, or intermittent activities upon showing of good cause. Any waiver issued pursuant to this section has no bearing on the requirements of any other regulatory agency. Activities for which a waiver may be issued include, but are not limited to, construction activity, special events conducted outdoors, and indoor music events. The criteria for determining whether good cause exists for such waiver shall include the following:

- a. Weather limitations.
- b. Permitting or regulatory limitations imposed by federal, state, or local agencies.
- c. Timelines imposed by grants or other funding sources.
- d. Events proposed to occur on holidays that typically involve celebrations (e.g., New Years, Fourth of July, etc.).
- e. Special events (indoors or outdoors) that would only occur once annually.

In no event shall a waiver be issued for activities that would occur between the hours of 2:00 a.m. and 6:00 a.m.

2. Prior to a waiver determination being issued by the City Manager, notification shall be provided to all property owners within 300 feet of the proposed activity at least 10 days prior to filing of the waiver determination with the City Clerk. The notification shall also be posted in three public places of the City of Blue Lake, including one public place in the area directly affected by the proposed activity. The notification shall describe the proposed activity, the dates and times that the activity will be conducted, and the reasoning for issuing the waiver determination. The waiver determination action shall be final 10 days following filing with the City Clerk, unless an appeal is taken pursuant to subsection (D)(3) of this section.

3. Appeals. Appeals shall be governed by Section 17.28.050.

- E. Nuisance Declaration. The City Council hereby declares that any use, activity, or process within the City in violation of this section or hereby declared to be a public nuisance and may be abated in accordance with law.

(Ord. 540 § 1, 2021)

## CHAPTER 17.28

**AMENDMENTS, VARIANCES, USE PERMITS, AND NONCONFORMING USES****§ 17.28.010. Amendments.**

- A. This title 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.
- B. 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.
- C. 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.
- D. 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 subsection E of this section, the matter shall be set for a public hearing before the Planning Commission.
- E. 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 public places in the City of Blue Lake at least 10 days prior to the hearing, including one public place in the area directly affected by the proceeding.
- F. 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.
- G. After the hearing, the Planning Commission shall render its decision in the form of a written recommendation to the City Council. The recommendation shall include the reasons for the recommendation and the relationship of the proposed ordinance or amendment to applicable general and specific plans.
- H. Upon receipt of the written report of the Planning Commission, the City Council shall set the matter for a public hearing; provided, however, as set forth in subsection I of this section.
- I. 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 five days after the Planning Commission files its recommendations with the City Council.

- J. 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 public places in the City of Blue Lake at least 10 days prior to the hearing, including one public place in the area directly affected by the proceeding.
- K. The City Council may approve, modify or disapprove the recommendation of the Planning Commission, provided, however, as set forth in subsection L of this section.
- L. 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 not required to hold a public hearing thereon. Failure of the Planning Commission to report within 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.
- M. Reserved.
- N. 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.
  - 1. The development as proposed in the plans and drawings accompanying the application will be consistent with the objectives of this chapter.
  - 2. The proposed location of the planned unit development is consistent with the purposes of the zone in which the site is located.
  - 3. The proposed development will comply with each of the applicable provisions of this chapter.
  - 4. 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.
  - 5. 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.
- O. 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 chapter.

**§ 17.28.020. Variances.**

- A. 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:

1. 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
  2. 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.
- B. 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.
- C. Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- D. Notice of the time and place of the hearing shall be given pursuant to Government Code Section 65091 and by posting in three public places of the City of Blue Lake at least 10 days prior to the hearing, including one public place in the area directly affected by the proceeding.
- E. 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.
- F. 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 Section 17.28.050.

**§ 17.28.030. Use Permits.**

- A. 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.
- B. 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.

- C. 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.
- D. Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- E. Such hearing shall be conducted, and notice thereof shall be given, in the same manner as a hearing upon an application for a variance.
- F. The City Planning Commission shall make the following findings before granting a use permit:
  - 1. That the proposed location of the conditional use is in accord with the objectives of subsection A of this section and the purposes of the zone in which the site is located.
  - 2. 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.
- G. 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 Section 17.28.050.
- H. 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.
- I. A use permit granted pursuant to the provisions of this chapter 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.

**§ 17.28.040. Revocation of Variance and Use Permits.**

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 the variance or use permit of its intention to revoke the variance or use permit. Proceedings for the revocation of a variance or a use permit shall be conducted in the same manner as proceedings for a grant of a variance or use permit.

**§ 17.28.050. Appeals.**

- A. 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 title.

- B. All actions of the Blue Lake Planning Commission, the City Planner, 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, a written determination, or in such other form as may be prescribed from time to time by the City Council. Such action shall be final 10 days following filing with the City Clerk unless an appeal is taken pursuant to subsection D of this section. 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, the application shall be deemed to be denied and the denial filed with the City Clerk on the last day of the 364-day period.
- C. Upon the filing of any action required to be in writing and filed with the City Clerk pursuant to subsection B of this section, 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 subsection D of this section.
- D. Any person aggrieved by an action required to be in writing and filed with the City Clerk pursuant to subsection B of this section, including the City Manager, may appeal therefrom by filing a written notice of appeal with the City Clerk within 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.
- E. Unless otherwise provided by the City Council, all appeals from an action taken by the City Planner shall be heard by the Planning Commission, and all other 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 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 an 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 public places of the City of Blue Lake at least 10 days prior to the hearing, including one public place in the area directly affected by the proceeding.
- F. 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. 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. Any decision of the Planning Commission may be further appealed to the City Council pursuant to the provisions of this section. The findings and decision of the City Council on all appeals shall be final and conclusive in the matter.

**§ 17.28.060. Nonconforming Uses.**

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 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 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 January 1, 1974, shall continue as provided for nonconforming uses in this section, except that every such sign or structure shall be removed within a period of five years from and after January 1, 1974, notwithstanding any particular subsection of this section 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 the successive nonconforming use.

**§ 17.28.070. 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 title has been commenced without first obtaining the variance or permit, a special investigation shall be made before a variance or

permit may be issued for the 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 title. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this title nor from any penalty prescribed by law.

CHAPTER 17.32  
**ENFORCEMENT, INTERPRETATION, SEVERABILITY, REPEAL**

**§ 17.32.010. Responsibility for Enforcement.**

All departments, officials 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 title and shall issue no permit, certificate, or license for uses, buildings, or purposes in conflict with the provisions of this title; and any such permits, certificate, or license issued in conflict with the provisions of this title shall be null and void. It shall be the duty of the Director of Public Works and the City Planner, or their deputies, of the City of Blue Lake to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure.

**§ 17.32.020. Duties of Officers and Employees.**

It shall be the duty of all officers and employees of this City to report violations of this title to the Director of Public Works. Any employee knowingly withholding such information shall be subject to appropriate disciplinary action by the City Council.

**§ 17.32.030. 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 title 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 title.

**§ 17.32.040. Penalties and Procedures.**

Any person, firm or corporation, whether as principal, agent, employees or otherwise, violating any provisions of this title shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than \$500.00 or by imprisonment in the county jail of the County of Humboldt for a term of not exceeding five 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 title 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 title and/or any use of any land, building or premises conducted, operated or maintained contrary to the provisions of this title 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 unlawful and a public nuisance. The remedies provided herein shall be cumulative and not exclusive.

**§ 17.32.050. Interpretation.**

In interpreting and applying the provisions of this title, 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 title 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 title to interfere with, abrogate or annul any easement, covenant, or other agreement between parties; provided that in cases in which this title imposes a greater restriction or enlargement of buildings or the use of any such building or premises in the 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 title shall control. In case the provisions of this title conflict with any provisions of the Uniform Building Code, the most restrictive of such provisions shall apply.

**§ 17.32.060. Violation 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 title shall be guilty of a misdemeanor.

**§ 17.32.070. Public Nuisance.**

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this chapter and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this title, shall be and the same is hereby declared to be unlawful and a public nuisance; and the City Attorney of the 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 title. The remedies provided for herein shall be cumulative and not exclusive.

**§ 17.32.080. Validity.**

If any section, subsection, sentence, clause or phrase of this title 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 title. The City Council of the City hereby declares that it would have passed the ordinance codified in this title 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.

**§ 17.32.090. Applicability.**

The provisions of this title 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.

**§ 17.32.100. Repealing.**

All ordinances and parts of ordinances of the City of Blue Lake in conflict with this title, 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 the 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 ordinance codified in this title.

CHAPTER 17.36  
ENACTMENT

**§ 17.36.010. Separability Clause.**

The City Council hereby declares that it would have passed the ordinance codified in this title 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 the ordinance codified in this title be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if this title 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 the ordinance codified in this title or such portion thereof was enacted.