CITY OF CRESCENT CITY
GENERAL PLAN/LOCAL COASTAL PLAN
IMPLEMENTATION ORDINANCES UPDATE

Proposed Final Text with Map
and
Summary of Amendments
to

TITLE 17 ZONING
and
TITLE 12 STREETS,SIDEWALKS AND PUBLIC PLACES

COASTAL ZONE EXTRACT

EXHIBIT NO. 5
APPLICATION NO.
CRC-MAJ-1-03
CRESCENT CITY LCP AMENDMENT
PROPOSED AMENDED ZONING CODE (IP)

June 2003

City Of Crescent City
Local Coastal Program

PROPOSED FINAL
ORDINANCE TEXT

City Of Crescent City
Local Coastal Program

Title 12
STREETS, SIDEWALKS AND PUBLIC PLACES
PROPOSED FINAL TEXT

Chapter 12.34
PUBLIC TREES

Sections:

12.32.010 Purpose
12.32.020 Definitions
12.32.030 Landmark Trees
12.32.040 Other City trees and landscaping

12.34.010 Purpose

The purpose of this chapter is to provide for and protect those trees within the city limits which are located on public lands and identified by the City Council as public trees. The City of Crescent City contains species of trees of great beauty and of historic or cultural significance to the community which are located on public lands. Additionally, the City has chosen to place additional trees on public lands for the benefit of all residents and visitors and promotion of the community in genera. It is in the public interest and for the public welfare that the City establishes a program which provides for the designation and preservation of public trees in order to maintain the heritage and character of the City of Crescent City as well as preserve the beauty of the community. In doing so it is also the intent of the City to provide for and protect public facilities which also serve the community which may be impacted by such trees.

12.34.020 Definitions

A. Street Tree, is a tree placed by the City in a specially constructed tree planting well within street right of way areas, typically adjacent to the public walkway and/or street curb.

B. Community memorial Tree, is a tree which is planted on public land, with the permission of the public agency which is the landowner, as a community memorial to a person, persons, and/or event and which is marked at the planting site with a plaque, sign or other identification as a memorial.

C. Public agency, is the City of Crescent City, County of Del Norte, any federal or state agency, or local district (such as the school district or harbor district) which owns property within the city limits.

12.34.030 Landmark Trees

A. Designation Criteria

A tree or group of trees shall be designated as a Landmark by action of the City Council based upon findings that the designated tree(s) meet the following criteria:

1. The tree is located upon land owned by a public agency, and
2. The tree is a species of such height, girth, form or beauty, either individually or as a group, as to be significant or unique in the community, or
3. The tree is of historic importance to the community, or
4. The tree has been placed and marked as a Community Memorial tree.

B. Designated Species

Those trees which have been designated by the City as a species of such height, girth, form and beauty as to be significant and unique in the community include:

1. Any Monterey Cypress (Cupressus Macrocarpa) tree located within the City which are owned by a public agency.

C. Placement, removal or disturbance of Landmark Trees

1. When a species of tree designated herein as a Landmark Tree is planted upon lands within the city limits owned by a public agency it shall be considered a Landmark Tree one year after its planting and be subject to the requirements of this Chapter.
2. Trees planted with the permission of the public agency landowner as a Community Memorial Tree shall be considered landmark Trees.
3. Community memorial trees shall be placed upon City property only with the approval of the City Council. Those individual trees approved by the City for placement on city lands in memory of an individual without a community memorial identification shall not be considered landmark Trees unless they are of a designated species.

4. New Landmark Trees should be planted in locations so that, at maturity, their drip line does not encroach upon existing hard surface improvements such as sidewalks or parking lots.
5. Where preexisting paving, concrete or subsurface improvements are adjacent to a Landmark Tree, repair, replacement and/or upgrade of the improvements may be undertaken, however care shall be taken to preserve the tree substructure as much as feasible.
6. Where a Landmark Tree is proposed for removal by the public agency which owns it, replacement shall be provided as follows:
    a. When removed because it is found that the Landmark Tree is a hazard or is dying, one tree of the same species shall be planted in the same vicinity as the removed tree within 30 days of the removal.
    b. When removed for the purpose of establishment, expansion or maintenance of a public facility, two trees of the same species shall be planted in the same vicinity as the removed tree within 30 days of completion of construction.
7. It shall be unlawful for any person to break, injure, deface, mutilate, kill, destroy or caused to be removed any tree designated as a Landmark Tree, except where a dually appointed representative of the public agency owning such a tree is acting to manage the tree in an acceptable horticultural manner.

12.34.040 Other City trees and landscaping.

A. It shall be unlawful for any person to break, injure, deface, mutilate kill, destroy or cause to be removed any Street Tree or other tree or vegetation placed by the City as landscaping on public lands, except where a dually appointed representative of the City is acting to manage the tree in an acceptable horticultural manner.

B. The City Public Works Department shall be responsible for placement, inspection, maintenance, removal, and replacement of Street Trees and other trees or vegetation planted on City lands or within City right-of-ways or easements as public landscaping.

C. Any persons who intends to plant a tree upon City lands or within City right-of-ways or easements shall apply to the Public Works Department for a permit to do so. The application shall explain what is to be done, the number, kind and location of the trees, and how the tree will be cared for, including any improvements proposed such as irrigation. The Public Works Department may approve or deny any such permit.

CHAPTER 12.36
STORM WATER QUALITY MANAGEMENT

Sections:

12.36.010 Title
12.36.020 Purpose and Intent
12.36.030 Definitions
12.36.040 Applicability
12.36.050 Responsibility for Administration
12.36.060 Regulatory Consistency
12.36.070 Ultimate Responsibility of Discharger
12.36.080 Prohibition of Illegal Discharges
12.36.090 Prohibition of Illicit Connections
12.36.100 Waste Disposal Prohibitions
12.36.110 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit
12.36.120 Requirement to Prevent Control and Reduce Storm Water Pollutants.
12.36.130 Requirement to Eliminate Illegal Discharges,
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12.36.280 Violations Deemed a Public Nuisance
12.36.290 Acts Potentially Resulting in a Violation of the Federal Clean Water Act and/or California Porter~Cologne Act.

12.36.010 Title

This Chapter shall be known as the "Storm Water Quality Management Ordinance" of the City of Crescent City and may be so cited.

12.36.020 Purpose and Intent.

The purpose and intent of this Chapter is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system.

12.36.030 Definitions.

The terms used in this Chapter shall have the following meanings:

A. Best Management practices: Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include but are not limited to:

1. Treatment facilities to remove pollutants from storm water
2. Operating and maintenance procedures;

Facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage;

4. Erosion and sediment control practices;
5. The prohibition of specific activities and practices; and
6. Such procedures, facilities, design standards and such other provisions as the City Council determines by Resolution as appropriate for the control of pollutants.

B. City: The City of Crescent City.

C. Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq,), and any subsequent amendments thereto.

D. Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

E. Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

F. Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 12.36.080 of this chapter.

G. Illicit Connections: An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited, to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

H. Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14)

I. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits: General, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act The California Regional Water Quality Control Board, North Coast Region (hereinafter, Regional Board) and the State Water Resources Control Board have adopted general storm water discharge permits, including but not limited to the General Construction Activity and General Industrial Activity permits.

J. Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

K. Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to:

1. Paints, varnishes, and solvents;
2. Oil and other automotive fluids;
3. Non-hazardous liquid and solid wastes and yard wastes;
4. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations;
5. Floatables;
6. Pesticides, herbicides, and fertilizers;
7. Hazardous substances and wastes;
8. Sewage, fecal coliform and pathogens;
9. Dissolved and particulate metals;

10. Animal wastes;
11. Wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and
12. Noxious or offensive matter of any kind.

L. Pollution: The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code §13050).

M. Porter-Cologne Act: The Porter-Cologne Water Quality Control Act and as amended (California Water Code §13000 et seq.).

N. Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

O. Storm Drain System: Publicly-owned facilities operated by the City by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City.

P. Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from rain storm events.

Q. Waters of the United States: Surface watercourses and water bodies as defined at 40 CFR § 122.2. including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons.

12.36.040 Applicability.
This Chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the City of Crescent City.

12.36.050 Responsibility for Administration.
The Public Works Director of the City shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Public Works Director may be delegated in writing by the Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the City.

12.36.060 Regulatory Consistency.
This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations,

12.36.070 Ultimate Responsibility of Discharger.
The standards set forth herein and promulgated pursuant to this Chapter are minimum standards. Therefore this Chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This Chapter shall not create liability on the part of the City of Crescent City, or any agent or employee thereof for any damages that result from any discharger's reliance on this Chapter or any administrative decision lawfully made thereunder.

12.36.080 Prohibition of Illegal Discharges.
No person shall discharge or cause to be discharged into the City storm drain system or into any watercourse any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

A. Discharges from the following activities will not be considered a source of pollutants to the storm drain system and to waters of the US. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this ordinance:
   1. Potable water line flushing;
   2. Uncontaminated pumped groundwater and other discharges from potable water sources;
   3. Landscape irrigation and lawn watering;
   4. Diverted stream flows;
   5. Rising groundwater;
   6. Groundwater infiltration to the storm drain system;
   7. Uncontaminated foundation and footing drains;
   8. Uncontaminated water from crawl space pumps;
   9. Air conditioning condensation;
   10. Uncontaminated non-industrial roof drains;
   11. Springs;
   12. Individual residential and occasional non-commercial car washing;
   13. Flows from riparian habitats and wetlands;
   14. Dechlorinated swimming pool discharges;
   15. Street wash waters; and
   16. Flows from fire fighting.

B. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the storm drain system.

C. With written concurrence of the Regional Board, the City may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drain system nor waters of the U.S.

12.36.090 Prohibition of Illicit Connections.

A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

12.36.100 Waste Disposal Prohibitions.

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

12.36.110 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

12.36.120 Requirement to Prevent Control and Reduce Storm Water Pollutants.

A. **Authorization to Adopt and Impose Best Management Practices. The City Council may adopt, by Resolution, requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. Where Best Management Practices requirements are promulgated by the City or any federal, State of California, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or water of the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.**

   The Public Works Director shall maintain a record for public use of all Best Management Practices adopted by Resolution of the City Council.

B. **New Development. The City Council shall adopt by Resolution, requirements identifying appropriate Best Management Practices to control the volume, rate, and potential pollutant load of storm water runoff from all applicable new development projects, as determined by Resolution, as may be appropriate to minimize the generation, transport and discharge of pollutants. The City shall incorporate such requirements in any land use entitlement and construction or building related permit to be issued relative to such development. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits.**

C. **Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections (a) and (b), any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm water, the storm drain system, or waters of the U.S. shall implement Best Management Practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.**

12.36.130 Requirement to Eliminate Illegal Discharges,

The Public Works Director may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

Section 12.36.140 Requirement to Eliminate or Secure Approval for Illicit Connections.

A. **The Public Works Director may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this Chapter to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this Chapter.**

B. **If, subsequent to eliminating a connection found to be in violation of this Chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.**

12.36.150 Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property

lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

12.36.160 Requirement to Remediate.
Whenever the Public Works Director finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or water of the U.S., the Public Works Director may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions of sections 12.36.210 through 12.36.240 herein.

12.36.170 Requirement to Monitor and Analyze.
The Public Works Director may require by written notice that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or waters of the U.S., to undertake at said person's expense such monitoring and analyses and furnish such reports to the City as deemed necessary to determine compliance with this Chapter.

12.36.180 Notification of Spills.
Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911) and the City Department of Public Works. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City's Public Works Department within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

12.36.190 Authority to Inspect
Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the Public Works Director has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Chapter, the Director may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been make, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

12.36.200 Authority to Sample, Establish Sampling Devices, and Test
During any inspection as provided herein, the Public Works Director may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

12.36.210 Notice of Violation
Whenever the Public Works Director finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Director may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

A. The performance of monitoring, analyses, and reporting;
B. The elimination of illicit connections or discharges;
C. That violating discharges, practices, or operations shall cease and desist;
D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
E. The implementation or maintenance of source control or treatment practices.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the Public Works Director and the expense thereof shall be charged to the violator pursuant to Section 12.36.230 below.

12.36.220 Appeal
Notwithstanding the provisions of Section 12.36.250, any person receiving a Notice of Violation under Section 12.36.210 may appeal the determination of the Public Works Director to the City Council. The notice of appeal must be received by the City Clerk within 7 calendar days from the date of the Notice of Violation. Hearing on the appeal before the City Council shall take place within 15 calendar days from the date of City's receipt of the notice of appeal. The decision of the City Council shall be final.

12.36.230 Abatement by City.
If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal under section 12.36.220 within 10 days of the decision of the City Council upholding the decision of the Public Works Director, then the City or a contractor designated by the Public Works Director shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.

12.36.240 Charging Cost of Abatement/Liens.
Within 30 days after abatement of the nuisance by the City, the Public Works Director shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 days. The City Clerk shall set the matter for public hearing by the City Council. The decision of the City Council shall be set forth by resolution and shall be final.

If the amount due is not paid within 10 days of the decision of the City Council or the expiration of the time in which to file an appeal under this Chapter, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

12.36.250 Urgency Abatement
The Public Works Director is authorized to require immediate abatement of any violation of this Chapter that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the Public Works Director, the City is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the City shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent City from seeking other and further relief authorized under this Chapter.

12.36.260 Violations.
It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. A violation of or failure to comply with any of the requirements of this Chapter shall constitute a misdemeanor.

12.36.270 Compensatory Action.
In lieu of enforcement proceedings, penalties, and remedies authorized by this Chapter, the Public Works Director may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

12.36.280 Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City. Acts Potentially Resulting in a Violation of the Federal Clean Water Act and/or California Porter~Cologne Act. Any person who violates any provision of this Chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Chapter shall also include written notice to the violator of such potential liability.

City Of Crescent City
Local Coastal Program

Title 17
ZONING
PROPOSED FINAL TEXT

Chapter 17.59
BED AND BREAKFAST ESTABLISHMENTS

Sections:

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17.59.040 Use permit.
17.59.050 Architectural review.
17.59.060 Business license.
17.59.070 Size of establishment
17.59.080 Parking.
17.59.090 Signs.
17.59.100 Historic structures.
17.59.110 Safety requirements.
17.59.120 Meals.
17.59.130 Owner or innkeeper on premises.
17.59.140 Noise.

17.59.010 Purpose.

The purpose of this chapter is to provide for the control and regulation of bed and breakfast establishments in keeping with the safety, convenience and welfare of the general public, and for the following more specific reasons:

A. To assist in allowing these sorts of visitor-serving uses, which benefit the local economy by encouraging destination tourism;

B. To protect the residential character of the various zoning districts where bed and breakfast establishments are allowed;

C. To ensure a fair process by which the location and operation of such establishments may be in the best interest of the entire community.

17.59.020 Definitions.

For the purpose of this chapter certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section.

A. "Bed and breakfast" means a residential dwelling occupied by a resident person or family, containing individual living quarters occupied on a transient basis for compensation, and in which a breakfast may be provided to guests.

B. "Guest home or rest home" means a building or any portion thereof used for the housing of ambulatory well and able persons where lodging is provided for compensation.

C. "Guest room" means a room which is designed and/or used by one or more guests for sleeping purposes, but hi which no provision is made for cooking.

D. "Home occupations" means a use customarily carried on in a dwelling by a resident thereof, which use is merely incidental to the residential use of the dwelling, and is carried on with the normal equipment customarily found in a dwelling; provided, that no assistants are employed and provided the use is conducted in the main dwelling and not in an accessory building.

E. "Lodginghouse or roominghouse" means a building having no more than five guest rooms with a maximum occupancy of two persons per room, and where such lodging is provided for compensation.

17.59.030 Allowable locations.

Bed and breakfast establishments shall be allowed in all zones except O and CZ-O.

17.59.040 Use permit.

Guest homes and bed and breakfast establishments must obtain a conditional use permit from the planning commission for their

operation. The conditional use permit process requires a public hearing, allowing neighbors and/or other concerned citizens to voice their concerns about the proposed operations. In residential zones, the focus of the use permit process is on the commercial operation occurring in a residential zone. In commercial zones, the focus is on the required residential use by the on-site owner or manager in a commercial zone.

17.59.050 Architectural review.

Bed and breakfast establishments in the R3, RP, CZ-RP and all commercial zones are required to go through an architectural review.

17.59.060 Business license.

A. A business license must be obtained by the proprietor through the city finance department before guests may be accommodated.

B. Bed and breakfast establishments shall be subject to the transient occupancy tax as required under Title 3 of this code.

17.59.070 Size of establishment

A. A maximum of three guest rooms shall be permitted in the RI, CZ-R1 and CZ-R1B zones.

B. A maximum of five guest rooms shall be permitted in the R2 and CZ-R2 zones.

C. The maximum number of guest rooms for bed and breakfast establishments shall be determined on a case-by-case basis during the use permit process for the R-3, RP and CZ-RP zones.

D. Bed and breakfast establishments in the commercial zones shall be treated the same as hotels, motels and inns.

17.59.080 Parking.

A. One off-street parking space per guest room shall be required in addition to the two covered off-street spaces required for the residential use.

B. The owner or manager's required residential use of a bed and breakfast establishment in a multi-family zone shall be treated as a single-family residence, and two covered off-street parking spaces shall be required for the on-site residence in addition to the one off-street parking space for each guest room.

C. Parking requirements shall be the same as for hotels and motels in commercial zones.

17.59.090 Signs.

A. In residential zones signs shall be no larger than the two-square-foot nameplates allowed for single-family residences, and shall be made of nonplastic material.

B. Bed and breakfast signs in residential zones shall not be lighted at night.

C. In commercial zones, signs for bed and breakfast establishments shall conform to the sign requirements for that zone.

D. A sign permit shall be required for bed and breakfast signs in commercial zones. Nameplate signs of two square feet or less in residential zones shall conform to the requirements for such signs, and shall not require a permit.

17.59.100 Historic structures.

Any modifications, additions or remodels made to duly recognized historic structures being used or intended to be used as a bed and breakfast establishment shall go through the architectural review process. The purpose of the review shall be to ensure that all work done on the structure of the grounds be in keeping with the historic significance of the building, and shall reasonably conform to the original plan and appearance of the site.

17.59.110 Safety requirements.

A. Smoke detectors and fire exit maps shall be required in all guest rooms.

B. Fire extinguishers shall be required to be kept on the premises at all times. The extinguishers must be kept in good working order.

C. The buildings and guest rooms must pass a fire inspection before the issuance of a business license, and once a year thereafter.
D. The kitchen shall conform to the requirements for bed and breakfast operations set forth by the county health department.
E. Kitchens, kitchenettes or other provision for the preparation of meals shall not be permitted in any guest room.

17.59.120 Meals.
A. Breakfast shall be the only meal served, and may only be provided to registered guests.
B. A food service permit must be obtained from the county health department before any meals are served.

17.59.130 Owner or innkeeper on premises.
A. The owner or manager of the bed and breakfast establishment must reside on the premises as their primary place of residence.
B. The on-site owner or manager shall be responsible for ensuring that all the requirements of these regulations are met, and that the operation is conducted without unduly interfering with a surrounding residential neighborhood.

17.59.140 Noise.
A. In order to protect the residential character of a neighborhood, and to ensure the enjoyment of the other guests, no loud noises or loud parties shall be permitted after ten p.m. or before eight a.m. in residential zones. For the purpose of this regulation, loud noises shall mean noise above sixty decibels discernible at nearby residences after the specified hours. The on-site owner or manager shall be responsible for enforcing this regulation.
B. In commercial zones with no nearby residential uses, the issue of maintaining quiet during the evening hours shall be at the discretion of the on-site owner or manager.

Chapter 17.60
COASTAL ZONE GENERAL PROVISIONS

Sections:

17.60.010 Purpose and objectives.
17.60.020 Short title.
17.60.030 Components.
17.60.040 Interpretation.
17.60.050 Application.
17.60.060 Construction and definitions.

17.60.010 Purpose and objectives.

These zoning regulations are adopted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the regulations are adopted to achieve the following objectives:

A. To provide a plan to guide the physical development of the city in such a manner as to achieve progressively the general arrangement of land uses depicted in the coastal element of the general plan;

B. To encourage a wholesome, serviceable, and pleasant living environment and to establish a stability of existing land uses which conform with the objectives, policies, principles and standards of the coastal element of the general plan;

C. To prevent excessive population densities and overcrowding of land with structures;

D. To promote a safe and effective traffic circulation system, adequate off-street parking and truck loading facilities, and the appropriate location of community facilities;

E. To promote and protect properly located commercial and industrial activities in order to preserve and strengthen the city's economic base;

F. To enhance and protect real property values and the city's natural assets;

G. To provide for the orderly development of new urban expansion that is logical, desirable, and in conformance with the objectives and policies of the coastal element of the general plan. (Ord. 587 (part), 1983).

17.60.020 Short title.

Chapters 17.60 through 17.86 shall be known as the coastal zone zoning regulations. (Ord. 587 (part), 1983).

17.60.030 Components.

The coastal zone zoning regulations shall consist of a zoning map designating certain districts, an appeal map describing appeal districts, and a set of regulations controlling the uses of land, and density of population, the uses and location of structures, the height and bulk of structures, the open spaces and yards about structures, the appearance of certain uses and structures, the areas and dimensions of sites, locations, size, illumination, and requirements for the provision of off-street parking and off-street loading facilities. (Ord. 587 (part), 1983).

17.60.040 Interpretation.

The interpretation and application of the provisions of these regulations are held to be minimum requirements except where expressly stated to be otherwise. No provision of these regulations is intended to abrogate, repeal, annul, impair, or interfere with any existing ordinance of the city, except as specifically repealed herein with deed restrictions, covenant, easements or other agreements between parties; provided, that where these regulations impose greater restrictions or regulations than are imposed or required by

existing code, deed, restriction, covenant, easements or agreements between parties, these regulations shall control. (Ord. 587 (part), 1983).

17.60.050 Application.

These regulations shall apply to all property whether owned by private persons, firms, corporations, by the state or any of Its agencies or political subdivisions, by any county or city including the city, or any of its agencies or by any authority of the district organized under the state. (Ord. 587 (part), 1983).

17.60.060 Construction and definitions.

The definition of words for these regulations and the construction of the words and provisions thereof shall be as set forth in Chapter 17.61. Words used in the singular include the plural, and the plural the singular. Words used in the present tense shall include the future tense, and the words used in the masculine gender shall include the feminine and the feminine the masculine. (Ord. 587 (part), 1983).

Chapter 17.61
COASTAL ZONE DEFINITIONS

Sections:

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17.61.015 Accessory living quarters.
17.61.020 Accessory use.
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17.61.490 Use.
17.61.495 Yard.
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17.61.510 Yard, side.
17.61.511 Wetlands.

17.61.005 Scope.

"Lot" includes the word "plot"; "building" includes the word "structure"; "occupied" includes the words "arranged or designed for" or "intended to be occupied"; "planning commission" means the planning commission of the city. (Ord. 587 (part), 1983).

17.61.010 Accessory building.

"Accessory building" means the building or the part of the building, the use of which is subordinate or incidental to that of the main building on the lot. Construction of said structure may only commence upon the completion of construction of certain portions of the main building as prescribed in Sections 17.64.040, 17.65.040, and 17.66.040. (Ord. 587 (part), 1983).

17.61.015 Accessory living quarters.

"Accessory living quarters" means the living quarters within an accessory building for the sole use of persons employed on the premises, having no kitchen or cooking facilities and not rented or used as a separate dwelling. (Ord. 587 (part), 1983).

17.61.020 Accessory use.

"Accessory use" means a use incidental and subordinate to the principal use of a lot or building located upon the same lot. (Ord. 587 (part), 1983).

17.61.025 Advertising sign.

"Advertising sign" means any sign used primarily for advertising purposes. (Ord. 587 (part), 1983).

17.61.030 Advertising structure.

"Advertising structure" means any structure of any kind or character erected or maintained for advertising purposes upon which any advertising sign may be placed, including advertising statuary. (Ord. 587 (part), 1983).

17.61.031 Aggrieved person.

"Aggrieved person" means any person who, in person or through a representative, appeared and spoke at a public hearing of the city in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the city in writing of the nature of his or her concerns or who, for good cause, was unable to do either. (Ord. 587 (part), 1983).

17.61.040 Alley.

"Alley" means a public way, not exceeding twenty feet in width for the use of pedestrians and/or vehicles which affords only a secondary means of access to the abutting property. (Ord. 587 (part), 1983).

17.61.045 Apartment.

"Apartment" means a room, or suite of rooms, which is intended or designed to be occupied by one family
for living, kitchen cooking, and sleeping purposes as a dwelling unit.

17.61.050 Apartment house.
For the definition of "apartment house," see "dwelling, multiple," Section 17.61.155. (Ord. 587 (part), 1983).

17.61.055 Area, building.
"Building area" means the aggregate of the maximum horizontal cross-section area of the main building on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than four feet, steps, one-story open porches, bay windows not extending through more than one story and not projecting more than four feet, balconies and terraces. (Ord. 587 (part), 1983).

17.61.070 Basement or cellar.
"Basement" or "cellar" means a story partly or wholly undergrcund, and having more than one-half of its height below the average level of the adjoining ground. A basement, when designed for dwelling or occupied by business or manufacturing, shall be considered a story. (Ord. 587 (part), 1983).

17.61.075 Block.
"Block" means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersection of intercepting streets and railroad right-of-way, waterway or natural barrier or unsubdivided acreage. (Ord. 587 (part), 1983).

17.61.080 Boardinghouse.
"Boardinghouse" means a building in which there is not more than one dining room and meals are provided by the week or month. (Ord. 587 (part), 1983).

17.61.085 Building.
"Building" means any structure built for the occupancy, shelter or enclosure of person, animal, chattels or personal property of any kind. (Ord. 587 (part), 1983).

17.61.090 Building height.
"Building height" means the vertical distance from the average ground level of the site to the highest point of structure. (Ord. 587 (part), 1983).

17.61.095 Building, main.
"Main building" means a building in which is conducted the principal use of the lot upon which it is situated. In any residential district any dwelling shall be deemed to be the main building on the lot. (Ord. 587 (part), 1983).

17.61.100 Building site.
"Building site" means a lot or lots under one ownership or control, or such land area as may be required herein for building purposes. (Ord 587 (part), 1983).

17.61.103 Care Facility, Residential
"Residential Care Facility" means a facility for habilitative, congregate, foster, group

home or daycare uses as a health care, community care or recovery care use.

17.61.105 Carport.

"Carport" means a permanent roofed structure used or intended to be used for automobile shelte? and storage. (Ord. 587 (part), 1983).

17.61.115 Centerline.

"Centerline" means the right-of-way center-line of a street as established by the city engineer, by the county surveyor, by the State Division of Highways, or subdivision map or if such centerline has not been established, the planning commission shall designate the center-line. (Ord. 587 (part), 1983).

17.61.116 Coastal development permit.

"Coastal development permit" means the permit for any development within the coastal zone that is required pursuant to Section 30600(a) of the California Coastal Act of 1976. (Ord. 587 (part), 1983).

17.61.117 Coastal zone.

"Coastal zone" means that land and water area of the state from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limits of jurisdiction, including all offshore islands, and extending inland generally one thousand yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less; and in developed urban areas the zone generally extends inland less than one thousand yards. (Ord. 587 (part), 1983).

17.61.120 Common open space.

"Common open space" means a parcel or parcels of land, water, or land and water included in a planned unit development and designed and intended for the use of all residents thereof. Common open space may contain complimentary recreational structures and improvements designed and intended for the benefit and enjoyment of the residents of the planned unit development. (Ord. 587 (part), 1983).

17.61.125 Community-use facility or center.

"Community-use facility or center" means a multipurpose building, group of buildings or area which is owned and operated by a public agency or nonprofit organization, open to the public and designed to accommodate public gatherings or meetings for the purposes of recreational, educational or cultural endeavors. Single-purpose offices or agencies operated by nonprofit organizations such as, but not limited to, the Red Cross, United Crusade, Family Service Agency, Blood Bank, etc., shall not constitute a community-use facility or center. (Ord. 587 (part), 1983).

17.61.130 Court.

"Court" means an open area other than a yard, on the same lot with a building or buildings, bounded on two or more sides by such building or buildings. (Ord. 587 (part), 1983).

17.61.131 Development.

"Development" means, on land, in or under water, the placement or erection of any solid material or structure, discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of

land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations, which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'Berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). (Ord. 587 (part), 1983).

17.61.140 District.

"District" means a portion of the territory of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of these regulations. (Ord. 587 (part), 1983).

17.61.145 Dormitory.

"Dormitory" means a place where one or more rooms are provided in a non-profit institutional setting, to be occupied for sleeping purposes by more than two persons not members of the same family and where independent cooking facilities are not provided.

17.61.150 Drive-ins.

"Drive-ins" means any premises with off-street parking facilities thereon, upon which premises are located restaurants, eating or food establishments from which establishments prepared food or drink, capable of being consumed by patrons or customers in automobiles on the premises. (Ord. 587 (part), 1983).

17.61.155 Dwelling, multiple.

"Multiple dwelling" means a building with three or more dwelling units designed to be occupied by three or more families, each living independently as a separate housekeeping unit, including apartment houses, or courts, apartment hotels and flats, but not including motels.

17.61.160 Dwelling, one-family.

"One-family dwelling" means a detached building which is a dwelling unit designed to be occupied by one family exclusively.

17.61.165 Dwelling, two-family.

"Two-family dwelling" means a building with two dwelling units designed to be occupied by two families exclusively, living independently of each other.

17.61.170 Dwelling, group.

"Group dwelling" means a group or row of detached or semidetached dwellings occupying a parcel of land in one ownership and having a yard, court or place in common, including bungalow courts and apartment courts, but not including motels. (Ord. 587 (part), 1983).

17.61.175 Dwelling unit.

"Dwelling unit" means a building or portion thereof used and/or designed for occupancy by one family for living or sleeping purposes and having one kitchen and one separate toilet facility. (Ord. 587 (part), 1983).

17.61.176 Energy facility, major.

"Major energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy valued at fifty thousand dollars or more in January, 1981 (with an automatic annual increase based upon the Engineering News Record Construction Cost Index). (Ord. 587 (part), 1983).

17.61.178 Environmentally sensitive habitat area.

"Environmentally sensitive habitat area" means any area in which plant or animal life, or their habitats, are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. (Ord. 587 (part), 1983).

17.61.180 Essential service.

"Essential service" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare. (Ord. 587 (part), 1983).

17.61.185 Family.

"Family" means a household of one or more persons occupying a premises and living together as a single nonprofit housekeeping unit, as distinguished from a goup occupying a hotel, club, fraternity or sorority house.

17.61.187 Fill.

"Fill" means earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area. (Ord. 587 (part), 1983).

17.61.190 Fraternity or sorority house.

"Fraternity house" or "sorority house" means a dwelling maintained exclusively for members affiliated with an academic or professional college or university or other recognized institution of higher learning. (Ord. 587 (part), 1983).

17.61.195 Frontage.

"Frontage" means the property abutting on one side of a street between two streets intersecting it (crossing or terminating) measured along the street line. (Ord. 587 (part), 1983).

17.61.200 Front wall.

"Front wall" means the wall of a building or other structure nearest to the street upon which the building faces, excluding cornices, canopies, eaves or any other architectural embellishments extending up to, but not in excess of, thirty inches beyond said front wall. (Ord. 587 (part), 1983).

17.61.205 Garage, private.

"Private garage" means an accessory building or portion of the main building designed and/or used for the shelter or storage of vehicles by the occupants of the main building. (Ord. 587 (part), 1983).

17.61.210 Garage, public.

"Public garage" means any building, other than a private or storage garage, used for the storage, care or repair of motor vehicles or where the vehicles are kept for hire or sale. (Ord. 587 (part), 1983).

17.61.215 Garage, storage.

"Storage garage" means any building other than a public or private garage used exclusively for the storage of motor vehicles. (Ord. 587 (part), 1983).

17.61.220 Grade.

"Grade" means the elevation of the finished surface of the ground adjacent to the exterior walls of the building; except that where the exterior walls are within five feet of a street line, the elevation of the sidewalk at the center of such exterior wall or walls shall be taken as the grade. (Ord. 587 (part), 1983).

17.61.225 Guest home or rest home.

"Guest home" or "rest home" means a building or any portion thereof used for the housing of ambulatory or aged persons where lodging is provided for compensation. (Ord. 587 (part), 1983).

17.61.230 Guestroom.

"Guest room" means a room designed and/or used by one or more guests for sleeping purposes, but in which no provision is made for cooking. (Ord. 587 (part), 1983).

17.61.231 Harbor-related.

"Harbor-related" means that area and use which is primarily dependent upon immediate access to the harbor to function effectively; however, it may also include those uses which do not have to depend upon the coast or harbor to function. (Ord. 587 (part), 1983).

17.61.235 Home occupation.

The purpose of Home Occupation is to provide Crescent City residents with the opportunity to have a combined living and working environment, thereby providing an affordable lifestyle and an incentive to remain in Crescent City. It is intended to implement the applicable provisions of the general plan and to promote compatible living and working conditions within a safe and health environment on property zoned residential. It is also the intent of a Home Occupation use to ensure that resident's live/work projects are compatible with surrounding land uses, are designed to avoid potential land use conflicts and negative impacts to both live/work occupants and occupants of neighboring properties, and to ensure that the project density will be no greater than the density otherwise allowed in the underlying zone.

"Home occupation" shall mean an activity customarily conducted entirely within in a residential dwelling by a person residing in the dwelling unit, which use is clearly a secondary and incidental use of such dwelling as a residence. The use must not change the residential character of the dwelling or area and shall meet the following conditions:

a. The use shall not generate vehicular traffic in excess of that normally associated with the residential use.

b. There shall be no exterior indication of the home occupation except an unlighted sign that conforms to sign restrictions applicable to the zone in which the Home Occupation is located. Any outside storage of materials, products, equipment or

vehicles other than the personal transport vehicle(s) of the resident business owner(s) is prohibited.

c. No noise, odor, dust fumes, vibration, smoke, electrical interference or other interference with the residential use of adjacent properties shall be created.

d. No persons other than residents in the home shall be employed in the conduct of the home occupation.

e. Living and working spaces shall not be rented or sold separately.

f. In addition, the home Occupation use at the location shall not significantly:

1. Cause an adverse affect to the health, safety or welfare of persons residing or working in the surrounding area;

Impair the use and enjoyment of surrounding property in the vicinity of the site.

17.61.240 Hospital, sanitarium, nursing or convalescent homes.

"Hospital, sanitarium, nursing or convalescent homes" mean a building or any portion thereof used or designed for the housing of sick, mentally ill, injured, convalescent or infirm persons for the purpose of medical treatment; provided, that this definition shall not include rooms in any one-, two-, or three-family dwelling, hotel, apartment hotel not ordinarily intended to be occupied by said persons.

17.61.245 Hotel.

"Hotel" means a building containing six or more guestrooms used by six or more guests, with or without meals, where such lodging is provided for compensation for thirty days or less, and no provision is made for ~~cooking~~ kitchen facilities in any individual room or suite, but excluding hospitals and buildings where human beings are housed and detained under legal restraint.

17.61.247 Hotel, residential

"Residential hotel" means a building containing six or more guestrooms used by six or more guests, with or without meals, where such lodging is provided for compensation for the purpose of occupancy longer than thirty days. and no provision is made for kitchen facilities in any individual room or suite

17.61.265 Kitchen.

"Kitchen" means any room, all or any part of which is designed or used for cooking and preparation of food..The use of a portable microwave oven or mini-refrigerator appliance utilizing 110 volt plugs for the purpose of incidental wet-bar or snack bar purpose without a food storage, cook stove or preparation/clean-up area shall not constitute a kitchen.

17.61.275 Landowner.

"Landowner" means the legal or beneficial owner or owners of all of the land included in or proposed to be included in any individual parcel of land. (Ord. 587 (part), 1983).

17.61.276 Land use plan.

"Land use plan" means the city's local coastal element of the general plan which is detailed to indicate kinds, locations, and intensity of land uses, and the applicable resource protection and development policies. (Ord. 587 (part), 1983).

17.61.280 Loading space.

"Loading space" means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commerical vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access. (Ord. 587 (part), 1983).

17.61.281 Local coastal plan.

"Local coastal plan" consists of the land use plan, zoning ordinances, zoning district maps, and implementing actions, which when all taken together meet the requirements of the Coastal Act of 1976. (Ord. 587 (part), 1983).

17.61.285 Lodging or roominghouse.

"Lodging or roominghouse" means a building having no more than five guest rooms with a maximum of two persons per room, where lodging is provided for compensation. For time periods of one month or longer. Communal meals may or may not be provided in a single dining facility however no guestroom shall have separate kitchen facilities.

17.61.290 Lot.

"Lot" means land occupied or available to be occupied by a use, building or a unit group of buildings, accessory buildings or uses, together with such yards, open spaces, lot width and area as required by this title, and having its principal frontage upon a street. (Ord. 587 (part), 1983).

17.61.295 Lot area.

"Lot area" means the total horizontal area included within lot lines of a lot. (Ord. 587 (part), 1983).

17.61.300 Lot, corner.

"Corner lot" means land situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines. (Ord. 587 (part), 1983).

17.61.305 Lot, interior.

"Interior lot" means a lot other than a corner lot. (Ord. 587 (part), 1983).

17.61.310 Lot, key.

"Key lot" means the first interior lot to the rear of a reversed corner lot, the. front line of which is a continuation of the side line of the reversed corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the comer lot fronts. (Ord. 587 (part), 1983).

17.61.315 Lot line, front.

"Front lot line" means a line on an interior lot separating the lot from a street or place; either side of a corner lot or reversed corner lot which faces a street may be designated and used as the front of the lot. (Ord. 587 (part), 1983).

17.61.320 Lot line, rear.

"Rear lot line" means a line which is opposite and most distant from the front lot line, and, in case of an irregular, triangular or goreshaped lot, a line within a lot ten feet in length, parallel to and at the maximum distance from the front lot line. (Ord. 587 (part), 1983).

17.61.325 Lot line, side.

"Side lot line" means any lot lines other than the front or rear lot lines. (Ord. 587 (part), 1983).

17.61.330 Lot of record.

"Lot of record" means land held in separate ownership as shown on the records of the County Recorder at the time of the passage of this title. (Ord. 587 (part), 1983).

17.61.335 Lot, reversed corner.

"Reversed corner lot" means a corner lot which rears upon the side of another lot, whether or not across an alley. (Ord. 587 (part), 1983).

17.61.340 Lot, through.

"Through lot" means a lot having frontage on two parallel or approximately parallel streets. (Ord. 587 (part), 1983).

17.61.345 Lot width.

"Lot width" means the average horizontal distance between side lot lines measured at right angles to the lot depth. (Ord. 587 (part), 1983).

17.61.350 Marina.

"Marina" means a recreational use consisting of a small harbor or boat basin providing dockage, supplies and services, including but not
limited to office space for management, sale of boats, marina supplies and incidental refreshments and marine insurance for a small pleasure craft. Nothing in this chapter shall be construed as to prohibit the dry-land storage of small craft, trailers or appurtenances required for the operation of such craft but does not include the major repair and overhaul of such crafts. (Ord. 587 (part), 1983).

17.61.353 Mixed use development

"Mixed use" development means development upon one property which consists of both residential and non-residential commercial business, retail, office, or service uses.

17.61.355 Mobile home.

"Mobile home" means a vehicle designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons or property, including trailer coaches, house trailers, and self-propelled vehicles used for human habitation. (Ord. 587 (part), 1983).

17.61.365 Motel.

"Motel" means a building or group of two or more detached, semi-detached or attached buildings containing guest rooms or apartments with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of automobile travelers visiting 30 days or less; including groups designated as auto cabins, motor courts, motels and similar designation. Where

apartments are provided they shall constitute less than 50% of the total number of rooms and apartments in the facility.

17.61.375 Natural production use.

"Natural production use" means any of the following uses: Agriculture, mining production, storage or distribution of water supplies, forestry cutting and splitting of wood, extraction of minerals, and other natural materials. (Ord. 587 (part), 1983).

17.61.380 Nonconforming building.

"Nonconforming building" means a building or portion thereof lawfully existing at the date of passage of the ordinance establishing the district in which such building is located, and which does not conform to the use regulation of the district, or which does not conform to all
the height or area regulations required in said district. (Ord. 587 (part), 1983).

17.61.385 Nonconforming lot.

"Nonconforming lot" means a lot which does not conform to the area and width regulations of the district in which it is located or which does not conform to the subdivision regulations. (Ord. 587 (part), 1983).

17.61.390 Nonconforming use.

"Nonconforming use" means a use which occupied a building or land at the date of passage of the ordinance establishing the district in which such building or land is located, and which does not conform to the use regulation of the said district. (Ord. 587 (part), 1983).

17.61.395 Nursery, day.

"Day nursery" means a use wherein day care is afforded children under the age of six years. (Ord. 587 (part), 1983).

17.61.400 Parking area, public.

"Public parking area" means an open area, other than a street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers. (Ord. 587 (part), 1983).

17.61.405 Parking space, automobile.

"Automobile parking space" means space within a public or private parking area of a building for the temporary parking or storage of one automobile. (Ord. 587 (part), 1983).

17.61.410 Patio, covered.

"Covered patio" means an area which is covered partially or completely by a solid or open roof which is supported by upright support, columns, pillars, posts or walls. (Ord. 587 (part), 1983).

17.61.415 Place.

"Place" means an open occupied space, other
than a street, permanently reserved as the principal means of access to abutting property including courts of access. (Ord. 587 (part), 1983).

17.61.420 Planned unit development.

"Planned unit development" means an area of land controlled by a landowner, which is, has been, or is proposed to be developed as a single entity for a number of dwelling units, the plan for which need not conform in lot size, bulk or type of dwelling, number of structures per lot, height or yard regulations established for the affected district or districts by any other chapters of this title. Such development will be permitted only after a planned unit permit is secured. (Ord. 587 (part), 1983).

17.61.425 Public works, major.

"Major public works" means projects valued at fifty thousand dollars or more in January, 1981 (with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index) which include the following:

A. All production, storage, transmission and recovery facilities for water, sewerage, telephone and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities;

B. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads and mass transit facilities and stations, bridges, trolley wires, and other related facilities;

C. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district;

D. All community college facilities. (Ord. 587 (part), 1983).

17.61.430 Schools, elementary, middle, junior high or high.

"Elementary school," "middle school," "junior high school" or "high school" means public or private facilities devoted primarily to academic instruction, excluding trade schools, vocational schools and business schools. (Ord. 587 (part), 1983).

17.61.440 Service station.

"Service station" means any building, structure, premises or other place used primarily for the retail sale and dispensation of motor fuels, lubricants and motor vehicle accessories, and the rendering of minor services and repairs to such vehicles, but not including painting or body and fender repairs. (Ord. 587 (part), 1983).

17.61.445 Setback.

"Setback" means the minimum horizontal distance from the building to the property line as prescribed by this title. (Ord. 587 (part), 1983).

17.61.450 Sign.

"Sign" means any words, letters, figures, numerals, emblems, designs or other marks shown on any card, cloth, paper, metal, painted glass, wooden, plaster, stone or other sign or device of any kind or character by which anything is made known and used to attract attention for advertising purposes. (Ord. 587 (part), 1983).

17.61.455 Sign area.

"Sign area" is determined as follows: A. Where the lettered or illustrative material of a sign is placed upon a sign board or other part of a sign structure, whether framed or un-framed, and having a continuous or essentially continuous surface or face (whether flat, curved, spherical, cylindrical, angulated or otherwise), the sign area is the area of the surface or face of the board or sign structure upon which it is placed. Building walls shall not be considered to be sign structures for the purposes of this subsection.

B. Where the lettered or illustrative material comprising a sign is not placed in the manner

described in subsection A of this section, the sign area is the area which whould be encompassed within a frame extending two inches beyond the outermost boundaries of the lettered or illustrative material. This subsection shall be used for, but shall not be limited to, determining the sign area of signs painted or otherwise placed directly upon building walls. (Ord. 587 (part), 1983).

17.61.460 Street.

"Street" means a public thoroughfare dedicated as such or condemned for use as such, other than an alley, which affords the principal means of access to abutting property. (Ord. 587 (part), 1983).

17.61.465 Streetline.

"Streetline" means the boundary line between a street and abutting property. (Ord. 587 (part), 1983).

17.61.470 Structural alteration.

"Structural alteration" means any change in the supporting members of a structure such as the bearing walls or partitions, columns, beams or girders. (Ord. 587 (part), 1983).

17.61.475 Structure

"Structure" means anything constructed or erected, the use of which requires location on or under the ground or attached to something having a permanent location on the ground, including but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power transmission and distribution line, and excepting awnings, benches, statuary, fish ponds, or any similar objects. (Ord. 587 (part), 1983).

17.61.480 Townhouse or row house.

"Townhouse" or "row house" means one of a group of no less than four attached dwelling units where each dwelling unit is located on a separate lot. (Ord. 587 (part), 1983).

17.61.490 Use.

"Use" means the purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained. Uses described within this title are more specifically defined in the latest edition of the Standard Industrial Classification Manual. (Ord. 587 (part), 1983).

17.61.495 Yard.

"Yard" means an open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided in this title. (Ord. 587 (part), 1983).

17.61.500 Yard, front.

"Front yard" means an area extending across the front of the lot between the side lot lines, the depth of which is the minimum horizontal distance from the front line of the lot to the nearest line of the main building. (Ord. 587 (part), 1983).

17.61.505 Yard, rear.

"Rear yard" means an area extending across the full width of the lot between the main building and the rear lot line; depth of the required rear yard to be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line. (Ord. 587 (part), 1983).

17.61.510 Yard, side.

"Side yard" means an area between a main building and the side lot line, extending from the front yard, or front lot line to the rear yard; width of the required side yard to be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building. (Ord. 587 (part), 1983).

17.61.511 Wetlands.

"Wetlands" means lands which may be covered periodically or permanently with shallow water and include saltwater marshes, open or closed brackish water marshes, freshwater marshes, swamps, mudflats and fens. (Ord. 587 (part), 1983).

Chapter 17.63

COASTAL ZONE DISTRICT CLASSIFICATIONS

Sections:

17.63.010 Established.
17.63.020 Boundaries.
17.63.030 Zoning districts.
17.63.040 Changes.
17.63.050 Zoning of vacated or abandoned streets, rights-of-way and easements.
17.63.60 Zoning of annexed areas.
17.63.070 Prezoning of unincorporated territory.
17.63.080 Restrictions except as otherwise provided.

17.63.010 Established.

The city is divided into zones or districts as described on the official zoning map and the coastal zone zoning map for the city. (Ord. 587 (part), 1983).

17.63.020 Boundaries.

The boundaries of the zones or districts are established as described on the map entitled the "coastal zoning map" of the city and as certified by state's Coastal Commission, which map with all explanatory matters thereon shall be deemed to accompany, be, and is made a part of these regulations and such map shall be the final authority as to the current zoning status of land, buildings and other structures in the city's coastal zone. Where uncertainty exists with respect to the boundaries of the various districts, as described on the coastal zoning map and made a part of these regulations, the following rules shall apply:

A. The district boundaries are either streets or alleys unless otherwise stated, and where the districts designated on the accompanying map and made a part of these regulations are bounded approximately by streets or alley lines, said street or alley shall be construed to be the boundary of such district.

B. Where the district boundaries are not otherwise indicated and where the property has not been or may hereafter be divided into blocks or lots, the dsitrict boundaries shall be construed to be the lot line, and where the districts designated on the accompanying map made a part of these regulations are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such district.

C. In unsubdivided property, the district boundary lines on the accompany map made a part of these regulations shall be determined by the use of the scale continued on such map.

D. The districts aforesaid and the boundaries of such districts are shown upon the map attached to the ordinance codified in this chapter and on file with the city council, the same being designated as the coastal zoning map, which said map is referred to and by this reference said map and all notations, references and other information shown thereon are made a part of this title as if the matters and the infromation set forth thereon were all fully described in this chapter. (Ord. 587 (part), 1983).

17.63.030 Districts.

The districts established by the title are designated as follows:

CZ- RI Coastal Zone Low Density Residential district;
CZ-R1B Coastal Zone Low Density Residential Beach district;
CZ-C2 Coastal Zone General Business district;
CZ-HS Coastal Zone Highway Service district;
CZ-O Coastal Zone Open space district;
CZ-HR Coastal Zone Harbor-Related district;
CZ-HD Coastal Zone Harbor dependent district;
CZ-CW Coastal Zone Commercial Waterfront district;
CZ-NR Coastal Zone Natural Resources district.

17.63.040 Changes.

If, hi accordance with the provisions of these regulations and state statutes, changes are made hi the district boundaries or other matters portrayed on the official coastal zoning map, such changes shall be made on the official coastal zoning map promptly after the amendment has been approved by the city council and the state's Coastal Commission. The planning director is authorized to make such changes and shall, from time to time, republish said map as the coastal map of the city for zoning purposes. Upon completion of the redrafting of the map, the planning director shall, under his signature, file said map with the city council. Such filed map will constitute the official coastal zoning map of the city. No changes of any nature shall be made in the official coastal zoning map or matters shown thereon except in conforming with the procedure set forth in these regulations. Any unauthorized change whatsoever by any person shall be considered a violation and punishable as provided under Section 17.62.050. (Ord. 632 Exh. A (part), 1989; Ord. 587 (part), 1983).

17.63.050 Zoning of vacated or abandoned streets, rights-of-way and easements.

Unless otherwise established in accordance with procedures set forth in these regulations for rezoning of property, whenever property has been vacated or abandoned as a street, alley, or other public right-of-way, the boundaries of the district shall be determined in accordance with the following rules:

A. Wherever contiguous lands lie in one district, property which has been vacated or abandoned shall be deemed to be located in that same district.

B. Whenever the underlying fee to all or any portion of the property which has been vacated or abandoned is invested in an owner of contiguous land, such vacated or abandoned property or portion thereof shall be deemed to be included in the same district as the land which is both contiguous thereto and held in the same ownership.%

C. Whenever contiguous lands lie in two or more districts and the underlying fee to all or any portion of the property vacated or abandoned is invested in a person other than an owner of contiguous land, determination of the district in which such vacated or abandoned property is to be included shall be in accordance with procedures set forth in these regulations for rezoning of property. (Ord. 587 (part), 1983).

17.63.060 Zoning of annexed areas.

Except as provided herein, any property which is annexed to or consolidated with the city shall be deemed to be classified, except for dedicated streets and roads, as lying and being in the zone decided in accordance with Section 17.63.070. (Ord. 587 (part), 1983).

17.63.070 Prezoning of unincorporated territory.

The city may prezone unincorporated territory adjoining the city for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the city. The method of accomplishing such prezoning shall be as provided for rezoning in Chapter 17.81. Such zoning shall become effective at the same time that the annexation becomes effective, provided that California Coastal Commission concurrence of the local coastal plan amendment has been approved. (Ord. 587 (part), 1983).

17.63.080 Restrictions except as otherwise provided.

A. A building shall only be erected, converted, reconstructed, or structurally altered, and any building or land shall only be used for any purpose as permitted in the district in which such building or land is located.

B. A building shall only be erected, reconstructed, or structurally altered which complies with the height or bulk limits established in

these regulations for the district in which such building is located.

C. The lot area shall be so preserved that the yards or other open spaces shall be as prescribed in these regulations.

D. Yard or open space provided with any building for the purpose of complying with the provisions of these regulations shall not be considered as providing a yard or open space for any other building; provided further, that no yard or open space or an adjoining property shall be considered as providing a yard or open space on the lot whereon a building is to be erected.

E. Every building hereafter erected shall be located on a lot as defined, and in no case shall there be more than one building on one lot, except as provided herein.

F. The conversion of any building into a dwelling or conversion of any dwelling so as to accommodate an increased number of families shall be permitted only within a district in which a new building or similar use would be permitted under these regulations, and only when the remodeled building will comply with the requirements governing new construction in such district with respect to the required lot area, lot area per family, percentage of lot coverage, dimensions of yards and other open spaces and off-street parking. Each conversion shall be subject also to such other further requirements as may be specified hereinafter in the regulations applying to such district.

G. On a corner lot in any residential district nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision above the height of two and one-half feet above the centerline grades of the intersecting streets in the area bounded by the lot lines of such corner lots in a line joining points along such lot lines twenty feet from the point of intersection. (Ord. 587 (part), 1983).

Chapter 17.64
CZ- R-I COASTAL ZONE
LOW DENSITY RESIDENTIAL DISTRICT

Sections:

17.64.010 Purpose.
17.64.020 Principal Permitted Use.
17.64.030 Uses permitted subject to a use permit.
17.64.040 Property development standards.
17.64.050 Building placement.
17.64.060 General provisions.

17.64.010 Purpose.

A. The purpose of the CZ-R1 district is to provide living areas within the coastal zone where development is limited to low-density concentrations of single-family dwellings and where regulations are designed to: promote and encourage a suitable environment for family life; provide space for community facilities needed to compliment urban residential areas; provide for the safety, health and general welfare of its inhabitants; and implement the local coastal plan of the city.

B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17.64.020 Principal Permitted Use.

The principal permitted use in the CZ-R-1 district is a single family residential use which includes:

A One-family dwelling;

B. Accessory buildings;

C. Home Occupations; and

D. Residential Care Facilities serving six or fewer clients.

E. Where a one-family dwelling exists, a second one-family dwelling may be established where all of the following criteria are met:

a. The lot size provides for second unit density under the General Plan in that it is twice that of the minimum lot area per dwelling unit set forth in Section 17.64.040; and
b. Separate water and sewer connections are available and provided to the units; and
c. The Property Development Standards of Section 17.640.040 are met and
d. One off-street parking space is provided for each bedroom of the second unit in addition to the minimum two spaces required for the first dwelling by Chapter 17.76.

17.64.030 Uses permitted subject to a use permit.

The following uses may be permitted subject to the granting of a conditional use permit:

A. Churches and religious institutions and parochial and private schools;

B. Bed and Breakfast Establishments subject to the provisions of Chapter 17.59;

C. Parking lots;

A. Publicly owned buildings and structures (such as schools and public utility substations) except as
noted in section 17.02.050.

17.64.040 Property development standards.

The following property development standards shall apply to all land and structures in the CZ-R-1 zone:

A. Building Height. No new building, additions to existing buildings or structures in this zone shall have a height greater than thirty-five (35) feet when measured from the finished or natural grade, whichever is more restrictive.

B. Area and Yards.

1. Front yard: Each lot shall maintain a front yard or front yards of not less than twenty (20) feet.

2. Side yard: The side yard width shall be a not less than five (5) feet for interior and corner lots. Reverse corner lots on the street side shall have a side yard equal to one-half the required front yard of the lots abutting the rear of such reversed corner lots.
3. Rear yards: Each lot shall maintain a rear yard of not less than twenty (20) feet
4. Lot area: Each lot shall have a minimum area of six thousand (6000) square feet unless previously legally subdivided or a planning commission approved lot split or parcel map;
5. Lot area per dwelling unit: Each lot shall have a minimum area of six thousand (6000) square feet for each dwelling unit unless previously legally subdivided or a planning commission approved lot split or parcel map; provided however, that subject to the conditional use permit provisions of 17.64.030(F), there shall be no more than one dwelling on any one lot.
6. Lot coverage: Site coverage for all habitable enclosed building space, accessory buildings, structures, covered off-street parking and covered patios shall not exceed fifty percent.

17.64.050 Building placement.
A. No building, accessory building, structure or covered patio shall occupy any portion of a required front, side or rear yard except as herein provided.
B. Coverage of the rear yard by accessory buildings or covered patios shall be limited to fifty percent of the required rear yard area. In addition, no portion of the main building shall extend into the rear yard twenty-foot setback.
C. Accessory buildings, structures for covered patios, may be located anywhere within the required rear yard provided all building and fire prevention code requirements are met and a five foot passage from one side yard, to the area to the rear of the main building, to the other side yard shall be maintained. This passage shall provide ready access around the main building. Further, that construction on accessory buildings may only be started after the main building on the lot has been roofed and has had the siding constructed.
D. Accessory buildings, structures, covered patios and garages shall not exceed thirteen feet in height at their highest point.
E. On corner lots or reverse corner lots no accessory building, structure or covered patio shall be located closer to the street side property line than a distance equal to the required side yard on the street side.
F. On reverse corner lots accessory buildings, structures or covered patios located in the required rear yard within twenty-five feet of the street side property line shall be set back five feet from the rear property line.
G. Garages on interior lots may occupy side yards to a point not to exceed twenty-five feet from rear property lines. Garages on corner or reverse corner lots shall not be built closer than twenty feet to any street side property line.
H. Where a lot size is twice the minimum lot area the location of all new structures upon the lot shall be such to facilitate future subdivision of the lot to provide for the maximum dwelling unit potential.

17.64.060 General provisions.
General provisions for the R-I district shall be as follows:
A. Parking. Such off-street parking as may required under the provisions of Chapter 17.76 of the Crescent City Municipal Code, from time to time amended or supplanted.
B. Fencing. Such fencing as may be permitted under the provisions of Chapter 17.75 of the Crescent City Municipal Code, from time to time amended or supplanted.
C. Signs. Such signs as may be permitted under the provisions of Chapter 17.74 of the Crescent City Municipal Code, from time to time amended or supplanted.

Chapter 17.65
CZ- R-IB COASTAL ZONE
LOW DENSITY RESIDENTIAL –BEACH DISTRICT

Sections:

17.65.010 Purpose.
17.65.020 Principal Permitted Use.
17.65.030 Uses permitted subject to a use permit.
17.65.040 Property development standards.
17.65.050 Building placement.
17.65.060 General provisions.

17.65.010 Purpose.

A. The purpose of the CZ-R1B district is to supplement the low density residential district for those areas which lie along a shoreline within the coastal zone where regulations are designed to provide greater open space and visibility, while still permitting equal opportunities for developers of residential property similar to others within the community.

B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17.65.020 Principal Permitted Use.

The principal permitted use in the CZ-R-1B district is a single family residential use which includes:

A. One-family dwelling;
B. Accessory buildings;
C. Home Occupations; and
D. Residential Care Facilities serving up to six clients.

17.65.030 Uses permitted subject to a use permit.

The following uses may be permitted subject to the granting of a conditional use permit:

A. Bed and Breakfast Establishments subject to the provisions of Chapter 17.59;
B. A second one-family dwelling where the lot size is twice that of the minimum lot area per dwelling unit and lot coverage limitations are not exceeded.

17.65.040 Property development standards.

The following property development standards shall apply to all land and structures in the CZ-R-1B zone:

A. Building Height. No new building, additions to existing buildings or structures in this zone shall have a height greater than twenty-five (25) feet when measured from the finished or natural grade, whichever is more restrictive.

B. Area and Yards.

1. Front yard: Each lot shall maintain a front yard or front yards of not less than twenty (20) feet.
2. Side yard: The side yard width shall be a not less than ten (10) feet for interior and corner lots. Reverse corner lots on the street side shall have a side yard equal to one-half the required front yard of the lots abutting the rear of such reversed corner lots.
3. Rear yards Minimum twenty feet. Where back yards face upon the ocean side of the property no rear yard will be required;
4. Lot area: A minimum of seventy-five feet of lot frontage is required and a minimum of six thousand (6000) square feet, unless the lot was previously legally subdivided;
5. Lot area per dwelling unit: Each lot shall have a minimum area of six thousand (6000) square feet for each dwelling unit unless previously legally subdivided or a planning commission approved lot split or parcel map; provided however, that subject to the conditional use permit provisions of 17.64.030(F), there shall be no more than one dwelling on any one lot.

6. Lot coverage: Site coverage for all habitable enclosed building space, accessory buildings, structures, covered off-street parking and covered patios shall not exceed fifty percent.

17.65.050 Building placement.

All requirements of the CZ-R1 single-family district shall be required in the CZ-R1B district as it relates to building placement

17.65.060 General provisions.

General provisions for the R-I district shall be as follows:

A. Parking. A minimum of two covered off-street parking spaces for single-family residences.

1. Bed-and-breakfast establishments shall provide one off-street parking space per guest room in addition to the two covered off-street parking spaces required for the single-family residence. See Chapter 17.76 for complete regulations and standards for required off-street parking.

B. Fencing. No hedges, shrubs or fences between houses may exceed four feet in height in the side yard setback. Front yard fences may not exceed two and one-half feet in height.

C. Signs.

1. Maximum nameplate sign of two square feet bearing only the name of the occupant.

2. Signs for bed-and-breakfast establishments shall be limited to wall signs, hanging signs or ground signs, shall be no more than two square feet in size, made of a nonplastic material and must have the approval of the planning department. In residential zones, bed and breakfast establishment signs shall not be lighted at night.

3. Signs for the sale or lease of the property shall conform to the regulations set forth in the Crescent City sign ordinance, Chapter 17.38 of this code.

See Chapter 17.74 for signs permitted other than provided for in this chapter.

D. Bed and Breakfast Establishments.

See Chapter 17.59 for further regulations governing bed and breakfast establishments.

Chapter 17.68
CZ-C2 COASTAL ZONE GENERAL COMMERCIAL DISTRICT

Sections:

17.68.010 Purpose
17.68.020 Principal permitted use.
17.68.030 Property development standards.
17.68.040 Building placement
17.68.050 General requirements
17.68.060 Site plan and architectural review
17.68.070 General regulations

17.68.010 Purpose.

The coastal zone general commercial district is intended to serve as the public utilities area of the city within the coastal zone. The only permitted uses for any building, or land, or any building to be erected or structurally altered in this district are described in Section 17.68.020, unless otherwise provided in these regulations.

17.68.020 Principal permitted use.

The principal permitted use in the CZ-C2 district coastal zone general commercial district is public utilities use which includes:

A. Wastewater treatment facilities.
B. Co-generation energy facilities

17.68.030 Property development standards

A. Height. The maximum building height shall be forty-five feet.
B. Yards and areas.
   1. Front Yard. None required except where adjacent properties abutting upon the CZ-C2 use are in a zone of greater requirements, then the front yard shall conform to the more restrictive zone:
   2. Side Yard. None required, except where the side yard of the CZ-C2 use abuts upon the side yard of a residential or a CZ-RP use, and the side yard shall be five feet;
   3. Rear Yards. Maximum ten feet
   4. Lot Area. No minimum
   5. Lot Coverage. No maximum.

17368.040 Building placement.

Whenever property classified for a CZ-C2 use is sparated from adjacent residential property by a permanent open space or parking area of no less than twenty-five feet in width, the required front yard or side yard setback shall not be required.

17.68.050 General requirements

General requirements for the CZ-C2 district shall be a follows:

A. Parking. See Chapter 17.76 for parking requirements.
B. Fencing. See Chapter 17.75 for fencing requirements.
C. Signs. See Chapter 17.74 for sign requirements.

17.68.060 Site plan and architectural review

All uses permitted in the CZ-C2 district shall be subject to, and approval of, a site plan and architectural review. Procedures for such submittal and approval are in Chapter 17.79.

17.68.070 General regulations

General regulations for the CZ-C2 district shall be as follows:

A. All uses permitted in this district shall be conducted wholly within enclosed facilities except parking lots. Material storage shall be confined behind a six-foot solid wall or fence.

B. Accessory uses shall be permitted only to the extent necessary to the limited uses permitted under this chapter.
C. The uses and operational products in this section shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

Chapter 17.69
CZ-HS COASTAL ZONE HIGHWAY SERVICE DISTRICT

Sections:

17.69.010 Purpose
17.69.020 Principal Permitted Use
17.69.025 Uses permitted subject to a Use Permit
17.69.027 Uses prohibited
17.69.030 Property development standards
17.69.050 General requirements
17.69.060 General regulations
17.69.070 Site Plan and Architectural review

17.69.010 Purpose.

A. The coastal zone highway service district is intended for application to areas along the major highway entrance to the City adjacent to the harbor to provide a transition between harbor services and conveniences to visitors traveling the highway. It is intended that this area be developed to the highest quality to make a positive impression upon those visiting the community, while providing for transitional businesses and convenient services to the traveler.

B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17.69.020 Principal Permitted Use.

The principal permitted use in the CZ-HS coastal zone highway service district is a highway services use which includes:

A. Visitor-serving facilities such as: hotels and motels, indoor and outdoor eating and drinking places (including drive-thru services), grocery shops, liquor stores, or indoor specialty shops such as gifts, art, antiques, pawn or collectibles;

B. Transportation services such as gas stations, auto repair or public transportation stops;

C. Indoor recreation and entertainment facilities such as specialty attractions, theatres, and sports activities including equipment rentals and sales;

D. One residential unit for the owner or manager of an existing on-site permitted use; and

E. Visitor oriented public recreation facilities such as public parks, trails, rest areas and parking lots.

17.69.025 Uses permitted subject to a Use Permit

The following uses may be permitted subject to the granting of a conditional use permit:

A. New timeshare resort hotels which provide at least one recreational facility (pool, court, playground, picnic area, trail, etc) to which the general public has access.

B. Recreational Vehicle Parks, not including mobilehome or manufactured home spaces, excepting one unit for a manager.

C. Fishing and visitor service support activities which are indoors such as ice manufacturing, fish processing, equipment and boat services, or interior storage facilities.

D. Car, boat or other vehicle washing facilities.

E. Public utility pumping stations, power stations, equipment buildings and installations, drainage ways, storage tanks
and transmission lines found by the planning commission to be necessary for the public health, safety or welfare and designed to minimize any visual, hearing and/or air quality impacts.

17.69.027 Uses prohibited.
The following uses are prohibited in the CZ-HS district::
A. Truck and heavy equipment repair shops;
B. Any manufacturing use not specifically defined herein.
C. Outdoor recreation or entertainment facilities which generate excessive noise, dust or glare.
D. Communication and television towers.

17.69.030 Property development standards.
In the HS district the height of buildings and the maximum dimensions of yards and lots shall be as follows:
A. Height. Maximum building height shall be thirty-five feet.
B. Yards and Areas.
1. Front Yard. A minimum of thirty-five foot setback for all structures; front yards may be used for off-street parking complying with the parking section of this title;
2. Side Yards. None required for interior lot lines. The street side of corner and reverse corner lots shall have a side yard equal to one-half the required front yard.
3. Rear Yards. Minimum five feet.
4. Lot Area. No minimum;
5. Lot Coverage. Site coverage for the total building square footage shall not exceed fifty percent (50%) of the size of the lot. Parking areas shall not be counted as building square footage. Residential units which are on the ground floor (existing or new) shall be counted, however residential units above the ground floor shall not be counted in the square footage.

17.69.050 General requirements.
A. Parking. See Chapter 17.76 for parking requirements.
B. Fencing. See Chapter 17.75 for fencing requirements.
C. Signs. See Chapter 17.74 for sign requirements.

17.69.060 General regulations.
A. All uses shall be conducted wholly within a building except for such uses as gasoline service stations and other enterprises customarily conducted in the open. Outdoor uses shall be subject to the provision of landscaping and/or solid screen fencing relative to the type of use. Material and equipment storage and automobiles awaiting service overnight or longer shall be confined behind a siz-foot solid wall or fence.
B. There shall be no display of goods outside of the structure except for those uses customarily conducted in the open.
C. Accessory uses shall be permitted only to the extent necessary to the limited uses permitted under this part.
D. For new development, where required the front yard setback and the side yards and rear yards shall be landscaped by an area of no less than five feet in width along property lines and along street frontages, except for entrances and exit driveways. Said landscaped areas shall be planted and well maintained in good condition.

E. All exterior lighting shall be shielded and directed downward on the property to prevent upward glare and glare at adjacent properties.

F. The above highway service uses shall not be objectionable due to odor, dust, smoke, noise vibration, or other similar causes beyond the level of the ordinary neighborhood retail establishment.

17.69.070 Site plan and architectural review.

All uses permitted in the HS district shall be subject to approval of a site plan and architectural review. Procedures for such submittal and approval will be found under Chapter 17.46.

Chapter 17.70
HARBOR-RELATED DISTRICT
CZ-HR COASTAL ZONE

Sections:

17.70.010 Purpose
17.70.020 Principal permitted use
17.70.030 Uses permitted subject to a Use Permit
17.70.040 Property development standards
17.70.050 General Requirements
17.70.060 Site Plan and Architectural Review

17.70.010 Purpose.

A. The CZ-HR coastal zone harbor related district is intended to provide for public and private areas for commercial and light industrial uses which are not dependent upon immediate access to the harbor but benefit from a harbor location.

B. No land, building or structure shall be used, nor shall any building or structure be constructed erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17.70.020 Principal permitted use.

The principal permitted use in the CZ-HR coastal zone harbor related district is the harbor related use which includes:

A. Visitor serving facilities such as: hotels and motels, indoor and outdoor eating and drinking places with a harbor theme (but not including drive-thru services), specialty retail shops including marine curio manufacture and sales, recreational facilities such as trails, beach access and picnic areas

B. Fishing support services such as boat brokerage offices, net manufacturing, repair and sales, welding and machine

repair shops for marine products, boat or vehicle washing facilities, and marine equipment storage.

17.70.050 Uses permitted subject to a Use Permit

The following uses may be permitted subject to the granting of a conditional use permit:

A. Museums.
B. Indoor or outdoor recreational facilities such as arcades, theatres or ball courts.
C. Recreational Vehicle Parks including one residential unit for a resident manager
D. Residential uses, up to 15 units per acre density, when located above the ground floor as a secondary use.
E. Small public facilities such as public utility substations.
F. Fuel sales and bulk fuel storage.
G. Maintenance dredging and dredge spoils placement at approved sites.

17.70.040 Property development standards.

The following property development standards shall apply to all land and structures in the CZ-HR coastal zone harbor dependent district.

A. Height. The Maximum building height shall be thirty-five (35) feet except that hotels and mixed-use residential/commercial structures may be permitted a higher height not to exceed fifty (50) feet.

B. Yard and Areas

1. Front Yard. None required except that:

A. Where a portion of the street frontage of the block in which the site is located is in a zone of greater requirements, the front yard of the CZ-HR zone shall conform to the minimum requirements of the more restrictive zone.

B Where the site is located at a street corner sight distance clearance requirements shall be met.

2. Side Yard. None required.

3. Rear Yard. None required.

4. Lot Area. No minimum except that adequate provision shall be made for the permitted use and on-site parking.

5. Lot Coverage. Site coverage for the total building square footage shall not exceed fifty- five percent (55%) of the size of the lot. Parking areas shall not be counted as building square

footage. Residential units which are above the ground floor shall not be counted in the square footage.

17.70.50 General Requirements.

A. Parking. Parking shall be required as established by the parking regulations in Chapter 17.76.

B. Fencing. See Chapter 17.75 for fencing requirements.

C. Signs. See Chapter 17.74 for sign requirements.

Chapter 17.70A
CZ-HD COASTAL ZONE HARBOR DEPENDENT DISTRICT

Sections:

17.70A.100	Purpose
17.70A.020	Principal permitted use.
17.70A.030	Uses permitted subject to a Use Permit
17.70A.035	Uses prohibited
17.70A.040	Property development standards
17.70A.050	General Requirements
17.70A.060	Site Plan and Architectural Review

17.70A.010 Purpose

A. The CZ-HD coastal zone harbor dependent district is intended to provide areas for harbor dependent uses, which include harbor dependent commercial and harbor dependent recreational activities that must be dependent upon the activities at or products generated by the Crescent City harbor.

B. No land, building or structure shall be used, nor shall any building or structure be constructed erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17.70A.020 Principal permitted use.

The principal permitted use in the CZ-CW coastal zone harbor dependent district is harbor dependent use which includes:

A. Publicly owned support facilities such as: boat basins, docking and launching facilities, marine terminals, dredge spoils storage areas, net drying facilities, harbor district offices, Coast Guard stations and quarters, and public parking lots;

B. Commercial and recreational Fisheries activities and support activities including: fishing and fish farming, storage, supplies including retail fuel sales, seafood processing, ice facilities, buyers facilities and fisherman's organization facilities;

C. Public viewing and recreation areas including: beach access, parking, walkways and boardwalks, plazas and related recreation equipment rental.

17.70A.030 Uses permitted subject to a Use Permit.

The following uses may be permitted subject to the granting of a conditional use permit.

A. Dredging and/or filling for new development.
B. Bulk oil and fuel storage.
C. Marine electronic repair shops.
D. Restaurants and cafes oriented towards harbor products and activities.

17.70A.035 Uses prohibited

The following uses are prohibited in the CZ-HD district.

A. Commercial activities not dependent upon the fishing process other than as identified above.
B. Truck and heavy equipment repair shops.
C. Communication and television towers other than that secondary to a permitted use.

17.70A.040 Property development standards

The following property development standards shall apply to all land and structures in the CZ-HD coastal zone harbor dependent district.

A. Height. The Maximum building height shall be 50 feet.

B. Yard and Areas

1. Front Yard. None required except that:

a. Where a portion of the street frontage of the block in which the site is located is in a zone of greater requirements, the front yard of the CZ-HD zone shall conform to the minimum requirements of the more restrictive zone.

b. Where the site is located at a street corner sight distance clearance requirements shall be met.

2. Side Yard. None required.
3. Rear Yard. None required.
4. Lot Area. No minimum except that adequate provision shall be made for the permitted use and on-site parking for any non-public (eg commercial) uses.
5. Lot Coverage. Site coverage for the total building square footage shall not exceed fifty percent (50%) of the size of the lot or leaseholding.

17.70A.050 General Requirements.

A. Parking. See Chapter 17.76 for parking requirements.
B. Fencing. See Chapter 17.75 for fencing requirements.
C. Signs. See Chapter 17.74 for sign requirements.

17.70A.060. Site plan and architectural review.

All uses permitted in the CZ-HD district, except those requiring a use permit, shall be subject to the approval of a site plan and architectural review. Procedure for such submittal and approval will be found under Chapter 17.79.

Chapter 17.71
CZ-O COASTAL ZONE OPEN SPACE DISTRICT

Sections:

17.71.010 Purpose.
17.71.020 Principal permitted use—Public property
17.71.025 Uses subject to use permit–Public property
17.71.030 Principal permitted use—Private property
17.71.035 Uses subject to use permit- Private property
17.71.040 Building placement
17.71.050 General provisions

17.71.010 Purpose and application.

A. The CZ-O coastal zone open space district is intended to provide permanent open spaces which are necessary to safeguard the health, safety and welfare of the people, and to provide spaces for the location and preservation of unusual land masses, historical sites and areas which provide energy, water and recreational activities. The district is also intended to set aside areas to be used for wind or weather screens and for visual effect.

B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered,
added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17.71.020 Principal permitted use—Public property.

The principal permitted use on public property in the Coastal Zone Open Space district is general open space use which includes:

A. Continued use, maintenance and upgrade of existing public parks and playgrounds, trails and related facilities such as parking lots, picnic areas and restrooms;

C. Harbor activities such as fishing, passive recreation and related facilities such as piers and parking;

D. Beaches, beach accessways and vista areas;

E. Preservation of geological features and historic and cultural sites;

F. Wildlife preserves.

17.71.025 Uses permitted subject to a use permit – public property.

The following uses may be permitted subject to the granting of a conditional use permit:

A. Development of new parks, playgrounds, or public recreation facilities;

B. Water reservoirs, watersheds and recharging basins;

C. Public buildings and facilities; and

D. Nonprofit marine mammal rehabilitation centers.

E. Subject to the provisions of the land use plan, and more specifically, to the policies regarding diking, dredging and filling of shoreline structures the following may also be considered:

1. Drainage canals and channels;
2. Flood control devices; and
3. Public marinas.

17.71.030 Principal Permitted use—Private property.

The principal permitted use on private property in the Coastal Zone Open Space district is general open space which includes:

A. Farming;

17.71.035 Uses permitted subject to a use permit – private property.

The following uses may be permitted subject to the granting of a conditional use permit:

A. Commercial recreation facilities;

B. Energy production;

G. Transmission corridors;

H. Mineral production;

I. Cemeteries;

J. Water production;

K. Marinas.

17.71.040 Height and area regulations

In the CZ-O district, on public property, no minimum or maximum dimensions of yards, lots or heights are established, except as follows. No more than ten percent of the property may be covered with buildings, accessory buildings or structures, and no more than ten percent of the property may be placed in pavement, exclusive of required access roads. On private property the regulations of the CZ-HS zoning district shall apply.

17.71.050 General provisions.

General provisions for the CZ-O district shall be as follows:

A. Parking. Parking shall be required as established by the parking regulations under Chapter 17.76.

B. Signs. Signs required for the direction of traffic and for the identification of the site in question shall be considered as part of the use permit procedures in the issuing of such use permits. No off-site signs or advertising structures other than identification and information for the public in general shall be permitted.

Chapter 17.72
CZ-NR COASTAL ZONE NATURAL RESOURCES DISTRICT

Sections:

17.72.010	Purpose and application.
17.72.020	Principal Permitted Use.
17.72.030	Uses permitted subject to a use permit.
17.72.040	General provisions.
17.72.050	Conservation incentive density bonus.

17.72.010 Purpose and application.

A. The purpose of the coastal zone natural resources district is to protect those coastal areas in the city that have been identified as sensitive riparian or wetland habitat which could easily be degraded by human activities and developments and to provide for a buffer zone to protect the wetlands. The uses of natural resource areas are limited to those in accordance with the designated coastal zone natural resource policies of the general plan. Further, the procedures in order to specify the boundaries of any riparian or wetland habitat and incentives to direct development away from such areas are provided by this district.

B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17.72.020 Principal Permitted Use.

The principal permitted use in the Coastal Zone Natural Resource district is resource dependent use which includes:

A. Fish and wildlife management such as nature study and fishing or aquaculture, which may include the development of minor facilities constructed or placed by hand such as blinds, lookouts, interpretive panels, fences and trails.

B. Maintenance and repair of existing public facilities such as: flood-control and drainage channels, roads or road crossings, and utilities.

C. Removal of windblown trees which threaten existing structures.

17.72.030 Uses permitted subject to a use permit.

The following uses may be permitted subject to the granting of a conditional use permit:

A. In all habitat areas, those recreational facilities included in a publicly adopted State Park and Recreation or Department of Fish and Game Master Plan.

B. In all habitat areas, wetland or stream restoration programs.

C. In riparian habitat areas and wetland buffer areas, recreational trails.

D. In riparian habitat areas, new roads where crossings shall be limited, when feasible, to right angle crossing of streams and stream corridors.

E. In all habitat areas, fences and access trails necessary to protect the area map be placed.

F. In all habitat areas, one single-family residence and appurtenant structure when denial of such would otherwise substantially deny all reasonable use of the parcel , including use of incentive density, and where such development will be sited and designed to prevent impacts which would significantly degrade the environmentally sensitive habitat area. Height limits shall be as in the R-1 district.

17.72.040 General provisions.

A. The General Plan land use map identifies the locations of environmentally sensitive natural resource areas (wetlands and riparian habitat areas). Where question or dispute arise over the location of a habitat boundary the applicant shall provide the following information:

1. A base map delineating topographic lines, adjacent roads, and the location of all dikes, levees, flood control channels, tide gates, streams, rivers water bodies and wetlands located on the site;
2. A map of soils classifications on the site ;
3. A vegetation habitat map of the site; and

4. A professional biologists report which shall include an adequate description of the flora, fauna, fish, birds, mammals, or other wildlife which occupy the site or are habitually found thereon, setting forth with detail those areas where federal or state listed plant and animal species or their habitats may be found on the site. The report shall include the findings of a site visit, discussion of soils and habitat classifications at the site, and any conclusions, recommendations and/or mitigating circumstances which address the boundary issue.

5. Any other information pertinent to the particular project which might be necessary for the review of the project requested by the City Planning department.

The definitions of wetlands and riparian vegetation within the General Plan and consultation with the California Department of Fish and Game and the U.S. Army Corps of Engineers, shall be utilized for determinations.

B. Wetland Buffer. Where a wetland habitat is not within a designated riparian vegetation corridor, a buffer area of 100 feet shall be maintained in a natural condition along the upland limits of all identified wetlands, to be measured landward of the wetland edge. A buffer of less than 100 feet may be utilized where it can be determined by the City that there is no adverse impact on the wetland. A determination to utilize a buffer area of less than 100 feet shall be made in cooperation with the California Department of Fish and Game. The City's determination shall be based upon specific findings as to the adequacy of the proposed buffer to protect the identified resource. The required rear, front and side yard setbacks of a parcel may be located within the buffer area; however, no development other than that specified by this chapter may take place within that portion of the yard setbacks located within the buffer area.

C. Riparian Vegetation Corridor. Native vegetation along any river, stream or creek shall be maintained from the top of highest bank to the top of highest bank to provide bank stabilization, water quality and wildlife habitat. Additional setback from top of highest bank may be required for geologic or flooding safety. Within this top of bank/safety area 80% of the native vegetation canopy shall be retained. Native trees which canopy the watercourse shall be retained unless an existing structure is immediately threatened or a permitted use activity is approved. Where such a new permitted activity occurs native riparian vegetation shall be replaced and maintained on-site, in kind with native species. Where non-native vegetation is removed it shall be replaced and maintained on-site, in-kind with native species.

D. Any dredging and/or spoils disposal undertaken as part of the maintenance and repair of existing public facilities (such as flood-control and drainage channels, roads or road crossings or utilities) shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation.

17.72.040 Conservation incentive density bonus.

Where the property owner chooses, they may offer to the City or another public agency an easement, the ownership or another acceptable method of open space dedication for that portion of their property

designated as NR Natural Resources. In such cases the City shall provide the property owner with a development agreement, in such form and content as may be acceptable to the City, which provides for residential development density credit, above that permitted by the General Plan, on the immediately adjacent non-NR area of the subject parcel. This provision shall be subject to meeting all of the following criteria:

1) The offered lands within the Natural Resources zone district shall be substantially in a natural undisturbed state; and

2) The offer for dedication and development agreement shall be negotiated with the City and approved by the City Council prior to recordation of the dedication. The development agreement shall be recorded at the same time as the dedication: and,

3) The residential density bonus shall be calculated based only on the geometric area zoned NR which is to be dedicated; and

4) The density bonus granted shall not exceed one-third of the density which would be permitted if the Natural Resources zone were designated the same land use as the adjacent area. Where the adjacent area is designated for residential use its density shall be used. If the adjacent area is designated for commercial use, up to twelve or fifteen units per acre shall be used, as specified for the commercial area density by the General Plan. Where two designations are adjacent the lower density shall be used as typical; however the additional units may be located in either area; and

5) The development agreement bonus units shall be located only on immediately adjacent lands owned by the same property owner which are not in the resource conservation area. The units may not be applied to lands not adjacent nor to lands owned by another party. However, provision may be made in the development agreement permitting the right to the additional units to transfer with property title if the owner wished to sell at a later date.

Chapter 17.73
CZ- CW COASTAL ZONE WATERFRONT COMMERCIAL DISTRICT

Sections:

17.73.010 Purpose.
17.73.020 Principal permitted use.
17.73.030 Uses permitted subject to a Use Permit.
17.73.035 Uses prohibited.
17.23.040 Property development standards.
17.23.050 Building placement.
17.23.060 General requirements.
17.23.070 Site plan and Architectural Review.
17.23.080 General regulations.

17.73.010 Purpose.

A. The CZ- CW coastal zone waterfront commercial district is intended to provide for a mixture of shop, service, recreation and accommodation uses for visitors uses in the Battery Point area adjacent to Beachfront Park and Crescent City's harbor.

B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17.73.020 Principal permitted use.

The principal permitted use in the CZ-CW coastal zone waterfront commercial district is visitor serving commercial use, which includes:

A. Visitor facilities such as: hotels and motels, indoor and outdoor eating and drinking places (but not including drive- thru services);

B. Specialty shops such as books, gifts, jewelry, collectibles, clothing, antiques or art galleries;

C. Visitor services located inside a building such as: Automatic Teller Machines, laundries, beauty services and spas, and photo processing,.

D. Entertainment and recreational facilities such as: theatres, sports activities including equipment rentals and sales or public access.

17.73.030 Uses permitted subject to a Use Permit.

The following uses may be permitted subject to the granting of a conditional use permit.

A. Outdoor accessory uses and structures located on the same site as a permitted use such as storage, but not including recreation facilities included as part of a hotel/motel such as swimming pools.

B. New timeshare resort hotels, which provide at least one recreational facility.

C. Conference centers or meeting halls when separate from a hotel or restaurant facility.

D. Private parking facilities, including fee parking facilities, not required by code for another use.

E. Bed and Breakfast

F. Residential uses, up to 15 units per acre density when located above the ground floor as a secondary use.

G. Public utility service pumping stations, power stations, equipment buildings and installations, drainage ways, storage tanks and transmission lines found by the planning commission to be necessary for the public health, safety or welfare and designed to minimize any visual, hearing and/or air quality impacts ;

17.73.035 Uses prohibited.

The following uses are prohibited in the CZ-CW district:

A. Truck and heavy equipment repair shops:

B. Any manufacturing use not specifically defined herein.

C. Communication and television towers.

17.73.040 Property development standards.

The following property development standards shall apply to all land and structure in the CZ-CW waterfront commercial district::

A. Height. The maximum building height shall be thirty-five feet.
B. Yard and Areas.

1. Front Yard. None required except that where a portion of the street frontage of the block in which the site is located is in a zone of greater requirements, the front yard of the CW zone shall conform to the minimum requirements of the more restrictive zone;
2. Side Yard. None required except that where the side yard of the CW use abuts upon the side or rear yard of a residential zone the side yard shall be five feet;
3. Rear Yard. Minimum of ten feet;
4. Lot Area. No minimum;
5. Lot Coverage. Site coverage for the total building square footage shall not exceed fifty percent (50%) of the size of the lot. Parking areas shall not be counted as building square footage. Residential units, which are above the ground floor, shall not be counted in the square footage.

17.73.050 Building placement.
Whenever property classified for a CZ-CW use is separated from adjacent residentially zoned property by a permanent open space or parking area of no less than twenty-five feet in width, the required front yard or side yard setback shall not be required. .

17.73.060 General requirements.
A. Parking. See Chapter 17.76 for parking requirements.
B. Fencing. See Chapter 17.75 for fencing requirements.
C. Signs. See Chapter 17.74 for sign requirements.

17.73.070 Site plan and architectural review.
All uses permitted in the CZ-CW district except those requiring a use permit shall be subject to the approval of a site plan and architectural review. Procedure for such submittal and approval will be found under Chapter 17.79.

17.73.080 General regulations.
A. Those outdoor uses, which are permitted, shall be subject to the provision of landscaping and/or solid screen fencing relative to the type of use. Outside storage and refuse containers shall be confined behind a six-foot solid wall or fence.
B. There shall be no manufacture compounding, processing, or treatment of products other than that which is clearly incidental and essential to a retail store or business and where such completed products are sold at retail on the premises.
C. Accessory uses shall be permitted only to the extent necessary to the uses permitted under this part.
D. The display of goods outside of the structure may be placed in the covered area of a porch or on a public sidewalk only when placed in a manner as to retain a minimum six- (6) foot passable walkway.
B. The above waterfront commercial uses shall not be objectionable due to odor, dust, smoke, noise vibration, or other similar causes beyond the level of the ordinary neighborhood retail establishment.

17.74

COASTAL ZONE SIGNS

Sections:

17.74.010 Purpose.
17.74.020 Applicability.
17.74.030 Definitions.
17.74.040 Types—Generally.
17.74.050 Special provisions.
17.74.060 Sign permits.
17.74.070 Temporary permit required when.
17.74.080 Prohibited signs.
17.74.090 Variances.
17.74.100 Appeals.
17.74.110 Residential zones.
17.74.130 Coastal Zone Commercial-waterfront (CZ-CW) zones.
17.74.140 Coastal zone general commercial (CZ-C2), coastal zone highway services (CZ-HS), coastal zone harbor-related (CZ-HR) and coastal zone harbor-dependent (CZ-HD).
17.74.150 Illumination.
17.74.160 Community promotion signs.
17.74.170 Exempt signs.
17.74.180 Historical signs.
17.74.190 Enforcement
17.74.200 Matrix of regulations.

17.74.010 Purpose.

A. The surroundings of the city are possessed of natural beauty having both giant redwoods and the Pacific Ocean at the disposal of its citizens. The city's economy is dependent on a vigorous local business economy, spawned in part by tourism and its residential environment. The purpose of this chapter is to regulate signs in the city. Signs have an obvious impact on the character, quality and economic health of the city. As a prominent part of the scenery, signs may attract the viewing public, affect the safety of vehicular and pedestrian traffic, and help set the tone of the community.

B. It is the intent of the city that this chapter emphasize the importance of business activity to the economic vitality of the city, help improve the ability of business owners and operators to identify their businesses to the community to enhance the furtherance of commerce, foster varied and interesting places of trade and promote public safety by making business signing visible to the passing public. This chapter is further intended to encourage the use of signs that:

1. Protect and enhance the architectural character, harmony and natural beauty of the community, its buildings and its various neighborhoods and districts;
2. Protect commercial districts from sign clutter;
3. Protect the public's ability to identify users and premises without confusion;
4. Eliminate unnecessary distractions which may jeopardize pedestrian or vehicular traffic safety;
5. Are as small in size and few in number as is consistent with their purpose of communicating identification and essential information;
6. Protect the right of the public to be directed, warned, advised and informed;
7. Possess a satisfactory aesthetic effect and pleasing elements of design that relates to the form, proportion, material, surface treatment and position;
8. Assure the maintenance of signs;
9. Implement the community design objectives expressed in the general plan;
10. Prohibit political signs on public utility or street sign poles because it is necessary to prevent visual distractions to motorists that create traffic hazards, prevent the obstruction of road hazards and road signs, and to prevent eyesores from proliferating along public streets;

11. Regulate the size of political signs because it is necessary for safety and aesthetic reasons, specifically that the strong winds common in the city would remove the signs, creating hazards and accumulation of debris, and extremely large or illuminated signs would create a distraction to motorists.

C. The general sign usage provisions and regulations of this chapter shall apply. The additional sign usage authorized hereunder shall be strictly construed in its application.

17.74.020 Applicability.

A. This chapter shall apply to on-premises advertising displays which meet any of the following criteria:

1. On-premises advertising displays placed or constructed on or after January 1, 2003;

2. Any on-premises advertising display placed or constructed on or before January 1, 2003 that was not in compliance with all ordinances and regulations in effect at the time of its construction and erection or use;

3. Any on-premises advertising display which was lawfully erected, but whose use has ceased, or the structure upon which the display has been abandoned by its owner, for a period of not less than ninety days;

4. Any on-premises advertising display which has been more than fifty percent destroyed, and the destruction is other than facial copy replacement, and the display cannot be repaired within thirty days of the date of its destruction;

5. Any on-premises advertising display whose owner, outside of a change of copy, requests permission to remodel and remodels that advertising display, or expand or enlarge the building or land use upon which the advertising display is located, and the display is affected by the construction, enlargement or remodeling, or the cost of construction, enlargement or remodeling of the advertising display exceeds fifty percent of the cost of reconstruction of the building;

6. Any on-premises advertising display for which there has been an agreement between the sign permit holder and the city for its removal as of any given date;

7. Any on-premises advertising display which is a temporary sign;

8. Any on-premises advertising display which is or may become a danger to the public or is unsafe;

9. Any on-premises advertising display which constitutes a traffic hazard not created by relocation of streets or highways or by acts of any city or county;

10. Except where the provisions of this chapter provide for earlier sign removal, on-premises advertising displays located in redevelopment project areas created pursuant to Community Redevelopment Law of Division 24 of the California Health and Safety Code, shall be removed or made to conform within sixty days after written notice by the community development department, in accordance with the following schedule:

Amortization Period	Original Value of Sign
One Year	Less than $500.00
Two years	$500.00 to 999.00
Four years	$1,000.00 to $2,999.00
Eight years	More than $6,000.000

The permit holder of a redevelopment area sign shall, upon written request of the community development department, furnish acceptable proof of the initial cost in the form of: (a) an original bill of sale, or (b) a depreciation schedule from state or federal income tax returns, or (c) a written appraisal by a sign manufacturer;

11. Advertising displays located in areas listed or eligible for listing on the National Register of Historic Places;

12. Advertising displays located in areas registered by the California Department of Parks and Recreations as a state landmark of historical interest pursuant to Section 5021 of the California Public Resources Code;

13. Advertising displays located in areas created as historic zones or individually registered properties by the city pursuant to Article 12 of Chapter 1 of Division 1 of Title 5 of the California Government Code.

B. Legal Nonconforming Signs.

1. Legal nonconforming signs shall be removed or made to conform with the provisions of this chapter within sixty days after written notice by the community development department, when:

a. The use of the premises changes and the exterior of the building or other site conditions are to be altered; or

b. A sign is damaged or destroyed by any cause, to the extent that the cost of repairing or replacing it would be more than fifty percent of its value immediately prior to the damage; or

c. In accordance with the provisions for abatement outlined in Section 17.74.190.

2. Except as otherwise provided in this chapter, nonconforming on-premises signs shall be made to conform to the provisions of this chapter upon the change of a name of any business, the relocation of any business, or an application for a sign for any business.

3. General Provisions. A legal nonconforming sign may not be:

a. Changed to another nonconforming sign; or

b. Structurally altered to extend its useful life; or

c. Expanded, moved or relocated; or

d. Re-established after damage or destruction of more than fifty percent of the dollar value of the sign as determined by the community development director.

4. Ordinary repair and maintenance may be made to a legal nonconforming sign provided that such maintenance and repair does not exceed twenty-five percent of the actual dollar value of the sign in any one year.

5. Exceptions to the provisions of this section may be granted, in the form of a variance, by the planning commission upon the application of any owner of a sign who presents substantial evidence showing the following:

a. There are exceptional circumstances applicable to the property on which the nonconforming sign is located, including size, shape, topography, location or surroundings which make it practically impossible to identify effectively the property to the public if strict application of all the provisions of these regulations are required; or

b. The sign possesses unique features which make it a significant part of the community character of the area in which it is located.

17.74.030 Definitions.

As used in this chapter:

"Abandoned sign" means any sign or advertising display remaining in place or not maintained for a period of ninety days which no longer advertises or identifies an ongoing business, product or service available on the business premises where the sign or display is located.

"Advertising display" means the same as "sign."

"A-frame" means a sandwich board sign.

"Architecturally controlled sign" means any sign that is submitted as part of, or related to, the design of a building, or group of buildings, constructed for commercial purposes, and that has gone through an approved process of design review.

"Awning/canopy sign" means any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or nonpermanent structural protective cover over the doorway, window, patio or other part of the exterior of a building. A marquee is not an awning or a canopy.

"Balloon" means a nonporous bag containing a gas lighter than air causing it to rise and float above the ground.

"Banner" means a sign made of flexible materials such as cloth, canvas, plastic or cardboard.

"Beacon" means a rapidly rotating fixed light giving the appearance of a flashing light.

"Bed and breakfast establishment" means a residential dwelling occupied by a resident person or family, containing individual living quarters occupied on a transient basis for compensation, and in which a breakfast may be provided to the guests.

"Billboard" means a sign structure which is made available for lease or rent for the purpose of off-site advertising.

"Changeable copy sign" means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face of the sign.

"Community event" means an occasion or activity sponsored by either a governmental or quasi-governmental agency (such as the harbor district, city of Crescent City, Del Norte County, the Crescent City business and parking improvement district, or chamber of commerce) or by a not-for-profit organization (such as a church or a civic organization), the purpose of which is to benefit the community as a whole, either by raising funds through a specific event to address a specific issue (such as the United Way Ball), by publicizing the area to visitors (such as street fairs) or for the purpose of a community-wide celebration (such as the fourth of July).

"Construction signs" means a temporary sign erected on the premises on which construction is taking place identifying the names of the persons or companies involved in the project.

"Curbline" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curbline shall be established by the public works director.

"Directional sign" means an accessory sign designed to guide or direct pedestrian or vehicular traffic.

"Display surface" means the area made available by the sign structure, including the background area, for the purpose of displaying an advertising message.

"Double-faced sign" means a sign with two faces only, with each face oriented one hundred eighty degrees from the other. Such sign may be a pole, projecting, hanging or roof sign.

"Enforcement officer" means the public employee or officer designated by the legislative body of the city to perform the duties imposed by these regulations.

"Flag" means a usually rectangular piece of fabric of distinctive design that is used as a symbol or as an attracting or signaling device. Corporate flags contain the name or logo of an incorporated business or organization. Governmental flags are duly recognized symbols of a city, state or nation.

"Flashing" means sudden bursts of light. In certain uses it appears to simulate movement.

"Freestanding sign" means a sign not attached to any building and having its own support structure, such as a pole or a monument-style base.

"Frontage" means the distance in feet of a lot measured along a street right-of-way.

"General advertising sign" is a sign which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which such sign is located, or to which it is affixed, and which is sold, offered or conducted on such premises only incidentally if at all.

"Grand opening" means the first thirty business days of a new business.

"Ground sign" means the same as "monument sign."

"Hanging sign" means a sign that is suspended from the underside of a horizontal plane surface, such as a marquee, awning or canopy, or from a bracket, and which is supported by that surface or bracket. "Holiday decorations" means wording, symbols or pictures of a noncommercial nature which may be erected or displayed in reference to a specific seasonal, political or religious holiday. Sale announcements are not holiday decorations.

"Horizontal sign" means a projecting sign having its greatest dimension in a horizontal direction.

"Identification" means a sign giving the name, nature, logo, trademark or other identifying symbol of an establishment.

"Institutional use" means a nonprofit, public or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for a public purpose.

"Legal nonconforming signs" means on-premises advertising displays which do not conform to the provisions of this chapter but which lawfully existed and were maintained prior to January 17, 1996.

"Luminescence" means an emission of light produced by electrical action.

"Mansard roof means a roof having two slopes on each side, with the lower slope steeper than the upper one.

"Marquee" means any permanent-roofed structure made of a nonflexible material, which is attached to and supported by a building, and which projects over public property.

"Monument/ground sign" means any sign other than a pole sign, placed upon or supported by the ground independent of any other structure.

"Mural" means a decorative scene or graphic design painted on and made an integral part of a wall surface, and making no reference to a specific business or brand of product offered for sale on the premises.

"Nameplate" means a small sign stating only the name and/or address of the occupant(s), and his or her profession or specialty. However, in the case of bed and breakfast establishments, only, nameplate additionally means a sign displaying the name of the establishment.

"On-premises advertising display" has the same definition as California Business and Professions Code Section 5490(b) as amended or supplanted.

Paper Signs. Paper signs tacked or otherwise fastened to a side of a building or bulletin board, or outside of a window are temporary signs unless enclosed in a frame with a glass, Plexiglas or equivalent cover.

"Parapet" means the extension of the main walls of a building above the roof level, such as a false front. Parapet walls are often used to shield mechanical equipment or vents from view.

"Pennant" means a flag which tapers to one or two points. "Pennants" also refers to strings of small flags or strips which can be hung either attached to a building or across an open parking area.

"Placard" means a nonpermanent announcement or sign in the form of a small card, such as a poster or plaque.

"Pole sign" means a freestanding sign that is wholly supported by one or more posts or poles, free of braces or cables, either in the ground or in a concrete base.

"Portable sign" means a sign that is not permanently attached to the ground or to a structure.

"Projecting sign" means a sign other than a wall sign or awning sign which projects out from and is supported by a wall of a building or structure.

"Projection" means the distance by which a sign extends over or beyond the edge of a building.

"Public right-of-way (RoW)" means a public street, sidewalk or accessway.

"Real estate sign" means a sign of any size advertising real property for sale or lease, including "open house" signs.

"Revolving sign" means a sign whose face(s) turn round on an axis, usually a pole of any height.

"Right-of-way (RoW)" means the same as "public right-of-way."

"Roof height" means the vertical distance measured from the average grade level of the building (the ground) to the highest point of the roof, ridge or parapet wall.

"Roof sign" means a sign erected upon or above a roof or parapet of a building or structure.

"Sandwich board sign" means a portable sign consisting of two hinged boards designed to stand alone for display, and which may be folded and moved from place to place. Also known as an "A-frame. "Setback" means the minimum horizontal distance from the building to the property line as prescribed by this title.

"Sign" means any writing, pictorial representation, symbol, banner, or other figure of similar character of any material that is used to identify, announce, direct attention to, communicate, inform or advertise.

"Sign area" means the area in square feet of the smallest rectangle enclosing the total exterior surface of a sign, or of one face of a double-faced sign.

"Sign height" means the vertical distance from the average grade at the base of the sign structure to the uppermost point of the sign.

"Sign structure" means any structure that supports, or is capable of supporting any sign as defined in this chapter. A sign structure may be a single pole, several poles, frame structure, or solid base, or may be an integral part of a building.

"Spinner" means any advertising or attention-getting device which includes a part or parts which turn, gyrate or revolve rapidly.

"Streamer" means any long wavy strip, either free-floating or attached at both ends, as alongside a building or over a parking lot or other open area.

"Structure" means that which is built or constructed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined in some definite manner; but not including fences, or walls used as fences that are three feet in height or less.

"Suspended sign" means the same as "hanging sign."

"Temporary sign" means any sign or advertising display constructed of fabric, canvas, paper, plywood or other such light material, not permanently erected, and constructed, created, intended or engineered to have a useful life of less than fifteen years. Temporary signs may include, but are not limited to vehicle and trailer signs, banners, balloons, sandwich boards and paper signs.

"Time and temperature device" means any device which displays the current time and temperature, usually in the form of a clock and thermometer or an electronic digital display unit. Often such devices include the name or logo of the business upon whose premises the device is located.

"Trailer sign" means any sign mounted on a trailer or cart so as to be movable by being pulled about.

"Twirler" means the same as "spinner."

"Vehicle sign" means any sign which is painted or mounted on an operating or nonoperating vehicle, which is parked on or adjacent to any property, the principal purpose of which is to attract attention to any business, service, product or an activity, or to convey a message for which other avenues of expression are readily available. For the purpose of this chapter, vehicle sign regulations shall not apply to business vehicles on which the business name or logo is painted or attached, and which are driven in the normal course of business activity.

"Vertical sign" means a projecting sign having its greatest dimension in a vertical direction.

"Wall sign" means a single-faced sign painted on or attached parallel to a building or wall.

"Window sign" means a sign maintained in or painted upon a window so that its message can be seen from the exterior of the structure. Window signs do not include holiday decorations.

17.74.040 Types— Generally.

The types of signs set forth in this section will be permitted for the various uses allowed in Sections 17.74.110 through 17.74.140 and must be limited to the restrictions set forth in Section 17.74.020, in addition to those required in Sections 17.74.050 through 17.74.080. Additional special use signs are also listed in this section.

A. Signs having Double Faces. Pole signs, revolving signs and projecting signs may have double faces. Where such signs and marquees have double faces, and are included in the total sign area, the area of only one face need be included in the total area allowed. Where the two faces are of different areas, the larger of the two must be counted as part of the total sign area.

B. Projecting Signs. Projecting signs identifying a business located on the premises shall be located no less than nine feet above the sidewalk, may not project above the roofline of a wall or building, and shall project into public property no more than thirty-six inches from the side of the building. The area of such sign shall be included in the total allowable aggregate sign area as provided in this chapter.

C. Wall Signs.

1. Flat wall sign(s) identifying each business conducted on the premises may be painted on the surface of the building or attached to the face of the building, no point of which shall project over eighteen inches from the face of the building. Wall signs shall not occupy more than fifty percent of the building surface envelope

excluding window areas, and shall not project above the top of the wall or above the roofline of the building to which they are attached. Hie area of such sign shall be included in the total allowable aggregate sign area as provided in this chapter.

2. On buildings which are two or more stories in height, but which are occupied above the first floor by other than the ground floor business, the first floor envelope shall extend to the bottom of the second floor window line. The second floor envelope shall extend from the bottom of the second floor window line to the bottom of the above floor window line, or to a line one and one-half feet below the roofline or top of the wall.

D. Marquee Signs.

1. For purposes of computing sign area, signs on the face of a marquee which is parallel to the front wall of a building shall be considered as part of the flat wall sign envelope, and signs on other faces of the marquee shall be considered as a double-faced projecting sign.

2. Single-faced or double-faced signs placed under marquees or canopies shall be limited to a maximum size of eighteen inches high and sixty inches long, and shall be not less than nine feet from the sidewalk to the bottom of the sign. Only one side of these signs shall be used in computing total aggregate sign area.

E. Pole or Freestanding Signs. Provisions for pole or freestanding signs shall be as follows:

1. Minimum height in a vehicular area: fourteen feet to the bottom of the sign;

2. Minimum height over a public pedestrian area: ten feet to the bottom of the sign;

3. Maximum height: thirty feet to the top of the sign absent a variance;

4. Minimum setback from the right-of-way line: one-half the distance from the road right-of-way line to the legal setback line;

5. Only one pole sign shall be permitted per parcel where allowed;

6. The minimum ground area of two feet around the perimeter of the base of all freestanding signs shall be landscaped. The community development director may exempt certain freestanding signs from this requirement where it is demonstrated by the applicant that the landscaping would unduly interfere with pedestrian or vehicular traffic, or where this requirement would be impossible to meet without compromising the stability of the sign structure.

F. Monument or Ground Signs. Monument or ground signs shall not exceed five or ten feet in height, depending upon the regulations for the zone in which the sign is being placed, unless a variance for a higher sign has first been approved by the planning commission. Such signs shall not impede vehicle sight distance.

G. Canopy or Awning Signs. Signage shall only be permitted on the valance of the canopy or awning, or as hanging signs suspended below the canopy. Hanging signs suspended below canopies shall not exceed eighteen inches in height or sixty inches in length, and shall be hung at a height not less than nine feet measured from the sidewalk to the bottom of the sign. Sign area shall be computed using only one face of the hanging sign.

H. Architecturally Controlled Signs. Architecturally controlled signs for a special development of an unusual nature or size may be reviewed and approved if acceptable by the planning commission for their conformance with the intent of this chapter, with the goals of the general plan, and for their appropriateness to the type of development to which they are related. The determination that such a review is desired may be made by the community development director.

17.74.050 Special provisions.

The following provisions shall apply to all signs generally permitted by this title:

A. A sign permit must be issued before the display of any signs other than exempt signs.

B. The use of any sign that is obnoxious in character or location or which is architecturally undesirable in the judgment of the community development director can be denied even though such sign complies with all other provisions of this title. The decision of the community development director is appealable to the planning commission. A fee may be charged to cover the cost of bringing the appeal before the planning commission. .

C. Materials used in the construction of signs and sign structures and the construction thereof shall comply with the Underwriters Laboratory and the latest adopted edition of the Uniform Sign Code, Uniform Building Code, National Electric Code, and other applicable laws and ordinances.

D. Once constructed, the front and back of all signs and sign structures shall be fully painted and shall be maintained in a safe condition and neat appearance.

E. Signs that tend to attract motorists to a roadway-oriented business shall not be lighted except during hours that the merchandise or services are available.

F. Sign structures not used for signage purposes for more than twelve months shall be considered a nuisance and shall be removed.

17.74.060 Sign permits.

A. Terms. Sign permits may be revocable, conditional or valid for a term period, and may be issued only for the construction and display of signs as outlined in these provisions.

B. Permits Required. A sign shall not hereafter be erected, re-erected, constructed, altered or maintained, except as provided by this code and only then after a permit for the same has been issued by the community development department. A separate permit shall be required for a sign or signs for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electrical signs. Each application for a sign permit shall be reviewed by the city building inspector who is authorized to determine if a building permit shall additionally be required as a condition to the issuance of a sign permit. A building permit shall be required when the proposed sign's erection, re-erection, construction, alteration or maintenance may potentially adversely affect the public's health, safety or welfare. Sign permits may be issued to any person with a possessory or estatehold interest in the real property where the sign is sought to be placed or to a contractor licensed by the Department of Consumer Affairs and employed by such person to perform the sign's erection, re-erection, construction, alteration or maintenance.

C. Application for Permit.

1. Application for a sign permit shall be made in writing upon forms furnished by the community development department. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the applicant and properly identify the applicant's interest in the real property where the sign is sought to be placed or as a contractor licensed by the Department of Consumer Affairs employed to perform the sign's erection, re-erection, construction, alteration or maintenance. The application must be accompanied by plans and specifications for all signs to be constructed. Such plans and specifications shall specify:

a. The materials of which the sign and its structure shall be constructed; and

b. The sign's location on the property; and

c. The type of construction to be used in the sign; and

d. The message and pictorial representations which will appear on the sign(s); and

e. The dimensions of its size; and

f. Any other existing signage or display already on the property.

2. Standard plans may be filed with the community development department.

3. The application will be reviewed by the city's building and community development departments, and must be approved by each prior to the issuance of any sign permit. The applicant shall submit any additional information required by the city's building and community development departments.

D. Fees. The sign permit application shall be accompanied by fees as established by resolution of the city council. In addition, signs subject to building and electrical permits shall be subject to the fees required for the issuance of those permits.

E. Public Hearing. The planning commission may hold public hearings to discuss sign permit applications whenever it determines that such a hearing is in the public interest. The planning commission may, through the public hearing process, designate such conditions as it deems necessary to ensure compliance with the purposes of this chapter, and may require a guarantee or bond to be posted to that effect.

F. Issuance. Within thirty days of receiving a complete application for a permit which is not contingent upon any action by the planning commission or on the issuance of any other permits, the application shall, in writing, be approved, conditionally approved or denied. Conditions imposed may only be such as will assure compliance with the provisions of these regulations.

G. Inspections. All signs for which a building permit is required shall be subject to inspection as required by the building official. All signs may be reinspected at the discretion of the building official.

H. Revocation.

1. In any case where the conditions set forth in the approval of a sign permit have not been met, the permittee shall be noticed by certified mail, sent to the address shown on the sign permit application at least ten days prior to a hearing at which the status of the conditions are to be discussed. At the conclusion of the hearing, the planning commission may revoke the permit.

2. In any case where an approved sign permit has not been used within six months after the date of approval, then, without further action by the city council or planning commission, the sign permit granted shall become null and void.

17.74.070 Temporary permit required when.

The following types of signs and advertising devices are permitted with the issuance of a temporary permit from the community development department. The permit may impose conditions on the size, placement, structure, color,

copy, conditions of removal or any other aspect of the display at the discretion of the community development director. Balloons may also be subject to approval by the building inspector, at his or her recommendation. A fee may be charged by the building department if an inspection of the balloon attachment is required. Any one commercial establishment may obtain a temporary sign permit under these regulations no more than three times in one calendar year.

A. Grand Opening Signs, Banners or Balloons. Pennants, signs, banners and/or balloons for the promotion of the grand opening of a new business for a period of not more than the first thirty business days of a new business. A use permit must be granted by the planning commission in order to display such devices for any longer than thirty days;

B. Promotional Signs, Banners or Balloons. Signs, banners, balloons, pennants or other advertising devices for the promotion of special sales or other business events lasting for a period of up to five days not more than three times in one calendar year.

17.74.080 Prohibited signs.

In addition to any sign or advertising display device not specifically allowed by these provisions, the following signs are prohibited.

A. Signs having one or a combination of the following characteristics:

1. Obscene or Offensive to Morals. Containing statements, words or pictures of an obscene, indecent or immoral character which, taken as a whole, appeal to the prurient interest in sex, and which signs are patently offensive and, when taken as a whole, do not have serious literary, artistic, political or scientific value,

2. Imitative of Official Signs. Signs (other than when used for traffic direction) which contain the words stop, go, slow, caution, danger, warning or similar words, or signs which imitate or may be construed as other public notices, such as zoning violations, building permits, business licenses and the like;

B. Moving signs having one or a combination of the following characteristics:

1. Flashing lights or changing of color intensity,

2. Wind-blown devices such as streamers, balloons, flares, pennants, propellers and similar attention-getting displays or devices with the exception of the following:

a. National, state and/or local government flags properly displayed and maintained upon a permanently mounted flagpole or bracket,

b. One corporate or logo flag of a size not to exceed any governmental flag displayed upon the same premises,

c. Twirlers or spinners, provided a use permit has first been obtained from the planning commission,

d. Holiday decorations, in season, displayed for an aggregate period not exceeding sixty days in any one calendar year, except no advertising of the business or products shall be permitted,

3. Where there is any production of smoke, sound or other substances;

C. Portable or temporary signs, including sandwich boards, except as permitted only for grand openings or special promotions;

D. Obstructive to Use or Visibility—Hazardous Locations. No sign shall be erected in any manner which, in whole or in part, would create a hazardous condition to pedestrians or traffic alike, either by creating visual distraction, being color, sounds or glare, or by representing a traffic-control device; and

E. Signs in one or more of the following locations:

1. Within Public Places.

a. Within any public street, sidewalk, public parking lot, or right-of-way, unless they shall maintain a minimum clearance of fourteen feet above the adjoining grade level and after acquiring an encroachment permit from the Department of Public Works, except marquee signs as defined by this chapter, unless specifically provided for in this chapter,

b. Furthermore, no person except a duly authorized public officer or employee shall erect, construct, maintain, paste, print, nail, tack or otherwise fasten or affix any card, banner, flag, pennant, handbill, campaign sign, poster, sign, advertisement, or notice of any kind, or cause or suffer the same to be done, on any curbstone, lamppost, driveway, roadway, parkway, sidewalk, street, light standard, fire hydrant, bench, electrical light pole, power pole, telephone pole, traffic signal, bridge, wall, tree, parking meter, or on any other public property, except as may be required or permitted by ordinance or law; provided, that this provision shall not prohibit the placement, use and maintenance of warning signs designating street construction or repair and/or the location of underground utility lines,

c. Any flags, pennants, sign, handbill, campaign sign, poster or notice of any kind that is placed upon a public street or public property in violation of this subsection is declared to be a public nuisance and may be summarily abated in addition to other remedies provided by this code,

2. Roof signs, except mansard roof signs,

3. Projecting. Signs projecting more than thirty-six inches from the face of a building shall not be allowed except for awning or canopy signs,

4. Signs on Vehicles. No vehicle may be used as a platform or substitute for a billboard, freestanding sign or movable sign, whether parked on private property or the public right-of-way. The parking of any such vehicle on any street or on public or private property, or the movement of any such vehicle in and/or along any street for the sole or primary purpose of displaying advertising matter is declared to be a nuisance and a violation of this Section. The following exceptions are permissible under these regulations:

a. The driving, operation and movement of vehicles displaying political campaign advertisements for candidates for public office or for ballot measures, provided the same is not otherwise prohibited by this section,

b. The identification of a business enterprise upon a vehicle used primarily for the purpose of and in the usual business of the owner for transporting or servicing goods or persons for commercial or other business purposes, provided that the identification is painted on or otherwise affixed so as not to project from the usual profile of the vehicle,

c. The incidental display of noncommercial stickers, plates, license plate brackets and the like; or of customary small identifications on license plate brackets or elsewhere, of vehicle manufacturers, models or types of vehicles, or dealers or entities from whom vehicles bearing the same were purchased or otherwise obtained,

d. A single isolated movement of a sign or sign equipment or materials from one place to another within the city,

e. Vehicles located on construction sites that are directly involved with ongoing construction,

5. Miscellaneous Temporary Signs and Posters. The tacking, posting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns or sheds, on trees, poles, posts, fences, or other structures shall be prohibited, unless specifically permitted by this chapter;

F. Abandoned Signs.

1. In addition to the other requirements imposed by this chapter, signs advertising an activity, business, product or service no longer conducted on the premises on which the sign is located, or sign frames, structural members or supporting poles remaining unused for twelve months or longer, shall be removed from the site. Signs will be considered abandoned or dilapidated where the sign or any element of it is excessively weathered or structurally unsound or where the copy can no longer be seen or understood by a person with normal eyesight under normal viewing conditions,

2. This provision may be waived for set periods of time at the discretion of the community development director;

G. General advertising signs.

17.74.090 Variances.

A. Generally. When practical difficulties, unnecessary hardships or results inconsistent with the general intent and stated purpose of this chapter occur by reason of the strict application of the standards set forth in these regulations, a sign variance may be requested.

B. Application.

1. A request for a sign variance shall be made by submitting a completed permit application form and appropriate filing fee to the community development department, along with all supporting documentation pertinent to the situation, such as maps, photographs or sketches.

2. The request for variance shall be set for public hearing on the earliest available meeting date of the planning commission. The appellant shall be notified in writing of the meeting date. Notice of the hearing shall be published in a newspaper of general local circulation at least ten days prior to the hearing. The hearing may be continued from time to time.

C. Required Findings. The planning commission must make the following findings in order to approve a sign variance:

1. The strict application of the standards contained in this chapter deprives the appellant's property of privileges enjoyed by other property owners in the same vicinity and under identical use classification due to special circumstances applicable to the property including size, shape, topography, location or surroundings; and

2. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity with the same use classifications as the subject property.

D. Variance Allowed.

1. The planning commission may, upon approval of a variance sign permit, allow:
   a. An increase in allowed height; and/or
   b. An increase in size of not more than fifty percent; and/or
   c. A reduction in the required setbacks.
2. Variances may not be granted to allow signs to meet the same standards as legal nonconforming signs in the same vicinity or use classification, and/or which may be competing for the same business patrons.

17.74.100 Appeals.

A. Appeals. Any person aggrieved by an action of the planning commission, or by city staff, may make an appeal of that decision. Appeals of decisions made by the planning department staff shall be submitted to the planning commission. Appeals of decisions made by the planning commission shall be submitted to the city clerk for review by the city council. Decisions of the city council are final, with the exception of coastal zone appealable areas. Decisions of approval for sign development(s) within the coastal zone appealable area may be appealed to the California Coastal Commission. Decisions of denial for development within such zones are final.

B. Application for Appeal. Application for appeal is made by filing a written request for appeal, along with any required appeal filing fee, within ten days of the action. The request must specify:

1. The person making the appeal, and their place of residence; and
2. The location of the proposed sign(s); and
3. The specific items of appeal and all supporting documentation; and
4. The basis for the appeal, and any information substantiating that basis (for example, failure to comply with the city's general plan or with state or local laws, or reasons why the action would adversely affect surrounding property, the neighborhood or the city); and
5. The relief of action sought.

C. Appeal Process.

1. Who May Appeal. In case the applicant or any other person is not satisfied with any decision to approve or deny a sign permit, they may appeal such decision as provided in this subsection.
2. Appeal Letter Requirements. The appeal letter shall specify:
   a. The person making the appeal;
   b. The specific items of appeal and all supporting documentation;
   c. The basis for such appeal and information substantiating the basis for appeal (e.g., failure to comply with the city's general plan, state or local laws or stating reasons why the action of the planning director or the planning commission would adversely affect surrounding property, the neighborhood, and/or the city);
   d. The relief of action sought.
3. Where and How to Appeal.
   a. Decisions of the planning director may be appealed to the planning commission, and decisions of the planning commission may be appealed to the city council. Any appeal must be submitted in writing within ten calendar days of the decision and shall be accompanied by an appeal filing fee. Appeals of decisions of the planning director shall be submitted to the planning commission. Appeals of decisions of the planning commission shall be submitted to the city clerk. The appeal shall be agendized for consideration on the earliest available meeting date as determined by the city, but no later than thirty days from receipt of the appeal and filing fee. The appellant shall be notified in writing of the meeting date. In an appeal, the burden of proof is upon the appellant.
   b. The appropriate reviewing authority shall consider the appeal and the record upon which the action appealed from was taken, and may, at its own discretion, cause the matter to be set for a public hearing.
   c. If the appropriate reviewing authority causes the matter to be set for a public hearing, notice of the hearing shall be given by publication in a newspaper of general circulation, printed and published in the city, at least ten days before the hearing. The hearing may be continued from time to time.
   d. Within thirty days of the filing of the notice of appeal, the appropriate reviewing authority shall render its decision on the matter. Failure of the appropriate reviewing authority to render its decision on the matter within thirty days of the filing of the notice of appeal shall be deemed to be denial of the appeal and an affirmation of the action of the planning commission. The

decision of the city council upon appeal is final and conclusive as to all things involved in the matter.

17.74.110 Residential zones.

The following signs are permitted in the city's residentially zoned districts (CZ-R1, CZ-R1B):

A. 1. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as f ire or police stations may have wall, ground or monument signs with an area not to exceed one-half square foot of sign area for each linear foot of street frontage.

2. For parcels with multiple street frontages the allowable sign area shall be one-half square foot for each linear foot of the longest street frontage plus one-quarter square foot for each additional linear foot of frontage.

3. A sign permit shall be required for these uses, unless the entity or agency is categorically exempt.

B. Apartment complexes with four or more units may have one monument sign per street frontage not to exceed twenty-four square feet of area and five feet in height. A sign permit shall be required.

C. Approved and licensed home occupations, including day care homes, shall be allowed one name-plate not to exceed two square feet in size, stating the occupant's name, address and/or profession. A sign permit shall not be required for the nameplate.

D. Bed and Breakfast Establishments. Bed and breakfast establishments within residential zones may be permitted one sign per establishment. The sign may be one of the following:

1. One sign not to exceed twenty square feet in size. The sign may be a wall sign, hanging sign, or ground or monument sign not to exceed five feet in height. The sign shall be constructed of nonplastic materials, and only low-level lighting exterior illumination to light the sign shall be permitted. The sign must have approval of the community development department, and a sign permit shall be required.

2. One nameplate sign, made of nonplastic materials, not to exceed two square feet in size. The name-plate may bear the proprietor's name, address, and/or the name of the establishment. A sign permit shall not be required for the nameplate.

E. Exempt signs (no permit required).

17.74.130 Coastal zone- commercial-waterfront (CZ- CW) zone.

A. Sign Types Permitted. The following signs are permitted for licensed businesses in the city's coastal zone commercial-waterfront zoning districts (CZ-CW):

1. Wall signs;
2. Canopy signs;
3. Marquee signs;
4. Monument or ground signs not to exceed five feet in height;
5. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as fire or police stations may have a ground or monument sign. A sign permit is required for these uses;
6. Hanging signs;
7. Projecting signs;
8. Window signs;
9. Exempt signs. No permit required.

B. Sign Types Prohibited. The following types of signs are prohibited in the CI and CW zoning districts:

1. Pole signs, unless 'no other option is available to meet state requirements, such as for gasoline price signs;
2. Roof signs.

C. Allowable Sign Area.

1. The allowable sign area for nonresidential uses is not to exceed one square foot of sign area for each linear foot of street frontage.

2. For parcels with multiple street frontages the allowable sign area shall be one square foot for each linear foot of the longest street frontage plus one-half square foot for each additional linear foot of frontage.

3. No sign for any business shall exceed one hundred square feet, nor shall any business be restricted to less than twenty square feet of total sign area.

4. Buildings with over thirty thousand square feet of floor area shall be allowed to have one one-hundred-fifty-square-foot wall sign. Such sign shall be included in the total sign area for the parcel.

17.74.140 Coastal Zone General Commercial (CZ-C2), Coastal Zone Highway Services (CZ-HS), Coastal Zone Harbor–Related (CZ-HR) and Coastal Zone Harbor – Dependent (CZ-HD).

A .Sign Types Permitted. The following signs are permitted for licensed businesses in the city's coastal zone general commercial
(CZ- C2), coastal zone highway services (CZ-HS), coastal zone harbor-related (CZ-HR) and coastal zone harbor dependent (CZ-HD) zoning districts:

1. Wall signs;
2. Awning or canopy signs;
3. Marquee signs;
4. Monument or ground signs not to exceed ten feet in height;
5. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as fire or police stations may have a ground or monument sign. A sign permit is required for these uses;
6. Hanging signs;
7. Projecting signs;
8. Window signs;
9. Changeable copy signs;
10. Pole signs;
11. Banners. One promotional banner per street frontage. The banner must be mounted flat against the building, and must be maintained in a good condition. Tattered or torn banners must be removed;
12. Exempt signs. No permit required.

B. Use Permit Required. Twirlers or spinners are prohibited in these zones unless a use permit has first been approved by the planning commission.

C. Allowable Sign Area.

1. The allowable sign area for businesses in the coastal zone general commercial (CZ-C2), coastal zone highway services (CZrHS), coastal zone harbor-related (CZ-HR) and coastal zone harbor dependent (CZ-HD) districts is not to exceed one and one-half square feet of sign area for each linear foot of street frontage.
2. Every business shall be permitted at least twenty square feet of sign area. No sign may exceed one hundred fifty square feet of sign area, with the exception of buildings of greater than thirty thousand square feet in size, which are permitted to have one wall sign of two hundred square feet.

17.74.150 Illumination.

All signs shall be subject to the following restrictions upon illumination:

A. Light from any illuminated sign shall be shaded, shielded or directed so that its intensity or brightness shall not be objectionable to surrounding areas and uses.

B. Except for public service signs such as time and temperature units and official traffic signs, no flashing lights, beacons or other interrupted illuminating devices shall be permitted.

C. Illuminated signs are prohibited except in commercial districts.

D. Illuminated signs shall not be lighted at night unless the service or product is available at that time.

17.74.160 Community promotion signs.

A. Murals. Murals with no commercial message shall be allowed in all nonresidential zones, and on commercial use buildings in the residential-professional zones. The design must have the approval of the architectural review committee. All murals shall be maintained in a clean and tidy condition.

B. Vertical Banners. Decorative banners with no commercial message, designed to enhance the community's appearance, may be erected by not-for-profit agencies on the city's street light poles. Such banners may also be displayed by private businesses on poles located on private property. Approval must first be granted by the city council who may ask to see a sample banner before making their decision. The banners must be maintained in a good condition, with any torn or tattered banners being removed or repaired promptly. The city reserves the right to have any such banner(s) removed if it is felt that it no longer contributes to the aesthetic enhancement of the community.

C. Horizontal Banners. Street banners advertising public entertainment, community events or celebrations, or fund-raising events by community-oriented not-for-profit organizations may be installed if approved by the public works department at locations designated by the public works director. The banners may be installed fourteen days before the event begins, and must be removed no later than seven days after the end of the event. A Cal-Trans encroachment permit must be obtained if the banner will encroach upon a state highway.

17.74.170 Exempt signs.

Except for the regulation relating to construction, maintenance, public nuisance and safety the following types of nonilluminated signs shall be allowed without a sign permit and shall not be included in the determination of the type, number or area of signs allowed per business or parcel, or by zoning district:

A. Nameplates. Nameplate signs not exceeding two square feet in display surface, and which are attached flat against the building. One per residential dwelling unit, office or business;

B. Public Signs. Signs of a public, noncommercial nature which are placed by a duly recognized governmental agency, including, but not limited to directional signs, safety signs, handicapped parking signs and signs identifying places of scenic or historical interest;

C. Rental, or Room and Board Signs. One sign per frontage, not exceeding four square feet in area, announcing room and board, room, apartment or other dwelling unit for rent;

D. Directional Signs. One sign not to exceed three square feet per entrance or exit, indicating traffic movement onto, from or within a premises;

E. Construction Signs. Signs identifying the names of the architects, engineers, contractors or other involved professionals of a building, development or subdivision under construction, alteration, repair or formation. The signs may also identify the character of the enterprise or the purpose for which the building or development is intended. Such signs may be placed on the property or attached to the outside of the building or on-site construction office only during the period of time when the project is actively under construction. Such signs may not exceed thirty-two square feet in any commercial zone, or nine square feet in any residential zone, except as required by any governmental entity. The sign(s) must be removed before a certificate of occupancy will be issued;

F. Real Estate and Subdivision Signs. One unlight-ed sign per frontage stating that the site is for rent or sale by the owner or named agent and giving information regarding size, price and terms. Such signs may be placed in the yard or attached to the outside of the building. Freestanding real estate signs may not exceed three and one-half feet in height from the ground level to the top of the sign. Real estate signs may not exceed nine square feet in area. Real estate signs larger than nine square feet will require a building permit;

G. Political Campaign Signs.

1. It is the intent of this code to exempt campaign signs from the regulations of this chapter relative to the placement of general advertising signs in all zones of the city, and to thereby encourage participation by the electorate in political activity during the period of political campaigns, but to permit such uses subject to regulations that will assure that political signs will be located, constructed and removed in a manner so as to assure the public safety and general welfare and to avoid the creation of a public nuisance caused by the proliferation of political advertising which would be offensive to the senses and would interfere with the comfort and enjoyment of life or property. It is the purpose of the council, in adopting this chapter to provide such regulations as will contribute to the public safety and general welfare and insure the right of political expression to all members of the community,

2. Signs or posters announcing candidates seeking elective office, or encouraging a particular stance on a measure before the popular vote. Each sign located on private property, shall be placed only with the permission of the property owner or tenant, and posted in such a way as to not constitute a public nuisance or safety hazard, and may not block the views of vehicular traffic or obstruct the public right-of-way,

3. Campaign Signs in a Public Right-of-Way. Notwithstanding any other provision of this code, a campaign sign may be placed in the public right-of-way adjacent to a public street in commercially or industrially zoned areas or along prime or major arterials in residentially zoned areas subject to the following restrictions:

a. No sign shall be attached to any utility pole, public structure, pole or structure supporting a traffic-control sign or device, or hydrant,

b. No sign shall be placed on any tree or shrub by any nail, tack, spike or other method that will cause physical harm to the tree or shrub,

c. No sign shall be placed in such a manner as to obstruct the public use of the sidewalk or interfere with the visibility of persons operating motor vehicles or constitute a hazard to persons using the public road or right-of-way,

d. No sign shall be placed in the roadway or on the sidewalk,

e. No sign shall be placed in that portion of the public right-of-way or easement past the sidewalk without the consent of the adjoining property owner or person in possession if different from the owner,

4. No political sign shall be posted more than forty-five days prior to, or ten days following an election;

H. No Trespassing Signs. One sign per street frontage, not to exceed four square feet in area indicating limitation on the use of private property by other than the owners. If more than one sign per frontage is needed the property owner or business person may apply to the planning commission for a use permit;

I. Customer or Tenant Parking Only Signs. One sign per street frontage, not to exceed four square feet in area. The sign shall contain any of the following appropriate restrictions:

1. Customer parking only,
2. Tenant parking only, or
3. Private property, no parking, The sign shall also contain the telephone number of the city police department. The lettering on the sign must contrast with the background of the sign and be at least two inches high, and made with a one-half inch stroke. The sign shall also contain the words "Violators May Be Towed." If more than one sign per frontage is needed the property owners or business person may apply for a use permit;

J. Window signs;

K. Awning or canopy signs;

L. Corporate flags and governmental flags;

M. Garage Sale, Moving Sale, or Yard Sale Signs. Signs announcing the date(s) and location of a garage sale, moving sale or yard sale. Such signs shall not be posted in a manner which will block a public right-of-way, or which will block the vision of vehicular traffic. The signs must be removed once the date of the sale is passed;

N. Banners. One banner advertising products or services for sale on the premises per street frontage per business;

O. Barbershop Poles.. Barber poles projecting not over eighteen inches from the face of the building where the barbershop is located or not projecting into the public right-of-way;

P. Holiday Decorations. Displays of a decorative, noncommercial nature for the purpose of celebrating a seasonal, political or religious holiday or a recognized community celebration, in season, for an aggregate period of not more than sixty days in one calendar year;

Q. Temporary or Seasonal Sales Booths. Signs including, but not limited to fireworks stands, pumpkin sales, Christmas tree lots, community crafts fairs and temporary certified farmer's markets;

R. Community or Special Event Signs, Including Banners. Signs and banners for noncommercial promotional events of a civic, charitable, educational, religious or community service organizations provided any applicable encroachment permit has been obtained from other governmental entities having jurisdiction. The signs or banners must be removed within fourteen days after the event.

17.74.180 Historical signs.

Signs which have historical significance to the community but do not conform to the provisions of these regulations may be issued a permit to remain provided the planning commission makes the following findings:

A. The sign has historical significance for the community.

B. The sign does not create a traffic hazard.

C. The sign does not create a visual nuisance to the character of the community.

D. The sign is properly maintained and structurally sound, or can be made so as part of an historical designation or preservation process.

E. The sign does not adversely affect adjacent properties.

17.74.200 Matrix of regulations

SIZE REGULATIONS	Single Family Res.Zones (CZ-R1, CZ-R1B)	Apts. of 4 or more units	Commcl Watrfrnt. (CZ-CW)	General Com and Hwy Services (CZ-C2, CZ-HS)	Coastal Zone Harbor (CZ-HR, CZ-HD)	Bed and Breakfast Establish-ments
Nameplates, 2 sq. ft. of sign area, nonilluminated	X	X				X
½ sq. ft. of sign area for each linear ft. of frontage plus ¼ sq. ft of sign area for each ft. of frontage for multiple frontages	X	X				
1 sq. ft. of sign area for each linear ft. of frontage			X			
1 sq. ft. of sign area for each linear ft. of frontage plus ½ sq. ft. of sign area for each ft. of frontage for multiple frontages			X			
1 and ½ sq. ft. of sign area for each linear ft. of frontage				X	X	
Projecting sign extending not more than 36 inches from building			X	X	X	
One sign not to exceed 20 sq. ft. in area						X
Maximum sign area 100 sq. ft. per face			X			
Maximum sign area 150 sq. ft. per face				X		
Construction signs not to exceed 32 sq. ft. in area			X	X	X	
Construction signs not to exceed 9 sq. ft. in area	X	X				X
Real estate signs not to exceed 9 sq. ft. in area and 3-ft. in height	X	X	X	X	X	X
HEIGHT REGULATIONS:						
30 foot maximum to top of pole sign				X	X	
14 ft. minimum to bottom of pole sign in a vehicular area				X	X	
10 ft. minimum to bottom of pole sign in a pedestrian/landscaped area				X	X	
Ground or monument sign not to exceed 5 ft. in height and 20 sq. ft in area						X
Ground of monument sign not to exceed 5 ft. in height and 24 sq. ft. in area		X				
Ground or monument sign not to exceed 5 ft. in height			X			
Ground or monument sign not to exceed 10 ft. in height				X	X	

LOCATION REGULATIONS	Single Family Res.Zones (CZ-R1, CZ-R1B)	Apts. of 4 or more units	Commcl Watrfrnt (CZ-CW)	General Com and Hwy Services (CZ-C2, CZ-HS)	Coastal Zone Harbor (CZ-HR, CZ-HD)	Bed and Breakfast Establish-ments
One pole sign per parcel				X	X	
SIGN TYPE REGULATIONS						
Wall signs			X	X	X	
Awning or canopy signs			X	X	X	
Marquee signs			X	X	X	
Monument or ground signs		X	X	X	X	
Hanging signs			X	X	X	
Projecting signs			X	X	X	
Window signs			X	X	X	
Changeable copy signs				X	X	
Pole signs				X	X	
Banners				X	X	
Nameplate signs	X	X	X	X	X	X
Illuminated signs			X	X	X	

Chapter 17.76

COASTAL ZONE OFF-STREET PARKING

Sections:

17.76.010 Purpose.
17.76.020 When required.
17.76.030 Computation of number of spaces required.
17.76.040 Residential parking space requirements.
17.76.050 Business parking space-Requirements generally.
17.76.060 Business parking space-Number required.
17.76.070 Manufacturing parking space requirements.
17.76.080 Loading space requirements.
17.76.090 Location of required parking.
17.76.100 Parking area in residential districts.
17.76.110 Joint use.
17.76.120 Development, operation and maintenance of parking spaces.
17.76.130 Provision for reduction or waiver of parking regulations.
17.76.140 Assessment districts for parking.
17.76.150 Compact cars.
17.76.160 Appeal.
17.76.170 Parking lot requirements.

17.76.010 Purpose.

The purpose of these off-street parking and loading regulations is to relieve congestion and provide for safe movement of traffic along public streets, to promote the general welfare and convenience and prosperity of residential, commercial and manufacturing developments which depend upon the availability of off-street parking facilities, and to protect adjacent residential neighborhoods from vehicular traffic and parking congestion generated by commercial and industrial uses. It is unlawful for any person, firm or corporation who owns, leases, or controls a building or structure to fail, neglect or refuse to provide and maintain off-street parking and loading facilities as required in this chapter. (Ord. 641 § 5 (part), 1990).

17.76.020 When required.

A. Off-street parking spaces, covered parking spaces and loading areas shall be provided as specified in this title:

1. For construction of new buildings;

2. For the floor area proposed for expansion to an existing building;

3. Whenever a change of use creates an increase in number of parking spaces required.

4. When a use is no longer considered nonconforming pursuant to Chapter 17.80

B. No certificate of occupancy shall be issued for the use of any building nor a building permit issued for the erection or alteration of any building unless such use or building complies with the regulations of this chapter. This shall not be interpreted to interfere with the nonconforming use of any structure in compliance with the provisions of Chapter 17.50.

C. No parking space, covered parking space or loading area required for compliance with this title shall be discontinued, reduced or altered in any manner below the requirements established in this chapter

unless otherwise provided or unless equivalent parking spaces, covered parking space or loading area
is provided elsewhere in compliance with this title.

17.76.030 Computation of number of spaces required.

In computation of the number of off-street parking spaces required, a fractional space of 0.5 space or more shall be counted as one space. (Ord. 641 § 5 (part), 1990).

17.76.040 Residential parking space requirements.

A. One-family dwellings shall be provided with two covered parking spaces for each unit. Two-family dwellings shall be provided with one covered parking space and one uncovered parking space for each dwelling unit. Covered parking spaces may be converted for living purposes provided a replacement parking space is available within the lot line.

B. Three or more family dwellings and dwelling groups shall be provided with one and one-half spaces per dwelling unit.

C. Fraternities, sororities, dormitories, lodging, rooming and boarding houses shall be provided with one off-street parking space for each two adult occupants and each employee.

D. Planned-unit residential developments shall be provided parking commensurate with the type and number of residential units as required in A and B above and, where applicable, with parking for commercial uses as outlined in 17.76.060. For residential projects exceeding five units in size additional parking for recreational vehicle storage at a minimum ratio of one space per five units.

E. Residential care facilities: one space for the first six client beds and one space for every four beds thereafter with an additional one space for each employee or staff member.

F. Bed and breakfasts shall provide one parking space per guest room.

G. Mobilehome parks shall be provided with two parking spaces for each mobilehome.

17.76.050 Business parking space—Requirements generally.

A. The number of required off-street parking spaces shall be calculated from the square footage of the entire structure or use, including storage areas, mechanical equipment rooms, basements and similar areas unless otherwise designated in this chapter.

B. In the case of a building or group of buildings under one ownership but containing different uses with different parking requirements, the total parking to be provided shall be based on the sum of the requirements for each separate use.

C. If parking requirements for a use are not specifically listed in this section, parking shall be required on the same basis as the most comparable listed use as determined by the planning commission. (Ord. 641 § 5 (part), 1990).

17.76.060 Business parking space—Number required.

The type of use, size and number of required parking spaces shall be as follows:

A. Transportation. Railroad, bus, air, marine terminal, one parking space for each five seats in waiting terminal.

B. Trade.

1. Wholesale, one parking space for each two employees based on largest shift, plus one space for each company vehicle.

C. Commercial Use.

1. Retail store not otherwise specified herein, one space per two hundred fifty square feet of floor area;

2. Bank, business or professional office, unless otherwise specified, one space per five hundred square feet of floor area;

3. Retail, handling bulky merchandise such as furniture or automobile, one space per five hundred square feet of floor area;

4. Medical or dental clinic or office, one space per two hundred square feet of floor area;

5. Shopping centers, one space per two hundred fifty square feet of floor area.

6. Motels and hotels shall be provided with one and one-tenth parking space for each unit.

D. Commercial Food Uses.

1. Restaurants, one space per four seats maximum occupancy and one per employee on the largest shift;

2. Taverns, one space per one hundred square feet of floor area. Taverns offering dancing or live entertainment, one space per seventy-five square feet of floor area,

3. Fast food establishments, one space per fifty square feet of floor area.

E. Food Stores.

1. Convenience stores (mini-marts), one space per one hundred square feet of floor area;

2. Grocery stores, one space per two hundred fifty square feet of floor area.

F. Personal Services.

1. Self-service laundry and dry cleaning, one parking space for each three machines;

2. Beauty shops, three parking spaces per operator;

3. Barbershops, two parking spaces per chair.

G. Business Services.

1. Advertising and duplicating, employment agencies, same for professional offices;

2. Warehousing, one parking space for each two employees based on largest shift, plus one space for each company vehicle.

H. Repair Services (wearing apparel, motor vehicles, appliances and furniture).

1. Zero to three thousand square feet of floor area, five spaces;

2. In excess of three thousand square feet of floor area, five spaces, plus one additional space for each eight hundred square feet of floor area in excess of three thousand square feet.

I. Professional Services.

1. General hospitals, for all bed capacities, one parking space for each two beds;

2. Convalescent hospitals, nursing homes, guesthomes, foster homes, one parking space for each three beds;

3. Residential facilities for the elderly, 1.25 spaces per unit;

4. Veterinary hospitals, six parking spaces, plus one space for each two hundred fifty square feet of floor area in excess of one thousand square feet;

5. Contract construction, one parking space for each two employees based on largest shift, plus one space for each company vehicle.

J. Educational Services.

1. Child care nursery, one parking space per employee, plus three spaces;

2. Elementary schools, one parking space per employee;

3. High schools, one parking space per employee, plus one space per seven students:

a. Plus additional parking for stadium or sports arenas as required in subsection (L)(l) of this section;

4. College or university, one parking space per employee, plus one space per three students:

a. Plus additional parking for stadium or sports arenas as required in subsection (L)(l) of this section;

5. Trade, vocation or business schools, one parking space per employee, plus one space per two students.

K. Miscellaneous Services.

1. Churches, for all seating capacity in sanctuary or seating hall:

a. In residential zones, one parking space for each five seats,

b. In commercial zones, one parking space for each ten seats;

2. Private clubs, lodges and union halls, for floor area devoted to public assembly, one parking space for each f fifty square feet of floor area.

L. Entertainment and Recreation.

1. Theaters, auditoriums and sports arenas or stadiums, including school auditoriums and stadiums, for all fixed seating capacity (eighteen linear inches of bench equals one seat), one parking space for each five seats;

2. Skating rinks, dancehalls, exhibition halls, without fixed seats, for floor area devoted to public assembly or activity, one parking space for each fifty square feet of floor area;

3. Bowling alleys, four parking spaces for each alley;

4. Billiard parlor, two parking spaces for each table;

5. Parks, recreation areas and pools, golf courses, as determined by the planning commission.

6. Exercise gymnasiums or clubs: one parking space for each equipment workstation, two parking spaces for small court activities such as racquetball or squash, 1 parking space per fifty square feet of dance, classroom or team court area and one parking space per employee.

M. Parking Requirements For Uses Not Specified. The parking space requirements of buildings and uses not set forth herein shall be determined by the planning director, and such determination shall be based upon requirements for the most comparable building or use specified herein, or where no such use is comparable, such space which would appear necessary to provide adequate parking for the use.

17.76.070 Manufacturing parking space requirements.

In connection with the use of and for manufacturing, warehousing, wholesaling, contractors or distributive industries, off-street parking space shall be provided as follows:

A. One off-street parking space for each two employees computed on the basis of the maximum number of employees which can be employed on the largest shift at any one time plus one space for each company vehicle. (Ord. 641 § 5 (part), 1990).

17.76.080 Loading space requirements.

On the same land therewith, every structure or part thereof erected or occupied for manufacturing, storage warehouse, wholesaling, department store, food store, hotel, hospital, funeral home, laundry, or dry cleaning plants or other uses involving the receipt or distribution by vehicle of materials or merchandise incidental to carrying on such activity, shall be provided with sufficient space for standing, loading and unloading vehicles to avoid undue interference with the public use of streets and alleys. Such space shall be no less than ten feet by twenty-five feet for every ten thousand square feet of floor area with a four-teen-foot minimum height clearance, but shall not be a part of any area used for off-street parking purposes. (Ord. 641 § 5 (part), 1990).

17.76.090 Location of required parking.

A. Specific Distances. Required off-street parking spaces shall be located within the distances hereinafter specified. For parking spaces not located on the same lot as the use they are intended to serve, the distance shall be measured along the nearest public right-of-way available for pedestrian use.

1. For one-family, two-family and three-family dwellings: on the same lot as the building the parking is intended to serve;

2. For multiple-family dwellings: on the same lot and not more than two hundred feet from the building they are intended to serve;

3. All uses other than those specified above: not over three hundred feet from the building they are intended to serve except that parking spaces to be located in a residential zone shall be adjacent to the use they intend to serve.

B. Legal Requirement For Parking Provided Under Separate Ownership.

1. If a use requiring parking space is in one ownership and the required parking space provided is in another ownership partially or wholly, the property owners involved shall submit a legal agreement approved by the city attorney as to form and content, guaranteeing that said required parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of this section.

2. The approved agreement guaranteeing maintenance shall be recorded by the property owner in the office of the county recorder and a copy thereof filed with the building department of the city. (Ord. 641 § 5 (part), 1990).

17.76.100 Parking area in residential districts.

A parking area exclusively for passenger automobiles may be permitted in residential districts

(R-l, R-2 and R-3) if authorized by the planning commission through approval of a use permit Said parking area shall be subject to the following minimum requirements in addition to those elsewhere specified in this chapter

A. Accessibility of Parking Area. The parking area shall be accessory to and for use of one or more uses permittted in an abutting commercial or industrial district.

B. To be Used Only For Parking Passenger Automobiles. The parking area shall be used solely for the parking of passenger automobiles.

C. Signs. No signs of any kind, other than signs designating entrance, exits and conditions of use, shall be maintained on such parking areas. Such signs shall not exceed four square feet in size and the number and location shall be approved by the planning commission prior to installation.

D. Fencing. The parking area shall be fenced along all interior property lines by a solid fence of wood, masonry or other materials approved by the planning commission. The height of such fence shall be the maximum permitted by this chapter, or to a lesser height as approved by the planning commission.

£. Landscaping, Screening, and Maintenance. Landscaping and screening along the street side property line shall be installed and maintained as required in the "Development, Operation and Maintenance of Parking Spaces" provisions of Section 17.76.120.

F. Additional Requirements or Conditions. In addition to the above requirements, such parking lot shall comply with such further requirements or conditions as may be prescribed by the planning commission for the protection of the residential district in which such parking lot is to be located.

G. Overnight Parking Prohibited — Exception. Overnight parking is prohibited unless said parking lot is completely enclosed by an approved barrier and is locked and limited to passenger automobiles. (Ord. 641 § 5 (part), 1990).

17.76.110 Joint use.

The joint use of off-street parking areas may be authorized by use permit for the following uses or activities under the following conditions:

A. Up to fifty percent of the off-street parking for nighttime uses, such as theaters, bowling alleys, bars, or restaurants, may be supplied by the parking area provided for daytime uses, such as banks, offices, retail and personal service establishments.

B. Up to fifty percent of the off-street parking for daytime uses may be supplied by the parking area provided by a nighttime use.

C. Up to fifty percent of the parking for churches or auditoriums may be supplied by the parking facilities provided by daytime uses.

D. The parking area shall be located within three hundred feet of the use intended to be served measured along the normal walking distance along a public right-of-way;

E. The applicant shall submit sufficient data to indicate that there is no conflict in the principal operating hours of the uses proposing to make use of the joint parking facilities;

F. The property owners involved in the joint use of off-street parking facilities shall submit a legal agreement approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of this section, shall be recorded by the property owner in the office of the county recorder and a copy thereof filed with the building department of the city. (Ord. 641 § 5 (part), 1990).

17.76.120 Development, operation and maintenance of parking spaces.

A. For the purpose of this chapter, parking spaces shall be developed in accordance with standards as adopted from time to time by resolution of the city council.

B. All off-street parking spaces, whether required or not, shall be developed and maintained in accordance with the regulations contained in this chapter.

C. Approval of the location and development plan shall be secured from the planning director prior to the installation or use of any area for parking purposes which is not covered under the use permit provisions of this chapter.

D. Parking spaces and access driveways thereto shall be graded, drained and surfaced in accordance with city standards.

E. Each off-street parking space shall be designed so it can function independently of any other parking space and no space shall be approved which cannot function properly due to obstructions, restricted access, restricted turning radius or which require excessive maneuvering.

F. Whenever a parking area for commercial or industrial uses abuts the side or rear of a parcel located in a residential zone, the development plan for such parking area shall be reviewed and approved by the planning director to assure compliance with all regulations and requirements for the proper consideration and protection of the abutting residential property.

G. No sale, storage, repair work, dismantling or servicing of any kind shall be permitted on required parking spaces.

H. Ingress and egress across public sidewalks shall be made possible without the necessity of backing over the same except for property devoted exclusively to one-family, two-family or three-family dwellings. This requirement may be waived by the planning commission upon a showing of hardship and a finding that such waiver will not create a hazardous condition.

I. Required side yards and rear yards may be used for parking purposes.

J. Posts, bumpers, wheel stops or other acceptable devices shall be provided on all parking spaces located along property lines.

K. Wherever a parking area is lighted, such lighting shall be arranged so that it is directed onto the parking area and reflected away from any residential property.

L. Public alleys may be used to satisfy a portion of the required back-up space where the planning commission determines use of said alley for such purpose will not prove detrimental to traffic circulation or access to adjacent properties.

M. All parking areas shall be developed to the following minimum standards:

1. Landscaping shall be provided along all street side property lines not occupied by drive-ways as follows:

a. A planter no less than sixty inches in width shall be provided with an acceptable irrigation system and planted and maintained with evergreen shrubs,

b. One tree for every five spaces, or fraction thereof, shall be provided. Said trees shall be a minimum 1 ½ inch caliper in size and a minimum of six feet tall at time of planting, placed in tree wells at least five feet by five feet in size, provided with a means of irrigation and maintained in a living condition. Where two or more tress are provided half shall be of an evergreen species.

17.76.130 Provision for reduction or waiver of parking regulations.

A. Reasonable and justifiable reductions or waivers may be made to these parking regulations by the planning commission as hereinafter provided.

B. Such reductions or waivers shall be judged upon:

1. The effect on present and future traffic;

2. The effect on neighborhoods;

3. The effect on the stability and adequacy of the site to accommodate the proposed use; and

4. Any other conditions hereinafter specified. (Ord. 641 § 5 (part), 1990).

17.76.140 Assessment districts for parking.

A. Exemptions. Whenever, pursuant to the provisions of this chapter, public off-street parking facilities are established by means of a special assessment district, or by any other means which the city council may determine, all existing buildings and uses, and all buildings erected or uses established thereafter within the special assessment district, or other district which the city council may have determined, shall be exempt from the requirements of this section for privately supplied off-street parking facilities

except as provided.

B. Additional Off-Street Parking Facilities. The planning commission may require additional off-street parking facilities in connection with the occupancy or use of a building in an area which was included in a special assessment district, or in any other district which the city council may have determined to be served by public off-street parking facilities in the following cases:

1. Where the use of a building which was erected after the levying of the special assessment in such an area, or after the establishment of public off-street parking facilities creates the need for an unusual or exceptional amount of off-street parking;

2. Where alterations, expansion or change in use of a building, after levying of a special parking assessment in such an area, or the establishment of public off-street parking facilities, creates a need for off-street parking spaces in excess of the spaces required for such a building or use before the alteration, expansion or change in use. (Ord. 641 § 5 (part), 1990).

17.76.150 Compact cars.

Up to thirty percent of all required and nonre-quired vehicle parking spaces, excluding handicapped spaces, may be sized for compact cars. Compact car spaces shall meet the following minimum dimensions and shall be clearly marked "Compact Cars":

Table 17.76.150 Maneuvering Width

	Type	Stall Width	Stall Depth	One Aisle	Two Aisle
1	90 degree	7.5 feet	16 feet	25 feet	24 feet
2	60 degree	7.5 feet	18 feet	1 9 feet	18 feet
3	45 degree	7.5 feet	17 feet	13 feet	12 feet
4	30 degree	7.5 feet	14 feet	12 feet	12 feet

(Ord. 641 § 5 (part), 1990).

17.76.160 Appeal.

Any decision of the planning commission regarding any matters contained in Sections 17.76.010 through 17.76.150, is subject to appeal in the manner provided for in Chapter 17.84. (Ord. 641 § 5 (part), 1990).

17.76.170 Parking lot requirements.

A. In order to prevent backing over sidewalk, backing into street and congestion at lot entrance, no stall may be within ten feet of the property line and/or sidewalk adjacent to the street. See Table 17.76.170A.

B. In single-entrance ninety degree parking lots, provisions for adequate egress from rear stalls shall be made. (See Table 17.76.170B.)

C. Two-way driveways shall have a minimum width of twenty feet.

D. All new parking lots shall be surfaced with asphalt or concrete. All stalls shall be marked and maintained.

E. Driveway openings shall be aligned with parking lot aisles.

F. Parking lot designs shall be drawn to scale with dimensions and parking angle indicated. (See Table 17.76.170F.)

G. The minimum driveway widths shown below apply to all access driveways serving required off-street parking both between the street and the parking as well as between separate parking areas within the development:

Table 17.76.170A

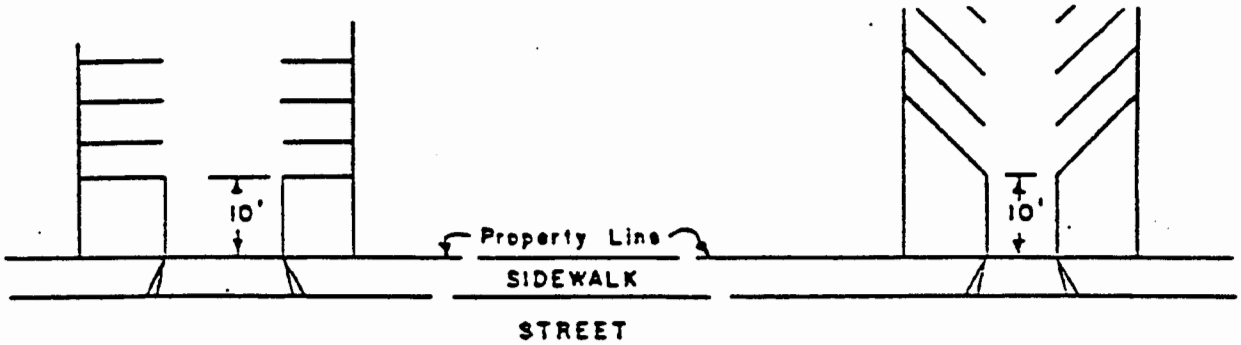
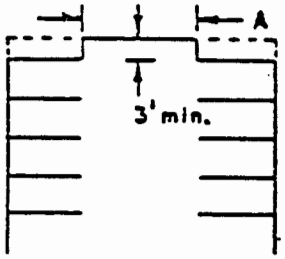


Table 17.76.170B

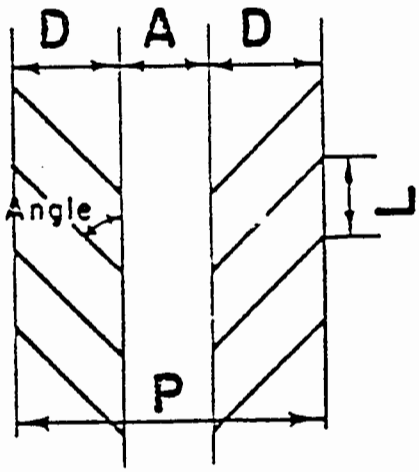


Alternate: Rear stalls shall be increased in width by three feet.

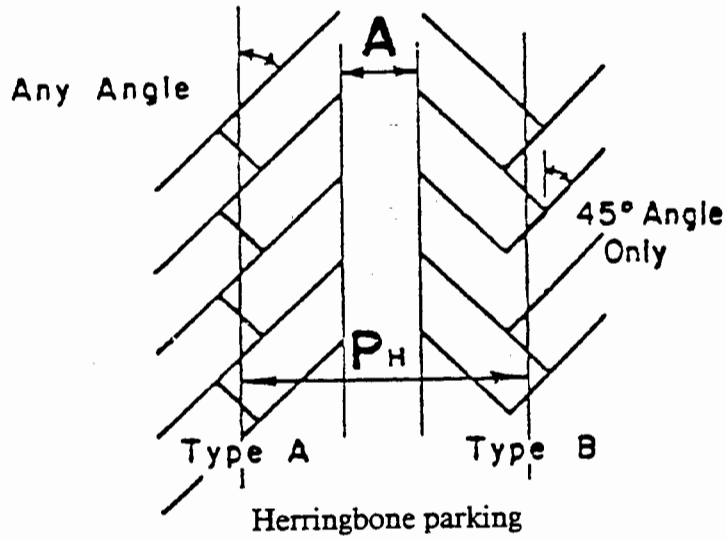
Table 17.76.170F

ANGLE IN DEGREES	L	D	A (1)	P	P_H
0	23.0	8.0	12.0	28	-
30	18.0	16.0	12.0	44	37
35	15.7	17.0	12.0	46	39
40	14.0	17.5	12.0	47	40
45	12.7	18.5	12.0	49	43
50	11.8	19.0	13.0	51	46
55	11.0	19.5	15.0	54	49
60	10.4	20.0	17.0	57	53
65	10.0	20.0	19.0	59	56
70	9.6	20.0	21.0	61	58
90	9.0	19.0	28.0	66	-
90 (2)	9.5	19.0	26.5	64.5	-
	10.0	19.0	24.0	62	-
	10.5	19.0	22.0	60	-

1. If space is available, a minimum aisle width of fifteen feet should be used.
2. Use of these dimensions should be limited to restricted areas only.



Parking against wall, barrier, or required yard area.



Herringbone parking

Chapter 17.77
COASTAL ZONE SPECIFIC PLANS AND REGULATIONS

17.77.010 Procedure.
17.77.020 Initiation.
17.77.030 Planning commission action.
17.77.040 Appeal to city council.
17.77.050 Recommendation and adoption.
17.77.060 Withdrawal, renewal and fees.
17.77.070 Measurement of required yard areas.
17.77.080 Setback space or required yard area.

17.77.010 Recommendation and adoption.

Whenever the public peace, health, safety, convenience, interest, or general welfare may require, the planning commission shall recommend, and the city council shall adopt, specific plans and regulations, including setback lines, based on the general plan. (Ord. 587 (part), 1983).

17.77.020 Procedure.

Specific plans and regulations shall be adopted and amended in accordance with the provisions of the Government Code of the state, except as modified by these regulations, and shall be certified by the state's Coastal Commission. (Ord. 587 (part), 1983).

17.77.030 Initiation.

A proposed specific plan or regulation or a proposed amendment to an adopted specific plan or regulation may be initiated in any of the following ways:

A. By a petition of property owners or their authorized agents accompanied by such information as may be prescribed by the planning commission;

B. By an affirmative vote of the planning commission;

C. By an affirmative vote of the city council to refer a proposed amendment to the planning commission. (Ord. 587 (part), 1983).

17.77.040 Planning commission action.

Upon the initiation of a proposed specific plan or regulation or amendment, the same shall be set for hearing before the planning commission. If the planning commission fails, within sixty days after the close of the public hearing, to recommend or disapprove such proposed plan or regulation or amendment, such failure shall be deemed to be the adoption of a resolution recommending the proposed plan or regulation or amendment; provided, that this time limitation may be extended by the planning commission with the consent of the petitioners. (Ord. 587 (part), 1983).

17.77.050 Appeal to city council.

Any person may appeal the disapproval of a proposed plan or regulation or amendment to the city council at any time within ten days after the decision of the planning commission. A notice of appeal must be filed with the city clerk, with a copy to the planning director. Within ten days after such filing, the planning director shall transmit to the city clerk all exhibits, notices and other documents on file with the planning commission, together with the report of the planning commission. The city council shall conduct a public hearing on the appeal and shall render a decision on the appeal after the conclusion of the hearing. If a proposed plan or regulation or amendment is disapproved by the planning commission, the same shall not be adopted except by a four-fifths vote of the city council. .(Ord. 632 Exh. A (part), 1989; Ord. 587 (part), 1983).

17.77.060 Withdrawal, renewal and fees.

The provisions of these regulations relating to withdrawal and renewal of rezoning applications shall apply to petitions for specific plans and regulations and amendments thereto. Fees for petitions and appeals shall be established by city council resolution. (Ord. 587 (part), 1983).

17.77.070 Measurement of required yard areas.

From and after the taking effect of any ordinance establishing any specific plan which includes setback lines, all required yard areas shall be measured from the setback lines established by the specific plan. (Ord. 587 (part), 1983).

17.77.080 Setback space or required yard area.

From and after the taking effect of any ordinance establishing any specific plan which includes setback lines, no person shall erect, construct or establish any building, structure or improvements within the space between the street line and the setback line or the building line established by a required yard area measured from the setback line. No permit shall be issued for any such building, structure or improvement within such setback space or required yard area, except that permits may be issued for the erection, construction or establishment of temporary structures or improvements in such setback space or required yard area; provided that the owner or owners of any property proposing to erect or establish such temporary structures or improvements shall first file with the city a written guarantee and bond, in an amount to be fixed by the city council, that he will remove such structures or improvements from such setback space or required area at his own expense at such time as the city shall declare its intention of acquiring the setback space for street widening purpose. Further, that in the event of sale or lease of such temporary structures or improvements, the city shall be put to no additional expense for the acquirement of said setback space for street widening purposes by reason of such temporary structures or improvements thus erected in said setback space or required yard area and that any additional expense thus caused shall become a lien against the property, including such setback space. (Ord. 587 (part), 1983).

Chapter 17.78
COASTAL ZONE HEIGHT AND AREA EXCEPTIONS

Sections:

17.78.010 Generally.
17.78.020 Height exceptions.
17.78.040 Area exceptions—Front and side yard requirements for dwellings.
17.78.50 Area exceptions—Minimum yard for certain buildings.
17.78.060 Area exceptions—Width of side yards reduced.
17.78.070 Area exceptions—Yard to be open.
17.78.80 Area exceptions—Projection of eaves, cornices and marquees.
17.78.90 Area exceptions—Fire escapes, outside stairways and balconies.
17.78.100 Area exceptions—Chimneys, flues, and other structures or equipment.
17.78.110 Area exceptions—Rear yard.

17.78.010 Generally.

The height and area regulations set forth in this title shall be subject to the exceptions and amplifications set forth in Sections 17.78.020 through 17.78.110. (Ord. 587 (part), 1983).

17.78.020 Height exceptions.

A. Dwellings. Dwellings in the thirty-five-foot height district may be increased in height by not more than ten feet when two side yards of not less than fifteen feet each are provided.

B. Penthouses or Roof Structures. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, television aerials or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, flagpoles, chimneys, and similar structures may be erected above the height limits prescribed by the height and area regulations, but no penthouse or roof structure, or any other space above the height limit prescribed for the zone in which the building is located shall be allowed for the purpose of providing additional floor space. (Ord. 587 (part), 1983).

17.78.040 Area exceptions—Front and side yard requirements for dwellings.

The front and side yard requirements for dwellings shall be waived for any dwelling which, in its entirety, is located or established directly above stores, shops, or garages in the commercial districts unless such yards are also required to be provided for said stores, shops, or garages under the provivions of these regulations. Notwithstanding any of the above, development may only occur fifty feet beyond the landward edge of a wetland. (Ord. 587 (part), 1983).

17.78.050 Area exceptions—Minimum yard for certain buildings.

On any lot which abuts an alley, no building shall project or extend within five feet of the alley property line. (Ord. 587 (part), 1983).

17.78.060 Area exceptions—Width of side yards reduced.

On any parcel of land with an average width of fifty feet or less, which parcel was under one ownership at the time of, or is shown as a lot on any subdivision map filed in the office of the county recorder, prior to the effective date of the ordinance codified in this chapter, the width of each side yard may be reduced to ten percent of the width of such parcel, but in no case to less than three feet. Notwithstanding any of the above, development may only occur fifty feet beyond the landward edge of a wetland. (Ord. 587 (part), 1983).

17.78.070 Area exceptions—Yard to be open.

Every part of a required yard shall be open from its lowest point to the sky unobstructed except for the ordinary projections of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four inches nor into a minimum front or rear yard more than forty-eight inches. Notwithstanding any of the above, development may only occur fifty feet beyond the landward edge of a wetland. (Ord. 587 (part), 1983).

17.78.080 Area exceptions—Projection of eaves, cornices and marquees.

Eaves, cornices and marquees on buildings for which no front yard or street side yard is required may project over the street property line providing that no such eaves, cornices or marquees shall project over the street line more than two feet. (Ord. 587 (part), 1983).

17.78.090 Area exceptions—Fire escapes, outside stairways and balconies.

Open fire escapes, open porches, outside stairways and balconies may project into the minimum front and rear yards by less than four feet. (Ord. 587 (part), 1983).

17.78.100 Area exceptions—Chimneys, flues, and other structures or equipment.

Chimneys, flues and water softener tanks and air conditioners may project into a minimum side yard; provided, that such structures or equipment shall not extend or project nearer than three feet to the side property line. (Ord. 587 (part), 1983).

17.78.110 Area exceptions—Rear yard.

In the case of a reverse corner lot where the rear of a lot in a commercial or industrial district abuts upon the side of a lot in any residential district, there shall be a rear yard of not less than ten feet; provided, that where a public alley separates the rear of the lot, on a commercial or industrial district and the side of a lot in a residential district, no rear yard shall be required. Notwithstanding any of the above, development may only occur fifty feet beyond the landward edge of a wetland. (Ord. 587 (part),1983).

Chapter 17.79
SITE PLAN AND ARCHITECTURAL REVIEW

Sections:

17.79.010 Purposes and application.
17.79.020 Review committee.
17.79.030 Procedures.
17.79.035 Review standards.
17.79.040 Review, referral and action.
17.79.050 Appeals to the planning commission.
17.79.060 Appeals to the city council.
17.79.070 Development requirements and improvements.
17.79.080 Building permits and occupation.
17.79.090 Lapse of site plan or architectural design approval.
17.79.100 Site plan approval to run with the land.

17.79.010 Purposes and application.

A. The purposes of a site plan and architectural review are to permit the city to evaluate site plans and designs of structures to assure compatibility, harmony in appearance in neighborhoods, reduce negative impacts on adjacent properties, reduce the unnecessary destruction of the environment and ground cover to avoid the creation of hazardous conditions and drainage problems, to avoid monotonous and otherwise nonaesthetic development injurious to the overall community; to proide a vehicle to encourage full development of streets servicing the properties, and to assure full installation of all public utilities necessary to serve such properties.

B. Site plan review and architectural review provisions of this title shall apply to all permitted uses in the CZ-C2, CZ-HS, CZ-CW, CZ-O, CZ-HR, and the CZ-HD districts and shall be required of all uses subject to use permit.

17.79.020 Review committee.

A. The planning commission may establish a committee for such purposes consisting of the director of public works, the city planner, and two members of the planning commission. The members of the planning commission should be well-versed in the city's general plan and enabling legislation. The committee may invite individuals of known expertise from within the community to assist in making such evaluations necessary to make comments and recommendations on site plans and architectural renderings submitted for consideration.

B. In the event that a member of the committee is required to review drawings of a project in which one of its members or its advisors has a business or professional interest, it shall seek the advice of a disinterested party. The committee will stand as established, and from time to time as conditions warrant, the planning commission may make such changes within such personnel as it deems fit.

17.79.030 Procedures.

A. The applicant shall submit an application on a form provided by the director of public works, together with three copies of such site plans or elevations of buildings on which a review committee report is required. The site plan shall be drawn to a scale which shall equally indicate the full dimensions and information necessary for the committee to make an evaluation of the request. Architectural drawings shall be of such scale and contain such information to permit the committee to make a full evaluation of the outside appearance, color, texture of materials, and appurtenances necessary for the development of the structure.

B. Scale drawings of all signs which will be included within the subject property shall also be submitted concurrently with the site plan and architectural plans of any proposed project. The review committee may require additional information if necessary to carry out the purposes of this chapter and/or may authorize the omission of any or all drawings required by this section if they are not necessary.

17.79.035 Review standards

A. The committee shall review the application as to consistency with the applicable zoning , parking and Landscaping, fencing, signage , street, sidewalk and public services requirements as set forth by this Municipal Code.

B. Where the City Council has adopted a development plan and/or development standards for a specifically defined neighborhood within the City the application shall also be reviewed for consistency with the criteria of such plan or standards.

C. Where a structure(s) 45 years or older is proposed for remodel or demolition a review of the potential for impact upon a site listed on the National Historical Register or a site of local historical significance shall be made and considered in the architectural review decision. It is the goal of the City General Plan to encourage property owners and other land managers to preserve or rehabilitate important historical and cultural sites rather than destroying them.

D. In such case that a waiver, variance or special permit review is required review of the project shall not be completed until final action upon the waiver, variance or special permit is taken by the Planning Commission or City Council.

17.79.040 Review, referral and action.

A. Within fifteen days after the submission of drawings and applications for review by this committee the committee shall meet to review the project. Subsequent to the meeting it shall and render a written report recommending approval, approval with conditions or disapproval. Action by the committee shall be final unless the applicant seeks redress from the action of the committee by making appeals as set forth in this chapter.

B. Except as time requires to meet Section 17.79.035 C or D above, if no action is taken by the committee thirty days after receipt of all drawings and applications it shall be deemed accepted and building permits may then be issued which are in compliance with the drawings submitted for review. If modifications are requested by the committee the time periods established shall not be resumed until revisions to the drawings as requested are resubmitted for consideration.

C. Approved plans, together with such conditions, and signed by the planning director shall be dated and mailed to the applicant and one copy placed in the files of the planning commission.

17.79.050 Appeals to the planning commission.

A. Within ten days following the date of a decision of the review committee on any site plan or architectural review application, the decision may be appealed to the planning commission by the applicant or any other interested party. An appeal shall be made on a form prescribed by the planning commission, and shall be filed with the secretary of said commission. The appeal shall state specifically where it is claimed that there was an error or abusive discretion by the committee and wherein its decision was not supported by evidence in the record.

B. Following the receipt of such an appeal application, the planning commission at its next regular meeting shall set a date of hearing at which time the applicant may make his presentation and shall at that time present to the commission the site drawings and structural renderings and all other data which was presented to the committee, together with his arguments on said appeal. Should the planning commission find favor with the appeal, the commission shall order the secretary of the commission to sign the documents and date such documents and submit a copy to the applicant and one copy to the records of the planning commission.

C. Should the decision of the planning commission be unfavorable to the applicant, the applicant may appeal such decision to the city council.

17.79.060 Appeals to the city council.

A. Should an application for a site plan and architectural review meet with the disapproval of the planning commission or upon any of the modifications as decided by the commission, he may file with the city council a request for consideration by the city council. Such a request shall be on forms prescribed by the city council and the city council shall set a date of hearing upon such receipt.

B. At the public hearing set for such an appeal, the city council shall be provided with all of the material, recommendations and data reviewed by the planning commission and they shall at such a hearing, either affirm, deny, or amend the recommendations of the planning commission. The city council shall, in setting their public hearing, follow the procedures prescribed as set forth in Chapter 17.82.

17.79.070 Development requirements and improvements.

Consideration of approval of a site plan or architectural review shall include the requirements for the dedication of additional rights-of-way, the improvement of all public rights-of-way, the installation of underground utilities, and the provision of water, sewage, and drainage facilities.

17.79.080 Building permits and occupation.

A. Before a building permit shall be issued for any building or structure proposed as part of an approved site plan or architectural design, the building official shall determine that the proposed building location facilities and improvements are in conformity with the plans and conditions approved by the review committee, the planning commission, or the city council.

B. Before a building may be occupied the building official shall certify that the site or structure has been developed in conformity with the plans and conditions approved in this chapter.

17.79.090 Lapse of site plan or architectural design approval.

A. A site plan or architectural design approval shall lapse and shall become void one year following the date on which approval by the committee, planning commission or city council became effective unless prior to the expiration of one year a building permit is issued by the building official, and the construction is commenced and diligently pursued toward completion on the site or structures which were the subject of the site plan or architectural design approval.

B. Approval may be extended for an additional period for periods of one year upon written application to the planning commission before expiration of the first approval.

17.79.100 Site plan approval to run with the land.

A site plan or architectural design approved pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon the change of ownership of the site which was the subject of the site plan or architectural design approval, subject to the provisions of 17.79.090.

Chapter 17.80
COASTAL ZONE NONCONFORMING USES

Sections:

17.80.010 Generally.
17.80.020 Continuance of nonconforming uses of land.
17.80.030 Nonconforming uses of structures.
17.80.040 Nonconforming structures or buildings.
17.80.050 Nonconforming lots.
17.80.060 Removal of nonconforming uses of land or structures.

17.80.010 Generally.

Nonconforming uses, buildings, structures, signs and lots may be continued subject to the provisions of this chapter.

17.80.020 Continuance of nonconforming uses of land.

The lawful use of land existing on July 1, 1982, although such use does not conform to the provisions of this chapter,
may be continued for a period of twenty years from July 1, 1982. A use of land which becomes nonconforming due
to reclassification, change of ordinance or annexation may be continued for a period of twenty years from the date
the use becomes nonconforming, except that a legally established non-conforming two-family and multiple dwelling use
may be continued for a period of thirty years unless located within an area of industrial zoning. No nonconforming use of
land shall be enlarged, increased or extended to occupy a greater area of land than was occupied when it became
nonconforming.

17.80.030 Nonconforming uses of structures.

A. Maintenance. A nonconforming use of a structure or building may be maintained indefinitely in the original
condition except as otherwise provided in this chapter.

B. Change of Nonconforming Use. A nonconforming use may be changed to similar use
allowed in the most restrictive zoning district which would^ permit the existing use or to a use allowed in a more restricted zoning classification. When a use is changed to a use permitted in a more restrictive zoning classification and the use shall not subsequently be changed to a use not permitted in the more restrictive zoning classification. No change of use will be permitted if the new use proposed requires a use permit.

C. Expansion. A nonconforming use shall not be expanded.

D. Signs. Identification signs may be permitted on structures or buildings housing a nonconforming use provided such signs are mounted on the wall of the building parallel to the street side property line and shall not project more than twelve inches from the wall of the building and provided further that the total sign areas shall not exceed one square foot for each linear foot of building facing a public road or street.

E. Discontinuance. No nonconforming use of a structure shall continue if the use has been discontinued for six consecutive months or for twelve months during any consecutive thirty-six months. When such discontinuance has occurred, the premises or structure shall only be used for the purposes allowed in the zoning district in which it is located.

F. Damage or Destruction. Where a structure containing a nonconforming use is destroyed by any means to an extent of more than fifty percent of its market value as determined by the county assessor on the last equalized assessment roll, it shall not resume its nonconforming use but may be restored and used in conformity with the provisions of this title. Where a legally non-conforming two-family or multiple dwelling use is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, it may be considered for restoration, reconstruction or rebuilding subject to the following criteria:

1. The dwelling may be reconstructed, restored, or rebuilt up to its predamaged size and number of dwelling units, and its nonconforming use, if any, may be resumed.

2. The project shall be subject to issuance of a building permit within two years of the date of destruction and shall comply with those California Building Standards and any other local building standards authorized under the Health and Safety Code in effect at the time of restoration.
3. The project shall be in compliance with the State Historical Building Code for work on qualified historical buildings or structures.
4. The project shall otherwise be constructed in compliance with City zoning ordinances so long as the predamage size and number of units is maintained. Reconstruction of such units in an area zoned as industrial shall be prohibited.

17.80.040 Nonconforming structures or buildings.

A. Maintenance. A nonconforming structure or building may be maintained indefinitely in the original condition
except as otherwise provided in this chapter.

B. Enlargement or Alteration. No nonconforming building may be enlarged or altered in any way which increases its nonconformity.

C. Repairs. Repairs of an ordinary nature may be made in any period of twelve consecutive months including repair or replacement of nonbearing walls, fixtures, wiring and plumbing to an extent not to exceed ten percent of the market value of the building as determined by the county assessor on the last equalized assessment roll. Work which is required to strengthen or to restore the building to a safe condition as determined and ordered by code enforcement official or other city or state officer by reason of statute or ordinance shall not be included within the ten percent limitation.

D. Damage or Destruction. If a nonconforming structure is destroyed by any means to an extent of more than fifty percent of its market value as determined on the last equalized assessment roll at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title. Where a legally non-conforming two-family or multiple dwelling use is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, it may be considered for restoration, reconstruction or rebuilding subject to the following criteria:

1. The dwelling may be reconstructed, restored, or rebuilt up to its predamaged size and number of dwelling units, and its nonconforming use, if any, may be resumed.
2. The project shall be subject to issuance of a building permit within two years of the date of destruction and shall comply with those California Building Standards and any other local building standards authorized under the Health and Safety Code in effect at the time of restoration.
3. The project shall be in compliance with the State Historical Building Code for work on qualified historical buildings or structures.
4. The project shall otherwise be constructed in compliance with City zoning ordinances so long as the predamage size and number of units is maintained.

Reconstruction of such units in an area zoned as industrial shall be prohibited.

A. Relocation. If a nonconforming building is moved for any reason for any distance whatever, it shall thereafter
conform to the regulations for the zoning district in which it is located.

17.80.050 Nonconforming lots.

A. A nonconforming lot shall not be reduced in area or width.

B. Any conforming use or conforming structure on a nonconforming lot may not be enlarged, extended or reconstructed.

C. A nonconforming lot to be used for residential purposes shall be subject to the density requirements of such zoning district in which it is located, except:

1. A single-family dwelling and customary accessory buildings may be erected on a nonconforming lot located in any district in which a single-family dwelling is permitted, so long as all setback requirements are provided.

D. If two or more lots or combination of lots or portion of lots with continuous frontage
single ownership do not meet the requirements established for lot width or area, the land involved shall be considered to be a
single building site for purposes of this section and no portion of said building site shall be used or sold in a manner which diminishes
the degree of compliance with lot width and area requirements, nor shall any division of any building site be made which
creates a lot width or area below the requirements stated in this title.

17.80.060 Removal of noncomfonning uses of land or structures.

Notwithstanding the provisions of Sections 17.80.020 and 17.80.030, upon a written complaint filed with the planning director by any aggrieved person, alleging that a nonconforming use of land or structures has become a public nuisance through decline in appearance, or through emissions of noise, smoke or vibrations, or through the conduct of its operations has become a persistent police problem, the planning director may refer the matter to the planning commission and the planning commission may, after a public hearing thereon, order the removal of the nonconforming use subject to the city's obtaining a coastal development permit(s) for such removal or demolition. The planning commission may initiate such proceedings upon its own motion for any of the above-described causes. The procedure for notice, hearing and appeal shall be as set forth in Section 17.82.030.

Chapter 17.81

COASTAL ZONE AMENDMENTS AND REZONING

Sections

17.81.010 Permitted.
17.81.020 Petitions for rezoning.
17.81.030 Hearing and notice—Planning commission.
17.81.040 Hearing and notice by city council.
17.81.050 Determination of findings.
17.81.060 Appeals.
17.81.070 Withdrawal of petition or appeal.
17.81.080 Renewal of petition.
17.81.010 Permitted.

Whenever the public health, safety and general welfare warrants, the city council may, by ordinance after a report by the planning commission and subject to the procedures provided in this chapter, amend, supplement or change the regulations for zoning of property now or hereafter established by these regulations. An amendment or rezoning may be initiated by the planning commission, the city council, or by a petition of property owners or authorized agents of such owners. (Ord. 587 (part), 1983).

17.81.020 Petitions for rezoning.

Petitions for rezoning of property shall be filed with the planning department upon such forms and accompanied by such data and information as may be prescribed for that purpose by the planning commission. In addition, the notice and procedure requirements of the Coastal Commission's local coastal program regulations shall also apply to all petitions for rezoning and amendments. (Ord. 587 (part), 1983).

17.81.030 Hearing and notice—Planning commission.

A. Upon the initiation or filing of such petition for rezoning or upon the initiation of procedure for an amendment, the same shall be set for hearing before the planning commission by the planning director.

B. Notice of the time, place, and purpose of such hearing shall be given by the following method:

1. Amendment Hearings. At least one publication in the official newspaper of the city at least ten working days prior to the date of the hearing.

2. Proposed Rezoning Hearings. Publication of at least one notice in the official newspaper of the city at least five days prior to the date of the hearing. At least seven days before the hearing of said rezoning a notice of said hearing shall be mailed to the petitioners and to residents and owners of properties which are within three hundred feet of the property proposed to be rezoned, and to those names on record requesting such notices. (Ord. 587 (part), 1983).

17.81.040 Hearing and notice by city council.

A. The city council, upon receipt of the recommendation of the planning commission on amendment or rezoning, shall set the same for hearing.

B. Notice of the time, place, and purpose of such hearing shall be given by causing a notice thereof to be published in at least one regular issue of the official newspaper of the city at least ten days before said hearing. No hearing shall be required for a planning commission denial on a rezoning; however, in the event of an appeal, Section 17.81.060 shall be the procedure for the city council in hearing an appeal on a recommendation of denial by the planning commission. (Ord. 587 (part), 1983).

17.81.050 Determination of findings.

A. If the planning commission finds that the public health, safety, and general welfare warrant the change of regulations or zones, and such change is consistent with the applicable land use policies set forth in the coastal element of the general plan, the planning commission may recommend such change to the city council. The city council may, by ordinance, effect such change upon approval by state's Coastal Commission. The planning commission shall not be bound to recommend the identical change of regulations on areas petitioned for or initiated

but may recommend a more restrictive zone or regulation or an area smaller than that originally petitioned for or initiated if such change is warranted by the public health, safety, and general welfare and is consistent with the applicable land use policies set forth in the coastal element of the general plan. Such process shall not take less than six weeks.

B. If the planning commission finds that the public health, safety, and general welfare does not warrant the change of zones or regulation or such change is not consistent with the applicable policies set forth in the coastal element of the general plan, said determination of findings shall be final and conclusive unless an appeal is filed with the city council as provided in Section 17.81.060.

C. In the case of petitions to rezone, if the planning commission fails to make a determination of finding either disapproving or approving said petition within sixty days after the close of public heraing thereon, said failure shall constitute approval of said petition; provided, that this time limitation shall not apply in the event the petitioner agrees to the delay. (Ord. 587 (part), 1983).

17.81.060 Appeals.

A. Any persons dissatisfied with any action of the planning commission on an amendment or rezoning may appeal therefrom to the city council at any time within ten days after rendition of the decision of the planning commisison. The appeal is taken by filing a notice of appeal with the city and a copy thereof with the planning commission. Upon filing a notice of appeal, the planning director must, within ten days, transmit all exhibits, notices, affidavits, orders, and other papers and documents on file with the planning commission, together with the report of the commission to the city council.

B. The city council shall hold a hearing upon said appeal after mailing written notice to the appellant and all other and concerned and interested parties as established by their filing of the
proper request, and by causing a notice to be published in at least one regular issue of the official newspaper of the city at least ten days prior to said hearings by the city council.

C. If the report and recommendation of the city planning commission should be unfavorable to the proposed amendment for rezoning, no such amendment or rezoning shall be adopted without four members of the city council voting in its favor.

D. The city council, prior to making any substantial changes to the planning commission's recommendation, shall return the matter to the planning commission for their consideration and report of the proposed substantial changes. (Ord. 632 Exh. A (part), 1989; Ord. 587 (part), 1983).

17.81.070 Withdrawal of petition or appeal.

The planning commission or the city council at their discretion may permit the withdrawal of any petition or appeal filed under this chapter. The planning commission or the city council may abandon any proceedings for an amendment or rezoning initiated by itself. Withdrawal of any petition or appeal shall terminate all proceedings in reference thereto. (Ord. 587 (part), 1983).

17.81.080 Renewal of petition.

If a petition for rezoning is denied by either the planning commission or the city council, another petition for reclassification of the same property or any portion thereof shall not be filed for a period of one year from the date of final denial. (Ord. 587 (part), 1983).

Chapter 17.82
COASTAL ZONE USE PERMITS

Sections:

17.82.010 Purpose.
17.82.020 Conditional and revocable.
17.82.030 Applications for permits.
17.82.040 Application—Notice and hearing.
17.82.050 Appeal.
17.82.060 Council action—Granting or denial.
17.82.070 Copies of resolution for applicant and commission.

17.82.010 Purpose.

A. These provisions do not negate the specific uses designated for each zoning district, but rather serve as a supplemental guide providing added protection to existing zoning districts and at the same time encouraging orderly growth.

B. The purpose of issuing a use permit shall be:

1. To assure that the degree of compatibility with the purpose of this chapter be maintained with respect to the particular use on a particular side and consideration of other existing and potential uses within the general area in which such use is proposed to be located; and

2. To recognize and compensate for variations in degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazards;

3. To assure that such use will be placed on a site that is both suitable and adequate and that the use will have a minor effect on present and future traffic and that such use will not become a nuisance to the neighborhood and such use conforms to the priorities for development in each district and with the policies of the land use plan and makes provisions for adequate off-street parking and loading, as well as landscaping and screen planning, as well as other matters pertinent to the particular case. (Ord. 587 (part), 1983).

17.82.020 Conditional and revocable.

All use permits are always revocable and may be made conditional or valid for a specific time period and shall be issued by the planning commission or by the affirmative vote of the city council upon appeal for any of the uses for which a use permit is required by the terms of this title. Use permits must be obtained for those uses designated as requiring use permits under these regulations, whether use be in connection with new construction, additions or enlargements or extensions of use. (Ord. 587 (part), 1983).

17.82.030 Applications for permits.

A. Applications for a use permit or a special use permit or a temporary use permit shall be made to the planning director in writing on a form prescribed by the commission and shall be accompanied by plans, sketch plans, and elevations of the building. Applications filed under this section shall be accompanied by such fees as shall from time to time be set or established by resolution of the city council. Every application for a use permit or special use permit or temporary use permit shall be signed by the owner of the property for which the permit is sought, or his agent. In the case of leased premises the owner of the underlying fee title or his agent shall sign the application.

B. Use permits and special use permits and temporary permits are not personal to the applicant. Permission granted under a use permit or a special use permit or a temporary use permit is an incident of ownership of the property for which it is granted. The owner of the property shall be responsible for compliance with the terms and conditions of issuance, if any, of a use permit or special use permit or a temporary use permit.

C. Applications for use permits, special use permits or temporary use permits shall be either referred directly by the planning director to the planning commission for public hearing and decision or where such is the case, be considered by the planning director and processed by him, in which event he shall make his written determination and transmit a copy thereof to the applicant (Ord. 632 Exh. A (part), 1989; Ord. 587 (part), 1983).

17.82.040 Application—Notice and hearing.

Upon the filing of a written application for a use permit by a property owner or by a lessee with the consent of the owner, the planning commission shall give seven days notice to the residents and owners of all properties which are immediately adjacent and opposite from the property in question. Such notice shall give intent to consider at a public hearing the granting of the use permit. Upon filing of an application for use permit the planning director shall give notice by mail of the time, place and purpose thereof to the applicant as well as to the public in general. Within twenty days followng the termination of the. public hearing on a use permit the planning commission shall announce its findings by formal report, and such report shall recite among other things the facts and reasons which, in its opinion, made the granting or denial of the use permit necessary to carry out the provisions and general purpose of these regulations, and shall order that the use permit be granted or denied, and if such report orders that the use permit be granted it shall also recite such conditions and limitations as it may impose. The formal report of the planning commission announcing its findings and orders after a hearing on and application for use permit shall become a permanent record in the files of the planning commission. No later than ten days following the rendering of a decision ordering that a use permit be granted or denied a copy of the report shall be mailed to the applicant, any other person requesting such report, and to the state's Coastal Commission. (Ord. 587 (part), 1983).

17.82.050 Appeal.

The order of the planning commission in granting or denying a use permit shall become final and effective ten days after the rendering

of its report granting or denying the use permit unless within such ten-day period an appeal in writing is filed with the city by any person dissatisfied with the decision of the planning commission. The filing of such appeal within such limit shall stay the effective date of the order of the planning commission until such times as the council has acted on the appeal. (Ord. 587 (part), 1983).

17.82.060 Council action-Granting or denial.

A. Upon request of a written appeal filed with the council as provided herein, the planning commission shall transmit to the council the planning commission's complete record of the case. The city council shall, within a period not to exceed forty days following receipt of the written appeal, conduct a duly advertised public hearing, public notice of which shall be given as provided in Section 17.81.040, and in addition provide written notice to individuals requesting such notices as well as to the California Coastal Commission.

B. The council shall announce its findings and decision by formal resolution not more than forty days following the termination of proceedings of the hearing. Such resolution shall recite among other things the facts and reasons which, in the opinion of the council, make the granting or denial of the use permit necessary to carry out the general purpose of this chapter and shall order that the use permit be granted or denied or modified subject to such conditions or limitations that it may impose. (Ord. 587 (part), 1983).

17.82.070 Copies of resolution for applicant and commission.

Not later than ten days following the adoption of a resolution ordering that a use permit be granted or denied, a copy of such resolution shall be mailed to the applicant, any other parties requesting notice of the action, and to the state's Coastal Commission, and one copy shall be attached to the planning commission's file

on the case and such file returned to the planning commission for permanent filing. (Ord. 587 (part), 1983).

17.83
SPECIAL ZONING USES

Sections:

17.83.010 Senior second units.
17.83.020 Reasonable housing accommodation for persons with disabilities.
17.83.030 Incentives for affordable housing.
17.83.040 Small wind energy systems.
17.83.050 Installation of manufactured homes on individual lots.
17.83.060 Mobilehome Parks in residential areas.

17.83.010 Senior second units.

Where an R-1 designated parcel does not qualify for a second dwelling unit pursuant to Section 17.10.020e, a use permit for a temporary second dwelling use with kitchen facilities within an existing residence, or as part of a structural addition to an existing residence, in a zone restricting residential use to a one-family unit, may be considered by the Planning Commission as a use permit for seniors in any legally existing single-family residence subject to all of the following:

A. The senior second dwelling unit use shall be used for the sole occupancy of one to two specifically named adult persons who are sixty-two years of age or over.

B. The total designated floor area for the second dwelling use shall not exceed thirty percent of the floor area of the entire structure, including any proposed addition. However, under no circumstances shall the floor area of the second unit exceed seven hundred square feet.

C. The habitable floor area of the second dwelling use shall maintain direct, internal access to the habitable floor area of the primary residence, and a direct exist outside. For purposes of this section, habitable floor areas shall include interior hallways.

D. Any structural additions or alterations shall comply with all building, zoning, health and fire code requirements.

E. Utilities for the second dwelling area (electricity, water, sewage disposal, etc.) shall be integrated into those of the primary residence.

F. When the specified occupant(s) of the senior second dwelling use no longer reside in the unit or no longer qualifies for the use permitted under these provisions, the kitchen facilities shall be removed, the area integrated into the primary unit, and the area no longer used for second dwelling purposes.

G. The use permit shall be subject to annual review and verification of compliance by the planning department or planning commission. A use permit renewal fee, in an amount determined by the City Council, may be charged.

17.83.020 Reasonable housing accommodation for persons with disabilities.

It is the policy of the City to provide fair access to housing for persons with disabilities, including providing reasonable accommodation in the application of its zoning laws pursuant to federal and state law. This Title provides for residential care facilities as setforth by California Health and Safety Codes within specified residential and commercial districts. Where a request for accommodation beyond these provisions is made the following shall apply:

A. Application for Accommodation.

A request for reasonable accommodation may be made by submittal of an application to the City Planning Department. Certain factors provide the factual information necessary to develop a balance between the City's interest and the need for housing. Consideration of these factors will vary depending on whether the request is being made in a Residential or Commercial zoning district, and they can only include the physical impacts of the proposed use, not the type of residents. The factors to be considered for reasonable accommodation include the following:

1. Special needs created by the disability
2. Potential benefit that can be accomplished by the requested accommodation.
3. Potential impact of the request on surrounding uses.
4. Potential hazardous impact of surrounding environment upon the requested accommodation.

5. Physical attributes of the property and structures.
6. Alternative accommodations which may provide an equivalent level of benefit.
7. In the case of a determination involving a single family dwelling, whether the household would be considered a single family dwelling if it were not using special services which are required because of the disabilities of the residents.
8. Whether the requested accommodation would impose an undue financial or administrative burden on the City.
9. Whether the requested accommodation would require a fundamental alteration in the nature of a City program.

B. City Programs.

The following have been identified as city programs which should be considered with respect to requests for reasonable accommodation:

1. Health and Safety

   The City is charged with ensuring the health and safety standards which are embodied in the Housing Code, Fire Code, Building Codes (including plumbing, mechanical and electrical), and the National Flood Insurance Program. The following are minimum health and safety standards which are not subject to variance.

   a. Occupancy Standards. The most current California Building Code and Model Building Code (as adopted by the State of California) which have been adopted by the City prescribe the maximum number of persons per sleeping area which shall be applied.
   b. Exiting. The most current California Building Code and Model Building Code which have been adopted by the City prescribe exiting requirements.
   c. FEMA- Flood Insurance Program. The City is subject to potential flood, coastal erosion and tsunami damage. A request is located within an area designated as Zone A, B or V15 of the most current Flood Insurance Rate Map, prepared by the Federal Emergency Management Agency, shall be subject to the requirements of the city's Flood Damage Prevention Ordinance (Chapter 15.32 Municipal Code).
   d. Building permits. Building permits will be required for new construction and changes to existing structures as prescribed by the most recently adopted California Building Code, Uniform Building Code and Americans with Disabilities Act.

2. Residential zoning district

   The City recognizes the importance of sustaining and enhancing the livability of existing neighborhoods throughout the community. The City encourages a variety and mix of housing types to provide adequate choices for housing to all persons and recognizes the need to conserve the existing housing stock and preserve the environment and livability of existing residential neighborhoods. The City will therefore review requests with particular consideration given to the following issues:

   a. Residential Character. If the accommodation is requested in a residential zoning district, then it is reasonable to require that the house retain a residential character. This means that its interior and exterior design should be consistent with the style of residential structures around it. In order to promote a cohesive living environment, homes should contain sufficient common areas for the number of residents: including, at a minimum, a kitchen, dining area and living room large enough to serve the residents, and, in the case of larger residences, congregating or recreational rooms and adequate bathrooms.
   b. Parking. Recognizing that the parking demand for persons with disabilities is often less than for a similarly situated non-disabled household, the following factors should be considered in reviewing an accommodation request:
      - Nature of the disability, with respect to the ability to or likelihood to drive.
      - Proximity to public transit
      - Number of non-driving persons
      - Development of an alternate parking plan or resident transportation program

      In general, residential uses in one-family dwellings, which involve staff who also live at the premises, should meet the following guidelines:

      i. One off-street parking space for the first six (6) client beds, and
      ii. One off-street parking space for every four (4) client beds (or portion thereof) above the first six, and
      iii. One off-street parking space for each employee or staff member.

C. Notices and Hearings

1. Within thirty (30) days of the application, a Notice of Accommodation Decision is to be issued by the Planning Director and mailed to the applicant, adjacent property owners and any party

who has requested notice of such determinations in writing. Adjacent is defined as those properties which share property lines with the proposed location or are directly across the street from the property for which reasonable accommodation is being requested.

2. Within ten (10) working days of the Notice of Accommodation Decision being mailed, any person may make a written appeal of the Directors decision to the Planning Commission. The appeal must state the grounds for the appeal and remedy requested. If no request is received, then the decision of the Director will be final.
3. If appeal is received a public hearing shall be scheduled at the next reasonable available Planning Commission meeting. The decision of the Planning Commission is final.

17.83.030 Incentives for affordable housing.

The City wishes to provide a balance in housing types for all households in the community. Pursuant to Section 65915 et.seq. of the California Government Code the City will consider developers proposals to provide housing for very low and low income households by the provision of a density bonus for housing developments when issues of providing such housing in an affordable manner arise. Such bonus shall be made subject to the following provisions:

A. Qualification. In order to quality for a density bonus, a project must be a low or very low income or senior citizen housing project developed in compliance with the Section 65915 et seq. For a low income project, at least twenty percent (20%) of the units shall be low income affordable, for very low income projects not less than ten percent (10%) shall be very low income affordable, and for senior citizen projects not less than fifty percent (50%) of the units shall be restricted to senior citizens.

B. Limitation. Density bonuses shall not exceed twenty-five percent (25%) of the maximum density permitted by the applicable General Plan land use designation for the subject property. For example, where the maximum allowable density based upon a land use designation is twelve (12) units per acre, the density bonus shall not exceed three (3) units per acre, yielding a total allowable density, with the bonus, of fifteen (15) units per acre. The final project unit total would then be calculated based upon the project property size.

C. Application. An application for a density bonus shall be made in conjunction with the other required applications for the development and shall be subject to the same procedures required by those applications.

D. Affordability Cost Analysis. The developer shall include in the application for density bonus a cost analysis of the proposed project, with and without density bonus, demonstrating the cost per dwelling unit and projecting sales and/or rental costs for residents. The City shall include in its review of the application a written finding as to the need for incentive or development standards waiver for the provision of affordable housing as setforth in Section 50052.2 of the Health and Safety Code. The City may deny the request if affordable housing can be provided without the requested incentives.

E. Maintenance of affordable units. In exchange for the density bonus, the developer shall guarantee the units will be maintained for very low and low income households for thirty years. The guarantee shall be in the form of a deed restriction or other legally binding and enforceable document acceptable to the City Council. The document shall be recorded with the Del Norte County Recorder prior to the issuance of a building permit. The applicant shall comply with Crescent City Housing Authority procedures for the physical maintenance of the units.

F. Development Standards.

1. All residential projects granted a density bonus shall conform to the development standards applicable, except those standards regulating density or as waived under section 17.48.050 (E).
2. Where a proposed project is to be phased in its construction the number bonus units shall either be proportionately allocated between the phases or provided in the last phase of construction.

G. Waiver of Development Standards. If the applicant can demonstrate that the increased density cannot physically be accommodated on the site then the following development standards shall be waived during site plan review to accommodate the increase density. The waiver in the standards shall follow the priority order hereby established and the applicant shall demonstrate that the increased density cannot be accommodated with each sequential waiver before the waiver of the next standard is allowed. Only one standard shall be waived unless it is shown that each individual standard waiver will not physically accommodate

the proposed density. A complete site plan and floor plan shall be provided to demonstrate the physical noncompliance. Priority order for waiver is:

1. A higher percentage of compact parking;
2. Reduction in distance between buildings, subject to compliance with safety codes;
3. Reduction in rear yard setbacks;
4. One additional floor of building height above the zoning district standard;
5. Reduction in side yard setbacks;
6. Reduction in number of required parking spaces (but not less than one space per unit):
7. Reduction in front yard setbacks; and
8. Reduction in parking lot landscaping standards.

17.83.040 Small wind energy systems.

Pursuant to Section 65892.13 of the California Government Code the City shall issue a use permit for the placement of small wind energy systems subject compliance with the following criteria:

A. The size of the parcel upon which the system is located is at least one (1) net acre in size.
B. Tower height shall be limited to:
   1. For project parcels between one (1) and five(5) acres in size - 65 ft in overall height.
   2. For project parcel larger than five (5) acres – 80 ft overall height.
C. No part of the system, including guy wire anchors, extends closer than 30 feet to the property boundary, provided that it also complies with any applicable fire setback requirements pursuant to Section 4920 of the Public Resources Code.
D. The system does not exceed 60 decibels (dBA), as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.
E. The system's turbine has been approved by the State Energy Resources Conservation and Development Commission as qualifying under the Emerging Renewables Fund of the commissions' Renewables Investment Plan or certified by a national program recognized and approved by the Energy Commission.
F. The application includes standard drawings and an engineering analysis of the tower, showing compliance with the Uniform Building Code and California Building Standards Code (as adopted by the City) and certification by a licensed professional engineer. A wet stamp is not required if the application demonstrates that the system is designed to meet the most stringent wind requirements (UBC Wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.
G. The system complies with all applicable Federal Aviation Administration requirements, including any necessary approvals for installations close to airports, and the requirements of the State Aeronautics Act (Part 1- commencing with Section 21001 of Division 9 of the Public Utilities Code).
H. The application includes a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
I. Unless the applicant indicates that the project will not connect the system to the electricity grid, the application includes evidence, that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owner electricity generator.
J. A small wind energy system shall not be allowed on a site listed in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.
K. No small wind energy system shall be placed so that it is visible from any Coastal Scenic Resource area designated by Table 5-3 of the adopted and certified Crescent City General Plan.
L. This section shall be inoperative on July 1, 2005, and as of January 1, 2006 is repealed, unless the California legislature enacts a statutes effective on or before January 1, 2006 which deletes or extends said date as applicable to Section 65892.13 of the California Government Code.

17.83.050 Installation of manufactured homes on individual lots.

The installation of a manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act on individual lots in an area zoned for one-family residential units (R-1) in lieu of a home placed by conventional construction is permitted if in compliance with the following requirements:

A. The manufactured home shall be subject to the same development standards to which a conventional single family residential dwelling on the same lot would be subject including but not limited to, building setback standards, side and rear yard requirements, standards for enclosure and access, vehicle parking and any applicable aesthetic requirements, an minimum square footage requirements.

B. Pursuant to Section 65852.3 of California Government Code, the manufactured homes installed pursuant

to this section shall conform to the following:

1. The unit shall be placed on a permanent foundation system persuant to Section 18551 of the Health and Safety Code.
2. The unit shall have a roof overhang of not less than four (4) inches on any side, or portion thereof, and not less than six (6) inches on each end of the unit. "End" is defined as the pulling front of each section and the rear of each transported section.
3. Roofing material must consist of composition or similar shingles or tile, including a simulated tile.
4. The exterior covering material shall be a conventional home siding such as a vertical or horizontal wood base product siding or masonry, vinyl or aluminum horizontal siding.
5. The exterior covering material shall extend to within six inches of the ground, except that when a solid concrete or masonry perimeter foundation is used the exterior covering material need not extend below the top of the foundation.

C. The manufactured home placement shall be subject to the same hazard standards (bluff, FEMA, etc) as any conventional residence which would be placed on the same site.

17.83.060 Mobilehome Parks in residential areas.

Subject to the issuance of a use permit, mobilehome parks, as defined in Section 18214 of the Health and Safety Code, are permitted on all land designated by the General Plan and zoned as residential, provided that:

A. Project density, including existing or non-mobilehome park residential development, does not

exceed that designated to the parcel by the land General Plan use designation for the subject parcel; and

B. Project development shall meet the adopted mobilehome park development standards;

C. Setbacks from the exterior property boundaries of the project shall be observed;

D. Parking shall be as for one-family dwellings;

E. No recreational vehicle occupancy shall be permitted.

F. Mobilehome park dwelling units shall conform to the following standards:

1. The unit shall be placed on a permanent foundation system pursuant to Section 18551 of the Health and Safety Code.
2. The unit shall have a roof overhang of not less than four (4) inches on any side, or portion thereof, and not less than six (6) inches on each end of the unit. "End" is defined as the pulling front of each section and the rear of each transported section.
3. Roofing material must consist of composition or similar shingles or tile, including a simulated tile.
4. The exterior covering material shall be a conventional home siding such as a vertical or horizontal wood base product siding or masonry, vinyl or aluminum horizontal siding.
5. The exterior covering material shall extend to within six inches of the ground, except that when a solid concrete or masonry perimeter foundation is used the exterior covering material need not extend below the top of the foundation.
6. The manufactured home placement shall be subject to the same hazard standards (bluff, FEMA, etc) as any conventional residence which would be placed on the same site.

Chapter 17.84
COASTAL ZONE COASTAL DEVELOPMENT PERMITS AND APPEALS

Sections:

17.84.010 Purpose.
17.84.020 Application.
17.84.30 Procedures and notices for appealable developments.
17.84.35 Procedures and notices for nonappealable developments.
17.84.040 Appeals.

17.84.010 Purpose.

The purpose of this chapter is to establish procedures for those areas within the coastal zone that require a coastal development permit as prescribed in the Coastal Act of 1976, and to establish procedures for public hearings to provide recourse if an appellant is aggrieved by any order, requirement, permit, decision "or determination made by the planning commission in the administration or enforcement of these regulations. (Ord. 587 (part), 1983).

17.84.020 Application.

A. When a proposed development, as defined herein, is located in the coastal zone a coastal development permit shall be required in addition to any other approval or permit required in these regulations.

B. Procedures for obtaining a coastal development permit are specified in Section 17.84.030.

C. Finding. A coastal development permit may be granted if the facts presented are such that the development is in conformity with the certified coastal element of the general plan. Each coastal development permit issued for any development as indicated on the coastal appeals area map shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. (Ord. 587 (part), 1983).

17.84.030 Procedures and notice for appealable developments.

Unless a development is categorically excluded from the requirement to obtain a coastal development permit, a public hearing shall be held for all appealable developments as defined in Section 17.84.040 and within the coastal zone.

A. Scheduling. Public hearings of the city council or the planning commission shall be subject to the rules regarding the placing of matters on its agenda.

B. Notice of Hearings.

1. General Procedures. Notice of the public hearing on an application for a use permit, zoning amendment, or coastal development permit shall be given by:

a. Publication once in a newspaper of general circulation printed and published in the city at least ten days prior to the hearing;

b. Notice to all proeprty owners and residents within three hundred feet of the exterior boundaries of the parcel on which the development is proposed, using for this purpose the names and addresses of the owners as shown on the latest city-wide assessment roll in the office of the county assessor. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action;

c. Notice to each applicant;

d. Notice to Coastal Commission;

e. Notice to all persons requesting notifications;

f. Notices and such other means as the planning commission or city council may deem advisable.

2. Contents of Public Notice. In addition to the above, all notices sent shall include:

a. Time, place, and purpose of the public hearings;

b. A statement as to whether the development is in the coastal zone;

c. The date of filing the application and the name of the applicant;

d. The number assigned to the application;

e. A description of the development and its proposed location;

f. A brief description of the hearing procedures including a statement explaining the right to appear and be heard;

g. A statement specifying the length of time that public comments will be accepted prior to the city council decision;

h. The system for local and Coastal Commission appeals, including any local fees required; and

i. The place where copies of the proposed plans may be reviewed.

3. Procedure to Notify One Thousand or More Owners. In the event that the number of owners to whom notice would be sent in subsection (B)(1) is greater than one thousand, notice shall be given at least ten days prior to the hearing by the following procedures by

placing a display advertisement of at least one-fourth page in a newspaper of general circulation. Such advertisement shall specify the type and magnitude of the changes proposed, the place where copies of the proposed changes may be obtained, the time, date and place of the hearing, and the right to appear and be heard. C. Hearing Procedure and Decision.

1. General Procedures. Hearings shall be held, and decisions rendered, by the planning commission or city council, whichever is appropriate, in accordance with the provisions of each type of case as specified in Section 17.84.020.

2. Time Limits.

a. Not later than thirty calendar days after the city has received an application for a development project, the city shall determine in writing whether the application is complete. If such written determination is not made within thirty days after receipt of the application, the application shall be deemed complete. If the application is determined not to be complete the city shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete.

b. The city shall approve or disapprove a development project within one year from the date on which an application requesting approval has been received and accepted as complete by the city.

c. i. In the event that the city fails to act to approve or disapprove a development project within the time limits required above, such failure to act shall be deemed approval of the development project.

ii. Failure of an applicant to submit complete or adequate information may constitute grounds for disapproving a development project.

iii. If the city fails to act on a development project within the time limits required above, the applicant claiming a right to proceed shall notify in writing the city, and the Coastal Commission of the claim that the development has been approved by operation of law.

iv. When the city determines that the time limits established above have expired, the city

shall, within seven calendar days of such determination, notify all persons and agencies specified in subsections (B)(l)(a-d) of this section that the development project has been approved by operation of law. The appeal period for projects approved by operation of law shall begin to run only upon the receipt of said notice in the Coastal Commission office.

d. The time limits established above may be extended once for a period not to exceed ninety days upon consent of the city and the applicant.

D. Effective Date.

1. Within seven calendar days of the city's action on a coastal development permit, the planning director shall transmit a notice to the Coastal Commission informing them of such action. The effective date of a coastal development permit shall be ten working days after receipt of the notice of the permit decision by the executive director of the Coastal Commission and when all local rights of appeal have been exhausted.

2. For use permits, the decision of the review authority shall become effective ten days following the filing of the notice of the appropriate review authority's decision, unless an appeal has been filed.

3. The effective date for zoning amendments shall be the date of effective certification by the state's Coastal Commission.

E. Waiver of Fee for Appeal. Any concerned individual who cannot afford the cost of any appeal fee for an appeal to the city council may request the council to waive said fee. The city council may elect to waive such fee and apply to the state's Coastal Commission for a reimbursement of that fee through an SB90 claim or similar reimbursement process. Further, should the city council not elect to waive the appeal fee, the appellant may appeal directly to the state's Coastal Commission. (Ord. 587 (part), 1983).

17.84.035 Procedures and notices for nonappealable developments.

A. The notice requirements for nonappealable

developments where a public hearing is already required at planning commission are as follows. At least ten days prior to a hearing the planning director shall do the following:

1. Notice shall be published in a newspaper of general circulation;

2. Notice by first class mail to any person who has filed a written request for such notices;

3. Notice by first class mail to property owners within three hundred feet of the proposed development;

4. Notice by first class mail to nonproperty owner residents residing within one hundred feet of the proposed development;

5. Notice by first class mail to the California Coastal Commission. All such notices shall contain a statement that the proposed development is within the city's coastal zone.

B. The notice for nonappealable developments where a public hearing is not required is as follows:

Within ten calendar days of accepting an application for a nonappealable coastal development permit or at least seven calendar days prior to the planning director's decision on the application, the planning director shall provide notice by first class mail of the pending approval of the development. This notice shall be provided to all "persons who have requested to be on the mailing list for that development project or for coastal decisions within the city's coastal zone, to all property owners and residents within one hundred feet of the perimeter of the parcel on which the development is proposed, and to the California Coastal Commission. The notice shall contain the following information:

1. A statement that the proposed development is within the city's coastal zone;

2. The date of filing of the application and the name of the applicant;

3. The number assigned to the application;

4. A description of the proposed development and its proposed location;

5. The date the application will be considered by the city's planning director;

6. The city's general procedure concerning
the submission of written or oral comments prior to the planning director's decision; and

7. A statement that a public comment period of sufficient time to permit submission of comments by mail will be held prior to the planning director's decision. (Ord. 587 (part), 1983).

17.84.040 Appeals.

In the case of any coastal development permit, use permit or zoning amendment and in the case of any order, requirement, decision or other determination made by the planning director, the procedures for appeals shall be described in this section.

A. Administrative Actions Appealable. Any person aggrieved by any determination, interpretation, decision, decree, judgment, or similar action taken by the planning director under the provisions of the coastal zone zoning ordinance, may appeal such action to the planning commission.

B. Planning Commission Action Appealable. Action, or appellate determinations of the planning commission, may be appealed to the city council.

C. City Council Action Appealable. Approved actions, or approved appellate determinations of the city council, may be appealed to the Coastal Commission under the following circumstances:

1. Eligible Appellants. An appeal may be filed by an applicant, any aggrieved person, as defined herein, or any two members of the Coastal Commission.

2. Exhaustion of Appeals. An appellant other than any coastal commissioners who have appealed, shall exhaust all local appeals before becoming eligible to appeal to the Coastal Commission, except if one of the following conditions prevail:

a. The local government or jurisdiction requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone,
in the implementation section of the local coastal program.

b. An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision.

c. An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of these regulations.

d. The local government jurisdiction charges a fee for the filing or processing of appeals, in which case the local government may elect to waive the appeal fee and apply to the Commission for a reimbursement of that fee through an SB90 claim or similar reimbursement process.

3. Appealable Areas. The appealable areas shall be those areas as shown on the post-LCP certification permit and jurisdiction map as approved by the state's Coastal Commission.

4. Appealable Developments. Appealable developments shall be the following developments which occur within the coastal zone as designated on the post-LCP certification permit and jurisdiction map as approved by state's Coastal Commission:

a. Developments approved by the city which are between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;

b. Developments approved by the city which are not included within paragraph (a) of this subsection located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, stream, or within three hundred feet of the top of any seaward face of any coastal bluff.

c. Any development which constitutes a major public works project or a major energy facility.

5. Grounds for Appeal.

a. The grounds for an appeal pursuant to paragraph (a) of subsection (4) shall be limited to one or more of the following allegations:

i. The development fails to provide adequate physical access or public or private commercial use or interferes with such uses;

ii. The development fails to protect public views from any public road or from a recreation area to and along the coast;

iii. The development is not compatible with established physical scale of the area;

iv. The development may significantly alter existing natural landforms;

v. The development does not comply with shoreline erosion and geological setback requirements.

b. The grounds for an appeal pursuant to paragraph (b) or (c) of subsection (4) shall be limited to an allegation that the development does not conform to the certified local coastal program.

c. Any actions described in subsection (4) shall become final after the tenth working day, unless an appeal in writing is filed within that time.

D. Determination of Exclusions and Appeal Procedures.

1. The determination as to whether the development is excluded from a coastal development permit or is appealable or nonappealable to the Coastal Commission shall be made by the planning director at the time application for development is noticed.

2. The decision of the planning director as to whether or not the item is excluded from a coastal development permit or is appealable to the Coastal Commission may be challenged by the applicant or an interested person to the executive director of the state's Coastal Commission. Such challenge shall be made prior to the hearing on the matter.

3. Filing Requirements. Appeals shall be addressed to the appellate body, on a prescribed form and shall state the basis of the appeal. Appeals shall be filed with the city within ten days following the date of the .action from which an appeal is taken. Appeals shall be accompanied by a filing fee or a request to waive such fee. City council actions that may be appealed to the Coastal Commission shall be filed with the Coastal Commission and the appeal period shall run for ten working days after receipt by the Coastal Commission of the city's final action.

4. Stay of Proceedings. An action of the planning commission so appealed from shall not become effective unless and until approved by the city council in accordance with this section.

5. Notice of Hearings. The notice and conduct of hearings by the appellate body shall be governed by the provisions of Section 17.84.030 and shall conform to the manner in which the original notice was given and the original hearings were conducted.

6. Time Limitation and Vote. The planning commission shall determine an appeal not later than its second regular meeting following the date on which the appeal was filed in its office. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of said commission. The city council shall determine an appeal no later than the fourth regular meeting following the date on which the appeal was filed in its office. The action, or appellate determination, from which an appeal is taken may be reversed or modifed only upon an affirmative vote of a majority of the authorized membership of said council.

7. Failure of Appellate Body to Act. Failure of the appellate body to act within the time specified shall be deemed concurrence with the previous decision rendered.

8. Exhaustion of Remedy. All rights of appeal are exhausted when the proceedings set forth herein have been consummated.

9. Conditions and Findings. The appellate body may impose or prescribe conditions in its resolution that are in its opinion necessary to serve the objectives of this chapter. The appellate body shall make a written determination of its decision together with its findings in support of the decision. (Ord. 587 (part), 1983).

Chapter 17.85
VARIANCES

Sections:

17.85.010 Purpose.
17.85.020 Application—Notice and hearing.
17.85.030 Appeal.
17.85.040 Council action—Granting or denial.
17.85.050 Copies of resolution for applicant and commission.

17.85.010 Purpose.

The sole purpose of any variance shall be to prevent discrimination or undue hardship when special circumstances exist which deprives such property of privileges enjoyed by other property in the same zoning classification and vicinity because of literal interpretation and enforcement of the provisions of this title. The planning commission shall have the authority, as an administrative act, subject to the provision of this section to grant a variance with respect to fences, walls, hedges, screening, landscaping, side yards, front or rear yards, site area, floor area, height of structures or distance between structures. Such variances from the provisions of this code shall be in harmony with its general purpose and intent so that the spirit of this code shall be observed, public safety and welfare secured, and substantial justice done. No variance shall be granted which would have the effect of granting a special privilege not shared by any other property in the same vicinity and zoning classification. No variance may be granted by the planning commission or the city council on appeal, all of the following shall be found:

A. That there are exceptional and extraordinary circumstances applicable to the property involved. The variance shall be limited to that necessary to correct the discrimination or undue hardship;

B. That such variance is necessary for the preservation and enjoyment of the substantial property right possessed by other property in the same vicinity and zone and denied to the property in question;

C. That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements in such vinicity and zone in which property is located;

E. The granting of such variances in the coastal zone is consistent with and implements the certified LCP, and that the granting of such variances does not reduce or in any way adversely affect the requirements to protect coastal resources, and the variance implements the purposes of the zone adopted in implementing the LCP;

F. That a public hearing wherein the applicant is heard and in which he substantiates all of the conditions cited above;

G. That the planning commission in reviewing such requests and hearing the evidence finds that conditions of subsections (A) through (F) of this section have been met. (Ord. 611 Ex. A (part), 1987).

17.85.020 Application—Notice and hearing.

Upon filing of a written application for a variance by a property owner or by a lessee with the consent of the owner, the planning commission shall give seven days notice to the residents and owners of all properties which are immediately adjacent and opposite from the property in question. Such notice shall give intent to consider at a public hearing the granting of the variance. Upon filing of an application for variance the planning director shall give notice by mail of the time, place and purpose thereof to the applicant as well as to the public in general. Within twenty days following the termination of the public hearing on a variance the planning commission shall announce its findings by formal report, and such report shall recite among other things the facts and reasons which, in its opinion, made the granting or denial of the variance necessary to carry out the provisions and general purpose of these regulations, and shall order that the variance be granted or denied, and if such report orders that the variance be granted it shall also recite such conditions and limitations as it may impose. The formal report of the planning commission announcing its findings and orders after a hearing on and application for variance shall become a permanent record in the files of the planning commission. No later than ten days following the rendering of a decision ordering that a variance be granted or denied a copy of the report shall be mailed to the applicant, any other person requesting such report, and to the California Coastal Commission. (Ord. 611 Ex. A (part), 1987).

17.85.030 Appeal.

The order of the planning commission in granting or denying a variance shall become final and effective ten days after the rendering of its report granting or denying the variance unless within such ten-day period an appeal in writing is filed with the city by any person dissatisfied with the decision of the planning commission. The filing of such appeal within such limit shall stay the effective date of the order of the planning commission until such time as the council has acted on the appeal. (Ord. 611 Ex. A (part), 1987).

17.85.040 Council action—Granting or denial.

A. Upon request of a written appeal filed with the council as provided in this chapter, the planning commission shall transmit to the council the planning commission's complete record of the case. The city council shall, within a period not to exceed forty days following receipt of the written appeal, conduct a duly advertised public hearing, public notice of which shall be given as provided in Section 17.81.040 of this title, and in addition provide written notice to individuals requesting such notices as well as to the California Coastal Commission.

B. The council shall announce its findings and decision by formal resolution not more than

forty days following the termination of proceedings of the hearing. Such resolution shall recite among other things the facts and reasons which, in the opinion of the council, make the granting or denial of the variance necessary to carry out the general purpose of this chapter and shall order that the variance be granted or denied or modified subject to such conditions or limitations that it may impose. (Ord. 611 Ex. A (part), 1987).

17.85.050 Copies of resolution for applicant and commission.

Not later than ten days following the adoption of a resolution ordering that a variance be granted or denied, a copy of such resolution shall be mailed to the applicant, any other parties requesting notice of the action, and to the California Coastal Commission, and one copy shall be attached to the Planning Commission's file on the case and such file returned to the planning commission for permanent filing. (Ord. 611 Ex. A (part), 1987).

Chapter 17.86
COASTAL ZONE WATERFRONT DEVELOPMENT

Sections:

17.86.010 Purpose of regulations.
17.86.020 Building on City owned beachfront lands.
17.86.030 Public Access

17.86.010 Purpose of regulations.

The regulations set forth in this chapter are enacted to limit the development of the beachfront or waterfront area of city owned lands to recreational and public purposes and to provide for public access to local beaches on adjacent lands.

17.86.020 Building on City owned beachfront lands.

Proposals for building on City owned beachfront lands shall be subject to the following review and standards:

A. Detailed site plan. All applicants or prospective lessees or developers shall provide a detailed site plan acceptable to the city planning commission prior to city council review of the proposal.

B. Preliminary plans—Objectives, standards and conditions generally. Prior to application for a building permit in connection with beachfront development, prospective developers shall submit preliminary plans and proposed building elevations to the city planning commission, and shall be guided by the following objectives, standards and conditions:

1. Development along and upon the city's waterfront area shall be designed and used for tourists, recreational and harbor-related purposes.

2. The city shall reserve such rights-of-way for street and utility purposes as deemed necessary or appropriate.

3. The general character of development shall be in keeping with the highest standards of architectural design represented in the city area. Natural materials such as wood, timber or rock materials should be used wherever practical. A festive atmosphere is encouraged, but all elements and aspects of the development shall be carefully designed and in good taste.

4. The city planning commission shall examine the size, location, color, proportions, textures, orientation, accessibility, landscaping and other features of each proposed development, to ensure that all developments of the city beachfront shall be carefully designed and in good taste.

5. Off-street parking shall be provided in accordance with the standards relating to zoning as provided in this code, and all additional areas up to fifty percent shall be reserved for off-street parking. All off-street parking areas should be suitably paved, lighted and screened by landscaping or other appropriate materials.

C. Leases generally. The particular area of the city's waterfront property available for leasing to and development by applicants shall be subject to the approval of the city council. When an application is made for leasing and developing a portion of the waterfront area, the city council shall review the application and approve or disapprove the development site.

D. Lease approval. All lease agreements entered into between the city and developers or lessees, public or private, shall be subject to the approval as to form by the city attorney.

17.86.030 Public Access

As setforth by the California Coastal Act new development along the immediate shoreline shall provide public access to and along the shoreline as outlined in the following standards.

A. For the purposes of this section "new development" does not include:

1. Replacement of any structure destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed

structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent, and shall be sited in the same location o the affected property as the destroyed structure. (As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owner.)

2. The demolition and reconstruction of a single-family residence, provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than ten percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

3. Improvements to any structure which do not change the intensity of its use, which do not increase either the height, or bulk of the structure by more than ten percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure. (As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.)

4. Any repair or maintenance activity which does not result in an addition to, or enlargement of maintenance activities; unless such activity will have an adverse impact on internal public access to the beach.

B. Lateral Access. New development along the immediate shoreline shall provide lateral access by access
easements along the shoreline, inland of the mean high tide to the first line of vegetation or to the crest of the paralleling bluff in areas of coastal bluffs. No permit shall be issued for a project which obstructs lateral access on the immediate shoreline, inland of the mean high tide to the first line of vegetation, or the crest of the paralleling bluff. Exceptions to this requirement would be:

1. For the placement of navigational aids or shoreline protective devices to protect existing public
structures;

2. Where access is inconsistent with public safety, military security needs, or the protection of fragile
coastal resources; or

3. Where adequate access already exists.

C. Vertical Access. Development along the immediate shoreline shall provide public access by access easements from the nearest public roadway to the shoreline. Priority for vertical access shall be restricted to that for sandy beach areas. Accessways to rock beaches will not be required for areas where public safety is of concern or where increased visitor pressure on biological areas or areas of unique character, sensitive to visitor pressure, will be degraded. Other exceptions to this requirement would be:

1. Where access would have unavoidable adverse impacts on environmentally sensitive habitat areas;

2. An existing vertical accessway, adequate to meet anticipated access needs, is located one-quarter
mile or less from the development;

3. Where the parcel is too small to allow for an adequate vertical access corridor without passing within
twenty-five feet of a proposed dwelling; or

4. Where the project site is too small for the proposed development and the access with improvements
related to its use (ie parking).

D. Design and Use.

1. Access proposals which provide access for the general public over a wide range of income levels, ages, and social groups shall have priority over other private development accessways.

2. The lateral access required shall be limited to passive recreational uses unless another type of use is specified as a condition of the development permit.

3. The vertical access required shall be limited to the right of pass and repass unless additional uses are specified as a condition of development. If possible, the accessway should be sited along the border of the development and shall extend from the road (or boundary line closest to the road) to the shoreline. Adequate provision for maintenance and safety access shall also be made.

E. Dedication of Public Access

1. Prior to the issuance of a permit for development which requires coastal public access the applicant shall be required to record legal documents for the provision of access to the City, on behalf of the public, by easement.

2. As a condition to the issuance of the permit, the applicant shall be required to furnish a CLTA title report and all necessary subordination agreements. Title insurance may also be required where extensive easements are being granted. The amount of insurance shall be estimated on the basis of what it would cost to acquire an equivalent access or recreational use easement elsewhere in the vicinity.

3. Copies of the document to be recorded, title report, current deed and permit shall be forwarded to the Coastal Commission within ten days after submission of all of the documents to the City. The City may make minor revisions to the documents to assure that the public right of access to and/or along the shoreline are protected and capable of being implemented. The Coastal Commission shall review the documents and notify the City and the applicant of any recommended revisions. If notification of inadequacy has not been received within 42 days, the City may issue record the documents and issue the permit. If revisions are recommended by the Commission, the permit shall not be issued until the discrepancies have been resolved.

F. Improvements

1. Any commercial, industrial, recreational, or residential project of more than 4 units which is subject to the provision of access shall be required to provide access improvements commensurate with the project size and access demand. Such improvements shall be outlined in the conditions of the project permit.

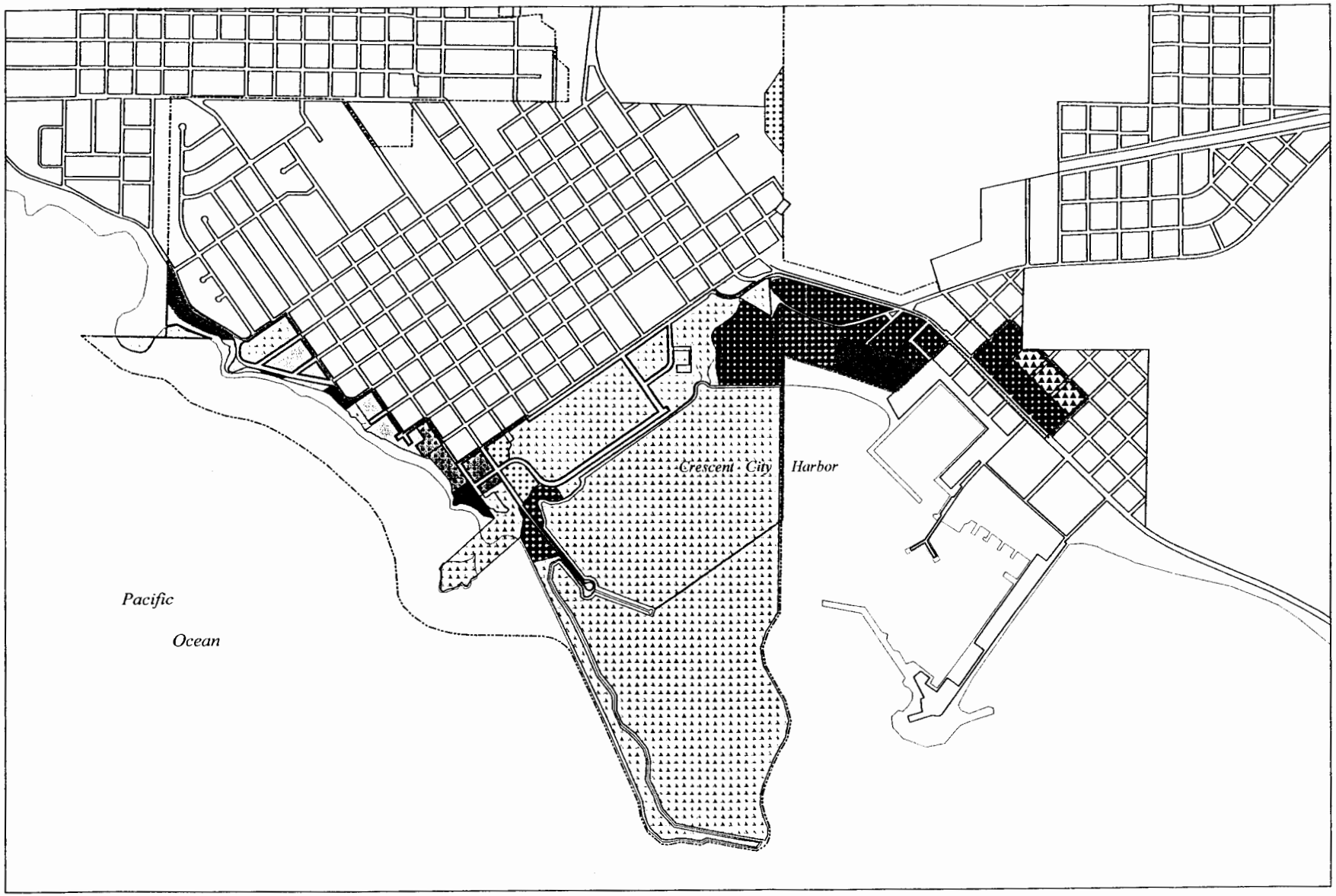
2. Design and construction of access improvements shall consider maintenance, safety, potential vandalism and protection of fragile coastal resources.

3. Upon completion and acceptance of access improvement construction such improvements shall be dedicated to the City for public use.

Title 17
ZONING
PROPOSED FINAL ZONING MAP

City of Crescent City

Coastal Zone Map



Legend

- City Limits
- Coastal Zone Boundary

Zoning

- CZR1
- CZR1B
- CZC2
- CZCW
- CZHD
- CZHR
- CZIS
- CZNR
- CZO

1 inch equals 1,000 feet

0 250 500 1,000 Feet

Drawn by: F. Ludemann
Crescent City Public Works
04/2012

City Of Crescent City
Local Coastal Program

SUMMARY OF ORDINANCE CHANGES

CRESCENT CITY
ZONING AND IMPLEMENTATION CODES UPDATE
General Summary of Changes
(with reference notes)

Following is a general summary of changes in the Title 17 Zoning text and maps and Title 12 Streets, Sidewalks and Public Places City regulations to reflect the goals and policies of the Crescent City General Plan/Local Coastal Plan update adopted by the City Council in May 2001. Reference notes to General Plan land use categories and policies, Housing Element policies and state or federal regulations are included. The City Zoning Title includes separate chapters for Coastal area and non-coastal area zoning districts. For ease in comparison the summary references coastal and non-coastal chapters together. Where comments are the same the chapter references are together. Where they are different each chapter comments are separate.

Also included are new Title 12 Sections regarding Public Trees and Storm Water Quality Management.

The specific actions proposed by the update are shown in the more specific code text pages. Where existing code chapters or sections are not included no change in them is proposed.

TITLE 17 ZONING

Zoning Maps

- California state planning regulations require that zoning be consistent with the General Plan.
- The General Plan adopted in May 2001 included Land Use Map and Text designations for uses in the City Non-Coastal areas, City Coastal Zone areas, and an Annexation Plan.
- This document addresses zoning changes only for those areas within the City limits – Coastal Zone and non-Coastal Zone.
- Table 1-1 of the General Plan Policy Document indicates which zoning districts are to be used to implement the Land Use designations set forth in the General Plan map and text. An extract of Table 1-1 showing those Land Use and Zoning categories to be used in the City limits in Coastal and non-Coastal areas.
- The attached map pages illustrate the existing zoning, General Plan Land Use designation, and Zoning Changes proposed, including location and zoning change proposed.
- Maps have been divided to show Coastal Zone areas and non-Coastal Zone areas.

Zoning Text

17.59 BED AND BREAKFAST ESTBLISHMENTS both coastal and non-coastal

- deletes definitions which are already located in the Definitions section of code.
- Updates references to other zones.

Coastal Zone Introductory Chapters

17.61 Definitions coastal adds changes from Roosevelt annexation

- changes in definition of "family" and "residential care" based on recent Federal Fair Housing Act and California Fair Employment and Housing Act housing accommodation provisions which prohibit discrimination in housing
- clarifies and updates distinctions between short-term visitor stays (B&B, hotels, motels) and longer term residential stays (lodging/rooming houses, residential hotels, dormitories) in a variety of units, some called for by the current housing element (dormitories, residential hotels)

Zoning District Format Notes

- format changes include separate sections for uses permitted outright and uses which require approval of a use permit

Residential Zones

17.64 CZ- R1 coastal

- reflects the format changes as well as the B&B and state second unit and care accommodation requirements.

17.65 CZ- R1B coastal

- updated to reflect the same R1 changes keeping existing beach area restrictions

17.66 CZ-R2 coastal

- deleted – with land use changes at Battery Point to visitor commercial, not needed

Commercial Zones

17.67 CZ-RP coastal

- deleted with land use changes at Battery Pt away from medical not needed

The General plan indicates that C-2 zone will implement the General Commercial land use
The General Plan indicates that C-2, CW and HS zones will implement the Visitor & Local Commercial land use

17.68 CZ-C2 coastal zone

- district for public facilities format changes

17.73 CZ-CW coastal zone

- format and land use changes per the General Plan
- applied in Battery Point/Front Street VLC land use areas emphasizing visitor, shop and related service uses with some residential
- adds timeshare provisions and standards for outdoor uses
- General Plan P lot coverage and light glare standards reflected

17.69 CZ-HS coastal zone

- format changes are applied in the Highway/Harbor VLC land use area emphasizing visitor, highway services and harbor uses
- adds timeshare use

- adds General Plan lighting and lot coverage standards

Harbor Zones
The General Plan indicates that the CZ-HR and new CZ-HD zones implement the Harbor Related and the new Harbor Dependent land use in coastal zone areas.
17.70 CZ-HR coastal zone
- format changes and land uses reflect General Plan changes emphasizing uses for locations near the harbor but not on the water
- adds provision for secondary residential uses
- adds property development standards

17.70A CZ-HD coastal zone
- new zoning district for use on harbor district lands reflects the General Plan land use

Conservation/Open Space Zones
The General Plan indicates that Open Space and Natural Resources zones implement the Conservation/Open Space land use designations
17.71 CZ-O coastal
- format change
- provision of some permitted uses for existing public uses
- requirement of use permit for private development uses

17.72 CZ-NR coastal
- updates format and reflects changes made in NR zone with the Roosevelt annexation

Other Chapters
General Plan policies 1B2 and Housing Element 1.3 and 1.4 call for provisions for mixed use development and flexibility in housing types, including VLC land use areas.

17.74 COASTAL ZONE SIGNS coastal
- deletes existing Coastal Zone Signs regulations and replaces them with the existing non-coastal zone regulations currently used for new development outside the coastal zone in Chapter 17.39. This follows prior action of the Council to have Chapter 17.39 certified by Coastal Commission as the new sign ordinance for coastal areas.
- changes the wording used 17.39 only in reference to applicable coastal zoning districts.

17.76 COASTAL ZONE OFF-STREET PARKING coastal
- clarifies connection to non-conforming use chapter standards
- clarifies and updates other residential and commercial parking space requirements, moving motel from residential to commercial, basing restaurant upon seating/workers rather than size, and adding exercise gymnasiums.
- updates parking lot landscaping requirements based upon Council input at November 2001 workshop regarding tree ordinances (notes attached). Increases wide of planters, increases size of trees to be planted, requires landscaping and at least one tree for any parking lot, and calls for half of trees to be evergreen.
- For trees on public lands see notes regarding Chapter 12.32 below.

17.79 COASTAL ZONE SITE PLAN AND ARCHITECTURAL REVIEW coastal

- updates to reflect more recent practices including adding a second Commissioner and clarifying review procedures.
- adds review standards section which lists what items are to be reviewed, reflects general practice for checking for impact upon historic sites and encourages retention of historical sites per General Plan Goal 5G and related policies, and indicates that review is not completed until special permits are acted upon.

17.80 COASTAL ZONE NONCONFORMING USES coastal

- changes pursuant to Section 65852.25 Government Code regarding the retention of non-conforming multi-family units in sections 17.80.020, 17.80.030(F), 17.80.040(D).

17.83 COASTAL ZONE TRANSITIONAL ZONING AND USES coastal

- proposed action would delete the above districts which provide for actions which are not consistent with the updated General Plan land use and development policies. In their place a new chapter is proposed:

17.83 COASTAL ZONE SPECIAL ZONING USES coastal

The purpose of the chapter is to reflect provisions which the state requires that local governments requires. Noted are other sections of the zoning code also changed as a result. These are:

- added pursuant to Section 65852.1 Government Code "Granny Housing" requirements is section 17.83.010 Senior second units.
- added in response to the Federal Fair Housing Act, the California Fair Employment and Housing Act and a general letter of recommendation from the California Attorney General is section 17.83.020 Reasonable housing accommodation for persons with disabilities.
- added pursuant to Government Code Section 65915 is Section 17.83.030 Incentives for affordable housing.
- added pursuant to AB 1207 – Section 5892.13 Government Code is Section 17.83.040 Small wind energy systems.
- added pursuant to Section 65852.3 Government Code is section 17.83.050 Installation of manufactured homes on individual lots.
- added pursuant to Section 65852.7 Government Code is section 17.83.060 Mobilehome Parks in residential areas.

17.86 COASTAL ZONE WATERFRONT BUILDING DEVELOPMENT coastal

- clarifies and consolidates sections regarding development on City owned beachfront lands.
- adds rock materials as a finish which may be encouraged.
- adds new section required by Coastal Commission grant outlining process for obtaining public access to local beaches as part of specific types of development on properties along the shoreline and between the shoreline and the first public road. Standards, definitions and review are based upon Coastal guidelines. It is noted that, based upon existing public access development in the City it is unlikely that any new Vertical Access points will be required in the existing City limits.

TITLE 12 STREETS, SIDEWALKS AND PUBLIC PLACES

Public Trees

CHAPTER 12.32 PUBLIC TREES new chapter proposed as coastal and non-coastal chapter
Added in response to the City Council Tree Ordinance Workshop of November 26, 2001(workshop notes in Appendix A)

- addresses trees upon public lands within the City.
- provides for placement of special trees as community memorials with identification sign
- provides for designation of protected Landmark Trees – including community memorial trees, historic trees or designated species.
- identifies the Monterey Cypress as a Designated Species – indicating that those Cypress on public lands in the City should be protected.
- outlines standards for placement or removal of landmark trees.
- addresses other City owned trees and landscaping.
- for discussion of landscaping on private lands/parking lots see notes regarding Chapters 17.42/17. 76 above.

Storm Water Management

CHAPTER 12.36 STORM WATER QUALITY MANAGEMENT new chapter proposed as coastal and non-coastal chapter

- adoption of a storm water quality ordinance and standards for best management practices are required as part of the Coastal Commission grant for preparation of the updated ordinances and as part of a statewide Regional Water Quality Control Board clean water program.
- provides framework for local code for application and enforcement of approved standards.
- intended to reduce pollutants in storm water runoff by prohibiting non-storm water discharges into the storm drain system

Standards by Resolution

STORMWATER BEST MANGEMENT PRACTICES FOR NEW DEVELOMENT – new standards – proposed as coastal and non-coastal standards

- sets the local best management practices to control the volume, rate and potential pollutant load of storm water runoff from new development in the City
- provides exemptions for smaller projects such as single family homes, multiple unit projects 4 units or smaller and smaller commercial projects.
- sets design standards and establishes the methodology for determining runoff within the City area.

ZONING MAPS

- California state planning regulations require that zoning be consistent with the General Plan.
- The General Plan adopted in May 2001 included Land Use Map and Text designations for uses in the City Non-Coastal areas, City Coastal Zone areas, and an Annexation Plan.
- This document addresses zoning changes only for those areas within the California Coastal Zone area within the City limits.
- Table 1-1 of the General Plan Policy Document indicates which zoning districts are to be used to implement the Land Use designations set forth in the General Plan map and text. An extract of Table 1-1 showing those Land Use and Zoning categories to be used in the City limits in Coastal areas.
- The attached map pages utilize the existing zoning maps and note the General Plan Land Use designation and Zoning Changes proposed, including location and zoning change proposed.
- Maps have been divided to show Coastal Zone areas and non-Coastal Zone areas.

TEXT CHANGES

~~Struck out~~ text is to be deleted.
Bold text is to be added.
Most changes are highlighted.
Where an entire chapter is replaced or added it is noted at the top of the page and has not been highlighted.

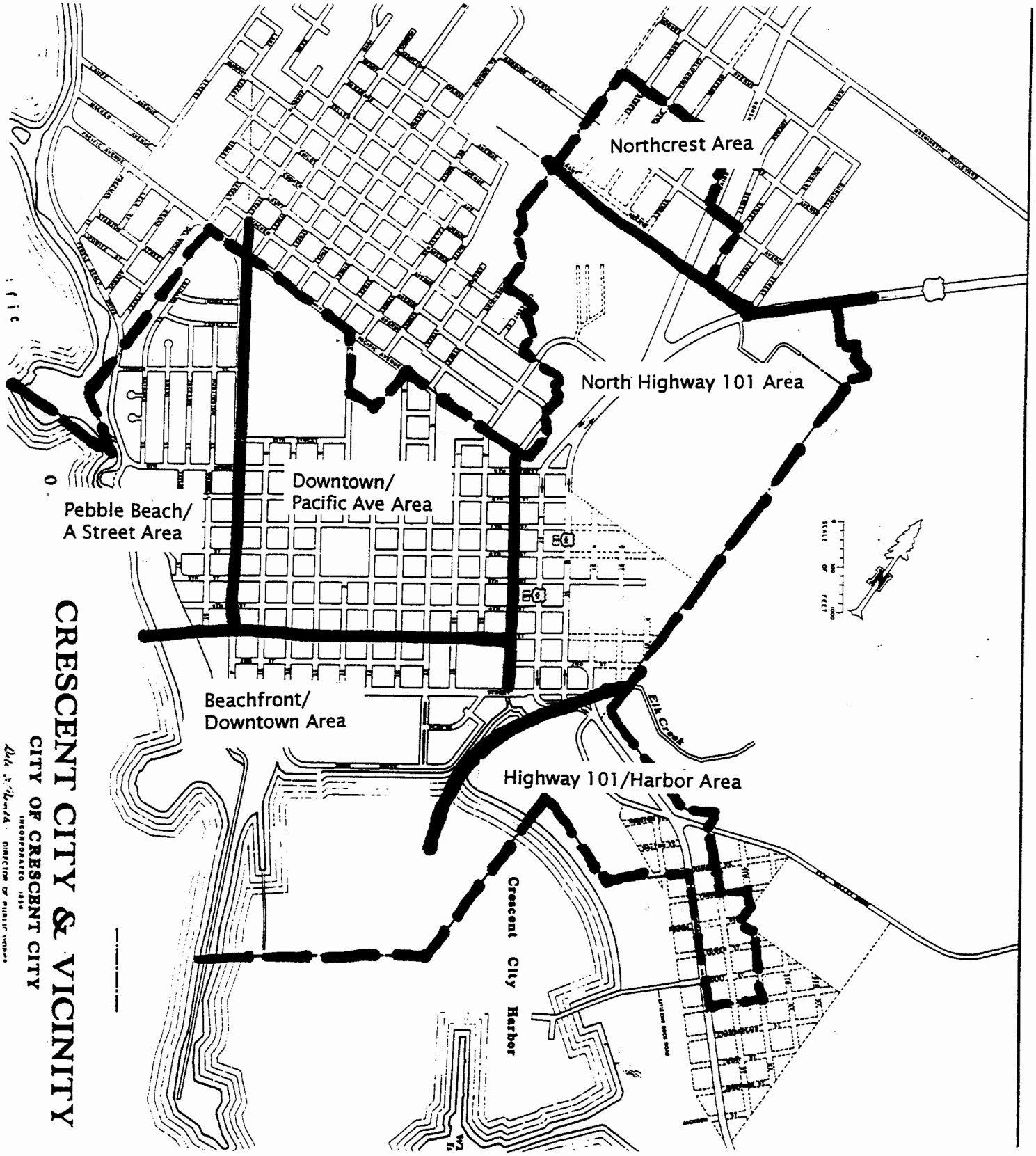
TABLE 1-1

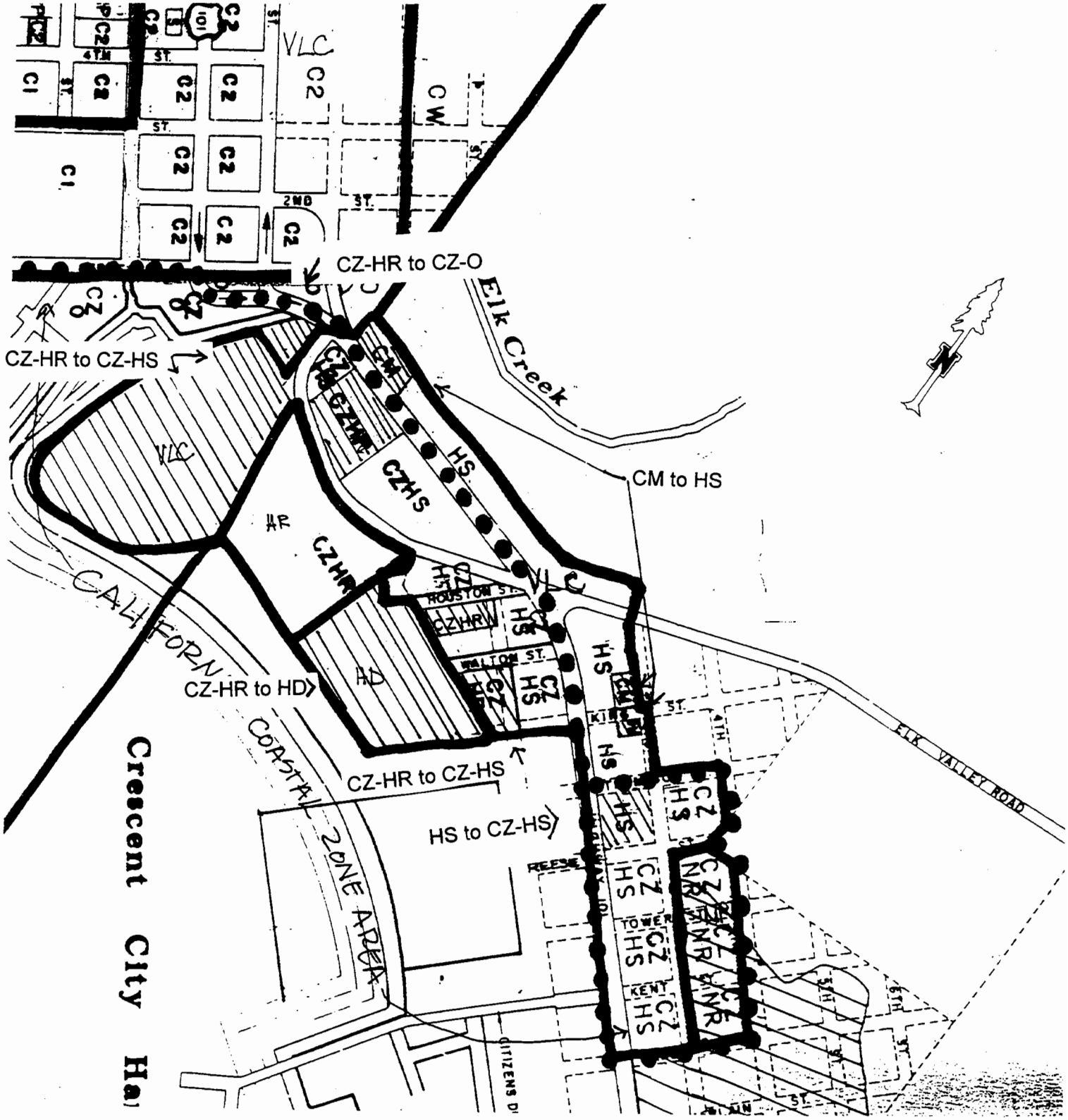
CRESCENT CITY GENERAL PLAN LAND USE/ZONING CONSISTENCY
LCP EXTRACT

Land Use Designations	HD	HR	CZ-R1	CZ-R1B	CZ-C2	CZ-HS	CZ-0	CZ-NR	CZ-CW	CZ-M	CZ-MP	CZ-CM
Single Family Res.(2-6)			X	X								
Visitor and Local Commercial					X	X			X			
General Commercial					X							
Public Facilities					X		X					
Harbor Related		X							X			
Harbor Dependent	X											
Open Space							X					
Natural Resources								X				

TITLE 17 – ZONING MAPS

City of Crescent City
zoning changes map index

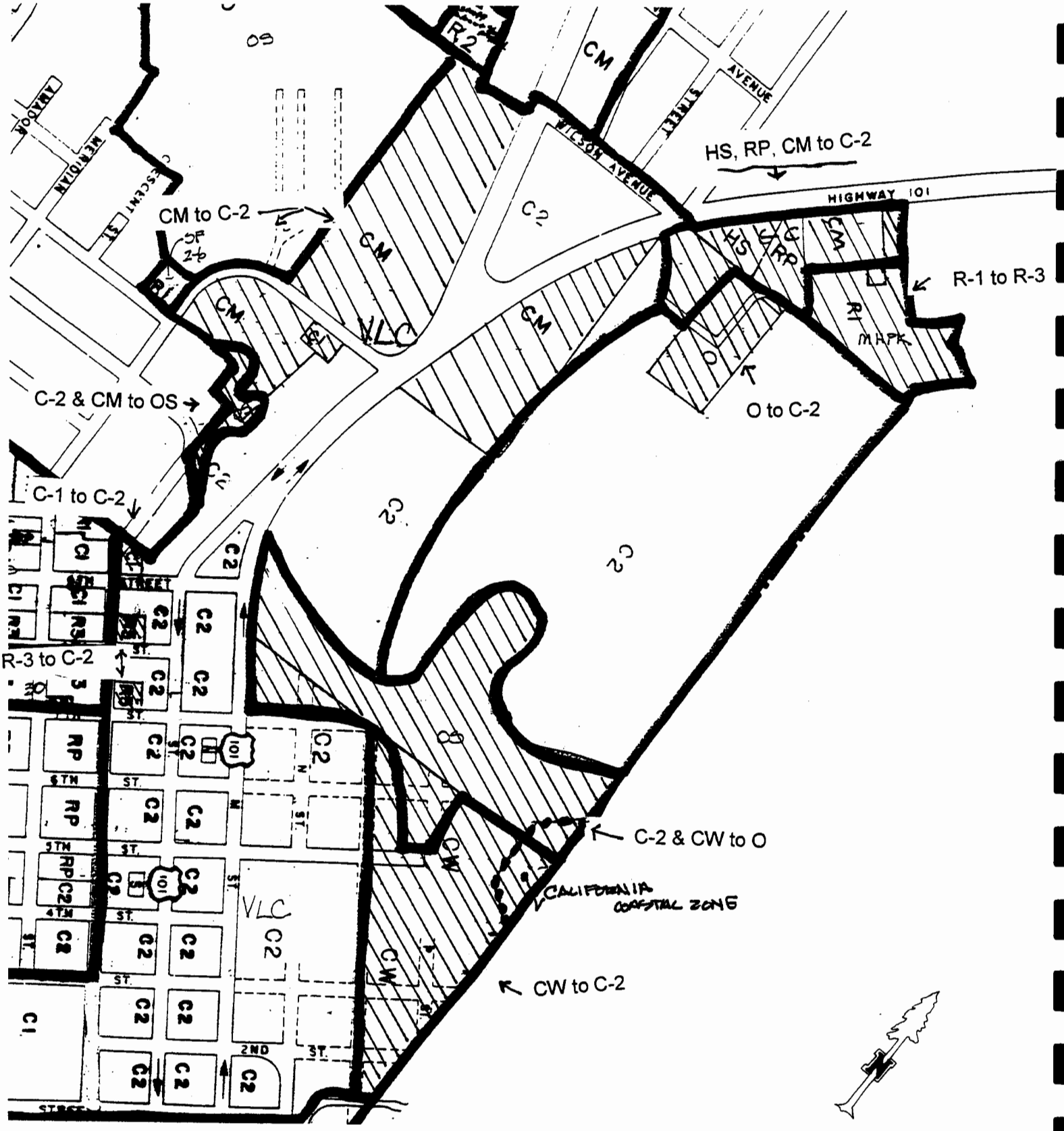




HIGHWAY 101/HARBOR AREA

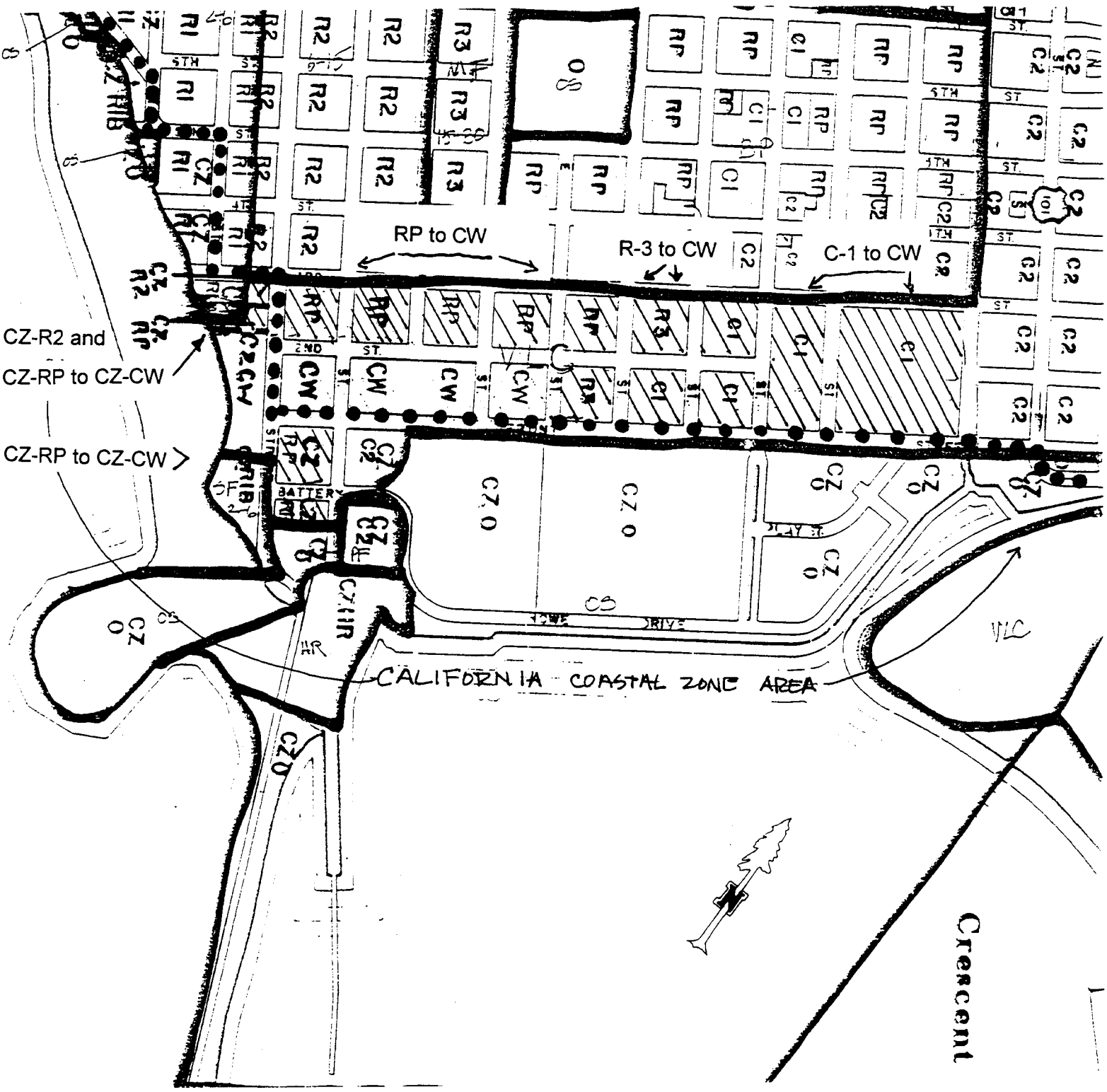
zoning changes map

●●●●● denotes Coastal Zone boundary



NORTH HIGHWAY 101 AREA

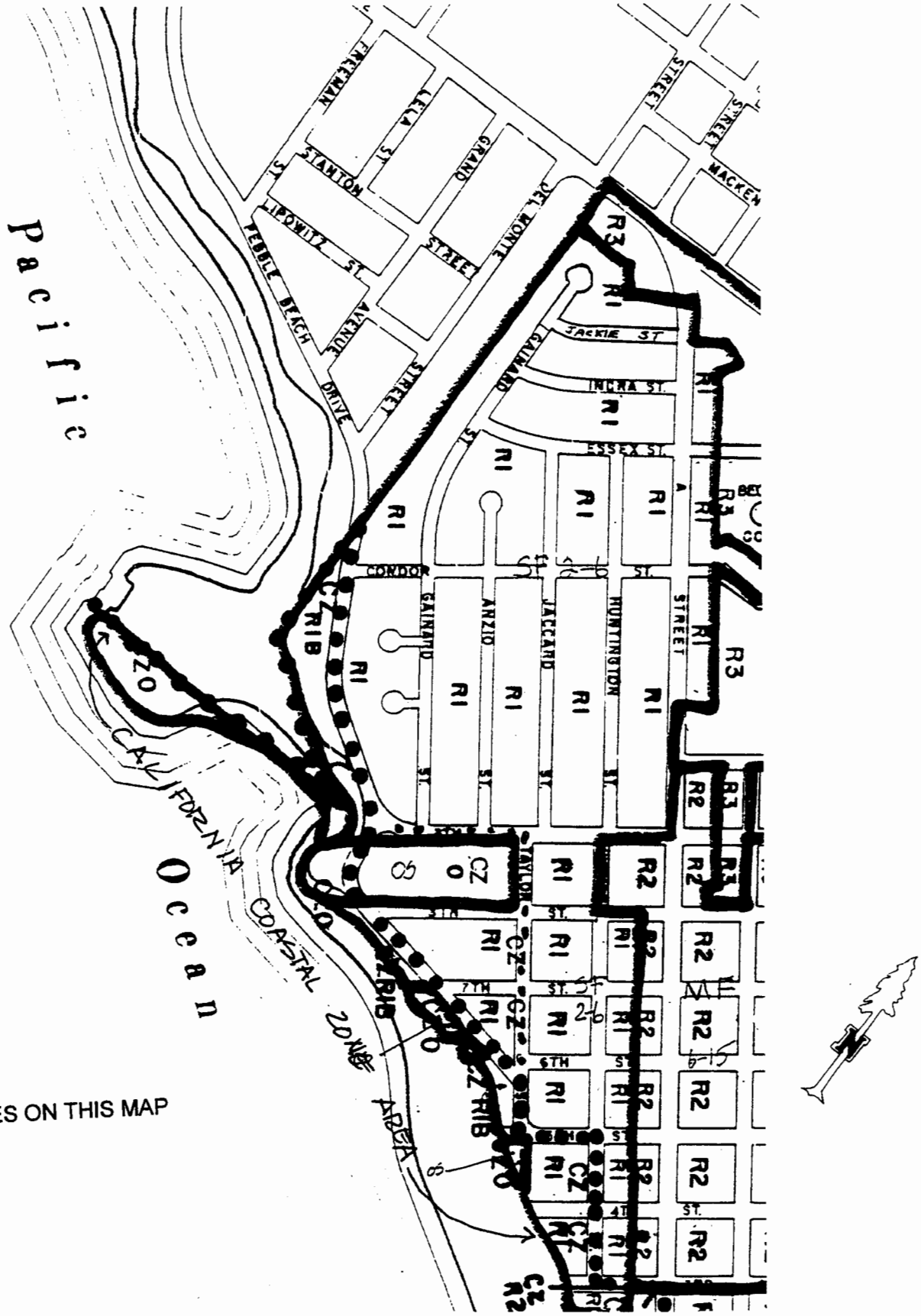
zoning changes map
corrected



BEACHFRONT/DOWNTOWN AREA

zoning changes map
corrected

●●●●● denotes Coastal Zone boundary



NO CHANGES ON THIS MAP

PEBBLE BEACH/A STREET AREAS

zoning changes map
corrected

●● ●●● denotes Coastal Zone boundary

City Of Crescent City
Local Coastal Program

Title 17
ZONING
SUMMARY OF CHANGES

Chapter 17.59

BED AND BREAKFAST ESTABLISHMENTS

Sections:

17.59.010 Purpose.
17.59.020 Definitions. – **Bed and Breakfast**
17.59.030 Allowable locations.
17.59.040 Use permit.
17.59.050 Architectural review.
17.59.060 Business license.
17.59.070 Size of establishment
17.59.080 Parking.
17.59.090 Signs.
17.59.100 Historic structures.
17.59.110 Safety requirements.
17.59.120 Meals.
17.59.130 Owner or innkeeper on premises.
17.59.140 Noise.

Only the sections proposed for change are shown:

17.59.020 Definition ~~s.~~ - **Bed and Breakfast**

~~For the purpose of this chapter certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section.~~

~~A.~~ "Bed and breakfast" means a residential dwelling occupied by a resident person or family, containing individual living quarters occupied on a transient basis for compensation, and in which a breakfast may be provided to guests.

~~B. "Guest home or rest home" means a building or any portion thereof used for the housing of ambulatory well and able persons where lodging is provided for compensation.~~

~~C. "Guest room" means a room which is designed and/or used by one or more guests for sleeping purposes, but hi which no provision is made for cooking.~~

~~D. "Home occupations" means a use customarily carried on in a dwelling by a resident thereof, which use is merely incidental to the residential use of the dwelling, and is carried on with the normal equipment customarily found in a dwelling; provided, that no assistants are employed and provided the use is conducted in the main dwelling and not in an accessory building.~~

~~E. "Lodginghouse or roominghouse" means a building having no more than five guest rooms with a maximum occupancy of two persons per room, and where such lodging is provided for compensation.~~

17.59.040 Use permit.

~~Guest homes and~~ bed and breakfast establishments must obtain a conditional use permit from the planning commission for their operation. The conditional use permit process requires a public hearing, allowing neighbors and/or other concerned citizens to voice their concerns about the proposed operations. In residential zones, the focus of the use permit process is on the commercial operation occurring in a residential zone. In commercial zones, the focus is on the required residential use by the on-site owner or manager in a commercial zone.

17.59.050 Architectural review.

Bed and breakfast establishments in the R3, RP~~, CZ-RP~~ and all commercial zones are required to go through an architectural review.

17.59.060 Business license.

A. A business license must be obtained by the proprietor through the city finance department before guests may be accommodated.

B. Bed and breakfast establishments shall be subject to the transient occupancy tax as required under Title 3 of this code.

17.59.070 Size of establishment

A. A maximum of three guest rooms shall be permitted in the Rl, CZ-R1 and CZ-R1B zones.

B. A maximum of five guest rooms shall be permitted in the R2 ~~and CZ-R2~~ zones.

C. The maximum number of guest rooms for bed and breakfast establishments shall be determined on a case-by-case basis during the use permit process for the R-3, RP ~~and CZ-RP~~ **, C-1, CW and CZ-CW** zones.

D. Bed and breakfast establishments in the commercial zones shall be treated the same as hotels, motels and inns.

Chapter 17.61

COASTAL ZONE DEFINITIONS

Sections:

17.61.005 Scope.
17.61.010 Accessory building.
17.61.015 Accessory living quarters.
17.61.020 Accessory use.
17.61.025 Advertising sign.
17.61.030 Advertising structure.
17.61.031 Aggrieved person.
17.61.040 Alley.
17.61.045 Apartment.
17.61.050 Apartment house.
17.61.055 Area, building.
17.61.070 Basement or cellar.
17.61.075 Block.
~~17.61.080 Boardinghouse.~~
17.61.085 Building.
17.61.090 Building height.
17.61.095 Building, main.
17.61.100 Building site.
17.61.103 Care Facility, Residential
17.61.105 Carport.
17.61.115 Centerline.
17.61.116 Coastal development permit.
17.61.117 Coastal zone.
17.61.120 Common open space.
17.61.125 Community-use facility or center.
17.61.130 Court.
17.61.131 Development.
17.61.140 District.
17.61.145 Dormitory.
17.61.150 Drive-ins.
17.61.155 Dwelling, multiple.
17.61.160 Dwelling, one-family.
17.61.165 Dwelling, two-family.
17.61.170 Dwelling, group.
17.61.175 Dwelling unit.
17.61.176 Energy facility, major.
17.61.178 Environmentally sensitive habitat area.
17.61.180 Essential service.
17.61.185 Family.
17.61.187 Fill.
17.61.190 Fraternity or sorority house.
17.61.195 Frontage.
17.61.200 Front wall.
17.61.205 Garage, private.
17.61.210 Garage, public.
17.61.215 Garage, storage.

17.61.220 Grade.
~~17.61.225 Guest home or rest home.~~
17.61.230 Guestroom.
17.61.231 Harbor-related.
17.61.235 Home occupation.
17.61.240 Hospital, sanitarium, nursing or convalescent homes.
17.61.245 Hotel.
17.61.250 Hotel, residential
17.61.265 Kitchen.
17.61.275 Landowner.
17.61.276 Land use plan.
17.61.280 Loading space.
17.61.281 Local coastal plan.
17.61.285 Lodginghouse or roominghouse.
17.61.290 Lot.
17.61.295 Lot area.
17.61.300 Lot, corner.
17.61.305 Lot, interior.
17.61.310 Lot, key.
17.61.315 Lot line, front.
17.61.320 Lot line, rear.
17.61.325 Lot line, side.
17.61.330 Lot of record.
17.61.335 Lot, reversed corner.
17.61.340 Lot, through.
17.61.345 Lot width.
17.61.350 Marina.
~~17.61.355 Mobile home.~~
17.61.365 Motel.
17.61.375 Natural production use.
17.61.380 Nonconforming building.
17.61.385 Nonconforming lot.
17.61.390 Nonconforming use.
~~17.61.395 Nursery, day.~~
17.61.400 Parking area, public.
17.61.405 Parking space, automobile.
17.61.410 Patio, covered.
17.61.415 Place.
~~17.61.420 Planned unit development.~~
17.61.425 Public works, major.
17.61.430 Schools, elementary, middle, junior high or high.
17.61.440 Service station.
17.61.445 Setback.
17.61.450 Sign.
17.61.455 Sign area.
17.61.460 Street.
17.61.465 Streetline.
17.61.470 Structural alteration.
17.61.475 Structure.
17.61.480 Townhouse or row house.
17.61.490 Use.
17.61.495 Yard.
17.61.500 Yard, front.

17.61.505 Yard, rear.
17.61.510 Yard, side.
17.61.511 Wetlands.

Only those sections subject to change are outlined here:

17.61.045 Apartment.

"Apartment" means a room, or suite of rooms, which is intended or designed to be occupied by one family for living, **kitchen cooking,** and sleeping purposes **as a dwelling unit**.

~~17.61.080 Boardinghouse.~~

~~"Boardinghouse" means a building in which there is not more than one dining room and meals are provided by the week or month.~~

17.61.103 Care Facility, Residential

"Residential Care Facility" means a facility for habilitative, congregate, foster or group home uses as a health care, community care or recovery care use.

17.61.145 Dormitory.

"Dormitory" means **a place where one or more** rooms **are provided in a non-profit institutional setting , to be** occupied for sleeping purposes by more than two persons not members of the same family **and where independent cooking facilities are not provided.**

17.61.155 Dwelling, multiple.

"Multiple dwelling" means a building **with three or more dwelling units designed to be** occupied by three or more families, each living independently as a separate housekeeping unit, including apartment houses, or courts, apartment hotels and flats, but not including motels.

17.61.160 Dwelling, one-family.

"One-family dwelling" means a building **which is a dwelling unit designed to be** occupied by one family exclusively.

17.61.165 Dwelling, two-family.

"Two-family dwelling" means a building **with two dwelling units designed to be** occupied by two families exclusively, living independently of each other.

17.61.185 Family

"Family" means **a household of** one or more persons ~~related by common ancestry or marriage, or a group of not more than five persons (excluding servants) not related by blood or marriage,~~ **occupying a premises and** living together as a single nonprofit housekeeping unit in a dwelling unit**, as distinguished from a group occupying a hotel, dormitory, fraternity or sorority house.**

~~17.61.225 Guest home or rest home.~~

~~"Guest home" or "rest home" means a building or any portion thereof used for the housing of ambulatory or aged persons where lodging is provided for compensation~~.

17.61.235 Home occupation.

The purpose of Home Occupation is to provide Crescent City residents with the opportunity to have a combined living and working environment, thereby providing an affordable lifestyle and an incentive to remain in Crescent City. It is intended to implement the applicable provisions of the general plan and to promote compatible living and working conditions within a safe and health environment on property zoned residential. It is also the intent of a Home Occupation use to ensure that resident's live/work projects are compatible with surrounding land uses, are designed to avoid potential land use conflicts and negative impacts to both live/work occupants and occupants of neighboring properties, and to ensure that the project density will be no greater than the density otherwise allowed in the underlying zone.

"Home occupation" **shall** means a ~~use~~ **activity** customarily ~~carried on~~ **conducted entirely within** in a **residential** dwelling by a ~~resident thereof,~~ **person residing in the dwelling unit,** which use is ~~merely~~ **clearly a secondary and** incidental ~~to the residential~~ use of ~~the~~ **such** dwelling **as a residence**~~, and is carried on with the normal equipment customarily found in a dwelling; provided, that no assistants are employed and provided the use is conducted in the main dwelling and not in an accessory building~~ **The use must not change the residential character of the dwelling or area and shall meet the following conditions:**

- **a. The use shall not generate vehicular traffic in excess of that normally associated with the residential use.**
- **b. There shall be no exterior indication of the home occupation except an unlighted sign that conforms to sign restrictions applicable to the zone in which the Home Occupation is located. Any outside storage of materials, products, equipment or vehicles other than the personal transport vehicle(s) of the resident business owner(s) is prohibited.**
- **c. No noise, odor, dust fumes, vibration, smoke, electrical interference or other interference with the residential use of adjacent properties shall be created.**
- **d. No persons other than residents in the home shall be employed in the conduct of the home occupation.**
- **e. Living and working spaces shall not be rented or sold separately.**
- **f. In addition, the home Occupation use at the location shall not significantly:**
  - **1. Cause an adverse affect to the health, safety or welfare of persons residing or working in the surrounding area;**
  - **2. Impair the use and enjoyment of surrounding property in the vicinity of the site.**

17.61.240 Hospital, sanitarium, nursing or convalescent homes.

"Hospital," "sanitarium," "nursing home," or "convalescent home" means a building or any portion thereof used or designed for the housing of sick, mentally ill, injured, convalescent or infirm persons **for the purpose of medical treatment**; provided, that this definition shall not include rooms in any one-family, two-family or three-family dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons..

17.61.245 Hotel.

"Hotel" means a building containing six or more ~~sleeping~~ **guestrooms** used by six or more guests, with or without meals, where such lodging is provided for compensation **for thirty days or less,** and no provision is made for ~~cooking~~ **kitchen facilities** in any individual room or suite, but excluding hospitals and buildings where persons are housed and detained under legal restraint.

17.61.250 Hotel, residential

"Residential hotel" means a building containing six or more guestrooms used by six or more guests, with or without meals, where such lodging is provided for compensation for the purpose of occupancy longer than thirty days, and no provision is made for kitchen facilities in any individual room or suite.

17.61.265 Kitchen.

"Kitchen" means any room, all or any part of which is designed or used for cooking and preparation of food. **The use of a portable microwave oven or mini-refrigerator appliance utilizing 110 volt plugs for the purpose of incidental wet-bar or snack bar purpose without a food storage, cook stove or preparation/clean-up area shall not constitute a kitchen.**

17.61.285 Lodginghouse or roominghouse.

"Lodginghouse" or "roominghouse" means a building having no more than five guest rooms with a maximum occupancy of two persons per room, and where such lodging is provided for compensation **for time periods of one month or longer. Communal meals may or may not be provided in a single dining facility however no guestroom shall have separate kitchen facilities.**

~~17.61.355 Mobile home.~~

~~"Mobile home" means a vehicle designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons or property, including trailer coaches, house trailers, and self-propelled vehicles used for human habitation.~~

17.61.365 Motel.

"Motel" means a building or group of two or more detached, or semidetached or attached buildings containing guest rooms or apartments with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of automobile travelers **visiting 30 days or less**; including groups designated as auto cabins, motor courts, motels and similar designations. **Where apartments are provided they shall constitute less than 50% of the total number of rooms and apartments in the facility.**

~~17.61.395 Nursery, day.~~

~~"Day nursery" means a use wherein day care is afforded children under the age of six years.~~

~~17.61.420 Planned unit development.~~

~~"Planned unit development" means an area of land controlled by a landowner, which is, has been, or is proposed to be developed as a single entity for a number of dwelling units, the plan for which need not conform in lot size, bulk or type of dwelling, number of structures per lot, height or yard regulations established for the affected district or districts by any other chapters of this title. Such development will be permitted only after a planned unit permit is secured.~~

Chapter 17.63

COASTAL ZONE DISTRICT CLASSIFICATIONS

Sections:

17.63.010 Established.
17.63.020 Boundaries.
17.63.030 Zoning districts.
17.63.040 Changes.
17.63.050 Zoning of vacated or abandoned streets, rights-of-way and easements.
17.63.060 Zoning of annexed areas.
17.63.070 Prezoning of unincorporated territory.
17.63.080 Restrictions except as otherwise provided.

Only proposed changes are shown:

17.63.030 Zoning districts.

The districts established by these regulations are designated as follows:

CZ-R1 ~~Single-family~~ **Low Density Residential** district;

CZ-R1B ~~Single-family~~ **Low Density Residential** beach district;

~~CZ-R2 Two-family district;~~

~~CZ-RP Residential-professional district;~~

CZ-C2 General business district;

CZ-HS Highway service district;

CZ-O Open space district;

CZ-HR Harbor-related **district;**

CZ-HD Harbor dependent district;

CZ-CW Commercial Waterfront district;

CZ-NR Natural Resources district.

Chapter 17.64

CZ-R1 COASTAL ZONE ~~SINGLE FAMILY~~ **LOW DENSITY RESIDENTIAL** DISTRICT

Sections:

17.64.010 Purpose.
17.64.20 ~~Uses permitted.~~ **Principal Permitted Use.**
17.64.030 ~~Height and area regulations.~~ **Uses permitted subject to a use permit.**
17.64.040 ~~Building placement.~~ **Property development standards**
17.64.50 ~~General provisions.~~ **Building placement**
17.64.060 General provisions.

17.64.010 Purpose.

A. The purpose of the CZ-R1 district is to provide living areas within the coastal zone where development is limited to low-density concentrations of single-family dwellings and where regulations are designed to: promote and encourage a suitable environment for family life; provide space for community facilities needed to compliment urban residential areas; provide for the safety, health and general welfare of its inhabitants; and implement the local coastal plan of the city.

B. ~~The only permitted uses for any building or land, or any building to be erected or structurally altered in the CZ-R1 district are described in Section 17.64.020, unless otherwise provided in these regulations.~~ **No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.**

17.64.020 Uses permitted.

~~Uses permitted in the CZ-R1 district include:~~ **The principal permitted use in the CZ-R-1 district is a single family residential use which includes:**

A. One-family ~~dwellings, occupied by not more than one family and not more than two boarders or roomers~~;

~~B. Foster homes, limited to those licensed by the state or county, and accommodating not more than six guests;~~

~~C. Day nurseries accommodating a maximum of five children in number;~~

~~D.~~ Accessory buildings;

C. Home Occupations; and

D. Residential Care Facilities serving six or fewer clients.

~~E. Any of the following uses provided a use permit is secured:~~

~~1. Churches,~~

~~2. Guest homes for six or less guests,~~

~~3. Home occupations,~~

~~4. Parking lots,~~

~~5. Public utility substations.~~

E. Where a one-family dwelling exists, a second one-family dwelling may be established where all of the following criteria are met:

a. The lot size provides for second unit density under the General Plan in that it is twice that of the minimum lot area per dwelling unit set forth in Section 17.64.040; and

b. B. Separate water and sewer connections are available and provided to the units: and

c. The Property Development Standards of Section 17.64.040 are met; and

d. One off-street parking space is provided for each bedroom of the second unit in addition to the minimum two spaces required for the first dwelling by Chapter 17.76.

17.64.030 **Uses permitted subject to a use permit.**

The following uses may be permitted subject to the granting of a conditional use permit:

A. Churches and religious institutions and parochial and private schools;

B. Bed and Breakfast Establishments subject to the provisions of Chapter 17.59;

C. Parking lots;

D. Publicly owned buildings and structures (such as schools and public utility substations) except as noted in section 17.02.050;

~~17.64.030 Height and area regulations.~~ **17.64.040 Property development standards.**

~~In the coastal zone R-1 district, the height of buildings and the minimum dimensions of yards and lots shall be as follows:~~ **The following property development standards shall apply to all land and structures in the CZ-R-1 zone:**

A. **Building** Height. ~~Maximum building height shall be~~ **No new building, additions to existing buildings or structures in this zone shall have a height greater than thirty-five (35) feet when measured from the finished or natural grade, whichever is more restrictive.**

B. Area and Yards.

1. Front Yard. **Each lot shall maintain a front yard or front yards of not less than** Twenty **(20)** feet;

2. Side Yard. ~~Minimum~~ **The side yard width shall be a not less than** five **(5)** feet for interior and corner lots. Reverse corner lots on the street side shall have a side yard equal to one-half the required front yard of the lots abutting the rear of such reversed corner lots;

3. Rear Yard. ~~Minimum~~ **Each lot shall maintain a rear yard of not less than** twenty **(20)** feet;

4. Lot Area. : **Each lot shall have a** Minimum **area of** six thousand **(6000)** square feet unless previously legally subdivided or a planning commission approved lot split or parcel map;

5. Lot Area Per Dwelling Unit. ~~Same as lot area;~~ **Each lot shall have a minimum area of six thousand (6000) square feet for each dwelling unit unless previously legally subdivided or a planning commission approved lot split or parcel map; provided however, that subject to the conditional use permit provisions of 17.64.030(F), there shall be no more than one dwelling on any one lot.**

6. Lot Coverage. ~~Maximum for all buildings, accessory buildings, structures and covered patios, not greater than~~ **Site coverage for all habitable enclosed building space, accessory buildings, structures, covered off-street parking and covered patios shall not exceed** fifty percent.

17.64.~~040~~ **050** Building placement.

~~Building placement requirements for the CZ-R1 district shall be as follows:~~

A. ~~Any building, accessory building, structure or covered patio shall not~~ **No building, accessory building, structure or covered patio shall** occupy any portion of a required front, side or rear yard except as herein provided.

B. Coverage of the rear yard by accessory buildings~~, structures~~ or covered patios shall be limited to fifty percent of the required yard area. **In addition, no portion of the main building shall extend into the rear yard twenty-foot setback.**

C. Accessory buildings~~, structures~~, or covered patios may be located anywhere within the required rear yard provided all building and fire prevention code requirements are met, and a five-foot passage from one side yard to the area to the rear of the main building, to the other side yard shall be maintained. This passage shall provide ready access around the main building. Further, construction on accessory buildings may only be started after the main building on the lot has been roofed and has the siding constructed.

D. Accessory buildings, structures, covered patios and garages shall not exceed thirteen feet in height at their highest point.

~~E. The main building may project into the required rear yard with the following restrictions:~~

~~1. The portion of the main building which projects into the required rear yard shall maintain the same side yard as required for the main building not in the required rear yard;~~

~~2. The main building shall not be located closer than ten feet to the rear property line; and~~

~~3. The area covered by the main building in the rear yard shall be counted as part of the permitted rear yard coverage.~~

~~F.~~ **E.** On corner lots or reverse corner lots no accessory building, structure or covered patio shall be located closer to the street side property line than a distance equal to the required side yard on the street side.

~~G.~~ **F.** On reverse corner lots accessory buildings, structures or covered patios located in the required rear yard within twenty-five feet of the street side property line shall be set back five feet from the rear property line.

~~H.~~ **G.** Garages on interior lots may occupy side yards to a point not to exceed twenty-five feet from rear property lines. Garages on corner or reverse corner lots shall not be built closer than twenty feet to any street side property line.

H. Where a lot size is twice the minimum lot area the location of all new structures upon the lot shall

be such to facilitate future subdivision of the lot to provide for the maximum dwelling unit potential.

17.64.050 General provisions.

General provisions for the CZ-R1 district shall be as follows:

A. Parking. A minimum of two covered off-street spaces. See Chapter 17.76 for complete regulations and standards for required off-street parking.

B. Fencing. See Chapter 17.75 for complete fencing regulations.

C. Signs. Maximum sign of two square feet bearing only the name of occupant. Signs for the sale or lease of the property shall be limited to twelve square feet and illuminated only by reflected light and so erected that the light source is not visible from outside the premises. See Chapter 17.74 for signs permitted other than provided for in this chapter. (Ord. 587 (part), 1983).

Chapter 17.65

CZ-R1B COASTAL ZONE ~~SINGLE FAMILY~~ **LOW DENSITY RESIDENTIAL** BEACH DISTRICT

Sections:

17.65.010 Purpose.
17.65.020 ~~Uses~~ **Principal** permitted **use**.
17.65.030 ~~Height and area regulations.~~ **Uses permitted subject to a use permit.**
17.65.040 ~~Building placement~~ **Property development standards.**
17.65.050 ~~General provisions.~~ **Building placement**
17.65.060 General provisions.

17.65.010 Purpose.

A. The **purpose of the** CZ-R1B district is ~~a~~ **to** supplement to the single-family **low density residential** district for those areas which lie along a shoreline ~~and consists of residential properties~~ **within the coastal zone where regulations are designed to provide** ~~The purpose of this chapter is to increase the restrictions placed on CZ-R1 property for the purpose of providing~~ greater open space and visibility, while still permitting equal opportunities for developers of residential property similar to others within the community.

B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17.65.020 Uses permitted.

~~Uses permitted in the CZ-R1B district include:~~ **The principal permitted use in the CZ-R-1B district is a single family residential use which includes:**

A. One-family dwelling s;

B. Accessory buildings;

~~C. Any of the following uses, provided a use permit is secured:~~

~~1. Bed and breakfast establishments.~~

C. Home Occupations; and

D. Residential Care Facilities serving six or fewer clients.

17.64.030 Uses permitted subject to a use permit.

The following uses may be permitted subject to the granting of a conditional use permit:

A. Bed and Breakfast Establishments subject to the provisions of Chapter 17.59;

B. A second one-family dwelling where the lot size is twice that of the minimum lot area per dwelling unit and lot coverage limitations are not exceeded.

~~17.65.030 Height and area regulations.~~ **17.64.040 Property development standards.**

~~In the CZ-R1B district the height of buildings and the minimum dimensions of yards and lots shall be as follows:~~

The following property development standards shall apply to all land and structures in the CZ-R-1B zone:

A. **Building** Height. ~~Maximum building height shall be~~ **No new building, additions to existing buildings or structures in this zone shall have a height greater than** twenty-five **(25) feet when measured from the finished or natural grade, whichever is more restrictive.**

B. Areas and Yards.

1. Front Yard.; **Each lot shall maintain a front yard or front yards of not less than** twenty **(20)** feet.

2. Side Yard. ~~Minimum ten feet for interior and corner lots.~~ **The side yard width shall be a not less than ten (10) feet for interior and corner lots.** Reverse corner lots on the street side shall have a side yard equal to one-half of the required front yard of the lots abutting the rear of such reversed corner lots;

required front yard of the lots abutting the rear of such reversed corner lots;

3. Rear Yard. Minimum twenty feet. Where back yards face upon the ocean side of the property no rear yard will be required;

4. Lot Area. A minimum of seventy-five feet of lot frontage is required and a minimum of six thousand **(6000)** square feet, unless the lot was previously legally subdivided;

5. Lot Area Per Dwelling Unit. ~~Same as lot area;~~ : **Each lot shall have a minimum area of six thousand (6000) square feet for each dwelling unit unless previously legally subdivided or a planning commission approved lot split or parcel map; provided however, that subject to the conditional use permit provisions of 17.64.030(F), there shall be no more than one dwelling on any one lot.**

6. Lot Coverage. ~~Maximum for all buildings, accessory building structures and covered patios, not greater than fifty percent.~~ **Site coverage for all habitable enclosed building space, accessory buildings, structures, covered off-street parking and covered patios shall not exceed fifty percent.**

17.65.040 Building placement

All requirements of the CZ-R1 single-family district shall be required in the CZ-R1B district as it relates to building placement

17.65.050 General provisions.

General provisions for the CZ-R1B district shall be as follows:

A. Parking. A minimum of two covered off-street parking spaces for single-family residences.

1. Bed-and-breakfast establishments shall provide one off-street parking space per guest room in addition to the two covered off-street parking spaces required for the single-family residence. See Chapter 17.76 for complete regulations and standards for required off-street parking.

B. Fencing. No hedges, shrubs or fences between houses may exceed four feet in height in the side yard setback. Front yard fences may not exceed two and one-half feet in height.

C. Signs.

1. Maximum nameplate sign of two square feet bearing only the name of the occupant.

2. Signs for bed-and-breakfast establishments shall be limited to wall signs, hanging signs or ground signs, shall be no more than two square feet in size, made of a nonplastic material and must have the approval of the planning department. In residential zones, bed and breakfast establishment signs shall not be lighted at night.

3. Signs for the sale or lease of the property shall conform to the regulations set forth in the Crescent City sign ordinance, Chapter 17.38 of this code.

See Chapter 17.74 for signs permitted other than provided for in this chapter.

D. Bed and Breakfast Establishments.

See Chapter 17.59 for further regulations governing bed and breakfast establishments.

This chapter is proposed to be deleted

~~Chapter 17.66~~

~~CZ-R2 COASTAL ZONE TWO-FAMILY DISTRICT~~

~~Sections:~~

~~17.66.010 Purpose~~
~~17.66.020 Uses permitted~~
~~17.66.030 Height and area regulations~~
~~17.66.040 Building placement~~
~~17.66.050 General provisions~~

~~17.66.010 Purpose.~~

~~A. The purpose of the CZ-R2 district is to provide living areas within the city where regulations are designed to be equal to those of a single-family district, except as to the concentrations of dwelling units and ancillary compatible uses.~~

~~B. The only permitted uses for any building or land, and any building to be erected or structurally altered in this district are described in Section 17.66.020, except where otherwise provided in these regulations. (Ord. 587 (part), 1983)~~

~~1. Churches,~~

~~2. Day nurseries accommodating a maximum of twenty children, when there is provided on the lot a play lot of at least six hundred square feet in area and further provided that only one single-family residence exists on the lot,~~

~~3. Guest homes for ten or less guests,~~

~~4. Home occupations,~~

~~5. Parking lots,~~

~~6. Public utility substations. (Ord. 587 (part) 1983.~~

~~17.66.030 Height and area regulations.~~

~~In the CZ-R2 district the height of buildings and the minimum dimensions of yards and lots shall be as follows:~~

~~A. Building, accessory buildings, structures or covered patios shall not occupy any portion of a required front, side or rear yard except as herein provided.~~

~~B. Coverage of the rear yard by accessory buildings, structures or covered patios shall be limited to fifty percent of the required rear yard area.~~

~~C. Accessory building, structures or covered patios may be located anywhere within the required rear yard provided all building and fire prevention code requirements are met and a five-foot passage from one side yard, to the area to the rear of the main building, to the other side yaard shall be maintained. This passage shall provide ready access around the main building. Further, that construction on accessory buildings may only be started after the main building on the lot has been roofed and has had the siding constructed.~~

~~D. Accessory buildings, structures, covered patios and garages shall not exceed thirteen feet in height at their highest point.~~

~~E. The main building may project into the required rear yard with the following restrictions:~~

~~1. The portion of the main building which projects into the required rear yard shall maintain the same side yard as required for the main building not in the required rear yard;~~

~~2. The main building shall not be located closer than ten feet to the rear; and~~

~~3. The area covered by the main building in the rear yard shall be counted as part of the permitted rear yard coverage.~~

~~F. On corner lots or reverse corner lots, no accessory building, structure or covered patio shall be located closer to the street side property line than a distance equal to the required side yard on the street side.~~

~~G. On reverse corner lots accessory buildings, structures or covered patios located on the required rear yard within twenty five feet from rear property lines. Garages on corner or reverse corner lots shall not be built closer than twenty feet to any street side property line. (Ord. 587 (part), 1983)~~

~~17.66.050 General provisions.~~

~~General provisions for the CZ-R2 two family district shall be as follows:~~

~~A. Parking. A minimum of one covered and one uncovered off-street parking space for each dwelling unit. See Chapter 17.76 for complete regulations and standards for required off-street parking.~~

~~B. Fencing. See Chapter 17.75 for complete fencing regulations.~~

~~C. Signs. Maximum sign of two square feet bearing only the name of the occupants. Signs for sale or lease of property shall be limited to twelve~~

This chapter is proposed to be deleted

~~Chapter 17.67~~

~~CZ-RP COASTAL ZONE RESIDENTIAL PROFESSIONAL DISTRICT~~

~~Sections:~~

~~17.67.010 Purpose.~~
~~17.67.020 Uses permitted.~~
~~17.67.030 Height and area regulations. 17.67.040 Building placement.~~
~~17.67.050 General requirements.~~
~~17.67.060 Site plan and architectural review.~~

~~17.67.010 Purpose.~~

~~The CZ-RP district is intended to provide opportunities for the location of professional and commercial offices in close relationship to one another outside of commercial districts, and to protect such uses from the noise, disturbances, traffic hazards and other objectionable influences which would adversely affect professional and business practices being carried on. This district is also intended for application to those areas of the city where it is necessary and desirable to encourage the full development of properties which lie between existing residential and nonresidential districts and which, because of existing conditions, cannot be practically included within residential districts as provided by this title. (Ord. 587 (part), 1983).~~

~~17.67.020 Uses permitted.~~

~~Uses permitted in the CZ-RP district include:~~

~~A. Business and professional offices such as doctors, dentists, lawyers, accountants and other professional offices;~~

~~B. One family dwellings, occupied by not more than one family and not more than two boarders or roomers;~~

~~C. Two family dwellings;~~

~~D. Multiple family dwellings;~~

~~E. Accessory buildings;~~

~~F. Day nurseries accommodating not more than five children in number;~~

~~G. Foster homes limited to those licensed by the state or county, and accommodating not more than six guests;~~

~~H. Motels and hotels, except for associated sales of food or drink;~~

~~I. Private clubs;~~

~~J. Roominghouses;~~

~~K. Townhouses (row houses);~~

~~L. Real estate and insurance offices;~~

~~M. Any of the following uses provided a use permit is secured:~~

~~1. Churches,~~

~~2. Day nurseries,~~

~~3. Dormitories for schools and colleges,~~

~~4. Guest homes,~~

~~5. Homes for the aged,~~

~~6. Home occupations,~~

~~7. Nonprofit organizations devoted to charitable, philanthropic or special purposes. Such uses shall not engage in the processing, repairing, refinishing, treatment, fabrication, manufacture or sale of materials or objects except that the sale of new works of art created or produced on the premises from raw materials by the patrons or members of nonprofit organizations may be permitted, if it is incidental and accessory to the principal use of the property,~~

~~8. Orphanages,~~

~~9. Parking lots,~~

~~10. Public utility substations. (Ord. 602, 1985: Ord. 587 (part), 1983).~~

~~17.67.030 Height and area regulations.~~

~~In the CZ-RP district, the height of buildings and the minimum dimensions of yards and lots shall be as follows:~~

~~A. Height. Maximum building height shall be thirty-five feet.~~

~~B. Yards and Areas.~~

~~1. Front Yards. Twenty feet for residential uses, ten feet for nonresidential uses;~~

~~2. Side Yards. Minimum five feet for interior and corner lots. Reverse corner lots shall have a side yard equal to one-half the required front yard of the lots abutting the rear of such reversed corner lots;~~

~~3. Rear Yards. Ten feet;~~

~~4. Lot Area. Minimum six thousand square feet for residential uses. No minimum for nonresidential uses;~~

~~5. Lot Area Per Dwelling Unit. A minimum of fifteen hundred square feet per dwelling unit, except that single family uses shall conform to the CZ-R1 requirements and duplexes shall conform to the CZ-R2 requirements;~~

~~6. Lot Coverages. For nonresidential uses, no requirements. For residential uses, coverage shall be the same as required in the most restrictive zone in which they are first permitted. (Ord. 587 (part), 1983).~~

~~17.67.040 Building placement.~~

~~Building placement requirements for the CZ-RP district shall be as follows:~~

~~None required except for residential uses; in such cases they shall conform to requirements as specified in the zone they are first permitted. (Ord. 587 (part), 1983).~~

~~17.67.050 General requirements.~~

~~General requirements for the CZ-RP district shall be as follows:~~

~~A. Parking. See Chapter 17.76 for parking requirements.~~

~~B. Fencing. See Chapter 17.75 for fencing requirements.~~

~~C. Signs. See Chapter 17.74 for sign regulations. (Ord. 587 (part), 1983).~~

~~17.67.060 Site plan and architectural review.~~

~~All uses except those permitted in the CZ-R1 and CZ-R2 districts and those uses requiring a use permit shall be subject to an approval of a site plan and architectural review. Procedures for such submittal and approval are found in Chapter 17.79. (Ord. 587 (part), 1983).~~

Chapter 17.68

CZ-C2 COASTAL ZONE GENERAL COMMERCIAL DISTRICT

Sections:

17.68.010 Purpose.
17.68.020 ~~Uses~~ **Principal** permitted **use**
17.68.030 ~~Height and area regulations.~~**Property development standards**
17.68.040 Building placement.
17.68.050 General requirements.
17.68.060 Site plan and architectural review.
17.68.070 General regulations.

Only proposed changes shown:

17.68.020 ~~Uses~~ **Principal** permitted **use.**

~~Uses~~ **The principal** permitted **use** in the CZ-C2 district **coastal zone general commercial district is public utilities use which** includes:

~~1.~~ **B.** Cogeneration energy facilities;

~~2.~~ **A.** Wastewater treatment facilities..

17.68.030 ~~Height and area regulations.~~ **Property development standards.**

A. Height. The maximum building height shall be forty-five feet.

B. Yards and Areas.

1. Front Yard. None required except where adjacent properties abutting upon the CZ-C2 use are in a zone of greater requirements, then the front yard shall conform to the more restrictive zone;

2. Side Yard. None required, except where the side yard of the CZ-C2 use abuts upon the side yard of a residential or a CZ-RP use, and the side yard shall be five feet;

3. Rear Yards. Maximum ten feet;

4. Lot Area. No minimum;

5. Lot Coverage. No maximum..

Chapter 17.73

CZ-CW COASTAL ZONE WATERFRONT COMMERCIAL DISTRICT

Sections:

17.73.010	Purpose.
17. 73.020	~~Uses permitted.~~ **Principal permitted use.**
17. 73.030	~~Conditional~~ **Uses permitted subject to a Use Permit**
17.73.035	**Uses prohibited**
17. 73.040	~~Height and area regulations.~~ **Property development standards**
17. 73.050	Building placement.
17. 73.060	General requirements
17. 73.070	Site plan and architectural review
17. 73.080	General regulations.

17. 73.010 Purpose ~~and intent.~~

A. The **CZ-CW** coastal zone waterfront commercial district is intended ~~primarily for the area at the west end of Front Street, within the coastal zone, for providing visitor serving and recreational uses, destination services and accommodations, and to encourage upgrading of specific sites that will benefit the local economy and create establishments catering to tourists.~~ **to provide for a mixture of shop, service, recreation and accommodation uses for visitors uses in the Battery Point area adjacent to Beachfront park and Crescent City's harbor.**

B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17. 73.020 ~~Uses~~ **Principal** permitted **use.**

~~The following uses shall be permitted in the CZ-CW coastal zone waterfront commercial district:~~ **The principal permitted use in the CZ-CW coastal zone waterfront commercial district is visitor serving commercial use which includes:**

A. ~~Hotels and motels~~ **Visitor facilities such as: hotels and motels, indoor and outdoor eating and drinking places (but not including drive-thru services);**

B. ~~Visitor serving facilities, including restaurants (but not including drive-in establishments), bars and taverns, and other establishments that offer retail sales and services to visitors;~~ **Specialty shops such as books, gifts, jewelry, collectibles, clothing, antiques or art galleries;**

C. ~~Entertainment and recreational facilities including coastal access;~~ **Visitor services located inside a building such as: Automatic Teller Machines, laundries, beauty services and spas, and photo processing;**

D. ~~Interpretive exhibits oriented to adjacent marine resources; and~~ **Entertainment and recreational facilities such as; theatres, sports activities including equipment rentals and sales or public access.**

~~. Retail trade, including specialty shops.~~

17.73.030 ~~Conditional uses.~~ **Uses permitted subject to a Use Permit.**

The following ~~conditional~~ uses ~~shall~~ **may** be permitted ~~in the CZ-CW coastal zone waterfront commercial district upon the granting of a use permit. The applicant shall demonstrate and the city shall find that granting of a use permit will not diminish recreational or visitor serving opportunities.~~ **subject to the granting of a conditional use permit.**

A. ~~Outdoor accessory uses and structures located on the same site as a permitted use~~ **such as storage, but not including recreation facilities included as part of a hotel/motel such as swimming pools.**

B. ~~Parking facilities, including fee parking facilities.~~ **New timeshare resort hotels which provide at least one recreational facility**

~~C. Public utility service equipment buildings and installations, drainage ways, and transmission lines found by the planning commission to be necessary for the public health, safety or welfare.~~ **Conference centers or meeting halls when separate from a hotel or restaurant facility.**

C. Private parking facilities, including fee parking facilities, not required by code for another use.

D. Bed and Breakfast establishments subject to the provisions of Chapter 17.59.

E. Residential uses, up to 15 units per acres density when located above the ground floor as a secondary use

F. Public utility service pumping stations, power stations, equipment buildings and installations, drainage ways, storage tanks and transmission lines found by the planning commission to be necessary for the public health, safety or welfare and designed to minimize any visual, hearing and/or air quality impacts.

17.73.035 Uses prohibited.

The following uses are prohibited in the CZ-CW district:

A. Truck and heavy equipment repair shops;

B. Any manufacturing use not specifically defined herein.

C. Communication and television towers.

17.73.040 ~~Height and area regulations.~~ **Property development standards.**

~~In the CZ-CW coastal zone waterfront commercial district the height of buildings and the maximum dimensions of yards and lots shall be as follows:~~ **The following property development standards shall apply to all land and structure in the CZ-CW waterfront commercial district:**

A. Height. The maximum building height shall be thirty-five feet, ~~unless a use permit is approved by the planning commission~~

B. Yard and Areas.

1. Front Yard. None required except **that** where a portion of the street frontage **of the block in which the site is located** is in a zone of greater requirements, the front yard of the ~~CZ-~~CW zone shall conform to the minimum requirements of the more restrictive zone;

2. Side Yard. None required except **that** where the side yard of the CW use abuts upon the side yard of a residential **zone or HP use, and** the side yard shall be five feet;

3. Rear Yard. Minimum of ten feet;

4. Lot Area. No minimum;

5. Lot Coverage. ~~The maximum floor area ratio is .50 of the project site.~~ **Site coverage for the total building square footage shall not exceed fifty percent (50%) of the size of the lot. Parking areas shall not be counted as building square footage. Residential units which are above the ground floor shall not be counted in the square footage.**

17. 73.050 Building placement;

Whenever property classified for a CZ-CW use is separated from adjacent residential **zoned** property by a permanent open space or parking area of no less than twenty-five feet in width, the required front yard or side yard setback shall not be required.

17. 73.060 General requirements.

A. Parking. See Chapter 17.76 for parking requirements.

B. Fencing. See Chapter 17.75 for fencing requirements.

C. Signs. See Chapter 17.74 for sign requirements

17. 73.070 Site plan and architectural review.

All uses permitted in the **CZ**-CW district except those requiring a use permit shall be subject to the approval of a site plan and architectural review. Procedure for such submittal and approval will be found under Chapter 17.79.

17. 73.080 General regulations.

~~All uses shall comply with the regulations prescribed.~~

A. In a CZ-CW district all businesses, services, and processes shall be conducted entirely within a completely enclosed building, except for off street parking and loading areas, recreation uses, outdoor dining areas, and utility substations and equipment installations. Material storage shall be confined behind a six-foot solid wall or fence. **Those outdoor uses which are permitted shall be subject to the provision of landscaping and/or solid screen fencing relative to the type of use as determined by Architectural Review. Outside storage and refuse containers shall be confined behind a six-foot solid wall of fence.**

B. ~~No use shall be permitted, and no process, equipment or material shall be employed which is found by the planning commission to be objectionable to persons residing or working in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic or to involve any hazard of fire or explosion.~~ **There shall be no manufacture compounding, processing, or treatment of products other than that which is clearly incidental and essential to a retail store or business and where such completed products are sold at retail on the premises.**

C. Accessory uses shall be permitted only to the extent necessary to the ~~limited~~ uses permitted under this part.

D. The display of goods outside of the structure may be placed in the covered area of a porch or on a public sidewalk only when placed in a manner as to retain a minimum six (6) foot passable walkway.

E. All exterior lighting shall be shielded and directed downward on the property to prevent upward glare and glare at adjacent properties.

F. The above waterfront commercial uses shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes beyond the level of the ordinary neighborhood retail establishment.

Chapter 17.69

CZ-HS COASTAL ZONE HIGHWAY SERVICE DISTRICT

Sections:

17.69.010 Purpose ~~and intent.~~
17.69.020 **Principal** Permitted uses.
17.69.025 Uses permitted subject to a Use Permit
17.69.027 Uses prohibited
17.69.030 ~~Height and area regulations.~~ **Property development standards**
~~17.69.040 Building placement.~~
17.69.050 General requirements.
17.69.060 General regulations.
17.69.070 Site plan and architectural review.

17.69.010 Purpose ~~and intent.~~

A. The coastal zone highway service district is intended ~~primarily~~ for application to areas along **the** major highway entrance to the City **adjacent to the harbor to provide a transition between harbor services and conveniences to visitors** ~~providing services and conveniences to patrons~~ traveling the highway. **It is intended that this area be developed to the highest quality to make a positive impression upon those visiting the community, while providing for transitional businesses and convenient services to the traveler.** ~~The uses generally are of a personal service or recreational in nature and are limited in function. It is intended that these service centers be of the highest quality to make an impression upon those visiting the community, while providing convenient services to the traveler and the tourist to the district.~~

B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17.69.020 **Principal** Permitted uses.

The principal permitted use in the CZ-HS coastal zone highway service district is a highway services use which includes:

~~A. Permitted uses in the CZ-HS district, ranked by priority include:~~
~~1. All recreational uses;~~
~~2. Local transit and interurban highway passenger transportation;~~
~~3. Motels and hotels;~~
~~4. Restaurants and drinking places;~~
~~5. Retail, limited to the following uses: a. Drug stores, b. Food stores, c. Liquor stores, d. Gift shops;~~
~~6. Service stations;~~
~~7. Drive-in restaurants.~~
~~B. Uses permitted in the CZ-HS district with use permit include:~~
~~1. Automobile repair garages;~~
~~2. Business services;~~
~~3. Laundromats;~~
~~4. Parking lots;~~
~~5. Personal services;~~
~~6. Residences for owners or managers of permitted uses and uses permitted with use permit.~~

A. Visitor-serving facilities such as: hotels and motels, indoor and outdoor eating and drinking places (including drive-thru services), grocery shops, liquor stores, or indoor specialty shops such as gifts, art, antiques, pawn or collectibles:

B. Transportation services such as gas stations, auto repair or public transportation stops:

C. Indoor recreation and entertainment facilities such as specialty attractions, theatres, and sports activities including equipment rentals and sales;

D. One residential unit for the owner or manager of an existing on-site permitted use; and

E Visitor oriented public recreation facilities such as public parks, trails, rest areas and parking lots.

17.69.025 Uses permitted subject to a Use Permit

The following uses may be permitted subject to the granting of a conditional use permit:

A. New timeshare resort hotels which provide at least one recreational facility (pool, court, playground, picnic area, trail, ets.) to which the general public has access.

B. Recreational Vehicle Parks, not including mobilehome or manufactured home spaces, excepting one unit for a manager.

C. Fishing and visitor service support activities which are indoors such as ice manufacturing, equipment and boat services, or interior storage facilities.

D. Car, boat or other vehicle washing facilities.

E. Public utility pumping stations, power stations, equipment buildings and installations, drainage ways, storage tanks and transmission lines found by the planning commission to be necessary for the public health, safety or welfare and designed to minimize any visual, hearing and/or air quality impacts.

17.69.027 Uses Prohibited.

The following uses are prohibited in the CA-HS district:

A. Truck and heavy equipment repair shops;

B. Any manufacturing use not specifically defined herein.

C. Outdoor recreation or entertainment facilities which generate excessive noise, dust or glare.

D. Communication and television towers.

17.69.030 ~~Height and area regulations.~~ **Property development standards.**

In the CZ-HS district, the height of buildings and the maximum dimensions of yards and lots shall be as follows:

A. Height: Maximum building height shall be thirty-five feet.

B. Yards and Areas:

1. Front Yard. A minimum of a thirty-five foot setback for all structures. Front yards may be used for off-street parking ~~in compliance~~ **complying** with the parking section of this code;

2. Side Yards. None required ~~except where the side yard of a CZ-HS use abuts the side yard of a residential or a CZ-RP use, then the side yard shall be five feet;~~ **for interior lot lines. The street side of corner and reverse corner lots shall have a side yard equal to one-half the required front yard.**

3. Rear Yards. Minimum ~~ten~~ **five** feet;

4. Lot Area. No minimum;

5. Lot Coverage. ~~No maximum.~~ **Site coverage for the total building square footage shall not exceed fifty percent (50%) of the size of the lot. Parking areas shall not be counted as building square footage. Residential units which are on the ground floor (existing or new) shall be counted, however residential units above the ground floor shall not be counted in the square footage.**

~~17.69.040 Building placement.~~

~~Whenever property classified for CZ-HS use is separated from adjacent residential property of CZ-RP property by a permanent open space or poking area of no less than twenty-five feet in width, the required side yard setback shall not be required.~~

17.69.050 General requirements.

~~General requirements for the CZ-HS district shall be as follows:~~

A. Parking. See Chapter 17.76 for parking requirements.

B. Fencing. See Chapter 17.75 for fencing requirements.

C. Signs. See Chapter 17.74 for sign requirements.

17.69.060 General regulations.

General regulations for the CZ-HS district shall be as follows:

A. All uses shall be conducted wholly within a building except for such uses as gasoline service stations and other enterprises customarily conducted in the open. **Outdoor uses shall be subject to the provision of landscaping and/or solid screen fencing relative to the type of use. Material and equipment storage and automobiles awaiting service overnight or longer shall be confined behind a six-foot solid wall or fence.**

B. There shall be no display of goods outside of the structure except for those uses customarily conducted in the open.

C. Accessory uses shall be permitted only to the extent necessary to the limited uses permitted under this chapter.

D. **For new development** where required, the front yard setback and the side yards and rear yards shall be landscaped by an area of no less than five feet in width along property lines and along street frontages, except for entrances and exit driveways. Said landscaped areas shall be planted and well-maintained in good condition.

E. All exterior lighting shall be shielded and directed downward on the property to prevent upward glare and glare at adjacent properties.

F. The above highway service uses shall not be objectionable due to odor, dust, smoke, noise vibration, or other similar causes beyond the level of the ordinary neighborhood retail establishment..

17.69.070 Site plan and architectural review.

All uses permitted in the CZ-HS district shall be subject to approval of a site plan and architectural review. Procedures for such 'submittal and approval are described in Chapter 17.79.

Chapter 17.70

CZ-HR COASTAL ZONE
HARBOR-RELATED DISTRICT

Sections:

17.70.010 Purpose ~~and application.~~
17.70.020 **Principal** permitted ~~uses.~~
17.70.030 ~~Height and area requirements.~~ **Uses permitted subject to a Use Permit**
17.70.040 **Property development standards**
17.70.~~040~~ **050** General provisions.
17.70.060 Site Plan and Architectural Review

17.70.010 Purpose ~~and application.~~

A. The CZ-HR **coastal zone harbor related** district is intended ~~primarily for those areas adjacent to the Crescent City Harbor that are not zoned open space.~~ **to provide for public and private areas for commercial and light industrial uses which are not dependent upon immediate access to the harbor but benefit from a harbor location.** ~~This district is intended primarily for uses that are dependent upon immediate access to the harbor, it is also intended for those uses which do not have to depend upon the coast or harbor to function effectively.~~

B. No land, building or structure shall be used, nor shall any building or structure be constructed erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17.70.020 **Principal** permitted uses.

~~A. Permitted uses in the CZ-HR district include:~~

~~1. Commercial fishing berths;~~

~~2. Fish processing plants;~~

~~3. Boat building and repair.~~

~~B. Permitted uses in the CZ-HR district with a use permit, ranked by priority, include:~~

~~1. Energy facilities, provided that such facilities have proper protection devices to prevent crude oil, gas, petroleum or other hazardous substances from being spilled or from contaminating areas beyond the project site;~~

~~2. Recreational facilities, including but not limited to, recreational vehicle parks and buildings necessary to that operation;~~

~~3. Restaurants;~~

~~4. Museums, specifically those dealing with coastal activities.~~

The principal permitted use in the CZ-HR coastal zone harbor related district is the harbor related use which includes;

A. Visitor serving facilities such as: hotels and motels, indoor and outdoor eating and drinking places with a harbor theme (but not including drive-thru services), specialty retail shops including marine curio manufacture and sales, recreational facilities such as trails, beach access and picnic areas.

B. Fishing support services such as boat brokerage offices, net manufacturing, repair and sales, welding and machine repair shops for marine products, boat or vehicle washing facilities, and marine equipment storage.

17.70.030 ~~Height and area requirements.~~ **Uses permitted subject to a Use Permit.**

~~In the CZ-HR district, no minimum or maximum dimensions of yards, lot or heights are established, except as required by the planning commission.~~

The following uses may be permitted subject to the granting of a conditional use permit:

A. Museums.

B. Indoor or outdoor recreational facilities such as arcades, theatres or ball courts.

C. Recreational Vehicle Parks including one residential unit for a resident manager.

D. Residential uses, up to 15 units per acre density, when located above the ground floor as a secondary use.

E. Small public facilities such as public utility substations.

F. Fuel sales and bulk fuel storage.

G. Maintenance dredging and dredge spoils placement at approved sites.

~~17.70.040~~ **17.70.050** General ~~provisions.~~ **Requirements.**

A. Parking. Parking shall be required as established by the parking regulations hi Chapter 17.76.

B. Fencing. See Chapter 17.75 for fencing requirements.

~~B.~~**C.** Signs. ~~Signs required for the direction of traffic shall be considered as part of the use permit procedures in the issuing of such use permits. No off site signs or advertising structures other than identification and information for the public shall be permitted~~ **See Chapter 17.74 for sign requirements.**

17.70.40 Property development standards

The following property develo, ment standards shall apply to all land and structures in the CZ-HR coastal zone harbor dependent district.

A. Height. The maximum building height shall be thirty-five (35) feet except that hotels and mixed-use residential/commercial structures may be permitted a higher height not to exceed fifty (50) feet.

B. Yard and Areas.

1. Front Yard. None required except that:

A. Where a portion of the street frontage of the block in which the site is located is in a zone of greater requirements, the front yard of the CZ-HR zone shall conform to the minimum requirements of the more restrictive zone.

B. Where the site is located at a street corner sight distance clearance requirements shall be met.

2. Side Yard. None required.

3. Rear Yard. None required.

4. Lot Area. No minimum except that adequate provision shall be made for the permitted use and on-site parking.

5. Lot Coverage. Site coverage for the total building square footage shall not exceed fifty-five percent (55%) of the size of the lot. Parking areas shall not be counted as building square footage. residential units which are above the ground floor shall not be counted in the square footage.

New Chapter

Chapter 17.70A

CZ-HD COASTAL ZONE HARBOR DEPENDENT DISTRICT

Sections:

17.70A.100	Purpose
17.70A.020	Principal permitted use.
17.70A.030	Uses permitted subject to a Use Permit
17.70A.035	Uses prohibited
17.70A.040	Property development standards
17.70A.050	General Requirements
17.70A.060	Site Plan and Architectural Review

17.70A.010 Purpose

A. The CZ-HD coastal zone harbor dependent district is intended to provide areas for harbor dependent uses, which include harbor dependent commercial and harbor dependent recreational activities that must be dependent upon the activities at or products generated by the Crescent City harbor.

B. No land, building or structure shall be used, nor shall any building or structure be constructed erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17.70A.020 Principal permitted use.

The principal permitted use in the CZ-CW coastal zone harbor dependent district is harbor dependent use which includes:

A. Publicly owned support facilities such as: boat basins, docking and launching facilities, marine terminals, dredge spoils storage areas, net drying facilities, harbor district offices, Coast Guard stations and quarters, and public parking lots;

B. Commercial and recreational fisheries activities and support activities including: fishing and fish farming, storage, supplies including retail fuel sales, seafood processing, ice facilities, buyers facilities and fisherman's organization facilities;

C. Public viewing and recreation areas including: beach access, parking, walkways and boardwalks, plazas and related recreation equipment rental.

17.70A.030 Uses permitted subject to a Use Permit.

The following uses may be permitted subject to the granting of a conditional use permit.

A. Dredging and/or filling for new development.

B. Bulk oil and fuel storage.

C. Marine electronic repair shops.

D. Restaurants and cafes oriented towards harbor products and activities.

17.70A.035 Uses prohibited

The following uses are prohibited in the CZ-HD district.

A. Commercial activities not dependent upon the fishing process other than as identified above.

B. Truck and heavy equipment repair shops.

C. Communication and television towers other than that secondary to a permitted use.

17.70A.040 Property development standards

The following property development standards shall apply to all land and structures in the CZ-HD coastal zone harbor dependent district.

A. Height. The Maximum building height shall be 50 feet.

B. Yard and Areas

1.Front Yard. None required except that:

a. Where a portion of the street frontage of the block in which the site is located is in a zone of greater requirements, the front yard of the CZ-HD zone shall conform to the minimum requirements of the more restrictive zone.

b. Where the site is located at a street corner sight distance clearance requirements shall be met.

1. Side Yard. None required.

2. Rear Yard. None required.

3. *Lot Area. No minimum except that adequate provision shall be made for the permitted use and on-site parking for any non-public (eg commercial) uses.*
4. *Lot Coverage. Site coverage for the total building square footage shall not exceed fifty percent (50%) of the size of the lot or leaseholding.*

17.70A.050 General Requirements.

A. Parking. See Chapter 17.76 for parking requirements.

B. Fencing. See Chapter 17.75 for fencing requirements.

C. Signs. See Chapter 17.74 for sign requirements.

17.70A.060. Site plan and architectural review.

All uses permitted in the CZ-HD district, except those requiring a use permit, shall be subject to the approval of a site plan and architectural review. Procedure for such submittal and approval will be found under Chapter 17.79.

Chapter 17.71

CZ-O COASTAL ZONE OPEN SPACE DISTRICT

Sections:

17.71.010 Purpose ~~and application.~~
17.71.020 **Principal** Permitted use s—Public property.
17.71.025 Uses subjet to use permit- Public property
17.71.030 **Principal** Permitted use s—Private property.
17.71.035 Uses subject to use permit- Private property
17.71.040 ~~Height and area regulations.~~ **Building placement**
17.71.050 General provisions.

17.71.010 Purpose and application.

A. The CZ-O **coastal zone open space** district is intended ~~primarily where it is~~ **to provide permanent open spaces which are** necessary ~~and desirable to provide permanent open spaces which are necessary~~ to safeguard the health, safety and welfare of the people, and to provide spaces for the location and preservation of unusual land masses, historical sites and areas which provide energy, water and recreational activities. **The district is also intended to set aside areas to be used for wind or weather screens and for visual effect.**

B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17.71.020 **Principal** Permitted use s—Public property.

~~A. There are no permitted uses without a use permit Any of the following uses are allowable, provided a use permit is first obtained:~~

~~1. Parks and playgrounds; .~~
~~2. Vista areas;~~
~~3. General open spaces;~~
~~4. Beaches;~~
~~5. Water reservoirs, watersheds and recharging basins;~~
~~6. Wildlife preserves;~~
~~7. Geological feature preservation;~~
~~8. Historical and cultural sites;~~
~~9. Publicly operated recreational establishments;~~
~~10. Public buildings and facilities; and~~
~~11. Nonprofit marine mammal rehabilitation centers.~~

~~B. The following uses are subject to the provisions of the land use plan, and more specifically, to the diking, dredging and filling of shoreline structures:~~

~~1. Drainage canals and channels;~~
~~2. Flood control devices; and~~
~~3. Marinas.~~

The principal permitted use on public property in the Coastal Zone Open Space district is general open space use which includes:

A. Continued use, maintenance and upgrade of existing public parks and playgrounds, trails and related facilities such as parking lots, picnic areas and restrooms;

A. Harbor activities such as fishing, passive recreation and related facilities such as piers and parking;

B. Beaches, beach accessways and vista areas;

C. Preservation of geological features and historic and cultural sites;

D. Wildlife preserves.

17.71.025 Uses permitted subject to a use permit – public property.

The following uses may be permitted subject to the granting of a conditional use permit:

A. Development of new parks, playgrounds, or public recreation facilities;

B. Water reservoirs, watersheds and recharging basins;

C. Public buildings and facilities; and

D. Nonprofit marine mammal rehabilitation centers.

E. Subject to the provisions of the land use plan, and more specifically, to the policies regarding diking, dredging and filling of shoreline structures the following may also be considered:

1. Drainage canals and channels;

2. Flood control devices; and

3. Public marinas.

17.71.030 Permitted uses—Private property.

The ~~following uses are~~ **principal** permitted **use** on privately owned properties ~~within the CZ-O zone~~ **in the Coastal Zone Open Space district is general open space which includes:**

A. Farming;

~~B. Commercial recreation;~~

~~C. Energy production;~~

~~D. Transmission corridors;~~

~~E. Mineral production;~~

~~F. Cemeteries;~~

~~G. Water production;~~

~~H. Marinas.~~

17.71.035 Uses permitted subject to a use permit- private property

The following uses may be permitted subject to the granting of a conditional use permit:

A. Commercial recreation facilities;

B. Energy production;

E. Transmission corridors;

F. Mineral production;

G. Cemeteries;

H. Water production;

I. Marinas.

17.71.040 Height and area regulations

In the CZ-O district, **on public property,** no minimum or maximum dimensions of yards, lots or heights are established, except as follows. No more than ten percent of the property may be covered with buildings, accessory buildings or structures, and no more than ten percent of the property may be placed in pavement, exclusive of required access roads. **On private property the regulations of the CZ-HS zoning district shall apply.**

17.71.050 General provisions.

General provisions for the CZ-O district shall be as follows:

A. Parking. Parking shall be required as established by the parking regulations under Chapter 17.76.

B. Signs. Signs required for the direction of traffic and for the identification of the site in question shall be considered as part of the use permit procedures in the issuing of such use permits. No off-site signs or advertising structures other than identification and information for the public in general shall be permitted.

Chapter 17.72

COASTAL ZONE **NR** NATURAL RESOURCES DISTRICT

17.72.010 Purpose and application.
17.72.020 **Principal** Permitted use s.
17.72.030 **Uses permitted subject to a use permit**
17.72.040 General provisions.
17.72.050 Conservation incentive density bonus

17.72.010 Purpose and application.

A. The purpose of the **coastal zone** natural resources district is to protect those **coastal** areas in the city that have been identified as **sensitive riparian or** wetland s **habitat which could easily be degraded by human activities and developments** and to provide for a buffer zone to protect the wetlands. The uses of ~~wetlands and wetland buffers~~ **natural resource areas** are limited to those in accordance with the **designated coastal zone** natural resource policies of the ~~coastal element of the~~ general plan. Further, the ~~natural resource policies provide~~ the procedures to follow in order to specify the boundaries of any **riparian or** wetland s **habitat and incentives to direct development away from such areas are provided by** ~~in~~ this district .

B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations.

17.72.020 **Principal** Permitted use s.

The principal permitted use in the Coastal Zone Natural Resource district is resource dependent use which includes:

~~A. The permitted uses in wetland indicated on the city's zoning map are:~~

~~1.~~ **A.** Fish and wildlife **management such as nature study and fishing or aquaulture, which may include the development of minor facilities constructed or placed by hand such as blinds, lookouts, interpretive panels, fences and trails.**

~~2. Nature study; and~~

~~3. Wetlands restoration.~~

B. Maintenance and repair of existing public facilities such as: flood-control and drainage channels, roads or road crossings, and utilities.

C. Removal of windblown trees which threaten existing structures.

~~B. Permitted Uses With a Use Permit~~ **17.72.030 Uses permitted subject to a use permit.**

~~1. In wetlands as defined in Section 17.61.511 and which are present in this district and indicated on the city's zoning map, the permitted uses with a use permit are:~~

The following uses may be permitted subject to the granting of a conditional use permit:

~~a. Incidental public service purposes, including but not limited to burying cables and pipes or inspection of piers and maintenance of existent intake and outfall lines;~~

~~b. Aquaculture.~~

A. In all habitat areas, those recreational facilities included in a publicly adopted State Park and Recreation or Department of Fish and Game Master Plan.

B. In all habitat areas, wetland or stream restoration programs.

C. In riparian habitat areas and wetland buffer areas, recreational trails.

D. In riparian habitat areas, new roads where crossings shall be limited, when feasible, to right angle crossing of streams and stream corridors.

E. In all habitat areas, fences and access trails necessary to protect the area map be placed.

F. In all habitat areas, one single-family residence and appurtenant structure when denial of such

would otherwise substantially deny all reasonable use of the parcel , including use of incentive density, and where such development will be sited and designed to prevent impacts which would significantly degrade the environmentally sensitive habitat area. Height limits shall be as in the R-1 district.

~~C. Specific Standards for Granting Use Permits. In addition to the requirements of Chapter 17.82, the following specific standards will apply to the granting of use permits in any identified wetlands in this district:~~

~~1. The diking, filling or dredging of open coastal waters, freshwater wetlands, estuaries and lakes shall be permitted where there is no feasible, less environmentally damaging, alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects;~~

~~2. The dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment shall be transported for such purposes to appropriate beaches or into suitable longshore current systems as identified in the coastal element of the city's general plan, more specifically those guidelines concerning diking, dredging and filling of shoreline structures;~~

2. ~~The diking, filling or dredging of existing estuaries and/or wetlands shall maintain or enhance the functional capacity of the wetland or estuary.~~

~~17.72.030~~ **17.72.040** General Provisions

A. The General Plan land use map identifies the locations of environmentally sensitive natural resource areas (wetlands and riparian habitat areas). Where question or dispute arise over the location of a habitat boundary the applicant shall provide the following information:

1. A base map delineating topographic lines, adjacent roads, and the location of all dikes, levees, flood control channels, tide gates, streams, rivers water bodies and wetlands located on the site;

2. A map of soils classifications on the site ;

3. A vegetation habitat map of the site; and

4. A professional biologists report which shall include an adequate description of the flora, fauna, fish, birds, mammals, or other wildlife which occupy the site or are habitually found thereon, setting forth with detail those areas where federal or state listed plant and animal species or their habitats may be found on the site. The report shall include the findings of a site visit, discussion of soils and habitat classifications at the site, and any conclusions, recommendations and/or mitigating circumstances which address the boundary issue.

5. Any other information pertinent to the particular project which might be necessary for the review of the project requested by the City Planning department.

The definitions of wetlands and riparian vegetation within the General Plan and consultation with the California Department of Fish and Game and the U.S. Army Corps of Engineers, shall be utilized for determinations.

~~A.~~ **B.** Wetland Buffer. **Where a wetland habitat is not within a designated riparian vegetation corridor, a** ~~A~~ buffer area of ~~fifty~~ **100** feet shall be maintained **in a natural condition** ~~around~~ **along the upland limits of** all identified wetlands. ~~The only allowable uses within this buffer area shall be those uses as provided for in Section 30240 of the California Coastal Act of 1976, as cited in the coastal element of the general plan. More specifically, development shall not occur within fifty feet of the landward edge of any identified wetlands except for access paths, fences necessary to protect the area, and similar uses which have either beneficial or no significant adverse effects on the environmentally sensitive habitat areas.~~ **A buffer of less than 100 feet may be utilized where it can be determined by the City that there is no adverse impact on the wetland. A determination to utilize a buffer are of less than 100 feet shall be made in cooperation with the California Department of Fish and Game. The City's determination shall be based upon specific findings as to the adequacy of the proposed buffer to protect the identified resource.** The required rear, front and side yard setbacks of a parcel may be located within the buffer area; however, no development other than that specified ~~above~~ **by this chapter** may take place within that portion of the yard setbacks located within the buffer area. Buffer areas for wetlands shall be measured landward from the edge of the identified wetlands.

~~B. Determination of the Wetland Boundaries. Wetlands may be generally portrayed on the city's coastal zone map and those areas as purchased by the Department of Fish and Game, or as modified using the criteria of Sensitive Habitat Policy 3 of the coastal element of the general plan.~~

~~C. Street Improvements. Streets indicated in the McNamara Gillespie annexation area have not been developed; their development is subject to LCP policies and permit requirements.~~

C. Riparian Vegetation Corridor. Native vegetation along any river, stream or creek shall be maintained from the top of highest bank to the top of highest bank to provide bank stabilization, water quality and wildlife habitat. Additional setback from top of highest bank may be required for geologic or flooding safety. Within this top of bank/safety area 80% of the native vegetation canopy shall be retained. Native trees which canopy the watercourse shall be retained unless an existing structure is immediately threatened or a permitted use activity is approved. Where such a new permitted activity occurs native riparian vegetation shall be replaced and maintained on-site, in kind with native species. Where non-native vegetation is removed it shall be replaced and maintained on-site, in-kind with native species.

D. Any dredging and/or spoils disposal undertaken as part of the maintenance and repair of existing public facilities (such as flood-control and drainage channels, roads or road crossings or utilities) shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation.

17.72.040 Conservation incentive density bonus.

Where the property owner chooses, they may offer to the City or another public agency an easement, the ownership or another acceptable method of open space dedication for that portion of their property designated as NR Natural Resources. In such cases the City shall provide the property owner with a development agreement, in such form and content as may be acceptable to the City, which provides for residential development density credit, above that permitted by the General Plan, on the immediately adjacent non-NR area of the subject parcel. This provision shall be subject to meeting all of the following criteria:

1) The offered lands within the Natural Resources zone district shall be substantially in a natural undisturbed state; and

2) The offer for dedication and development agreement shall be negotiated with the City and approved by the City Council prior to recordation of the dedication. The development agreement shall be recorded at the same time as the dedication: and,

3) The residential density bonus shall be calculated based only on the geometric area zoned NR which is to be dedicated; and

4) The density bonus granted shall not exceed one-third of the density which would be permitted if the Natural Resources zone were designated the same land use as the adjacent area. Where the adjacent area is designated for residential use its density shall be used. If the adjacent area is designated for commercial use, up to twelve or fifteen units per acre shall be used, as specified for the commercial area density by the General Plan. Where two designations are adjacent the lower density shall be used as typical; however the additional units may be located in either area; and

5) The development agreement bonus units shall be located only on immediately adjacent lands owned by the same property owner which are not in the resource conservation area. The units may not be applied to lands not adjacent nor to lands owned by another party. However, provision may be made in the development agreement permitting the right to the additional units to transfer with property title if the owner wished to sell at a later date.

New Chapter

17.74
COASTAL ZONE SIGNS

Sections:

17.74.010 Purpose.
17.74.020 Applicability.
17.74.030 Definitions.
17.74.040 Types—Generally.
17.74.050 Special provisions.
17.74.060 Sign permits.
17.74.070 Temporary permit required when.
17.74.080 Prohibited signs.
17.74.090 Variances.
17.74.100 Appeals.
17.74.110 Residential zones.
17.74.130 Coastal Zone Commercial-waterfront (CZ-CW) zones.
17.74.140 Coastal zone general commercial (CZ-C2), coastal zone highway services (CZ-HS), coastal zone harbor-related (CZ-HR) and coastal zone harbor-dependent (CZ-HD).
17.74.150 Illumination.
17.74.160 Community promotion signs.
17.74.170 Exempt signs.
17.74.180 Historical signs.
17.74.190 Enforcement
17.74.200 Matrix of regulations.

17.74.010 Purpose.

A. The surroundings of the city are possessed of natural beauty having both giant redwoods and the Pacific Ocean at the disposal of its citizens. The city's economy is dependent on a vigorous local business economy, spawned in part by tourism and its residential environment. The purpose of this chapter is to regulate signs in the city. Signs have an obvious impact on the character, quality and economic health of the city. As a prominent part of the scenery, signs may attract the viewing public, affect the safety of vehicular and pedestrian traffic, and help set the tone of the community.

B. It is the intent of the city that this chapter emphasize the importance of business activity to the economic vitality of the city, help improve the ability of business owners and operators to identify their businesses to the community to enhance the furtherance of commerce, foster varied and interesting places of trade and promote public safety by making business signing visible to the passing public. This chapter is further intended to encourage the use of signs that:

1. Protect and enhance the architectural character, harmony and natural beauty of the community, its buildings and its various neighborhoods and districts;

2. Protect commercial districts from sign clutter;

3. Protect the public's ability to identify users and premises without confusion;

4. Eliminate unnecessary distractions which may jeopardize pedestrian or vehicular traffic safety;

5. Are as small in size and few in number as is consistent with their purpose of communicating identification and essential information;

6. Protect the right of the public to be directed, warned, advised and informed;

7. Possess a satisfactory aesthetic effect and pleasing elements of design that relates to the form, proportion, material, surface treatment and position;

8. Assure the maintenance of signs;

9. Implement the community design objectives expressed in the general plan;

10. Prohibit political signs on public utility or street sign poles because it is necessary to prevent visual distractions to motorists that create traffic hazards, prevent the obstruction of road hazards and road signs, and to prevent eyesores from proliferating along public streets;

11. Regulate the size of political signs because it is necessary for safety and aesthetic reasons, specifically that the strong winds common in the city would remove the signs, creating hazards and accumulation of debris, and extremely large or illuminated signs would create a distraction to motorists.

C. The general sign usage provisions and regulations of this chapter shall apply. The additional sign usage authorized hereunder shall be strictly construed in its application.

17.74.020 Applicability.

A. This chapter shall apply to on-premises advertising displays which meet any of the following criteria:

1. On-premises advertising displays placed or constructed on or after January 1, 2003;

2. Any on-premises advertising display placed or constructed on or before January 1, 2003 that was not in compliance with all ordinances and regulations in effect at the time of its construction and erection or use;

3. Any on-premises advertising display which was lawfully erected, but whose use has ceased, or the structure upon which the display has been abandoned by its owner, for a period of not less than ninety days;

4. Any on-premises advertising display which has been more than fifty percent destroyed, and the destruction is other than facial copy replacement, and the display cannot be repaired within thirty days of the date of its destruction;

5. Any on-premises advertising display whose owner, outside of a change of copy, requests permission to remodel and remodels that advertising display, or expand or enlarge the building or land use upon which the advertising display is located, and the display is affected by the construction, enlargement or remodeling, or the cost of construction, enlargement or remodeling of the advertising display exceeds fifty percent of the cost of reconstruction of the building;

6. Any on-premises advertising display for which there has been an agreement between the sign permit holder and the city for its removal as of any given date;

7. Any on-premises advertising display which is a temporary sign;

8. Any on-premises advertising display which is or may become a danger to the public or is unsafe;

9. Any on-premises advertising display which constitutes a traffic hazard not created by relocation of streets or highways or by acts of any city or county;

10. Except where the provisions of this chapter provide for earlier sign removal, on-premises advertising displays located in redevelopment project areas created pursuant to Community Redevelopment Law of Division 24 of the California Health and Safety Code, shall be removed or made to conform within sixty days after written notice by the community development department, in accordance with the following schedule:

Amortization Period	Original Value of Sign
One year	Less than $500.00
Two years	$500.00 to $999.00
Four years	$1,000.00 to $2,999.00
Eight years	$3,000.00 to $5,999.00
	More than $6,000.00

The permit holder of a redevelopment area sign shall, upon written request of the community development department, furnish acceptable proof of the initial cost in the form of: (a) an original bill of sale, or (b) a depreciation schedule from state or federal income tax returns, or (c) a written appraisal by a sign manufacturer;

11. Advertising displays located in areas listed or eligible for li sting on the National Register of Historic Places;

12. Advertising displays located in areas registered by the California Department of Parks and Recreations as a state landmark of historical interest pursuant to Section 5021 of the California Public Resources Code;

13. Advertising displays located in areas created as historic zones or individually registered properties by the city pursuant to Article 12 of Chapter 1 of Division 1 of Title 5 of the California Government Code.

B. Legal Nonconforming Signs.

1. Legal nonconforming signs shall be removed or made to conform with the provisions of this chapter within sixty days after written notice by the community development department, when:

a. The use of the premises changes and the exterior of the building or other site conditions are to be altered; or

b. A sign is damaged or destroyed by any cause, to the extent that the cost of repairing or replacing it would be more than fifty percent of its value immediately prior to the damage; or

c. In accordance with the provisions for abatement outlined in Section 17.74.190.

2. Except as otherwise provided in this chapter, nonconforming on-premises signs shall be made to conform to the provisions of this

chapter upon the change of a name of any business, the relocation of any business, or an application for a sign for any business.

3. General Provisions. A legal nonconforming sign may not be:

a. Changed to another nonconforming sign; or

b. Structurally altered to extend its useful life; or

c. Expanded, moved or relocated; or

d. Re-established after damage or destruction of more than fifty percent of the dollar value of the sign as determined by the community development director.

4. Ordinary repair and maintenance may be made to a legal nonconforming sign provided that such maintenance and repair does not exceed twenty-five percent of the actual dollar value of the sign in any one year.

5. Exceptions to the provisions of this section may be granted, in the form of a variance, by the planning commission upon the application of any owner of a sign who presents substantial evidence showing the following:

a. There are exceptional circumstances applicable to the property on which the nonconforming sign is located, including size, shape, topography, location or surroundings which make it practically impossible to identify effectively the property to the public if strict application of all the provisions of these regulations are required; or

b. The sign possesses unique features which make it a significant part of the community character of the area in which it is located.

17.74.030 Definitions.

As used in this chapter:

"Abandoned sign" means any sign or advertising display remaining in place or not maintained for a period of ninety days which no longer advertises or identifies an ongoing business, product or service available on the business premises where the sign or display is located.

"Advertising display" means the same as "sign."

"A-frame" means a sandwich board sign.

"Architecturally controlled sign" means any sign that is submitted as part of, or related to, the design of a building, or group of buildings, constructed for commercial purposes, and that has gone through an approved process of design review.

"Awning/canopy sign" means any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or nonpermanent structural protective cover over the doorway, window, patio or other part of the exterior of a building. A marquee is not an awning or a canopy.

"Balloon" means a nonporous bag containing a gas lighter than air causing it to rise and float above the ground.

"Banner" means a sign made of flexible materials such as cloth, canvas, plastic or cardboard.

"Beacon" means a rapidly rotating fixed light giving the appearance of a flashing light.

"Bed and breakfast establishment" means a residential dwelling occupied by a resident person or family, containing individual living quarters occupied on a transient basis for compensation, and in which a breakfast may be provided to the guests.

"Billboard" means a sign structure which is made available for lease or rent for the purpose of off-site advertising.

"Changeable copy sign" means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face of the sign.

"Community event" means an occasion or activity sponsored by either a governmental or quasi-governmental agency (such as the harbor district, city of Crescent City, Del Norte County, the Crescent City business and parking improvement district, or chamber of commerce) or by a not-for-profit organization (such as a church or a civic organization), the purpose of which is to benefit the community as a whole, either by raising funds through a specific event to address a specific issue (such as the United Way Ball), by publicizing the area to visitors (such as street fairs) or for the purpose of a community-wide celebration (such as the fourth of July).

"Construction signs" means a temporary sign erected on the premises on which construction is taking place identifying the names of the persons or companies involved in the project.

"Curbline" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curbline shall be established by the public works director.

"Directional sign" means an accessory sign designed to guide or direct pedestrian or vehicular traffic.

"Display surface" means the area made available by the sign structure, including the background area, for the purpose of displaying an advertising message.

"Double-faced sign" means a sign with two faces only, with each face oriented one hundred eighty degrees from the other. Such sign may be a pole, projecting, hanging or roof sign.

"Enforcement officer" means the public employee or officer designated by the legislative body of the city to perform the duties imposed by these regulations.

"Flag" means a usually rectangular piece of fabric of distinctive design that is used as a symbol or as an attracting or signaling device. Corporate flags contain the name or logo of an incorporated business or organization. Governmental flags are duly recognized symbols of a city, state or nation.

"Flashing" means sudden bursts of light. In certain uses it appears to simulate movement.

"Freestanding sign" means a sign not attached to any building and having its own support structure, such as a pole or a monument-style base.

"Frontage" means the distance in feet of a lot measured along a street right-of-way.

"General advertising sign" is a sign which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which such sign is located, or to which it is affixed, and which is sold, offered or conducted on such premises only incidentally if at all.

"Grand opening" means the first thirty business days of a new business.

"Ground sign" means the same as "monument sign."

"Hanging sign" means a sign that is suspended from the underside of a horizontal plane surface, such as a marquee, awning or canopy, or from a bracket, and which is supported by that surface or bracket. "Holiday decorations" means wording, symbols or pictures of a noncommercial nature which may be erected or displayed in reference to a specific seasonal, political or religious holiday. Sale announcements are not holiday decorations.

"Horizontal sign" means a projecting sign having its greatest dimension in a horizontal direction.

"Identification" means a sign giving the name, nature, logo, trademark or other identifying symbol of an establishment.

"Institutional use" means a nonprofit, public or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for a public purpose.

"Legal nonconforming signs" means on-premises advertising displays which do not conform to the provisions of this chapter but which lawfully existed and were maintained prior to January 17, 1996.

"Luminescence" means an emission of light produced by electrical action.

"Mansard roof means a roof having two slopes on each side, with the lower slope steeper than the upper one.

"Marquee" means any permanent-roofed structure made of a nonflexible material, which is attached to and supported by a building, and which projects over public property.

"Monument/ground sign" means any sign other than a pole sign, placed upon or supported by the ground independent of any other structure.

"Mural" means a decorative scene or graphic design painted on and made an integral part of a wall surface, and making no reference to a specific business or brand of product offered for sale on the premises.

"Nameplate" means a small sign stating only the name and/or address of the occupant(s), and his or her profession or specialty. However, in the case of bed and breakfast establishments, only, nameplate additionally means a sign displaying the name of the establishment.

"On-premises advertising display" has the same definition as California Business and Professions Code Section 5490(b) as amended or supplanted.

Paper Signs. Paper signs tacked or otherwise fastened to a side of a building or bulletin board, or outside of a window are temporary signs unless enclosed in a frame with a glass, Plexiglas or equivalent cover.

"Parapet" means the extension of the main walls of a building above the roof level, such as a false front. Parapet walls are often used to shield mechanical equipment or vents from view.

"Pennant" means a flag which tapers to one or two points. "Pennants" also refers to strings of small flags or strips which can be hung either attached to a building or across an open parking area.

"Placard" means a nonpermanent announcement or sign in the form of a small card, such as a poster or plaque.

"Pole sign" means a freestanding sign that is wholly supported by one or more posts or poles, free of braces or cables, either in the ground or in a concrete base.

"Portable sign" means a sign that is not permanently attached to the ground or to a structure.

"Projecting sign" means a sign other than a wall sign or awning sign which projects out from and is supported by a wall of a building or structure.

"Projection" means the distance by which a sign extends over or beyond the edge of a building.

"Public right-of-way (RoW)" means a public street, sidewalk or accessway.

"Real estate sign" means a sign of any size advertising real property for sale or lease, including "open house" signs.

"Revolving sign" means a sign whose face(s) turn round on an axis, usually a pole of any height.

"Right-of-way (RoW)" means the same as "public right-of-way."

"Roof height" means the vertical distance measured from the average grade level of the building (the ground) to the highest point of the roof, ridge or parapet wall.

"Roof sign" means a sign erected upon or above a roof or parapet of a building or structure.

"Sandwich board sign" means a portable sign consisting of two hinged boards designed to stand alone for display, and which may be folded and moved from place to place. Also known as an "A-frame. "Setback" means the minimum horizontal distance from the building to the property line as prescribed by this title.

"Sign" means any writing, pictorial representation, symbol, banner, or other figure of similar character of any material that is used to identify, announce, direct attention to, communicate, inform or advertise.

"Sign area" means the area in square feet of the smallest rectangle enclosing the total exterior surface of a sign, or of one face of a double-faced sign.

"Sign height" means the vertical distance from the average grade at the base of the sign structure to the uppermost point of the sign.

"Sign structure" means any structure that supports, or is capable of supporting any sign as defined in this chapter. A sign structure may be a single pole, several poles, frame structure, or solid base, or may be an integral part of a building.

"Spinner" means any advertising or attention-getting device which includes a part or parts which turn, gyrate or revolve rapidly.

"Streamer" means any long wavy strip, either free-floating or attached at both ends, as alongside a building or over a parking lot or other open area.

"Structure" means that which is built or constructed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined in some definite manner; but not including fences, or walls used as fences that are three feet in height or less.

"Suspended sign" means the same as "hanging sign."

"Temporary sign" means any sign or advertising display constructed of fabric, canvas, paper, plywood or other such light material, not permanently erected, and constructed, created, intended or engineered to have a useful life of less than fifteen years. Temporary signs may include, but are not limited to vehicle and trailer signs, banners, balloons, sandwich boards and paper signs.

"Time and temperature device" means any device which displays the current time and temperature, usually in the form of a clock and thermometer or an electronic digital display unit. Often such devices include the name or logo of the business upon whose premises the device is located.

"Trailer sign" means any sign mounted on a trailer or cart so as to be movable by being pulled about.

"Twirler" means the same as "spinner."

"Vehicle sign" means any sign which is painted or mounted on an operating or nonoperating vehicle, which is parked on or adjacent to any property, the principal purpose of which is to attract attention to any business, service, product or an activity, or to convey a message for which other avenues of expression are readily available. For the purpose of this chapter, vehicle sign regulations shall not apply to business vehicles on which the business name or logo is painted or attached, and which are driven in the normal course of business activity.

"Vertical sign" means a projecting sign having its greatest dimension in a vertical direction.

"Wall sign" means a single-faced sign painted on or attached parallel to a building or wall.

"Window sign" means a sign maintained in or painted upon a window so that its message can be seen from the exterior of the structure. Window signs do not include holiday decorations.

17.74.040 Types— Generally.

The types of signs set forth in this section will be permitted for the various uses allowed in Sections 17.74.110 through 17.74.140 and must be limited to the restrictions set forth in Section 17.74.020, in addition to those required in Sections 17.74.050 through 17.74.080. Additional special use signs are also listed in this section.

A. Signs having Double Faces. Pole signs, revolving signs and projecting signs may have double faces. Where such signs and marquees have double faces, and are included in the total sign area, the area of only one face need be included in the total area allowed. Where the two faces are of different areas, the larger of the two must be counted as part of the total sign area.

B. Projecting Signs. Projecting signs identifying a business located on the premises shall be located no less than nine feet above the sidewalk, may not project above the roofline of a wall or building, and shall project into public property no more than thirty-six inches from the side of the building. The area of such sign shall be included in the total allowable aggregate sign area as provided in this chapter.

C. Wall Signs.

1. Flat wall sign(s) identifying each business conducted on the premises may be painted on the surface of the building or attached to the face of the building, no point of which shall project over eighteen inches from the face of the building. Wall signs shall not occupy more than fifty percent of the building surface envelope excluding window areas, and shall not project above the top of the wall or above the roofline of the building to which they are attached. Hie area of such sign shall be included in the total allowable aggregate sign area as provided in this chapter.

2. On buildings which are two or more stories in height, but which are occupied above the first floor by other than the ground floor business, the first floor envelope shall extend to the bottom of the second floor window line. The second floor envelope shall extend from the bottom of the second floor window line to the bottom of the above floor window line, or to a line one and one-half feet below the roofline or top of the wall.

D. Marquee Signs.

1. For purposes of computing sign area, signs on the face of a marquee which is parallel to the front wall of a building shall be considered as part of the flat wall sign envelope, and signs on other faces of the marquee shall be considered as a double-faced projecting sign.

2. Single-faced or double-faced signs placed under marquees or canopies shall be limited to a maximum size of eighteen inches high and sixty inches long, and shall be not less than nine feet from the sidewalk to the bottom of the sign. Only one side of these signs shall be used in computing total aggregate sign area.

E. Pole or Freestanding Signs. Provisions for pole or freestanding signs shall be as follows:

1. Minimum height in a vehicular area: fourteen feet to the bottom of the sign;

2. Minimum height over a public pedestrian area: ten feet to the bottom of the sign;

3. Maximum height: thirty feet to the top of the sign absent a variance;

4. Minimum setback from the right-of-way line: one-half the distance from the road right-of-way line to the legal setback line;

5. Only one pole sign shall be permitted per parcel where allowed;

6. The minimum ground area of two feet around the perimeter of the base of all freestanding signs shall be landscaped. The community development director may exempt certain freestanding signs from this requirement where it is demonstrated by the applicant that the landscaping would unduly interfere with pedestrian or vehicular traffic, or where this requirement would be impossible to meet without compromising the stability of the sign structure.

F. Monument or Ground Signs. Monument or ground signs shall not exceed five or ten feet in height, depending upon the regulations for the zone in which the sign is being placed, unless a variance for a higher sign has first been approved by the planning commission. Such signs shall not impede vehicle sight distance.

G. Canopy or Awning Signs. Signage shall only be permitted on the valance of the canopy or awning, or as hanging signs suspended below the canopy. Hanging signs suspended below canopies shall not exceed eighteen inches in height or sixty inches in length, and shall be hung at a height not less than nine feet measured from the sidewalk to the bottom of the sign. Sign area shall be computed using only one face of the hanging sign.

H. Architecturally Controlled Signs. Architecturally controlled signs for a special development of an unusual nature or size may be reviewed and approved if acceptable by the planning commission for their conformance with the intent of this chapter, with the goals of the general plan, and for their appropriateness to the type of development to which they are related. The determination that such a review is desired may be made by the community development director.

17.74.050 Special provisions.

The following provisions shall apply to all signs generally permitted by this title:

A. A sign permit must be issued before the display of any signs other than exempt signs.

B. The use of any sign that is obnoxious in character or location or which is architecturally undesirable in the judgment of the community development director can be denied even though such sign complies with all other provisions of this title. The decision of the community development director is appealable to the planning commission. A fee may be charged to cover the cost of bringing the appeal before the planning commission. .

C. Materials used in the construction of signs and sign structures and the construction thereof shall comply with the Underwriters Laboratory and the latest adopted edition of the Uniform Sign Code, Uniform Building Code, National Electric Code, and other applicable laws and ordinances.

D. Once constructed, the front and back of all signs and sign structures shall be fully painted and shall be maintained in a safe condition and neat appearance.

E. Signs that tend to attract motorists to a roadway-oriented business shall not be lighted except during hours that the merchandise or services are available.

F. Sign structures not used for signage purposes for more than twelve months shall be considered a nuisance and shall be removed.

17.74.060 Sign permits.

A. Terms. Sign permits may be revocable, conditional or valid for a term period, and may be issued only for the construction and display of signs as outlined in these provisions.

B. Permits Required. A sign shall not hereafter be erected, re-erected, constructed, altered or maintained, except as provided by this code and only then after a permit for the same has been issued by the community development department. A separate permit shall be required for a sign or signs for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electrical signs. Each application for a sign permit shall be reviewed by the city building inspector who is authorized to determine if a building permit shall additionally be required as a condition to the issuance of a sign permit. A building permit shall be required when the proposed sign's erection, re-erection, construction, alteration or maintenance may potentially adversely affect the public's health, safety or welfare. Sign permits may be issued to any person with a possessory or estatehold interest in the real property where the sign is sought to be placed or to a contractor licensed by the Department of Consumer Affairs and employed by such person to perform the sign's erection, re-erection, construction, alteration or maintenance.

C. Application for Permit.

1. Application for a sign permit shall be made in writing upon forms furnished by the community development department. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the applicant and properly identify the applicant's interest in the real property where the sign is sought to be placed or as a contractor licensed by the Department of Consumer Affairs employed to perform the sign's erection, re-erection, construction, alteration or maintenance. The application must be accompanied by plans and specifications for all signs to be constructed. Such plans and specifications shall specify:

a. The materials of which the sign and its structure shall be constructed; and

b. The sign's location on the property; and

c. The type of construction to be used in the sign; and

d. The message and pictorial representations which will appear on the sign(s); and

e. The dimensions of its size; and

f . Any other existing signage or display already on the property.

2. Standard plans may be filed with the community development department.

3 . The application will be reviewed by the city ' s building and community development departments, and must be approved by each prior to the issuance of any sign permit. The applicant shall submit any additional information required by the city's building and community development departments.

D. Fees. The sign permit application shall be accompanied by fees as established by resolution of the city council. In addition, signs subject to building and electrical permits shall be subject to the fees required for the issuance of those permits.

E. Public Hearing. The planning commission may hold public hearings to discuss sign permit applications whenever it determines that such a hearing is in the public interest. The planning commission may, through the public hearing process, designate such conditions as it deems necessary to ensure compliance with the purposes of this chapter, and may require a guarantee or bond to be posted to that effect.

F. Issuance. Within thirty days of receiving a complete application for a permit which is not contingent upon any action by the planning commission or on the issuance of any other permits, the application shall, in writing, be approved, conditionally approved or denied. Conditions imposed may only be such as will assure compliance with the provisions of these regulations.

G. Inspections. All signs for which a building permit is required shall be subject to inspection as required by the building official. All signs may be reinspected at the discretion of the building official.

H. Revocation.

1. In any case where the conditions set forth in the approval of a sign permit have not been met, the permittee shall be noticed by certified mail, sent to the address shown on the sign permit application at least ten days prior to a hearing at which the status of the conditions are to be discussed. At the conclusion of the hearing, the planning commission may revoke the permit.

2. In any case where an approved sign permit has not been used within six months after the date of approval, then, without further action by the city council or planning commission, the sign permit granted shall become null and void.

17.74.070 Temporary permit required when.

The following types of signs and advertising devices are permitted with the issuance of a temporary permit from the community development department. The permit may impose conditions on the size, placement, structure, color, copy, conditions of removal or any other aspect of the display at the discretion of the community development director. Balloons may also be subject to approval by the building inspector, at his or her recommendation. A fee may be charged by the building department if an inspection of the balloon attachment is required. Any one commercial establishment may obtain a temporary sign permit under these regulations no more than three times in one calendar year.

A. Grand Opening Signs, Banners or Balloons. Pennants, signs, banners and/or balloons for the promotion of the grand opening of a new

business for a period of not more than the first thirty business days of a new business. A use permit must be granted by the planning commission in order to display such devices for any longer than thirty days;

B. Promotional Signs, Banners or Balloons. Signs, banners, balloons, pennants or other advertising devices for the promotion of special sales or other business events lasting for a period of up to five days not more than three times in one calendar year.

17.74.080 Prohibited signs.

In addition to any sign or advertising display device not specifically allowed by these provisions, the following signs are prohibited.

A. Signs having one or a combination of the following characteristics:

1. Obscene or Offensive to Morals. Containing statements, words or pictures of an obscene, indecent or immoral character

which, taken as a whole, appeal to the prurient interest in sex, and which signs are patently offensive and, when taken as a whole, do not have serious literary, artistic, political or scientific value,

2. Imitative of Official Signs. Signs (other than when used for traffic direction) which contain the words stop, go, slow,

caution, danger, warning or similar words, or signs which imitate or may be construed as other public notices, such as zoning violations, building permits, business licenses and the like;

B. Moving signs having one or a combination of the following characteristics:

1. Hashing lights or changing of color intensity,

2. Wind-blown devices such as streamers, balloons, flares, pennants, propellers and similar attention-getting displays or devices with the exception of the following:

a. National, state and/or local government flags properly displayed and maintained upon a permanently mounted flagpole or bracket,

b. One corporate or logo flag of a size not to exceed any governmental flag displayed upon the same premises,

c. Twirlers or spinners, provided a use permit has first been obtained from the planning commission,

d. Holiday decorations, in season, displayed for an aggregate period not exceeding sixty days in any one calendar year, except no advertising of the business or products shall be permitted,

3. Where there is any production of smoke, sound or other substances;

C. Portable or temporary signs, including sandwich boards, except as permitted only for grand openings or special promotions;

D. Obstructive to Use or Visibility—Hazardous Locations. No sign shall be erected in any manner which, in whole or in part, would create a hazardous condition to pedestrians or traffic alike, either by creating visual distraction, being color, sounds or glare, or by representing a traffic-control device; and

E. Signs in one or more of the following locations:

1. Within Public Places.

a. Within any public street, sidewalk, public parking lot, or right-of-way, unless they shall maintain a minimum clearance of fourteen feet above the adjoining grade level and after acquiring an encroachment permit from the Department of Public Works, except marquee signs as defined by this chapter, unless specifically provided for in this chapter,

b. Furthermore, no person except a duly authorized public officer or employee shall erect, construct, maintain, paste, print, nail, tack or otherwise fasten or affix any card, banner, flag, pennant, handbill, campaign sign, poster, sign, advertisement, or notice of any kind, or cause or suffer the same to be done, on any curbstone, lamppost, driveway, roadway, parkway, sidewalk, street, light standard, fire hydrant, bench, electrical light pole, power pole, telephone pole, traffic signal, bridge, wall, tree, parking meter, or on any other public property, except as may be required or permitted by ordinance or law; provided, that this provision shall not prohibit the placement, use and maintenance of warning signs designating street construction or repair and/or the location of underground utility lines,

c. Any flags, pennants, sign, handbill, campaign sign, poster or notice of any kind that is placed upon a public street or public property in violation of this subsection is declared to be a public nuisance and may be summarily abated in addition to other remedies provided by this code,

2. Roof signs, except mansard roof signs,

3. Projecting. Signs projecting more than thirty-six inches from the face of a building shall not be allowed except for awning or canopy signs,

4. Signs on Vehicles. No vehicle may be used as a platform or substitute for a billboard, freestanding sign or movable sign, whether parked on private property or the public right-of-way. The parking of any such vehicle on any street or on public or private property, or the movement of any such vehicle in and/or along any street for the sole or primary purpose of displaying advertising matter is declared to be a nuisance and a violation of this Section. The following exceptions are permissible under these regulations:

a. The driving, operation and movement of vehicles displaying political campaign advertisements for candidates for public office or for ballot measures, provided the same is not otherwise prohibited by this section,

b. The identification of a business enterprise upon a vehicle used primarily for the purpose of and in the usual business of the owner for transporting or servicing goods or persons for commercial or other business purposes, provided that the identification is painted on or otherwise affixed so as not to project from the usual profile of the vehicle,

c. The incidental display of noncommercial stickers, plates, license plate brackets and the like; or of customary small identifications on license plate brackets or elsewhere, of vehicle manufacturers, models or types of vehicles, or dealers or entities from whom vehicles bearing the same were purchased or otherwise obtained,

d. A single isolated movement of a sign or sign equipment or materials from one place to another within the city,

e. Vehicles located on construction sites that are directly involved with ongoing construction,

5. Miscellaneous Temporary Signs and Posters. The tacking, posting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns or sheds, on trees, poles, posts, fences, or other structures shall be prohibited, unless specifically permitted by this chapter;

F. Abandoned Signs.

1. In addition to the other requirements imposed by this chapter, signs advertising an activity, business, product or service no longer conducted on the premises on which the sign is located, or sign frames, structural members or supporting poles remaining unused for twelve months or longer, shall be removed from the site. Signs will be considered abandoned or dilapidated where the sign or any element of it is excessively weathered or structurally unsound or where the copy can no longer be seen or understood by a person with normal eyesight under normal viewing conditions,

2. This provision may be waived for set periods of time at the discretion of the community development director;

G. General advertising signs.

17.74.090 Variances.

A. Generally. When practical difficulties, unnecessary hardships or results inconsistent with the general intent and stated purpose of this chapter occur by reason of the strict application of the standards set forth in these regulations, a sign variance may be requested.

B. Application.

1. A request for a sign variance shall be made by submitting a completed permit application form and appropriate filing fee to the community development department, along with all supporting documentation pertinent to the situation, such as maps, photographs or sketches.

2. The request for variance shall be set for public hearing on the earliest available meeting date of the planning commission. The appellant shall be notified in writing of the meeting date. Notice of the hearing shall be published in a newspaper of general local circulation at least ten days prior to the hearing. The hearing may be continued from time to time.

C. Required Findings. The planning commission must make the following findings in order to approve a sign variance:

1. The strict application of the standards contained in this chapter deprives the appellant's property of privileges enjoyed by other property owners in the same vicinity and under identical use classification due to special circumstances applicable to the property including size, shape, topography, location or surroundings; and

2. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity with the same use classifications as the subject property.

D. Variance Allowed.

1. The planning commission may, upon approval of a variance sign permit, allow:

a. An increase in allowed height; and/or

b. An increase in size of not more than fifty percent; and/or

c. A reduction in the required setbacks.

2. Variances may not be granted to allow signs to meet the same standards as legal nonconforming signs in the same vicinity or use classification, and/or which may be competing for the same business patrons.

17.74.100 Appeals.

A. Appeals. Any person aggrieved by an action of the planning commission, or by city staff, may make an appeal of that decision. Appeals of decisions made by the planning department staff shall be submitted to the planning commission. Appeals of decisions made by the planning commission shall be submitted to the city clerk for review by the city council. Decisions of the city council are final, with the exception of coastal zone appealable areas. Decisions of approval for sign development(s) within the coastal zone appealable area may be appealed to the California Coastal Commission. Decisions of denial for development within such zones are final.

B. Application for Appeal. Application for appeal is made by filing a written request for appeal, along with any required appeal filing fee, within ten days of the action. The request must specify:

1. The person making the appeal, and their place of residence; and

2. The location of the proposed sign(s); and

3. The specific items of appeal and all supporting documentation; and

4. The basis for the appeal, and any information substantiating that basis (for example, failure to comply with the city's general plan or with state or local laws, or reasons why the action would adversely affect surrounding property, the neighborhood or the city); and

5. The relief of action sought. C.

Appeal Process.

1. Who May Appeal. In case the applicant or any other person is not satisfied with any decision to approve or deny a sign permit, they may appeal such decision as provided in this subsection.

2. Appeal Letter Requirements. The appeal letter shall specify:

a. The person making the appeal;

b. The specific items of appeal and all supporting documentation;

c. The basis for such appeal and information substantiating the basis for appeal (e.g., failure to comply with the city's general plan, state or local laws or stating reasons why the action of the planning director or the planning commission would adversely affect surrounding property, the neighborhood, and/or the city);

d. The relief of action sought.

3. Where and How to Appeal.

a. Decisions of the planning director may be appealed to the planning commission, and decisions of the planning commission may be appealed to the city council. Any appeal must be submitted in writing within ten calendar days of the decision and shall be accompanied by an appeal filing fee. Appeals of decisions of the planning director shall be submitted to the planning commission. Appeals of decisions of the planning commission shall be submitted to the city clerk. The appeal shall be agendized for consideration on the earliest available meeting date as determined by the city, but no later than thirty days from receipt of the appeal and filing fee. The appellant shall be notified in writing of the meeting date. In an appeal, the burden of proof is upon the appellant.

b. The appropriate reviewing authority shall consider the appeal and the record upon which the action appealed from was taken, and may, at its own discretion, cause the matter to be set for a public hearing.

c. If the appropriate reviewing authority causes the matter to be set for a public hearing, notice of the hearing shall be given by publication in a newspaper of general circulation, printed and published in the city, at least ten days before the hearing. The hearing may be continued from time to time.

d. Within thirty days of the filing of the notice of appeal, the appropriate reviewing authority shall render its decision on the matter. Failure of the appropriate reviewing authority to render its decision on the matter within thirty days of the filing of the notice of appeal shall be deemed to

be denial of the appeal and an affirmation of the action of the planning commission. The decision of the city council upon appeal is final and conclusive as to all things involved in the matter.

17.74.110 Residential zones.

The following signs are permitted in the city's residentially zoned districts (CZ-R1, CZ-R1B):

A. 1. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as fire or police stations may have wall, ground or monument signs with an area not to exceed one-half square foot of sign area for each linear foot of street frontage.

2. For parcels with multiple street frontages the allowable sign area shall be one-half square foot for each linear foot of the longest street frontage plus one-quarter square foot for each additional linear foot of frontage.

3. A sign permit shall be required for these uses, unless the entity or agency is categorically exempt.

B. Apartment complexes with four or more units may have one monument sign per street frontage not to exceed twenty-four square feet of area and five feet in height. A sign permit shall be required.

C. Approved and licensed home occupations, including day care homes, shall be allowed one name-plate not to exceed two square feet in size, stating the occupant's name, address and/or profession. A sign permit shall not be required for the nameplate.

D. Bed and Breakfast Establishments. Bed and breakfast establishments within residential zones may be permitted one sign per establishment. The sign may be one of the following:

1. One sign not to exceed twenty square feet in size. The sign may be a wall sign, hanging sign, or ground or monument sign not to exceed five feet in height. The sign shall be constructed of nonplastic materials, and only low-level lighting exterior illumination to light the sign shall be permitted. The sign must have approval of the community development department, and a sign permit shall be required.

2. One nameplate sign, made of nonplastic materials, not to exceed two square feet in size. The name-plate may bear the proprietor's name, address, and/or the name of the establishment. A sign permit shall not be required for the nameplate.

E. Exempt signs (no permit required).

17.74.130 Coastal zone- commercial-waterfront (CZ- CW) zone.

A. Sign Types Permitted. The following signs are permitted for licensed businesses in the city's coastal zone commercial-waterfront zoning districts (CZ-CW):

1. Wall signs;
2. Canopy signs;
3. Marquee signs;
4. Monument or ground signs not to exceed five feet in height;
5. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as fire or police stations may have a ground or monument sign. A sign permit is required for these uses;
6. Hanging signs;
7. Projecting signs;
8. Window signs;
9. Exempt signs. No permit required.

B. Sign Types Prohibited. The following types of signs are prohibited in the CI and CW zoning districts:

1. Pole signs, unless 'no other option is available to meet state requirements, such as for gasoline price signs;
2. Roof signs.

C. Allowable Sign Area.

1. The allowable sign area for nonresidential uses is not to exceed one square foot of sign area for each linear foot of street frontage.

2. For parcels with multiple street frontages the allowable sign area shall be one square foot for each linear foot of the longest street frontage plus one-half square foot for each additional linear foot of frontage.

3. No sign for any business shall exceed one hundred square feet, nor shall any business be restricted to less than twenty square feet of total sign area.

3. Buildings with over thirty thousand square feet of floor area shall be allowed to have one one-hundred-fifty-square-foot wall sign. Such sign shall be included in the total sign area for the parcel.

17.74.140 Coastal zone general commercial (CZ-C2), coastal zone highway services (CZ-HS), coastal zone harbor – related (CZ-HR) and coastal zone harbor – dependent (CZ-HD).

A. Sign Types Permitted. The following signs are permitted for licensed businesses in the city's coastal zone general commercial (CZ-C2), coastal zone highway services (CZ-HS), coastal zone harbor-related (CZ-HR) and coastal zone harbor dependent (CZ-HD) zoning districts:

1. Wall signs;
2. Awning or canopy signs;
3. Marquee signs;
4. Monument or ground signs not to exceed ten feet in height;
5. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as fire or police stations may have a ground or monument sign. A sign permit is required for these uses;
6. Hanging signs;
7. Projecting signs;
8. Window signs;
9. Changeable copy signs;
10. Pole signs;
11. Banners. One promotional banner per street frontage. The banner must be mounted flat against the building, and must be maintained in a good condition. Tattered or torn banners must be removed;
12. Exempt signs. No permit required.

B. Use Permit Required. Twirlers or spinners are prohibited in these zones unless a use permit has first been approved by the planning commission.

C. Allowable Sign Area.

1. The allowable sign area for businesses in the coastal zone general commercial (CZ-C2), coastal zone highway services (CZrHS), coastal zone harbor-related (CZ-HR) and coastal zone harbor dependent (CZ-HD) districts is not to exceed one and one-half square feet of sign area for each linear foot of street frontage.

2. Every business shall be permitted at least twenty square feet of sign area. No sign may exceed one hundred fifty square feet of sign area, with the exception of buildings of greater than thirty thousand square feet in size, which are permitted to have one wall sign of two hundred square feet.

17.74.150 Illumination.

All signs shall be subject to the following restrictions upon illumination:

A. Light from any illuminated sign shall be shaded, shielded or directed so that its intensity or brightness shall not be objectionable to surrounding areas and uses.

B. Except for public service signs such as time and temperature units and official traffic signs, no flashing lights, beacons or other interrupted illuminating devices shall be permitted.

C. Illuminated signs are prohibited except in commercial districts.

D. Illuminated signs shall not be lighted at night unless the service or product is available at that time.

17.74.160 Community promotion signs.

A. Murals. Murals with no commercial message shall be allowed in all nonresidential zones, and on commercial use buildings in the residential-professional zones. The design must have the approval of the architectural review committee. All murals shall be maintained in a clean and tidy condition.

B. Vertical Banners. Decorative banners with no commercial message, designed to enhance the community's appearance, may be erected by not-for-profit agencies on the city's street light poles. Such banners may also be displayed by private businesses on poles located on private property. Approval must first be granted by the city council who may ask to see a sample banner before making their decision. The banners must be maintained in a good condition, with any torn or tattered banners being removed or repaired promptly. The city reserves the right to have any such banner(s) removed if it is felt that it no longer contributes to the aesthetic enhancement of the community.

C. Horizontal Banners. Street banners advertising public entertainment, community events or celebrations, or fund-raising events by community-oriented

not-for-profit organizations may be installed if approved by the public works department at locations designated by the public works director. The banners may be installed fourteen days before the event begins, and must be removed no later than seven days after the end of the event. A Cal-Trans encroachment permit must be obtained if the banner will encroach upon a state highway.

17.74.170 Exempt signs.

Except for the regulation relating to construction, maintenance, public nuisance and safety the following types of nonilluminated signs shall be allowed without a sign permit and shall not be included in the determination of the type, number or area of signs allowed per business or parcel, or by zoning district:

A. Nameplates. Nameplate signs not exceeding two square feet in display surface, and which are attached flat against the building. One per residential dwelling unit, office or business;

B. Public Signs. Signs of a public, noncommercial nature which are placed by a duly recognized governmental agency, including, but not limited to directional signs, safety signs, handicapped parking signs and signs identifying places of scenic or historical interest;

C. Rental, or Room and Board Signs. One sign per frontage, not exceeding four square feet in area, announcing room and board, room, apartment or other dwelling unit for rent;

D. Directional Signs. One sign not to exceed three square feet per entrance or exit, indicating traffic movement onto, from or within a premises;

E. Construction Signs. Signs identifying the names of the architects, engineers, contractors or other involved professionals of a building, development or subdivision under construction, alteration, repair or formation. The signs may also identify the character of the enterprise or the purpose for which the building or development is intended. Such signs may be placed on the property or attached to the outside of the building or on-site construction office only during the period of time when the project is actively under construction. Such signs may not exceed thirty-two square feet in any commercial zone, or nine square feet in any residential zone, except as required by any governmental entity. The sign(s) must be removed before a certificate of occupancy will be issued;

F. Real Estate and Subdivision Signs. One unlighted sign per frontage stating that the site is for rent or sale by the owner or named agent and giving information regarding size, price and terms. Such signs may be placed in the yard or attached to the outside of the building. Freestanding real estate signs may not exceed three and one-half feet in height from the ground level to the top of the sign. Real estate signs may not exceed nine square feet in area. Real estate signs larger than nine square feet will require a building permit;

G. Political Campaign Signs.

1. It is the intent of this code to exempt campaign signs from the regulations of this chapter relative to the placement of general advertising signs in all zones of the city, and to thereby encourage participation by the electorate in political activity during the period of political campaigns, but to permit such uses subject to regulations that will assure that political signs will be located, constructed and removed in a manner so as to assure the public safety and general welfare and to avoid the creation of a public nuisance caused by the proliferation of political advertising which would be offensive to the senses and would interfere with the comfort and enjoyment of life or property. It is the purpose of the council, in adopting this chapter to provide such regulations as will contribute to the public safety and general welfare and insure the right of political expression to all members of the community,

2. Signs or posters announcing candidates seeking elective office, or encouraging a particular stance on a measure before the popular vote. Each sign located on private property, shall be placed only with the permission of the property owner or tenant, and posted in such a way as to not constitute a public nuisance or safety hazard, and may not block the views of vehicular traffic or obstruct the public right-of-way,

3. Campaign Signs in a Public Right-of-Way. Notwithstanding any other provision of this code, a campaign sign may be placed in the public right-of-way adjacent to a public street in commercially or industrially zoned areas or along prime or major arterials in residentially zoned areas subject to the following restrictions:

a. No sign shall be attached to any utility pole, public structure, pole or structure supporting a traffic-control sign or device, or hydrant,

b. No sign shall be placed on any tree or shrub by any nail, tack, spike or other method that will cause physical harm to the tree or shrub,

c. No sign shall be placed in such a manner as to obstruct the public use of the sidewalk or interfere with the visibility of persons operating motor vehicles or constitute a hazard to persons using the public road or right-of-way,

d. No sign shall be placed in the roadway or on the sidewalk,

e. No sign shall be placed in that portion of the public right-of-way or easement past the sidewalk without the consent of the adjoining property owner or person in possession if different from the owner,

4. No political sign shall be posted more than forty-five days prior to, or ten days following an election;

H. No Trespassing Signs. One sign per street frontage, not to exceed four square feet in area indicating limitation on the use of private property by other than the owners. If more than one sign per frontage is needed the property owner or business person may apply to the planning commission for a use permit;

I. Customer or Tenant Parking Only Signs. One sign per street frontage, not to exceed four square feet in area. The sign shall contain any of the following appropriate restrictions:

1. Customer parking only,
2. Tenant parking only, or
3. Private property, no parking, The sign shall also contain the telephone number of the city police department. The lettering on the sign must contrast with the background of the sign and be at least two inches high, and made with a one-half inch stroke. The sign shall also contain the words "Violators May Be Towed." If more than one sign per frontage is needed the property owners or business person may apply for a use permit;

J. Window signs;

K. Awning or canopy signs;

L. Corporate flags and governmental flags;

M. Garage Sale, Moving Sale, or Yard Sale Signs. Signs announcing the date(s) and location of a garage sale, moving sale or yard sale. Such signs shall not be posted in a manner which will block a public right-of-way, or which will block the vision of vehicular traffic. The signs must be removed once the date of the sale is passed;

N. Banners. One banner advertising products or services for sale on the premises per street frontage per business;

O. Barbershop Poles.. Barber poles projecting not over eighteen inches from the face of the building where the barbershop is located or not projecting into the public right-of-way;

P. Holiday Decorations. Displays of a decorative, noncommercial nature for the purpose of celebrating a seasonal, political or religious holiday or a recognized community celebration, in season, for an aggregate period of not more than sixty days in one calendar year;

Q. Temporary or Seasonal Sales Booths. Signs including, but not limited to fireworks stands, pumpkin sales, Christmas tree lots, community crafts fairs and temporary certified farmer's markets;

R. Community or Special Event Signs, Including Banners. Signs and banners for noncommercial promotional events of a civic, charitable, educational, religious or community service organizations provided any applicable encroachment permit has been obtained from other governmental entities having jurisdiction. The signs or banners must be removed within fourteen days after the event.

17.74.180 Historical signs.

Signs which have historical significance to the community but do not conform to the provisions of these regulations may be issued a permit to remain provided the planning commission makes the following findings:

A. The sign has historical significance for the community.

B. The sign does not create a traffic hazard.

C. The sign does not create a visual nuisance to the character of the community.

D. The sign is properly maintained and structurally sound, or can be made so as part of an historical designation or preservation process.

E. The sign does not adversely affect adjacent properties.

17.74.190 Enforcement

A. Administration.

1. All actions taken by department heads, officials, or other employees of the city vested with the duty or authority to issue any permit, license or certificate shall conform to the provisions of this

chapter and shall issue no permit, license or certificate for uses, buildings, or structures or purposes in conflict with the provisions contained in this chapter. Any permit, certificate or license issued hi conflict with the provisions of this chapter shall be void.

2. The community development director, public works director, building official, code enforcement officer, or other person authorized by the city manager, shall be authorized to enforce provisions of this chapter and to issue citations and make arrests pursuant to state and city codes.

a. The community development director or designee shall be responsible for the following functions:

i. Interpretations of this chapter; and

ii. The review of sign permit applications for conformance with this chapter.

b. The building official or designee shall be responsible for the following functions:

i. Inspections of signs and installation of signs;

ii. Inspections of purported violations of this chapter;

iii. The enforcement of this chapter by issuing final inspection approval of sign installations;

iv. Determination whether the sign applicant must apply for a building and/or electrical permit in addition to a sign permit.

B. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the community development director, enforcement officer or their designee has reasonable cause to believe that there exists hi any building or upon any premises any condition which makes such building or premises unsafe, dangerous or hazardous or may otherwise be in violation of the code, the community development director, enforcement officer or their designee may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed by this code.

C. Violations. Any sign or sign structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this chapter and any use of land, building or premises established, conducted, operated or maintained contrary to the provisions of this chapter shall be and is declared to be unlawful and a public nuisance. All necessary legal proceedings for the abatement, removal and enjoinment thereof may be instituted in the manner provided by law and other steps as may be necessary to accomplish these ends may be utilized to apply to a court of competent jurisdiction to grant such relief as will remove and abate the structure or use and restrain and enjoin the person, firm, corporation or an organization from erecting, moving, altering or enlarging the structure or using the site contrary to the provisions of this chapter. The remedies prescribed by this section are cumulative and not exclusive.

D. Procedure.

1. The city manager, community development director, building official, city attorney or their designee may serve notice requiring the removal of any structure or use in violation of this chapter on the owner or the owner's authorized agent, on a tenant or on an architect, builder, contractor or other person who commits or participates in any violation.

2. In the event of a violation of this chapter or any regulation made under authority conferred herein, in addition to other remedies, the city attorney may institute any appropriate criminal prosecution, civil action or other proceedings to punish the perpetrator of such violation; to prevent such unlawful erection, movement, alteration, enlargement, maintenance or use; to restrain, enjoin, connect or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

E. Stop Work Orders. Whenever any sign work is being done contrary to the provisions of this chapter, the city manager, community development director, building official, city attorney or their designee may order the work stopped by notice in writing served on any persons engaged in doing such work or in causing such work to be done. Any such persons shall forthwith stop such work until authorized by the city to proceed with the work.

F. Revocation of Permit. Any permit issued under the terms of this chapter may be revoked by the community development director, public works director or building official when it appears that the sign has been erected or maintained in violation of the provisions of this chapter or any other ordinance or law. No such permit revocation shall be effective until the

planning commission affirms the revocation after a hearing set for that purpose. Written notice of the time and place of such hearing shall be given to the permit holder at least ten days before the date set for the hearing. The notice shall contain a brief statement of the grounds for revoking the permit. Notice may be given either by personal delivery or by deposit in the United States mail a sealed envelope, registered mail, return receipt requested, postage prepaid and addressed to the permit holder.

G. Owner to Remove Signs. Within thirty days after the revocation of any permit as provided in subsection F of this section, or within ten days after affirmance of such revocation the sign or signs described in such revocation shall be removed by the former permit holder. If such removal is not completed within that time, the community development department shall cause such sign to be removed, and permit holder shall be liable to city for all costs reasonably associated with the sign removal including, but not limited to, all fees, salaries (including benefits) and disposal charges.

H. Nature of Removal.

1. A sign subject to removal shall be removed in a safe manner.

2. Any accessory structures or foundations or mounting materials that are unsightly or a danger to the safety and welfare of the citizens shall be removed along with the sign.

I. Removal—Assessment of Costs. The costs involved in the removal of signs by the city shall become a special assessment against the real property upon which the sign is located. The community development department shall notify, in writing, all persons having an interest of record in the official records of the county assessor of the amount of such assessment resulting from such work. Within five days of the service of such notice, any person having any right, title or interest in the property or any part thereof, may file with the planning commission a written request for a hearing on the correctness and/or reasonableness of such assessment. In the event of such timely written request, the planning commission shall set the matter for hearing, give such person reasonable notice thereof by first class mail, postage prepaid, hold such hearing, and determine the reasonableness and/or correctness of the assessment. The planning commission shall notify, by first class mail, postage prepaid, all such persons making such request of its decision in writing within five days thereof. If the total assessment determined as provided for in this section is not paid in full within ten days after receipt of such notice, the community development department shall record in the office of the county recorder a statement of the total balance still due and a legal description of the property. From the date of such recording, such balance due shall be a special assessment against the property.

J. Collection of Assessments. The assessment shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to such special assessment.

K. Violation—Penalty. Any person, firm or corporation violating any provisions of this chapter shall be guilty of a misdemeanor or an infraction as charged per the prosecutorial discretion of the city attorney. Such person, firm or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of this chapter is committed, continued or permitted by such person, firm or corporation.

L. Nuisance Abatement. The city council determines that the public peace, safety, morals, health and welfare require that all signs and advertising

17.74.200 Matrix of regulations

SIZE REGULATIONS	Single Family Res.Zones (CZ-R1, CZ-R1B)	Apts. of 4 or more units	Commcl Watrfrnt. (CZ-CW)	General Com and Hwy Services (CZ-C2, CZ-HS)	Coastal Zone Harbor (CZ-HR, CZ-HD)	Bed and Breakfast Establish-ments
Nameplates, 2 sq. ft. of sign area, nonilluminated	X	X				X
½ sq. ft. of sign area for each linear ft. of frontage plus ¼ sq. ft of sign area for each ft. of frontage for multiple frontages	X	X				
1 sq. ft. of sign area for each linear ft. of frontage			X			
1 sq. ft. of sign area for each linear ft. of frontage plus ½ sq. ft. of sign area for each ft. of frontage for multiple frontages			X			
1 and ½ sq. ft. of sign area for each linear ft. of frontage				X	X	
Projecting sign extending not more than 36 inches from building			X	X	X	
One sign not to exceed 20 sq. ft. in area						X
Maximum sign area 100 sq. ft. per face			X			
Maximum sign area 150 sq. ft. per face				X		
Construction signs not to exceed 32 sq. ft. in area			X	X	X	
Construction signs not to exceed 9 sq. ft. in area	X	X				X
Real estate signs not to exceed 9 sq. ft. in area and 3 1/2 ft. in height	X	X	X	X	X	X
HEIGHT REGULATIONS:						
30 foot maximum to top of pole sign				X	X	
14 ft. minimum to bottom of pole sign in a vehicular area				X	X	
10 ft. minimum to bottom of pole sign in a pedestrian/landscaped area				X	X	
Ground or monument sign not to exceed 5 ft. in height and 20 sq. ft In area						X
Ground of monument sign not to exceed 5 ft. in height and 24 sq. ft. In area		X				
Ground or monument sign not to exceed 5 ft. in height			X			
Ground or monument sign not to exceed 10 ft. in height				X	X	

LOCATION REGULATIONS	Single Family Res.Zones (CZ-R1, CZ-R1B)	Apts. of 4 or more units	Commcl Watrfrnt (CZ-CW)	General Com and Hwy Services (CZ-C2, CZ-HS)	Coastal Zone Harbor (CZ-HR, CZ-HD)	Bed and Breakfast Establish-ments
One pole sign per parcel				X	X	
SIGN TYPE REGULATIONS						
Wall signs			X	X	X	
Awning or canopy signs			X	X	X	
Marquee signs			X	X	X	
Monument or ground signs		X	X	X	X	
Hanging signs			X	X	X	
Projecting signs			X	X	X	
Window signs			X	X	X	
Changeable copy signs				X	X	
Pole signs				X	X	
Banners				X	X	
Nameplate signs	X	X	X	X	X	X
Illuminated signs			X	X	X	

Chapter 17.76 COASTAL ZONE OFF-STREET PARKING

Sections:

17.76.010 Purpose.
17.76.020 When required.
17.76.030 Computation of number of spaces required.
17.76.040 Residential parking space requirements.
17.76.050 Business parking space-Requirements generally.
17.76.060 Business parking space-Number required.
17.76.070 Manufacturing parking space requirements.
17.76.080 Loading space requirements.
17.76.090 Location of required parking.
17.76.100 Parking area in residential districts.
17.76.110 Joint use.
17.76.120 Development, operation and maintenance of parking spaces.
17.76.130 Provision for reduction or waiver of parking regulations.
17.76.140 Asessment districts for parking.
17.76.150 Compact cars.
17.76.160 Appeal.
17.76.170 Parking lot requirements.

Only those sections subject to change are shown here:

17.76.020 When required.

A. Off-street parking spaces, covered parking spaces and loading areas shall be provided as specified in this chapter.

1. For construction of new buildings ~~except where a new building is proposed to replace an existing building at the exact location and to the same or lesser dimensions and bulk;~~

2. For the floor area proposed for expansion ~~to~~ **of** an existing building;

3. Whenever a change of use creates an increase in number of parking spaces required.

4. When a use is no longer considered nonconforming persuant to Chapter 17.80

B. No certificate of occupancy shall be issued for the use of any building nor a building permit issued for the erection or alteration of any building unless such use or building complies with the regulations of this chapter. This shall not be interpreted to interfere with the nonconforming use of any structure in compliance with the provisions of Chapter 17.80.

C. No parking space, covered parking space or loading area required for compliance with this chapter shall be discontinued, reduced or altered in any manner below the requirements established in this chapter unless otherwise provided or unless equivalent parking spaces, covered parking space or loading area is provided elsewhere in compliance with this chapter. .

17.76.040 Residential parking space requirements.

A. One-family dwellings shall be provided with two covered parking spaces for each unit.

Two-family dwellings shall be provided with one covered parking space and one uncovered parking space for each dwelling unit.

B. Three or more family dwellings and dwelling groups shall be provided with one and one-half spaces per dwelling unit.

C. Fraternities, sororities, dormitories, lodging, rooming and boardinghouses shall be provided with one off-street parking space for each two **adult** occupants **and each employee.**

D. Planned-unit residential developments shall be provided with ~~two parking spaces for each dwelling unit~~ **parking commensurate with the type and number of residential units as required in A and B above and, where applicable, with parking for commercial uses as outlined in 17.76.060. For residential projects exceeding five units in size additional parking for recreational vehicle storage at a minimum ratio of one space per five units.**

E. ~~Motels and hotels shall be provided with one and one-tenth parking space for each unit.~~ **Residential care facilities: one**

space for the first six client beds and one space for every four beds thereafter with an additional one space for each employee or staff member.

F. Bed-and-breakfasts shall provide one parking space per guestroom.

G. Mobilehome parks shall be provided with two parking spaces for each mobilehome.

17.76.060 Business parking space—Number required.

The type of use, size, and number of required spaces shall be as follows:

A. Transportation. Railroad, bus, air and marine terminals, one parking space for each five seats in waiting terminal.

B. Trade.

1. Wholesale, one parking space for each two employees based on largest shift, plus one space for each company vehicle.

C. Commercial Use.

1. Retail store not otherwise specified herein, one space per two hundred fifty square feet of floor area;

2. Bank, business or professional office, unless otherwise specified, one space per five hundred square feet of floor area;

3. Retail handling bulky merchandise such as furniture or automobiles, one space per five hundred square feet of floor area;

4. Medical or dental clinic or office, one space per two hundred square feet of floor area;

5. Shopping centers, one space per two hundred fifty square feet of floor area.

6. Motels and hotels shall be provided with one and one-tenth parking space for each unit.

D. Commercial Food Uses.

1. Restaurants, one space per ~~one hundred square feet of floor area~~ **three seats maximum occupancy and one per employee on the largest shift;**

2. Taverns, one space per one hundred square feet of floor area; taverns offering dancing or live entertainment, one space per seventy-five square feet of floor area;

3. Fast-food establishments, one space per fifty square feet of floor area.

E. Food Stores.

1. Convenience stores (mini-marts), one space per one hundred square feet of floor area;

2. Grocery stores, one space per two hundred fifty square feet of floor area.

F. Personal Services.

1. Self-service laundry and dry cleaning, one parking space for each three machines;

2. Beauty shops, three parking spaces per operator,

3. Barbershops, two parking spaces per chair.

G. Business Services.

1. Advertising and duplicating, employment agencies, same for professional offices;

2. Warehousing, one parking space for each two employees based on largest shift, plus one space for each company vehicle.

H. Repair Services (Wearing Apparel, Motor Vehicles, Appliances and Furniture).

1. Zero to three thousand square feet floor area, five spaces;

2. In excess of three thousand square feet floor area, five spaces, plus one additional space for each eight hundred square feet floor area in excess of three thousand square feet.

I. Professional Services.

1. General hospitals, for all bed capacities, one parking space for each two beds;

2. Convalescent hospitals, nursing homes, guesthomes, foster homes, one parking space for each three beds;

3. Residential facilities for the elderly, 1.25 spaces per unit;

4. Veterinary hospitals, six parking spaces, plus one space for each two hundred fifty square feet floor area in excess of one thousand square feet;

5. Contract construction, one parking space for each two employees based on largest shift, plus one space for each company vehicle.

J. Educational Services.

1. Child care nursery, one parking space per employee, plus three spaces;

2. Elementary schools, one parking space per employee;

3. High schools, one parking space per employee, plus one space per seven students,

a. Plus additional parking for stadium or sports arenas as required in subsection LI of this section;

4. College or university, one parking space per employee, plus one space per three students,

a. Plus additional parking for stadium or sports arenas as required in subsection LI;

5. Trade, vocation, or business schools, one parking space per employee, plus one space per two students.

K. Miscellaneous Services.

1. Churches, for all seating capacity in sanctuary or seating hall:

a. In residential zones, one parking space for each five seats,

b. In commercial zones, one parking space for each ten seats;

2. Private clubs, lodges and union halls, for floor area devoted to public assembly, one parking space for each fifty square feet floor area.

L. Entertainment and Recreation.

1. Theaters, auditoriums and sports arenas or stadiums, including school auditoriums and stadiums, for all fixed seating capacity (eighteen linear inches of bench equals one seat), one parking space for each five seats;

2. Skating rinks, dancehalls, exhibition halls, without fixed seats, for floor area devoted to public assembly or activity, one parking space for each fifty square feet floor area;

3. Bowling alleys, four parking spaces for each alley.

4. Billiard parlors, two parking spaces for each table.

5. Parks, recreation areas and pools, golf courses, as determined by the planning commission.

6. Exercise gymnasiums or clubs: one parking space for each equipment workstation, two parking spaces for small court activities such as raquetball or squash, 1 parking space per fifty square feet of dance, classroom or team court area and one parking space per employee.

M. Parking requirements for uses not specified. The parking space requirements of buildings and uses not set forth herein shall be determined by the planning director, and such determination shall be based upon requirements for the most comparable building or use specified herein, or where no such use is comparable, such space which would appear necessary to provide adequate parking for the use.

17.76.120 Development, operation and maintenance of parking spaces.

A. For the purpose of this chapter, parking spaces shall be developed in accordance with standards as adopted from time to time by resolution of the city council.

B. All off-street parking spaces, whether required or not, shall be developed and maintained in accordance with regulations contained in this chapter.

C. Approval of the location and development plan shall be secured from the planning director prior to the installation or use of any area for parking purposes which is not covered under the use permit provisions of this chapter.

D. Parking spaces and access driveways thereto shall be graded, drained and surfaced in accordance with city standards.

E. Each off-street parking space shall be designed so it can function independently of any other parking space and no space shall be approved which cannot function properly due to obstruction, restricted access, restricted turning radius or which require excessive maneuvering.

F. Whenever a parking area for commercial or industrial uses abuts the side or rear of a parcel located in a residential zone, the development plan for such parking area shall be reviewed and approved by the planning director to assure compliance with all regulations and requirements for the proper consideration and protection of the abutting residential property.

G. No sale, storage, repair work, dismantling or servicing of any kind shall be permitted on required parking spaces.

H. Ingress and egress across public sidewalks shall be made possible without the necessity of backing over the same except for property devoted exclusively to one-family, two-family or three-family dwellings. This requirement may be waived by the planning commission upon a showing of hardship and a finding that said waiver will not create a hazardous condition.

I. Required side yards and rear yards may be used for parking purposes.

J. Posts, bumpers, wheel stops or other acceptable devices shall be provided on all parking spaces located along

property lines.

K. Wherever a parking area is lighted, such lighting shall be arranged so that it is directed onto the parking area and reflected away from any residential property.

L. Public alleys may be used to satisfy a portion of the required backup space where the planning commission determines use of said alley for such purpose will not prove detrimental to traffic circulation or access to adjacent properties.

M. All parking areas ~~having five or more spaces~~ shall be developed to the following minimum standards:

1. Landscaping shall be provided along all street side property lines not occupied by driveways as follows:

a. A planter no less than ~~thirty-six~~ **sixty** inches in width **shall be** provided with an acceptable irrigation system and planted and maintained with evergreen shrubs,

b. One tree for every five spaces, **or fraction thereof, shall be provided.** Said trees **shall be** ~~being~~ a minimum ~~3/4-inch~~ **1 ½ inch** caliper in size **and a minimum of six feet tall** at time of planting, placed in tree wells at least ~~four feet by four~~ **five feet by five** feet in size, provided with a means of irrigation and maintained in a living condition. **Where two or more tress are provided half shall be of an evergreen species.**

Chapter 17.79

COASTAL ZONE SITE PLAN AND ARCHITECTURAL REVIEW

Sections:

17.79.10 Purposes and application.
17.79.020 Review committee.
17.79.30 Procedures.
17.79.035 Review standards
17.79.040 Review, referral and action.
17.79.050 Appeals to the planning commission.
17.79.060 Appeals to the city council.
17.79.070 Development requirements and improvements.
17.79.080 Building permits and occupation.
17.79.090 Lapse of site plan or architectural design approval.
17.79.100 Site plan approval to run with the land.

Shows only proposed changes:

17.79.010 Purposes and application.

A. The purposes of a site plan and architectural review are to permit the city to evaluate site plans and design of structures to assure compatibility, harmony in appearance in neighborhoods, reduce negative impacts on adjacent properties, reduce the unnecessary destruction of the environment and ground cover to avoid the creation of hazardous conditions and drainage problems, to avoid monotonous and otherwise nonaesthetic development injurious to the overall community, to provide a vehicle to encourage full development of streets servicing the properties and to assure full installation of all public utilities necessary to serve such properties.

B. Site plan review and architectural review provisions of this title shall apply to all permitted uses in the ~~CZ-RP~~, CZ-C2, **CZ-HS, CZ-CW**, CZ-O, CZ-NR, **CZ-HD** and CZ-HS districts and shall be required of all uses subject to use permit.

17.79.020 Review committee.

A. The planning commission shall establish a committee for such purposes consisting of the director of public works, the city planner, and ~~one~~ **two members** of the planning commission. The members of the planning commission should be well-versed in the city's general plan and enabling legislation. The committee may invite individuals of known expertise from within the community to assist in making such evaluations necessary to make comments and recommendations on site plans and architectural renderings submitted for consideration.

B. In the event that a member of the committee is required to ~~review~~ drawings of a project in which one of its members or its advisors has a business or professional interest, it shall seek the advice of a disinterested party. The committee will stand as established, and from time to time as conditions warrant, the planning commission may change its member as it deems fit.

17.79.035 Review standards

A. The committee shall review the application as to consistency with the applicable zoning, parking and landscaping, fencing, signage, street, sidewalk and public services requirements as set forth by this Municipal Code.

B. Where the City Council has adopted a development plan and/or development standards for a specifically defined neighborhood within the City the application shall also be reviewed for consistency with the criteria of such plan or standards.

C. Where a structure(s) 45 years or older is proposed for remodel or demolition a review of the potential for impact upon a site listed on the National Historical Register or a site of local historical significance shall be made and considered in the architectural review decision. It is the goal of the City General Plan to encourage property owners

and other land managers to preserve or rehabilitate important historical and cultural sites rather than destroying them.

D. In such case that a waiver, variance or special permit review is required review of the project shall not be completed until final action upon the waiver, variance or special permit is taken by the Planning Commission or City Council.

17.79.040 Review, referral and action.

A. Within fifteen days after the submission of drawings and applications for review the committee shall meet **to review the project.** ~~and~~ **Subsequent to the meeting it shall** render a written report recommending approval, approval with conditions, or disapproval. Action by the committee shall be final unless the applicant seeks redress from the action of the committee by making appeals as set forth in this chapter.

B. **Except as time requires to meet 17.79.035 C or D above, if** no action is taken by the committee thirty days after receipt of all drawings and applications it shall be deemed accepted and building permits may then be issued which are in compliance with the drawings submitted for review. If modifications are requested by the committee the time periods established shall not be resumed until revisions to the drawings as requested are submitted for consideration.

C. Approved plans, together with such conditions, and signed by the planning director shall be dated and mailed to the applicant and one copy placed in the files of the planning commission.

17.79.090 Lapse of site plan or architectural design approval.

A. A site plan or architectural design approval shall lapse and shall become void one year following the date on which approval by the committee, planning commission or city council became effective unless prior to the expiration of one year a building permit is issued by the code enforcement official, and construction is commenced and diligently pursued toward completion on the site or structures which were the subject of the site plan or architectural design approval.

B. Approval may be extended for an additional period for periods of one year upon written application to the planning commission before expiration of the first approval.

17.79.100 Site plan approval to run with the land.

A site plan or architectural design approved pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon the change of ownership of the site which was the subject of the site plan or architectural design approval, **subject to the provisions of 17.79.090.**

Chapter 17.80

COASTAL ZONE NONCONFORMING USES

Sections:

17.80.010 Generally.
17.80.020 Continuance of nonconforming uses of land.
17.80.030 Nonconforming uses of structures.
17.80.040 Nonconforming structures or buildings.
17.80.050 Nonconforming lots.
17.80.060 Removal of nonconforming uses of land or structures.

Only those sections proposed for change are shown:

17.80.020 Continuance of nonconforming uses of land.

No nonconforming use of land shall be enlarged, increased or extended to occupy a greater area of land than was occupied when it became nonconforming. . The lawful use of land existing on July 1, 1982, although such use does not conform to the provisions of this chapter, may be continued for a period of twenty years from July 1, 1982. A use of land which becomes nonconforming due to reclassification, change of ordinance or annexation may be continued for a period of twenty years from the date the use becomes nonconforming, **except that a legally established non-conforming two-family and multiple dwelling use may be continued for a period of thirty years unless located within an area of industrial zoning.** No nonconforming use of land shall be enlarged, increased or extended to occupy a greater area of land than was occupied when it became nonconforming.

17.80.030 Nonconforming uses of structures.

A. Maintenance. A nonconforming use of a structure or building may be maintained indefinitely in the original condition except as otherwise provided in this chapter.

B. Change of Nonconforming Use. A nonconforming use may be changed to similar use allowed in the most restrictive zoning district which would^ permit the existing use or to a use allowed in a more restricted zoning classification. When a use is changed to a use permitted in a more restrictive zoning classification and the use shall not subsequently be changed to a use not permitted in the more restrictive zoning classification. No change of use will be permitted if the new use proposed requires a use permit.

C. Expansion. A nonconforming use shall not be expanded.

D. Signs. Identification signs may be permitted on structures or buildings housing a nonconforming use provided such signs are mounted on the wall of the building parallel to the street side property line and shall not project more than twelve inches from the wall of the building and provided further that the total sign areas shall not exceed one square foot for each linear foot of building facing a public road or street.

E. Discontinuance. No nonconforming use of a structure shall continue if the use has been discontinued for six consecutive months or for twelve months during any consecutive thirty-six months. When such discontinuance has occurred, the premises or structure shall only be used for the purposes allowed in the zoning district in which it is located.

F. Damage or Destruction. Where a structure containing a nonconforming use is destroyed by any means to an extent of more than fifty percent of its market value as determined by the county assessor on the last equalized assessment roll, it shall not resume its nonconforming use but may be restored and used in conformity with the provisions of this title. **Where a legally non-conforming two-family or multiple dwelling use is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, it may be considered for restoration, reconstruction or rebuilding subject to the following criteria:**

1. **The dwelling may be reconstructed, restored, or rebuilt up to its predamaged size and number of dwelling units, and its nonconforming use, if any, may be resumed.**
2. **The project shall be subject to issuance of a building permit within two years of the date of destruction and shall comply with those California Building Standards and any other local building standards authorized under the**

Health and Safety Code in effect at the time of restoration.

3. The project shall be in compliance with the State Historical Building Code for work on qualified historical buildings or structures.
4. The project shall otherwise be constructed in compliance with City zoning ordinances so long as the predamage size and number of units is maintained.

Reconstruction of such units in an area zoned as industrial shall be prohibited.

17.80.040 Nonconforming structures or buildings.

A. Maintenance. A nonconforming structure or building may be maintained indefinitely in the original condition except as otherwise provided in this chapter.

B. Enlargement or Alteration. No nonconforming building may be enlarged or altered in any way which increases its nonconformity.

C. Repairs. Repairs of an ordinary nature may be made in any period of twelve consecutive months including repair or replacement of nonbearing walls, fixtures, wiring and plumbing to an extent not to exceed ten percent of the market value of the building as determined by the county assessor on the last equalized assessment roll. Work which is required to strengthen or to restore the building to a safe condition as determined and ordered by code enforcement official or other city or state officer by reason of statute or ordinance shall not be included within the ten percent limitation.

D. Damage or Destruction. If a nonconforming structure is destroyed by any means to an extent of more than fifty percent of its market value as determined on the last equalized assessment roll at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title. Where a legally non-conforming two-family or multiple dwelling use is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, it may be considered for restoration, reconstruction or rebuilding subject to the following criteria:

1. The dwelling may be reconstructed, restored, or rebuilt up to its predamaged size and number of dwelling units, and its nonconforming use, if any, may be resumed.
2. The project shall be subject to issuance of a building permit within two years of the date of destruction and shall comply with those California Building Standards and any other local building standards authorized under the Health and Safety Code in effect at the time of restoration.
3. The project shall be in compliance with the State Historical Building Code for work on qualified historical buildings or structures.
4. The project shall otherwise be constructed in compliance with City zoning ordinances so long as the predamage size and number of units is maintained.

Reconstruction of such units in an area zoned as industrial shall be prohibited.

E. Relocation. If a nonconforming building is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located.

New Chapter

17.83
COASTAL ZONE
SPECIAL ZONING USES

Sections:

17.83.010 Senior second units.
17.83.020 Reasonable housing accommodation for persons with disabilities.
17.83.030 Incentives for affordable housing.
17.83.040 Small wind energy systems.
17.83.050 Installation of manufactured homes on individual lots.
17.83.060 Mobilehome Parks in residential areas.

17.83.010 Senior second units.

Where a CZ-R-1 designated parcel does not quality for a second dwelling unit pursuant to Section 17.10.020e, a use permit for a temporary second dwelling use with kitchen facilities within an existing residence, or as part of a structural addition to an existing residence, in a zone restricting residential use to a one-family unit, may be considered by the Planning Commission as a use permit for seniors in any legally existing single-family residence subject to all of the following:

A. The senior second dwelling unit use shall be used for the sole occupancy of one to two specifically named adult persons who are sixty-two years of age or over.
B. The total designated floor area for the second dwelling use shall not exceed thirty percent of the floor area of the entire structure, including any proposed addition. However, under no circumstances shall the floor area of the second unit exceed seven hundred square feet.
C. The habitable floor area of the second dwelling use shall maintain direct, internal access to the habitable floor area of the primary residence, and a direct exist outside. For purposes of this section, habitable floor areas shall include interior hallways.
D. Any structural additions or alterations shall comply with all building, zoning, health and fire code requirements.
E. Utilities for the second dwelling area (electricity, water, sewage disposal, etc.) shall be integrated into those of the primary residence.
F. When the specified occupant(s) of the senior second dwelling use no longer reside in the unit or no longer qualifies for the use permitted under these provisions, the kitchen facilities shall be removed, the area integrated into the primary unit, and the area no longer used for second dwelling purposes.
G. The use permit shall be subject to annual review and verification of compliance by the planning department or planning commission. A use permit renewal fee, in an amount determined by the City Council, may be charged.

17.83.020 Reasonable housing accommodation for persons with disabilities. It is the policy of the City to provide fair access to housing for persons with disabilities, including providing reasonable accommodation in the application of its zoning laws pursuant to federal and state law. This Title provides for residential care facilities as setforth by California Health and Safety Codes within specified residential and commercial districts. Where a request for accommodation beyond these provisions is made the following shall apply:

A. Application for Accommodation.
A request for reasonable accommodation may be made by submittal of an application to the City Planning Department. Certain factors provide the factual information necessary to develop a balance between the City's interest and the need for housing. Consideration of these factors will vary depending on whether the request is being made in a Residential or Commercial zoning district, and they can only include the physical impacts of the proposed use, not the type of residents. The factors to be considered for reasonable accommodation include the following:
1. Special needs created by the disability
2. Potential benefit that can be accomplished by the requested accommodation.

3. Potential impact of the request on surrounding uses.
4. Potential hazardous impact of surrounding environment upon the requested accommodation.
5. Physical attributes of the property and structures.
6. Alternative accommodations which may provide an equivalent level of benefit.
7. In the case of a determination involving a single family dwelling, whether the household would be considered a single family dwelling if it were not using special services which are required because of the disabilities of the residents.
8. Whether the requested accommodation would impose an undue financial or administrative burden on the City.
9. Whether the requested accommodation would require a fundamental alteration in the nature of a City program.

B. City Programs.

The following have been identified as city programs which should be considered with respect to requests for reasonable accommodation:

1. Health and Safety

   The City is charged with ensuring the health and safety standards which are embodied in the Housing Code, Fire Code, Building Codes (including plumbing, mechanical and electrical), and the National Flood Insurance Program. The following are minimum health and safety standards which are not subject to variance.

   a. Occupancy Standards. The most current California Building Code and Model Building Code (as adopted by the State of California) which have been adopted by the City prescribe the maximum number of persons per sleeping area which shall be applied.
   b. Exiting. The most current California Building Code and Model Building Code which have been adopted by the City prescribe exiting requirements.
   c. FEMA- Flood Insurance Program. The City is subject to potential flood, coastal erosion and tsunami damage. A request is located within an area designated as Zone A, B or V15 of the most current Flood Insurance Rate Map, prepared by the Federal Emergency Management Agency, shall be subject to the requirements of the city's Flood Damage Prevention Ordinance (Chapter 15.32 Municipal Code).
   d. Building permits. Building permits will be required for new construction and changes to existing structures as prescribed by the most recently adopted California Building Code, Uniform Building Code and Americans with Disabilities Act.

2. Residential zoning district

   The City recognizes the importance of sustaining and enhancing the livability of existing neighborhoods throughout the community. The City encourages a variety and mix of housing types to provide adequate choices for housing to all persons and recognizes the need to conserve the existing housing stock and preserve the environment and livability of existing residential neighborhoods. The City will therefore review requests with particular consideration given to the following issues:

   a. Residential Character. If the accommodation is requested in a residential zoning district, then it is reasonable to require that the house retain a residential character. This means that its interior and exterior design should be consistent with the style of residential structures around it. In order to promote a cohesive living environment, homes should contain sufficient common areas for the number of residents: including, at a minimum, a kitchen, dining area and living room large enough to serve the residents,

and, in the case of larger residences, congregating or recreational rooms and adequate bathrooms.

b. Parking. Recognizing that the parking demand for persons with disabilities is often less than for a similarly situated non-disabled household, the following factors should be considered in reviewing an accommodation request:
   - Nature of the disability, with respect to the ability to or likelihood to drive.
   - Proximity to public transit
   - Number of non-driving persons
   - Development of an alternate parking plan or resident transportation program

   In general, residential uses in one-family dwellings, which involve staff who also live at the premises, should meet the following guidelines:

   i. One off-street parking space for the first six (6) client beds, and

   ii. One off-street parking space for every four (4) client beds (or portion thereof) above the first six, and

   iii. One off-street parking space for each employee or staff member.

C. Notices and Hearings

1. Within thirty (30) days of the application, a Notice of Accommodation Decision is to be issued by the Planning Director and mailed to the applicant, adjacent property owners and any party who has requested notice of such determinations in writing. Adjacent is defined as those properties which share property lines with the proposed location or are directly across the street from the property for which reasonable accommodation is being requested.
2. Within ten (10) working days of the Notice of Accommodation Decision being mailed, any person may make a written appeal of the Directors decision to the Planning Commission. The appeal must state the grounds for the appeal and remedy requested. If no request is received, then the decision of the Director will be final.
3. If appeal is received a public hearing shall be scheduled at the next reasonable available Planning Commission meeting. The decision of the Planning Commission is final.

17.83.030 Incentives for affordable housing.

The City wishes to provide a balance in housing types for all households in the community. Pursuant to Section 65915 et.seq. of the California Government Code the City will consider developers proposals to provide housing for very low and low income households by the provision of a density bonus for housing developments when issues of providing such housing in an affordable manner arise. Such bonus shall be made subject to the following provisions:

A. Qualification. In order to quality for a density bonus, a project must be a low or very low income or senior citizen housing project developed in compliance with the Section 65915 et seq. For a low income project, at least twenty percent (20%) of the units shall be low income affordable, for very low income projects not less than ten percent (10%) shall be very low income affordable, and for senior citizen projects not less than fifty percent (50%) of the units shall be restricted to senior citizens.

B. Limitation. Density bonuses shall not exceed twenty-five percent (25%) of the maximum density permitted by the applicable General Plan land use designation for the subject property. For example, where the maximum allowable density based upon a land use designation is twelve (12) units per acre, the density bonus shall not exceed three (3) units per acre, yielding a total allowable density, with the bonus, of fifteen (15) units per acre. The final project unit total would then be calculated based upon the project property size.

C. Application. An application for a density bonus shall be made in conjunction with the other required applications for the development and shall be subject to the same procedures required by those applications.

D. Affordability Cost Analysis. The developer shall include in the application for density bonus a cost analysis of the proposed project, with and without density bonus, demonstrating the cost per dwelling unit and projecting sales and/or rental costs for residents. The City shall include in its review of the application a written finding as to the need for incentive or development standards waiver for the provision of affordable housing as setforth in Section 50052.2 of the Health and Safety Code. The City may deny the request if affordable housing can be provided without the requested incentives.

E. Maintenance of affordable units. In exchange for the density bonus, the developer shall guarantee the units will be maintained for very low and low income households for thirty years. The guarantee shall be in the form of a deed restriction or other legally binding and enforceable document acceptable to the City Council. The document shall be recorded with the Del Norte County Recorder prior to the issuance of a building permit. The applicant shall comply with Crescent City Housing Authority procedures for the physical maintenance of the units.

F. Development Standards.

1. All residential projects granted a density bonus shall conform to the development standards applicable, except those standards regulating density or as waived under section 17.48.050 (E).
2. Where a proposed project is to be phased in its construction the number bonus units shall either be proportionately allocated between the phases or provided in the last phase of construction.

G. Waiver of Development Standards. If the applicant can demonstrate that the increased density cannot physically be accommodated on the site then the following development standards shall be waived during site plan review to accommodate the increase density. The waiver in the standards shall follow the priority order hereby established and the applicant shall demonstrate that the increased density cannot be accommodated with each sequential waiver before the waiver of the next standard is allowed. Only one standard shall be waived unless it is shown that each individual standard waiver will not physically accommodate the proposed density. A complete site plan and floor plan shall be provided to demonstrate the physical noncompliance. Priority order for waiver is:

1. A higher percentage of compact parking;
2. Reduction in distance between buildings, subject to compliance with safety codes;
3. Reduction in rear yard setbacks;
4. One additional floor of building height above the zoning district standard;
5. Reduction in side yard setbacks;
6. Reduction in number of required parking spaces (but not less than one space per unit):
7. Reduction in front yard setbacks; and
8. Reduction in parking lot landscaping standards.

17.83.040 Small wind energy systems.

Pursuant to Section 65892.13 of the California Government Code the City shall issue a use permit for the placement of small wind energy systems subject compliance with the following criteria:

A. The size of the parcel upon which the system is located is at least one (1) net acre in size.

B. Tower height shall be limited to:

1. For project parcels between one (1) and five(5) acres in size - 65 ft in overall height.

2. For project parcel larger than five (5) acres – 80 ft overall height.

C. No part of the system, including guy wire anchors, extends closer than 30 feet to the property boundary, provided that it also complies with any applicable fire

setback requirements pursuant to Section 4920 of the Public Resources Code.

D. The system does not exceed 60 decibels (dBA), as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.

E. The system's turbine has been approved by the State Energy Resources Conservation and Development Commission as qualifying under the Emerging Renewables Fund of the commissions' Renewables Investment Plan or certified by a national program recognized and approved by the Energy Commission.

F. The application includes standard drawings and an engineering analysis of the tower, showing compliance with the Uniform Building Code and California Building Standards Code (as adopted by the City) and certification by a licensed professional engineer. A wet stamp is not required if the application demonstrates that the system is designed to meet the most stringent wind requirements (UBC Wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.

G. The system complies with all applicable Federal Aviation Administration requirements, including any necessary approvals for installations close to airports, and the requirements of the State Aeronautics Act (Part 1- commencing with Section 21001 of Division 9 of the Public Utilities Code).

H. The application includes a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

I. Unless the applicant indicates that the project will not connect the system to the electricity grid, the application includes evidence, that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owner electricity generator.

J. A small wind energy system shall not be allowed on a site listed in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

K. No small wind energy system shall be placed so that it is visible from any Coastal Scenic Resource area designated by Table 5-3 of the adopted and certified Crescent City General Plan.

L. This section shall be inoperative on July 1, 2005, and as of January 1, 2006 is repealed, unless the California legislature enacts a statutes effective on or before January 1, 2006 which deletes or extends said date as applicable to Section 65892.13 of the California Government Code.

17.83.050 Installation of manufactured homes on individual lots.

The installation of a manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act on individual lots in an area zoned for one-family residential units (R-1) in lieu of a home placed by conventional construction is permitted if in compliance with the following requirements:

A. The manufactured home shall be subject to the same development standards to which a conventional single family residential dwelling on the same lot would be subject including but not limited to, building setback standards, side and rear yard requirements, standards for enclosure and access, vehicle parking and any applicable aesthetic requirements, an minimum square footage requirements.

B. Pursuant to Section 65852.3 of California Government Code, the manufactured homes installed pursuant to this section shall conform to the following:

1. The unit shall be placed on a permanent foundation system persuant to Section 18551 of the

Health and Safety Code.

2. The unit shall have a roof overhang of not less than four (4) inches on any side, or portion thereof, and not less than six (6) inches on each end of the unit. "End" is defined as the pulling front of each section and the rear of each transported section.
3. Roofing material must consist of composition or similar shingles or tile, including a simulated tile.
4. The exterior covering material shall be a conventional home siding such as a vertical or horizontal wood base product siding or masonry, vinyl or aluminum horizontal siding.
5. The exterior covering material shall extend to within six inches of the ground, except that when a solid concrete or masonry perimeter foundation is used the exterior covering material need not extend below the top of the foundation.

C. The manufactured home placement shall be subject to the same hazard standards (bluff,FEMA, etc) as any conventional residence which would be placed on the same site.

17.83.060 Mobilehome Parks in residential areas.

Subject to the issuance of a use permit, mobilehome parks, as defined in Section 18214 of the Health and Safety Code, are permitted on all land designated by the General Plan and zoned as residential, provided that:

A. Project density, including existing or non-mobilehome park residential development, does not exceed that designated to the parcel by the land General Plan use designation for the subject parcel; and
B. Project development shall meet the adopted mobilehome park development standards;
C. Setbacks from the exterior property boundaries of the project shall be observed;
D. Parking shall be as for one-family dwellings;
E. No recreational vehicle occupancy shall be permitted.
F. Mobilehome park dwelling units shall conform to the following standards:
    1. The unit shall be placed on a permanent foundation system persuant to Section 18551 of the Health and Safety Code.
    2. The unit shall have a roof overhang of not less than four (4) inches on any side, or portion thereof, and not less than six (6) inches on each end of the unit. "End" is defined as the pulling front of each section and the rear of each transported section.
    3. Roofing material must consist of composition or similar shingles or tile, including a simulated tile.
    4. The exterior covering material shall be a conventional home siding such as a vertical or horizontal wood base product siding or masonry, vinyl or aluminum horizontal siding.
    5. The exterior covering material shall extend to within six inches of the ground, except that when a solid concrete or masonry perimeter foundation is used the exterior covering material need not extend below the top of the foundation.
    6. The manufactured home placement shall be subject to the same hazard standards (bluff,FEMA, etc) as any conventional residence which would be placed on the same site.

Chapter 17.86

COASTAL ZONE WATERFRONT ~~BUILDING~~ DEVELOPMENT

Sections :

17.86.010 Purpose of regulations.

17.86.020 ~~Detailed site plan.~~ **Building on City owned beachfront lands.**

17.86.030 ~~Preliminary plans—Objectives, standards and conditions generally.~~ **Public Access**

~~17.86.040 Leases generally.~~

~~17.86.050 Lease approval.~~

17.86.010 Purpose of regulations.

The regulations set forth in this chapter are enacted to limit the development of the beachfront or waterfront area of ~~the~~ city **owned lands** to recreational and public purposes **and to provide for public access to local beaches on adjacent lands.**

17.86.20 ~~Detailed site plan.~~ **Building on City owned beachfront lands.**

Proposals for building on City owned beachfront lands shall be subject to the following review and standards:

A. Detailed site plan. All applicants or prospective lessees or developers shall provide a detailed site plan acceptable to the city planning commission prior to city council review of the proposal.

~~17.86.030~~ **B.** Preliminary plans—Objectives, standards and conditions generally.

Prior to application for a building permit in connection with beachfront development, prospective developers shall submit preliminary plans and proposed building elevations to the city planning commission, and shall be guided by the following objectives, standards and conditions:

~~A.~~ **1.** Development along and upon the city's waterfront area shall be designed and used for tourists, recreational and harbor-related purposes.

~~B.~~ **2.** The city shall reserve such rights-of-way for street and utility purposes as deemed necessary or appropriate.

~~C.~~ **3.** The general character of development shall be in keeping with the highest standards of architectural design represented in the city area. **Natural materials such as wood** ~~Wood and~~ timber **or rock** materials should be used wherever practical. A festive atmosphere is encouraged, but all elements and aspects of the development shall be carefully designed and in good taste.

~~D.~~ **4.** The city planning commission shall examine the size, location, color, proportions, textures, orientation, accessibility, landscaping and other features of each proposed development, to ensure that all developments of the city beachfront shall be carefully designed and in good taste.

~~E.~~ **5.** Off-street parking shall be provided in accordance with the standards relating to zoning as provided in this code, and all additional areas up to fifty percent shall be reserved for off-street parking. All off-street parking areas should be suitably paved, lighted and screened by landscaping or other appropriate materials.

~~17.86.040~~ **C.** Leases generally. The particular area of the city's waterfront property available for leasing to and development by applicants shall be subject to the approval of the city council. When an application is made for leasing and developing a portion of the waterfront area, the city council shall review the application and approve or disapprove the development site.

~~17.86.050~~ **D.** Lease approval. All lease agreements entered into between the city and developers or lessees, public or private, shall be subject to the approval as to form by the city attorney.

17.86.030 Public Access

As setforth by the California Coastal Act new development along the immediate shoreline shall provide public access to and along the shoreline as outlined in the following standards.

A. For the purposes of this section "new development" does not include:

1. Replacement of any structure destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent, and shall be sited in the same location o the affected property as the destroyed

structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent, and shall be sited in the same location o the affected property as the destroyed structure. (As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owner.)

2. The demolition and reconstruction of a single-family residence, provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than ten percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.
3. Improvements to any structure which do not change the intensity of its use, which do not increase either the height or bulk of the structure by more than ten percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure. (As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.)
4. Any repair or maintenance activity which does not result in an addition to, or enlargement of maintenance activities; unless such activity will have an adverse impact on internal public access to the beach.

B. Lateral Access. New development along the immediate shoreline shall provide lateral access by access easements along the shoreline, inland of the mean high tide to the first line of vegetation or to the crest of the paralleling bluff in areas of coastal bluffs. No permit shall be issued for a project which obstructs lateral access on the immediate shoreline, inland of the mean high tide to the first line of vegetation, or the crest of the paralleling bluff. Exceptions to this requirement would be:

1. For the placement of navigational aids or shoreline protective devices to protect existing public structures;
2. Where access is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; or
3. Where adequate access already exists.

C. Vertical Access. Development along the immediate shoreline shall provide public access by access easements from the nearest public roadway to the shoreline. Priority for vertical access shall be restricted to that for sandy beach areas. Accessways to rock beaches will not be required for areas where public safety is of concern or where increased visitor pressure on biological areas or areas of unique character, sensitive to visitor pressure, will be degraded. Other exceptions to this requirement would be:

1. Where access would have unavoidable adverse impacts on environmentally sensitive habitat areas;
2. An existing vertical accessway, adequate to meet anticipated access needs, is located one-quarter mile or less from the development;
3. Where the parcel is too small to allow for an adequate vertical access corridor without passing within twenty-five feet of a proposed dwelling; or
4. Where the project site is too small for the proposed development and the access with improvements related to its use (ie parking).

D. Design and Use.

1. Access proposals which provide access for the general public over a wide range of income levels, ages, and social groups shall have priority over other private development accessways.
2. The lateral access required shall be limited to passive recreational uses unless another type of use is specified as a condition of the development permit.
3. The vertical access required shall be limited to the right of pass and repass unless additional uses are specified as a condition of development. If possible, the accessway should be sited along the border of the development and shall extend from the road (or boundary line closest to the road) to the shoreline. Adequate provision for maintenance and safety access shall also be made.

E. Dedication of Public Access

1. Prior to the issuance of a permit for development which requires coastal public access the applicant shall be required to record legal documents for the provision of access to the City, on behalf of the public, by easement.
2. As a condition to the issuance of the permit, the applicant shall be required to furnish a CLTA title report and all necessary subordination agreements. Title insurance may also be required where extensive easements are being granted. The amount of insurance shall be estimated on the basis of what it would cost to acquire an equivalent access or recreational use easement elsewhere in the vicinity.
3. Copies of the document to be recorded, title report, current deed and permit shall be forwarded to

the Coastal Commission within ten days after submission of all of the documents to the City. The City may make minor revisions to the documents to assure that the public right of access to and/or along the shoreline are protected and capable of being implemented. The Coastal Commission shall review the documents and notify the City and the applicant of any recommended revisions. If notification of inadequacy has not been received within 42 days, the City may issue record the documents and issue the permit. If revisions are recommended by the Commission, the permit shall not be issued until the discrepancies have been resolved.

F. Improvements

1. Any commercial, industrial, recreational, or residential project of more than 4 units which is subject to the provision of access shall be required to provide access improvements commensurate with the project size and access demand. Such improvements shall be outlined in the conditions of the project permit.
2. Design and construction of access improvements shall consider maintenance, safety, potential vandalism and protection of fragile coastal resources.
3. Upon completion and acceptance of access improvement construction such improvements shall be dedicated to the City for public use.

City Of Crescent City
Local Coastal Program

Title 12
STREETS, SIDEWALKS AND PUBLIC PLACES
SUMMARY OF CHANGES

New Chapter

Chapter 12.34

PUBLIC TREES

Sections:

12.34.010 Purpose
12.34.020 Definitions
12.34.030 Landmark Trees
12.34.040 Other City trees and landscaping

12.34.010 Purpose

The purpose of this chapter is to provide for and protect those trees within the city limits which are located on public lands and identified by the City Council as public trees. The City of Crescent City contains species of trees of great beauty and of historic or cultural significance to the community which are located on public lands. Additionally, the City has chosen to place additional trees on public lands for the benefit of all residents and visitors and promotion of the community in general. It is in the public interest and for the public welfare that the City establishes a program which provides for the designation and preservation of public trees in order to maintain the heritage and character of the City of Crescent City as well preserve the beauty of the community. In doing so it is also the intent of the City to provide for and protect public facilities which also serve the community which may be impacted by such trees.

12.34.020 Definitions

A. Street Tree, is a tree placed by the City in a specially constructed tree planting well within street right of way areas, typically adjacent to the public walkway and/or street curb.

B. Community Memorial Tree, is a tree which is planted on public land, with the permission of the public agency which is the landowner, as a community memorial to a person, persons and/or event and which is marked at the planting site with a plaque, sign or other identification as a memorial.

C. Public agency, is the City of Crescent City, County of Del Norte, any federal or state agency, or local district (such as the school district or harbor district) which owns property within the city limits.

17.34.030 Landmark Trees

A. Designation Criteria

A tree or group of trees shall be designated as a Landmark by action of the City Council based upon findings that the designated tree(s) meet the following criteria:

1. The tree is located upon land owned by a public agency, and
2. The tree is a species of such height, girth, form or beauty, either individually or as a group, as to be significant or unique in the community, or
3. The tree is of historic importance to the community, or
4. The tree has been placed and marked as a Community Memorial tree.

B. Designated Species

Those trees which have been designated by the City as a species of such height, girth, form and beauty as to significant and unique in the community include:

1. Any Monterey Cypress (Cupressus Macrocarpa) tree located lands within the City which are owned by a public agency.

C. Placement, removal or disturbance of Landmark Trees

1. When a species of tree designated herein as a Landmark Tree is planted upon lands within the city limits owned by a public agency it shall be considered a Landmark Tree one year after its planting and be subject to the requirements of this Chapter.
2. Trees planted with the permission of the public agency landowner as a Community Memorial Tree shall be considered Landmark Trees.

3. Community Memorial trees shall be placed upon City property only with the approval of the City Council. Those individual trees approved by the City for placement on city lands in memory of an individual without a community memorial identification shall not be considered Landmark Trees unless they are of a designated species.
4. New Landmark Trees should be planted in locations so that, at maturity, their drip line does not encroach upon existing hard surface improvements such as sidewalks or parking lots.
5. Where preexisting paving, concrete or subsurface improvements are adjacent to a Landmark Tree repair, replacement and/or upgrade of the improvements may be undertaken, however care shall be taken to preserve the tree substructure as much as feasible.
6. Where a Landmark Tree is proposed for removal by the public agency which owns it replacement shall be provided as follows:
   a. When removed because it is found that the Landmark Tree is a hazard or is dying, one tree of the same species shall be planted in the same vicinity as the removed tree within 30 days of the removal.
   b. When removed for the purpose of establishment, expansion or maintenance of a public facility, two trees of the same species shall be planted in the same vicinity as the removed tree within 30 days of completion of construction
7. It shall be unlawful for any person to break, injure, deface, mutilate, kill, destroy or caused to be removed any tree designated as a Landmark Tree, except where a dually appointed representative of the public agency owning such tree is acting to manage the tree in an acceptable horticultural manner.

12.34.040 Other City trees and landscaping.

A. It shall be unlawful for any person to break, injure, deface, mutilate, kill, destroy or cause to be removed any Street Tree or other tree or vegetation placed by the City as landscaping on public lands, except where a dually appointed representative of the City is acting to manage the tree in an acceptable horticultural manner.

B. The City Public Works Department shall be responsible for placement, inspection, maintenance, removal, and replacement of Street Trees and other trees or vegetation planted on City lands or within City right-of-ways or easements as public landscaping.

C. Any person who intends to plant a tree upon City lands or within City right-of-ways or easements shall apply to the Public Works Department for a permit to do so. The application shall explain what is to be done, the number, kind and location of the trees and how the tree will be cared for, including any improvements proposed such a irrigation. The Public Works Department may approve or deny any such permit.

New Chapter

CHAPTER 12.36

STORM WATER QUALITY MANAGEMENT

Sections:

12.36.010 Title
12.36.020 Purpose and Intent
12.36.030 Definitions
12.36.040 Applicability
12.36.050 Responsibility for Administration
12.36.060 Regulatory Consistency
12.36.070 Ultimate Responsibility of Discharger
12.36.080 Prohibition of Illegal Discharges
12.36.090 Prohibition of Illicit Connections
12.36.100 Waste Disposal Prohibitions
12.36.110 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit
12.36.120 Requirement to Prevent Control and Reduce Storm Water Pollutants.
12.36.130 Requirement to Eliminate Illegal Discharges,
12.36.140 Requirement to Eliminate or Secure Approval for Illicit Connections.
12.36.150 Watercourse Protection
12.36.160 Requirement to Remediate.
12.36.170 Requirement to Monitor and Analyze
12.36.180 Notification of Spills.
12.36.190 Authority to Inspect
12.36.200 Authority to Sample, Establish Sampling Devices, and Test
12.36.210 Notice of Violation
12.36.220 Appeal
12.36.230 Abatement by City.
12.36.240 Charging Cost of Abatement/Liens.
12.36.250 Urgency Abatement
12.36.260 Violations.
12.36.270 Compensatory Action.
12.36.280 Violations Deemed a Public Nuisance
12.36.290 Acts Potentially Resulting in a Violation of the Federal Clean Water Act and/or California Porter~Cologne Act.

Section 12.36.010 Title
This Chapter shall be known as the "Storm Water Quality Management Ordinance" of the City of Crescent City and may be so cited.

Section 12.36.020 Purpose and Intent.
The purpose and intent of this Chapter is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system.

Section 12.36.030 Definitions.
The terms used in this Chapter shall have the following meanings:

A. Best Management practices: Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include but are not limited to:

1. Treatment facilities to remove pollutants from storm water
2. Operating and maintenance procedures;
3. Facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage;
4. Erosion and sediment control practices;
5. The prohibition of specific activities and practices; and
6. Such procedures, facilities, design standards and such other provisions as the City Council determines by Resolution as appropriate for the control of pollutants.

B. City: The City of Crescent City.

C. Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq,), and any subsequent amendments thereto.

D. Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such

activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

E. Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

F. Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 12.36.080 of this chapter.

G. Illicit Connections: An illicit connection is defined as either of the following:
1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited, to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

H. Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14)

I. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits: General, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act The California Regional Water Quality Control Board, North Coast Region (hereinafter, Regional Board) and the State Water Resources Control Board have adopted general storm water discharge permits, including but not limited to the General Construction Activity and General Industrial Activity permits.

J. Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

K. Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to:
1. Paints, varnishes, and solvents;
2. Oil and other automotive fluids;
3. Non-hazardous liquid and solid wastes and yard wastes;
4. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations;
5. Floatables;
6. Pesticides, herbicides, and fertilizers;
7. Hazardous substances and wastes;
8. Sewage, fecal coliform and pathogens;
9. Dissolved and particulate metals;
10. Animal wastes;
11. Wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and
12. Noxious or offensive matter of any kind.

L. Pollution: The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code §13050).

M. Porter-Cologne Act: The Porter-Cologne Water Quality Control Act and as amended (California Water Code §13000 et seq.).

N. Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

O. Storm Drain System: Publicly-owned facilities operated by the City by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs,

and other drainage structures which are within the City.

P. Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from rain storm events.

Q. Waters of the United States: Surface watercourses and water bodies as defined at 40 CFR § 122.2. including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons.

Section 12.36.040 Applicability.
This Chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the City of Crescent City.

Section 12.36.050 Responsibility for Administration.
The Public Works Director of the City shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Public Works Director may be delegated in writing by the Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the City.

Section 12.36.060 Regulatory Consistency.
This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations,

Section 12.36.070 Ultimate Responsibility of Discharger.
The standards set forth herein and promulgated pursuant to this Chapter are minimum standards. Therefore this Chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This Chapter shall not create liability on the part of the City of Crescent City, or any agent or employee thereof for any damages that result from any discharger's reliance on this Chapter or any administrative decision lawfully made thereunder.

Section 12.36.080 Prohibition of Illegal Discharges.
No person shall discharge or cause to be discharged into the City storm drain system or into any watercourse any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

A. Discharges from the following activities will not be considered a source of pollutants to the storm drain system and to waters of the US. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this ordinance:
   1. Potable water line flushing;
   2. Uncontaminated pumped groundwater and other discharges from potable water sources;
   3. Landscape irrigation and lawn watering;
   4. Diverted stream flows;
   5. Rising groundwater;
   6. Groundwater infiltration to the storm drain system;
   7. Uncontaminated foundation and footing drains;
   8. Uncontaminated water from crawl space pumps;
   3. Air conditioning condensation;
   4. Uncontaminated non-industrial roof drains;
   5. Springs;
   6. Individual residential and occasional non-commercial car washing;
   7. Flows from riparian habitats and wetlands;
   8. Dechlorinated swimming pool discharges;
   9. Street wash waters; and
   10. Flows from fire fighting.

B. The prohibition shall not apply to any non-

storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the storm drain system.

C. With written concurrence of the Regional Board, the City may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drain system nor waters of the U.S.

Section 12.36.090 Prohibition of Illicit Connections.

A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

Section 12.36.100 Waste Disposal Prohibitions.

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

Section 12.36.110 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

Section 12.36.120 Requirement to Prevent Control and Reduce Storm Water Pollutants.

A. Authorization to Adopt and Impose Best Management Practices. The City Council may adopt, by Resolution, requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. Where Best Management Practices requirements are promulgated by the City or any federal, State of California, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or water of the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

   The Public Works Director shall maintain a record for public use of all Best Management Practices adopted by Resolution of the City Council.

B. New Development. The City Council shall adopt by Resolution, requirements identifying appropriate Best Management Practices to control the volume, rate, and potential pollutant load of storm water runoff from all applicable new development projects, as determined by Resolution, as may be appropriate to minimize the generation, transport and discharge of pollutants. The City shall incorporate such requirements in any land use entitlement and construction or building related permit to be issued relative to such development. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits.

C. Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections (a) and (b), any person engaged in activities or operations, or owning facilities or property which will or may result in

pollutants entering storm water, the storm drain system, or waters of the U.S. shall implement Best Management Practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

Section 12.36.130 Requirement to Eliminate Illegal Discharges,
The Public Works Director may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

Section 12.36.140 Requirement to Eliminate or Secure Approval for Illicit Connections.

A. The Public Works Director may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this Chapter to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this Chapter.

B. If, subsequent to eliminating a connection found to be in violation of this Chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

Section 12.36.150 Watercourse Protection
Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

Section 12.36.160 Requirement to Remediate.
Whenever the Public Works Director finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or water of the U.S., the Public Works Director may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions of sections 12.36.210 through 12.36.240 herein.

Section 12.36.170 Requirement to Monitor and Analyze.
The Public Works Director may require by written notice that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or waters of the U.S., to undertake at said person's expense such monitoring and analyses and furnish such reports to the City as deemed necessary to determine compliance with this Chapter.

Section 12.36.180 Notification of Spills.
Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. from said facility,

said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911) and the City Department of Public Works. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City's Public Works Department within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 12.36.190Authority to Inspect
Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the Public Works Director has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Chapter, the Director may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been make, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

Section 12.36.200 Authority to Sample, Establish Sampling Devices, and Test
During any inspection as provided herein, the Public Works Director may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

Section 12.36.210 Notice of Violation
Whenever the Public Works Director finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Director may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

A. The performance of monitoring, analyses, and reporting;
B. The elimination of illicit connections or discharges;
C. That violating discharges, practices, or operations shall cease and desist;
D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
E. The implementation or maintenance of source control or treatment practices.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the Public Works Director and the expense thereof shall be charged to the violator pursuant to Section 12.36.230 below.

Section 12.36.220 Appeal
Notwithstanding the provisions of Section 12.36.250, any person receiving a Notice of Violation under Section 12.36.210 may appeal the determination of the Public Works Director to the City Council. The notice of appeal must be received by the City Clerk within 7 calendar days from the date of the Notice of Violation. Hearing on the appeal before the City Council shall take place within 15 calendar days from the date of City's receipt of the notice of appeal. The decision of the City Council shall be final.

Section 12.36.230 Abatement by City.
If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal under section 12.36.220 within 10 days of the decision of the City Council upholding the decision of the Public Works Director, then the City or a contractor designated by the Public Works Director shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.

Section 12.36.240 Charging Cost of Abatement/Liens.
Within 30 days after abatement of the nuisance by the City, the Public Works Director shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 days. The City Clerk shall set the matter for public hearing by the City Council. The decision of the City Council shall be set forth by resolution and shall be final.

If the amount due is not paid within 10 days of the decision of the City Council or the expiration of the time in which to file an appeal under this Chapter, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

Section 12.36.250 Urgency Abatement
The Public Works Director is authorized to require immediate abatement of any violation of this Chapter that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the Public Works Director, the City is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the City shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent City from seeking other and further relief authorized under this Chapter.

Section 12.36.260 Violations.
It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. A violation of or failure to comply with any of the requirements of this Chapter shall constitute a misdemeanor.

Section 12.36.270 Compensatory Action.
In lieu of enforcement proceedings, penalties, and remedies authorized by this Chapter, the Public Works Director may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Section 12.36.280 Violations Deemed a Public Nuisance
In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City.

Section 12.36.290 Acts Potentially Resulting in a Violation of the Federal Clean Water Act and/or California Porter~Cologne Act.
Any person who violates any provision of this Chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Chapter shall also include written notice to the violator of such potential liability.