

Title 17

LAND USE, ZONING AND SIGNS

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Chapter 17.01

GENERAL PROVISIONS

Sections:

- 17.01.010 Adoption of the zoning ordinance.
- 17.01.020 Title of the zoning ordinance.
- 17.01.030 Purpose and effect of the zoning ordinance.
- 17.01.040 Applicability and exemptions.
- 17.01.050 Conflicts with other city regulations.
- 17.01.060 Fees.
- 17.01.070 Interpretation of provisions--Authority.
- 17.01.080 Enforcement authority.
- 17.01.090 Violation--Citation.
- 17.01.100 Violation--Penalty.

17.01.010 Adoption of the zoning ordinance.

Pursuant to the authority of Section 65800 et seq. of the California Government Code, there is adopted a zoning ordinance for the city of Lakeport, California. (Ord. 796 Att. A(part), 1999)

17.01.020 Title of the zoning ordinance.

This title shall be known and cited as the "City of Lakeport Zoning Ordinance." (Ord. 796 Att. A(part), 1999)

17.01.030 Purpose and effect of the zoning ordinance.

A. This title serves to implement the Lakeport general plan. The ordinance codified in this title is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare.

B. This title establishes various zoning districts in the city; establishes setbacks, height limits, parking standards, and open spaces within said districts; specifies

the uses of land and of buildings permitted in said districts; prescribes regulations for the erection, construction, alteration, and maintenance of buildings, structures, uses, signs, and other improvements in said districts, including the requirement that permits be secured for certain buildings, structures, uses, and improvements, and for the use of land; defines the terms used herein; specifies the procedure for any amendment hereof; and prescribes penalties for the violation of any of the provisions hereof. (Ord. 796 Att. A(part), 1999)

17.01.040 Applicability and exemptions. A. Applicability.

1. The provisions of this title shall apply to all development proposed and undertaken in the incorporated city limits of Lakeport including, where applicable, development undertaken by the state, county, or other units of local government.

2. No building or structure shall be erected, reconstructed, or structurally altered in any manner, nor shall any building or land be used for any purpose, other than as permitted by and in conformance with the provisions of this title and all other laws or maps referred to herein.

B. Exemptions.

1. Development by the federal government or an agency of the federal government acting in its governmental capacity.

2. Development by the state of California or an agency of the state acting in its governmental capacity.

3. Development by local agencies exempt pursuant to the California Government Code. (Ord. 796 Att. A(part), 1999)

17.01.050 Conflicts with other city regulations. If any provision of this title conflicts with any provision of any regulation contained in any previously adopted ordinance of the city, the provisions of this chapter shall be controlling. (Ord. 796 Att. A(part), 1999)

17.01.060 Fees. The Lakeport city council shall establish by resolution a schedule of fees for processing the various applications and permits required by this title. All required fees shall be paid at the time of filing the application with the community development department and no processing shall commence until the necessary fees are paid. (Ord. 796 Att. A(part), 1999)

17.01.070 Interpretation of provisions--Authority. If any ambiguity arises concerning the intent of the provi-

sions set forth in this title, the planning commission, at a public meeting, shall consider all pertinent facts, discuss the matter, and by resolution set forth its findings and interpretation on said ambiguity. The planning commission's resolution of interpretation shall be forwarded to the city council and, upon concurrence by the council, shall be considered city policy. The city council, in the event that there is disagreement with respect to the interpretation, shall consider all pertinent facts and by resolution of the council set forth its findings and interpretation. Thereafter, said city council interpretation shall be considered city policy. Resolutions of interpretation shall be incorporated into future updates of the zoning ordinance.

In the interpretation of this title and in its application, the provisions shall be held to be minimum requirements, except where they are expressly stated to be maximum requirements. It is not intended to impair, or interfere with any private restrictions placed upon property by covenant or deed. However, where this title imposes a greater restriction upon the use of buildings, structures, or premises, or upon the heights of buildings or yard areas, or coverage or other open spaces that are imposed or required by such private restrictions, the provisions of this title shall control. (Ord. 796 Att. A(part), 1999)

17.01.080 Enforcement authority. A. It shall be the duty of the community development director to enforce the provisions of this title pertaining to the use of land or buildings and the erection, construction, reconstruction, moving, alteration, or addition to any buildings or structures.

B. Any permit shall be subject to revocation if found to be illegal. (Ord. 796 Att. A(part), 1999)

17.01.090 Violation--Citation. Any person, company, or corporation that causes any use to be established, any structure to be altered, converted, moved, or commenced contrary to the provisions of this title shall be cited by the community development director, and he shall order all violations corrected immediately. (Ord. 796 Att. A(part), 1999)

17.01.100 Violation--Penalty. Any person, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this title shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for six months or both such fine and imprisonment. Any viola-

tion of this title which is committed and continues from day to day, constitutes a separate offense for each and every day during which such violation is committed or continued. (Ord. 796 Att. A(part), 1999)

Chapter 17.02

ESTABLISHMENT OF DISTRICTS

Sections:

- 17.02.010 Designation of districts.
- 17.02.020 Combining districts.
- 17.02.030 District boundaries.
- 17.02.040 Establishment of districts.
- 17.02.050 City of Lakeport zoning map(s).
- 17.02.060 Effect of establishment of districts except as hereinafter otherwise provided.

17.02.010 Designation of districts. There are established, and into which the city may be divided, the following zoning districts and symbols used to represent the districts.

- A. UR: urban reserve district
 - B. R-1: low density residential district
 - C. R-2: medium density residential district
 - D. R-3: high density residential district
 - E. R-5: resort/residential district
 - F. PO: professional office district
 - G. C-1: light retail district
 - H. C-2: major retail district
 - I. C-3: service commercial district
 - J. CB: central business district
 - K. I: industrial district
 - L. OS: open space district
 - M. P: Eleventh street professional use combining district
 - N. PCU: public and civic uses district
 - O. PD: planned development combining district
 - P. SD: shoreline development combining district
 - Q. HP: historic preservation combining district
- (Ord. 796 Att. A(part), 1999)

17.02.020 Combining districts. The regulations of the combining districts shall apply to the land in the same manner as the base zoning district regulations. Combining district regulations shall apply whenever the symbol and the boundaries of the area are shown on the zoning map(s).

When a symbol for a combining district is added to a base zoning district symbol, the regulations of the combining district shall be applicable in addition to the base zoning district regulations. If any of the provisions of the combining district conflict with provisions of the base zoning district regulations, the provisions which are most restrictive shall govern. (Ord. 796 Att. A(part), 1999)

17.02.030 District boundaries. Where uncertainty exists as to the boundaries of any of the city zoning districts as described above, or as shown on the zoning map(s), the following rules shall apply:

A. Where such boundaries are indicated as following streets and alleys, the center lines of such streets and alleys shall be construed to be such boundaries.

B. Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

C. In unsubdivided property, or where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown upon the zoning map(s), shall be determined by the use of the scale appearing on the zoning map(s).

D. In case further uncertainty exists, the planning commission, upon written application, or upon its own motion, shall determine the exact location of such boundaries. (Ord. 796 Att. A(part), 1999)

17.02.040 Establishment of districts. The aforesaid districts, and certain combinations thereof, are established insofar as the designations, locations, and boundaries thereof are set forth and indicated on the city zoning map(s) created pursuant to Section 17.02.050. The zoning map(s) show the designation, locations, and boundaries of each zoning district. (Ord. 796 Att. A(part), 1999)

17.02.050 City of Lakeport zoning map(s). A. There is established the city of Lakeport zoning map(s) which identifies all zoning districts.

B. Said map(s), and all locations thereon, are made a part of this title by reference thereto to be of such force and effect as if fully set forth herein. (Ord. 796 Att. A(part), 1999)

17.02.060 Effect of establishment of districts except as hereinafter otherwise provided. A. No building or structure shall be erected, and no existing building or structure shall be moved, altered, added to, or enlarged, nor shall any land, building or structure, or premises be

used, designed, or intended to be used for any purpose, or in any manner, other than those included among the uses hereinafter listed as permitted in the district in which such building or structure, land, or premises is located.

B. No building or structure shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the district in which such building or structure is located.

C. No building or structure shall be erected, nor shall any existing building or structure be altered, enlarged, or rebuilt, except in conformity to the lot area, yard, coverage, and building or structure location regulations hereinafter set forth for the district in which such building or structure is located.

D. No yard or other space provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

E. No parking area or garage space provided on a lot for the purposes of complying with provisions of this title shall be reduced in area or capacity or be considered as providing parking area or garage space, or yard, court, or other open space required for any building or use on any other lot except as hereinafter provided.

F. No lot shall be divided, subdivided, or otherwise altered to result in an area less than the minimum lot size specified by this title for the district in which such lot is situated. Any alteration of property made in violation of this provision, or in violation of the provisions of the Lakeport subdivision ordinance or the California Subdivision Map Act, shall not be recognized for the purpose of determining lots or parcels in the application of this title. (Ord. 796 Att. A(part), 1999)

Chapter 17.03

REGULATIONS FOR THE URBAN RESERVE OR "UR" DISTRICT

Sections:

- 17.03.010 Purpose.
- 17.03.020 Performance standards.
- 17.03.030 Uses permitted.
- 17.03.040 Uses permitted subject to a zoning permit.
- 17.03.050 Uses permitted subject to a use permit.
- 17.03.060 Development standards.

17.03.010 Purpose.

To provide for large lot residential development in areas where urban infrastructure such as public water, sewer, and city-maintained roads are not yet available but will ultimately be provided. The following regulations shall apply in all UR districts. (Ord. 796 Att. A(part), 1999)

17.03.020 Performance standards.

Uses permitted within this district shall be subject to the performance standards set forth in Chapter 17.28. (Ord. 796 Att. A(part), 1999)

17.03.030 Uses permitted.

- A. One single-family dwelling.
- B. Agricultural and residential accessory uses and accessory structures including barns and private stables.
- C. Small family day care homes licensed for eight or fewer persons.
- D. Greenhouses, hothouses, and incidental structures not exceeding a cumulative total of six thousand square feet in size.
- E. Garage and yard sales.
- F. Private swimming pools, tennis courts, and similar recreational amenities.
- G. One secondary accessory residential unit on a parcel with at least seven thousand five hundred square feet of land area subject to performance standards set forth in Chapter 17.28. (Ord. 887 §1(A), 2013; Ord. 796 Att. A(part), 1999)

17.03.040 Uses permitted subject to a zoning permit.

- A. Home occupations.
- B. Agricultural uses including the keeping of livestock. (Ord. 887 §1(C), 2013; Ord. 796 Att. A(part), 1999)

17.03.050 Uses permitted subject to a use permit.

- A. Commercial stables and riding academies on parcels not less than ten acres.
- B. Wineries with incidental retail sales of wine produced and bottled on the premises.
- C. The keeping of animals in excess of that permitted by Chapter 17.22.

D. One secondary accessory residential unit on a parcel with less than seven thousand five hundred square feet of land area subject to performance standards set forth in Chapter 17.28. (Ord. 887 §1(B), 2013; Ord. 796 Att. A(part), 1999)

17.03.060 Development standards.

- A. Minimum Lot Size. five acres.
- B. Minimum Average Lot Width. one hundred fifty feet.
- C. Minimum Yards (Setbacks).
 - 1. Front yard: twenty feet from lot line. Yards abutting streets are front yards.
 - 2. Rear yard: twenty feet from lot line.
 - 3. Side yard: five feet from interior lot line or twenty feet from lot line on the street side of a corner lot.
 - 4. Accessory structures: the above yards apply.

- D. Maximum Height.
 - 1. Principal structure: thirty-five feet.
 - 2. Accessory structure: fifteen feet.
- E. Parking. The following minimum parking requirements shall apply:
 - 1. Residential Use. One covered and one uncovered space per dwelling unit.
- F. Minimum Residential Construction Standards. All single-family dwellings except temporary dwellings and farm labor quarters shall meet the minimum residential construction standards of the R-1 district. (Ord. 796 Att. A (part), 1999)

Chapter 17.04

REGULATIONS FOR LOW DENSITY RESIDENTIAL OR "R-1" DISTRICT

Sections:

- 17.04.010 Purpose.
- 17.04.020 Performance standards.
- 17.04.030 Uses permitted.
- 17.04.040 Uses permitted subject to a zoning permit.
- 17.04.050 Uses permitted subject to a use permit.
- 17.04.060 Development standards.

17.04.010 Purpose.

To establish areas for individual residential dwelling units at an urban low density where the traditional neighborhood character of single-family units exist. The following regulations shall apply in all R-1 districts. (Ord. 796 Att. A (part), 1999)

17.04.020 Performance standards.

Uses permitted within this district shall be subject to the performance standards set forth in Chapter 17.28. (Ord. 828 §1(part), 2004; Ord. 796 Att. A (part), 1999)

17.04.030 Uses permitted.

- A. One single-family dwelling or modular home.
- B. Residential accessory buildings, including site-built garages and carports.

C. Private swimming pools, tennis courts, and similar recreational amenities.

D. Small family nonresidential day care licensed for eight or fewer persons.

E. Duplexes on a lot of at least twelve thousand square feet of land area.

F. Garage and yard sales.

G. One secondary accessory residential unit on a parcel with at least seven thousand five hundred square feet of land area subject to performance standards set forth in Chapter 17.28.

H. One metal or fabric-covered carport.

I. Personal cannabis cultivation subject to the regulations as set forth in Chapter 17.38. (Ord. 914 §2, 2017; Ord. 887 §1(D), 2013; Ord. 869 §1(A), (B), 2007; Ord. 821 §1(part), 2003; Ord. 796 Att. A (part), 1999)

17.04.040 Uses permitted subject to a zoning permit.

A. Home occupations.

B. Agricultural uses including the keeping of livestock or animals.

C. Docks, piers, and boat houses.

D. Guest quarters.

E. Temporary construction offices. (Ord. 821 §1(part), 2003; Ord. 796 Att. A (part), 1999)

17.04.050 Uses permitted subject to a use permit.

A. Bed and breakfast inns.

B. Rooming and boarding houses.

C. Short-term rental of a residence to transient guests.

D. Churches.

E. Large family nonresidential day care centers.

F. Public and private schools.

G. Public utility facilities.

H. Residential care home, large.

I. Residential care facility.

J. One secondary accessory residential unit on a parcel with less than seven thousand five hundred square feet of land area subject to performance standards set forth in Chapter 17.28. (Ord. 893 §3(1), 2014; Ord. 887 §1(E), 2013; Ord. 821 §1(part), 2003; Ord. 796 Att. A (part), 1999)

17.04.060 Development standards.

- A. Minimum Lot Size.
 - 1. Six thousand square feet for an interior lot.
 - 2. Six thousand five hundred square feet for a corner lot.
- B. Minimum Average Lot Width.
 - 1. Sixty feet for an interior lot.
 - 2. Sixty-five feet for a corner lot.

3. Lots on a cul-de-sac bulb or corner bulb (knuckle) may be thirty-five feet wide and shall be at least sixty feet wide at the midpoint line.

C. Minimum Lot Length. Eighty feet.

D. Maximum Length to Width Ratio. Three to one.

E. Maximum Lot Coverage. Forty percent. An increase in lot coverage of up to sixty percent will be permitted on pre-existing substandard lots.

F. Minimum Yards (Setbacks).

1. Front yard:

a. Fifteen feet from lot line.

b. Twenty feet from lot line to the carport or garage door opening.

2. Rear yard: ten feet from lot line.

3. Side yard: five feet from lot line, except ten feet on the street side on a corner lot.

4. Accessory structures: less than one hundred twenty square feet without utilities may be within one foot of the side or rear property line.

G. Maximum Height.

1. Principal structure: thirty-five feet.

2. Accessory structure: fifteen feet.

H. Parking. The following minimum parking requirements shall apply for residential uses:

1. One covered and one uncovered space per dwelling unit.

2. Covered spaces may be substituted for uncovered spaces.

I. Signs. As provided in the sign ordinance.

J. Minimum Residential Construction Standards. (see Chapter 17.28, Performance Standards).

1. All dwelling units must be at least fifteen feet in width or diameter (excluding eaves) and at least seven hundred twenty square feet in gross floor area, except for secondary units which shall meet the standards set forth in Chapter 17.28.

2. Modular homes shall be certified under the National Manufactured Home Construction and Safety Standards and shall be no older than ten years old from the time that a permit is issued for placement.

3. All dwellings shall be attached to a permanent concrete foundation system pursuant to the Uniform

Building Code. Dwellings in mobilehome parks/subdivisions may utilize alternative permanent foundation systems.

4. All dwellings shall be designed so that exterior walls look like wood or masonry or stucco regardless of their actual composition.

5. Dwelling siding shall extend to the ground level (wood excluded) except that when a solid concrete or masonry perimeter foundation is used, then siding need only extend one and one-half inch below the top of the foundation.

6. The roofing materials shall be designed to look like composition roofing, tile, shakes, shingles, or tar and gravel; or architectural metal roof sheathing with factory applied color coatings.

7. The slope of the main roof shall not be less than two inches of vertical rise for twelve inches of horizontal run.

8. All dwellings shall have a perimeter roof eave not less than one foot measured from the vertical side of the home.

9. Where any accessory structure is attached to the main structure, the eave requirement at the point of attachment may be waived.

10. a. Site-built detached or attached garages or carports shall be designed and constructed of similar design and materials as the main residential unit or structure.

b. One four-hundred-square-foot metal or one four-hundred-square-foot fabric-covered carport may be permitted per lot. Metal and fabric-covered carports shall comply with property setback (yard) requirements. Metal and fabric-covered carports shall be properly maintained in good condition, cleaned, and repaired as necessary. Metal and fabric-covered carports shall be securely anchored with below grade tie downs. There shall be no electricity or utilities provided to metal and fabric-covered carports. Metal and fabric-covered carports are subject to the issuance of a building permit unless determined to be exempted by the building official. Metal carports shall be painted to match or complement the primary house color. (Ord. 869 §1(C), 2007; Ord. 856 §1(part), 2006; Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

Chapter 17.05REGULATIONS FOR THE MEDIUM DENSITY RESIDENTIAL OR "R-2"
DISTRICTSections:

- 17.05.010 Purpose.
- 17.05.020 Performance standards.
- 17.05.030 Uses permitted.
- 17.05.040 Uses permitted subject to a zoning permit.
- 17.05.050 Uses permitted subject to a use permit.
- 17.05.060 Development standards.

17.05.010 Purpose.

To establish areas for individual and multifamily residential dwelling units at low to medium densities with the amenities of a residential neighborhood. The following regulations shall apply in all R-2 districts. (Ord. 796 Att. A(part), 1999)

17.05.020 Performance standards.

Uses permitted within this district shall be subject to the performance standards set forth in Chapter 17.28 and, where required, architectural and design review. (Ord. 796 Att. A(part), 1999)

17.05.030 Uses permitted.

- A. One single-family dwelling or manufactured home.
- B. Two single-family dwellings subject to general plan density standards.
- C. Duplexes, triplexes, fourplexes, and condominiums in accordance with the development standards listed in Section 17.05.060.
- D. Residential accessory buildings.
- E. Small family nonresidential day care licensed for eight or fewer persons.
- F. Garage and yard sales.
- G. Public parks, playgrounds, and recreational facilities.
- H. One secondary accessory residential unit on a parcel with at least seven thousand five hundred square feet of

land area subject to performance standards set forth in Chapter 17.28.

I. Personal cannabis cultivation subject to the regulations as set forth in Chapter 17.38. (Ord. 914 §3, 2017; Ord. 887 §1(F), 2013; Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

17.05.040 Uses permitted subject to a zoning permit.

Those uses permitted in the R-1 district with a zoning permit. (Ord. 796 Att. A(part), 1999)

17.05.050 Uses permitted subject to a use permit.

- A. Nursing and convalescent homes.
- B. Mobilehome parks.
- C. Building heights in excess of thirty-five feet.
- D. Those uses permitted in the R-1 district subject to a use permit.
- E. Residential care home, large.
- F. Residential care facility.
- G. One secondary accessory residential unit on a parcel with less than seven thousand five hundred square feet of land area subject to performance standards set forth in Chapter 17.28. (Ord. 893 §3(2), 2014; Ord. 887 §1(G), 2013; Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

17.05.060 Development standards.

- A. Maximum Permitted Density.
 - 1. Single-family dwelling: six thousand square feet per dwelling unit.
 - 2. Duplex, triplex, fourplex, or condominium projects: two thousand two hundred fifty square feet per dwelling unit.
- B. Minimum Lot Size.
 - 1. Six thousand square feet for an interior lot.
 - 2. Six thousand five hundred square feet for a corner lot.
- C. Minimum Lot Length. Eighty feet.
- D. Minimum Average Lot Width.
 - 1. Sixty feet for an interior lot.
 - 2. Sixty-five feet for a corner lot.

3. Lots on a cul-de-sac bulb or corner bulb (knuckle) may be thirty-five feet wide and shall be at least sixty feet wide at the midpoint line.

E. Maximum Length to Width Ratio. Three to one.

F. Maximum Lot Coverage. Forty percent.

G. Minimum Yards.

1. Front yard: fifteen feet from lot line, twenty feet required to carport or garage.

2. Rear yard: ten feet for single-family dwellings and duplexes, and fifteen feet from the lot line for triplexes, fourplexes, and condominium projects.

3. Side yard: five feet for single-family dwellings and duplexes, and ten feet for triplexes and fourplexes.

4. Side yards adjacent to public right-of-way shall not be less than ten feet for all uses.

5. Accessory structures: less than one hundred twenty feet without utilities may be within one foot of the side or rear property line.

H. Maximum Height.

1. Principal structure: thirty-five feet.

2. Accessory structure: fifteen feet.

I. Building Separation, Open Space, and Landscaping.

1. Within the R-2 district, the placement of the principal structure shall conform to the following building separation standards:

a. When two or more buildings in the same project face each other, or are arranged around an open court, they shall be separated from each other a minimum of twenty feet.

b. For a building which faces the rear or side of another building, there shall be a separation of twenty feet.

c. When the rear of the building faces the rear or side of another building, they shall be separated from each other a minimum of ten feet.

d. When the building's side faces the side of another building, they shall be separated from each other a minimum of ten feet. No entries shall be permitted between buildings placed side by side unless an additional ten feet of building separation is provided.

2. Where there are floors or stories in excess of one, the city may increase the building separation by as much as five feet for each story.

3. For duplex, triplex, fourplex, and condominium, a landscaped, unified, and usable open recreational and leisure area, totaling at least three hundred square feet for each dwelling unit, shall be required in addition

to that landscaping generally required of all developments. The areas shall be conveniently located and readily accessible to each dwelling unit.

The following areas shall not be considered as contributing to required recreational and leisure areas:

- a. Any required front or side yard.
- b. Any area used for parking or vehicular circulation.

J. Signs. As provided for in the sign ordinance.

K. All dwelling units must be at least fifteen feet in width or diameter (excluding eaves) and, with the exception of single-family dwellings, shall contain the following minimum gross floor area, exclusive of parking areas, open porches, and patios:

1. Studio: four hundred fifty square feet;
2. One-bedroom: six hundred fifty square feet;
3. Two-bedroom: eight hundred square feet;
4. For each additional bedroom in excess of two: one hundred square feet. (Ord. 856 §1(part), 2006; Ord. 828 §1(part), 2004; Ord. 821 §1(part), 2003; Ord. 796 Att. A (part), 1999)

Chapter 17.06

REGULATIONS FOR THE HIGH DENSITY RESIDENTIAL OR "R-3" DISTRICT

Sections:

- 17.06.010 Purpose.
- 17.06.020 Performance standards.
- 17.06.030 Uses permitted.
- 17.06.040 Uses permitted subject to a zoning permit.
- 17.06.050 Uses permitted subject to a use permit.
- 17.06.060 Development standards.

17.06.010 Purpose.

To establish areas for high density residential development allowing for living accommodations ranging from duplex units to apartment buildings and condominiums. The following regulations shall apply in all R-3 districts. (Ord. 796 Att. A (part), 1999)

17.06.020 Performance standards.

All uses permitted within this district shall be subject to the performance standards set forth in Chapter 17.28 and architectural and design review set forth in Chapter 17.27. (Ord. 796 Att. A(part), 1999)

17.06.030 Uses permitted.

A. Duplexes, triplexes, fourplexes, apartment buildings, multifamily dwelling groups, and condominiums.

B. Residential accessory uses and accessory structures.

C. Private swimming pools, tennis courts, and similar recreational amenities.

D. Small family nonresidential day care licensed for eight or fewer persons.

E. Garage and yard sales.

F. Public parks, playgrounds, and recreational facilities.

G. Small scale offices serving the multifamily residential complex.

H. Personal cannabis cultivation subject to the regulations as set forth in Chapter 17.38. (Ord. 914 §4, 2017; Ord. 893 §3(3), 2014; Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

17.06.040 Uses permitted subject to a zoning permit.

Those uses permitted in the R-2 district subject to a zoning permit and the following use:

A. Residential care home, large. (Ord. 893 §3(4), 2014; Ord. 796 Att. A(part), 1999)

17.06.050 Uses permitted subject to a use permit.

A. Mobilehome parks.

B. One single-family dwelling or manufactured home if it is to replace a previously existing dwelling.

C. Those uses permitted in the R-2 district subject to a use permit.

D. Bed and breakfast inns with food service and catering.

E. Residential care facility. (Ord. 893 §3(5), 2014; Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

17.06.060 Development standards.

A. Maximum Permitted Density.

1. Duplex, triplex, fourplex, apartment, multi-family dwelling groups, and condominiums: one thousand five hundred square feet per dwelling unit.

2. Senior multifamily dwellings: nine hundred seventy square feet per unit.

B. Minimum Lot Size.

1. Six thousand square feet for an interior lot.

2. Six thousand five hundred square feet for a corner lot.

C. Minimum Lot Length. Eighty feet.

D. Minimum Average Lot Width.

1. Sixty feet for an interior lot.

2. Sixty-five feet for a corner lot.

3. Lots on a cul-de-sac bulb or corner bulb (knuckle) may be thirty-five feet wide and shall be at least sixty feet wide at the midpoint line.

E. Maximum Length to Width Ratio. Three to one.

F. Maximum Lot Coverage for Multifamily Dwelling Units.

1. One story dwelling: sixty percent.

2. Two story dwelling: fifty-five percent.

3. Three story dwelling: fifty percent.

G. Minimum Yards.

1. Front yard: fifteen feet from lot line, twenty feet required to carport/garage.

2. Rear yard: ten feet from the lot line for a duplex and fifteen feet from the lot line for other dwellings.

3. Side yard: five feet from the lot line for a duplex and ten feet from the lot line for other dwellings.

4. Accessory structures: less than one hundred twenty square feet without utilities may be within one foot of the side or rear property line.

H. Maximum Height.

1. Principal structure: thirty-five feet. Height limit may be increased subject to obtaining a use permit.

2. Accessory structure: fifteen feet.

I. Building Separation, Open Space, and Landscaping.

1. The placement of buildings shall conform to the following building separation standards:

a. When two or more buildings in the same project face each other or are arranged around an open court, they shall be separated from each other a minimum of twenty feet.

b. For a building which faces the rear or side of another building, there shall be a separation of twenty feet.

c. When the rear of the building faces the rear or side of another building, they shall be separated from each other a minimum of ten feet.

d. When the building's side faces the side of another building, they shall be separated from each other a minimum of ten feet.

i. No entries shall be permitted between buildings placed side by side, unless an additional ten feet of building separation is provided.

2. The building separation shall be increased five feet for each story in excess of one.

3. For residential developments of more than three dwelling units, a landscaped, unified, and usable open recreational and leisure area, totaling at least three hundred square feet for each dwelling unit, shall be required in addition to that landscaping generally required of all developments. The open areas shall be conveniently located and readily accessible to each dwelling unit. The following areas shall not be considered as contributing to required recreational and leisure areas:

- a. Any required front or side yard.
- b. Any area used for parking or vehicle

circulation.

J. Parking. See Chapter 17.23.

K. Signs. As provided in the sign ordinance.

L. All dwelling units must be at least fifteen feet in width or diameter (excluding eaves) and shall contain the following minimum gross floor area, exclusive of parking areas, open porches and patios:

1. Studio: four hundred fifty square feet;
2. One-bedroom: six hundred fifty square feet;
3. Two-bedroom: eight hundred square feet;
4. For each additional bedroom in excess of two: one hundred square feet. (Ord. 856 §1(part), 2006; Ord. 828 §1(part), 2004; Ord. 796 Att. A (part), 1999)

Chapter 17.07REGULATIONS FOR RESORT/RESIDENTIAL OR "R-5" DISTRICTSections:

- 17.07.010 Purpose.
- 17.07.020 Performance standards.
- 17.07.030 Uses permitted.
- 17.07.040 Uses permitted subject to a zoning permit.
- 17.07.050 Uses permitted subject to a use permit.
- 17.07.060 Development standards.
- 17.07.070 Development criteria for resorts, hotels, motels, or mixed use projects.

17.07.010 Purpose.

To establish areas for a mixture of resort, residential, and lake-associated uses primarily along the shore of Clear Lake and other appropriate locations. This district is intended to allow for resort development including hotels and motels, limited retail uses consistent and compatible with lakefront recreational uses, and residential uses. The following regulations shall apply in all R-5 districts. (Ord. 796 Att. A(part), 1999)

17.07.020 Performance standards.

Uses permitted within this district shall be subject to the performance standards set forth in Chapter 17.28 and architectural and design review criteria set forth in Chapter 17.27. (Ord. 796 Att. A(part), 1999)

17.07.030 Uses permitted.

- A. Duplexes, triplexes, fourplexes, apartments, and condominiums.
- B. Resorts.
- C. Hotels and motels.
- D. Private swimming pools, tennis courts, and similar recreational amenities.
- E. Garage and yard sales.
- F. Public parks, playgrounds, and recreational facilities.

G. Personal cannabis cultivation subject to the regulations as set forth in Chapter 17.38. (Ord. 914 §5, 2017; Ord. 796 Att. A(part), 1999)

17.07.040 Uses permitted subject to a zoning permit.

Those uses permitted in the R-2 and R-3 zoning districts with a zoning permit. (Ord. 796 Att. A(part), 1999)

17.07.050 Uses permitted subject to a use permit.

- A. Restaurants.
- B. Food and beverage sales.
- C. Retail sales of lake-oriented and recreational merchandise, including limited food and beverage sales.
- D. Rental of lake-oriented recreational equipment.

- E. Mobilehome park, RV park, and campgrounds.
- F. Marinas.
- G. Boat storage facility and boat repair activity within a building.
- H. Those uses permitted in the R-2 and R-3 zoning districts with a use permit.
- I. Bed and breakfast inns with food service and catering.
- J. Residential care facility. (Ord. 893 §3(6), 2014; Ord. 821 §1(part), 2003; Ord. 796 Att. A (part), 1999)

17.07.060 Development standards.

- A. Maximum Permitted Density. Multifamily residential and condominium development: two thousand two hundred fifty square feet per dwelling unit.
- B. Minimum Lot Size.
 - 1. Six thousand square feet for an interior lot.
 - 2. Six thousand five hundred square feet for a corner lot.
- C. Minimum Lot Length. Eighty feet.
- D. Minimum Average Lot Width.
 - 1. Sixty feet for an interior lot.
 - 2. Sixty-five feet for a corner lot.
 - 3. Lots on a cul-de-sac bulb or corner bulb (knuckle) may be thirty-five feet wide and shall be at least sixty feet wide at the midpoint line.
- E. Maximum Length to Width Ratio. Three to one.
- F. Maximum Lot Coverage.
 - 1. One story structure: sixty percent.
 - 2. Two story structure: fifty-five percent.
 - 3. Three story structure: fifty percent.
- G. Minimum Yards.
 - 1. Multifamily dwellings and condominiums.
 - a. Front yard: fifteen feet from the front lot line, twenty feet required to garage/carport.
 - b. Rear yard: fifteen feet from the lot line.
 - c. Side yard: ten feet from the lot line.
 - d. Accessory structures: less than one hundred twenty square feet without utilities may be within one foot of the side or rear property lines.

2. All other uses permitted within the R-5 resort/residential district shall comply with the setbacks as determined through the architectural and design review process.

H. Maximum Height.

1. Principal structure: twenty-five feet, however, the structure cannot be higher than twenty-six feet above 12.79 on the Rumsey gauge (one thousand three hundred thirty-one feet above sea level). Height limit may be increased subject to obtaining a use permit.

2. Accessory structures: fifteen feet in height.

I. Building Separation, Open Space, and Landscaping. All multifamily residential uses and condominiums shall comply with the building separation, open space, and landscaping requirements set forth in Section 17.06.060(H).

J. All dwelling units must be at least fifteen feet in width or diameter (excluding eaves) and shall contain the following minimum gross floor area, exclusive of parking areas, open porches and patios:

1. Studio: four hundred fifty square feet;
2. One-bedroom: six hundred fifty square feet;
3. Two-bedroom: eight hundred square feet;
4. For each additional bedroom in excess of two: one hundred square feet. (Ord. 856 §1(part), 2006; Ord. 796 Att. A (part), 1999)

17.07.070 Development criteria for resorts, hotels, motels, or mixed use projects. A. Plans Required. A plan of development shall be required for all uses listed in this section in accordance with the standards below.

B. Pre-application. Prior to the preparation of an application for a plan of development, the applicant shall attend a pre-application meeting with the community development department staff to explain the purpose of the development plan, to review the project's consistency with the Lakeport general plan, to review the municipal code requirements, and to provide for a review of the applicant's conceptual design and development objectives.

C. Application. An application shall be made on forms provided by the community development department and accompanied by all fees, information, and supplemental plans required.

D. Plan of Development Criteria. The plan of development shall be a graphic and written representation of the applicant's intended development project including:

1. A graphic drawing consisting of:
 - a. The entire plan development with drawings and agreed upon scale showing the entire proposed development and site;
 - b. The location and sizes of all proposed land uses;
 - c. An overlay of the City's general plan and zoning;
 - d. The location and approximate size of all areas to be reserved in open space or setbacks;
 - e. The preliminary on-site circulation pattern;
 - f. The type and location of proposed buildings and other site improvements;
 - g. The type and location of all proposed public facilities;
 - h. The existing site conditions showing all topographic features such as natural drainage ways, streams, creeks, shorelines, vernal pools and ponds; significant rock outcroppings; topography; location and types of all on-site trees; areas of historic or archaeological impact or value; and existing development including roadways and structures;
 - i. Topography at a contour level determined by the size and complexity of the plan and existing surface conditions; and
 - j. Other information on land adjacent to the proposed project which will show the relationship between the proposed development and the areas adjacent to the site including land uses, parcel size, ownership patterns, mineral leaseholds, soil conditions, planning and zoning designations, densities, traffic circulation system, public

facilities, major geotechnical features, and physiographic features such as lakes, streams, shorelines, drainage patterns, ridgelines, tree clusters, and other prominent natural features.

2. A written plan that shall support the graphic representation and shall, at a minimum, include:

a. Project description including an indication of the present and proposed ownership;

b. A list and description of all uses shown on the proposed specific plan of development;

c. A development schedule indicating the approximate date when construction of the project can be expected to begin and be completed for each phase of the project including the permit phase;

d. A statement of the applicant's intent with regard to the future segregation and selling and/or leasing of all portions of the project including whether or not there is an intent to subdivide and sell lots either as condominiums or undeveloped lots;

e. A statement of the applicant's proposal for utilities and public services including sewer, water, general government, school, solid waste, power, cable TV, telephones, storm water runoff, and others.

f. Quantitative data about the development including, but not limited to, net and gross acreage, approximate dimension and location of structures, support services required, traffic generation, parking and loading requirements, outdoor storage requirements, and other applicable information; and

g. Demographic information about the development including, but not limited to, estimates of the number of employees, their ages, skill levels, salaries and annual payroll, number of employees to be relocated, number of school age children, and other information as necessary.
(Ord. 796 Att. A(part), 1999)

Chapter 17.08

REGULATIONS FOR THE PROFESSIONAL OFFICE DISTRICT OR "PO" DISTRICT

Sections:

- 17.08.010 Purpose.
- 17.08.020 Performance standards.
- 17.08.030 Uses permitted.
- 17.08.040 Uses permitted subject to a zoning permit.
- 17.08.050 Uses permitted subject to a use permit.

Sections: (Continued)

- 17.08.060 Development standards.
- 17.08.070 Residential development standards.
- 17.08.080 Performance standards for professional uses.

17.08.010 Purpose. To establish areas for professional office uses consistent with the intent of the Lakeport general plan. The PO district also provides for multifamily residential uses subject to the issuance of a use permit. (Ord. 796 Att. A(part), 1999)

17.08.020 Performance standards. All uses permitted within this district shall be subject to the performance standards as set forth in Chapter 17.28 and architectural and design review guidelines set forth in Chapter 17.27. (Ord. 796 Att. A(part), 1999)

17.08.030 Uses permitted. A. Professional offices and uses.

B. Governmental administrative offices. (Ord. 796 Att. A(part), 1999)

17.08.040 Uses permitted subject to a zoning permit.

A. Those uses permitted in the R-2 and R-3 districts with a zoning permit.

B. Temporary offices. (Ord. 821 S1(part), 2003; Ord. 796 Att. A(part), 1999)

17.08.050 Uses permitted subject to a use permit.

A. Multifamily dwellings and condominiums.

B. Residential accessory uses and accessory structures.

C. Private swimming pools, tennis courts, and similar recreation amenities.

D. Small family day care licensed for eight or fewer persons.

E. Church and school facilities.

F. Public parks, playgrounds, and recreational facilities.

G. Small scale commercial uses ancillary to an office.

H. Mixed use--residential in conjunction with an office use.

I. One single-family dwelling or manufactured home if it is to replace a previously existing residence which has suffered damage or destruction which exceeds fifty percent of its market value.

J. Commercial cannabis testing subject to the regulations set forth in Chapter 5.34. (Ord. 915 §2, 2018; Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

17.08.060 Development standards.

A. Maximum Permitted Density for Residential Uses. One thousand five hundred square feet per dwelling unit.

B. Minimum Lot Size.

1. Six thousand square feet for an interior lot.

2. Six thousand five hundred square feet for a corner lot.

C. Minimum Lot Length. Eighty feet.

D. Minimum Average Lot Width.

1. Interior lot: sixty feet.

2. Corner lot: sixty-five feet.

E. Maximum Length to Width Ratio. Three to one.

F. Maximum Lot Coverage.

1. One story: sixty percent.

2. Two story: fifty-five percent.

3. Three story: fifty percent.

G. Minimum Yards.

1. Front yard: fifteen feet from the lot line, twenty feet required to garage/carport.

2. Rear yard: ten feet from the lot line.

3. Side yard: five feet from the lot line and ten feet for two-story structures. Additional stories may require additional setback area. See Section 17.08.070.

4. Accessory uses: the above setback yards shall apply.

H. Maximum Height.

1. Principal structure: thirty-five feet. Height limit may be increased subject to obtaining a use permit.

2. Accessory structures: fifteen feet. (Ord. 796 Att. A (part), 1999)

17.08.070 Residential development standards. A. Building Separation, Open Space, and Landscaping.

1. There shall be a finding made by the planning commission that there is a substantial need for housing in the city which cannot be met by the availability of high density areas.

2. The placement of multifamily, residential, and condominium buildings in the professional office zone shall conform to the following building standards:

a. When two or more buildings in the same project face each other or are arranged around an open court, they shall be separated from each other a minimum of twenty feet.

b. For a building which faces the rear or side of another building, there shall be a separation of twenty feet.

c. When the rear of the building faces the rear or side of another building, they shall be separated from each other a minimum of ten feet.

d. When the building's side faces the side of another building, they shall be separated from each other a minimum of ten feet.

1. No entries shall be permitted between buildings placed side by side, unless an additional ten feet of building separation is provided.

2. The building separation shall be increased five feet for each story in excess of one.

3. For residential developments of more than three dwelling units, a landscaped, unified, and usable open recreational and leisure area, totaling at least three hundred square feet for each dwelling unit, shall be required in addition to that landscaping generally required of all developments. Said open areas shall be conveniently located and readily accessible to each dwelling unit. The following areas shall not be considered as contributing to required recreational and leisure areas:

a. Any required front or side yard.
b. Any area used for parking or vehicle circulation.

B. Parking. See Chapter 17.23.

C. Signs. As provided in the sign ordinance.

D. All dwelling units must be at least fifteen feet in width or diameter (excluding eaves) and shall contain the following minimum gross floor area, exclusive of parking areas, open porches and patios:

1. Studio: four hundred fifty square feet;
2. One-bedroom: six hundred fifty square feet;
3. Two-bedroom: eight hundred square feet;
4. For each additional bedroom in excess of two: one hundred square feet. (Ord. 796 Att. A(part), 1999)

17.08.080 Performance standards for professional uses. A. Development of professional use/office shall fit the building site's natural conditions including preservation of natural topography and significant vegetation. The site's components shall be interrelated and located so that there is efficient operation and flow for all uses. Parking shall be located away from public ways and separated by landscaping. Exterior lighting must be subdued and should enhance the building design and landscaping.

B. Conversion. Exterior alterations related to the conversion of a residential structure to a professional use or office shall be subject to architectural and design review. (Ord. 796 Att. A(part), 1999)

Chapter 17.09

REGULATIONS FOR THE LIGHT RETAIL OR "C-1" ZONING DISTRICT

Sections:

17.09.010 Purpose.

Sections: (Continued)

- 17.09.020 Performance standards.
- 17.09.030 Uses permitted.
- 17.09.040 Uses permitted subject to the issuance of a zoning permit.
- 17.09.050 Uses permitted subject to the issuance of a use permit.
- 17.09.060 Development standards.

17.09.010 Purpose.

To establish areas for small neighborhood-oriented retail establishments on individual sites or small neighborhood shopping centers. (Ord. 796 Att. A(part), 1999)

17.09.020 Performance standards.

All uses permitted within the C-1 district shall be subject to the performance standards set forth in Chapter 17.28 and shall be subject to architectural and design review as set forth in Chapter 17.27. (Ord. 796 Att. A(part), 1999)

17.09.030 Uses permitted.

A. Retail sales of food, dry goods, pharmaceuticals, flowers, bait and tackle, art and craft supplies, music, gifts, books and magazines, studios.

B. Personal services such as barber and beauty shops, laundromats and cleaners, health clubs, or dance studios.

C. Minor repair services such as jewelry, shoe, and small appliance repair shops.

D. Food services such as cafes, coffee shops, delicatessens, and small restaurants. (Hard liquor sales requires a use permit.)

E. Professional services such as tax consultants, real estate sales, and law offices.

F. Medical services such as nurse practitioners, general practitioners, and dentists' offices.

G. Other commercial uses similar in character to those uses listed above.

H. Single-family residential uses in conjunction with a commercial use.

I. Mixed use--residential uses in conjunction with a commercial or office use. (Ord. 893 §3(7), 2014; Ord. 868 §1(A), 2007; Ord. 796 Att. A(part), 1999)

17.09.040 Uses permitted subject to the issuance of a zoning permit.

- A. Outdoor display.
- B. Outdoor food service/seating.
- C. Short-term promotional events.
- D. Special outdoor events. (Ord. 796 Att. A(part), 1999)

17.09.050 Uses permitted subject to the issuance of a use permit.

- A. Commercial accessory uses and structures.
- B. Game rooms or amusement arcades.
- C. Garden supply, nurseries, and hardware stores.
- D. Retail fuel sales, minor auto repair, and car washes.
- E. Bars not exceeding two thousand five hundred square feet in gross floor area and not including amplified music or voices.
- F. Churches, schools, and nonresidential day care facilities.
- G. Sale of hard alcohol in conjunction with restaurant or bar use.
- H. Residential care home, large.
- I. Residential care facility. (Ord. 893 §3(8), 2014; Ord. 868 §1(B), 2007; Ord. 828 §1(part), 2004; Ord. 821 §1(part), 2003; Ord. 796 Att. A (part), 1999)

17.09.060 Development standards.

- A. Minimum Lot Sizes.
 - 1. Six thousand square feet for an interior lot.
 - 2. Six thousand five hundred square feet for a corner lot.
- B. Minimum Average Lot Width.
 - 1. Interior lots: sixty feet.
 - 2. Corner lots: sixty-five feet.
- C. Minimum Lot Length. Eighty feet.
- D. Maximum Length to Width Ratio. Three to one.
- E. Maximum Lot Coverage.
 - 1. One-story structure: sixty percent.

- 2. Two-story structure: fifty percent.
 - F. Maximum Floor Area Ratio. .35.
 - G. Minimum Yards.
 - 1. Front yard: ten feet.
 - 2. Rear yard: ten feet.
 - 3. Side yard: zero feet, or ten feet from a lot line when contiguous to any residential district.
 - H. Maximum Height.
 - 1. Principal structure: two stories or thirty-five feet.
 - 2. Accessory structures: fifteen feet.
 - I. Parking. See chapter 17.23.
 - J. Signs. See sign ordinance.
- (Ord. 796 Att. A (part), 1999)

Chapter 17.10

REGULATIONS FOR THE MAJOR RETAIL OR "C-2" ZONING DISTRICT

Sections:

- 17.10.010 Purpose.
- 17.10.020 Performance standards/architectural and design review.
- 17.10.030 Uses permitted.

Sections: (Continued)

- 17.10.040 Uses subject to the issuance of a zoning permit.
- 17.10.050 Uses permitted subject to the issuance of a use permit.
- 17.10.060 Development standards.

17.10.010 Purpose. To provide for the full range of commercial, retail, and service establishments to the community. This is the principal retail designation, the place for regional, local, and commercial establishments. (Ord. 796 Att. A(part), 1999)

17.10.020 Performance standards/architectural and design review. All uses permitted within the C-2 district shall be subject to the performance standards set forth in Chapter 17.28 and to architectural and design review guidelines set forth in Chapter 17.27. (Ord. 796 Att. A(part), 1999)

17.10.030 Uses permitted. A. Retail sales of food, appliances, paint, hardware, auto parts, liquor, new and used clothing, furniture, carpet, flowers, books, art, antiques, dry goods, pharmaceuticals, bait and tackle, books, magazines, and similar uses.

B. Personal service establishments such as barber and beauty shops, tailors, laundromats and cleaners, dance and art studios, photocopying centers, photographic studios, dog grooming, and similar uses.

C. Repair services such as appliance, radio, television, shoe, and jewelry repair shops.

D. Food services such as restaurants, cafes, and delicatessens with on and off sale of wine, beer, and liquor.

E. Banking, finance, loans, law, real estate, general administrative services, professional offices, and services such as blueprinting, duplicating, printing, drafting, engineering, surveying, planning, and architectural services.

F. General health care services such as doctor and dental offices, medical clinics, and veterinarian offices.

G. Health and fitness clubs.

H. Entertainment facilities such as indoor theaters.

I. Retail nurseries, without outdoor storage, sales, and display.

J. Hotels and motels not exceeding fifty units.

K. Other retail commercial uses similar in character to those uses listed above. (Ord. 796 Att. A(part), 1999)

17.10.040 Uses subject to the issuance of a zoning permit. A. Outdoor sales, outdoor food service/seating, short-term promotional events, and special outdoor events.

B. Live entertainment.

C. Bars, taverns, and cocktail lounges with live entertainment.

D. Retail fuel sales, minor auto repair, and car washes.

E. Farm and building supply stores, home improvement centers.

F. Recreational facilities such as spas, saunas, and hot tub establishments.

G. Used appliances, second-hand stores, and thrift stores.

H. Accessory uses and structures.

I. Temporary offices. (Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

17.10.050 Uses permitted subject to the issuance of a use permit. The following uses are permitted subject to the issuance of a use permit.

A. Private parking lot (unrelated to specific business/use).

B. Outdoor sales, leasing, display of bulky merchandise/large equipment, plants, autos, trucks, trailers, boats, recreational vehicles, etc.

C. Hotels and motels exceeding fifty units.

D. Major auto repair when conducted within a completely enclosed building but not including body and paint shops.

E. Funeral homes without crematoriums.

F. Animal shelters.

G. Churches, schools, and day care facilities.

H. Residential uses in conjunction with a commercial business.

I. Outdoor recreation facilities, bowling alleys, roller rinks, pool halls, arcades, cardrooms, and similar uses.

J. Light manufacturing assembly, packaging, and processing of products when associated with retail or wholesale uses.

- K. Bed and breakfast inns with food service and catering.
- L. Residential care home, large.
- M. Residential care facility.
- N. Commercial cannabis consisting of testing subject to the regulations set forth in Chapter 5.34. (Ord. 915 §3, 2018; Ord. 893 §3(9), 2014; Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

17.10.060 Development standards.

- A. Minimum Lot Size.
 - 1. Interior lots: six thousand square feet.
 - 2. Corner lots: six thousand five hundred square feet.
- B. Minimum Average Lot Width.
 - 1. Interior lots: sixty feet.
 - 2. Corner lots: sixty-five feet.

- C. Minimum Lot Length. Eighty feet.
- D. Maximum Length to Width Ratio. Three to one.
- E. Maximum Lot Coverage. Eighty percent.
- F. Maximum Floor Area Ratio: .45.
- G. Minimum Yards.
 - 1. Front yard: as determined by architectural and design review.
 - 2. Rear yard: zero, or ten feet from a lot line when contiguous to a residential district.
 - 3. Side yard: zero, or ten feet from a lot line when contiguous to a residential district.
- H. Maximum Height.
 - 1. Principal structure: thirty-five feet.
 - 2. Accessory structures: fifteen feet.
- I. Parking. The parking standards set forth in Chapter 17.23 shall apply to all uses listed herein.
- J. Signs. All signs shall conform to the sign ordinance. (Ord. 796 Att. A(part), 1999)

Chapter 17.11

REGULATIONS FOR THE SERVICE COMMERCIAL OR "C-3" ZONING DISTRICT

Sections:

- 17.11.010 Purpose.
- 17.11.020 Performance standards/architectural and design review.
- 17.11.030 Uses permitted.
- 17.11.040 Uses permitted subject to the issuance of a zoning permit.
- 17.11.050 Uses permitted subject to the issuance of a use permit.
- 17.11.060 Development standards.

17.11.010 Purpose. To provide areas suitable for heavy commercial, light manufacturing, and fabrication uses which do not specialize in pedestrian traffic. The following regulations shall apply in all C-3 districts. (Ord. 796 Att. A(part), 1999)

17.11.020 Performance standards/architectural and design review. All uses permitted within the C-3 district shall be subject to the performance standards set forth in

Chapter 17.28 and to architectural and design review as set forth in Chapter 17.27. (Ord. 796 Att. A(part), 1999)

17.11.030 Uses permitted.

- A. Retail sales of large and bulky household items such as appliances, carpets, floor coverings, furniture, fireplaces, and wood stoves.
- B. Retail fuel sales and the sale and installation of auto parts and accessories such as tires or battery stores, muffler shops, and tune-up shops.
- C. Commercial trade services, with or without incidental retail sales, such as cleaning and dyeing agencies, bottling works, funeral homes without crematoriums, cabinet and carpentry shops, blacksmiths, welding, machine shops, furniture repair, and upholstery shops.
- D. Construction sales and services such as building supply stores with lumber storage yards, general and specialty contractor offices, electrical, plumbing and heating shops, and equipment rental shops.
- E. Warehouse and mini-storage uses.
- F. Farm supply stores, farm implement sales and service shops, and agricultural supply cooperatives.
- G. Professional uses and construction support services such as blueprinting, duplicating, printing, drafting, engineering, surveying, planning, and architectural services.
- H. Laundry, janitorial, and facility maintenance services.
- I. Light manufacturing assembly, packaging, and processing of products when associated with retail or wholesale uses.
- J. General administrative services and professional offices.
- K. Emergency shelters. (Ord. 880 §2(2)(part), 2010; Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

17.11.040 Uses permitted subject to the issuance of a zoning permit.

- A. Short term promotional events, and special outdoor events.
- B. Lumber storage yards.
- C. Medical offices and facilities.

D. Retail and service uses in support of office activities.

E. Temporary offices. (Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

17.11.050 Uses permitted subject to the issuance of a use permit.

A. Outdoor display, sale, and leasing of automobiles, recreational vehicles, mobilehomes, modular homes, factory built homes, trucks, trailers, swimming pools, and large storage tanks.

B. Contractor heavy equipment storage yards or heavy equipment rental yards.

C. Churches, schools, and day care facilities.

D. Funeral homes with a crematorium.

E. Animal shelters.

F. Automobile and truck service/repair shops and garages providing minor and major repair, body work, and painting.

G. Adult oriented businesses.

H. Bed and breakfast inns with food service and catering.

I. Residential care facility.

J. Emergency shelters which do not meet the location, development, and/or performance standards set forth in Section 17.28.010(EE).

K. Commercial cannabis consisting of cultivation, manufacturing without volatile solvents, testing, distribution and retailers activities subject to the regulations set forth in Chapter 5.34. (Ord. 915 §4, 2018; Ord. 893 §3(10), 2014; Ord. 880 §2(2)(part), 2010; Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

17.11.060 Development standards. A. Minimum Lot Size.

1. Interior lots: twelve thousand square feet.
 2. Corner lots: twelve thousand five hundred square feet.
- B. Minimum Average Lot Width.
1. Interior lots: one hundred feet.
 2. Corner lots: one hundred twenty feet.
- C. Minimum Lot Length. Eighty feet.
- D. Maximum Length to Width Ratio. Three to one.
- E. Maximum Lot Coverage. Sixty percent.
- F. Maximum Floor Area Ratio. .45.
- G. Minimum Yards.
1. Front yard: fifteen feet from lot line.
 2. Rear yard: ten feet.
 3. Side yard: zero, or at least ten feet from a residential lot line.
- H. Maximum Allowable Height.
1. Principal structure: thirty-five feet.
 2. Accessory structure: fifteen feet.
- I. Parking. See Chapter 17.23.
- J. Signs. See sign ordinance. (Ord. 796 Att. A(part), 1999)

Chapter 17.12

REGULATIONS FOR THE CENTRAL BUSINESS ZONING DISTRICT
OR "CB" DISTRICT

Sections:

- 17.12.010 Purpose.
- 17.12.020 Performance standards/architectural and design review.
- 17.12.030 Uses permitted.
- 17.12.040 Uses permitted subject to the issuance of a zoning permit.
- 17.12.050 Uses permitted subject to the issuance of a use permit.
- 17.12.060 Development standards.
- 17.12.070 Storefront and streetscape guidelines.
- 17.12.080 Performance standards.

17.12.010 Purpose. The purpose of the central business district is to carry out the policies and programs of the Lakeport general plan community design element (downtown plan). The CB district encompasses the historic cen-

ter of the community and has a range of land uses which include open space, high density residential/resort, general commercial, and public uses. (Ord. 796 Att. A(part), 1999)

17.12.020 Performance standards/architectural and design review. All uses permitted within the CB district shall be subject to the performance standards set forth in Chapter 17.28 and to architectural and design review as set forth in Chapter 17.27. (Ord. 796 Att. A(part), 1999)

17.12.030 Uses permitted. A. Accessory buildings and uses customarily appurtenant to a permitted use.

B. Retail stores including antique, gift and curio shops, food and grocery, pharmacy, hardware, liquor, appliance, and similar stores.

C. Bakeries.

D. Barber and beauty shops.

E. Bars, cocktail lounges, and taverns without live entertainment.

F. Cafes, coffee shops, and restaurants.

G. Financial institutions.

H. Hotels and motels.

I. Medical and dental clinics and laboratories.

J. Professional offices.

K. Public facilities and buildings.

L. Open space and park uses.

M. Similar uses to those listed herein. (Ord. 821 \$1(part), 2003; Ord. 796 Att. A(part), 1999)

17.12.040 Uses permitted subject to the issuance of a zoning permit. A. Flea markets within a building.

B. Outdoor sales, outdoor sidewalk food service/seating, short-term promotional events, and special outdoor events.

C. Live entertainment in conjunction with an existing business activity.

D. Replacement and reconstruction of existing single-family dwellings.

E. Temporary offices. (Ord. 821 \$1(part), 2003; Ord. 796 Att. A(part), 1999)

17.12.050 Uses permitted subject to the issuance of a use permit. The following uses are allowed within the CB district subject to the issuance of a use permit:

- A. Commercial recreation facilities.
- B. Auto and truck service stations.
- C. Automobile service and repair.
- D. Dry cleaners, laundry pick-up stations, and laundromats.
- E. Bed and breakfast inns.
- F. Rooming and boarding houses.
- G. Bus depots.
- H. Card rooms, bowling alleys, roller rinks, pool halls, arcades, and similar uses.
- I. Churches, schools, and day care facilities.
- J. Communication and public utility service facilities.
- K. Mixed-use developments.
- L. Residential uses in conjunction with a commercial use.
- M. Medium density residential uses subject to the requirements in the high density residential zoning district.
- N. Private parking lots unrelated to specific business or use.
- O. Funeral homes without crematoriums.
- P. Structures in excess of thirty-five feet in height.
- Q. Other and similar uses in character with those listed herein.
- R. Short term rental of a residence to a transient guest.
- S. One single-family dwelling, if it is to replace a previously-existing single-family dwelling.
- T. Bed and breakfast inns with food service and catering.
- U. Fuel dispensing operations with or without convenience markets. (Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

17.12.060 Development standards. A. Minimum Lot Size. As appropriate to accommodate the proposed use.
 B. Average Lot Width and Length-to-Width Ratio. As appropriate to accommodate the proposed use.
 C. Maximum Lot Coverage. One hundred percent.

D. Setbacks. Subject to compliance with the Uniform Building Code, zero setbacks from property lines are allowed. Setbacks shall be as determined by the planning commission or staff in the review of a proposed project.

E. Maximum Allowable Height.

1. Principal structure: thirty-five feet.

2. Accessory structures: fifteen feet.

F. Parking. See Chapter 17.23.

G. Signs. Signs shall conform to the provisions of the sign ordinance and the Main Street program storefront guidelines. (Ord. 796 Att. A(part), 1999)

17.12.070 Storefront and streetscape guidelines.

The CB district contains many historic structures and is a uniquely developed area. In the review of proposed new development or remodel projects, the city will implement the general plan community design element and the Main Street program storefront guidelines in order to maintain and achieve design improvements which are consistent with the historic and cultural character of the area. (Ord. 796 Att. A(part), 1999)

17.12.080 Performance standards. A. The construc-

tion or remodel of buildings within the central business district shall be subject to architectural and design review and shall be designed to interrelate with the existing architectural and building styles in the downtown area so as to enhance the small town character and identity of downtown Lakeport. The use of appropriate architectural

styles, materials, colors, and improvements shall be consistent with the historic nature of downtown.

B. The development of new buildings or remodel of existing structures shall take into account the goals and policies set forth in the community design element of the general plan and shall be consistent with the California Main Street Program. Provisions for creating a friendly and safe environment, which is inviting to pedestrians, may include special lighting, new landscaping, street furniture, sidewalk enhancement, provision of pedestrian paths, protection of scenic views, provision of access to the lakefront, and strengthening the relationship between downtown and Clear Lake, along with the provision of other public amenities, will be considered.

C. In the development of new buildings or remodel of existing structures, pedestrian circulation shall be taken into account. The widening of sidewalks, provision of additional crosswalks, new street signage, and/or new sidewalk surfaces and treatments may be required. As new development proposals are made, pedestrian and bike paths on public and private property may also be required. The resurfacing and landscaping of existing secondary streets, alleys, and pedestrian paths in the downtown area may be required as a condition of approval.

D. Where possible, the development of public open space areas such as courtyards, pocket parks, and pedestrian paths, separate from the streets through the interior of city blocks or within larger development projects, may be required for the purpose of connecting various parts of downtown and to create interesting interior spaces.

E. As a condition of approval of new construction or remodel of existing structures within the central business district, landscaping may be required. Landscaping may include the provision of street trees within sidewalk areas adjacent to the project and the provision of irrigation facilities and tree grates. Other landscaping may be required on-site depending upon the project location, design, and impact.

F. In conjunction with the development of new or remodeled structures, the city may require the installation of landscaping, new lighting, benches, tree grates, bike racks, public telephones, or trash receptacles that are designed to compliment and enhance the aesthetic character of downtown. (Ord. 796 Att. A(part), 1999)

Chapter 17.13REGULATIONS FOR INDUSTRIAL OR "I" ZONING DISTRICTSections:

- 17.13.010 Purpose.
- 17.13.020 Performance standards/architectural and design review.
- 17.13.030 Uses permitted.
- 17.13.035 Uses permitted subject to the issuance of a zoning permit.
- 17.13.040 Uses permitted subject to a use permit.
- 17.13.050 Development standards.
- 17.13.060 Additional design criteria.
- 17.13.070 Performance standards.

17.13.010 Purpose. To provide areas for a wide variety of industrial, manufacturing, research, business park, or related facilities. (Ord. 796 Att. A(part), 1999)

17.13.020 Performance standards/architectural and design review. All uses permitted within the "I" district shall be subject to the performance standards as set forth in Chapter 17.28 and to architectural and design review as set forth in Chapter 17.27. (Ord. 796 Att. A(part), 1999)

17.13.030 Uses permitted. A. Light manufacturing, assembly, packaging or processing, incidental sales (within a building) of the following finished products:

1. Electrical instruments, computers, optical equipment, and similar uses including research and development facilities.
2. Grains, vegetables, fruits, and other farm products.
3. Wood, paper, or paper products.
4. Fabrics, textiles, or similar materials.
5. Leather products.
6. Metals and alloy products.
7. Glass, plastics, pottery, and rubber products.

B. Indoor sale of large and bulky household items such as appliances, carpet and floor covering, furniture, and fireplaces and wood stoves.

C. Commercial trade services including cleaning and dyeing facilities, bottling works, cabinet and carpentry shops, blacksmiths, welding and machine shops, furniture repair and upholstery shops within a building.

D. Laundry, janitorial, or maintenance services within a building.

E. Construction related sales and service facilities such as general and specialty contractor offices, electrical, plumbing and heating shops, and equipment rental shops with materials stored in a building.

F. Commercial warehouses and mini-storage facilities.

G. Administrative and general business offices and facilities when associated with a permitted or use-permitted facility.

H. Professional construction support services such as blueprinting, duplicating, printing, drafting, engineering, surveying, planning, or architectural services.

I. Research, development, and testing facilities within a building.

J. Wholesale, storage, and distribution facilities within a building.

K. Vehicle, boat, mechanical, and equipment repair within a building.

L. Any other heavy commercial or light industrial use, building, or structure which is of similar character as those listed herein. (Ord. 796 Att. A(part), 1999)

17.13.035 Uses permitted subject to the issuance of a zoning permit. A. Temporary offices. (Ord. 821 S1(part), 2003)

17.13.040 Uses permitted subject to a use permit.

A. Recycling centers.

B. Outdoor storage, display, and sales associated with permitted uses.

C. Boat manufacturing.

D. Sale of ornamental rock, monuments, or other similar materials.

E. Industrial or residential accessory uses and accessory structures.

F. Food services that primarily serve industrial facilities.

G. Lumber mills or other heavy milling facilities.

- H. Auto wrecking yards, salvage and dismantling yards, and junkyards.
- I. Concrete or asphalt batch plants, rock crushing and stone product yards, sand and gravel plants.
- J. Processing, slaughtering or packaging facilities for meats, fish, or fowl such as a cannery, meat packing plant, or slaughterhouse.
- K. Manufacturing, mixing, or processing of chemicals.
- L. Electroplating facilities.
- M. Hazardous or toxic waste transfer operations.
- N. Manufacturing, assembly, packaging, or processing of materials involving the pulverization of clays, use of kilns, or the refining of oils or fats.
- O. Business and industrial parks.
- P. Other heavy industrial uses which are of similar character to those listed in this subsection.
- Q. Adult oriented businesses.
- R. Commercial cannabis consisting of cultivation, manufacturing with and without volatile solvents, testing, distribution and retailers activities subject to the regulations set forth in Chapter 5.34. (Ord. 915 §5, 2018; Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

17.13.050 Development standards.

- A. Minimum Lot Size. Twelve thousand square feet minimum or as determined through the parcel or subdivision map process.
- B. Minimum Average Lot Width.
 - 1. Interior lots: one hundred feet.
 - 2. Corner lots: one hundred twenty feet.
- C. Minimum Lot Length. Eighty feet.
- D. Maximum Length to Width Ratio. Three to one.
- E. Maximum Lot Coverage. Fifty percent.
- F. Floor Area Ratio: .35.
- G. Minimum Yards.
 - 1. Front yard: fifteen feet from the front property line.
 - 2. Rear yard: ten feet, or thirty feet from the lot line when contiguous to any residential or commercial zoning district.
 - 3. Side lot line: ten feet, or thirty feet from any lot line when contiguous to a residential or commercial zoning district.

- H. Maximum Height of Structures: forty-five feet.
- I. Parking. Parking standards as set forth in Chapter 17.23.
- J. Signs. All signs shall conform to the provisions of the sign ordinance. (Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

17.13.060 Additional design criteria.

The following design criteria shall apply to business park or industrial park development.

A. A master plan of development shall be submitted to the planning commission for approval. The business park or industrial park shall be developed in accordance with the master plan which shall include plans for roads, landscaping, utilities, lighting, service areas, parking, building, and storage areas.

B. Facades of buildings shall be decorative and architecturally pleasing. At a minimum, all buildings shall be designed so that the exterior walls are of metal, wood, or masonry. Roofing materials shall be composed of composite materials, tile, shake, shingles, tar and gravel, or an architectural metal roof sheeting with factory applied color coating.

C. Colors, materials, and finishes are to be coordinated on all exterior elevations of the building to achieve a total continuity of design that is visually pleasing and harmonious with adjacent development and/or the surrounding area.

D. Roof-mounted mechanical equipment or duct work which project vertically more than one foot above the roof or parapet line, and which are visible from adjoining

street, shall be screened with an enclosure that is architecturally consistent with the building.

E. Mechanical equipment, except for emergency equipment or air conditioning equipment, exposed on the wall surface of a building shall be screened by an enclosure which is consistent with the architectural style of the building.

F. Plans for blowers and tanks, etc., shall be reviewed at the time of development review to determine design integration with the buildings of adjacent areas.

G. All gutters, downspouts, fences, louvers, exposed metal flashing, or overhead doors shall be painted to blend with or match the surface colors of the buildings to which they are attached. (Ord. 796 Att. A(part), 1999)

17.13.070 Performance standards. A. Landscape, Screening, and Outdoor Storage. All development projects proposed in an industrial zoning district shall be provided with landscaping, screening, or outdoor storage facilities as appropriate in order to minimize the visual impact either from adjoining properties or from the adjoining traveled roadways. Screening shall be completed with solid fencing, chain link fencing with slats, landscaping, or a combination.

B. Public Safety. All proposed development projects in industrial zones shall comply with the following public safety requirements:

1. Emergency access to the rear portion of the lot shall be provided when deemed necessary or where required by the Lakeport fire department.

2. Adequate lighting of parking lot and buildings shall be provided.

3. Clearly marked street numbers with lighting for night visibility shall be provided.

4. Required landscaping shall not totally shield a security officer's view of doors, windows, or entrance areas.

5. Industrial facilities allowed under a use permit are subject to an increased level of review. Uses found to create potentially detrimental impacts as a result of their operation may not be allowed. Consideration will be given to the production of noise, offensive odors, smoke, dust, lighting, vibration, traffic, handling of explosives, or dangerous or toxic materials related to a proposed use. (Ord. 796 Att. A(part), 1999)

Chapter 17.14REGULATIONS FOR THE OPEN SPACE OR "OS" DISTRICTSections:

- 17.14.010 Purpose.
- 17.14.020 Applicability.
- 17.14.030 Uses permitted.
- 17.14.035 Uses permitted subject to the issuance of a zoning permit.
- 17.14.040 Uses permitted subject to the issuance of a use permit.
- 17.14.050 Development standards.
- 17.14.060 Development criteria.

17.14.010 Purpose. To preserve, protect, and enhance public and private lands identified by the general plan as having unique natural beauty and containing irreplaceable natural resources. To ensure that there will be sufficient open space for natural resources, agriculture, recreation, and for the protection of public health and safety. To protect and enhance water quality, water-courses, wetland and riparian areas, floodprone areas, and groundwater resources. To regulate development in sensitive areas so that it does not adversely affect aquatic wildlife, plant habitat, hillsides, watersheds, and scenic views of Clear Lake and the surrounding mountainous areas. To preserve natural resources such as riparian corridors and sensitive plant and animal habitats. To provide limited recreational opportunities in areas with scenic and/or interesting natural environments. To provide a visual buffer between developed areas. To preserve resources that have a distinctive community identity. (Ord. 796 Att. A(part), 1999)

17.14.020 Applicability. This zoning district may be applied to publicly and privately owned lands designated by the Lakeport general plan as open space. Lands that may be designated open space include: significant plant and animal habitat, forest areas, parks, recreation areas, hazardous areas, watershed areas, lakeshore areas, wetland areas, flood areas, and other areas having similar characteristics. (Ord. 796 Att. A(part), 1999)

17.14.030 Uses permitted. A. Public or private parks and recreation areas.

B. Natural areas which include: plant and animal habitats, forest lands, watersheds, wetland and riparian areas, lakeshore areas, and floodplains. (Ord. 796 Att. A(part), 1999)

17.14.035 Uses permitted subject to the issuance of a zoning permit. A. Special events, sales, short term promotional events, etc. (Ord. 821 S1(part), 2003)

17.14.040 Uses permitted subject to the issuance of a use permit. A. Agricultural uses.

B. Golf courses excluding commercial putting facilities.

C. Cemeteries.

D. Prospecting or preliminary geophysical investigations for natural resources, including oil, gas, geothermal, or mineral resources.

E. The removal of native vegetation.

F. Grading.

G. Recreation facilities of an active nature such as ballfields, tennis courts, recreation centers, swimming pools, beaches, rest rooms, or other similar uses.

H. Utility facilities including overhead or buried cables, drainage facilities, water or sewer lines, pump stations, and related facilities.

I. Parking lots related to permitted or use permitted uses.

J. Boat docks, piers, floats, ramps, and related uses. (Ord. 796 Att. A(part), 1999)

17.14.050 Development standards. A. Minimum Lot Size. Two acres.

B. Minimum Average Lot Width. Three hundred feet.

C. Maximum Length to Width Ratio. No limit.

D. Maximum Lot Coverage. For uses involving the construction of structures or other impervious surfaces, the maximum lot coverage shall be ten percent.

E. Minimum Yards (Setbacks).

1. Front yard: thirty feet measured from the lot line. Yards abutting any street are considered front yards.

2. Rear yard: twenty-five feet measured from the lot line.

3. Side yard: fifteen feet measured from the lot line.

F. Maximum Height. Fifteen feet measured from existing natural grade.

17.14.060 Development criteria. The planning commission shall consider the following criteria in making a decision on an application for a proposed development for which a use permit is required in the "OS" open space district.

A. The proposed use shall comply with the goals, policies, and programs of the conservation, open space, and parks element of the Lakeport general plan.

B. The proposed use shall be consistent with all related standards and criteria set forth in the Lakeport zoning ordinance.

C. The proposed use shall be of the minimum size necessary to achieve the intended purpose while complying with the intent of the Lakeport general plan.

D. Particularly unique, limited, or sensitive resource areas shall be preserved to a maximum extent.

E. Mitigation for the loss or degradation of natural resources impacted by a proposed use shall be incorporated into the conditions of approval for the project.

F. The planning commission may deny an application for a use permit should the following findings be made: that the proposed use is inconsistent with the intent of the Lakeport general plan, or has the potential to reduce the availability of open space land area, or create environmental consequences inconsistent with the provisions of this chapter, or is contrary to the public health, safety, and general welfare. (Ord. 796 Att. A(part), 1999)

Chapter 17.15

REGULATIONS FOR THE ELEVENTH STREET PROFESSIONAL USE OR "P" COMBINING DISTRICT

Sections:

- 17.15.010 Purpose.
- 17.15.020 Applicability.
- 17.15.030 Uses permitted.
- 17.15.040 Uses permitted subject to the issuance of a use permit.
- 17.15.050 Development standards.
- 17.15.060 Performance standards for professional uses.

17.15.010 Purpose. To provide standards for professional uses as shown on the zoning map in the Eleventh Street corridor between Main Street and Highway 29. Professional uses may be developed subject to the requirements set forth herein. (Ord. 796 Att. A(part), 1999)

17.15.020 Applicability. The professional use combining district standards will apply in the conversion of existing structures to a professional use or in the development of new structures. (Ord. 796 Att. A(part), 1999)

17.15.030 Uses permitted. All professional uses, and those uses allowed within the base zoning district as an outright use, may be developed within the professional use combining district subject to the requirements set forth in the base zoning district and herein. (Ord. 796 Att. A(part), 1999)

17.15.040 Uses permitted subject to the issuance of a use permit. Professional uses in combination with those uses permitted within the base zoning district, or those uses permitted subject to a use permit within the base zoning district, may be developed subject to the issuance of a use permit and compliance with the requirements set forth herein. (Ord. 796 Att. A(part), 1999)

17.15.050 Development standards. A. The maximum permitted density for uses within the professional use district shall be those set forth in the base zoning district.

B. The minimum lot size for parcels within the professional use combining district shall be as set forth within the base zoning district.

C. Minimum Average Lot Width. As set forth within the base zoning district.

D. Maximum Length to Width Ratio. As set forth within the base zoning district.

E. Maximum Lot Coverage. As set forth within the base zoning district.

F. Minimum Yards.

1. Front yard: fifteen feet from the property line.

2. Rear yard: ten feet from the lot line.

3. Side yard: five feet from the lot lines, except on a corner lot where the street-side setback shall be ten feet.

G. Maximum Height. As set forth within the base zoning district. (Ord. 796 Att. A(part), 1999)

17.15.060 Performance standards for professional uses. Professional uses that are proposed within the professional use combining district shall be subject to the following performance standards:

A. All proposed professional uses, whether they involve the conversion of an existing structure or the construction of a new building, shall be subject to architectural and design review.

B. The dedication of land for street right-of-way may be a condition of approval for professional use development projects. Said dedication shall be for the purpose of widening Eleventh Street and providing for proper geometric configuration at intersections to accommodate future anticipated traffic volumes.

C. Where feasible, access to lots shall be provided on side streets. Where access from Eleventh Street is required, driveways shall be designed so as to accommodate efficient turning movements to facilitate the flow of traffic on Eleventh Street. Driveway spacing shall be the minimum necessary to reduce the turning movements and prevent the slowing of traffic on Eleventh Street.

D. The construction of frontage improvements to city standard may be a development requirement within the professional use combining district.

E. The planning commission, in their review of professional uses within the professional use combining district, shall consider: dedication of land for right-of-way purposes; undergrounding of utilities; provision of landscaping; removal of existing vegetation; reconstruction of adjacent streets; provision of storm drainage facilities or easements; and any other on or off site improvements necessary to facilitate the public health, safety, and welfare and to carry out the intent of the Lakeport general plan. (Ord. 796 Att. A(part), 1999)

Chapter 17.16

REGULATIONS FOR PUBLIC AND CIVIC USES OR "PCU" ZONING DISTRICT

Sections:

- 17.16.010 Purpose.
- 17.16.020 Uses permitted.
- 17.16.030 Development standards.
- 17.16.040 General plan consistency report.

17.16.010 Purpose. To establish areas for public buildings and facilities. (Ord. 796 Att. A(part), 1999)

- 17.16.020 Uses permitted.
- A. Public buildings.
 - B. Public libraries.
 - C. City, county, and state offices.
 - D. Fire and police stations.
 - E. Public schools.
 - F. Public corporation and maintenance yards.
 - G. Other public uses similar in character to those uses listed above.
 - H. Courthouses.
 - I. Fairgrounds. (Ord. 796 Att. A(part), 1999)

17.16.030 Development standards. A. Minimum Lot Sizes.

1. Eight thousand square feet for an interior lot.
 2. Eight thousand five hundred square feet for a corner lot.
- B. Minimum Average Lot Width.
1. Interior lots: eighty feet.
 2. Corner lots: eighty-five feet.
- C. Maximum Length to Width Ratio. Three to one.
- D. Maximum Lot Coverage.
1. One story structure: sixty percent.
 2. Two story structure: fifty percent.
- E. Maximum Floor Area Ratio: .35.
- F. Minimum Yards.
1. Front yard: ten feet.
 2. Rear yard: ten feet.
 3. Side yard: zero feet, or ten feet from a lot line when contiguous to any residential district.
- G. Maximum Height.
1. Principal structure: two stories or thirty-five feet.
 2. Accessory structures: fifteen feet.
- H. Parking. See Chapter 17.23.
- I. Signs. See sign ordinance. (Ord. 796 Att. A(part), 1999)

17.16.040 General plan consistency report. Prior to development, all uses allowed in the PCU district shall comply with the general plan consistency report requirements set forth in the California Government Code. (Ord. 796 Att. A(part), 1999)

Chapter 17.17

REGULATIONS FOR THE PLANNED DEVELOPMENT COMBINING DISTRICT OR "PD" COMBINING DISTRICT

Sections:

- 17.17.010 Purpose.
- 17.17.020 Applicability.
- 17.17.030 Permitted uses.
- 17.17.040 Area, height, lot width, and yard requirements.
- 17.17.050 Application.
- 17.17.060 Deviation standards and criteria.
- 17.17.070 Minor modification to the use permit.
- 17.17.080 Time limit.
- 17.17.090 Exception.

17.17.010 Purpose. To encourage a creative and efficient approach to the use of land and to provide for greater flexibility in the design of development projects that would not be possible through the strict application of the standard zoning regulations. (Ord. 821 §1(part), 2003: Ord. 796 Att. A(part), 1999)

17.17.020 Applicability. The PD combining district may be applied to appropriate parcels of land of any size in any zoning district which are found to be suitable for the proposed development. (Ord. 796 Att. A(part), 1999)

17.17.030 Permitted uses. The permitted uses of land in a PD combining district shall be any use, or combination of uses allowed by the underlying zoning district as depicted on an approved development plan. The arrangement, design, and density of uses must be in conformance with the general plan and consistent with the requirements of this chapter. (Ord. 796 Att. A(part), 1999)

17.17.040 Area, height, lot width, and yard requirements. All uses within the PD combining district shall conform to the area, height, density, lot width, and yard regulations required by the underlying zoning district except when the total development project will be improved by a deviation from such regulations. Said deviations shall be specified as part of the application expressed in both a proposed development plan and in a written description. (Ord. 796 Att. A(part), 1999)

17.17.050 Application. A. Procedure. A request for the establishment of a PD combining district shall include an application for a use permit for all proposed developments within the district. The use permit application shall be considered concurrently with the rezoning request and may be approved subject to the approval of the rezoning request. The combined application shall be processed pursuant to the provisions of this chapter.

B. Development Plan. The use permit application shall include the following information on the proposed planned development:

1. A detailed site plan showing lot areas, street design, lot design, location of buildings, setbacks,

driveways, off-street parking and loading areas, landscaping, on-site drainage; and

2. Floor plans and elevations of proposed buildings and signs; and

3. Other information as may be required by the Community Development Department upon preliminary review.

The community development director may waive any of the above requirements if they are unnecessary, premature, or otherwise speculative due to the nature of the project. (Ord. 796 Att. A(part), 1999)

17.17.060 Deviation standards and criteria. Deviations from the standards set forth in the underlying zoning district may be approved by the planning commission if the planned development project provides benefits that enhance the design, aesthetics, and livability and result in a public benefit. The following criteria shall be considered by the planning commission in the determination of public benefit.

Residential Projects.

A. The residential planned development project shall utilize unique or innovative design approaches for lot arrangement, lot size and dimensions, building placement, street configuration and design, open space arrangement, landscaping, or other design factors which will result in a more livable and functional project which satisfies the need for improvements that protect the health, safety, and welfare of future residential property owners.

B. In the case of single-family residential projects, a substantial percentage of the units are intended to be owner occupied for the first year.

C. A unique or innovative design approach is proposed that results in the preservation of a unique, sensitive, or important natural, historic, or community resource; provides more public or private open space than is required by the general plan; or provides for more affordable housing units than is required by the general plan's housing element.

D. A unique project which is consistent with the regulations and provisions of the Lakeport general plan. (Ord. 796 Att. A(part), 1999)

17.17.070 Minor modification to the use permit. After approval of the planned development, the community development director may approve, upon application for a revised plan, minor modifications to an approved PD use permit. (Ord. 796 Att. A(part), 1999)

17.17.080 Time limit. Failure to obtain a building permit within twenty-four months after approval of the use permit for a planned development shall cause the approval to become null and void. No renewal of such permit may be granted and a new use permit application and filing fee must be submitted for review if there is a desire at that time to move forward. (Ord. 796 Att. A(part), 1999)

17.17.090 Exception.

The provisions contained within this chapter do not apply to residential properties that have an approved specific plan pursuant to the provisions of the California Government Code. (Ord. 796 Att. A(part), 1999)

Chapter 17.18

REGULATIONS FOR CLEAR LAKE SHORELINE DEVELOPMENT (SD)
COMBINING DISTRICT

Sections:

- 17.18.010 Purpose.
- 17.18.020 Applicability.
- 17.18.030 Uses permitted subject to the issuance of a shoreline development permit.
- 17.18.040 Exemptions.
- 17.18.050 Setbacks.
- 17.18.060 Maximum height of structures.
- 17.18.070 Shoreline development plan required.
- 17.18.080 Findings of approval.
- 17.18.090 Approval notification.
- 17.18.100 Community development director referral to the planning commission.

17.18.010 Purpose.

To protect and preserve environmentally sensitive areas adjacent to the Clear Lake shoreline and to prevent degradation of wetland and riparian areas, reduce erosion and water quality impacts and enhance the fishery resources and view corridors. Within the SD combining district, all uses shall comply with the regulations of the base zoning district and with the additional regulations set forth in this chapter. (Ord. 903 §1(part), 2016: Ord. 796 Att. A(part), 1999)

17.18.020 Applicability.

The shoreline development district shall be applied in the following areas: those areas designated on the Lakeport zoning map as SD combining district. (Ord. 903 §1(part), 2016: Ord. 796 Att. A(part), 1999)

17.18.030 Uses permitted subject to the issuance of a shoreline development permit.

A. Any use permitted within the base zoning district that involves grading, dredging, filling, excavation of soil or gravel, or other similar activities that would alter the existing topographic characteristics along the Clear Lake shoreline.

B. Proposed construction, reconstruction, additions, or modifications of buildings, boat ramps, retaining walls, boat docks, floats, fencing, utility lines, or other similar improvements. (Ord. 903 §1(part), 2016: Ord. 796 Att. A(part), 1999)

17.18.040 Exemptions.

The following activities shall be exempt from the provisions of this chapter:

Activities of a governmental agency, including:

A. The rehabilitation or replacement of previously authorized fill; provided, that the fill has not or will not be put to uses differing from the original permit authorizing its initial construction.

B. Bank stabilization.

C. Maintenance and operation of existing flood control and drainage facilities.

D. Emergency filling activities necessary for the protection of human health, safety, and welfare.

E. Removal of accumulated silt down to original grade. (Ord. 903 §1(part), 2016: Ord. 796 Att. A(part), 1999)

17.18.050 Setbacks.

All proposed construction except for boat ramps, docks, piers, boat lifts, and similar lake-oriented facilities shall be 7.79 above Zero Rumsey (1318.26 A.S.L.). Increased setbacks may be required by the city in order to make the findings set forth in Section 17.18.080. (Ord. 903 §1(part), 2016: Ord. 796 Att. A(part), 1999)

17.18.060 Maximum height of structures.

The maximum height of all structures on parcels along the shore of Clear Lake within the Clear Lake shoreline development combining district shall not exceed twenty-five feet unless a greater height is allowed through the approval

of a use permit. (Ord. 903 §1(part), 2016: Ord. 796 Att. A(part), 1999)

17.18.070 Shoreline development plan required.

In conjunction with an application for a land use project or building permit, a shoreline development plan shall be submitted for review and approval. The shoreline development plan shall include:

A. A plot plan drawn to scale showing all existing vegetation cover and all types of plant materials including tules, cattails, willows, cottonwood, aquatic vegetation, oak trees, and other similar vegetation.

B. A plot plan depicting the existing property lines and site topography at two-foot intervals, identification of the areas adjacent to Clear Lake, including the Zero Rumsey, 7.79 Rumsey, 11.5 Rumsey, and one thousand three hundred twenty-six feet above sea level.

C. A vicinity map identifying the wetlands on adjacent properties.

D. A plot plan showing the intended development including all proposed structures, roads, drainage facilities, fill areas, dredging areas, final topographic contours, and water control facilities such as retaining walls, revetments, levies, dikes, banks, berms, etc.

E. A plant and wildlife habitat management, protection, and enhancement program including proposed wetland plant materials and other native vegetation. (Ord. 903 §1(part), 2016: Ord. 796 Att. A(part), 1999)

17.18.080 Findings of approval.

The community development department shall review the shoreline development plan. A shoreline development permit shall be deemed complete if it is found that the proposed project will:

A. Not adversely affect the existing Clear Lake water quality; and

B. Not negatively affect the long-term preservation of lands along the Clear Lake shoreline area; and

C. Not affect any rare and endangered plants and animals; and

D. Be compatible with the natural environment existing along the Clear Lake shoreline in the area; and

E. Not result in the unnecessary removal of wetland vegetation or riparian environment including tules, cottonwood, willow trees, cattails, and other significant vegetation; and

F. Result in minimum disruption of soil and bank areas along shoreline parcels; and

G. Comply with the provisions, policies, and programs of the Lakeport general plan, and other city, county, state, or federal agencies. (Ord. 903 §1(part), 2016: Ord. 796 Att. A(part), 1999)

17.18.090 Approval notification.

Prior to approval of a shoreline development plan, and not less than ten calendar days prior to the proposed issuance, the community development department shall notify owners of contiguous properties immediately adjacent to the said project and/or additional properties as determined by the community development director. Notification shall be given by mail or delivery.

The written notice shall declare that the requested shoreline development plan may be issued without review and decision by the planning commission if no written request for review is filed with the community development department within ten calendar days of the date of mailing.

If no request for review and decision by the planning commission is filed with the community development department, the shoreline development plan may be issued by the community development director.

If a request for review by the planning commission is filed with the community development department pursuant to this section, the community development director shall schedule a public hearing before the planning commission at its next regularly scheduled meeting. Notification of said public hearing shall adhere to the requirements of Chapter 17.30. (Ord. 903 §1(part), 2016: Ord. 821 §1(part), 2003: Ord. 796 Att. A(part), 1999)

17.18.100 Community development director referral to the planning commission.

If the community development department is unable to make the findings necessary to approve the shoreline development permit, the matter shall be referred to the planning commission for review and decision. If it is found that a

project does not comply with the findings set forth in Section 17.18.080, then the shoreline development may be denied. Conditions of approval may be imposed on a shoreline development permit/project as necessary to achieve compliance with the purpose section (Section 17.18.010). (Ord. 903 §1(part), 2016)

Chapter 17.19

REGULATIONS FOR HISTORIC PRESERVATION OR "HP" COMBINING DISTRICTS

Sections:

- 17.19.010 Purpose.
- 17.19.020 Applicability.
- 17.19.030 Uses permitted.
- 17.19.040 Site selection criteria.
- 17.19.050 Findings required for rezoning.
- 17.19.060 Incentives.

17.19.010 Purpose.

To provide regulation for the protection, enhancement, perpetuation, or use of places,

sites, buildings, structures, and other objects having special historical value, and to protect cultural and archeological sites. Such sites may be of local or state-wide significance and have anthropological, cultural, military, political, architectural, economic, scientific, religious, or other values.

Within the HP combining district, all uses of land shall comply with the regulations of the base zoning district and with the following regulations. (Ord. 796 Att. A(part), 1999)

17.19.020 Applicability. The historic preservation combining district (HP) designation may be considered upon the request of the property owner, planning commission, or city council. Designations may be applied to:

A. Real property, structures, or districts which have been officially designated as significant by local, state, or federal agencies; or

B. Other real property, buildings, or structures having a special cultural character or historic value. (Ord. 796 Att. A(part), 1999)

17.19.030 Uses permitted. All uses permitted in the base zoning district are permitted. The proposed alteration of any structure or site within an HP combining district shall require a use permit. No feature of any property zoned HP, which gives the property its special historical, archeological, or architectural character, shall be altered or demolished except in accordance with the provisions of the use permit. Minor alterations, which do not impact the site or building character, may be approved by the community development director. (Ord. 796 Att. A(part), 1999)

17.19.040 Site selection criteria. A. A cultural resource is any material remains of past human life or activities which are of historical, archeological, or cultural value or interest, or of special character or special historic interest or value. Such remains are from prehistoric or historic periods and occur either below or above ground. Buildings forty-five years old or older shall be considered historic and may require an historic evaluation.

B. Historical sites and structures are areas where artifacts, features, or structures can be tied to a particular time period. The types of sites in this category include, but are not limited to, historic structures and buildings representing mining, farming, residential, commercial, and industrial uses; bridges, wagon roads, and other historic transportation routes, and other areas,

without structures, which provide evidence of historic cultural use.

C. Cultural sites include, but are not limited to, Native American village sites; seasonal campsites, hunting or butchering sites; quarries or tool manufacturing sites; various types of rock paintings and carvings; and resource collection sites used today for the gathering of traditional Native American resources.

These sites usually contain some or all of the following characteristics: obsidian and/or chert flakes, evidence of stone tool making; dietary remains such as fish bone, animal bone, and shells; artifacts; darkened soil, stained by charcoal from cooking fires; depressions in the ground which may be ruins of house or ceremonial structures; and Indian burial grounds which can occur by themselves or within village or campsite areas. (Ord. 796 Att. A(part), 1999)

17.19.050 Findings required for rezoning. The city council may approve a designation to "HP" when it finds that the registered cultural resource or site has one or more of the following qualities as defined by the U.S. Department of Interior (36 CRF 800.10):

A. Identification or association with persons, eras, or events that have contributed to local, regional, state, or national history in a distinctive or important way; or

B. Of an architectural style with historic value, design, or method of construction, or notable architect, engineer, builder, artist or craftsman; or

C. Has yielded, or is likely to yield, information of value about history, archaeology, or culture or that provides for existing and future generations an example of the physical surroundings in which past generations worked. (Ord. 796 Att. A(part), 1999)

17.19.060 Incentives. A. Tax Preference. The historic preservation (HP) combining district, when used in conjunction with Section 50280 et. seq of the California Government Code and Section 439.1 of the Revenue and Taxation Code, is designed to preserve significant historic and cultural resources or sites by providing the availability of tax incentives to those landowners in the community who voluntarily agree to preserve such resources on their property by entering into a contract with the county.

B. Building Code Exemptions. The owners of historic structures, which have obtained the status of "registered cultural site," may no longer need to conform to the Uniform Building Code (UBC) but may opt instead to meet the requirements of the State Historic Building Code (HBC) in order to maintain the historic character of the structure. (Ord. 796 Att. A(part), 1999)

Chapter 17.20REGULATIONS FOR EROSION CONTROLSections:

- 17.20.010 Erosion control required.
- 17.20.020 Land owner responsibility.
- 17.20.030 Determination of need for erosion control.
- 17.20.040 Erosion control measures.
- 17.20.050 Erosion control in development projects.

17.20.010 Erosion control required. Soil stability and erosion control measures shall be required in areas where it is determined that exposed soils or other conditions have the potential to create water quality impacts, damage to Clear Lake and tributary streams, damage to public or private property, damage to fish and wildlife areas, create flooding hazards, decrease productivity of agricultural lands, or lead to unwanted soil deposits. (Ord. 796 Att. A(part), 1999)

17.20.020 Land owner responsibility. The responsibility for implementation of slope stability or erosion control measures shall be the owner(s) of private property on which it is observed and determined by the city that soil degradation is occurring or has the potential to occur. (Ord. 796 Att. A(part), 1999)

17.20.030 Determination of need for erosion control. The determination of the need to perform slope stabilization or to implement erosion control measures shall be made by the community development director in consultation with other city, county, state or federal agencies. Evidence of erosion occurring on land including, but not limited to, gullying, slippage, turbid runoff during storm periods, build-up of soils, and other similar situations shall be considered in making a determination that slope stabilization or erosion control measures are necessary. Construction projects involving the movement of soils and/or clearing and grubbing of sites that expose soils to the elements shall also complete erosion control measures. (Ord. 796 Att. A(part), 1999)

17.20.040 Erosion control measures. After a determination is made that erosion control is needed, the property

owner shall be required to complete some or all of the following measures to stop, reduce, or minimize the erosion problem. The specific extent of erosion control measures shall be determined by the community development director and implemented within a specific time frame as set forth in a written notice to said owner.

A. General Erosion Control. All property owners within the city shall generally use the following measures to minimize erosion within the city:

1. Keep soil disturbance to a minimum land area for a minimum length of time.

2. Maintain low slope angles and short slope lengths.

3. Revegetate disturbed soil areas with grass seeds and/or plants.

4. Fertilize and irrigate revegetation areas.

5. Perform slope stabilization and erosion control measures in areas adjacent to streams, creeks, ponds, and Clear Lake.

6. Where necessary, use mechanical stabilization techniques to control erosion and sedimentation.

7. Check erosion control measures periodically to monitor their effectiveness.

8. Complete grading and erosion control only during the dry season.

9. Comply with the grading requirements of the California Building Code and associated codes.

B. Erosion Control on Slopes Less Than 4:1. Property owners shall mulch the erosion areas with soil and place loose straw in a thin layer (one to two inches). The straw shall be pushed in with a shovel or a ring roller. Seeding with a mechanical drill or hand spreader may also be permitted. In certain situations, the planting of trees and shrubs may be required. Slope length should be limited to thirty-three feet by the use of barriers, including straw bales fixed with stakes or rebar; berms; fences; and wattling. In addition, infiltration trenches and channels may be required.

C. Erosion Control on Moderate Slopes 4:1 to 2:1. Property owners shall mulch erosion areas with soil and loose straw spread in a thin layer (one to two inches). The straw shall be pushed in with a shovel or ring roller. On steeper slopes, the straw shall be required to be held down with chemical tackifiers overlying the straw or with

netting made of woven paper, excelsior, or jute. The netting must be close to the surface so that water does not erode underneath. Hydroseeding, hydromulching, or hand broadcasting of seeds shall be employed. Planting of native grasses, shrubbery, and trees shall be required to maintain long-term stability.

For long, steep slopes, the construction of barriers such as straw bales fixed with stakes, rock and soil berms, fences, wattling, infiltration trenches, and cutting horizontal ledges into steep slopes (steeping or serration) shall be required. Additional top soil, seed, and fertilization may be required. The slope length will be a maximum of eighteen feet.

D. Erosion Control on Steep Slopes Greater Than 2:1. Property owners shall mulch erosion areas with soil and loose straw spread in a thin layer. In these areas, revegetation success may be poor due to slope instability and rapid water runoff. In addition to shortening the slopes as set forth in subsection C of this section, concrete block revetment, piled rock, gabion baskets, or retaining walls may be required. Hydroseeding, hydromulching, and hand broadcasting of seed will be required on the slope above these structures. The addition of topsoil and fertilizer may also be necessary. The revegetation areas may be required to be provided with irrigation facilities and repaired as necessary. The planting of native grasses, shrubbery, and trees to maintain the long-term stability will be required.

E. Erosion Control Adjacent to Water Bodies. In addition to all of the measures described above, additional measures shall be required for those properties near Clear Lake, creeks, and seasonal streams. For those areas within one hundred feet of a water body, no unprotected fill or stockpiled soil materials shall be allowed. Disturbance of vegetation cover must be kept to a minimum amount. Drainage control and sediment control with appropriate devices such as barriers, channels, infiltration trenches, water energy absorbing devices, and sediment traps may also be required.

For those areas within thirty feet of Clear Lake, creeks, or seasonal streams, the removal of stable mature trees or other vegetation down to bare soil or the grading and constructing of roads, unless required for health and safety purposes, shall be avoided. Extra protection for

drainage and sediment control with appropriate devices such as barriers, channels, infiltration trenches, water energy absorbing devices, and sediment traps will also be necessary. (Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

17.20.050 Erosion control in development projects.

Development projects constructed in areas with slopes, or that involve significant exposure of bare soils, may be required to prepare and submit an engineered erosion control plan as part of the development review process or prior to the issuance of a building permit for the project. Where cuts and fills exceed fifteen feet in height; where there is a possibility of land slides; where soil erodibility factors are high, such as those with loose, sandy, or silty soils; or where the proposed project is within one hundred feet of Clear Lake, creeks, or seasonal streams, a professionally prepared engineering plan may be required. A determination of the specific type of plan shall be made

as part of the environmental review process associated with the development project. (Ord. 796 Att. A(part), 1999)

Chapter 17.21

REGULATIONS FOR TREE PRESERVATION

Sections:

- 17.21.010 Purpose.
- 17.21.020 Applicability.
- 17.21.030 Preservation of native trees.
- 17.21.040 Land development tree report.
- 17.21.050 Review and determination.
- 17.21.060 Tree inventory.

17.21.010 Purpose. To carry out the provisions of the Lakeport general plan with respect to protecting the natural environment and conserving and enhancing Lakeport's unique natural beauty and irreplaceable natural resources specifically applicable to the preservation of native trees, including oak, redwood, willow, and cottonwood. (Ord. 796 Att. A(part), 1999)

17.21.020 Applicability. The regulations for tree preservation standards shall apply only to proposals to develop land and shall not apply to existing developed sites. (Ord. 796 Att. A(part), 1999)

17.21.030 Preservation of native trees. Existing native trees on proposed development sites with a diameter of six inches or more including, but not limited to, oak, willow, cottonwood, and redwood shall not be cut down, removed, or otherwise destroyed except as provided herein. (Ord. 796 Att. A(part), 1999)

17.21.040 Land development tree report. Development projects involving applications for building permits and land use projects within the city shall include a tree report where there are existing native trees located on the site. The tree report shall include the following information:

- A. The type and number of native trees existing on the subject property.
- B. The diameter of trunks and main stems measured 4.5 feet above the root crown.
- C. The average canopy spread of each tree.
- D. A statement concerning the health of the trees including the disclosure of any significant disease, insect

infestation, fire, mechanical, or wind damage that may be present.

E. A graphic plan showing the location of the native trees on the property in relationship to lot lines, existing improvements, proposed structures, and other improvements.

The community development director may waive the requirement for a tree report based on a determination that there are no native trees on the land to be developed, or that the project as proposed will not in any way affect the existing trees on the land. (Ord. 796 Att. A(part), 1999)

17.21.050 Review and determination. Upon submittal of the tree report, the director shall review the information and make a recommendation as to the necessity to revise the proposed development project in order to retain the trees or mitigate the impact to the trees. The director or the planning commission may require that the project be revised and that proposed improvements be relocated or otherwise modified in order to retain the native trees or mitigate the impact on the trees.

The director or the planning commission may require that trees that are proposed to be removed as a result of development instead be retained through the implementation of specific mitigation measures. Mitigation measures may include limitations on: root cutting, limb cutting, placement of improvements within the canopy drip line, construction of irrigation facilities within the canopy drip line, introduction of non-native plant materials within the canopy drip line, or other techniques as necessary to preserve the trees.

The city recognizes that some trees will have to be removed to facilitate development in accordance with the general plan. For those trees that are to be removed, the director or the commission shall require a 1:1 replacement with a minimum fifteen-gallon tree in the same or similar species as the tree to be removed. If the trees that are removed are mature and healthy, there shall be a 1:1 replacement with a minimum twenty-four-inch root ball specimen in the species that is the same or similar to the tree removed. Trees planted as replacements shall be continually maintained or replaced if they fail to survive. Replacement trees shall be planted on the site where the pre-existing tree was removed, or may be planted on a separate site at the discretion of the city.

The director or the commission shall determine the degree of tree impact resulting from the proposed development of the land and shall stipulate those conditions of approval necessary to satisfy the purpose of this chapter and the Lakeport general plan. (Ord. 796 Att. A(part), 1999)

17.21.060 Tree inventory. The city shall provide an up-to-date inventory of significant stands or individual native trees. Said inventory shall be consulted in the review of potential tree impact caused by development proposals. (Ord. 796 Att. A(part), 1999)

Chapter 17.22

REGULATIONS FOR ZONING PERMITS

Sections:

- 17.22.010 Zoning permits.
- 17.22.020 Zoning permit performance standards.

17.22.010 Zoning permits. A. Zoning permits which are revocable, conditional, and/or valid for a term period may be issued for uses authorized in each zoning district. Zoning permits may be issued by the community development director (CDD) in the manner specified herein and shall be subject to compliance with the standards set forth herein or any other conditions necessary to protect the health, safety, and welfare of city residents. The zoning permit is a ministerial permit subject to periodic review by the CDD or planning commission as necessary to determine compliance with conditions.

B. Application for a zoning permit shall be made in writing by the owner of the property or lessee of the property, the purchaser in escrow, or the optionee of the property with the written consent of the owner on a form provided by the CDD. The application shall be accompanied by a fee in an amount set by resolution of the city council. Plans and written material detailing the proposed use or operation may be required by the CDD.

C. Notice of the intent to issue a zoning permit shall be given to those properties that are immediately contiguous to the property on which the subject application is made. The notice shall state the intended use and that the city will consider the issuance of a permit within five days. The intent of said notice is for information purposes only. The community development department may issue zoning permits for one- or two-day special events provided all findings set forth in subsection D of this section are complied with.

D. The CDD may approve issuance of a zoning permit provided that the performance standards set forth in the following sections are complied with. In addition, the following findings must be made in each case.

1. The proposed use is located in an appropriate zoning district, is consistent with the Lakeport general plan, and will not create a detrimental impact.

2. The proposed use complies with the applicable conditions and standards in the municipal code.

3. The applicant has agreed to conform to all applicable building, health, and public works permits and requirements set forth in the municipal code, to comply with all other required conditions, and to operate the proposed use in conformance with the zoning permit.

E. Upon application for a zoning permit, and after a determination by the CDD that the requirements of the municipal code have been met, the zoning permit may be issued. The zoning permit is effective upon issuance.

F. In the event that the CDD determines that the impact of the issuance of the proposed zoning permit is potentially significant or detrimental, or that the use is only marginally in conformance with this section, the permit may be referred to the planning commission for review and action. (Ord. 796 Att. A(part), 1999)

17.22.020 Zoning permit performance standards. A.

This subsection intentionally left blank.

B. This subsection intentionally left blank.

C. Guest Quarters.

1. A guest house shall be an accessory structure consisting of a detached living quarter of a permanent type of construction located within two hundred feet of the primary residential unit.

2. The guest house shall not contain kitchen facilities allowing the preparation and/or storage of any food.

3. The guest house shall not be leased, sub-leased, rented, or subrented separately from the primary residential unit and is to be used for guest purposes only.

4. The minimum gross floor area required for a guest house shall be two hundred square feet and shall not exceed a maximum of one thousand square feet of floor area.

5. Vehicular access to the guest house shall be by way of the driveway of the main building and in no case

shall a separate point of access be created to the adjoining road or highway.

6. One covered off-street parking space shall be provided for the exclusive use of the guest house in addition to the parking requirements for the primary residential unit.

7. Guest houses shall comply with the development standards set forth in the zoning district in which it is located.

8. A guest house shall not be permitted on a lot in addition to a secondary accessory residential unit or similar dwelling. If a guest house has been approved on a lot, a secondary residential unit or similar dwelling shall not be permitted unless the guest house is removed or converted to another authorized use.

9. The architectural style and construction materials of the guest house shall generally conform to those of the existing single-family residential primary unit in terms of building height, roof style, roof materials, siding, windows, doors, siding and trim colors, and other architectural features.

D. Temporary Offices.

1. One commercial coach/mobilehome may be used as a temporary office for a period not to exceed one year during the construction of a commercial building on the same site.

2. Prior to issuance, applicants for temporary office zoning permits shall:

a. Obtain a building permit for the principal structure.

b. Obtain building and health permits for the inspection of the water supply, waste system, and electrical installation for the temporary office.

c. Define the foundation system and location of waste discharge facilities.

3. The temporary office shall not be permanently attached to the ground and shall be of a size that is readily removable.

4. The temporary office shall be removed from the site within forty-five days of issuance of an occupancy permit for the office or commercial building and its presence shall not exceed one year from the date of issuance of the zoning permit.

5. The applicant shall obtain an inspection of the property upon completion of the principal structure not later than one year after the issuance of the zoning permit to determine compliance with the provisions herein.

6. An extension of a temporary office zoning permit may be issued on the same site for an additional six-month period upon written application for such an extension. Applications for extension shall be subject to the

same procedures and requirements of the original zoning permit. Only one extension may be granted.

7. Application for an extension shall be accompanied by evidence of a valid building permit and evidence of substantial progress in construction of the primary structure.

E. Temporary Construction Office.

1. Temporary construction offices may be used during a construction project pursuant to the requirements of this section.

2. Applicants for a temporary construction office zoning permit shall obtain building and health permits for the inspection of the water supply, waste system, and electrical installation of the temporary construction office.

3. The temporary construction office shall not be permanently attached to the ground and shall be of a size that is readily removable.

4. All office activities shall be conducted within the temporary construction offices and no outdoor storage shall be conducted without prior authorization by the Lakeport community development department.

5. All signing associated with the temporary construction office shall meet the requirements of the city sign ordinance.

6. The zoning permit shall expire after either:

a. The project has been completed.

b. The contractor has completed the contract for which the office is made necessary.

c. Two years after the issuance of a permit, whichever is earlier.

7. The temporary construction office shall be removed from the site within forty-five days after completion of the project, vacation of the occupancy, termination of the contract, or expiration of the permit, whichever is earlier.

F. Permanent or Semipermanent Accessory Offices.

1. One permanent or semipermanent accessory office structure may be used in commercial zoning districts, subject to issuance of a zoning permit and architectural and design review, or use permit, if applicable, as an office for the associated commercial activity pursuant to the requirements of this section.

2. Applicants for accessory offices shall obtain building and health permits for the inspection of the water supply, waste system, and electrical installation of the accessory office.

3. The accessory office shall be securely attached to the ground, footing or foundation in accordance with the provisions of the Uniform Building Code.

4. The accessory office shall be permitted only in conjunction with an existing or approved commercial use where it is not feasible or practical to construct a build-

ing with standard offices, or if the need for a typical office structure is not justified or necessary.

5. The accessory office shall be of a modular, commercial coach, mobile, or frame construction type and shall conform to the requirements of the Uniform Building Code in terms of access, doorway width, hall width, exits, occupancy load, etc. Provision of restroom facilities, plumbing, and electrical utilities shall also be in conformance with the Uniform Building Code.

6. The accessory office shall be visually pleasing and architecturally compatible with the commercial use of the site and surrounding area. City staff will review the proposed office in terms of its height, roof style, roof materials, siding, windows, doors, siding and trim colors, and other architectural details and may require improvements as necessary to assure a more visually attractive structure.

7. The accessory office shall be inspected and occupancy approved prior to its use.

G. Special Outdoor Events.

1. Special outdoor events may be allowed upon application and approval of a zoning permit. A special outdoor event shall include, but not be limited to, outdoor activities such as street dances, sporting events, festivals, open air plays, and other similar activities.

2. Special outdoor events shall not include events held by individuals or nonprofit organizations which occur on land specifically designed for such events including, but not limited to, sporting stadiums, race tracks, and fraternal lodge or club yard areas.

3. The applicant for an outdoor event shall be responsible for all activities and shall supervise all participants so that the event will be orderly and not result in disruption to neighboring properties or residents.

4. The hours of operation of special outdoor events shall generally be limited to six a.m. to eleven p.m. not including the setting up and taking down of displays, booths, stages, sound and lighting equipment, etc. Street dances shall be limited to approved hours of operation set forth in the zoning permit.

5. Special outdoor events shall not obstruct traffic or reduce sight distance at any driveway or intersection unless approved and authorized by the city.

6. The applicant for a special outdoor event shall submit for each event the following plans for review prior to the issuance of a special event permit:

a. Project description including estimated number of participants and spectators.

b. Parking and traffic control plan which provides for sufficient parking, circulation, and access to the event.

c. Solid and liquid waste disposal plan which provides adequate means for solid and liquid waste removal.

d. Public safety, noise, crowd control emergency contingency plans.

e. List of responsible parties and emergency contacts.

7. The site of the outdoor event shall be maintained in a litter-free condition and shall be returned to its original condition upon completion of the event unless alternative measures have been approved by the community development director.

8. A special event shall not reduce the number or usability of parking spaces or other uses on the lot to a point where public safety is impacted.

9. A permit for a special event may be approved for up to a three-year period upon request at the time of application. The community development director may deny or revoke a zoning permit if inspection or complaints indicate that the use may be objectionable by reason of production of noise, offensive odors, smoke, dust, bright lights, vibration, unusual traffic, or involve the handling of explosive or dangerous materials.

H. Outdoor Food Service, Tables, and Seating Placement on Sidewalks.

1. Outdoor food service and seating activities may be conducted on sidewalk areas in conjunction with an existing restaurant, sandwich shop, coffee shop, and similar food service businesses located within a building in the commercial districts.

2. The outdoor seating location shall be defined on a map submitted with the zoning permit application and shall be limited to the storefront area or the minimum area necessary for outdoor seating facilities. All outdoor seating facilities shall generally be located adjacent to the building or structure unless otherwise specifically approved by community development department staff.

3. Outdoor food service and seating activities shall not obstruct sidewalk areas or block building entries or exits. All equipment related to outdoor seating activities shall be maintained in a clean condition, and the activities shall be conducted and maintained in a neat and orderly manner.

4. Outdoor seating facilities in the downtown area shall be of a bistro or Victorian style utilizing high quality and durably constructed sidewalk furniture. All sidewalk furniture shall be approved by the community development department prior to its use.

5. A minimum sidewalk and doorway clearance of thirty-six inches shall be maintained at all times within areas of outdoor seating.

6. Each outdoor seating business owner in the downtown area shall sign and submit a hold harmless agreement.

I. Requirements for Outdoor Display/Sales Activities in Commercial Districts.

1. Small scale (less than two hundred square feet) outdoor display and sales activities on private property may be conducted without time limitation, or in accordance with a time limit as specified in the zoning permit. The applicant for outdoor display and sales activities shall specify the display schedule as part of the zoning permit application. Outdoor display on city sidewalks in the downtown area shall be limited to one hundred days in a calendar year.

2. The application for the outdoor display/sales activities shall indicate the type and location of tables, racks, and other storage and display activities to be utilized. All facilities shall be limited to the applicant's storefront area, or the minimum area necessary for effective outdoor display activity associated with an existing commercial business. Tables and racks, along with other equipment used for outdoor display and sales activities, shall be of a high-quality and durably constructed material and approved by the city.

3. Small scale outdoor display and sales activities shall not obstruct sidewalk areas or block building entries and/or exits. A thirty-six inch sidewalk/doorway clearance must be maintained at all times. All outdoor display and sales activities, including the display of merchandise, shall be conducted and maintained in a neat and orderly fashion at all times.

4. Signing related to small scale outdoor display and sales activities shall be defined in the zoning permit application and approved by the community development department prior to their display. Signing related to outdoor commercial activities shall be oriented to pedestrians.

5. The display height of merchandise in a small scale outdoor display and sales activity shall not exceed six feet measured from the sidewalk grade.

6. All small scale outdoor display and sales activities shall generally be located adjacent to buildings or structures unless otherwise specifically approved by the community development department as part of the zoning permit.

7. A minimum sidewalk and doorway clearance of thirty-six inches shall be maintained at all times in the vicinity of the small scale outdoor and sales activity.

8. Business owners involved in small scale outdoor display on city sidewalks shall sign and submit a hold harmless agreement.

J. Requirement for Larger Scale and/or Short Term Outdoor Display and Sales Activities.

1. Larger scale (more than two hundred square feet), short-term outdoor display and sales activities may be conducted for a time period not to exceed fourteen days in a calendar year, or as specified in the zoning permit. The application for a zoning permit for larger scale short-term outdoor display and sales activities shall indicate the intended time frame, proposed location, extent of the sales area, and type of merchandise to be displayed. A site plan which identifies the outdoor sales area shall accompany the application.

2. The area shall be limited to the minimum necessary. Tables, racks, or other equipment used for the sales event shall be of high-quality, durably constructed material and approved by the city prior to their use.

3. Larger scale short-term outdoor sales activities shall not obstruct sidewalk areas, block building entries and/or exits, hinder the movement of traffic within a parking lot, impact neighboring properties, or create other health and safety related problems. Minimum sidewalk and aisle widths of thirty-six inches shall be maintained at all times within areas of outdoor display and sales activities. All larger scale short-term outdoor sales events shall be conducted and maintained in a neat and orderly fashion at all times. Haphazard, sloppy, or conditions that result in health and safety problems shall not be permitted.

4. Signing related to a large scale short-term parking lot sale shall be specified in the application for a zoning permit and approved by the community development department prior to display. Signing related to outdoor commercial activities shall be limited in their placement oriented to pedestrians.

K. Home Occupations.

1. The home occupation shall be strictly secondary and subordinate to the principal residential use and shall not change or detrimentally affect the residential character of the dwelling unit premises or neighborhood.

2. Home occupations shall not involve any structural alterations of the dwelling, and the entrance to the home occupation room shall be from within the dwelling except as approved by the city on a case-by-case basis.

3. The home occupation shall be conducted solely by the residential dwelling occupants and no employees shall be connected with the home occupation.

4. A home occupation shall not create any radio or television interference, any noise, any obnoxious odors or fumes, or any other detrimental negative effects to adjacent property owners.

5. There shall be no outdoor storage of materials or supplies related to the home occupation.

6. Vehicles related to home occupations shall not be used for display of signs to attract attention to the home occupation.

7. One parking space shall be provided when a vehicle is to be used primarily as part of the home occupation in addition to those parking spaces required for the dwelling unit.

8. Home occupations shall comply with all applicable state, county, and local laws.

9. Home occupations shall not involve on-site retail sales as a primary function.

L. Agricultural Uses Including the Keeping of Livestock.

1. Limited, small scale agricultural activities which include, but are not limited to, the tilling of soil, growing of crops or gardens, and the keeping of small animal pets (such as rabbits) is permitted in conjunction with a residential use in a residential district without a zoning permit. Said agricultural activities shall conform to the standards herein and shall not detrimentally impact surrounding property owners' rights to enjoy the peaceful occupancy of their residences.

2. Other agricultural activities including commercial, agricultural businesses, the keeping of large animals, livestock, and similar activities shall be subject to the issuance of a zoning permit. Applications for zoning permits shall specify the type of agricultural activity being proposed, parcel size, the number and types of animals and/or number and types of crops to be kept on the property, and other details necessary to make a decision on the zoning permit.

3. The sale of agricultural produce grown on the premises may be permitted as a component of the zoning permit provided that no structure is maintained primarily for such sale activity. The display and sale of all produce grown on the site shall be set back from street right-of-way or adjacent lot lines a minimum of fifteen feet.

4. The keeping of small animals, livestock, caged pets, birds, and other animals are subject to the following animal density standards.

<u>Type of Animal</u>	<u>Numbers of Animals and Minimum Lot Size</u>
Small animals such as rabbits, caged pets, and birds	Up to three animals may be maintained on a standard city lot (5,000--6,000 square feet in size). Each additional animal shall require 1,000 square feet in land area.
Mid-size animals such as pot-bellied pigs or goats	One mid-size animal may be maintained per 10,000 square feet of land area. Each additional animal shall require 2,500 square feet of land area.
Large animals such as cows or horses	One large animal may be maintained with a minimum lot size of one acre. Each additional animal shall require an additional 15,000 square feet of land area.

5. The keeping of all animals, livestock, caged pets, and birds shall not impact surrounding or nearby properties. Animal runs, cage areas, pastures, and other similar areas shall not be located closer than ten feet from adjacent property lines, shall be located in the rear yard of all areas, unless otherwise defined in the approved zoning permit, and shall be maintained in a neat and orderly fashion.

6. The standards set forth herein are considered to be the minimum and may be increased by the community development department as a condition of the issuance of a zoning permit when it is determined that said increase is necessary for the protection of the public health, safety, and welfare.

7. The community development department may require, revise, or revoke a zoning permit issued for agricultural activities when there has been a determination that the activity has caused or is creating a public health, safety, and welfare issue which is impacting surrounding or adjacent property owners. The community development director may also require review of the zoning permit by the planning commission.

M. Docks, Piers, and Boat Houses. The development of docks, piers, and boat houses on parcels adjacent to the shoreline of Clear Lake shall be subject to the issuance of a zoning permit by the community development department. Said zoning permit application shall be made concurrent with an application for encroachment permit from the county of Lake. Upon the issuance of an encroachment permit by

the county of Lake, a city building permit, in compliance with all lakebed management conditions, shall be obtained. (Ord. 796 Att. A(part), 1999)

Chapter 17.23

REGULATIONS FOR PARKING, ACCESS, AND LOADING FACILITIES

Sections:

- 17.23.010 Purpose.
- 17.23.020 Applicability/Architectural and design review.
- 17.23.030 Exceptions.
- 17.23.040 Units of measurement.
- 17.23.050 Required number of spaces.
- 17.23.060 Parking development standards.

17.23.010 Purpose. To assure that all uses and developments are provided and maintained with safe, efficient, adequate, and well-designed parking and loading facilities in an effort to reduce street congestion, traffic hazards, and on-site circulation problems. To promote an attractive urban environment with proper parking design and landscaping standards. (Ord. 796 Att. A(part), 1999)

17.23.020 Applicability/Architectural and design review. The following minimum off-street requirements for the parking of vehicles shall apply to all buildings constructed or erected, enlargements of existing uses, and uses initiated after the effective date of this code. All new or reconstructed parking lots shall be subject to the architectural and design review requirements set forth in Chapter 17.27. (Ord. 821 S1(part), 2003: Ord. 796 Att. A(part), 1999)

17.23.030 Exceptions. A. The requirements set forth in this section shall be considered minimums and shall not prevent the planning commission, city council, or other review authority from requiring additional parking spaces, design modifications, or other improvements.

B. The parking requirements set forth in this section may be reduced by the planning commission, city council, or other review authority when the following findings are made.

1. The characteristics of a particular use do not necessitate the number of parking spaces, parking lot design, or improvements required by this section; and

2. The reduced parking standards will be adequate to accommodate all parking needs generated by the use and will not be a detriment to the public health, safety, and welfare.

C. When there is a change in occupancy of a building that does not increase the need for additional parking, no additional parking shall be required. Expansions or enlargements of existing buildings shall provide additional parking corresponding to the amount required by the expansion only. No additional parking facilities shall be required solely because of a remodel to an existing use or building unless there is a significant change in occupancy or an increase in floor area or other unit of measurement. (Ord. 796 Att. A(part), 1999)

17.23.040 Units of measurement. A. For the purpose of this section, "floor area" means the total gross area of all floors of a building as measured to the surface of the interior walls and shall include corridors, stairways, elevator shafts, storage rooms, bathrooms, utility rooms, basements, offices, balconies, and related usable floor area, including area outside of the building if intended to be utilized as part of the business operation. Parking areas within a building shall not be included in the computation of floor area.

B. Indoor or outdoor places of assembly in which patrons or spectators occupy benches, pews, or other similar seating shall be counted as one seat for each eighteen inches of such seating for the purpose of requiring off-street parking. (Ord. 796 Att. A(part), 1999)

17.23.050 Required number of spaces. Parking spaces for residential, commercial, industrial, and public service uses shall be provided as specified below. For any use not specifically set forth below, the community development department, the planning commission, city council,

or other review shall determine the amount of parking required.

<u>USES</u>	<u>SPACES REQUIRED</u>
A. Residential Uses.	
1. Single-family dwelling or duplex on individual lots	One covered and one uncovered space per dwelling unit. Covered spaces may be substituted for uncovered spaces.
2. Triplex, fourplex, or multifamily dwelling	One covered and one-half uncovered space per dwelling unit. One-half additional uncovered space for each unit with three or more bedrooms; and For multifamily dwellings, one recreational vehicle parking space per ten dwelling units; and Covered spaces may be substituted for uncovered spaces.
3. Rooming or boarding house; dormitory	One parking space for every rentable room in addition to the parking required for the residence; for dormitories, 100 square feet of floor area shall be considered a bedroom.
4. Mobilehome in a mobilehome park	One covered space per dwelling unit; and one recreational vehicle parking space per five dwelling units; and one visitor parking space for each two dwelling units.
5. Emergency shelters in the C-3 service commercial district	One space for every 6 adult beds or 1/2 space per bedroom designated for family units with children. One space shall be provided for each manager/staff member. Bike rack parking shall also be provided by the facility.

	<u>USES</u>	<u>SPACES REQUIRED</u>
B.	Commercial Uses. All commercial uses shall provide a minimum of four spaces or the following, whichever is greater.	
1.	Retail store or personal service establishment	One space per 250 square feet of floor area.
	Barber or beauty salon	Two spaces for each barber or beautician.
2.	Banking, finance, law, real estate, and similar general administrative offices	One space per 250 square feet of floor area.
3.	Restaurant, bar, cocktail lounge	One space for each two hundred square feet of floor area.
4.	Hotel, motel, and similar use	One and one-half spaces per unit, or two on-site spaces per unit for units with kitchens; plus two spaces for the manager's office.
5.	Service station, not including convenience stores which sell gas	Two spaces for each working bay plus one space for each employee on the largest shift.

<u>USES</u>	<u>SPACES REQUIRED</u>
6. Minor and major auto repair; body and fender shop	One space per 500 square feet of floor area.
7. Cabinet, plumbing, heating, and electrical shop; construction support service	One space per 600 square feet of floor area.
8. Commercial service establishment or retail store which handle only bulky merchandise such as furniture, household appliances, fireplaces	One space per 400 square feet of floor area.
9. Outdoor sales facility such as automobile, boat, mobilehome, or trailer sales, or rental lot, retail nursery, and other commercial uses not in an enclosed building	One space for each 2,000 square feet of display area.
Commercial rummage sale	One space per 200 square feet of sales area
Contractor's storage yard	One space per 3,000 feet of lot area.

<u>USES</u>	<u>SPACES REQUIRED</u>
10. Mini-storage warehouse	One space per each on-site employee.
C. Recreational and Entertainment.	
1. Theater, auditorium, skating rink, sports area, assembly, conference, or meeting rooms	Without fixed seats, one space per 150 square feet of floor area; with fixed seats, one space per four seats.
2. Dance hall	One space per 50 square feet of floor area.
3. Tennis and racquetball court	Two spaces per court.
4. Spa and health club	One space per 200 square feet of area.
5. Public swimming pool	One space per 125 square feet of pool area.
6. Miniature golf course	One and one-half parking spaces for each hole.
7. Golf course	Three spaces per hole plus one space per 250 square feet of building area used for commercial purposes.
8. Driving range	One space per tee, or ten feet of lateral distance on an unimproved tee.
9. Game room /amusement arcade	One parking space per 250 square feet of floor area.
10. Commercial stable and riding academy	One parking space for each stall or three horses, whichever is greater.

USESSPACES REQUIRED

D. Industrial Uses. All industrial uses shall provide a minimum of two spaces; or the following, whichever is greater.

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|----|---|--|
| 1. | Manufacturing | One space per 600 square feet of floor area; or one space for each employee on the shift having the largest number of employees, whichever is greater. |
| 2. | Warehousing | One space per 2,500 square feet of floor area. |
| 3. | Incidental office associated with industrial uses | One space per 250 square feet of floor area. |
| 4. | Vehicle and freight terminal | Two spaces per loading bay. |

E. Public Service Uses. All public service uses shall provide a minimum of four spaces; or one space per two hundred fifty square feet of floor area; or the following, whichever is greater.

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|----|--|---|
| 1. | Nursery school, day care, or similar use | One space for each employee plus one space for each ten children. |
| 2. | Elementary and junior high school | One space for each employee plus one space for each eight students. |
| 3. | Senior high school | One space for each employee plus one space for each six students. |
| 4. | College, university, or institutions of higher learning; business and professional school or college; trade, art and craft school or college; music and dancing school | One space for each three students. |

<u>USES</u>	<u>SPACES REQUIRED</u>
5. Church	One space for every four fixed seats, or one space for every 18 inches of pew or bench, plus one space per 150 square feet of area in church or auditorium, plus one space per 600 square feet of floor area of all facilities.

(Ord. 880 §2(4), 2010)

17.23.060 Parking development standards.

A. Fully-improved off-street parking areas shall be provided at the time of commencement of the use of the land or at the time of a major alteration, conversion, or increase in capacity by the addition of floor area, dwelling units, rooms, beds, or seats to a structure. Parking areas shall be used solely for vehicle parking with no sales, storage of inoperable, unlicensed vehicles, repair work, dismantling, or servicing of any kind unless so approved by the city.

Off-street parking in setback areas: In all residential zoning districts, all off-street parking shall occur within defined driveways provided with an asphalt or concrete driveway to city standard. Parking within required setback areas shall not be allowed except in defined driveway locations.

Required front, side, and rear yards shall not be used to supply any of the off-street parking spaces required by the terms of this chapter in any R-1, R-2, R-3, or R-5 zoning districts.

B. No-parking areas shall be designed so that vehicles back into street right-of-way except for single-family residential uses.

C. When two or more uses are combined in a site, the required parking shall be based on the percentage of floor area devoted to each use. Parking areas within a building shall not be included in the computation of floor area.

D. Parking required by this chapter must be developed on-site. Parking may be provided within a three hundred foot radius of the project after approval by the planning commission or city council. If said parking is located on land not owned by the project developer, a cross access agreement or other contractual arrangement must be provided. Said parking must be available without charge.

Joint use of parking facilities may be allowed by the appropriate review authority when there is no conflict of use and when there is sufficient parking for all uses. Joint use of parking facilities will only be considered upon the submittal of a cross access easement or other agreement allowing said parking.

E. The city may allow up to twenty-five percent of a parking area to be developed as compact parking stalls.

F. The calculation and design of handicap accessible parking spaces required shall be pursuant to the requirements of the Uniform Building Code and the Americans with Disabilities Act.

G. All new commercial, multifamily residential, and industrial parking lots developed in the city shall be constructed in accordance with the following requirements:

1. All parking lots, spaces, maneuvering areas, turn-arounds, and driveways shall be paved with a minimum of two inches of asphalt concrete over four inches of compacted aggregate base or similar material in accordance with the standards set forth in the Uniform Building Code.

2. All parking lots shall be provided with a six inch concrete curb around the perimeter of the lots. Bumper guards, wheel stops, and asphalt curbs may be provided if approved by the planning commission or city council.

3. All parking spaces except those in individual garages or carports shall be marked with paint or other distinguishable material. Compact and handicap parking spaces shall be properly marked to preclude use by non-appropriate vehicles. Directional signs shall mark one-way entrances and aisles and shall be visible to drivers of vehicles using the facility.

4. Lighting in parking areas shall be designed in such a way so as to minimize light spill and glare on adjacent properties and roadways.

5. Parking areas shall be separated from residential uses and zones, churches, schools, or parks by the use of landscaping, fences, or masonry walls at the discretion of the planning commission or city council.

H. All new or restriped parking lots shall be developed with the following space and aisle requirements:

1. Required off-street parking spaces shall be not less than nine feet in width and nineteen feet in

length exclusive of access drives, aisles, ramps, posts, or other uses of space.

2. Parallel parking spaces shall be nine feet in width and twenty-two feet in length.

3. Minimum aisle width for two-way traffic shall be twenty-four feet and twelve feet for one-way aisles.

4. For those parking lots that are developed with thirty to eighty degree angles, the stall depth, aisle width, curb length, and section width may be developed in accordance with accepted industry standards.

5. Compact car spaces shall be not less than seven and one-half feet in width and not less than sixteen feet in length and shall be clearly marked and permanently identified.

6. Handicap accessible spaces shall be seventeen feet in width and twenty feet in length and shall be properly located, marked, painted, and signed and meet all other Americans with Disabilities Act requirements.

7. All parking lots shall be designed so as to allow vehicular turns and maneuvers to be accomplished within the parking lot.

I. All new parking areas shall be developed with the following landscaping requirements:

1. Parking areas shall be landscaped with a planter strip on the perimeter of the property bounded by a street except for crosswalks and traversing driveways. The minimum width of perimeter landscaping shall be three feet.

2. A minimum of five percent of the total area of the parking lot, including perimeter landscaping, shall be landscaped. There shall be one fifteen-gallon tree for every ten parking spaces.

3. Landscaped areas shall be provided with underground automated irrigation systems.

J. Within the CBD zoning district, the following special parking standards shall apply: Owners or lessees with existing structures within the CBD who construct new floor area, expand by converting existing floor area, and/or intensify the occupancy load (as defined by the California Building Code) of an existing building, and whose location limits the development of on-site parking as required by this chapter may be permitted to obtain a development permit, and not be required to provide the required on-site parking spaces, unless there is adequate

on-site area available for parking lot expansion or development. A deviation of parking application must be considered and approved by the planning commission in such cases. For all other projects, payment of an in-lieu of parking fee is an alternative. Said in-lieu fees shall be set by resolution of the city council.

K. Access Standards. All lots shall have adequate vehicular access from a dedicated and improved street or public way in order to permit the unimpeded movement of vehicles and pedestrians. Visibility on streets and at intersections shall not be blocked by signs, trees, or structures. Directional signs and graphics may be used to promote the safe and efficient movement of vehicles and pedestrians.

L. Loading Standards. Except in the CB district, every commercial, industrial, or office land use shall have adequate off-street loading areas to accommodate the delivery vehicles associated with operation of the use. The following standards shall be required:

1. Loading space shall be situated to serve the site and buildings without blocking vehicular movement to a driveway or parking stall.

2. An individual loading space shall be at least twelve feet wide by forty-five feet long and have a minimum height clearance of fifteen feet.

3. Loading spaces may be required at the time of project review if determined to be necessary to assure adequate loading facilities. For buildings with up to fifty thousand square feet in gross floor area, up to three loading spaces may be required. For buildings in excess of fifty thousand square feet, four or more loading spaces may be required depending on the proposed use.

4. All loading docks and doors facing a public street shall be located at one hundred feet from the property line. All maneuvering shall occur on site and not on a public street. Approaches shall be designed to preclude direct access to a loading dock or door from a public street.

5. Each loading space shall be clearly marked and kept clear and unobstructed at all times. All loading areas must be appropriately striped and labeled with minimum three inch striping and lettering.

6. School bus loading zone shall be provided at private schools. Said loading zone shall be separate from other required parking areas.

M. Parking lots shall be maintained and kept in good repair, including patching of potholes, repainting of faded or missing pavement markings, replacement of signs as necessary, etc.

N. All new driveways and parking areas constructed in the city of Lakeport shall conform with the following standards.

1. Detailed plans for the proposed driveway and parking lot improvements shall be submitted to the city community development and engineering departments for review prior to building and encroachment permit issuance.

2. Concrete Driveways or Parking Lots. Concrete used in the construction of parking lots or driveways shall be either four inches thick with six by six by ten by ten welded wire mesh or reinforcement steel over a four inch compacted base material; or six inches thick without reinforcement over a four inch compacted base material. Concrete shall be of a Class B material in accordance with the standard specifications. Plans shall detail the expansion joint locations and depth.

3. Asphalt Parking Lot and Driveways. Asphalt used in the construction of parking lots and driveways shall be two inches thick over a four inch thick imported base material compacted to a minimum ninety percent compaction.

O. Residential driveways serving a garage where the garage is within twenty feet of the front property line shall be constructed to the standards set forth in subsections (N)(2) and (4) of this section for the entire length and shall be a minimum of ten feet wide.

1. Residential driveways serving a garage where the garage is more than twenty feet from the front property line shall be improved to the above standards set forth in subsections (N)(3) and (4) for a minimum distance of twenty feet measured from the front property line and shall be a minimum of ten feet wide.

a. Residential driveways as stated above beyond the twenty foot mark shall be improved with four inches of imported base material compacted to a minimum of ninety percent compaction, or improved with concrete in accordance with subsection (N)(3) of this section, and shall be a minimum of ten feet wide.

P. Public, multifamily, industrial, and commercial driveways and parking lots shall be provided with an as-

phalt or concrete surface to city standard in their entirety regardless of the length or width.

Q. Upon city review, certain proposed developments with anticipated high traffic volume or heavy traffic vehicle loads may require soil engineering testing and improvement with a greater structural section to accommodate the projected volumes or weight.

R. Curb, gutter, sidewalk, and driveway entrances shall be constructed in accordance with the specifications of the city of Lakeport engineering department.

S. Proposed driveways on collector or arterial streets as identified by the Lakeport general plan shall be reviewed by the city relative to the impact on public safety and shall be located so as to minimize the impact on the flow of traffic. Generally speaking, driveways shall be developed on side or intersecting streets and shall be situated as far away from intersections as is possible. (Ord. 821 S1(part), 2003; Ord. 796 Att. A(part), 1999)

Chapter 17.24

USE PERMITS

Sections:

- 17.24.010 Purpose.
- 17.24.020 Authority to grant use permit.
- 17.24.030 Application.
- 17.24.040 Findings.
- 17.24.050 Use of property before final decision.
- 17.24.060 Use permit expiration.
- 17.24.070 Time extension.
- 17.24.080 Revocation and modification.
- 17.24.090 Use permit to run with the land.

Sections: (Continued)

17.24.100 Periodic review.

17.24.110 Development standards and guidelines.

17.24.010 Purpose. The purpose of the use permit is to ensure the proper integration of land uses which, because of their special nature and/or potential for becoming a nuisance, may be suitable only in certain locations or zoning districts, and then only when such uses can be controlled, operated, or designed in a particular manner so that they are compatible with uses on adjoining properties and in the surrounding area. (Ord. 796 Att. A(part), 1999)

17.24.020 Authority to grant use permits. The planning commission may approve, conditionally approve, or disapprove applications for a use permit subject to the general purposes of this title, the specific purposes of the base or combining zoning district in which a development site is located, and the provisions of this chapter. The planning commission may impose requirements and conditions with respect to location, siting, construction, maintenance, operation, duration, and any other aspect of the use as may be deemed necessary for the protection of adjacent properties and uses and the public's health and safety. The granting of a use permit shall not exempt the applicant from complying with the requirements of the city's building codes, other requirements of this ordinance, and other applicable city, state, or federal requirements. (Ord. 796 Att. A(part), 1999)

17.24.030 Application. An application for a use permit shall be filed in a manner consistent with the requirements contained in Chapter 17.29. Upon receipt in proper form of a complete use permit application, a public hearing date shall be set and notice of the hearing given in a manner consistent with Chapter 17.29. (Ord. 796 Att. A(part), 1999)

17.24.040 Findings. Following a public hearing, the commission shall record the decision in writing and adopt the findings upon which such decision is based. The commission may approve and/or modify a use permit application in whole or in part, with or without conditions, when the following findings are made:

A. That the proposed location and use is consistent with the objectives of this ordinance and the purposes of the district in which the site is located; and

B. That the proposed location of the use and proposed conditions under which it would be operated or maintained

will be consistent with the general plan; will not be detrimental to the health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city; and

C. That the proposed use will comply with the provisions of this title. (Ord. 796 Att. A(part), 1999)

17.24.050 Use of property before final decision. No development permit shall be issued for any use involved in an application for approval of a use permit until, and unless, the same has become final. No activity subject to approval of a use permit shall be initiated prior to decision by the planning commission. (Ord. 796 Att. A(part), 1999)

17.24.060 Use permit expiration. A use permit shall be exercised within one year from the date of approval or the use permit shall become null and void. (Ord. 796 Att. A(part), 1999)

17.24.070 Time extension. The commission may, upon an application prior to expiration and for good cause, grant a time extension not to exceed one year. Upon granting of an extension, the commission shall ensure that the use permit complies with all code provisions. (Ord. 796 Att. A(part), 1999)

17.24.080 Revocation and modification. The commission may hold a hearing to revoke or modify a use permit granted pursuant to the provisions of this chapter. Ten days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such use permit is granted.

A use permit may be revoked or modified by the commission if any one of the following findings can be made:

A. That circumstances have changed so that one or more of the findings contained in Section 17.24.040 can no longer be made.

B. That the use permit was obtained by misrepresentation or fraud.

C. That the use for which the use permit was granted had ceased or was suspended for six or more consecutive calendar months.

D. That one or more of the conditions of the use permit have not been met.

E. That the use is in violation of any statute, ordinance, law, or regulation.

F. That the use permitted by the use permit is detrimental to the public health, safety, or welfare or constitutes a nuisance. (Ord. 796 Att. A(part), 1999)

17.24.090 Use permit to run with the land. A use permit granted pursuant to the provisions of this chapter shall continue to be valid upon a change of ownership of the site, business, or structure provided the use remains the same and is not discontinued for six or more consecutive calendar months. The new owners or operators shall assume responsibility for compliance with conditions of approval by transferring the use permit. (Ord. 796 Att. A(part), 1999)

17.24.100 Periodic review. The commission may conduct periodic reviews of previously granted use permits. The review may be noted as a condition of approval or conducted upon a determination of necessity by the commission. Notice of the commission's intent to review a use permit shall be mailed to the applicant and/or land owner of the property for which a use permit was granted at least ten days in advance. Upon review of the facts, the planning commission may reapprove, revoke, or modify the use permit in accordance with Section 17.24.080. (Ord. 796 Att. A(part), 1999)

17.24.110 Development standards and guidelines. Specific land uses in each of the city's zoning districts are subject to the issuance of a use permit. The following development standards and design guidelines shall be complied with in the development and operation of some of the following land uses:

A. Mixed use--Residential in conjunction with commercial or office use:

1. The residential use shall be initiated concurrently or subsequent to the construction of a commercial or office building and shall be an accessory use to the principle commercial or office building or use in terms of its appearance, duration, and size. No residential activity shall be permitted prior to the development of the commercial use.

2. The residential use in a commercial or office zoning district shall generally be developed in such a way so as to appear to be non-existent or secondary to the primary commercial use.

3. The residential use in a commercial zoning district must be provided with some useable private open space in the form of an enclosed yard and a deck, balcony, or similar outdoor living area.

4. The residential use must be provided with a separate pedestrian access than that provided for the commercial use. This separate access shall be provided in a location that makes it secondary in nature. If it is impossible to provide for a secondary access, the internal

access to the residential use shall be designed so as to minimize impact on the commercial activity.

5. The construction and operation of the residential use shall comply with the requirements of the Uniform Building and Fire Codes. The commission may require conditions in the approval of the project in order to protect the health, safety, and welfare of the commercial and residential occupants of the subject building and adjacent structures.

6. One off-street parking space shall be provided for the residential use in addition to the requirements of the commercial use.

7. The owners of a proposed residential use shall be required to submit a floor plan and occupant load information to the community development and fire departments along with the use permit application. In addition, the units shall be inspected on an annual basis with a fee paid to the city for inspection services. The intent of said inspection is to ensure compliance with the fire and life safety requirements of the city. In the event that there is a residential use in a commercial zoning district which fails to comply with the basic health, safety, and welfare provisions as required by this code, the planning commission may, after a hearing, revoke the use permit and disallow the residential use in the commercial zoning district.

B. Bed and breakfast inns in residential and commercial zoning districts shall be developed in conformance with the following requirements:

1. Bed and breakfast inns shall maintain an up-to-date guest registry.

2. Bed and breakfast inns shall be managed with a full-time attendant who occupies a room in the inn or a detached room on the premises. The planning commission may allow, on a case-by-case basis, an off-site manager.

3. The maximum stay for overnight guests in a bed and breakfast inn shall be fourteen consecutive nights.

4. The maximum number of guest bedrooms in a bed and breakfast inn shall be five, with a maximum total of twenty overnight guests occupying the inn at any one time. No more than four overnight guests shall occupy a guest room. A greater number of guest bedrooms, and a higher number of maximum overnight guests occupying the inn at any one time, may be approved by the planning commission on a case-by-case basis taking into consideration parcel size, building

design, floor plan layout, carrying capacity of the site, and impact on neighboring properties and the character of the neighborhood.

5. Bed and breakfast inns shall be limited to one building-mounted or free-standing sign with a maximum area of eight square feet per side and a maximum area of sixteen square feet for both sides.

6. Fire and safety improvements shall be required per the Uniform Building Code based upon the intensity of use and construction materials used in each bed and breakfast inn. All bed and breakfast inns shall install approved smoke detectors and fire extinguishers, where required, and shall provide an evacuation plan in each guest room. Other improvements that may be required include a

fully automatic fire detection system, a fire sprinkler system, fire escapes, and other facilities as determined by the planning commission upon recommendation of the fire department or the building official.

7. Accessory structures shall not be used for bed and breakfast inn rental rooms.

8. No cooking facilities shall be permitted in guest rooms. Food service for bed and breakfast inns that do not offer food service and catering approved under the provisions of Section 17.24.110(C) shall be limited to registered overnight guests only.

9. One parking space per guest room plus two for the resident family or manager shall be developed on-site or within close proximity of the bed and breakfast inn pursuant to a parking plan approved by the planning commission. At least one parking space shall be handicapped-accessible.

10. The minimum land area for a bed and breakfast inn shall be ten thousand square feet unless a smaller parcel is approved by the planning commission.

11. Landscaping shall be provided to preserve the appearance of the residential character of the neighborhood. A landscaped buffer strip or fence for visual screening shall be provided on all sides abutting residential uses.

12. The bed and breakfast inn building shall be of a design that is compatible with the surrounding residential area.

13. The bed and breakfast inn property shall front on and be served by an existing publicly maintained road.

C. Bed and Breakfast Inns with Food Service and Catering. Bed and breakfast inns located in R-3, R-5, and commercial zoning districts may offer food service and food catering subject to the issuance of a use permit and conformance with the following standards:

1. A bed and breakfast inn which intends to offer food service and catering shall have a valid use permit for the inn operation.

2. The bed and breakfast/food service/food catering operation shall have a county health department caterers/restaurant permit prior to offering food for sale. A copy of said permit shall be submitted to the community development department.

3. Adequate vehicle parking for both the bed and breakfast inn operation and the food service/food catering operation shall be provided either on-site or in the vicinity of the use pursuant to the approval of a parking plan by the planning commission. At least one parking space shall be handicapped-accessible.

4. The bed and breakfast inn with food service and catering facilities shall be compatible with the surrounding area in terms of land use.

5. The bed and breakfast inn/food service/catering operation shall be limited to eight events per month, with a maximum event occupancy load determined by the planning commission on a case-by-case basis using parcel and building size as a determining factor in establishing the carrying capacity.

6. The bed and breakfast inn/food service/catering operator shall obtain all required alcoholic beverage control licenses prior to commencing said use and shall submit a copy of said licenses to the city.

D. Rooming and boarding houses shall be developed in conformance with the following requirements:

1. Rooming and boarding houses shall maintain an up-to-date tenant registry.

2. Rooming and boarding houses shall be managed with a full-time attendant.

3. The maximum stay for rooming and boarding house tenants shall be thirty consecutive nights.

4. The maximum number of bedrooms in a rooming and boarding house shall be determined based on building size and function.

5. Rooming and boarding houses shall be limited to one building-mounted or free-standing sign with a maximum area of eight square feet per side and a maximum area of sixteen square feet for both sides.

6. Fire and safety improvements shall be required per the Uniform Fire Code. All rooming and boarding houses shall install approved smoke detectors and fire extinguishers, where required, and shall provide an evacuation plan in each tenant room. Other improvements that may be required include a fully automatic fire detection system, a fire sprinkler system, fire escapes, and other facilities as determined by the planning commission upon recommendation of the fire department or the building official.

7. Accessory structures shall not be used for rooming and boarding houses' rental rooms.

8. No cooking facilities shall be permitted in rooms.

9. The minimum land area for a rooming and boarding house shall be ten thousand square feet unless a smaller parcel is approved by the planning commission.

10. The rooming and boarding house building shall be of a design that is compatible with the surrounding residential area.

E. Short term rental of residences to transient guests (vacation home):

1. As provided in Section 3.20.020(A) of this code, any residential structure, or any portion of any residential structure which is to be occupied by transient persons for dwelling, lodging, or sleeping purposes shall be subject to the following standards. Section 3.20.020(G) defines a transient as any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Section 3.20.020(E) of this code defines the term rent, as it applies to transient occupancies, as the consideration charged, whether or not received, for the occupancy of space in a hotel, valued in money, whether to be received in money, goods, labor, or otherwise.

2. The establishment, continued operation, or practice of renting dwellings within the city to transient guests on a short term basis shall be subject to the approval of a use permit by the Lakeport planning commission and the following criteria:

a. The use and operation of a short-term vacation rental home shall not result in any activity or behavior which impacts the character of the adjacent area or adjoining residences in a negative way. Specifically, the operation of a short-term vacation home shall not create obnoxious noise, raucous activity or behavior, parking or traffic impacts, visual or lighting problems, or any other problem that would interfere with the right of neighboring property owners or residents to the peaceful enjoyment of their property. Rentals of homes specifically for parties, weddings, dances, or for similar gatherings are not permitted. The short term rental of residences to transient guests shall be strictly for residential purposes.

b. Compliance with Chapter 3.20 (Transient Occupancy Tax) of this code.

c. Compliance with Chapter 5.04 (Business Licenses) of this code.

d. The owner/operator of the vacation home rental shall post a notice within the vacation home and provide a handout to guests at the time of check-in which shall read:

The owners of this home and the city of Lakeport welcome you to our town. We sincerely hope that you and your family enjoy your stay and return again soon. This home has been approved by the City for use as a vacation home rental. Because it is located in a residential area we ask that you and your family maintain a quiet and peaceful atmosphere. There are adjacent neighbors who live here full time and would appreciate your consideration. Your cooperation is appreciated.

e. There shall be no placement of signs on the premises advertising the vacation rental property.

f. Transient guests shall be encouraged to park their vehicles, boat trailers, etc. off city streets and on the site of the vacation home rental.

g. The use permit shall be reviewed by the planning commission as necessary to determine compliance with conditions and may be revoked for non compliance.

F. Large Family Day Care.

1. A use permit is required for family day care homes and nursery schools providing family day care to nine or more individuals, including licensee's and assistant's children under twelve years of age.

2. All outdoor play or exercise areas are to be enclosed with fencing a minimum of four feet high (three feet in front yard areas). Fencing six feet in height shall be provided on property lines abutting or adjoining residential uses.

3. Hours of operation shall be between seven a.m. and nine p.m. daily. Hours may be extended upon approval of the planning commission.

4. Parking and Loading. A minimum of two on-site parking spaces shall be reserved for the use of dropping off and picking up of individuals. These spaces shall be in addition to the normal parking requirements of the

residential use. The drop-off area should be on a driveway with a loop, or an on-site turn around area should be provided. Applications may be denied if a looped driveway or on-site turn-around is not provided, and if the planning commission determines the site of the proposal would therefore be detrimental to the public's safety.

5. Fire Safety Requirements. A minimum of one fire extinguisher and one smoke detector shall be maintained in good working order on the premises. These devices shall meet the standards of the State Fire Marshal and the Lakeport fire department. The use shall comply with the standards of the Uniform Fire Code and Uniform Building Code as to the number of exits, and areas devoted to the use shall be constructed in compliance with the specifications of the Lakeport fire department as to the floor or floors on which the day care is to be provided.

G. Marinas.

1. A marina located in commercial or resort residential zoning districts may provide berthage by rental, lease, or other arrangement, incidental or accessory retail sales of food, fuel, drinks, clothing, fishing or boating supplies; and sales, rental, operating instruction, maintenance or repair services for boats or accessory equipment. A marina located in any other zoning district shall only provide private berthage facilities.

2. Off-street parking shall be supplied at the ratio of one-half parking space for each berth, and marinas with boat ramps or hoists shall provide boat trailer parking at the ratio of one-half space per parking space required under this section.

3. Facilities for the storage and the sale of marine-related fuel, paint, or other flammable materials shall be approved by the Lakeport fire department. Fuel pumps shall be grounded and shall meet current fire protection standards. Fuel storage facilities shall meet state and county standards.

H. Mobilehome Parks. Unless otherwise regulated by the state of California, mobilehome parks located in the R-3 high density residential zoning district shall conform to the following minimum standards:

1. Minimum Site Area. One acre.
2. Maximum Density. Ten spaces per acre. No more than one single-family mobilehome may be placed in a

defined space. No travel trailer, camper, or recreational vehicle shall be allowed on any approved mobilehome space.

3. Minimum Space Area.

a. Two thousand four hundred square feet for single-wide mobilehomes.

b. Three thousand four hundred square feet for double-wide mobilehomes.

c. Four thousand four hundred square feet for triple-wide mobilehomes.

4. Minimum Space Width.

a. Single-wide mobilehome: forty feet.

- b. Double-wide mobilehome: fifty feet.
 - c. Triple-wide mobilehome: sixty feet.
5. Maximum Lot Coverage. Mobilehomes and accessory structures shall not cover more than sixty-five percent of the park area.
6. Minimum Yards. Minimum yard setbacks for individual spaces shall be five feet on all sides, except for any side or rear yard abutting the project property line, in which case the minimum yard setback shall be ten feet.
7. Projection into Yard. The following structures may be erected or project into any required yard setback:
- a. Eaves, stairways, and awnings not to exceed one foot of encroachment.
 - b. Landscape elements including trees, shrubs, and other plants provided that such landscape feature does not hinder the movement of the mobilehome in or out of its space or detrimentally impact adjacent on-site parking.
 - c. Mobilehome tongue or hitch.
 - d. Necessary appurtenances for utility services.
8. Skirting. Spaces beneath mobilehomes shall be enclosed with skirts or by a combination of skirts, decks, and grading with ventilation and access in accordance with state law.
9. Perimeter Fencing. A six-foot-high solid fence of masonry, wood, or other fencing or screening material as approved by the planning commission shall be provided around the perimeter of all developed areas of the mobilehome park; except that the planning commission may waive fencing along sides that front the water.
10. Buffer Strip. There shall be a twenty foot open space landscaped buffer strip along all streets or roadways adjoining the park. No mobilehome or parking spaces shall be placed in the buffer strip. The buffer strip shall be located along the street side of any perimeter park fencing required.
11. Recreation Area.
- a. Fifteen percent of park area shall be devoted to recreational areas and facilities, excluding any buffer strip. Use of such facilities shall be limited to park residents. All recreational areas and facilities shall be completed prior to park occupancy, except as approved by the planning commission in a phasing program.
 - b. No recreation area shall be less than three thousand square feet in area, and total recreation area for any park shall not be less than six thousand square feet in area.
 - c. All recreation areas shall be landscaped or planted with lawn and be included in the landscape plan

submitted in conjunction with the use permit application (see subsection (G)(16) of this section).

12. Access.

a. All streets shall be designed by a registered civil engineer and paved with asphaltic concrete to not less than twenty-four feet in width.

b. All cul-de-sac bulbs shall have a minimum outside turning radius of thirty feet.

c. All corners shall have a minimum fifteen foot radii.

d. Curbs and gutters may be installed on both sides of the streets, including roll curbs and gutters, as required by the planning commission, and the commission may approve alternatives in cases of extreme topography or low-density developments.

e. All streets shall be illuminated pursuant to Title 25 of the State Building Code.

f. Each space shall front on an access street.

g. Stop signs shall be provided at all public street intersections.

h. Circulation. All mobilehome park developments shall compliment adjoining, existing, or contemplated vehicle circulation patterns described in the transportation element of the general plan. All mobilehome park developments may be required to dedicate land adjoining public roads to the city for road widening purposes. Improvements of the same to city standards may be required by the planning commission to offset the burden placed on the public by the estimated generation of new traffic.

13. Utilities. All utility distribution facilities shall be placed underground. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenant structures may be placed above ground. Water and sewer distribution facilities shall be installed in conformance with applicable utility specifications. All mobilehome spaces must be served with individual water, sewer, electricity, telephone, and cable lines.

14. Antennas. Individual overhead television antennas, radio antennas, and satellite receivers shall not be permitted. A single community antenna or satellite receiver with underground connections, and/or underground cable television shall be provided. This subsection shall not be interpreted to prohibit "CB" or "ham radio" antennas.

15. Trash Storage. Centralized refuse and trash storage area(s) shall be provided and be readily accessible to all mobilehome spaces. Trash storage areas shall be concealed from any public and private street and enclosed by a six foot solid wall or fence.

16. Landscaping. All mobilehome parks shall have the following:

a. A landscape plan for open space/buffer and recreational areas.

b. Planting areas drawn to scale and plants clearly located and labeled. A plant list shall include the following:

1. Common name.

2. Size to be planted (identified in gallons).

3. Quantity of each.

c. Location, name, and size of all existing trees and shrubs that are to be incorporated as part of the landscape plan.

d. Irrigation facilities adequate to maintain plant materials at all times. Use of automatic watering systems is encouraged to facilitate maintenance. Hose bibs shall be located within serviceable proximity to every planter where fixed and/or automatic water systems are not employed.

e. A continuous landscape maintenance program shall be provided by the mobilehome park developer. The program shall include repair or replacement as needed for the life of the park.

f. All approved landscaping shall be installed or financial assurance provided to the community development department in an amount sufficient to fund the total cost of the required landscaping prior to initial residential occupancy.

17. Accessory Uses. Accessory uses serving park residents and which shall not be available for use by the general public, including: coin-operated machines for laundry, soft drinks, and similar uses provided that such uses shall be located inside the park and shall not occupy more than five hundred square feet of area for each fifty mobilehomes.

18. General Provisions.

a. The owner or operator of a mobilehome park shall be responsible for maintaining compliance with all city, county, state, and other pertinent laws and regulations pertaining to the use, operation, and maintenance of such mobilehome park. Nothing contained in this section shall be construed to abrogate, void, or minimize any other pertinent regulations.

b. The owner operator shall have a resident manager on duty at all times who shall be responsible for such compliance in the absence of the owner or operator.

c. It shall be the responsibility of the park owner to ensure that the common landscaped areas are well-kept and maintained.

I. Campgrounds shall conform to the following standards:

1. Minimum Site Area. One net acre.
2. Maximum Density. Twelve campsites per acre.
3. Parking Space. One parking space shall be provided for each campsite. Seventy percent of all spaces shall be designed to accommodate both a car and a recreational vehicle. Parking spaces shall not be located closer than forty feet apart.
4. Access. Each campsite shall abut and have direct access to a roadway surfaced with asphaltic concrete or a chip seal surfacing.
5. Setbacks. All campsites or structures, except entry booths within a campground, shall be at least forty feet from the right-of-way of public roadway and at least twenty feet from an interior property line.
6. Recreational Facilities. Any recreational facilities constructed as part of a campground shall be limited to the use of campground residents unless approved as a resort by use permit.
7. Restroom Facilities. Restroom and shower facilities shall be provided in accordance with the Uniform Building Code.
8. Each space shall be provided with a space number of at least three inches in height.

J. Recreational vehicle parks shall conform to the following standards:

1. Maximum Site Area. One acre.
2. Maximum Density. Twelve spaces per acre.
3. Space Area/Width. The minimum space area shall be one thousand eight hundred square feet. The minimum space width shall be thirty feet.
4. Setbacks. Recreation vehicles shall be located a minimum of five feet from any side space line and ten feet from any rear space line or property line.
5. Buffer Strip. A minimum twenty foot open space landscaped buffer strip shall be provided along all streets or roadways adjoining the park. No mobilehome or parking spaces shall encroach in the buffer strip. A minimum ten foot buffer strip shall be provided along all interior property lines.
6. Recreation Area. Fifteen percent of the park shall be devoted to recreational areas and facilities,

excluding any buffer strip. This area may be reduced to ten percent of the park area for parcels fronting on the lake.

7. Road Design. The maximum grade on all roadways shall be fifteen percent.

8. Access. Main access to a recreational vehicle space shall be by means of a twenty-five foot minimum paved

access road with four-foot shoulders. The road shall be constructed to city standards.

9. Restroom Facilities. Restroom and shower facilities shall be provided in accordance with the Uniform Building Code.

10. Parking Standards.

a. At least one off-street parking space shall be provided with each RV space. In addition, guest parking shall be provided at the rate of one-half additional space per RV space or campsite. Guest parking may be located in a centralized area(s) or on or adjacent to each RV space or campsite. Parking areas shall be screened from roads, activity areas, and adjoining property whenever possible. A minimum of two tandem parking spaces shall be provided at the park entrance to permit parking for persons registering for the campground.

b. Improvements to a city road may be required along the frontage of the project. Off-site improvements may be required to provide a safe and adequate access.

11. Numbering. Spaces shall be numbered with numbers at least three inches in height provided for each RV space.

12. Commercial Uses. A recreational vehicle park may contain commercial uses which are for the convenience of campers, subject to a use permit.

13. Manager's Quarters. Living quarters may be provided for the use of a caretaker or manager.

14. Landscaping. A landscaping plan and/or a tree management plan shall be prepared and approved for recreational vehicle parks.

a. The landscape plan shall be prepared and shall include the following:

1. Contours at intervals sufficient to indicate all slope areas to be landscaped.

2. Planting areas drawn to scale and plants clearly located and labeled.

3. Location, name, and size of all existing trees and shrubs that are to be incorporated as part of the landscape plan.

4. Irrigation facilities adequate to maintain plant materials at all times. Hose bibs shall be located within serviceable proximity to every planter where automatic water systems are not employed.

5. A continuous maintenance program shall be provided by the mobilehome park developer for the landscaped areas. The plan shall include repair or replacement as needed for the life of the park.

6. All approved landscaping shall be installed or financial assurance provided to the community

development department in an amount sufficient to fund the total cost of the required landscaping.

15. Buffer. All campsites and spaces shall be buffered from other campsites and spaces with trees, shrubs, and/or other vegetation.

16. Each campsite or recreational vehicle space may be equipped with a picnic table and fire pit or barbecue located at least twenty feet from perimeter RV space lines.

K. Adult oriented businesses shall conform to the following criteria. No adult oriented business may be established:

1. Within five hundred feet of any residential zone or residential use; or

2. Within five hundred feet of any church, synagogue, mosque, temple, or any other noncommercial establishment operated by a bona fide religious organization used primarily for religious worship and related activities, community meeting use types including boys' clubs, girls' clubs, or similar youth organizations, or any establishment likely to be frequented or used by minors; or

3. Within five hundred feet of any public or private school, educational facility, vocational school, college, school grounds, park, playground, preschool, nursery, day care center, or any other place frequented by children; or

4. Within the boundaries of the Lakeport redevelopment project area; or

5. Within two hundred feet of another adult oriented business; or

6. Within one hundred fifty feet of Highway 29.

L. Schools, preschools, and nursery schools shall conform to the following standards:

1. A use permit shall be required for all schools, nursery schools, and preschools facilities and shall be subject to the issuance of a license and/or certification by all appropriate local and state agencies. The facilities shall be discontinued when local or state certification is withdrawn or expires.

2. The maximum number of students/children attending the school, preschool, or nursery school shall be determined by the planning commission upon review of the use permit application based on site size, size of building, available parking and access, size of play area, and

other relevant factors. The planning commission shall set a limit on the number of students/children as a condition of the permit.

3. All outdoor play areas shall be enclosed with fencing a minimum of six feet high which shall conform to all setback requirements. Outdoor play areas shall be appropriately sited and properly designed. All gates shall be equipped with self-closing devices.

4. Hours of operation for the facility shall be as determined under the use permit.

5. A minimum of two on-site parking spaces shall be reserved for the use of dropping off and picking up of children. These spaces shall be in addition to the required parking for the staff based on the size of the facility. The drop-off/pick-up area should be designed in a drive-through loop, or an on-site turnaround area shall be provided.

6. Minimum fire safety standards should include but not be limited to the following:

a. Provision of at least one fire extinguisher and at least one smoke detector maintained in good working order;

b. Compliance with the standards of the City Fire Code, State Fire Code, Uniform Fire Code, and Uniform Building Code relative to the number of entries and exists to the building and other fire safety features.

M. Residential Care Facilities and Large Residential Care Homes--Development Standards. Residential care facilities and large residential care homes shall be developed in conformance with the following requirements:

1. Applicants for residential care facilities and large residential care homes shall submit the following information in conjunction with the use permit application: the number of individuals to be cared for, number of on-site staff, hours of operation, description of community care facility operations, description of the surrounding neighborhood, the existing and proposed number of on-site parking spaces, a site plan and building floor plan describing the existing and proposed facility, improvements to be made, and other applicable details.

2. Residential care facilities and large residential care homes shall not provide medical care other than normal at-home care.

3. The use of a residential dwelling for a residential care facility or large residential care home shall not alter the outside appearance of the structure to make it appear to be anything other than a residential unit.

4. No signs larger than four square feet advertising the use of the property as a residential care facility or large residential care home shall be permitted in residential zones.

5. All necessary state licenses and permits to operate shall be obtained prior to approval.

6. At least one on-site parking space shall be provided per employee of the residential care facility or large residential care home.

7. Outside exercise areas and outside common meeting areas shall not be permitted in front yards or street side yards, unless approved by the planning commission.

8. There shall not be more than one residential care facility or large residential care home permitted within a three-hundred-foot radius of another community care facility or day care center, unless approved by the planning commission.

9. The proposed residential care facility or large residential care home shall be compatible with the surrounding neighborhood.

10. The proposed residential care facility or large residential care home shall not materially reduce the privacy otherwise enjoyed by residents of adjoining and/or nearby properties.

11. The proposed residential care facility or large residential care home by design and layout shall avoid noise which shall be a nuisance to neighbors.

12. The proposed residential care facility or large residential care home shall comply with the requirements of the California Building Code, including approval by the Lakeport County fire protection district indicating conformance with the fire code.

N. Additions or alterations to existing structures within historic areas or subdivisions shall conform to the development standards in the zoning ordinance, except that the planning commission may approve reduced development standards for lot size, lot width, lot length, length to width ratio, lot coverage, setbacks, height, and parking when the following findings are made:

1. The reduction in development standards is the minimum necessary to facilitate a permissible use.
2. The existing lot or structure has a unique characteristic which creates a problem which limits the ability of the proposed project to conform to the development standards of the zoning ordinance.
3. The granting of the use permit for the reduced development standard will result in an enhanced appearance or a more functional project which benefits the surrounding neighborhood.
4. The granting of the permit for the reduced development standard shall not create or exacerbate any health or safety impacts which effect the surrounding neighborhood. (Ord. 893 §3(11), 2014; Ord. 874 §1, 2008; Ord. 837 §1, 2005; Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

Chapter 17.25

MINOR EXCEPTIONS

Sections:

- 17.25.010 Purpose.
- 17.25.020 Conditions.
- 17.25.030 Applicability.
- 17.25.040 Application.
- 17.25.050 Approval notification.
- 17.25.060 Findings.
- 17.25.070 Precedents.
- 17.25.080 Burden of proof.
- 17.25.090 Minor exception expiration.
- 17.25.100 Time extension.
- 17.25.110 Revocation.

17.25.010 Purpose.

These provisions allow for minor adjustments from the standards contained in this code when, because of special circumstances applicable to the property, the strict application of this code deprives such property of privileges enjoyed by other properties in the vicinity and under iden-

tical land use districts. (Ord. 903 §2(part), 2016: Ord. 796 Att. A(part), 1999)

17.25.020 Conditions.

Any minor exception granted shall be subject to such conditions as will ensure that the adjustment will not constitute a grant of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is situated. (Ord. 903 §2(part), 2016: Ord. 796 Att. A(part), 1999)

17.25.030 Applicability.

The community development director may grant a minor exception up to a maximum of ten percent governing the following measurable design/site considerations or other similar situations.

- A. Distance between structures.
- B. Lot dimensions.
- C. On-site parking, loading, and landscaping.
- D. Setbacks.

Any modification request which exceeds the prescribed limitations outlined in this section shall require the filing of a variance application. (Ord. 903 §2(part), 2016: Ord. 796 Att. A(part), 1999)

17.25.040 Application.

An application for a minor exception shall be filed on forms provided by the community development department. (Ord. 903 §2(part), 2016: Ord. 796 Att. A(part), 1999)

17.25.050 Approval notification.

Prior to approval of a minor exception, and not less than ten calendar days prior to the proposed issuance, the community development department shall notify owners of contiguous properties immediately adjacent to the said project and/or additional properties as determined by the community development director. Notification shall be given by mail or delivery.

The written notice shall declare that the requested minor exception may be issued without review and decision by the planning commission if no written request for review is filed with the community development department within ten calendar days of the date of mailing.

If no request for review and decision by the planning commission is filed with the community development department, the minor exception permit may be issued by the community development director.

If a request for review by the planning commission is filed with the community development department pursuant to this section, the community development director shall schedule a public hearing before the planning commission at its next regularly scheduled meeting. Notification of said public hearing shall adhere to the requirements of Chapter 17.30. (Ord. 903 §2(part), 2016: Ord. 796 Att. A(part), 1999)

17.25.060 Findings.

The community development director shall make a decision on the request in writing and recite therein the findings upon which such decision is based, pursuant to Section 65906 of the Government Code. The director may approve and/or modify an application in whole or in part, with or without conditions, only if all of the following findings are made:

A. That there are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings which create an unusual situation in terms of the ability to comply with code requirements.

B. That granting the minor exception is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and land use district and is restrictive to the property for which the minor exception is sought.

C. That granting the minor exception will not be detrimental to the public health, safety, or welfare or injurious to the property or improvements in such vicinity and land use district in which such property is located.

D. That granting the minor exception does not constitute a special privilege inconsistent with the limitation upon other properties in the vicinity and land use district in which such property is located.

E. That granting the minor exception does not exceed ten percent of the standard(s) being modified, or allow a use or activity which is not otherwise authorized by the regulations governing the subject parcel.

F. That granting the minor exception will not be inconsistent with the general plan. (Ord. 903 §2(part), 2016: Ord. 796 Att. A(part), 1999)

17.25.070 Precedents.

The granting of a prior minor exception is not admissible evidence in support of the granting of a new minor exception. (Ord. 903 §2(part), 2016: Ord. 796 Att. A(part), 1999)

17.25.080 Burden of proof.

The burden of proof to establish the evidence in support of the findings is the responsibility of the applicant. (Ord. 903 §2(part), 2016: Ord. 796 Att. A(part), 1999)

17.25.090 Minor exception expiration.

A minor exception shall be exercised within one year from the date of approval, or it shall become null and void. (Ord. 903 §2(part), 2016: Ord. 796 Att. A(part), 1999)

17.25.100 Time extension.

The director may, upon an application being filed prior to expiration and for good cause, grant a time extension not to exceed six months. Upon granting of an extension, the director shall ensure that the minor exception complies with all current code provisions. (Ord. 903 §2(part), 2016: Ord. 796 Att. A(part), 1999)

17.25.110 Revocation.

The planning commission may hold a public hearing to revoke or modify a minor exception granted pursuant to the provisions of this chapter. Ten days prior to the public hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such minor exception was granted. Notice shall be deemed delivered two days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the county of Lake, and/or the project applicant.

A minor exception may be revoked or modified by the director if any one of the following findings can be made:

A. That circumstances have changed so that one or more of the findings contained in Section 17.25.060 can no longer be made, and the grantee has not substantially exercised the rights granted by the minor exception.

B. That the minor exception was obtained by misrepresentation or fraud.

C. That the improvement authorized pursuant to the minor exception had ceased or was suspended for six or more consecutive calendar months.

D. That one or more of the conditions of the minor exception have not been met, and the grantee has not substantially exercised the rights granted by the minor exception.

E. That the improvement authorized pursuant to the minor exception is in violation of any statute, ordinance, law, or regulation.

F. That the improvement permitted by the minor exception is detrimental to the public health, safety, or welfare or constitutes a nuisance. (Ord. 903 §2(part), 2016: Ord. 796 Att. A(part), 1999)

Chapter 17.26

VARIANCES

Sections:

- 17.26.010 Purpose.
- 17.26.020 Application.
- 17.26.030 Applicability.
- 17.26.040 Hearings and notice.
- 17.26.050 Findings.
- 17.26.060 Precedents.
- 17.26.070 Burden of proof.
- 17.26.080 Variance expiration.
- 17.26.090 Time extension.
- 17.26.100 Modification and revocation.

17.26.010 Purpose.

The purpose of this section is to provide flexibility in the application of land use and development regulations necessary to achieve the purposes of this title by establishing procedures for approval or disapproval of variance applications. (Ord. 796 Att. A(part), 1999)

17.26.020 Application.

Application for a variance shall be filed in a manner consistent with the requirements contained in Chapter 17.29. (Ord. 796 Att. A(part), 1999)

17.26.030 Applicability.

The planning commission may grant a variance from the requirements of this code governing the modification of the dimensional standards involving the distance between structures, lot area, lot coverage, lot dimensions, setbacks, and the number and dimensions of parking area or loading space requirements. Variances to use standards or general plan densities are prohibited by the California Government Code. (Ord. 796 Att. A(part), 1999)

17.26.040 Hearings and notice.

Upon receipt of a variance application, a public hearing shall be set and notice of such hearing given in a manner consistent with Chapter 17.29. (Ord. 796 Att. A(part), 1999)

17.26.050 Findings. Following the public hearing, the planning commission shall record their decision in writing and shall recite the findings upon which such decision is based, pursuant to Section 65906 of the Government Code. The commission may approve and/or modify an application in whole or in part, with or without conditions, only if all of the following findings are made:

A. The strict application of this code deprives the property of privileges enjoyed by other properties in the vicinity, and under identical land use district classification, due to special circumstances applicable to the property including size, shape, topography, location, or surroundings;

B. That granting the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and land use district and denied to the property for which the variance is sought;

C. That granting the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;

D. That granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located;

E. That granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and

F. That granting the variance will not be inconsistent with the Lakeport general plan. (Ord. 796 Att. A(part), 1999)

17.26.060 Precedents. The grant of a prior variance is not admissible evidence for the granting of a new variance. (Ord. 796 Att. A(part), 1999)

17.26.070 Burden of proof. The burden of proof to establish the evidence in support of the findings is the responsibility of the applicant. (Ord. 796 Att. A(part), 1999)

17.26.080 Variance expiration. A variance shall be exercised within one year from the date of approval or the variance shall become null and void. (Ord. 796 Att. A(part), 1999)

17.26.090 Time extension. The planning commission may, upon an application and for good cause, grant a time

extension not to exceed six months. Upon granting of an extension, the commission shall ensure that the variance complies with all current code provisions. (Ord. 796 Att. A(part), 1999)

17.26.100 Modification and revocation. The planning commission may hold a public hearing to revoke or modify a variance granted pursuant to the provisions of this chapter. Ten days prior to the public hearing, notice shall be delivered in writing to the applicant and/or owner of the property of which such variance was granted.

A variance may be revoked or modified by the commission if one of the following findings can be made:

A. That circumstances have changed so that one or more of the findings contained in Section 17.26.050 can no longer be made and the grantee has not substantially exercised the rights granted by the variance;

B. That the variance was obtained by misrepresentation or fraud;

C. That the improvement authorized pursuant to the variance had ceased or was suspended for six or more consecutive calendar months;

D. That one or more of the conditions of the variance have not been met and the grantee has not substantially exercised the rights granted by the variance;

E. That the improvement authorized pursuant to the variance is in violation of any statute, ordinance, law, or regulation; and

F. That the improvement permitted by the variance is detrimental to the public health, safety, or welfare or constitutes a nuisance. (Ord. 796 Att. A(part), 1999)

Chapter 17.27

ARCHITECTURAL AND DESIGN REVIEW

Sections:

- 17.27.010 Purpose.
- 17.27.020 Projects subject to architectural and design review.
- 17.27.030 Authority.
- 17.27.040 Preliminary consultation.
- 17.27.050 Concept plan review.
- 17.27.060 Plans to be submitted--Application.
- 17.27.070 Application review.
- 17.27.080 Approval, special conditions, and findings.
- 17.27.090 Expiration of plan approval.

Sections: (Continued)

17.27.100 Compliance with conditions of approval.

17.27.110 Architectural and design review criteria and standards.

17.27.010 Purpose. The purpose of this chapter is:

A. To protect the public health, safety, and general welfare of the city by promoting orderly and harmonious growth;

B. To carry out the goals, policies, and programs of the Lakeport general plan with respect to land development and community design;

C. To ensure that new development occurs in accordance with the provisions of this title;

D. To recognize the correlation between land values and aesthetics and to provide a method by which the city may manage this correlation to the benefit of the community;

E. To lend stability to land values and investments by implementing consistent design standards and guidelines;

F. To ensure that future development is attractive and harmonious with Lakeport's unique character and community identity;

G. To encourage excellence in design for all new development which harmonizes style, intensity, and type of construction with the natural environment and respects the unique features of each site and the surrounding area;

H. To promote high quality design that enhances the entire community, is consistent with the scale and quality of existing development, and is harmoniously integrated with the natural environment;

I. To discourage the development of individual buildings which dominate the surrounding area or attract attention through inappropriate colors, mass, or architectural expressions;

J. To upgrade the appearance, quality, and condition of existing improvements in conjunction with new development or remodeling of the site; and

K. To preserve buildings and areas with historic or aesthetic value and maintain the character and scale of the city. (Ord. 796 Att. A(part), 1999)

17.27.020 Projects subject to architectural and design review.

Architectural and design review is required for all new proposed commercial, industrial, multifamily residential, institutional, or similar buildings for the proposed exterior remodel of buildings that result in altered appearances, additions, extensions, or enlargements, and for all proposed residential to office/commercial conversion projects. No building permit or other entitlement for a parking lot, a new structure, or the remodel, alteration, or enlargement of an existing structure, shall be issued until the site plan, the architectural elevations, landscape plan, and related plans have been reviewed and approved by the planning commission or community development director as provided for in this chapter. (Ord. 821 §1(part), 2003: Ord. 796 Att. A(part), 1999)

17.27.030 Authority.

Authority to approve plans for projects subject to architectural and design review shall be authorized as follows:

A. Administrative Approval. The community development director is authorized to review and administratively approve:

1. Change of Use. A change of use in an existing nonresidential building involving no new construction upon the finding that the use and site meet the requirements of this title and that all standard public improvements are existing.

2. The painting or repainting of all commercial, industrial, multifamily, institutional, or similar buildings.

3. Single-family dwellings and additions thereto.

B. Minor Architectural and Design Review. The community development director is authorized to review and decide upon applications for minor architectural and design review involving the following:

1. Small Projects. New uses, renovations, remodels, or additions to existing nonresidential structures which do not exceed four hundred square feet in gross floor area or that do not involve alterations to more than twenty percent of any one or more exterior side(s) of the structure.

2. Duplex residential units.

C. The community development director may refer to the planning commission any project application which involves a significant policy issue or that cannot be decided upon at a staff level. The planning commission shall then assume authority for the review and decision of the project application.

D. Planning Commission. The planning commission is authorized to review and decide on all other plans for commercial, industrial, multifamily residential, and institutional structures, and the alteration or enlargement of existing commercial, industrial, multifamily, and institutional structures except as provided for in subsections A and B of this section.

E. No condition of the architectural and design review approval shall impose requirements pertaining to use, density, floor area ratio, creek setbacks, parking and loading, and similar requirements that are more restrictive than those required by the applicable zoning district on a valid use permit or variance. (Ord. 903 §3, 2016: Ord. 796 Att. A(part), 1999)

17.27.040 Preliminary consultation.

Preliminary consultation between the project sponsor and the community development department staff to discuss applicable standards and design guidelines is recommended and may be initiated by requesting an appointment at the community development department. (Ord. 796 Att. A(part), 1999)

17.27.050 Concept plan review.

Prior to the submittal of a formal application for architectural and design review, the project sponsor may submit a less detailed development plan for review by either the staff or the planning commission. Concept plans will be informally reviewed by the staff or planning commission and comments generated as to issues, concerns, and necessary modifications. (Ord. 796 Att. A(part), 1999)

17.27.060 Plans to be submitted--Application.

The property owner or an authorized agent shall submit clearly drawn and well-prepared plans as part of an application for architectural and design review.

Plans for major architectural and design review shall be prepared by a licensed architect, engineer, or designer. In all cases, the application shall include the following:

A. A site plan drawn to scale showing the proposed location of structures and other improvements including driveways, pedestrian walks, off-street parking and loading areas, landscaped areas, fences, walls, and other proposed project improvements. Site plans shall indicate the location of entrances and exits, the direction of traffic flow of the off-street parking and loading areas, parking spaces, loading berths, and the areas for turning and maneuvering of vehicles. The site plan shall also show the location(s) of exterior lighting, trash enclosures, location and size(s) of water and sewer lines, storm drainage facilities, fire hydrants, property lines, setbacks, service areas, storage or work areas, and any other detail necessary to depict the project.

B. An architectural drawing or rendering drawn to standard architectural scale showing all elevations of the proposed structure(s) as they are intended to appear upon completion of the project. The drawing shall detail the proposed use of building materials, windows, doors, and other architectural features in a way that will allow the planning commission, staff, and the general public to understand the project and the inter-relationship of the various components. A color rendering of the proposed structure, building material samples, and proposed paint colors shall also be submitted.

C. A landscape plan for the project indicating existing and proposed vegetation, the location and design of landscaped areas, irrigation facilities, plant size and spacing, and all other landscape features. A tree report may also be required.

D. A grading plan indicating existing and proposed grades (contours) on the site, retaining walls, or other soil stability issues.

E. For painting or re-painting projects, a color rendering of the building, color chips, color charts, or similar graphic plans shall be submitted showing the primary color to be used on the structure along with trim and accent colors.

F. An optional floor plan showing the inter-relationship between the inside function of the building and outside improvements. (Ord. 796 Att. A(part), 1999)

17.27.070 Application review.

Architectural and design review applications considered by the planning commission shall be reviewed at a public hearing in accordance with the provisions of Chapter 17.29. The planning commission shall consider the application at the most appropriate meeting date within sixty days following a determination by the community development director that the application is complete. The community development director shall publish a notice in the local newspaper, at least ten calendar days in advance of the meeting, giving the application number, the applicant's name and address, the proposed action, the location, and assessor's parcel number along with the date, time, and place of the public hearing.

Prior to approval of an administrative or minor architectural and design review, and not less than ten calendar days prior to the proposed issuance, the community development department shall notify owners of contiguous properties immediately adjacent to the said project and/or additional properties as determined by the community development director. Notification shall be given by mail or delivery.

The written notice shall declare that the requested administrative or minor architectural and design review may be issued without review and decision by the planning commission if no written request for review is filed with the community development department within ten calendar days of the date of mailing.

If no request for review and decision by the planning commission is filed with the community development department, the administrative or minor architectural and design review may be issued by the community development director.

If a request for review by the planning commission is filed with the community development department pursuant to this section, the community development director shall schedule a public hearing before the planning commission at its next regularly scheduled meeting. Notification of said public hearing shall adhere to the requirements of Chapter 17.30. (Ord. 903 §4, 2016: Ord. 796 Att. A(part), 1999)

17.27.080 Approval, special conditions, and findings.

The planning commission or community development director may approve, conditionally approve, or deny an application for architectural and design review. The planning commis-

sion or community development director shall review proposed applications for consistency with the architectural and design review criteria and standards included herein and shall require any conditions necessary to meet the purpose of this chapter in order to attain compliance with the criteria set forth herein.

A. The planning commission or community development director shall make the following findings in approving an architectural and design review application:

1. The proposed project is consistent with the purposes of the Lakeport zoning ordinance.
2. The project is in substantial compliance with the design criteria.
3. The project is consistent with the Lakeport general plan.

B. The planning commission or community development director shall make findings (reasons) in denying an architectural and design review application.

C. After a decision is made on an architectural and design review application, the community development department shall forward a letter to the applicant indicating the decision and listing any conditions or required changes in the project design.

D. Appeals of the community development director or planning commission's decision shall be processed in accordance with Chapter 17.31 of this title. (Ord. 796 Att. A(part), 1999)

17.27.090 Expiration of plan approval. Architectural and design review approval shall lapse and become void after one year following the date of the approval unless a building permit is issued and construction is begun. The approval may be extended for up to one year by the original decision-making body provided that the application for an extension is filed with the community development department prior to the expiration. (Ord. 796 Att. A(part), 1999)

17.27.100 Compliance with conditions of approval. Applicants who have received approval for architectural and design review shall comply with all conditions of approval and maintain the project in accordance with the required conditions at all times. Failure to comply with the conditions will result in a violation of the municipal code.

Prior to issuance of a building permit for the project, final site plans, landscape and irrigation plans, and other plans, where required, shall be approved by the community development director. The final plans shall be fully implemented prior to final building permit inspection of the project. If implementation of final plans have not

been completed on such date, an extension of time for completion may be granted by the community development director if implementation is secured by an agreement and posting of adequate security.

Proposed changes, modifications, and alterations in the design or appearance of an approved project shall be submitted to and approved by the city. Minor changes (see Section 17.27.030(B)) may be approved by the community development director. All other changes, modifications, and alterations shall be submitted to and approved by the planning commission. (Ord. 796 Att. A(part), 1999)

17.27.110 Architectural and design review criteria and standards. Projects subject to architectural and design review shall be in general compliance with the following criteria.

A. Criteria Promoting Harmony of Design of Buildings.

1. New buildings should be generally consistent with the scale, form, and proportion of existing development. This can be done by repeating existing building lines and surface treatment and requiring some uniformity of detail, scale, proportion, textures, materials, color, and building form.
2. The use of unusual shapes, color, and other characteristics which cause new buildings to call excessive attention to themselves and create a jarring disharmony should be avoided or reserved for structures of broad public significance.
3. New buildings should strengthen the particular design features of their locale by, for example, framing views, enclosing open spaces, or continuing particular design features or statements.
4. The height and bulk of new buildings should relate to the prevailing scale of existing development to avoid overwhelming or dominating it.
5. The existing building line of a structure (at the street line) should be maintained unless a proposed setback conforms to an overall design plan or is part of a larger development plan.
6. The relationship of structural mass to voids (windows or doors) of a front facade should relate to adjacent buildings.
7. If several storefronts are located in one building, they should be unified in design treatment; e.g., design of windows and door openings, use of materials and color. All storefronts should include display windows with a sill height not more than two feet from grade.
8. Building additions should be designed to reflect the existing building in terms of scale, materials,

fenestration, and color. A change in scale may require a transitional design element between the addition and the existing building. Facade renovations should include as few different materials as possible.

9. Adjacent buildings of different architectural styles should be made compatible by such means as materials, repetition of certain plant varieties, screens, and sight breaks.

B. Criteria Promoting Creativity and Diversity of Design.

1. Monotony of design in single or multiple building projects should be avoided. Variation of detail, form, and siting should be used to provide visual interest.

2. Architectural design is not restricted. Evaluation of the appearance of a project should be based on the quality of its design and relationship to surroundings.

C. Criteria Regarding Building Design.

1. Where large structures are proposed, massing should be broken up through the use of setbacks and other design techniques. Buildings with excessive blank walls are discouraged. Variation in color, trim, and building materials is encouraged in these situations. Building offsets shall be provided along each building to relieve the visual effect of a single long wall. Roof lines should also be varied. An individual building should use a combination of story heights to provide further visual relief. The development should incorporate masonry chimneys, cupolas, dormers, skylights, or belvederes.

2. Buildings should be designed so that the roofs are visually less dominant than the walls.

3. The orientation of buildings to provide access through rear entrances is allowed when the rear facade receives appropriate design treatment.

4. New buildings should be oriented or designed with setbacks to minimize shadows falling on public or semi-public spaces.

D. Criteria Regarding Building Details.

1. A human scale should be achieved at ground level, at entryways, and along street frontages through the use of such elements as windows, doors, columns, and canopies.

2. Mechanical equipment or other utility hardware on roofs, the ground, or buildings should be screened from public view with materials harmonious with the building, or they should be so located as not to be visible from public view.

3. Building components, such as windows, doors, eaves, and parapets, should be in proportion to one another.

4. The structural lines of a building and its material should be retained at the storefront level, for instance, brick piers and columns should be carried down to street level.

5. Roof shape (flat, hip, mansard, or gable) and material should be architecturally compatible with the rest of the building and should reflect the area pattern.

6. Materials should be selected for suitability to the type of buildings and the design in which they are used. Buildings should have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways. Materials should be of durable quality.

7. Metal awnings are not recommended. Awnings should have solid colors complimenting the exterior building colors. Awnings should be in scale with the building design.

8. Facade renovations should not destroy or cover original architectural features of a building. These details are often vital to the proper proportion of the facade. The city encourages the removal of false storefronts.

9. In renovations, natural, unpainted brick should be retained. Painted brick, if weathered and losing its paint finish, can be stripped using chemical solutions. In many cases, painted brick should remain painted to protect the older, softer brick.

10. Brick and stone facades should not be covered with artificial siding or panels. Generally, no material will look more appropriate on a facade than what was originally used.

11. Roof cornices should be retained, repaired, replaced, or added as they cap or terminate a building. When replacing or adding windows on a facade, use window and window trim of the same size and character as the original.

E. Criteria Regarding Building Color.

1. In general, no more than three colors should be used on a building: the base color, the major trim, and the minor trim. The base color should be the natural color of the masonry or a primary paint color. The base color should relate harmoniously with the base colors on contiguous or close by buildings.

2. Light base colors will visually project and lessen the importance of the building mass. Darker base colors tend to visually recede and emphasize the trim. The major trim color is used on the decorative elements which serve to define the facade of the building. These include

the upper and lower cornices, window caps and sills, and storefront columns.

3. When the base color of the building is a natural brick, the major trim color should be related to the brick color. When the base color is painted, the trim color should complement the base color. The minor trim color should be used primarily as an accent to highlight the architectural details of the facade. Window frames and other trim elements can be emphasized by the minor trim color. Sometimes two colors can be used as a minor trim color depending on how much detail exists.

4. General Building Color Guidelines.

a. Use more subtle colors on larger and plainer buildings.

b. Use more colors and more intense colors on small buildings and those with elaborate detailing.

c. Relate paint colors to natural materials found on the building.

d. Relate paint colors to existing elements found on the building such as signs or awnings.

e. Encourage contrasting colors which accent architectural details.

f. Encourage colors which accent entrances to the building.

g. Avoid the most intense hues of a color.

h. Avoid using more than one vivid color per building.

i. Avoid using colors that are disharmonious with colors found on adjacent buildings.

j. Within the CB district, use historically appropriate colors.

F. Criteria Regarding Buffering, Incompatible Uses.

1. Project features that may have negative impacts upon adjacent properties should be buffered from the adjacent properties. Screening should be provided for roof equipment; parking and loading areas shall be screened from residential areas; garbage and dumpster areas shall be enclosed; landscaping shall be used to soften the impact of parking and loading areas.

2. In areas where parking lot paving abuts the sidewalk, raised planters can be used to partially screen parking areas. Low fencing can provide maximum screening while adding an attractive and decorative element to the streetscape.

G. Criteria Regarding Lighting. Exterior lighting, when used, can enhance the building design and the adjoining landscaping. Lighting standards and building fixtures should be of a design and size compatible with the historic character of the area, building, and adjacent areas. Lighting shall be restrained in design and excessive

brightness avoided. Lighting must not create glare or shine into street right-of-way.

H. Maintenance Criteria.

1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and up-keep.

2. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures shall be taken to protect against the elements, neglect, damage, and abuse.

3. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, should be included in the design. Improvements that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

I. 1. Landscape Design Guidelines. Landscape design guidelines in site planning are based on three considerations: (a) landscaping serves multiple functions; (b) landscape design should be consistent with good design principles; and (c) landscaping must be sensitive to the characteristics and maintenance concerns of the most common landscaping material, namely plants.

2. Landscape Functions.

a. The most common function of landscaping is aesthetic. Through the use of plantings and other landscaping elements, a site may be made more pleasing and/or undesirable views may be hidden. Landscaping can help unify the composite parts of a site, blend inharmonious land uses, and buffer incompatible uses. Landscaping can compliment the design of a building, add color to the built environment, or soften spaces or surfaces that appear cold or unwelcoming.

b. Landscaping may be used to control soil erosion, reduce harsh unpleasant sounds, remove pollutants from the air, control glare and reflection, and slow the effects of erosive winds.

c. Shade trees and windbreaks are examples of landscaping elements used for climate control. Plants increase human comfort by shading the sun's rays and intercepting solar radiation.

d. Landscaping elements can also block and divert winds or channel them through narrow openings. When the prevailing wind direction shifts with the season, a summer breeze can be captured and winter winds and rains diverted with careful placement of plantings and buildings. Long, thin walls are the most effective windbreaks, particularly if they are not completely impenetrable. (Ord. 796 Att. A(part), 1999)

Chapter 17.28PERFORMANCE STANDARDSSections:

17.28.010 Purpose and intent.

17.28.010 Purpose and intent. Performance standards regulate the design and use of buildings or parcels of land, in order to minimize public hazards and to prevent the creation of nuisances and other conditions which are potentially harmful or detrimental to the users of the property or surrounding area. The purpose of the performance standards shall be to protect and improve the living and working environment, the appearance of the community, reduce or eliminate nuisance conditions, and to minimize the impacts of certain land uses on adjacent properties.

Performance standards shall apply to the use of land or buildings and to all new construction, renovation, and alteration of existing uses or structures in all zoning districts. No building or land shall be used or constructed if it creates a fire or explosion hazard; noise or vibrations; smoke, dust, odor, or other air pollution; electrical disturbance; glare; heat; or liquid or solid waste amount or degrees that adversely affect users of the property or surrounding areas.

In addition to the development standards contained in other sections of the zoning ordinance, the following performance standards shall be complied with. Whenever the performance and development standards are in conflict, the more stringent standards shall apply.

A. Noise. Certain noise levels are detrimental to the health and safety of individuals. Excessive noise is considered a public nuisance and is discouraged by the city. In no case shall noise or sound emissions, for any use occurring on any property, exceed the equivalent sound pressure levels and decibels (the A-weighted scale) for any fifteen-minute period in any one-hour period as stipulated in the following:

Maximum 15-minute within any one-hour equivalent sound pressure levels (A-weighted - dBA).

<u>Time of Day</u>	<u>Receiving Property Zoning District</u>		
	<u>*Residential</u>	<u>Commercial</u>	<u>Industrial</u>
7 a.m. - 10 p.m.	60	70	75
10 p.m. - 7 a.m.	45	55	60

*NOTE: The residential category includes all single-family and multifamily zoning districts.

These maximums are applicable at any point beyond the property lines of the property containing or generating the noise.

1. Noise of Short Duration. Some noise may be of a short duration or an impulsive character such as hammering, screeching, motor noise, barking dogs, power boats, home power tools, etc. The median octave band sound pressure levels, as indicated in the following table, shall not be exceeded beyond the property line of origin when the receiving property is zoned residential or is occupied by a dwelling, hospital, school, library, or nursing home.

<u>Octave Band Center</u>		
<u>Frequency, Hz</u>	<u>7:00 a.m.--10:00 p.m.</u>	<u>10:00 a.m.--7:00 a.m.</u>
31.5	68	65
63	65	62
125	61	56
250	55	50
500	52	46
1,000	49	43
2,000	46	40
4,000	43	37
8,000	40	34

2. New Development. In the review of new land use and development proposals, the city shall require the following:

a. A standard of forty-five dB for indoor noise in all new residential development including hotels and motels.

b. The preparation (if necessary) of noise studies and noise attenuation features as a condition of approval for new projects.

c. Post-construction testing for residential and office projects that are proposed in areas that have an existing Ldn of sixty-five dB.

B. Light and Glare. To ensure that development within the community does not unnecessarily create light and glare nuisances, the following performance standards shall be observed:

1. Shielding and Downlighting. Lighting used in the community must be shielded, boxed, or directed at a downward angle so as to minimize the generation of light and glare and to assure that there is no spill over of

light and glare that will impact drivers or pedestrians on the public streets, on site activities, and adjoining or nearby properties. No activity shall be permitted which causes excessive light and glare to be transmitted or reflected to surrounding properties at a level resulting in detrimental impacts to the community.

2. Candle Power. The candle power of all lights shall be the minimum needed to accomplish the purpose of the light.

3. Flashing Lights. Light sources shall generally not be permitted in landscaped, buffer, or setback areas except for those illuminating pedestrian walkways. Lighting used to illuminate parking areas of commercial uses shall be designed, located, and installed to be shielded and downlit and to reflect away from any nearby residential or open space zoning districts. Lighting for advertising signs shall not create glare or light which extends to surrounding properties.

C. Radioactivity or Electrical Disturbances. No activities shall be permitted which emit dangerous radioactivity at any point nor shall electrical disturbances which adversely affect the operation of any equipment, other than that of the creator of such disturbances, be allowed.

D. Odors, Smoke, Fumes, Dust, Particulate Matter. No emission shall be permitted at any point which would violate the current regulation for such emission as established by the Lake County Air Quality Management District. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the lot line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

During grading, earthwork, and/or building construction activities, adequate dust suppression methods shall be utilized. Such methods include frequent watering and the use of dust palliatives. All soil materials that are being transported on or off the project site shall be covered, and all materials deposited within a public right-of-way shall be removed immediately.

E. Liquid or Solid Waste. No discharge shall be permitted at any point into any public sewer, private sewage system, stream, or into the ground, except in accord with standards approved by the state and county departments of health and local ordinances, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive

elements. There shall be no accumulation outdoors of solid wastes unless stored in closed containers. Commercial-type dumpsters shall not be used for typical trash storage activities in single-family residential areas.

F. Fire and Explosion Hazards. All activities involving, and all storage of, flammable and/or explosive materials shall be provided with adequate safety devices against the hazard of fire and/or explosion and adequate fire fighting and fire suppression equipment and devices standard in the industry as required by the Uniform Fire Code.

G. Heat. For the purpose of this title "heat" is defined as thermal energy of a radioactive, conductive, or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of ten degrees Fahrenheit, whether such change be in the air or on the ground, in a natural stream or lake, or in any structure on such adjacent property.

H. Public Utility Facilities. Public utility distribution and transportation lines, towers and poles, and underground facilities for the distribution of gas, water, communication, and electrical facilities shall be allowed in all zoning districts except for the CBD district. All proposed routes for these transmission lines shall be submitted to the city planning commission for review and recommendation to the city council for their approval. Such approval shall be made prior to the acquisition of necessary right-of-way or easements.

I. Undergrounding of Utilities. All electric and communication facilities that are intended to serve new buildings or structures constructed in all zoning districts shall be placed underground on the premises to be served except for appurtenant facilities such as surface mounted transformers, pedestal mounted terminal boxes, meter cabinets, and concealed ducts. New or relocated off-site utilities serving new development areas such as shopping centers, subdivisions, industrial parks, multifamily residences, or similar projects shall be installed underground. Undergrounding of utilities may be waived by staff or the planning commission when there is a finding made that there are unique or unusual circumstances existing which preclude the underground installation.

J. Location Restrictions for RVs, Campers, and Trailers. Recreational vehicles, campers, or trailers shall only be used for human habitation or occupied for living or sleeping quarters when installed in an approved development. Recreational vehicles, campers, and trailers may be occupied on individual residential lots within the city on a temporary basis by visiting friends, relatives, or in similar situations for not more than thirty days in a calendar year.

K. Fire Protection Fee-Building Height. Buildings in any district shall not be more than forty feet in height unless a use permit is secured. As a condition of the use permit, the planning commission shall require the payment of a special fire protection fee equivalent to one dollar for each square foot of gross floor area above thirty-five feet allowed by the use permit. Any building in any zoning district less than forty feet in height and containing more than two stories shall pay the special fire protection fee equivalent to one dollar for each square foot of gross floor area for all stories above two.

L. Special Height Restrictions. Chimneys, silos, flag poles, monuments, radio towers, water tanks, church steeples, and similar structures or mechanical appurtenances may exceed the thirty-five foot height limit within the city upon approval of a use permit.

M. Projection of Eaves and Canopies. Architectural features on primary buildings such as cornices, eaves, or canopies may not extend closer than three feet to any side lot line. Eaves and canopies may extend a maximum of three feet into the required front or rear yard area. Architectural features in commercial zoning districts may extend beyond the property line assuming that fire safety regulations and Uniform Building Code requirements are complied with.

N. Projection of Porches, Landings, and Stairways. Open uncovered raised porches, landing places, or outside stairways may project to within four feet of any side lot line and to within six feet of any rear lot line.

O. Fences and Walls/Residential Areas. Fences and walls constructed in all residential zoning districts shall be subject to the following:

1. Fences or walls up to six feet in height are permitted along the interior side lot line(s) to the front setback line, along the interior rear lot line, along the

front yard setback line, and along the side yard street setback line.

2. Fences or walls up to three feet in height are permitted along the front lot line--within the front yard setback area, and along the street side lot line--within the street side yard setback area. Fences or walls over three feet in height, but not exceeding six feet in height, may be allowed along the front or street side lot lines within the front or street side yard setback areas only if approved by the planning commission, and when the following criteria are complied with:

a. The fence shall not create a substantial hazard to the public by creating reduced visibility or other sight distance problems.

b. The fence shall be aesthetically pleasing and not create an inappropriate walled-in effect, visual barrier, or result in a public safety problem.

3. Fences or walls over six feet in height but under eight feet in height along interior side or rear lot lines may be approved by the planning commission when the following criteria are complied with:

a. The fence shall not create a substantial hazard to the public by creating reduced visibility or other sight distance problems.

b. The fence shall be aesthetically pleasing and does not create an inappropriate walled-in effect, visual barrier, or result in a public safety problem.

4. Retaining walls are permitted along all property lines for the purpose of retaining natural grade or engineered fill areas subject to the issuance and approval of a building permit in compliance with the Uniform Building Code. All retaining walls in excess of four feet in height measured from the footing shall be designed by a civil or structural engineer. Retaining walls of any height may be constructed adjacent or along all property lines without setback requirements.

5. Prior to the review of fence height request by the planning commission, and not less than ten calendar days prior to the proposed meeting of the planning commission, the community development department shall notify owners of contiguous properties immediately adjacent to the said project and/or additional properties as determined by the community development director. Notification shall be given

by mail or delivery. The planning commission may impose conditions on the approval of a fence height request in order to achieve compliance with the fence criteria. The planning commission may deny a request when the criteria have not been satisfied.

P. Fences and Walls--Commercial. Fences and walls constructed in commercial zoning districts shall be subject to the following:

1. Fences or walls in commercial or office zoning districts shall be subject to the issuance of a zoning permit or architectural and design review.

2. Fences or walls may be permitted in the front or side yard setback areas adjacent to a street within commercial zoning districts subject to the issuance of a zoning permit.

Q. Decks. Decks that serve the upper stories of residential uses shall be allowed to extend into the rear yard air space a distance not to exceed fifty percent of the rear yard area measured from the rear of the main structure to the rear property line. Said decks shall not extend more than twenty feet from the rear of the main structure and shall maintain a minimum rear yard setback of ten feet. All decks shall maintain the following standards:

1. All decks shall have a rail for safety in accordance with the requirements of the Uniform Building Code.

2. No deck shall be enclosed to form a living or storage area when used as a portion of the rear yard setback.

3. At least one method of ingress and egress shall be directly provided from the living unit from which the deck is designed to serve.

4. Decks or patios serving the ground floor of a residential structure shall not exceed an elevation of eighteen inches from natural grade when constructed in the required side or rear yard setback area.

R. General Plan Roadway Improvement Lines and Building Setback Lines. For the purpose of obtaining adequate street right-of-way widths to ensure traffic safety, accommodate increased traffic volumes, and provide for an efficient flow of vehicles, general plan roadway improvement lines are established for the purpose of identifying the necessary road right-of-way width on certain streets. General plan roadway improvement lines shall be consistent with the intent of Map II-3 Recommended Roadway Improvements found in the Lakeport general plan. Additions or

remodeling of structures occurring on parcels adjacent to general plan lines shall recognize these lines in the determination of setbacks. Development projects involving the conversion of an existing structure, or new construction on parcels adjacent to general plan lines, shall require an offer of dedication of land in accordance with the general plan as a condition of approval. Where a general plan recommended roadway line has been established for any street within the city, the required yards shall be measured from such line, and in no case shall there be an encroachment into or upon any official plan line.

S. Accessory Buildings. Where an accessory building is attached to a main building, it shall be made structurally a part of and have a common roof consistent with the main building. It shall comply in all respects with the requirements of this title and in accordance with the following:

1. An accessory building in a residential district shall be located on the rear one-half of the lot and at least ten feet from any dwelling or building existing on or under construction on the same lot or on an adjacent lot.

2. Accessory buildings shall not be located within five feet of any alley or, in the case of a corner lot project, beyond the front yard required or existing on an adjacent lot.

3. Residential garage entrances shall be a minimum of twenty feet from the front property line.

4. Accessory buildings shall be constructed with or subsequent to the construction of the main building.

5. Accessory buildings in any district shall not exceed fifteen feet in height.

6. A lawn, garden, or storage shed unserved by utilities (except electrical power), and containing less than one hundred fifty square feet, is exempt from these requirements, except for height and setback limitations. Such accessory buildings may be placed to within one foot of the side and rear property lines but shall not encroach into the street-side, setback, or front yard setback area.

T. Swimming Pools. Swimming pools in residential districts shall be constructed on the rear one-half of all lots or fifty feet from the front property line, whichever is less. Pools shall not be located closer than five feet to any rear lot line or side lot line. On the street side of a corner lot, no pool shall be located closer than ten feet to such street-side lot line. Filter and heating systems shall not be located any closer than five feet to any property line and shall be enclosed within sound and visual structures. Fenced enclosures, in accordance with the Building Code, shall be provided around swimming pools.

U. Setback Determinations. In R-1 and R-2 zoning districts where four or more lots in a block have been improved with buildings at the time of the passage of the ordinance codified in this title the minimum required setback may be the average of the improved lots.

V. Substandard Residential Lots. In any residential district, single-family dwellings may be erected on any parcel of land, the area of which is less than the building area required for that particular district under these provisions, only if the lot was part of a subdivision in existence at the time of the adoption of the first city of Lakeport zoning ordinance on January 6, 1969. The width of side yards on single-family dwellings constructed pursuant to this section may be reduced to ten percent of the average lot width, but in no case less than three feet.

W. Side Entrances to Structures / Setbacks. In any residential district where a dwelling unit is located on a lot where the main entrance is on the side of the building, the required side yard setback from the entrance shall not be less than ten feet.

X. Yard Deviations. In any residential district, additions may be made to existing structures within required side yards provided that such addition does not extend beyond the existing structure and is no closer than three feet to the side property line.

Y. Sight Distance. No foliage or structural features shall extend into the cross visibility area between three feet and seven feet above the surface of the public sidewalk or existing grade adjacent to the street.

Cross visibility is defined as the intersection of two public rights-of-way measured from the face of curb or edge of the paved roadway.

A triangle having two sides "X" feet long running along each public right-of-way, said length beginning at their intersection, and the third side formed by a line connecting the two ends.

Local streets:	X = 10'
Collector streets:	X = 15'
Arterial streets:	X = 20'

Z. Garage, Yard, Home, Patio, or Other Similar Sales.

1. Garage sales include, but are not limited to, yard sales, home sales, patio sales, or other similar use on any residentially zoned or residentially occupied property. Garage sales may be conducted in accordance with the provisions contained herein.

2. The provisions of this section shall not apply to any charitable or religious organization or occasional

sales, when the proceeds from such sales are used solely for charitable or religious purposes, nor shall this chapter apply to sales conducted pursuant to the process or order of any court of competent jurisdiction.

3. No business license fee shall be required for any garage sale lawfully conducted in accordance with the provisions of this chapter.

4. No more than three garage sales shall be conducted on the same premises during any calendar year.

5. No sale shall be conducted for more than three consecutive days or for more than two consecutive weekends for two days each. Sales shall not be conducted before seven a.m. nor after six p.m. on the permitted days.

6. Personal property offered for sale shall not be displayed within or on the city public right-of-way.

7. Signs advertising a garage sale may be placed on the sale premises. No more than two signs advertising a garage sale may be posted, erected, or maintained on the premises on which the sale is to be held. Signs shall not be lighted. No sign posted, erected, or maintained shall exceed four square feet in area or be placed more than five days preceding the lawful commencement of the sale. Each posted sign shall be removed at or before the close of the last day of the garage sale.

AA. Off-street parking in setbacks:

1. Off-street parking in all residential zoning districts shall not be located in any required yard or setback area.

2. Required front, side, and rear yards shall not be used to supply any of the off-street parking spaces required by the terms of this chapter in any R-1, R-2, R-3, or R-5 zoning districts.

BB. Fabric Covered Carports and Accessory Sheds.

All fabric covered carports, sheds, or similar facilities shall comply with city setback requirements in the zone in which they are located. Unless the facility is considered a structure under the Building Code, no building permit shall be required for their placement. Fabric covered facilities shall be properly maintained, cleaned, and repaired as necessary. There shall be no electricity or other utilities provided to fabric covered carports, sheds, or similar facilities.

CC. Secondary Accessory Residential Units.

1. Only one secondary accessory residential unit shall be permitted on any one parcel.

2. Secondary accessory residential units shall contain separate kitchen and bathroom facilities and shall have a separate entrance from the main dwelling.

3. The total floor area of the secondary accessory residential unit shall be not less than three hundred square feet and shall not exceed sixty percent of the square footage of the existing single-family house.

4. The primary and secondary accessory residential unit shall remain under single ownership.

5. The secondary accessory residential unit shall not be constructed unless there is an existing single-family dwelling located on the site.

6. The secondary accessory residential unit may be either attached to the existing dwelling or detached from the existing dwelling and must be located on the same lot.

7. The secondary accessory residential unit should be constructed or sited on the parcel to the rear or side of the existing single-family dwelling so that it is clearly secondary or incidental to the primary single-family residential unit.

8. The architectural style and construction materials used in the secondary accessory residential unit shall generally conform to those existing on the primary residential unit in terms of building height, roof style, roof materials, siding, windows, doors, siding and trim colors, and other architectural details.

9. Secondary accessory residential units shall be provided with one covered off-street parking space, which shall be in addition to the covered parking required for the existing single-family dwelling. New covered parking shall be provided for the secondary accessory residential unit if there is no covered parking for the existing dwelling.

10. The minimum lot size for a parcel that contains a primary and secondary accessory residential unit shall be seven thousand five hundred square feet.

a. A secondary accessory residential unit may be approved by the planning commission (use permit) and constructed on an existing parcel with less than seven thousand five hundred square feet if the unit meets the following criteria:

i. The provision of exceptional architectural design, including a high level of architectural compatibility with the existing single-family dwelling; or

ii. Off-street parking is provided in excess of the combined minimum requirements for both the primary and secondary accessory dwellings; or

iii. New right-of-way improvements (including, but not limited to, curb, gutter, and sidewalk) are installed along the street frontage(s) of the subject property; or

iv. The property owner enters into a written agreement with the city stipulating that the secondary accessory residential unit shall be rented to low income, very low income or extremely low income tenants with maximum income levels established for Lake County by the state of California. The rental affordability agreement shall be in effect for a minimum of five years and shall be binding on all owners or persons having or acquiring any right, title, or interest in the property subject to the agreement. Longer rental affordability agreements are encouraged.

11. Sewer expansion fees shall be collected in conjunction with the construction/development of all new secondary accessory residential units as required by city of Lakeport municipal sewer district (CLMSD south or CLMSD north). Water expansion fees shall be collected if a new water meter is installed for the new secondary accessory residential unit or if an existing water meter is upsized.

12. A separate address for the secondary accessory residential unit shall be assigned by the city of Lakeport.

DD. Residential Uses in a C-1 Light Retail, C-2 Major Retail, C-3 Service Commercial, CB Business, or Professional Office Zoning District.

1. The residential use shall be initiated concurrently or subsequent to the construction of a commercial or office building.

2. The residential use shall be aesthetically pleasing.

3. The residential use shall be provided with some useable private open space in the form of a yard, deck, balcony, or similar outdoor living area.

4. The residential use shall be provided with a pedestrian access separate from that provided for the com-

mercial use. If it is impossible to provide a separate access, the internal access to the residential use shall be designed so as to minimize impact on the commercial activity.

5. The construction and operation of the residential use shall comply with the requirements of the building and fire codes.

6. Off-street parking shall be provided for the residential use as required by Chapter 17.23 in addition to the parking required for commercial or other on-site uses.

7. Single-family residential and mixed use--residential projects shall ensure that the viability of commercial and office operations is not adversely affected by residential development.

8. Residential uses that are not single-family homes shall provide:

a. Secure areas for residents' personal property. Outdoor storage areas for personal property brought on site by clients shall be screened from public view by minimum six-foot-tall visually screening mature landscaping or a minimum six-foot-tall decorative masonry wall.

b. Laundry facilities adequate for the number of residents.

c. Toilets and showers at ratios of not less than one toilet for every eight beds per gender; one shower for every eight beds per gender; and a private shower and toilet facility for each area designated for families with children.

d. Telephone(s) for use by residents.

9. Residential uses include community care facilities, emergency shelters, and mixed use projects for the purposes of this section.

EE. Emergency Shelters in a C-3 Service Commercial District.

1. Purpose. The purpose of these regulations is to establish standards to ensure that the development of emergency shelters (shelters) does not adversely impact adjacent parcels or the surrounding neighborhood and that they are developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses. These performance standards shall apply to shelters. A use permit is required to establish a shelter that does not meet the location, development, and/or operational standards

of this section or that would provide more beds than allowed by this section.

2. Location. A shelter may be established in any "C-3" service commercial district; provided, that the property boundaries are located more than three hundred feet from any other shelter (measured from property line to property line) unless it is separated therefrom by a state highway.

3. Maximum Number of Beds. A maximum of twenty-four beds may be provided.

4. Property Development Standards. The development shall conform to all property development standards of the C-3 zoning district (Chapter 17.11), as well as Chapters 17.23 (Parking, Access and Loading), 17.27 (Architectural and Design Review), 17.28 (Performance Standards), and 17.52 (Signs).

5. Length of Stay. The maximum length of stay at the facility shall not exceed one hundred twenty days in a three-hundred-sixty-five-day period.

6. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge. Hours of operation must be prominently posted on site. Clients shall be admitted to the facility between six p.m. and eight a.m. during Pacific Daylight Time and five p.m. and eight a.m. during Pacific Standard Time. All clients must vacate the facility by eight a.m. and have no guaranteed bed for the next night.

7. On-Site Parking. On-site parking shall be provided in the ratio of one space for every six adult beds or one-half space per bedroom designated for family units with children. One space shall be provided for each manager/staff member. Bike rack parking shall also be provided by the facility.

8. Lighting. Adequate exterior lighting shall be provided for security purposes. The lighting shall be stationary and shielded/downlit away from adjacent properties and public rights-of-way.

9. Required Facilities. Shelters shall provide the following facilities:

a. Indoor client intake/waiting area of at least one hundred square feet. If an exterior waiting area is provided, it shall not be located adjacent to the public right-of-way and shall be visually separated from public view by minimum six-foot-tall visually screening mature landscap-

ing or a minimum six-foot-tall decorative masonry wall. Provisions for shade/rain protection shall be provided.

b. Interior and/or exterior common space for clients to congregate shall be provided on the property at a ratio of not less than fifteen square feet per client, with a minimum overall area of one hundred square feet. Common space does not include intake areas.

10. Optional Facilities/Services. Shelters may provide one or more of the following types of common facilities for the exclusive use of residents:

a. Central cooking and dining room(s) subject to compliance with county health department requirements.

b. Recreation room.

c. Counseling center.

d. Child-care facilities.

e. Other support services intended to benefit homeless clients.

11. Shelter Management. The shelter provider or management shall demonstrate that they currently operate a shelter within the state of California or have done so within the past two years and shall comply with the following requirements:

a. At least one facility manager shall be on site and awake at all times the facility is open. The manager's area shall be located near the entry to the facility. Additional support staff shall be provided, as necessary, to ensure that at least one staff member is provided in all segregated sleeping areas, as appropriate.

b. An operational and management plan (plan) shall be submitted for review and approval by the community development director. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, said plan shall contain provisions addressing the following issues:

i. Security and safety: addressing both on- and off-site needs, including provisions to ensure the security and separation of male and female sleeping areas, as well as any family areas within the facility.

ii. Loitering/noise control: providing specific measures regarding operational controls to minimize the congregation of clients in the vicinity of the facility

during hours that clients are not allowed on site and/or when services are not provided.

iii. Management of outdoor areas: including a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize disruption to nearby land uses.

iv. Staff training: with objectives to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income.

v. Communication and outreach with objectives to maintain effective communication and response to operational issues which may arise in the neighborhood as may be identified by city staff or the general public.

vi. Adequate and effective screening: with the objectives of determining admittance eligibility of clients and providing first service to Lakeport area residents.

vii. Litter control: with the objective of providing for the regular daily removal of litter attributable to clients within the vicinity of the facility. (Ord. 903 §5, 2016; Ord. 893 §3(12), 2014; Ord. 887 §1(H), 2013; Ord. 880 §2(3), 2010; Ord. 868 §1(C), 2007; Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

Chapter 17.29

APPLICATIONS AND FEES

Sections:

17.29.010 Purpose.

17.29.020 Eligibility for filing.

17.29.030 Land use application procedures.

17.29.040 Project evaluation and staff reports.

17.29.050 Expiration of application.

17.29.060 Fees.

17.29.010 Purpose.

To define the procedures and requirements for applications for land use actions. (Ord. 903 §6(part), 2016; Ord. 796 Att. A(part), 1999)

17.29.020 Eligibility for filing.

An application may only be filed by the owner of the subject property or a lessee or authorized agent of the owner with the written consent of the property owner. The applicant shall be signed by the owner of the subject property or a lessee or authorized agent of the owner if written authorization from the owner is filed concurrently with the application. (Ord. 903 §6(part), 2016: Ord. 796 Att. A(part), 1999)

17.29.030 Land use application procedures.

The following procedures shall be followed in processing of land use applications and development permits which require planning commission or city council action:

A. Preapplication Conference.

1. A prospective project proponent is encouraged to request a preapplication conference with community development staff before completing and filing a land use application/development.

2. The purpose of the preapplication conference is to:

- a. Inform the project proponent of city requirements as they apply to the proposed project;
- b. Review the city's land use development review process, possible project alternative or modifications; and

c. Identify information and materials the city will require with the application, and any necessary technical studies and information relating to the environmental review of the project.

3. Information and materials provided by city staff to the applicant at the preapplication conference shall not be construed as a recommendation for either approval or denial of the proposed project.

4. Failure by city staff to identify all required studies or all applicable requirements shall not constitute a waiver of those requirements.

B. Application Contents.

1. Application for land use projects, action, permits, permit modifications, amendments, and other matters pertaining to this code shall be filed with the community development department on an official city application form.

2. The application shall be filed with all required fees, deposits, information, and materials as specified by the community development department.

3. Project proponents are encouraged to contact the community development department before submitting an application to verify which materials are necessary for application filing.

C. Review of Application.

1. The community development department shall review each application for completeness and accuracy before it is accepted in compliance with Government Code Section 65943. Acceptance of the application shall be based on the city's list of required application contents and any additional written instructions provided to the project proponent in a preapplication conference, and/or during the initial application review period.

2. At the discretion of the community development department, or where otherwise required by this code or state or federal law, an application may be referred to any public agency that may have interest in the proposed project.

3. Within thirty calendar days of application acceptance, the project proponent shall be informed in writing that the application is complete and has been accepted for processing, or that the application is incomplete and the additional information is required in conformance with Government Code Section 65943. Upon receipt of any resubmittal of the application, a new thirty-day review period shall begin, during which the community development department shall again determine the completeness of the application.

4. When the community development department determines that an application is incomplete, and the project proponent believes the application is complete or that the information requested by the community development department is not required, the project proponent may appeal the determination in compliance with Chapter 17.31 (Appeals and City Council Review).

5. After the city has accepted an application as complete, the community development department may require the applicant to submit additional information for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA). (Ord. 903 §6(part), 2016: Ord. 796 Att. A(part), 1999)

17.29.040 Project evaluation and staff reports.

A. Staff Evaluation. The community development department shall review all land use applications/development permits to determine if they comply with all applicable requirements, including the zoning ordinance, other applicable provisions of the municipal code, the general plan, and any applicable specific plan.

B. Staff Report. The community development department shall provide a written recommendation for all land use applications/development permits subject to the review authority of the planning commission and/or city council (as applicable) as to whether the application should be approved, approved with conditions, or denied.

C. Report Distribution. Each staff report shall be furnished to the applicant at the same time it is provided to the review authority before action on the application. (Ord. 903 §6(part), 2016: Ord. 796 Att. A(part), 1999)

17.29.050 Expiration of application.

A. If an applicant fails to provide additional information, as specified in Section 17.29.030(C)(3), requested in writing by the community development department within six months (one hundred eighty days) following the date of the letter, the application shall expire and be deemed withdrawn, without any further action by the city.

B. The community development director may grant one ninety-day extension, if the project proponent files a written request with the community development department before expiration.

C. After the expiration of an application, future city consideration shall require the submittal of a new, complete application and associated fees. (Ord. 903 §6(part), 2016)

17.29.060 Fees.

The city council shall, by resolution, establish a schedule of fees for land use applications, amendments, and other matters pertaining to this chapter. The schedule of fees may be changed or modified by resolution of the council. Review shall not commence on any application until all applicable fees have been paid in full. The city is not required to continue processing and application unless its fees are paid in full. Failure to pay the applicable fees is grounds

for denial of the application. (Ord. 903 §6(part), 2016: Ord. 796 Att. A(part), 1999. Formerly 17.29.050)

Chapter 17.30

NOTICE OF PUBLIC HEARING

Sections:

- 17.30.010 Purpose.
- 17.30.020 Notice of land use actions by publication.
- 17.30.030 Notice by mail or delivery.
- 17.30.040 Request for notification.
- 17.30.050 Failure to receive notice.
- 17.30.060 Hearing continuation.

17.30.010 Purpose.

To establish the procedures for public notice and public hearings on land use projects/ actions when required. (Ord. 796 Att. A(part), 1999)

17.30.020 Notice of land use actions by publication.

A. When a provision of this title or state law requires notice of a public hearing of a land use action to be given, notice shall be published one time in a newspaper of general circulation within the Lakeport area at least ten calendar days prior to the hearing.

B. All notices required pursuant to this section shall provide the date, time, and place of the public hearing, the identity of the public body conducting the hearing, a general explanation of the matter to be considered, and a general description in text or in diagram of the location of the property that is the subject of the hearing.

C. In addition to the notice required by this section, notice of the hearing may be given in any other manner deemed necessary by the community development department. (Ord. 796 Att. A(part), 1999)

17.30.030 Notice by mail or delivery.

A. When a provision of this title or state law requires a notice of a public hearing of a land use action

to be given, notice shall be given in all of the following ways:

1. Notice of the hearing shall be mailed at least ten calendar days prior to the hearing date to the owner of

the subject property, the authorized agent, and to the project applicant.

2. Notice of the hearing shall be mailed or delivered at least ten calendar days prior to the hearing to all owners of real property within three hundred feet of the real property which is the subject of the hearing. The names and addresses of the owners of all real property shall be obtained from the latest county of lake assessment.

3. If the number of property owners to whom notice is to be mailed pursuant to this section is greater than one thousand, in lieu of mailed or delivered notice, notice may be given by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the Lakeport area at least ten calendar days prior to the hearing.

B. If the notice is mailed or delivered pursuant to subsection A of this section, the notice must also either be:

1. Published one time in a newspaper of general circulation within the Lakeport area at least ten calendar days prior to the hearing; or

2. Posted at least ten calendar days prior to the hearing in at least three public places within the city, including one public place in the area directly affected by the proceedings.

C. All notices provided pursuant to this section shall include the information as specified in Section 17.30.020(B). (Ord. 796 Att. A(part), 1999)

17.30.040 Request for notification. Any person who has filed a written request for notice with the city clerk or the community development department shall receive notice in accordance with Section 17.30.030. The city may charge a fee which is reasonably related to the cost of providing this service, and the request for such notice shall be annually renewed. (Ord. 796 Att. A(part), 1999)

17.30.050 Failure to receive notice. Notice shall be deemed to have been given when the records of the community development department so indicate that said notice has been mailed or published. The failure of any person or entity to receive notice given pursuant to this section shall not constitute grounds to invalidate the actions of the city. (Ord. 796 Att. A(part), 1999)

17.30.060 Hearing continuation. Any public hearing conducted under this section may be continued from time to time at the request of the city or the applicant or as may be necessary for other reasons. (Ord. 796 Att. A(part), 1999)

Chapter 17.31APPEALS AND CITY COUNCIL REVIEWSections:

- 17.31.010 Purpose.
- 17.31.020 Appellate jurisdiction.
- 17.31.030 Administrative appeals.
- 17.31.040 Appeals to the city council.
- 17.31.050 Automatic appeals.
- 17.31.060 City council call for review.

17.31.010 Purpose. To establish the procedures for appeal of the decisions of the community development department and planning commission on land use actions. (Ord. 796 Att. A(part), 1999)

17.31.020 Appellate jurisdiction. The review authority having appellate jurisdiction over the administrative decision of the community development director shall be the Lakeport planning commission. The review authority having appellate jurisdiction over the decisions of the Lakeport planning commission shall be the Lakeport city council. (Ord. 796 Att. A(part), 1999)

17.31.030 Administrative appeals. A. Application. An application for an administrative appeal shall be made as follows:

1. Persons eligible. The applicant or an affected person not satisfied with the decision of the community development director shall be eligible to file an administrative appeal. An affected person shall include an individual who has received notice or who submitted written comments to the city pursuant to a notice.

2. Timeliness. An administrative appeal shall be filed within five business days of the date on which the decision was rendered.

3. Form Filing and Fee. An appeal of an administrative decision shall be made on the prescribed form and filed with the community development department, accompanied by the fee set by resolution of the Lakeport city council.

4. Required Documents. An appeal shall be accompanied by a written statement setting forth the grounds upon which the appellant asserts that there was an error or abuse of discretion, and how the decision of the community development director is inconsistent with the purposes of the zoning ordinance.

B. Affect of Filing the Appeal. An appeal of an administrative decision shall halt all further proceedings. No development permits shall be issued until such time as the appeal has been acted upon as set forth in Section 17.31.030(D). The applicant may continue to act in reliance on any previously issued permit, however, further reliance upon receipt or notice of an appeal is done at their own risk pending the outcome of the appeal.

C. Forwarding of the Record. Prior to the appeal hearing, the community development department shall transmit to the planning commission copies of the pertinent application materials including all maps and data, and a statement setting forth the reasons for the decision by the community development department staff or other review authority.

D. Public Hearing and Notice. The planning commission shall conduct a public hearing on all administrative appeals. The public hearing shall be on the record, and all affected persons may appear and present evidence.

E. Decision. Within thirty days after the close of the hearing, the planning commission may either sustain the decision or render a new decision. Notice of the decision of the planning commission shall be mailed to the appellant and/or the applicant.

F. The Effective Date. The decision of the planning commission on an administrative appeal shall be final, conclusive, and effective immediately unless an appeal of the planning commission decision is filed with the Lakeport city council as provided for in Section 17.31.040. (Ord. 796 Att. A(part), 1999)

17.31.040 Appeals to the city council. A. Application: decisions of the planning commission may be appealed as follows:

1. Persons Eligible. The applicant or affected persons not satisfied with the decision of the planning commission may file an appeal. Affected persons shall include individuals who received notice of a land use application, or who attended the planning commission meeting and made verbal comments, or submitted written comments in response to the notice.

2. Timeliness Form Filing and Fee. An appeal of a decision made by the planning commission shall be filed with the community development director within five business days of the decision. Said appeal shall be filed on the prescribed form and accompanied by the fee in the amount set by resolution of the city council.

3. Timeliness. An administrative appeal shall be filed within five business days of the date on which the decision was rendered.

B. Affect of Filing the Appeal. The filing of an appeal shall halt the proceedings and the effective date of the decision of the planning commission until such time as the appeal has been acted upon as hereinafter set forth.

C. Forwarding of the Record. Prior to the hearing on said appeal, the community development department shall transmit to the Lakeport city council the pertinent application materials setting forth the reasons for the decisions made by the planning commission.

D. Public Hearing and Notice. Following the filing of an appeal, the Lakeport city council shall conduct a public hearing on the matter. The public hearing shall be on the record and all affected persons may appear and present evidence.

E. Decision. Within thirty days after the close of the hearing, the city council may sustain or overturn the planning commission decision, or may grant or modify an application subject to specified conditions it imposes, or may revoke or deny the permit. Notice of the decision of the council, together with a copy of any findings adopted by the council, shall be mailed to the appellant and/or applicant.

F. Finality and Effective Date. The decision of the Lakeport city council on an appeal shall be final, conclusive, and effective immediately. (Ord. 796 Att. A(part), 1999)

17.31.050 Automatic appeals. A. Automatic appeals. If the planning commission is unable to take action because of legal disqualification or abstentions, the matter shall be deemed to be automatically denied and appeals to the Lakeport city council. Automatic appeals pursuant to this section shall not be subject to the filing fees.

B. Continuations. If a ballot of the members of the planning commission results in a tie vote, the planning commission may continue the matter for further consideration or refer the matter to the city council as an appeal. Said appeal shall not be subject to filing fees. (Ord. 796 Att. A(part), 1999)

17.31.060 City council call for review. The city council by a majority vote may call for the review of a planning commission decision. Said call for review shall be made within five business days of the date of the planning commission decision. The review shall be considered by the city council at a public hearing. (Ord. 796 Att. A(part), 1999)

Chapter 17.32ZONING AND GENERAL PLAN AMENDMENTSSections:

- 17.32.010 Zoning amendments.
 17.32.020 General plan amendments.

17.32.010 Zoning amendments. The zoning ordinance may be amended by changing the boundaries of districts, or by changing the text whenever the public convenience, necessity, and general welfare requires such an amendment by following the procedures set forth in this chapter.

A. Initiation. Any zoning changes, amendments, alterations, rezonings, or establishments, herein referred to as an amendment, may be initiated by:

1. The owner of real property wherein such application is accompanied by a fee prescribed by the city council; or by
2. A minute order or resolution of the city council; or by
3. A minute order or resolution of the planning commission.

B. Amendment criteria. An application for an amendment to the zoning ordinance shall include a justification statement submitted by the applicant, planning commission, or city council. The justification statement shall describe the intended amendment, whether it is a change in district boundaries, or an amendment of the zoning ordinance text. The justification statement shall give the reasons why the amendment is necessary and shall provide information documenting that:

1. The proposed amendment is in the public's interest.
2. The proposed amendment is consistent with the Lakeport general plan.
3. The proposed amendment will not be detrimental to the community's health, safety, and welfare.
4. The proposed amendment complies with the California Government Code and California Environmental Quality Act.

C. Public Hearing by the Planning Commission. Upon receipt of a complete application, the matter shall be set for public hearing. If the proposed ordinance text amendment affects the permitted uses on real property within the city, notice of the hearing shall be given pursuant to Section 17.30.020 of this title. After the close of the public hearing, the planning commission shall render its recommendation on the proposed ordinance amendment. Within

ten calendar days of a decision, the planning commission shall transmit its recommendation to the city council. The planning commission shall include the reasons for the recommendation, the relationship of the proposed amendment to the city's general plan, and other relevant information.

D. Public Hearing by the City Council. Upon receipt of the recommendation of the planning commission, the Lakeport city council shall conduct a public hearing thereon. If the proposed ordinance affects permitted uses of real property within the city, notice of the hearing shall be given pursuant to Section 17.30.020 of this title. Following the hearing, the city council may approve by ordinance, modify, or disapprove the proposed amendment. (Ord. 796 Att. A(part), 1999)

17.32.020 General plan amendments. The Lakeport general plan may be amended by changing the boundaries, designations, or text whenever the public convenience, necessity, or general welfare requires such an amendment. However, general plan amendments shall comply with state law in terms of the number of amendments approved on an annual basis.

A. Initiation. A general plan amendment may be initiated by:

1. The owner of real property wherein such application is accompanied by a fee prescribed by the city council; or by
2. A minute order or resolution of the city council; or by
3. A minute order or resolution of the planning commission.

B. Amendment Criteria. The applicant shall submit a justification statement with the following information, documenting that:

1. The proposed general plan amendment is in the public's interest.
2. The proposed general plan amendment is consistent and compatible with the entire general plan and any implementation programs that may be affected.
3. The potential impacts of the proposed general plan amendment have been assessed and have been determined not to be detrimental to the public health, safety, and welfare.
4. The proposed general plan amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

C. Public Hearing by the Planning Commission. Upon receipt of a complete application, the community development department shall set a date for a public hearing

thereon. After the public hearing, the planning commission shall render its recommendation on the proposed amendment. Within ten calendar days of a decision, the planning commission shall transmit its recommendation to the city council. The planning commission shall include the reasons for the recommendation and other relevant information.

D. Public Hearing by the City Council. Upon receipt of the recommendation of the planning commission, the Lakeport city council shall conduct a public hearing thereon. Following the hearing, the city council may approve by resolution, modify, or disapprove the proposed amendment.

E. Map and Legal Description Required. Applicants requesting a change to the city's general plan map shall submit a map as Exhibit A which shall clearly indicate the subject property being requested to be amended and a legal description as Exhibit B.

F. Amendment of the Official General Map. Upon approval by the city council of a general plan amendment resolution, the general plan map or text shall be amended consistent with the decision of the city council. (Ord. 796 Att. A(part), 1999)

Chapter 17.33

ANNEXATION PROCEDURES

Sections:

17.33.010 Annexation procedures and requirements.

17.33.010 Annexation procedures and requirements.
Pursuant to the California Government Code and the Lakeport general plan, the following procedures shall be followed in consideration of an application for reorganization/annexation to the city:

A. Environmental Review. If the city has pre-zoned land considered for reorganization/annexation, the city will be the lead agency, prepare the initial study, and determine the appropriate environmental clearance for the project. The project proponent shall submit the necessary application, supporting information, and fees.

B. General Plan Policies and Programs. Applicants for city reorganization/annexation shall comply with the Lakeport general plan and shall address the policies and programs set forth therein. The community development department shall review all proposals for reorganization/annexation and prepare a report for consideration by the planning commission who shall then make a recommendation to the city council on the annexation's compliance with general plan policies and programs.

C. Council Action. The city council shall consider proposals for reorganization/annexation in view of the policies and programs set forth in the general plan, the planning commission recommendation, and other available information. The city council shall set forth its decision in a resolution indicating the findings relative to the matter. (Ord. 821 S1(part), 2003; Ord. 796 Att. A(part), 1999)

Chapter 17.34

DEVELOPMENT AGREEMENTS

Sections:

- 17.34.010 Purpose.
- 17.34.020 Application requirements.
- 17.34.030 Pre-application process.
- 17.34.040 Department review and recommendation.
- 17.34.050 Public hearing required.
- 17.34.060 Planning commission action.
- 17.34.070 City council action.
- 17.34.080 Annual review.
- 17.34.090 Application of existing rules, regulations, and policies.
- 17.34.100 Modification and termination.
- 17.34.110 Administration.

17.34.010 Purpose. In order to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic cost of development, the California legislature adopted Section 65864 et seq. of the Government Code, authorizing local governments to enter into development agreements with

applicants for development projects. The objective is to provide assurances that, upon approval of the project, the applicant may proceed in accordance with existing policies, rules, and regulations, subject to the conditions of approval, thus vesting certain development rights in the property. The purpose of this chapter is to establish procedures and requirements for development agreements consistent with state law. (Ord. 796 Att. A(part), 1999)

17.34.020 Application requirements. An applicant may propose that the city consider entering into a development

agreement pursuant to Title 7, Chapter 4 of the Government Code by filing an application with the community development department. The application shall be accompanied by the following:

A. A proposed agreement which shall contain the following:

1. A legal description of the property sought to be covered by the agreement;

2. A statement of concurrence by the owner if the applicant is not the fee owner;

3. A description of the proposed uses, height, and size of building(s), density or intensity of use, and provision for reservation or dedication of land for public purposes;

4. A statement of terms and conditions relating to applicant financing of public facilities and required improvements;

5. All proposed conditions, terms, restrictions, and requirements for subsequent city discretionary actions;

6. A statement specifying which rights are intended to vest on the effective date of the agreement, and the timing and sequence of subsequent discretionary approvals and vesting of rights.

7. The proposed time when construction would be commenced and completed for the entire project and any proposed phases; and

8. The termination date for the agreement.

B. A map showing the location and street address of the subject property and of all lots of record within three hundred feet of the boundaries of the property.

C. A list, drawn from the last equalized property tax assessment roll, showing the names and addresses of the owner of record of each lot within three hundred feet of the boundaries of the property. Envelopes addressed to these owners also shall be provided for mailing notices.

D. A statement documenting that the project is consistent with the general plan and all applicable specific plans.

E. Such other information as the community development director may require by policy or to satisfy other requirements of law.

F. The required fee. (Ord. 796 Att. A(part), 1999)

17.34.030 Pre-application process. City staff shall not begin to negotiate with the applicant until authorized by the city council following completion of the pre-application process as set forth below:

A. The community development department shall review the proposal, consult with all city departments, obtain additional information from the applicant as may be deemed

necessary, and shall, within forty-five days of receipt of the proposal, prepare a report containing the department's recommendation to the city council. The recommendation shall consist of the following:

1. A statement of potential public benefits accruing to the city if the agreement were entered into;
2. A recommendation whether the city should negotiate further with the applicant;
3. A statement of issues for further research and investigation and issues that should be addressed in the development agreement;
4. A statement of those documents, applications, and other items required to further process the application or negotiate with the applicant.

B. Upon receipt of the recommendation of the community development director, the request shall be set for a public hearing before the city council. The city council shall consider whether to authorize city staff to negotiate with the applicant concerning the development agreement. Notice of the hearing shall be given in accordance with the Government Code.

C. Upon the close of the hearing, the city council shall either:

1. Direct city staff, by resolution, to continue negotiating with the applicant, and to prepare a proposed development agreement for planning commission review; or
2. Determine that no further negotiations are desirable and so state in a resolution, including the reasons for such a determination, and reject the application. (Ord. 796 Att. A(part), 1999)

17.34.040 Department review and recommendation.

Unless the project is categorically exempt, the department shall undertake environmental review and, upon completion of such review, transmit the application, together with the department's recommendations, to the planning commission. (Ord. 796 Att. A(part), 1999)

17.34.050 Public hearing required. Upon receipt of an application, the planning commission shall schedule a public hearing to determine whether the proposal conforms to the general plan, and determine the environmental clearance. The planning commission hearing shall be scheduled within six months following city council authorization to staff to negotiate with the applicant unless the city and the applicant mutually agree to a later date.

Notice of intention to consider the application shall be given as provided in Sections 65090 and 65091 of the Government Code. In addition, if the application is being processed together with the development project, notice of

such intention shall be given as required for consideration of the development project. (Ord. 796 Att. A(part), 1999)

17.34.060 Planning commission action. After the public hearing is closed, the commission shall recommend either approval, modification, or disapproval of the proposed development agreement. The commission shall transmit its recommendation to the city council within thirty calendar days. (Ord. 796 Att. A(part), 1999)

17.34.070 City council action. A. Upon receipt of the application, the results of the environmental review, and the recommendations of the department and the planning commission, the city council shall schedule a public hearing on the application. Notice of intention to consider the application shall be given in the same manner as set forth in Section 17.34.050.

B. If the application is being processed together with the development project, the public hearing on the development agreement application may be held concurrently with this hearing on the project.

C. After the public hearing is closed, the city council shall approve, modify, or disapprove the proposed development agreement. An agreement shall not be approved unless the city council makes the following findings:

1. That the agreement is consistent with the general plan and with any specific plan;
2. That the agreement is consistent with all provisions of this ordinance, the Lakeport Municipal Code, and state law;
3. That the agreement will not be detrimental to the public health, safety, and general welfare; and will not adversely affect the orderly development of property or the preservation of property values;
4. That the city council has considered the effect of the development agreement on the housing needs of the region in which the city is situated and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources.

Any approval of a proposed agreement shall be made by ordinance, which shall authorize the mayor and the city attorney to sign the agreement on behalf of the city, and shall become effective after thirty calendar days following the second reading unless a referendum is filed within that time.

D. No agreement shall be signed by the mayor and the city attorney until it has been duly signed by the applicant and owner, if the applicant is not the owner. If the applicant has not signed and returned the approved agreement to the mayor and the city attorney for signing within

thirty calendar days of council approval, said application shall be deemed withdrawn by applicant.

E. Within ten calendar days after the mayor and the city attorney sign a development agreement and the ordinance becomes effective, the city clerk shall cause a copy thereof to be recorded.

F. All agreement provisions are subject to modification or suspension as set forth in Title 7, Chapter 4, Article 2.5 of the Government Code commencing with Section 65864. (Ord. 796 Att. A(part), 1999)

17.34.080 Annual review. A. Development agreements shall be limited in their term to a period not to exceed a maximum of five years from the effective date of the adopting ordinance. The city may specify in the agreement options to renew the term of the agreement.

B. All development agreements shall be reviewed by the planning commission and city council at least once every twelve months, unless the agreement provides for more frequent review, in which case the agreement shall prevail.

C. The purpose of the review shall be to inquire into the good faith compliance of the applicant with the terms and conditions of the agreement and for any other purpose specified in the agreement.

D. Prior to each review, the department shall prepare a report relative to all development that has occurred under the agreement subsequent to the last past review and any other matters the department wishes to bring to the city council's attention.

E. If the department review determines that all terms and conditions of the agreement have been met, and the city council concurs in writing, no further review shall be required.

F. If the department report recommends modification or termination of the agreement, or if the community development director proposes to make such a recommendation to the city council, he shall schedule a public hearing before the planning commission on the agreement. Notice of intention to modify or terminate the agreement shall be given in the same manner as set forth in Section 17.34.050. At such hearing, the applicant shall have the burden of demonstrating his good faith compliance with the terms and conditions of the agreement. After closing the public hearing, the planning commission shall determine whether to recommend that the agreement be terminated or modified.

G. Upon receipt of the community development director's or planning commission's recommendation, the city council shall schedule a public hearing. Notice of intention to modify or terminate the agreement shall be given in the same manner as set forth in Section 17.34.050.

If, after the public hearing is closed, the city council finds and determines on the basis of substantial evidence that the applicant or its successor in interest has not complied in good faith with the terms and conditions of the agreement, the city council may modify or terminate the agreement. Any modification or termination is subject to the provisions of Section 17.34.100. (Ord. 796 Att. A(part), 1999)

17.34.090 Application of existing rules, regulations, and policies. Unless otherwise provided by the development agreement, rules, regulations, and official policies applicable to development of the property subject to a development agreement shall be those rules, regulations, and official policies in force at the time of execution of the agreement. A development agreement shall not prevent the city, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent the city from denying, or conditionally approving, any subsequent development project application on the basis of such existing or new rules, regulations, and policies. No rights shall be deemed to vest in the applicant, or any other person, under any development agreement, except as expressly set forth in the development agreement. (Ord. 796 Att. A(part), 1999)

17.34.100 Modification and termination. Any development agreement may be amended or canceled, in whole or in part, by mutual consent of the applicant (or its successor in interest) and the city, or it may be modified or terminated pursuant to the provisions of Section 17.34.080. Notice of intention to take any such action shall be given in the manner provided by Section 17.34.050; provided, however, that the parties may set forth an alternative procedure in the agreement for processing insubstantial amendments. Any significant amendment shall be subject to the provisions of the Government Code, Section 65867.5. (Ord. 796 Att. A(part), 1999)

17.34.110 Administration. The community development director shall prepare and adopt such application forms, checklists, and other documents as considered necessary and desirable to implement these procedures and requirements. (Ord. 796 Att. A(part), 1999)

Chapter 17.35PROJECT CONDITIONS AGREEMENT
AND MONITORING PROCEDURESSections:

- 17.35.010 Agreement required.
- 17.35.020 Project conditions monitoring procedure.
- 17.35.030 Development project conditions enforcement.

17.35.010 Agreement required. Applicants for all land use projects shall be required to execute a project conditions agreement specifying the nature of the land use application, the location, the assessors parcel number, the project's conditions of approval as required by staff, and/or planning commission, and/or city council. Said agreement shall indicate that the development and/or the use of the real property shall conform to the conditions of approval, and shall be binding on all owners and persons having or acquiring right, title, or interest in the real property. The agreement shall be signed by the applicant/owner/developer and dated. Said agreement shall be executed prior to engaging in the use or issuance of any development permits. (Ord. 796 Att. A(part), 1999)

17.35.020 Project conditions monitoring procedure. Upon execution of the project conditions agreement, the community development department (staff) shall carry out the following monitoring procedure:

A. Staff shall conduct a pre-construction/pre-permit review of the conditions that must be satisfied prior to the issuance of a building or other development permit and note the status accordingly;

B. Staff, in conjunction with other city departments, shall conduct a review of the project and the conditions that must be satisfied during the construction or development phase of the project. All required conditions shall be completed prior to the issuance of an occupancy permit, operation of the use, or execution of a financial security agreement.

C. Staff, in conjunction with other city departments, shall conduct post-construction review of the project and the conditions of approval. The post-construction monitoring shall be completed as needed. The post-construction report must indicate the status of all conditions, remedial action necessary, and other observations and recommendations. Post-construction reports may be made available to the Lakeport planning commission or city council who may initiate actions necessary to correct any deficiencies. (Ord. 796 Att. A(part), 1999)

17.35.030 Development project conditions enforcement. Failure of an applicant/owner/developer to comply with the conditions of approval imposed by staff, planning commission, and/or city council for a development project shall be deemed a violation of the municipal code. The enforcement procedures and penalties as set forth in Chapter 17.48 of the municipal code shall be applicable. (Ord. 796 Att. A(part), 1999)

Chapter 17.36

NONCONFORMING USES, STRUCTURES, AND LOTS

Sections:

- 17.36.010 Purpose.
- 17.36.020 Compatible nonconforming uses, structures and lots.
- 17.36.030 Modification of compatible nonconforming uses, structures and lots.
- 17.36.040 Incompatible nonconforming uses, structures and lots.
- 17.36.050 Termination and removal of incompatible nonconforming uses and structures.
- 17.36.060 Development of incompatible nonconforming lots.

17.36.010 Purpose. The purpose of this chapter is to declare uses, structures, and lots legally existing on the effective date of the ordinance codified in this title as nonconforming because they no longer conform to the present requirements of the zoning district in which they are located. Furthermore, uses and structures which have been deemed to be incompatible nonconforming uses are encouraged to be eliminated or brought into conformity within a reasonable period of time. (Ord. 796 Att. A(part), 1999)

17.36.020 Compatible nonconforming uses, structures and lots. Nonconforming uses, structures, and lots which are generally not detrimental to the zoning district in which they are located are considered compatible. Compatible nonconforming uses, structures, and lots include:

A. Residential uses and structures located in residential zones which do not comply with the current requirements for the residential zone in which they are located, but did comply at the time of their construction.

B. Residential uses and structures located in non-residential zones.

C. Commercial, industrial, and office uses and structures located in residential, commercial, industrial, or other zones which have been determined by the planning commission to be compatible.

The determination that a nonconforming commercial, industrial, or office use or structure is compatible shall require the approval of a use permit.

D. Nonconforming structures or premises which have historic significance and have been so designated by the city council.

E. Nonconforming parcels or lots which were legally created prior to 1972.

The determination that a nonconforming lot is compatible shall require the approval of a certificate of compliance. (Ord. 796 Att. A(part), 1999)

17.36.030 Modification of compatible nonconforming uses, structures and lots. A. Compatible nonconforming residential uses and structures in residential zones may be remodeled or rehabilitated provided the use or structure is not enlarged.

Compatible nonconforming residential structures in residential zones may be added to or enlarged if the structure is nonconforming only because of noncompliance with the required height, yard, and/or parking requirements; provided that such new additions or enlargements comply with all requirements for new structures, and off street parking is provided in accordance with the requirements for new residential structures.

B. Compatible residential structures located in non-residential zones may be remodeled or rehabilitated provided the use or structure is not enlarged.

Compatible residential structures located in non-residential zones may be added to or enlarged provided a use permit is obtained.

C. Compatible commercial, industrial, or office structures located in residential, commercial, industrial, or other zones may be remodeled or rehabilitated, provided the structure is not enlarged and no additional exterior square footage is created.

D. A compatible nonconforming use may be changed to another nonconforming use if the new use is of a similar or more restrictive nature.

The determination that a subsequent nonconforming use is similar to or is less restrictive, and therefore compatible, shall require the approval of a use permit.

E. Compatible nonconforming parcels or lots may be developed provided that all requirements applicable to the

zoning district in which it is located are met. (Ord. 796 Att. A(part), 1999)

17.36.040 Incompatible nonconforming uses, structures and lots. Incompatible nonconforming uses, structures, and lots are those that do not meet the criteria for compatible uses outlined in Section 17.36.020. (Ord. 796 Att. A(part), 1999)

17.36.050 Termination and removal of incompatible nonconforming uses and structures. Incompatible nonconforming uses and structures shall be subject to the following provisions:

A. Incompatible nonconforming uses which have been discontinued for any reason for a period of six months shall be terminated and shall not be reestablished.

B. Incompatible nonconforming uses or structures shall not be intensified or expanded.

C. Incompatible nonconforming structures shall not be moved to any other lot, or to any other portion of the lot on which it is located, unless, as a result of the move, the structure conforms to the regulations of the zoning district in which it will be relocated.

D. Incompatible nonconforming structures which are damaged or partially destroyed by any reason to an extent of not more than fifty percent of its market value at that time may be restored, and a nonconforming use or occupancy may be resumed provided that such restoration commences within a one-year period and is diligently pursued to completion.

1. In the event that such damage or destruction exceeds fifty percent of its market value, the building or structure shall not be repaired or reconstructed unless every portion of such building is made to conform to all regulations for new buildings in the zoning district in which it is located.

2. This regulation shall not apply to the reconstruction of one single-family dwelling or manufactured home in the R-3 high density residential district if it is to replace a previously existing residence which has suffered damage or destruction which exceeds fifty percent of its market value. (See Section 17.06.050(C).) (Ord. 796 Att. A(part), 1999)

17.36.060 Development of incompatible nonconforming lots. Incompatible nonconforming lots shall not be improved or developed unless legally merged with an adjacent parcel which meets the criteria of the zoning district in which it is located. Said merger shall be subject to the approval of an application for a voluntary merger as set forth in the subdivision ordinance. (Ord. 821 §1(part), 2003: Ord. 796 Att. A(part), 1999)

Chapter 17.37DEFINITIONSSections:

- 17.37.010 Purpose and applicability.
- 17.37.020 General rules for construction of language.
- 17.37.030 General terms.
- 17.37.040 Words and phrases.

17.37.010 Purpose and applicability. To promote consistency and precision in the interpretation of the zoning ordinance. The meaning and construction of words and phrases as set forth shall apply throughout the zoning ordinance, except where the context of such words and phrases clearly indicates a different meaning or construction. Definitions contained in the Uniform Building Code shall be applicable except when in conflict with definitions contained in the zoning ordinance, in which case the zoning ordinance definitions shall prevail. (Ord. 796 Att. A(part), 1999)

17.37.020 General rules for construction of language. The following general rules of construction shall apply to the textual provision of the zoning ordinance.

A. Headings. Section and subsection headings contained herein shall be not deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the zoning ordinance.

B. Illustration. In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control.

C. Shall and May. "Shall" is mandatory. "May" is discretionary or permissive.

D. Tenses and Numbers. Words used in the present tense include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

E. Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows.

1. "And" indicates that all connected items or provisions apply:
2. "Or" indicates that the connected items or provisions may apply singly or in any combination.
3. "Either ... or" indicates that the connected items or provisions shall apply singly but not in combination.

4. All public officials, bodies, and agencies to which reference is made are those of the city of Lakeport unless otherwise indicated. (Ord. 796 Att. A(part), 1999)

17.37.030 General terms. A. "Uses permitted" means permitted without the requirement for a minor or major use permit but subject to all other applicable permits or regulations.

B. "Department" means the community development department.

C. "City" means the city council of the city of Lakeport.

D. "Commission" or "planning commission" means the planning commission of the city of Lakeport.

E. "Federal" means the Government of the United States of America.

F. "State" means the state of California.

G. "Used" includes "arranged for," "designed for," "occupied," or "intended to be occupied for."

H. "General plan" means the city of Lakeport general plan.

I. "Director" means the community development director.

J. "Section" means a section of the zoning ordinance unless otherwise indicated.

K. "Chapter" means a chapter of the zoning ordinance unless otherwise indicated.

L. "Title" means Title 17 of the city municipal code unless otherwise indicated.

M. "Code" or "this code" means the municipal code of the city of Lakeport, state of California. (Ord. 796 Att. A(part), 1999)

17.37.040 Words and phrases. For the purposes of this title, words and phrases used in this title shall be defined as follows:

"Abandonment" means the relinquishment of property, or a cessation of the use of the property by the owner for a period of one year or more.

"Abutting" means having a common boundary except that parcels having no common boundary other than a common corner shall not be considered abutting.

"Accessory" means incidental, appurtenant or subordinate to the principal use or structure on the same lot or parcel.

"Accessory residence" means a single-family dwelling or mobilehome for the use of the business operator, caretaker, or watchmen whether as a portion of the business building or as a separate structure.

"Accessory structure" means a structure containing no kitchen and located upon the same lot or parcel as the principal use or structure to which it is an accessory. The structure is customary, incidental, appropriate, and subordinate to the use of the principal building, or the principal use of the land; and

Structures accessory to uses permitted without first obtaining a use permit shall be constructed with, or subsequent to the construction of the principal structure or subsequent to activation of the principal use; and

Structures accessory to uses permitted by use permit shall be constructed with, or subsequent to activation of the principal use only if authorized by the permit. Otherwise, the addition of such accessory structures shall require either an amendment to the permit authorizing the principal use or a separate use permit.

"Accessory residence" means a single-family dwelling or mobilehome for the use of the business operator, caretaker, or watchman whether as a portion of the business building, or as a separate structure.

"Accessory structure" means a structure containing no kitchen and located upon the same lot or parcel as the principal use of structure to which it is an accessory. The structure is customary, incidental, appropriate, and subordinate to the use of the principal building, or the principal use of the land; and

Structures accessory to uses permitted without first obtaining a use permit shall be constructed with, or subsequent to the construction of the principal structure or subsequent to activation of the principal use; and

Structures accessory to uses permitted by use permit shall be constructed with, or subsequent to the construction of the principal structure or subsequent to activation of the principal use only if authorized by the permit. Otherwise, the addition of such accessory structures shall require either an amendment to the permit authorizing the principal use or a separate use permit.

"Accessory use" means a use conducted upon the same lot or parcel as the principal use or structure to which it is an accessory. The use is customary, incidental, appropriate and subordinate to the use of the principal building, or the principal use of the land; and

Uses accessory to uses permitted without first obtaining a use permit shall be activated with, or subsequent to the construction of the principal structure or activation of the principal use.

Uses accessory to uses permitted by use permit shall be activated with, or subsequent to the construction of the principal structure or activation of the principal use only

if authorized by the permit. Otherwise, the addition of such accessory uses shall require either an amendment to the permit authorizing the principal use or a separate use permit.

Accessory Uses and Structures, Agricultural. "Agricultural accessory uses and structures" means those uses and structures customarily incidental and subordinate to the agricultural use of the land including but not limited to: barns, storage shed, corrals, pens, fences, windmills, watering and feed troughs; the storage and use of farm implements, irrigation and crop protection equipment; the storage and use of fuels for heating buildings and operating farm equipment or appliances; water and wastewater treatment facilities and systems for private domestic use; permitted signs; and other accessory uses and structures which are determined by the community development department to be necessary, customary, and incidental to the agricultural use of the lot or parcel. "Accessory use, agricultural" shall not include residences of any kind or construction equipment storage yards.

Accessory Uses and Structures, Residential. "Residential accessory uses and structures" means those uses and structures customarily incidental and subordinate to the residential use of the land including but not limited to: private garages, children's playhouses, patios, decks, fences, landings, porches, gazebos, outdoor gardens, storage sheds, radio and television antennas, private satellite dish antennas, solar panels, flag poles; private boat docks, boathouses, and boat ramps; private pools, tennis courts, spas and hot tubs; domestic animal keeping; water and wastewater treatment facilities and systems for private domestic use; permitted signs; the storage and use of fuels for heating buildings or for operating light equipment or household appliances; the parking of or temporary storage of fully operative automobiles, light trucks, boats, recreational vehicles, and motorcycles; and other accessory uses and structures which are determined by the community development director to be necessary, customary and incidental to the residential use of the lot or parcel. "Accessory use, residential" shall not include mobile storage trailers, storage structures or cargo boxes designed or once serving as commercial shipping or cargo containers, truck trailers or boxes; or the parking of tractor/trailers or separate tractors or cargo trailers.

Accessory Uses and Structures, Commercial. "Commercial accessory uses and structures" means those uses and structures customarily incidental and subordinate to the commercial use of the land including but not limited to: trash storage areas and bins; vending machines; six or less games/amusement devices and two or less pool tables occupy-

ing less than twenty-five percent of the net floor area of the principal use; required loading and unloading facilities; outdoor tables, benches, umbrellas, fountains, ponds, statues, sculpture, paintings and other works of art; radio and television antennas, private satellite dish antennas; the storage and use of fuels for fleet vehicles, heating buildings or for operating appliances or equipment used within a building; water and wastewater treatment facilities and systems; incidental services such as cafeterias, storage facilities and garages, sales offices, showrooms and administrative offices, permitted signs; the storage and use of commercial fleet vehicles as part of the principal use; and other accessory uses and structures which are determined by the community development director to be necessary, customary, and incidental to the commercial use of the land.

Accessory Uses and Structures, Industrial. "Industrial accessory uses and structures" means those uses, structures, and buildings customarily incidental and subordinate to the industrial use of the land including, but not limited to: loading and unloading facilities and equipment, parking areas and shipping terminals, water and wastewater treatment facilities and systems; incidental services such as cafeterias; storage facilities and garages, sales offices, showrooms and administrative offices; radio and television antennas, private satellite dish antennas; the storage and use of fuels for fleet vehicles, heating buildings or for operating appliances or equipment used within a building; the storage and use of fleet vehicles, heavy equipment or trucks as part of the principal use; permitted signs; and other accessory uses and structures which are determined by the community development director to be necessary, customary, and incidental to the industrial use of the land.

"Acre" means a measure of land area containing forty-three thousand five hundred sixty square feet unencumbered by any public or private street right-of-way or roadway easement except as provided herein.

"Addition" means any construction which increases the size of a building such as a porch, attached garage or carport, or new room or wing. An addition is a form of alteration.

"Agricultural use" means the tilling of soil, the raising of crops, horticulture, silviculture, viticulture, aviculture, aquaculture, apiculture, livestock grazing, the raising of small animals and poultry, domestic livestock farming, dairying, and animal husbandry.

"Agricultural processing" means the refinement, treatment, or packaging of agricultural products. Examples of agricultural processing include, but are not limited to:

packing sheds, fruit dehydrators, cold storage houses, and hulling operations, and the storing, cleaning, packing, and storing of agricultural products preparatory to sale and/or shipment in their natural form including all uses customarily incidental thereto. Agricultural processing shall not include wineries, or manufacturing of secondary products using agricultural products such as commercial kitchens, bakeries, breweries, and woodworking.

"Agricultural service establishment" means a commercial business principally established to serve farming or ranching activities and which relies on agriculture as its major means of support. Agricultural service establishments shall include blacksmiths or farriers; commercial harvesters, irrigation or crop sprayers; farm equipment repair services, and custom meat cutter.

"Airport" means any area of land or water which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

"Airstrip" means any area of land or water used for the landing, take-off, or taxiing of aircraft.

"Alley" means a public or private thoroughfare which affords a secondary means of access to abutting property and not intended for general traffic circulation.

"Alteration" means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

"Animal husbandry" means the breeding, keeping, care and production of animals.

"Apartment" means a room or suite of rooms within a building but comprising an independent self-contained dwelling unit, with kitchen or cooking facilities, occupied or suitable for occupation as a residence for eating, living, and sleeping purposes.

"Apartment house" means any building or portion thereof containing three or more apartments or dwelling units. See "multifamily dwelling" or "multifamily dwelling group."

"Applicant" means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which seeks city permits and approvals.

"Appurtenant" means accessory to a principal use or structure on the same site.

"Aquaculture" means the culture of plants or animals in water.

"At one location" means all adjacent land owned or controlled by the applicant, the property lines of which are contiguous at any point, or the property lines of which are separated by a public or private street, road, or other public or private right-of-way.

Automotive Repairs, Major. "Major automotive repairs" means repair or refurbishing of any motor vehicle including the dismantling of an engine by removal of the head or pistons; the removal of the transmission, rear end or major assembly of any motor vehicle. Painting, body, and fender work are excluded.

Automotive Repairs, Minor. "Minor automotive repairs" means limited repair of any motor vehicle including the sales and installation of tires or replacement of fluids or minor automotive parts including, but not limited to: spark plugs, belts, batteries, mufflers, tires, and wheels. Major automotive repair, painting, body, and fender work are excluded.

"Auto wrecking yards" means land used for dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of motor vehicles exceeding thirty days have not been capable of operating under their own power, or from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

"Average cross slope" means the average degree of deviation of the surface of a parcel of land from the horizontal, expressed as a percentage. The following formula shall be used to determine the average cross slope of any given parcel:

$$S = \frac{.00229 (I) (L)}{A}$$

- where: S = The average cross-slope of the ground in percent.
 I = The contour interval in feet.
 L = The combined length in feet of all contours on the parcel map.
 A = The area of the parcel in acres.

"Bar" means a structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

"Barn" means a building used for the shelter of livestock, the storage of agricultural products, the storage

and maintenance of farm equipment or the storage of agricultural supplies.

"Bed and breakfast" means a commercial lodging use accessory to a principal dwelling further defined as two or less guest rooms located in the principal dwelling used, designated, or intended to be used, let or hired out for overnight sleeping accommodations.

"Bed and breakfast inn" means a commercial lodging use accessory to a principal use or as the principal use, and further defined as three to eight rooms or suites used, designated, or intended to be used, let, or hired out for overnight sleeping accommodations.

"Boarding house" means a dwelling other than a hotel or bed and breakfast, where lodging and/or meals for three or more persons is provided for compensation.

"Buildable area" means the net lot area minus any required minimum yard provided the maximum lot coverage is not exceeded.

"Building" means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or material of any kind or nature. "Building" shall include "structure."

Building Accessory. See "Accessory structure."

Building Envelope. See "Buildable area."

Building Height. See "Maximum height."

"Building setback line" means a development standard defined as a boundary line drawn on a sectional district map which separates buildable and non-buildable areas. The building setback line may be a specific distance from a physical feature such as a creek bank, stream center line, roadway, or follow a contour elevation line on a topographic map.

Building, Principal. "Principal building" means a building or structure in which is conducted the principal use of the lot or parcel on which it is situated.

Business, Retail. "Retail business" means the sale or any service, article, substance, or commodity to the consumer.

Business, Wholesale. "Wholesale building" means the handling and sale of any article, substance, or commodity for resale, including incidental retail sales.

"Campground" means an area or tract of land used for outdoor overnight accommodations of one or more camping parties in tents, trailers, or recreational vehicles, provided that no more than twenty-five percent of the campground spaces possess waste disposal facilities suitable for recreational vehicles.

"Camping party" means a person or group of not more than ten persons occupying a campsite.

"Campsite" means an area within a campground occupied by a camping party.

"Cattle and hog feed yard" means any area where cattle or hogs are held or maintained for the purpose of feeding and fattening where sixty percent or more of the feed for such cattle is imported or purchased; when not incidental to a farm or ranch.

"Carport" means a roofed structure, or a portion of a building, open on two or more sides for the parking of automobiles.

"Cemetery" means land dedicated for the burial of animal or human remains, and for this title including columbariums, crematoriums, mausoleums, and mortuaries.

"Cocktail lounge" means an area or room within or connected to a restaurant where alcoholic beverages are sold for consumption on the premises, structurally separated from the dining area.

"Community care facility" means any facility, place, or building which is maintained and operated to provide nonmedical residential care, adult day care, or home finding agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, or incompetent persons. "Community care facility" shall include residential facility, residential care facility for the elderly, adult day care facility, home finding agency, and social rehabilitation facility, as defined in Section 1502 of the Health and Safety Code. Community care facilities include group homes and special care homes. See definitions for "Residential care facility," "residential care home, large," and "residential care home, small."

"Condominium" means the joint ownership of certain common property along with private, separate ownership of living space, including stock cooperatives and timeshare developments.

"Contractor's equipment storage yard" means storage of large equipment, vehicles, or other materials commonly used in the contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

"Conversion" means a change in the use of land or a structure from one use to another.

"Conveyance or convey" means any sale, transfer, lease, rent, or disposition or act to transfer, sell, lease, rent, or dispose of any affordable unit and include, but are not limited to, transfer of title or any interest therein by non judicial or judicial foreclosure and sale; but does not include transfer by gift, devise, or inheritance to the unit's owner's spouse or issue, taking of title by joint tenant, transfer of title to a spouse as

part of divorce or dissolution proceedings, or acquisition of title or interest therein in conjunction with marriage.

"Cottage industry" means a small scale commercial or manufacturing activity accessory to the principal residential or agricultural use.

Covered Space. See "Parking, covered."

Coverage. See "Maximum Coverage."

Dams, Small, Medium, and Large. "Small, medium and large dams" means an earthen, concrete, or stone wall to confine a flow of water, as a stream, and raise its level. Small dams to not exceed six feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier. Medium dams are of seven to fifteen feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier. Large dams are those exceeding fifteen feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier.

"Density" means the total number of dwelling units permitted per acre of land.

"Density bonus" means a density increase over the otherwise maximum permitted density for residential dwelling units as specified by the zoning district.

"Detached" means not sharing a common wall or roof.

"Developed" means on land, in or under land or 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 of intensity of use of land, including, but not limited to: subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 or the Government Code), and any other division of land 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, and timber harvesting operations.

"Development standards" means a set of regulations contained within each zoning district of this title setting forth minimum requirements for specifications which must be met by all applicants for permits; including but not limited to: lot dimensions, setbacks and height limits; lot coverage; animal densities; parking and signs.

"De novo" means a new hearing. The review authority may approve, disapprove, or modify any proposed permit

without regard to any previous testimony or action by another review authority.

"Domestic animal keeping" means "pets" raised by the occupants of the premises including dogs, cats, birds, fish, or other such animals, when in the opinion of the community development director in consultation with the animal control director, kept at a level not to create a habitual nuisance or endanger the health and safety of the community in accordance with this title.

"Drop-off recycling center" means any premises where recyclable items such as newspapers, magazines, glass bottles, or aluminum cans are accepted, whether for compensation or not, and stored within containers until such time as the recyclable items are transferred to a recycling center.

"Duplex" means a two-family dwelling.

"Dwelling unit" means a single unit providing independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation, and having only one kitchen.

A dwelling designed for occupancy by one household. A dwelling unit shall not include a residential second unit approved and constructed under the provisions of Section 17.04.040 (Secondary accessory residential unit).

Dwelling, Single-Family. "Single-family dwelling" means a single detached dwelling designed for and occupied exclusively by one family alone, and having but one kitchen. Single-family dwelling includes "factory built housing" as defined in Section 19971 of the Health and Safety Code.

Dwelling, Two-Family. "Two-family dwelling" means a single detached building designed for and occupied by two families alone, and having but two kitchens. "Two-family dwelling" includes duplex.

Dwelling, Multifamily. "Multifamily dwelling" means a single detached building designed for and occupied exclusively by three or more families living independently of each other as separate housekeeping units, including apartment house, condominiums, triplexes, and fourplexes.

"Dwelling group" means a group of two or more detached or semi-detached single-family, two-family, or multifamily dwellings occupying a parcel of land in one ownership and having any yard or court in common.

"Egress" means a point of vehicle, bicycle, or pedestrian exit from a parking area, lot, garage, driveway, or building.

"Emergency shelter" means a facility with minimal supportive services for the temporary overnight shelter of homeless persons that is limited to occupancy of six months or less by a homeless person.

"Employee housing" means housing providing accommodations for employees where the accommodations are maintained in connection with any work or place where work is being performed, whether or not rent is involved. Employee housing providing accommodation for six or fewer employees is considered a single-family use and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

"Enclosed building" means a structure supported by columns, enclosed on all sides by walls, and covered by a roof.

Equipment Repair, Light. "Light equipment repair" means a shop for the restoration or the replacement of parts or machinery powered by motors of fifteen horsepower or less.

Equipment Repair, Heavy. "Heavy equipment repair" means a shop for the restoration or the replacement of parts or machinery powered by motors greater than fifteen horsepower.

Equipment storage yard. See "Contractor's equipment storage yard."

"Exotic animal keeping" means the keeping of wild animals for which a wild animal permit is required.

"Factory-built housing" means a single-family dwelling defined as "factory-built housing" by Section 19971 of the Health and Safety Code which has the approval of the Department of Housing and Community Development of the state of California. Factory-built housing also includes "modular home or housing."

"Family" means one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a hotel, club, fraternity, or sorority house. The family shall be deemed to include necessary servants.

"Family care home" means any residential facility providing twenty-four-hour care and supervision for six or fewer juveniles or adults.

Family Home, Small. "Small family home" means any residential facility providing twenty-four-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities.

"Farm labor quarters" means rooming and boarding houses, trailer coaches, mobilehomes, single-family dwellings, and mess halls for any number of farm help customarily employed principally on land owned by the owner of the building site occupied by said structures.

"Farm labor camp" means living accommodations, including structures, tents, trailers and mobilehomes, mess halls, garages, and accessory buildings and uses, or any number of persons, maintained in connection with any work or place where work is being performed, and including the premises on which said buildings and uses are situated or the area set aside for them. Labor camp and labor quarters shall also include any such living accommodations, and the premises which they occupy, which are owned, operated or maintained by any person engaged in the business of supplying lodging or meals for five or more persons who are or may be employed by him or by others.

Feedlot, Commercial. See "Cattle and hog feed yard."

"Floodplain" means the area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

Floor Area, Gross. "Gross floor area" means the total area of all floors of a building as measured to the surfaces of interior walls and including corridors, stairways, elevator shafts, attached garages, porches, balconies, basements, and offices.

Floor Area, Net. "Net floor area" means the gross floor area excluding vents, shafts, stairs, corridors, attics, and unenclosed porches and balconies.

"Foster family home" means any residential facility providing twenty-four-hour care of six or fewer children which is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed.

"Front yard" means that yard or area within the front one half of the lot.

"Game preserve" means a public or private land area, chiefly in a natural state, set aside for the protection, enhancement, and enjoyment of wild animals or birds; includes "game reserve."

"Game room/amusement arcades" means a place wherein games/amusement devices occupy twenty-five percent or more of the net floor area, or contains seven or more games/amusement devices and three or more pool tables and does not include any card games of chance or gambling.

"Garage" means an accessible and usable covered and completely enclosed space of not less than ten by twenty feet per vehicle for storage of automobiles.

"Granny unit" means an accessory dwelling unit either separate from or attached to the principal residence intended for the sole occupancy of one or two persons who are sixty years of age or older.

Group Care Home. See "Community Care Facility."

"Guest house" means a detached living quarters of a permanent type of construction without kitchen or cooking facilities of any kind, intended and used for temporary guests and not rented or leased separately from the main dwelling.

"Health care facility" means any facility, place, or building which is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including after convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a twenty-four-hour stay or longer. "Health care facility" shall include general, acute psychiatric hospital, skilled nursing facility, intermediate care facility, intermediate

care facility/developmentally disabled habilitative, special hospital, or intermediate care facility/developmentally disabled.

Height. See "Maximum height."

"Historic areas" or "subdivision" means a town map, subdivision map, or individual lot which was recorded (created) in the official records of the county of Lake prior to 1940.

Hobby, Kennel. See "Kennel, Hobby."

Hog Farm, Commercial. See "Cattle and Hog Feed Yard."

"Home occupation" means an occupation conducted within a dwelling by a person(s) residing in the dwelling unit, which is incidental and secondary to the residential use of the dwelling.

Hospital. See "Health care facility."

"Hotel" means any building, portion thereof or group of buildings, providing transient accommodations containing six or more rooms; used, designed, or intended to be used, let or hired out for transient occupancy.

"Housing authority" means the Lake County housing authority, a nonprofit public corporation or another city designated agency.

"Housing costs" mean the monthly mortgage principal, interest, taxes, homeowner's insurance, and condominium fees, where applicable, for ownership units and monthly rent for rental units.

"HUD" means the United States Department of Housing and Urban Development, or its successor.

"Importation of fill" means the deposit of earth in amounts exceeding fifty cubic yards in any one lot or parcel.

"Incidental" means secondary, accessory, appurtenant, or subordinate to another use, structure, or activity.

"Income eligibility" means the gross annual household income considering household size and number of dependents, income of all wage earners, elderly, or disabled members of the family and all other sources of income.

"In-lieu housing fee" means a fee paid to the city housing fund to facilitate the construction of very-low to moderate income housing elsewhere in the community.

Interior Lot. See "Lot - Interior."

"Junk" means any used, waste, discarded, or salvaged machinery, scrap iron, steel, other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste which has been abandoned from its original use and may be used again in its present or in a new form. Also including automobiles, other vehicles, or dismantled vehicles in whole or part.

"Junkyard" means the use of more than one hundred square feet of any lot zoned R-1, R-2, R-3, C-1, C-2 or more than two hundred square feet in any other district where "junk" is kept, stored, located, piled, salvaged, reconditioned, sold, bartered, or put to any use.

Kennels, Hobby. "Hobby kennels" means an accessory use of a principal residential or agricultural use where five to seven dogs are sheltered, bred, or trained for noncommercial purposes.

Kennels, Commercial. "Commercial kennel" means any premises where more than seven dogs, cats, or other similar animals are kept, maintained, bred, boarded, or cared for, for compensation, or are kept for the purposes of sale, hire, breeding, or exhibition. Dogs used in herding farm animals, incidental to an agricultural use, are excluded from this definition.

"Large family day care home" means a home which regularly provides care, protection, and supervision of nine or more children, including children who reside at the home, for periods of less than twenty-four hours per day, while the parents or guardians are away.

"Live entertainment" means an activity that includes the presentation of amplified music or voices.

"Lot" means a parcel of land.

Lot Area, Gross. "Gross lot area" means the area included within the boundaries of a "lot of record," including any portion described in the map or deed creating the lot as lying within a public or private street right-of-way or roadway easement. For lots five or more acres in size, or when the zoning regulations require minimum lot size of five or more acres, up to, but not exceeding fifteen percent of the minimum lot size or maximum permitted density requirement may consist of any area required for new road dedication or one half of any existing public right-of-way.

Lot Area, Net. "Net lot area" means the gross lot area minimum any public or private street right-of-way, and minus any roadway easement.

Lot, Corner. "Corner lot" means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than one hundred thirty four degrees.

Lot Coverage. See "Maximum lot coverage."

Lot, Interior. "Interior lot" means a lot which is bordered on three sides by other lots, and which fronts upon a street or right-of-way.

Lot, Key. "Key lot" means a lot, the sideline of which abuts the rear line of one or more adjoining lots.

Lot, Through. "Through lot" means a lot having frontage on two parallel, or approximately parallel streets.

"Lot line" means a line separating the frontage from a street; the side from adjoining property; or the rear from an alley or street or adjoining property.

Lot Line, Front. "Front lot line" means a line separating a front yard of a lot from the street.

Lot Line, Rear. "Rear lot line" means the lot line most distance from and generally opposite the front lot

line; or on a lot with two front lot lines, the lot line opposite the narrowest front lot line.

Lot Line, Side. "Side lot line" means any lot line not a front lot line or a rear lot line.

"Lot of record" means a single parcel of land, the boundaries of which are delineated in the latest recorded parcel map, subdivision map, certificate of compliance, or deed provided that such recorded deed does not create or attempt to create a lot in violation of the provisions of any applicable California law or city ordinance.

Lot Width, Minimum Average. "Minimum average lot width" means the average horizontal distance between the side lot lines measured at right angles to the lot depth of the lot at a point midway between the front and rear lot lines. In the case of triangular lots, or lots that are bound by more than four straight lines, or that have curvilinear side lines, the community development director shall determine lot width.

"Lower income household" is a general term which refers to households in the very-low and low income classifications.

"Lumberyard" means an area used for the storage, distribution, and sale of lumber and lumber products, but not including the manufacture, remanufacture, or fabrication of lumber, lumber products or firewood.

Manufactured Housing. See "Mobilehome."

"Maximum height" means the height for any principal or accessory structure or auxiliary facility, above which air space cannot be occupied by any building, structure, or ancillary facility. The maximum height shall be the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof.

"Maximum lot coverage" means a development standard which shall have the following meaning: the percentage of the net lot area covered by the vertical projection of any structure, excluding any structure not extending above grade. Lot coverage shall not include swimming pools, and shall not include underground accessory structures such as septic tanks, gas tanks, or water and sewer lines.

"Maximum permitted density" means a development standard indicating the maximum number of dwelling units per acre.

"Median income" means the annual area median income applicable to the county, adjusted for family size in accordance with the adjustment factors adopted by the United States Department of Housing and Urban Development (HUD).

"Minimum lot size" means the smallest permitted size of any newly created lot(s) or parcel(s). For lots less than five acres in size, all minimum lot sizes shall be net lot area; for lots five acres or more in size, all minimum lot sizes shall be gross lot area.

"Minimum yard" is defined herein as "yard required, front," "yard required, rear," and "yard required, side" which establish areas of a lot or parcel which shall be left unobstructed of permanently affixed buildings and structures to provide for adequate light, air, and open space.

"Mining and resource extraction" for the purposes of this title, means the removal and processing of natural mineral resources such as aggregate, ore, water (including bottling plants), and other minerals. This definition shall not apply to geothermal resources.

"Minor additions or alterations" means the repair, maintenance, or minor alteration of structures, buildings, or topographic features involving negligible or no expansion of use beyond that previously existing, including but not limited to: interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances; restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards; or additions to existing structures or uses provided that the addition will not result in an increase of more than twenty percent of the floor area of the structure or use are of the current use before the addition.

"Mobilehome" means a structure, transportable in one or more sections, which is at least twelve feet in width (excluding eaves) and five hundred sixty square feet in size, or as otherwise defined in this chapter, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation. Mobilehome includes a "manufactured home" as defined in Section 18007 of the Health and Safety Code. Mobilehome does not include a recreational vehicle (Section 18010.5), commercial coach (Section 18012), or factory-built housing (Section 19971).

"Mobilehome park" means a parcel or contiguous parcels under one ownership which are planned and improved where mobilehome spaces are used, rented, leased, or held out for use, rent, or lease to accommodate mobilehomes for human habitation.

"Mobilehome stand" means that part of an individual mobilehome space which has been reserved for the placement of the mobilehome.

"Moderate, low, and very-low income levels" means those determined periodically by the U.S. Department of

Housing and Urban Development (HUD) based on the Lake County median income levels by family size.

A. Moderate income, eighty percent to one hundred percent of the HUD median income.

B. Low income, fifty percent to eighty percent of the HUD median income.

C. Very low income, under fifty percent of the HUD median income.

Modular Home. See "Factory-Built Housing."

Motel. See "Hotel."

"Motorhome" means a "housecar" as defined by the California Department of Motor Vehicles, which is any vehicle designed for human habitation.

Multifamily Dwelling. See "Dwelling, Multifamily."

"Multifamily dwelling group" means a group of two or more detached or semidetached two-family or multifamily dwellings that occupy a parcel of land in one ownership.

"Newspaper distribution center" means any premises where newspapers are picked up by vendors employed for redistribution either by house to house delivery or in small quantities to retail stores.

"Nonconforming lot" means a legal lot of record having less area, dimensions, or frontage than required in the regulations of the district in which it is situated.

"Nonconforming structure" means a legal building or structure, where the setbacks, height, or area of the structure does not meet the regulations of the district in which it is situated.

"Nonconforming use" means any legal use of land which does not conform to the regulations of the district in which it is situated.

Nursery, Retail. See "Plant Nursery, Retail."

Nursery, Wholesale. See "Plant Nursery, Wholesale."

"Nursery school" means a public or private school for children usually under five years of age.

Nursing home. A form of "Health care facility."

"Off-sale liquor" means the sale of alcohol or alcohol products for human consumption outside the place of sale.

"Off-site units" means affordable dwelling units built on a property different than and not contiguous to the development for which the affordable units are required to be constructed under the provisions of this section.

"On-sale liquor" means the sale of alcohol or alcohol products for human consumption inside the place of sale.

"Open storage" means the storage of new or usable supplies, materials, products, motor vehicles, or other appurtenances in the "open" or in view of the general public. Open storage is a form of outdoor storage but does not include a junkyard.

"Open to the public" means hours of operation of a commercial use when the goods or services provided are "available for use by persons other than employees."

"Outdoor storage" means the storage of supplies, materials, products, motor vehicles, or other articles outside of a building and left uncovered by roofs or walls.

"Outdoor recreation facility" means any premises which offers open-air recreational opportunities to the general public either on a membership basis, or on an hourly, daily, weekly, monthly, or yearly rate including, but not limited to golf courses, tennis courts, swimming pools, equestrian trails, and private hot springs. "Outdoor recreational facility" shall not include commercial resort uses such as skateboard parks, BMX tracks, miniature golf, waterslides, jet ski, and other boat rentals.

Parcel. See "Lot."

"Parking spaces" means an accessible and usable space on the lot at least nine by twenty feet in dimension for the parking of automobiles, except as otherwise provided for in Chapter 17.23.

Parking, Covered. "Covered parking" means an accessible and usable parking space of not less than ten by twenty feet in dimension located within a structure of columns and roof or enclosed by walls and roof. Includes "carport" or "garage."

"Performance standards" means a set of regulations setting forth minimum requirements or maximum allowable limits on the effects or characteristics of a use, including, but not limited to performance standards on air quality, erosion, glare, landscaping, hazardous wastes, noise, outdoor storage, and satellite dish antennas.

"Person" means any individual, firm, co-partnership, corporation, company, association, joint association, or local agency and includes any trustee, receiver, assignee, or other similar representative thereof.

Plant Nursery, Retail. "Retail plant nursery" means the retail handling of any article, substance, or commodity related to the planting, maintenance or harvest of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer.

Plant Nursery, Wholesale. "Wholesale plant nursery" means the growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales.

"Power generation" means any electrical generating facility using thermal, wind, or water energy including, but not limited to biomass plants, wind farms, coal-fired plants, or thermal power plants.

"Principal structure" means a structure in which is conducted the principal use of the lot on which it is situated, except for agricultural uses.

"Principal use" means the primary or dominant use of the land, whether it be to farm, to ranch, to reside within a dwelling, or to operate a business.

"Private sewer system" means an individual septic system.

"Private utility" means any utility which is not a public utility.

"Private water system" means an individual well or mutual water system.

"Professional uses" means any one of the following uses: accountant, architect, drafting service, attorney, chiropractor, civil engineer or surveyor's office, collection agency, dentist, doctor, insurance office, private detective, real estate office, administration office, social worker, barber shop, beauty shop, and other similar uses. Retail sales conducted in conjunction with a professional use shall be limited to items that are directly related and ancillary to the professional use activity occurring within the building.

"Project" means a housing development at one location including all units or lots for which discretionary approvals have been applied for or granted within a twenty-three-month period.

"Public area" means an area, structure, or building owned by a governmental agency and operated for use by the public including, but not limited to: public parks, playgrounds, trails, paths, and other recreational areas and other public open spaces; schools, libraries, police stations, corporation yards, and other public uses, buildings, and structures.

"Publicly maintained road" means any road in the city accepted for maintenance, or owned and maintained by a city, county, special district, or state.

"Public sewer system" means any sewage disposal system of one hundred or more connections operated and maintained by any municipality, state of California.

"Public utility" means production, storage, transmission, and recovery facilities for water, sewerage, energy, communications, and other similar utilities owned or operated by a business organization and subject to the jurisdiction of the Public Utilities Commission.

"Public water system" means a system, regardless of type of ownership, for the provision of piped water to the public for domestic use, if such system has at least one hundred service connection.

"Public and private nonprofit campgrounds" means non-profit camping facilities for the general public, youth organizations, or community service groups.

"Rear yard" means that yard or area within the rear one-half of the lot which extends from the rear wall of the principal building or structure to the rear lot line.

"Recreational vehicle" means a motorhome, travel trailer, camper or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy, with an area of less than four hundred eighty square feet. Recreational vehicle shall also include trailered boats.

"Recreational vehicle park" means any area or tract of land, where one or more spaces are rented or leased or offered for rent or lease or held out for use to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.

"Recycling center" means any premises where recyclable items such as newspapers, magazines, glass bottles, or aluminum cans are accepted, whether for compensation or not, collected from drop-off recycling centers, processed and stored within containers or enclosed buildings until such time as the recyclable items are sold and shipped.

Processing may include crushing, baling, or shredding.

"Rent" means and includes the costs of all taxes and assessments on the real property of which the affordable unit is a part, including but not limited to, homeowner's associations, fees, dues and assessments, and casualty insurance on the real property including the dwelling unit, but excludes the costs of utilities serving the allocated unit, including water, sewer, telephone, electricity and gas, required garbage collection services, and insurance on personal property of the lessee.

"Replacement value" means a building evaluation as determined by the building inspection staff not including the value of land.

"Residential second unit" means a single-family dwelling constructed after or concurrent with another single-family dwelling on the same lot or parcel. A second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. Only one second unit is allowed per lot.

Required Yard, Front. "Front required yard" means a development standard applied to the placement of structures and is the shortest possible distance between every structure and the front lot line of the subject lot.

Required Yard, Rear. "Rear required yard" means a development standard applied to the placement of structures and is the shortest possible distance between every structure and the rear lot line of the subject lot.

Required Yard, Side. "Side required yard" means a development standard applied to the placement of structures and is the shortest possible distance between every structure and the side lot line on the subject lot.

"Resale controls" means legal restrictions by which the price of an affordable housing unit will be controlled to ensure that the unit is affordable by lower income households over time.

Reservoir, Small, Medium, Large. "Small, medium, large reservoir" means a form of "excavated pond" or "embankment pond." A small reservoir is greater than one acre foot, but shall not exceed five acre feet. A medium reservoir is greater than five acre feet but shall not exceed fifteen acre feet. A large reservoir exceeds fifteen acre feet. The aggregate volume of all ponds on the property shall be used for calculating pond size on any individual parcel.

"Residential care facility" means a community care facility for more than fourteen persons.

"Residential care home, large" means a community care facility for seven to fourteen persons.

"Residential care home, small" means a community care facility for six or fewer persons. A small residential care facility is the same as a group home serving six or fewer persons. The count of "six or fewer" does not include the licensee, members of the licensee's family, or the residential care home's staff. A small residential care facility is considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone (Health and Safety Code Sections 1267.8(c), 1267.16(a), 1566.2, and 1568.031(a)).

"Residential development" or "development" means a project with five or more residential units.

Rest Home. See "Community care facility."

"Restaurant" means an establishment where food is prepared for consumption on the premises, which may include on sale alcoholic beverages in conjunction with meals, provided that there is no separate bar area.

"Review authority" for the purposes of this title, means the officer, committee, commission, board, or employee responsible for the approval or disapproval of any permit or entitlement or responsible for the administration, interpretation, or enforcement of the provisions of this title.

"Ridge" means a topographic feature indicated as an extended elevation between valleys, typically the upper part of a range of hills or mountains.

"Rifle range" means any facility or premises protected from uncontrolled entry where the firearms or arrows are lawfully discharged for target practice or competition. "Rifle range" includes pistol range, archery range, or trap shoot.

"Road building" means the removal of more than fifty cubic yards of earth for road building, or grading of roads longer than five hundred feet, but not including roads constructed for agricultural purposes.

Rummage Sale, Commercial. "Commercial rummage sale" means the sale of secondhand goods, including flea markets by individuals or organizations conducted more than twelve days per calendar year.

Rummage Sale, Nonprofit. "Nonprofit rummage sale" means the infrequent sale of secondhand goods by individuals or organizations, including garage and yard sales, and flea markets conducted between six to twelve days per calendar year.

"Sanitary landfill" means a site for solid waste disposal in which the solid waste is spread in thin layers, compacted to the smallest practical volume, and covered with solid at the end of each working day.

Satellite Dish Antenna, Commercial. "Commercial satellite dish antenna" means any structure capable of receiving radio or television signals from a transmitter or a transmitter relay located in planetary orbit, used in conjunction to a commercial use or where admission is charged to view programs received via satellite.

Satellite Dish Antenna, Private. "Private satellite dish antenna" means an accessory structure to the principal use, and capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or transmitter relay located in planetary orbit.

School, Private. "Private school" means a school that is established, conducted, and primarily financially supported by a non-governmental agency or group of individuals.

School, Public. "Public school" means a school that is financially supported by a local, city, county, state, or other government authority.

"Screening" means to intentionally prevent or obstruct the public's view of some particular use, article, activity, structure, or building.

"Service station" means a retail business establishment limited to the sale of motor fuels and supplying goods and services generally required in the operation and maintenance of automotive vehicles.

Setback. See "Required Yard, Front," "Required Yard - Rear," "Required Yard, Side" or "Building setback line."

"Side yard" means that yard or area within either side of the lot and outside of the front yard or rear yard which extends from the wall of the principal building or structure to the side lot line.

"Sign" means anything whatsoever placed, erected, constructed, posted, painted, printed, tacked, nailed, glued, struck, carved, or otherwise fastened, affixed, or made visible for out-of-door advertising purposes in any manner whatsoever, on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or anything whatsoever.

Single-Family Dwelling. See "Dwelling, Single-Family."

"Small family day care home" means a home which regularly provides care, protection, and supervision of eight or fewer children, including children who reside at the home, for periods of less than twenty-four hours per day, while the parents or guardians are away.

"Social rehabilitation facility" means any residential facility which provides social rehabilitation services for adult individuals for periods of not longer than eighteen months duration in a group setting.

"Space" means, when referring to a mobilehome park or recreational vehicle park, any area, lot, or site designated or used for the occupancy of one mobilehome, travel trailer, recreation vehicle, or camping party.

"Special event" means an establishment or enterprise involving large assemblages of people or automobiles on private land not specifically designed for such events including, but not limited to, a carnival or circus, automobile or foot race, rodeo, outdoor concert, play, festival attracting more than five hundred participants or observers, or a tennis tournament.

"Street" means a permanently reserved, public or private right-of-way which affords a principal means of vehicular access to abutting or adjacent property, not including alleys or driveways as defined herein. The service or frontage road of a freeway shall be considered as a street separate from such freeway or highway.

"Structure" means anything constructed or erected, the use of which requires location on or above the ground or the attachment to something having location on or above the ground including swimming pools and patio covers.

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

"Structural wall" means any bearing wall of a building.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing may be developed as a variety of housing types, including a single-family unit, multifamily

development, or community care facility and is subject to the same regulations as that housing type. For example, a supportive housing project of one single-family unit would be subject to the same standards as a single-family home.

"Target population" means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

"Temporary" is a term applied to certain uses requiring a zoning permit which are only permitted for a limited time, after which the zoning permit expires.

"Temporary dwelling" means a travel trailer or motor-home which serves as a temporary residence for the owner/builder until the principal dwelling unit is built or occupied.

"Temporary office" means a commercial coach which serves as a temporary office until the principal commercial structure is built or occupied.

"Temporary sales office" means a real estate sales office located in a subdivision.

"Timeshare" means a single-family dwelling unit whether attached or detached which is in common ownership by more than one family or individual, the purpose of which is to provide temporary living accommodations to all owners on a scheduled basis for recreation. A timeshare may be managed separately and rented to non-owners when approved by the common owners.

"Townhouse" means a single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

"Trailer coach" means a vehicle designed or used for human habitation, including travel trailers, motorhomes, and campers, with a maximum gross occupied ground area of less than four hundred eighty square feet.

"Transitional housing, transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing may be developed as a variety of housing types, including a single-family unit, multifamily development, or community care facility and is subject to the same regulations as that housing type. For example, a transitional housing project of one single-family unit would be subject to the same standards as a single-family home. A transitional housing project proposed as a twenty-unit subdivision would be subject to the same standards as a residential subdivision. A transitional housing project proposed as a multifamily development would be subject to the same standards as a multifamily project.

"Truck stop" means a place of business primarily engaged in providing service station facilities for cargo vehicles, trailer trucks, and automobiles. Truck stops may include accessory food and lodging services.

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

Use, Accessory. See "Accessory Use."

"Use area" means the area occupied by principal use or structure and accessory buildings, structures, and appurtenant outdoor, screened, or covered areas accessory to a permitted use or structure.

Veterinary Clinic, Large Animal. "Large animal veterinary clinic" means any premises used for the on-site care and treatment of large domestic animals including horses, cattle, goats, sheep, and similar animals including holding pens or corrals.

Veterinary Clinic, Small Animal. "Small animal veterinary clinic" means any premises used for the care and treatment of small domestic animals including dogs, cats, birds, and similar animals with all such operations being conducted wholly within a building.

Wholesale Plant Nursery. See "Plant Nursery, Wholesale."

"Winery" means a bonded establishment primarily used for the purpose of processing grapes or other fruit products.

Processing includes, but is not limited to, crushing, fermenting, blending, aging, storage, bottling, and wholesale or retail sales of wine produced or bottled on the premises. Accessory uses include tasting rooms and incidental retail sales of wine related products including, but not limited to, glasses, bottle openers, and previously prepared packaged foods.

Wood Yard, Commercial. "Commercial wood yard" means any premises where large quantities of firewood, whether as whole trees or parts of trees, are imported, openly stored, split, sized, and cut for sale.

Yard. See "Minimum yard."

Yard, Required Front. See "Minimum Yard, Front."

"Zoning administrator" means the community development director or designee. (Ord. 893 §3(13), 2014; Ord. 887 §1(I), 2013; Ord. 880 §2(1), 2010; Ord. 837 §2, 2005; Ord. 821 §1(part), 2003; Ord. 796 Att. A(part), 1999)

Chapter 17.38

CANNABIS CULTIVATION

Sections:

- 17.38.010 Intent.
- 17.38.020 Applicability.
- 17.38.030 Definitions.
- 17.38.040 Regulation of location.
- 17.38.050 Development and operational standards.
- 17.38.060 Enforcement.
- 17.38.070 Liability.

17.38.010 Intent.

A. The city council of the city of Lakeport, pursuant to this chapter, hereby intends to regulate the personal cultivation of cannabis, including but not limited to regulations as to location of the cultivation, size of the area used for cultivation, and the use of fencing or other screening and security structures, and in furtherance of the public necessity, convenience and general welfare.

B. This chapter is established to regulate personal cannabis cultivation in a manner that mitigates potential

impacts on surrounding properties and persons, and that is in conformance with the provisions of the Compassionate Use Act of 1996 (Proposition 215) and the Adult Use of Marijuana Act (Proposition 64).

C. It is the intent of the city of Lakeport to enforce the provisions of this chapter primarily on the basis of legitimate and verified complaints received from the public related to nuisance conditions and/or other public safety issues. (Ord. 914 §1(part), 2017: Ord. 889 §1(part), 2013. Formerly 17.38.020)

17.38.020 Applicability.

The provisions of this chapter shall apply to all persons described herein whether the activities described herein were established before or after the effective date of this chapter. Chapter 17.36, Nonconforming Uses, Structures, and Lots, shall not apply to preexisting land or building uses inconsistent with the provisions of this chapter. (Ord. 914 §1(part), 2017: Ord. 889 §1(part), 2013. Formerly 17.38.030)

17.38.030 Definitions.

"Cannabis," or "marijuana," shall include the definition of "cannabis" as set forth in Business and Professions Code Section 26001, subdivision (f), and Health and Safety Code Section 11018, as each may be amended from time to time, and shall be used interchangeably and shall mean all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether for a medical purpose or a non-medical purpose, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. This includes the separated resin, whether crude or purified, obtained from marijuana. This definition does not mean "industrial hemp" as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

"Canopy" means the total combined canopy area for all locations on a property where cannabis/medical marijuana is being cultivated, including indoor areas, as measured by the

horizontal extent of the plant or combination of plants at the widest point and measured in a straight line.

"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis and/or marijuana.

"Detached, fully enclosed and secure structure" is a building completely detached from a residence that complies with the California Building Standards Code, as adopted by the city, or if exempt from the permit requirements of the California Building Standards Code, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, is secure against unauthorized entry, and is accessible only through one or more lockable doors.

"Indoors" means within a fully enclosed and secure structure.

"Medical cannabis" or "medical marijuana" means cannabis or marijuana that has been recommended by a licensed physician in strict accordance with Health and Safety Code Sections 11362.5 through 11362.9, inclusive, commonly referred to as the Compassionate Use Act and the Medical Marijuana Program.

"Outdoor" means any location within the city that is not within a fully enclosed and secure structure.

"Primary caregiver" shall have the same definition as Health and Safety Code Section 11362.7(d), as may be amended.

"Qualified patient" shall have the same definition as Health and Safety Code Sections 11362.7(c) and (f), as may be amended.

"Rear yard" is the rear open space portion of any premises, whether fenced or unfenced.

"Residential structure" is any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking and sanitation on a premises or legal parcel located within a residential or agricultural-residential zoning district.

"Solid" means constructed of substantial material (such as wood) that prevents viewing the contents from one side to the other. "Solid" does not include tarpaulins, cloth material, scrap material, bushes, or hedgerows. (Ord. 914 §1(part), 2017: Ord. 889 §1(part), 2013. Formerly 17.38.040)

17.38.040 Regulation of location.

A. Cannabis cultivation shall be prohibited on any parcel within the city except as an accessory use to a legally established residential structure within a legal accessory structure on a legal parcel within the R-1, R-2, R-3, R-5 and UR zoning districts as well as permitted mixed use--residential units.

B. Except as provided in subsection C of this section, cannabis cultivation may be undertaken only by person(s) who occupy the residential structure on the parcel proposed for cultivation as their primary residence.

C. A primary caregiver, as defined, may undertake cultivation of medical cannabis on behalf of his/her qualified patient(s), but only on a parcel containing the primary caregivers or qualified patient's primary residence.

D. Cultivation shall only be permitted in a detached, fully enclosed and secure accessory structure and said cultivation area, including the plant canopy, shall be limited to eighty square feet per parcel or residence, whichever is less, or six plants. The cultivated cannabis may not be sold to any other person or organization.

E. The use of a detached, fully enclosed and secure accessory structure for cultivation of cannabis shall not reduce the required parking required per Chapter 17.23.

F. Outdoor cultivation shall be unlawful and a public nuisance for any person owning, leasing, occupying or having charge for possession of any parcel within any zoning district in the city.

G. Indoor cultivation within a residential structure shall be unlawful and a public nuisance with regard to any person owning, leasing, occupying or having charge for possession of any parcel within any zoning district in the city. (Ord. 914 §1(part), 2017: Ord. 889 §1(part), 2013. Formerly 17.38.050)

17.38.050 Development and operational standards.

A. From a public right-of-way there shall be no exterior evidence of cannabis cultivation located inside a detached, fully enclosed and secure accessory structure.

B. Person(s) engaged in cultivation shall reside in the residence located on the parcel containing the detached, fully enclosed and secure accessory structure where the can-

nabis cultivation occurs, except as provided in Section 17.38.040(C).

C. Person(s) engaged in cultivation shall not cultivate medical marijuana in any other location within the incorporated city other than in the accessory structure located on the parcel containing his/her primary residence, except as provided in Section 17.38.040(C).

D. The qualifying residential structure located on the property containing the detached, fully enclosed and secure accessory structure in which cannabis is cultivated shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and shall not be used for cannabis cultivation.

E. Cannabis cultivation shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

F. Residential accessory structures used for cultivation shall meet the following criteria:

1. The structure shall be provided with a locking door or doors.

2. If a detached, fully enclosed, and secure structure is not feasible and the cultivation building is an unsecured structure then it shall additionally be surrounded by a secure solid six-foot-high fence located within ten feet of the unsecured structure and equipped with a lockable gate.

3. The structure shall be located in the rear yard portion of the lot and maintain a minimum of a ten-foot setback from the side and rear property lines and from any other building on the parcel.

4. Any accessory structure utilized for cultivation of cannabis shall be legally constructed with a building permit if it exceeds one hundred twenty square feet of size. No more than eighty square feet of floor area shall be used for the cultivation of cannabis. The plant canopy shall be contained within the eighty square feet of floor area. All electrical and plumbing fixtures shall be installed with a valid building permit from the city. Such building permits will only be issued to the owner of the property. If the resident is proposing to convert an existing accessory structure, or a portion of an existing structure, for cultivation

of cannabis, an inspection will be required to ensure compliance with this chapter.

5. Cannabis cultivation lighting shall comply with the California Building, Electrical and Fire Codes as adopted by the city.

6. Flammable or volatile gas products or generators shall not be used within any detached structure used for the cultivation of cannabis.

7. Any detached, fully enclosed and secure structure used for the cultivation of cannabis must have a ventilation and filtration system installed that shall prevent nuisance cannabis plant odors from exiting the interior of the structure. If a permanent, built-in ventilation and filtration system is installed, it shall be subject to the issuance of a building permit, approval by the building official and must be installed prior to commencing cultivation within the detached, fully enclosed and secure structure.

8. Accessory structures utilized for cultivation shall be ventilated with odor control filters, and shall not create an odor, humidity or mold problem on the subject property or adjacent properties.

9. Other activities may occur within a detached fully enclosed and secure accessory structure where cannabis is cultivated; provided, that the cultivation area within the structure, including the plant canopy, does not exceed eighty square feet of floor area; and further provided, that the cultivation area is segregated from all other building uses by permitted walls and all other conditions of this chapter are satisfied.

10. As an alternative to the requirement set forth in subsections (F)(1) through (8) of this section, the cultivation of cannabis may occur in a prefabricated greenhouse structure constructed for nursery or agricultural purpose which does not include any service systems and which has a canopy which does not exceed eighty square feet. Said structure shall be located in an area which is fully enclosed by an opaque fence at least six feet in height. The structure must also meet all applicable permit requirements and shall be secure against unauthorized entry and accessible only through one or more lockable doors. The frame must be constructed of metal and the panels must be polycarbonate or other similar material which is no less than four mm thick. In the alternative, the structure may be a chain link or wire

mesh type greenhouse which is overlaid with a one-piece cover made of polyethylene laminate fabric or other similar materials which is no less than eight ml thick. The structure shall be equipped with an odor control filtration and ventilation system(s) adequate to prevent cannabis plant odors from exiting the interior of the structure.

G. Nothing in this chapter shall be construed as a limitation on the city's authority to abate any nuisance which may exist from the planting, growing, harvesting, drying, processing or storage of cannabis plants or any part thereof from any location, indoor or outdoor, including from within a detached, fully enclosed and secure structure. (Ord. 914 §1(part), 2017: Ord. 889 §1(part), 2013. Formerly 17.38.060)

17.38.060 Enforcement.

A. Right of Entry. Persons designated by resolution as code enforcement officers of the city are authorized to enter upon and inspect private properties to ensure compliance with the provisions of this chapter. Reasonable advance notice of any such entry and inspection shall be provided and, before entry, consent shall be obtained in writing from the owner or other person in lawful possession of the property. If consent cannot for any reason be obtained, an inspection warrant shall be obtained from a court of law prior to any such entry and inspection. In those cases where consent is denied, the city may seek to recover the costs it incurs in obtaining a warrant from the property owner and/or person in lawful possession of the property.

B. Public Nuisance. The maintaining, cultivating or growing of cannabis upon private property within the city, unless in full compliance with the provisions of this chapter, is declared to be a public nuisance as defined in Section 370 of the California Penal Code and Chapter 8.22.

C. Citable Offense. Every person who, in violation of the provisions of this chapter, maintains, permits or allows cannabis to be grown upon his or her property or premises, and every person occupying, renting or leasing the property or premises of another who maintains, permits or allows cannabis to be grown thereon in violation of this chapter, is guilty of an infraction punishable as set forth in Section 1.08.010. After written notice is provided to any such person of such violation, the continued existence of such violation

for each and every day after the service of such notice shall be deemed a separate and distinct offense.

D. Issuance of Citations. All persons designated by resolution as code enforcement officers of the city are authorized to issue citations to persons deemed to be in violation of the provisions of this chapter. Such citations shall be expeditiously processed through use of the administrative citation process or where appropriate through filing an infraction in the appropriate court of law.

E. Remedies Nonexclusive. The remedies provided herein shall not be the exclusive means of enforcing the provisions of this chapter nor the exclusive means available to the city to address problems associated with the cultivation of cannabis, whether for medical or other purposes. The city shall continue to have available to it the ability to pursue abatement of nuisances and other problems related to cannabis cultivation under California Penal Code Sections 372 and 373a and other applicable provisions of law. The city may also pursue the recovery of its abatement costs in the manner provided by the Lakeport Municipal Code. (Ord. 914 §1(part), 2017; Ord. 889 §1(part), 2013. Formerly 17.38.070)

17.38.070 Liability.

The provisions of this chapter shall not be construed to protect the property owner(s) of record for each legal parcel associated with the cultivation of cannabis, lessees, tenants, and other participants in the cultivation of cannabis, and members of collectives and/or cooperatives associated with the cultivation of cannabis, from prosecution pursuant to any laws that may prohibit the cultivation, sale, and/or possession of controlled substances. Moreover, cultivation, sale, possession, distribution, and use of cannabis remain violations of federal law as of the date of adoption of the ordinance creating this chapter and this chapter is not intended to, and does not, protect any of the above described persons from arrest or prosecution under those federal laws. The property owner(s) of record for each legal parcel associated with the cultivation of cannabis, lessees, tenants, and other participants in the cultivation of cannabis, and members of collectives and/or cooperatives associated with the cultivation of cannabis, assume any and all risk and any and all liability that may arise or result under state and federal criminal laws from the cultivation of can-

nabis. Further, to the fullest extent permitted by law, any actions taken under the provisions of this chapter by any public officer or employee of the city or the city itself shall not become a personal liability of such person or the liability of the city. (Ord. 914 §1(part), 2017: Ord. 889 §1(part), 2013. Formerly 17.38.080)

Chapter 17.39

DENSITY BONUSES

Sections:

- 17.39.010 Purpose and application.
- 17.39.020 Definitions.
- 17.39.030 Qualifications for density bonus and incentives and concessions.
- 17.39.040 Continued affordability and density bonus housing standards.
- 17.39.050 Incentives and concessions.
- 17.39.060 Waiver/modification of development standards.
- 17.39.070 Specified density bonus percentages.
- 17.39.080 Land donation.
- 17.39.090 Child care facilities.
- 17.39.100 Condominium conversions.
- 17.39.110 Parking and consideration of alternative development incentives.
- 17.39.120 Application and review procedures.
- 17.39.130 State law amendments.

17.39.010 Purpose and application.

The purpose of this chapter is to establish procedures for implementing state density bonus requirements, as set forth in California Government Code Section 65915, as amended, and to increase the production of affordable housing, consistent with the city's goals, objectives, and policies. (Ord. 891 §2(part), 2014)

17.39.020 Definitions.

The following definitions shall apply to this chapter:

"Affordable housing cost" bears the same meaning as defined in Section 50052.5 of the California Health and Safety Code.

"Affordable housing unit" means a dwelling unit within a housing development which will be rented or sold to and reserved for very low-income households, lower-income households, moderate-income households and/or senior citizens at an affordable housing cost for the respective group(s) in accordance with Section 65915 of the California Government Code and this chapter.

"Affordable rent" means that level of rent defined in Section 50053 of the California Health and Safety Code.

"Applicant" means a developer or applicant for a density bonus pursuant to Section 65915, subdivision (b), of the California Government Code and Section 17.39.030 of this chapter.

"Child care facility" means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

"Common interest development" bears the same meaning as defined in Section 1351 of the California Civil Code.

"Density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant to the city.

"Development standard" means site or construction conditions that apply to a housing development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation.

"Extremely low-income households" bears the same meaning as defined in Section 50106 of the California Health and Safety Code.

"Housing development" means one or more groups of projects for residential units in the planned development of the city. "Housing development" also includes a subdivision or common interest development, as defined in Section 1351 of the California Civil Code, approved by the city and consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of California Government Code Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.

"Large renter household" means a household with five or more persons. Rental housing units to accommodate large renter households shall have three or more bedrooms.

"Lower-income households" bears the same meaning as defined in Section 50079.5 of the California Health and Safety Code.

"Maximum allowable residential density" means the density allowed under applicable zoning ordinances, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the subject project.

"Moderate income" or "persons and families of moderate income" means those middle-income families as defined in Section 50093 of the California Health and Safety Code.

"Qualified mobilehome park" means a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code.

"Senior citizen housing development" means senior citizen housing as defined in Sections 51.3 and 51.12 of the California Civil Code.

"Specific adverse impact" means any adverse impact as defined in paragraph (2), subdivision (d), of California Government Code Section 65589.5, upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without ren-

dering the housing development unaffordable to low- and moderate-income households.

"Very low-income households" bears the same meaning as defined in Section 50105 of the Health and Safety Code. (Ord. 893 §3(14), 2014; Ord. 891 §2(part), 2014)

17.39.030 Qualifications for density bonus and incentives and concessions.

A. The city shall grant one density bonus as specified in Section 17.39.070, and incentives or concessions as described in Section 17.39.050, when an applicant seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that will contain at least any one of the following:

1. Ten percent of the total units of the housing development as affordable housing units affordable to lower-income households; or
2. Five percent of the total units of the housing development as affordable housing units affordable to very low-income households; or
3. A senior citizen housing development; or
4. A qualified mobilehome park; or
5. Ten percent of the total units of a common interest development as affordable housing units affordable to moderate-income households; provided, that all units in the development are offered to the public for purchase subject to the restrictions specified in this chapter.

B. As used in subsection A of this section, the term "total units" does not include units permitted by a density bonus awarded pursuant to this section or any other local law granting a greater density bonus.

C. Each applicant who requests a density bonus pursuant to this chapter shall elect whether the bonus shall be awarded on the basis of subsection (A) (1), (2), (3), (4) or (5) of this section. Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either very low-income affordable housing units, lower-income affordable housing units or moderate-income affordable housing units, or the development's status as a senior citizen housing development or qualified mobilehome park. Density bonuses from more than one category may not be combined. (Ord. 891 §2(part), 2014)

17.39.040 Continued affordability and density bonus housing standards.

A. An applicant shall agree to, and the city shall ensure, continued affordability of all low- and very low-income units that qualified the applicant for the award of the density bonus for a period of thirty years or a longer

period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for affordable housing units for lower-income households shall be set at an affordable rent. Owner-occupied affordable housing units shall be available at an affordable housing cost.

B. An applicant shall agree to, and the city shall ensure, that the initial occupants of moderate-income units that are directly related to the receipt of the density bonus in a common interest development are persons and families of moderate income and that the units are offered at an affordable housing cost. The local government shall enforce an equity-sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following shall apply to the equity-sharing agreement:

1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes that promote homeownership as described in subdivision (e) of Section 33334.2 of the California Health and Safety Code.

2. For purposes of this subdivision, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

3. For purposes of this subdivision, the city's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

C. Any contract, deed restriction, or other instrument used to implement subsections A and/or B of this section shall be signed by the applicant and by the city as parties.

D. All affordable units shall be reasonably dispersed throughout the housing development; shall be proportional in size, bedroom number and location to the market-rate units; and shall be comparable with the market-rate units in terms of the base design, architectural appearance, building mate-

rials and finished quality. All affordable units in a housing development shall be constructed concurrently with or prior to the construction of the market-rate units. In the event the city approves a phased project, the affordable units required by this chapter shall be provided within each phase of the residential development unless otherwise approved by the community development director.

E. Applicants receiving density bonuses shall use best efforts to provide a substantial proportion of any affordable housing units in the housing development to citizens residing or employed within the city. (Ord. 891 §2(part), 2014)

17.39.050 Incentives and concessions.

A. An applicant for a density bonus may also submit to the city a proposal for specific incentives or concessions in exchange for the provision of affordable housing units in accordance with this chapter. The applicant may also request a meeting with the city's community development director to discuss such proposal. The city shall grant the concession or incentive requested by the applicant unless the city makes a written finding, based upon substantial evidence, of either of the following:

1. The concession or incentive is not required in order to provide for affordable housing costs or for rents for the targeted units to be set as specified in Section 17.39.040 (i.e., the applicant is unable to demonstrate that the waiver or modification is necessary to make the housing units economically feasible); or
2. The concession or incentive would have a specific adverse impact.

B. If the conditions of Section 17.39.030 and subsection A of this section are met by an applicant, the city may grant an applicant applying for incentives or concessions the following number of incentives or concessions:

1. One incentive or concession for housing developments that include: at least ten percent of the total units affordable to lower-income households; or at least five percent of the total units affordable to very low-income households; or at least ten percent of the total units affordable to persons and families of moderate income in a common interest development.

2. Two incentives or concessions for housing developments that include: at least twenty percent of the total units affordable to lower-income households; or at least ten percent of the total units affordable to very low-income households; or at least twenty percent of the total units affordable to persons and families of moderate income in a common interest development.

3. Three incentives or concessions for housing developments that include: at least thirty percent of the total units for lower-income households; or at least fifteen percent for very low-income households; or at least thirty percent for persons and families of moderate income in a common interest development.

C. A housing development that is eligible for a density bonus and incentives as described under subsections A and B of this section may receive one additional incentive, but may not exceed a total of three incentives when combined with incentives permitted under subsection B of this section, if the housing development provides a minimum of twenty-five percent of its units for extremely low-income households or for the following special needs households: senior households, disabled households, farmworkers, and large renter households.

D. A housing development that is not otherwise eligible for a density bonus or incentives under Section 17.39.030 may receive one incentive if the housing development provides a minimum of twenty-five percent of its units for the following special needs households: senior households, disabled households, farmworkers, and large renter households.

E. For the purposes of this chapter, available concessions or incentives may include any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

2. Approval of mixed use zoning in conjunction with the housing development if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing development will be located.

3. Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable, financially sufficient, and actual cost reductions.

4. For purposes of this chapter, the parking ratios set forth in Government Code Section 65915 (and Section 17.39.110) for qualified affordable housing projects shall be deemed a concession or incentive available to the applicant.

F. This section does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements. Nor does any provision of this section require the city to grant an incentive or concession found to have a specific adverse impact.

G. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

H. Applicants seeking a condominium conversion may apply for either a density bonus or an incentive of equivalent financial value (as that term is defined in Government Code Section 65915.5) in accordance with Section 17.39.100 and Government Code Section 65915.5.

I. The application and review process for a proposal of incentives and concessions is set forth in Section 17.39.120. (Ord. 893 §3(15), 2014; Ord. 891 §2(part), 2014)

17.39.060 Waiver/modification of development standards.

A. Applicants may, by application, seek a waiver, modification or reduction of development standards that will otherwise preclude or inhibit the utilization of the density bonus on specific sites in a housing development at the densities or with the concessions or incentives permitted by this chapter. The applicant may also request a meeting with the city to discuss such request for waiver/modification. In order to obtain a waiver/modification of development stan-

dards, the applicant shall show that (1) the waiver or modification is necessary to make the housing units economically feasible, and (2) that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of Section 17.39.030(A), at the densities or with the concessions or incentives permitted by this chapter.

B. Nothing in this section shall be interpreted to require the city to waive, modify or reduce development standards if the waiver, modification or reduction would have a specific adverse impact.

C. The application and review process for a waiver/modification of development standards is set forth in Section 17.39.120. (Ord. 891 §2(part), 2014)

17.39.070 Specified density bonus percentages.

A. Only housing developments consisting of five or more dwelling units are eligible for the density bonus percentages provided by this section. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 17.39.030(A).

B. For housing developments meeting the criteria of Section 17.39.030(A)(1), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35 (maximum)

C. For housing developments meeting the criteria of Section 17.39.030(A)(2), the density bonus shall be calculated as follows:

Percentage Very Low-Income Units	Percentage Density Bonus
5	20
6	22.5
7	25

Percentage Very Low-Income Units	Percentage Density Bonus
8	27.5
9	30
10	32.5
11	35 (maximum)

D. For housing developments meeting the criteria of Section 17.39.030(A) (3) and (A) (4), the density bonus shall be twenty percent.

E. For housing developments meeting the criteria of Section 17.39.030(A) (5), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18

Percentage Moderate-Income Units	Percentage Density Bonus
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35 (maximum)

F. An applicant may elect to accept a lesser percentage of density bonus than that to which the applicant is entitled under this chapter. All density bonus calculations resulting in a fractional number shall be rounded upwards to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

G. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other

than the areas where the units for the lower-income households are located.

H. The application and review process for a density bonus as provided by this section is set forth in Section 17.39.120. (Ord. 891 §2(part), 2014)

17.39.080 Land donation.

A. When an applicant for a tentative map, subdivision map, parcel map, or other residential development approval donates land to the city as provided for in this section, the applicant shall be entitled to a fifteen percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire housing development, as follows:

Percentage Very Low-Income Units (Based upon maximum density allowed on donated land)	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28

Percentage Very Low-Income Units (Based upon maximum density allowed on donated land)	Percentage Density Bonus
24	29
25	30
26	31
27	32
28	33
29	34
30	35 (maximum)

This increase shall be in addition to any increase in density mandated by Section 17.39.030, up to a maximum combined mandated density increase of thirty-five percent, if an applicant seeks both the increase required pursuant to this section and Section 17.39.030. All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this section shall be construed to enlarge or diminish the city's authority to require an applicant to donate land as a condition of development.

B. An applicant shall be eligible for the increased density bonus described in this section if the city is able to make all the following conditions and findings:

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or date of approval of the residential development application.

2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than ten percent of the number of residential units of the proposed development.

3. The transferred land is at least one acre in size or of sufficient size to permit development of at least forty units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities

and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or date of approval of the development application for the housing development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of very low-income housing units on the transferred land, except that the city may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Government Code Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

4. The transferred land and the very low-income units constructed on the land will be subject to a deed restriction ensuring continued affordability of the units consistent with this chapter, which restriction will be recorded on the property at the time of dedication.

5. The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to such city-approved developer.

6. The transferred land shall be within the boundary of the proposed development or, if the city agrees in writing, within one-quarter mile of the boundary of the proposed development.

C. The application and review process for a donation of land and related density bonus is set forth in Section 17.39.120. (Ord. 891 §2(part), 2014)

17.39.090 Child care facilities.

A. When an applicant proposes to construct a housing development that includes affordable units as specified in Section 17.39.030 and includes a child care facility that will be located on the premises of, as part of, or adjacent to such housing development, the city shall grant either of the following if requested by the applicant.

1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

B. A housing development shall be eligible for the density bonus or concession described in this section if the city, as a condition of approving the housing development, requires all of the following to occur:

1. The child care facility will remain in operation for a period of time that is as long as or longer than the period of time during which the affordable housing units are required to remain affordable pursuant to Section 17.39.040.

2. Of the children who attend the child care facility, the percentage of children of very low-income households, lower-income households, or moderate-income households shall be equal to or greater than the percentage of affordable housing units that are proposed to be affordable to very low-income households, lower-income households, or moderate-income households.

3. Notwithstanding any requirement of this section, the city shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community already has adequate child care facilities.

C. The application and review process for the provision of child care facilities and related density bonus or concessions or incentives is set forth in Section 17.39.120. (Ord. 891 §2(part), 2014)

17.39.100 Condominium conversions.

Any applicant seeking to convert apartments into condominiums may receive a density bonus or incentives of equivalent financial value (as that term is defined in Government Code Section 65915.5) upon an application made in conjunction with its map application pursuant to the Subdivision Map Act, this code and consistent with Government Code Section 65915.5. Any appeal of any density bonus or incentive of equivalent financial value or review by the planning commission to the city council shall automatically require an appeal of the underlying map to that body. An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or

other incentives or concessions were provided under Government Code Section 65915. Nothing in this section shall be construed to require the city to approve a proposal to convert apartments to condominiums. (Ord. 891 §2(part), 2014)

17.39.110 Parking and consideration of alternative development incentives.

A. Housing developments meeting any of the criteria of Section 17.39.030(A) shall be granted the following maximum parking ratios, inclusive of handicapped and guest parking, which shall apply to the entire development, not just the restricted affordable units, when requested in writing by an applicant:

1. Zero to one bedroom dwelling unit: one on-site parking space;
2. Two to three bedrooms dwelling unit: two on-site parking spaces;
3. Four or more bedrooms: two and one-half parking spaces.

B. If the total number of spaces required results in a fractional number, it shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "on-site parking" through tandem parking, but not through on-street parking.

C. Alternative development incentives, such as a reduction in the total number of required parking spaces, the elimination or reduction in RV/boat trailer parking, and the provision of uncovered parking spaces in lieu of carports and garages, may be requested in writing by the applicant for consideration by the city. The applicant shall provide the city with a written justification statement for each requested alternative development incentive.

D. Other regulatory incentives or concessions proposed by the developer or the city that will result in identifiable and actual cost reductions including but not limited to fee waivers, expedited permit processing, and modification of requirements for off-site improvements. (Ord. 891 §2(part), 2014)

17.39.120 Application and review procedures.

A. A written application for a density bonus, incentive, concession, waiver, or modification pursuant to this chapter shall be submitted with the first application for

approval of a housing development and processed concurrently with all other applications required for the housing development. The application shall be submitted on a form prescribed by the city and shall include at least the following information:

1. Site plan showing total number of units, number and location of affordable housing units, and number and location of proposed density bonus units.

2. Level of affordability of affordable housing units and proposals for ensuring affordability.

3. Description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards. The application shall include evidence that the requested incentives and concessions are required for the provision of affordable housing costs and/or affordable rents, as well as evidence relating to any other factual findings required under Section 17.39.050.

4. If a density bonus or concession is requested in connection with a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in Section 17.39.080 can be made.

5. If a density bonus or concession/incentive is requested for a child care facility, the application shall show the location and square footage of the child care facilities and provide evidence that each of the findings included in Section 17.39.090 can be made.

B. An application for a density bonus, incentive or concession pursuant to this chapter shall be considered by and acted upon by the approval body with authority to approve the housing development and subject to the same administrative appeal procedure, if any. In accordance with state law, neither the granting of a concession, incentive, waiver, or modification nor the granting of a density bonus shall be interpreted, in and of itself, to require a general plan amendment, zoning change, variance, or other discretionary approval.

C. For housing developments requesting a waiver, modification or reduction of a development standard, an application pursuant to this subsection shall be heard by the city planning commission. A public hearing shall be held by the planning commission and the commission shall issue a determination. Pursuant to Government Code Section 65915, the

planning commission shall approve the requested waiver/modification or reduction of development standards, unless one of the following conditions applies:

1. The waiver/modification is not required to make the proposed affordable housing units feasible; or
2. The waiver/modification will have a specific adverse impact.

The decision of the city planning commission may be appealed to the city council within five business days of the date the decision is made in the manner provided in Lakeport Municipal Code.

D. Notice of any city determination pursuant to this section shall be provided to the same extent as required for the underlying development approval.

E. The city will endeavor to expedite the application process to the extent reasonably possible. The approval process may entail a site-specific rezoning, the subdivision of the land, architectural and design review, environmental review and/or other land use applications. These approvals may be dealt with simultaneously, under one application. (Ord. 891 §2(part), 2014)

17.39.130 State law amendments.

This chapter implements the laws for density bonuses and other incentive and concessions available to qualified applicants under Government Code Sections 65915 through 65918. In the event these Government Code sections are amended, those amended provisions shall be incorporated into this chapter as if fully set forth herein. Should any inconsistencies exist between the amended state law and the provisions set forth in this chapter, the amended state law shall prevail. (Ord. 891 §2(part), 2014)

Chapter 17.40

REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

Sections:

- 17.40.010 Applicability.
- 17.40.020 Request requirements.
- 17.40.030 Review authority.

Sections: (Continued)

17.40.040 Review procedure.

17.40.050 Findings, decision, and conditions.

17.40.010 Applicability.

A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law, building regulation, or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. The process for addressing reasonable accommodation requests established by this chapter applies to requests from persons defined as disabled under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts).

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development, improvement, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Chapter 17.29. (Ord. 893 §3(16) (part), 2014)

17.40.020 Request requirements.

A. Requests for reasonable accommodation shall include the following information:

1. The applicant's name, address and telephone number.
2. Address of the property for which the request is being made.
3. The current actual use of the property.
4. The basis for the claim that the individual is considered disabled under the Acts.
5. The municipal code provision, zoning ordinance provision, or other regulation or policy from which reasonable accommodation is being requested.

6. A description of why the reasonable accommodation is necessary to make the specific property accessible to the individual.

B. Additional Information. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with the Acts, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty-day period to issue a decision is stayed until the applicant responds to the request. (Ord. 893 §3(16) (part), 2014)

17.40.030 Review authority.

A. Community Development Director. Requests for reasonable accommodation shall be reviewed by the community development director (director), or his or her designee if no approval is sought other than the request for reasonable accommodation.

B. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application. (Ord. 893 §3(16) (part), 2014)

17.40.040 Review procedure.

A. Director Review. The director, or his designee, shall make a written determination within thirty calendar days and either grant, grant with modifications, or deny a request for reasonable accommodation.

B. Other Reviewing Authority. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. (Ord. 893 §3(16) (part), 2014)

17.40.050 Findings, decision, and conditions.

A. Findings and Decision. The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with the Acts and shall be based on consideration of the following factors:

1. Whether the housing, which is the subject of the request, will be used by an individual with a disability protected under the Acts.
2. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city.
4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.
5. Potential impact on surrounding uses.
6. Physical attributes of the property and structures.
7. Alternative reasonable accommodations which may provide an equivalent level of benefit.

B. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the above findings. (Ord. 893 §3(16) (part), 2014)

Chapter 17.52

SIGNS

Sections:

- 17.52.010 Purpose of provisions.
- 17.52.020 Use limitations generally.
- 17.52.030 Definitions.

- 17.52.040 General requirements and restrictions.
- 17.52.050 Development standards for signs.
- 17.52.060 Interpretation of provisions--Authority.
- 17.52.070 Permit--Required.
- 17.52.080 Building permit requirements.
- 17.52.090 Permit--Application--Fee.
- 17.52.100 Permit--Exemptions.
- 17.52.110 Nonconforming signs.
- 17.52.120 Removal of signs.
- 17.52.130 Variances.
- 17.52.140 Appeals.
- 17.52.150 Violation--Penalty.

17.52.010 Purpose of provisions.

The purpose of this chapter is to:

- A. Provide standards for the regulation of the height, size, location and appearance of signs in order to safeguard and enhance property values;
- B. Protect public and private investments in building and open spaces;
- C. Preserve and improve the appearance of the city as a place in which to live and to work and as an attraction to our visitors;
- D. Encourage sound sign practices as a tool to business for informing the public;
- E. Reduce hazards to motorists and pedestrians; and
- F. Promote the retention of the special character and aesthetic appearance of the city. (Ord. 590 (part), 1980)

17.52.020 Use limitations generally.

The use of a sign shall be limited to naming the business, the nature of the use being conducted on the premises, or the service, major product or interest being offered for sale or lease

thereon, and governed by the regulations set out in this chapter. (Ord. 590 (part), 1980)

17.52.030 Definitions. For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined in this section:

A. "Appurtenant sign" means any sign which directs attention to an occupancy, business, service or entertainment conducted or sold or offered only upon the premises where the sign is maintained; also known as an "on-premises sign."

B. "Area" of a sign means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure or similar character excluding the necessary supports on which such sign is placed; plus the area of the background panel on which the grouping of letters or symbols is painted or mounted if not directly on a building face. Individual letters and symbols shall be measured by parallel lines encompassing each line. All sides or edges of a sign used for advertising purposes shall also be used for calculating total allowable sign area.

C. "Attached sign" means any sign which is supported by a building, awning or structure, other than a sign structure which is supported wholly by the ground. Any roof sign, as defined in this section, shall be considered an attached sign.

D. "Building line" means a line established by ordinance beyond which no building may extend. A building line may be a property line.

E. "Bulletin board" means a sign of permanent character, but with movable letters, words or numerals, also known as a marquee.

F. "Detached sign" means any sign freestanding which is not an attached sign, as defined in this section.

G. "Development or construction sign" means a sign listing the architect, engineer, planner, contractor or other person or firm participating in the development or construction or financing of the project on the premises on which the sign is located. Such sign must be removed within five days of final inspection.

H. "Directional sign" means signs placed so as to direct flow of traffic onto or off of a premises (i.e., "enter," "exit," "welcome," "thank you") which contain no identification or advertising thereon. These signs shall not be counted in total sign size allowance. Directional signs shall not exceed two square feet each.

I. "Face of building" means the general outer surface of a main exterior wall of a building, including an awning surface.

J. "Height of sign" is the vertical distance from the uppermost point used in measuring the area of a sign to the foundation grade directly below such point.

K. "Major center" is a commercially zoned and developed parcel with multiple occupancy having gross leasable store area in excess of fifty thousand square feet.

L. "Minor center" is a commercially zoned and developed parcel with multiple occupancy having gross leasable store area which is less than fifty thousand square feet.

M. "Multiple occupancy" means a parcel of land as designated in the current Assessor's Parcel Map Book whereon two or more separate, independently owned and operated commercial or professional occupancies are contained.

N. "Nonappurtenant sign" means any sign off-premises to the location of the advertised business and which does not qualify as "appurtenant" under subsection (A) of this section.

O. "Occupant" means one who occupies a building or group of buildings devoted to a single enterprise, but does not refer to individual tenants that may share division of a building or buildings.

P. "Pedestrian sign" means a sign not exceeding three square feet in total area and not less than eight feet from the ground not to exceed ten feet in height suspended under a marquee, porch, walkway cover or similarly suspended not to exceed a three-foot projection from the wall of a building, placed approximately perpendicular to the wall of the adjoining building, intended to be viewed by pedestrians in the vicinity of an entrance to a building, containing only the identification of the building or occupant. Pedestrian signs shall be unlighted. Brackets for suspension shall be decorative in nature and not exceed six inches in distance from the sign.

Q. "Real estate sign" means a sign advertising the sale, rental or lease of the premises on which the sign is maintained including a subdivision sign.

R. "Roof line" means the upper edge of any building wall or parapet for a flat roof structure, or the roof ridge line for any gable roof structure.

S. "Sign" is anything placed, erected, constructed, posted, painted, printed, tacked, nailed, glued, stuck, carved or otherwise fastened, affixed or made visible for out-of-door advertising purposes in any manner whatsoever, on the ground or on any tree, wall, bush, post, pole, fence, building, structure or anything whatsoever. "Sign" does not include the following:

1. Official notice issued by any court, public body or officer;
2. Notices posted by any public officer in the performance of a public duty or by any person in giving legal notice;

3. Directional, warning or informational signs or structures required or authorized by law or by federal, state or city authority.

T. "Temporary sign" means and includes any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard or other light material, not to exceed twenty percent of total street frontage window area or forty square feet, whichever is less, intended to be displayed for a limited period of time not to exceed thirty days.

U. "Large individual retail building" means a building on a commercially zoned parcel designed to be used primarily for the retail sale of goods and merchandise having gross leasable floor area in excess of fifty thousand square feet. (Ord. 884 §1(A), 2012; Ord. 590 §100, 1980)

17.52.040 General requirements and restrictions.

General sign provisions shall apply to all zoning districts within the city, unless otherwise stated or clarified:

A. Nonappurtenant signs shall not be allowed in any district.

B. Pedestrian signs shall be limited to one per entrance.

C. No sign shall be designed or located specifically to be seen from Highway 29.

D. Attached signs may have a maximum four-foot projection, from the vertical face of the building, but are not to encroach within two feet from back of curblin. Signs shall not exceed roof line of the appurtenant building.

1. Preexisting permanent attached or freestanding signs will be grandfathered in, providing they must submit an eight inch by ten inch black and white photograph, a set of dimensions and a document for recordation at the owner's expense. These will be on file at the City Hall. The signs will be checked to make sure they do not present a safety hazard, and will be repaired and/or cleaned up as warranted. Owners will sign a waiver of responsibility so the city will not be liable for signs extending out over public property.

2. Sign owners will be permitted to repair portions or all of said signs, provided they are exact copies.

3. Projecting signs shall be located within the center one-third of the building face or frontage.

E. Flashing, scintillating, animated or revolving signs shall be allowed only for public information.

F. Real estate signs shall be limited to one per frontage of the premises offered for sale or lease, shall not exceed nine square in total area, and shall be removed within fifteen days after close of escrow, lease or rental.

G. No sandwich signs shall be allowed in any district, except that temporary sandwich signs shall be allowed on private property.

H. No vehicle shall be parked on any street or be visible from a street which has attached thereto any commercial advertising sign except a sign painted upon or permanently affixed to or designed for use on the body for identification, including magnetic signs.

I. No freestanding sign shall exceed thirty-five feet maximum height, from the median elevation of the nearest roadway or foundation of the structure, and shall be subject to review and approval by the planning commission.

J. Service stations may exhibit stamp signs, credit card signs and other miscellaneous signs, all to be placed flat on a wall or window of the main service building, in no case to exceed a total twenty-square-foot miscellaneous sign area. Service stations may also exhibit one detached posterboard-type sign, single or double-faced, permanently fixed or placed in concrete, within a landscaped area, not to exceed fifteen square feet in area for each side.

K. No sign of any type shall be placed on any utility pole, traffic directional pole or public property, unless specifically allowed under separate section of this chapter.

L. Illuminated signs shall be allowed in any commercial district.

M. General Requirements for Subdivision Signs.

1. Signs advertising any subdivision (including parcel map divisions) being developed in the city of Lakeport shall conform to the following:

a. Each subdivision being developed shall be allowed one single-sided identification sign on private property within the subdivision at the entrance of the project.

b. The subdivision sign shall not be displayed prior to the date of recordation of the subdivision or parcel map. Unless otherwise approved by the community development director, the subdivision sign shall be removed within three years from the date of issuance of the first building permit within the subdivision, or within thirty days from the time that seventy-five percent of the lots or dwellings in the subdivision have been sold, whichever time period is the least.

c. The subdivision sign shall be limited to a maximum of thirty-two square feet. Subdivision signs in excess of nine square feet shall be subject to the issuance of a building permit prior to placement. The subdivision sign shall not exceed seven feet in height inclusive of flags, pennants and similar appendices.

d. No subdivision sign shall be erected in any manner so as to obstruct the view or conflict with any traffic sign, signal or device; nor shall a subdivision sign be located in a manner that will obstruct the view of pedestrian or vehicular traffic.

e. Subdivision signs advertising subdivisions being developed outside of the city limits are prohibited.

f. Subdivision signs shall not be lighted or illuminated.

2. Off-site signs intended to direct the public to property being offered for sale, lease, or rent within a subdivision (including parcel map divisions) being developed shall be subject to the following provisions:

a. There shall be no more than two off-site signs directing the public to the subdivision being developed.

b. Off-site subdivision signs shall be limited to four square feet in sign area and shall not exceed a height of four and one-half feet measured from the ground surface at the sign base.

c. Off-site subdivision signs shall be approved by the community development department prior to their placement.

d. There shall be no more than one off-site subdivision sign at any one location in the city at any one time.

e. No off-site subdivision signs shall be placed in the city road right-of-way which shall include the travel lanes, gutters, sidewalks, and road shoulders. All off-site subdivision signs shall be placed on private property and shall be subject to the issuance of written approval of the owner of the property on which the sign is to be located. A copy of the written property owner consent shall be provided to the city prior to the placement of any off-site subdivision sign.

f. No off-site subdivision sign shall be erected in any manner that will obstruct the view of traffic or conflict with any traffic sign, signal or device.

g. Off-site subdivision signs shall not be lighted or illuminated.

3. Real estate sale, lease, or rent signs on individual lots shall be limited to one per frontage of the premises offered for sale, shall not exceed six square feet in total area, and shall be removed within fifteen days after the close of escrow, lease or rental. Larger signs may be approved by the community development department depending upon the size of the parcel, amount of street frontage, proposed placement location, and other factors.

N. Sign Removal. The community development director, upon a finding that there is a violation of the provisions of the Lakeport Sign Ordinance, may cause the immediate removal of any sign unlawfully placed or located on public

or private property. The director shall notify in writing the owner of such sign, if the owner is known, that the sign will be held at City Hall, and that it may be stored or destroyed if not claimed by the owner within ten business days after the date of said notice. In the event that the owner does not claim the sign within ten business days, the director may destroy or otherwise dispose of such sign.

O. General Requirements for Signs Serving Large Shopping Centers and Large Individual Retail Businesses. These regulations have been established for the purpose of maintaining a consistent sign design program for new large individual retail buildings and major shopping centers (larger than fifty thousand square feet of gross leasable floor area) located in commercial zoning districts.

1. Prior to sign installation, the developer, owner or responsible party of a newly proposed large individual retail building or major shopping center shall submit to the city of Lakeport community development department ten copies of a detailed sign plan indicating the location, size, layout, design, color, illumination, materials and method of attachment of all proposed signage. All submitted plans shall be in color and shall be accompanied by a digital copy provided in a format acceptable to the city.

2. The sign plan shall be reviewed by the city planning commission for consistency with the sign ordinance. Approval or disapproval of the sign plan shall be the sole right of the city. While it is intended that all signs serving the large retail building or major shopping center conform to the requirements set forth in the sign ordinance, deviations may be approved upon a finding by the planning commission that said deviation(s) will result in a more aesthetically pleasing appearance or is necessary to respond to a particularly unique situation. The burden of proof for establishing the need for a deviation shall be the responsibility of the applicant. All signs serving the large individual retail building or major shopping center shall conform to the approved sign plan.

3. If the sign plan is approved, the developer, owner or responsible party shall obtain all required building department permits and pay applicable fees prior to sign installation.

4. Conformance with Existing Sign Ordinance. All city sign ordinance (Chapter 17.52) requirements dealing

with temporary and/or prohibited signs shall apply to large individual retail buildings or major shopping centers.

5. Sign Style. All tenant signs serving new large individual retail buildings or major shopping centers shall be self-illuminated individual channel letters, five inches deep, with face comprised of sunlight resistant acrylic or an approved comparable material. However, signs for large individual retail buildings or major shopping centers having architectural features that would preclude the use of individual channel letters shall be evaluated by the planning commission on a case-by-case basis.

a. Signs serving existing large individual retail buildings or major shopping center tenants may be added or replaced with similar types of signage subject to review and approval by the community development department.

6. Sign Construction. All signs and their installation shall comply with all applicable building and electrical codes.

7. Sign Types.

a. Type A--Building Mounted. For individual tenants of a major shopping center with less than five thousand square feet of gross leasable floor area, the maximum letter height shall be twenty-four inches with the maximum sign length not to exceed seventy-five percent of the leased lineal frontage. Total sign square footage allowed shall be one and one-half square feet per each lineal foot of leased store frontage. Individual tenants shall be permitted only one sign for each interior store frontage with a maximum of two signs total.

b. Type B--Building Mounted. For individual tenants of a major shopping center with at least five thousand but not more than ten thousand square feet of gross leasable floor area, the maximum letter height shall be thirty-six inches with the maximum sign length not to exceed seventy-five percent of the leased lineal frontage. Total sign square footage allowed shall be one and one-half square feet per each lineal foot of leased store frontage. Individual tenants shall be permitted only one sign for each interior store frontage with a maximum of two signs total.

c. Type C--Building Mounted. For individual tenants of a major shopping center with more than ten thousand square feet of gross leasable floor area, or for large individual retail buildings in excess of fifty thousand

square feet of gross leasable floor area, the maximum letter height shall be five feet with the maximum sign length not to exceed seventy-five percent of the primary frontage. Total sign square footage allowed shall be one and one-half square feet per each lineal foot of the primary store frontage. One primary sign is permitted; however, additional ancillary or directional signage may be allowed upon the finding of the planning commission that they are secondary in nature, are aesthetically appropriate and respond to a particularly unique situation.

d. Type D. Each tenant within a major shopping center shall be permitted one illuminated double-faced under canopy sign not to exceed twelve inches by four feet (four square feet). Under canopy signs shall be mounted so that there is eight feet of clearance from the bottom of the sign to the sidewalk or walkway.

e. Type E. Low profile monument signs may be allowed in lieu of a single freestanding sign for the entire major shopping center or for a large individual retail building with said signs to be approved by the planning commission on a case-by-case basis. Large individual retail buildings shall be allowed to install a single freestanding sign consistent with the freestanding sign that is allowed to serve large shopping centers as outlined in this chapter. Additional small freestanding directional signs may be allowed on a case-by-case basis. (Ord. 884 §1(B), 2012; Ord. 793 §§I, II, 1998; Ord. 590 §200, 1980)

17.52.050 Development standards for signs.

The maximum number, area and height of signs permitted in the various zoning districts for various land uses are as set out in this section.

TABLE OF MAXIMUM NUMBER, AREA AND HEIGHT OF SIGNS PERMITTED IN VARIOUS ZONING DISTRICTS FOR VARIOUS LAND USES

District	Use	Type	Use Permit?	Bldg. Permit?	Max. No. of Signs for Any 1 Use	Max. Area of Signs (sq. ft.)	Max. Height for Attached Signs	Max. Height for Detached Signs (ft.)	Special Regs. and Exceptions
R-1	Dwellings	ident.	no	no	1 per sheet	4	roofline (not to exceed 16 ft.)	8, excluding driveway arch signs	nonilluminated except st. nos.
	Resthomes	ident.	no	yes	1	10	8 ft.	8	" "
	Churches, schools	ident.	no	yes	1	32	roofline	8	" "
		bulletin board	no	yes	1	20	roofline	8	" "
	Misc.	real estate				See Sec. 17.52.040(F)			
	development	no	no	—	32	below roof	4	Sec. 17.52.030(G)	
R-3 through R-5	Multiple dwelling complexes	ident.	no	yes	1	30 for complex	8 ft.	8	
R-3	Convalescent hosp.	ident.	no	yes	1	30	roofline	8	
	Mobile home park	ident.	no	yes	1	30	roofline	8	
R-4	Professional offices	ident. (multiple occupancy)	no	yes	1 for each st. frontage (only 1 freestanding)	35 for one, not more than 60 for two	roofline	10	
		readerboards	no	no	1 for each occupant	2 each name, not to exceed 40	roofline		
R-5	Hotel, motel or resort	ident.	no	yes	1 per st. frontage (but only 1 freestanding)	100, but not more than 50 on any one sign	roofline	20	
	Campground	ident.	no	yes	1	50	roofline	20	

TABLE OF MAXIMUM NUMBER, AREA AND HEIGHT OF SIGNS PERMITTED IN VARIOUS ZONING DISTRICTS FOR VARIOUS LAND USES (CONT.)

District	Use	Type	Use Permit?	Bldg. Permit?	Max. No. of Signs for Any 1 Use	Max. Area of Signs (sq. ft.)	Max. Height for Attached Signs	Max. Height for Detached Signs (ft.)	Special Regs. and Exceptions
	Bar, restaurant	ident.	yes	yes	1 per st. frontage (only 1 freestanding)	100 but not more than 50 on any one sign	roofline	20	
	Comb. rental, retail, prof.	ident.	yes	yes	1 per st. frontage (only 1 freestanding)	100, but not more than 50 on any one sign	roofline	20	
	(multiple occupancy)	individual	no	yes	1	20	8 ft.		
P-C	P-C	ident.	no	yes	1 per st. frontage	30 per sign	8 ft.	8	
C-1, C-2, C-3 and M-1	Offices				See applicable item in R-4 subsection				
	Retail (individual)	ident.	no	yes	1 per st. frontage (only 1 freestanding)	100, not more than 50 on any one sign	roofline	25	Sec. 17.52.040(I)
	Major center	ident. (freestanding)	no	yes	1	300 including marquee	N/A	35; see Sec. 17.52.040 (I)	
	Minor center	ident. (freestanding w/readerboards)	no	yes	1	150	N/A	25	See Sec. 17.52.040(I)
	Misc.	real estate			See Sec. 17.52.040(F)		roofline	8	
		development	no	no	--	32	below roof	8	
Any	Service station	ident.	no	yes	1 per st. frontage (only 1 freestanding)	100, but not more than 50 on any one sign	roofline	20	See Sec. 17.52.040(J)

(Ord. 590 (part), 1980)

17.52.060 Interpretation of provisions--Authority.

When an interpretation is needed on definition or intent of this chapter, the planning commission shall consider same and pass upon a resolution of interpretation for determination of the ambiguity. (Ord. 590 §702, 1980)

17.52.070 Permit--Required.

A. Except as provided in this chapter, no sign shall be painted or erected in the city, nor shall a sign be modified in structure, without a sign permit issued by the planning department.

B. No permit shall be issued unless the sign or signs both conform to the general regulations of this chapter and has received design review, if required, and approval as also prescribed in this chapter.

C. Normal maintenance of any sign requires no permit.

D. Any person not satisfied with the decision of sign approval or denial by the planning department may appeal the decision to the planning commission. (Ord. 590 §501, 1980)

17.52.080 Building permit requirements.

A building permit shall be required for any sign which, in the opinion of the building official, constitutes a structure or structural alteration. An electrical permit shall be required for any sign to be served by new electricity. All sign installations shall be by a city license holder. (Ord. 590 §502, 1980)

17.52.090 Permit--Application--Fee.

All permit applications for sign permits shall be signed by a licensed contractor or by an owner/builder accepting responsibility for the work to be done. Any sign requiring an electrical permit or having a value over two hundred dollars will be signed on the permit application by a contractor with an active state license to perform such work. (Ord. 590 §503, 1980)

17.52.100 Permit--Exemptions.

The following signs do not require a permit:

A. Individual, professional or business signs in residential zones not to exceed four square feet in total area for home occupations as allowed in this title;

B. Real estate signs as set forth in Section 17.52-.040(F) of this chapter;

C. Names of buildings or dates of erection of buildings or historical data when cut in a masonry surface or constructed of bronze material;

D. Public utility or directional or warning signs and other such emergency signs, including wording painted on streets;

E. Temporary signs or in-window signs of a temporary nature displayed per Section 17.52.030(T) of this chapter;

F. Any and all signs, lights, banners, flags or other advertising devices placed on an occupant's property for a maximum of thirty consecutive days to announce the opening of a new business, and including approved signs on existing businesses for annual sales. The planning department shall review and approve plans for such signing to ensure that it offers no hazard to the safe movement of traffic and also that it does not block permanent identification signs on neighboring properties.

G. Holiday lights, decorations and displays, or special event banners, provided such lights, decorations and displays are removed within thirty days after the holiday or event;

H. Name signs for private homes;

I. Street signs and address numbers. (Ord. 590 §504, 1980)

17.52.110 Nonconforming signs.

All signs in all zones which do not meet the requirements of this chapter shall become nonconforming as of the effective date of the ordinance codified in this chapter. (Ord. 590 §300, 1980)

17.52.120 Removal of signs.

Signs which advertise a business or activity which has relocated or ceased to operate shall be completely removed within ninety days from the time of relocation or cessation. (Ord. 590 §301, 1980)

17.52.130 Variances.

Where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of this chapter may occur from the strict application of provisions of this chapter, a variance may be granted as provided in Chapter 17.26. Economic hardships shall not be considered a practical difficulty, unnecessary hardship or a result which is inconsistent with the general practice of this chapter. (Ord. 590 §400, 1980)

17.52.140 Appeals.

A. The planning commission shall have the power to hear and decide appeals based on the enforcement or interpretation of the provisions of this chapter.

B. In case the applicant is not satisfied with the action of the planning commission on his appeal, he may within five working days appeal in writing to the city council.

C. Notice shall be given to the planning commission of such appeal, and a report shall be submitted by the commission to the city council, setting forth the reasons for the action taken by the commission. Such report shall be submitted in writing or by representation at the hearing.

D. The city council shall render its decision within forty-five days after the filing of such appeal. (Ord. 590 §700, 1980)

17.52.150 Violation--Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment for a period of not more than six months, or by both such fine and imprisonment. (Ord. 590 §600, 1980)