
Chapter 5: Zoning

Inland Zoning

CHAPTER 5. ZONING***Article 1. General****Sec. 10-5.101. Title.**

This chapter shall be known as and may be cited and referred to as "The Zoning Regulations of the City".

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.102. Objectives.

The zoning regulations are adopted pursuant to the City Charter to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, this chapter is adopted in order to achieve the following objectives:

(a) To provide a precise guide for the physical development of the City in such a manner as to achieve progressively the arrangement of land uses depicted in the General Plan adopted by the Council;

(b) To foster a harmonious, convenient, workable relationship among land uses;

(c) To promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions;

(d) To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the City as a whole;

(e) To prevent excessive population densities and overcrowding of the land with structures;

(f) To promote a safe, effective traffic circulation system;

(g) To foster the provision of adequate off-street parking and off-street truckloading facilities;

(h) To facilitate the appropriate location of community facilities and institutions;

*Sections 10-5.101 through 10-5.1704, codified from Ordinance No. 2575, as amended by Section 2, Ordinance No. 2885, Sections 2 through 10, Ordinance No. 2906, Section 2, Ordinance No. 2935, effective August 7, 1963, Sections 1 and 2, Ordinance No. 16 C.S., effective June 18, 1964, Sections 1 and 2, Ordinance No. 29 C.S., effective December 31, 1964, Section 1, Ordinance No. 33 C.S., effective February 6, 1965, Sections 1 through 4, Ordinance No. 36 C.S., effective April 16, 1965, Sections 1 through 3, Ordinance No. 37 C.S., effective April 16, 1965, Section 1, Ordinance No. 45 C.S., effective May 27, 1965, and Sections 1 and 2, Ordinance No. 50 C.S., effective July 3, 1965; repealed in their entirety by Section 1, Ordinance No. 80 C.S., effective October 16, 1966.

- (i) To promote commercial and industrial activities in order to strengthen the City's tax base;
 - (j) To protect and enhance real property values; and
 - (k) To safeguard and enhance the appearance of the City.
- (§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.103. Nature of the zoning regulations.

This chapter shall consist of a zoning map designating certain districts and a set of regulations controlling the uses of land, the density of population, the bulk, locations, and uses of structures, the areas and dimensions of sites, the appearance of certain uses, structures, and signs, requiring the provision of usable open space, screening, landscaping, and off-street parking and off-street loading facilities, and controlling the location, size, and illumination of signs. The zoning map shall be maintained on file in the office of the Director of Planning.

(§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.104. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. No provision of this chapter is intended to repeal, abrogate, annul, impair, or interfere with any provision of this Code; provided, however, where the provisions of this chapter impose a greater restriction on the use of land or structures, or the height or bulk of structures, or require greater open spaces about structures, or greater areas or dimensions of sites, or impose a greater restriction on the location, size, illumination, or subject matter of signs than is imposed or required by other provisions of this Code, the provisions of this chapter shall control.

The provisions of this chapter are not intended to abrogate, annul, impair, or interfere with any deed restriction, covenant, easement, or other agreement between parties; provided, however, where the provisions of this chapter impose a greater restriction on the use of land or structures, or the height or bulk of structures, or require greater open spaces about structures, or greater areas or dimensions of sites than is imposed or required by deed restriction, covenant, easement, or other agreement, the provisions of this chapter shall control.

(§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.105. Application.

Except as otherwise provided in this chapter, the provisions of this chapter shall apply to all property within the City, whether owned

by private persons, firms, corporations, or organizations; by the United States of America or any of its agencies; by the State or any of its agencies or political subdivisions; by any city or county, including the City of Eureka or any of its agencies; or by any authority or district organized under the laws of the State.

(§ 2, Ord. 80-C.S., eff. October 16, 1966, as amended by § 2, Ord. 144-C.S., eff. August 12, 1970)

Sec. 10-5.106. Definitions.

For the purposes of this chapter, certain words and terms used in this chapter are defined as follows:

10-5.106.1.

(a) "City Planning Commission" and "Commission" shall mean the duly appointed City Planning Commission. "Board of Zoning Adjustment" and "Board" shall mean the duly appointed Board of Zoning Adjustment. "Design Review Committee" and "Committee" shall mean the duly appointed Design Review Committee established by Article 18, Site Plan Review and Architectural Review, of this chapter.

(b) "City Clerk" shall mean the City Clerk of the City. "Secretary" shall mean the Secretary of the Eureka City Planning Commission, Board of Adjustment, and Design Review Committee. "Building Inspector" shall mean the Building Inspector of the City. "Director of Public Works" shall mean the Director of Public Works of the City. "Director of Planning" shall mean the Director of Planning of the City. "City Attorney" shall mean the City Attorney of the City. "Chief of Police" shall mean the Chief of Police of the City. (§ 2, Ord. 80-C.S., eff. October 16, 1966)

10-5.106.2.

(a) "Advertising sign" shall mean a sign having more than one-half ($\frac{1}{2}$) its area devoted to directing attention to a business, profession, commodity, or service that is not the primary business, profession, commodity, or service sold, manufactured, conducted, or offered on the site on which the sign is located.

(b) "Alley" shall mean a public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

(c) "Alter" shall mean to make a change in the supporting members of a structure, such as bearing walls, columns, beams, or girders, which change will prolong the life of the structure.

(d) "Block" shall mean the properties abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets or streets or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse, or City boundary.

(e) "Building" shall mean any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. For the purposes of this section "Building" shall mean manufactured homes and mobilehomes as hereinafter defined.

(f) "Bed and breakfast inns" shall mean a residential dwelling occupied by a resident person or family, containing guest rooms occupied on a transient basis for compensation, and in which one or more meals are provided.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 340-C.S.; Ord. 526-C.S., eff. June 20, 1991)

10-5.106.3.

(a) "Charitable institution" shall mean a nonprofit institution devoted to the housing, training, or care of children, or of aged, indigent, handicapped, or underprivileged persons, but not including lodging houses, or dormitories providing temporary quarters for transient unemployed persons, organizations devoted to collecting or salvaging new or used materials, or organizations devoted principally to distributing food, clothing, or supplies on a charitable basis.

(b) "Court" shall mean an unoccupied open space on the same site with a building, which space is bounded on three (3) or more sides by exterior building walls.

(c) "Depth" shall mean the horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines.

(d) "District" shall mean a portion of the City within which the use of land and structures and the location, height, and bulk of structures are governed by this chapter.

(e) "Drive-in" shall mean an establishment serving food or beverages to customers who remain in, or leave and return to, their cars for consumption.

(f) "Delicatessen store" shall mean an establishment which primarily retails cooked meats, foods, and condiments for consumption off the premises, and which does not offer the range of meats, foods, and goods carried by food stores or supermarkets, but which may have

accessory seating for not more than twelve (12) persons within an enclosed structure, and on-site consumption of food outside the enclosed structure is not permitted.

(§ 2, Ord. 80-C.S., eff. October 16, 1966, as amended by § 1, Ord. 158-C.S., eff. February 5, 1971)

10-5.106.4.

(a) "Driveway" shall mean a private road, the use of which is limited to persons residing or working on the site and their invitees, licensees, and business visitors, and which provides access to off-street parking or loading facilities.

(b) "Dwelling" shall mean a one-family dwelling or multi-family dwelling other than an automobile trailer, hotel, motel, labor camp, camp car, tent, railroad car, or temporary structure.

(c) "Dwelling unit" shall mean one or more rooms and a single kitchen designed for occupancy by one family for living and sleeping purposes.

(d) "Family" shall mean an individual or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than five (5) persons, not including servants, who need not be related, living as a single housekeeping unit.

(e) "Floor area, basic" shall mean the total amount of gross floor area a building contains, expressed as a percentage of the total area of the lot.

(f) "Family care home" shall mean a residence wherein the owner or proprietor is certified and supervised by the Department of Mental Hygiene of the State to furnish food and lodging in a family atmosphere plus varying amounts of custodial care to one or more persons, not exceeding six (6) persons, who have been "mentally deficient" as defined in Sections 5040 and 5250, respectively, of the Welfare and Institutions Code of the State.

(§ 2, Ord. 80-C.S., eff. October 16, 1966, as amended by § 2, Ord. 92-C.S., eff. October 6, 1967; Ord. 526-C.S., eff. June 20, 1991)

10-5.106.5.

(a) "Floor area, gross" shall mean the sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same site excluding: basement or cellar areas used only for storage; space used for off-street parking or loading; steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three (3) sides. Unless excepted above, floor area includes, but is not limited to, elevator shafts and stairwells measured at each

floor (but not mechanical shafts), penthouses, enclosed porches, interior balconies, and mezzanines.

(b) "Frontage" shall mean the property line of a site abutting on a street, other than the side line of a corner lot. Frontage shall be measured as the shortest distance between the points at which the side property lines intersect the street property line.

(c) "Garage" or "carport" shall mean an accessory structure, or a portion of a main structure, having a permanent roof and designed for the storage of motor vehicles.

(d) "Garage, repair" shall mean a structure or part thereof where motor vehicles or parts thereof are repaired or painted.

(e) "Garage, parking" shall mean a structure or part thereof used for the storage, parking, or servicing of motor vehicles, but not for the repair thereof.

(§ 2, Ord. 80-C.S., eff. October 16, 1966)

10-5.106.6.

(a) "Habitable room" shall mean a room meeting the re-

quirements of Chapter 1 of Title 9 of this Code (Building Code) for sleeping, living, cooking, or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, and similar spaces.

(b) "Home occupation" shall mean the conduct of an art or profession, the offering of a service, the conduct of a business, or the handcraft manufacture of products in a dwelling in accordance with the provisions of Article 19 of this chapter (Home Occupations).

(c) "Hotel". (See "Motel".)

(d) "Indirect illumination" shall mean illumination of a sign by means only of light cast upon it from a concealed source outside the sign itself.

(e) "Intersection, street" shall mean the area common to two (2) or more intersecting streets.

(f) "Junk yard" shall mean a site or portion of a site on which waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards, and the like, except a site on which such uses are conducted within a completely enclosed structure and except scrap metal yards, as defined in subsection (c) of Section 10-5.106.12 of this section. An establishment for the sale, purchase, or storage of used cars or salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junk yard. A motor vehicle wrecking yard, as defined in subsection (e) of Section 10-5.106.9 of this section, shall be deemed a junk yard.

(g) "Halfway house" shall mean a residence wherein food, lodging, and a certain amount of custodial and counseling care are provided to one or more persons who have recently been released from either a State penal institution or from a Federal penal institution.

(§ 2, Ord. 80-C.S., eff. October 16, 1966, as amended by § 3, Ord. 92-C.S., eff. October 6, 1967, and § 1, Ord. 154-C.S., eff. December 4, 1970)

10-5.106.7.

(a) "Kennel" shall mean any premises, except where accessory to an agricultural use, where four (4) or more dogs or cats four (4) months of age or older are kept.

(b) "Living area" shall mean the interior habitable area of a dwelling unit excluding a garage and any accessory structure(s).

(c) "Living room" shall mean the principal room designed for general living purposes in a dwelling unit. Each dwelling unit shall have a living room.

(d) "Lodging house" shall mean a dwelling in which lodging or lodging and meals are provided for compensation for more than three (3) but not more than fifteen (15) persons other than members of the resident family, excepting a nursing home as defined in subsection (a) of Section 10-5.106.11 of this section.

(e) "Lot". (See "Site".)

(f) "Lot, corner" shall mean a site bounded by two (2) or more adjacent street lines which have an angle of intersection of not more than 135 degrees.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 515-C.S., eff. May 19, 1990)

10-5.106.8.

(a) "Lot, corridor" shall mean a site with access to a street by means of a corridor having not less than twenty (20') feet of frontage and a width less than the required site width but at no point less than twenty (20') feet. The length of a corridor shall be measured from the frontage line to the nearest point of intersection with that property line parallel or most nearly parallel to the frontage line. The area of an access corridor shall not be included in determining the site area of a corridor lot.

(b) "Lot, double frontage" shall mean an interior lot having frontage on two (2) parallel or approximately parallel streets. For the purpose of determining front yard requirements, both frontages shall be deemed front lot lines.

(c) "Lot, interior" shall mean a lot other than a corner lot.

(d) "Lot, key" shall mean the first interior lot to the rear of a reversed corner lot.

(e) "Lot, reversed corner" shall mean a corner lot the side line of which is substantially a continuation of the front property line of the first lot to its rear.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.106.9.

(a) "Lot line, front" shall mean a line separating an interior lot from a street, or a line separating either the narrower or the wider street frontage of a corner lot from a street at the option of the owner.

(b) "Lot line, rear" shall mean a lot line, not a front lot line, which is parallel or approximately parallel to the front lot line. Where no lot line is within forty-five (45) degrees of being parallel to the front lot line, a line ten (10') feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line.

(c) "Lot line, side" shall mean any lot line which is not a front lot line or a rear lot line.

(d) "Manufactured home" shall mean a factory-built structure that is manufactured or constructed under the authority of 42 United States Code Section 5401 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobilehome is not a manufactured home, except as hereinafter provided.

(e) "Mobilehome" shall mean a transportable, factory built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. In many cases, mobilehomes were built to a voluntary industry standard of the American National Standards Institute (ANSI) -A119.1 Standards for Mobilehomes.

(f) "Mobilehome park" shall mean any area or tract of land where two (2) or more lots or spaces are rented or leased or held out for rent or lease to accommodate manufactured homes or mobilehomes used for human habitation.

(g) "Modular home" shall mean factory-built housing certified as meeting the (local or) State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

(h) "Motel" or "hotel" shall mean a structure or portion of thereof or a group of attached or detached structures, containing completely furnished individual guest rooms or suites, occupied on a transient basis for compensation, and in which more than sixty (60%) percent of the individual guest rooms or suites are without kitchens or cooking facilities.

(i) "Motor vehicle wrecking yard" shall mean a site or portion of a site on which the dismantling or wrecking of used vehicles, whether self-propelled or not, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence outside a fully enclosed structure of three

(3) or more used motor vehicles which are not capable of operating under their own power shall constitute prima facie evidence of a motor vehicle wrecking yard. A motor vehicle wrecking yard shall be deemed a junk yard.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; Ord. 526-C.S., eff. June 20, 1991)

10-5.106.10.

(a) "Multi-family dwelling" shall mean a structure, containing more than one dwelling unit, designed for occupancy or occupied by more than one family.

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

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

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

(e) "Nursery school" shall mean a school for five (5) or more pre-elementary school age children, or the use of a site or portion of a site for a group day-care program for five (5) children or more other than those resident on the site, including a day nursery, play group, or after-school group.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.106.11.

(a) "Nursing home" shall mean a structure operated as a lodging house in which nursing, dietary, and other personal services are rendered to convalescents, invalids, or aged persons, not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary

treatments, such as customarily are given in hospitals or sanitariums, are not provided. A convalescent home or a rest home shall be deemed a nursing home.

(b) "Off-street loading facilities" shall mean a site or portion of a site devoted to the loading and unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

(c) "Off-street parking facilities" shall mean a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drivers, and landscaped areas.

(d) "One-family dwelling" shall mean a building designed for and/or occupied as a residence by one (1) family or individual. The term "one-family dwelling" shall include manufactured homes when placed on a permanent foundation, converted to real property, and taxed on a site-built dwelling as provided by law.

(e) "Oriel window" shall mean a window which projects from the main line of an enclosing wall of a building and is carried on brackets or corbels.

(f) "Outdoor advertising structure" shall mean a structure of any kind or character, erected or maintained for outdoor advertising purposes, upon which an advertising sign may be placed.

(g) "Patio, covered" shall mean an attached or detached structure not exceeding fourteen (14') feet in height and enclosed on not more than three (3) sides except for posts necessary for roof support.

10-5.106.12.

(a) "Pre-existing" shall mean in existence prior to October 16, 1966.

(b) "Public utility" shall mean an organization which provides an essential commodity or basic service to the public, such as water, energy, transportation, or telecommunications. Utilities may be publicly or privately owned.

(c) "Railroad right-of-way" shall mean a strip of land on which railroad tracks, switching equipment, and signals are located, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, yards, or other uses are located. Areas of railroad rights-of-way may be used solely for the purpose of accommodating tracks, signals, and other operative devices and facilities related to and necessary for the operation of a railroad.

(d) "Recreational vehicle" shall mean a vehicle with or without motive power designed for human habitation for recreational or emergency occupancy meeting the criteria of Division 13, Part 2.1, Section 18215.5 of the California Health and Safety Code. A "recreational vehicle" shall include a motorhome, travel trailer, truck camper, or camping trailer.

(e) "Recreational vehicle park" shall mean any area or tract of land or a separate designated section within a mobilehome park, where one (1) or more lots are rented or leased or held out for rent, or lease to owners or user of recreational vehicles or tents used for travel or recreational purposes on a transient basis.

(f) "Satellite telecommunication facility" shall mean government and private facilities that transmit a variety of data through satellites, including photos of the earth, messages to and from public safety officials, and a variety of other information.

(g) "Scrap metal yard" shall mean a site or portion of a site used for storage, sorting, collecting, or bailing of previously semi-prepared scrap metal, provided that no burning shall be permitted.

(h) "Service Station" shall mean a place where gasoline or any other motor fuel, lubricating oil, or grease for the operation of motor vehicles is offered for sale to the public and deliveries are made directly into the vehicle, including the sale of accessories, performance of minor repairs and lubrication, and the washing of automobiles where no chain conveyor or blower is used.

10-5.106.13.

(a) "Sign" shall mean any lettering or symbol made of cloth, metal, paint, paper, wood, or other material of any kind whatsoever placed for advertising, identification, or other purposes on the ground or on any bush, tree, rock, wall, post, fence building, structure, ve-

hicle, or on any place whatsoever. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever beyond the boundaries of a site.

(b) "Sign area". The area of a sign having an integral part of a building, awning, canopy, or marquee as its background shall be the area within the shortest line drawn to include all letters, designs, and tubing which are a part of the sign. The area of all other signs shall be the largest cross-sectional area of the sign measured to a line encompassing all portions of the sign, including background and tubing, but excluding supporting posts without attached lighting. In computing the area of a sign having more than one face, all faces of the sign shall be included.

(c) "Sign, subdivision" shall mean any sign located either on or off a subdivision tract, which sign indicates the direction to or advertises the location, existence, or sale of a subdivision or any part thereof.

(d) "Single ownership" shall mean holding record title, possession under a contract to purchase, or possession under a lease by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner whereby the property is or will be under unitary or unified control.

(e) "Site" or "lot" shall mean a parcel of land or a portion thereof, considered as a unit, devoted to or intended for a use or occupied by a structure or a group of structures that are united by a common interest or use. A site or lot shall have frontage on a street.

(f) "Site area" shall mean the total horizontal area included within the property lines of a site, exclusive of the area of access corridors, streets, portions of the site within future street plan lines, and portions of the site within which a square having a minimum dimension of thirty-five (35') feet cannot be inscribed.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.106.14.

(a) "Street" shall mean a thoroughfare right-of-way, dedicated as such or acquired for public use as such, other than an alley, which affords the principal means of access to abutting land.

(b) "Structure" shall mean anything constructed or erected which requires a location on the ground, including a building or a swimming pool, but not including a fence or a wall used as a fence if the height does not exceed six (6') feet, or access drives or walks.

(c) "Structure, accessory" shall mean a subordinate structure the use of which is appropriate, subordinate, and customarily inci-

dental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use.

(d) “Structure, main” shall mean a structure housing the principal use of a site or functioning as the principal use.

(e) “Swimming pool” shall mean a pool, pond, lake, or open tank capable of containing water to a depth greater than one and one-half (1½) feet at any point.

10-5.106.15.

(a) “Timber harvest” shall mean the cutting and removal of timber or other solid wood forest products for commercial purposes together with all of the work incidental to the harvest including, but not limited to construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, beds for the falling of trees, and fire hazard abatement. Timber harvest does not include cutting or removal of timber for creating building pads and access to a legal building site when such cutting or removal is approved as a part of the building and/or encroachment permit and removal of diseased or dangerous trees, as determined by a qualified professional.

(b) “Transmission lines” shall mean electric power lines bringing power to a receiving substation or a distribution substation.

(c) “Use” shall mean the purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged or for which either a site or a structure is or may be occupied or maintained.

(d) “Use, accessory” shall mean a use which is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

10-5.106.16

(a) “Usable open space” shall mean open space meeting the requirements of Section 10-5.212 of Article 2 of this chapter.

(b) “Width” shall mean the horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

(c) “Wired telecommunication facility” shall mean telecommunications services such as wired (land line) telephone, digital subscriber line (dsl), internet and cable tv and internet services where tv, voice, internet, data, and other content are routed over a network of wires and cables and that do not require an antenna for transmission or reception.

(d) “Wireless telecommunication facility” shall mean public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph,

telephone, data network, and wireless communications. “Wireless telecommunication facility” shall include the towers and other support structures, commercial satellite dishes, antennas, equipment buildings necessary for the specific facility, and facilities co-located on utility poles. “Wireless telecommunication facility” shall include “satellite telecommunication facility.” “Wireless telecommunication facility” shall not include “wired telecommunication facility,” or private personal wireless facilities that do not require a license from the federal communications commission, including direct-to-home satellite tv.

(e) “Wireless telecommunication facility permit” shall mean an administrative permit issued by the director of community development or the planning commission.

(f) “Yard” shall mean an open space on the same site as a structure, located between a structure and the adjoining lot lines, unoccupied and unobstructed by structures from the ground upward or from the level of the structure requiring the yard upward except as otherwise provided in this chapter, including a front yard, side yard or rear yard.

(g) “Yard, front” shall mean a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

upward except as otherwise provided in this chapter, including a front yard, side yard or rear yard.

(d) "Yard, front" shall mean a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

(e) "Yard, rear" shall mean a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site.

(f) "Yard, side" shall mean a yard between the main building and the adjacent side line of the lot and extending entirely from the front yard to the rear yard.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 512-C.S., eff. March 8, 1990)

Sec. 10-5.107. Districts.

The districts established by the zoning regulations shall be as follows:

- F Flood Plain Districts
- U Unclassified Districts
- A Agricultural Districts
- R Residential Districts
 - RS-6,000 One-Family Residential Districts, 6,000 square feet minimum site area, provided 4,000 square feet have a natural grade of less than twenty (20%) percent
 - RM-2,500 Multi-Family Residential Districts, 6,000 square feet minimum site area, 2,500 square feet site area per dwelling unit
 - RM-1,000 Multi-Family Residential Districts, 6,000 square feet minimum site area per four (4) dwelling units, plus 1,000 square feet per additional dwelling unit
- OR Office and Multi-Family Residential District
 - Office and Multi-Family Residential Districts, 6,000 square feet minimum site area per four (4) dwelling units, plus 1,000 square feet per additional dwelling unit
- HM Hospital-Medical Districts
- C Commercial Districts
 - CN Neighborhood Commercial Districts
 - CP Planned Shopping Center Commercial Districts
 - CC Central Commercial Districts

- CW Waterfront Commercial Districts
- CS Service Commercial Districts
- M Industrial Districts
 - ML Limited Industrial Districts
 - MG General Industrial Districts
- P Public Districts
- PD Planned Unit Development Combining Districts
- AR Architectural Review Combining Districts
- S Study Districts

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.108. District boundaries.

Wherever any uncertainty exists as to the boundary of a district as shown on the zoning map, the following regulations shall control:

- (a) Where a boundary line is indicated as following a street or alley, it shall be construed as following the right-of-way line thereof.
- (b) Where a boundary line is indicated as following a watercourse, it shall be construed as following the center line thereof.
- (c) Where a boundary line follows or coincides approximately with a lot line or a property ownership line, it shall be construed as following the lot line or property ownership line.
- (d) Where a boundary line is not dimensioned and is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zoning map.
- (e) Where further uncertainty exists, the Planning Commission, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the zoning map and the objectives of this chapter and the purposes set forth in the district regulations.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.109. Conformity required.

- (a) No site or structure shall be used or designated for use for any purpose or in any manner other than in conformity with the regulations for the district in which the site or structure is located.
- (b) No structure shall be erected, and no existing structure or use shall be moved, altered, or enlarged, except in conformity with the regulations for the district in which the structure or use is located.
- (c) No yard space provided in compliance with the regulations for the district in which it is located shall be deemed to provide

a yard space for any other structure, and no yard or usable open space on one site shall be deemed to provide a yard space or usable open space for a structure on any other site.

(d) No yard, court, or usable open space shall be used, encroached upon, or reduced in any manner except in conformity with the regulations for the district in which the yard, court, or open space is located.

(e) No site held in one ownership as of September 13, 1966, or at any time thereafter, shall be reduced in any manner below the minimum area, frontage, width, or depth prescribed for the district in which the site is located.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.110. Establishment of districts by map.

The location and boundaries of the several districts are as shown on the "Zoning Map of the City of Eureka," attached hereto by reference, made a part hereof, adopted herewith, and published as part of this Code. The original of said map shall be filed in the office of the Planning Department. Said map and all notations, references, and other information shown thereon are hereby made a part of this chapter.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.111. Division of zoning map.

The zoning map may be, for convenience, divided into parts, and each such part may, for purposes of more readily identifying areas within such zoning map, be subdivided into units, and each such parts and units may be separately employed for the purpose of amending the zoning map or for any official reference to the zoning map.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.112. Drainage requirements: Purposes.

Where lands determined by the Director of Public Works lack adequate drainage facilities, a drainage control plan shall be required to achieve the following purposes:

(a) To protect persons and property from the hazards created by development in areas lacking adequate drainage facilities;

(b) To protect the City from costs that may be incurred when unsuitable development occurs in areas containing inadequate drainage;

(c) To ensure that new development shall in no way contribute to the inundation of surrounding lands; and

(d) To prevent premature urban developments of certain lands not appropriate for urban uses until the installation of adequate drainage works makes orderly development possible.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.112.1. Designation of drainage control area.

The Director of Public Works shall conduct such investigations as are necessary to determine those areas which for reasons of inadequate drainage are temporarily not appropriate for urban development and shall prepare for Planning Commission approval a map and report thereon which may recommend such standards, conditions, regulations, and plans for drainage improvements as are necessary to achieve the purposes of this chapter.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.112.2. Required conditions.

No filling, fills, or excavations shall be permitted which are found by the Director of Public Works to detrimentally affect tidal flow or stages.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.112.3. Drainage control plan to be approved.

No zoning permit for any site in an area designated for drainage control as prescribed in this chapter shall be issued until a drainage control plan required by Section 10-5.112.4 of this article has been approved by the Director of Public Works or the Planning Commission.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.112.4. Drainage control plan to be submitted.

The owner of the site or his authorized agent shall submit a drainage control plan prepared by a duly licensed engineer to the Director of Planning at the time of or prior to applying for a zoning permit, which plan shall include the following information, plans, and drawings:

- (a) A topographic map delineating the drainage area contributing to the area under consideration;
- (b) A calculation of the flow from the drainage area;
- (c) A plan of the area to be improved and indicating the

proposed finish grade elevation, size, and location of proposed drainage structures; and

(d) The Director of Public Works may require additional information, if necessary, to determine whether the purposes of this section are being carried out or may authorize the omission of any or all the information required by this section if it is not necessary. (§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.112.5. Referral to Director of Public Works.

The Director of Planning shall submit all applications for developments on sites in areas designated for drainage control to the Director of Public Works for investigation, report, and recommendation. (§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.112.6. Action of Director of Public Works.

(a) Within twenty-one (21) days after the date the drainage control plans meeting all other requirements of this chapter were submitted for review, the Director of Public Works shall approve the plans or shall submit a written report to the Planning Commission recommending conditional approval, modification, or disapproval.

(b) If the Director of Public Works approves the plans, or if the conditions or modifications recommended by the Director of Public Works are acceptable to the applicant, the drainage control plans shall not be submitted to the Planning Commission. (§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.112.7. Action of Planning Commission.

Within thirty (30) days after the Director of Public Works has recommended conditional approval, modification, or disapproval of the plans, the Planning Commission shall approve, conditionally approve, or disapprove the plans or shall request the applicant to revise the plans; provided, however, if the conditions or modifications requested by the Director of Public Works are acceptable to the applicant, no action by the Commission shall be required. (§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.112.8. Status of approved drainage control plan.

The approved drainage control plans shall govern the drainage improvements on the site, and, if subsequently divided into two (2) or more parcels, the approved plans shall govern the drainage improvements of each of the separate parcels. (§ 2, Ord. 80 C.S., eff. October 16, 1966)

Article 2. Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations

Sec. 10-5.201. Basic requirements for all districts.

The following Zoning Schedule prescribes the basic site, yard, bulk, usable open space, and screening and landscaping regulations that shall apply in the districts as indicated in the schedule. These basic requirements are defined and supplemented by additional requirements and exceptions prescribed in subsequent sections of this article.

ZONING SCHEDULE: Site Area, Yard Space, Bulk, Coverage, and Usable Open Space Requirements

Districts	Minimum Site			Minimum Yards Sec. 10-5.207			Site Area Per Dwelling Unit Sec. 10-5.203.1 (e), (f)	Group Usable Open Space Per Dwelling Unit Sec. 10-5.212	Basic Floor Area Limit - Percent of Site Area Sec. 10-5.106.4(e)	Maximum Height of Main Structure Sec. 10-5.210	Accessory Structures		
	Area Sec. 10-5.203.1 (b)	Width Sec. 10-5.106.16 (b)	Depth Sec. 10-5.203.1 (d) 10-5.203.3	Front Sec. 10-5.204	Side Sec. 10-5.205	Rear Sec. 10-5.205					Maximum Height	Minimum Distance to Side Lot Line Sec. 10-5.211	Minimum Distance to Rear Lot Line Sec. 10-5.211
F	3 ac.			30 ft.	30 ft.	30 ft.				35 ft.	35 ft.	30 ft.	30 ft.
A	3 ac.			30 ft.	30 ft.	30 ft.				35 ft.	35 ft.	30 ft.	30 ft.
RS-6,000	6,000 sq. ft. (Corner lot 6,600 sq. ft.) Sec 10-5.203.2	60 ft. (Corner lot 66 ft.)	100 ft.			25 ft. (Corner lot, Sec. 10-5.205 (b))	6,000 sq. ft. 10-5.203.2		50%	35 ft.	12 ft.	5 ft.	5 ft.
RM-2,500	6,000 sq. ft. (Corner lot 6,600 sq. ft.)	60 ft. (Corner lot 66 ft.)	100 ft.	15 ft.; 20 ft. for garage	5 ft. (Corner lot, Sec. 10-5.205 (a) (b))	20 ft. (Corner lot, Sec. 10-5.205 (b))	2,500 sq. ft.	400 sq. ft.	50%	35 ft.	12 ft.	5 ft.	5 ft.
RM-1,000	6,000 sq. ft. (Corner lot 6,600 sq. ft.)	60 ft. (Corner lot 66 ft.)	100 ft.	Sec. 10-5.204 (a)		20 ft. (Corner lot, Sec. 10-5.205 (b))	6,000 sq. ft. per 4 dwelling units plus 1,000 sq. ft. per additional dwelling unit	200 sq. ft.	100%	75 ft.	12 ft.	5 ft.	5 ft.
OR	6,000 sq. ft.	60 ft.	100 ft.	Sec. 10-5.703 (a)	Sec. 10-5.703 (a)	10 ft. Sec. 10-5.703 (a)	Sec. 10-5.703 (a)		250%	100 ft.	12 ft.	5 ft.	5 ft.
HM	9,000 sq. ft.	60 ft.	100 ft.	15 ft. Sec. 10-5.206	10 ft. Sec. 10-5.206	10 ft. 10-5.206	Same as RM-1,000		100%	Hospitals 75 ft. Other uses 25 ft.	12 ft.	5 ft.	5 ft.

(Ord. 537-C.S., eff. February 6, 1992)

ZONING SCHEDULE: Site Area, Yard Space, Bulk, Coverage, and Usable Open Space Requirements (continued)

Districts	Minimum Site			Minimum Yards 10-5.207			Site Area Per Dwelling Unit Sec. 10-5.203.1 (e), (f)	Group Usable Open Space Per Dwelling Unit Sec. 10-5.212	Basic Floor Area Limit - Percent of Site Area Sec. 10-5.106.4 (e)	Maximum Height of Main Structure Sec. 10-5.210	Accessory Structures		
	Area Sec. 10-5.203.1 (b)	Width Sec. 10-5.106.16 (b)	Depth Sec. 10-5.203.1 (d) 10-5.203.3	Front Sec. 10-5.204	Side Sec. 10-5.205	Rear Sec. 10-5.205					Maximum Height	Minimum Distance to Side Lot Line Sec. 10-5.211	Minimum Distance to Rear Lot Line Sec. 10-5.211
CN							Sec. 10-5.903 (b)	200%	35 ft.	35 ft.			
CP	10 ac. within the boundaries of the district	200 ft.	200 ft.	50 ft. from the exterior perimeter of the shopping center	50 ft. from the exterior perimeter of the shopping center	50 ft. from the exterior perimeter of the shopping center	Dwellings not permitted	35%	35 ft.	35 ft.	50 ft. from the exterior perimeter of the district	50 ft. from the exterior perimeter of the district	
CC							Sec. 10-5.903 (b)	500%	100 ft.	100 ft.			
CW	6,000 sq. ft.	60 ft.	100 ft.				Sec. 10-5.903 (b)	250%	100 ft.	100 ft.			
CS	6,000 sq. ft.	60 ft.	100 ft.				Sec. 10-5.903 (b)	120%	35 ft.	35 ft.			
ML	6,000 sq. ft.	60 ft.		10 ft.			Dwellings not permitted	120%	35 ft.	35 ft.			
MG	6,000 sq. ft.	60 ft.		10 ft.			Dwellings not permitted	200%	100 ft.	100 ft.			
P	Sec. 10-5.1102 (a)												
-PD	3 ac.						10-5.1203.2 10-5.1203.4	400 sq. ft. 10-5.1203.3	As shown on approved plan.				
-AR	Same as for district with which combined.												
S	Sec. 10-5.1406												
U	Sec. 10-5.353												

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 512-C.S., eff. March 8, 1990)

Sec. 10-5.202. Extensions over property lines and easements.

Except as provided in Chapter 1 of Title 9 of this Code (Building Code), Chapter 10 of Title 9 of this Code (Sign Regulations), Article 17 of this chapter (Signs), and Section 10-5.209 of this article (Projections into yards), no use or structure shall extend beyond the property lines of its site. No structure shall extend over a public utility easement.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.203. Site area and dimensions: Requirements and exceptions.**10-5.203.1. Measurement.**

(a) Required front, side, and rear yards shall be measured as the minimum horizontal distance from the property line of the site or street right-of-way line to a line parallel thereto on the site; provided, however, where a precise street plan has been adopted by the Council, site area and required yards shall be measured from the plan line, and no provision of this chapter shall be construed to permit a structure or use to extend beyond such line; and provided, further, where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line drawn on the boundary of the additional width required for street purposes abutting the site.

(b) No site shall have less than twenty (20') feet of frontage, and no portion of a site within which a square having a minimum dimension of thirty-five (35') feet cannot be inscribed shall be counted in determining the site area. Within the RS District, the frontage for two (2) adjoining corridor access lots may be reduced to fifteen (15') feet each. Reciprocal access easements must be exchanged to ensure legal access to adjoining land and a common turn around area shall be provided to the satisfaction of the Department of Public Works. No more than two (2) corridor access lots shall adjoin.

(c) On an irregular site, required yards shall be measured in the manner prescribed by the Director of Planning.

(d) On a corridor access lot having a width that exceeds its depth, the longer dimension may be considered the depth for purposes of measuring front, side, and rear yards.

(e) On the site of more than one dwelling unit, the area of all vehicular accessways exceeding 100 feet in length shall be deducted

from the total site area, and the number of dwelling units permitted shall be determined by dividing the remainder by the site area required per dwelling unit.

(f) If after dividing the area of a site in an R, OR, HM, CN, CC, or CW District by the site area required per dwelling unit, a remainder equal to or greater than ninety (90%) percent of the area required for an additional dwelling unit is obtained, one additional dwelling unit may be located on the site provided all other applicable yard, open space, bulk, and parking regulations are met.
(§2, Ord. 80-C.S., eff. October 16, 1966; Ord. 508-C.S., eff. December 21, 1989)

10-5.203.2. Hillside sites in RS-6,000 Districts.

In an RS-6,000 District, each site shall conform with the following regulations:

(a) The site of a one-family dwelling shall contain at least 6,000 square feet including at least 4,000 square feet having a natural slope of less than twenty (20%) percent; provided, however, the portion of the site having a natural slope of less than twenty (20%) percent may be reduced by 500 square feet for each 3,000 square feet of additional site area, except that each site shall contain at least 2,500 square feet having a natural slope of less than twenty (20%) percent.

(b) No portion of a site within which a square having a minimum dimension of thirty-five (35) feet cannot be inscribed shall be counted in determining the area having a natural slope of less than twenty (20%) percent.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 515-C.S., eff. May 19, 1990)

10-5.203.3. Depth adjoining freeways or railroads in R Districts.

In an R District, no site rearing on a freeway or railroad right-of-way shall have a depth of less than 130 feet.

(§ 2, Ord. 80-C.S., eff. October 16, 1966)

10-5.203.4. Nonconforming sites.

A site having an area, frontage, width, or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to October 16, 1966, and which had a legal area, frontage, width, and depth at the time the subdivision map, deed, or contract of sale was recorded, may be used for a permitted use or a conditional use in the district in

which it is located but shall be subject to all other regulations for the district.

(§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.204. Front yards: Requirements and exceptions.

In addition to the regulations prescribed in the Zoning Schedule set forth in Section 10-5.201 of this article, the following regulations shall apply:

(a) The minimum front yard for a garage, carport, or off-street parking space required to serve a dwelling unit in an R District shall be twenty (20') feet, except that if the garage, carport, or off-street parking space is entered parallel to the street from which it has access, the minimum front yard shall be the same as the front yard otherwise required on the site.

(b) On a site in an R District where the difference in natural grade between the midpoint of the front lot line or the existing or proposed street pavement at a point opposite the midpoint of the front lot line, and the midpoint of the rear line of the normally required front yard exceeds twenty (20%) percent, the required front yard for a garage, carport, required off-street parking space, or main structure shall be five (5') feet.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 512-C.S., eff. March 8, 1990)

Sec. 10-5.205. Side and rear yards: Requirements and exceptions.

In addition to the regulations prescribed in the Zoning Schedule set forth in Section 10-5.201 of this article, the following regulations shall apply:

(a) The side yard setback on the street side of a corner lot in an R District shall be not less than ten (10) feet.

(b) On a reversed corner lot the minimum rear yard may be not less than the side yard prescribed in said Zoning Schedule, provided that the side yard adjoining the street shall be not less than the required front yard on the adjoining key lot.

(c) Where the side or rear lot line of the site of a use other than a residential use in a district other than an R or HM District adjoins an R District, the minimum side or rear yard shall be ten (10') feet greater than the minimum yard prescribed in said Zoning Schedule.

(d) On the street side of a corner lot the minimum side yard for a garage, carport, or off-street parking space required to serve a dwelling unit in an R District shall be twenty (20') feet, except that a

yard more than eight (8') feet greater than the side yard otherwise required on the street side of the site shall not be required, and provided that if the garage, carport, or off-street parking space is entered parallel to the street from which it has access, the minimum side yard shall be the same as the side yard otherwise required on the site.

(e) In an R or OR District, where the length of a wall or walls of a structure or structures adjoining an interior side yard exceeds sixty (60') feet, the width of the adjacent side yard shall be increased one (1') foot for every five (5') feet by which such wall or walls exceeds (60') feet, provided that no such side yard need exceed twenty (20') feet.

(f) In an RM or OR District on the site of a residential use other than a single family dwelling, the minimum interior side yard shall be ten (10') feet in width whenever the residential dwelling is designed with a living room window or main entrance adjoining said interior side yard.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 512-C.S., eff. March 8, 1990)

Sec. 10-5.206. Special yards in HM Districts.

In an HM District minimum yards adjoining Harrison Avenue, Buhne Street, and Harris Street shall be twenty-five (25') feet, and minimum yards adjoining H Street and I Street shall be fifteen (15') feet. Parking facilities shall not be located closer than fifteen (15') feet to a street property line, closer than ten (10') feet to an interior property line adjoining an R District, or closer than five (5') feet to any other interior property line, provided that a side or rear yard may be used for parking facilities adjoining other parking facilities in an HM District.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.207. Reserved.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; Repealed by § 3; Ord. 512-C.S., eff. March 8, 1990)

Sec. 10-5.208. Traffic sight obstructions.

The height of obstructions at corners of intersecting streets and

at alleys and driveways shall be regulated by Chapter 7 of Title 3 of this Code (Traffic Sight Obstructions).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.209. Projections into yards.

10-5.209.1. Architectural projections.

Architectural projections, including eaves, awnings, louvers, and similar shading devices, sills, belt courses, cornices, and similar features, and flues and chimneys may project not more than four (4') feet into a required front yard, rear yard, or side yard on the street side of a corner lot, and not more than two (2') feet into any other required yard, provided that no required interior side yard or rear yard shall be reduced to less than three (3') feet.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.209.2. Oriel windows.

Oriel windows may project not more than three (3') feet into a required front yard, rear yard, or side yard on the street side of a corner lot, or over a street right-of-way where no yard is required, provided that the aggregate width of oriel windows shall not exceed fifty (50%) percent of the length of the wall in which they are located and the width of any individual oriel window shall not exceed ten (10') feet, and provided that no portion of an oriel window or its supporting structure shall be less than eight (8') feet above the grade of the ground.

10-5.209.3. Porches and steps not over six feet above-ground.

Unroofed porches, steps, decks, and terraces may project not more than eight (8') feet into a required front yard or side yard on the street side of a corner lot, or to a point not closer than three (3') feet to an interior side or rear property line, provided that the height, including railings, shall not exceed six (6') feet above the grade of the ground at the property line.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.209.4. Balconies over six feet above-ground.

Balconies, decks, terraces, and other similar unroofed structures at a height, including railings, more than six (6') feet above the level at which a yard must be provided may project not more than eight (8') feet into a required front yard or rear yard and five (5') feet into any other yard, provided that they shall not reduce any yard

to less than five (5') feet except on the street side of a corner lot. Such structures shall be cantilevered or supported only by necessary columns. A balcony or deck projecting from a higher story may extend over a lower balcony or deck but shall not in such case be deemed a roof for the lower balcony or deck.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.209.5. Open stairways.

Open, unenclosed fire escapes and fireproof outside stairways may project into any required yard not more than four (4') feet, provided that no yard shall be reduced to less than three (3') feet.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.209.6. Covered patios.

Covered patios attached to a main structure may project not more than eight (8') feet into a required rear yard and five (5') feet into a required side yard within thirty-five (35') feet of the rear lot line, provided that the required side yard shall not be reduced to less than five (5') feet. A covered patio not attached to a main structure shall be deemed an accessory structure.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.209.7. Underground structures.

Covered underground structures may project without limit into any required yard provided they shall not have a height of more than two and one-half (2½') feet and their surfaces shall be landscaped.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.210. Height limits.

10-5.210.1. Measurement.

The height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable, or gambrel roof. The height of a fence or a wall used as a fence shall be measured from the higher finished grade adjoining the fence or wall.

(§ 2, Ord. 80 C.S., eff. October 16, 1966; § 1, Ord. 512-C.S., eff. March 8, 1990)

Sec. 10-5.210.2 Exceptions.

Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, transmission towers for wired telecommunications, fire towers, and similar structures and necessary mechanical appurtenances covering not more than ten (10%) percent of the ground area covered by the structure may be erected to a height of not more than 100 feet or not more than twenty-five (25') feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less. The height of wireless telecommunication facilities shall be regulated by Article 31 of this chapter (Wireless Telecommunication Facilities).

Sec. 10-5.210.3 Airport zoning regulations.

All structures shall be subject to the height limitations imposed by Chapter 1 of Title 10 of this Code (Airport Zoning).

Sec. 10-5.211. Accessory structures: Location and yards.

(a) In an R District, accessory structures may be located in a required rear yard or a required interior side yard within thirty-five (35') feet of the rear lot line, provided that the distances to lot lines shall not be less than prescribed in the zoning schedule set forth in Section 10-5.201 of this article and provided that in the aggregate no more than 500 square feet or ten (10%) percent of the area of the required rear yards, whichever is greater, shall be covered by structures, except as provided in division (d) of this section. Accessory structures located in required side or rear yards shall not be closer to a main structure or another accessory structure than the distances prescribed in the City Building Code and as provided in division (d) of this section.

(b) An accessory structure located not closer to a property line than the distance required for a main structure on the same site may join the main structure.

(c) On a reversed corner lot, an accessory structure shall not be located closer to the rear lot line than the required side yard on the adjoining key lot and not closer to the side property line adjoining the street than the required front yard on the adjoining key lot.

(d) On a site with a required rear yard adjoining an alley, accessory structures shall be not less than fifteen (15') feet from the center line of the alley, and accessory structures containing no habitable rooms may adjoin a main structure. In an RM or OR District,

accessory structures containing no habitable rooms may cover not more than sixty (60%) percent of a required rear yard adjoining an alley.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 512-C.S., eff. March 8, 1990; Ord. 537, eff. February 6, 1992)

Sec. 10-5.212. Usable open space.

(a) Group or private usable open space shall be provided for each dwelling unit in the RM, OR, CN, CC, CS, and CW Districts as prescribed in the Zoning Schedule set forth in Section 10-5.201 of this article. Each square foot of private usable open space shall be considered equivalent to two (2) square feet of group usable open space and may be so substituted. All required usable open space shall be planted area, or shall have a dust free surface, or shall be water surface, provided that not less than ten (10%) percent of the required group usable open space at ground level shall be landscaped with trees and other plant materials suitable for ornamentation. No required usable open space shall be located in a parking area, driveway, service area, or required front yard or have a slope greater than ten (10%) percent.

(b) Group usable open space shall have a minimum area of three hundred (300) square feet, and a square inscribed within it shall have a minimum dimension of fifteen (15') feet. Required space may be located on the roof of an attached garage or carport, but not more than twenty (20%) percent of the required space shall be located on the roof of a building containing habitable rooms.

(c) Private usable open space located at ground level shall have a minimum of one hundred fifty (150) square feet, and a square inscribed within in it shall have a minimum dimension of ten (10') feet. The minimum area of aboveground level space shall be fifty (50) square feet, and a square inscribed within it shall have a minimum dimension of five (5') feet. Private usable open space shall be adjacent to, and not more than four (4') feet above or below, the floor level of the dwelling unit served. Not more than fifty (50%) percent of ground level space may be covered by an overhang, balcony, or patio roof. Aboveground level space shall have at least one exterior side open above the railing height.

(d) Usable open space shall be permanently maintained by the owner in a neat and orderly condition.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 512-C.S., eff. March 8, 1990)

Sec. 10-5.213. Screening and landscaping.**10-5.213.1. Screening of parking and loading facilities adjoining or opposite an R District.**

In any district an open parking facility for more than five (5) cars or a loading area on a site adjoining or directly opposite across a street or alley from an R District shall be screened, except for necessary drives and walks, and provided that where an alley is used for maneuvering, no screening shall be required. Screening shall be six (6') feet in height, except that screening to protect properties across a street or alley may be not less than four (4') feet in height.
(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.213.2. Screening of uses adjoining RS Districts.

In any district where the site of a use other than a one-family dwelling or a duplex adjoins an RS District, screening six (6') feet in height shall be located adjoining the property line. Where the site of a use other than a dwelling adjoins an RS District, an area ten (10') feet in depth adjoining the property line shall be landscaped with plant materials, including a buffer of trees.
(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.213.3. Screening of uses adjoining RM Districts.

In any district where the site of a use other than a dwelling adjoins an RM District, screening six (6') feet in height shall be located adjoining the property line, and an area ten (10') feet in depth adjoining the property line shall be landscaped with plant materials, including a buffer of trees.
(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.213.4. Screening of open uses.

In a C or M District adjoining an HM District or directly opposite across a street or alley from an R or HM District and in a CS or M District adjoining or directly opposite across a street or alley from an OR, CN, CP, CC, or CW District, screening of a height specified by the Director of Planning shall screen a use not conducted

within a completely enclosed structure, other than a parking facility, a service station, or a drive-in, unless the Director of Planning determines that topographic or other conditions make screening unnecessary or ineffective for the protection of the opposite district or unless the Planning Commission finds that the characteristics of the use make screening unnecessary or ineffective for protection of the opposite district from adverse impact.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.213.5. Landscaping of parking facilities.

In an OR, HM, CN, CP, CC, or CW District, not less than two (2%) percent of the interior of a parking area shall be landscaped with trees and other plant materials suitable for ornamentation. Landscaped areas shall be distributed throughout the parking area. In addition, a landscaped area not less than two (2') feet in depth shall be located at the property lines adjoining the street frontages of the site except for necessary drives and walks.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.213.6. Landscaping of trailer parks.

Where a trailer park adjoins a street, an area twenty (20') feet in depth, except for necessary drives and walks, shall be landscaped with materials suitable for ensuring privacy and ornamenting the site.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.213.7. Landscaping in OR Districts.

In an OR District, a portion of the site visible from a street and comprising not less than three (3%) percent of the site area or gross floor area, whichever is greater, shall be landscaped with plant materials suitable for ornamenting the site. The landscaped area provided for an expansion of a use in an OR District shall be in addition to landscaped area existing prior to the expansion unless the pre-existing area exceeds the required minimum, in which instance it shall be counted in calculating the total area required. Landscaping required by Section 10-5.213.5 of this section (Landscaping of parking facilities) shall be counted in calculating the total area required.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.213.8. Screening and landscaping materials and maintenance.

Screening shall consist of a solid wall or fence, vine-covered fence, or compact evergreen hedge. Hedge materials used as screening shall be not less than three (3') feet in height when planted and shall

not be permitted to exceed the maximum specified height by more than one and one-half (1½) feet. Where buffers of trees are required, they shall have a mature height of not more than forty (40') feet and shall be planted not more than twenty (20') feet apart. All screening and landscaping shall be permanently maintained in neat and orderly condition by the owner. Plant materials shall be watered, weeded, pruned, and replaced as necessary to screen or ornament the site.
(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Article 3. Flood Hazard Area Regulations

Sec. 10-5.301. Purposes.

It is the purpose of this article to promote the public health, safety, and general welfare, and to minimize public and private loss due to flood conditions in specific areas. Provisions incorporated in this article are designed to minimize those losses through regulation of land use in areas of special flood hazard. This article shall apply to all lands officially designated as areas of special flood hazard.

(§ 2, Ord. 448-C.S., eff. June 19, 1986)

Sec. 10-5.302. Basis for establishing areas of special flood hazard.

The areas of special flood hazard are identified by the Federal Insurance Administration, through the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Eureka, California," dated July 19, 1985, with an accompanying Flood Insurance Rate Map which is hereby adopted by reference and declared to be a part of this article. The Flood Insurance Study is on file at City Hall, 531 "K" Street, Eureka, California, 95501.

Where the Flood Insurance Study and/or FIRM has not established base flood elevation data the Community Development Department shall obtain, review, and reasonably utilize any base flood elevation from a Federal, State or other source in order to administer Section 10-5.308, Standards, as criteria for regulating new construction, substantial improvements, or other development.
(§ 2, Ord. 448-C.S., eff. June 19, 1986; § 1, Ord. 460-C.S.)

Sec. 10-5.303. Definitions.

Unless specifically defined herein, words or phrases used in the article shall be interpreted so as to give them the meaning they

have in common usage and to give this article its most reasonable application.

(a) "Appeal" shall mean a request for a review of the Community Development Director's interpretation of any provision of this article or a request for a variance.

(b) "Area of shallow flooding" shall mean a designated AO, AH, or VO Zone on the FIRM. The base flood depths range from one (1') to three (3') feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

(c) "Area of special flood hazard" shall mean the land in the flood plain in the community subject to a one (1%) percent or greater chance of flooding in a given year. This area is designated as Zone A, AO, AH, A1-30, V, VE, VO or V1-30 on the FIRM.

(d) "Base flood" shall mean the flood having a one (1%) percent chance of being equalled or exceeded in any given year (also known as the 100 Year Flood).

(e) "Breakaway wall" shall mean a wall that is not part of the structure support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building of supporting foundation system.

(f) "Development" shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or dwelling operations located within the area of special flood hazard.

(g) "Flood" or "Flooding" shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal water and/or

(2) The unusual and rapid accumulation of runoff of surface waters from any source.

(h) "Flood Boundary Floodway Map" shall mean the official map on which the Federal Insurance Administration has delineated both the areas of flood hazards and the floodway.

(i) "Flood Insurance Rate Map (FIRM)" shall mean the official map on which the Federal Insurance Administration has delineated both areas of special flood hazards and the risk premium zones applicable to the community.

(j) "Flood Insurance Study" shall mean the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

(k) "Lowest floor" shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

(l) "Manufactured home" shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required facilities. For flood plain management purposes the term "manufactured home" shall also include park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

(m) "Manufactured home park or subdivision" shall mean a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(n) "New construction" shall mean structures for which the "start of construction" commenced on or after the effective date of this ordinance.

(o) "Regulatory floodway" shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The regulatory floodway is designated on the Flood Boundary and Floodway Map.

(p) "Sand dunes" shall mean naturally occurring accumulations of sand in ridges or mounds of landward of the beach.

(q) "Start of construction" (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), shall include substantial improvement, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or replacement or other improvement was within one hundred eighty (180) days of the permit date. The actual start shall mean either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land

preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

(r) "Structure" shall mean a walled and roofed building or manufactured home that is principally above ground.

(s) "Substantial improvement" shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either:

(1) Before the improvement or repair is started, or

(2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

a. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or

b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(t) "Variance" shall mean a grant of relief from the requirements of this article which permits construction in a manner that would otherwise be prohibited by this article.

(§ 2, Ord. 448-C.S., eff. June 19, 1986; § 2, Ord. 460-C.S.)

Sec. 10-5.304. Development permit application.

A development permit must be obtained from the Community Development Department prior to construction or development begins within any area of special flood hazard established in Section 10-5.302. Plans, in duplicate scale, for an application for development permit shall indicate the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(a) Proposed elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;

(b) Proposed elevation, in relation to mean sea level, to which any structure will be floodproofed;

(c) Certification by a registered engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 10-5.308; and

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

(e) Elevation certificates, on forms provided by FEMA, prepared by a registered engineer or architect for all structures in an area of special flood hazard or a floodway.

(§ 2, Ord. 448-C.S., eff. June 19, 1986; § 3, Ord. 460-C.S.)

Sec. 10-5.305. Development permit review.

Applications for a development permit shall be reviewed by the Community Development Department. The Community Development Department shall coordinate the review of development permits with other City departments. The development permit application shall be reviewed to determine the following.

(a) That the permit requirements of this article have been satisfied and that the site is reasonably safe from flooding.

(b) If the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this article, "adversely affects" shall mean that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one (1') foot at any point.

(§ 2, Ord. 448-C.S., eff. June 19, 1986)

Sec. 10-5.306. Information to be obtained and maintained.

The Community Development Department will obtain and maintain for public inspection and make available as needed for flood insurance policies, all certifications required in Sections 10-5.304, 10-5.305, 10-5.308, and 10-5.309.

(§ 2, Ord. 448-C.S., eff. June 19, 1986; § 4, Ord. 460-C.S.)

Sec. 10-5.307. Alteration of watercourses.

In reverine situations, the City of Eureka will notify adjacent communities and the California Department of Water Resources

prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. The flood carrying capacity of the altered or relocated portion of said watercourse shall be required to be maintained.

(§ 2, Ord. 448-C.S., eff. June 19, 1986)

Sec. 10-5.308. Standards.

In all areas of special flood hazards the following standards shall apply:

(a) *Anchoring:* All new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) *Construction materials and methods:*

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and using methods and practices that minimize flood damage.

(2) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered engineer or architect or must meet or exceed the following minimum criteria. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(c) *Elevation and floodproofing:*

(1) New construction and substantial improvement of structures shall be elevated to at least one (1') foot above the base flood elevation. Upon completion of the structure, the elevation of the bottom of the lowest structural member of the lowest floor, including basement shall be certified as meeting this requirement by a registered engineer or architect and provided to the Community Development Department. New nonresidential construction may meet the standards in Section 10-5.308(c)(2).

(2) New nonresidential construction shall be elevated in conformance with Section 10-5.308(c)(1).

(3) Additions to nonconforming, nonresidential, structures, shall be elevated in conformance with Section 10-5.308(c)(1) or, together with the attendant utility and sanitary facilities, meet the following requirements:

a. Be floodproofed so that at the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyance; and

c. Be certified by a registered professional engineer or architect that the professional developed and/or reviewed the structural design, specifications, and plans for construction, and that the design and methods of construction are in accordance with accepted standards of practice; and the standards of this subsection are satisfied. Such certification shall be provided to the Community Development Department.

(4) In no event shall basements be permitted below the base flood elevation.

(d) *Standards for storage and installation of materials and equipment:*

(1) The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

(3) Electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(e) *Standards for utilities:*

(1) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

(2) On-site disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(f) *Standards for subdivisions:*

(1) All tentative maps shall identify the flood hazard area and the base flood elevation. Proposals shall minimize the potential for flood damage in the design of the subdivision, including utilities as outlined in paragraph (e) above. Adequate drainage shall be provided to reduce exposure to flood damage.

(2) Final subdivision maps shall provide base flood elevations. If the site is filled above the base flood, the final pad elevations shall be certified by a registered engineer or architect.

(3) For all proposals for development of five (5) parcels or more the rate of flood discharge exiting the development after construction shall be equal or less than flood discharge at the location prior to the development and shall be certified by a registered professional engineer.

(g) *Standards for manufactured homes and manufactured home parks and subdivisions:*

(1) All manufactured homes shall be placed on permanent foundations such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation, and securely anchored to the elevated foundation system. If pilings are used for elevation, construction standards for pilings shall be met.

(2) All manufactured homes and manufactured home additions to be placed in areas of special flood hazard shall be installed using methods and practices which minimize flood damage including anchoring to resist flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(3) Adequate road access for a hauler and surface drainage shall be provided as determined by the Director of Public Works.

(4) Proposals for manufactured home parks or subdivision shall meet the requirements indicated in Section 10-5.308(f).

(§ 2, Ord. 448-C.S., eff. June 19, 1986; § 5, Ord. 460-C.S.)

Sec. 10-5.309. Regulatory floodways.

Located within areas of special flood hazard established in Section 10-5.302 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential the following provisions shall apply;

(a) The regulatory floodway shall be that floodway designated in the FIS, dated July 19, 1985.

(b) Encroachments, including fill, new construction, substantial improvements, and other development are prohibited

within the regulatory floodway unless certification by a registered engineer, is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(§ 2, Ord. 448-C.S., eff. June 19, 1986)

Sec. 10-5.310. Variances.

(a) Variances from the requirements may be issued as provided for in Section 60.6 of the National Flood Insurance Program (NFIP) Regulations and in Title 14 of the California Administrative Code for Coastal Zone areas. Requests for variances shall be made to the Director of Community Development who shall have the authority to review and approve, approve with conditions, or deny the request. The Director's decision may be appealed to the Eureka City Planning Commission in accordance with this section.

(b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to grant relief. Any applicant receiving a variance shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as Twenty-Five and no/100ths (\$25.00) Dollars for One Hundred and no/100ths (\$100.00) Dollars of insurance coverage and such construction below the base flood level increases risks to life and property.

(§ 2, Ord. 448-C.S., eff. June 19, 1986)

Sec. 10-5.311. Enforcement.

Enforcement of this article shall follow the procedures outlined in Section 10-5.2804 of this chapter of the Municipal Code.
(§ 2, Ord. 448-C.S., eff. June 19, 1986)

Sec. 10-5.312. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair existing easements, covenants, or deed restrictions. However, were this article and another article, easement, covenant or deed restriction to conflict or overlap, whichever imposes the more stringent restrictions shall prevail, specifically including Section 9-1.304 and Article 29 of this Municipal Code.
(§ 2, Ord. 448-C.S., eff. June 19, 1986)

Article 3.5. U Unclassified Districts**Sec. 10-5.351. Purposes.**

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), the U Unclassified District is included in this chapter to achieve the following purposes:

- (a) To provide a proper classification for submerged lands within and adjoining Humboldt Bay;
- (b) To permit certain uses which are compatible with open water areas which uses will not conflict with regulations established for safe navigation of shipping; and
- (c) To permit the review of development proposals to ensure the orderly growth and development of Humboldt Bay in a manner consistent with community goals, objectives, and values.
(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.352. Required conditions.

No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or traffic or to involve any hazard of fire or explosion.
(§ 2, Ord. 80 C.S., eff. October 16, 1966)

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Sec. 10-5.353. Conditional uses.

Any use permitted by this chapter, either as a permitted use or as a conditional use, may be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses); provided, however, a use permit shall not be required for docks, piers, and wharves, including launching ramps, when not in conflict with pierhead lines or bulkhead lines established by the United States Army Corps of Engineers. The use permit shall require that the use comply with the provisions of Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations) and Article 17 of this chapter (Signs), for a district specified by the use permit, or substitute regulations shall be prescribed by the use permit.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.354. Off-street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.355. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.356. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Article 4. A Agricultural Districts**Sec. 10-5.401. Purposes.**

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), the A Agricultural District is included in the zoning regulations to achieve the following purposes:

(a) To permit the conduct of certain agricultural pursuits on land that may be annexed to the City;

(b) To prevent premature urban development of certain lands, which eventually will be appropriate for urban uses, until the

installation of drainage works, streets, utilities, and community facilities makes orderly development possible; and

(c) To ensure adequate light, air, and privacy for each dwelling unit and to provide adequate separation between dwellings and facilities for housing animals.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.402. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or traffic or to involve any hazard of fire or explosion, provided that permitted agricultural pursuits conducted in accord with good practice shall not be deemed a nuisance.

(c) Animal keeping shall comply with the provisions of Chapter 1 of Title 5 of this Code (Animals).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.403. Permitted uses.

The following uses shall be permitted:

(a) One-family dwellings and farm employee housing for persons employed on the premises. Not more than one dwelling unit, other than farm employee housing, shall be located on each five (5) acres of the site. Manufactured homes shall meet the criteria prescribed in Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks).

(b) Animal breeding;

(c) Apiaries;

(d) Dairies and processing of dairy products;

(e) Field and truck crops;

(f) Fur farms and rabbit raising;

(g) Home occupations conducted in accord with the regulations prescribed in Article 19 of this chapter (Home Occupations);

(h) Livestock raising, not including feed lots where more than fifty (50%) percent of the feed is imported, or hog raising;

- (i) Nurseries, greenhouses, and botanical conservatories
- (j) Orchards
- (k) Poultry raising, egg processing, and hatcheries
- (l) Private kennels
- (m) Riding academies and stables
- (n) Accessory structures and uses located on the same site with a permitted use, including barns, stables, coops, tank houses, storage tanks, windmills, silos, other farm outbuildings, private garages and carports, one guest house or accessory living quarters without a kitchen for each dwelling on the site, storehouses, garden structures, greenhouses, recreation rooms and hobby shops, and the storage of petroleum products for the use of persons residing on the site

Sec. 10-5.404. Conditional Uses.

The following uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- (a) Airports and heliports
- (b) Animal sales yards
- (c) Automobile motorcycle racing stadiums and drag strips
- (d) Bulk storage of petroleum products for direct sale to consumers
- (e) Cemeteries, crematories, and columbariums
- (f) Charitable institutions and social service and social welfare centers
- (g) Churches, synagogues, temples and other institutions of worship
- (h) Commercial kennels
- (i) Commercial and private recreation facilities
- (j) Drive-in theaters
- (k) Farm equipment service and repair establishments
- (l) Fertilizer plants and yards
- (m) Gas and oil wells
- (n) Golf courses and golf driving ranges
- (o) Hospitals or sanitariums and nursing homes
- (p) Nursery schools
- (q) Private schools and colleges
- (r) Public utility and public service pumping stations, power stations, equipment buildings, installations, and service yards, drainage ways and structures, storage tanks, reservoirs, and transmission lines found by the Commission to be necessary for the public health, safety, or welfare
- (s) Quarrying and extraction of minerals
- (t) Resorts
- (u) Restaurants
- (v) Roadside stands for the sale of agricultural produce grown on the site
- (w) Stockyards and slaughterhouses
- (x) Veterinarians' offices;

(y) Wireless telecommunication facilities subject to the provisions of Article 31 of this Chapter (Wireless Telecommunication Facilities); and

(z) Accessory structure and uses located on the same site as a conditional use.

Sec. 10-5.405. Off-street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities), except that no space shall be required to be located in a garage or carport.

Sec. 10-5.406. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.407. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).

Sec. 10-5.408. Architectural review.

Conditional uses shall be subject to architectural review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review).

Sec. 10-5.409. Subdivision of A Agricultural Districts.

All land classified as A Agricultural District which has been or is hereafter subdivided for single-family residential use by the filing of an approved final subdivision map in accordance with Chapter 4 of Title 10 of this Code (Subdivisions), shall automatically be classi-

fied RS-6,000 One-Family Residential District without further proceedings and thereafter be classified in any proper district in accordance with the procedures prescribed in Article 27 of this chapter (Amendments).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Article 5. RS-6,000 One-Family Residential Districts

Sec. 10-5.501. Purposes.

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), the RS-6,000 One-Family Residential District is included in the zoning regulations to achieve the following purposes:

(a) To reserve appropriately located areas for family living at reasonable population densities consistent with sound standards of public health and safety;

(b) To ensure adequate light, air, privacy, and open space for each dwelling;

(c) To protect one-family dwellings from the lack of privacy associated with multi-family dwellings;

(d) To provide space for semipublic facilities needed to complement urban residential areas and for institutions that require a residential environment;

(e) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;

(f) To preserve the natural beauty of hillsides and avoid slide and drainage problems by encouraging retention of natural vegetation and discouraging mass grading;

(g) To provide necessary space for the off-street parking of automobiles and, where appropriate, for the off-street loading of trucks;

(h) To protect residential properties from the hazards, noise, and congestion created by commercial and industrial traffic;

(i) To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences; and

(j) To protect residential properties from fire, explosion, noxious fumes, and other hazards.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.502. Required conditions.

(a) All uses shall comply with the regulations prescribed in

Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or traffic or to involve any hazard of fire or explosion.

(§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.503. Permitted uses.

The following uses shall be permitted:

(a) One-family dwellings in which not more than three (3) paying guests may be lodged or boarded. Manufactured homes shall meet the criteria prescribed in Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicular Parks);

(b) Raising of fruit and nut trees, vegetables, and horticultural specialties;

(c) Home occupations conducted in accord with the regulations prescribed in Article 19 of this chapter (Home Occupations);

(d) Temporary subdivision sales offices conducted in accord with the regulations prescribed in Article 20 of this chapter (Temporary Subdivision Sales Offices);

(e) Accessory structures located on the same site with a permitted use, including private garages and carports, one guest house or accessory living quarters without a kitchen, storehouses, garden structures, greenhouses, recreation rooms, and hobby areas within an enclosed structure;

(f) Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than five (5') feet from a property line; and

(g) Keeping horses, rabbits, poultry, and bees in accord with the provisions of Chapter 1 of Title 5 of this Code (Animals).

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 515-C.S., eff. May 19, 1990; Ord. 526-C.S., eff. June 20, 1991)

Sec. 10-5.504. Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- (a) Secondary dwelling units as provided in Article 18.5 of this chapter (Secondary Dwelling Units)
- (b) Charitable institutions
- (c) Churches, convents, monasteries, parish houses, parsonages, and other religious institutions
- (d) Commercial nursery growing grounds
- (e) Golf courses
- (f) Nursery schools
- (g) Nursing homes for not more than three (3) patients
- (h) Parking facilities improved as prescribed in Article 15 of this chapter (Off-Street Parking Facilities), on a site having a side property line which adjoins an OR, HM, C, or M District, or is opposite and separated therefrom only by an alley, or on a site that has a rear property line adjoining an OR, HM, C, or M District and has access therefrom, provided that the site of the parking facility shall not extend more than 150 feet from the boundary of the OR, HM, or M District
- (i) Private recreation parks and swim clubs
- (j) Private schools and colleges, not including art, craft, music, dancing, business, professional, or trade schools and colleges
- (k) Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Commission to be necessary for the public health, safety, or welfare
- (l) Accessory structures and uses located on the same site as a conditional use
- (m) "Bed and breakfast inn" in which not more than fifteen (15) paying guests may be lodged or boarded, provide the site of such inn shall not be less than one acre
- (n) Timber harvest of less than three acres
- (o) Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

Sec. 10-5.505. Off-street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities).

Sec. 10-5.506. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities). (§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.507. Signs.

No sign, outdoor advertising structure, or display of any character

shall be permitted except as prescribed in Article 17 of this chapter (Signs).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.508. Architectural review.

Conditional uses shall be subject to architectural review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Article 6. RM Multi-Family Residential Districts

Sec. 10-5.601. Purposes.

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), the RM Multi-Family Residential Districts are included in the zoning regulations to achieve the following purposes:

(a) To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with sound standards of public health and safety;

(b) To preserve as many as possible of the desirable characteristics of the One-Family Residential District while permitting higher population densities;

(c) To ensure adequate light, air, privacy, and open space for each dwelling unit;

(d) To provide space for semipublic facilities needed to complement urban residential areas and space for institutions that require a residential environment;

(e) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;

(f) To provide necessary space for the off-street parking of automobiles and, where appropriate, for the off-street loading of trucks;

(g) To protect residential properties from the hazards, noise, and congestion created by commercial and industrial traffic;

(h) To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences; and

(i) To protect residential properties from fire, explosion, noxious fumes, and other hazards.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.601.1. Special purposes of RM-2,500 Districts.

(a) To permit the replacement of obsolete single-family dwellings with duplexes and multi-family dwellings that will not significantly change the predominant low density residential character of their surroundings;

(b) To provide a multi-family district that will have sufficient open space to encourage the construction of dwelling units large enough to be suitable for family living; and

(c) To provide a multi-family district suitable for the development of cluster housing and town houses or row houses on large sites.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.601.2. Special purposes of RM-1,000 Districts.

(a) To permit higher densities in areas close to employment areas where single-family dwellings are expected to be progressively replaced by multi-family dwellings; and

(b) To provide an opportunity for trailer parks to locate in a residential environment.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.602. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to person residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or traffic or to involve any hazard of fire or explosion.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.603. Permitted uses.

The following uses shall be permitted in the RM-2,500 and RM-1,000 Districts:

(a) Any use permitted under Section 10-5.503 of Article 5 of this chapter (Permitted Uses), in RS-6,000 One-Family Residential Districts;

(b) Combinations of attached or detached dwelling units, including duplexes, multi-family dwellings, dwelling groups, row houses, and town houses;

(c) Lodging houses and bed and breakfast inns in which not more than fifteen (15) paying guests may be lodged or boarded.

(d) Nursing homes for not more than (3) patients; and

(e) Accessory structures and uses located on the same site as permitted use.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 4, Ord. 340-C.S.)

Sec. 10-5.604. Conditional uses.

The following conditional uses shall be permitted in the RM-2,500 and RM-1,000 Districts upon the granting of a use permit in accordance with the provisions of Article 24 of this chapter (Conditional Uses):

(a) Charitable institutions;

(b) Churches, convents, monasteries, parish houses, parsonages, and other religious institutions;

(c) Commercial nursery growing grounds;

(d) Golf courses;

(e) Nursery schools;

(f) Nursing homes, not including nursing homes for mental, drug addict, or liquor addict cases;

(g) Parking facilities improved as set forth in Article 15 of this chapter (Off-Street Parking Facilities) on site having a side property line which adjoins an OR, HM, C, or M District, or is opposite and separated therefrom only by an alley, or on a site that has a rear property line adjoining an OR, HM, C, or M District and has access therefrom; provided, however, the site of the parking facility shall not extend more than 1,500 feet from the boundary of the OR, HM, C, or M District.

(h) Private recreation parks and swim clubs;

(i) Private schools and colleges, not including art, craft, music, dancing, business, professional, or trade schools and colleges;

(j) Private noncommercial clubs and lodges, not including employment officer;

(k) Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare;

(l) Mobilehome parks in an RM-1000 District in accordance with the provisions of Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks).

- (m) Accessory structures and uses located on the same site as a conditional use
- (n) Family care homes and halfway houses
- (o) Timber harvest of less than three (3) acres
- (p) Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

Sec. 10-5.605. Off-street parking.

Off-street parking facilities shall be provided for each use as set forth in Article 15 of this chapter (Off-Street Parking Facilities).

Sec. 10-5.606. Off-street loading.

Off-street loading facilities shall be provided for each use as set forth in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.607. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as set forth in Article 17 of this chapter. (Signs).

Sec. 10-5.608. Site plan review and architectural review.

All permitted uses, except one-family dwellings, multi-family dwellings containing not more than six (6) dwelling units, and dwelling groups containing not more than six (6) units, shall be subject to site plan review as set forth in Article 18 of this chapter (Site Plan Review and Architectural Review). All conditional uses shall be subject to architectural review.

Article 7. OR Office and Multi-Family Residential Districts.

Sec. 10-5.701. Purposes.

In addition to the objectives set forth in Section 10-5.102 of Article 1 of this chapter (Objectives), the OR Office and Multi-Family Residential District is included in the zoning regulations to achieve the following purposes:

- (a) To provide opportunities for offices of a semi-commercial character to locate outside commercial districts;
- (b) To provide space for semi-public facilities and institutions which appropriately may be located in office and multi-family dwelling districts;

(c) To provide adequate space to meet the needs of modern offices, including the off-street parking of automobiles and, where appropriate, the off-street loading of trucks;

(d) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;

(e) To protect offices and multi-family dwellings from noise, disturbance, traffic hazards, safety hazards, and other objectionable influences incidental to certain commercial uses; and

(f) To protect offices and multi-family dwellings from fire, explosion, noxious fumes, and other hazards.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.702. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) All professional pursuits and businesses shall be conducted entirely within a completely enclosed structure except for off-street parking and loading areas.

(c) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or truck traffic or to involve any hazard of fire or explosion.

(§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.703. Permitted office/multi-family residential (OR) uses.

The following uses shall be permitted:

(a) Any use permitted under Section 10-5.603 of Article 6 of this chapter (Permitted uses) in RM Districts, provided that there shall be not less than 1,000 square feet of site area per dwelling unit, and provided that units not located above a permitted nonresidential use shall be subject to the requirements for usable open space per dwelling unit of the RM-1,000 District. Yards at and above the first level occupied by dwelling units shall be as required in the RM District;

(b) Administrative, business, and professional offices;

(c) Any other use which is determined by the Planning Commission, as provided in Article 23 of this chapter (Determination as to Uses Not Listed), to be similar to be used listed in subsection (b) of this section;

(d) Mobile vendors;

(e) Parking facilities, including fee parking facilities approved in conformity with the standards prescribed for required off-street parking facilities in Section 10-5.1504 of Article 15 of this chapter (Standards for Off-Street Parking Facilities); and

(f) Accessory structures and uses located on the same site as a permitted use.

(g) Cannabis distribution facilities, where no cannabis is on-site, subject to the provisions of Article 30 (Cannabis).

Sec. 10-5.704. Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

(a) Nursing homes, not including nursing homes for mental, drug addict, or liquor addict cases;

(b) Private schools and colleges, including music and dance studios not less than 150 feet from an R District;

(c) Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare;

(d) Accessory structures and uses located on the same site as a conditional use;

(e) Family care homes and halfway houses;

(f) Charitable institutions;

(g) Churches and other religious institutions;

(h) Nursey schools;

(i) Private noncommercial clubs and lodges;

(j) Mortuaries;

(k) Motels and hotels; and

(l) Retail and service establishments that are compatible with and complementary to other permits uses, including only:

(1) Art and artists' supply stores;

(2) Art galleries and stores selling objects of art;

(3) Banks and savings and loan offices;

(4) Bail bonding establishments;

(5) Bars not less than 150 feet from an R District;

(6) Barber shops and beauty shops;

(7) Book stores and rental shops;

(8) Candy stores;

(9) Finance companies;

(10) Florists;

(11) Gift shops;

(12) Interior decorating shops;

(13) Prescription pharmacies provided at least 80% of the interior display area of a pharmacy shall be used for the sale of prescription or trade drugs and provided liquor shall not be sold;

(14) Restaurants and soda fountains, not including drive-in establishments, not less than 150 feet from an R District;

(15) Telegraph offices; and,

(16) Travel agencies.

(m) Timber harvest of less than three acres;

(n) Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

(o) Cannabis testing facilities where no cultivation, processing, manufacturing, wholesale, retail, or distribution of cannabis occurs, subject to the provisions of Article 30 (Cannabis).

Sec. 10-5.705. Off-street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities).

Sec. 10-5.706. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.707. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).

Sec. 10-5.708. Architectural review.

Architectural review requirements for conditional uses are specified in Article 24, Sec. 10-5.2421 of this chapter.

Article 8. HM Hospital-Medical Districts

Sec. 10-5.801. Purposes.

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), the HM Hospital-Medical District is included in the zoning regulations to achieve the following purposes:

(a) To permit the development of major health facilities according to standards that minimize adverse impact on adjoining residential areas;

(b) To protect major health facilities from unrelated and incompatible uses and to encourage related medical facilities to locate in proximity to each other;

(c) To reserve appropriately located areas for health facilities in order to stimulate the City's development as a major medical center;

(d) To provide adequate expansion space for major health facilities;

(e) To provide adequate space to meet the off-street parking and loading needs of health facilities;

(f) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;

(g) To protect major health facilities from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences; and

(h) To protect health facilities from fire, explosion, noxious fumes, and other hazards.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.802. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) All professional pursuits and businesses shall be conducted entirely within a completely enclosed structure except for off-street parking and loading areas.

(c) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-

carried wastes, noise, vibration, illumination, glare, unsightliness, or truck traffic or to involve any hazard of fire or explosion.

Sec. 10-5.803. Permitted uses.

The following uses shall be permitted:

- (a) Hospitals or sanitariums, nursing homes, and family care homes;
- (b) Medical and dental offices and clinics, including offices of physicians, dentists, podiatrists, osteopaths, chiropractors, optometrists, and physical therapists;
- (c) Medical and dental laboratories;
- (d) Prescription pharmacies provided that at least eighty (80%) of the interior display area of a pharmacy shall be used for the sale of prescription or trade drugs, and provided that liquor shall not be sold;
- (e) Any use which is determined by the Planning Commission, as provided in Article 23 of this chapter, (Determination as to Uses Not Listed), to be similar to the uses listed in this section;
- (f) Parking facilities, including fee parking facilities improved in conformity with the standards prescribed for required parking facilities in Section 10-5.1504 of Article 15 of this chapter (Standards for off-street parking facilities);
- (g) Wireless telecommunication facilities located more than 150' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities); and
- (h) Accessory structures and uses located on the same site as a permitted use; and
- (i) Cannabis research and development facilities, subject to the provisions of Article 30 Section 10-5.3007.2 of this chapter (Cannabis); and
- (j) Cannabis testing facilities where no cultivation, processing, manufacturing, wholesale, retail, or distribution of cannabis occurs, subject to the provisions of Article 30 of this chapter (Cannabis).

Sec. 10-5.804. Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- (a) Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Commission to be necessary for the public health, safety, or welfare;
- (b) Heliports;
- (c) Required off-street parking facilities located on a site separated from the use which the facilities serve, as prescribed in subsection (b) of Section 10-5.1505 of Article 15 of this chapter (Location of off-street parking facilities);
- (d) Off-street parking facilities improved as prescribed in Article 15 of this chapter (Off-Street Parking Facilities); and
- (e) Accessory structures and uses located on the same site as a conditional use;
- (f) Any use permitted in Section 10-5.603 of Article 6 of this chapter (Permitted Uses). In "RM" Districts, subject to all the requirements of the "RM 1000" District. "HM" District regulations shall control where they impose greater restrictions.
- (g) Timber harvest of less than three (3) acres; and

(h) Cannabis retail facilities subject to the provisions of Article 30 of this chapter (Cannabis); and

(i) Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis).

(j) Wireless telecommunication facilities located within 150' of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

Sec. 10-5.805. Off street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities), except that no space shall be required to be located in a garage or carport.

Sec. 10-5.806. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.807. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).

Sec. 10-5.808. Architectural review.

Architectural review requirements for conditional uses are specified in Article 24, Sec. 10-5.2421 of this chapter.

Article 9. C Commercial Districts

Sec. 10-5.901. Purposes.

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), the C Commercial Districts are included in the zoning regulations to achieve the following purposes:

(a) To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and whole-

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sale businesses offering commodities and services required by residents of the City and its surrounding market area;

(b) To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to

concentrate for the convenience of the public and in mutually beneficial relationship to each other;

(c) To provide space for community facilities and institutions that appropriately may be located in commercial areas;

(d) To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;

(e) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;

(f) To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses; and

(g) To protect commercial properties from fire, explosion, noxious fumes, and other hazards.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.901.1. Special purposes of CN Neighborhood Commercial Districts.

(a) To provide appropriately located areas for retail stores, offices, and personal service establishments patronized primarily by residents of the immediate area; and

(b) To permit the development of neighborhood shopping centers of limited size and in locations shown on the Eureka Area General Plan according to standards that minimize adverse impact on adjoining residential uses.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.901.2. Special purposes of CP Planned Shopping Center Commercial Districts.

(a) To provide large sites at appropriate locations for major shopping centers which provide a wide variety of goods and services drawing trade from the entire Humboldt Bay area. The principal establishment of a CP Planned Shopping Center Commercial District shall ordinarily be a variety store;

(b) To provide for the development of an organized group of compatible commercial uses planned and designed as an integral unit consistent with modern standards for site planning and landscape design; and

(c) To minimize the adverse affect of major commercial facilities on nearby dwellings and minimize traffic congestion on public highways and streets.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.901.3. Special purposes of CC Central Commercial Districts.

(a) To maintain compactness and encourage more intensive development in Humboldt County's principal business district; and

(b) To maximize the efficiency of the central district by limiting or prohibiting uses that break the continuity of commercial frontage or are incompatible with an attractive pedestrian shopping area.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.901.4. Special purposes of CW Waterfront Commercial Districts.

(a) To encourage upgrading of the use of strategically located sites between the central business district and Humboldt Bay by creating an environment suitable for establishments catering to tourists; and

(b) To protect and maintain certain industrial uses that require waterfront locations.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.901.5. Special purposes of CS Service Commercial Districts.

(a) To provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts;

(b) To permit additional development in mixed commercial areas containing both retail stores and commercial services; and

(c) To allow a wider choice of location for certain industrial uses that do not have an adverse impact on commercial services.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.902. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) In a CN, CC, CP, or CW District all businesses, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, exhibits of goods sold, manufactured, or processed on the premises, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots, and utility substations and equipment installations.

(c) In a CN District all products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced.

(d) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic or to involve any hazard of fire or explosion.

Sec. 10-5.903. Permitted and conditional uses.

(a) The following uses shall be permitted uses or conditional uses in a C District provided the symbol P, for permitted use, or C or MC, for conditional use appears in the column beneath each C District. Conditional uses shall be permitted upon the granting of a use permit (C), or a minor use permit (MC) in accord with the provisions of Article 24 (Conditional Uses) of this chapter, and the Director of Planning or Planning Commission may require the submission of reports by technical consultants or other evidence in addition to the data prescribed in Article 24 (Conditional Uses) of this chapter:

	CN	CP	CC	CW	CS
Accessory uses and structures located on the same site as a permitted use		P	P	P	P
Accessory uses and structures, not including warehouses, located on the same site as a permitted use	P				
Accessory uses and structures located on the same site as a conditional use	C	C	C	C	C
Addressograph services			P	P	P
Arts and crafts schools and colleges	P		P	P	P
Administrative, business, and professional offices, except medical and dental offices	P	P	P	P	P
Ambulance services					P
Amusement parks					C
Arts and artists' supply stores	P	P	P	P	P
Art galleries and stores selling objects of art	P	P	P	P	P
Auction rooms		P	P		P
Auction establishments, including outdoor displays					P
Automobile and motorcycle racing stadiums and drag strips					C
Automobile rental agencies			P		P
Automobile repairing, overhauling, rebuilding, and painting					P
Automobile (new car) sales and services, including used car sales incidental to new car sales			P		P

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	CN	CP	CC	CW	CS
Automobile tire sales (see "Tire sales and service")					
Automobile (used car) sales					P
Automobile supply stores		P	P		P
Automobile upholstery and top shops					P
Automobile washing, including the use of mechanical conveyors, blowers, and steam cleaners					P
Bakeries					P
Bakeries, including baking for sale on the premises only	P	P	P		P
Bail bonds			P		P
Banks	P	P	P		P
Banquet rooms		P	P		P
Banquet rooms not less than 150 feet from an R District	P				
Barber shops and beauty shops	P	P	P	P	P
Bars		P	P	P	P
Bars not less than 150 feet from an R District	P				
Beverage distributors					P
Bicycle shops	P	P	P		P
Blacksmith shops not less than 300 feet from an R or OR District					P
Blueprint and photostat shops	C	P	P		P
Boat sales, services, and repairs				P	P
Bookbinding					P
Book stores and rental libraries	P	P	P	P	P
Bottling works					P
Bowling alleys			P	P	P
Building materials' yards other than gravel, rock, or cement yards not less than 300 feet from an R or OR District					P

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	CN	CP	CC	CW	CS
Bus depots, provided buses shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site			P	P	P
Business, professional, and trade schools and colleges	C	P	P	P	P
Cabinet shops					P
Candy stores	P	P	P	P	P
Cannabis cultivation facilities, indoor, not more than 5,000 square feet of cultivation area, subject to the provisions of Article 30.					C
Cannabis distribution facilities, cannabis on site, with or without transportation, subject to the provisions of Article 30.					P
Cannabis distribution facilities, transportation only, where no cannabis is on-site, subject to the provisions of Article 30	MC		P		P
Cannabis manufacturing facilities, non-volatile, 5,000 square feet or less of manufacturing floor area, subject to the provisions of Article 30.					MC
Cannabis microbusiness facilities, subject to the provisions of Article 30	10-5.3007.1		10-5.3007.1		10-5.3007.1
Cannabis non-volatile manufacturing facilities, more than 5,000 square feet of manufacturing floor area, subject to the provisions of Article 30.					C
Cannabis research and development facilities with research and development plants, indoor, not more than 5,000 square feet of floor area, where no cultivation, processing, manufacturing, wholesale, retail, or distribution of cannabis occurs, subject to the provisions of Article 30			10-5.3007.2		10-5.3007.2
Cannabis retail facilities subject to the provisions of Article 30	C		C		C

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Cannabis testing facilities where no cultivation, processing, manufacturing, wholesale, retail, or distribution of medical cannabis occurs, subject to the provisions of Article 30			P		P
Cannabis transportation facilities, located separate from a distribution facility, subject to the provisions of Article 30	MC		P	MC*	P
Card rooms			P	P	P
Carpenter shops					P
Carpet and rug cleaning and dyeing					P

	CN	CP	CC	CW	CS
Catering establishments					P
Charitable institutions	C	C	C	C	C
Charitable institutions, including lodging houses or dormitories providing temporary quarters for transient unemployed persons, organizations devoted to collecting or salvaging new or used materials, or organizations devoted principally to distributing food, clothing, or supplies on a charitable basis			C		C
Christmas tree sales lots	P	P	P	P	P
Churches, parsonages, parish houses, monasteries, convents, and other religious institutions	C	C	C	C	
Cigar stores	P	P	P	P	P
Circuses, carnivals, and other transient amusement enterprises		C			C
Cleaning and dyeing					P
Cleaning and dyeing, including the use of one synthetic dry cleaning machine using nonexplosive solvents and having a capacity of not more than forty (40) pounds per cycle only	P	P	P		P
Cleaning, coin-operated	P	P	P	P	P
Clinics (see Medical and dental offices)					
Clothing and costume rental establishments	P	P	P	P	P
Clothing stores	P	P	P	P	P
Cold storage plants					P
Columbariums and crematories not less than 300 feet from an R or OR District					P
Contractors' equipment rental or storage yards not less than 300 feet from an R or OR District					P
Dairy products plants					P
Dairy products manufacturing for retail sales on the premises only	P	P	P	P	P
Dance halls			P	P	P
Delicatessen stores	P	P	P	P	P
Department stores		P	P	P	P
Diaper supply services					P
Drive-in theaters					C

	CN	CP	CC	CW	CS
Drugstores	P	P	P	P	P
Dry goods stores	P	P	P	P	P
Electrical appliance sales and repair stores, provided repair services shall be incidental to retail sales	P	P	P		P
Electrical repair shops			P		P
Employment agencies			P		P
Feed and fuel stores					P
Finance companies	P	P	P	P	P
Florists	P	P	P	P	P
Food lockers	P	P	P		P
Food stores and supermarkets	P	P	P	P	P
Freight forwarding terminals					P
Frozen food distributors					P
Furniture stores	P	P	P	P	P
Fur shops	P	P	P	P	P
Garden shops	P	P	P	P	P
Gift shops	P	P	P	P	P
Glass replacement and repair shops					P
Golf driving ranges					P
Gunsmiths		P	P	P	P
Gymnasiums		P	P	P	P
Hardware stores	P	P	P	P	P
Heating and ventilating shops					P
Hobby shops	P	P	P	P	P
Hospital equipment			P		P
Hotels and motels			P	P	P
Household appliance stores	P	P	P		P
Household repair shops			P		P
Ice storage houses					P
Ice vending stations	P	P	P	P	P
Interior decorating shops	P	P	P	P	P
Janitorial services and supplies			P		P
Jewelry stores	P	P	P	P	P
Kennels not less than 300 feet from an R or OR District					C
Laboratories			P	P	P
Laundry plants					P
Laundries, self-service type	P	P	P	P	P
Leather goods and luggage stores	P	P	P	P	P
Light industrial uses permitted in subsection (a) of Section 10-5.1003.1 (ML Limited					

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Industrial District) provided all conditions prescribed in Section 10-5.902 of this article are met					
Linen supply services					C
Liquor stores	P	P	P	P	P
Live storage, killing or dressing of poultry or rabbits for retail sale on premises not less than 300 feet from an R or OR District.					P
Locksmiths	P	P	P	P	P
Lumber yards, not including planing mills or sawmills, not less than 300 feet from an R or OR District					P
Machinery sales and rentals					P
Massage and physical culture studios		P	P	P	P
Mattress repair shops					P
Marine sales, services, and repairs				P	P
Medical and dental offices	P	P	P	P	
Medical and orthopedic appliance stores	P	P	P	P	P
Meeting halls		P	P	P	P
Meeting halls not less than 150 feet from an R District	P				
Mens' furnishing stores	P	P	P	P	P
Messengers' offices	P	P	P	P	P
Millinery shops	P	P	P	P	P
Mobile vendors	P	P	P	P	P
Mobilehome parks in accordance with the regulations prescribed in Article 21 of this chapter (Mobile Home Parks, and Recreational Vehicle Parks)					C
Mortorcycles sales and services					P
Mortuaries			P		P
Motels and hotels			P	P	P
Music stores	P	P	P	P	P
Music and dance studios		P	P	P	P
Music and dance studios not less than 150 feet from an R District	P				
Musical instrument repair shops	P	P	P	P	P
Newstands	P	P	P	P	P
Nurseries and garden supply stores					P

	CN	CP	CC	CW	CS
Paint, glass, and wallpaper shops	P	P	P		P
Parcel delivery services, including garage facilities for trucks but excluding repair shop facilities			P		P
Parcel delivery services, including repair shop facilities					P
Parking facilities, including required off-street parking facilities, located on a site separated from the use which the facilities serve as prescribed in subsection (b) of Section 10-5.1505 of Article 15 of this chapter	C		C	C	C
Parking facilities, including fee parking facilities improved in conformity with the standards prescribed for required off-street parking facilities in Section 10-5.1504 of Article 15 of this chapter	P	P	P	P	P
Pet and bird stores		P	P	P	P
Pet and bird stores not less than 150 feet from an R District	P				
Phonograph record stores	P	P	P	P	P
Photographic supply stores and studios	P	P	P	P	P
Picture framing shops	P	P	P	P	P
Piers, docks, and wharves				P	
Plumbing, heating, and ventilating equipment showrooms with storage for floor samples only			P		P
Plumbing shops					P
Pony riding rings		C			C
Pool halls			P	P	P
Post offices	P	P	P	P	P
Prefabricated structure sales					C
Prescription pharmacies and dental and optical laboratories	P	P	P	P	P
Pressing establishments	P	P	P	P	P
Printing shops			P	P	P
Printing, including lithographing and engraving			C	C	P
Private clubs and lodges			P	P	P
Private clubs and lodges not less than 150 feet from an R District	P				
Private museums			C	C	

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Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines.					P
Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare.	C	C	C	C	
Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).			P	P	P
Passenger railroad stations				P	P
Racetracks					C
Realtors and real estate offices	P	P	P	p	P
Recreational vehicle parks in accordance with the regulations prescribed in Article 21 of this chapter (Manufactured Homes, Mobile homes, Commercial Coaches, Mobile home Parks and Recreational Vehicle Parks)					C
Refrigeration equipment					P
Rental hand tools, garden tools, power tools, trailers, and other similar equipment		P	P		P
Residential uses	See Section 10-5.903 (b)				
Restaurants and soda fountains, not including drive-in establishments, not less than 150 feet from an R District	P	P	P	P	P
Restaurants and soda fountains, including drive-in establishments, not less than 150 feet from an R District	C	C			C
Restaurants and soda fountains, not including drive-in establishments			P	P	P
Restaurants and soda fountains, including drive-in establishments					C

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Riding stables					C	
Savings and loan offices	P	P	P	P	P	
Safe and vault repairing					P	
Scientific instrument shops	P	P	P	P	P	
Secondhand stores and pawn shops			P	P	P	
Self-service laundries and self-service dry-cleaning establishments	P	P	P	P	P	
Seafood processing for human consumption, not including seafood processing for fish oils				P		
Septic tank and cesspool installation and service					P	
Service stations, including truck and trailer rentals					P	
Service stations, not including trailer rentals, provided all operations, except the sale of gasoline and oil and the washing of cars, shall be conducted within a building enclosed on at least three (3) sides	C	C	C		P	
Sheet metal shops					P	
Shoe repair shops	P	P	P		P	
Shoe stores	P	P	P	P	P	
Shooting galleries within buildings					P	
Sign painting shops			P		P	
Skating rinks					P	
Skating rinks within buildings		P	P	P	P	
Small animal boarding not less than 300 feet from an R or OR District					P	
Sporting goods stores	P	P	P	P	P	
Sports areas or stadiums					C	
Sports arenas within buildings		P	P	P	P	
Stamp and coin stores	P	P	P	P	P	
Stationery stores	P	P	P	P	P	
Stenographic services	P	P	P	P	P	
Stone and monument yards not less than 300 feet from an R or OR District					P	
Storage buildings for household goods			P		P	
Storage yards for commercial vehicles					P	
Storage yards for fuel or flammable liquids					C	
Swimming pool sales and services					P	
Tailor and dressmaking shops	P	P	P	P	P	
Taxidermists					P	
Taxicab stands	P	P	P	P	P	

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Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities). Tire sales and service, not including retreading and recapping, or mounting of heavy truck tires	P	P	P	P	P
Television and radio sales and repair stores	P	P	P	P	P
Theaters and auditoriums within buildings		P	P	P	P
Ticket agencies	P	P	P	P	P
Tire sales and service, including retreading and recapping		P	P		P
Tool and cutlery sharpening or grinding					P
Toy stores	P	P	P	P	P
Travel agencies and bureaus	P	P	P	P	P
Travelers' aid societies		P	P	P	P
Truck and trailer rentals, sales, and services					P
Truck scales					P
Trucking terminals not less than 150 feet from an R or OR District					P
Umbrella repair shops	P	P	P		P
Variety stores	P	P	P	P	P
Vending machine services					P
Veterinarians' offices and small animal hospital including short-term boarding of animals and incidental care, such as bathing and trimming, provided all operations are conducted entirely within a completely enclosed building which complies with the specifications of soundproof construction which shall be prescribed by the Building Inspector					P
Veterinarians' offices and small animal hospitals, including operations not conducted within a completely enclosed building, not less than 300 feet from an R or OR District					C
Warehouses except for the storage of fuel or flammable liquids					P
Watch and clock repair shops	P	P	P	P	P

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	CN	CP	CC	CW	CS
Welding shops not less than 300 feet from an R or OR District					P
Wholesale establishments					P
Wholesale establishments without stocks	P	P	P	P	
Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).	C	C	C	C	C
Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).	P	P	P	C	P
Women's apparel accessory stores	P	P	P	P	P

(b) Any use permitted under Section 10-5.603 of Article 6 of this chapter (Permitted uses) in RM Districts shall be permitted in a CN, CC, CS, or CW District provided the minimum size of such dwelling units shall be not less than as set forth in the Building Code and Housing Code of the City and provided, further, dwelling units not located above a permitted nonresidential use shall be subject to the requirements for usable open space per dwelling unit of the RM-1,000 District. Yards at and above the first level occupied by dwelling units shall be as required by Section 10-5.201 of Article 2 of this chapter.

(c) Any other use which is determined by the Planning Commission, as provided in Article 23 of this chapter (Determination as to Uses Not Listed), to be similar to the uses listed in subsection (a) of this section shall be a permitted use or a conditional use in the districts in which the uses to which it is similar are permitted uses or conditional uses.

(§ 2, Ord. 80-C.S., eff. October 16, 1966, as amended by § 2, Ord. 168-C.S., eff. July 2, 1971; § 1, Ord. 512-C.S., eff. March 8, 1990; Ord. 526-C.S., eff. June 20, 1991)

Sec. 10-5.903.1. Pickup truck camper and canopy assembly.

Pickup truck camper and canopy assembly, sales, and service, when conducted entirely within an enclosed building, shall be a permitted use in CS Service Commercial Districts and a conditional use in CW Waterfront Commercial Districts.

(§ 2, Ord. 121-C.S., eff. May 23, 1969)

Sec. 10-5.903.2. Restaurants and drive-in restaurants.

The provisions of subsection (a) of Section 10-5.903 of this article shall not apply to the following uses which shall be permitted uses or conditional uses in a C District provided the symbol P, for permitted use, or C, for conditional use, appears in the column beneath the C District:

	<i>CN</i>	<i>CP</i>	<i>CC</i>	<i>CW</i>	<i>CS</i>
1. Restaurants and soda fountains, not including drive-in establishments	C	C	P	P	P

	<i>CN</i>	<i>CP</i>	<i>CC</i>	<i>CW</i>	<i>CS</i>
2. Restaurants and soda fountains, not including drive-in establishments, 150 feet or more from an R District	P	P	P	P	P
3. Restaurants and soda fountains, including drive-in establishments, 150 feet or more from an R District	C	C			C
4. Restaurants and soda fountains, including drive-in establishments, less than 150 feet from an R District					C

(§ 1, Ord. 151-C.S., eff. November 6, 1970)

Sec. 10-5.903.3. Service stations.

The provisions of subsection (a) of Section 10-5.903 of this article shall not apply to the following uses which shall be permitted uses or conditional uses in a C District provided the symbol P, for permitted use, or C, for conditional use, appears in the column beneath the C District:

	<i>CN</i>	<i>CP</i>	<i>CC</i>	<i>CW</i>	<i>CS</i>
1. Service stations, including automobile, truck, and trailer rentals as accessory uses only		C			P
2. Service stations, not including automobile, truck, and trailer rentals as accessory uses, provided all operations, except the sale of gasoline and oil and the washing of cars, shall be conducted within a building enclosed on at least three (3) sides	C	C	C		P

(§ 2, Ord. 197-C.S., eff. March 9, 1973)

Sec. 10-5.903.4. Ambulance services.

The provisions of subsection (a) of Section 10-5.903 of this article shall not apply to the following use which shall be a permitted use or conditional use in a C District provided the symbol P, for permitted use, or C, for conditional use, appears in the column beneath the C District:

	<i>CN</i>	<i>CP</i>	<i>CC</i>	<i>CW</i>	<i>CS</i>
1. Ambulance service	C				P

(§ 1, Ord. 268-C.S., eff. November 5, 1976)

Sec. 10-5.904. Off-street parking.

Off-street parking facilities shall be provided for each use as set forth in Article 15 of this chapter (Off-Street Parking Facilities).
(§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.905. Off-street loading.

Off-street loading facilities shall be provided for each use as set forth in Article 16 of this chapter (Off-Street Loading Facilities).
(§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.906. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as set forth in Article 17 of this chapter (Signs).
(§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.907. Site plan review and architectural review.

All permitted uses shall be subject to site plan review as set forth in Article 18 of this chapter (Site Plan Review and Architec-

tural Review). Conditional uses shall be subject to architectural review.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Article 10. M Industrial Districts

Sec. 10-5.1001. Purposes.

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), the M Industrial Districts are included in the zoning regulations to achieve the following purposes:

(a) To reserve appropriately located areas for industrial plants and related activities;

(b) To protect areas appropriate for industrial uses from intrusion by dwellings and other inharmonious uses;

(c) To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic, and other objectionable influences, and from fire, explosion, noxious fumes, radiation, and other hazards incidental to certain industrial uses;

(d) To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationship to each other;

(e) To provide adequate space to meet the needs of modern industrial developments, including off-street parking and truck loading areas and landscaping;

(f) To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and agricultural districts; and

(g) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1001.1. Special purposes of the ML Limited Industrial Districts.

(a) To provide locations for industries that can operate in close proximity to commercial and residential uses with minimum mutual adverse impact; and

(b) To protect light industrial and related uses from nuisances associated with heavy industrial uses.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1001.2. Special purpose of the MG General Industrial Districts.

To provide locations where industries that are incompatible with most other land uses can operate with minimum restriction and with minimum adverse effect on other uses.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1002. Required conditions.

All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations), and with the following additional regulations:

10-5.1002.1. Air pollution.

In an ML District no use shall be permitted which emits any air pollutant detectable by the human senses without the aid of instruments beyond the boundaries of the site. In an MG District no use shall be permitted which emits any air pollutant detectable by the human senses without the aid of instruments beyond the boundaries of the MG District.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1002.2. Emissions.

No use shall be permitted which creates any emission which endangers human health, can cause damage to animals, vegetation, or other property, or which can cause soiling at any point beyond the boundaries of the site.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1002.3. Smoke.

In an ML District no use shall emit visible gray smoke of a shade equal to or darker than No. 2 on a standard Ringlemann Chart issued by the United States Bureau of Mines or smoke of an equivalent opacity, except that smoke of a shade equal to No. 3 on a Ringlemann Chart or smoke of equivalent opacity may be emitted for four (4) minutes in any thirty (30) minute period.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1002.4. Noise.

In an ML District no use, except a temporary construction operation, shall be permitted which creates, at any point beyond the boundaries of the site, noise of a maximum sound pressure level greater than the values given in the following table. In an MG District no use, except a temporary construction operation, shall be

permitted which creates, at any R District boundary, noise of a maximum sound pressure level greater than the values given in the following table:

Octave Band (Cycles per Second)	Maximum Permitted Sound Pressure Level (Decibels)
Below 75	72
75 - 149	67
150 - 299	59
300 - 599	52
600 - 1,199	46
1,200 - 2,399	40
2,400 - 4,799	34
4,800 and above	32

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1002.5. Odor.

No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the M District when diluted in the ratio of one volume of odorous air to four (4) volumes of clean air.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1002.6. Vibration, heat and cold, glare, and electrical disturbances.

No use, except a temporary construction operation, shall be permitted which creates vibration, changes in temperature, direct or sky reflected glare, or electrical disturbances detectable by the human senses without the aid of instruments beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1002.7. Radiation.

No use shall be permitted which emits dangerous radioactivity.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1002.8. Insect nuisance.

No use shall be permitted which creates insect nuisance beyond the boundaries of the site.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1003. Permitted uses.

The following uses shall be permitted:

Sec. 10-5.1003.1. ML Limited Industrial Districts.

(a) Light industrial and related uses, including only:

(1) Manufacturing, assembling, compounding, packaging, and processing of articles or merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fibre, and synthetic fibre, fur, glass, hair, ink, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semiprecious metals or stones, rubber, shells, straw, textiles, tobacco, and wood (not including a planing mill or a sawmill);

(2) Manufacturing, assembling, compounding, packaging, and processing cosmetics, drugs, pharmaceuticals, perfumes, perfumed toilet soap (not including refining or rendering of fats or oils), and toiletries;

(3) Manufacture of ceramic products, such as pottery, figurines, and small glazed tile, utilizing only previously pulverized clay, provided that kilns are fired only by electricity or gas;

(4) Manufacture and maintenance of electric and neon signs, commercial advertising structures, and light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like;

(5) Manufacture of scientific, medical, dental, and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments, musical instruments, and cameras and photographic equipment, except film;

(6) Assembly of small electric appliances, such as lighting fixtures, irons, fans, toasters, and electric toys, but not including refrigerators, washing machines, dryers, dishwashers, and similar home appliances;

(7) Assembly of electrical equipment, such as radio and television receivers, phonographs, and home motion picture equipment, but not including electrical machinery;

(8) Manufacture and assembly of electrical supplies, such as coils, condensers, crystal holders, insulation, lamps, switches, and wire and cable assembly, provided no noxious or offensive fumes or odors are produced;

(9) Manufacture of cutlery, hardware, and hand tools, die and pattern making, metal stamping, and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons, and kitchen utensils;

(10) Manufacturing, canning, and packing of food products, including fruits and vegetables, but not including meat pro-

ducts, pickles, sauerkraut, vinegar, or yeast, dehydrating of garlic or onions, or refining or rendering of fats and oils;

(11) Processing, packing, and canning of seafood for human consumption, not including processing seafood for fish oils;

(12) Bakeries;

(13) Blacksmith shops;

(14) Boat buildings;

(15) Bottling works;

(16) Building material storage yards;

(17) Bus depots;

(17.1) Cannabis cultivation facilities, indoor, not more than 5,000 square feet of cultivation area, subject to the provisions of Article 30 (Cannabis);

(17.2) Cannabis distribution, cannabis on site, with or without transportation facilities, subject to the provisions of Article 30 (Cannabis);

(17.3) Cannabis distribution, transportation only, no cannabis on site facilities, subject to the provisions of Article 30 (Cannabis);

(17.4) Cannabis manufacturing facilities, non-volatile, more than 5,000 square feet of floor area, subject to the provisions of Article 30 (Cannabis);

(17.5) Cannabis manufacturing facilities, non-volatile, 5,000 square feet or less of floor area, subject to the provisions of Article 30 (Cannabis);

(17.6) Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 (Cannabis);

(17.7) Cannabis testing facilities, where no cultivation, processing, manufacturing, wholesale, retail, or distribution of cannabis occurs, subject to the provisions of Article 30 (Cannabis);

(17.8) Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 (Cannabis);

(18) Cold storage plants;

(19) Contractors' equipment yards;

(20) Dairy products plants;

(21) Freight forwarding terminals;

(22) Furniture manufacture;

(23) Ice manufacture;

(24) Janitorial services and supplies;

(25) Kennels;

(26) Laboratories;

(27) Laundry and cleaning plants;

(28) Lumber yards, not including planing mills or saw mills;

(29) Machine shops not involving the use of drop hammers, automatic screw machines, or punch presses with a rated capacity of over twenty (20) tons;

(30) Mattress manufacture;

(31) Metal finishing and plating;

(32) Mobile vendors

(33) Offices, not including medical or dental offices;

(34) Printing, lithographing, and engraving;

(35) Public utility and public service pumping stations, equipment buildings and installations, service yards, power stations, drainage ways and structures, storage tanks, and transmission lines;

(36) Railroad stations;

(37) Repair shops, including electrical, glass and automotive;

(38) Sheet metal shops;

(39) Storage yards for commercial vehicles;

(40) Textile, knitting and hosiery mills;

(41) Trucking terminals;

(42) Warehouses, except for the storage of fuel or flammable liquids;

- (43) Veterinarians' offices and small animal hospitals;
- (44) Welding shops;
- (45) Woodworking shops and cabinet shops; and
- (46) Pickup truck camper and canopy assembly; and

(b) Any other use which is determined by the Planning Commission, as provided in Article 23 of this chapter (Determination as to Uses Not Listed), to be similar to the uses listed in subsection (a) of this section;

(c) Retail sales establishments with single occupant floor areas of forty thousand (40,000) square feet or larger;

(d) Wholesale stores with single occupant floor areas of forty thousand (40,000) square feet or larger and public utility buildings and uses;

(e) Parking lots improved in conformity with the standards prescribed for required parking facilities in Section 10-5.1504 of Article 15 of this chapter (Standards for off-street parking facilities); and

(f) Accessory structures and uses located on the same site as a permitted use.

(§ 2, Ord. 80-C.S., eff. October 16, 1966, as amended by § 3, Ord. 121-C.S., eff. May 23, 1969, and § 1, Ord. 153-C.S., eff. December 4, 1970; § 1, Ord. 551-C.S., eff. December 17, 1992)

Sec. 10-5.1003.2. MG General Industrial Districts.

(a) All uses permitted in Section 10-5.1003.1 of this article (ML Limited Industrial Districts);

(b) Heavy industrial and related uses, including only:

- (1) Aircraft and aircraft accessories and parts manufacture;
- (2) Automobile, truck, and trailer accessories and parts manufacture;
- (3) Automobile, truck, and trailer assembly;
- (4) Bag cleaning;
- (5) Battery manufacture;
- (6) Boiler works;
- (7) Box factories and cooperages;
- (8) Breweries and distilleries;
- (9) Building materials manufacture and assembly, including composition wallboards, partitions, panels, and prefabricated structures;
- (10) Business machines manufacture, including accounting machines, calculators, card-counting equipment, and typewriters;
- (11) Can and metal container manufacture;
- (12) Candle manufacture, not including rendering;
- (13) Carpet and rug manufacture;

(14) Cement products manufacture, including concrete mixing and batching;

(15) Chemical products manufacture provided no hazard of fire or explosion is created, including adhesives, bleaching products, bluing, calcimine, dyestuffs (except aniline dyes), essential oils, soda and soda compounds, and vegetable gelatin, glue, and size;

- (16) Clay products manufacture, including brick, fire brick, tile, and pipe;
- (17) Cork manufacture;
- (18) Cotton ginning and cotton wadding and linter manufacture;
- (19) Firearms manufacture;
- (20) Flour, feed, and grain mills;
- (21) Food products manufacture, including such processes as cooking, dehydrating, roasting, refining, pasteurization, and extraction involved in the preparation of such products as casein, cereal, chocolate and cocoa products, cider and vinegar, coffee, glucose, milk and dairy products, molasses and syrups, oleomargarine, pickles, rice, sauerkraut, sugar, vegetable oils, and yeast;
- (22) Glass and glass products manufacture;
- (23) Graphite and graphite products manufacture;
- (24) Gravel, rock, and cement yards;
- (25) Hair, felt, and feathers processing;
- (26) Insecticides, fungicides, disinfectants, and similar industrial and household chemical compounds manufacture;
- (27) Jute, hemp, sisal, and oakum products manufacture;
- (28) Leather and fur finishing and dyeing, not including tanning and curing;
- (29) Machinery manufacture, including heavy electrical, agricultural, construction, and mining machinery, and light machinery and equipment, such as air conditioning, commercial motion picture equipment, dishwashers, dryers, furnaces, heaters, refrigerators, ranges, stoves, ovens, and washing machines;
- (30) Machine tools manufacture, including metal lathes, metal presses, metal stamping machines, and woodworking machines;
- (31) Match manufacture;
- (32) Meat products processing and packaging, not including slaughtering and glue and size manufacture;
- (33) Metal alloys and foil manufacture, including solder, pewter, brass, bronze, and tin, lead, and gold foil;
- (34) Metal casting and foundries, not including magnesium foundries;
- (35) Motor and generator manufacture;
- (36) Motor testing of internal combustion motors;
- (37) Painting, enameling, and lacquering shops;
- (38) Paper products manufacture, including shipping containers, pulp goods, carbon paper, and coated paper stencils;
- (39) Paraffin products manufacture;
- (40) Plastics manufacture;

(41) Porcelain products manufacture, including bathroom and kitchen fixtures and equipment;

(42) Precious metals reduction, smelting, and refining;

(43) Railroad equipment manufacture, including railroad car and locomotive manufacture;

(44) Railroad freight stations, repair shops, and yards;

(45) Rubber products manufacture, including tires and tubes;

(46) Sandblasting;

(47) Shoe polish manufacture;

(48) Starch and dextrine manufacture;

(49) Steel products manufacture and assembly, including steel cabinets, lockers, doors, fencing, and furniture;

(50) Stone products manufacture and stone processing, including abrasives, asbestos, stone screening, and sand and lime products;

(51) Structural steel products manufacture, including bars, girders, rails, and wire rope;

(52) Textile bleaching;

(53) Wire and cable manufacture;

(54) Wood and lumber processing and woodworking, including planing mills, saw mills, excelsior, plywood, veneer, and wood-preserving treatment; and

(55) Wool scouring and pulling; and

(c) Any other use which is determined by the Planning Commission, as provided in Article 23 of this chapter (Determination as to Uses Not Listed), to be similar to the uses listed in subsections (a) and (b) of this section.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1004. Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses), and the Planning Commission may require the submission of reports by technical consultants or other evidence in addition to the data prescribed in Section 10-5.2402 of Article 24 of this chapter (Applications and fees):

10-5.1004.1. ML Limited Industrial Districts.

(a) Any of these uses listed in subsection (b) of Section 10-5.1003.2 of this article (MG General Industrial Districts) provided that, on the basis of the use permit application and the evidence sub-

mitted, the Planning Commission makes the following findings in addition to the findings prescribed in Section 10-5.2407 of Article 24 of this chapter (Findings):

(1) That consideration of all determinable characteristics of the use that is the subject of the application indicates that the use has the same essential characteristics as the uses listed as permitted uses in subsection (a) of Section 10-5.1003.1 of this article (ML Limited Industrial Districts) with respect to the method of operations, type of process, materials, equipment, structures, storage, and appearance;

(2) That the use will conform with each of the principles and standards prescribed for uses in the ML District in Section 10-5.1002 of this article (Required conditions); and

(3) That the use will not create significantly, more vehicular or rail traffic than the volumes normally created by the permitted uses in subsection (a) of Section 10-5.1003.1 of this article (ML Limited Industrial Districts);

(b) Storage of fuel and flammable liquids;

(c) Storage of logs or wood chips;

(d) Recreational vehicle parks in accordance with the provisions of Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks);

(e) Accessory structures and uses located on the same site as a conditional use;

(f) Motor vehicle wrecking yards and scrap metal yards;

(g) Gymnastics schools, and health clubs;

(h) Cannabis manufacturing facilities, volatile, small, subject to the provisions of Article 30 of this chapter (Cannabis).

(i) Cannabis retail facilities, subject to the provisions of Article 30 of this chapter (Cannabis).

10-5.1004.1.1 Minor Use Permit

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses), and the Director of Planning or Planning Commission may require the submission of reports by technical consultants or other evidence in addition to the data prescribed in Article 24 of this chapter (Conditional Uses):

(a) Cannabis cultivation facilities, indoor, not more than 10,000 square feet of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis).

10-5.1004.2. MG General Industrial Districts

(a) The following uses and other uses which involved nuisances, dangers of fire or explosion, or other hazards to health and safety provided the Planning Commission shall make a specific finding that the use will conform with each of the required conditions prescribed for uses in the MG District in Section 10-5.1002 of this article (Required conditions) in addition to the findings prescribed in Section 10-5.2407 of Article 24 of this chapter (Findings):

(1) Airports and heliports;

(2) Asphalt and asphalt products manufacture;

(2.1) Cannabis manufacturing facilities, volatile, large, subject to the provisions of Article 30 of this chapter (Cannabis)

(2.2) Cannabis manufacturing facilities, volatile, small, subject to the provisions of Article 30 of this chapter (Cannabis)

(2.3) Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis)

(2.4) Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis).

(2.5) Cannabis retail facilities, subject to the provisions of Article 30 of this chapter (Cannabis).

(3) Cement, lime, gypsum, and plaster of paris manufacture;

(4) Charcoal, lampblack, and fuel briquettes manufacture;

(5) Chemical products manufacture, including acetylene, aniline dyes, ammonia, carbide, caustic, soda, cellulose, chlorine, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxylin, rayon yarn, and carboric, hydrochloric, picric, and sulfuric acids;

(6) Coal, coke, and tar products manufacture;

(7) Drop forges;

(8) Dumps and slag piles;

(9) Explosives manufacture and storage;

(10) Fertilizer manufacture;

(11) Film manufacture;

(12) Fireworks manufacture and storage;

(13) Fish products processing and packaging;

(14) Garbage dumps;

(15) Gas manufacture or storage;

(16) Gas and oil wells;

(17) Gelatine, glue, and size manufacture from animal or fish refuse;

(18) Incineration or reduction of garbage, offal, and dead animals;

(19) Junk yards;

(20) Lard manufacture;

(21) Linoleum and oil cloth manufacture;

(22) Magnesium foundries;

(23) Manure, peat, and topsoil processing and storage;

(24) Metal and metal ores reduction, refining, smelting, and alloying;

(25) Motor vehicle wrecking yards;

(26) Oil and gas pipelines;

(27) Paint manufacture, including enamel, lacquer, shellac, turpentine, and varnish;

(28) Paper mills;

(29) Petroleum and petroleum products storage;

(30) Pulp mills;

(31) Quarries, gravel pits, mines, and stone mills;

(32) Rifle ranges;

(33) Rolling mills;

;

- (34) Rubber manufacture or processing, including natural or synthetic rubber and gutta-percha;
 - (35) Soap manufacture, including fat rendering;
 - (36) Steam plants;
 - (37) Stockyards and slaughterhouses;
 - (38) Storage of inflammable liquids;
 - (39) Storage of used building materials;
 - (40) Tallow manufacture;
 - (41) Tanneries and curing and storage of rawhides;
 - (42) Wood and bones distillation;
 - (43) Wood pulp and fiber reduction and processing;
 - (44) Storage of logs or wood chips;
- (b) Accessory structures and uses located on the same site as a conditional use; and

10-5.1004.2.2 Minor Use Permit

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses), and the Director of Planning or Planning Commission may require the submission of reports by technical consultants or other evidence in addition to the data prescribed in Article 24 of this chapter (Conditional Uses):

- (a) Cannabis cultivation facilities, indoor, not more than 10,000 square feet of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis).
- (b) Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1
- (c) Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis).

Sec. 10-5.1005. Off street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities), except that no space shall be required to be located in a garage or carport.

Sec. 10-5.1006. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.1007. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).

Sec. 10-5.1008. Architectural review.

Architectural review requirements for conditional uses are specified in Article 24, Sec. 10-5.2421 of this chapter.

Article 11. P Public Districts**Sec. 10-5.1101. Purposes.**

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), the P Public District is included in the zoning regulations to provide a procedure for the orderly establishment of public facilities, expansion of their operations, or changes in the use of lands owned by governmental agencies.

Sec. 10-5.1102.1 Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter 9Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations). Each yard space shall be not less than the yard required in the district adjoining or directly across the street from each property line, but the Planning Commission may require larger yards and may establish limits to height, bulk, and coverage as a condition of a use permit in order to ensure compatibility with adjoining uses.

(b) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or truck traffic or to involve any hazard of fire or explosion.

Sec. 10-5.1103. Permitted uses.

(a) Each use and structure existing in a P District as of the adoption date of these regulations is hereby declared to be a conforming use and structure; and

(b) Mobile vendors.

Sec. 10-5.1104. Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- (a) Airports;
- (b) Animal shelters;
- (c) Boat harbors and wharves;
- (d) Hospitals;
- (e) Parks, zoos, golf courses, playgrounds, and other public recreation facilities;
- (f) Public buildings and grounds;
- (g) Public schools, including nursery, elementary, junior high, and high schools, colleges and universities;
- (h) Public pumping stations, power stations, equipment buildings, and installations, corporation yards, drainage ways and structures, reservoirs, storage tanks, and sewage treatment plants; and
- (i) Required off-street parking facilities located on a site separate from the use which the facilities serve, as prescribed by subsection (b) of Section 10-5.1505 of Article 15 of this chapter (Location of off-street parking facilities).

Sec. 10-5.1105. Off-street parking.

Off-street parking facilities shall be provided for each use as pre

scribed in Article 15 of this chapter (Off-Street Parking Facilities). (§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1106. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities). (§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1107. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs). (§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1108. Architectural review.

All uses shall be subject to architectural review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review). (§ 2, Ord. 80 C.S., eff. October 16, 1966)

Article 12. -PD Planned Unit Development Combining Districts

Sec. 10-5.1201. Purposes.

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), -PD Planned Unit Development Combining Districts are included in the zoning regulations in order to provide locations for well-planned developments that conform with the General Plan although the developments deviate in certain respects from the zoning map and district regulations. The planned unit development provisions are intended to allow freedom of design in order to obtain development that will be an asset to the City by equaling or surpassing the quality required by the regulations for the district with which a -PD District is combined. A site may be rezoned to a combined district permitting a planned unit development provided the development complies with the regulations prescribed in this article.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1202. Combining districts.

A planned unit development district may be combined with an R, OR, HM, C, or M District by a change of district to a Combined

Planned Unit Development District in accord with the provisions of Article 27 of this chapter (Amendments), provided the findings prescribed by Section 10-5.2707.5 of Article 27 of this chapter (Applications for Planned Unit Development Districts: Additional requirements) are made. A planned unit development district shall be designated by the letters -PD following the full R, OR, HM, C, or M District designation.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1203. Required conditions.

10-5.1203.1. Site area.

The site shall be at least three (3) acres in area and shall have a frontage of at least 100 feet on a public street, provided that the minimum site area requirement shall not apply to a redevelopment project as defined by the California Community Redevelopment Law. All of the site area shall be in one ownership at the time of a change of district to a combined planned unit development district; the site may include a combination of separately recorded properties. (§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1203.2. Site area per dwelling unit.

For the purpose of determining the number of dwelling units permitted in a -PD District, all street rights-of-way, or equivalent private vehicular accessways, and all areas occupied by nonresidential uses, other than community open space occupied by landscaping, natural vegetation, or water, and available for the use of all residents of the -PD District, shall be subtracted, and the remaining area shall be divided by the minimum site area per dwelling unit required in the district with which the -PD District is combined. The maximum number of units that would be permitted if the site were not in a -PD District may be increased by not more than ten (10%) percent. (§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1203.3. Open space.

In addition to the usable open space per dwelling unit required in the RM-2,500 District, a planned unit development containing dwellings shall include open space occupied by landscaping, natural vegetation, or water, and available for the use of all residents of the -PD District, equal to not less than ten (10%) percent of the minimum site area per dwelling unit in the district with which the -PD District is combined times the number of dwelling units in the -PD District. The Planning Commission shall require appropriate location, development, and provisions for perpetual maintenance of

the open space to serve the needs of residents of a planned unit development.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1203.4. Additional requirements.

Additional site development requirements shall include, but not be limited to, the following:

(a) Except as provided in this section, a planned unit development shall meet all of the requirements of Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations) for the district in which it is located.

(b) Vehicular and pedestrian traffic shall be separated, and pedestrian access shall be through landscaped areas, not through alley-like approaches.

(c) Buildings shall be placed so as to create a variety of open areas thereby eliminating a corridor or barracks-like effect.

(d) Walks, steps, parking areas, and recreation areas shall be lighted for safe and convenient night use.

(e) Parking areas and drives shall be designed to minimize traffic hazards and adverse visual impact.

(f) Desirable natural features of the site, including trees, shall be preserved where feasible.

(g) Landscaping shall be provided to enhance the appearance of buildings and grounds, to screen unsightly features, and to control erosion.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1204. Use permits required.

No zoning permit shall be issued for any site in a -PD District until a use permit for the entire -PD District has been granted in accord with the provisions of Article 24 of this chapter (Conditional Uses).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1205. Plans required.

In lieu of the map required by subsection (b) of Section 10-5.2402.2 of Article 24 of this chapter (Maps), an application for a use permit for a planned unit development shall be accompanied by a plan of the entire planned unit development, drawn to scale, and showing the contours of the site at intervals of not more than five (5') feet; provisions for drainage of surface waters; watercourses; railroad and public utility rights-of-way; streets, driveways, and pedestrianways; lot layout; schools, parks, playgrounds, and other open

spaces; dwelling types; nonresidential uses; locations, elevations, and schematic floor plans of structures; locations of existing trees proposed to be retained; and locations and the design of landscaped areas. The application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the numbers and floor areas of each of the various dwelling types proposed and the net site area per dwelling unit. The Director of Planning may require additional information or drawings if necessary to evaluate the application.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1206. Conditional uses.

A planned unit development shall include only uses permitted, either as permitted uses or conditional uses, in the zoning district with which the -PD District is combined, provided that any use permitted in an RS or RM District as a permitted use or as a conditional use, or any combination of such uses, may be included in a planned unit development located in an R District.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1207. Status of approved plans for planned unit developments.

The approved site plan for a planned unit development shall govern all development on the site. If approval is granted for subsequent division of the planned unit development district into two (2) or more parcels, the approved plan shall govern the development of each of the separate parcels.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1208. Subdivisions of planned unit developments.

The Planning Commission may approve the subdivision of a planned unit development into lots or as a condominium if the Commission finds that adequate provisions are in force to ensure the perpetual maintenance of all areas and improvements proposed to be owned in common, or to be maintained in common, and to ensure that additional development will conform with the approved plan.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1209. Architectural review.

All uses shall be subject to architectural review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Article 13. -AR Architectural Review Combining Districts**Sec. 10-5.1301. Purposes.**

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), the -AR Architectural Review Combining District is included in the zoning regulations to achieve the following purposes:

(a) To preserve the historical character of certain areas as major tourist attractions reflecting the economic, social, cultural, and architectural heritage of the City;

(b) To ensure orderly and harmonious development in the vicinity of certain public sites and buildings;

(c) To ensure the continuation of high standards of development that have been established in certain portions of the City; and

(d) To ensure that high standards of development will be maintained for certain uses that are to be permitted in certain locations on the condition that prescribed development standards be met. (§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1302. Combining districts.

An -AR Architectural Review Combining District may be combined with any other district. All regulations for the district combined with the -AR District shall apply except as provided in Section 10-5.1303 of this article.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1303. Architectural review.

All uses shall be subject to architectural review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review), and the purposes and standards prescribed in Section 10-5.1801.2 of Article 18 of this chapter (Architectural review) shall apply.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Article 14. S Study Districts**Sec. 10-5.1401. Purposes.**

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), the S Study District is included in the zoning regulations to achieve the following purposes:

(a) To provide a district into which unzoned territory or newly-annexed territory that has not been rezoned shall be auto-

matically classified, pending study and reclassification, to an F, A, R, OR, HM, C, M, or U District; and

(b) To permit the review of each development proposal in areas where changing conditions or the inadequacy of existing zoning regulations indicates the need for special study and possible amendments to this chapter.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1402. Annexed and unzoned territory.

(a) All territory which is annexed to the City, and has not been prezoned, or territory which is unzoned shall be automatically classified in the S Study District.

(b) Within sixty (60) days after territory is automatically classified in an S District, the Director of Planning shall submit to the Planning Commission a written report recommending in which zoning district the territory should be classified in order to carry out the objectives of this chapter.

(c) Within thirty (30) days after receipt of the report of the Director of Planning, the Commission shall initiate an amendment to reclassify the territory to an F, A, R, OR, HM, C, M, or U District as prescribed in Article 27 of this chapter (Amendments).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1403. Other territory.

(a) The Planning Commission or the Council may initiate the reclassification of any territory from any other district to an S District in accord with the provisions of Article 27 of this chapter (Amendments) provided the Commission or the Director of Planning is conducting, or intends to conduct, studies within a reasonable time for the purpose of initiating a further amendment to this chapter that would affect the property reclassified to an S District.

(b) Reclassification of any territory from any other district to an S District shall be in accord with the provisions of Article 27 of this chapter (Amendments) provided the Council shall designate the property as an S District by a two-thirds (2/3) vote, and such designation shall become void one year following the date on which the designation was adopted. Two (2) one-year extensions may be adopted provided the Council shall adopt each extension by a four-fifths (4/5) vote, and each extension shall become void one year following the date on which the extension was adopted. Each extension shall be treated as an amendment and shall be adopted in accord with the provisions of Article 27 of this chapter (Amendments). Unless reclassified to another district, on expiration of the

S District designation the property shall revert automatically to the classification held immediately prior to designation as an S Study District.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1404. Required conditions.

No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibrations, illumination, glare, unsightliness, or traffic or to involve any hazard of fire or explosion, provided that agricultural pursuits pre-existing or authorized by conditional use permits and conducted in accord with good practices shall not be deemed a nuisance.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1405. Permitted uses.

No use, structure, or sign lawfully occupying a site immediately prior to its classification as an S District shall become nonconforming by reason of being classified in an S District.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1406. Conditional uses.

Any use permitted by this chapter, either as a permitted use or as a conditional use, may be permitted or extended, or any structure may be altered or enlarged upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses) provided, in order to allow reasonable time for special study, no application for a use permit shall be accepted for a use other than a use permitted in an R District or an extension of an existing use until property has been reclassified to an S District for sixty (60) days. The use permit shall require that the use comply with the provisions of Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations) and Article 17 of this chapter (Signs) for a district specified by the use permit, or substitute regulations shall be prescribed by the use permit.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1407. Off-street parking.

Off-street parking facilities shall be provided for each use as pre-

scribed in Article 15 of this chapter (Off-street parking facilities).
(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1408. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-street Loading Facilities).
(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1409. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).
(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Article 15. Off-Street Parking Facilities

Sec. 10-5.1501. Purposes.

In order to alleviate progressively or to prevent traffic congestion and shortage of curb spaces, off-street parking facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses. The number of parking spaces prescribed in this article or to be prescribed by the Planning Commission shall be in proportion to the need for such facilities created by the particular type of land use. Off-street parking areas shall be laid out in a manner that will ensure their usefulness, protect the public safety, and, where appropriate, insulate surrounding land uses from their impact.
(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1502. Basic requirements.

(a) At the time of initial occupancy, major alteration, or enlargement of a site, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street parking facilities for automobiles in accord with the schedule of off-street parking space requirements prescribed in Section 10-5.1503 of this article. For the purposes of this section, the terms "major alteration" or "enlargement" shall mean a change of use or an addition which would increase the number of parking spaces required by not less than ten (10%) percent of the total number required. The number of parking spaces provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement unless the pre-existing number is greater than the number prescribed in Section

10-5.1503 of this article, in which instance the number in excess of the prescribed minimum shall be counted in calculating the number provided to serve the major alteration or enlargement.

(b) If, in the application of the requirements of this article, a fractional number is obtained, one parking space shall be provided for a fraction of one-half ($\frac{1}{2}$) or more, and no parking space shall be required for a fraction of less than one-half ($\frac{1}{2}$).

(c) For a use not specified in Section 10-5.1503 of this article, the same number of off-street parking spaces shall be provided as is required for the most similar specified use as determined by the Director of Planning.

(d) The facilities required by these requirements represent the minimum that will be required by the various land use types. It shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking even though such parking is in excess of the minimum requirements set forth in these requirements.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 480-C.S., eff. February 18, 1989)

Sec. 10-5.1503. Schedule of off-street parking space requirements.

10-5.1503.1. Dwellings and lodgings.

(a) One-family dwellings: Two (2) spaces, one of which is located in a garage or carport, for each dwelling unit; provided that in an OR or C District there shall be one space in a garage or carport for each dwelling unit.

(b) All other dwellings: One space for each dwelling unit, plus one additional space for each two (2) dwelling units except in an OR or C District.

(c) Motels, hotels, lodging houses, and private clubs providing sleeping accommodations: One space for each guest room or for each two (2) beds, whichever is greater, plus one space for each two (2) employees.

(d) Trailer parks: One space for each unit, plus one additional space for each three (3) units, none of which shall occupy the area designated for access drives.

(e) "Bed and breakfast inns": One space for each guest room or for each two (2) beds, whichever is greater.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 300-C.S., eff. November 7, 1978; § 3, Ord. 340-C.S.)

10-5.1503.2. Commercial and industrial uses.

(a) Retail sales and service: One space for every three hundred (300) square feet of gross floor area.

(b) Nurseries, garden shops and large product retail sales and service such as furniture, household appliances, machinery, new and used automobiles, trucks, recreational vehicles: One space for every five hundred (500) square feet of gross floor area.

(c) Offices and business services such as administrative and business offices, professional offices and services, securities and financial brokerage offices, professional offices and services, securities and financial brokerage services, banks and savings and loan offices: One space for every three hundred (300) square feet of gross floor area.

(d) Medical and dental offices such as chiropractors, dentists, doctors, optometrists and similar professions: One space for every two hundred (200) square feet of gross floor area.

(e) Restaurants, bars, soda fountains, cafes and other establishments for the sale and consumption on the premises of food or beverages: One space for every two hundred (200) square feet of gross floor area.

(f) Manufacturing plants and other industrial uses: One space for every five hundred (500) square feet of gross floor area.

(g) Warehousing and distribution: One space for every one thousand (1000) square feet of gross floor area.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 480-C.S., eff. February 18, 1989)

10-5.1503.3. Places of assembly and public uses.

(a) Auditoriums, churches, private clubs, lodge halls, community centers, mortuaries, sports arenas, stadiums, theaters, auction establishments, and other places of public assembly, including church, school, and college auditoriums: One space for each six (6) seats, or one space for each sixty (60) square feet of floor area usable for seating if seats are not fixed in all facilities in which simultaneous use is probable as determined by the Director of Planning. Where Section 10-5.1503.4 of this article requires a greater number of spaces on the site of a church, school, or college auditorium, that section shall apply, and the requirements of this section shall be waived.

(b) Bowling alleys and pool halls: Five (5) spaces for each alley and two (2) spaces for each billiard table.

(c) Dance halls: One space for each fifty (50) square feet of gross floor area used for dancing.

(d) Hospitals and charitable and religious institutions providing sleeping accommodations: Two (2) spaces for each three (3) beds, one space for each two (2) employees, and one space for each staff doctor.

(e) Libraries, museums, art galleries, and similar uses: One space for each 600 square feet of gross floor area, and one space for each two (2) employees.

(f) Post offices: One space for each 1,000 square feet of gross floor area, and one space for each two (2) employees.

(g) Cemeteries, columbariums, and crematories: One space for each two (2) employees, plus the number of additional spaces prescribed by the Director of Planning.

(h) Public buildings and grounds other than schools and administrative offices: One space for each two (2) employees, plus the number of additional spaces prescribed by the Director of Planning.

(i) Public utility structures and installations: One space for each two (2) employees on the maximum shift, plus the number of additional spaces prescribed by the Director of Planning.

(j) Bus depots, railroad stations and yards, airports and heliports, and other transportation and terminal facilities: One space for each two (2) employees, plus the number of additional spaces prescribed by the Director of Planning.

(k) Nursing homes and sanitariums: One space for each four (4) beds, one space for each two (2) employees, and one space for each staff doctor.

(§ 2, Ord. 80 C.S., eff. October 16, 1966, as amended by §§ 2 and 3, Ord. 126-C.S., eff. August 23, 1969)

10-5.1503.4. Educational facilities.

(a) Schools and colleges, including public, parochial, and private elementary and high schools, kindergartens, and nursery schools: One space for each employee, including teachers and administrators, and one space for each four (4) students in grade ten (10) or above. Where subsection (a) of Section 10-5.1503.3 of this article requires a greater number of spaces on the site of a school or college, that section shall apply, and the requirements of this section shall be waived.

(b) Business, professional, trade, art, craft, music, and dancing schools and colleges: One space for each employee, including teachers and administrators, and one additional space for each two (2) students sixteen (16) years or older.
 (§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1503.5. Parking facilities for the physically handicapped.

(a) Facilities accommodating the general public, including but not limited to auditoriums, theaters, restaurants, hotels, motels, stadiums, retail establishments, medical offices and office buildings, shall provide parking spaces for the physically handicapped in accordance with the following schedule:

<i>Total Number of Parking Spaces</i>	<i>Number of Handicapped Parking Spaces Required</i>
1-5	0
6-40	1
41-80	2
81-120	3
121-160	4
161-300	5
301-400	6
401-500	7
Over 500	1 for each 200 additional spaces provided

(b) Handicapped parking spaces shall be permanently signed with the international symbol of accessibility.
 (§ 2, Ord. 480-C.S., eff. February 18, 1989)

10-5.1503.6. Compact car provisions.

(a) Compact car spaces may be utilized in meeting the above parking requirements.

(b) No compact car spaces shall be allowed in parking areas containing less than ten parking spaces.

(c) In lots where compact car spaces are permitted, up to twenty-five (25%) percent of all spaces in the lot may be compact car spaces.

(d) Compact car spaces, when allowed, shall be visibly marked with signs and shall be clustered in one section of the parking area.

(§ 2, Ord. 480-C.S., eff. February 18, 1989; Ord. 513-C.S., eff. March 25, 1990)

Sec. 10-5.1504. Standards for off-street parking facilities.

All off-street parking facilities, whether provided in compliance with Section 10-5.1503 of this article (Schedule of off-street parking requirements) or not, shall conform with the regulations prescribed in Section 10-5.213 of Article 2 of this chapter (Screening and landscaping) and with the following standards:

(a) The minimum off-street parking dimensions for standard parking spaces shall be as prescribed in the following table, except that a parking space required to be located in a garage or carport shall be not less than twenty (20') feet in length and ten (10') feet in width:

Description of Dimension	Parking Angle (Degrees)									
	0	20	30	40	45	50	60	70	80	90
Parking space width, perpendicular to angle	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"
Parking space dimension, perpendicular to aisle	8'6"	14'6"	16'10"	18'8"	19'5"	20'	20'8"	20'9"	20'2"	19'
Parking space dimension, parallel to aisle	23'	24'8"	17'	13'2"	12'	11'1"	9'10"	9'	8'7"	8'6"
Aisle width	12'	11'	11'	12'	13'6"	12'6"	18'6"	19'6"	24'	25'

(b) Handicapped parking spaces shall be at least fourteen (14') feet wide and nineteen (19') feet long. The width shall be measured perpendicular and the length parallel to the parking angle.

(c) Compact spaces, when allowed, pursuant to Section 10-5.1503.6 shall be not less than seven and one-half (7 1/2') feet wide and sixteen (16') feet long.

(d) Sufficient aisle space for readily turning and maneuvering vehicles shall be provided on the site, except that no more than two (2) parking spaces per site may be located so as to necessitate backing a vehicle across a property line abutting a street. Alleys may be used for maneuvering.

(e) Each parking space shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley without moving another vehicle.

(f) Entrances from and exits to streets and alleys shall be provided at locations approved by the Director of Public Works.

(g) The parking area, aisles, and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded as to dispose off surface water without damage to private or public properties, streets or alleys.

(h) Bumper rails shall be provided at locations prescribed by the Director of Planning where needed for safety or to protect property.

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

(j) No repair work or servicing of vehicles shall be conducted on a parking area.

(k) No off-street parking space provided in compliance with Section 10-5.1503.1 of this article (Schedule for dwellings and lodgings) shall be located in a required front yard or in a required side yard on the street side of a corner lot, and not more than two (2) spaces per site shall be located so as to necessitate the use of a required front yard or a required side yard on the street side yard of a corner lot for backing or turning.

(l) In R Districts parking of vehicles other than automobiles shall be regulated by Section 10-5.214 of Article 2 of this chapter (Parking in yards in R Districts).

(m) No off-street parking space shall be located on a portion of a site required to be landscaped with plant materials. (§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 480-C.S., eff. February 18, 1989)

Sec. 10-5.1505. Location of off-street parking facilities.

(a) In an F, A, R, OR, CP, M, or S District the off-street parking facilities prescribed in Section 10-5.1503 of this article (Schedule of off-street parking space requirements) shall be located on the same site as the use for which the spaces are required or on an adjoining site or a site separated only by an alley from the use for which the spaces are required, provided the site of the parking facilities complies with all the requirements of this chapter for the location of parking facilities.

(b) In an HM, CN, CC, CW, CS, or P District, a use permit may be granted to permit the off-street parking facilities

prescribed in Section 10-5.1503 of this article (Schedule of off-street parking space requirements) to be separated if located within three hundred (300') feet of the use for which the spaces are required, measured by the shortest route or pedestrian access, provided the site of the parking facilities complies with all the requirements of this chapter for the location of parking facilities.

(c) When off-street parking facilities are provided, in compliance with the requirements of this article, on a site other than the site on which the use to be served by the parking facilities is located, an indenture shall be recorded in the office of the County Recorder designating the off-street parking facility and the use to be served, with legal descriptions of all sites involved, and certifying the off-street parking facility shall not be used for any other purpose unless the restriction is removed by resolution of the Planning Commission, which resolution shall be approved by the Council. An attested copy of the recorded indenture shall be filed with the Director of Planning. Upon submission of satisfactory evidence that other off-street parking facilities have been provided in compliance with the requirements of this article, or that the use has ceased or has been altered so as no longer to require the off-street parking facility, the Commission shall by resolution remove the restriction.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 480-C.S., eff. February 18, 1989)

Sec. 10-5.1506. Additional requirements and exceptions.

10-5.1506.1. More than one use on a site.

If more than one use is located on a site, the number of park-

MEMORANDUM

DATE: January 27, 1989

TO : Kevin Hamblin, Director of Community Development

FROM: David E. Tranberg, Acting City Attorney

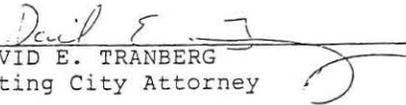
RE : Interpretation of Section 10-5.1509 of the
Eureka Municipal Code

I received your Memorandum in which you requested an interpretation of the above-noted section of the Municipal Code. It is my understanding that you are requesting this opinion because there is some degree of ambiguity between the written Code and previous staff interpretations. I have reviewed the applicable section of the Code and have reviewed with both you and Ron Whisenand how previous staffs have interpreted this provision in the past.

It is my understanding that this Code section has been interpreted as if in lieu parking payments would be permitted if the property in question was located within an OR District and if any portion of the OR District was located within 200 feet of a CN, CC or CW District.

I believe that same interpretation is appropriate in this case for two reasons. First, such an interpretation in this case would be consistent with how previous staffs have interpreted the Code section. As a matter of interpretation, we are not obligated to be consistent in every case, although certainly a lack of consistency raises questions in the minds of the Council, staff and public, as to the uniformity and fairness with which the identical section of the Code is being applied to different applicants.

Secondly, I believe such an interpretation is consistent with the language of the Code section itself. The language does not require that the specific parcel in question be located within 200 feet of a CN, CC or CW District, only that it be located within an OR District, which District is within 200 feet of the other zones. There is no distance requirement for the actual parcel to be any particular distance from the other three enumerated Districts. Thus, it seems to me that the particular parcel in question could be greater than 200 feet from the three enumerated Districts, as long as it is contained in an OR District, which is itself within 200 feet of the three enumerated Districts.


DAVID E. TRANBERG
Acting City Attorney

purpose of acquiring and developing off-street facilities located,

ing spaces provided shall be equal to the sum of the requirements prescribed in this article for each use.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1506.2. Off-street parking facilities to serve one use.

Off-street parking facilities for one use shall not be considered as providing required off-street parking facilities for any other use.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1506.3. Reduction of off-street parking facilities.

No off-street parking facility shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this article.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1507. Exemptions for sites in parking assessment districts.

In a municipal parking assessment district, only the uses listed in Section 10-5.1503.1 of this article (Dwellings and lodgings) shall be subject to off-street parking facilities requirements, and only one space per dwelling or lodging unit or trailer space shall be required.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1508. Existing uses.

No existing use of land or structure shall be deemed to be non-conforming solely because of the lack of off-street parking facilities prescribed in this article, provided that facilities being used for off-street parking on October 16, 1966, shall not be reduced in capacity to less than the number of spaces prescribed in this article or reduced in area to less than the minimum standards prescribed in this article.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1509. In lieu payments.

In a CN, CC or CW District, or in an OR District when that district is adjacent to a CN, CC, CW, or CS District, in-lieu of providing parking facilities required by the provisions of this article, the requirements may be satisfied by payment to the City, prior to the issuance of a zoning permit, of an amount per parking space, prescribed by the Council, for each parking space required by this article but not provided. The payment shall be deposited with the City in a special fund and shall be used exclusively for the purpose of acquiring and developing off-street facilities located,

insofar as practical, in the vicinity of the use for which the payment was made.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 529-C.S., eff. June 20, 1991)

Sec. 10-5.1510. (Repealed)*

Article 16. Off-Street Loading Facilities

Sec. 10-5.1601. Purposes.

In order to alleviate progressively or to prevent traffic congestion and shortage of curb spaces, off-street loading facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses. The number of loading berths prescribed in this article or to be prescribed by the Planning Commission shall be in proportion to the need for such facilities created by the particular type of use. Off-street loading areas shall be laid out in a manner that will ensure their usefulness, protect the public safety, and, where appropriate, insulate surrounding uses from their impact.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1602. Basic requirements.

(a) At the time of initial occupancy, major alteration, or enlargement of a site, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street loading facilities for trucks in accord with the schedule of off-street loading berth requirements prescribed in Section 10-5.1603

***Editor's Note:** Section 10-5.1510, "Designation of off-street parking facilities," previously contained herein has been repealed in entirety by Ordinance No. 480-C.S.

of this article. For the purposes of this section, the terms "major alteration" or "enlargement" shall mean a change of use or an addition which would increase the number of loading berths required by not less than ten (10%) percent of the total number required. The number of loading berths provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement unless the preexisting number is greater than the number prescribed in Section 10-5.1603 of this article, in which instance the number in excess of the prescribed minimum shall be counted in calculating the number provided to serve the major alteration or enlargement.

(b) Off-street loading berths in addition to those prescribed in the schedule of off-street loading berth requirements shall be provided if the Director of Planning finds that such additional berths are necessary to ensure that trucks will not be loaded, unloaded, or stored on public streets. A finding shall be based on an investigation of the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the off-street loading berths are required.

(c) If, in the application of the requirements of this article, a fractional number is obtained, one loading berth shall be provided for a fraction of one-half ($\frac{1}{2}$) or more, and no loading berth shall be required for a fraction of less than one-half ($\frac{1}{2}$).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1603. Schedule of off-street loading berth requirements.

(a) Commercial and industrial establishments, including retail stores, eating and drinking establishments, personal service establishments, commercial service enterprises, warehouses, storage facilities, manufacturing plants, and other industrial uses: No berths for less than 4,000 square feet gross floor area; one berth for 4,000 to 30,000 square feet gross floor area; two (2) berths for 30,000 to 70,000 square feet gross floor area; three (3) berths for 70,000 to 120,000 square feet gross floor area; and one additional berth for each 100,000 square feet additional gross floor area.

(b) Public and private business offices, professional and administrative offices, hospitals, nursing homes, sanitariums, institutions, hotels and motels: No berths for less than 10,000 square feet gross floor area; one berth for 10,000 to 100,000 square feet gross floor area; two (2) berths for 100,000 to 200,000 square feet gross floor area; and (3) berths for 200,000 square feet and over.

(c) Mortuaries: One berth for less than 5,000 square feet

gross floor area, plus one additional berth for each additional 10,000 square feet gross floor area.

(d) Any other use which requires the recurring receipt or distribution of goods or equipment by truck: One berth, plus the number of additional berths prescribed by the Director of Planning. (§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1604. Standards for off street loading facilities.

All off-street loading facilities, whether provided in compliance with Section 10-5.1603 of this article, (Schedule of off-street loading berth requirements) or not, shall conform with the regulations prescribed in Section 10-5.213 of Article 2 of this chapter (Screening and landscaping) and with the following standards:

(a) Small loading berths are allowed for retail and service commercial uses and financial and personal services that generally have small business floor areas of less than ten thousand (10,000) square feet. These square feet berths shall be not less than twenty-five (25') feet in length and twelve (12') feet in width and shall have an overhead clearance of not less than fourteen (14') feet.

(b) Large loading berths are required for all industrial uses, markets, restaurants, large-product commercial uses, warehousing, shopping centers and large office buildings. These berths shall be not less than forty-five (45') feet in length and twelve (12') feet in width and shall have an overhead clearance of not less than fourteen (14') feet.

(c) Loading berths for mortuaries, cemeteries, funeral homes, columbariums, and crematories used exclusively for hearses shall be not less than twenty-four (24') feet in length and ten (10') feet in width and shall have an overhead clearance of not less than eight (8') feet.

(d) Sufficient room for turning and maneuvering vehicles shall be provided on the site, except that not more than one loading space per site may be located so as to necessitate backing a vehicle across a property line abutting a street. Alleys may be used for maneuvering.

(e) Each loading berth shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley. The aisle or drive shall have a minimum width of fourteen (14') feet.

(f) Entrances from and exits to streets and alleys shall be provided at locations approved by the Director of Public Works.

(g) The loading area, aisles, and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water without damage to private or public properties, streets, or alleys.

(h) Bumper rails shall be provided at locations prescribed by the Director of Planning where needed for safety or to protect property.

(i) If the loading area is illuminated, lighting shall be deflected away from abutting residential sites so as to cause no annoying glare.

(j) A loading area shall not be located in a required front, side, or rear yard, but yards may be used for maneuvering.

(k) No repair work or servicing of vehicles shall be conducted in a loading area.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 480-C.S., eff. February 18, 1989)

Sec. 10-5.1605. Location of off-street loading facilities.

(a) The off-street loading facilities prescribed in Section 10-5.1606 of this article (Schedule of off-street loading berth requirements) shall be located on the same site with the use for which the berths are required or on an adjoining site in a district in which the use served by the off-street loading facilities is a permitted use.

(b) When off-street loading facilities are provided, in compliance with the requirements of this article, on a site other than the site in which the use to be served by the loading facilities is located, an indenture shall be recorded in the office of the County Recorder designating the off-street loading facility and the use to be served, with legal description of all sites involved, and certifying that the off-street loading facility shall not be used for any other purpose unless the restriction is removed by resolution of the Planning Commission. An attested copy of the recorded indenture shall be filed with the Director of Planning. Upon submission of satisfactory evidence that other off-street loading facilities have been provided in compliance with the requirements of this article or that the use has ceased or has been altered so as no longer to require the off-street loading facility, the Commission shall by resolution remove the restriction.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 480-C.S., eff. February 18, 1989)

Sec. 10-5.1606. Additional requirements and exceptions.**10-5.1606.1. More than one use on a site.**

If more than one use is located on a site, the number of loading berths provided shall be equal to the sum of the requirements prescribed in this article for each use. If more than one use is located on a site and the gross floor area of each use is less than the minimum for which loading berths are required, but the aggregate gross floor area is greater than the minimum for which loading berths are required, off-street loading berths shall be provided as if the aggregate gross floor area were used for the use requiring the greatest number of loading berths.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1606.2. Off-street loading facilities to serve one use.

Off-street loading facilities for one use shall not be considered as providing required off-street loading facilities for any other use.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1606.3. Reduction of off-street loading facilities.

No off-street loading facility shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this article.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1607. Existing uses.

No existing use of land or structure shall be deemed to be non-conforming solely because of the lack of off-street loading facilities prescribed in this article, provided that facilities being used for off-street loading on October 16, 1966, shall not be reduced in capacity to less than the number of berths prescribed in this article or reduced in area to less than the minimum standards prescribed in this article.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1608. (Repealed)*

***Editor's Note:** Section 10-5.1608, "Designation of off-street loading facilities," previously contained herein, has been repealed in entirety by Ordinance No. 480-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EUREKA
AMENDING TITLE 10, CHAPTER 5 OF THE
EUREKA MUNICIPAL CODE PERTAINING TO THE REGULATION OF SIGNS

Be it ordained by the Council of the City of Eureka as follows:

Title 10, Chapter 5, of the Eureka Municipal Code is hereby amended to read as follows:

Section 1 ;

The following sections Title 10, Chapter 5 are hereby amended to read as follows;

Sec. 10-5.1701. Purposes and Scope.

In addition to the objectives listed in Article 1, Section 10-5.102, the specific purposes of sign regulations are to:

(a) Provide each sign user an opportunity for effective identification by limiting the number and area of signs permitted on all sites.

(b) Maintain and enhance the quality of the City's appearance by avoiding clutter and by implementing design review.

(c) Enable users of goods and services to identify establishments offering services to meet their needs.

(d) Regulate the number and size of signs according to standards consistent with the types of establishments in each zoning district.

(e) Protect residential districts adjoining non-residential districts from adverse impacts of excessive numbers or sizes of signs.

(f) Apply on a city-wide basis subject to other more restrictive regulations which may be applicable in the Redevelopment and Scenic Coastal Areas.

Sec. 10-5.1702. Definitions.

(a) Awning Signs. Awning signs are hoods or covers which project from a wall of a building and which are outdoor advertising signs which advertise or direct attention to uses, goods or services, whether located on-premise or off-premise from the property on which the signs are located.

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(b) Commercial Signs. An on or off premise sign that advertises or directs attention to uses goods or services.

(c) Directly Illuminated Sign. Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

(d) Indirectly Illuminated Sign. Any sign designed to show an illuminated sign face by use of indirect illumination from exterior, non-exposed light sources aimed at the sign face or otherwise diffused to result in illumination which complies with Section 10-5.1707.

(e) Interior Property Line. Interior Property Line is a property line which separates adjoining properties and which is not adjoining any street, alley or public space.

(f) Interior Signs. Interior Signs are indoor advertising signs located within a building no nearer than one foot from a window, which advertise or direct attention to uses, goods and services whether located on or off-premise. Interior Signs are exempt from these regulations per section 10-5.1703(i).

(g) Off-premise Signs. Off-premise signs are outdoor advertising signs which advertise or direct attention to uses, goods or services not located, sold or available on the real property on which the signs are located. Billboards are off-premise signs.

(h) On-Premise Signs. On-premise signs are outdoor advertising signs which advertise or direct attention to uses, goods or services located entirely upon the real property of the occupant of the real property on which the signs are located.

(i) On-premise Free-standing Signs. On-premise Free-standing Signs are outdoor advertising signs which are not attached or painted to the surface of a building, but which standing apart therefrom are intended to advertise or direct attention to uses, goods or services located entirely upon the real property of the occupant of the real property on which the signs are located.

(j) Off-premise Free-standing Signs. Off-premise Free-standing Signs are outdoor advertising signs which are not attached or painted to the surface of an occupied building, but which standing apart therefrom are intended to advertise or direct attention to uses, goods or services not located, sold or available on the real property on which the signs are located. Billboards may be off-premise free-standing signs.

(k) Projecting Signs. Projecting Signs are signs which project from a wall, eave or parapet, or the eave of a simulated mansard roof more than twelve (12) inches from the face of the building; such signs are considered outdoor advertising signs which

advertise or direct attention to uses, goods or services, whether located on-premise or off-premise from the property on which the signs are located.

(l) Temporary Signs. Temporary Signs are signs displayed for a period not to exceed 100 days.

(m) Wall Signs. Wall signs are outdoor advertising signs attached or painted to the surface of a building which advertise or direct attention to uses, goods or services, whether located on-premise or off-premise from the real property on which the signs are located.

(n) Window Signs. Window signs are signs which are placed on the surface of or within one foot of a window for purposes of viewing outside the premises; such signs are considered outdoor advertising signs which advertise or direct attention to uses, goods or services, whether located on-premise or off-premise from the property on which the signs are located.

Sec. 10-5.1703. Exempt Signs.

The following signs are exempt from the regulations of this Article:

(a) On-premise window signs expressing the name of the occupant. The total area of such window signs shall not exceed ten percent (10%) of window area.

(b) Street address numbers.

(c) Public information, identification, special event, and directional signs erected by a public agency.

(d) Names of buildings, dates of erection, commemorative tablets and the like, when carved into stone, concrete or similar material or made of bronze, aluminum, or other metal material and made a part of the structure. Such signs shall not exceed four square feet in area and shall not be illuminated.

(e) On-premise parking and other directional signs not exceeding four square feet.

(f) Non-illuminated wall signs not over two square feet in area, displaying the name of the tenant or resident, the name of a home business approved pursuant to Article 19 of this Chapter, and/or the address at the entrance of each tenant space.

(g) Signs manufactured as a standard, integral part of a mass-produced product accessory to a commercial or public or semi-public use, including but not limited to telephone booths, restrooms, vending machines, automated teller machines, gasoline pumps and other signs of an instructive nature or which include

information required by County, State, or Federal enforcement agencies.

(h) Credit card, trading stamp, or trade association signs not exceeding one-half square foot each and which are attached flat to a glass surface.

(i) On-premise signs within a building one foot or more from a window.

(j) Holiday lights and displays not advertising a product or sale, erected no sooner than forty-five (45) calendar days before the holiday and removed within fourteen (14) calendar days following the holiday.

(k) Temporary on-premise real estate or construction signs advertising property "For Sale", "For Lease", or "For Rent", consistent with the restrictions contained in Sec. 10-5.1704.

(l) Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person giving legal notice, and signs erected or maintained by a public agency or official or required by law to be maintained by a public utility for directional, warning, or informational purposes.

(m) Temporary signs or displays of an emergency, patriotic, religious, or community nature, including temporary nonstructural posters for civic or political campaigns and religious symbols consistent with the restrictions contained in Section 10-5.1704(d).

(n) One unlighted garage sale sign provided such sign shall not exceed four square feet in area and shall be displayed on the property where such sale shall take place and only on the day of said sale.

(o) Temporary promotional signs for outdoor exhibitions or performances on the premises, and on or off-premise signs advertising community events for a period not to exceed thirty consecutive days when erected no sooner than thirty (30) days prior to the event and removed within ten days (10) after the event.

(p) Temporary signs in residentially zoned areas limited to 16 square feet which display non-commercial messages, but are otherwise not restricted in content.

Sec. 10-5.1704. Regulations for On-Premise and Off-Premise Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except in conformity with the following additional regulations following the schedule or located elsewhere in this Title.

REGULATIONS FOR ON-PREMISE AND OFF-PREMISE SIGNS

Districts	NR;P (Nat. Resource & Pub.)	RS (Single Family Resident.)	RM (Multi-Family Resident.)	OR;HM (Office Resident. Hospital Medical)	CN (Neighborhood Commercial)	CC;CW (Central Commercial)	CP (Planned Commercial)	CS;ML;MG (Svc.Comm., Limited Industrial, Gen. Ind.)	Additional Regulations
On-premise wall signs	As prescribed by conditional use permit	1 sq.ft./foot of street frontage	Signs shall not project above the parapet or roof line	Signs shall not project above the parapet or roof line	Signs shall not project above the parapet or roof line	Signs shall not project above the parapet or roof line	Signs shall not project above the parapet or roof line	Signs shall not project above the parapet or roof line	Section 10-5.1704 (A)(E)(F)(G)
On-premise freestanding signs	As prescribed by conditional use permit		8' max ht.; 1/primary street entrance	12' max.ht.; 1/street frontage	35 ft. max.ht.; 1/street frontage	35 ft. max.ht.; 1/street frontage	35 ft. max.ht.; 1/each 300 ft. street frontage	35 ft. max.ht.; 1/street frontage	Section 10-5.1704 (B)(E)(F)(G)
Total allowable on-premise sign area	As prescribed by conditional use permit		4 sq.ft.max	1 sq. ft./ 4 ft. of street frontage up to 300 sq.ft./sign	1 sq. ft./ ft. of street frontage up to 300 sq.ft./sign	2 sq. ft./ ft. of street frontage up to 300 sq.ft./sign	120 sq.ft./ acre of site in use up to 300 sq. ft./sign	3 sq.ft./ ft. of street frontage up to 300 sq.ft./sign	Section 10-5.1704 (G)
Temporary construction signs	32 sq. ft. max.; 1/site	32 sq.ft. max.; 1/st. frontage	32 sq. ft. max.; 1/st. frontage	32 sq. ft. max.; 1/st. frontage	32 sq. ft. max.; 1/st. frontage	32 sq. ft. max.; 1/st. frontage	32 sq. ft. max.; 1/st. frontage	32 sq. ft. max.; 1/st. frontage	
Temporary real estate or construction signs (on-premise)	16 sq. ft. max.; 1/site	6 sq.ft. max.; 1/site	12 sq. ft. max.; 1/site	16 sq. ft. max.; 1/site	16 sq.ft. max.; 1/site	16 sq.ft. max.; 1/site	16 sq. ft. max.; 1/site	16 sq.ft. max.; 1/site	
Temporary political signs	16 sq.ft. maximum	16 sq. ft. maximum	16 sq.ft. maximum	16 sq.ft. maximum	16 sq.ft. maximum	16 sq.ft. maximum	16 sq.ft. maximum	16 sq.ft. maximum	Section 10-5.1704 (d)
Off-premise signs	Section 10-5.1704(k)	Section 10-1704(j)	Section 10-5.1704(j)	Section 10-5.1704(j,k)	Section 10-5.1704(k)	Section 10-5.1704(k)	Section 10-5.1704(k)	Section 10-5.1704(k)	Section 10-5.1704 (j)(k)
Illuminated signs									See Section 10-5.1707

Additional Sign Regulations Regarding Sign Height.

Signs located in commercial districts adjacent to Broadway, south of Hawthorn Street and north of Highland Avenue and east of Broadway to the Bay, and bounded by Hawthorn Street and Highland Avenue are to have a maximum sign height of 30 feet.

Additional Sign Regulations

(A) Wall Signs. A wall sign shall:

(1) Not project above an eave or parapet, including the eave of a simulated mansard roof.

(2) Not project more than twelve (12) inches from the face of the building.

(3) Wall signs on a window and interior signs within one (1) foot of a window shall be deemed both wall and window signs. The total area of window signs shall not exceed ten percent (10%) of ground floor window area.

(B) Free-standing Signs. A free-standing sign shall:

(1) Not be closer than thirty (30) feet to another free-standing sign or to a projecting sign.

(2) Not be closer to an interior property line than one-half (1/2) its height.

(3) Not extend over a public right-of-way and not be located on the same frontage as a projecting sign extending over a public right-of-way.

(C) Real Estate Signs. A real estate sign on a residential site shall be limited to six (6) square feet if displayed longer than three (3) calendar days following issuance of a certificate of occupancy. All off-premise real estate signs shall:

(1) Not exceed three (3) feet in height and four (4) square feet in size.

(2) Be allowed to be placed behind the sidewalk, given that they are not located within the public right-of-way.

(3) Not be placed in the street medians and on the sidewalks.

(4) Be allowed only for development that lies within the City of Eureka.

(D) Temporary Political Signs. Temporary political signs shall:

(1) Pertain to a candidate, ballot measure or issue to be

voted upon within ninety (90) calendar days of posting; and

(2) Be removed within ten (10) calendar days following the election.

(3) Be no larger than sixteen (16) square feet (eg. 4' x 4').

(4) Not be placed within the public right-of-way.

(5) Not be placed so as to obstruct a motorist's clear view of vehicular or pedestrian traffic, traffic control signs or signals; impede a pedestrian's free use of the sidewalk; or otherwise represent a hazard to vehicular or pedestrian traffic.

(E) Sign Area Design Bonuses. A property owner or occupant may be allowed a bonus of five percent (5%) additional sign area (as measured in square feet) for signage per frontage foot of a property or occupant for each of the following factors when documented and requested at time of sign permit application:

(1) Painted signs;

(2) Signs attached to the business identified;

(3) Single-sided signs;

(4) Signs displaying a name of business only;

(5) Signs with 3-dimensional lettering or elements;

(6) Signs using gold-leaf of 14K or higher count;

(7) Signs using neon tube illumination;

(8) Signs using indirect illumination;

(9) Signs incorporating analogous architectural elements;

(10) Layout elements extending beyond the borders of the sign.

(F) No single-family permitted use shall be allowed signage except as specified in Section 10-5.1703 (Exempt Signs).

(G) All signs in the redevelopment areas shall be subject to Site Plan and Architectural Review in accordance with Article 18 of this chapter.

(H) One identification sign, not directly lighted, and not exceeding forty (40) square feet, shall be allowed on the site of public buildings or grounds, or a building occupied by a private non-profit organization. Any such building in excess of 10,000 square feet of floor area may be permitted to increase the sign area by twenty (20) square feet for each 10,000 square feet of building area to a maximum of 150 square feet.

(I) Free-standing signs in the redevelopment areas shall have a maximum height of twenty-four (24) feet.

(J) No new off premise signs shall be located in residential zones.

(K) Square footage of off-premises signs shall be counted toward the allowed sign square footage of the property on which the sign is located.

Sec. 10-5.1705. Signs and Scenic Coastal Areas.

No new off-premise advertising signs or billboards shall be located in scenic coastal resource areas designated in the LCP Land Use Plan. Existing signs in existing locations may be maintained, relocated, and repaired consistent with all other applicable sections of this Code.

Sec. 10-5.1706. Miscellaneous Signs.

Murals, large graphic designs and statuary shall be subject to review and approval by the building official for the sole purpose of insuring that construction of such displays will not pose a hazard to public health, safety or welfare. Murals, graphic designs and decorating of a building in the City's Redevelopment Area shall be subject to site plan and architectural review in accordance with Article 18 of this chapter (Site Plan and Architectural Review).

Sec. 10-5.1707. Illumination; Movement.

(a) Any illuminated sign shall substantially comply with the average light levels recommended by the Illuminating Engineering Society of North America (IESNA):

Light Colors	Dark Surroundings	20 Footcandles
Dark Colors	Dark Surroundings	50 Footcandles
Light Colors	Bright Surroundings	50 Footcandles
Dark Colors	Bright Surroundings	100 Footcandles

Whenever illumination is in issue the Director of Community Development may require submission for his review a computer lighting study by the manufacturer of all lamps used in the particular lighting application. The Director of Community Development may require that lamps in use produce average light levels which, in the opinion of the Director, substantially comply with the standards of the IESNA stated above, or as may be amended from time to time to reflect changes in the state of the art of illumination as approved by the IESNA.

All indirectly illuminated light levels shall be measured in footcandles according to the standards of the IESNA as illuminance falling on the sign face and not as reflectance off the sign face. A sign owner must produce the requested computer lighting study

within thirty (30) days. If the study is not produced, the City may contract for the performance of a lighting study to establish the levels of illuminance falling on the particular sign face in issue and bill the sign or property owner (as appropriate) for the cost of the lighting study.

(b) Sign illumination shall be maintained constant in intensity, color, and pattern at all times when the sign is lighted. No sign illumination shall be of such brightness as to create annoying or hazardous glare or an annoying halo effect.

(c) No movement, or apparent movement of, or in, a sign or change in intensity of illumination of a sign shall be permitted where illumination exceeds ten (10) footcandles. A time or temperature sign or a theater canopy sign consistent with other regulations of this Article shall be permitted. Electronically controlled changeable text reader boards which change copy or design in time periods of less than five (5) minutes shall not be permitted.

(d) Whenever the Director of Community Development may reasonably find that a particular lighting application is not in substantial compliance with the recommended light levels established by the IESNA as stated herein, then the Director of Community Development may proceed to abate the condition as a nuisance in accordance with the provisions of Eureka Municipal Code Section 4-7.08(d).

Sec. 10-5.1708. Prohibited Locations, Sign Types, Messages.

(a) A sign in a required yard (setback area) adjoining a street property line shall comply with the requirements of Chapter 7 of Title 3: Traffic Site Obstructions.

(b) Except for exempt flags and banners pursuant to Section 10-5.1703(p), use of wind-blown or inflatable devices of any type is prohibited, including the production of smoke, bubbles, sound, or other substances.

(c) Other than when used for traffic direction, signs which contain or are in imitation of official traffic signs or signals are prohibited. No sign shall be erected in such a manner that its size, location, content, colors, or illumination shall interfere with, obstruct, confuse, or mislead traffic.

(d) No sign shall contain statements, words, pictures, or other representations which are in reference to obscene matter which violate the California Penal Code, Section 311 et. seq.

(e) No permanent exterior signs shall be made of materials which are impermanent and will not stand exposure to weather.

(f) No sign shall be located within a public right-of-way unless an encroachment permit is obtained from the City Engineer.

(g) No sign shall be erected in such a manner that any portion of the sign or its support is attached to, or will interfere with, the free use of any fire escape, exit, or standpipe. No sign shall be erected which will obstruct any required stairway, door, ventilator, or window.

(h) Signs utilizing flashing lights, changing of color and intensity, or mechanical moving parts are prohibited, except as allowed in Section 10-5.1707(c) time and temperature devices and barber poles.

(i) Signs erected upon or extending above any part of a roof or false roof structure are prohibited.

(j) No vehicle may be used as a platform for a billboard whether on private property or within a public right-of-way.

(k) No banner sign shall be displayed for longer than thirty (30) days. The area of any banner used shall be counted against the property owner's or occupant's limitation on square footage of signage.

Sec. 10-5.1709. Maintenance; Relocation; Abandonment and Removal.

All signs shall be maintained in good repair and shall be cleaned, painted, or replaced as necessary to present a neat appearance. All signs and sign structures may be relocated on the premises where sited whenever desired to improve visibility, enhance safety, or extend the life and durability of the signs. An on or off-premises sign, or the advertising copy shown thereon, advertising any uses, goods or services shall be removed within one hundred twenty (120) calendar days following the actual discontinuance or unavailability of the uses, goods or services.

Sec. 10-5.1710. Nonconforming Signs.

(a) All nonconforming signs and other sign structures which were erected and in existence prior to the effective date of the adoption of this ordinance and which were, at the time of such erection or establishment, in compliance with all then applicable statutes and ordinances, but which do not meet the requirements of this chapter, shall be permitted to remain in existence notwithstanding their nonconforming character.

(b) Any portion of a legal nonconforming sign which is damaged may be restored, repaired or completely replaced provided that its owner complies with each of the following:

- (1) The area of the sign face is not enlarged upon restoration, repair or replacement;
- (2) The restored, repaired or replaced sign face or sign structure remains on the same parcel of real property and

faces the same general direction as the pre-existing sign;

- (3) The height of the sign face and structure is not raised; and,
- (4) The restoration, repair or replacement of the sign face or sign structure is completed within 360 days following the damaging of the sign face or sign structure. Upon good cause shown to the satisfaction of the public agency, it may grant additional time for completing restoration, repair or replacement of a damaged sign face or sign structure.

(c) Any legal nonconforming off-premise sign may be reconstructed or relocated by its owner upon the same parcel of real property provided that its owner complies with each of the following:

- (1) The area of the sign face is not enlarged to greater than that of the sign it replaces;
- (2) The sign face or sign structure faces the same general direction as the sign it replaces;
- (3) The height of the sign face and structure is not raised above that of the sign it replaces; and,
- (4) Any new location selected on the same parcel of real property otherwise complies with then-current setback requirements for new signs within the applicable zoning.

(d) All non-conforming signs advertising a permanent use, goods, or services, shall be removed within one hundred twenty (120) calendar days following the actual discontinuance, unavailability, or removal of such use, goods or services from business. Any property owner affected by this provision may apply to the Director of Community Development for an exemption based upon a claim that the subject sign has historical significance which is an integral part of the real property. The Director of Community Development shall make written findings to approve or deny the exemption request. The determination of the Director of Community Development may be appealed within ten (10) days to the Planning Commission. Any non-conforming sign fitting the description herein may be abated as a nuisance by action of the Director of Community Development in accordance with the provisions of Eureka Municipal Code Section 4-7.08(d).

Section 2 ;

The following sections are hereby added to Title 10, Chapter 5 of the Eureka Municipal Code;

Sec. 10-5.1711. Sign Permits.

(a) Permit required:

A person shall, unless otherwise exempted by Section 10-5.1703 of this Article, be required to obtain a permit from the Department of Community Development prior to the placing or erecting of any signs. In most cases a Building Permit and/or Electrical Permit shall also be required.

(b) Application for sign permits:

Application for sign permits shall be made upon forms provided by the Director of Community Development and shall be accompanied by the following material:

(1) Two (2) copies of a plan showing:

- a. Position of each sign and its relation to adjacent buildings, structures, or geologic features.
- b. The design (front, top and side views), size, and proposed location on the premises of such signs or sign structures.
- c. If a sign application is to be subject to design review proceedings then also the proposed color indications.

(2) A statement showing the sizes and dimensions of all signs existing on the premises at the time of making such application. A current photograph depicting the premises shall be included.

(3) Such other information as the Director may reasonably require.

(4) Fees as adopted by Council Resolution.

(c) Review of Sign Applications:

(1) Staff review: All signs which meet the limitations of this Article shall be reviewed by the Department of Community Development (except those listed in Section 10-5.1703), unless review by the Design Review Committee as specified in Title 10, Chapter 5, Article 18 of the Eureka Municipal Code. The staff may approve, approve with modification, or deny any application subject to the criteria of Subsection 3 below. Any staff decision may be appealed by the Design Review Committee.

(2) Design Review Committee Review: When required to be reviewed by the Design Review Committee in accordance with Article 18 of this Chapter (Site Plan and Architectural Review), the Design Review Committee shall approve, or shall submit a written report to the Planning

Commission recommending conditional approval, modification, or disapproval in accordance with Section 10-5.1806 of the Eureka Municipal Code. Any decision by the Design Review Committee relative to the review of signs may be appealed to the Planning Commission pursuant to Article 18.

- (3) Review Criteria: The staff and/or Design Review Committee shall apply all of the following criteria as the basis for action:
- a. Whether the sign complies with the regulations contained in Section 10-5.1704.
 - b. Whether the sign is desirable for the applicant's enjoyment of substantial trade and property rights, and does the sign not constitute needless repetition, redundancy or proliferation of signing.
 - c. Whether the sign is consistent with the purposes and scope of this Article as set forth in Section 10-5.1701.
 - d. Whether the sign does not constitute a detriment to public health, safety and welfare.
 - e. The location and design of the proposed sign shall be considered in order to determine that the sign will not obscure from view or unduly detract from existing adjacent signs.
 - f. The location and design of a proposed sign in a Commercial or Industrial district within one hundred (100) feet (excluding highway or road right-of-way) of a residential district shall be considered in order to determine that the sign shall not have a significant adverse effect on the character of the residential district.

Sec. 10-5.1712 Compensation Clause.

Whenever a duly permitted income producing off-premise sign is taken by power of eminent domain, or by a duly adopted ordinance having such effect, then the owner thereof shall be compensated by the payment of the fair market value thereof as determined by an independent appraisal using the income method. The compensation value of any other duly permitted sign shall be determined by an independent appraisal of the fair market value of such sign using generally accepted appraisal methods.

Sec. 10-5.1713 Sign Code.

It is the intent of this ordinance to comply with the provisions of the Uniform Sign Code, as applicable.

Sec. 10-5.1714 Inventorying, Identification, and Abatement of Illegal or Abandoned Signs.

Within Six (6) months of the adoption of this section of the code (the sign ordinance), the City shall in compliance with state law, commence an inventorying and identification of all illegal or abandoned advertising displays. The City shall commence abatement of illegal or abandoned signs within sixty (60) days following the six (6) month period when inventorying and identification is to commence.

Passed, approved and adopted by the City Council of the City of Eureka, County of Humboldt, State of California on the 22 day of December, 1994 by the following votes:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

MAYOR PRO TEM OF THE CITY OF EUREKA

The above foregoing ordinance was submitted to me on the ____ day of _____, 1994, and I hereby approve the same.

NANCY FLEMMING,
MAYOR OF THE CITY OF EUREKA

ATTEST:

CITY CLERK

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:

JOHN E. ARNOLD,
CITY MANAGER

DAVID E. TRANBERG,
CITY ATTORNEY

Article 17. Signs**Sec. 10-5.1701. Purposes and scope.**

In order to maintain the attractiveness and orderliness of the City's appearance and to protect the public safety, the location, size, and illumination of signs are regulated, and the design of signs in the -AR and -PD Districts is subject to review.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; Ord. 527-C.S., eff. June 20, 1991)

Sec. 10-5.1702. General provisions.**10-5.1702.1. Subject matter.**

All signs and displays shall be located on the same site as the use they identify, provide information about, or direct attention to, except advertising signs as prescribed in Section 10-5.1706 of this article and subdivision directional signs as prescribed in Section 10-5.1708 of this article.

(§ 2, Ord. 80-C.S., eff. October 16, 1966)

10-5.1702.2. Location and height.

(a) No sign other than a directional sign shall project more than twelve (12") inches into a required interior side yard or required rear yard.

(b) In an F, A, R, HM, P, or S District, a sign attached to a building shall not project over an alley, or more than twelve (12") inches over a street, or project above the eave or parapet, and a sign not attached to a building shall not exceed eight (8') feet in height.

(c) In an OR District, a sign attached to a building shall not project over an alley, or more than twelve (12") inches over a street, or project above the parapet or eave line, whichever is higher, and a sign not attached to a building shall not exceed twelve (12') feet in height.

(d) Except as prescribed in Section 10-5.1702.2 (f) of this article, signs attached to a building in a CN, CP, CC, or CW District, shall not project over an alley, or project more than ten (10') feet above the parapet or roof line, whichever is higher, and a sign not attached to a building shall not exceed twenty-four (24') feet in height.

(e) Except as prescribed in Section 10-5.1702.2 (f) of this article, signs attached to a building in a CS or M District, shall not project over an alley, or project more than fifteen (15') feet above the parapet or roof line, whichever is higher, and a sign not attached to a building shall not exceed twenty-four (24') feet in height.

(f) In a C District located within the City's redevelopment area, signs shall not project over an alley, or project above the parapet or eave line, whichever is higher; and any sign not attached to a building shall not exceed twenty-four (24') feet in height.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; Ord. 527-C.S., eff. June 20, 1991; Ord. 544-C.S., eff. April 7, 1992; Ord. 558-C.S., eff. August 5, 1993)

10-5.1702.3. Illumination.

(a) In an F, A, R, HM, P, or S District, illumination, where permitted, shall be indirect. In an OR District, illumination shall not be direct but may be diffused provided that surface brightness shall not be greater than one hundred (100) foot-candles. In a C or an M District, signs may be directly lighted.

(b) Sign illumination shall be maintained constant in intensity, color, and pattern at all times while the sign is lighted. No sign illumination shall be of such brightness as to create annoying or hazardous glare.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; Ord. 527-C.S., eff. June 20, 1991)

10-5.1702.4. Movement.

In a CN, CC, CW, or CS District a sign may move provided movement shall be slow and shall not simulate effects obtained by varying intensity, color, or pattern illumination.

(§ 2, Ord. 80-C.S. eff. October 16, 1966)

10-5.1702.5. Signs near R Districts.

The area of sign faces within fifty (50') feet of an R District that are visible from the R District shall not exceed twenty (20') square feet. No sign within one hundred (100) feet of an R District from which the sign is visible shall move or shall have a surface brightness greater than one hundred (100) foot-candles.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; Ord. 527-C.S., eff. June 20, 1991)

10-5.1702.6. Signs in scenic coastal areas.

No new offsite advertising signs or billboards shall be located in scenic coastal resource areas as designated in the LCP Land Use Plan. Existing signs in existing locations may be maintained and repaired consistent with all other applicable sections of this Code.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.1703. Special signs.

Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person giving legal notice; signs erected or maintained by the public agency or official or required

Sec. 10-5.1705. Signs in OR Districts.

No sign, outdoor advertising structure, or display of any character shall be permitted in an OR District except the following:

- (a) Signs pertaining to a use conducted on the site with an aggregate area of all sign faces not greater than one square foot for each four (4') feet of property line adjoining a street, provided that signs having an aggregate area of twenty-five (25) square feet shall be permitted on a site having less than 100 feet of property line adjoining a street;
- (b) Directional signs for off-street parking and loading facilities with areas not exceeding four (4) square feet for each sign;
- (c) One sign pertaining to the sale, lease, rental, or display of a structure or land, not exceeding six (6) square feet in area; and
- (d) One temporary construction sign with an area not exceeding one-fourth (1/4) of the maximum permitted area of permanent signs, located on the site of a structure while under construction. (§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1706. Signs in C and M Districts.

No sign, outdoor advertising structure, or display of any character shall be permitted on a C or M District except the following:

- (a) The maximum permitted area of all faces of all signs located outside of the City's redevelopment area and visible from beyond the boundaries of a site, except directional signs and signs behind a display window, shall be as prescribed in the following table. Advertising signs, where permitted, shall be included as part of the maximum permitted sign area.

<i>District</i>	<i>Maximum Total Area, Basis of Calculation</i>	<i>Advertising Signs</i>
CN	1 square foot per foot of property line adjoining street	Not permitted
CP	120 square feet per acre of site in use	Not permitted
CC, CW	No limit in sign area	Permitted
CS	No limit in sign area	Permitted

- (b) The maximum permitted area of all faces of all signs located within the City's redevelopment area and visible from beyond the boundaries of a site, except directional signs and signs behind a display window, shall be as prescribed in the following table. Advertising signs, where permitted, shall be included as part of the maximum permitted sign area.

<i>District</i>	<i>Maximum Total Area, Basis of Calculation</i>	<i>Advertising Signs</i>
CN	1 square foot per foot of property line adjoining street	Not permitted
CP	120 square feet per acre of site in use	Not permitted
CC, CW	2 square feet per foot of property line adjoining street	Permitted
CS	3 square feet per foot of property line adjoining street	Permitted

(c) Directional signs for off-street parking and loading facilities not exceeding four (4) square feet for each sign in a CN District or twenty (20) square feet in a CP, CC, CW, CS, or M District;

(d) One (1) sign pertaining to the sale, lease, rental, or display of a structure or land, not exceeding six (6) square feet in a CN District or twenty (20) square feet in a CP, CC, CW, CS, or M District;

(e) Exhibits of goods sold or manufactured on the premises in a CP, CC, CW, CS, or M District; and

(f) Temporary construction signs not exceeding one-fourth (1/4) of the maximum permitted area of permanent signs, located on the site of a structure while under construction.

(g) Roof signs and off-premise advertising signs shall not be permitted within the City's redevelopment area.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; Ord. 527-C.S., eff. June 20, 1991)

Sec. 10-5.1707. Signs in -PD Districts.

Signs in -PD Planned Unit Development Districts shall comply with the regulations prescribed in this article for the districts with which they are combined, unless otherwise prescribed in the use permit.

(§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.1708. Temporary subdivision signs.

Temporary subdivision signs shall be permitted in an R or M District provided they conform with the following regulations:

(a) One nonilluminated sign pertaining to a subdivision and not exceeding twenty-four (24) square feet in area may be erected or displayed for each ten (10) acres in the subdivision. If, after dividing the area in acres of a subdivision by ten (10), a remainder of five (5)

or more is obtained, one additional sign may be displayed. If a subdivision has an area of less than ten (10) acres, one sign not exceeding twenty-four (24) square feet in area may be displayed.

(b) The total number of subdivision signs, other than model home signs and directional signs as permitted in subsections (c) and (d) of this section, shall not exceed four (4).

(c) One nonilluminated sign pertaining to a model home and not exceeding six (6) square feet in area may be erected or dis-

by law to be displayed by a public utility for directional, warning, or informational purposes; and temporary signs or displays of an emergency, patriotic, religious, or community nature, including temporary nonstructural posters for civic or political campaigns and nonilluminated, nonverbal religious symbols, shall not be subject to the regulations of this article.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1704. Signs in F, A, R, HM, P, and S Districts.

No sign, outdoor advertising structure, or display of any character shall be permitted in an F, A, R, HM, P, or S District except the following:

(a) One nameplate, not directly lighted, not exceeding one square foot in area, on the site of a one-family dwelling or a two-family dwelling in an R District;

(b) One identification sign, not directly lighted, not exceeding four (4) square feet in area, located on the site of a multi-family dwelling or a lodging house in an R, OR, or HM District, or a permitted use in an A or S District;

(c) One identification sign, not directly lighted, not exceeding twelve (12) square feet in area, for each main building on the site of public buildings or grounds, a private institution, a church, a club or lodge, a medical or dental office, a clinic, a laboratory, or a pharmacy, provided that a general hospital may have identification signs not exceeding fifty (50) square feet in aggregate area;

(d) In addition to an identification sign, one bulletin board, not directly lighted, not exceeding twenty (20) square feet in area, on the site of a church;

(e) One nonilluminated sign not exceeding four (4) square feet in area on the site of a parking lot;

(f) One nonilluminated sign not exceeding six (6) square feet in area pertaining to the sale, lease, rental, or display of a structure or land;

(g) One nonilluminated, temporary construction sign, not more than six (6) square feet in area, on the site of a structure while under construction;

(h) Temporary construction and subdivision signs subject to the regulations prescribed in Section 10-5.1708 of this article; and

(i) Signs pertaining to a conditional use in an F, A, or S District if authorized by the use permit.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1705. Signs in OR Districts.

No sign, outdoor advertising structure, or display of any character shall be permitted in an OR District except the following:

- (a) Signs pertaining to a use conducted on the site with an aggregate area of all sign faces not greater than one square foot for each four (4') feet of property line adjoining a street, provided that signs having an aggregate area of twenty-five (25) square feet shall be permitted on a site having less than 100 feet of property line adjoining a street;
- (b) Directional signs for off-street parking and loading facilities with areas not exceeding four (4) square feet for each sign;
- (c) One sign pertaining to the sale, lease, rental, or display of a structure or land, not exceeding six (6) square feet in area; and
- (d) One temporary construction sign with an area not exceeding one-fourth (1/4) of the maximum permitted area of permanent signs, located on the site of a structure while under construction. (§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1706. Signs in C and M Districts.

No sign, outdoor advertising structure, or display of any character shall be permitted on a C or M District except the following:

- (a) The maximum permitted area of all faces of all signs located outside of the City's redevelopment area and visible from beyond the boundaries of a site, except directional signs and signs behind a display window, shall be as prescribed in the following table. Advertising signs, where permitted, shall be included as part of the maximum permitted sign area.

<i>District</i>	<i>Maximum Total Area, Basis of Calculation</i>	<i>Advertising Signs</i>
CN	1 square foot per foot of property line adjoining street	Not permitted
CP	120 square feet per acre of site in use	Not permitted
CC, CW	No limit in sign area	Permitted
CS	No limit in sign area	Permitted

- (b) The maximum permitted area of all faces of all signs located within the City's redevelopment area and visible from beyond the boundaries of a site, except directional signs and signs behind a display window, shall be as prescribed in the following table. Advertising signs, where permitted, shall be included as part of the maximum permitted sign area.

<i>District</i>	<i>Maximum Total Area, Basis of Calculation</i>	<i>Advertising Signs</i>
CN	1 square foot per foot of property line adjoining street	Not permitted
CP	120 square feet per acre of site in use	Not permitted
CC, CW	2 square feet per foot of property line adjoining street	Permitted
CS	3 square feet per foot of property line adjoining street	Permitted

(c) Directional signs for off-street parking and loading facilities not exceeding four (4) square feet for each sign in a CN District or twenty (20) square feet in a CP, CC, CW, CS, or M District;

(d) One (1) sign pertaining to the sale, lease, rental, or display of a structure or land, not exceeding six (6) square feet in a CN District or twenty (20) square feet in a CP, CC, CW, CS, or M District;

(e) Exhibits of goods sold or manufactured on the premises in a CP, CC, CW, CS, or M District; and

(f) Temporary construction signs not exceeding one-fourth (1/4) of the maximum permitted area of permanent signs, located on the site of a structure while under construction.

(g) Roof signs and off-premise advertising signs shall not be permitted within the City's redevelopment area.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; Ord. 527-C.S., eff. June 20, 1991)

Sec. 10-5.1707. Signs in -PD Districts.

Signs in -PD Planned Unit Development Districts shall comply with the regulations prescribed in this article for the districts with which they are combined, unless otherwise prescribed in the use permit.

(§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.1708. Temporary subdivision signs.

Temporary subdivision signs shall be permitted in an R or M District provided they conform with the following regulations:

(a) One nonilluminated sign pertaining to a subdivision and not exceeding twenty-four (24) square feet in area may be erected or displayed for each ten (10) acres in the subdivision. If, after dividing the area in acres of a subdivision by ten (10), a remainder of five (5)

or more is obtained, one additional sign may be displayed. If a subdivision has an area of less than ten (10) acres, one sign not exceeding twenty-four (24) square feet in area may be displayed.

(b) The total number of subdivision signs, other than model home signs and directional signs as permitted in subsections (c) and (d) of this section, shall not exceed four (4).

(c) One nonilluminated sign pertaining to a model home and not exceeding six (6) square feet in area may be erected or dis-

played on the site of each model home in a subdivision.

(d) Not more than two (2) nonilluminated directional signs, each not more than six (6) square feet in area, may be erected or displayed for each ten (10) acres in a subdivision and may be located off the site of a subdivision. If, after dividing the area in acres of a subdivision by ten (10), a remainder of five (5) or more is obtained, one additional sign may be displayed. If a subdivision has an area of less than ten (10) acres, two (2) signs each not exceeding six (6) square feet in area may be displayed.

(e) A sign permit shall be required for each temporary subdivision sign. A permit may be issued by the Building Inspector at any time after the recordation of the subdivision and shall become void one year following the date on which the permit was issued. The sign shall then be removed unless, prior to the expiration of one year, renewal of the permit for a period of not more than one year shall be approved by the Planning Commission. The Commission may approve subsequent renewal requests.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1709. Nonconforming signs.

Nonconforming signs shall be subject to the regulations prescribed in Article 22 of this chapter (Nonconforming Uses, Structures, and Signs).

(§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.1710. Architectural review on -AR and -PD Districts.

In an -AR and a -PD District all signs shall be subject to architectural review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review).

(§ 2, Ord. 80-C.S., eff. October 16, 1966; Ord. 527-C.S., eff. June 20, 1991)

Article 18. Site Plan Review and Architectural Review

Sec. 10-5.1801. Purposes.

10-5.1801.1. Site plan review.

In order to preserve the natural beauty of the City's site, to prevent the indiscriminate clearing of property and the destruction of trees and shrubs, to prevent excessive grading of hillsides and creation of drainage hazards, to ensure that structures are properly related to their sites and to surrounding sites and structures and to traffic circulation in the vicinity, and that parking areas, walkways, and land-

scaping are arranged to accomplish the objectives of this chapter, site plans for certain permitted uses and structures shall be subject to site plan review by the Design Review Committee. The ugly, the inharmonious, the monotonous, and the hazardous shall be barred, but originality in site planning shall not be suppressed.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1801.2. Architectural review.

In order to prevent the erection of structures or signs that would be inharmonious with their surroundings or would have an adverse effect on the value of property or improvements in the vicinity, uses and structures and certain signs in the -AR and -PD Districts and conditional uses in all districts shall be subject to architectural review by the Design Review Committee. The ugly, the inharmonious, the monotonous, and the hazardous shall be barred, but originality in architecture, site planning, and landscape and graphic design shall not be suppressed. Review shall include exterior design, materials, textures, and colors but shall not consider elements of the design that do not affect exterior appearance. In reviewing proposals for development in -AR Districts that have an established historical character, the Design Review Committee shall recommend disapproval of drawings for a structure or a sign that would be inharmonious with surrounding development, but the Committee shall not require that new structures duplicate an historic architectural style as a condition of approval.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1802. Design Review Committee.

(a) There is hereby created a Design Review Committee which shall review drawings and report to the Planning Commission when prescribed in this article. The Design Review Committee shall consist of three (3) members: the Director of Planning, the Building Inspector who shall serve ex officio, and a person qualified by reason of training or experience in architecture, land development, City planning, real estate, landscape architecture, or other relevant business or profession, or by reason of sound judgment, to judge the effects of a proposed development on the community, who shall be appointed by the Mayor with confirmation by the Council for a term ending on January first of each year. If the membership of the Committee does not include an architect, the Committee shall by unanimous agreement invite an architect, who may or may not be a resident of the City, to serve in an advisory capacity. In the event the Committee is required to review drawings for a project in which one of its

members or its advisors has a business or professional interest, it shall seek the advice of a disinterested architect.

(b) The Design Review Committee shall hold two (2) regular meetings each month at a time to be designated by the Committee, except that a meeting may be canceled if no drawings in conformity with the other requirements of this chapter have been submitted for review. Reports of the Committee shall have the concurrence of at least two (2) members. The Director of Planning shall serve as secretary to the Committee.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1803. Drawings to be approved.

(a) No zoning permit for a use or for a structure or enlargement of an existing use or structure that is subject to site plan review as prescribed in this chapter shall be issued until the drawings required by Section 10-5.1804.1 of this article have been approved by the Design Review Committee, the Planning Commission, or the Council.

(b) No zoning permit for a use or for a structure or sign or exterior alteration, enlargement, or major remodeling of an existing use, structure, or sign that is subject to architectural review as prescribed in this chapter shall be issued until the drawings required by Section 10-5.1804.2 of this article have been approved by the Design Review Committee, the Planning Commission, or the Council.

(c) No zoning permit for a use or structure in the CP Planned Shopping Center Commercial District shall be issued until drawings of development plans for the entire CP District as prescribed in this article have been approved in accordance with the procedures prescribed in this article.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1804. Drawings to be submitted.

10-5.1804.1. Site plan review.

The owner of the site or his authorized agent shall submit the following drawings to the Director of Planning at the time of or prior to applying for a zoning permit:

(a) A site plan, drawn to scale, showing the proposed layout of structures and other improvements, including, where appropriate, driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, fences, and walls. The site plan shall indicate the locations of entrances and exits and the direction of traffic flow into and out of off-street parking and off-street loading areas, the lo-

cation of each parking space and each loading berth, and areas for turning and maneuvering vehicles;

(b) A landscape plan, drawn to scale, showing the locations of existing trees proposed to be removed and proposed to be retained on the site, the location and design of landscaped areas, and the varieties of plant materials to be planted therein, and other landscape features;

(c) Drawings showing the height and bulk of proposed structures and schematic floor plans showing sufficient detail to permit computation of yard requirements;

(d) Grading plans where required by Chapter 1 of Title 9 of this Code (Building Code); and

(e) The Design Review Committee or the Director of Planning may require additional information if necessary to determine whether the purposes of this article are being carried out or may authorize the omission of any or all of the drawings required by this section if they are not necessary.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.1804.2. Architectural review.

In addition to the drawings required by subsections (a), (b), and (d) of Section 10-5.1804.1 of this article, the owner of the site or his authorized agent shall submit the following drawings to the Director of Planning at the time of or prior to applying for a zoning permit:

(a) Architectural drawings or sketches, drawn to scale, showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified;

(b) Scale drawings of all signs subject to architectural review showing the size, location, material, colors, and illumination, if any; and

(c) The Design Review Committee or the Director of Planning may require additional information if necessary to determine whether the purposes of this article are being carried out or may authorize the omission of any or all of the drawings required by this section if they are not necessary.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1805. Referral to Design Review Committee.

The Director of Planning shall check all drawings submitted for site plan review or architectural review. If he finds that the plans meet the requirements of this chapter, subject to site plan review or architectural review, he shall submit the drawings to the Design Re-

view Committee. If the Director of Planning determines that a zoning permit could not be issued without the granting of a use permit, the granting of a variance, or the enactment of an amendment to this chapter, he shall inform the applicant and shall not submit the drawings to the Design Review Committee.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1806. Action of Design Review Committee.

(a) Within twenty-one (21) days of the date the drawings meeting all other requirements of this chapter were submitted for site plan review or architectural review, the Design Review Committee shall approve the drawings or shall submit a written report to the Planning Commission recommending conditional approval, modification, or disapproval. Conditions may include, but shall not be limited to, the conditions prescribed in Article 24 of this chapter (Conditional Uses).

(b) If the Committee approves the drawings, or if the conditions or modifications recommended by the Committee are acceptable to the applicant, the drawings shall be approved in the form recommended by the Committee and the drawings shall not be submitted to the Commission.

(c) Failure of the Committee to act within twenty-one (21) days of the date of submission shall be deemed denial of the drawings and the Committee shall prepare a written report to the Planning Commission as prescribed in Section 10-5.1806(a) unless a time extension is requested by the applicant.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; Ord. 493-C.S., eff. April 20, 1989)

Sec. 10-5.1807. Action of Planning Commission.

(a) Within ten (10) days following the Design Review Committee's report recommending conditional approval, modifications, or disapproval; or to the next available meeting of the Planning Commission whichever is later, the Commission shall review the Committee's action.

(b) Within forty-five (45) days after the Planning Commission's receipt of the Design Review Committee's report recommending conditional approval, modification, or disapproval of the drawings, the Planning Commission shall approve, conditionally approve, or disapprove the drawings or shall request the applicant to revise them, provided that if the conditions or modifications requested by the Committee are acceptable to the applicant, no action by the Commission shall be required.

(c) Revised drawings shall be reviewed as prescribed for drawings first submitted.

(d) Failure of the Commission to act within forty-five (45) days after the receipt of the Design Review Committee's report shall cause the drawings to be automatically referred to the City Council accompanied by a written report unless a time extension is requested by the applicant and granted by the Commission.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; Ord. 493-C.S., eff. April 20, 1989)

Sec. 10-5.1808. Appeals to Council.

(a) Within ten (10) days following the date of a decision by the Planning Commission, the decision may be appealed to the Council by the applicant. The appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein the decision of the Commission is not in accord with the purposes prescribed in Section 10-5.1801 of this article.

(b) Within five (5) days of the filing of an appeal, the Secretary shall transmit to the Council the drawings, the report of the Design Review Committee, and the minutes of the Commission meeting at which the drawings were considered.

(c) The City Clerk shall notify the applicant of the time when the appeal will be considered by the Council.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.1809. Action of Council.

Within forty-five (45) days following an appeal of a decision of the Planning Commission or a failure of the Commission to act pursuant to Section 10-5.1807(d), the Council shall affirm, reverse, or modify the decision provided, if a decision is reversed or modified, the Council shall make a finding that the decision was not in accord with the purpose prescribed in Section 10-5.1801 of this article.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; Ord. 493-C.S., eff. April 20, 1989)

Article 18.5. Secondary Dwelling Units

Sec. 10-5.1851. Purposes.

The purpose of this article is to provide a mechanism for allowing secondary dwelling units in the Residential One-Family Districts,

thereby providing the opportunity for the development of small housing units designed to meet the special housing needs of Eureka's citizens. Furthermore, the purpose of these provisions is to allow for the more efficient use of the City's existing stock of dwellings, to provide affordable housing, to avoid parking problems in residential neighborhoods, and to protect property values and the single-family character of a neighborhood by ensuring that second units are developed under special conditions as may be appropriate to further the purposes of this article.

(§ 1, Ord. 515-C.S., eff. May 19, 1990)

Sec. 10-5.1852. Use permit required.

*-Not neg'd per Baskin
5-21-15*

An approved conditional use permit application, in accordance with the provisions of this article and with Article 24, shall be obtained prior to the submittal of an application for a building permit for a secondary dwelling unit.

(§ 1, Ord. 515-C.S., eff. May 19, 1990)

Sec. 10-5.1853. Secondary dwelling unit development standards.

Not more than one (1) dwelling unit shall be permitted on any lot in the RS District except that a secondary dwelling unit, not intended for sale, may be permitted subject to the following criteria:

(a) The lot shall contain an existing single family dwelling (primary unit);

(b) Secondary dwelling units may not be permitted on residential lots already having two (2) or more dwelling units located thereon and shall not be permitted in addition to a guest house;

(c) The minimum size of the lot on which the secondary dwelling unit may be built shall be six thousand (6,000) square feet. The lot shall have a minimum width of sixty (60') feet and a minimum depth of one hundred (100') feet;

(d) The secondary dwelling unit shall provide complete and independent living facilities for one or more persons and include permanent provisions for living, sleeping, eating, cooking and sanitation;

(e) The unit construction shall conform to the site development criteria applicable to accessory structures or additions to main residences in the RS District, except that the maximum allowable lot coverage when the unit is located within the rear yard shall be six hundred forty (640) square feet and the height of the accessory unit shall not exceed twenty-four (24') feet.

(f) There shall be a minimum of one (1) additional uncovered off-street parking space provided for the secondary dwelling unit in accordance with Article 15 of this chapter. When a secondary dwelling unit is proposed on a lot that is substandard due to required number of off-street parking spaces, additional parking spaces shall be provided to bring the lot into compliance with Section 10-5.1503.1(a) of this chapter. All new parking spaces shall be developed in accordance with Section 10-5.1504 of this chapter;

(g) The secondary dwelling unit may be either attached to, or detached from, the primary unit. The total living area for a secondary dwelling unit shall not exceed six hundred forty (640) square feet;

(h) The secondary dwelling unit shall comply with all applicable building code requirements nor shall it be constructed as to cause the primary dwelling to conflict with the applicable building codes;

(i) The secondary dwelling unit may be either metered separately or with the primary unit for gas, electricity, and water services;

(j) When one single family dwelling exists on a lot, a larger second dwelling unit may be constructed as the principal dwelling provided that the living area of the existing dwelling is within the limitations of this section, and all other development regulations and standards can be met for both dwelling units;

(k) The density provisions of the City's General Plan shall be waived for secondary dwellings constructed pursuant to this article.

(l) The secondary dwelling unit may be rented although rental is not required.

(§ 1, Ord. 515-C.S., eff. May 19, 1990; Ord. 537-C.S., eff. February 6, 1992)

Sec. 10-5.1854. Supplemental findings.

No conditional use permit for a secondary dwelling unit may be approved unless the Planning Commission, in addition to making the findings contained in Section 10-5.2407 of this chapter, make the following findings:

(a) The secondary dwelling unit is compatible with the design of the primary dwelling unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk, lot coverage, and exterior treatment, and will not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significant adverse impacts on public services and resources; and

(b) The secondary dwelling unit will not tend to change the character or cause a concentration of such units sufficient to change the characteristics of the residential neighborhood in which it is located.

(§ 1, Ord. 515-C.S., eff. May 19, 1990)

Sec. 10-5.1855. Existing secondary dwelling units.

This article shall in no way validate any existing illegal secondary dwelling unit. An application for a use permit may be made pursuant to the provisions of Article 24 of this chapter to convert an illegal secondary dwelling unit to a conforming secondary dwelling unit or to allow for replacement, alteration or expansion of an existing non-conforming secondary dwelling unit. The standards and requirements for conversion of illegal secondary dwelling units shall be the same as for newly proposed secondary dwelling units.

(§ 1, Ord. 515-C.S., eff. May 19, 1990)

Article 19. Home Occupations

Sec. 10-5.1901. Required conditions.

Home occupations in the A, R, and OR Districts shall comply with the following regulations:

(a) There shall be no stock-in-trade other than products manufactured on the premises.

(b) A home occupation shall be clearly incidental to the use of the structure as a dwelling.

(c) A home occupation shall not be conducted in an accessory structure, and there shall be no storage of equipment or supplies in an accessory structure or outside the dwelling.

(d) There shall be no external alteration of the dwelling in which a home occupation is conducted, and the existence of a home occupation shall not be apparent beyond the boundaries of the site except for a nameplate in accord with the provisions of Section

10-5.1704 of Article 17 of this chapter (Signs in F, A, R, HM, P and S Districts).

(e) In an RS District, no one other than a resident of the dwelling shall be employed at the residence in the conduct of a home occupation. In an A, RM, or OR District, not more than one nonresident in addition to residents of the dwelling shall be employed at the residence in the conduct of a home occupation.

(f) No motor power other than electrically operated motors shall be used in connection with a home occupation. The horsepower of any single motor shall not exceed one-half (1/2) horsepower, and the total horsepower of such motors shall not exceed one horsepower.

(g) A home occupation shall not create any radio or television interference or create noise audible beyond the boundaries of the site.

(h) No smoke, odor, liquid, or solid waste shall be emitted.

(i) Not more than one truck of not more than three-fourths (3/4) ton capacity and no semitrailers incidental to a home occupation shall be kept on the site.

(j) A home occupation shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the district.

Sec. 10-5.1902. Applications.

Applications for home occupation permits shall be made to the Director of Planning on forms prescribed by the Planning Commission. The Director shall issue a permit upon determining that the proposed home occupation meets all of the requirements of this article. The permit shall become void, and the home occupation shall be removed one year following the date on which the permit was issued unless the permit is renewed prior to expiration. Pre-existing home occupations shall require home occupation permits after October 16, 1967.

Article 19.5. Mobile Vendors

Sec. 10-5.1950. Purpose.

The purpose of this chapter is to provide a set of standards for the off-street operation of mobile vendors on public and private properties. Mobile vendors operating in the public street right-of-way are regulated separately under Chapter 75 of Eureka's Municipal Code and the California Vehicle Code.

Sec. 10-5.1951. Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASSOCIATED EQUIPMENT. Any equipment used in conjunction with the operation of a mobile vendor that is placed, mounted, or located externally to the vehicle (except waste receptacles). Chairs, tables, stools, signage, generators, shade-providing structures, etc. are considered **ASSOCIATED EQUIPMENT**.

MOBILE VENDOR. Any **VEHICLE** from which a product is made, sold, or distributed at retail.

OPERATION. The act of vending and the incidental preparations that take place after arriving to the **SITE OF OPERATION** and immediately prior to departing from the **SITE OF OPERATION**.

SITE OF OPERATION. The place where the operation of a **MOBILE VENDOR** takes place.

VEHICLE. A device by which any person or property may be propelled or moved upon a highway, excepting a device moved exclusively by human power.

VEND or VENDING. To sell, offer for sale, display, barter, exchange, or otherwise provide a product from a **VEHICLE**.

Sec. 10-5.1952 Required Conditions.

(A) *Obstructions.* A mobile vendor shall not obstruct pedestrian or vehicular traffic or block a driveway or alleyway.

(B) *Intersections.* A mobile vendor shall not operate within twenty five feet (25') of any street intersection measured from the back of the nearest perpendicular sidewalk.

(C) *Schools.* A mobile vendor shall not operate within 300 feet of any property on which a K-12 school is located between the hours of 7:00 a.m. and 5:00 p.m. of any school day. This prohibition shall not apply if the school provides the mobile vendor written authorization to park on school property.

(D) *Waste.* While in operation, a mobile vendor shall maintain a clearly designated waste receptacle in the immediate vicinity of the vehicle.

(E) *Operation.* When not in operation, all mobile vendors, associated equipment, and waste receptacles shall be removed from the site of operation.

(F) *Compliance with other laws and regulations.* Mobile vendors shall obey all local, state, and federal laws.

(G) *Business Improvement Districts.* Mobile vendors which operate, or intend to operate, within a business improvement district shall pay associated fees.

(H) *Council Approval.* Permission for a mobile vendor to operate on City-owned property, exclusive of public rights-of-way, shall require approval by City Council. This provision shall not apply to mobile vendors operating under a special use permit.

(I) *Severability.* If any provision of this subchapter as now or later amended or its application to any person or circumstance is held invalid, unconstitutional, or otherwise unenforceable, such decision shall not affect other provisions that can be given effect without the invalid provision or application.

(J) *Use of Existing Parking Spaces.* Mobile vendors shall only occupy off-street parking spaces that are not required to meet the minimum parking standards of existing permitted uses pursuant to Article 15 of this chapter ("Off-Street Parking Facilities").

Article 20. Temporary Subdivision Sales Offices**Sec. 10-5.2001. Subdivision sales office permits.**

One temporary sales office in a subdivision of not less than five (5) acres located not less than 200 feet from any existing dwelling outside the subdivision measured along street lines shall be permitted subject to the granting of a subdivision sales office permit. A permit for a subdivision sales office may be issued by the Director of Planning at any time after the recordation of the subdivision and shall be-

come void one year following the date on which the permit was issued, and the office shall be removed unless, prior to the expiration of one year, renewal of the permit for a period of not more than one year shall be approved by the Planning Commission. The Commission may approve subsequent renewal requests.

(§ 2, Ord. 80-C.S., eff. October 16, 1966)

**Article 21. Manufactured Homes, Mobilehomes,
Commercial Coaches, Mobilehome Parks and
Recreational Vehicle Parks***

Sec. 10-5.2101. Occupancy.

(a) No mobilehome, or recreational vehicle, as defined in Section 18200, Chapter 1, Part 2.1 Division 13 of the "Mobilehome Park Act" of the Health and Safety Code of the State and Title 20 of the California Administrative Code, as amended, shall be occupied or used for living or sleeping purposes unless it is located in a State licensed mobilehome, or recreational vehicle park.

(b) Manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 et seq.) shall be considered as one-family dwellings. In addition to the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space and Screening and Landscaping Regulations), placement of manufactured homes on lots zoned for conventional one-family dwellings shall be in accordance with the following standards:

(1) The unit shall be installed on a foundation system in compliance with all applicable requirements of the Uniform Building Code to the satisfaction of the City Building Official.

(2) The unit shall be covered with an exterior material customarily used on conventional dwelling to the satisfaction of the Director of Community Development. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.

(3) The unit shall have a minimum twelve (12") inch roof overhang on each of the units perimeter walls.

(4) The unit shall have a roof constructed of shingles or other material customarily used for conventional dwellings to the satisfaction of the Director of Community Development.

*Editor's Note: The title of Article 21 was amended by Section 4, Ordinance No. 152-C.S., effective November 20, 1970 and further amended by Ordinance No. 526-C.S., effective June 20, 1991.

(5) The unit shall have a manufacture date no older than ten (10) years from the date of the application for issuance of a permit to install the manufactured home on the lot.

(c) Commercial coaches meeting the commercial property requirements, pursuant to Title 25 of the California Administrative Code, shall be allowed in the MG, ML and MC Zone Districts.

(d) In the CC, CN, CP, CS, CW, HM, and OR Zone Districts, commercial coaches meeting the commercial occupancy requirements, pursuant to Title 25 of the California Administrative Code, shall be allowed on a temporary basis for up to five (5) years from the date of initial placement. On or before the end of five (5) years, the unit shall be removed and shall be not replaced by another commercial coach. In addition to the regular permit approval process, commercial coaches in the HM or OR Zoning District shall be first subject to Site Plan and Architectural Review as prescribed in Article 18 of this chapter.

(e) A commercial coach meeting the commercial occupancy requirements, pursuant to Title 25 of the California Administrative Code may be used as an office for a construction project, circus, or carnival, and one mobilehome, manufactured home or recreational vehicle may be used for the temporary residence of a watchman on the site of a construction project, and recreational vehicles may be used as temporary residences for circus or carnival personnel in accordance with the conditions of a use permit.

(§ 2, Ord. 80-C.S., eff. October 16, 1966, as amended by § 5, Ord. 152-C.S., eff. November 20, 1970; § 1, Ord. 485-C.S., eff. April 20, 1989; Ord. 526-C.S., eff. June 20, 1991)

Sec. 10-5.2102. Reserved.*

Sec. 10-5.2103. Required conditions for mobilehome parks.

Mobilehome parks shall comply with the requirements of Section 18200, Part 2.11, Division 13 of the "Mobilehome Park Act" of the Health and Safety Code of the State and Title 20 of the California Administrative Code, as amended, and shall also comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations) except as provided in this section as follows:

*Editor's Note: Former Section 10-5.2102, Parking, previously codified herein and containing portions of Ordinance No. 80-C.S. was repealed by Ordinance No. 526-C.S., effective June 20, 1991.

(a) The minimum site area for a mobilehome park shall be one hundred thousand (100,000) square feet, provided that pre-existing mobilehome parks shall not be deemed nonconforming by reason of failure to meet the minimum site area requirements. A preexisting mobilehome park conforming in all respects except site area may be expanded but shall not be reduced in area.

(b) There shall be three thousand three hundred (3,300) square feet of site area for each mobilehome or manufactured home space. A preexisting mobilehome park shall not be deemed nonconforming by reason of failure to meet the minimum site area per mobilehome or manufactured home space requirement and may be enlarged provided there shall be three thousand three hundred (3,300) square feet of additional site area for each mobilehome or manufactured home space added.

(c) A mobilehome park shall meet the usable open space requirements for the RM-1000 District, provided that each mobilehome park shall have in addition at least one (1) recreation space not less than five thousand (5,000) square feet in area.

(d) Not more than one (1) permanent dwelling unit shall be located on the site of a mobilehome park in a CS District.

(e) No mobilehome, manufactured home or permanent dwelling unit shall be located in a required yard, not less than twenty (20') feet from a street property line or another mobilehome, manufactured home or permanent dwelling unit not less than fifteen (15') feet from the property line not abutting a street.

(f) All areas used for automobile circulation or parking shall be improved as prescribed for required parking facilities in Section 10-5.1504 of Article 15 of this chapter (Standards for off-street parking facilities).

(g) The site shall be landscaped as required in Section 10-5.213 of Article 2 of this chapter (Screening and Landscaping).
(§ 2, Ord. 80-C.S., eff. October 16, 1966, as amended by § 6, Ord. 152-C.S., eff. November 20, 1970; Ord. 526-C.S., eff. June 20, 1991)

Sec. 10-5.2104. Required conditions for recreational vehicle parks.

Recreational vehicle parks shall comply with the requirements of Division 2, Trailer Parks, of Article 7 of Title 25 of the California Administrative Code, as amended, and in addition thereto shall also comply with the following minimum development standards:

(a) Each recreational vehicle park shall have a minimum of one common sanitation station, as set forth in Article 5 of the Title 25 of the California Administrative Code, as amended.

(b) Such sanitation station shall provide a common container or containers about the site in which to dispose of garbage or trash.

(c) Recreational vehicles parking spaces shall be a minimum of twelve (12') feet in width and sixty (60') feet in length, except that spaces provided exclusively for camper units hauled on a motor vehicle or camp cars shall be a minimum of twelve (12') feet in width and twenty-five (25') feet in length. No portion of any recreational vehicle shall extend into a circulation or access aisle when parked.

(d) Spacing between each recreational vehicle space shall be a minimum of nine (9') feet, and the minimum yard between any parking space and a property line shall be ten (10') feet, and no space shall be so located to be less than five (5') feet from any structure on the site.

(e) Yard requirements between recreational vehicle parking spaces and other spaces, property lines, and structures shall be landscaped with minimum appropriate plant materials suitable for assuring privacy and ornamenting the site.

(f) All areas for motor vehicle circulation and parking shall be improved as prescribed for required parking facilities in Section 10-5.1504 of Article 15 of this chapter (Standards for off-street parking facilities).

(g) The site shall be landscaped as set forth in Section 10-5.213 of Article 2 of this chapter (Screening and Landscaping).
(§ 10, Ord. 152-C.S., eff. November 20, 1970; Ord. 526-C.S., eff. June 20, 1991)

Article 22. Nonconforming Uses, Structures, and Signs

Sec. 10-5.2201. Purposes.

This article is intended to limit the number and extent of nonconforming uses by prohibiting their enlargement, their reestablishment after abandonment, and the alteration or restoration after destruction of the structures they occupy. While permitting the use and maintenance of nonconforming structures and signs, this article is intended to limit the number and extent of nonconforming structures and certain nonconforming signs by prohibiting their being moved, altered, or enlarged in a manner

that would increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting their restoration after destruction. Eventually certain classes of nonconforming uses, nonconforming structures of nominal value, and certain nonconforming signs are to be eliminated or altered to conform.

(§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.2202. Continuation and maintenance.

(a) A use lawfully occupying a structure or a site on October 16, 1966, or at the time of subsequent amendments to this chapter, that does not conform with the use regulations or the site area per dwelling unit regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued except as otherwise provided in this article.

(b) A structure, lawfully occupying a site on October 16, 1966, or at the time of subsequent amendments to this chapter, that does not conform with the standards for front yard, side yards, rear yard, height, or basic floor area of structures, distances between structures, courts, or usable open space for the district in which the structure is located shall be deemed to be a nonconforming structure and may be used and maintained, except as otherwise provided in this article.

(c) A sign, outdoor advertising structure, or display of any character, lawfully occupying a site on October 16, 1966, or at the time of subsequent amendments to this chapter, that does not conform with the standards for subject matter, location, size, lighting, or movement prescribed for signs, outdoor advertising structures, and displays for the district in which it is located shall be deemed to be a nonconforming sign and may be displayed and maintained, except as otherwise provided in this article.

(d) Routine maintenance and repairs may be performed on a structure or site the use of which is nonconforming, on a nonconforming structure, and on a nonconforming sign.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2203. Alterations and additions to nonconforming uses, structures, and signs.

(a) No structure, the use of which is nonconforming, and no nonconforming sign shall be moved, altered, or enlarged unless required by law or unless the moving, alteration, or enlargement will result in the elimination of the nonconformity, except that a structure housing a nonconforming residential use in an A, R, OR, HM, C, ML or S District may be altered or enlarged, provided that the number of dwelling units is not increased.

(b) No structure partially occupied by a nonconforming use shall be moved, altered, or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use, except as permitted in this section.

(c) No nonconforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site or another structure or site which it did not occupy on October 16, 1966, or at the time of subsequent amendments to this chapter, that caused it to become a nonconforming use, or in such a way as to displace any conforming use occupying a structure or site, except as permitted in this section.

(d) No nonconforming structure shall be altered or reconstructed so as to increase the discrepancy between existing conditions

and the standards for front yard, side yards, rear yard, height of structures, distances between structures, courts, or usable open space prescribed in the regulations for the district in which the structure is located. No nonconforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yard, side yards, rear yard, height of structures, basic floor area, distances between structures, courts, or usable open space prescribed in the regulations for the district in which the structure is located.

(e) The nonconforming use of a structure or site shall not be changed to another nonconforming use.

(f) No use which fails to meet the required conditions for the district in which it is located by reason of air pollution, emissions, smoke, noise, odor, vibration, heat, cold, glare, electrical disturbance, radiation, or insect nuisance shall be enlarged or extended or shall have equipment replaced unless the enlargement, extension, or replacement will result in elimination of nonconformity with required conditions.

(§ 2, Ord. 80 C.S., eff. October 16, 1966; § 1, Ord. 299-C.S., eff. November 7, 1978)

Sec. 10-5.2204. Abandonment of nonconforming uses.

Whenever a nonconforming use has been abandoned, discontinued, or changed to a conforming use for a continuous period of ninety (90) days or more, the nonconforming use shall not be re-established, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located, provided that this section shall not apply to nonconforming dwelling units. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2205. Restoration of damaged structures.

(a) Whenever a structure which does not comply with the standards for front yard, side yards, rear yard, height of structures, distances between structures, courts, or usable open space prescribed in the regulations for the district in which the structure is located, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, by act of God, or by the public enemy to the extent of fifty (50%) percent or less, the structure may be restored and the nonconforming use may be resumed provided restoration is started within one year and diligently pursued to completion.

(b) Whenever a structure which does not comply with the standards for front yard, side yards, rear yard, height of structures, distances between structures, courts, or usable open space prescribed in the regulations for the district in which it is located, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, by act of God, or by the public enemy to an extent greater than fifty (50%) percent, or is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the nonconforming use shall not be resumed. Before issuing a zoning permit for a structure to be restored, the Director of Planning shall determine that the structure will be suitable for occupancy by a use permitted in the district in which it is located.

(c) The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by, or shall be reviewed and approved by, the City Engineer.
 (§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2206. Elimination of nonconforming uses, structures, and signs.

Nonconforming uses, structures, and signs listed in the following table shall be discontinued and removed from their sites, altered to conform, or altered as prescribed to decrease the degree of nonconformity within the specified time after they become nonconforming:

Removal or Alteration Required	Maximum Time Permitted For Removal or Alteration after Use Becomes Nonconforming
Removal or alteration of a nonconforming fence, wall, or hedge	1 year
Removal of a nonconforming use that does not occupy a structure	3 years
Removal of a nonconforming use occupying a structure having an assessed valuation of less than Five Hundred and no/100ths (\$500.00) Dollars	3 years
Removal of an advertising sign or structure in an R District	3 years

Removal or Alteration Required	Maximum Time Permitted For Removal or Alteration after Use Becomes Nonconforming
Removal of a nonconforming advertising sign or structure that is not directly lighted in an F, A, OR, HM, C, or M District	3 years
Removal of a nonconforming sign painted on a wall	3 years
Compliance with screening and landscaping provisions of Article 2 of this chapter for the district in which the use is located, provided that removal or alteration of a nonconforming structure having an assessed valuation of Five Hundred and no/100ths (\$500.00) Dollars or more shall not be required	3 years
Compliance with subsections (e), (f), and (g) of Section 10-5.1504 of Article 15 of this chapter (Standards for off-street parking facilities)	3 years
Compliance with the air pollution, emission, smoke, noise, odor, vibration, heat and cold, glare, electrical disturbance, radiation, and insect nuisance requirements for the district in which a permitted use or a pre-existing conditional use is located	3 years
Compliance with the air pollution, emission, smoke, noise, odor, vibration, heat, cold, glare, electrical disturbance, radiation, and insect nuisance requirements for the district in which a nonconforming use is a permitted use or a conditional use, provided that a nonconforming use permitted only in an M District shall comply with the requirements for the ML District	3 years
Removal or alteration of a nonconforming structure having	

Removal or Alteration Required	Maximum Time Permitted For Removal or Alteration after Use Becomes Nonconforming
an assessed valuation of less than Five Hundred and no/100ths (\$500.00) Dollars	5 years
Removal or alteration of a sign having nonconforming lighting or movement	5 years
Removal or alteration of a directly- lighted nonconforming adver- tising sign in an F, A, OR, HM, C, or M District	5 years

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2207. Time when uses, structures, or signs become nonconforming.

Whenever a use, structure, or sign becomes nonconforming because of a change of zoning district boundaries or a change of regulations for the district in which it is located, the period of time prescribed in this article for the elimination of the use or the removal of the structure or sign shall be computed from the effective date of the change of district boundaries or regulations.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2208. Notice of removal date for nonconforming uses, structures, or signs.

The Director of Planning shall determine the existence of the nonconforming uses listed in Section 10-5.2206 of this article and shall promptly notify the owner of each nonconforming use, structure, or sign by certified or registered mail of the date by which compliance with the provisions of Section 10-5.2206 of this article will be required. Notification shall precede the date by which elimination is required by not less than the time periods prescribed in Section 10-5.2206 of this article.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Article 23. Determination as to Uses Not Listed

Sec. 10-5.2301. Purpose and initiation.

In order to ensure that the zoning regulations will permit all similar uses in each district, the Planning Commission, upon its own initiative or upon written request, shall determine whether a use not specifically listed as a permitted use or a conditional use in an F, A, OR, HM, C, or M District shall be deemed a permitted use or a con-

ditional use in one or more districts on the basis of similarity to uses specifically listed. The procedures of this article shall not be substituted for the amendment procedure as a means of adding new uses to the lists of permitted uses and conditional uses but shall be followed to determine whether the characteristics of a particular use not listed are sufficiently similar to a listed use to justify a finding that the use should be deemed a permitted use or a conditional use in one or more districts.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2302. Applications.

Applications for determinations that specific uses should be included as permitted uses or conditional uses in an F, A, OR, HM, C, or M District shall be made in writing to the Director of Planning and shall include a detailed description of the proposed use and such other information as may be required by the Director of Planning to facilitate the determination.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2303. Investigations and reports.

The Director of Planning shall make such investigations of the application as he deems necessary to compare the nature and characteristics of the proposed use with those of the uses specifically listed in this chapter and shall prepare a report thereon which shall be submitted to the Planning Commission to aid the Commission in making its determination of the classification of the proposed use.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2304. Determinations.

(a) The determination of the Planning Commission shall be rendered in writing within forty-five (45) days after the Commission's receipt of the Director of Community Development's report and shall include findings supporting the conclusion.

(b) Failure of the Commission to act within forty-five (45) days after the receipt of the Director of Planning's report shall cause the request to be automatically referred to the City Council accompanied by a written report unless a time extension is requested by the applicant and granted by the Commission.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; Ord. 493-C.S., eff. April 20, 1989)

Sec. 10-5.2305. Effective date of determinations.

Within five (5) days following the date of a decision of the Planning Commission on a request for a determination as to a use not listed, the Secretary shall transmit to the Council written notice of the decision. The decision shall become effective ten (10) days following the date on which the determination was made or on the day following the next meeting of the Council, whichever is later, unless an appeal has been taken to the Council or unless the Council shall elect to review the decision of the Commission.

Sec. 10-5.2306. Appeals to Council

Within ten (10) days following the date of a decision of the Planning Commission on a request for a determination as to a use not listed, the decision may be appealed to the Council by the applicant or by any other person. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record.

Sec. 10-5.2307. Determinations by Council.

The determination of the Council shall be rendered in writing within forty-five (45) days following an appeal of a decision of the Planning Commission or a failure of the Commission to act pursuant to Section 10-5.2304(b), unless the applicant consents to an extension of the time period and shall include findings supporting the conclusion.

Article 24. Conditional Uses**Sec. 10-5.2401. Purposes and authorization.**

In order to give a district's use regulations the flexibility necessary to achieve the objectives of this chapter, in certain districts conditional uses shall be permitted subject to the granting of a use permit or minor use permit. Use permits and minor use permits provide a process for reviewing uses and activities that may be appropriate in the applicable zoning district, but whose potential effects on a site and surroundings must be evaluated in order to determine if special conditions should be required prior to allowing the use in a proposed location. Because of their potentially unusual characteristics, conditional uses require this level of special consideration so that they may be located properly with respect to the objectives of the zoning regulations and their effects on surrounding properties.

(b) A use permit or minor use permit is required to authorize proposed land uses identified as either "C" or "MC" in the applicable zoning district. For uses listed as "C," the Planning Commission is empowered to grant and deny applications for use permits for such conditional uses in such districts as are prescribed in the district regulations and to impose reasonable conditions upon the granting of use permits, subject to the right of appeal to the City Council or to review by the Council. For uses listed as "MC," the Director of Planning is the approval authority and the Planning Commission is the appeal authority.

(c) When located in the coastal zone, projects requiring a use permit or minor use permit shall also require a coastal development permit in compliance with Sections 10-5.29300 through 10-5.29400 of Article 29 (Coastal Development Permit Procedures).

Sec. 10-5.2402. Applications and fees.

10-5.2402.1. Data to be furnished.

Applications for use permits shall be filed with the Director of Planning and shall be on forms prescribed by the Planning Commission which shall include the following data:

- (a) Name and address of the applicant;
- (b) Statement that the applicant is the owner or the authorized agent of the owner of the property on which the use is proposed to be located;
- (c) Address or description of the property; and
- (d) Statement indicating the precise manner of compliance with each of the applicable provisions of this chapter, together with any other data pertinent to the findings prerequisite to the granting of a use permit as prescribed in Section 10-5.2407 of this article.

10-5.2402.2. Maps.

The application shall be accompanied by the following plans and drawings:

- (a) An accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the existing locations of streets and property lines;
- (b) An accurate scale drawing of the site showing the contours at intervals of not more than five (5') feet and existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities, landscaped areas, fences, and walls; and
- (c) The Director of Planning may require additional information, plans, and drawings if they are necessary to enable the Planning Commission to determine whether the proposed use will comply with all the applicable provisions of this chapter. The Director may authorize omission of any or all of the plans and drawings required by this section if they are not necessary.

10-5.2402.3. Fees.

The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling the application as prescribed in this article, except that there shall be no fee for an application for a conditional use in an S District.

Sec. 10-5.2403. Public hearings; Notices and procedure.**10-5.2403.1. Use permit.****10-5.2403.1.1. Notice.**

The Planning Commission shall hold at least one public hearing on each application for a use permit following preparation of the written report by the Director and within sixty (60) days of the date when the application is determined to be exempt from CEQA, or a negative declaration is adopted, or within one hundred eighty (180) days following the certification of an EIR. The secretary shall set the time and place of the hearing. Notice of the hearing shall be given pursuant to Sections 10-5.2808 through 10-5.2811 of Article 28 (Administration and Enforcement) of this chapter. In the coastal zone, notice of public hearings shall also comply with the notice requirements of Article 29, Coastal Development Permit Procedures, Section 10-5.2901 et seq.

10-5.2403.1.2. Procedure.

At the public hearing, the Commission shall review the application submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 10-5.2407 of this article.

10-5.2403.2. Minor use permit.

Before a decision on a minor use permit, the public notice shall be given pursuant to Sections 10-5.2808 through 10-5.2811 of Article 28 (Administration and Enforcement), and as follows, except that the provisions in Sections 10-5.2808(b) and 10-5.2808(c)(4)(A) shall not apply:

10-5.2403.2.1. Notice.

(a) The notice shall state that the Director of Planning will decide whether to approve, conditionally approve, or disapprove the minor use permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision; and

(b) The notice shall be mailed at least fifteen (15) working days prior to the Director's decision; and

(c) The notice shall contain a statement that a public comment period of at least fourteen (14) working days shall be provided to allow for the submission of written comments prior to the Director's decision.

10-5.2403.2.2. Hearing.

When a hearing is requested, notice of the hearing shall be provided in compliance with Sections 10-5.2808 through 10-5.2811 of Article 28 (Administration and Enforcement), except that Sections 10-5.2808(b) and 10-5.2808(c)(4)(A) shall not apply.

Sec. 10-5.2404. Reserved.

Sec. 10-5.2405. Investigations and reports; Review authority.

The Director of Planning shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission.

10-5.2405.1. Use permits.

Use permits shall be approved or disapproved by the Planning Commission.

10-5.2405.2. Minor use permits.

Minor use permits shall be approved or disapproved by the Director of Planning.

(a) The Director may choose to refer any minor use permit application that may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for hearing and decision, in which case, the procedures specified in this chapter for use permits shall apply.

(b) A minor use permit application shall be determined exempt from the California Environmental Quality Act (CEQA) in compliance with State law or it shall be processed as a use permit.

Sec. 10-5.2406. Action; Conditions of approval.**10-5.2406.1 Action of the Planning Commission.**

(a) Within forty-five (45) days following the closing of a public hearing on a use permit application, the Planning Commission shall act on the application. The Commission may grant by resolution an application for a use permit as the permit was applied for or in modified form, or the application may be denied. A use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Commission may prescribe.

(b) Failure of the Planning Commission to act within forty-five (45) days following the closing of a public hearing on a use permit application shall cause the application to be automatically referred to the City Council accompanied by a written report unless a time extension is requested by the applicant and granted by the Commission.

10-5.2406.2. Action of the Director of Planning.

(a) On the date specified for action, or within 45 days following the close of a public hearing on a minor use permit application if a hearing is requested pursuant § 10-5.2403.2.2, the Director shall review the application and materials submitted therewith and any pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in § 10-5.2407 of this subchapter, and shall grant by resolution the application for the minor use permit as the permit was applied for or in modified form, or the application may be denied.

(b) A minor use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Director may prescribe.

(c) Failure of the Director to act on the date specified for action, or within 45 days following the closing of a public hearing on a minor use permit application the Director shall cause the application to be automatically referred to the Commission accompanied by a written report unless a time extension is requested by the applicant and granted by the Director.

10-5.2406.3. Conditions of approval.

(a) In approving a use permit, the Commission or Director, or on appeal the Commission or Council, may impose reasonable conditions or restrictions deemed necessary to:

(1) Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;

(2) Achieve the general purposes of this title and the specific purpose of the zoning district in which the project is located;

(3) Achieve the findings for a use permit listed in §10-5.2407; and

(4) For a use permit acted upon by the Commission, mitigate any potentially significant impacts identified as a result of environmental review conducted in compliance with the California Environmental Quality Act.

(b) Reasonable guarantees and evidence that such conditions are being, or will be, complied with may be required.

(c) Conditions imposed may include, but shall not be limited to the following:

(1) Special yards, open spaces, or buffers;

(2) Fences or walls;

(3) Installation and maintenance of landscaping or landscape screens;

(4) Standards for the maintenance of buildings and grounds;

(5) Street dedications and improvements;

(6) On-site or off-site street, sidewalk or utility improvements and maintenance

agreements;

(7) Noise generation and attenuation;

(8) Dedication of right-of-way or easements or access rights;

(9) Arrangement of buildings and use areas on the site;

(10) Regulation of points of vehicular ingress and egress or on-site traffic and pedestrian circulation;

(11) Signs;

(12) Hours of operation and methods of operation;

(13) Other conditions which may be found necessary to address unusual site conditions

(14) Control of nuisances;

(15) The prescription of development schedules; and

(16) Other conditions deemed necessary by the Commission, Director or Council.

10-5.2406.4.

Except as provided in Article 12 of this chapter (PD Planned Unit Development Combining Districts), a use permit may not grant variances to the regulations prescribed by this chapter for fences, walls, hedges, screening, and landscaping; site area, width, frontage, and depth; front, rear and side yards; basic floor area; height of structures; distance between parking facilities and off-street loading facilities for which variance procedures are prescribed by Article 25 of this chapter (Variances).

Sec. 10-5.2407. Findings and criteria for granting approval.**10-5.2407.1.**

The Planning Commission or Director of Planning, or on appeal the Commission or Council, shall make the following findings before granting a use permit or minor use permit:

- (a) That the proposed location of the conditional use is in accord with the objectives of this chapter and the purposes and intent of the district in which the site is located;
- (b) That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;
- (c) That the proposed conditional use will comply with each of the applicable provisions of this chapter; and
- (d) That the proposed conditional use, if located in the coastal zone, is consistent with the certified Local Coastal Program and is consistent with the intent of the zoning district.

10-5.2407.2.

Actions on use permits shall be justified by written findings, based on substantial evidence in view of the whole record.

10-5.2407.3. Criteria for Approval.

In deciding whether a proposal is acceptable at a given location, the Commission or Director, or on appeal the Commission or Council, shall consider whether the proposal could be established and maintained without jeopardy to persons or property within or adjacent to the proposed site and without damage to the resources of the site and its surroundings. Appropriate criteria may be found in the following sources, without limitation:

- (a) General plan elements (such as land use, circulation, housing, noise, seismic safety, public safety, open space and conservation);
- (b) Standards and recommendations of City departments and other agencies commenting on environmental documents or referrals for the proposal or for similar projects.

Sec. 10-5.2408. Effective date of use permits.**10-5.2408.1. Use permit.**

Within five (5) days following the date of a decision of the Planning Commission on a use permit application, the Secretary shall transmit written notice of the decision to the Council and to the applicant. A use permit shall become effective ten (10) days following the date on which the use permit was granted, unless an appeal has been taken to the Council.

10-5.2408.2. Minor use permit.

A minor use permit shall become effective ten (10) days following the date on which the minor use permit was granted, unless an appeal has been taken to the Commission.

Sec. 10-5.2409. Appeals to Council.**10-5.2409.1. Appeals to Council.**

Within ten (10) days following the date of a decision of the Planning Commission on a use permit application or the appeal of the decision of the Director of Planning on a minor use permit, the decision may be appealed to the Council by the applicant or by any other person. An appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record.

10-5.2409.2. Appeals to Commission.

Within ten (10) days following the decision of the Director of Planning on a minor use permit application, the decision may be appealed to the Planning Commission by the applicant or by any other person. An appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein the decision is not supported by the evidence in the record.

Sec. 10-5.2410. Reserved.**Sec. 10-5.2411. Transmission of records to Council.**

Upon notification that an appeal has been filed with the City Clerk, or upon receipt of notice that the Council has elected to review and declines to affirm a decision of the Planning Commission, the Secretary shall transmit to the Council the complete record of the case.

Sec. 10-5.2412. Public hearings of appeals.

The Council, or Planning Commission for a minor use permit, shall hold at least one public hearing within forty-five (45) days of the date when an appeal from a decision on a use permit or minor use permit application is filed. Unless otherwise directed by the Council, the City Clerk shall set the time and place of the hearing on a use permit, and the Secretary shall set the time and place of the hearing on a minor use permit. Notice of the public hearing shall be given as prescribed in Sections 10-5.2808 through 10-5.2811 of Article 28. (Administration and Enforcement) of this chapter.

Sec. 10-5.2413. Action on appeals.**10-5.2413.1. Use permit.**

Within forty-five (45) days following the closing of a public hearing on a use permit application or minor use permit application, the Council shall act on the application. The Council may by resolution affirm, reverse, or modify a decision of the Planning Commission, provided that if a decision denying a use permit or minor use permit is reversed or a decision granting a use permit or minor use permit is modified, the Council, on the basis of the record transmitted by the Secretary and such additional evidence as may be submitted, shall make the findings

prerequisite to the granting of a use permit or minor use permit as prescribed in Section 10-5.2407 of this article. A use permit or minor use permit that has been the subject of an appeal to the Council shall become effective immediately after it is granted by resolution of the Council. Within five (5) days following the date of a decision of the Council on a use permit or minor use permit application appeal, the City Clerk shall transmit written notice of the decision to the applicant and Commission and shall return the Commission record to the Secretary.

10-5.2413.2. Minor use permit.

Within forty-five (45) days following the closing of a public hearing on the appeal of a minor use permit application, the Commission shall act on the application. The Commission may by resolution affirm, reverse, or modify a decision of the Director, provided that if a decision denying a minor use permit is reversed or a decision granting a minor use permit is modified, the Commission, on the basis of the record transmitted by the secretary and such additional evidence as may be submitted, shall make the findings prerequisite to the granting of a minor use permit as prescribed in Section 10-5.2407 of this article. A minor use permit that has been the subject of an appeal to the Commission shall be appealable to the City Council pursuant to the procedures for use permit appeal, transmission, hearing and action provided in Section 10-5.2401 through 10-5.2412 within ten (10) days following the date of the decision of the Commission.

Sec. 10-5.2414. Lapse of use permits.

(a) A use permit or minor use permit shall lapse and shall become void two years following the date on which the use permit or minor use permit became effective unless the Planning Commission or Director of Planning specifies a shorter time period, or unless prior to the expiration of two years, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit or minor use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit or minor use permit application, or the site is occupied if no building permit or certificate of occupancy is required.

(b) A use permit or minor use permit may be renewed for an additional period of one year provided that, prior to either the expiration of the date when the use permit or minor use permit became effective, or one year from the date the renewal became effective, an application for renewal of the use permit or minor use permit is filed with the Planning Commission or the Director of Planning.

(c) The Commission or Director may grant or deny an application for the renewal of a use permit or minor use permit.

(d) Sections 10-5.2402 through 10-5.2413 of this article shall apply to an application for the renewal of a use permit or minor use permit.

Sec. 10-5.2415. Preexisting conditional uses.

(a) A conditional use legally established prior to October 16, 1966, shall be permitted to continue provided it is operated and maintained in accord with the conditions prescribed at the time of its establishment, if any.

(b) Alteration or expansion of a preexisting conditional use shall be permitted only upon the granting of a use permit as prescribed in this article.

(c) A use permit shall be required for the reconstruction of a structure housing a preexisting conditional use if the structure is destroyed by fire or other calamity, by act of God, or by the public enemy to a greater extent than fifty (50%) percent. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by, or shall be reviewed and approved by, the City Engineer.

Sec. 10-5.2416. Modification of conditional uses.

Sections 10-5.2402 through 10-5.2413 of this article shall apply to an application for modification, expansion, or other change in a conditional use, provided that if the Director of Planning determines that the proposed modification, expansion, or other change would not affect the findings prescribed in Section 10.5.2407 of this article, he shall issue a zoning permit.

Sec. 10-5.2417. Suspension and revocation.

Upon the violation of any applicable provision of this chapter, or, if granted subject to conditions, upon failure to comply with conditions, a use permit or minor use permit shall be suspended automatically. The Planning Commission shall hold a public hearing within forty-five (45) days, in accord with the procedure prescribed in Sections 10-5.2808 through 10-5.2811 of Article 28. (Administration and Enforcement) of this chapter, and, if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the use permit or minor use permit or take such action as may be necessary to ensure compliance with the regulation, general provision, or condition. Within five (5) days following the date of a decision of the Planning Commission revoking a use permit or minor use permit, the Secretary shall transmit written notice of the decision to the Council. The decision shall become final ten (10) days following the date on which the use permit or minor use permit was revoked or on the day following the next meeting of the Council, whichever is later, unless an appeal has been taken to the Council, in which case Sections 10.5.2409 through 10-5.2413 of this article shall apply.

Sec. 10-5.2418. New applications.

(a) Following the denial of a use permit or minor use permit application or the revocation of a use permit or minor use permit, no application for a use permit or minor use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the use permit or minor use permit.

(b) The City Council by motion may waive the one (1) year moratorium on filing of a new application where it finds any of the following facts exist:

(1) Inadequate or defective notice was given during the use permit or minor use permit process; or,

(2) Procedural errors were committed in the use permit or minor use permit process which errors substantially prejudiced the applicant or the public generally and the Council finds there is relevant new evidence which, in the exercise of reasonable diligence could not have been

presented at the hearing, or if there was an error of fact or law that occurred which has the potential for changing the Council's original decision.

Sec. 10-5.2419. Use permits to run with the land.

A use permit or minor use permit granted pursuant to the provisions of this article shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit or minor use permit application.

Sec. 10-5.2420. Time of applications where zoning reclassification is required.

Applications for use permits may be made at the same time as applications for changes in district boundaries including the same property, in which case the Planning Commission shall hold the public hearing on the zoning reclassification and the use permit at the same meeting and may combine the two (2) hearings. For the purposes of this section, the date of the Commission decision on the use permit application shall be deemed to be the same as the date of enactment by the Council of an ordinance changing the district boundaries, provided that if the Council modifies a recommendation of the Commission on a zoning reclassification, the use permit application shall be reconsidered by the Commission in the same manner as a new application.

Sec. 10-5.2421. Architectural review.

(a) No architectural review shall be required for minor use permits, unless the Director determines that the proposed minor use would be inharmonious with the aesthetics of the surroundings or would have an adverse effect on the value or character of the subject parcel, or to uses, structures, property or improvements in the vicinity. If required, architectural review for minor use permits shall be subject to the provisions prescribed in Article 18 of this chapter (Site Plan and Architectural Review).

(b) Unless excepted by (a) above, uses permits shall be subject to architectural review for the purposes described in Section 10-5.1801.2 of Article 18 of this chapter (Site Plan Review and Architectural Review)-, and shall be reviewed by the Design Review Committee, Planning Commission, or the Council upon appeal of the decision of the Planning Commission.

(1) The applicant shall have the option at the time of application for a use permit to request architectural review be conducted by either the Planning Commission when action is taken on the use permit, or by the Design Review Committee at a separate meeting following action on the use permit by the Planning Commission.

(2) The Planning Commission, or the Council upon appeal of the decision of the Planning Commission made pursuant to Section 10-5.2421, shall approve, conditionally approve, or deny the architectural review at the time of review of the use permit. Should the Planning Commission or Council upon appeal deny the use permit, the architectural review is also deemed denied.

(3) Drawings as required by Section 10-5.1804 of Article 18 of this chapter conditionally approved by the Planning Commission or Council upon appeal of the decision of the Planning Commission made pursuant to Section 10-5.2421 shall be revised and re-submitted to the Director of Planning, who shall determine whether the revised drawings accurately

represent the drawings as conditionally approved by the Planning Commission or Council upon appeal. Drawings that are deemed not to be in substantial conformance with the conditionally approved application shall be scheduled for review by the Planning Commission or Council at the next available regularly scheduled meeting.

(4) Modifications made by an applicant to a project for which the architectural review has been approved, or conditionally approved by the Planning Commission, or Council upon appeal of the decision of the Planning Commission made pursuant to Section 10-5.2421, shall be submitted to the Director of Planning who shall determine whether the use permit, architectural review, or both, requires modification.

(5) If the conditions or modifications of the architectural review approved by the Planning Commission are not acceptable to the applicant, the applicant may appeal the Planning Commission's action on the architectural review taken pursuant to Section 10-5.2421 to the City Council. The appeal shall be scheduled on the next available meeting agenda of the City Council to review the Planning Commission's action. The drawings shall be transmitted to the City Council accompanied by a written report of the Planning Commission's action, prepared by the Director of Planning.

(6) Architectural review performed by the Design Review Committee pursuant to this section, shall be conducted as prescribed in Article 18 of this chapter (Site Plan and Architectural Review).

Sec. 10-5.2422. Electric transmission lines.

Any other provision of this article or of this chapter to the contrary notwithstanding, electric transmission lines may be constructed in any district without the necessity of first obtaining a use permit therefor provided the Commission by resolution shall first have approved the routes and design thereof.

Article 25. Variances**Sec. 10-5.2501. Purposes and authorization.**

(a) A variance is a waiver or modification of certain requirements prescribed in this chapter. The variance process provides for modifications of zoning requirements when the strict application of a given set of requirements will result in a practical difficulty or unnecessary physical hardship.

(b) The Planning Commission and the Director of Community Development is empowered to grant variances in order to prevent or lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this chapter as would result from a strict or literal interpretation and enforcement of certain of the regulations. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon, from geographic, topographic, or other physical conditions on the site or in the immediate vicinity, or from population densities, street locations, or traffic conditions in the immediate vicinity. Cost to the applicant of strict or literal compliance with a regulation shall not be the sole reason for granting a variance.

(c) The power to grant variances shall not extend to use regulations. Variances which request approval to locate a use in a zoning district in which it is not allowed are specifically prohibited.

(d) The Director of Community Development shall have the following variance granting authority:

(1) Authority to grant one hundred (100%) percent variances on all fences, walls, hedges, screening, landscaping, site area, width, frontage, and signs.

(2) Authority to grant fifty (50%) percent variances with regard to front, side, and rear yards; basic floor area; height of structures; distance between structures; courts; usable open space; and off-street parking and loading facilities. No public hearing shall be required on variances approved by the Director of Community Development. The Director may, at his or her discretion, schedule for hearing by the Planning Commission any application for a variance under his or her authority.

(§1, Ord. 503-C.S., eff. December 9, 1989)

Sec. 10-5.2502. Applications and fees.**10-5.2502.1. Data to be furnished.**

Applications for variances shall be filed with the Director of Community Development and shall be made on forms prescribed by the Planning Commission which shall include the following data:

- (a) Name and address of the applicant;
- (b) Statement that the applicant is the owner or the authorized agent of the owner of the property on which the variance is being requested;
- (c) Address or description of the property; and
- (d) Statement of the precise nature of the variance requested and the practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning regulations that would result from a strict or literal interpretation and enforcement of a specified regulation of this chapter, together with any other data pertinent to the findings prerequisite to the granting of a variance prescribed in Section 10-5.2507 of this article.

(§1, Ord. 503-C.S., eff. December 9, 1989)

10-5.2502.2. Maps.

(a) The application shall be accompanied by an accurate scale drawing of the site and any adjacent property affected, showing, when pertinent, the contours at intervals of not more than five (5') feet and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities, and landscaped areas.

(b) If required for a public hearing as prescribed in Section 10-5.2504 of this article, the application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least one hundred (100') feet from each boundary of the site, showing the existing locations of streets and property lines.

(c) The Director of Community Development may require additional information, plans, and drawings if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of a variance exist. The Director may authorize omission of any or all of the plans and drawings required by this action if they are not necessary.

10-5.2502.3. Fees.

The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling the application as prescribed in this article. A single application may include requests for variances from more than one regulation applicable to the same site or for similar variances on two (2) or more sites with similar characteristics.

(§1, Ord. 503-C.S., eff. December 9, 1989)

Sec. 10-5.2503. Action by the Director of Community Development.

Within fifteen (15) days of the date when a variance application is filed, the Director of Community Development shall set the application for public hearing before the Planning Commission or shall grant in modified form, or deny the request, provided that the Director of Community Development may make decisions only on such types of variances as he or she may be authorized to act upon as listed in Section 10-5.2501 of this chapter.

Within five days after the Director has granted, or granted in modified form, a variance request, the secretary shall mail notice of the action to the applicant, to the Planning Commission and to all persons whose names appear on the latest tax roll of the county as owning property within one hundred (100') feet of the boundaries of the site of the variance, stating that the applicant, a Planning Commission member or any other person may request a hearing by the Commission within fifteen (15) days after it is made unless a request for hearing has been received by the Secretary. Within fifteen (15) days after making a decision on a variance, the Director of Community Development shall submit a report to the Planning Commission stating his other reasons for the action.

Sec. 10-2504. Public hearings.

The Planning Commission shall hold a public hearing on an application for a variance if requested by the applicant, by the Director of Community Development, or by any other person in accord with Section 10-5.2503 of this article or if the Commission has not authorized the Director to make a decision on the type of variance requested. The public hearing shall be held within sixty (60) days of the date when the application is determined to be exempt from CEQA or a negative declaration is adopted, or within one hundred eighty (180) days following the certification of an EIR, or the request for a public hearing is received, whichever is later. Notice of the hearing shall be given pursuant to Sections 10-5.2808 through 10-5.2811 of Article 28 (Administration and Enforcement) of this chapter.

Sec. 10-5.2505. Public hearings: Procedure.

At a public hearing the Planning Commission shall review the application, statements, and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 10-5.2507 of this article. (§1, Ord. 503-C.S., eff. December 9, 1989)

Sec. 10-5.2506. Investigations and reports.

The Director of Community Development shall make an investigation of each application that is the subject of a public hearing and shall prepare a report thereon which shall be submitted to the Planning Commission. (§1, Ord. 503-C.S., eff. December 9, 1989)

Sec. 10-5.2507. Action of Planning Commission.

(a) Within forty-five (45) days following the closing of a public hearing on a variance application, the Planning Commission shall act on the application. The Commission may grant by Minute Order a variance as the variance was applied for, or on modified form, or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Commission or Director may prescribe.

(b) Failure of the Planning Commission to act within forty-five (45) days following the closing of a public hearing or a variance application shall cause the application to be automatically referred to the City Council accompanied by a written report by the Commission. (§ 1, Ord. 503-C.S., eff. December 9, 1989; § 1; Ord. 417-C.S., eff. December 16, 1984; Ord. 514-C.S., eff March 25, 1990)

10-5.2507.1. Findings.

The Planning Commission or Director of Community Development may grant a variance to a regulation prescribed by this chapter with respect to fences, walls, hedges, screening or landscaping; site area; height of structures; or distances between structures, courts or usable open space as the variance was applied for, or in modified form, if on the basis of the application and the evidence submitted, the Commission or the Director of Community Development makes findings of fact that establish the following:

(a) That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity; and

(b) That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district,

And one of the following findings:

(c) That the strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter; or

(d) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zoning district; or

(e) That the strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

(f) In the coastal zone granting of variances is consistent with and implements the certified Local Coastal Program, and that the granting of such variances does not reduce or in any way adversely affect the requirements to protect coastal resources as specified in the zones included in this chapter, and that the variance implements the purposes of the zones adopted in implementation of the Local Coastal Program.

(§ 1, Ord. 503-C.S., eff. December 9, 1989; Ord. 514-C.S., eff. March 25, 1990)

10-5.2507.2. Signs: Additional findings.

The Planning Commission or Director of Community Development, when authorized, may grant a variance to a regulation prescribed by this chapter with respect to signs as the variance was applied for, or in modified form, if, on the basis of the application and the evidence submitted, the Commission or Director of Community Development makes findings of fact that establish that the circumstances prescribed in Section 10-5.2507.1 and, for signs in the coastal zone, those in Section 10-5.1702.6, apply and the following circumstances also apply:

(a) That the granting of the variance will not detract from the attractiveness or orderliness of the City's appearance;

(b) That the granting of the variance will not introduce an inharmonious visual element into the district in which the sign would be located; and

(c) That the granting of the variance will not create a hazard to public safety.

(§1, Ord. 503-C.S., eff. December 9, 1989)

10-5.2507.3. Parking and loading.

The Planning Commission or Director Community Development, when authorized, may grant a variance to a regulation prescribed by this chapter with respect to off-street parking facilities or off-street loading facilities as the variance was applied for, or in modified form, if, on the basis of the application and the evidence submitted, the Commission or the Director of Community Development makes findings of fact that establish that the circumstances prescribed in Section 10-5.2507.1 apply and the following circumstances also apply:

(a) That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation;

(b) That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on streets; and

(c) That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this chapter.

(§1, Ord. 503-C.S., eff. December 9, 1989)

Sec. 10-5.2508. Effective date of variances.

Within five (5) days following the date of a decision of the Planning Commission on a variance application, the Secretary shall transmit written notice of the decision to the Council and to the applicant. A variance shall become effective ten (10) days following the date on which the variance was granted or on the day following the next meeting of the Council, whichever is later, unless an appeal has been taken to the Council or unless the Council shall elect to review the decision of the Commission.

(§1, Ord. 503-C.S., eff. December 9, 1989)

Sec. 10-5.2509. Appeals to Council.

Within ten (10) days following the date of a decision of the Planning Commission on a variance application, the decision may be appealed to the Council by the applicant or any other person. An appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record.

(§1, Ord. 503-C.S., eff. December 9, 1989)

Sec. 10-5.2510. Council review.

Within ten (10) days following the decision of the Planning Commission on a variance application, or at the next meeting of the Council, whichever is later, the Council may elect to review such action. If the Council elects to review the Commission's action and declines to affirm the Commission's decision, a public hearing shall be held as prescribed in Section 10-5.2512 of this article.

(§1, Ord. 503-C.S., eff. December 9, 1989)

Sec. 10-5.2511. Transmission of records to Council.

Upon notification that an appeal has been filed with the City Clerk, or upon receipt of notice that the Council has elected to review and declined to affirm a decision of the Commission, the Secretary shall transmit to the Council the complete record of the case.

(§1, Ord. 503-C.S., eff. December 9, 1989)

Sec. 10-5.2512. Public hearings: Notices.

The Council shall hold at least one public hearing within forty-five (45) days of the date when an application is filed or the Council elects to review and declined to affirm the Commission's action. Unless otherwise directed by the Council, the City Clerk shall set the time and place of the hearing. Notice of the public hearing shall be given as prescribed in Section 10-5.2504 of this article and shall also be given to the Commission and the Director of Community Development. (§1, Ord. 503-C.S., eff. December 9, 1989)

Sec. 10-5.2513. Action of Council.

Within forty-five (45) days following the closing of a public hearing on a variance application, the Council shall act on the application. The Council may affirm, reverse, or modify a decision of the Planning Commission on a variance application, provided that if a decision denying a variance is reversed or a decision granting a variance is modified, the Council, on the basis of the record transmitted by the Secretary and such additional evidence as may be submitted, shall make findings of fact that establish that the circumstances prerequisite to the granting of a variance prescribed in Section 10-5.2507 of this article apply. A variance which has been the subject of an appeal to the Council or review by the Council shall become effective immediately after it is granted by resolution of the Council. Within five (5) days following the date of a decision of the Council on a variance application, the City Clerk shall transmit written notice of the decision to the Planning Commission and to the applicant and shall return the Commission record to the Secretary. (§1, Ord. 503-C.S., eff. December 9, 1989)

Sec. 10-5.2514. Lapse of variances.

(a) A variance shall lapse and shall become void one year following the date on which the variance became effective unless, prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a permit is issued authorizing occupancy of the site or structure which was the subject of the variance application, or the site is occupied if no building permit or certificate of occupancy is required.

(b) A variance may be renewed for an additional period of one year provided that, prior to the expiration of one year from the date when the variance or the renewal became effective, an application for renewal of the variance is filed with the Director of Community Development.

(c) The Planning Commission or Director of Community Development, when authorized, may grant or deny an application for renewal of a variance.

(d) Sections 10-5.2502 through 10-5.2513 of this article shall apply to an application for renewal of a variance.
(§1, Ord. 503-C.S., eff. December 9, 1989)

Sec. 10-5.2515. Revocation.

A variance granted by the Planning Commission subject to conditions shall be revoked by the Commission if the conditions are not complied with, and a variance granted by the Director of Community Development subject to conditions shall be revoked by the Director of Community Development if the conditions are not complied with. The decision of the Director of Community Development shall become final ten (10) days following the date on which the variance was revoked unless an appeal has been filed with the Secretary of the Planning Commission. Within fifteen (15) days after revoking a variance, the Director of Community Development shall submit a report to the Planning Commission stating his reasons for the action. The decision of the Planning Commission revoking a variance shall become final ten (10) days following the date on which the variance was revoked or on the day following the next meeting of the Council, whichever is later, unless an appeal has been taken to the Council, or unless the Council shall elect to review and decline to affirm the decision of the Commission in which case Sections 10-5.2510 through 10-5.2513 of this article shall apply. A variance granted by the Council subject to conditions shall be revoked by the Council if the conditions are not complied with.

(§1, Ord. 503-C.S., eff. December 9, 1989)

Sec. 10-5.2516. New applications.

Following the denial or revocation of a variance application, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial or revocation of the variance.

(§1, Ord. 503-C.S., eff. December 9, 1989)

Article 26. Zoning Permits and Certificates of Occupancy

Sec. 10-5.2601. Purposes and requirements.

(a) To ensure that each new or expanded use of a structure or site and each new structure or alteration of an existing structure complies with all applicable provisions of this chapter, and in order

that the City may have a record of each new or expanded use of a structure or site, a zoning permit shall be required before any building permit may be issued or any structure or site used, and a certificate of occupancy required by Chapter 1 of Title 9 of this Code (Building Code) shall be issued only for a structure that conforms with the zoning permit.

(b) To ensure that each new sign subject to architectural

review or requiring a sign permit, and each enlargement or change in the design, lighting, or movement of a sign subject to architectural review or requiring a sign permit, complies with all the applicable provisions of this chapter, a zoning permit shall be required before the sign may be displayed or altered or before a sign permit required by Chapter 10 of Title 9 of this Code (Sign Regulations) may be issued.

(c) To ensure that development in the coastal zone complies with all applicable provisions of the Local Coastal Program, a coastal development permit shall be required before any building permit may be issued for any structure or site used for new development.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2602. Applications and issuance of zoning permits.

Applications for zoning permits shall be made on forms prescribed by the Planning Commission and shall be accompanied by plans and additional information as necessary, in the opinion of the Director of Planning, to demonstrate conformity with this chapter. The Director of Planning shall check the application and all data submitted with it and shall issue a zoning permit if he finds that all the provisions of this chapter will be complied with.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2603. Issuance of building permits and sign permits.

(a) The Building Inspector shall not issue a building permit until the Director of Planning has approved a zoning permit, and in the coastal zone, a coastal development permit, for the structure included in the building permit.

(b) The Building Inspector shall not issue a sign permit until the Director of Planning has approved a zoning permit, and in the coastal zone, a coastal development permit, for the sign included in the sign permit.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2604. Issuance of certificates of occupancy.

(a) The Building Inspector shall not issue a certificate of occupancy for a structure or alteration until he has found that the structure or alteration conforms with the zoning permit, or a coastal development permit, where applicable, and until all required screening and landscaping and off-street parking and loading facilities are complete, and that all conditions attached to a use permit, a variance, and site plan approval or architectural review have been met.

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(b) A temporary certificate of occupancy may be issued by the Building Inspector prior to the time that all of the requirements for a certificate of occupancy have been met, provided that no permit other than a temporary permit shall be issued for gas or electric utilities until the Building Inspector determines that all of the requirements for a certificate of occupancy have been met. A temporary permit for gas or electric utilities shall be valid for fifteen (15) working days and may be renewed upon application to the Building Inspector for not more than two (2) additional periods of fifteen (15) working days. If temporary permits for gas or electric utilities expire without the requirements for the issuance of a certificate of occupancy having been met, the Building Inspector shall request the public utility to discontinue service.

(§ 2, Ord. 80 C.S., eff. October 16, 1966; § 1, Ord. 417-C.S., eff. December 6, 1984)

Article 27. Amendments

Sec. 10-5.2701. Purpose.

The zoning map and zoning regulations may be amended by changing the boundaries of any district, by combining a district with a planned unit development district, or by changing any district regulation, off-street parking or loading facilities requirement, general provision, exception, or other provision of this chapter in accord with the procedure prescribed in this article.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2702. Initiation.

(a) A change in the boundaries of any district or the combining of a district with a planned unit development district may be initiated by the owner or the authorized agent of the owner of the property filing an application for a change in district boundaries as prescribed in Section 10-5.2703 of this article. If the property for which a change of district is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

(b) A change in the boundaries of any district, a combination of a district with a -PD or an -AR District, or a change in a district regulation, off-street parking or loading facilities requirement, general provision, exception, or other provision may be initiated by resolution of the Planning Commission or by action of the Council in the form of a request to the Commission that it consider a proposed change, provided that in either case the procedure prescribed in Sections 10-5.2704 through 10-5.2709 of this article shall be followed.

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(c) A proposal for a change in district boundaries initiated by the Commission and one initiated by a property owner for all or part of the same area may be considered simultaneously.
(§ 2. Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2703. Applications and fees.**10-5.2703.1. Data to be furnished.**

A property owner desiring to propose a change in the boundaries of the district in which his property is located or his authorized agent may file with the Director of Planning an application for a change in district boundaries on a form prescribed by the Planning Commission which shall include the following data:

- (a) Name and address of the applicant;
 - (b) Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed; and
 - (c) Address or description of the property.
- (§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.2703.2. Maps.

The application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the location of streets and property lines.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.2703.3. Fees.

The application shall be accompanied by a fee established by resolution of the Council to cover the cost of processing the application as prescribed in this article.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

**10-5.2703.4. Applications for C Commercial Zoning:
Additional requirements.**

In addition to the drawing of the site prescribed in Section 10-5.2703.2 of this section, an application for a change in district boundaries to increase the amount of land zoned C commercial shall be accompanied by the following plans and drawings:

(a) An accurate scale drawing of the site showing the contours at intervals of not more than five (5') feet and existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities, landscaped areas, fences, and walls.

(b) The Director of Planning may require additional information, plans, and drawings if they are necessary to enable the Planning Commission to determine whether the circumstances listed in Section 10-5.2707.2 (Applications and proposals for C Commercial Zoning: Additional requirements) apply.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.2703.5 Applications for Planned Unit Development Districts; additional requirements.

In addition to the drawing of the site prescribed in Section 10-5.2703.2, an application for combining a district with a -PD District shall be accompanied by a preliminary plan including all of the elements prescribed in Section 10-5.1205 of Article 12 of this chapter (Plans required).

10-5.2703.6 Applications for CP Planned Shopping Center Commercial Districts; additional requirements.

In addition to the drawings of the site prescribed in Section 10-5.2703.2, an application for a CP Planned Shopping Center Commercial District shall be accompanied by supporting data, including, but not limited to, a market analysis determining the trade area of the proposed development, the present and future population within the trade area, and other economic indexes, including, but not limited to, data on the effective buying power within the trade area.

Sec. 10-5.2704. Public Hearings; Notices.

The Planning Commission shall hold at least one public hearing on each application for a change in district boundaries or for combining a district with a -PD District, and on each proposal for a change in district boundaries or for combining a district with a -PD or an -AR District, or for a change of a district regulation, off-street parking or loading facilities requirement, general provision, exception, or other provision of this chapter initiated by the Commission or the Council within forty-five (45) days of the date when the application was filed or the proposal was initiated. Notice of the public hearing shall be given pursuant to Section 10-5.2808 through 10-5.2811 of Article 28. (Administration and Enforcement) of this chapter.

Sec. 10-5.2705. Public hearings: Procedure.

At the public hearing the Planning Commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is consistent with the objectives of this chapter prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2706. Investigations and reports.

The Director of Planning shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2707. Action of Planning Commission.**10-5.2707.1. All applications and proposals.**

(a) Within forty-five (45) days following the closing of a public hearing, the Planning Commission shall make a specific finding as to whether the change is consistent with the objectives of this chapter prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives) and shall recommend that the application be granted, granted in modified form, or denied or that the proposal be adopted, adopted in modified form, or rejected. Within five (5) days following the date of a decision, the Secretary shall transmit written notices of the decision to the Council and to the applicant, if any. Within ten (10) days after receiving notice of a public hearing to be held by the Council, the Secretary shall transmit to the Council the complete record of the case.

(b) Failure of the Planning Commission to act within forty-five (45) days following the closing of a public hearing on the amendment application shall cause the application to be automatically referred to the City Council accompanied by a written report unless a time extension is requested by the applicant and granted by the Commission.

(§ 2, Ord. 80-C.S., eff. October 16, 1966; Ord. 493-C.S., eff. April 20, 1989)

10-5.2707.2. Applications and proposals for C Commercial Zoning: Additional requirements.

In the case of an application or proposal for a change in district boundaries to increase the amount of land zoned C commercial,

the Planning Commission may recommend the granting of the application as applied for or in modified form, or may propose the change in district boundaries only if, on the basis of the application and the evidence submitted, the Commission makes findings of fact that establish that the following circumstances apply:

(a) The development as proposed in the plans and drawings accompanying the application or proposal will be consistent with the objectives of this chapter;

(b) The development will be of sustained desirability and stability;

(c) The development will be harmonious with the character of the surrounding area;

(d) The development will be consistent with the General Plan adopted by the Council and subsequent amendments thereto, if any; and

(e) The development will not result in undue traffic congestion or traffic hazards.

This section shall not apply to annexed territory which was zoned C commercial immediately prior to annexation.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.2707.3. Applications for Planned Unit Development Districts: Additional requirements.

In the case of an application for combining a district with a -PD District, the Planning Commission may recommend the granting of the application as applied for or in modified form only if, on the basis of the application and the evidence submitted, the Commission makes findings of fact that establish that the following circumstances apply:

(a) The development as proposed in the plans and drawings accompanying the application will be consistent with the objectives of this chapter;

(b) The proposed location of the planned unit development is consistent with the purposes of the district in which the site is located;

(c) The proposed development will comply with each of the applicable provisions of this chapter;

(d) The development standards will produce an environment of sustained desirability and stability harmonious with the character of the surrounding area and consistent with the objectives of the General Plan adopted by the Council and subsequent amendments thereto, if any; and

(e) The combination of dwelling types, lot sizes, and uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2708. Requests for Council hearings on denied applications.

Within ten (10) days following the date of a decision of the Planning Commission recommending denial of an application for a

change in district boundaries, the applicant may request a hearing by the Council.

Sec .10-5.2709 Action of Council.

10-5.2709.1. All applications and proposals.

The Council shall hold a public hearing on the application or proposal within forty-five (45) days after receipt of the resolution or report of the Planning Commission, provided that no hearing shall be held on an application for a change in district boundaries that the Commission has recommended be denied unless a request is received by the Council as prescribed in Article 28. (Administration and Enforcement), and no hearing shall be held on a proposal initiated by the Commission that the Commission has recommended be rejected. Notice of a public hearing shall be given not less than ten (10) days nor more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation in the City and shall also be given to the applicant, if any, and to the Commission. At the public hearing the Council shall review the application or the proposal and the resolution or the report of the Commission and may receive additional evidence. Within forty-five (45) days following the closing of a public hearing the Council shall make a specific finding as to whether the change is consistent with the objectives of this chapter prescribed in Section 10-5.102 of Article 1 of this chapter {Objectives}. If the Council finds that the change is consistent, it shall enact an ordinance amending the zoning map or an ordinance amending the regulations of this chapter, whichever is appropriate. If the Council finds that the change is not consistent, it shall deny the application or reject the proposal. The Council shall not modify a decision of the Commission recommending granting of an application or adoption of a proposal until it has requested and considered a report of the Commission on the modification. Failure of the Commission to report within thirty (30) days after receipt of the Council request shall be deemed concurrence. Within five (5) days following the date of final action by the Council, the City Clerk shall transmit a written notice of the decision to the applicant, if any, and to the Commission and shall return the Commission record to the Secretary.

10-5.2709.2. Applications and proposals for C Commercial zoning; additional requirements.

In the case of an application or proposal for a change in dis-

trict boundaries to increase the amount of land zoned C commercial, the Council may affirm, reverse, or modify a decision of the Planning Commission recommending the granting or denial of an application or the adoption or rejection of a proposal by the Commission, provided that if a decision recommending denial of an application or rejection of a proposal is reversed by the Council, or a decision recommending granting an application or adoption of a proposal is modified by the Council, the Council shall make, on the basis of the application and the evidence submitted, the findings prerequisite to recommending the granting of an application or adoption of a proposal as prescribed in Section 10-5.2707.2 of this article.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

10-5.2709.3. Applications for Planned Unit Development Districts: Additional requirements.

In the case of an application for combining a district with a -PD District, the Council may affirm, reverse, or modify a decision of the Planning Commission recommending the granting or denial of the application, provided that if a decision recommending denying the application is reversed by the Council, or a decision recommending granting the application is modified by the Council, the Council shall make, on the basis of the application and the evidence submitted, the findings prerequisite to recommending the granting of an application prescribed in Section 10-5.2707.3 of this article.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2710. Reclassification of C District to former zoning district.

In order that opportunity for commercial development in conformity with the General Plan may be permitted on an alternate site if development does not proceed on a rezoned site, the Planning Commission shall initiate action, hold a hearing, and transmit a recommendation to the Council on reclassification of the undeveloped portion of the site rezoned to a C Commercial district to its former zoning district in accord with Sections 10-5.2702 through 10-5.2707 of this article unless the following actions are completed within the prescribed time periods dating from the enactment of the ordinance changing the district boundaries:

(a) Within one year, approval as required by Article 18 of this chapter (Site Plan Review and Architectural Review) of the plans and drawings prescribed in subsection (a) of Section 10-5.2703.4 of this article;

(b) Within two (2) years, completion of construction and

installation of at least one-half ($\frac{1}{2}$) of the building floor space and improvements shown on the approved plans and drawings; and

(c) Within five (5) years, completion of construction and installation of all buildings and improvements shown on the approved plans and drawings.

This section shall not apply to annexed territory which was zoned C Commercial immediately prior to annexation.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2711. Modifications of submitted plans for C District developments.

Modifications may be made in the submitted plans prescribed in subsection (a) of Section 10-5.2703.4 of this article, provided that if the Director of Planning determines that the changes are of a magnitude that affects the findings prescribed in Section 10-5.2707 of this article, he shall refer the modifications to the Planning Commission and Council for review. If the Commission makes the findings prescribed in Section 10-5.2707.2 of this article, it shall recommend that the modifications be approved. If the Council makes the findings prescribed in Section 10-5.2707.2 of this article, the modifications shall be approved, and the Director of Planning shall issue a zoning permit provided the requirements of Section 10-5.2710 of this article are met. If the modifications are not approved by the Council, all development shall conform with the plans submitted at the time the site was reclassified. The Commission or the Council may hold a public hearing on a request for modification of submitted plans in accord with the procedure prescribed in Sections 10-5.2704 through 10-5.2709 of this article. Modifications of plans shall be subject to site plan review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2712. Change of zoning map.

A change in district boundaries or the combining of a district with a -PD or an -AR District shall be indicated on the zoning map with a notation of the date and number of the ordinance amending the map.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2713. New applications.

Following the denial of an application for a change in district boundaries or the combining of a district with a -PD or -AR District,

no application for the same or substantially the same change shall be filed within one year after the date of denial of the application.
(§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.2714. Prezoning of unincorporated territory.

Prezoning of unincorporated territory adjoining the City may be initiated as set forth in subsection (b) of Section 10-5.2702 of this article for the purpose of determining in which zoning district it should be classified in the event of subsequent annexation to the City. An ordinance designating a zoning district in unincorporated territory shall become effective at the same time annexation becomes effective.
(§ 2, Ord. 80-C.S., eff. October 16, 1966)

Sec. 10-5.2715. Unzoned territory.

All property within the City which is found to be unzoned for any reason shall be classified in the same zoning district as adjoining property, if all adjoining property is in the same district, or in the same district as adjoining property in the same ownership, or, if these conditions do not exist, in the S District. All territory which is annexed to the City and which has not been prezoned shall be classified in the S District. Within sixty (60) days the Planning Commission shall make a study of the territory to determine in which zoning district it should be classified in order to carry out the objectives of the zoning regulations set forth in Section 10-5.102 of Article 1 of this chapter (Objectives). If the Commission finds that a change of district is required, it shall initiate the change as set forth in subsection (b) of Section 10-5.2702 of this article. The owner of annexed property or the authorized agent of the owner may file an application for a change in district as set forth in subsection (a) of Section 10-5.2702 of this article.
(§ 2, Ord. 80-C.S., eff. October 16, 1966, as amended by § 3, Ord. 144-C.S., eff. August 12, 1970)

Article 28. Administration and Enforcement

Sec. 10-5.2801. Administrative appeal procedure.

An appeal may be made to the Board of Zoning Adjustment by any interested party from any administrative determination or interpretation made by the Director of Planning or the Building Inspector under this chapter. An appeal shall be made on a form prescribed by the Board and shall be filed with the Secretary. The Board may affirm, modify, or reverse any administrative determination or interpretation from which an appeal is made and, in making its decision, shall be guided by the objectives and purposes of this chapter. The decision

of the Board shall be rendered within thirty (30) days after filing, except that the time for consideration may be extended by agreement between the applicant and the Board. In the absence of an agreement for time extension, failure of the Board to render a decision within thirty (30) days shall be deemed to reverse the administrative determination or interpretation. A decision of the Board may be appealed to the Council by the applicant as provided in Chapter 4 of Title 1 of this Code (Appeals).

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2802. Permits, certificates, and licenses.

All officials, departments, and employees of the City vested with the authority or duty to issue permits, certificates, or licenses shall comply with the provisions of this chapter and shall issue no permit, certificate, or license which conflicts with the provisions of this chapter. Any permit, certificate, or license issued in conflict with the provisions of this chapter shall be void.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2803. Duties of City officials.

The Building Inspector shall be the official responsible for the enforcement of the zoning regulations, except for Article 19 of this chapter (Home Occupations) and Article 22 of this chapter (Non-conforming Uses, Structures, and Signs), enforcement of which shall be the responsibility of the Director of Planning. The Building Inspector and the Director of Planning, or their deputies, shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection related to any provision of this chapter, provided that the right of entry shall be exercised only at reasonable hours and that in no case shall any structure be entered in the absence of the owner or tenant without the written order of a court of competent jurisdiction. The Building Inspector may serve notice requiring the removal of any structure or use in violation of the regulations on the owner or his authorized agent, on a tenant, or on an architect, builder, contractor, or other person who commits or participates in any violation. The Building Inspector or the Director of Planning may call upon the City Attorney to institute necessary legal proceedings to enforce the provisions of this chapter, and the City Attorney hereby is authorized to institute appropriate actions to that end. The Building Inspector may call upon the Chief of Police and his authorized agents to assist in the enforcement of this chapter.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2804. Violations.

(a) Any structure or sign erected, moved, altered, enlarged, or maintained and any use of a site contrary to the provisions of this chapter shall be and is hereby declared to be unlawful and a public nuisance, and the City Attorney shall immediately institute necessary legal proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law, shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure, sign, or use and restrain or enjoin the person, firm, corporation, or organization from erecting, moving, altering, or enlarging the structure or sign or using the site contrary to the provisions of this chapter.

(b) All remedies provided for herein shall be cumulative and not exclusive.

(c) Any person who violates any provision of the certified Local Coastal Program adopted pursuant to Division 20 of the California Public Resources Code shall be subject to the penalties contained therein (Pub. Res. Code Sec. 20820 et seq.).

(§ 2, Ord. 80-C.S., eff. October 16, 1966; § 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2805. Voidable conveyances.

Any deed of conveyance, sale, or contract to sell made contrary to the provisions of this chapter shall be voidable at the sole option of the grantee, buyer, or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy, within one year after the date of execution of the deed of conveyance, sale, or contract to sell, but the deed of conveyance, sale, or contract to sell shall be binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell or his assignee, heir, or advisee.

(§ 2, Ord. 80 C.S., eff. October 16, 1966)

Sec. 10-5.2806. Effective date.

The provisions of this chapter shall be in force and effect on and after the 16th day of October, 1966, as to all property in the City except that property described in Ordinance No. 2931, adopted by majority vote of the electors of the City at the general municipal election on June 10, 1963, and effective June 21, 1963, entitled "An Ordinance to Amend Ordinance No. 2575 (Comprehensive) to Reclassify from R-1 Single-Family Residential to C-2 Central Commercial Zone of an

Area Bounded Generally by Henderson, Ocean, Harris, and Spring Streets,” as to which property these regulations shall be in force and effect on and after June 21, 1968.

The effective time period for all procedures under this chapter prior to October 16, 1966, shall remain in force.

Sec. 10-5.2807 Notification of litigation concerning coastal zone development and Attorney General Intervention.

The provisions of California Public Resources Code Section 30800 et seq. shall apply to development of the Eureka coastal zone and in any case where no appeal has been filed from the decision of the city on a development permit in the coastal zone (including decisions on non-appealable developments) or, where an appeal has been filed, but the Commission has determined not to hear the appeal, and when litigation has subsequently been commenced against the city concerning its decision, the city and plaintiff or petitioner shall promptly forward a copy of the complaint or petition to the Executive Director of the California Coastal Commission. At the request of the local government, and with the concurrence of the California Coastal Commission, the Executive Director shall request the Attorney General to intervene in such litigation on behalf of the California Coastal Commission. Administrative remedies pertaining to coastal development permits are not deemed to have been exhausted unless all appeal procedures provided by the California Coastal Act (Public Resources Code Section 30000 et seq.) and these regulations have been exhausted.

Article 28. Administration and Enforcement

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Sec. 10-5.2808. Public hearing notice.

Unless specified otherwise, when a public hearing is required pursuant to Title 10, notice of the public hearing shall be provided as follows. Notice of public hearing on a coastal development permit application shall also comply with the requirements of Article 29, Coastal Development Permit Procedures, Section 10-5.29307.

(a) The notice shall include:

- (1) The date, time, and place of the public hearing;
- (2) The identity of the hearing body or officer;
- (3) A general explanation of the matter to be considered; and

(4) A general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing, including the Assessor's parcel number(s) and street address(es).

(b) The notice shall be published at least once, not less than 10 days nor more than 30 days prior to the date of the hearing, in a newspaper of general circulation in the City. Publication in the newspaper may be waived if notice provided pursuant to paragraph (a) above is posted at least 10 days prior to the hearing in at least three public places within the boundaries of the City, including one public place in the area directly affected by the proceeding.

(c) The notice shall be mailed or delivered at least 10 days prior to the hearing to:

(1) The owner of the subject real property, and the owner's duly authorized agent and the project applicant, if any; and

2) All owners of real property within 300 feet of the real property that is the subject of the hearing; and

3) Any person who has filed a written request for notice with the City Clerk or Secretary of the Planning Commission or Historic Preservation Commission; and

(4) Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

(d) Owner information for mailing notice shall be as shown on the latest equalized assessment roll. Instead of using the assessment roll, the City may use records of the County Assessor or Tax Collector if those records contain more recent information than the information contained on the assessment roll.

(e) The City may charge a fee which is reasonably related to the costs of providing the notice requested in Section 10-5.2808(c)(3) and the City may require each request to be annually renewed.

(f) If the number of owners to whom notice would be mailed or delivered pursuant to paragraphs (c) (1) and (c) (2) is greater than 1,000, the City, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City in which the proceeding is conducted at least 10 days prior to the hearing.

(g) A notice approximately two and a-half by three feet shall be posted in a conspicuous place on or near the property affected.

(h) In addition to the notice required by this section, the City may give notice of the hearing in any other manner it deems necessary or desirable.

(i) Substantial compliance with these provisions to notice shall be sufficient and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in this chapter. Failure to post notice shall not invalidate the proceedings.

(j) The failure of any person or entity to receive notice given pursuant to this section shall not constitute grounds for any court to invalidate the actions for which the notice was given.

Sec. 10-5.2809. Subdivision maps; five or more parcels.

In addition to the requirements in Section 10-5.2808 (a), above:

(a) In the case of a proposed conversion of residential real property to a condominium project, community apartment project or stock cooperative project, notice shall be given as required by Government Code Section 66451.3.

Sec. 10-5.2810. Subdivision maps; four or fewer parcels.

In lieu of the requirements above, notice of filing of an application for a tentative parcel map shall be provided by mail or delivery to all persons, including businesses, corporations or other public or private entities shown on the assessment roll as owning real property within one hundred 100 feet of the property which is the subject of the proposed subdivision.

Sec. 10-5.2811. Drive-through facilities.

Whenever the City considers the adoption or amendment of policies or ordinances affecting drive-through facilities, or a hearing is held regarding a permit for a drive-through facility or modification of an existing drive-through facility permit, the City shall incorporate, where necessary, notice procedures to the blind, aged, and disabled communities in order to facilitate their participation in any hearing on, or appeal of the denial of, a drive-through facility permit.

EUREKA MUNICIPAL CODE

Adopted August 6, 1963
Effective September 5, 1963

VOLUME 3

**Containing Title 11
Appendix,
Index
Charter**

CODED SYSTEMS CORPORATION
120 MAIN STREET
AVON, NEW JERSEY 07717

Article 29. Coastal Development Permit Procedures***Part 1. General Provisions****Sec. 10-5.2901. Title.**

This article of Chapter 5 shall be known and may be cited as "The Zoning Regulations of the City for the Coastal Zone".

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2902. Objectives and purposes.

The purposes of this article are to:

(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and human-created resources.

(b) Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of this City, the region, State, and Nation.

(c) Maximize public access to and along the Humboldt Bay shoreline, and maximize public recreational opportunities in the coastal zone, consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

(d) Assure priority for coastal-dependent and coastal-related development over other developments on the shoreline.

(e) Provide a definite plan for development so as to guide the future growth of the City within the coastal zone.

(f) Protect the social and economic character and stability of residential, commercial, agricultural and industrial areas within the City.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2903. Nature of the coastal zoning regulations.

This article shall consist of two (2) land use and zoning maps. Map 1 depicts that part of the City's coastal zone west and south from the eastern-most point of Daby Island to the southerly City limits. Map 2 depicts that part of the City's coastal zone east, south-east, and north-east from Daby Island to the north-easterly City limits at Indianola. The

*Editor's Note: This zoning code for the Eureka coastal zone is organized to be self-contained and to be consistent with the policies of the Local Coastal Program Land Use Plan. However, because of the frequent continuity of planning policies and zoning provisions between the City's General Plan, which applies outside the coastal zone, and the Local Coastal Program (LCP), which applies inside the coastal zone, many of the provisions of this article are similar or identical to the zoning code for the inland parts of the City.

zoning maps designate specific districts and establish a set of regulations to control the uses of land and water within the City's coastal zone; the density of population; the bulk, locations, and uses of structures; the areas and dimensions of sites; the appearance of certain uses, structures, and signs; the provision of usable open space, including public access, screening, and landscaping; off-street parking and loading facilities; and the location of signs. The zoning maps shall be maintained in the Department of Community Development and be available for public inspection and use at the public counter of the Department during normal business hours.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2904. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be minimum requirements. No provision of this article is intended to repeal, abrogate, annul, impair, or interfere with any provision of this Code; provided, however, where the provisions of this article impose a greater restriction on the use of land or structures, or the height or bulk of structures, or require greater open spaces about structures, or greater areas or dimensions of sites, or impose a greater restriction on the location, size, illumination, or subject matter of signs than is imposed or required by other provisions of this Code, the provisions of this article shall control. If any conflict occurs between one or more provisions of this article, such conflict shall be resolved in a manner which on balance is the most protective of significant coastal resources. If any provision of this article conflicts with any provision of any regulation contained in any previously adopted ordinance of the City, the provisions of this article shall control.

The provisions of this article are not intended to abrogate, annul, impair, or interfere with any deed restriction, covenant, easement, or other agreement between parties; provided, however, where the provisions of this article impose a greater restriction on the use of land or structures, or the height or bulk of structures, or require greater open spaces about structures, or greater areas or dimensions of sites than is imposed or required by deed restriction, covenant, easement, or other agreement, the provisions of this article shall control.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2905. Application.

Any person (including the City, any utility, any Federal, State, local government, or special district or any agency thereof) wishing to perform or undertake any development within the coastal zone of the City of Eureka shall comply with the provisions of this article, with the following exceptions:

(a) Land, the use of which is by law subject solely to the discretion of or which is held in trust by the federal government, its officers or agents. (16 U.S.C. 1453, Federal Coastal Zone Management Act of 1972, as amended.)

(b) New or expanded thermal electric generating plants and electric transmission lines connecting such plants to existing electric transmission systems under the exclusive jurisdiction of the California Energy Resources Conservation and Development Commission (PRC 25500 and 30264).

(c) New or expanded LNG (liquefied natural gas) terminal facilities under the exclusive jurisdiction of the California Public Utilities Commission (PRC 30262(b).)

(d) Any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled (PRC 30519.)

(e) Any development proposed or undertaken within any state university or college (PRC 30519.)

(§1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2906. Definitions.

For the purposes of this article, certain words and terms used in it are defined as follows:

10-5.2906.1.

(a) "City Planning Commission" and "Commission" shall mean the duly appointed City Planning Commission. "Design Review Committee" and "Committee" shall mean the duly appointed Design Review Committee established by Article 18, Site Plan Review and Architectural Review, of this chapter.

(b) "City Clerk" shall mean the City Clerk of the City. "Secretary" shall mean the Secretary of the Eureka City Planning Commission, and Design Review Committee. "Building Inspector" shall mean the Chief Building Official of the City. "Director of Public Works" shall mean the Director of Public Works of the City. "Director of Planning" shall mean the Director of Community Development of the City. "City Attorney" shall mean the City Attorney of the City. "Chief of Police" shall mean the Chief of Police of the City.

10-5.2906.2.

(a) "Advertising sign" shall mean a sign having more than one-half (1/2) its area devoted to directing attention to a business, profession, commodity, or service that is not the primary business, profession, commodity, or service sold, manufactured, conducted or offered on the site on which the sign is located.

(b) "Aggrieved person" shall mean any person who, in person or through a representative, appeared at a public hearing of the approving authority in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the local government of the nature of his or her concerns or who for good cause was unable to do either.

(c) "Alley" shall mean a public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

(d) "Allowable use" shall mean any use allowed by right which does not require a public hearing or any discretionary or non-discretionary permit from the approving authority.

(e) "Alter" shall mean to make a change in the supporting members of a structure, such as bearing walls, columns, beams, or girders, which change will prolong the life of the structure.

(f) "Appealable development" shall mean any of the following:

(1) Developments approved by the City between the sea and the first public road paralleling the sea, or within three hundred (300') feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, as generally indicated on the official appeals zone maps approved by the Coastal Commission.

(2) Developments approved by the City not included within paragraph (1) but located on tidelands, submerged lands, public trust lands, or within one hundred (100') feet of any wetland, estuary, or stream, or within three hundred (300') feet of the top of the seaward face of any coastal bluff, as generally indicated on the official appeals zone maps approved by the Coastal Commission.

(3) Any development which constitutes a major public works project or a major energy facility (see definition in Section 10-5.29301(c)).

(g) "Appellant" shall mean any person who may file an appeal, which includes an applicant, any aggrieved person, or any two (2) members of the Coastal Commission.

(h) "Applicant" shall mean the person, partnership, corporation, or State or local governmental agency applying for a coastal development permit.

(i) "Approving authority" shall mean the City official, Planning Commission, or Council that approves a coastal development permit.

(j) "Block" shall mean the properties abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way. unsubdivided land, watercourse, or City boundary.

(k) "Boutique" shall mean a shop that specializes in selling sophisticated or fashionable clothing and accessories, or unique or harder to

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find items. A "Boutique" is smaller and more intimate than a "Store".

(l) "Building" shall mean any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. For the purposes of this section "Building" shall mean manufactured homes and mobilehomes as hereinafter defined.

(m) "Categorically excluded development" shall mean a development (upon request of the City, public agency or other person) which the Coastal Commission has determined pursuant to Section 30610(e) of the Public Resources Code to have no potential for significant adverse environmental effects and therefore has issued an exclusion from the coastal development permit requirements in accordance with the applicable regulations.

(n) "Charitable institution" shall mean a non-profit institution devoted to the housing, training, or care of children, or of aged, indigent, handicapped, or underprivileged persons, but not including lodging houses, or dormitories providing temporary quarters for transient unemployed persons, organizations devoted to collecting or salvaging new or used materials, or organizations devoted principally to distributing food, clothing, or supplies on a charitable basis.

(o) "Coastal Commission" means the California Coastal Commission.

(p) "Coastal development permit" shall mean a letter or certificate issued by the City in accordance with the provisions of this chapter, after the applicant has submitted all necessary supplementary documentation required to satisfy the conditions precedent in the notice to issue a coastal development permit.

(q) "Court" shall mean an unoccupied open space on the same site with a building, which space is bounded on three (3) or more sides by exterior building walls.

(r) "Depth" shall mean the horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines

(s) "District" shall mean a portion of the City within which the use of land and structures and the location, height, and bulk of structures are governed by this chapter.

(t) "Drive-in" shall mean an establishment serving food or beverages to customers who remain in, or leave and return to, their cars for consumption.

(u) "Delicatessen store" shall mean an establishment which primarily retails cooked meats, foods, and condiments for consumption off the premises, and which does not offer the range of meats, foods, and goods carried by food stores or supermarkets, but which may have accessory seating for not more than twelve (12) persons within an enclosed structure and on-site

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consumption of food outside the enclosed structure is not permitted.

(v) "Development" shall mean, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 451 1). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

10-5.2906.3.

(a) "Driveway" shall mean a private road, the use of which is limited to persons residing or working on the site and their invitees, licensees, and business visitors, and which provides access to off-street parking or loading facilities.

(b) "Dwelling" shall mean a one-family dwelling or multi-family dwelling other than an automobile trailer, hotel, motel, labor camp, camp car, tent, railroad car, or temporary structure.

(c) "Dwelling unit" shall mean one or more rooms and a single kitchen designed for occupancy by one family for living and sleeping purposes.

(d) "Emergency" means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

(e) "Family" shall mean an individual or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than five (5) persons, not including servants, who need not be related, living as a single housekeeping unit.

(f) "Floor area, basic" shall mean the total amount of gross floor area a building contains, expressed as a percentage of the total area of the lot.

(g) "Family care home" shall mean a residence wherein the owner

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or proprietor is certified and supervised by the Department of Mental Hygiene of the State to furnish food and lodging in a family atmosphere plus varying amounts of custodial care to one or more persons, not exceeding six (6) persons, who have been "mentally deficient" as defined in Sections 5040 and 5250, respectively, of the Welfare and Institutions Code of the State.

10-5.2906.4.

(a) "Floor area, gross" shall mean the sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same site excluding: basement or cellar areas used only for storage; space used for off-street parking or loading; steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three (3) sides. Unless excepted above, floor area includes, but is not limited to, elevator shafts and stairwells measured at each floor (but not mechanical shafts, penthouses, enclosed porches, interior balconies, and mezzanines.

(b) "Frontage" shall mean the property line of a site abutting on a street, other than the side line of a corner lot. Frontage shall be measured as the shortest distance between the points at which the side property lines intersect the street property line.

(c) "Garage" or "carport" shall mean an accessory structure, or a portion of a main structure, having a permanent roof and designed for the storage of motor vehicles.

(d) "Garage, repair" shall mean a structure or part thereof where motor vehicles or parts thereof are repaired or painted.

(e) "Garage, parking" shall mean a structure or part thereof used for the storage, parking, or servicing of motor vehicles, but not for the repair thereof.

(f) "Garden shop" shall mean a shop that specializes in selling hand gardening tools, garden décor, small plants, seeds, and the like. A "Garden shop" does not contain a plant nursery, large outdoor product displays, or large bags or quantities of mulch, compost, fertilizer, or soil.

10-5.2906.5.

(a) "Habitable room" shall mean a room meeting the requirements of Chapter 1 of Title 9 of this Code (Building Code) for sleeping, living, cooking, or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, and similar spaces.

(b) "Home occupation" shall mean the conduct of an art or profession, the offering of a service, the conduct of a business, or the handcraft manufacture or products in a dwelling in accordance with the provisions of

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Article 19 of this chapter (Home Occupations).

- (c) "Hotel". (See "Motel".)
- (d) "Indirect illumination" shall mean illumination of a sign by means of light cast upon it from a concealed source outside the sign itself.
- (e) "Intersection, street" shall mean the area common to two (2) or more intersecting streets.
- (f) "Junk yard" shall mean a site or portion of a site on which waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards, and the like, except a site on which such uses are conducted within a completely enclosed structure and except scrap metal yards, as defined in subsection (b) of Section 10-5.2906.11. An establishment for the sale, purchase, or storage of used cars or salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junk yard. A motor vehicle wrecking yard, as defined in subsection (f) of Section 10-5.2906.8, shall be deemed a junk yard.
- (g) "Halfway house" shall mean a residence wherein food, lodging, and a certain amount of custodial and counseling care as provided to one or more persons who have recently been released from either a State penal institution or from a Federal penal institution.

10-5.2906.6.

- (a) "Kennel" shall mean any premises, except where accessory to an agricultural use, where four (4) or more dogs or cats four (4) months of age or older are kept.
- (b) "Living room" shall mean the principal room designed for general living purposes in a dwelling unit. Each dwelling unit shall have a living room.
- (c) "Local Coastal Program" shall mean the City's land use plan, zoning ordinance, zoning maps, and other implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.
- (d) "Lodging house" shall mean a dwelling in which lodging or lodging and meals are provided for compensation for more than three (3) but not more than fifteen (15) persons other than members of the resident family, excepting a nursing home as defined in subsection (a) of Section 10-5.2906.10.
- (e) "Lot". (See "Site".)
- (f) "Lot, corner" shall mean a site bounded by two (2) or more adjacent street lines which have an angle of intersection of not more than one hundred thirty-five (135) degrees.

10-5.2906.7.

(a) "Lot, corridor" shall mean a site with access to a street by means of a corridor having not less than twenty (20') feet of frontage and a width less than the required site width but at no point less than twenty (20') feet. The length of a corridor shall be measured from the frontage line to the nearest point of intersection with that property line parallel or most nearly parallel to the frontage line. The area of an access corridor shall not be included in determining the site area of a corridor lot.

(b) "Lot, double frontage" shall mean an interior lot having frontage on two (2) parallel or approximately parallel streets. For the purpose of determining front yard requirements, both frontages shall be deemed front lot lines.

(c) "Lot, interior" shall mean a lot other than a corner lot.

(d) "Lot, key" shall mean the first interior lot to the rear of a reversed corner lot.

(e) "Lot, reversed corner" shall mean a corner lot the side line of which is substantially a continuation of the front property line of the first lot to its rear.

10-5.2906.8.

(a) "Lot line, front" shall mean a line separating an interior lot from a street, or a line separating either the narrower or the wider street frontage of a corner lot from a street at the option of the owner.

(b) "Lot line, rear" shall mean a lot line, not a front lot line, which is parallel or approximately parallel to the front lot line. Where no lot line is within forty-five (45) degrees of being parallel to the front lot line, a line ten (10') feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line.

(c) "Lot line, side" shall mean any lot line which is not a front lot line or a rear lot line.

(d) "Manufactured home" shall mean a factory-built structure that is manufactured or constructed under the authority of 42 United States Code Section 5401 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobilehome is not a manufactured home, except as hereinafter provided.

(e) "Mobilehome" shall mean a transportable, factory built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. In many cases,

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mobilehomes were built to a voluntary industry standard of the American National Standards Institute (ANSI) –A119.1 Standards for Mobilehomes.

(f) "Mobilehome park" shall mean any area or tract of land where two (2) or more lots or spaces are rented or leased or held out for rent or lease to accommodate manufactured homes or mobilehomes used for human habitation.

(g) "Modular home" shall mean factory-built housing certified as meeting the (local or) State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

(h) "Motel" or "hotel" shall mean a structure or portion thereof or a group of attached or detached structures, containing completely furnished individual guest rooms or suites, containing on a transient basis for compensation, and in which more than sixty (60%) percent of the individual guest rooms or suites are without kitchens or cooking facilities.

(i) "Motor vehicle wrecking yard" shall mean a site or portion of a site on which the dismantling or wrecking of used vehicles, whether self-propelled or not, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence outside a fully enclosed structure of three (3) or more used motor vehicles which are not capable of operating under their own power shall constitute prima facie evidence of a motor vehicle wrecking yard. A motor vehicle wrecking yard shall be deemed a junk yard.

10-5.2906.9.

(a) "Multi-family dwelling" shall mean a structure, containing more than one dwelling unit, designed for occupancy or occupied by more than one family.

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

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

(d) "Nonconforming use" shall mean a use of a structure or land which was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of the adoption or amendment of this chapter, or by reason of

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annexation of territory to the City.

(e) "Notice to issue coastal development permit" shall mean a letter or certificate issued by the City in accordance with the provisions of this article, approving a development subject to fulfillment of conditions prior to issuance of a coastal development permit, but if such conditions are fulfilled, as being in conformance with and adequate to carry out the Local Coastal Program.

(f) "Nursery school" shall mean a school for five (5) or more pre-elementary school age children, or the use of a site or portion of a site for a group day-care program for five (5) children or more other than those resident on the site, including a day nursery, playgroup, or after-school group.

10-5.2906.10.

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

(b) "Off-street loading facilities" shall mean site or portion of a site devoted to the loading or unloading of motor vehicles or trailers including loading berths, aisles, access drives, and landscaped areas.

(c) "Off-street parking facilities" shall mean a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

(d) "Oil and gas pipeline" shall mean any public or private facility for transmitting hydrocarbons.

(e) "One-family dwelling" shall mean a building designed for and / or occupied as a residence by one (1) family or individual. The term "one-family dwelling" shall include manufactured homes when placed on permanent foundation, converted to real property, and taxed as a site-built dwelling as provided by law.

(f) "Oriel-window" shall mean a window which projects from the main line of an enclosing wall of a building and is carried on brackets or corbels.

(g) "Other permits and approvals" shall mean permits and approvals, other than a coastal development permit, required to be issued by the approving authority before a development may proceed.

(h) "Outdoor advertising structure" shall mean a structure of any kind or character, erected or maintained for outdoor advertising purposes, upon which any advertising sign may be placed.

(i) "Patio, covered" shall mean an attached or detached structure not exceeding fourteen (14) feet in height and enclosed on not more than three (3)

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sides except for posts necessary for roof support.

(j) "Permitted use" shall mean any use allowed by right which does not require a public hearing, but does require a discretionary or non-discretionary permit (e.g., building permit) to be issued by the approving authority.

(k) "Pre-existing" shall mean prior to the adoption of this chapter.

10-5.2906.11.

(a) "Railroad right-of-way" shall mean a strip of land on which railroad tracks, switching equipment, signals and other facilities normally associated with and owned by a railroad are located. Areas of railroad rights-of-way may be used solely for the purpose of accommodating tracks, signals, and other operative devices and facilities related to and necessary for the operation of a railroad, and for public accessways at or above grade to and along the shoreline.

(b) "Recreational vehicle" shall mean a vehicle with or without motive power designed for human habitation for recreational or emergency occupancy meeting the criteria of Division 13, Part 2.11, Section 18215.5 of the California Health and Safety Code. A "recreational vehicle" shall include a motorhome, travel trailer, truck camper or camping trailer.

(c) "Recreational vehicle park" shall mean any area or tract of land or a separate designated section within a mobilehome park, where one or more lots are rented or leased or held out for rent, or lease to owners or users of recreational vehicles or tents used for travel or recreational purposes on a transient basis.

(d) "Scrap metal yard" shall mean a site or portion of a site used for storage, sorting, collecting, or baling of previously semi-prepared scrap metal, provided that no burning shall be permitted.

(e) "Service station" shall mean a place where gasoline or any other motor fuel, lubricating oil, or grease for the operation of motor vehicles is offered for sale to the public and deliveries are made directly into the vehicle, including the sale of accessories, performance of minor repairs and lubrication, and the washing of automobiles where no chain conveyor or blower is used.

(f) "Shop" shall mean a small, usually independent retail establishment that offers specialized goods, services, or products. The size of a "Shop" is determined relative to other similar visitor-serving and retail businesses in the Waterfront Commercial zone district.

10-5.2906.12.

(a) "Sign" shall mean any lettering or symbol made of cloth, metal, paint, paper, wood, or other material of any kind whatsoever placed for advertising, identification, or other purposes on the ground or on any bush, tree, rock, wall, post, fence, building, structure, vehicle, or on any place whatsoever.

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The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever beyond the boundaries of a site.

(b) "Sign area" .The area of a sign having an integral part of a building, awning, canopy, or marquee as its background shall be the area within the shortest line drawn to include all letters, designs, and tubing which are a part of the sign. The area of all other signs shall be the largest cross-sectional area of the sign measured to a line encompassing all portions of the sign, including background and tubing, but excluding supporting posts without attached lighting. In computing the area of a sign having more than one face, all faces of the sign shall be included.

(c) "Sign, subdivision" shall mean any sign located either on or off a subdivision tract, which sign indicates the direction to or advertises the location, existence, or sale of a subdivision or any part thereof.

(d) "Single ownership" shall mean holding record title, possession under a contract to purchase, or possession under a lease by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner whereby the property is or will be under unitary or unified control.

(e) "Site" or "lot" shall mean a parcel of land or a portion thereof, considered as a unit, devoted to or intended for a use or occupied by a structure or a group of structures that are united by a common interest or use. A site or lot shall have frontage on a street.

(f) "Site area" shall mean the total horizontal area included within the property lines of a site, exclusive of the area of access corridors, streets, portions of the site within future street plan lines, and portions of the site within which a square having a minimum dimension of thirty-five (35') feet cannot be inscribed.

(g) "Spa" shall mean a commercial establishment offering a variety of services to improve health and beauty and provide relaxation through personal care treatments such as baths, saunas, massage, facials, and the like.

10-5.2906.13.

(a) "Stationery shop" shall mean a shop that sells paper and other materials needed for writing. A "Stationery shop" is not an office supply store.

(b) "Store" shall mean a large, often corporate-owned or mainstream retail establishment. A "Store" is larger and less intimate than a "Shop" or a "Boutique".

(c) "Street" shall mean a thoroughfare right-of-way, dedicated as such or acquired for public use as such, other than an alley, which affords the principal means of access to abutting land.

(d) In the coastal zone, "structure" includes, but is not limited to any

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building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, electrical power transmission and distribution line, and fences and walls exceeding six (6) feet in height. Between the first public road and the sea, however, all fences and walls shall constitute a "structure" for purposes of this definition.

(e) "Structure, accessory" shall mean a subordinate structure the use of which is appropriate, subordinate, and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use.

(f) "Structure, main" shall mean a structure housing the principal use of a site or functioning as the principal use.

(g) "Swimming pool" shall mean a pool, pond, lake, or open tank capable of containing water to a depth greater than one and one-half (1/2) feet at any point.

10-5.2906.14.

(a) "Theater, small" shall mean a theater, playhouse, or music hall that has seating space for less than 300 patrons.

(b) "Toy shop" shall mean a small shop that specializes in selling toys and games.

(c) "Transmission lines" shall mean electric power lines bringing power to a receiving substation or a distribution substation.

(d) "Use" shall mean the purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged or for which either a site or a structure is or may be occupied or maintained.

(e) "Use, accessory" shall mean a use which is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

10-5.2906.15.

(a) "Usable open space" shall mean open space meeting the requirements of Section 10-5.212 of Article 2 of this chapter.

(b) "Variety shop" shall mean a shop that sells a wide variety of inexpensive items for personal or household use.

(c) "Width" shall mean the horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

(d) "Yard" shall mean an open space on the same site as a structure located between a structure and the adjoining lot lines, unoccupied and unobstructed by structures from the ground upward or from the level of the structure requiring the yard upward except as otherwise provided in this chapter, including a front yard, side yard, or rear yard.

(e) "Yard, front" shall mean a yard extending across the full width

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of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

(f) "Yard, rear" shall mean a yard extending across a full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site.

(g) "Yard, side" shall mean a yard between the main building and the adjacent side line of the lot and extending entirely from the front yard to the rear yard.

Sec. 10-5.2907. Districts.

The districts established by the coastal zoning regulations, in conformance with the LCP Land Use Plan, shall be as follows:

- WC Conservation Water Districts
 - WD Development Water Districts
 - NR Natural Resources Districts
 - AC Coastal Agricultural Districts
 - R Residential Districts
 - RS-6,000 One-Family Residential Districts, 6,000 square feet minimum site area, provided 4,000 square feet have a natural grade of less than twenty (20%) percent
 - RM Multi-Family Residential Districts, 6,000 square feet minimum site area per four (4) dwelling units, plus 1,000 square feet per additional dwelling unit
 - OR Office and Multi-Family Residential District 6,000 square feet minimum site area per four (4) dwelling units, plus 1,000 square feet per additional dwelling unit
 - C Commercial Districts
 - CN Neighborhood Commercial Districts
 - CP Planned Shopping Center Commercial
 - CW Waterfront Commercial Districts
 - CS Service Commercial Districts
 - M Industrial Districts
 - ML Limited Industrial Districts
 - MG General Industrial Districts
 - MC Coastal Dependent Industrial Districts
 - P Public (Works) Districts
 - PF/M Public Facility/Marina District
 - PD Planned Unit Development Combining Districts
 - AR Architectural Review Combining Districts
- (§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2908. District boundaries.

Wherever any uncertainty exists as to the boundary of a district as shown on the zoning map, other than the coastal zone boundary established by the legislature, the following regulations shall control:

- (a) Where a boundary line is indicated as following a street or alley, it shall be construed as following the right-of-way line thereof.
- (b) Where a boundary line is indicated as following a water-course, it shall be construed as following the top edge of the nearest bank, or if there is no identifiable bank, the furthest landward edge of riparian vegetation.

(c) Where a boundary line follows, or coincides approximately with a lot line or a property ownership line, it shall be construed as following the lot line or property ownership line.

(d) Where a boundary line is not dimensioned and is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zoning map.

(e) Where further uncertainty exists, the Planning Commission, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the zoning map and the objectives of this chapter and the purposes set forth in the district regulations.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2909. Conformity required.

(a) No site or structure shall be used or designated for use for any purpose or any manner other than in conformity with the regulations for the district in which the site or structure is located.

(b) No structure shall be erected, and no existing structure or use shall be moved, altered, or enlarged, except in conformity with the regulations for the district in which the structure or use is located.

(c) No yard space provided in compliance with the regulations for the district in which it is located shall be deemed to provide a yard space for any other structure, and no yard or usable open space on one site shall be deemed to provide a yard space or usable open space for a structure on any other site.

(d) No yard, court, or usable open space shall be used, encroached upon, or reduced in any manner except in conformity with the regulations for the district in which the yard, court, or open space is located.

(e) No site held in one ownership as of January 1, 1984, or at any time thereafter, shall be reduced in any manner below the minimum area, frontage, width, or depth prescribed for the district in which the site is located

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 4, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2910. Establishment of districts by map.

The location and boundaries of the several districts are as shown on the "Land Use and Zoning Map of the City of Eureka", attached hereto by reference, made a part hereof, adopted herewith, and published as part of this Code. The original of said map shall be filed in the office of the Department of Community Development. Said map and all

notations, references, and other information shown thereon are hereby made a part of this chapter. A conformed copy of the land use and zoning map shall be available to the public for inspection and review during normal business hours at the public counter of the Department of Community Development.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 4, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2911. Division of land use and zoning map.

The land use and zoning map may be, for convenience, divided into parts, and each such part may, for purposes of more readily identifying areas within such land use and zoning map, be subdivided into units, and each such parts and units may be separately employed for the purpose of amending the land use and zoning map or for any official reference to the land use and zoning map.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 4, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2912. Drainage requirements: Purposes.

Where lands determined by the Director of Public Works lack adequate drainage facilities, a drainage control plan shall be required to achieve the following purposes:

(a) To protect persons and property from the hazards created by development in areas lacking adequate drainage facilities;

(b) To protect the City from costs that may be incurred when unsuitable development occurs in areas containing inadequate drainage;

(c) To ensure that new development shall in no way contribute to the inundation of surrounding lands; and

(d) To prevent premature urban developments of certain lands not appropriate for urban uses until the installation of adequate drainage works makes orderly development possible.

(§§ 2, 4, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2913. Designation of drainage control area.

The Director of Public Works shall conduct such investigations as are necessary to determine those area which for reasons of inadequate drainage are temporarily not appropriate for urban development and shall prepare for Planning Commission approval a map and report thereon which may recommend such standards, conditions, regulations, and plans for drainage improvements as are necessary to achieve the

purposes of this article, consistent with all applicable provisions of this LCP.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 4, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2914. Required conditions.

No diking, filling, or dredging shall be permitted in the coastal zone, unless determined to be consistent with the provisions of all applicable Coastal Zone Development Standards, Part 3 of this article, and all applicable policies of the land use plan of this LCP.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 4, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2915. Drainage control plan to be approved.

No zoning permit for any site in an area designated for drainage control as prescribed in this article shall be issued until the drainage control plan required by Section 10-5.2916 of this article has been approved by the Director of Public Works or the Planning Commission.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 4, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2916. Drainage control plan to be submitted.

The owner of the site or his/her authorized agent shall submit a drainage control plan prepared by a duly licensed engineer to the Director of Planning at the time of applying for a zoning permit, which plan shall include the following information, plans and drawings:

(a) A topographic map delineating the drainage area contributing to the idea under consideration;

(b) A calculation of the flow from the drainage area;

(c) A plan of the area to be improved and indicating the proposed finish grade elevation, size, location of proposed drainage structures, and the relationship, if any, of the proposed drainage control plan to wetlands that presently receive runoff water from the area proposed to be affected;

(d) The Director of Public Works may require additional information, if necessary, to determine whether the purposes of the section are being carried out or may authorize the omission of any or all the information required by this section if it is not necessary, unless one or more wetlands may be affected by the drainage control plan, in which case the Director of Public Works shall make or authorize no such exceptions.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 4, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2917. Referral to Director of Public Works.

The Director of Planning shall submit all applications for developments on sites in areas designated for drainage control to the Director of Public Works for investigation, report, and recommendation.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 4, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2918. Action of Director of Public Works.

Within twenty-one (21) days after the date the drainage control plans meeting all other requirements of this article are submitted for review, the Director of Public Works shall approve the plans or shall submit a written report to the Planning Commission recommending conditional approval, modification, or disapproval.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 4, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2919. Action of City Council.

Within thirty (30) days after the Director of Public Works has recommended conditional approval, modification, or disapproval of the drainage control plans, the City Council shall approve, conditionally approve, or disapprove the plans, or shall request the applicant to revise the plans.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 4, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2919.1. Status of approved drainage control plan.

The approved drainage control plan(s) shall govern the drainage improvements on the site, and, if subsequently divided into two (2) or more parcels consistent with all applicable policies of this article and the land use plan of this LCP, the approved plans shall govern the drainage improvements of each of the separate parcels.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 4, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2919.2. Basic requirements for all districts.

The Zoning Schedule contained in Section 10-5.201 of Article 2 of this chapter (Basic requirements for all districts) shall prescribe basic site, yard, bulk, usable open space, and screening and landscaping regulations that shall apply in the districts as indicated in the schedule. These basic requirements are defined and supplemented

by additional requirements and exceptions prescribed in subsequent sections of this article.

(§ 2, Ord. 512-C.S., eff. March 8, 1990; as amended by § 4, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2919.3. Drainage control, minimum floor elevation, and site grading.

(a) The ground floor level of all buildings, building enlargements, or extensions of structures shall be at a minimum elevation of twelve and one-half (12½') feet based on City of Eureka Datum. In addition, the site shall be graded to drain to the adjacent design finish grade of streets or alleyways.

(b) Exceptions.

(1) The provisions of this section shall not apply to general areas protected by dikes, if approved by the Building Official and Director of Public Works or to areas where the existing ground elevation exceeds twelve and one-half (12½') feet based upon City Datum. This section shall not be construed to be applicable to dikes for individual properties.

(2) In areas where a setback from property lines is not required and is not proposed, the ground floor level of all buildings, building enlargements or extensions of structures may be reduced upon documentation that flooding to the building and adjacent property as a result of the development will not occur as prepared by a registered civil engineer and approved by the Building Official and City Engineer. In no event however will the ground floor level be less than an elevation of eleven (11') feet based on City Datum.

(3) Exceptions may be granted upon documentation of adequate measures to preclude flooding to the subject property and adjacent properties. Documentation shall be provided by the Building Official and City Engineer.

The provisions of this section shall not repeal by implication any of the requirements of Section 10-5.310 of Eureka Municipal Code. (§§ 2, 4, Ord. 519-C.S., eff. August 26, 1990)

Part 2. Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations

Sec. 10-5.2920. Extensions over property lines and easements.

Except as provided in Chapter 1 of Title 9 of this Code (Building Code Section 9-1.804), Article 17 of Chapter 5 of this Code (Signs,

Section 10-5.1702.1, 10-5.1702.2(a), 10-5.1703, 10-5.1704, 10-5.1705, and 10-5.1706), and Article 2, Section 10-5.209 of Chapter 5 of this Code (Projects into yards), no use or structure shall extend beyond the property lines of its site. However, this section shall not be construed to prohibit the location of such public access structures as are defined in Section 10-5.2906.11(a) and that may require an extension over property or easements to be able to function consistent with the policies of the land use plan of this LCP.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2921. Site area and dimensions: requirements and exceptions.

(a) Required front, side, and rear yards shall be measured as the minimum horizontal distance from the property line of the site or street right-of-way line to a line parallel thereto on the site; provided, however, where a precise street plan has been adopted by the Council, site area and required yards shall be measured from the plan line, and no provision of this chapter shall be construed to permit a structure or use to extend beyond such line; and provided, further, where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line drawn on the boundary of the additional width required for street purposes abutting the site.

(b) No site shall have less than twenty (20') feet of frontage, and no portion of a site within which a square having a minimum dimension of thirty-five (35') feet cannot be inscribed shall be counted in determining the site area.

(c) On an irregular site, required yards shall be measured in the manner prescribed by the Director of Planning.

(d) On a corridor access lot having a width that exceeds its depth, the longer dimension may be considered the depth for purposes of measuring front, side, and rear yards.

(e) On the site of more than one dwelling unit, the area of all vehicular accessways exceeding one hundred (100') feet in length shall be deducted from the total site area, and the number of dwelling units permitted shall be determined by dividing the remainder by the site area required per dwelling unit.

(f) If after dividing the area of a site in an RS, RM, OR, CS, CN, or CW District by the site area required per dwelling unit, a remainder equal to or greater than ninety (90%) percent of the area required for an additional dwelling unit is obtained, one additional dwelling unit may be located on the site provided all other applicable yard, open space, bulk, and parking regulations are met.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2921.1. Nonconforming sites.

A site having an area, frontage, width, or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to October 16, 1966, and which had a legal area, frontage, width, and depth at the time the subdivision map, deed, or contract of sale was recorded, may be used for a permitted use or a conditional use in the district in which it is located but shall be subject to all other regulations for the district. (§ 2, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2922. Front yards: requirements and exceptions.

The following regulations shall apply to front yards:

(a) The minimum front yard for a garage, carport, or off-street parking space required to serve a dwelling unit in an R District shall be twenty (20') feet, except that if the garage, carport, or off-street parking space is entered parallel to the street from which it has access, the minimum front yard shall be the same as the front yard otherwise required on the site.

(b) On a site in an R District where the difference in natural grade between the midpoint of the front lot line or the existing or proposed street pavement at a point opposite the midpoint of the front lot line, and the midpoint of the rear line if the normally required front yard exceeds twenty (20%) percent, the required front yard for a garage, carport, required off-street parking space, or main structure shall be five (5') feet.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; § 1, Ord. 512-C.S., eff. March 8, 1990)

Sec. 10-5.2923. Side and rear yards: requirements and exceptions.

The following regulations shall apply to side and rear yards:

(a) The side yard setback on the street side of a corner lot in an R District shall be not less than ten (10') feet.

(b) On a reversed corner lot the minimum rear yard may be not less than the side yard prescribed in said Zoning Schedule, provided that the side yard adjoining the street shall be not less than the required front yard on the adjoining key lot.

(c) Where the side or rear lot line of the site of a use other than a residential use in a district other than an R or HM District adjoins an R District, the minimum side or rear yard shall be ten (10') feet greater than the minimum yard prescribed in said Zoning Schedule.

(d) On the street side of a corner lot the minimum side yard for a garage, carport, or off-street parking space required to serve a dwelling unit in an R District shall be twenty (20') feet, except that if the garage, carport, or off-street parking space is entered parallel to the street from which it has access, the minimum side yard shall be the same as the side yard otherwise required on the site.

(e) In an R or OR District, where the length of a wall or walls of a structure or structures adjoining an interior side yard exceeds sixty (60') feet, the width of the adjacent side yard shall be increased one (1') foot for every five (5') by which such wall or walls exceeds (60') feet, provided that no such side yard need exceed twenty (20') feet.

(f) In an RM or OR District on the site of a residential use other than a single family dwelling, the minimum interior side yard shall be ten (10') feet in width whenever the residential dwelling is designed with a living room window or main entrance adjoining said interior side yard.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; § 1, Ord. 512-C.S., eff. March 8, 1990)

Sec. 10-5.2924. Reserved.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; Ord. Repealed by § 3, Ord. 512-C.S., eff. March 8, 1990)

Sec. 10-5.2925. Traffic sight obstructions.

The height of obstructions at corners of intersecting streets and at alleys and driveways shall be regulated by Chapter 7 of Title 3 of this Code (Traffic Sight Obstructions).
(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2926. Projections into yards.**10-5.2926.1. Architectural projections.**

Architectural projections, including eaves, awnings, louvers, and similar shading devices, sills, belt courses, cornices, and similar features, and flues and chimneys may project not more than four (4') feet into a required front yard, rear yard, or side yard on the street side of a corner lot, and not more than two (2') feet into any other required yard, provided that no required interior side yard or rear yard shall be reduced to less than three (3') feet.
(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.2926.2. Oriel windows.

Oriel windows may project not more than three (3') feet into a required front yard, rear yard, or side yard on the street side of a corner lot, or over a street right-of-way where no yard is required, provided that the aggregate width of oriel windows shall not exceed fifty (50%) of the length of the wall in which they are located and the width of any individual oriel window shall not exceed ten (10') feet, and provided that no portion of an oriel window or its supporting structure shall be less than eight (8') feet above the grade of the ground.
(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.2926.3. Porches and steps not over six feet above-ground.

Unroofed porches, steps, decks, and terraces may project not more than eight (8') feet into a required front yard or side yard on the street side of a corner lot, or to a point not closer than three (3') feet to an interior side or rear property line, provided that the height, including railings, shall not exceed six (6') feet above the grade of the ground at the property line.
(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.2926.4. Balconies over six feet above-ground.

Balconies, decks, terraces, and other similar unroofed structures at a height, including railings, more than six (6') feet above the level at which a yard must be provided may project not more than eight (8') feet into a

required front yard or rear yard and five (5') feet into any other yard, provided that they shall not reduce any yard to less than five (5') feet except on the street side of a corner lot. Such structures shall be cantilevered or supported only by necessary columns. A balcony or deck projecting from a higher story may extend over a lower balcony or deck but shall not in such case be deemed a roof for the lower balcony or deck. (§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.2926.5. Open stairways.

Open, unenclosed fire escapes and fireproof outside stairways may project into any required yard not more than four (4') feet, provided that no yard shall be reduced to less than three (3') feet. (§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.2926.6. Covered patios.

Covered patios attached to a main structure may project not more than eight (8') feet into a required rear yard and five (5') feet into a required side yard within thirty-five (35') feet of the rear lot line, provided that the required side yard shall not be reduced to less than five (5') feet. A covered patio not attached to a main structure shall be deemed an accessory structure. (§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.2926.7. Underground structures.

Covered underground structures may project without limit into any required yard provided that they shall not have a height of more than two and one-half (2½') feet and their surfaces shall be landscaped. (§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2927. Height limits.

10-5.2927.1. Measurement.

The height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or the mean height between eaves and ridges for a hip, gable, or gambrel roof. The height of a fence or a wall used as a fence shall be measured from the higher finished grade adjoining the fence or wall. (§ 1, Ord. 417-C.S., eff. December 6, 1984; § 1, Ord. 512-C.S., eff. March 8, 1990)

10-5.2927.2. Exceptions.

Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, radio and television aerials and antennas, transmission towers, fire towers, and similar structures and necessary mechanical appurtenances covering not more than ten (10%) percent of the ground area covered by the structure may be erected to a height of not more than one hundred (100') feet or not more than twenty-five (25') feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less. Utility poles and towers shall not be subject to the height limits prescribed in the district regulations.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.2927.3. Airport zoning regulations.

All structures shall be subject to the height limitations imposed by Chapter 1 of Title 10 of this Code (Airport Zoning).

Sec. 10-5.2928. Accessory structures.

(a) In an R District accessory structures may be located in a required rear yard or a required interior side yard within thirty-five (35') feet of the rear lot line, provided that the distances to lot lines shall not be less than prescribed in the Zoning Schedule set forth in Section 10-5.201 of this chapter, and provided that in the aggregate no more than five hundred (500) square feet or ten (10%) percent of the area of the required rear yards, whichever is greater, shall be covered by structures, except as provided in subsection (d) of this section. Accessory structures located in required side or rear yards shall not be closer to a main structure or another accessory structure than the distances prescribed in the City Building Code and as provided in subsection (d) of this section.

(b) An accessory structure located not closer to a property line than the distance required for a main structure on the same site may join the main structure.

(c) On a reversed corner lot an accessory structure shall not be located closer to the rear lot line than the required side yard on the adjoining key lot and not closer to the side property line adjoining the street than the required front yard on the adjoining key lot.

(d) On a site with a required rear yard adjoining an alley, accessory structures shall be not less than fifteen (15') feet from the center line of the alley, and accessory structures containing no habitable rooms may adjoin a main structure. In an RM or OR District accessory

structures containing no habitable rooms may cover not more than sixty (60%) percent of a required rear yard adjoining an alley.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; § 1, Ord. 512-C.S., eff. March 8, 1990)

Sec. 10-5.2929. Usable open space.

(a) Group or private usable open space shall be provided for each dwelling unit in the RM, OR, CN, CS, and CW Districts as prescribed in the Zoning Schedule set forth in Section 10-5.201 of Article 2 of this chapter. Each square foot of private usable open space shall be considered equivalent of two (2) square feet of group usable open space and may be so substituted. All required usable open space shall be planted area, or shall have a dust free surface, or shall be water surface, provided that not less than ten (10%) percent of the required group usable open space at ground level shall be landscaped with trees and other plant materials suitable for ornamentation. No required usable open space shall be located in a parking area, driveway, service area, or required front yard or have a slope greater than ten (10%) percent.

(b) Group usable open space shall have a minimum area of three hundred (300) square feet, and a square inscribed within it shall have a minimum dimension of fifteen (15') feet. Required space may be located on the roof of an attached garage or carport, but not more than twenty (20%) percent of the required space shall be located on the roof of a building containing habitable rooms.

(c) Private usable open space located at ground level shall have a minimum area of one hundred fifty (150) square feet, and a square inscribed within it shall have a minimum dimension of ten (10') square feet, and a square inscribed within it shall have a minimum dimension of five (5') feet. Private usable open space shall be adjacent to, and not more than four (4') feet above or below, the floor level of the dwelling unit served. Not more than fifty (50%) percent of ground level space may be covered by an overhang, balcony, or patio roof. Aboveground level space shall have at least one exterior side open above the railing height.

(d) Usable open space shall be permanently maintained by the owner in a neat and orderly condition.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; § 1, Ord. 512-C.S., eff. March 8, 1990)

Sec. 10-5.2930. Screening and landscaping.**10-5.2930.1. Screening of parking and loading facilities adjoining or opposite an R District.**

In any district an open parking facility for more than five (5) cars or a loading area on a site adjoining or directly opposite across a street or alley from an R District shall be screened, except for necessary drives and walks, and provided that where an alley is used for maneuvering, no screening shall be required. Screening shall be six (6') feet in height, except that screening to protect properties across a street or alley may be not less than four (4') feet in height.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.2930.2. Screening of uses adjoining RS Districts.

In any district where the site of a use other than a one-family dwelling or a duplex adjoins an RS District, screening six (6') feet in height shall be located adjoining the property line. Where the site of a use other than a dwelling adjoins an RS District, an area ten (10') feet in depth adjoining the property line shall be landscaped with plant materials, including a buffer of trees.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.2930.3. Screening of open uses.

In a C or M District directly opposite across a street or alley from an R District and in a CS or M District adjoining or directly opposite across a street or alley from an OR, CN, or CW District, screening of a height specified by the Director of Planning shall screen a use not conducted within a completely enclosed structure, other than a parking facility, a service station, or a drive-in, unless the Director of Planning determines that topographic or other conditions make screening unnecessary or ineffective for the protection of the opposite district or unless the Planning Commission finds that the characteristics of the use make screening unnecessary or ineffective for protection of the opposite district from adverse impact.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.2930.4. Landscaping of parking facilities.

In an OR, CN, or CW District, not less than two (2%) percent of the interior of a parking area shall be landscaped with trees and other plant materials suitable for ornamentation. Landscaped areas shall be distributed throughout the parking area. In addition, a landscaped area not less than two (2') feet in depth shall be located at the property lines adjoining the street frontages of the site except for necessary drives and walks.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

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10-5.2930.5. Landscaping of trailer parks.

Where a trailer park adjoins a street, an area twenty (20') feet in depth, except for necessary drives and walks, shall be landscaped with materials suitable for ensuring privacy and ornamenting the site.
(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.2930.6. Landscaping in OR Districts.

In an OR District, a portion of the site visible from a street and comprising not less than three (3%) percent of the site area or gross floor area, whichever is greater, shall be landscaped with plant materials suitable for ornamenting the site. The landscaped area provided for an expansion of a use in an OR District shall be in addition to landscaped area existing prior to the expansion unless the pre-existing area exceeds the required minimum, in which instance it shall be counted in calculating the total area required. Landscaping required by Section 10-5.213.4 of this section (Landscaping of parking facilities) shall be counted in calculating the total area required.
(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.2930.7. Screening and landscaping materials and maintenance.

Screening shall consist of a solid wall or fence, vine-covered fence, or compact evergreen hedge. Hedge materials used as screening shall be not less than three (3') feet in height when planted and shall not be permitted to exceed the maximum specified height by more than one and one-half (1½') feet. Where buffers of trees are required, they shall have a mature height of not more than forty (40') feet and shall be planted not more than twenty (20') feet apart. All screening and landscaping shall be permanently maintained in a neat and orderly condition by the owner. Plant materials shall be watered, weeded, pruned, and replaced as necessary to screen or ornament the site.
(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Part 3. Coastal Zone Development Standards**Sec. 10-5.2940. Application.**

The following development standards shall apply to all development proposed within the coastal zone.
(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2941. Public access standards.**10-5.2941.1. Access protection and enhancement.**

The City of Eureka, through the non-profit organization created by Implementing Action 3 of Chapter 3 of the LCP Land Use Plan, shall protect and enhance the public's right of access to and along the shoreline by:

(a) Utilizing the non-profit organization to accept offers of dedication that will increase opportunities for public access and recreation consistent with the Local Coastal Program and the availability of necessary non-profit organization staff and funding to improve and maintain accessways and assume liability for them;

(b) Actively seeking other public, community non-profit, or private agencies to accept offers of dedications and having them assume liability and maintenance responsibilities; and

(c) Allowing only such development as will not interfere with the public's right of access to the sea, where such right was acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches or shoreline to the first line of terrestrial vegetation.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2941.2. Vertical access easement.

For new development between the first public road and the sea, a vertical access easement to the mean high tide line shall be granted unless:

(a) Another more suitable public access corridor is available or proposed by the LCP within five hundred (500') feet of the site; or,

(b) Access at the site would be inconsistent with other LCP policies, including existing, expanded, or new coastal-dependent industry, agricultural operations, or the protection of fragile coastal resources; or,

(c) Access at the site is inconsistent with public safety or military security needs.

Consistent with Coastal Act Section 30212(b), the term "new development" does not include replacement of any structure pursuant to Section 30610(g); the demolition and reconstruction of any single-family residence, provided it is sited in the same location and does not exceed the former structure by more than ten (10%) percent in floor area, height, or bulk; improvements to any structure which do not change its intensity of use, nor increase its height, bulk, or floor area by more than ten (10%) percent, do not block or impede public access, and which do not result in a seaward encroachment by the structure; and any repair or maintenance activity for which the Coastal Commission

has determined, pursuant to Coastal Act Section 30610, that a coastal development permit will be required unless the Commission determines or has determined that such activity will have an adverse impact on lateral public access along the beach.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2941.3. Lateral access easement.

For new development between the first public road and the sea, a lateral access easement along the shoreline shall be required unless:

(a) Lateral access at the site would be inconsistent with other LCP policies, including existing, expanded, or new coastal-dependent industry, agricultural operations, or the protection of fragile natural resources; or,

(b) Access is inconsistent with public safety or military security needs.

The term "new development" shall be defined for purposes of this section in the same manner as it is defined in LCP Policy 3.2 of the LCP Land Use Plan.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2941.4. Access standards.

(a) The access standards and recommendations contained in the State Coastal Conservancy/Coastal Commission "Report on Coastal Access" (Revised, August, 1980) shall constitute the criteria for improvement, maintenance, and management of accessways and supporting facilities proposed in the LCP.

(b) Measures for Guaranteeing Public Access.

(1) Legal Instruments Required. Prior to issuance of a coastal development permit where a public accessway is required in this Local Coastal Program, each applicant shall record one of the following legal documents as specified in the conditions of approval:

a. Irrevocable Offer of Dedication. The applicant shall submit a preliminary title report and record an irrevocable offer to dedicate the access easement or the fee interest in the accessway, as described in the permit conditions, free of prior liens or encumbrances, except for tax liens. This offer can be accepted within twenty-one (21) years by the non-profit agency set forth in Implementation Action 3 of Chapter 3 of the Land Use Plan, or another appropriate agency. Until this offer is accepted or until the landowner allows, the public has no right to use the accessway.

b. Outright Grant of Fee Interest or Easement. If the project is important in and of itself for public access needs, the size and

scope of the proposed development is such that an out-right interest is appropriate, or there is an accepting agency available to accept the easement, as in Subdivision Map Approvals, a grant of an easement or fee interest can be required prior to issuance of the permit. Until such a grant is accepted by the non-profit agency set forth in Implementation Action 3 of Chapter 3 of the Land Use Plan, any other public agency or private non-profit organization which agrees to accept the grant, or until the land-owner allows, the public has no right to use the accessway.

(2) Required Information. As a condition of the issuance of a permit, title information and all necessary subordination agreements shall be required. Title insurance may also be required when extensive easements are being granted. The amount of the title insurance shall be estimated on the basis of what it would cost to acquire an equivalent area for recreational use elsewhere in the vicinity.

(3) Procedures.

a. Copies of the documents to be recorded by the applicant, (i.e., title report and permit) shall be forwarded to the City Attorney for review prior to recordation.

b. The City Attorney and the accepting agency may make minor revisions to the documents, such as corrections in the legal description and minor revisions to the location and use of the accessways in order to open them for public use and to assure that the public right of access along dry sandy beaches, blufftop parcels, or vertical accessways is protected and capable of being implemented.
(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2941.5. Public access support facilities.

As indicated in the policies of Chapter 3 of the LCP Land Use Plan and the LCP access maps in Chapter 15 of the Land Use Plan, public access support facilities shall be distributed throughout the Eureka coastal zone. Off-street parking shall be provided in the waterfront area; however, it shall not be located immediately adjacent to the shoreline, unless there is no feasible alternative.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2941.6. Access for handicapped.

Public access to the waterfront, including support facilities, shall, to the maximum extent feasible, provide for access by handicapped persons.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2942. Environmental resource standards.**10-5.2942.1. Mitigation.**

Channelizations or other substantial alterations that could significantly disrupt the habitat values of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.2. Permitted shoreline construction.

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.3. Environmentally sensitive habitat areas.

Environmentally sensitive habitat areas within the City of Eureka's coastal zone shall include:

(a) Rivers, creeks, sloughs, gulches and associated riparian habitats, including Eureka Slough, Fay Slough, Cut-Off Slough, Freshwater Slough, Cooper Slough, Second Sloughs, Third Slough, and Elk River.

(b) Wetlands and estuaries, including that portion of Humboldt Bay within the City's jurisdiction, riparian areas, and vegetated dunes.

(c) Indian Island, Daby Island, and Woodley Island wildlife area.

(d) Other habitat areas, such as rookeries, and rare or endangered species on State or Federal lists.

(e) Grazed or farmed wetlands.

These areas are generally portrayed on the Resources Maps, where they are designated as wetlands or other natural resources.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.4. Protection of environmentally sensitive habitat areas.

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources, including restoration and enhancement projects, shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.5. Development in or near natural resource areas.

Prior to the approval of a development permit, all developments on lots or parcels shown on the land use plan and/or resource maps with a Natural Resource designation or within two hundred fifty (250') feet of such designation, or development affecting an environmentally sensitive habitat area, shall be found to be in conformity with the applicable habitat protection policies of the LCP. All development plans and grading plans shall show the precise location of the habitat(s) potentially affected by the proposed project and the manner in which they will be protected, enhanced, or restored. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the City and the applicant. Where mitigation, restoration, or enhancement activities are required to be performed pursuant to other applicable portions of this LCP, they shall be required to be performed on City-owned lands on the Elk River Spit or on other available and suitable mitigation, restoration, or enhancement sites.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.6. Diking, filling, or dredging.

The diking, filling or dredging of open coastal waters, wetlands, or estuaries shall be permitted only where all of the following exist:

(a) The diking, filling or dredging is for a permitted use in that resource area as provided in Land Use Plan Policies 5.12 through 5.16;

(b) There is no feasible, less environmentally damaging alternative;

(c) Feasible mitigation measures have been provided to minimize adverse environmental effects, consistent with Land Use Plan Policy 5.10, and;

(d) The functional capacity of the resources area is maintained or enhanced, consistent with Land Use Plan Policy 5.10.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.7. Dredging and spoils disposal.

Dredging and spoils disposal shall be carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.8. Wetland or estuary development.

Diking, filling or dredging of a wetland or estuary shall maintain or enhance its functional capacity.

Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, all of the following must be demonstrated:

(a) That presently occurring plant and animal populations in the ecosystem will not be altered in a manner that would impair the long-term stability of the ecosystem, i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project,

(b) That a species that is rare or endangered will not be significantly adversely affected,

(c) That a species or habitat essential to the natural biological functioning of the wetland or estuary will not be significantly adversely affected,

(d) That consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuaries ecosystem will not be significantly reduced.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.9. Conditions.

(a) Dredging, when consistent with these provisions and where necessary for the maintenance of the tidal flow and continued viability of the wetland habitat or for flood control purposes, shall be subject to the following conditions:

(1) Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.

(2) Dredging shall be limited to the smallest area feasible.

(3) Designs for dredging and excavation projects shall include protective measures such as silt curtains, weirs, etc., to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials.

(b) Diking or filling of a wetland shall at a minimum, require the following mitigation, restoration, or enhancement measures:

(1) A detailed restoration or enhancement plan shall be required for each specific restoration or enhancement site prior to commencement of any development that is permitted as part of such a restoration or enhancement project. The restoration or enhancement plans shall include provisions for purchase, if required, and restoration or enhancement, as determined in consultation with the Department of Fish and Game, Coastal Commission, and Coastal Conservancy, of an equivalent area of equal or greater productivity, and dedication of the land to a public agency or other method which permanently restricts the use of the site to habitat and open space purposes. The restoration or enhancement site shall be purchased or otherwise made available prior to any diking or filling activities.

(2) Equivalent areas shall be opened to tidal action or other sources of surface water shall be provided. This provision applies to diked or filled areas which themselves are not environmentally sensitive habitat areas, but would become so if they were opened to tidal action or provided with other sources of surface water. All of the provisions for restoration, purchase (if necessary), and dedication contained in paragraph (b)(1), above, shall apply to any program or activity performed pursuant to this paragraph.

(3) Mitigation or restoration activities shall, to the maximum extent feasible, be of the same type as the wetland to be filled (i.e., freshwater marsh for freshwater marsh, saltwater marsh for saltwater marsh, etc.).

(4) An applicant who is required to participate in a restoration or mitigation program may avail himself or herself of restoration or enhancement sites on City-owned lands on the Elk River Spit, consistent with all other applicable policies of Land Use Plan

Chapter 5 and this article, and at a cost not to exceed Twenty-five (\$.25) Cents for each square foot of affected marsh or other wetland.

(5) For permissible wetland restoration projects identified in Land Use Plan Policy 5.12(b), any coastal development permit issued for one or a combination of projects shall be part of one or more wetland restoration programs consistent with all other applicable provisions of this LCP. Such wetlands restoration or enhancement program(s) shall be prepared and implemented in consultation with the Department of Fish and Game, Coastal Commission, and Coastal Conservancy. Preparation of the program(s) shall occur prior to commencement of any development governed by this subsection; however, implementation of the program(s) may occur concurrently with or subsequently to any approved development. If an in-lieu fee is required to be paid by the applicant, it shall not exceed Twenty-five (\$.25) Cents for each square foot of affected marsh or other wetland, except as provided in permit CP-10-80. For the area south of Hilfiker Lane identified in LUP Policy 5.12(b), the restoration program may, at any one time, include one or more of the affected properties, provided that when an application for development pursuant to this subsection is made, the affected property shall participate in the wetlands restoration program.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.10. Permitted development and uses in non-farmed wetlands and estuaries.

Permitted development or uses within nonfarmed wetlands and estuaries shall be limited to the following:

- (a) Port facilities.
- (b) Energy facilities.
- (c) Coastal-development industrial facilities including commercial fishing facilities.
- (d) Maintenance of existing or restoration of previously dredged depths in navigation channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (e) Incidental public service purposes which temporarily impact the resources of the area, such as burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines.
- (f) Restoration projects.
- (g) Nature study, aquaculture, or similar resource-dependent activities.
- (h) New or expanded boating facilities in estuaries.
- (i) Placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

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10-5.2942.11. Permitted uses in open coastal waters.

Permitted uses within open coastal waters shall be limited to the following:

- (a) Port facilities.
- (b) Energy facilities.
- (c) Coastal-dependent industrial facilities, including commercial fishing facilities.
- (d) Maintenance of existing or restoration of previously dredged depths in navigation channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (e) Incidental public service purposes which temporarily impact the resources of the area, such as burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines.
- (f) Restoration projects.
- (g) Nature study, aquaculture, or similar resource-dependent activities.
- (h) New or expanded boating facilities.
- (i) Sand or gravel mineral extraction in portions of open coastal waters that are not environmentally sensitive habitat areas.
- (j) Placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.12. Permitted uses involving alterations of streams and rivers.

Permitted uses that involve substantial alterations of streams and rivers shall incorporate the best mitigation measures feasible and shall be limited to the following:

- (a) Necessary water supply projects.
- (b) Flood control projects where no other method of protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development.
- (c) Development where the primary function is the improvement of fish and wildlife habitat.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.13. Permitted uses and development in grazed or farmed wetlands.

Permitted uses and development in grazed or farmed wetlands shall be limited to the following:

(a) Agricultural operations limited to apiaries, field and truck crops, livestock raising, greenhouses (provided they are not located on slab foundations and crops are grown in the existing soils on site), and orchards.

(b) Farm-related structures (including barns, sheds, and farmer-occupied housing) necessary for the performance of agricultural operations. Such structures may be located on an existing farmed wetland parcel only if no alternative upland location is available for such purpose and the structures are sited and designed to minimize adverse environmental effects on the farmed wetland. No more than one permanent residential structure per parcel shall be allowed.

(c) Restoration projects.

(d) Nature study, aquaculture, and similar resource-dependent activities.

(e) Incidental public service purposes which may temporarily impact the resources of the area, such as burying cable and pipes. (§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.14. Fill for repair and maintenance.

New fill for repair and maintenance purposes may be permitted on lands adjacent to the northern waterfront provided that it is consistent with other LUP policies and where:

(a) The fill will be placed in previously filled areas which have been subject to erosion;

(b) The fill will not be placed beyond the existing bulkhead line;

(c) The fill is necessary to protect existing development from erosion;

(d) The fill will not interfere with commercial fishing activities and facilities; and

(e) Placement of the fill is consistent with the public access policies of the LCP in that public access will not be adversely affected, or public access has been provided.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.15. Buffers.

A buffer shall be established for permitted development adjacent to all environmentally sensitive areas. The width of a buffer shall be one hundred (100') feet, unless the applicant for the development demonstrates on the basis of information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purposes of the buffer, that a smaller buffer

will protect the resources of the habitat area. For a wetland, the buffer should be measured from the landward edge of the wetland. For a stream or river, the buffer should be measured landward from the landward edge of riparian vegetation or from the top edge of the bank (e.g. in channelized streams). Maps and supplemental information submitted as part of the application should be used to specifically determine these boundaries.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.16. Barriers.

To protect wetlands against physical intrusion, wetland buffer areas shall incorporate attractively designed and strategically located barriers and informational signs.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.17. Uses adjacent to gulches.

All coastal zone land use activities adjacent to gulches shall be carried out in a manner which avoids vegetative removal below the break in slope, (usually those areas with a slope of twenty (20%) percent or greater) and which does not alter natural landforms and drainage patterns.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2942.18. Disagreement over boundary.

Where there is a disagreement over the boundary, location, or current status of an environmentally sensitive area identified in LCP Policy 5.5 or which is designated on the Resources Maps, the applicant shall be required to provide the City with:

- (a) A base map delineating topographic lines, adjacent roads, location of dikes, levees, or flood control channels and tide gates, as applicable;
- (b) A vegetation map, including species that may indicate the existence or non-existence of the sensitive environmental habitat area;
- (c) A soils map delineating hydric and non-hydric soils; and
- (d) A census of animal species that may indicate the existence or non-existence of the sensitive environmental habitate area.

The City shall transmit the information provided by the applicant to the Department of Fish and Game for review and comment. Any comments and recommendations provided by the Department shall be

immediately sent to the applicant for his or her response. The City shall make its decision concerning the boundary, location, or current status of the environmentally sensitive habitat area in question based on the substantial evidence in the record and shall adopt findings to support its actions.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2943. Natural hazards standards.

10-5.2943.1. Development.

Development in Eureka's coastal zone shall:

- (a) Minimize risks to life and property in areas of high geologic and flood hazard;
- (b) Assure stability and structural integrity;
- (c) Neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2943.2. High density development in flood hazard areas.

High density residential and other high occupancy development, including new hospitals, schools, residential development with a gross density of eight (8) units per acre or more, office buildings ten thousand (10,000) square feet in size or larger, or visitor-serving structural developments five thousand (5,000) square feet in size or larger, shall not be located in flood hazard areas, as designated on the Federal Emergency Management Agency Flood Insurance Rate Maps, dated June 1, 1982, unless they are constructed with a finished foundation that extends above the 100-year flood level and meet all applicable drainage requirement of the LCP. Other development in flood hazard areas shall incorporate mitigation measures that minimize the potential for flood damage, including development siting and use of flood proofing techniques and materials, consistent with other Land Use Plan policies.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2943.3. Elk River, Humboldt Bay, Eureka Slough.

Development on or near the shoreline of Elk River, Humboldt Bay, and Eureka Slough shall neither contribute significantly to, nor be subject to, high risk of damage from shoreline erosion over the life span of the development. The City shall establish a benefit

assessment district for all property adjoining and protected from flooding by the Jacobs Avenue dike. A repair and maintenance program shall be developed and implemented, consistent with Policy 5.8 and Policy 5.14.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2943.4. Development in areas of liquefaction.

For all high density residential and other high occupancy development, as defined in Policy 7.2, located in areas of significant liquefaction potential, the City shall, at the time of project application, require a geology and soils report which conforms to the following requirements:

(a) The report shall be prepared by a registered geologist, professional civil engineer with expertise in soil mechanics or foundation engineering, or by a certified engineering geologist, and shall consider, describe, and analyze the following:

(1) Geologic conditions, including soil, sediment, and rock types and characteristics in addition to structural features, such as bedding, joint and faults;

(2) Evidence of past or potential liquefaction conditions, and the implications of such conditions for the proposed development;

(3) Potential effects of seismic forces resulting from a maximum credible earthquake;

(4) Any other factors that might affect the development.

(b) The report shall also detail mitigation measures for any potential impacts and outline alternative solutions. The report shall express a professional opinion as to whether the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the life-span of the project. The report shall use a currently acceptable engineering stability analysis method and describe the degree of uncertainty of analytical results due to assumptions and unknowns.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2943.5. Cliffs, bluff tops, gulch faces.

Alteration of cliffs, bluff tops, and gulch faces or bases by excavation or other means shall be prohibited except to protect existing structures. Permitted development shall not require the construction of protective devices that would substantially alter natural landforms.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2943.6. Shoreline erosion areas.

For all development proposed within areas subject to significant shoreline erosion, the City shall, prior to project approval, require a geology and soils report which conforms to the following requirements:

(a) The report shall be prepared by a registered geologist, professional civil engineer with expertise in soil mechanics of foundation engineering, or by a certified engineering geologist, and shall consider, describe and analyze the following:

(1) Site topography, extending the surveying work beyond the site as needed to depict unusual conditions that might affect the site;

(2) Historic, current and foreseeable shoreline erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available and possible changes in shore configuration and sand transport;

(3) Geologic conditions, including soil, sediment and rock types and characteristics in addition to structural features, such as bedding, joint and faults;

(4) Impact of construction activity on the stability of the site and adjacent area;

(5) Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction;

(6) Effects of marine erosion on shoreline areas;

(7) Potential effects of seismic forces resulting from a maximum credible earthquake;

(8) Any other factors that might affect slope stability.

(b) The report shall evaluate the off-site impacts of development and the additional impacts that might occur due to the proposed development. The report shall also detail mitigation measures for any potential impacts and outline alternative solutions. The report shall express a professional opinion as to whether the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the lifespan of the project. The report shall use a currently acceptable engineering stability analysis method and describe the degree of uncertainty of analytical results due to assumptions and unknowns.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2944. Visual resources standards.**10-5.2944.1. Scenic coastal areas.**

The following shall be considered scenic coastal areas of public importance:

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- (a) Woodley Island, Daby Island, Indian Island;
- (b) Eureka Slough Wildlife refuge, Second Slough, and Third Street Slough, including adjacent wetland and riparian areas;
- (c) The lands northerly of Jacobs Avenue, including Murray Field and lands northeast of Murray Field.

New off-site advertising signs or billboards, (i.e., those signs or billboards that stand apart from other structures on the site and that advertise uses, merchandise, or other commodities which are available solely in locations other than the site on which the sign or billboard stands) shall be prohibited in these scenic coastal areas.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2944.2. Conditions of development near scenic areas.

Permitted development within scenic coastal areas, where otherwise consistent with the policies of this LCP, or except where designated within a MG district, shall:

- (a) Minimize the alteration of natural landforms;
- (b) Be visually compatible with the character of the surrounding area;
- (c) Be sited and designed to protect views to and along the ocean and scenic coastal areas;
- (d) Wherever feasible, restore and enhance visual quality in visually degraded areas.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2944.3. Views.

Views from scenic vista points shall be protected by insuring that adjacent permitted development does not obstruct views to and along the scenic coastal areas.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2944.4. Scenic routes.

Scenic routes in the coastal zone shall be as depicted on the map "Eureka Scenic Routes" contained in the Scenic Route Element of the Eureka General Plan. Along such routes the City shall:

- (a) Ensure that the scenic route rights-of-way are maintained in an attractive manner.
- (b) Incorporate bicycle lanes and pedestrian walkways along scenic routes, whenever possible.

(c) Establish a public information system which will guide and direct visitors to various scenic areas in the community.

(d) Provide street furniture and other accessory amenities which serve to enhance the use of scenic routes.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, 519-C.S., eff. August 26, 1990)

Sec. 10-5.2945. Public works standards.

10-5.2945.1. Special districts.

The formation or expansion of special districts shall be permitted where assessment for, and provision of services consistent with LUP Policies 12.3 and 12.4.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, 519-C.S., eff. August 26, 1990)

10-5.2945.2. New or expanded facilities.

New or expanded public works facilities shall be designed and limited to accommodate needs generated by permitted uses and development consistent with the provisions of the Local Coastal Program.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, 519-C.S., eff. August 26, 1990)

10-5.2945.3. Water system capacity priority.

Development shall not be permitted which would leave insufficient water system capacity for priority uses. Those uses which shall not be precluded by other development and their order or priority are:

- (a) Coastal-dependent uses;
- (b) Essential public services;
- (c) Basic industries vital to the economic health of the region, State or Nation;
- (d) Public recreation;
- (e) Commercial recreation; and
- (f) Visitor-serving uses.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2945.4. Extension of services beyond urban limit.

There shall be no extension of urban services (sewer and water) beyond the urban limit line as designated in the Local Coastal Program, except that the water system intertie line in the southwestern part of the

City shall be permitted to extend outside the urban limit line, provided no connections for private users shall be allowed outside the urban limit line. No assessments, "readiness to serve" fees, or other costs or encumbrances, including bonded indebtedness, for urban services shall be assessed against lands outside the urban limit line, except for those lands already provided with urban services, services to existing residential use on the Lieber parcel, or those lands for which assessments or other costs or encumbrances have been levied prior to July 1, 1984. (§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2945.5. Hilfiker Lane road.

Any maintenance or alteration of the freshwater pond which serves as a water source for the cemetery and which is located north of Hilfiker Lane between Broadway and the Northwestern Pacific Railroad right-of-way shall protect the marsh vegetation at the perimeter of the pond as it existed on July 4, 1984. However, the pond shall be designated and considered as a public works facility rather than a natural resource (or environmentally sensitive habitat) area.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.2946. New development standards.

10-5.2946.1. Urban limit area development preferred.

The development of vacant land within the Eureka urban limit area, consistent with all applicable policies of this Local Coastal Program, shall be the preferred economical and environmental means of residential, commercial, or industrial growth in the City.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, 519-C.S., eff. August 26, 1990)

10-5.2946.2. Urban limit area.

The urban limit area of the City of Eureka shall be as shown in Chapter 15 on the "Land Use and Zoning" maps 1 and 2.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2946.3. Extension of urban limit.

Extensions of the urban limit line shall be allowed if approved by the Coastal Commission and if:

(a) Sufficient public services capacity is available to serve any development proposed for the area that is to be included in the extended

urban limit area, while assuring that capacity is available for priority uses consistent with LCP Policy 10.4.

(b) The extension, or any development proposed for the area that is to be included in the extended urban limit area, will not have a significant adverse effect on prime agricultural land, timberland, or environmentally sensitive habitat areas.

All extensions of the urban limit line within the coastal zone shall constitute an amendment to this LCP and shall not become final unless approved by the Coastal Commission.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2946.4. Extension of services beyond urban limit.

There shall be no extension of urban sewer and water services beyond the urban limit line as defined in Policy 12.2, except that the water system intertie line in the south-western part shall be permitted to extend outside the urban limit line, provided that no connections for private users shall be allowed outside said urban limit line. No assessments, "readiness to serve" fees, or other costs or encumbrances, including bonded indebtedness, for urban services shall be assessed against lands outside the urban limit line, except for those lands already provided with urban services, services to existing residential use on the Lieber parcel, or those lands for which assessments or other costs or encumbrances have been levied prior to July 1, 1984.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2946.5. Precedence of natural resources.

Development type and density shall be that specified by the land use categories and designations in the land use plan map. However, natural resource designations and policies shall take precedence in all cases, except as otherwise provided in this Local Coastal Program, consistent with applicable policies of the Coastal Act. Where a parcel is located partly within and partly without an environmentally sensitive habitat area, development shall be located and designed to avoid significant adverse effects on the environmental resources.

(§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2946.6. Regional commercial.

Regional commercial facilities shall be located in the Planned Commercial District or in the Core Area. Development proposed for the Planned Commercial District west of Broadway shall include an

on-site wetlands restoration and management program, consistent with LUP Policies 5.16 and 5.17 and the objectives of Policy 5.20. (§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2946.7. Highway service commercial.

Highway service commercial development shall be prohibited along Highway 101 (1) south of the urban limit line as shown on the Land Use Map in Chapter 15, and (2) between the Service Commercial Districts east of Murray Field and Indianola Road. (§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2946.8. Land divisions.

Land divisions shall not result in the creation of a parcel or parcels totally within an environmentally sensitive habitat area or flood hazard area as defined in the Local Coastal Program. No land divisions, except for agricultural leases, shall be permitted on lands designated for coastal agricultural use. (§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2946.9. Archaeological areas.

(a) When development is proposed within a known archaeological area, project design shall avoid or minimize impacts to the resource.

(b) When development in archaeological sites cannot be avoided, adequate mitigation measures shall be required. Mitigation shall be designed in accord with guidelines of State Office of Historic Preservation and the State of California Native American Heritage Commission. When, in the course of grading, excavation, or any other development activity, evidence of archaeological artifacts is discovered, all work which could damage or destroy such resources shall cease and the City Planning Director shall be notified immediately of the discovery.

(c) The City Planning Director shall notify the State Historic Preservation Officer and the Sonoma State University Cultural Resources Facility of the find. At the request of the State Historic Preservation Officer, development of the site may be halted until an archaeological survey can be made and appropriate and feasible mitigation measures are developed. (§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 5, Ord. 519-C.S., eff. August 26, 1990)

10-5.2947 — 10-5.2949. Reserved.

Part 4. WC — Conservation Water District**Sec. 10-5.2950. Purpose.**

In addition to the objective prescribed in Section 10-5.2902 (Objectives and Purposes) of this article, the WC District is included in the zoning regulations to achieve the following purpose:

To protect, enhance and restore valuable fish, wildlife and sensitive habitat areas, and to provide for limited resource dependent uses and public recreation in estuarine waters.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2951. Required conditions.

All permitted and conditional uses shall meet the requirements of the resource protection standards in Part 3.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2952. Permitted uses.

The following uses shall be permitted:

Management for fish and wildlife habitat, and Nature study.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2953. Conditional uses.

The following conditional uses shall be permitted:

Aquaculture, mariculture, noriculture, and similar resource-dependent activities;

Passive recreation;

Public access facilities consistent with resource protection;

Resource restoration and enhancement;

Restoration and maintenance dredging of previously dredged navigation channels;

Boat launch ramps;

Oil and gas pipelines;

Incidental public works projects, including but not limited to, burying cables and pipes.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2954. Reserved.**Part 5. WD — Development Water District****Sec. 10-5.2955. Purpose.**

In addition to the objectives prescribed in Section 10-5.2902 (Objectives and Purposes), the WD District is included in the zoning regulations to achieve the following purpose:

To provide for port and harbor related uses of the estuarine waters of Humboldt Bay, consistent with resource protection policies, as provided by all applicable policies in the LCP land use plan.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2956. Required conditions.

All permitted and conditional uses shall meet the requirements of the resources protection standards in Part 3.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2957. Permitted uses.

The following uses shall be permitted in the WD District:

Maintenance dredging of turning basins, berthing and mooring areas, and boat launch ramps;

Maintenance of intake and outfall lines;

Restoration and maintenance dredging of previously dredged navigation channels.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2958. Conditional uses.

The following conditional uses shall be permitted:

OCS service facilities;

Oil and gas pipelines;

Incidental public works projects, including but not limited to, burying cables and pipes, or inspection of piers and maintenance of intake and outfall lines;

Nature study and other educational uses;

Piers, docks and wharves;

Port, energy and coastal-development industrial facilities;

Public access facilities; and

Resource restoration or enhancement;

Active recreation, including hunting and fishing;

Aquaculture and similar resource-dependent activities;

Boating and marina facilities;

Commercial fishing facilities;

Dredging of new or deepened channels.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2959. Reserved.**Part 6. NR — Natural Resources District****Sec. 10-5.2960. Purpose.**

In addition to the objectives prescribed in Section 10-5.2902 (Objectives and purposes), the NR District is included in the zoning regulations to achieve the following purpose: to protect, enhance, and restore environmentally sensitive habitat areas, and to allow resource dependent uses consistent with the continuance of such habitat areas.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2961. Required conditions.

(a) All permitted and conditional uses shall meet the requirements of the resource protection standards in Part 3.

(b) No sign, advertising sign or structure, or billboard shall be permitted.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2962. Permitted uses.

The following use shall be permitted:

Management for fish and wildlife habitat.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2963. Conditional uses.

The following conditional uses shall be permitted in accord with the provisions of Article 24 of this chapter:

Aquaculture;

Educational/scientific study (by permit from management agency);

Restoration and enhancement for fish and wildlife habitat values;

Pedestrian access consistent with all applicable policies of the Land Use Plan.

Oil and gas pipelines.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Secs. 10-5.2964 — 10-5.2969. Reserved.**Part 7. AC — Coastal Agricultural District****Sec. 10-5.2970. Purposes.**

In addition to the objectives prescribed in Section 10-5.2902 (Objectives and purposes), the AC Coastal Agriculture District is included in the zoning regulations to achieve the following purposes:

(a) To protect agricultural lands, including farmed or grazed wetlands, for long-term productive agricultural and wildlife habitat uses;

(b) To ensure adequate separation between dwellings and facilities for housing animals.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2971. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or traffic or to involve any hazard of fire or explosion, provided that permitted agricultural pursuits conducted in accord with good practice shall not be deemed a nuisance.

(c) Animal keeping shall comply with the provisions of Chapter 1 of Title 5 of the Code (Animals).

(d) Dwellings and farm-related structures may be located on an existing farmed wetland parcel only when no upland location is available for such purpose.

(e) Structures, including non-slab foundation greenhouses that utilize the underlying soil for agricultural practices, located on a grazed or farmed wetland parcel shall be sited and designed in a manner which will minimize any adverse environmental effects to the farmed or grazed wetland, including through a minimization of fill. To the extent required by Federal law and regulations, dwellings that are otherwise permitted in the coastal agricultural district shall also comply with all flood zone regulations adopted by the City.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2972. Permitted uses.

The following uses shall be permitted:

Accessory structures and uses located on the same site with a permitted use, including barns, stables, coops, tank houses, storage tanks, windmills, silos, other farm outbuildings, private garages and carports, bunkhouse, or accessory living quarters with a kitchen for each dwelling on the site, storehouses, garden structures, greenhouses, and the storage of petroleum products for the use of persons residing or working on the site;

Apiaries;

Field and truck crops;

Livestock raising;

Greenhouses, which are not located on slab foundations and where crops are grown in the existing soil on the site;

One-family dwelling and farm employee housing for persons employed on the premises. Not more than one (1) dwelling unit, other than farm employee housing, shall be located on each parcel. Manufactured homes shall meet the criteria prescribed in Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks);

Orchards;

Roadside stands for the sale of agricultural produce grown on the site;

Timber harvest.

(§ 1, Ord. 417-C.S., eff. December 6, 1984, as amended by § 1, Ord. 518-C.S., eff. August 26, 1990; Ord. 526-C.S., eff. June 20, 1991)

Sec. 10-5.2973. Conditional uses.

The following uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- Aquaculture and similar resource-dependent activities;
- Coastal-dependent oil and gas wells;
- Oil and gas pipelines;
- Incidental public service purposes;
- Wetland restoration and enhancement projects.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2974. Off street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities), except that no space shall be required to be located in a garage or carport.

Sec. 10-5.2975. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.2976. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).

Sec. 10-5.2977. Architectural review.

Architectural review requirements for conditional uses are specified in Article 24, Sec. 10-5.2421 of this chapter.

Secs. 10-5.2978 – 1-5.2979. Reserved**Part 8. RS — One-Family Residential Districts.****Sec. 10-5.2980. Purposes.**

In addition to the objectives prescribed in Section 10-5.2902 of this article (Objectives), the RS-6,000 and RS-12,000 Residential Districts are included in the zoning regulations to achieve the following purposes:

- (a) To reserve appropriately located areas for family living at reasonable population densities consistent with sound standards of public health and safety;
- (b) To ensure adequate light, air, privacy, and open space for each dwelling;
- (c) To protect one-family dwellings from the lack of privacy associated with multi-family dwellings;
- (d) To provide space for semi-public facilities needed to complement urban residential areas and for institutions that require a residential environment;

(e) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;

(f) To preserve the natural beauty of hillsides and avoid slide and drainage problems by encouraging retention of natural vegetation and discouraging mass grading;

(g) To provide necessary space for the off-street parking of automobiles and, where appropriate, for the off-street loading of trucks;

(h) To protect residential properties from the hazards, noise, and congestion created by commercial and industrial traffic;

(i) To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences; and

(j) To protect residential properties from fire, explosion, noxious fumes, and other hazards.

(k) To reserve appropriately sized lots for family living at reasonable population densities in areas with limited public service (RS-12,000).

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2981. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare unsightliness, or traffic or to involve any hazard of fire or explosion.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2982. Permitted uses.

The following uses shall be permitted:

(a) One-family dwellings in which not more than three (3) paying guests may be lodged or boarded. Manufactured home shall meet the criteria prescribed in Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks, and Recreational Vehicle Parks).

(b) Raising of fruit and nut trees, vegetables, and horticultural specialties;

(c) Home occupations conducted in accord with the regulations prescribed in Article 19 of this chapter (Home Occupations):

(d) Temporary subdivision sales offices conducted in accord with the regulations prescribed in Article 20 of this chapter (Temporary Subdivision Sales Offices);

(e) Accessory structures located on the same site with a permitted use, including private garages and carports, one guest house or accessory living quarters without a kitchen, storehouses, garden structures, greenhouses, recreation rooms, and hobby areas within an enclosed structure;

(f) Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than five (5') feet from a property line; and

(g) Keeping horses, rabbits, poultry, and bees in accord with the provisions of Chapter 1 of Title 5 of this Code (Animals).

(§ 1, Ord. 417-C.S., eff. December 6, 1984; Ord. 526-C.S., eff. June 20, 1991)

Sec. 10-5.2983. Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

(a) Secondary dwelling units as provided in Article 18.5 of the Chapter (Secondary Dwelling Units);

(b) Charitable institutions;

(c) Churches, convents, monasteries, parish houses, parsonages, and other religious institutions;

(d) Commercial nursery growing grounds;

(e) Golf courses;

(f) Nursery schools;

(g) Nursing homes for not more than three (3) patients;

(h) Parking facilities improved as prescribed in Article 15 of this chapter (Off-Street Parking Facilities), on a site having a side property line which adjoins an OR, C, or M District, or is opposite and separated therefrom only by an alley, or on a site that has a rear property line adjoining an OR, C, or M District and has access therefrom, provided that the site of the parking facility shall not extend more than one hundred fifty (150) feet from the boundary of the OR, C, or M District;

(i) Private recreation parks and swim clubs;

(j) Private schools and colleges, not including art, craft, music, dancing, business, professional, or trade schools and colleges;

(k) Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and

structures, storage tanks, and transmission line found by the Planning Commission to be necessary for the public health, safety, or welfare;

- (l) Accessory structures and uses located on the same site as a conditional use;
- (m) Bed and breakfast inns in which not more than 15 paying transient guests may be lodged or boarded, provided that the site of such inn shall not be less than one acre in area;
- (n) Timber harvest of less than three acres; and

Sec. 10-5.2984. Off street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities), except that no space shall be required to be located in a garage or carport.

Sec. 10-5.2985. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.2986. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).

Sec. 10-5.2987. Architectural review.

Architectural review requirements for conditional uses are specified in Article 24, Sec. 10-5.2421 of this chapter.

Sec. 10-5.2988 Density standards.

(a) RS-6,000. In an RS-6,000 District, the site of a one-family dwelling shall contain at least six thousand (6,000) square feet, including at least four thousand (4,000) square feet with a natural slope of less than twenty (20%) percent; provided, however, the portion of the site having a slope of less than twenty (20%) percent may be reduced by five hundred (500) square feet for each three thousand (3,000) square feet of additional

site area, except that each site shall contain at least two thousand five hundred (2,500) square feet with a natural slope less than twenty (20%) percent. The maximum gross density in the RS-6,000 District shall be seven (7) units per acre.

(b) RS-12,000. In an RS-12,000 District, the site of a one-family dwelling shall contain at least twelve thousand (12,000) square feet, including at least five thousand (5,000) square feet with a natural slope of less than twenty-five (25%) percent; provided, however, the portion of the site having a slope of less than twenty-five (25%) percent may be reduced by five hundred (500) square feet for each three

thousand (3,000) square feet of additional site area, except that each site shall contain at least three thousand (3,000) square feet with a natural slope less than twenty-five (25%) percent. The maximum gross density in the RS-12,000 District shall be three and seven-tenths (3.7) units per acre.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2989. Reserved.

Part 9. RM — Multi-Family Residential Districts

Sec. 10-5.2990. Purposes.

In addition to the objectives prescribed in Section 10-5.102 of Article I of this chapter (Objectives), the RM Multi-Family Residential Districts are included in the zoning regulations to achieve the following purposes:

(a) To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with sound standards of public health and safety;

(b) To preserve as many as possible of the desirable characteristics of the one-family residential district while permitting higher population densities;

(c) To ensure adequate light, air, privacy, and open space for each dwelling unit;

(d) To provide space for semipublic facilities needed to complement urban residential areas and space for institutions that require a residential environment;

(e) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;

(f) To provide necessary space for the off-street parking of automobiles and, where appropriate, for the off-street loading of trucks;

(g) To protect residential properties from the hazards, noise, and congestion created by commercial and industrial traffic;

(h) To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences; and

(i) To protect residential properties from fire, explosion, noxious fumes, and other hazards.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2991. Permitted uses.

The following uses shall be permitted in the RM-2,500 and RM-1,000 Districts:

(a) Any use permitted under Section 10-5.503 of Article 5 of this chapter (Permitted Uses), in RS-6,000 One-Family Residential Districts;

(b) Combinations of attached or detached dwelling units, including duplexes, multi-family dwellings, dwelling groups, row houses, and townhouses;

(c) Lodging houses in which not more than fifteen (15) paying guests may be lodged or boarded;

(d) Nursing homes for not more than three (3) patients; and

(e) Accessory structures and uses located on the same site as a permitted use.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.2992. Conditional uses.

The following conditional uses shall be permitted in the RM-2,500 and RM-1,000 Districts upon the granting of a use permit in accordance with the provisions of Article 24 of this chapter (Conditional Uses):

(a) Charitable institutions;

(b) Churches, convents, monasteries, parish houses, parsonages, and other religious institutions;

(c) Commercial nursery growing grounds;

(d) Golf courses;

(e) Nursery schools;

(f) Nursing homes, no including nursing homes for mental, drug addict, or liquor addict cases;

(g) Parking facilities improved as set forth in Article 15 of this chapter (Off-Street Parking Facilities) on a site having a side property line which adjoins on OR, HM, C, or M District, or is opposite and separated therefrom only by an alley, or on a site that has a rear property line adjoining an OR, HM, C, or M District and has access therefrom; provided, however, the site of the parking facility shall not extend more than one thousand five hundred (1,500) feet from the boundary of the OR, HM, C, or M District;

(h) Private recreation parks and swim clubs;

(i) Private schools and colleges, not including art, craft, music, dancing, business, professional, or trade schools and colleges;

(j) Private noncommercial clubs and lodges, not including employment offices;

(k) Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare;

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(l) Mobilehome parks in an RM-1000 District in accordance with the provisions of Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks);

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- (m) Timber harvest of less than (3) acres.

Sec. 10-5.2993. Off street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities), except that no space shall be required to be located in a garage or carport.

Sec. 10-5.2994. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.2995. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).

Sec. 10-5.2996. Site Plan and architectural review.

All permitted uses, except one-family dwellings, multi-family dwellings containing not more than six (6) dwelling units, and dwelling groups containing not more than six (6) units, shall be subject to site plan review as set forth in Article 18 of this chapter (Site Plan Review and Architectural Review). Architectural review requirements for conditional uses are specified in Article 24, Sec. 10-5.2421 of this chapter.

Sec. 10-5.2997 – 10-5.2999. Reserved.

Part 10. OR — Office And Multi-Family Residential Districts.

Sec. 10-5.29100. Purposes.

In addition to the objectives set forth in Section 10-5.102 of Article 1 of this chapter (Objectives), the OR Office and Multi-Family Residential District is included in the zoning regulations to achieve the following purposes:

- (a) To provide opportunities for offices of a semi-commercial character to locate outside commercial districts;
- (b) To provide space for semi-public facilities and institutions which appropriately may be located in office and multi-family dwelling districts;

- (c) To provide adequate space to meet the needs of modern offices, including the off-street parking of automobiles and, where appropriate, the off-street loading of trucks;
- (d) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- (e) To protect offices and multi-family dwellings from noise, disturbance, traffic hazards, safety hazards, and other objectionable influences incidental to certain commercial uses; and
- (f) To protect offices and multi-family dwellings from fire, explosion, noxious fumes, and other hazards.

Sec. 10-5.29101. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) All professional pursuits and businesses shall be conducted entirely within a completely enclosed structure except for off-street parking and loading areas.

(c) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or truck traffic or to involve any hazard of fire or explosion.

Sec. 10-5.29102 Permitted uses.

The following uses shall be permitted:

(a) Any use permitted under Section 10-5.603 of Article 6 of this chapter (Permitting uses) in RM Districts, provided that there shall be not less than one thousand (1,000) square feet of site area per dwelling unit, and provided that units not located above a permitted nonresidential use shall be subject to the requirements of usable open space per dwelling unit of the RM-1,000 District. Yards at and above the first level occupied by dwelling units shall be as required in the RM District;

(b) Administrative, business, and professional offices;

(c) Any other use which is determined by the Planning Commission, as provided in Article 23 of this chapter (Determination as to Uses Not Listed), to be similar to be used listed in subsection (b) of this section;

(d) Mobile vendors as prescribed in Article 19.5;

(e) Parking facilities, including fee parking facilities approved in conformity with the standards prescribed for required off-street parking facilities in Section 10-5.1504 of Article 15 of this chapter (Standards for Off-Street Parking Facilities); and

(f) Accessory structures and uses located on the same site as a permitted use; and

(g) Cannabis distribution, transportation only, no cannabis on-site, subject to the provisions of Article 30 (Cannabis)..

Sec. 10-5.29103. Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

(a) Nursing homes, not including nursing homes for mental, drug addict, or liquor addict cases;

(b) Private schools and colleges, including music and dance studios not less than one hundred fifty (150') feet from an R District;

(c) Public utility and public service pumping stations, power stations, equipment buildings and installations, drainageways and structures, storage tanks, and transmission lines found by the Planning Commission and to be necessary for the public health, safety, or welfare;

(d) Accessory structures and uses located on the same site as a conditional use;

(e) Family care homes and halfway houses;

(e.1) Cannabis testing facilities, where no commercial cultivation, processing, manufacturing, wholesale, retail or distribution of cannabis occurs, subject to the provisions of Article 30 of this chapter (Cannabis).

(f) Charitable institutions;

(g) Churches and other religious institutions;

(h) Nursery schools;

(i) Private noncommercial clubs and lodges;

(j) Mortuaries;

(k) Motels and hotels; and,

(l) Retail and service establishments that are compatible with and complementary to other permitted uses, including only:

(1) Art and artists' supply stores;

(2) Art galleries and stores selling objects of art;

(3) Banks and savings and loan offices;

(4) Bail bonding establishments;

(5) Bars not less than one hundred fifty (150') feet from an

R District;

- (6) Barber shops and beauty shops;
 - (7) Book stores and rental shops;
 - (8) Candy stores;
 - (9) Finance companies;
 - (10) Florists;
 - (11) Gift shops;
 - (12) Interior decorating shops;
 - (13) Prescription pharmacies provided at least eighty (80%) percent of the interior display area of a pharmacy shall be used for the sale of prescription or trade drugs and provided liquor shall not be sold;
 - (14) Restaurants and soda fountains, not including drive-in establishments, not less than one hundred fifty (150') feet from an R District;
 - (15) Telegraph offices; and
 - (16) Travel agencies.
- (m) Timber harvest of less than three (3) acres.
- (§ 1, Ord. 417-C.S., eff. December 6, 1984; as amended by § 2, Ord. 518-C.S., eff. August 26, 1990)

Sec. 10-5.29104. Off-street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities).
(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29105. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).
(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29106. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).
(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29107. Site plan review and architectural review.

All permitted uses, except one-family dwellings, multi-family dwellings containing not more than six (6) units, and dwelling groups containing not more than six (6) units, shall be subject to site plan review as prescribed in Article 18 of this chapter (Site Plan Review and

Architectural Review). Architectural review requirements for conditional uses are specified in Article 24, Sec. 10-5.2421 of this chapter.

Secs. 10-5.29108 – 10-5.29109. Reserved.

Part 11. CW – Waterfront Commercial Districts

Sec. 10-5.29110. Purposes

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), the CW Waterfront Commercial Districts are included in the zoning regulations to achieve the following purposes:

- (a) To encourage, protect and maintain coastal-dependent and coastal-related uses;
- (b) To encourage development of recreational and visitor-serving uses;
- (c) To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses offering commodities and services required by residents of the city and its surrounding market area;
- (d) To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationships to each other;
- (e) To provide space for community facilities and institutions that appropriately may be located in commercial areas;
- (f) To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;
- (g) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- (h) To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;
- (i) To protect commercial properties from fire, explosion, noxious fumes, and other hazards;
- (j) To encourage upgrading of the use of strategically located sites between the central business district and Humboldt Bay by creating an environment suitable for establishments catering to tourists; and
- (k) To protect and maintain certain industrial uses that require waterfront locations.

Sec. 10-5.29111. Required conditions.

- (a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

Effective September 20, 2015

(b) In a CW District all businesses, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, exhibits of goods sold, manufactured, or processed on the premises, outdoor dining areas, and utility substations and equipment installations.

(c) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic or to involve any hazard of fire or explosion.

Sec. 10-5.29112. Permitted uses.

The following uses shall be permitted in the CW Waterfront Commercial District, provided that when recreation and visitor-serving facilities are integrated with coastal-dependent uses (noted below with an asterisk), the recreation and visitor-serving areas shall be secondary to and compatible with the coastal-dependent uses:

- (a) Accessory uses and structures located on the same site as a permitted use;
- * (b) Boat launching;
- (c) Coastal dependent and coastal-related uses;
- * (d) Commercial fishing facilities;
- * (e) Docks, piers and wharfs;
- (f) Hotels and motels;
- (g) Ice vending stations;
- (h) Marine and boat sales, services and repairs;
- (i) Offices related to or dependent upon coastal-dependent or coastal-related uses;
- (j) Public and commercial recreation;
- (k) Recreational boating facilities;
- (l) Visitor-serving facilities and other establishments that offer retail sales and services to visitors, including but not limited to:
 - Antique shops;
 - Art and artists' supply stores;
 - Art galleries and stores selling objects of art;
 - Bakeries baking for retail sale on the premises only;
 - Bars and taverns;
 - Bicycle shops;
 - Book stores and newsstands;
 - Candy stores/shops;
 - Clothing shops, boutique;

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Dairy products manufacturing for retail sales on the premises only;
 Day or destination spas;
 Florists;
 Garden shops;
 Gift shops;
 Jewelry stores;
 Leather goods and luggage stores;
 Mobile vendors occupying 5% or less of the spaces in an existing off-street parking lot as prescribed in Article 19.5;
 Music, record, and CD stores;
 Picture framing shops;
 Restaurants (not including drive-in establishments)
 Shoe shops, boutique;
 Sporting goods stores that primarily include rental and sales of equipment, gear, clothing, and other goods, for coastal-dependent or –related recreation activities;
 Stamp and coin stores;
 Stationery shops;
 Theaters, small;
 Toy shops, and;
 Variety shops.

Sec. 10-5.29113. Conditional uses.

The following conditional uses shall be permitted in the CW Waterfront Commercial District upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses). The applicant shall demonstrate and the City shall find that granting of a use permit will not diminish recreational or visitor-serving opportunities.

Administrative, business, and professional offices, except medical and dental offices;
 Arts and crafts schools and colleges;
 Bakeries;
 Banks;
 Barber shops and beauty shops;
 Bus depot;
 Bus depots, provided all buses shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site;
 Business, professional, and trade schools and colleges;
 Cannabis testing facilities, where no commercial cultivation, processing, manufacturing, wholesale, retail or distribution of cannabis occurs, located above the ground floor of commercial structures subject to the provisions of Article 30 of this chapter (Cannabis);
 Charitable institutions;
 Christmas tree sales lots;
 Churches, parsonages, parish houses and other religious institutions;
 Cigar stores;
 Cleaning, coin-operated;
 Clothing and costume rental establishments;

Clothing stores;
Conference center;
Dance halls;
Department stores;
Finance companies;
Food stores and supermarkets;
Furniture stores;
Gunsmiths;
Gymnasiums;
Hardware stores;
Health clubs, neighborhood;
Ice storage houses;
Interior decorating shops;
Laundries, self-service type;
Liquor stores;
Locksmiths;
Massage and physical culture studios;
Medical and dental offices;
Medical and orthopedic appliance stores;
Meeting halls;
Messengers' offices;
Music and dance studios;
Musical instrument repair shops;
Office and business machine stores;
Offices and office buildings;
Oil and gas pipelines;
Optician and optometrical shops;
Parking facilities, including fee parking facilities;
Passenger railroad stations;
Pet and bird stores;
Photographic supply stores and studios;
Post offices;
Prescription pharmacies and dental and optical laboratories;
Pressing establishments;
Printing shops, including lithographing and engraving;
Public utility service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety or welfare;
Radio and television broadcasting studios;
Realtors and real estate offices;
Recreational vehicle parks;

Effective September 20, 2015

Residential uses permitted in the RM Districts shall be permitted in a CW District, provided the residential units are located above the ground floor of commercial structures and the minimum size of such dwelling units shall not be less than what is required in the Building and Housing Code;

Saving and loan offices;
Scientific instrument shops;
Skating rinks;
Skating rinks within buildings;
Sporting goods stores;
Sports arenas within buildings;
Stationery stores;
Stenographic services;
Telegraph offices;
Television and radio sales and repair stores;
Theaters and auditoriums within buildings;
Toy stores;
Variety stores;
Warehouses;
Watch and clock repair shops;
Wholesale establishments without stocks; and

Any other use which is determined by the Planning Commission to be similar to the listed conditional uses and which conform to the policies of the Land Use Plan. In making such a determination, in addition to the findings prescribed in Article 24 of this chapter (Conditional Uses), the Planning Commission must find:

- (a) That consideration of all determinable characteristics of the use that is subject to the application indicates that the use has the same essential characteristics as a permitted or conditional use;
- (b) That the use conforms to the purposes of the CW Waterfront Commercial District;
- (c) That the use will not create significantly more vehicular traffic or congestion than associated with permitted or conditional uses; or
- (d) That the proposed use will not negatively affect recreation or visitor-serving facilities and coastal-dependent uses.

Sec. 10-5.29113.1 Minor use permits.

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses). The application shall demonstrate and the City shall find that granting of a minor use permit will not diminish recreational or visitor-serving opportunities.

- (a) Cannabis distribution, transportation only, no cannabis on site facilities located separate from a distribution facility and located above the ground floor of commercial structures, and subject to the provisions of Article 30 of this chapter (Cannabis);
- (b) Cannabis research and development facilities subject to the provisions of Article 30, Section 10-5.3007 (b) and 10-5.3007.1 of this chapter (Cannabis); and

(c) Mobile vendors occupying more than 5% of the parking spaces in an existing off-street parking lot as prescribed in Article 19.5.

Sec. 10-5.29114. Off-street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities).

Sec. 10-5.29115. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.29116. Signs.

No sign, outdoor advertising structure or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs)

Sec. 10-5.29117. Site plan review and architectural review.

All permitted uses shall be subject to site plan review as prescribed in Article 18 of the chapter (Site Plan Review and Architectural Review Architectural review requirements for conditional uses are specified in Article 24, Sec. 10-5.2421 of this chapter.

Secs. 10-5.29118 — 10-5.29119. Reserved.**Part 12. CN — Neighborhood Commercial Districts****Sec. 10-5.29120. Purposes.**

In addition to the objectives prescribed in Section 10-5.2902 (Objectives and purposes), the CN Neighborhood Commercial Districts are included in the zoning regulations to achieve the following purposes:

(a) To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses offering commodities and services required by residents of the City and its surrounding market area;

(b) To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in a mutually beneficial relationship to each other;

(c) To provide space for community facilities and institutions that appropriately may be located in commercial areas;

(d) To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;

(e) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;

(f) To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;

(g) To protect commercial properties from fire, explosion, noxious fumes and other hazards;

(h) To provide appropriately located areas for retail stores, offices and personal service establishments patronized primarily by residents of the immediate area; and

(i) To permit the development of neighborhood shopping centers of limited size and in locations shown on the Eureka Area General Plan according to standards that minimize adverse impact on adjoining residential uses.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29121. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) In a CN District all businesses, services, and processes shall be conducted entirely within a completely enclosed structure,

except for off-street parking and loading areas, exhibits of goods sold, manufactured, or processed on the premises, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots, and utility substations and equipment installations.

(c) In a CN District all products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced.

(d) No use shall be permitted, and no process, equipment or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity of by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic or to involve any hazard of fire or explosion.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29122. Permitted uses.

The following uses shall be permitted:

Accessory uses and structures, not including warehouses, located on the same site as a permitted use;

Administrative, business, and professional offices, except medical and dental offices;

Art galleries;

Arts and artists' supply stores;

Arts and crafts schools and colleges;

Bakeries, including baking for sale on the premises only;

Banks;

Banquet rooms not less than one hundred fifty (150') feet from an R District;

Barber shops and beauty shops;

Bars not less than one hundred fifty (150') feet from an R District;

Bicycle shops;

Book stores and rental libraries;

Candy stores;

Christmas tree sales lots;

Cigar stores;

Cleaning and dyeing;

Cleaning and dyeing, including the use of one synthetic dry cleaning machine using nonexplosive solvents and having a capacity of not more than forty (40) pounds per cycle only;

Cleaning, coin operated;

Clothing and costume rental establishments;

Clothing stores;

Computer and communications equipment stores;

Dairy products manufacturing for retail sales on the premises only;
Delicatessen stores;
Dry goods stores;
Electrical appliance sales and repair stores, provided repair services shall be incidental to retail sales;
Finance companies;
Florists;
Food lockers;
Food stores and supermarkets;
Fur shops;
Furniture stores;
Garden shops;
Gift shops;
Hardware stores;
Hobby shops;
Household appliance stores;
Ice vending stations;
Interior decorating shops;
Jewelry stores;
Laundries, self-service type;
Leather goods and luggage stores;
Liquor stores;
Locksmiths;
Medical and dental offices;
Medical and orthopedic appliance stores;
Meeting halls not less than one hundred fifty (150') feet from an R District;
Mens' furnishing stores;
Messengers' offices;
Millinery shops;
Mobile vendors as prescribed in Article 19.5;
Music and dance studios not less than 150 feet from an R District;
Music stores;
Musical instrument repair shops;
Newsstands;
Nurseries and garden supply stores provided all equipment, supplies and merchandise other than plants shall be kept within a completely enclosed building, and fertilizer of any type shall be stored and sold in packaged form only;
Office and business machine stores;
Offices and office buildings;
Optician and optometrical shops;
Paint, glass, and wallpaper shops;

Parking facilities, including fee parking facilities;
Pet and bird stores;
Pet and bird stores not less than one hundred fifty (150') feet from an R District;
Phonograph record stores;
Photographic supply stores and studios;
Picture framing shops;
Post Offices;
Prescription pharmacies and dental and optical laboratories;
Pressing establishments;
Private clubs and lodges not less than one hundred fifty (150') feet from an R District;
Realtors and real estate offices;
Residential uses permitted under permitted uses in RM Districts shall be permitted in a CN District provided the minimum size of such dwelling units shall be not less than as set forth in the Building Code and Housing Code of the City;
Restaurants and soda fountains, not including drive-in establishments, one hundred fifty (150') feet or more from an R District;
Saving and loan offices;
Scientific instrument shops;
Self-service laundries and self-service dry cleaning establishments;
Shoe repair shops;
Shoe stores;
Sporting goods stores;
Stamp and coin stores;
Stationery stores;
Stenographic services;
Tailor and dressmaking shops;
Taxicab stands;
Telegraph offices;
Television and radio sales and repair stores;
Ticket agencies;
Toy stores;
Travel agencies and bureaus;
Umbrella repair shops;
Video sales and rental stores;
Watch and clock repair shops;
Wholesale establishments without stocks;
Women's apparel accessory stores.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29123. Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

Accessory uses and structures located on the same site as a conditional use;

Ambulance service;

Blueprint and photostat shops;

Business, professional and trade schools and colleges;

Cannabis retail facilities subject to the provisions of Article 30 of this chapter (Cannabis);

Charitable institutions;

Churches, parsonages, parish houses, monasteries, convents, and other religious institutions;

Oil and gas pipelines;

Parking facilities, including required off-street parking facilities, located on a site separated from the use which the facilities serve;

Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety or welfare;

Restaurants and soda fountains, not including drive-in establishments, 150 feet or more from an R District;

Service stations, not including automobile, truck, and trailer rentals as accessory uses, provided all operations, except the sale of gasoline and oil and the washing of cars, shall be conducted within a building enclosed on at least three sides; and

Wireless telecommunication facilities located within 100 feet of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

Sec. 10-5.29123.1 Minor use permits.

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses). The application shall demonstrate and the City shall find that granting of a minor use permit will not diminish recreational or visitor-serving opportunities.

(a) Cannabis distribution facilities, transportation only, no cannabis on site, subject to the provisions of Article 30 of this chapter (Cannabis);

(b) Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis).

Sec. 10-5.29124. Off street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities), except that no space shall be required to be located in a garage or carport.

Sec. 10-5.29125. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.29126. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).

Sec. 10-5.29127. Site Plan and architectural review.

All permitted uses shall be subject to site plan review as prescribed in Article 18 of the chapter (Site Plan Review and Architectural Review). Architectural review requirements for conditional uses are specified in Article 24, Sec. 10-5.2421 of this chapter.

Secs. 10-5.29128 – 10-5.29129. Reserved.

Part 13. CS — Service Commercial District.**Sec. 10-5.29130 Purpose.**

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), the CS Service Commercial Districts are included in the zoning regulations to achieve the following purposes:

(a) To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses offering commodities and services required by residents of the city and its surrounding market area;

(b) To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in a mutually beneficial relationship to each other;

(c) To provide space for community facilities and institutions that appropriately may be located in commercial areas;

(d) To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;

(e) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;

(f) To protect commercial properties from fire, explosion, noxious fumes, and other hazards;

(g) To provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts;

(h) To permit additional development in mixed commercial areas containing both retail stores and commercial services; and

(i) To allow a wider choice of location for certain industrial uses that do not have an adverse impact on commercial services.

Sec. 10-5.29131. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) All uses shall comply with the policies established by the Land Use Plan;

(c) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect, nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic, or to involve any hazard of fire or explosion.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29132. Permitted uses.

The following uses shall be permitted:

Accessory uses and structure located on the same site as a permitted use;

Accessory uses and structures located on the same site as conditional use;

Addressograph services;

Administrative, business, and professional offices, except medical and dental offices;

Art and artists' supply stores;

Art galleries and stores selling objects of art;

Arts and crafts schools and colleges;

Auction rooms;

Auction establishments, including outdoor displays;

Ambulance services;

Art and artists' supply stores;

Art galleries and stores selling objects of art;

Arts and crafts schools and colleges;

Auction rooms;

Auction establishments, including outdoor displays;

Automobile rental agencies;

Automobile repairing, overhauling, rebuilding, and painting;

Automobile (new car) sales and services, including used car sales incidental to new car sales;

Automobile (used car) sales;

Automobile supply stores;

Automobile upholstery and top shops;

Automobile washing, including the use of mechanical conveyors, blowers, and steam cleaners;

Bail bonds;
Bakeries;
Bakeries, including baking for sale on the premises only;
Banks;
Banquet rooms;
Barber shops and beauty shops;
Bars;
Beverage distributors;
Bicycle shops;
Blacksmith shops not less than three hundred (300') feet from an R or OR District;
Blueprint and photostat shops;
Boat sales, services, and repairs;
Book stores and rental libraries;
Bookbinding;
Bottling works;
Bowling alleys;
Building materials' yards and other than gravel, rock, or cement yards not less than three hundred (300') feet from an R or OR District;
Bus depots, provided buses shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site;
Business, professional, and trade schools and colleges;
Cabinet shops;
Candy shops;
Cannabis distribution facilities, cannabis on site, with or without transportation, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis distribution facilities, transportation only, no cannabis on-site, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis testing facilities, where no commercial cultivation, processing, manufacturing, wholesale, retail or distribution of cannabis occurs, subject to the provisions of Article 30 of this chapter (Cannabis);
Carpenter shops;
Carpet and rug cleaning and dyeing;
Catering establishments;
Christmas tree sales lots;
Cigar stores;
Cleaning and dyeing;
Cleaning and dyeing, including the use of one synthetic dry cleaning machine using nonexplosive solvents and having a capacity of not more than forty (40) pounds per cycle only;
Cleaning, coin-operated;
Clothing and costume rental establishments;
Clothing stores;
Cold storage plants;
Columbariums and crematories not less than three hundred (300') feet from an R or OR District;

Contractors' equipment rental or storage yards not less than 300 feet from an R or OR District;

Dairy products plants;

Dairy products manufacturing for retail sales on the premises only;

Dance halls;

Delicatessen stores;

Department stores;
Diaper supply services;
Drugstores;
Dry goods stores;
Diaper supply services;
Drugstores;
Dry goods stores;
Electrical appliance sales and repair stores, provided repair services shall be incidental to retail stores;
Electrical repair shops;
Employment agencies;
Feed and fuel stores;
Finance companies;
Florists;
Food lockers;
Food stores and supermarkets;
Freight forwarding terminals;
Frozen food distributors;
Fur shops;
Furniture stores;
Garden shops;
Gift shops;
Glass replacement and repair shops;
Golf driving ranges;
Gunsmiths;
Gymnasiums;
Hardware stores;
Heating and ventilating shops;
Hobby shops;
Hospital equipment;
Hotels and motels;
Household appliance stores;
Household repair shops;
Ice storage houses;
Ice vending stations;
Interior decorating shops;
Janitorial services and supplies;
Jewelry stores;
Laboratories;
Laundry plants;
Laundries, self-service type;
Leather goods and luggage stores;
Linen supply services;

Liquor stores;
Live storage, killing, or dressing of poultry or rabbits for retail sale on premises not less than three hundred (300') feet from an R or OR District;
Locksmiths;
Lumberyards, not including planing mills or saw mills, not less than three hundred (300') feet from an R or OR District;
Machinery sales and rentals;
Massage and physical culture studios;
Mattress repair shops;
Marine sales, services, and repairs;
Medical and dental offices;
Medical and orthopedic appliance stores;
Meeting halls;
Mens' furnishing stores;
Millinery shops;
Mobile vendors as prescribed in Article 19.5;
Motorcycle sales and services;
Mortuaries;
Motels and hotels;
Music and dance studios;
Music stores;
Musical instrument repair shops;
Newsstands;
Nurseries and garden supply stores;
Nurseries and garden supply stores provided all equipment, supplies, and merchandise other than plants shall be kept within a completely enclosed building, and fertilizer of any type shall be stored and sold in packaged form only;
Office and business machine stores;
Offices and office buildings;
Packing and crating;
Paint, glass, and wallpaper shops;
Parcel delivery services, including garage facilities for trucks but excluding repair shop facilities and repair shop facilities;
Parcel delivery services, including repair shop facilities
Parking facilities, including fee parking facilities improved in conformity with the standards prescribed for required off-street parking facilities in Section 10-5.1504 of Article 15 of this chapter;
Passenger railroad stations;
Pet and bird stores;
Phonograph record stores;
Photographic supply stores and studios;
Pickup truck camper, and canopy assembly, sales, and service;
Picture framing shops;
Plumbing, heating, and ventilating equipment showrooms with storage for floor samples only;

Plumbing shops;
Pool halls;
Post offices;
Prescription pharmacies and dental and optical laboratories;
Pressing establishments;
Printing, including lithographing and engraving;
Printing shops;
Private clubs and lodges;
Public utility and public service pumping stations, power stations, equipment buildings and installations, drainageways and structures, storage tanks, and transmission lines;
Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);
Realtors and real estate offices;
Refrigeration equipment;
Rental and tools, garden tools, power tools, trailers, and other similar equipment;
Residential uses permitted under permitted uses in RM Districts shall be permitted in a CS District provided the minimum size of such dwelling units shall be not less than as set forth in the Building Code and Housing Code of the city;
Riding stables;
Saving and loan offices;
Safe and vault repairing;
Scientific instrument, shops;
Secondhand stores and pawn shops;
Self-service laundries and self-service drycleaning establishments;
Septic tank and cesspool installation and service;
Service stations, including automobile, truck, and trailer rentals as accessory uses only;
Sheet metal shops;
Shoe repair shops;
Shoe stores;
Shooting galleries within buildings;
Sign painting shops;
Skating rinks;
Skating rinks within buildings;
Small animal boarding not less than three hundred (300') feet from an R or OR District;
Sporting goods stores;
Sports arenas within buildings;
Stamp and coin stores;
Stationery stores;
Stenographic services;
Stone and monument yards not less than three hundred (300') feet from an R or OR District;

Storage buildings for household goods;
 Storage yards for commercial vehicles;
 Swimming pool sales and services;
 Tailor and dressmaking shops;
 Taxidermist;
 Taxicab stands;
 Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);
 Television and radio sales and repair stores;
 Theaters and auditoriums within buildings;
 Ticket agencies;
 Tire sales and service, not including retreading and recapping, or mounting of heavy truck tires;
 Tire sales and service, including retreading and recapping;
 Tool and cutlery sharpening or grinding;
 Toy stores;
 Travel agencies and bureaus;
 Travelers' aid societies;
 Truck and trailer rentals, sales and services;
 Truck sales;
 Trucking terminals not less than 150 feet from an R or OR District;
 Umbrella repair shops;
 Variety stores;
 Vending machine services;
 Veterinarians' offices and small animal hospitals, including short-term boarding of animals and incidental care, such as bathing and trimming, provided all operations are conducted entirely within a completely enclosed building which complies with the specifications of soundproof construction by the Building Inspector;
 Warehouses except for the storage of fuel or flammable liquids;
 Watch and clock repair shops;
 Welding shops not less than 300 feet from an R or OR District;
 Wholesale establishments;
 Women's apparel accessory stores; and
 Wireless telecommunication facilities located more than 100 feet from an R District subject to wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

Sec. 10-5.29133. Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- Accessory uses and structure located on the same site as a conditional use;
- Amusement parks

Automobile and motorcycle racing stadiums and drag strips;
Cannabis cultivation facilities, indoor, not more than 5,000 square feet of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis);
Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);
Cannabis retail facilities subject, to the provisions of Article 30 of this chapter (Cannabis);
Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);
Cannabis manufacturing facilities, non-volatile, more than 5,000 square feet of floor area, subject to the provisions of Article 30 of this chapter (Cannabis);
Charitable institutions;
Churches, parsonages, parish houses, monasteries, convents, and other religious institutions;
Circuses, carnivals, and other transient amusement enterprises;
Drive-in theaters;
Kennels not less than three hundred (300') feet from an R or OR District;
Light industrial uses permitted in the ML Limited Industrial District;
Mobile home parks in accordance with the regulations prescribed in Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks);
Oil and gas pipelines;
Pony riding rings;
Prefabricated structures sales;
Racetracks;
Recreational vehicle parks in accordance with the regulations prescribed Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks);
Restaurants and soda fountains, including drive-in establishments;
Riding stables;
Sports areas or stadium;
Storage yards for fuel or flammable liquids;
Veterinarians' offices and small animal hospitals, including operations not conducted within a completely enclosed building, not less than three hundred (300') feet from an R or OD District
Wireless telecommunication facilities located within 100 feet of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunications Facilities)

Sec. 10-5.29133.1. Minor use permits.

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

(a) Cannabis manufacturing facilities, non-volatile, 5,000 square feet or less of floor area, subject to the provisions of Article 30 of this chapter (Cannabis).

Sec. 10-5.29134. Off street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities), except that no space shall be required to be located in a garage or carport.

Sec. 10-5.29135. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.29136. Signs.

No sign, outdoor advertising structure or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs)

Sec. 10-5.29137. Site plan review and architectural review.

All permitted uses shall be subject to site plan review as prescribed in Article 18 of the chapter (Site Plan Review and Architectural Review Architectural review requirements for conditional uses are specified in Article 24, Sec. 10-5.2421 of this chapter.

Secs. 10-5.29138 — 10-5.29139. Reserved.**Part 14. CP — Planned Shopping Center
Commercial Districts****Sec. 10-5.29140. Purposes.**

The purposes of the planned shopping center commercial districts shall be:

(a) To provide large sites at appropriate locations for major shopping centers which provide a wide variety of goods and services drawing trade from the entire Humboldt Bay area. The principal establishment of a CP Planned Shopping Center Commercial District shall ordinarily be one or more department or variety stores;

(b) To provide for the development of an organized group of compatible commercial uses planned and designed as an integral unit consistent with modern standards for site planning and landscape design; and

(c) To minimize the adverse affect of major commercial facilities on nearby dwellings and minimize traffic congestion on public highways and streets.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29141. Conditions.

Any shopping center proposed for a Planned Shopping Center Commercial District that includes one or more wetlands that would individually or in combination benefit from a comprehensive restoration and enhancement program, shall be required to prepare and implement such a program consistent with all applicable policies of the LCP Land Use Plan and the provisions of this chapter.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29142. Permitted uses.

The following uses shall be permitted in the CP — Planned Shopping Center Commercial District:

Accessory uses and structures located on the same site as a permitted use;

- Administrative, business, and professional offices;
- Art and artists' supply stores;
- Art galleries and stores selling objects of art;
- Auction rooms;
- Automobile supply stores;
- Bakeries, including baking for sale on the premises only;
- Banks;

Banquet rooms;
Barber shops and beauty shops;
Bars;
Bicycle shops;
Blueprint and photostat shops;
Book stores and rental libraries;
Candy stores;
Christmas tree sales lots;
Cigar stores;
Cleaning and dyeing, including the use of one synthetic dry cleaning machine using nonexplosive solvents and having a capacity of not more than forty (40) pounds per cycle only;
Cleaning, coin-operated;
Clothing and costume rental establishments;
Clothing stores;
Computer and electronics sales and repair stores, provided repair services shall be incidental to retail sales;
Dairy products manufacturing for retail sales on the premises only;
Delicatessen stores;
Department stores;
Drugstores;
Dry goods stores;
Electrical appliance sales and repair stores, provided repair services shall be incidental to retail sales;
Finance companies;
Florists;
Food lockers;
Food stores and supermarkets;
Furniture stores;
Fur shops;
Garden shops;
Gift shops;
Gunsmiths;
Gymnasiums;
Hardware stores;
Hobby shops;
Household appliance stores;
Ice vending stations;
Interior decorating shops;
Jewelry stores;
Laundries, self-service type;
Leather goods and luggage stores;
Liquor stores;
Locksmiths;

Massage and physical culture studios;
Medical and dental offices;
Medical and orthopedic appliance stores;
Meeting halls;
Mens' furnishing stores;
Messengers' offices;
Millinery shops;
Music stores;
Music and dance studios;
Musical instrument repair shops;
Newsstands;

Nurseries and garden supply stores provided all equipment, supplies, and merchandise other than plants shall be kept within a completely enclosed building, and fertilizer of any type shall be stored and sold in package form only;

Office and business machine stores;
Offices and office buildings;
Optician and optometrical shops;
Paint, glass, and wallpaper shops;

Parking facilities, including fee parking facilities improved in conformity with the standards prescribed for required off-street parking facilities in Section 10-5.1504 of Article 15 of this chapter;

Pet and bird stores;
Phonograph and record stores;
Photographic supply stores and studios;
Picture framing shops;
Piers, docks, and wharves;
Plumbing, heating, and ventilating equipment showrooms with storage for floor samples only;

Plumbing shops;
Pool halls;
Post offices;
Pressing establishments;
Printing shops;

Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);

Realtors and real estate offices;
Rental hand tools, garden tools, power tools, trailers, and other similar equipment;
Restaurants and soda fountains, not including drive-in establishments, not less than one hundred fifty (150') feet from an R District;
Savings and loan offices;
Scientific instrument shops;
Self-service laundries and self-service dry cleaning establishments;
Shoe repair shops;

Shoe stores;
 Skating rinks within buildings;
 Sporting goods stores;
 Sports arenas within buildings;
 Stamp and coin stores;
 Stationery stores;
 Stenographic services;
 Tailor and dressmaking shops;
 Taxidermists;
 Taxicab stands;

Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunications Facilities);

Television and radio sales and repair stores;
 Theaters and auditoriums within buildings;
 Ticket agencies;

Tire sales and service, not including retreading or recapping, or mounting of heavy truck tires;

Toy stores;
 Travel agencies and bureaus;
 Travelers' aid societies;
 Umbrella repair shops;
 Variety stores;
 Watch and clock repair shops;
 Wholesale establishments without stocks;
 Women's apparel accessory stores; and

Wireless telecommunication facilities located more than 100 feet from an R District subject to a wireless telecommunication facility permit pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

Sec. 10-5.29143 Conditional uses.

The following conditional uses shall be permitted in accord with the provisions of Article 24 of this chapter:

Accessory uses and structures located on the same site as a conditional use;
 Catering establishments;
 Circuses, carnivals, and other transient amusement enterprises;
 Pool halls; and

Wireless telecommunication facilities located within 100 feet of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

Sec. 10-5.29144. Off-street parking.

Off-street parking facilities shall be provided for any planned shopping center as prescribed in Article 15 of this chapter (Off-Street Parking Facilities).

Sec. 10-5.29145 Off-street loading.

Off-street loading facilities shall be provided for any planned shopping center as prescribed in Article 16 of this chapter (Off-Street Loading Facilities)

Sec. 10-5.29146 Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as provided in Article 17 of this chapter (Signs).

Sec. 10-5.29147 Site plan review and architectural review.

All permitted uses shall be subject to site plan review as prescribed in Article 18 of this chapter. Conditional uses shall be subject, in addition

to architectural review.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Secs. 10-5.29148 — 10-5.29149. Reserved.

Part 15. MC — Coastal Dependent Industrial Districts

Sec. 10-5.29150. Purposes.

In addition to the objectives prescribed in Section 10-5.2902 (Objectives and Purposes), the MC Coastal Dependent Industrial Districts are included in the zoning regulations to achieve the following purposes;

(a) To reserve and protect parcels adjacent to the sea for coastal-dependent and coastal-related uses;

(b) To provide for coastal-dependent energy and industrial uses;

(c) To provide development standards which will ensure that potential environmental damage will be avoided, minimized, or mitigated;

(d) To protect areas appropriate for industrial uses from intrusion by dwellings and other inharmonious uses;

(e) To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic, and other objectionable influences, and from fire, explosion, noxious fumes, radiation, and other hazards incidental to certain industrial uses;

(f) To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationships to each other;

(g) To provide adequate space to meet the needs of modern industrial developments, including off-street parking and truck loading areas and landscaping;

(h) To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and agricultural districts; and,

(i) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29151. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) In an MC District, no use shall be permitted which emits any air pollutant detectable by the human senses without the aid of instruments beyond the boundaries of the MC District or any adjoining MG District;

(c) No use shall be permitted which creates any emission which endangers human health, can cause damage to animals, vegetation, or other property, or which can cause soiling at any point beyond the boundaries of the site;

(d) No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the M District when diluted in the ratio of one volume of odorous air to four (4) volumes of clean air;

(e) No use, except a temporary construction operation, shall be permitted which creates vibration, changes in temperature, direct or sky reflected glare, or electrical disturbances detectable by the human senses without the aid of instruments beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site;

(f) In an MC District, no use, except a temporary construction operation, shall be permitted which creates at any R District boundary, noise of a maximum sound pressure level greater than the values given in the following table:

Octave Band (Cycles per Second)	Maximum Permitted Sound Pressure Level (Decibels)
Below 75	72
75 — 149	67
150 — 299	59
300 — 599	52
600 — 1,199	46
1,200 — 2,399	40
2,400 — 4,799	34
4,800 and above	32

(g) No use shall be permitted which emits dangerous radio-activity; and,

(h) No use shall be permitted which creates insect nuisance beyond the boundaries of the site.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec 10-5.29152. Permitted uses.

The following uses shall be permitted:

Boat repair and ship building;

Commercial fishing facilities;

Docks, piers and wharves;

Marine services;

Mobile vendors incidental to an existing permitted use as prescribed in Article 19.5;

Marine oil terminals;

OCS service bases and offshore pipelines;

Seafood processing;

Waterborne carrier import and export facilities.

Sec. 10-5.29153. Conditional uses.

The following conditional uses shall be permitted in accord with the provisions of Article 24 of this chapter:

Access support facilities;

Boat launching and berthing facilities;

Electrical generating or other facilities which require intake, outfalls, or pipelines;

Fish waste processing plants;

Fishing piers;

Ice and cold storage facilities;

OCS oil and/or gas processing and treatment facilities;

Oil and gas pipelines;

Onshore petroleum production;

Outfalls;

Warehouses serving permitted uses;

Wireless telecommunication facilities subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

Existing developed parcels in existence as of January 1, 1984 of less than one acre located in a coastal-dependent industrial district shall be allowed to be developed with coastal-related or general industrial uses if they are not proposed for consolidation with other parcels to permit a new or expanded coastal-dependent industrial use and are not adjacent to the shoreline.

Sec. 10-5.29154. Off-street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities).

Sec. 10-5.29155. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.29156. Signs.

No sign, outdoor advertising structure or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs)

Sec. 10-5.29157. Site Plan and architectural review.

All permitted uses shall be subject to site plan review as prescribed in Article 18 of the chapter (Site Plan Review and Architectural Review). Architectural review requirements for conditional uses are specified in Article 24, Sec. 10-5.2421 of this chapter.

Secs. 10-5.29158 – 10-5.29159. Reserved.**Part 16. ML – Limited Industrial Districts****Sec. 10-5.29160. Purposes.**

In addition to the objectives prescribed in Section 10-5.2902 (Objectives and Purposes), the ML Limited industrial Districts are included in the zoning regulations to achieve the following purposes:

- (a) To reserve appropriately located areas for industrial plants and related activities;
- (b) To protect areas appropriate for industrial uses from intrusion by dwellings and other inharmonious uses;
- (c) To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, blare, truck and rail traffic, and other objectionable influences, and from fire, explosion, noxious fumes, radiation, and other hazards incidental to certain industrial uses;
- (d) To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationship with each other;
- (e) To provide adequate space to meet the needs of modern industrial developments, including off-street parking and truck loading areas and landscaping;
- (f) To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and agricultural districts;
- (g) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- (h) To provide locations for industries that can operate in close proximity to commercial and residential uses with minimum mutual adverse impacts; and

(i) To protect light industrial and related uses from nuisances associated with heavy industrial uses.
 (§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29161. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) All uses shall comply with the policies established by the Land Use Plan;

(c) In an ML District no use shall be permitted which emits any air pollutant detectable by the human senses without the aid of instruments beyond the boundaries of the site;

(d) No use shall be permitted which creates any emission which endangers human health, can cause damage to animals, vegetation, or other property, or which can cause soiling at any point beyond the boundaries of the site;

(e) In an ML District no use shall emit visible gray smoke of a shade equal to or darker than No. 2 on a standard Ringlemann Chart issued by the United States Bureau of Mines or smoke of an equivalent opacity, except that smoke of a shade equal to No. 3 on a Ringlemann Chart or smoke of equivalent opacity may be emitted for four (4) minutes in any thirty (30) minute period;

(f) In an ML District no use, except a temporary construction operation, shall be permitted which creates, at any point beyond the boundaries of the site, noise of a maximum sound pressure level greater than the values given in the following table:

Octave Band (Cycles per Second)	Maximum Permitted Sound Pressure Level (Decibels)
Below 75	72
75 — 149	67
150 — 299	59
300 — 599	52
600 — 1,199	46
1,200 — 2,399	40
2,400 — 4,799	34
4,800 and above	32

(g) No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the M District when diluted in the ratio of one volume of odorous air to four (4) volumes of clean air;

(h) No use, except a temporary construction operation, shall be permitted which creates vibration, changes in temperature, direct or sky reflected glare, or electrical disturbances detectable by the human

senses without the aid of instruments beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site;

(i) No use shall be permitted which emits dangerous radioactivity;

(j) No use shall be permitted which creates insect nuisance beyond the boundaries of the site.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29162. Permitted uses.

Manufacturing, assembling, compounding, packaging, and processing of articles or merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fiber, and synthetic fiber, fur, glass, hair, ink, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semi-precious metals or stones, rubber and synthetic rubber, shells, straw, textiles, tobacco, and wood (not including a planing mill or saw mill);

Manufacturing, assembling, compounding, packaging, and processing cosmetics, drugs, pharmaceuticals, perfumes, perfumed toilet soap (not including refining or rendering of fats or oils), and toiletries;

Manufacture of ceramic products, such as pottery, figurines, and small glazed tile, utilizing only previously pulverized slag, providing that kilns are fired only by electricity or gas;

Manufacture and maintenance of electric and neon signs, commercial advertising structures, and light sheet metal products, including heating, and ventilating ducts and equipment, cornices, eaves, and the like;

Manufacture of scientific, medical, dental, and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments, musical instruments, and cameras and photographic equipment, except film;

Assembly of small electric appliances, such as lighting fixtures, irons, fans, toasters, and electric toys, but not including refrigerators, washing machines, dryers, dishwashers, and similar home appliances;

Assembly of electrical equipment, such as radio and television receivers, phonographs, and home motion picture equipment, but not including electrical machinery;

Manufacture and assembly of electrical supplies, such as coils, condensers, crystal holders, insulation, lamps, switches, and wire and cable assembly, provided no noxious or offensive fumes or odors are produced;

Manufacture of cutlery, hardware, and hand tools, die and pattern making, metal stamping, and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons, and kitchen utensils;

Manufacturing, canning, and packing of food products, including fruits and vegetables, but not including meat products, pickles, sauerkraut, vinegar, or yeast, dehydrating of garlic or onions, or refining or rendering of fats and oils;

Processing, packing, and canning of seafood for human consumption, not including processing seafood for fish oils;

Bakeries;

Blacksmith shops;

Boat buildings;

Bottling works;

Building material storage yards;

Bus depots;

Cannabis cultivation facilities, indoor, not more than 5,000 square feet of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis distribution facilities, cannabis on site, with or without transportation, subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis distribution facilities, transportation only, no cannabis on site, subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis manufacturing facilities, non-volatile, more than 5,000 square feet of floor area, subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis manufacturing facilities, non-volatile, 5,000 square feet or less of floor area, subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);

Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);

Cannabis testing facilities, where no commercial cultivation, processing, manufacturing, wholesale, retail, or distribution of cannabis occurs, subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis transportation facilities, co-located with a distribution facility, subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis transportation facilities, located separate from a distribution facility, subject to the provisions of Article 30 of this chapter (Cannabis);

Cold storage plants;

Contractors' equipment yards;

Dairy products plants;

Freight forwarding terminals;

Furniture manufacture;

Ice manufacture;

Janitorial services and supplies;

Kennels;

Laboratories;

Laundry and cleaning plants;
 Lumber yards, not including planing mills or saw mills;
 Machine shops not involving the use of drop hammers, automatic screw machines, or punch presses with a rated capacity of over 20 tons;
 Mattress manufacture;
 Metal finishing and plating;
 Mobile vendors as prescribed in Article 19.5;
 Offices, not including medical or dental offices;
 Printing, lithographing, and engraving;
 Public utility and public service pumping stations, equipment buildings and installations, service yards, power stations, drainage ways and structures, storage tanks, and transmission lines;
 Railroad stations;
 Repair shops, including electrical, glass and automotive;
 Sheet metal shops;
 Storage yards for commercial vehicles;
 Textile, knitting and hosiery mills;
 Trucking terminals;
 Veterinarians' offices and small animal hospitals;
 Warehouses, except for the storage of fuel or flammable liquids;
 Welding shops;
 Woodworking shops and cabinet shops;
 Pickup truck camper and canopy assembly;
 Retail sales establishments with single occupant floor areas of 40,000 square feet or larger;
 Wholesale stores with single occupant floor areas of 40,000 square feet or larger and public utility building, and uses;
 Parking lots; and
 Wireless telecommunication facilities located more than 100 feet from an R District subject to a wireless telecommunication facility permit pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities)

Sec. 10-5.29163. Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions in Article 24 of this chapter (Conditional Uses);

- Accessory structures and uses located on the same site as a conditional use;
- Cannabis retail facilities, subject to the provisions of Article 30 of this chapter (Cannabis);
- Cannabis manufacturing facilities, volatile, small, subject to the provisions of Article 30 of this chapter (Cannabis);
- Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);
- Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis); and
- Motor vehicle wrecking yards and scrap metal yards;
- Oil and gas pipelines;

Recreational vehicle parks in accordance with the regulations prescribed Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks and Recreational Vehicle Parks;

Storage of fuel and flammable liquids;

Storage of logs or wood chips;

Gymnastics schools and health clubs;

Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

Any of these uses listed as permitted uses in the MG District provided that, on the basis of the use permit application and evidence submitted, the Planning Commission makes the following findings:

(a) The consideration of all determinable characteristics of the use that is the subject of the application indicates that the use has the same essential characteristics as the uses listed as permitted uses in the ML District with respect to the method of operations, type of process, materials, equipment, structures, storage, and appearance;

(b) That the use will conform with each of the principles and standards prescribed for uses in the ML District;

(c) That the use will not create significantly, more vehicular or rail traffic than the volumes normally created by the permitted uses of the ML District.

Sec. 10-5.29163.1 Minor use permit.

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

(a) Cannabis cultivation facilities, indoor with 10,000 square feet or less of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis).

(b) Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);

(c) Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);

Sec. 10-5.29164. Off street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities), except that no space shall be required to be located in a garage or carport.

Sec. 10-5.29165. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.29166. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).

Sec. 10-5.29167. Site Plan and architectural review.

All permitted uses shall be subject to site plan review as prescribed in Article 18 of the chapter (Site Plan Review and Architectural Review). Architectural review requirements for conditional uses are specified in Article 24, Sec. 10-5.2421 of this chapter.

Secs. 10-5.29168 – 10-5.29169. Reserved.

Part 17. MG – General Industrial Districts**Sec. 10-5.29170. Purposes.**

In addition to the objectives prescribed in § 156.002 of this chapter, the MG General Industrial Districts are included in the zoning regulations to achieve the following purposes:

- (a) To reserve appropriately located areas for industrial plants and related activities;
- (b) To protect areas appropriate for industrial uses from intrusion by dwellings and other inharmonious uses;
- (c) To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic, and other objectionable influences and from fire, explosion, noxious fumes, radiation, and other hazards incidental to certain industrial uses;
- (d) To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationships with each other;
- (e) To provide adequate space to meet the needs of modern industrial developments, including off-street parking and truck loading areas and landscaping;

(f) To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and agricultural districts;

(g) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;

(h) To provide locations where industries that are incompatible with most other land uses can operate with minimum restriction and with minimum adverse effect on other uses.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29171. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) No use shall be permitted which creates any emission which endangers human health, can cause damage to animals, vegetation, or other property, or which can cause soiling at any point beyond the boundaries of the site. In an MG District no use, except a temporary construction operation, shall be permitted which creates, at any R District boundary, noise of a maximum sound pressure level greater than the values given in the following table:

Octave Band (Cycles per Second)	Maximum Permitted Sound Pressure Level (Decibels)
Below 75	72
75 — 149	67
150 — 299	59
300 — 599	52
600 — 1,199	46
1,200 — 2,399	40
2,400 — 4,799	34
4,800 and above	32

(c) No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the M District when diluted in the ratio of one volume of odorous air to four (4) volumes of clean air;

(d) No use, except a temporary construction operation, shall be permitted which creates vibration, changes in temperature, direct or sky reflected glare, or electrical disturbances detectable by the human senses without the aid of instruments beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site;

(e) No use shall be permitted which emits dangerous radioactivity;

(f) No use shall be permitted which creates insect nuisance beyond the boundaries of the site.

Sec. 10-5.29172. Permitted uses.

The following uses, shall be permitted:

All uses listed as permitted uses in the ML District;

Aircraft and aircraft accessories and parts manufacture;

Automobile, trucks, and trailer accessories and parts manufacture;

Automobile, truck, and trailer assembly;

Bag cleaning;

Boiler works;

Box factories and cooperages;

Breweries and distilleries;

Building materials manufacture and assembly, including composition wallboards, partitions, panels, and prefabricated structures;

Business machines manufacture, including accounting machines, calculators, cardcounting equipment, and typewriters;

Can and metal container manufacture;

Candle manufacture, not including rendering;

Cannabis cultivation facilities, indoor, not more than 5,000 square feet of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis distribution facilities, cannabis on site, with or without transportation, subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis distribution facilities, transportation only, no cannabis on site, subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis manufacturing facilities, non-volatile, more than 5,000 square feet of floor area, subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis manufacturing facilities, non-volatile, 5,000 square feet or less of floor area, subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);

Cannabis testing facilities, where no commercial cultivation, processing, manufacturing, wholesale, retail, or distribution of cannabis occurs subject to the provisions of Article 30 of this chapter (Cannabis);

Cannabis research and development facilities subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);

Carpet and rug manufacture;

Cement products manufacture, including concrete mixing and batching;

Chemical products manufacture provided no hazard of fire or explosion is created, including adhesives, bleaching products, bluing, calcimine, dyestuffs (except aniline dyes), essential oils, soda and soda compounds, and vegetable gelatin, glue, and size;

Clay products manufacture, including brick, fire brick, tile, and pipe;

Cork manufacture;

Electronics manufacturing;

Firearms manufacture;

Flour, feed and grain mills;

Food products manufacture, including such processes as cooking, dehydrating, roasting, refining, pasteurization, and extraction involved in the preparation of such products as casein, cereal, chocolate and cocoa products, cider and vinegar, coffee, glucose, milk and dairy products, molasses and syrups, oleomargarine, pickles, rice, sauerkraut, sugar, vegetable oils, and yeast;

Glass and glass products manufacture;

Gravel, rock, and cement yards;

Hair, felt, and feathers processing;

Insecticides, fungicides, disinfectants, and similar industrial and household chemical compounds manufacture;

- Jute, hemp, sisal, and oakum products manufacture;
- Leather and fur furnishing and dyeing, not including tanning and curing;
- Machinery manufacture, including heavy electrical, agricultural, construction, and mining machinery, and light machinery and equipment, such as air conditioning, commercial motion picture equipment, dishwashers, dryers, furnaces, heaters, refrigerators, ranges, stoves, ovens, and washing machines;
- Machine tools manufacture, including metal lathes, metal presses, metal stamping machines, and woodworking machines;
- Match manufacture;
- Meat products processing and packaging, not including slaughtering and glue and size manufacture;
- Metal alloys and foil manufacture, including solder, pewter, brass, bronze, and tin, lead, and gold foil;
- Metal casting and foundaries, not including magnesium foundaries;
- Mobile vendors as prescribed in Article 19.5;
- Motor and generator manufacture;
- Motor testing of internal combustion motors;
- Painting, enameling, and lacquering shops;
- Paper products manufacture, including shipping containers, pulp goods, carbon paper, and coated paper stencils;
- Paraffin products manufacture;
- Plastics manufacture;
- Porcelain products manufacture, including bathroom and kitchen fixtures and equipment;
- Railroad equipment stations manufacture, including railroad car and locomotive manufacture;
- Railroad freight stations, repair shops, and yards;
- Rubber products manufacture, including tires and tubes;
- Sandblasting;
- Shoe polish manufacture;
- Starch and dextrine manufacture;
- Steel products manufacture and assembly, including steel cabinets, lockers, doors, fencing and furniture;
- Stone products manufacture and stone processing, including abrasives, asbestos, stone screening and sand and lime products;
- Structural steel products manufacture, including bars, girders, rails and wire rope;
- Textile bleaching;
- Wire and cable manufacture;
- Wood and lumber processing and woodworking, including planing mills, saw mills, excelsior, plywood, veneer, and wood- preserving treatment;
- Wood scouring and pulling.

Sec. 10-5.29173. Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- Airports and heliports;
- Asphalt and asphalt products manufacture;
- Cannabis retail sales facilities subject to the provisions of Article 30 of this chapter (Cannabis);
- Cannabis manufacturing facilities, volatile, large, subject to the provisions of Article 30 of this chapter (Cannabis);
- Cannabis manufacturing facilities, volatile, small, subject to the provisions of Article 30 of this chapter (Cannabis);
- Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);
- Cement, lime, gypsum, and plaster of paris manufacture;
- Charcoal, lampblack, and fuel briquettes manufacture;
- Chemical products manufacture, including acetylene, aniline dyes, ammonia, carbide, caustic, soda, cellulose, chlorine, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxylin, rayon yarn, and carbolic, hydrochloric, picric, and sulfuric acids;
- Coal, coke, and tar products manufacture;
- Drop forges;
- Dumps and slag piles;
- Fertilizer manufacture;
- Film manufacture;
- Fireworks manufacture and storage;
- Fish products processing and packaging;
- Garbage dumps;
- Gas manufacture or storage;
- Gas and oil wells;
- Gelatine, glue, and size manufacture from animal or fish refuse;
- Incineration or reduction of garbage, offal, and dead animals;
- Junk yards;
- Lard manufacture;
- Linoleum and oil cloth manufacture;
- Magnesium foundries;
- Manure, peat, and topsoil processing and storage;
- Metal and metal ores reduction, refining, smelting, and alloying;
- Motor vehicle wrecking yards;
- Oil and gas pipelines;
- Paint manufacture, including enamel, lacquer, shellac, turpentine, and varnish;
- Paper mills;
- Petroleum and petroleum products storage;
- Pulp mills;

Rifle ranges;
Rolling mills;
Rubber manufacture or processing, including natural or synthetic rubber and gutta-percha;
Soap manufacture, including fat rendering;
Steam plants;
Stockyards and slaughterhouses;
Storage of inflammable liquids;
Storage of used building materials;
Tallow manufacture;
Tanneries and curing and storage of rawhides;
Wood and bones distillation;
Wood pulp and fiber reduction and processing;
Storage of logs or wood chips;
Accessory structures and uses located on the same site as a conditional use
Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

Sec. 10-5.29173.1 Minor use permit.

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

- (a) Cannabis cultivation facilities, indoor, 10,000 square feet or less of cultivation area, subject to the provisions of Article 30 of this chapter (Cannabis).
- (b) Cannabis microbusiness facilities, subject to the provisions of Article 30, Section 10-5.3007.1 of this chapter (Cannabis);
- (c) Cannabis research and development facilities, subject to the provisions of Article 30, Section 10-5.3007.2 of this chapter (Cannabis);

Sec. 10-5.29174. Off street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities), except that no space shall be required to be located in a garage or carport.

Sec. 10-5.29175. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.29176. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).

Sec. 10-5.29177. Site Plan and architectural review.

All permitted uses shall be subject to site plan review as prescribed in Article 18 of the chapter (Site Plan Review and Architectural Review). Architectural review requirements for conditional uses are specified in Article 24, Sec. 10-5.2421 of this chapter.

Sec. 10-5.29178 – 10-5.29179. Reserved

Part 18. P – Public Districts.**Sec. 10-5.29180. Purposes.**

In addition to the objectives prescribed in Section 10-5.2902 (Objectives and purposes), the P (Public District) is included in the zoning regulations to provide a procedure for the orderly establishment of public facilities, expansion of their operations, or changes in the use of lands owned by governmental agencies. The PF/M Public Facility/Marina District is further specifically included in the zoning regulations to give full recognition to the approval, in 1976, of a marina and associated developments on a portion of Woodley Island and adjacent waters (NCR-76-C-369 and City of Eureka Planning Commission Permit Resolution 76-25, extended by Resolution 78-39).

Sec. 10-5.29181. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations). Each yard space shall be not less than the yard required in the district adjoining or directly across a street from each property line, but the Planning Commission may require larger yards and may establish limits to height, bulk, and coverage as a condition of a use permit in order to ensure compatibility with adjoining uses.

(b) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or truck traffic or to involve any hazard of fire or explosion.

Sec. 10-5.29182. Permitted uses.

Each use and structure existing in a P District as of the adoption date of these regulations is hereby declared to be a conforming use and structure.

- Airports;
- Animal shelters;
- Boat harbors and wharves;
- Cemeteries;
- Corporation yards;
- Fire stations;
- Hospitals;
- Libraries;
- Mobile vendors as prescribed in Article 19.5;
- Offices;
- Police stations;
- Power stations;
- Pumping stations;
- Public recreation facilities, including parks, playgrounds, zoos, and golf courses;
- Public buildings and grounds;

Public schools, including nursery, elementary, junior high, and high schools, colleges and universities;

Reservoirs;

Sewage treatment plants;

Storage tanks;

Uses which are accessory and incidental to a permitted use; and

Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

Sec. 10-5.29183. Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter:

Oil and gas pipelines;

Parking facilities located on a site separated from the use which the facilities serve;

Storage or processing of materials or equipment accessory to other permitted or conditional uses; and

Wireless telecommunication facilities located within 100 feet of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

Sec. 10-5.29184. Off-street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities).

Sec. 10-5.29185. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Sec. 10-5.29186. Signs.

No sign, outdoor advertising structure or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs)

Sec. 10-5.29187. Site plan review and architectural review.

All permitted uses shall be subject to site plan review as prescribed in Article 18 of the chapter (Site Plan Review and Architectural Review Architectural review requirements for conditional uses are specified in Article 24, Sec. 10-5.2421 of this chapter.

Sec. 10-5.29188. Reserved.

Part 19. PF/M — Public Facility/Marina**10-5.29188.1. Purposes.**

The purposes of this district shall be (1) to encourage, protect, maintain, and provide commercial fishing facilities and uses related to the commercial fishing industry, and (2) to provide for all of the specific land uses granted to the Humboldt Bay Harbor, Recreation, and Conservation District through coastal development permit NCR-76-C-369 and the underlying City of Eureka Planning Commission permit resolutions 76-25 and 78-39 (extension).

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.29188.2. Permitted uses.

Consistent with coastal development permit NCR-76-C-369, permitted uses within that part of Woodley Island and adjacent waters designated for development shall be limited to:

- Docks, piers (including recreational fishing piers), and wharves;
- Boat launching facilities;
- Commercial fishing facilities and fishing boat berthing facilities;
- Recreational boating facilities and boat berthing facilities (not to exceed thirty (30%) percent of the total number of berths permitted by the 1976 coastal permit);
- Two (2) restaurants;
- Offices and shops directly related to marine uses;
- Ice vending stations;
- Marine and boat sales, services, and repairs;
- On-site fish sales and processing incidental to permitted restaurants;
- Parking; and,
- Public access facilities.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.29188.3. Conditional uses.

A third restaurant and on-site incidental fish sales and processing shall be conditionally permitted, provided such uses do not displace current or projected demand for permitted uses and necessary support facilities, including parking. Conditional uses shall be designed and located so as not to interfere with permitted uses.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.29188.4. Parking, loading, signs, and architectural review.

Off-street parking and loading facilities; signs, outdoor advertising structures and other displays; and architectural treatment shall be regulated as provided, respectively, in Articles 15, 16, 17, and 18 of this chapter.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29189. Reserved.**Part 20. PD — Planned Unit Development
Combining Districts****Sec. 10-5.29190. Purposes.**

In addition to the objectives prescribed in Section 10-5.2902 (Objectives and purposes), PD Planned Unit Development Combining Districts are included in the zoning regulations in order to provide locations for well-planned developments that conform with the Local Coastal Program although the developments may vary except for application of the standards contained in Part 3 of this Article, from the zoning map and district regulations. The planned unit development provisions are intended to allow freedom of design in order to obtain development that will be an asset to the City and enhance coastal resources by equaling or surpassing the quality required by the regulations for the district with which a PD District is combined. A site may be rezoned to a combined district permitting a planned unit development provided the development complies with all of the regulations prescribed in this article.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29191. Combining districts.

A planned unit development district may be combined with an R, OR, C, or M District by a change of district to a Combined Planned Unit Development District in accord with the provisions of Article 27 of this chapter (Amendments), provided the findings prescribed in Article 27 of this chapter (Applications for Planned Unit Development Districts: Additional Requirements) are made. A planned unit development district shall be designated by the letters —PD following the full R, OR, C, or M District designation.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29192. Required conditions.**10-5.29192.1. Site area.**

The site shall be at least three (3) acres in area and shall have a frontage of at least one hundred (100') feet on a public street, provided that the minimum site area requirement shall not apply to a redevelopment project as defined by the California Community Redevelopment Law. All of the site area shall be in one ownership at the time of a change of district to a combined planned unit development district; the site may include a combination of separately recorded properties.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.29192.2. Site area per dwelling unit.

For the purpose of determining the number of dwelling units permitted in a PD District, all street rights-of-way, or equivalent private vehicular accessways, and all areas occupied by landscaping, natural vegetation, or water, and available for the use of all residents of the PD District, shall be subtracted, and the remaining area shall be divided by the minimum site area per dwelling unit required in the district with which the PD District is combined. The maximum number of units that would be permitted if the site were not in a PD District may be increased by not more than ten (10%) percent.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.29192.3. Open space.

In addition to the usable open space per dwelling unit required in the RM-2,500 District, a planned unit development containing dwellings shall include open space occupied by landscaping, natural vegetation, or water, and available for the use of all residents of the PD District, equal to not less than ten (10%) percent of the minimum site area per dwelling unit in the district with which the PD District is combined times the number of dwelling units in the PD District. The Planning Commission shall require appropriate location, development, and provisions for perpetual maintenance of the open space to serve the needs of residents of a planned unit development.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.29192.4. Additional requirements.

Additional site development requirements shall include, but not be limited to, the following:

(a) Except as provided in this section, a planned unit development shall meet all of the requirements of Article 2 (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations) for the district in which it is located.

(b) Vehicular and pedestrian traffic shall be separated, and pedestrian access shall be through landscaped areas, not through alley-like approaches.

(c) Buildings shall be placed so as to create a variety of open areas thereby eliminating a corridor or barracks-like effect.

(d) Walks, steps, parking areas, and recreation areas shall be lighted for safe and convenient night use.

(e) Parking areas and drives shall be designed to minimize traffic hazards and adverse visual impact.

(f) Desirable natural features of the site, including trees, shall be preserved where feasible.

(g) Landscaping shall be provided to enhance the appearance of buildings and grounds, to screen unsightly features, and to control erosion.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29193. Use permits required.

No zoning permit shall be issued for any site in a PD District until a use permit for the entire PD District has been granted in accord with the provisions of Article 24 of this chapter (Conditional Uses).

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29194. Plans required.

In lieu of the map required by subsection (b) of Section 10-5.2402.2 of Article 24 of this chapter (Maps), an application for a use permit for a planned unit development shall be accompanied by a plan of the entire planned unit development, drawn to scale, and showing the contours of the site at intervals of not more than five (5') feet; provisions for drainage of surface waters; watercourses; railroad and public utility rights-of-way; streets, driveways, and pedestrianways; lot layout; schools, parks, playgrounds, and other open spaces; dwelling types; nonresidential uses; locations, elevations, and schematic floor plans of structures; locations and the design of landscaped areas. The application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the numbers and floor areas of each of the various dwelling types proposed and the net site area per dwelling unit. The Director of Planning may require additional information or drawings if necessary to evaluate the application.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.29195. Conditional uses.

A planned unit development shall include only uses permitted, either as permitted uses or conditional uses, in the zoning district with which the PD District is combined, provided that any use permitted in

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an RS or RM District as a permitted use or as a conditional use, or any combination of such uses, may be included in a planned unit development located in an R District.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.29196. Status of approved plans for planned unit developments.

The approved site plan for a planned unit development shall govern all development on the site. If approval is granted for subsequent division of the planned unit development district into two (2) or more parcels, the approved plan shall govern the development of each of the separate parcels.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29197. Subdivisions of planned unit developments.

The Planning Commission may approve the subdivision of a planned unit development into lots or as a condominium if the Commission finds that adequate provisions are in force to ensure the perpetual maintenance of all areas and improvements proposed to be owned in common, or to be maintained in common, and to ensure that additional development will conform with the approved plan.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29198. Architectural review.

All uses shall be subject to architectural review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review).

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29199. Reserved.

Part 21. AR — Architectural Review Combining District

Sec. 10-5.29200. Purposes.

(a) *Site Plan Review.* In order to preserve and enhance the City's site, to prevent the clearing of property and destruction of trees, shrubs, or other significant natural vegetation inconsistent with the provisions of this Local Coastal Program, to prevent excessive grading of hillsides and the creation of drainage hazards or the diversion of water from identified wetlands, to ensure that structures are properly related to their sites and to surrounding sites, structures, and nearby traffic circulation, and that parking areas, walkways, and landscaping are arranged to accomplish the objectives of this article and this chapter, site plans for certain permitted uses and structures shall be subject to site

AR

plan review by the Design Review Committee. The ugly, the inharmonious, the monotonous, and the hazardous shall be barred, but originality and creativity in site planning shall not be suppressed.

(b) *Architectural Review.* In order to prevent the erection of structures or signs that would be inharmonious with their surroundings or would have an adverse effect on the value of property or improvements in the vicinity, uses and structures and certain signs in the AR and PD Districts and conditional uses in all districts shall be subject to architectural review by the Design Review Committee. The ugly, the inharmonious, the monotonous, and the hazardous shall be barred, but originality in architecture, site planning, and landscape and graphic design shall not be suppressed. Review shall include exterior design, materials, textures, and colors but shall not consider elements of the design that do not affect exterior appearance. In reviewing proposals for development in AR Districts that have an established historical character, the Design Review Committee shall recommend disapproval of drawings for a structure or a sign that would be inharmonious with surrounding development, but the Committee shall not require that new structures duplicate an historic architectural style as a condition of approval.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29201. Design Review Committee.

(a) There is hereby created a Design Review Committee which shall review drawings and report to the Planning Commission when prescribed in this article. The Design Review Committee shall consist of three (3) members: the Director of Planning, the Building Inspector who shall serve ex officio, and a person qualified by reason of training or experience in architecture, land development, City planning, real estate, landscape architecture, or other relevant business or profession, or by reason of sound judgment, to judge the effects of a proposed development on the community, who shall be appointed by the Mayor with confirmation by the Council for a term ending on January first of each year. If the membership of the Committee does not include an architect, the Committee shall by unanimous agreement invite an architect, who may not be a resident of the City, to serve in an advisory capacity. In the event the Committee is required to review drawings for a project in which one of its members or its advisors has a business or professional interest, it shall seek the advice of a disinterested architect.

(b) The Design Review Committee shall hold two (2) regular meetings each month at a time to be designated by the Committee, except that a meeting may be canceled if no drawings in conformity with the other requirements of this chapter have been submitted for review. Reports of the Committee shall have the concurrence of at least two (2)

members. The Director of Planning shall serve as secretary to the Committee.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29202. Drawings to be approved.

(a) No zoning permit for a use or for a structure or enlargement of existing use or structure that is subject to site plan review as prescribed in this chapter shall be issued until the drawings required by Section 10-5.29203.1 of this article have been approved by the Design Review Committee, the Planning Commission, or the Council.

(b) No zoning permit for a use or for a structure or sign or exterior alteration, enlargement, or major remodeling of an existing use, structure, or sign that is subject to architectural review as prescribed in this chapter shall be issued until the drawings required by Section 10-5.29203.2 of this article have been approved by the Design Review Committee, the Planning Commission, or the Council.

(c) No zoning permit for a use or structure in the CP Planned Shopping Center Commercial District shall be issued until drawings of development plans for the entire CP District as prescribed in this article have been approved in accordance with the procedures prescribed in this article.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29203. Drawings to be submitted.

10-5.29203.1. Site plan review.

The owner of the site or his or her authorized agent shall submit the following drawings to the Director of Planning at the time of or prior to applying for a zoning permit:

(a) A site plan, drawn to scale, showing the proposed layout of structures and other improvements, including, where appropriate, driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, fences, and walls. The site plan shall indicate the locations of entrances and exits and the direction of traffic flow into and out of off-street parking and off-street loading areas, the location of each parking space and each loading berth, and areas for turning and maneuvering vehicles;

(b) A landscape plan, drawn to scale, showing the locations of natural resource areas as defined in Policies 5.5 and 5.7 of the LUP, existing trees proposed to be removed and proposed to be retained on the site, the location and design of landscaped areas, and the varieties of plant materials to be planted therein, and other landscape features;

(c) Drawings showing the height and bulk of proposed structures and schematic floor plans showing sufficient detail to permit computation of yard requirements;

(d) Grading plans; and

(e) The Design Review Committee or the Director of Planning may require additional information if necessary to determine whether the purposes of this article are being carried out.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

10-5.29203.2. Architectural review.

In addition to the drawings required by subsections (a), (b), and (d) of Section 10-5.29203.1 of this article, the owner of the site or his or her authorized agent shall submit the following drawings to the Director of Planning at the time of or prior to applying for a zoning permit:

(a) Architectural drawings or sketches, drawn to scale, showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified;

(b) Scale drawings of all signs subject to architectural review showing the size, location, material, colors, and illuminations, if any;

(c) The Design Review Committee or the Director of Planning may require additional information if necessary to determine whether the purposes of this article are being carried out.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29204. Referral to Design Review Committee.

The Director of Planning shall check all drawings submitted for site plan review or architectural review. If he or she finds that the plans meet the requirements of this chapter, subject to site plan review or architectural review, he or she shall submit the drawings to the Design Review Committee. If the Director of Planning determines that a zoning permit could not be issued without the granting of a use permit, the granting of a variance, or the enactment of an amendment to this chapter, he or she shall inform the applicant and shall not submit the drawings to the Design Review Committee.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29205. Action of Design Review Committee.

(a) Within twenty-one (21) days of the date of the drawings meeting all other requirements of this chapter were submitted for site plan review or architectural review, the Design Review Committee shall approve the drawings or shall submit a written report to the Planning Commission recommending conditional approval, modification, or disapproval. Conditions may include, but shall not be limited to, the conditions prescribed in Article 24 of this chapter (Conditional Uses).

(b) If the Committee approves the drawings, or if the conditions or modifications recommended by the Committee are acceptable

to the applicant, the drawings shall be approved in the form recommended by the Committee.

(c) Failure of the Committee to act within twenty-one (21) days of the date of submission shall be deemed approval of the drawings unless a time extension is requested by the applicant.
(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29206. Action of Planning Commission.

(a) Within thirty (30) days after the Design Review Committee has recommended conditional approval, modification, or disapproval of the drawings, the Planning Commission shall approve, conditionally approve, or disapprove the drawings or shall request the applicant to revise them.

(b) Revised drawings shall be reviewed as prescribed for drawings first submitted.

(c) Failure of the Commission to act within thirty (30) days following the action of the Design Review Committee shall be deemed approval of the drawings unless a time extension is requested by the applicant and granted by the Commission.
(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29207. Appeals to Council.

(a) Within ten (10) days following the date of a decision by the Planning Commission, the decision may be appealed to the Council by the applicant or any other aggrieved person. The appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein the decision of the Commission is not in accord with the purposes prescribed in Section 10-5.29200 of this article.

(b) Within five (5) days of the filing of an appeal, the secretary shall transmit to the Council the drawings, the report of the Design Review Committee, and the minutes of the Commission meeting at which the drawings were considered.

(c) The City Clerk shall notify the applicant of the time when the appeal will be considered by the Council.
(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Sec. 10-5.29208. Action of Council.

(a) Within thirty (30) days following an appeal of a decision of the Planning Commission, the Council shall affirm, reverse, or modify the decision provided, if a decision is reversed or modified, the Council shall make a finding that the decision was not in accord with the purposes prescribed in Section 10-5.29200 of this article.

Part 22. Coastal Development Permit Procedures

Sec. 10-5.29300. Purposes.

This part establishes the permit procedures for developments located in the coastal zone as defined in Section 30150 of the Public Resources Code. This article is based on the Local Coastal Program Implementation Regulations adopted by the California Coastal Commission pursuant to Public Resources Code Sections 30333 and 30501, and as such shall constitute the procedural requirements for review of developments in the coastal zone pursuant to Public Records Code Section 30600(d).

10-5.29301 Repealed [by 1-90 Major]

Sec. 10-5.29302. Applicability.

Except as provided in Section 10-5.29303 below, any applicant wishing to undertake a development (defined in Section 10-5.2906.2(u)) in the coastal zone shall obtain a coastal development permit in accordance with the provisions of this article, in addition to any other permit required by law. Development undertaken pursuant to a coastal development permit shall conform to the plans, specifications, terms and conditions approved in granting the permit. The procedures prescribed herein may be used in conjunction with other procedural requirements of the approving authority, provided that the minimum requirements as specified herein are assured.

Sec. 10-5.29303. Exemptions.

The developments listed below shall be exempt from the requirements for a Coastal Development Permit. Requirements for any other permits are unaffected by this section.

✓ (a) Improvements to existing one-family dwellings, except as otherwise specified by Title 14, Section 13250 (a) and (b) of the California Administrative Code.

✓ (b) Improvements to any structure other than a one family dwelling or a public works facility, except as otherwise specified by Title 14, Section 13253 (a) and (b) of the California Administrative Code.

(c) Maintenance dredging of existing channels, except as limited by Title 14, Section 13252 of the California Administrative Code.

(d) Repair and maintenance activities which do not result in an addition to or enlargement or expansion of the object of such activities, except as otherwise specified by Title 14, Section 13252 of the California Administrative Code.

(e) Activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978.

(f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division.

(g) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height,

or bulk of the destroyed structure by more than ten (10%) percent, and shall be sited in the same location on the affected property as the destroyed structure.

(h) Any timeshare conversions of existing multiple unit residential structures. The conversion of a multiple unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a timeshare project or use for the purpose of this section.

Sec. 10-5.29304. Notice of exempt development.

A permit issued by the City for a development which is exempt from the coastal development permit requirements, shall be exempt from the notice and hearing requirements of this article. The City shall maintain a record for all permits issued for exempt developments which shall be made available to the Coastal Commission or any interested person upon request. This record may be in the form of any record of permits issued currently maintained by the city, provided that such record includes the applicant's name, the location of the project, and brief description of the project.

Sec. 10-5.29304.1. Categorical exclusions.

The following categories of development within specified geographic areas of the coastal zone pursuant to the City of Eureka Categorical Exclusion Order E-88-2 are exempt from the permit requirements of this article. The development shall conform to the special conditions of the exclusion order:

(a) The construction, reconstruction, demolition, or alteration of the size, type or intensity of any development of a principally permitted use or uses in the areas of the Eureka Coastal Zone that are zoned for residential, commercial, or industrial development, except for the following:

(1) Public works facilities or improvements costing more than \$250,000.00 dollars.

(2) The development involves demolition of a structure of architectural or historic significance.

(b) The clearing of land and/or removal of vegetation.

(c) Lot line and boundary adjustments as defined in Section 66412(d) of the California Government Code (Subdivision Map Act) between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

(d) Grading of less than one hundred (100) cubic yards.

(e) Permits for encroachment into public rights-of-way.

(f) Construction, reconstruction, upgrading, replacement, rehabilitation, or installation of all public works and public facilities (including, but not limited to utility extensions, road improvements, sidewalks, bicycle lanes, street planting, water and sewer systems and the removal of architectural barriers to handicapped persons) costing \$250,000 or less. The upgrading of streets to current city standards within existing rights-of-way where no additional right-of-way is being obtained allowing, however for minor right-of-way acquisitions at intersections.

(g) Wall mounted signs, located on-site, less than 24 square feet in size, no higher than the vertical wall to which they are attached, located within the "CW," "CS," or "CP" zoning designations of the Eureka Local Coastal Program, except as follows:

Lots or parcels within or visible from scenic coastal resource areas, as defined in the Eureka Local Coastal Program.

(h) Subdivision and parcel maps of five (5) parcels or less.

Sec. 10-5.29304.2 Notice of excluded development.

A permit issued by the City for a development which is exempt from the Coastal Development Permit requirements, shall be exempt from the notice and hearing requirements of this article. The City shall maintain a record for all permits issued for excluded development which shall be made available to the Coastal Commission or any interested person upon request. This record may be in the form of any record of permits issued currently maintained by the City, provided that such record include the applicant's name, the location of the project and brief description of the project.

Sec. 10-5.29304.3 Application requirements.

Applications for coastal development permits shall be filed with and on forms provided by the Community Development Department. Where required by this chapter, applications for coastal development permits shall be made prior to or concurrently with application for any other permit or approvals required for the project by this chapter. The application shall include the following data:

- (a) Name and address of the applicant;
- (b) Statement that the applicant is the owner or the authorized agent of the owner of the property on which the use is proposed to be located;
- (c) Address or description of the property; and,
- (d) Detailed project description and project information required in the supplement to the application.

Sec. 10-5.29304.4 Maps.

The application shall be accompanied by the following plans and drawings:

- (1) An accurate scale drawing of the site showing all existing and proposed improvements;
- (2) An accurate scale drawing of the development floor plan and building elevations (as applicable); and,
- (3) Any additional information determined by the Director of Community Development to be necessary for evaluation of the proposed development.

Sec. 10-5.29304.5 Fees.

The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling the application as prescribed in this article.

Sec. 10-5.29304.6 Action on coastal development permit.

Action to approve, condition or deny a coastal development permit shall be taken only by the Director of Community Development, the Planning Commission, or the City Council. To the extent possible, action on a coastal development permit should be taken concurrently with action

on other permits or approvals required by this chapter for the project, in accordance with the following procedures:

(a) Where action on other permits or approvals is to be taken by the Director of Community Development or the City Council, or should the project require no permit or approval other than a coastal development permit, the Director of Community Development shall act on the coastal development permit.

(b) The Director of Community Development may at his or her discretion, refer the coastal development permit to the Planning Commission for action.

(c) Where action on other permits or appeals approvals is to be taken by the Planning Commission, the Director of Community Development Planning Commission shall act on the coastal development permit following the concurrently with action by the Planning Commission on the other required permit or approval.

(d) Where action on other permits or approvals is to be taken by the City Council, the Council shall act on the coastal development permit concurrently with action on the other required permit or approval. Should the project require no permit or approval other than a coastal development permit, the Director of Community Development shall act on the coastal development permit.

(e) Where action on other permits or approvals is to be taken by more than one decision making body, the body with the highest decision making authority shall act on the coastal development permit. The Director of Community Development may at his or her discretion, refer the coastal development permit to the City Council for action.

Sec. 10-5.29305. Public hearing on developments.

Except as provided in Section 10-5.29308, at least one public hearing shall be held on each application for a coastal development permit, thereby affording any persons the opportunity to appear at the hearing and inform the City of the nature of their concerns regarding the project. Notice of such hearing shall be provided pursuant to Section 10-5.29307. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.

Sec. 10-5.29306. Notice of local government action where hearing continued.

If a decision on a development permit is continued by the City to a time which is neither (a) previously stated in the notice provided pursuant to Section 10-5.29307 nor (b) announced at the hearing as being continued to a time certain then the City shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in this chapter.

Sec. 10-5.29307. Public hearing notice; coastal zone procedures.

Unless specified otherwise, when a public hearing is required for a coastal development permit application pursuant to Title 10 for development in the coastal zone, notice of the public hearing shall be provided in the following manner:

(a) The notice shall include:

- (1) A statement that the development is within the coastal zone;
 - (2) The date of filing of the application and the name of the applicant;
 - (3) The number assigned to the application;
 - (4) The identity of the hearing body or officer;
 - (5) The date, time, and place of the public hearing;
 - (6) A general explanation of the matter to be considered, including a description of the development;
 - (7) A general description, in text and/or by diagram, of the location of the real property, if any, that is the subject of the hearing, including the Assessor's parcel number(s) and street address(es);
 - (8) The general procedure of the local government concerning the submission of public comments either in writing or orally prior to the local decision;
 - (9) The general procedure of the local government concerning the conduct of the hearing and local actions, and
 - (10) The system for local and Coastal Commission appeals, including any local fees required.
- (b) The notice shall be mailed by first class mail or delivered at least ten (10) days prior to the hearing to:
- (1) The owner of the subject real property, the owner's duly authorized agent, and the project applicant, if any; and
 - (2) All owners of real property and residents within 300 feet of the perimeter of the parcel(s) on which the development is proposed;
 - (3) The Coastal Commission; and
 - (4) Any person who has filed a written request for notice for the subject development project or for coastal decisions within the City with the City Clerk or Secretary of the Planning Commission or Historic Preservation Commission.
- (c) Owner information for noticing shall be as shown on the latest equalized assessment roll. Instead of using the assessment roll, the City may use records of the County Assessor or Tax Collector if those records contain more recent information than the information contained on the assessment roll.
- (d) A notice approximately two and a-half by three feet shall be posted in a conspicuous place on or near the property affected. Failure to post notice shall not invalidate the proceedings.
- (e) In addition to the notice required by this section, the City may give notice of the hearing in any other manner it deems necessary or desirable.

Sec. 10-5.29308. Notice of developments that do not require a public hearing.

No public hearing is required for a coastal development permit application for (a) a development that is not appealable to the Coastal Commission pursuant to Public Resources Code Section 30603 and which does not require a public hearing under local ordinance, (b) an accessory dwelling unit, or (c) a modification to an existing wireless tower or base station that qualifies as an eligible facilities request as specified in 47 U.S.C. 1455(a), 47 C.F.R. 1.40001, or any other subsequent applicable federal law. When no public hearing is required, a notice of

pending development approval shall be provided in the same manner as prescribed for public hearing notices in Section 10-5.29307, except:

- (a) The notice shall be mailed at least fifteen (15) days prior to the local decision; and
- (b) The notice shall contain the date the application will be acted upon and a statement that a public comment period of at least fourteen (14) working days shall be provided to allow for the submission of comments by mail prior to the local decision.

Sec. 10-5.29309. Reserved.

Sec. 10-5.29310. Determination of applicable notice and hearing procedures.

The determination of whether a development is categorically excluded, or appealable for purposes of notice, hearing and appeals shall be made by the City at the time the application for development is submitted. This determination shall be made with reference to the certified Local Coastal Program, including maps, categorical exclusions, land use designations, and zoning ordinances adopted as a part of the certified Local Coastal Program. Where an applicant, interested person, or the city has a question as to the appropriate procedures, the following procedures shall be followed:

- (a) The city shall make its determination as to what type of development is being proposed (i.e., exempt, categorically excluded, appealable nonappealable) and shall inform the applicant of the notice and hearing requirements for that particular development. The local determination may be made by the designated approving authority;
- (b) If the determination of the City is challenged by the applicant or an interested person, or if the City wishes to have a Commission determination as to the appropriate designation, the City shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion;
- (c) The Executive Director shall within two (2) working days of City request (or upon completion of a site inspection where such an inspection is warranted) transmit a determination as to whether the development is exempt, categorically excluded, nonappealable or appealable;
- (d) Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the City determination, the Commission shall hold a hearing for the purpose of determining the appropriate designation for the next Commission meeting in the appropriate geographic region following the City request.

Sec. 10-5.29310.1. Required findings.

A coastal development permit shall be approved only upon making the finding that the proposed development conforms to the policies of the Certified Local Coastal Program.

Sec. 10-5.29310.2 Appeals.

Development pursuant to an approved coastal development permit shall not commence until all applicable appeal periods expire, or, if appealed, until all appeals, including to the Coastal Commission, if applicable, have been exhausted.

- (a) Action by the Director of Community Development on coastal development permits may be appealed to the Planning Commission by the applicant or an aggrieved person as defined in

Section 10-5.2906.2, or the Planning Commission or City Council on their own motion. The appeal and accompanying fee established by resolution of the Council, must be filed with the City Clerk within 10 calendar days of the decision. The appeal shall be made on forms provided by the city and shall state why the decision of the Director of Community Development is not in accord with the city's Local Coastal Program and or why it is believed that there was an error or an abuse of discretion by the Director of Community Development.

(b) Upon notification that an appeal of the action of the Director of Community Development has been filed with the City Clerk, the Secretary shall set a public hearing before the Planning Commission. Notice shall be sent in the manner prescribed in Section 10-5.29307.

(c) Action by the Planning Commission on coastal development permits may be appealed to the City Council by the applicant or an aggrieved person as defined in Section 10-5.2906.2(b) or the City Council on its own motion. The appeal and accompanying fee established by resolution of the Council, must be filed with the City Clerk within 10 calendar days of the decision. The appeal shall be made on forms provided by the city and shall state why the decision of the Planning Commission is not in accord with the city's Local Coastal Program and or why it is believed that there was an error or an abuse of discretion by the Planning Commission.

(d) Upon notification that an appeal of the action of the Planning Commission has been filed with the City Clerk, the City Clerk shall set a public hearing before the City Council. Notice shall be sent in the manner prescribed in Section 10-5.29307.

(e) Coastal development permits for developments which are subject to the appeal jurisdiction of the Coastal Commission as specified in Section 10-5.2906.2(f) and Section 10-5.29310, may be appealed to the Coastal Commission once the appellant has exhausted local appeals pursuant to Section 10-5.29315. Appeals shall be made in a manner consistent with the Coastal Commission's guidelines.

Sec. 10-5.29311. Finality of city action.

A local decision on an application for a development shall be deemed final when (1) the local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified local coastal program and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act, and that the required conditions of approval adequate to carry out the certified local coastal plan and the public access and recreation policies of Chapter 3 of the Coastal Act where applicable as required in the implementing ordinances have been imposed, and (2) when all rights of appeal have been exhausted as defined in Section 10-5.29315.

Sec. 10-5.29312. Final city action - Notice.

Within seven (7) calendar days of a final decision on an application for any development (except categorically excluded or exempt developments) the City shall provide notice of its action by first class mail to the Commission and to any persons who specifically requested notice of such final action by submitting a self-addressed, stamped envelope to the City (or, where required, who paid a reasonable fee to receive such notice). Such notice shall include conditions of approval and written findings and the procedures for appeal to the Coastal Commission.

Sec. 10-5.29313. Failure to act - Notice.

(a) *Notification by applicant.* If the city has failed to act on an application within the time limits set forth in Government Code Sections 65950 - 65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950 - 65057.1 shall notify, in writing, the City and the Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

(b) *Notification by city.* When the City determines that the time limits established pursuant to Government Code Sections 65950 - 65957.1 have expired, the City shall within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Section 10-5.29312 that it has taken final action by operation of law pursuant to Government Code Sections 65950 - 65957.1. The appeal period for projects approved by operation of law shall begin to run only upon the receipt of the City notice in the Commission office (This section shall apply equally to a City determination that the projects approved by operation of law and to a judicial determination that the project has been approved by operation of law).

Sec. 10-5.29314. Local government action - Effective date.

(a) A final decision of the City on an application for a nonappealable development shall become effective on the day the decision is made.

(b) A final decision of the City on an application for an appealable development shall become effective after the ten (10) working days appeal period to the Commission has expired unless any of the following occur:

(1) An appeal is filed in accordance with the Commission's regulations;

(2) The notice of final local government action does not meet the requirements of Section 10-5.29312 and 10-5.29313.

Where any of the circumstances in Section 10-5.29315(1) or (2) occur, the Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the City and the applicant that the effective date of the City action has been suspended.

Sec. 10-5.29315. Exhaustion of local appeals.

(a) An appellant shall be deemed to have exhausted local appeals for purposes of filing an appeal under the Commission's regulations and be an aggrieved person where the appellant has pursued his appeal to the local appellate body as required by the City appeal procedures; except that exhaustion of all local appeals shall not be required if any of the following occur:

(1) The City required an appellant to appeal to more local appellate bodies for permits in the coastal zone, in the implementation section of the Local Coastal Program;

(2) An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision;

(3) An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this article;

(4) The city charges an appeal fee for the filing or processing of appeals.

Where the local government would ordinarily require an appeal fee for the processing of appeals within the appealable areas of the coastal zone, the City may elect to waive the appeal

fee and apply to the Commission for a reimbursement of that fee through an SB 90 claim or similar reimbursement process.

(b) Where a project is appealed by any two (2) members of the Commission, there shall be no requirement of exhaustion of local appeals. Provided, however, that notice of Commission appeals shall be transmitted to the local appellate body (which considers appeals from the local body that rendered the final decision) and the appeal to the Commission shall be suspended pending a decision on the merits by that local appellate body. If the decision of the local appellate body modifies or reverses the previous decision, the Commissioners shall be required to file a new appeal from that decision.

Sec. 10-5.29316 Repealed

Sec. 10-5.29317. Emergency coastal development permit.

(a) Applications for development in cases of emergencies as defined in Section 10-5.2906.3(d) shall be made to the Director of Community Development in writing or if time does not allow written application, the application may be made verbally in person or by telephone. The following information shall be included in any such request:

- (1) Nature of emergency;
- (2) Cause of the emergency;
- (3) Location of the emergency;
- (4) The remedial, protective or preventative work either needed or accomplished to deal with the emergency;
- (5) The circumstances of the emergency that appeared to justify actions taken, including the probable consequences of failing to take action.

(b) The Director of Community Development shall verify the facts of the alleged emergency insofar as time allows.

(c) The Director of Community Development shall provide public notice of the emergency work, with the extent and type of notice determined on the basis of the nature of the emergency itself. Notice shall also be provided to the Executive Director of the Coastal Commission.

(d) The Director of Community Development may grant an emergency permit with reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if he or she finds that:

- (1) An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits;
- (2) Public comment on the proposed emergency action has been reviewed if time allows;
- (3) The work proposed would be consistent with the requirements of the Local Coastal Program.

(e) Within ten (10) calendar days of the request for an emergency permit, the owner/applicant shall submit an application for a coastal development permit. Failure by the owner/applicant to follow through in a timely manner with a regular application, shall be cause for the Director of Community Development to revoke the emergency permit and to possibly direct removal of any improvements installed under the emergency permit. The Director of Community Development may conduct a public hearing prior to taking action in such situations.

(f) The Director of Community Development shall report the granting of an emergency permit, in writing, to the City Council and to the Coastal Commission. The request to the City Council shall be scheduled for its next regular meeting. The report shall be mailed to all persons who have requested such notification in writing.

The report of the Director of Community Development shall be informational only. The decision to issue an emergency permit is solely at the discretion of the Director of Community Development.

Sec. 10-5.29318. Amendments to coastal development permits.

(a) Applications for amendments to previously approved coastal development permits shall be filed with the Community Development Department. The application shall be in writing and shall contain sufficient detail to adequately assess the nature of the amendment and any potential impacts of the amendment.

(b) Applications for amendments shall be rejected if the proposed amendment would lessen or avoid the intended effect of an approved or conditionally approved permit unless the applicant presents newly discovered material information which could not, with reasonable diligence, have been discovered and produced before the original permit was granted.

(c) If, in the opinion of the Director of Community Development the amendment is of a minor or trivial nature, with no impacts not already assessed in the original permit action, and generally in keeping with the action of the appropriate approving authority, the amendment may be approved by the Director of Community Development. If the Director of Community Development determines that the proposed amendment is immaterial, as described above, notice of such a determination shall be sent to the Executive Director of the Coastal Commission, to each property owner and occupant of property within one hundred (100) feet of the property and to all other parties that the Director of Community Development has reason to know who may be interested in the application. If no written objection is received by the Community Development Department within ten (10) calendar days of sending the notice, the amendment shall be deemed approved. If objections are received, the amendment shall be considered under Section 10-5.29318(d).

(d) If in the opinion of the Director of Community Development, the amendment is other than a minor or trivial nature, or may cause impacts not already assessed in the original permit, or is not in keeping with the action of the appropriate approving authority, the amendment shall be taken to the approving authority of the original permit and processed consistent with the original permit procedures.

Sec. 10-5.29319. Lapse of coastal development permit.

(a) A coastal development permit shall lapse and become void if construction or implementation of the permit has not commenced within two (2) years from the date of final approval of the application for a coastal development permit.

(b) Upon written request received prior to the expiration of the permit, a one-year extension may be granted by the approving authority. The request may be granted upon making the findings that no substantial change of circumstances has occurred and that the extension would not be detrimental to the purpose of this chapter. Notice of the requested extension shall be given

to any person determined by the Director of Community Development to have been aggrieved at the original hearing. Any persons aggrieved by the Director of Community Development's decision on an extension request may appeal that decision to the City Council. The decision of the City Council on an extension request is final.

(§ 2, Ord. 519-C.S., eff. August 26, 1990)

Sec. 10-5.29320 – 10-5.29399. Reserved.

Sec. 10-529400. Incorporation by reference.

Wherever this article refers to another article, section, or subsection of the Eureka zoning ordinance, such article, section, or subsection shall be deemed incorporated herein by reference provided however, that such article, section, or subsection shall be superseded in relevant part by an amendment hereto in this article.

(§ 1, Ord. 417-C.S., eff. December 6, 1984)

Article 30. Medical Cannabis Cultivation, Processing and Distribution

Sec. 10-5.3001. Findings and Purpose

(a) The City Council of the City of Eureka, based on evidence presented to it in the proceedings leading to the adoption of this article and subsequent amendments to this article, hereby finds that the illegal and unpermitted cultivation, processing and distribution of cannabis in the City has caused and is causing ongoing impacts to the community. These impacts include damage to buildings containing illegal and unpermitted indoor grows, including improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, increased frequency of home- invasion robberies and similar crimes, and that many of these impacts have fallen disproportionately on residential neighborhoods. These impacts have also created an increase in response costs, including code enforcement, building, land use, fire, and police staff time and expenses.

(b) The City Council acknowledges that the voters of the State of California have provided a criminal defense to the cultivation, possession and use of cannabis for medical purposes under the Compassionate Use Act, but that the Compassionate Use Act does not address land use or building code impacts or issues arising from the resulting increase in cannabis cultivation within the City.

(c) The City Council acknowledges that the California legislature passed the Medical Cannabis Regulation and Safety Act (MCRSA) in 2015 and that the act allows local jurisdictions to regulate medical marijuana commerce and a range of medical cannabis license types in their jurisdictions under the state regulatory framework provided in the law as amended.

(d) The City Council acknowledges that in 2016, the voters of the State of California legalized the possession, cultivation, and sale of marijuana for individuals over the age of 21 through the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA).

(e) The City Council acknowledges that the California legislature passed the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) in 2017 which repealed MCRSA and included certain provisions from MCRSA in the licensing provisions of AUMA, and generally imposed the same requirements on both commercial medicinal and commercial adult-use cannabis activity.

(f) The City Council acknowledges that sales of cannabis are subject to taxation by both the City and the State and that the California State Board of Equalization (BOE) is also requiring that businesses engaging in such retail transactions hold a seller's permit.

(g) The purpose and intent of this chapter is to regulate the cultivation, processing, manufacturing, transport, storage, distribution and sale of cannabis and cannabis products for qualified patients with a valid physician's recommendation and for adults 21 years of age and over in a manner that protects the public health, safety and welfare of the community and mitigates for the costs to the community of the oversight of these activities.

Sec. 10-5.3002 Interpretation and Applicability.

(a) No part of this chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state or federal law, statute, rule or regulation. The cultivation, processing, manufacturing, transport, storage, distribution and sale of cannabis in the City is controlled by the provisions of this chapter of the Eureka Municipal Code. Accessory uses and home occupations, where cannabis is involved, shall be governed by the provisions of this chapter.

(b) Nothing in this chapter is intended, nor shall it be construed, to burden any defense to criminal prosecution otherwise afforded by California law.

(c) Nothing in this chapter is intended, nor shall it be construed, to preclude a landlord from limiting or prohibiting cannabis cultivation, manufacturing, smoking or other related activities by tenants.

(d) Nothing in this chapter is intended, nor shall it be construed, to exempt any cannabis related activity from any and all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements.

(e) Nothing in this chapter is intended, nor shall it be construed, to make legal any cultivation, transportation, sale, or other use of cannabis that is otherwise prohibited under California law.

(f) All cultivation, processing, manufacturing, testing, transport, storage, distribution or sale of cannabis within City limits shall be subject to the provisions of this chapter, regardless if the cultivation, processing, manufacturing, testing, transport, storage, distribution or sale existed or occurred prior to adoption of this chapter or at the time of subsequent amendments to this chapter.

Sec. 10.5.3003 Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "AUMA shall mean the Control, Regulate and Tax Adult Use of Marijuana Act, and any amendments thereto.

(b) "Cannabis" shall mean all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, 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. "Cannabis" shall also mean the separated

resin, whether crude or purified, obtained from marijuana. "Cannabis" shall also mean marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. "Cannabis" shall not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "Cannabis" shall not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

(c) "Cannabis license" shall mean an annual license issued by the Department to allow the operation of a cannabis facility.

(d) "Commission" shall mean the Planning Commission of the City.

(e) "Director" shall mean the Director of Planning of the City, or his or her designee.

(f) "Department" shall mean the Development Services Department of the City.

(g) "Enforcement officer" shall mean any City employee or agent authorized to enforce any provisions of this code or any code adopted by the City.

(h) "MAUCRSA" shall mean the Medicinal and Adult-Use Cannabis Regulation and Safety Act of 2017 as amended.

(i) "MCRSA" shall mean the Medical Cannabis Regulation and Safety Act of 2016, and any amendments thereto, and formerly known as the Medical Marijuana Regulation and Safety Act (MMRSA) of 2015.

(j) "Primary caregiver" shall be as defined in Cal. Health and Safety Code §§ 11362.7 et seq., and as it may be amended from time to time.

(k) "Qualified patient" shall be as defined in Cal. Health and Safety Code §§ 11362.7 et seq., and as it may be amended from time to time.

Sec. 10.5.3003.1 Personal Use Definitions.

For the purposes of this chapter, the following definitions shall apply to the personal use of medical cannabis unless the context clearly indicates or requires a different meaning. Terms not defined herein shall be the same as the definitions in MAUCRSA.

(a) "Cannabis cultivation area" shall mean the maximum dimensions used for the cultivation of cannabis. For the purpose of §10-5.3005 of this chapter, the allowable cultivation area shall be the cumulative gross area used for cultivation of cannabis and shall be measured using either (a) the outward edge of the trays, pots or other containers used for cultivation or (b) the vegetative canopy, whichever is greater.

(b) "Cannabis processing" shall include, but is not limited to: manicuring, drying, curing, pressing, cooking, baking, infusing, grinding, bagging, packaging, rolling.

(c) "Cannabis processing area" shall mean the maximum dimensions used for the processing of cannabis. For the purpose of this chapter, the allowable processing area shall be the cumulative gross floor area used for processing cannabis.

(d) "Medical Cannabis" shall mean cannabis, including, but not limited to concentrates and extractions, intended to be cultivated or sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215).

(e) “Residence” shall mean a legal dwelling unit consisting of a room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

Sec. 10.5.3003.2 Commercial Use Definitions.

For the purposes of this chapter, the following definitions shall apply to commercial cannabis, unless the context clearly indicates or requires a different meaning. Terms not defined herein shall be the same as the definitions in MAUCRSA.

(a) “Batch” shall mean a specific quantity of homogeneous cannabis or cannabis products and as defined in MAUCRSA.

(b) “Cannabis activity” shall mean the commercial cultivation, possession, manufacture, processing, storing, laboratory testing, research and development, labeling, transportation, distribution, delivery or sale of cannabis or cannabis products.

(c) “Cannabis products” shall mean any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.

(d) “Cultivation” shall mean the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(e) “Cultivation facility” shall mean a facility for cannabis cultivation for supply to a cannabis distributor or manufacturer, including a nursery that produces only clones, immature plants or seeds.

(f) “Delivery” shall mean the commercial transfer of medical cannabis or medical cannabis products to a customer.

(g) “Distribution” shall mean the procurement, sale, and transport of cannabis and cannabis products purchased and sold between licensed entities. DISTRIBUTION also includes the inspection, storage, including during quality assurance and batch testing processes, labeling, packaging and other processes required prior to transport to a licensed cannabis retailer or cannabis manufacturing facility.

(h) “Facility” or “facilities” shall mean a facility, premise, tenant space, site or location where one or more types of cannabis activity is undertaken.

(i) “Licensee” shall mean a person who possesses both a state license and a cannabis license issued by the City to engage in commercial cannabis activity.

(j) “Lot” shall mean a batch, or a specifically identified portion of a batch.

(k) “Manufacturing facility” shall mean a facility for the production, preparation, propagation, or compounding of cannabis or cannabis products, either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and includes a location that packages or repackages cannabis or cannabis products or labels or relabels its container.

(l) “Manufacturing facility, non-volatile” shall mean a manufacturing facility which does not involve the manufacturing, processing, generation, or storage of materials that

constitute a physical or health hazard, as listed in Tables 307.1(1) and 307.1(2) of the California Building Code (CBC).

(m) “Manufacturing facility, volatile, large” shall mean a manufacturing facility which involves the manufacturing, processing, generation, or storage of materials that constitute a physical or health hazard in quantities in excess of those allowed in control areas complying with CBC Section 414, based on the maximum allowable quantity limits for control areas set forth in CBC Tables 307.1(1) and 307.1(2).

(n) “Manufacturing facility, volatile, small” shall mean a manufacturing facility which involves the manufacturing, processing, generation, or storage of materials that constitute a physical or health hazard in quantities equal to or less than those allowed in control areas complying with CBC Section 414, based on the maximum allowable quantity limits for control areas set forth in CBC Tables 307.1(1) and 307.1(2)..

(o) “Microbusiness facility” shall mean a facility where one licensee may conduct two or more of the following cannabis activities: distribution, non-volatile manufacturing, retail sales, and indoor cultivation with a total cultivation area that does not exceed the maximum allowed in the zone district.

(p) “Research and development facility” shall mean a facility that offers or performs research and development of cannabis or cannabis products where no commercial cultivation, processing, dispensing, distribution or sale of cannabis or cannabis products occurs. Growing of plants and the use of volatile solvents for the purpose of conducting the research and development may be allowed. Research and Development may include, but is not limited to, systematic activities intended to create new products, processes, patents; scientific assessment of the safety and efficacy of cannabis and cannabis compounds for research and product development purposes; and/or work directed toward the innovation, introduction and improvement of production, processes, and/or products.

(q) “Retail facility” or “Retailer” shall mean a physical retail establishment where cannabis or cannabis products are offered for retail sale and delivery to customers. A retail facility may be closed to the public, and the retailer may conduct sales exclusively by delivery.

(r) “Testing facility” shall mean a facility that offers or performs testing of cannabis or cannabis products where no commercial cultivation, processing, dispensing, distribution or sale of cannabis or cannabis products occurs.

(s) “Track and trace program” shall mean a program or system that enables the State of California and the City to track cannabis and cannabis products through the commercial cannabis supply chain.

(t) “Unique identifier” shall mean a number, digital signature, stamp or combination thereof that allows for the identification of cannabis or cannabis products at the level of a batch, lot, or package labeled for individual sale.

(u) “Volatile solvents” shall mean, as used only in this chapter, those solvents used in the manufacture of cannabis products determined to be volatile by the California Department of Public Health or the Humboldt Bay Fire Department.

10-5.3004 Reserved.

10-5.3005 Personal use – Requirements and regulations.

(a) Qualified patients shall be allowed to cultivate cannabis for their own personal use in their personal residence. In addition, persons 21 years of age or over shall be allowed to cultivate cannabis for their own personal use in their personal residence. The cannabis cultivation area for each residence shall not cumulatively exceed 50 square feet per residence. Cultivation of cannabis for personal use shall be in conformance with the following standards:

(i) The residence shall remain at all times a residence with legal and functioning cooking, sleeping and sanitation facilities. Cannabis cultivation shall remain at all times secondary to the residential use of the property;

(ii) Cultivation of cannabis for personal use shall occur only within a private residence, or in a self-contained accessory building that is secured, locked, and fully enclosed and which is for the exclusive use of the resident. Cultivation of cannabis for personal use shall not displace required off-street parking;

(iii) Cannabis cultivated for personal use shall not exceed ten feet in height per residence, regardless if cultivated within the residence or in an accessory building. An Exception Request may be granted for medical cannabis pursuant to § 10-5.3005.1(b);

(iv) If required by Building or Fire Code, the wall(s) adjacent to the cultivation area shall be constructed with 5/8-inch Type X moisture-resistant drywall;

(v) The cannabis cultivation area shall be in compliance with the current adopted edition of the California Building Code § 1203.4 Natural Ventilation or § 402.3 Mechanical Ventilation (or its equivalent(s));

(vi) The cultivation of cannabis shall not adversely affect the health or safety of the residents, the residence or accessory building in which it is cultivated, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes and no odor shall be detectable outside the exterior walls of the individual residence or accessory structure where cannabis is cultivated;

(vii) Cannabis cultivation lighting shall not cumulatively exceed 1,200 watts. An Exception Request may be granted for medical cannabis pursuant to § 10-5.3005.1(b);

(viii) All electrical equipment used in the cultivation of cannabis, (e.g., lighting and ventilation) shall be plugged directly into a wall outlet or otherwise hardwired; the use of extension cords to supply power to electrical equipment used in the cultivation of cannabis is prohibited;

(ix) Any electrical wiring/rewiring shall first require an electrical permit from the Building Department;

(x) The use of gas products (e.g., CO₂, butane, etc.) for cannabis cultivation is prohibited. An Exception Request may be granted for medical cannabis pursuant to § 10-5.3005.1.1; and

(xi) From a public right-of-way, there shall be no exterior evidence of medical cannabis cultivation occurring at the property, including odor.

10-5.3005.1.1

The cultivation area for medical cannabis may exceed the 50 square foot maximum per residence, up to a total of 100 square feet of cultivation area, or the standards in § 10-5.3.005.1(a)(iv), (viii) or (xi) above may be modified, upon approval of an Exception Request issued by the Director of Community Development. An Exception Request shall not allow more than a total medical cannabis cultivation area of 100 square feet per residence regardless if cultivated within the residence or an accessory building.

(a) An application for a medical cannabis Exception Request shall include the following information:

(i) Written permission from the property owner;

(ii) An application fee set by resolution of the City Council;

(iii) Adequate information and documentation, such as a physician's recommendation, or verification of more than one qualified patient living in the residence, to demonstrate why the cultivation area should be allowed to exceed 50 square feet;

(iv) The location and size of the requested cannabis cultivation area;

(v) A materials storage, handling and disposal plan; and

(vi) If the Exception Request includes a request to modify the standards prescribed in § 10-5.3005.1(a)(iv), (viii) or (xi), documentation and information shall be provided identifying which standards are proposed to be modified and why such modification would not detrimentally affect the use of the residence for its intended residential occupancy.

(b) If required by Building or Fire Code, the applicant shall make specified improvements to the residence with a Building Permit, if one is needed. Such improvements may include, but are not limited to, electrical system upgrades.

(c) The Director of Community Development, in consultation with the Chief Building Official and Fire Marshal, shall review the submitted application and determine if the specific circumstances warrant granting an Exception Request.

(d) The Exception Request shall become void, and the cannabis cultivation area in excess of 50 square feet shall be removed one year following the date on which the Exception Request was issued, unless the Exception Request is renewed prior to expiration.

10-5.3005.1.2

(a) Cannabis cultivation is prohibited as a home occupation. Cannabis cultivation shall not be considered a residential accessory use. No distribution of cannabis cultivated for personal use shall be allowed.

10-5.3005.2 Processing.

(a) . Processing of cannabis cultivated at the residence shall be in conformance with the following standards:

(i) Only cannabis cultivated at the residence in conformance with this chapter shall be allowed to be processed at the residence;

(ii) The residence shall remain at all times a residence with legal and functioning cooking, sleeping and sanitation facilities. Cannabis processing shall remain at all times secondary to the residential use of the property;

(iii) The cannabis processing area shall be in compliance with the current adopted edition of the California Building Code § 1203.4 Natural Ventilation or § 402.3 Mechanical Ventilation (or its equivalent(s));

(iv) The use of gas products (e.g., CO₂, butane, etc.) for cannabis processing is prohibited; and

(v) The processing of cannabis shall not adversely affect the health or safety of the residents, the residence or accessory building in which it is processed, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes and all odor shall be contained within the exterior walls of the residence or accessory structure where cannabis is processed.

(b) Cannabis processing is prohibited as a home occupation. Cannabis processing shall not be considered a residential accessory use. No sale or distributing of cannabis processed for personal use shall be allowed.

10-5.3005.3 Distribution or Sales.

Cannabis cultivated or processed for personal use as provided for in this chapter shall not be distributed or sold to any person unless specifically allowed under this chapter or by State law.

10-5.3006. Commercial cannabis – requirements and regulations**10-5.3006.1 Events.**

Small, limited, private invitation-only events involving the use or exchange of cannabis shall be allowed within a structure housing a licensed cannabis facility.

10-5.3007 Commercial cannabis facilities.

Commercial cannabis activity shall be allowed at commercial cannabis facilities as follows, provided P for permitted uses or C or MC, for conditional uses appears in the column below each district. Uses listed with a C or MC shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 (Conditional Uses):

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Type of Facility	CN	CS	CW	MG	ML	OR
Cultivation, indoor, not more than 10,000 square feet of cultivation area				MC	MC	
Cultivation, indoor, not more than 5,000 square feet of cultivation area		C		P	P	
Distribution, cannabis on site, with or without transportation		P		P	P	
Distribution, transportation only, no cannabis on-site	MC	P	10-5.3007(c)	P	P	P
Manufacturing, non-volatile, more than 5,000 square feet of manufacturing floor area		C		P	P	
Manufacturing, non-volatile, 5,000 square feet or less of manufacturing floor area		MC		P	P	
Manufacturing, volatile, large				C		
Manufacturing, volatile, small				C	C	
Microbusiness	10-5.3007.1	10-5.3007.1		10-5.3007.1	10-5.3007.1	
Retail	C	C		C	C	
Research and development		10.5.3007.2	10-5.3007 (b) and 10-5.3007.1	10-5.3007.2	10-5.3007.2	
Research and development with volatile solvents, with or without plants				10-5.3007.2	10-5.3007.2	
Testing where no commercial cultivation, processing, manufacturing, wholesale, retail or distribution of cannabis occurs		P	C 10-5.3007 (a)	P	P	C

(a) In the Waterfront Commercial (CW) zoning district, cannabis testing facilities may be allowed above the ground floor of commercial structures with a use permit granted pursuant to Article 24 of this chapter (Conditional Uses). Cannabis testing facilities shall not be allowed on the ground floor of structures in the Waterfront Commercial (CW) zoning district.

(b) In the Waterfront Commercial (CW) zoning district, cannabis research and development facilities where no plants and/or no manufacturing processes occur may be allowed above the ground floor of commercial structures with a use permit granted pursuant to Article 24 of this chapter (Conditional Uses). Cannabis research and development facilities shall not be allowed on the ground floor of structures in the Waterfront Commercial (CW) zoning district.

(c) In the Waterfront Commercial (CW) zoning district, cannabis distribution facilities that only transport cannabis, and where no cannabis is located on site may be allowed above the ground floor of commercial structures with a minor use permit granted pursuant to Article 24 of this chapter (Conditional Uses). Cannabis distribution facilities shall not be allowed on the ground floor of structures in the Waterfront Commercial (CW) zoning district.

(d) The cultivation area for commercial medical cannabis shall be the cumulative gross floor area of the room or rooms where cannabis plants are grown.

10.5.3007.1 Microbusiness Facilities.

(a) A Microbusiness Facility shall be allowed in zone districts where all proposed uses are allowed. For example, a Microbusiness for distribution and retail can be allowed in any zone district in which both distribution AND retail are allowed. A Microbusiness for non-volatile manufacturing, distribution and retail shall only be allowed in a zone district in which all three uses are allowed.

(b) Microbusiness Facilities for cultivation and/or non-volatile manufacturing shall utilize the same size limitations prescribed for a cultivation or manufacturing facility in the corresponding zone district.

(c) A Microbusiness Facility shall be principally permitted, except when located in a zone where one or more uses requires a Conditional (C) or Minor Conditional (MC) use permit, in which case the Microbusiness Facility shall also obtain a Conditional (C) or (Minor Conditional (MC) use permit. For use combinations where both a Conditional (C) or Minor Conditional (MC) use permit are required, the Microbusiness Facility shall obtain a Conditional (C) use permit.

(d) The use of volatile solvents is prohibited in a Microbusiness Facility.

10.5.3007.2 Research and Development Facilities.

(a) A Research and Development Facility may be allowed in the zone district.

(b) A Research and Development Facility that utilizes manufacturing processes, which may or may not include volatile and/or non-volatile solvents, shall only be approved in a zone district where the corresponding type of manufacturing facility is allowed and shall utilize the same size limitations prescribed for the corresponding facility in the zone district.

(c) A Research and Development Facility with plants (cultivation) shall only be approved in a zone district where cultivation is allowed and shall utilize the same size limitations prescribed for the cultivation facility allowed in the zone district.

(d) A Research and Development Facility utilizing both plants (cultivation) and manufacturing processes, which may or may not include volatile and/or non-volatile solvents, shall only be approved in a zone district where both cultivation and manufacturing facilities are allowed and shall utilize the same size limitations prescribed for the corresponding type of facility in the zone district.

(e) A Research and Development Facility shall be principally permitted, except when the use corresponds to a cultivation or manufacturing facility use requiring a Conditional (C) or Minor Conditional (MC) use permit, in which case the Research and Development Facility shall also obtain a Conditional (C) or (Minor Conditional (MC) use permit. For use combinations where both a Conditional (C) or Minor Conditional (MC) use permit are required, the Research and Development Facility shall obtain a Conditional (C) use permit.

10-5.3008 Dispensing facilities.

(a) Only those cannabis retail facilities invited by the City Council may submit an application for a commercial cannabis license and all associated required permits. The City shall:

(1) Release a Request for Qualification (RFQ) or Request for Proposals (RFP) for commercial cannabis retail facilities. The RFQ/RFP shall include at a minimum, but shall not be limited to, a business plan, the business experience and qualifications of the respondent, and the information required in §158.030(D); and

(2) A committee appointed by the City Manager shall review and evaluate all responsive proposals to determine which respondent(s) best meet the City's criteria for a retail facility as set forth in the Scope of Work included in the RFQ/RFP; and

(3) The committee shall review, evaluate, and rank each proposal based on the criteria outlined in the RFQ/RFP. The committee may conduct interviews with all or some of the proposers as needed; and

(4) The Development Services Director shall present the committee's ranked recommendations to Council. Through the Development Services Director, the committee shall recommend to Council any number of proposals for approval, including zero; and

(5) Based on the ranked recommendations of the committee, the City Council shall invite any number of proposals to submit commercial cannabis licenses and all associated required permits. Council may invite fewer proposals than those recommended by the panel, including zero.

(b) Mobile sales of cannabis is prohibited within City limits.

10-5.3009 Delivery services.

(a) A cannabis delivery service that is associated with a permitted retail facility located within City limits and for which delivery originates from the retail facility shall only be allowed when the delivery service is described and included in the use permit for the retail facility.

(b) Cannabis deliveries originating from outside City limits and delivering cannabis or cannabis products within City limits shall only be allowed upon the granting of a mobile business license.

10-5.3010 Required conditions and findings.

(a) Whether or not a use permit is required, all cannabis facilities shall:

(1) Obtain a cannabis license issued by the City on an annual basis pursuant to Sec. 10-5.3011;

(2) Obtain a business license issued by the City on an annual basis pursuant to Title 6 Chapter 1 (Business Licensing); and

(3) Conform to the regulations prescribed by, and consist of a business form that satisfies State law; and

(4) Diligently pursue licensure by the State within six months of being permitted to operate in the City.

(b) Each entrance to a cannabis facility shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are precluded from entering the premises, except for qualified patients, unless accompanied by a parent or legal guardian.

(c) No new permit or license to operate shall be issued for any facility that is located within a 600 foot radius of an existing public K-12 school. A public charter or K-12 school that locates within 600 feet of an existing cannabis facility shall not grounds to deny the annual renewal at that location of a previously granted cannabis facility permit or license.

(d) The operation of cannabis facilities shall not adversely affect the health or safety of the facility occupants or employees, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes, and no odor shall be detectible outside the walls of the facility.

(e) *Signs.* No signs are allowed.

(f) *Off-street parking.* Off-street parking facilities shall be provided for each use as set forth in Article 15 of this chapter (Off-Street Parking Facilities) and as follows:

Type of Cannabis Facility	Parking Use
Cultivation Distribution Research and development with live plants Transportation- co-located with Distribution	Warehousing and distribution
Manufacturing Research and development with volatile solvents	Manufacturing plants and other industrial uses
Research and development Retail Testing Transportation- located separate from Distribution	Retail sales and service

(g) *Off-street loading.* Off-street loading facilities shall be provided for each use as set forth in Article 16 of this chapter (Off-Street Loading Facilities).

(h) Cannabis facility operators shall refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide. Hazardous materials and wastes from

agricultural businesses are regulated by the Humboldt County Environmental Health Division that administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). Any uses of pesticide products shall be in compliance with State pesticide laws and regulations enforced by the County Agricultural Commissioner's Office and the California Department of Pesticide Regulation.

(i) Operators of cannabis facilities shall maintain active enrollment and participate in a track and trace program as approved by the City. The City may require participation in a track and trace program separate from the State's track and trace program. Any separate program shall be in addition to and not instead of the State's track and trace program.

(j) Applicants for a cannabis license and/or cannabis facility use permit or minor use permit shall undergo a background investigation as prescribed by the City.

(k) A licensee shall not change or alter the premises in a manner which materially or substantially alters the premises, the usage of the premises, or the mode or character of business operation conducted from the premises, from the plan contained in the diagram on file with the application, unless and until written approval by the licensing authority has been obtained. For purposes of this section, material or substantial physical changes of the premises, or in the usage of the premises, shall include, but not be limited to, a substantial change in the mode or character of business operation.

(l) *Findings.* The Director shall make the following findings before granting a cannabis license:

- (1) That the applicant and the premises for which a license is applied meet all the requirements and qualify for licensure under this chapter; and
- (2) That the applicant has not been convicted of a felony as prescribed in MAUCRSA, or as amended.

10-5.3011 Applications, Use Permits, Licenses and Fees.

10-5.3011.1 Cannabis license applications.

Applications for cannabis licenses shall be filed with the Director. The Director shall issue a cannabis license upon finding that the cannabis facility meets, all of the requirements of this Article.

10-5.3011.2 Lapse of cannabis license.

A cannabis license shall lapse and shall become void one year following the date on which the cannabis license became effective unless the cannabis license is renewed pursuant to Sec. 10-5.3014 (Inspection and Monitoring) of this Article or unless the cannabis license is revoked for a violation of the terms of the cannabis license application.

10-5.3011.3 Use permit applications.

Applications for use permits shall be shall be filed with the Director.

10-5.3011.4 Data to be furnished.

Applications for use permits and cannabis licenses shall be on forms provided by the Department and shall include all information required in the use permit application and the supplemental application packet, which includes, but is not limited to:

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(a) Authorization for the City, its agents and employees, to seek verification of the information contained within the application;

(b) Text and graphic materials showing the site and floor plan for the cannabis facility including the use of each room or building on the premises;

(c) The hours and days of the week the cannabis facility will operate;

(d) The number of persons, per shift, who will be working at the cannabis facility;

(e) The security measures that will be employed at the premises;

(f) The odor control measures that will be employed at the premises;

(g) The chemicals stored or used at the premises, including cumulative quantities of each chemical;

(h) The type and quantity of all effluent discharged into the City's wastewater and/or stormwater system and a copy of the applicant's submitted or approved discharge permit, if applicable;

(i) A detailed operations manual containing, at a minimum:

(1) The staff screening process including appropriate background checks;

(2) The process for tracking cannabis quantities and inventory controls;

(3) *For medical cannabis retailers:*

(i) A description of the screening, registration and validation process for qualified patients;

(ii) A description of qualified patient records acquisition and retention procedures; and

(iii) The process for tracking cannabis quantities and inventory controls including on-site cultivation, processing, and/or cannabis products received from outside sources;

(j) A detailed Cannabis Safety Program, which includes at a minimum, the following,

(1) The process for documenting the chain of custody of all cannabis and cannabis products from farm to consumer;

(2) The procedure and documentation process for assuring the safety and quality of all cannabis and cannabis products; and

(3) The procedure and documentation process for determining quantity including testing for the major active agents in the cannabis (e.g., cannabinoids THC, CBD and CBN).

10-5.3011.5 State License Submittal

An applicant for a cannabis facility license shall submit to the Department an electronic copy of the completed and submitted State application and all attachments, either along with the City's cannabis facility license application, or within five days of the date the application is submitted to the State Bureau of Cannabis Control, whichever is later.

10-5.3011.6 Fees.

Applications shall be accompanied by a fee established by resolution of the Council to cover the cost of handling the application as prescribed in this chapter.

Sec. 10-5.3012 Enforcement, Suspension, Revocation, and Hearing.

(a) A person engaging in commercial cannabis activity without a license required by this chapter, and or any violation of this chapter is subject to administrative, civil, or criminal penalties, as set out in Chapter 2 (Penalty Provisions), in addition to being subject to other remedies provided by law, including but not limited to, injunctive relief, nuisance abatement action, summary abatement of immediately hazardous conditions, and all other applicable fines, penalties and remedies. Daily monetary penalties of up to three times the amount of the license fee for each violation may be assessed, and a court may order the

destruction of cannabis associated with that violation in accordance with Section 11479 of the Health and Safety Code. Each day of operation shall constitute a separate violation of this chapter. A violator shall be responsible for the cost of the destruction of cannabis associated with his or her violation. This is a chapter adopted to address public health and safety issues, and as such, carries with it an express legislative intent to be interpreted strictly, enforced with an emphasis on public and community safety, and enforced rigorously in a manner such as to deter further violations.

(b) Whenever an enforcement officer determines a cannabis facility or licensee has failed to comply with the regulations set forth in this chapter, or determines an action, or inaction by a cannabis facility or licensee threatens or negatively impacts, or may, in the opinion of the enforcement officer, threaten or negatively impact the public health, safety, and/or welfare, the enforcement officer may issue a notice of violation which provides a timeline for compliance, and may, at his or her discretion, require all or part of the facility's operations be immediately modified, or may issue a notice of suspension to suspend a cannabis facility license. Suspension of a cannabis facility license shall mean all operations shall immediately cease, and shall not be resumed unless or until the suspended license is re-instated following hearing pursuant to this section.

(c) Provided the enforcement officer determines that all violations have been corrected within the time specified in the notice of violation, a hearing pursuant to this section shall not be held, and following written notice to the licensee from the enforcement officer, operations may resume. If the enforcement officer determines that any or all violations listed in the notice of violation have not been corrected within the time specified, the cannabis facility license shall be suspended, and the enforcement officer shall provide a written notice of suspension to the licensee.

(d) Upon suspension of a cannabis facility license, a date for an administrative hearing shall be set which is not less than 15 nor more than 60 days from the date the suspension became effective. Written notice of the date, time, and location of that hearing shall be provided to the licensee at least 15 days prior to the hearing date.

(e) A copy of all written material intended to be submitted at the hearing shall be provided to the licensee at least five days prior to the date of the hearing.

(f) *Hearing officer.* The City Manager shall designate one or more persons qualified by education and experience to serve as hearing officers for administrative hearings conducted under this section.

(g) *Conduct of hearings.*

(i) *Evidentiary rules.* At the hearing, the notice of suspension shall constitute prima facie evidence of the respective facts contained in the notice. The licensee and the enforcement officer shall be given the opportunity to testify and to present evidence concerning the violation(s). Such evidence may include the testimony of other witnesses, or the introduction of documents or other evidence. Such testimony, written documents, or other evidence sought to be introduced shall not be limited to any legal rules of evidence, save and except for the rule that it shall be relevant and material to the issues of whether the violation alleged in the notices of violation and suspension occurred.

(ii) *Waiver of personal appearance at hearing.* Instead of appearing at an administrative hearing in person or by an authorized representative, a licensee may request that the hearing officer decide the matter based on the face of the notice of suspension, and any other documentary evidence submitted by the licensee or the enforcement officer prior to the date of the hearing.

(iii) *Failure to appear at hearing.* The failure of a licensee to appear at the hearing in person or by an authorized representative shall be deemed to be a waiver of the right to be personally present at the hearing and the hearing officer shall decide the matter based upon the notice, any written materials which have previously been submitted in anticipation of the hearing, and any other evidence which may be presented at the hearing by the enforcement officer.

(iv) *Attendance of enforcement officer.* The enforcement officer who issued the notice of suspension may, but is not required to, attend the administrative hearing. If the enforcement officer does not attend, he or she may, prior to the hearing date, submit to the hearing officer reports, photographs or other documentation regarding the violation(s) for consideration at the hearing.

Continuation of hearings. The hearing officer may continue any hearing and request additional information from the enforcement officer or the licensee prior to issuing a written decision.

(h) After considering all of the testimony and evidence admitted at the hearing, the hearing officer shall issue a written decision to reinstate the license, reinstate the license with modifications, or may revoke the license, and shall state in the decision the reasons therefor.

(i) The decision of the hearing officer shall be final and shall be provided to the licensee within 15 days following the date of the hearing.

(j) When a cannabis facility license has been permanently revoked pursuant to this section, the same or substantially the same applicant(s) shall not apply for or be granted a new cannabis license.

(k) *Right to judicial review.* Any person aggrieved by the decision of a hearing officer on a notice of suspension may obtain review of the administrative decision by filing an appeal with the Superior Court of California, County of Humboldt, Eureka Courthouse, in accordance with the procedures and within the time set forth in Cal. Gov't Code § 53069.4.

Sec 10-5.3013. Costs and taxes.

The costs to the City arising from the processing and oversight of Exception Requests under § 10-5.3005.1 and use permits, cannabis licenses, business licenses, and unique identifiers for a required track and trace program for cannabis facilities, and the costs of monitoring and ensuring compliance with this chapter, including investigations, enforcement actions, and disciplinary or abatement proceedings, will be offset through application fees, annual renewal fees, and fees for unique identifiers, as adopted by the City Council by resolution and updated as necessary from time-to-time. In the administration of the permitting or licensing requirements under this chapter, the City Manager, or his or her designee, may require as a condition of granting or renewing permits or licenses any information reasonably necessary to implement the intent of this chapter, to ensure that the cannabis handled under the use permit or license is grown, tested, processed,

manufactured, distributed and/or sold in a manner not in conflict with this chapter, and to ensure that any and all related sales taxes are being properly reported and paid.

Sec. 10-5.3014 Inspection and monitoring.

(a) Inspectors with the Community Development, Police, and Public Works-Building Departments and Humboldt Bay Fire shall be granted access to all parts of the facility, and may examine the records of a licensee to ensure compliance with the terms of the cannabis license at any time during normal operating hours.

(b) A cannabis licensee shall submit to the Department an inspection fee set by resolution of the City Council and shall make a request to the Department for an inspection of each cannabis facility not more than 90 days and not less than 30 days prior to the annual expiration of the cannabis license to assure compliance with the terms of the cannabis license. Inspectors with the Community Development, Police, and Public Works-Building Departments and Humboldt Bay Fire shall be granted access to all parts of the facility. All records kept pursuant to the cannabis license shall be open for visual inspection.

(c) If the cannabis licensee fails to submit the inspection fee or request an inspection within the specified time frame, refuses inspection, or if the inspection finds that the facility is not operated in compliance with the approved license application, the cannabis license shall be subject to revocation and upon cannabis license revocation the facility shall immediately cease operation.

(d) Within ten business days of the inspection date pursuant to (b) above, the City shall either provide a written statement of non-compliance and a timeline for attaining compliance, or shall renew the cannabis license.

(e) Within 10 days after issuance of a statement of non-compliance, the determination of non-compliance may be appealed by any interested party to the Commission pursuant to Article 28 of this chapter (Administration and Enforcement). The appeal shall be made, in writing, on a form provided by the City Clerk, along with a fee set by resolution of the City Council. The City reserves the right to determine whether the facility shall continue to operate during the appeal process.

Sec.10-5.3015. Release of liability and Hold harmless.

As a condition of approval of any use permit or cannabis license approved for a cannabis facility, the licensee of each cannabis facility shall indemnify and hold harmless the City and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the cannabis facility, and for any claims brought by any of their clients for problems, injuries, damages, or liabilities of any kind that may arise from cannabis activities.

Sec. 10-5.3016 Severability.

If any part of this Article is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Article.

Article 31. Wireless Telecommunications Facilities**Part 1. General Provisions****Sec. 10-5.3101. Purpose**

The purpose of this chapter is to provide a uniform and comprehensive set of standards for the development and operation of wireless telecommunications facilities. The regulations contained herein are intended to protect and promote the public health, safety, community welfare and the aesthetic quality of the City while at the same time providing reasonable opportunities for providers of wireless telecommunications services to provide such services in a safe, effective and efficient manner.

Sec. 10-5.3102. Findings.**Sec. 10-5.3102.1. Community benefit.**

The City believes that access to wireless telecommunication is an essential service and should be made available to all persons, agencies, organizations and businesses desiring such service.

Sec. 10-5.3102.2. Community welfare.

The City acknowledges that there are concerns over the exposure of people and animals to electromagnetic and radio frequency radiation. The City also acknowledges that regulations promulgated by the Federal Communications Commission limit the City's ability to regulate the electromagnetic and radio frequency radiation emitted by wireless telecommunication facilities.

Sec. 10-5.3103. Objectives.

The objectives of this chapter are to:

(a) Encourage and promote the location of new wireless telecommunications facilities in areas that are not zoned for residential use, and in areas outside of the Natural Resource (NR), Coastal Agriculture (AC), and Woodley Island Marina (PF/M) Districts;;

(b) Provide for the appropriate location and development of wireless telecommunication facilities;

(c) Protect the City's built and natural environment by promoting compatible design standards for wireless telecommunications facilities;

(d) Minimize adverse visual impacts of wireless telecommunication facilities and protect the historic character of the Core Area waterfront through careful design, siting, landscape screening, and innovative, visually compatible camouflaging techniques;

(e) Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of wireless telecommunications tower structures and antennas;

(f) Maximize use of existing wireless telecommunication towers and alternative structures so as to minimize the need to construct new towers and minimize the total number of towers throughout the City.

Sec. 10-5.3104. Applicability.

All wireless telecommunication facilities shall comply with each of the development standards and permit requirements set forth in this Article, except to the extent a specific standard or requirement is inconsistent with federal law. A tower or other wireless telecommunication support structure built on speculation and for which there is no wireless tenant is prohibited within city limits.

Sec. 10-5.3105. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "Eligible facilities request" shall mean modifications to an existing wireless tower or base station that (1) involve collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment; and (2) do not substantially change the physical dimensions of such tower or base station, as specified in 47 U.S.C. 1455(a), 47 C.F.R. 1.40001, or any other subsequent applicable federal law. The terms "existing," "tower," "base station," "collocation," "transmission equipment," and "substantial change" are as defined in 47 C.F.R. 1.40001.

(b) "Local historic district" shall mean an historic district listed on the City's Local Register of Historic Places.

(c) "National historic district" shall mean an historic district listed on the National Register of Historic Places.

(d) "Public utility" shall mean an organization that provides an essential commodity or basic service to the public, such as water, energy, transportation, or telecommunications. Utilities may be publicly or privately owned.

(e) "Satellite telecommunication facility" shall mean government and private facilities that transmit a variety of data through satellites, including photos of the earth, messages to and from public safety officials, and a variety of other information.

(f) "Wired telecommunication facility" shall mean telecommunications services such as wired (land line) telephone, digital subscriber line (DSL) internet, and cable TV and internet services where TV, voice, internet, data, and other content are routed over a network of wires and cables and that do not require an antenna for transmission or reception.

(g) "Wireless telecommunication facility" shall mean public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications. "Wireless telecommunication facility" shall also include the towers and other support structures, commercial satellite dishes, antennas, equipment buildings necessary for the specific facility, and facilities co-located on utility poles. "Wireless telecommunication facility" includes "Satellite telecommunication facility." "Wireless telecommunication facility" does not include "Wired telecommunication facility," or private personal wireless facilities that do not require a license from the Federal Communications Commission, including Direct-to-home satellite TV.

(h) "Wireless telecommunication facility permit" shall mean an administrative permit issued by the Director of Development Services or the Planning Commission.

Sec. 10-5.3106. Development standards.**Sec. 10-5.3106.1. Residential neighborhoods.**

It is strongly preferred that the location of new wireless telecommunication facilities be located outside of residential neighborhoods. In an R District, all new wireless telecommunication facilities, not including co-location with an existing permitted facility, shall submit with the conditional use permit application factual information and data proving that there is no site outside the R District where the facility can be located to provide the same level of service.

Sec. 10-5.3106.2. Design standards.

All wireless telecommunication facilities are subject to the following design standards:

(a) Facilities shall be designed to be visually unobtrusive. Colors and designs should be compatible with the existing improvements on or adjacent to the site;

(b) In an R District or within 100 feet of an R District, or in the HM District within 150 feet of an R District, facilities located shall be camouflaged or of an innovative design to minimize negative visual impacts of the facility on the surrounding residential neighborhood;

(c) Screening and landscaping:

(1) In an R, OR, or C District, or within 100 feet of an R District, or in the HM District within 150 feet of an R District, for facilities located at or near ground level screening six feet in height shall be located adjoining the facility, and an area ten feet in depth adjoining the facility shall be landscaped with plant materials including a buffer of trees, unless the Planning Commission finds that topographic or other conditions make screening or landscaping unnecessary;

(2) In all other districts, for facilities located at or near ground level screening six feet in height shall be located adjoining the facility including a buffer of trees, unless the Planning Commission finds that topographic or other conditions make screening unnecessary;

(3) Screening of the facility should take into account the existing improvements on or adjacent to the site, including landscaping, walls, fences, berms or other devices specifically designed to screen development.

(d) Facilities shall be sited to avoid and minimize obstruction of scenic views;

(e) Facilities shall not be of a bright, shiny or glare reflective finish;

(f) If feasible, the base station and all wires and cables necessary for the operation shall be placed underground; and

(g) If the base station is located within or on the roof of a building, it may be placed in any location not visible from the surrounding neighborhood, with any wires and cables attached to the base station screened from public view.

(h) In the City's Core Area in the Coastal Zone, all components of wireless telecommunication facilities shall be fully screened from public view or architecturally integrated into the design of a building or structure so that the wireless telecommunication facilities are visually compatible with the historic character of the Core Area waterfront.

Sec. 10-5.3106.3. Noise.

(a) For a wireless telecommunication facility in an R District, non-transportation noise levels generated by the proposed wireless telecommunication facility, measured immediately

within the property line on which the facility is located, shall not exceed the following performance standards:

<i>Noise level descriptor</i>	<i>Daytime (7:00 a.m. to 10:00 p.m.)</i>	<i>Nighttime (10:00 p.m. to 7:00 a.m.)</i>
Hourly L_{eq} , dB	50	45
Maximum level, dB	70	65
<i>Each of the noise levels specified above shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.</i>		

(b) For a wireless telecommunication facility located in an HM District within 150 feet of an R District, or in any other district within 100 feet of an R District, the noise performance standards listed above shall be measured at the boundary of the R District.

Sec.10-5.3106.4. Height limits.

The maximum height of all structures and accessory structures shall be as prescribed for the district in which the facility is located. The maximum height of towers and other support structures for a wireless telecommunication facility and including the maximum height of all antennas, dishes, and the like shall be in accordance with the following schedule:

(see table on next page)

District	Maximum Height (feet)	
	Free-standing	On top of building
NR	100*	25 feet above the height of the building, not to exceed 100 feet
A	100*	25 feet above the height of the building, not to exceed 100 feet
RS-6000	60	25 feet above the height of the building, not to exceed 60 feet
RS-12000	60	25 feet above the height of the building, not to exceed 60 feet
RM-2500	60	25 feet above the height of the building, not to exceed 60 feet
RM-1000	60	25 feet above the height of the building, not to exceed 100 feet
OR	60	25 feet above the height of the building, not to exceed 60 feet
HM	60	25 feet above the height of the building, not to exceed 100 feet
CN	60	25 feet above the height of the building, not to exceed 60 feet
CP	60	25 feet above the height of the building, not to exceed 100 feet
CC	60	25 feet above the height of the building, not to exceed 100 feet
CW	60°	25 feet above the height of the building, not to exceed 60 feet
CS	100	25 feet above the height of the building, not to exceed 100 feet
ML	100	25 feet above the height of the building, not to exceed 100 feet
MG	150	25 feet above the height of the building, not to exceed 150 feet
MC	150°	25 feet above the height of the building, not to exceed 150 feet
P	100**	25 feet above the height of the building, not to exceed 100 feet

* New wireless telecommunication facilities shall not be allowed in the NR, AC, and PF/M Districts except when no feasible alternative exists and denial of such facilities would be inconsistent with federal law. In such cases, new freestanding wireless telecommunication facilities in the natural resource (NR) and coastal agricultural (AC) zones shall be constructed so as to accommodate co-location, and must be made available for co-location.

° The maximum height in the Core Area north of 1st Street /Waterfront Drive shall be 50 feet. If the wireless telecommunication facility is mounted on an existing building that is over 50 feet in height, the wireless telecommunication facility may extend to the finished building height provided the facility does not exceed 60 feet in the CW zone and 150 feet in the MC zone.

** The maximum height in the PF/M zone shall not exceed 50 feet in all areas.

Sec. 10-5.3106.5. Minimum yards.

The minimum yards for all structures and accessory structures shall be as prescribed for the district in which the facility is located. The minimum yards for free standing towers and other free-standing support structures for a wireless telecommunication facility shall be in accordance with the following schedule:

§10-5.3106.5

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§10-5.3106.6

District	Minimum yards (feet)					
	Within 100 feet of an R District			More than 100 feet from an R District		
	front	side	rear	front	side	rear
A	30	30	30	30	30	30
RS-6000	25	25	25	-	-	-
RS-12000	25	25	25	-	-	-
RM-2500	20	20	20	-	-	-
RM-1000	20	20	20	-	-	-
OR	20	20	20	-	-	-
HM	20*	20*	20*	0*	0*	0*
CN	20	20	20	5	5	5
CP	50	50	50	50	50	50
CC	20	20	20	5	5	5
CW	20	20	20	5	5	5
CS	20	20	20	0	0	0
ML	20	20	20	0	0	0
MG	20	20	20	0	0	0
MC	20	20	20	0	0	0
P	20	20	20	0	0	0

* in the HM District the distance from an R District is measured at one hundred fifty (150') feet not one hundred (100') feet.

Sec. 10-5.3106.6. Utility poles.

Co-location of wireless telecommunication facility antennas on utility poles shall be subject to the same permit requirements for all other wireless telecommunication facilities, and shall be subject to the following standards:

- (a) The utility pole shall be located in a public right-of-way or in a utility easement and subject to any applicable franchise fees or lease agreements required by the City;
- (b) The antenna(s) shall not extend more than ten feet above the top of the utility pole;
- (c) If the utility pole must be replaced to accommodate the antenna(s), the replacement pole shall not be more than ten feet higher than the existing utility pole. If the replacement pole exceeds the height of the existing pole, the antenna(s) shall be mounted to the sides of the pole and shall not extend above the top of the replacement pole. Replacement of a utility pole shall be subject to a conditional use permit;

(d) Antenna(s) including the mounting structure with an outside diameter between 24 inches and 36 inches shall be subject to a conditional use permit;

(e) Antenna(s) including the mounting structure with an outside diameter greater than 36 inches are not permitted on utility poles;

(f) If the antenna(s) and mounting structure are narrower than the top of the utility pole, stealth shielding of the antenna(s) shall be used to make the antenna(s) appear as a vertical extension of the utility pole;

(g) Electrical equipment shall either be attached directly to the utility pole or placed underground. If the electrical equipment is attached to the pole, the box(es) shall not be larger than 36 inches in height, 12 inches deep and no wider than 20 inches. Not more than five such boxes shall be mounted on any one utility pole (excluding the power meter and network interface box). The boxes shall be stacked vertically, one above the other, and shall be at least ten feet above the ground. The power meter and network interface box may be installed below the ten-foot level;

(h) Antenna(s) and electrical boxes shall be painted to match the utility pole to minimize visual impact;

(i) Generators or noise-producing venting systems shall not be permitted;

(j) Lighting for aircraft is prohibited except where required by federal law;

(k) Electrical and utility cables between the utility pole and electrical boxes shall be placed underground;

(l) Prior to co-location the utility pole shall be certified by the utility company or an independent structural engineer as being structurally capable of supporting the existing and proposed equipment; and

(m) If the wired utilities using the pole are relocated or placed underground, the telecommunications antennas and equipment shall be relocated so that the utility pole can be removed at the same time as adjoining poles.

Sec. 10-5.3106.7. Maintenance.

All wireless telecommunication facilities shall be maintained in a neat and orderly manner on a regular and as-need basis. Maintenance shall include but not be limited to the following:

(a) Mowing, weeding, gardening and general maintenance of landscaping, and including replacement of diseased or dying plant material;

(b) Painting;

(c) Removal of debris, garbage and waste; and

(d) Graffiti removal.

Sec. 10-5.3106.8. Removal.

Wireless telecommunication towers or support structures shall be demolished, deconstructed or otherwise removed upon abandonment or termination of use, and all debris shall be recycled and/or disposed of in an appropriate manner. Removal shall be completed within 90 days of abandonment or termination of use. Upon notification by the City to the property owner that the tower or support structure appears abandoned, the property owner shall remove the tower or

support structure within 90 days, or the property owner shall provide satisfactory evidence to the City that the tower or support structure has not been abandoned. Expenses incurred to demolish, deconstruct or otherwise remove wireless communication towers or support structures shall be fully paid by the company owning the tower or support structure and/or the property owner where the tower or support structure is located. Nothing in this provision shall have the effect nor shall it be construed to interfere with private contracts for facility uses in existence at the time of adoption of this chapter.

Part 2. Wireless telecommunication facility permit - requirements and regulations.

Sec. 10-5.3120. Applications and fees.

(a) Except as provided in this chapter, all wireless telecommunication facilities shall require a wireless telecommunication facility permit.

(b) All wireless telecommunication facilities shall be co-located with existing facilities, unless it is determined that co-location is not feasible.

(c) An application for a wireless telecommunication facility permit shall include the following:

(1) All application materials otherwise required for design review as prescribed in the Eureka Municipal Code;

(2) Scaled photo simulations, elevations and other visual or graphic illustrations necessary to determine the visual compatibility of the proposed project, including all equipment and antennae associated with future co-located telecommunications, with the general character, aesthetics, scenic qualities, and existing development in the surrounding neighborhood;

(3) A landscape plan that shows existing vegetation, vegetation to be removed and proposed landscaping by type, size and location with the expectation that maturity will occur in three to five years;

(4) A geographic service area map showing:

(i) The applicant's existing and anticipated future wireless telecommunications network within three miles in all directions of the proposed wireless telecommunication facility;

(ii) The handoff sites within the area described in (a) above;

(iii) The geographic area of the "cell" in which the proposed wireless telecommunication facility could be located to provide the new or expanded wireless service;

(iv) All other existing facilities that could be used for co-location within three miles in all directions of the proposed wireless telecommunication facility.

(5) If the proposed wireless telecommunication facility will not be co-located with an existing approved facility, written justification why co-location is not feasible shall be submitted. Feasibility shall include the following:

(i) Whether there are any existing facilities within the geographic area of the cell required for the proposed wireless telecommunication facility;

(ii) If there are existing facilities within the geographic area of the cell for the proposed wireless telecommunication facility, feasibility shall consider whether:

A. The existing facility(ies) is of sufficient height to meet the needs of the proposed wireless telecommunication facility;

B. The existing tower(s) or support structure(s) have sufficient structural strength to support the proposed new wireless telecommunication antennas or antenna arrays and related equipment;

C. There is adequate vertical and horizontal distance available on the existing tower(s) or support structure(s) to accommodate the proposed wireless telecommunication antennas or antenna arrays and related equipment;

D. The proposed wireless telecommunication facility would cause adverse electromagnetic interference with the existing facility(ies);

E. There is adequate site area and/or building floor area at the existing facility(ies) to accommodate the proposed wireless telecommunications ground equipment; and

F. The owner of the existing facility(ies) will consent to co-location.

(6) A Federal Communications Commission TOWAIR Determination that the antenna structure does not require registration, or an aircraft and airport safety analysis providing a copy of the Federal Aviation Administration approval letter that the project conforms to Federal Aviation Administration regulations (Form FAA 7460-1 *"Notice of Proposed Construction or Alteration"* and *"The Determination of No Hazard to Air Navigation"*) and including specific safety requirements such as lighting, facility color, and the like;

(7) A structural analysis prepared by a qualified California licensed civil engineer showing that the proposed wireless telecommunication facility meets manufacturer's specifications and the requirements of the state's building code contained in Title 24 of the California Administrative Code, as may be amended from time to time, relating to structural design, wind, ice and snow loads;

(8) A public health report, prepared by a qualified radio frequency engineer written in plain English and in conformance with the Federal Communications Commission OET 65. The public health report shall state the maximum electromagnetic and radio frequency radiation to be emitted by the proposed facility and whether those emissions conform to safety standards adopted by the Federal Communications Commission. The public health report shall include the cumulative analysis of the electromagnetic and radio frequency radiation of all other existing and anticipated future wireless telecommunication facilities within 2,000 feet of the proposed facility;

(9) Noise and acoustical information for non-transportation noise sources, including the base transceiver station(s), equipment building(s) and associated equipment, such as cooling equipment and back-up generator(s) showing compliance with Sec. 10-5.3106 of this chapter (Development Standards);

(10) Application fees as established by Resolution of the City Council.

Sec. 10-5.3121. Design Review.

(a) All wireless telecommunications facilities shall be subject to site plan and architectural review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review).

(b) The Design Review Committee may adopt pre-approved designs for wireless telecommunications facilities. For proposed wireless telecommunication facilities that use pre-approved designs the site plan or architectural review required by Article 18 of this chapter (Site Plan Review and Architectural Review) may be approved by the Director of Planning.

Sec. 10-5.3122. Action on wireless telecommunication facility permit.

(a) Action to approve or deny a wireless telecommunication facility permit shall be taken by the Director of Planning. The action of the Director on the wireless telecommunication facility permit shall be after design review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review).

(b) The Director of Planning may at his or her discretion refer the wireless telecommunication facility permit to the Planning Commission for action.

Sec. 10-5.3123. Required findings.

A wireless telecommunication facility permit may be granted only if the following findings are made:

(a) The proposed wireless telecommunication facility will not generate electromagnetic or radio frequency radiation in excess of the Federal Communications Commission adopted standards for human exposure; and

(b) The proposed wireless telecommunication facility will be compatible with the general character, aesthetics, scenic qualities, and existing development in the surrounding neighborhood.

Sec. 10-5.3124. Historic resources.

In addition to the wireless telecommunication facility permit, all wireless telecommunications facilities located within a Local or National Historic District or within 100 feet of a Local or National Historic District shall require a conditional use permit as prescribed in this chapter.

Part 3. Conditional use permit - requirements and regulations

Sec. 10-5.3130. Application requirements; fees.

(a) Where a wireless telecommunication facility requires a conditional use permit, the conditional use permit shall also act as the wireless telecommunication facility permit otherwise required by this chapter.

(b) An application for a conditional use permit for a wireless telecommunication facility shall include the following:

(1) All application materials otherwise required for a conditional use permit pursuant to the Eureka Municipal Code;

(2) All materials listed as required for a wireless telecommunications facility permit application as prescribed in this chapter;

(3) In an R District, all new wireless telecommunications facilities, not including co-location with an existing permitted facility, factual information and data proving that there is no site outside the R District where the facility can be located to provide the same level of service; and

- (4) Application fees as established by Resolution of the City Council.

Sec. 10-5.3131. Education/outreach.

(a) Within 60 days of submittal of a complete application for a conditional use permit to locate a wireless telecommunication facility in an R District, or in an HM District within 150 feet of an R District, or in any other district within 100 feet of an R District, the applicant shall host a neighborhood education and informational meeting at which, at a minimum, a summary of the information provided with the conditional use permit application shall be presented and made available to attendees in electronic and/or hard copy.

(b) The education and informational meeting shall be noticed by the applicant in conformance with Section 10-5.3132 of this chapter (Noticing). The notice shall be printed on brightly-colored (preferably fluorescent) heavy stock post cards. Additionally, a sign of a minimum size of two and one half feet tall by three feet wide of a visible color other than yellow advertising the education and informational meeting shall be posted in a conspicuous place on or near the location of the proposed wireless telecommunication facility. The sign shall state the date, time and location of the education and informational meeting, the location of the proposed wireless telecommunication facility, and a contact phone number of the applicant or agent.

(c) The applicant shall prepare and submit to the Planning Department within 21 days of the education and informational meeting, at a minimum, the following:

(1) A copy of the information presented and made available (in all formats) by the applicant at the meeting;

(2) A summary of the issues and concerns, if any, that were presented either verbally or in writing at the meeting along with proposed mitigation to address them;

(3) A copy of all written correspondence received at the meeting;

(4) Information and/or documentation prepared by the applicant addressing each of the issues and/or concerns, if any, expressed at the meeting; and

(5) A list of names and email addresses of persons requesting to receive notice of the public hearing for the conditional use permit.

Sec. 10-5.3132. Noticing.

(a) All noticing for hearings on a conditional use permit application for a wireless telecommunications facility shall be as otherwise required for a conditional use permit pursuant to the Eureka Municipal Code;

(b) For a proposed wireless telecommunication facility greater than 60 feet in height in an R District, or in an HM District within 150 feet of an R District, or in any other district within 100 feet of an R District, notice shall also be provided to all owners and tenants of real property within 500 feet of the site proposed for the wireless telecommunication facility.

Sec. 10-5.3133. Design review.

(a) All wireless telecommunications facilities shall be subject to site plan and architectural review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review).

(b) No conditional use permit for a wireless telecommunications facility shall be approved until the site plan and architectural review required by this chapter are approved by the Planning Commission.

Sec. 10-5.3134. Action on conditional use permit.

All conditional use permits for a wireless telecommunication facility shall be acted upon as otherwise required for a conditional use permit pursuant to the Eureka Municipal Code.

Sec. 10-5.3135. Required findings.

A conditional use permit for a wireless telecommunication facility may be granted only if the following findings are made:

(a) All findings otherwise required for a conditional use permit pursuant to the Eureka Municipal Code; and

(b) All findings required for a wireless telecommunication facility permit as prescribed in Section 10-5.3102 of this chapter (Findings).

Sec. 10-5.3136. Lapse of permit.

Lapse of a conditional use permit for a wireless telecommunications facility shall be the same as the lapse of all other conditional use permits as prescribed in the Eureka Municipal Code.

Sec.10-5.3137 Penalties.

(a) It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code or the provisions of any code adopted by reference by this code. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this code shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code, or the provisions of any code adopted by reference by this code, is committed, continued, or permitted by such person and shall be punishable accordingly. Any violation of this code which is declared to be a misdemeanor shall be considered and treated as an infraction subject to the procedures described in Cal. Penal Code §§ 19.6 and 19.7, when:

(1) The City Attorney files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor; or

(2) The court, with the consent of the defendant, determines that the offense is an infraction, in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

(b) In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this code, or the provisions of any code adopted by reference by this code, shall be deemed a public nuisance and may be summarily abated by this city, and each day such condition continues shall be regarded as a new and separate offense.

Part 4. Coastal Development Permit For Wireless Telecommunication Facilities Other Than Eligible Facilities Requests – Requirements and Regulations

Sec. 10-5.3140. Applicability.

(a) Unless the need for a coastal development permit is either preempted by federal law or exempted by Article 29, Section 10-5.29303, in addition to other permit requirements of this chapter, the coastal development permit requirements of Article 29 (Coastal Development Permit Procedures) remain applicable.

(b) A wireless telecommunication facility that meets the definition of public works and costs less than \$250,000 is excluded from the requirement of securing a coastal development permit under Categorical Exclusion Order No. E-88-2 if the facility is (1) within a geographic area covered by Categorical Exclusion Order No. E-88-2; (2) consistent with the conditions of the exclusion order; and (3) consistent with the certified LCP as amended.

(c) Eligible facilities requests that do not result in a substantial change in physical dimensions to a wireless tower or base station as specified in 47 U.S.C. 1455(a), 47 C.F.R. 1.40001, or any other subsequent applicable federal law, are exempt from the permitting requirements of this section and instead shall be subject to the granting of a coastal development permit pursuant to Section 10-5.3150.

Sec. 10-5.3141. Additional siting and design standards in the Coastal Zone.

In addition to all of the design standards of Section 10-5.3106.2, all proposed wireless telecommunication facilities in the Coastal Zone that require a coastal development permit are subject to the following additional siting and design standards:

(a) New wireless telecommunication facilities shall not be located in Natural Resources (NR), Coastal Agricultural (AC), or Public Facility/Marina (PF/M) Districts, except when no feasible alternative exists and denial of such facilities would be inconsistent with federal law. Where no feasible alternative exists and a denial of such facilities would be inconsistent with federal law, the facility shall minimize impacts to coastal resources and priority uses to the maximum extent feasible. If no feasible alternative exists to locating a wireless telecommunications facility within the AC District, and denial of such facilities would be inconsistent with federal law, the facility shall, to the maximum extent feasible, be (1) located outside of areas actively used for agricultural operations; (2) located outside of prime agricultural soils and wetlands; and (3) located on, or clustered with, existing legal structures. If no feasible alternative exists to locating a wireless telecommunications facility within the AC or NR Districts, and denial of such facilities would be inconsistent with federal law, any proposed freestanding wireless telecommunication facility shall accommodate future co-location and shall be made available for co-location;

(b) No new wireless communication facilities shall be located in an environmentally sensitive habitat or an environmentally sensitive habitat buffer, except when no feasible alternative exists and denial of such facilities would be inconsistent with federal law. Where no feasible alternative exists and a denial of such facilities would be inconsistent with federal law, the facility shall minimize the impacts to the resources of the habitat to the maximum extent feasible;

(c) Wireless telecommunication facilities shall not be lighted unless required by federal or state law. Any lighting shall be sited and designed to minimize impacts to environmentally sensitive habitat areas and wildlife, including bird-strike;

(d) In the Coastal Dependent Industrial (MC) District, wireless telecommunication facilities shall be sited and designed to be compatible with, and not interfere with, the operation of existing and future coastal-dependent industrial uses. Except when no feasible alternative exists and denial of such facilities would be inconsistent with federal law, wireless telecommunication facilities in the MC district shall meet all of the following:

(1) The facility shall be located on a parcel developed with existing functioning coastal-dependent industrial uses or the facility shall be integrated into the siting and design of an approved coastal-dependent industrial use;

(2) The facility shall be located on, or clustered with, existing legal structures or located along the inland perimeter of the site; and

(3) The location of the facility preserves priority access to roads, bay frontage, and infrastructure for coastal-dependent industrial uses.

Sec. 10-5.3142. Application requirements.

Unless governed by Section 10-5.3150, an application for a coastal development permit for a wireless telecommunication facility shall include the following:

(a) All materials listed as required for a wireless telecommunications facility permit application under Section 10-5.3120(c)(1)-(7) of this chapter;

(b) All materials required for a coastal development permit application set forth in Article 29, Sections 29304.3 through 29304.5 of this Title;

(c) If the proposed wireless telecommunication facility will not be co-located with an existing approved facility:

(1) A facility build-out plan that describes the maximum anticipated build-out of the site with accommodation of future co-location. The plan shall include the full extent of wireless telecommunications facility expansion associated with future co-location facilities, including the location, footprint, maximum tower height, and general arrangement of future co-locations; and

(2) A written explanation as to why accommodation of a greater extent of future co-locations than proposed is not technically feasible or would increase visual impact more than constructing a new separate facility.

(d) If the facility is proposed to be located in the Natural Resources (NR), Coastal Agricultural (AC), or Public Facility/Marina (PF/M) Districts; in an environmentally sensitive habitat; or within an environmentally sensitive habitat buffer:

(1) Written documentation evidencing that the Coastal Act authority to prohibit siting in these areas is preempted by federal law. Such written documentation shall include a detailed alternatives analysis that demonstrates that there are no feasible alternative sites available to eliminate or substantially reduce significant gaps in coverage. The alternatives analysis shall state the radio frequency coverage and capacity needs and objectives of the applicant and shall include maps of existing coverage and predicted new coverage with the proposed facility; and

(2) Mitigation measures to avoid adverse impacts to coastal resources and protect coastal priority uses to the maximum extent feasible and to minimize and mitigate for unavoidable impacts consistent with the provisions of the LCP.

(3) In the Coastal Agricultural (AC) District, evidence demonstrating that the facility shall, to the maximum extent feasible, be located (1) outside of areas actively used for agricultural operations; (2) outside of prime agricultural soils and wetlands; and (3) on, or clustered with, existing legal structures.

(e) If the facility is proposed to be located in the Coastal Dependent Industrial (MC) District, not including co-location with an existing permitted facility:

(1) Evidence demonstrating that (1) the facility shall be located on a parcel that is developed with an existing functional coastal-dependent industrial use or the facility shall be integrated into the siting and design of an approved coastal-dependent industrial use; (2) the facility shall be located on, or clustered with, existing legal structures or located along the inland perimeter of the site; and (3) the facility shall be located to preserve priority access to roads, bay frontage, and infrastructure for coastal-dependent industrial uses; or

(2) Evidence demonstrating that locating the facility consistent with the requirements of part (1) is not feasible, denial of such facilities would be inconsistent with federal law, and the facility will be sited and designed to avoid adverse impacts to existing or future coastal-dependent industrial uses.

Sec. 10-5.3143. Required findings.

A coastal development permit for a wireless telecommunications facility may be granted only if the following findings are made:

(a) The facility is consistent with all applicable policies of the LCP;

(b) The facility, including any associated lighting and supportive structures, has been sited and designed to avoid and minimize to the maximum extent feasible impacts to wildlife, including bird-strike;

(c) The facility is consistent with the siting and design standards of Section 10-5.3106.2 and Section 10-5.3141, including, but not limited to the siting and design standard for Core Area facilities in Section 10-5.3106.2(h) if applicable; and

(d) If the facility is located in the Natural Resources (NR), Coastal Agricultural (AC), or Public Facility/Marina (PF/M) Districts; in an environmentally sensitive habitat; or within an environmentally sensitive habitat buffer:

(1) No feasible alternative exists;

(2) Adverse impacts to coastal resources and priority uses are avoided to the maximum extent feasible;

(3) Unavoidable adverse impacts are minimized and mitigated; and

(4) The facility is consistent with all otherwise applicable Local Coastal Program policies, standards, and regulations.

(e) If the facility is proposed to be located in the Coastal Dependent Industrial (MC) District, not including co-location with an existing permitted facility, the facility does not have a detrimental impact on existing coastal-dependent industrial uses or other priority uses, nor on the future long term use of MC-zoned land for coastal-dependent industrial uses.

Sec. 10-5.3144. Timeframe for review.

The City shall approve or disapprove a coastal development permit application for a wireless telecommunications facility within a reasonable period of time pursuant to 47 U.S.C. § 332(c)(7) and as set forth in the regulations implementing section 332(c)(7).

Sec. 10-5.3145. Length of development authorization.

A coastal development permit shall authorize development of wireless telecommunication facilities for at least ten years following the date of permit approval. At the end of any specified period of development authorization, the permit shall terminate unless the permittee submits, in accordance with all applicable requirements of this Chapter, an application for a new permit. Such application shall incorporate all feasible new or advanced technologies that will reduce previously unavoidable environmental impacts, including visual impacts, to the maximum extent feasible.

Part 5. Coastal Development Permit for a Wireless Telecommunication Facility Eligible Facilities Requests**Sec. 10-5.3150. Applicability.**

(a) Eligible facilities requests require approval pursuant to Section 1455(a) of the Communications Act, enacted as part of the Middle Class Tax Relief and Job Creation Act of 2012, otherwise known as the Spectrum Act, and subsequently adopted FCC rules intended to implement Section 1455(a) of the Communications Act, specifically including 47 C.F.R. 1.40001.

(b) Unless exempted by Article 29, Section 10-5.29303 or excluded under Categorical Exclusion Order No. E-88-2 from the requirement of securing a coastal development permit, eligible facilities requests in the Coastal Zone are subject to the granting of a coastal development permit as prescribed in this Part 5 of Article 31. An application for an eligible facilities request that complies with the standards of this section shall be approved by the Director of Planning and shall not be subject to a public hearing.

(c) If the City receives an application for a coastal development permit for an eligible facilities request and finds that the proposed project does not qualify as an eligible facilities request, the application shall be processed as a regular coastal development permit application pursuant to Part 4 of this Article.

Sec. 10-5.3151. Application requirements.

Applicants shall demonstrate that the proposed modification of an existing wireless tower or base station qualifies as an eligible facilities request as specified in 47 U.S.C. 1455(a), 47 C.F.R. 1.40001, or any other subsequent applicable federal law.

Sec. 10-5.3152. Conditions of approval.

Conditions of approval for a coastal development permit for an eligible facilities request shall be limited to those conditions reasonably related to nondiscretionary codes such as Health and Safety, Building, and Structural codes.

Sec. 10-5.3153. Timeframe for review.

(a) Except as provided in paragraph (b) of this Section, the City shall act on a CDP application for an eligible facilities request within 60 days of the date of application as specified by 47 C.F.R. 1.40001 and any other subsequent applicable federal law.

(b) If a proposed project does not qualify as an eligible facilities request, the timeframe for review specified in Section 10-5.3144 shall apply and start to run from the issuance of the City's decision that the proposed project does not qualify as an eligible facilities request.

Sec. 10-5.3154. Notice.

At least seven (7) calendar days prior to the decision on the eligible facilities request application by the Director of Planning, the City shall provide notice by first class mail of pending development approval. This notice shall be provided by first class mail to the applicant, owner of the property and all persons who have requested to be on the mailing list for that development, or for coastal decisions within the City, to all property owners and residents within one hundred (100') of the perimeter of the parcel on which the project is proposed, and to the Coastal Commission. The notice shall contain the information required in Article 29, Sec. 10-5.29309(a)-(g).

Article 32. Vacation Dwelling Units**Sec.10-5.3201. Purposes.**

The specific purposes of vacation dwelling unit regulations are:

- (a) To provide the opportunity for vacation rentals for transient use within residential and commercial districts.
- (b) Regulate the location and number of vacation dwelling units within Eureka;
- (c) To mitigate impacts on parking by requiring the use of existing off-street parking facilities;
- (d) To protect the visual appearance and character of residential and commercial districts;
- (e) To minimize disruptions to surrounding neighborhoods, and;
- (f) To ensure that all vacation dwelling units are operating with valid Eureka business licenses and paying all applicable taxes and fees.

Sec.10-5.3202. Definitions.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

10-5.3202.1

(a) "Event" shall mean any use of a structure or land for a limited period of time. "Event" shall include but is not limited to art shows, religious revivals, concerts, fundraisers, weddings, and receptions. "Event" does not mean small parties and social gatherings within maximum occupancy limits.

(b) "Good Guest Guide" shall mean a document provided to occupants by the property owner that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular provisions for parking, occupancy limits, emergency response, and minimizing noise and quiet hours shall be included.

10-5.3202.2

(a) "Occupant" shall mean a person in possession of, or with the right to use, any public or private dwelling or lodging for sleeping purposes. As used in this chapter, an occupant is a person sleeping overnight at a vacation rental unit.

(b) "Property" shall mean a parcel of land in its entirety, including all structures within the parcel boundaries.

10-5.3202.3

(a) "Transient Use" shall mean any contractual use of a dwelling or portion thereof for residential or sleeping purposes by an occupant, for any period of time which is less than 30 consecutive days.

(b) "Vacation dwelling unit" shall mean an entire dwelling which is contracted for transient use. The dwelling shall provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A vacation dwelling unit is differentiated from a lodging house or Bed and Breakfast Inn (as defined in Sec.10-5.106.2(f) in that a vacation dwelling unit is rented in its entirety, whereas lodging houses and Bed and Breakfast Inns rent individual rooms. Bed and Breakfast Inns go further by having a full time resident inhabiting the dwelling unit, and may provide one or more meals to occupants.

(c) "Visitor" shall mean a guest of an occupant visiting temporarily at a vacation dwelling unit, but not an overnight "occupant."

Sec.10-5.3203. Permit required.

(a) An approved vacation dwelling unit permit shall be obtained prior to operation. Pursuant to Cal. Government Code § 65852.2, review of the vacation dwelling unit permit shall be ministerial, without discretionary review or a hearing.

(b) Individual properties with multiple vacation dwelling units need only acquire a single vacation dwelling unit permit; however, property owners adding a new vacation dwelling unit to an existing permit shall be required to reapply for a vacation dwelling unit permit.

(c) Vacation dwelling unit permits shall be subject to annual review and no-fee renewal by the Department of Community Development.

(1) A vacation dwelling unit permit shall lapse and become void by February 1st of each year unless the business license for the vacation dwelling unit is renewed and in good standing, all applicable taxes and fees are paid, and there are no outstanding Police, Fire, or Building Department violations.

(2) If a vacation dwelling unit permit lapses, a new vacation dwelling unit permit shall be required.

(d) Unless a lapse occurs pursuant to paragraph (c), above, approval of a vacation dwelling unit permit shall run with the land and shall be fully transferable to new property owner provided the new property owner obtains a business license within two months of the purchase of the property.

Sec. 10-5.3204. Applications

Applications for vacation dwelling unit permits shall be filed with the Director of Planning on forms provided by the Department of Community Development.

Sec. 10-5.3205 Emergency contact.

Each vacation dwelling unit applicant shall designate a local emergency contact person on the application form, including a twenty-four-hour emergency contact phone number. That person may be either the property owner, property manager, or designee, and that person shall live within 50 miles of the City limits so that he/she can respond personally to an emergency. The Development Services Department shall forward the emergency contact phone number to

the Eureka police dispatch, and shall notify the property owners within 75 feet of the property. The property owner shall immediately notify the Community Development Department in writing of any changes to the designated emergency contact person or number.

Sec.10-5.3206. Fees.

Vacation dwelling unit permit applications shall be accompanied by fees established by resolution of the City Council to cover the cost of handling the application, noticing, and inspections as prescribed in this article. Existing vacation dwelling units in operation prior to the effective date of this chapter shall not be subject to the vacation dwelling unit permit fee, provided the unit has a history of operating with a valid business license and has paid all applicable taxes.

Sec.10-5.3207. Inspections.

(a) Each vacation dwelling unit shall be inspected to residential standards by the Building Department before a vacation dwelling unit permit is approved. Inspections of the dwelling unit by the Building Department, occurring within the one year period prior to the application date for a Vacation Dwelling Unit permit, may satisfy the inspection requirement, as determined by the Building and Development Services Departments.

(b) Additional inspections may be required at the discretion of the Chief Building Official. The cost of any required inspection shall be borne by the vacation dwelling unit owner.

Sec.10-5.3208. Notice.

(a) In all R Districts, within 5 days of the approval or conditional approval of a vacation dwelling unit permit by the Director of Planning, written notice shall be mailed to the applicant and to all property owners within 75 feet of the vacation dwelling unit property.

(1) The notice shall include the twenty-four-hour emergency contact number for the vacation dwelling unit, and the procedure to appeal pursuant to Section 10-5.3209.

(b) Within 5 days of approval, conditional approval, or denial of a vacation dwelling unit permit by the Director of Planning, written notice shall be mailed to the applicant, including the procedure to appeal pursuant to Section 10-5.3209.

(c) In HM, OR, and C Districts, no notice to adjacent property owners shall be required.

Sec.10-5.3209. Appeals.

(a) Except as provided in paragraph (b) of this section, within 30 days following the decision of the Director of Planning on a vacation dwelling unit permit application, the decision may be appealed to the Planning Commission by the applicant or any property owner located within 75 feet of the vacation dwelling unit property. An appeal shall be filed with the City Clerk, and state specifically wherein it is claimed there was an error or abuse of discretion by the Director of Planning. Notice of the date, time and place of an appeal to the Planning Commission shall be provided to all property owners located within 75 feet of the vacation dwelling unit property at least 10 days prior to the appeal meeting.

(b) The decision of the Director of Planning to deny the annual permit renewal may be appealed to the Planning Commission solely by the applicant.

Sec.10-5.3210. Business license required.

Following the approval of a vacation dwelling unit permit, the property owner or vacation dwelling unit manager shall obtain a business license before commencing operations. Property owners or managers with multiple vacation dwelling units or properties need only acquire a single business license.

Sec.10-5.3211. Existing vacation dwelling units; permits required.

Existing vacation dwelling units shall apply for a permit within six months of the effective date of this chapter, and diligently pursue until approved to avoid abatement action.

Sec.10-5.3212. Development standards.

All vacation dwelling units shall comply with the following development standards:

(a) Vacation dwelling units are principally permitted in the RS, RM, OR, CN, CC and CS zone districts that allow residential uses.

(b) Vacation dwelling units are conditionally permitted in the HM and CW zone districts. A Conditional Use Permit is not required for dwellings in HM and CW zones existing legally at the time of application for a vacation dwelling unit permit.

(c) In residential zone districts, no more than 75% of the total number of dwelling units on a property may be permitted as vacation dwelling units. The total number of vacation dwelling units on a property may exceed the 75% limit with approval of a Vacation Dwelling Unit - Unit Increase Permit.

(d) A vacation dwelling unit may either be a principal dwelling or a legally established secondary dwelling unit.

(e) A newly constructed vacation dwelling unit shall comply with the development standards and building requirements for residential dwellings, and may be operated as a vacation dwelling unit only after the Building Department has issued a certificate of occupancy for the dwelling unit.

(f) Existing off-street parking spaces, including covered parking, as required for dwellings in Article 15, shall be reserved for occupants of the vacation dwelling unit. Occupants shall be encouraged to park in existing, legal off-street parking spaces, in order to minimize impacts to on-street parking.

(g) With the exception of signage as allowed in division (h) of this section, the existence of the vacation dwelling unit shall not be apparent beyond the boundaries of the property. The vacation dwelling unit shall not change the residential or commercial character of the property or neighborhood by the use of colors, materials, or lighting.

(h) Exterior signage shall be permitted in accord with the provisions of Article 17 (Signs) of this chapter. All signage shall include the emergency contact number, clearly visible to the public, and shall require a sign permit unless exempt by Sec.10-5.1703.

(i) Vacation dwelling units located in the Design Review Area or Architectural Review district shall be subject to architectural review for exterior changes and signage as prescribed in Article 18 (Site Plan Review and Architectural Review) of this chapter.

Sec.10-5.3213. Operation.

(a) Vacation dwelling units shall not be permitted for any use other than transient occupancy or residential use.

(b) The maximum number of occupants allowed in a vacation dwelling unit shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom unit may have six occupants). Children aged eight and under are not counted toward the occupancy total.

(c) The total number of visitors and occupants at a vacation dwelling unit shall not exceed a number greater than double the maximum number of occupants (e.g., a two-bedroom unit with a six occupant limit, may have a total of twelve people at one time). Visitors are not allowed on the premises between 10:00 p.m. and 7:00 a.m. in RS and RM zone districts, and between 1:00 a.m. and 7:00 a.m. in OR, HM and C zone districts. Visitor hours may be extended upon issuance of an Event Permit by the Development Services Department.

(d) Events exceeding the visitor occupancy limit may be permitted upon issuance of an Event Permit at no cost to the applicant. Approval of Event Permits shall be ministerial, without discretionary review or a hearing. Applications for vacation dwelling unit Event Permits shall be filed with the Director of Planning on forms provided by the Department, and shall be signed by the property owner. The application shall include the total number in attendance and the hours during which the event will take place. Applications for special events shall be submitted to the Development Services Department at least five working days prior to the event.

(e) Vacation dwelling units shall be limited to three Event Permits per month, with a maximum of six events per year in R zone districts, and a maximum of twelve events per year in HM, OR, and C zone districts. A vacation dwelling unit may exceed the total allowable number of events with a Director of Planning approved Extra Events Permit.

(f) Trash and refuse shall not accumulate or be stored within public view, except in proper containers for the purposes of collection. There shall be no storage of trash and/or debris on the site or within the unit.

(g) Emergency preparedness information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily visible location, such as the entry or kitchen area.

(h) The Good Guest Guide and the 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the vacation dwelling unit.

(i) In the event of an emergency, concerned persons are encouraged to promptly call the emergency contact number, and if appropriate, report the emergency through the 911 emergency calling system or the police department. It is unlawful to make a false report or complaint regarding activities associated with a vacation dwelling unit.

(j) The property owner and emergency contact shall act in good faith to resolve complaints regarding the vacation dwelling unit, and engage in dispute resolution with neighbors. The Community Development Department shall investigate any vacation dwelling unit with recurrent emergency calls or complaints.

(k) If the vacation dwelling unit owner or emergency contact is deemed to be negligent in responding to an emergency situation more than two times in a 12-month period, or if more than two documented law enforcement violations occur in any 12-month period, the vacation dwelling unit permit may be revoked. The Director of Community Development may also revoke a permit if the vacation dwelling unit is deemed chronically non-compliant with the provisions of

this chapter, or is negligent or remiss in correcting noted Building or Fire Code violations or issues. Documented, significant violations may include copies of citations, written warnings, or other documentation maintained by law enforcement, Fire Department, or Building Department.

(l) Properties with gated entries shall have a Fire Department approved device such as a Knox box with keys for the lock, Knox lock, or Knox key actuated switch on electric gates installed which permits emergency response vehicles and personnel to enter the property.

(m) Each individual holding a valid business license for a vacation dwelling unit existing at the time the vacation dwelling unit ordinance is adopted, shall be subject to the requirements of this chapter upon its effective date. In order to avoid abatement proceedings, the owner of an existing vacation dwelling unit shall apply for a vacation dwelling unit permit and City of Eureka business license permit within six months of the effective date of this chapter, and diligently pursue the application until approved.

(n) Violations of this chapter are punishable as either infractions or misdemeanors, pursuant to the provisions of Eureka Municipal Code Title 1 (General Provisions) Chapter 2 (Penalty Provisions) § 1-2.07. Each separate day in which a violation exists shall be considered a separate violation.

Sec.10-5.3214. Applicable taxes.

The rental or other contractual use of a vacation dwelling unit shall be subject to a Transient Occupancy Tax ("TOT") and any other mandated taxes. Each vacation dwelling unit owner and/or manager shall comply with Title 8 (Finance, Revenue, and Taxation) Chapter 5 (Transient Occupancy Tax) of this code, which addresses the collection, record keeping, reporting and remittances of applicable TOT.

CHAPTER 6. PROCEDURES FOR THE NAMING AND RENAMING OF PUBLIC FACILITIES AND STREETS

Sec. 10-6.101. Public Facility and street names; submittal of requests.

All requests for the naming and renaming of streets, public buildings, parks or recreational facilities owned or controlled by the City, except proposals initiated by the City Council or the Planning Commission, shall be submitted in writing to the Director of Community Development.

Sec. 10-6.102. Recommendations by Planning Commission

All requests for the naming or renaming of any public street, public building, park or recreational facility shall be referred to the Planning Commission for recommendation. In the event that the request for naming or renaming involves a street, public building, park or recreational facility under the authority of the Recreation and Parks Commission, Harbor Commission or Zoo Advisory Board, the request for naming or renaming shall be referred to that body involved for recommendation prior to being referred to the Planning Commission. The Planning Commission may recommend the name proposed, or recommend a different name. In reaching its decision the Planning Commission shall give consideration to the following policy guidelines:

CHAPTER 6. Procedures for the naming and renaming of public facilities and streets**Sec. 10-6.101. Public Facility and street names; submittal of requests.**

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- Cont from previous page*
- (a) Any street which is a continuation of, or approximately the continuation of, any existing street should be given the same name as the already existing street, in the absence of other overriding considerations.
 - (b) Streets and other public facilities should not be given names which would cause confusion with other streets or public facilities.
 - (c) Names which achieve any of the following purposes should be promoted:
 - (1) A name which serves to identify the location of the subject by reference to distinct geographic, environmental or development features in the immediate area.
 - (2) A name which references the history of the subject site or its immediate area.
 - (3) A name which identifies a person or family who made an extraordinary donation of land or funds to promote the construction or improvement of the subject public facility.
 - (4) A name which recognizes a person or family who made a distinct, significant contribution to the well-being of the city, including past mayors, councilmembers, board or commission members, officers, or employees of the city.
 - (5) A name which recognizes a specific person shall be considered only after waiting a period of not less than one (1) year after their death.

Sec. 10-6.103. Change of street names.

(a) Prior to any change of name of an existing street, if the renaming would change the street address of one (1) or more occupants of abutting property, the Planning Commission shall hold a public hearing on the proposed street renaming. The Director of Community Development shall endeavor to mail written notice of the proposed renaming to all such affected occupants at least ten (10) days prior to the date of the hearing, but the failure of any such affected occupant to receive such notice shall not invalidate any determination to change the name of the street made pursuant to this subchapter.

Sec. 10-6.104. Review by Council.

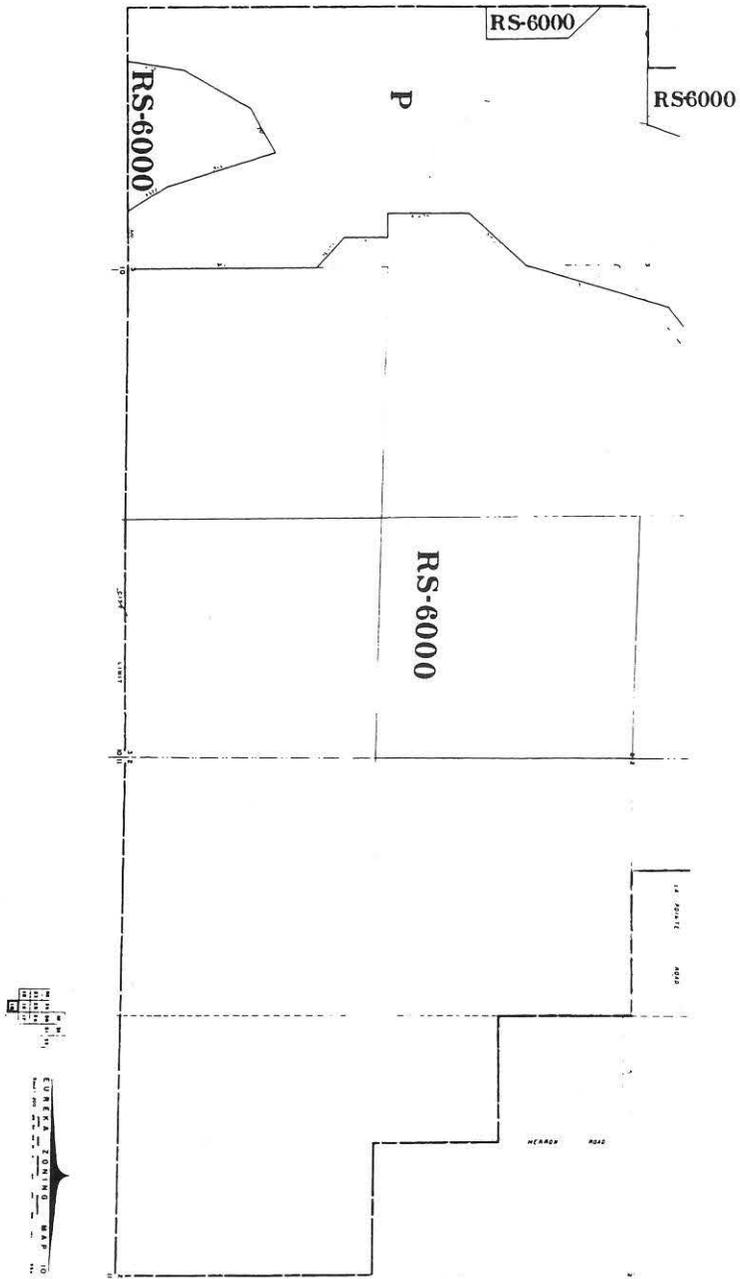
(a) In cases other than those governed by Section 10-6.103, the Director of Community Development, the Planning Commission, or the City Council may set a public hearing on any request for the naming or renaming of any street or other facility, subject to such notice as they deem appropriate.

(b) Following the decision of the Planning Commission under Sections 10-6.102 or 10-6.103 the Director of Community Development shall prepare a report of the Planning Commission's action, summarizing the public input, if any, and the reasons for the Commission's recommendation. Such report shall be submitted to the City Council at its first regular meeting occurring at least 15 days after the Commission's action. The City Clerk shall provide notification of the date and approximate time of the Council's action to any person who requests such notification.

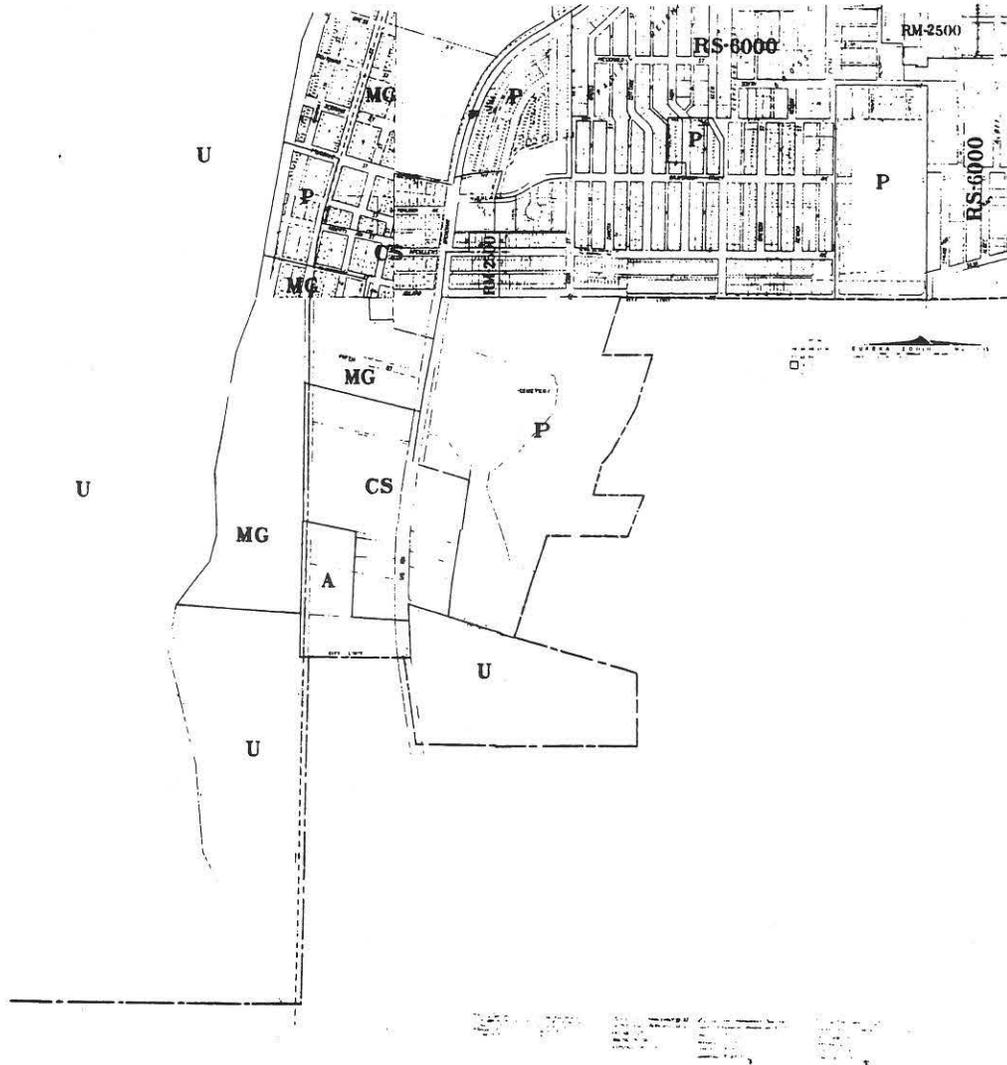
The City Council may affirm the Commission's decision, remand the matter back to the Planning Commission for further consideration or make its own decision on the matter.

(c) Any person who desires may address the Council prior to the Council's action or may submit such opposition in writing prior to such time.

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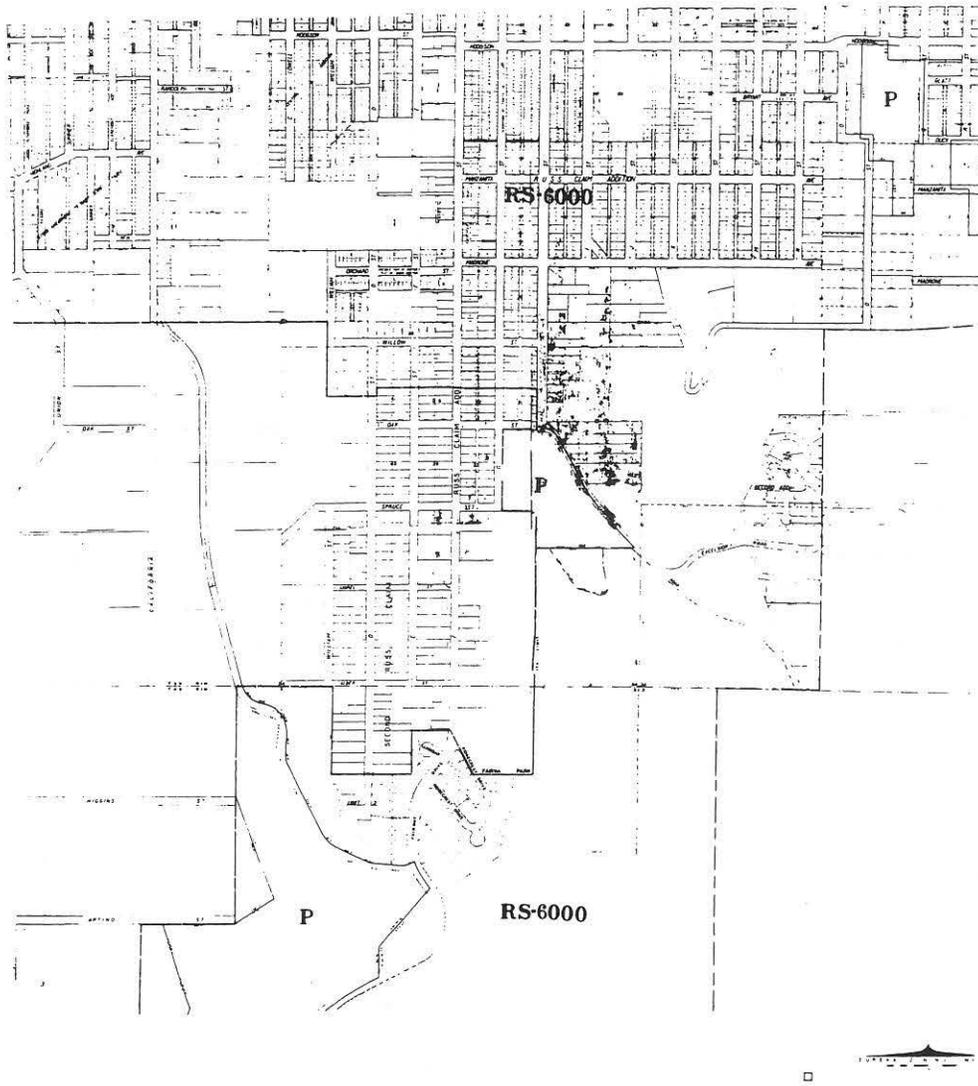


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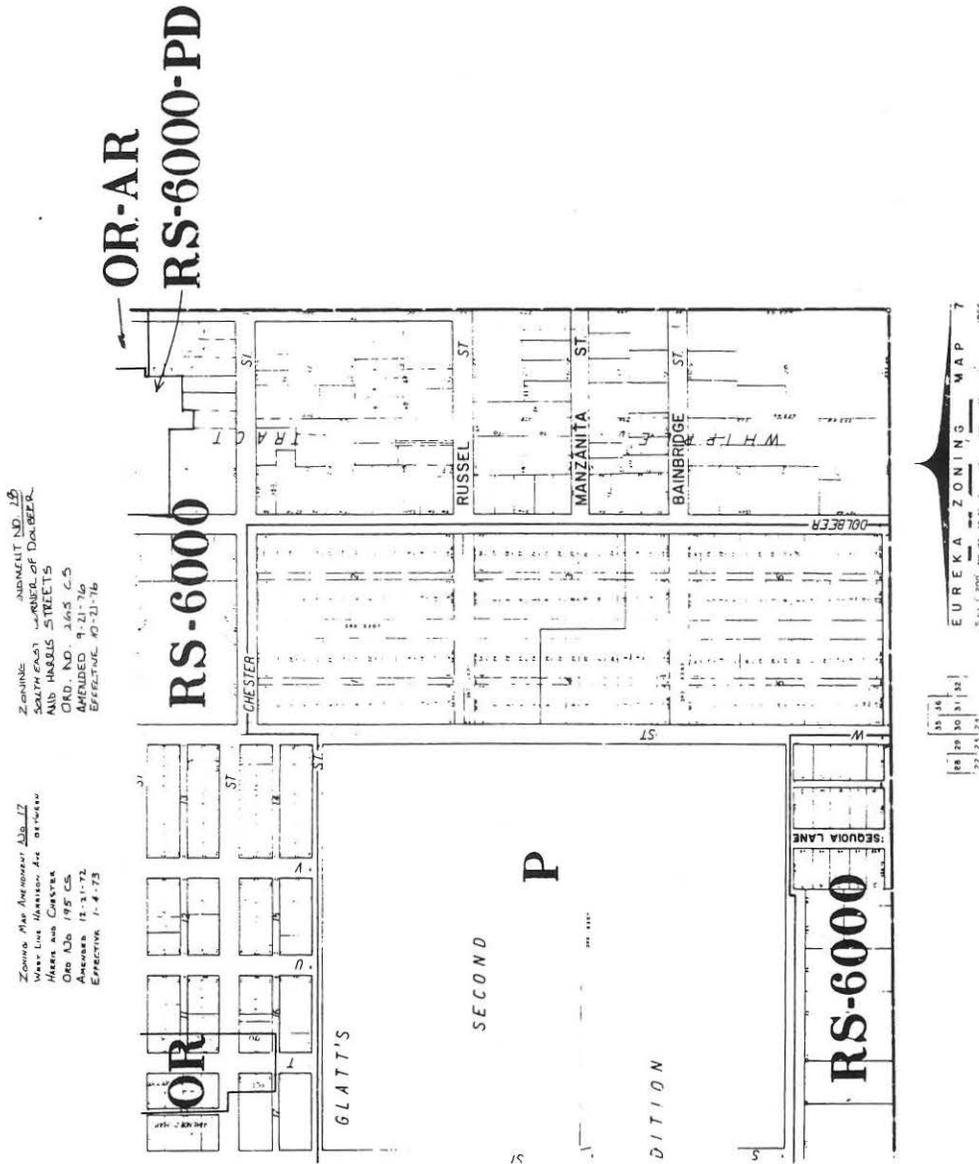


Zoning Map No. 15, as amended by Ord. 166-C.S., eff. July 2, 1971, Ord. 170-C.S., eff. August 7, 1971, Ord. 293-CS., eff. September 1, 1978, and Ord. 301-C.S., eff. December 1, 1978.

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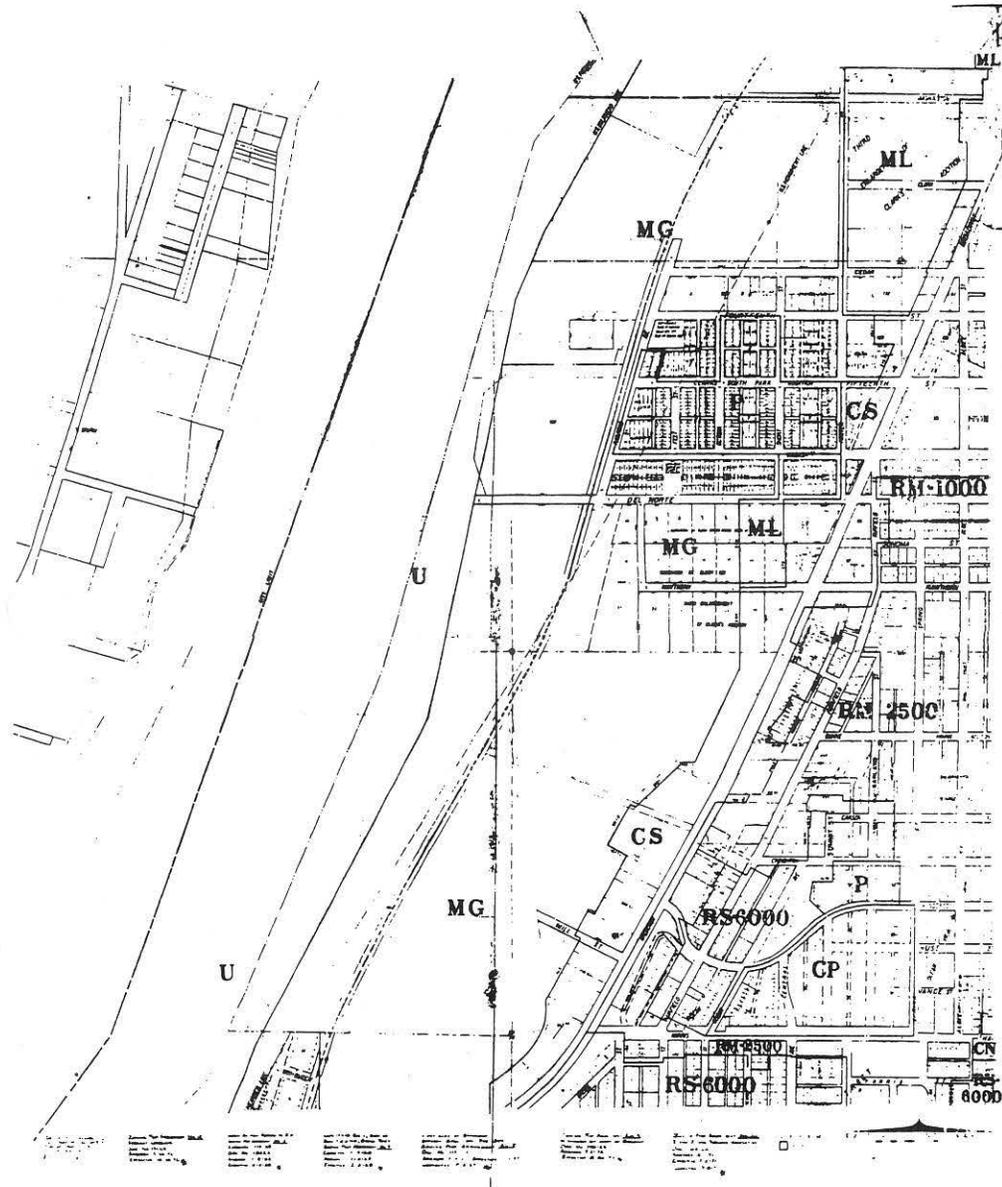
EUREKA MUNICIPAL CODE



Zoning Map No. 17, as amended by Ord. 195-C.S., eff. January 5, 1973, and Ord. 265-C.S., October 22, 1976.

Reprint No. 32 - January 21, 1

EUREKA MUNICIPAL CODE



Zoning Map No. 22, as amended by Ords. 102-C.S. and 103-C.S., eff. February 3, 1968, Ord. 117-C.S., eff. April 5, 1969, Ord. 146-C.S., eff. August 21, 1970, Ord. 166-C.S., eff. July 2, 1971, Ord. 191-C.S., eff. October 20, 1972, and Ord. 302-C.S., eff. December 7, 1978.

Reprint No. 37 - October 2, 1979

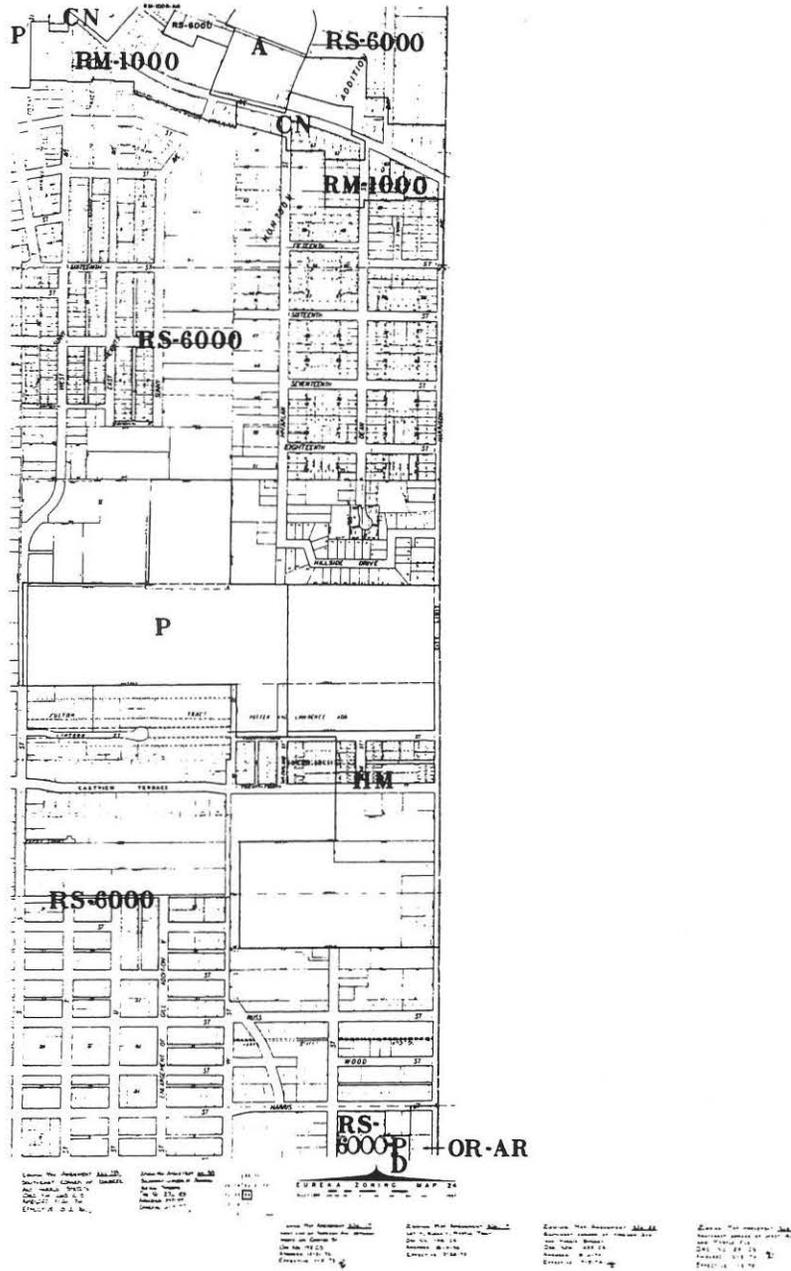
EUREKA MUNICIPAL CODE

See Filing Instruction Sheet pertaining to Reprint No. 39.

Zoning Map No. 23, as amended by Ord. 87-C.S., eff. February 17, 1967, Ord. 91-C.S., eff. October 5, 1967, Ord. 102-C.S., eff. February 3, 1968, Ord. 117-C.S., eff. April 5, 1969, Ord. 146-C.S., eff. August 21, 1970, Ord. 187-C.S., eff. July 21, 1972, Ord. 191-C.S., eff. October 20, 1972, Ord. 196-C.S., eff. January 5, 1973, Ord. 208-C.S., eff. June 1, 1973, Ord. 243-C.S., eff. February 6, 1975, Ords. 288-C.S. and 289-C.S., eff. February 3, 1978, Ord. 350-C.S., eff. October 2, 1979 and Ord. 333-C.S., eff. February 17, 1981.

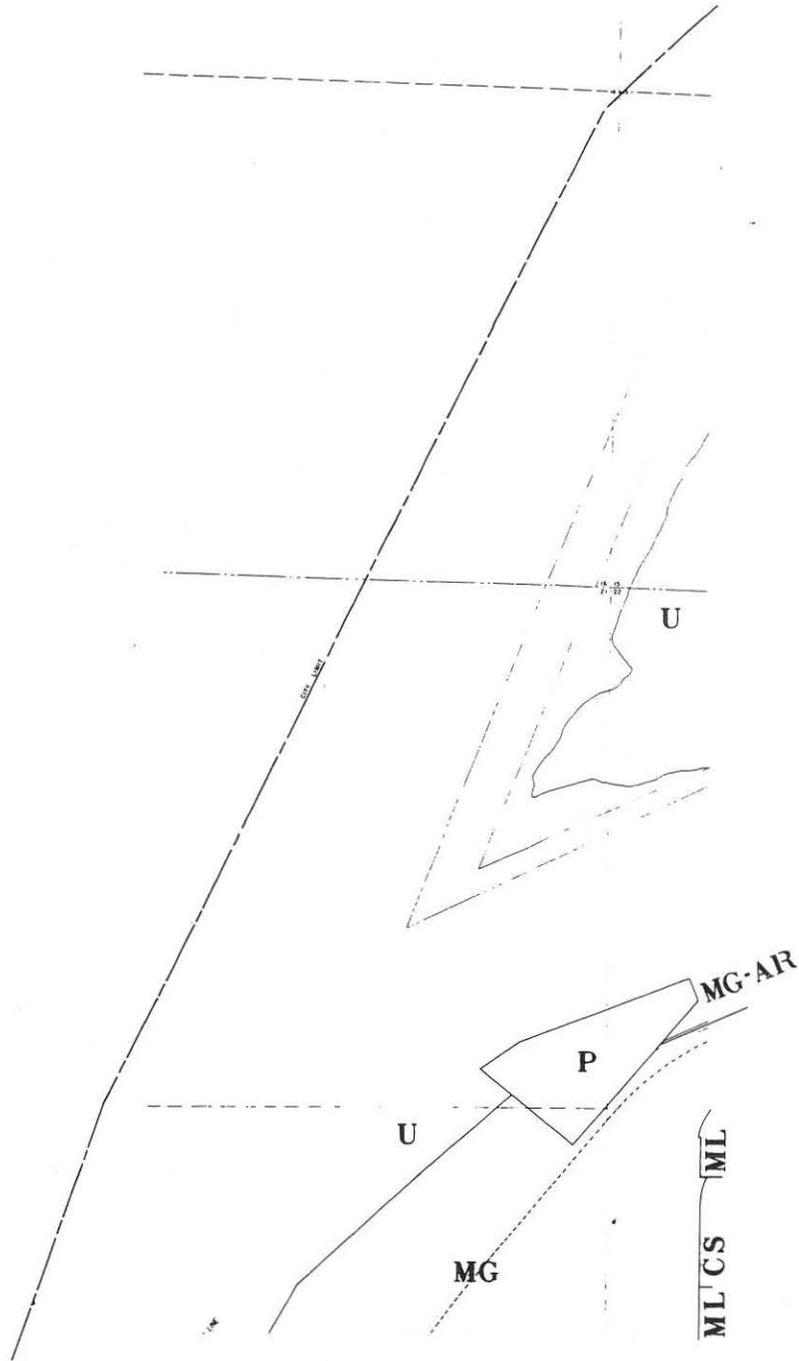
Reprint No. 39 - April 7, 1981

EUREKA MUNICIPAL CODE



Zoning Map No. 24, as amended by Ord 148-C.S., eff. March 20, 1973, Ord. 195-C.S., eff. January 5, 1973, Ord. 235-C.S., eff. September 6, 1974, Ord. 241-C.S., eff. January 3, 1975, Ord. 265-C.S., eff. October 22, 1976, and Ord. 272-C.S., eff. June 16, 1977.

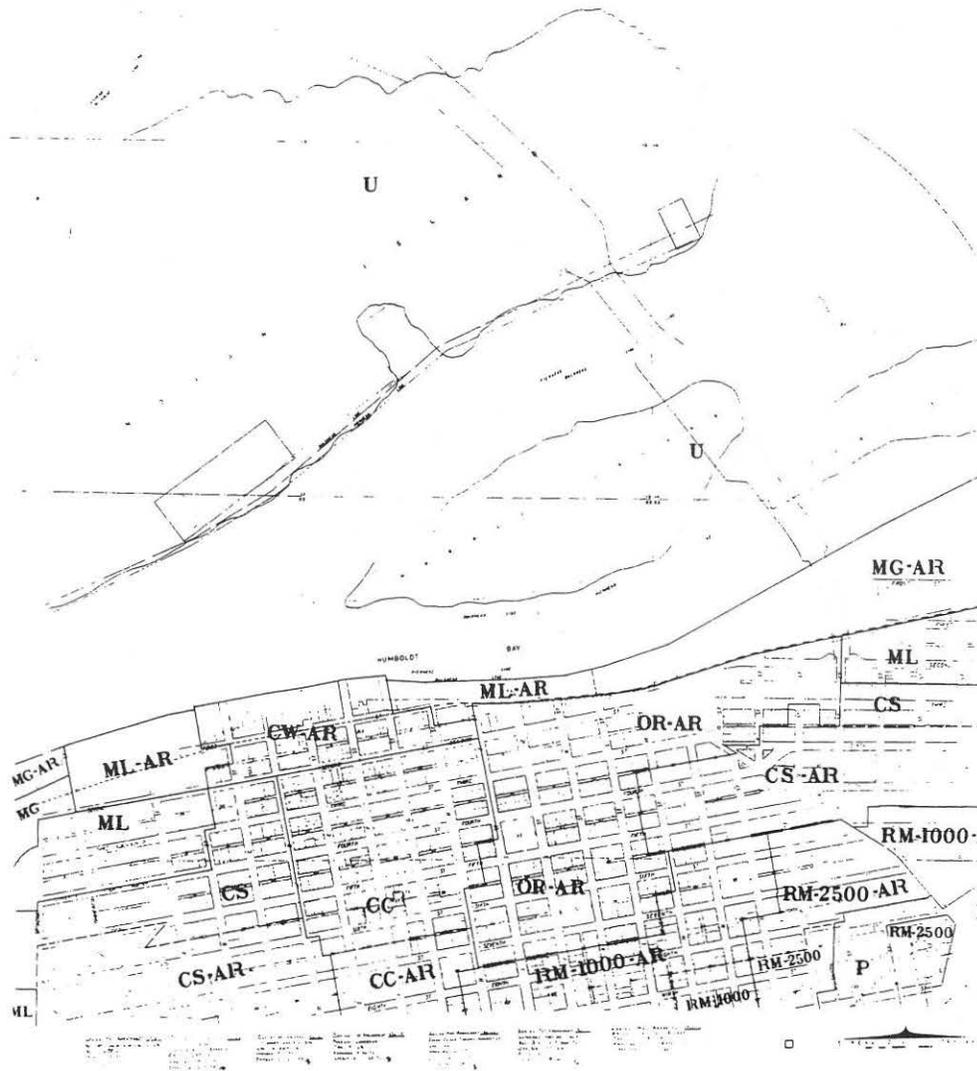
EUREKA MUNICIPAL CODE



Zoning Map No. 28, as amended by Ord. 147-C.S., eff. August 21, 1970, and Ord. 166-C.S., eff. July 2, 1971.

Reprint No. 23 - October 14, 1971

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Zoning Map No. 29, as amended by Ord. 118-C.S., eff. April 5, 1969, Ord. 147-C.S., eff. August 21, 1970, Ord. 166-C.S., eff. July 2, 1971, Ord. 191-C.S., eff. October 20, 1972, Ord. 207-C.S., eff. June 1, 1973, Ord. 249-C.S., eff. June 7, 1975, and Ord. 288-C.S., eff. February 3, 1978.

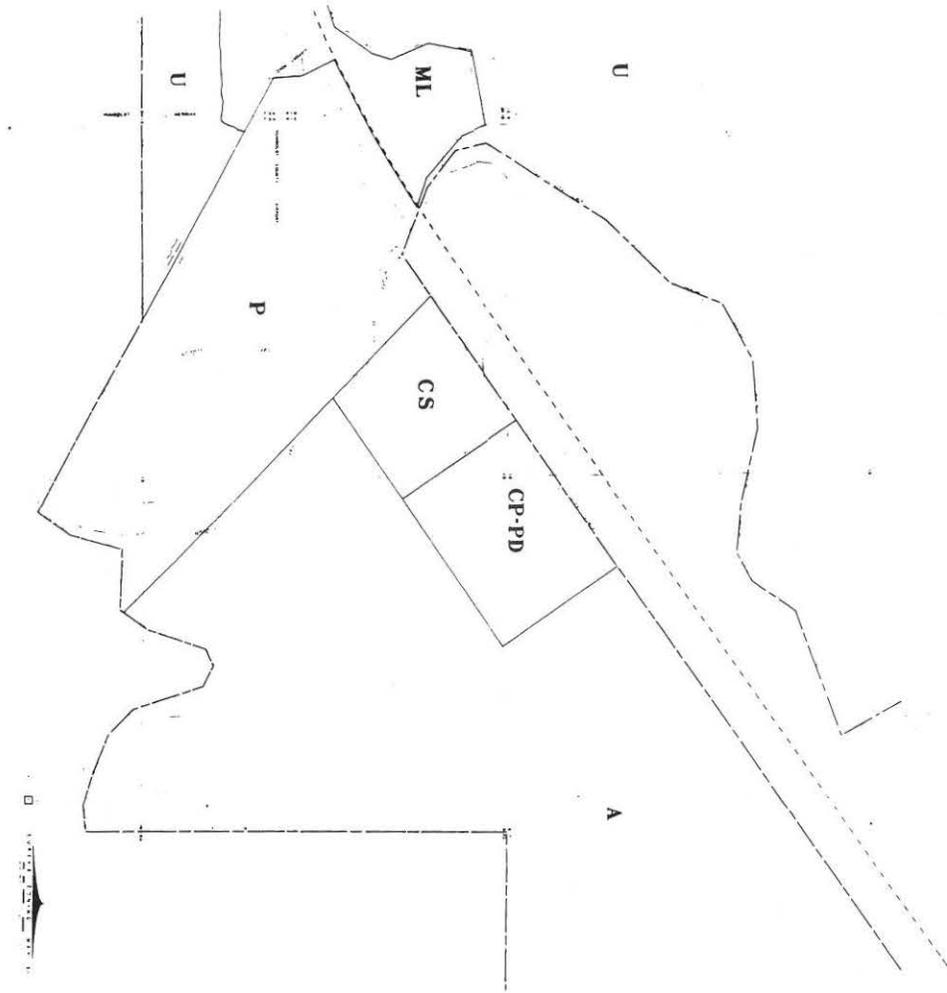
Reprint No. 35 - November 10, 1978

EUREKA MUNICIPAL CODE

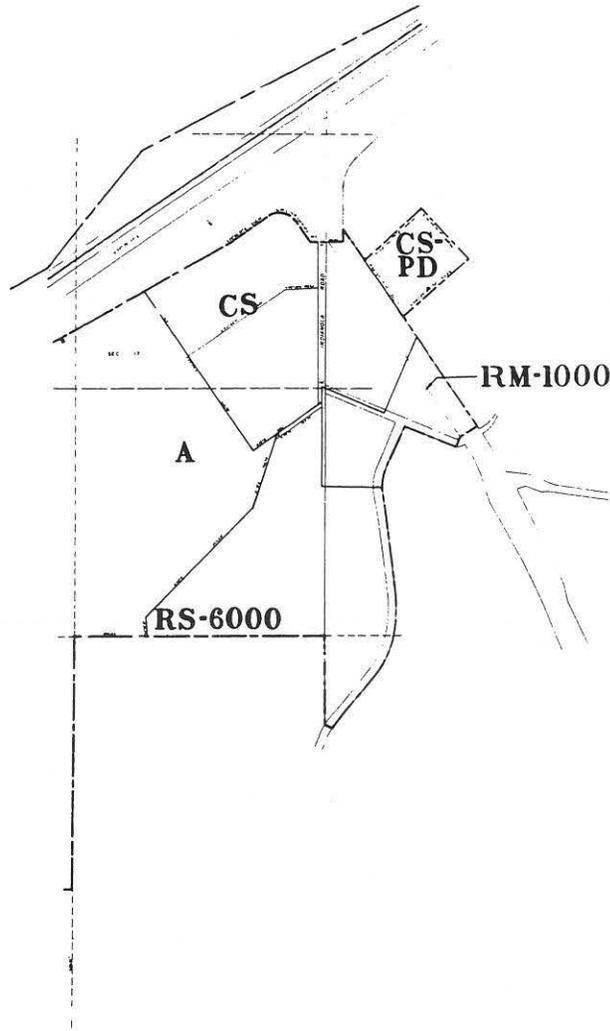
See Filing Instruction Sheet pertaining to Reprint No. 39.

Zoning Map No. 30, as amended by Ord. 127-C.S., eff. August 23, 1969, Ord. 147-C.S., eff. August 21, 1970, Ord. 167-C.S., eff. July 2, 1971, Ords. 191-C.S., and 192-C.S., eff. October 20, 1972, Ord. 214-C.S., eff. August 17, 1973, Ord. 254-C.S., eff. September 10, 1975, Ord. 272-C.S., eff. June 16, 1977 and Ord. 329-C.S. eff. November 21, 1980.

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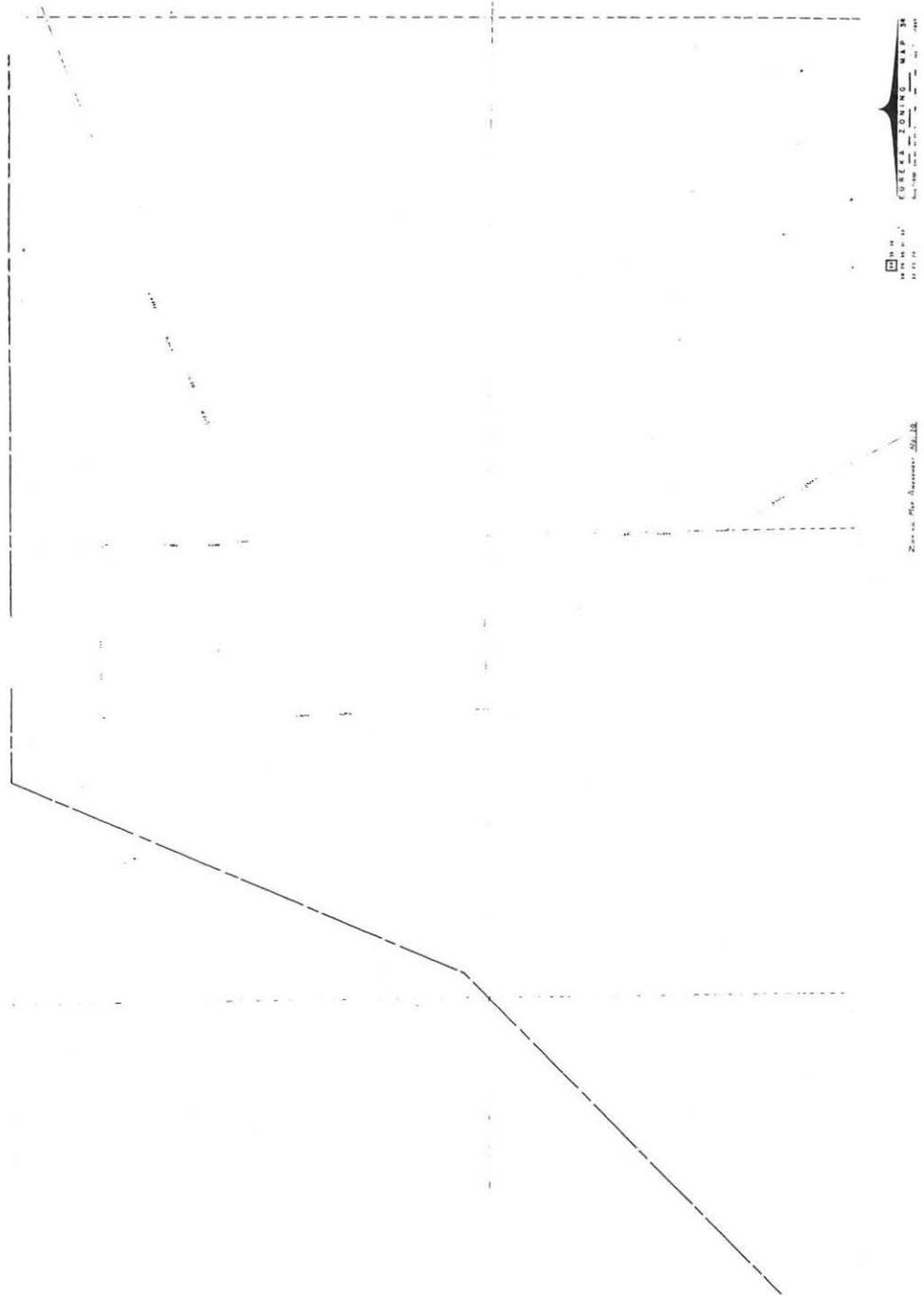


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Zoning Map No. 32, as amended by Ord. 186-C.S., eff. June 16, 1972, and Ord. 267-C.S., eff. November 5, 1976.

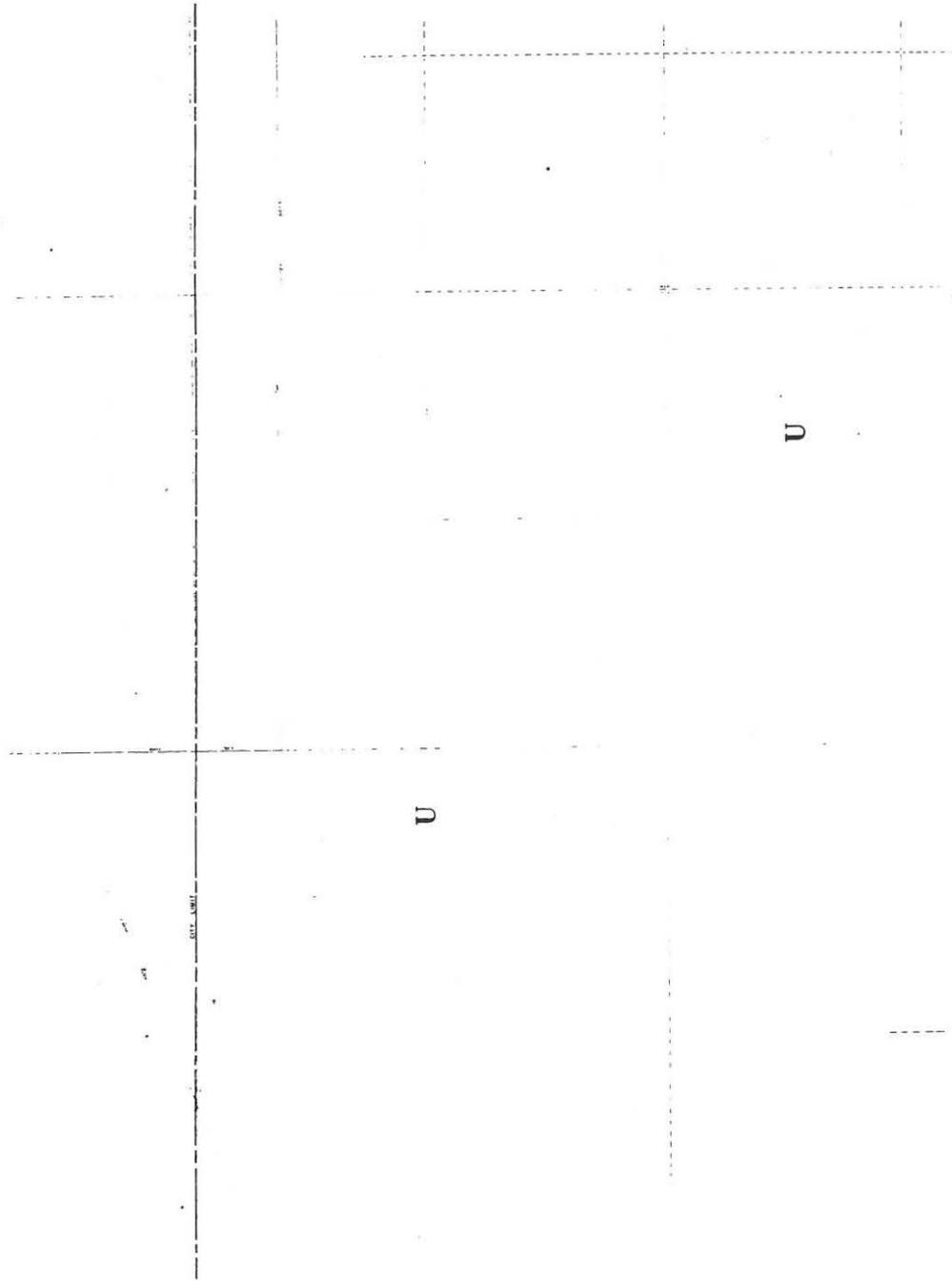
EUREKA MUNICIPAL CODE



Zoning Map No. 34, as amended by Ord. 166-C.S., eff. July 2, 1971.

Reprint No. 23 - October 14, 1971

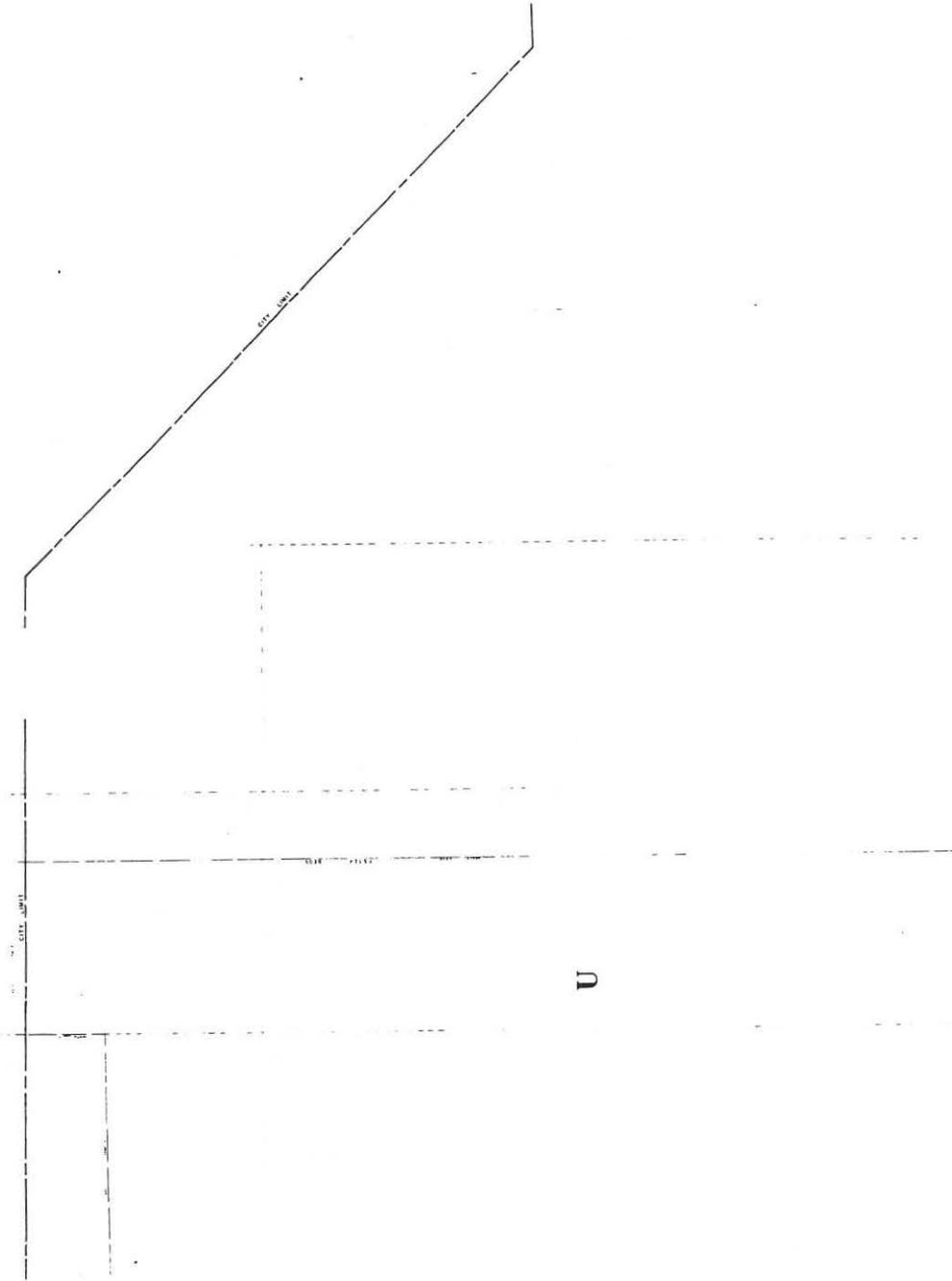
EUREKA MUNICIPAL CODE



Zoning Map No. 35, as amended by Ord. 166-C.S., eff. July 2, 1971.

Reprint No. 23 - October 14, 1971

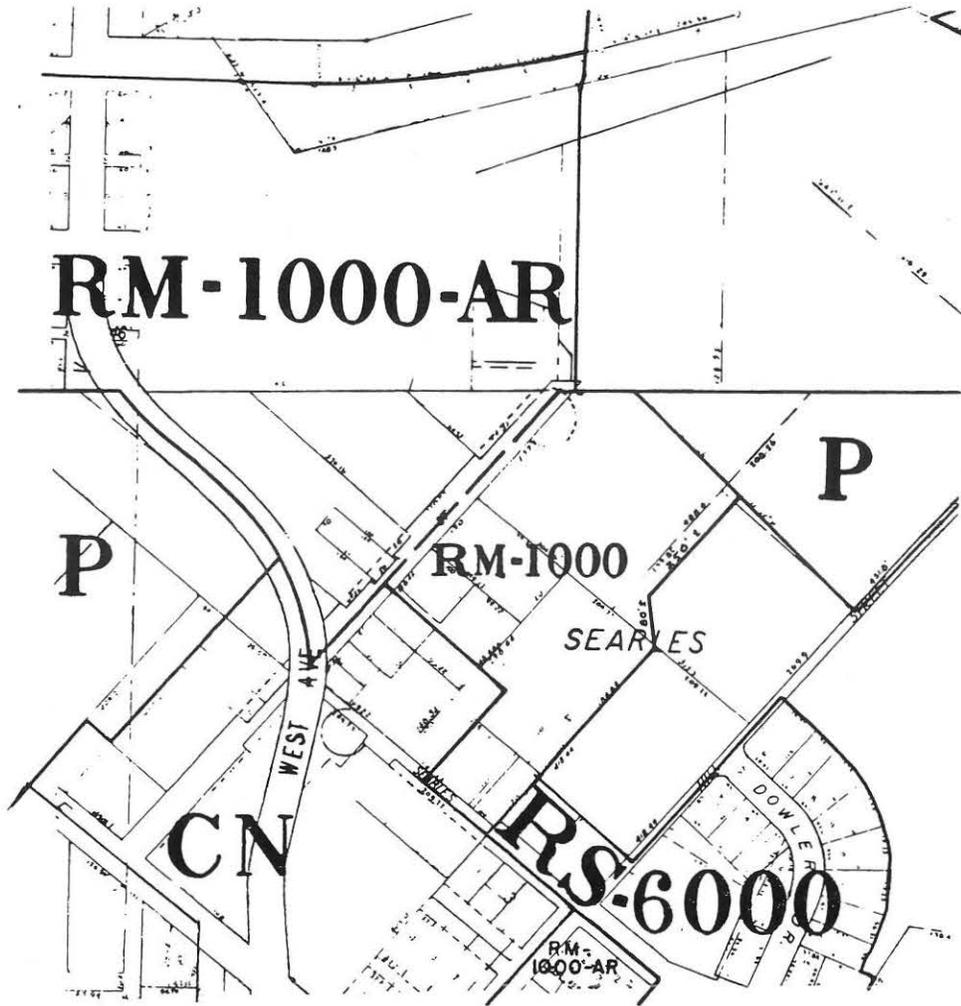
EUREKA MUNICIPAL CODE



Zoning Map No. 36, as amended by Ord. 166-C.S., eff. July 2, 1971.

Reprint No. 23 - October 14, 1971

EUREKA MUNICIPAL CODE



Zoning Map No. 38 as amended by Ord. 329-C.S., eff. November 21, 1980.

Reprint No. 40 - July 7, 1981

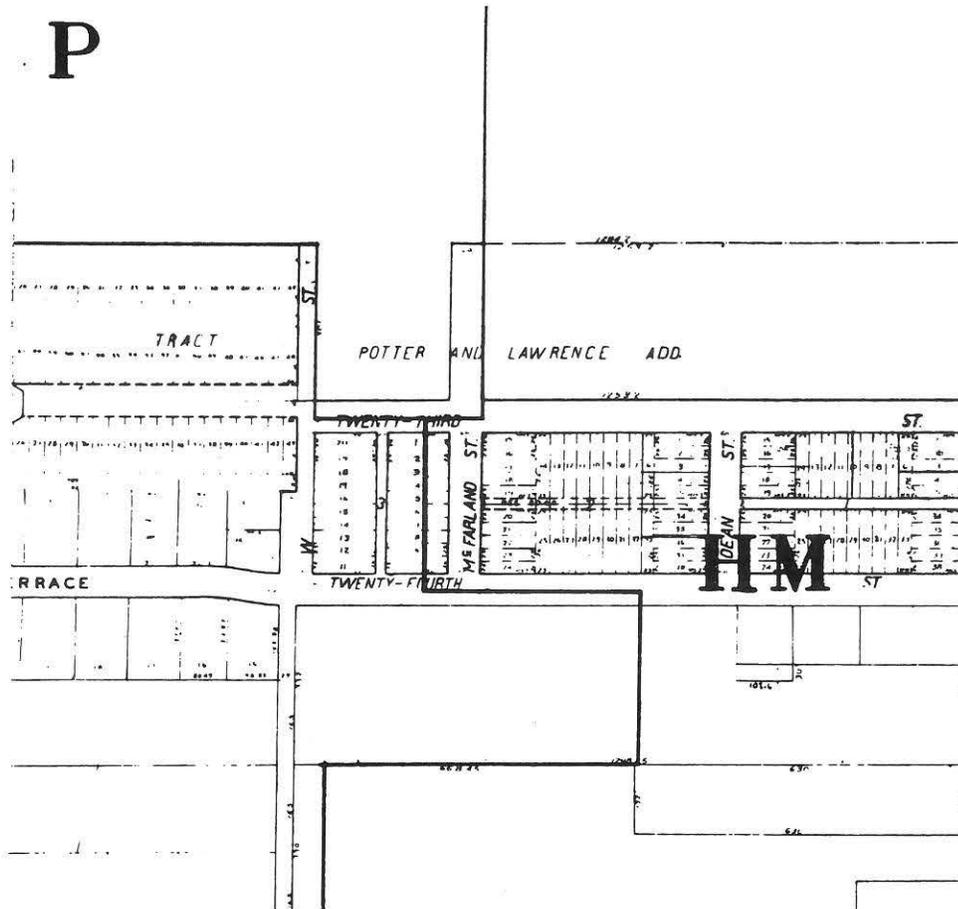
EUREKA MUNICIPAL CODE



Zoning Map No. 39 as amended by Ord. No. 333-C.S., eff. March 19, 1981.

Reprint No. 40 - July 7, 1981

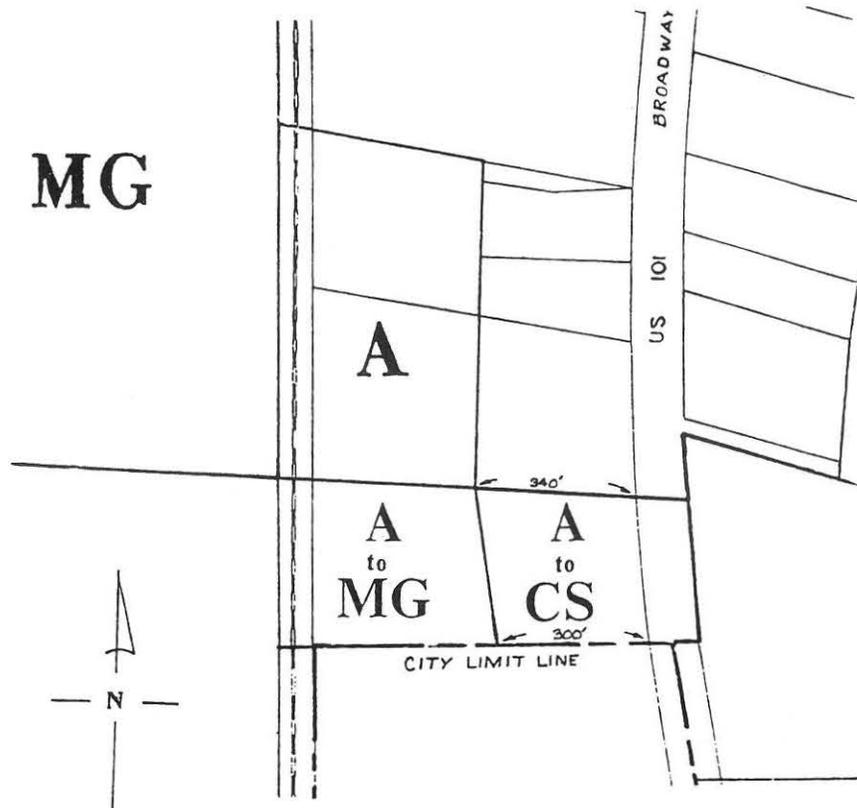
EUREKA MUNICIPAL CODE



Zoning Map No. 40 as amended by Ord. No. 339-C.S., eff. June 4, 1981.

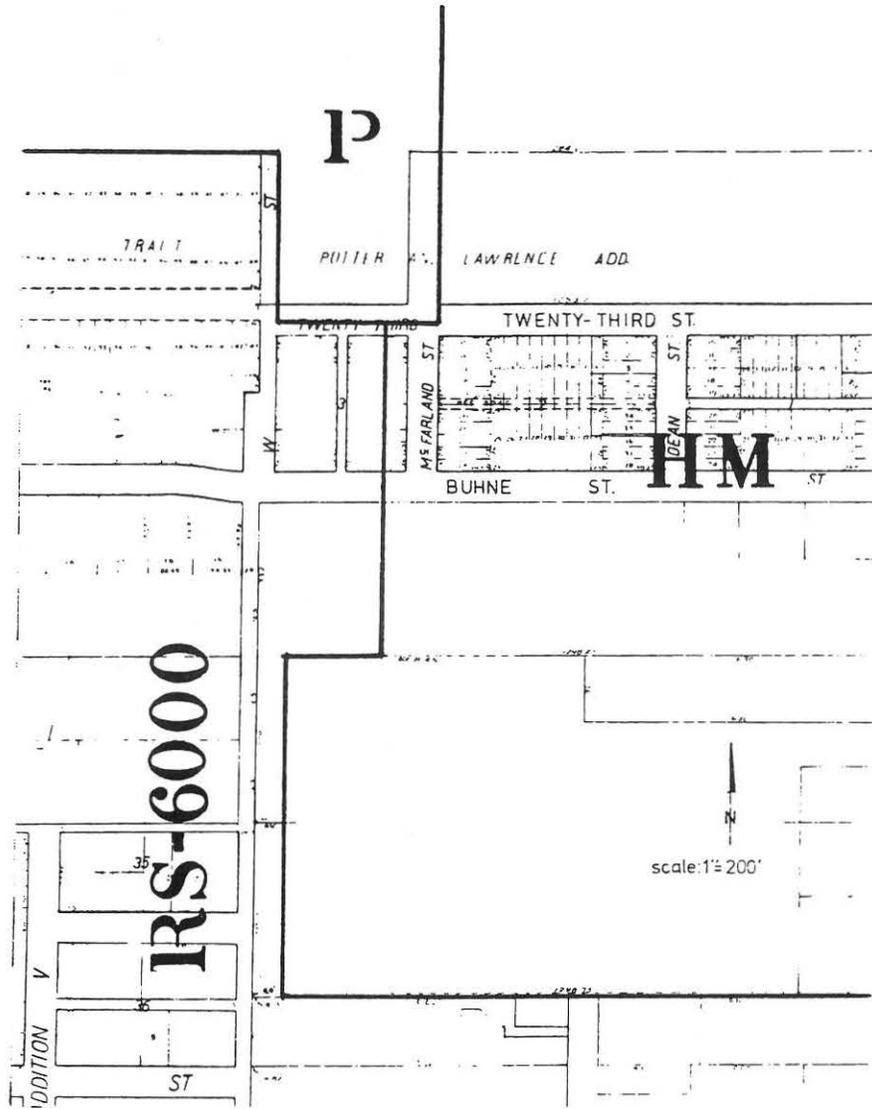
Reprint No. 40 - July 7, 1981

EUREKA MUNICIPAL CODE



Zoning Map No. 42, as amended by Ordinance No. 348 C.S., eff. October 16, 1981.

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Zoning Map No. 43, as amended by Ordinance No. 352 C.S., eff. November 20, 1981.

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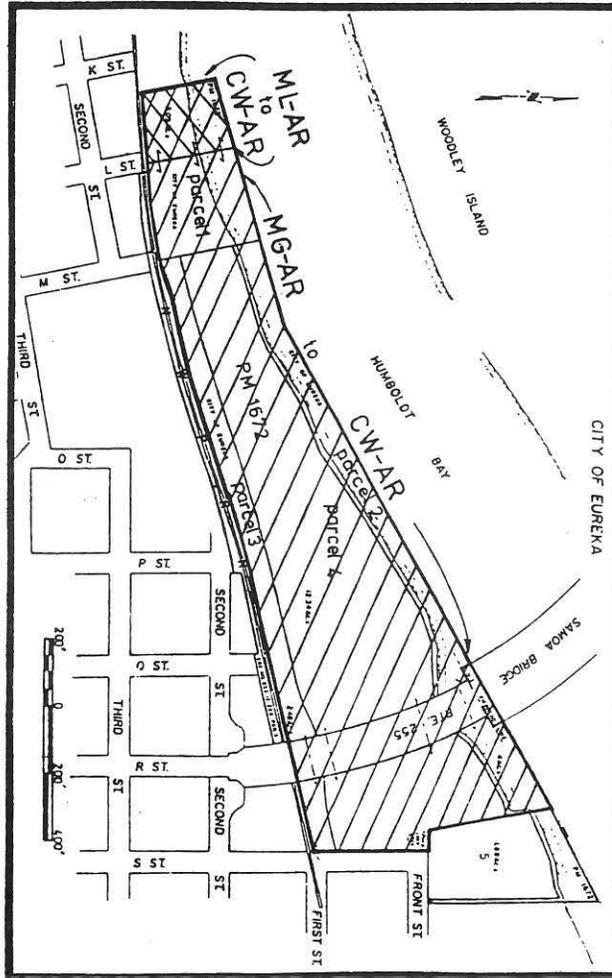


EXHIBIT "A"

Zoning Map No. 44 as amended by Ordinance No. 355-C.S., eff. January 1, 1982.