

Title 18

ZONING

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Chapter 18.04

GENERAL PROVISIONS

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18.04.010 Adoption of zoning ordinance. There is adopted a precise zoning plan for the city. (Ord. 23-1976 Art. 1, §1.02, 1976)

18.04.020 Purpose. The purpose of this title is to promote the growth of the city in an orderly manner and to promote and protect the public health, safety, peace, morals, comfort and general welfare. (Ord 26-1976 Art. 2, §2.01, 1976)

18.04.030 Content. The zoning or districting plan effectuated by this title consists of the establishment of various districts, including all territory within which the use of land, buildings, the space for buildings, and the height and bulk of buildings are regulated. (Ord. 23-1976 Art. 2, §2.02, 1976)

18.04.040 Conformance with title. No building or structure shall be erected, reconstructed or structurally altered in any manner, nor shall any building or land, the space above or beneath, be used for any purpose other than as permitted by law, and in conformance with the ordinance codified in this title and all other ordinances, laws and maps referred to in this title. (Ord. 26-1976 Art 2, §2.03, 1976)

18.04.050 Short Title. This title shall be known by the following short title: "the city zoning ordinance." (Ord. 26-1976 Art 2, §2.04,1976)

18.04.060 Interpretation. When interpreting and applying the provisions of this title, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically provided in this title, it is not intended by the adoption of this title to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law, or ordinance, or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the erection, construction, maintenance, establishment, moving, alteration or enlargement of any building or improvement; nor is it intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases where this title imposes a greater restriction upon erection, construction, maintenance, establishment, moving, alteration or enlargement of buildings, or the use of any such building or premises in several districts or any of them, than is imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, then in such case the provisions of this title shall control. (Ord. 26-1976 Art. 11, §11.01, 1976)

18.04.070 Terms. In this title, the present tense shall include the future, the singular number shall include the plural and the plural the singular. (Ord. 26-1976 Art. 11, §11.02,1976)

Chapter 18.08

DEFINITIONS

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18.08.010 Generally.

A. For the purposes of this title certain terms are defined. Words used in the present tense shall include the future; words used in the singular shall include the plural; the word "shall" is mandatory, and the word "may" is permissive.

B. Definitions of the terms used in this title are set forth as follows in this chapter. (Ord. 26-1976, Art. 13 §§13.01, 13.02 (part), 1976)

18.08.020 Alley. "Alley" means a public or private thoroughfare which affords only a secondary means of access to abutting property. (Ord. 26-1976, Art. 13 §13.02(a), 1976)

18.08.030 Apartment. "Apartment" means a family unit contained in a multiple dwelling. (Ord. 26-1976, Art 13 §13.02(b), 1976)

18.08.040 Block. "Block" means all property fronting upon one side of a street, between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, dead-end street or subdivided land. An intercepting street shall determine only the boundary of the block on the side of a street which it intersects. (Ord. 26-1976, Art. 13 §13.02(c), 1976)

18.08.050 Boarding house. "Boarding house" means a building or portion thereof designed or used exclusively for residential occupancy other than a hotel or motel and where lodging and meals for three or more persons is provided for compensation. (Ord. 26-1976, Art. 13 §13.02 (d), 1976)

18.08.060 Building. "Building" Means any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal or property. Such structure shall be permanently attached to the real property at a fixed location or in the event of a mobile home or manufactured housing, installed as required by state law such that the same is taxed as real property. (Ord. 46-1981 S1, 1981: Ord, 45-1981 S 1, 1981: Ord. 26-1976, Art. 13 §13.02 (e), 1976)

18.08.070 Building, Accessory. "Accessory building" means a subordinate building, including shelters of pools, the use of which is incidental to that of the main building on the same lot, and/or building site, but not including living quarters, and which may or may not require a permanent attachment to the ground. Such accessory buildings may include construction shack, construction trailers and temporary office trailers. (Ord. 23-1976, Art. 13 §13.02 (f), 1976)

18.08.080 Building, main. "Main Building" means a building which is designed for or in which is conducted the principal use of the lot and/or building site on which it is located. (Ord. 26-1976, Art. 13 §13.02(g), 1976)

18.08.090 Building site.

"Building Site" means a lot or parcel of land occupies or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this title and having frontage on a dedicated street or private road or highway. (Ord. 23-1976, Art. 13 §13.02(h), 1976)

18.08.100 Business, retail. "Retail Business" means the retail sale of any article, substance or commodity within a building but not including the sale of lumber or other building materials. (Ord. 26-1976, Art. 13 §13.02(I), 1976)

18.08.110 Business, wholesale. "Wholesale Business" means the wholesale handling of any article, substance or commodity, but not including the handling of lumber or other building materials or the open storage or sale of any material or commodity, and not including the processing or manufacture of any product or substance. (Ord. 26-1976, Art. 13 §13.02(j). 1976)

18.08.120 Combining district. "Combining District" means any district in which the general district regulations are combined with those special districts provided for in this title for the purpose of adding additional special regulations. (Ord. 26-1976, Art. 13 §13.02(k), 1976)

18.08.130 District. "District" means a portion of the city within certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are set for buildings, all as set forth and specified in this title. (Ord. 26-1976, Art. 13 §13.02(l), 1976)

18.08.140 Dwelling. "Dwelling" means a building or portion thereof designed or used exclusively for residential occupancy, including one-family, two-family, three-family dwellings and apartments, multiple-family dwellings, but not including hotels, motels or boarding and rooming houses. (Ord, 26-1976, Art. 13 §13.02(n), 1976)

18.08.150---18.08.230

18.08.150 Dwelling, single family. “Single-family dwelling” means a building designed for or used to house not more than one family, including all necessary employees of such family. (Ord. 26-1976, Art. 13 §13.02(n), 1976)

18.08.160 Dwelling, two-family or duplex. “Two-family dwelling” or “Duplex” means a building containing not more than two kitchens, designed and/or used to house not more than two families, living independently of each other, including all necessary employees of such family. (Ord. 26-1976, Art. 13 §13.02(o), 1976)

18.08.170 Dwelling, multiple. “Multiple dwelling” means a building or a portion thereof, used and designed as a residence for three or more families living independently of each other and doing their own cooking in the building, including apartment houses, apartment hotels and flats, but not including motels, boarding houses and hotels. (Ord. 26-1976, Art. 13 §13.02(p), 1976)

18.08.180 Dwelling groups. “Dwelling groups” means a group of two or more detached or semidetached one-family, two-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, but not including motels, (Ord. 26-1976, Art 13 §13.02(q). 1976)

18.08.190 Family. “Family” means one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants. (Ord. 26-1976, Art. 13 §13.02 ®, 1976)

18.08.200 Fence. “Fence” means any device forming a physical barrier by means of hedge, wood, mesh, metal, chain, brick, stake, plastic or other similar materials. (ord. 26-1976, Art. 13 §13.02(s), 1976)

18.08.210 Garage or Carport. “Garage” or “Carport” means accessible and usable covered space of not less than ten feet by twenty feet per vehicle for storage of automobiles so located on the lot as to meet the requirements of this title for an accessory building, or if attached to the main building, to meet the requirements applicable to the main building. (Ord. 26-1976, Art. 13 §13.02 (t), 1976)

18.08.220 Guesthouse. “Guesthouse” Means a detached living quarters of a permanent type of construction and without kitchens or cooking facilities, and where no compensation of any form is received or paid. (Ord. 26-1976, Art. 13 §13.02 (u), 1976)

18.08.230 Home Occupation. “Home Occupation” means a use conducted on the premises by the occupant of the dwelling as a secondary use in connection therewith, and where there is no advertising signs, no display, no stock or commodity sold on the premises, no employees in connection therewith and no mechanical equipment designed to be used in connection therein, other than that necessary or convenient for domestic purposes. (Ord. 26-1976, Art 13 §13.02 (v), 1976)

18.08.240---18.08.320

18.08.240 Height of Building. “Height of Building” means the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof, excluding elevator equipment rooms, ventilating and air-conditioning equipment. (Ord. 26-1976, Art. 13 §13.02 (w), 1976)

18.08.250 Hotel. “Hotel” means any building or portion thereof containing six or more guest rooms used, let or hired out for compensation, whether the compensation for hire to be paid directly or indirectly, such building or portion thereof having one principal entryway or entrance, and a lobby or other public room common to all guest rooms. (Ord. 26-1976, Art 13 §13.02(x), 1976)

18.08.260 Junk Yard. “Junk Yard” means a lot or parcel used for the storage of junk, including scrap metals, salvage or other scrap materials, or for the dismantling or wrecking of automobiles or other vehicles or machinery whether for sale or storage. (Ord. 26-1976, Art. 13 §13.02 (y), 1976)

18.08.270 Local public utility use. “Local public utility use” means poles, wires and cables for local distribution of utility services; telephone transmission and distribution poles, wires and cables; underground gas and water distribution pipes and electric distribution; and telephone distribution and transmission cables. (Ord. 26-1976, Art. 13 §13.02 (z), 1976)

18.08.280 Lot. “Lot” means a building site. (Ord. 26-1976, Art. 13 §13.02 (aa), 1976)

18.08.290 Lot Depth. “Lot Depth” means the distance to the rear lot line measured along a normal to the front line of the lot taken at the midpoint of the street frontage. (Ord. 26-1976, Art. 13 §13.02 (bb), 1976)

18.08.300 Lot, exterior. “Exterior Lot” means a lot, one side or a lot line of which separates the side from a street. (Ord. 26-1976, Art. 13 §13.02(cc), 1976)

18.08.310 Lot, Hillside. “Hillside lot” means a lot which, prior to grading, has an average slope of fifteen percent or greater measured between the rear lot line and the front lot line, or between side lot lines; or a lot with a building site which lies at least fifteen feet above or below the building site of any adjacent lot. (Ord. 26-1976, Art. 13 §13.02 (dd), 1976)

18.08.320 Lot, Interior. “Interior Lot” means a lot, the side lot lines of which separate the sides from adjoining lots. (Ord. 26-1976, Art. 13 §13.02 (ee), 1976)

18.08.030---18.08.440

18.08.330 Lot Line. “Lot Line” means a line separating the frontage from a street; the side from a street or adjoining property; the rear or side from an alley or street or adjoining property. (Ord. 26-1976, Art 13 §13.02 (ff), 1976)

18.08.340 Lot line, exterior. “Exterior lot line” means a lot line separating the side of a lot from a street. (Ord. 26-1976, Art. 13 §13.02 (gg), 1976)

18.08.350 Lot line, front. “Front Lot Line” means the shortest dimension of a lot fronting on a street. (Ord. 26-1976, Art. 13 §13.02 (hh), 1976)

18.08.360 Lot Line Interior. “Interior lot line” means a lot line separating the side of a lot from adjoining property. (Ord. 26-1976, Art. 13 §13.02 (ii), 1976)

18.08.370 Lot Line, rear. “Rear lot line” means the lot line opposite or approximately opposite the front lot line. (Ord. 26-1976, Art. 13 §13.02(jj), 1976)

18.08.380 Lot Line, side. “Side Lot Line” means any lot line not a front or rear lot line. (Ord. 26-1976, Art. 13 §13.02 (kk), 1976)

18.08.390 Lot, reverse frontage. “Reverse frontage lot” means the first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot exclusive of the width of any alley and fronting on the street which intersects or intercepts the street upon which the corner lot fronts. (Ord. 26-1976, Art. 13 §13.02 (ll), 1976)

18.08.400 Lot, through. “Through Lot” means a lot having frontage on two parallel or approximately parallel streets. (Ord. 26-1976, Art. 13 §13.02 (mm), 1976)

18.08.410 Lot Width. “Lot width” means one-half of the total width of the front and rear lot lines, measured at right angles to the depth. (Ord. 26-1976, Art 13 §13.02 (nn), 1976)

18.08.420 Motel. “Motel” means a group of attached or semi-attached buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building; each room or unit with garage attached or parking conveniently located close by on the lot and which is designed, used or intended wholly or in part for the accommodation of transients and including auto court, motor court, motor lodge and motor hotel. (Ord. 26-1976, Art. 13 §13.02 (oo), 1976)

18.08.430 Nonconforming use. “Nonconforming use” means a use that does not conform to the regulations for the district in which it is situated. (Ord. 26-1976, Art. 13 §13.02 (pp), 1976)

18.08.440 Office. “Office” means a business establishment for rendering of service or administration, but not including retail sales. (ord. 26-1976, Art. 13 §13.02 (qq), 1976)

18.08.450 Parking Lot. “Parking lot” means any land used or intended to be used or provided for the parking of automobiles by any person whether for hire or to meet the

off-street parking space requirements of this title. (Ord. 26-1976, Art. 13 §13.02 (rr), 1976)

18.08.460 Parking space. “Parking space” means an accessible and usable space on the building site, or adjacent lot, at least nine feet by twenty feet, for parking of automobiles. (Ord. 26-1976, Art. 13 §13.02(ss), 1976)

18.08.480 Professional office. “Professional Office” means an office for the conduct of any one of the following uses: Accountant, architect, attorney, chiropractor, clergyman, dentist, doctor, engineer, optometrist, podiatrist, physical therapist, social worker, surveyor, and other similar uses which in the opinion of the planning commission meet the criteria implicated in the preceding designations; but not advertiser, barber, cosmetologist, contractor, pest control, pharmacy, private investigator, veterinary or other service establishment. (Ord. 26-1976, Art. 13 §13.02 (uu), 1976)

18.08.490 Public utility offices. “Public utility offices” means offices for business records and administration of public utilities. (Ord. 26-1976, Art. 13 §13.02 (ww), 1976)

18.08.500 Public utility service uses. “ Public utility service uses” means electric transmission substations and transmission lines, service yards and field operating centers, and gas storage holders. (ord 26-1976, Art 13 §13.02(ww), 1976)

18.08.510 Public utility substations. “Public utility substations” means communications equipment, buildings, electric distribution substations, public utility pumps, wells and valve stations. (Ord. 26-1976, Art 13 §13.02 (xx), 1976)

18.08.520 Resort. “Resort” means any development of property for public or private recreational use by ten or more owners purchasing interests in the property with no present intention to resell or otherwise dispose of the interest for value. (Ord 26-1976, Art. 13 §13.02 (rrr), 1976)

18.08.530 Rest home. “Rest home” means any premises licensed under Section 2300 or any replacing section of the Welfare and Institutions Code of the state. (Ord. 26-1976, Art. 13 §13.02 (yy), 1976)

18.08.540 Rooming House. “Rooming house” means a building or portion thereof designated or used exclusively for residential occupancy other than a hotel or motel and where lodging for three or more persons is provided for compensation. (Ord. 26-1976, Art. 13 §13.02 (zz), 1976)

18.08.550 Sanitarium or rest home. “Sanitarium” or “Rest home” means a health station or permanent retreat or other place where patients are housed, and where treatment is given, but excluding mental institutions or institutions for treatment of persons addicted to the use of drugs or alcohol. (Ord. 26-1976, Art 13 §13.02 (aaa), 1976)

18.08.560---18.08.650

18.08.560 School. “School” means a public, private or parochial general educational institution but not including a school devoted to instruction in particular crafts or skills such as dancing, business colleges, beautician and barber schools. (Ord. 26-1976, Art. 13 §13.02 (bbb), 1976)

18.08.570 School, trade. “Trade School” means a private educational facility devoted to instruction in particular crafts, trades or skills such as dancing, business colleges, beautician and barber schools, radio and television schools. (Ord. 26-1976, Art. 13 §13.02 (ccc), 1976)

18.08.580 Setback lines. “Setback lines” means lines established by this title to govern the placement of buildings or structures with respect to lot lines, streets or alleys. (Ord. 26-1976, Art 13 §13.02 (ddd), 1976)

18.08.590 Side and front of corner lots. For the purpose of this title, the narrowest frontage of a corner lot facing the street is the front, and the longest frontage facing the intersecting street is the side, irrespective of the direction in which the dwelling faces. (Ord. 26-1976, Art. 13 §13.02 (eee), 1976)

18.08.600 Signs. “Signs” means any advertising, informational or directional display or structure. (Ord. 26-1976, Art. 13 §13.02 (fff), 1976.

18.08.610 Street. “Street” means a public thoroughfare which affords principal means of access to abutting property, including avenue, place, way, drive, lane boulevard, highway, road, and any other thoroughfare except an alley as defined in this chapter. (Ord. 26-1976, Art 13 §13.02 (ggg), 1976)

18.08.620 Street line. “Street Line” means the boundary between a street right-of-way and property. (Ord. 26-1976, Art. 13 §13.02 (hhh), 1976)

18.08.630 Structure. “Structure” means anything constructed or erected, the use of which requires location on or in the ground, or attachment to something having location on the ground, including swimming pools, but excluding driveways, patios or parking spaces. (Ord. 26-1976, Art. 13 §13.02 (iii), 1976)

18.08.640 Structural alterations. Means any change in the supporting members of a structure, such as bearing walls, columns, beams or girders. (Ord. 26-1976, Art 13 §13.02 (jjj), 1976)

18.08.650 Trailer park. “Trailer park” means land or premises used or intended to be used, let or rented for occupancy by one or more trailers, movable dwellings, rooms or sleeping quarters of any kind including trailer courts and mobile home parks. (Ord. 26-1976, Art. 13 §13.02 (kkk), 1976)

18.08.660---18.08.710

18.08.660 Use. “Use” means the purpose for which land or a building is designated, arranged or intended or for which either land or building is or may be occupied or maintained. (Ord. 26-1976, Art. 13 §13.02 (lll), 1976)

18.08.670 Use, accessory. “Accessory use” means a use incidental or subordinate to, and devoted exclusively to the main use of a lot or building located on the same lot. (Ord. 26-1976, Art. 13 §13.02 (mmm), 1976)

18.08.680 Yard. “Yard” means an open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise permitted in this title. (Ord. 26-1976, Art. 13 §13.02 (nnn), 1976)

18.08.690 Yard, front. “Front Yard” means a yard extending across the front of the lot between the side lot lines and measured from the front line of the nearest line of the building; provided, however, that if any official plan line has been established for the street upon which the lot faces, the front yard measurement shall be taken from such official plan line to the nearest line of the building. (Ord. 26-1976, Art. 13 §13.02(ooo), 1976)

18.08.700 Yard, rear. “Rear Yard” means a yard extending across the full width of the lot and measured between the rear line of the lot and nearest line of the main building. (Ord. 26-1976, Art. 13 §13.02(ppp), 1976)

18.08.710 Yard, side. “Side Yard” means a yard between the side line of the lot and the nearest line of the building and extending from the front yard of the lot to the rear yard. (Ord. 26-1976, Art. 13 §13.02(qqq), 1976)

Chapter 18.12
ZONING DISTRICT AND ZONING MAP

Sections:

- 18.12.010 District established.
- 18.12.020 Zoning Map.
- 18.12.030 Zoning district boundaries.

18.12.010 Districts established. The several districts established are as follows:

- A. Single-family residential or R-1 district;
- B. Duplex residential or R-2 district;
- C. Multiple family residential or R-3 district;
- D. Residential-professional or RPO district;
- E. Retail business or C-1 district;
- F. General commercial or C-2 district;
- G. Industrial or M district;
- H. Mobile home park or MH district;
- I. Combining floodplain I of F-1 district;
- J. Combining floodplain II of F-2 district;
- K. Combining parking or P district. (Ord. 26-1976, Art. 3 §3.02, 1976)

18.02.020 Zoning Map. The designation, locations and boundaries of the districts established are delineated upon the map entitled, "Town of Fort Jones, California, Zoning Map," dated July 19, 1976, which map and all notations and information thereon are made a part of this title by reference, which map is on file in the office of the city clerk. (Ord. 26-1976, Art. 3 §3.02, 1976)

18.12.030 Zoning district boundaries. Where any uncertainty exists as to the correct location of any zoning district boundary shown on the zoning map referred to in Section 18.12.020, it shall be the duty of the planning commission to establish the correct location thereof in accordance with the intent of this title. (Ord. 26-1976, Art. 5 §5.15, 1976)

Chapter 18.16

ESTABLISHMENT OF SPECIFIC DISTRICT REGULATIONS

Sections:

18.16.010	R-1 District.
18.16.020	R-2 District.
18.16.030	R-3 District.
18.16.040	RPO District.
18.16.050	C-1 District.
18.16.060	C-2 District.
18.16.070	M District.
18.16.080	MH District.
18.16.090	P combined parking district.
18.16.100	F-1 combining floodplain district.
18.16.110	F-2 combining floodplain district.

18.16.010 R-1 district

Subject to the provisions of Chapter 18.20 none but the following uses, or uses which in the opinion of the planning commission are similar, will be allowed	Use Permit Required	Minimum Building Site (sq. ft.) Corner	Int	Minimum Lot Width (feet) Corner	Int	Maximum Allowable Lot Coverage By all Structure	Maximum Allowable height (feet)	Minimum Front Yard Req. (feet)	Minimum Side Yard Req. (feet) Corner	Int.	Minimum Rear Yard Req. (feet) Corner	
Single-Family Dwellings	No	7200	6000	70	60	40%	35	20	15	10	15	
Accessory buildings, if constructed with or subsequently to the main building or use.	No					40%	20	20	5	5	1	
Second single-family dwelling, when prior to the zoning ordinance a single-family dwelling existed on the rear half of the lot	Yes					60%	35	20	15	10	10	
Churches, parks Playgrounds, Hospital Public Building, Schools	Yes	10,000	10,000	70	60	60%	45	20	15	10	20	
Home occupations Crop and Tree Farming	Yes	As noted in the use permit.										
1 sign- not over 4 sq.ft. in area and pertaining only to the sale, lease or rental of the property on which the sign is located	No						5					

(ord. 26-1976, Art. 4 §4.01, 1976)

Subject to the provisions of chapter 18.20 none but the following uses, or uses which in the the lanning commission are similar, will be allowed	Use permit required	Minimum Building site (sqr.ft.) Corner	Int	Minimum Lot Width (feet) Corner	Int	Maximum Allowable Lot Coverage By all Structures	Maximum Allowable Height (feet)	Minimum Front Yard Required (feet)	Minimum Side Yard Required (feet) Corner	Int	Minimum Rear Yard Required (feet) Corner	Int	Minimum Lot Area	
All uses permitted in R-1 district	No	All specified in the R-1 district, Section 18.16.010.												
Duplex – Single Structure	No	7200	7200	70	60	50%	35	20	15	10	15	10		
All uses permitted in R-1 District Duplex- Single structure	No No	Section 18.16.010 7200	7200	70	60	50%	35	20	15	10	15	10	3600	1 Garage or Carport

(ord. 26-1976, Art. 4§4.02, 1976)

18.16.030 R-3 District.

Subject to the provisions of Chapter 18.20 none but the following uses, or uses which in the opinion of the planning commission are similar, will be allowed	Use Permit required	Minimum Building Site (sq. ft.) Corner	Int	Minimum Lot Width (feet) Corner	Int	Maximum Allowable Lot Coverage By all Structure	Maximum Allowable height (feet)	Minimum Front Yard Req. (feet)	Minimum Side Yard Req. (feet) Corner	Int.	Minimum Rear Yard Req. (feet) Corner	Int	Minimum Lot Area Per Family Unit (sq. ft)	Minimum Off-Street Parking Space Req.	
All uses permitted in R-2 District	No	As per Section 18.16.020													
Multi-family dwellings, apartments, condos	No	7200	7200	70	60	75%	45	15	10	6	15	10	1200	1 garage or carport per dwelling unit	
Dwelling groups	Yes	7200	7200	70	60	75%	35	15	10	6	15	10	1200	1 garage or carport per dwelling unit	
Hotel, motel, rooming and boarding house Lodge, club, rest home, clinic	Yes	7200	7200	70	60	75%	45	15	10	6	15	10	1000	1 parking space for each room 1 parking space for each motel unit 1 space for each 6 seats in any assembly hall	
Professional offices	Yes	6000	6000	70	60	75%	35	15	10	6	15	10		1 parking space for each 200 ft of gross floor area	
Single-family or duplex dwellings	No	6000	6000	70	60	60%	35	20	10	6	15	10	1200	1 garage or carport per dwelling unit	
Professional offices, separate or combined with single-family dwelling	No	6000	6000	70	60	75%	35	20	10	6	15	10	3600	1 space per dwelling unit and 1 space per each 300 sq ft of office space	

Subject to the provisions of Chapter 18.20 none but the following uses, or uses which in the opinion of the planning commission are similar, will be allowed	Use Permit required	Minimum Building Site (sq. ft.) Corner	Int	Minimum Lot Width (feet) Corner	Int	Maximum Allowable Lot Coverage By all Structure	Maximum Allowable height (feet)	Minimum Front Yard Req. (feet)	Minimum Side Yard Req. (feet) Corner	Int.	Minimum Rear Yard Req. (feet) Corner	Int	Minimum Off-Street Parking Space Req.
The following shops and stores: Apparel, bars, bakery (retail only), banks, barber, beauty, book, cleaning agencies, confectionary, department, florist, food gift, hardware, jewelry, millinery, newsstands, office buildings, parking lots (approved by city engineer), personal service establishments, photographers, restaurants, shoe repair, variety.	No	2500	2500	30	30	100%	45	0 except 10ft when adjacent to an R district					None—unless combined with a P district, Section 18.16.090
Laundrettes, liquor stores, theaters, service stations, public utility uses but not including equipment yards, warehouse or repair shop, retail sales and personal services not within a building.	Yes	2500	2500	30	30	100%	45	0 except 10 ft when adjacent to an R-district					None— Unless combined with a P-District.
Signs- pertaining to any permitted use	Yes						35	Use permit					
Residential uses, hotels, motels	Yes			As specified in the R-3 district, Section 18.16.030, and the RPO district, Section 18.16.040.									
All uses permitted in C-1 District	No			As specified in the C-1 district, Section 18.16.050.									
Animal hospital, auto sales and service, automotive body repair, auto body and paint shop, commercial recreation, creameries, dry cleaners, heavy equipment, sales and service, laundry, locker plant, mortuary, nursery, plumbing shop, secondhand sales, sheet metal shop, tire shop, wholesaling.	No	2500	2500	30	30	100%	45	0 – except 10 ft. when adjacent to an R-district					None— Unless combined with a P district
The following uses when conducted in a building or surrounded by a solid fence of board, masonry, or otherwise suitable material at least 6 ft. high: Blacksmith shop, bottling plant, building materials, cabinet shop, cold storage, contractors yard, feed and fuel yard, food processing, lumber yard, machine shop, outdoor storage and sales, pipe yard, public utility service yard, warehousing.	No	2500	2500	30	30	100%	45	0 – except 10 ft. when adjacent to an R-District					None – unless combined with a P district
Living quarters included in any commercial building or use	No	2500	2500	30	30	100%	45	0	0	0	0	0	None—unless combined with a P-district
Signs – pertaining to any permitted use.	Yes							35	Subject to conditions of use permit				

18.16.070 M District

Subject to the provisions of Chapter 18.20 none but the following uses, or uses which in the opinion of the planning commission are similar, will be allowed	Use Permit required	Minimum Building Site (sq. ft.) Corner	Int	Minimum Lot Width (feet) Corner	Int	Maximum Allowable Lot Coverage By all Structure	Maximum Allowable height (feet)	Minimum Front Yard Req. (feet)	Minimum Side Yard Req. (feet) Corner	Int.	Minimum Rear Yard Req. (feet) Corner	Int	Minimum Off-Street Parking Space Req.
Any uses permitted in the C-2 district, except residential uses, hotel, motel, churches and playgrounds	No	2500	2500	70	60	100%	60	0	0 – except 10ft when adjacent to an R district			None— Unless combined with a P district	
Wholesale stores and storage, service establishments, light and heavy industrial and manufacturing uses, which, in connection with, there is no appreciable offensive or objectionable odor, dust, noise or other nuisance factor.	No	2500	2500	70	60	100%	60	0	0 – except 10 ft when adjacent to an R district			1 parking space for each 200 sq. ft. of floor space	
Industrial or manufacturing uses, which, in the opinion of the planning commission, may be objectionable by reason of the production of offensive odors, dust, noise, bright lights, vibration, or involving the storage or handling of explosives or dangerous materials, and including, but not limited to those uses listed hereunder: Auto wrecking, bituminous paving plants and manufacturing of bituminous paving products, commercial excavation of building or construction materials, concrete batching plants, junk yards, manufacturing or storage of acids, cement, explosives or fireworks, fertilizer, gas, glue, gypsum, inflammable fluids, lime or plaster of Paris, refining or storage of petroleum or its products, salvage or war surplus yards, smelting of iron, tin or other ores, stockyards or slaughter of animals	Yes	10,000	10,000	70	60	100%	60	0 – except 10 ft when adjacent to an R district			1 parking space for each 200 sq ft of floor space, or each three employees		
Retail sales and personal service establishment	Yes	2500	2500	70	60	100%	60	0 – except 10 ft when adjacent to an R district			1 parking space per unit		
Residential use only when accessory to industrial or commercial uses	Yes	As required for principal industrial or commercial use.											
Signs—appurtenant to permit use	No						35						
Outdoor advertising signs and structures	Yes						35						
Campground, trailer court, mobile home park	Yes	1 acre	70	60	60%	35	15	15	0 – except 10 ft. when adjacent to an R District			1.5 parking spaces per unit. Garage or carport per family unit for attendants residence	
Restaurant or coffee shop, limited to groceries and necessary supplies pertinent to the primary use, and where entrance to such is from lobby or court without direct access from the street.	Yes	Same as primary use.											

18.16.090 P combined parking district.

Subject to the provisions of Chapter 18.20 none but the following uses, or uses which in the opinion of the planning commission are similar, will be allowed	Use Permit required	Minimum Building Site (sq. ft.) Corner	Int	Minimum Lot Width (feet) Corner	Int	Maximum Allowable Lot Coverage By all Structure	Maximum Allowable height (feet)	Minimum Front Yard Req. (feet)	Minimum Side Yard Req. (feet) Corner	Int.	Minimum Rear Yard Req. (feet) Corner	Int	Minimum Off-Street Parking Space Req.
All uses in the district with which the P district is combined, provided that if the regulations of this section impose different regulations, the regulations of this district shall control.	As specified in the district with which the P district is combined											1 Parking space for each 200 sq ft of gross floor are in retail store and service stations. 1 parking space for each 6 seats in theaters, restaurants, bars and all public assembly places. 1 parking space for each two employees in industrial and manufacturing uses, but not less than 1 space per each 2000 sq ft of gross use area.	

(Ord. 26-1976, Art 4§4.09, 1976)

18.16.100 F-1 combining floodplain district.

Subject to the provisions of Chapter 18.20 none but the following uses, or uses which in the opinion of the planning commission are similar, will be allowed.	Use Permit Required
All uses in the district with which the F-1 district is combined, provided that if the regulations of this section impose different regulations, then regulations of this district shall control	<p>Only the following uses are allowed in this zone: The growing and harvesting of field crops, vines, vegetable and horticultural specialties, excluding tree crops, the grazing of sheep, goats, horses, mules, bovine animals, and other domesticated quadrupeds; parks, campgrounds, playgrounds, golf courses, athletic fields, exclusive of structures; excavation and removal of rock, sand and gravel; public utility facilities.</p> <p>Yes</p>

(Ord. 26-1976, Art 4§4.10, 1976)

18.16.110 F-2 combining floodplain district.

Subject to the provisions of Chapter 18.20 none but the following uses, or uses which in the opinion of the planning commission are similar, will be allowed.	Use Permit Required
All uses in the district with which the F-2 district is combined, provided that if the regulations of this section impose different regulations, then regulations of this district shall control.	<p>All uses in this zone shall be subject to the following: The bottom of the structural floor of any building will be above the selected flood profile at an elevation determined by the city engineer, or his designate; and structure or building constructed or reconstructed shall be provided with footings and foundation capable of withstanding the effects of rising or flowing water.</p> <p>Yes</p>

(Ord. 26-1976, Art. 4 §4.11,1976)

Chapter 18.20

GENERAL DISTRICT REGULATIONS

Sections:

- | | |
|-----------|---|
| 18.20.010 | Generally. |
| 18.20.020 | Permit required--Uses involving large assemblages of people. |
| 18.20.030 | Permit required --Dance halls, clubs and establishments serving liquor. |
| 18.20.040 | Accessory uses in C or M districts. |
| 18.20.050 | Temporary buildings and uses. |
| 18.20.060 | Industrial district. |
| 18.20.070 | Outdoor advertising signs. |
| 18.20.080 | Newly annexed territory. |
| 18.20.090 | Removal of minerals, earth and other natural materials--generally. |
| 18.20.100 | Removal or deposit of minerals, earth or other natural materials other than in connection with construction projects. |
| 18.20.110 | Spires, chimneys, towers and similar structures. |

- 18.20.120 Fences, hedges and screen plantings.
- 18.20.130 Building sites- - Permit required.
- 18.20.140 Yards.
- 18.20.150 Mobile Homes - - skirting required.

18.20.010 Generally. All regulations in this title pertaining to the districts established in Chapter 18.16 of this title are subject to the general provisions, conditions and exceptions contained in this chapter. (Ord. 26-1976, Art. 5§5.01, 1976)

18.20.020 Permit required—Uses involving large assemblages of people. No open-air theater, race track, private recreation center or other establishments involving large assemblages of people and automobiles shall be established in any district unless a use permit is first secured for the establishment, maintenance and operation of such use. (Ord. 26-1976, Art. 5§5.02, 1976)

18.20.030 Permit required—Dance halls, clubs and establishments serving liquor. No dance hall, road house, night club, or commercial club, or any establishment where liquor is served or commercial place of amusement or recreation shall be established in any district unless a use permit shall first have been secured for the establishment, maintenance and operation of such use. (Ord. 26-1976, Art. 5§5.03, 1976)

18.20.040 Accessory uses in C or M districts. Accessory uses and buildings in any C or M district may be permitted where such uses or buildings are incidental to and do not alter the character of the premises in respect to their use or purpose permitted in the district. Such accessory buildings shall be allowed only when constructed concurrently with or subsequent to the main buildings. (Ord. 26-1976, Art 5§5.04, 1976)

18.20.050 Temporary buildings and uses. Temporary buildings and uses for periods not to exceed two years in undeveloped areas and for periods of six months in developed sections may be permitted provided a temporary use permit is first secured; the periods shall commence with the granting of the use permit. (Ord. 26-1976, Art. 5§5.05, 1976)

18.20.060 Industrial districts. The industrial district is primarily for industries, manufacturers, trades, storage, warehouses, lumber and coal yards, and other uses excluded from the commercial district, provided that such uses are not detrimental to the public health, safety and general welfare of adjacent districts by reason of odor, smoke, gas, dust, vibration or noise, or are not deemed by the commission to be exceptional fire or explosion hazards. (Ord. 26-1976, Art. 5§5.06, 1976)

18.20.070 Outdoor advertising signs. Outdoor advertising signs and other signs in excess of the sizes permitted in the R-1, R-2 and R-3 districts may be permitted in the C-1, C-2 and M districts pursuant to the provisions of such rules and regulations heretofore and hereafter adopted by the city council by ordinance or resolution. (Ord. 26-1976, Art. 5§5.07, 1976)

18.20.080 Newly annexed territory. Territory annexed to the city and not shown as a part of the city by the zoning map incorporated in this title, shall upon the effective date of the annexation be classified and zoned as residential or R-1 district,

unless the city council has, prior to the effective date, zoned the territory to another classification; subject to annexation. (Ord. 26-1976, Art. 5§5.08, 1976)

18.20.090 Removal of minerals, earth and other natural materials – Generally. The removal of minerals, earth and other natural materials may be permitted in any district providing a use permit shall be first be obtained in each case. (Ord. 26-1976, Art. 5§5.09, 1976)

18.20.100 Removal or deposit of minerals, earth and other natural materials other than in connection with construction projects. Removal or deposit of earth or minerals, other than in connection with excavations or deposits in connection with construction of buildings, roadways or public or home improvements, may be permitted in any district providing a use permit shall be obtained in each case. (Ord. 26-1976, Art. 5§5.10, 1976)

18.20.110 Spires, chimneys, towers and similar structures. Spires, chimneys, machinery, towers, radio and television towers, penthouses, scenery lofts, cupolas, water tanks and similar architectural structures may be built and used to a height of not more than fifteen feet above the height limit established for the district in which the structures are located; provided, however, that no such architectural structure in excess of the allowable height shall be used for sleeping or eating quarters, or for any commercial advertising purpose. Public utility, electric distribution and electric transmission lines, and towers and poles adjacent thereto, may be allowed in all districts to greater heights than established for the district in which the structures are located without the securing of a use permit therefor, provided that all routes of transmission lines shall be submitted to the planning commission prior to the acquisition of such routes. (Ord. 26-1976, Art. 5§5.11, 1976)

18.20.120 Fences, hedges and screen plantings. No fence, hedge or continuous screen planting shall hereafter be constructed or grown to exceed six feet in height within any required side yard to the rear of the front yard building setback line or along any rear yard line in any R district, or to exceed three feet in height within any front yard area in any R district, except that a height of not to exceed five feet may be permitted in a front yard area upon the issuance of a use permit. The above heights shall be measured from finish yard grades except that no fence, hedge or continuous screen planting shall exceed three feet above sidewalk grade within twenty feet of street corner and feet of alley corner. (Ord. 26-1976, Art. 5§5.12, 1976)

18.20.130 Building sites—Permit required. Any lot or parcel of land of record on the effective date of the ordinance codified in this title, and where no adjoining land is owned by the same person, may be used as a building site, even when of less area

or width than required by the regulations for the district in which it is located providing a use permit is first obtained, and subject also to the requirements of all other provisions of this title. (Ord. 26-1976, Art. 5§5.13, 1976)

18.20.140 Yards.

- A. Where four or more lots in a block have been improved with buildings, the minimum required front yard for main buildings shall be the average of the front yards of the improved lots if less than the front yards requirements in the title.
- B. Architectural features such as cornices, eaves and canopies shall not extend more than four feet into any required front yard, rear yard or corner lot side yard. They may not project closer than two feet of any interior lot line.
- C. Open, uncovered porches or landing places may project to within four feet of any side lot line, and not exceeding six feet into any required front yard.
- D. Whenever an official plan line has been established for any street, required yards shall be measured from such line and in no case shall the provisions of this title be construed as permitting any encroachment upon any official plan line.
- E. In case an accessory building is attached to and made structurally a part of the main building, it shall comply in all respects with the requirements of this title applicable to the main building. A garage attached to the main building having its entrance from the side street or cul-de-sac turn-around shall be located at least twenty feet from the sidewalk or seventeen feet from the property line, whichever is greater. Unless so attached, an accessory building in an R district shall be located sixty feet from the front line of the lot and at least six feet from any dwelling building existing or under construction on the same lot or any adjacent lot. In the case of a corner lot where there is a key lot abutting the corner lot, accessory buildings shall not project beyond the front yard required on the key lot.
- F. On any parcel of land having an average width of less than fifty-five feet, which parcel was under one ownership of record on the date of the ordinance codified in this title, or is shown as a lot on any subdivision on file in the office of the county recorder of the county on the date and the owner thereof owns no adjoining land, then the width of each side yard may be reduced to ten percent of the width of the parcel, but in no case to less than three feet.

- G. Access yards and distances between buildings for dwelling groups shall be required as follows:
1. Distance between buildings in any dwelling group shall be a minimum ten feet.
 2. Any yard providing access to a single row of group dwellings shall be a minimum twelve feet.
 3. Inner court providing access to a double row dwelling group shall be a minimum twenty feet.
- H. The minimum front yard requirement for a cul-de-sac turn-around areas shall be seventeen feet from the property line.
(Ord. 26-1976, Art. 5§5.14, 1976)

18.20.150 Mobile homes—Skirting required. Mobile homes or manufactured housing which is set upon a foundation or approved support system other than a permanent exterior foundation shall be skirted with metal or other skirting material so as to fully enclose the underside of any such mobile home or manufactured housing. (Ord. 46-1981 §2, 1981; Ord. 45-1981 §2, 1981; Ord. 26-1976, Art. 5§5.16, 1976)

Chapter 18.24

NONCONFORMING USES

Sections:

18.24.010	Generally.	18.24.030	Cessation of nonconforming use.	18.24.020	Use permit required.
	Nonconforming buildings.				18.24.040

18.24.010 Generally. Except as otherwise provided in this Chapter, uses of land, buildings or structures existing at the time of the adoption of the ordinance codified in this title may be continued although the particular use, or the building or structure does not conform to the regulations specified by this title for the district in which the particular building or structure is located or use is made; provided, however, no such use shall be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use at the time of the adoption of the ordinance codified in this title, and that if any such use ceases, the subsequent use of the land shall be in conformity to the regulations specified by this title for the district in which the land is located. (ord. 26-1976, Art. 6§6.01, 1976)

18.24.020 Use permit required. The nonconforming use of a portion of a building may be extended throughout the building provided that in each case a use permit shall first be obtained. (Ord. 26-1976, Art. 6§6.02, 1976)

18.24.030 Cessation of nonconforming use. If nonconforming uses cease voluntarily by the owner for a continuous period of six months, it shall be considered abandoned and shall thereafter be used only in accordance with the regulations for the district in which it is located. (Ord. 26-1976, Art. 6§6.03, 1976)

18.24.040 Nonconforming buildings.

A. Nonconforming buildings damaged or destroyed by fire, explosion, earthquake or other act to the extent of more than fifty percent of their reasonable value as determined by the building inspector, may be restored only if made to conform to all of the regulations of the district in which located, except that dwellings in the R districts may be so restored on lots having a width of not less than forty-five feet and areas of not less than four thousand five hundred square feet without the requirement that use permits first be secured.

B. Non conforming buildings damaged or partially destroyed by fire, explosion, earthquake or other act to an extent of less than fifty percent of its reasonable value, may be restored and the use thereof may be continued on condition that the restoration is

started within six months and diligently continued to completion, provided that such nonconforming buildings or use shall not be enlarged.

C. Ordinary maintenance and repairs may be made to any nonconforming building provided no structural alterations are made, and providing that such work in any one year does not exceed fifteen percent of the reasonable value of the building. Other repairs may be permitted provided that a use permit shall first be secured in each case. (Ord. 26-1976, Art. 6§6.04, 1976)

Chapter 18.28

REVOCATION OF PERMITS

Sections:

18.28.010 Revocation.

18.28.020 Hearing—Notice.

18.28.010 Revocation: Any use permit or variance granted in accordance with the terms of this title may be revoked if any of the conditions or terms of the permit or variance are violated or if any law or ordinance is violated in connection therewith, or if the planning commission finds, with the concurrence of the city council, that the continuance of the use permit or variance will endanger the public health, safety or welfare. (Ord. 26-1976, Art 9§9.01, 1976)

18.28.020 Hearing—Notice: The planning commission shall hold a public hearing on any proposed revocation after giving notice of such hearing on any proposed revocation after giving notice of such hearing as provided by law, and including ten days' mail notice to the permittee, and shall thereafter submit its recommendations to the city council. The city council shall act thereon within thirty days after receipt of the recommendations. (Ord. 26-1976, Art 9§9.02, 1976)

Chapter 18.32

CONDITIONAL, REVOCABLE OR TEMPORARY USES

Sections:

18.32.010	Issuance.	18.32.030	Fee.	18.32.020	Application.
	18.32.040	Hearings.			18.32.050
Planning commission findings – Decision.	18.32.060	Appeal.			
	18.32.070	Automatic revocation of use permit.			

18.32.010 Issuance. A use permit, revocable, conditional, and/or valid for a term period, may be issued in the manner specified in this chapter for any of the uses or purposes for which such use permits are required by any of the terms of this title. (Ord. 26-1976, Art. 7§7.01, 1976)

18.32.020 Application: Application for a use permit shall be made to the planning commission on a form prescribed by the planning commission and shall be accompanied by plans and elevations necessary to show the detail of the proposed use of the land or building. (Ord. 26-1976, Art. 7§7.02, 1976)

18.32.030 Fee. Applications shall be accompanied by a fee of twenty-five dollars. (Ord. 54-1985 §1(A), 1985: Ord. 26-1976, Art. 7§7.03, 1976)

18.32.040 Hearings. The planning commission shall be a public hearing on any use permit application and shall give notice of the time and place of such hearings as provided by law. (Ord. 26-1976, Art. 7§7.04, 1976)

18.32.050 Planning commission findings—Decision.

- A. In order to grant any use permit, the findings of the planning commission shall be that the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the

city. The planning commission may designate such conditions in connection with the use permit as it deems necessary to secure the purposes of this title, and may require that such conditions will be complied with by the applicant.

- B. The planning commission shall render its decision on any use permit within thirty-five days following the close of the public hearing. Failure of the commission to render its decision within the period shall be deemed to be a denial of the application. The granting of any use permit, when conforming to the provisions of this section, is declared to be an administrative function, the authority and responsibility for performing which is imposed upon the planning commission shall be final and conclusive except in the event of an appeal as provided on this chapter. (Ord. 26-1976, Art. 7§7.05, 1976)

18.32.060 Appeal.

- A. In case the applicant or others affected are not satisfied with the action of the planning commission, they may within ten calendar days after rendition of the decision thereon by the commission, appeal in writing to the city council. The city council on its own motion made within twenty days of the planning commission decision, may consider the action of the planning commission the same as if an appeal had been taken there from.
- B. The appeal shall be taken by the filing of a notice in writing to that effect with the city clerk, and when the appeal is taken by a person other than the original applicant, by the payment of an appeal fee in the amount of ten dollars. At its next regular meeting held at least three days after the filing of the notice of appeal, the city council shall set a date for the hearing of the appeal and notice thereof shall be given to the applicant and to the planning commission and as provided by law. The planning commission shall submit a report to the city council setting forth the reasons for the action taken by the commission.
- C. The city council shall render its decision within forty-five days after the conclusion of the hearing and the city council in its decision may reverse, set aside, affirm, amend or modify the action of the planning commission for further study and action. Failure of the council to render its decision within the period shall be deemed to be an affirmance of the action of the planning commission.
- D. No building permit shall be issued in any case where a use permit is required by the terms of this title until after the period allowed for appeal. In the event of an appeal, no such permit shall be granted until the matter has been finally approved by the city council. Building permits issued pursuant to this section shall conform to the terms and conditions of the use permit granted. (Ord. 26-1976, Art. 7§7.06, 1976)

18.32.070 Automatic revocation of use permit. Any use permit granted in accordance with the terms of this title shall be automatically revoked and terminated if not used within one year from the date of approval thereof or within any shorter period of time, if so designated by the planning commission. (Ord. 26-1976, Art. 7§7.07, 1976)

Chapter 18.36

VARIANCES

Sections:

18.36.010	Applicable circumstances.	18.36.020	Unauthorized uses.
	18.36.030	Application for variance.	18.36.040
Hearing.		18.36.050	Decision.
	18.36.060	Appeal.	
18.36.070	Force and effect of variance.	18.36.080	Expiration of variance.

18.36.010 Applicable circumstances. Applications for variances from the strict application of the terms of this title may be made and variance granted when the following circumstances are found to apply:

- A. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situate; and
- B. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications: and
- C. That the granting of the variance would not be contrary to the content of this title or to the public health, safety, peace, morals, comfort and general welfare. (Ord. 26-1976, Art. 8§8.01, 1976)

18.36.020 Unauthorized uses. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing of the parcel of property. (Ord. 26-1976, Art. 8§8.02, 1976)

18.36.030 Application for variance. Application for a variance shall be made to the planning commission in writing on a form prescribed by the planning commission, and shall be accompanied by plans and elevations necessary to show the detail of the proposed variance. The application shall be accompanied by a fee of twenty-five dollars. (Ord. 54-1985 §1(B), 1985; Ord. 26-1976, Art. 8§8.03, 1976)

18.36.040 Hearing. A. A public hearing by the planning commission shall be held within forty-five days after the filing of the application for a variance. Notice of the hearing shall be given in the manner as provided by law.

B. The planning commission may, without the need for a public hearing or city council confirmation, grant a variance in any yard or height regulation not to exceed twenty percent of such regulation. (Ord. 26-1976, Art. 8§8.05,1976)

18.36.050 Decision. The planning commission shall render its decision on any variance within thirty-five days following the close of the public hearing. Failure of the commission to render its decision within the period shall be deemed to be a denial of the application. (Ord. 26-1976, Art. 8§8.05, 1976)

18.36.060 Appeal. The decision of the planning commission may be appealed in accordance with the provisions of Section 18.32.060. (Ord. 26-1976, Art. 8§8.06, 1976)

18.36.070 Force and effect of variances. Variances shall not have any force and effect until the permittee acknowledges receipt thereof and acceptance of any conditions thereto. (Ord. 26-1976, Art. 8§8.07,1976)

18.36.080 Expiration of variance. Any variance granted in accordance with the terms of this title shall, without further action, become null and void if not used within one year from the date of approval thereof, or within any shorter period of time, if so designated by the planning commission. (Ord. 26-1976, Art. 8§.08,1976)

Chapter 18.40

ENFORCEMENT

Sections:

- 18.40.010 Conformance with provisions of title.
- 18.40.020 Public nuisance declared.
- 18.40.030 Remedies cumulative.
- 18.40.040 Violation-Penalty.

18.40.010 Conformance with provisions of title. All departments, officials and public employees of the city vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title, and shall issue no permit or license for uses, buildings, structures or purposes in conflict with the provisions of this title: and any such permit or license issued in conflict therewith shall be null and void. It shall be the duty of the building inspector of the city to enforce the provisions of this title pertaining to the erection, construction, reconstruction, maintenance, moving, conversion, alteration or addition to any building or structure. (Ord. 26-1976, Art. 12§12.01, 1976)

18.40.020 Public nuisance declared. Any building or structure set-up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title, and any use of lands, buildings or premises established or conducted thereon, operated or maintained contrary to the provisions of this title, shall be, and the same is declared to be, unlawful and a public nuisance; and the city attorney of the city shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner prescribed by law, and shall take such relief as will abate and remove such buildings or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure contrary to the provisions of this title. (Ord. 26-1976, Art 12§12.03, 1976)

18.40.030 Remedies cumulative. The remedies provided for in this title shall be cumulative and not exclusive. (Ord. 26-1976, Art. 12§12.04, 1976)

18.40.040 Violation—Penalty. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this title, shall be guilty of a misdemeanor and upon conviction

thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed or continued by such person, firm or corporation, and shall be punishable as provided in this section.

Chapter 18.44

AMENDMENTS

Sections:

18.44.010	Procedure for amendment.	18.44.020	Initiation.
	18.44.030		18.44.040
	Action by planning commission.	18.44.050	Action by city council.

18.44.010 Procedure for amendment. The districts established by this title or the boundaries thereof may be changed, amended or altered, or any provision thereof may be changed, altered or amended, and any property within the city may be rezoned, reclassified or established whenever the public necessity or convenience or the general welfare require the same, by following the procedure set forth in this chapter. (Ord. 26-1976 Art. 10 §10.01, 1976)

18.44.020 Initiation. Any change, amendment, alteration, rezoning or establishment (singly or collectively referred to in this chapter as an “amendment”) may be initiated by:

- A. The verified petition of one or more owners of the property affected by the proposed amendment, which petition shall be filed in duplicate with the planning commission and shall be accompanied by a fee of seventy-five dollars; or
- B. Resolution of intention by the city council; or
- C. Resolution of intention of the planning commission. (Ord. 54-1985 1©, 1985: Ord. 26-1976, Art. 10§10.02, 1976)

18.44.030 Public hearings. The planning commission shall hold a public hearing on any proposed amendment and shall give notice of the time and place of the hearings as provided by law. (Ord. 26-1976, Art. 10§10.03, 1976)

18.44.040 Action by planning commission. Following the aforesaid hearing, the planning commission shall make a report of its findings and recommendation with respect to the proposed amendment and shall submit to the city council by filing with the city clerk an attested copy of the report within sixty days after completion of the hearing. Failure of the planning commission so to report within the period shall be deemed to be a denial by the planning commission of the proposed amendment. (Ord. 26-1976, Art. 10§10.04, 1976)

18.44.050 Action by city council. Upon filing of the report by the planning commission, or upon the expiration of sixty days as aforesaid and after notice has been given as provided in Chapter 18.28, the city council shall, at a regular or special meeting or meetings, publicly hear and consider the matter. Within ninety days after the conclusion of the hearing the city council may amend, alter, adopt or reject the amendment. (Ord. 26-1976, Art. 10§10.05, 1976)

Chapter 18.48

FLOOD DAMAGE PREVENTION

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- 18.48.120 Appeal.
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ARTICLE I. FINDINGS

18.48.010 Statutory authority. The legislature of the state has delegated the responsibility to local governmental units to adopt regulations designated to promote the public health, safety and general welfare of its citizenry. Therefore, the council does ordain the provisions set out in this chapter. (Ord. 38-1980 §1.1, 1980)

18.48.020 Findings of fact. A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
B. These flood losses are caused by the cumulative effect of obstructions in the areas of special flood hazards which increase flood heights and velocities, and, when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 38-1980 §1.2, 1980)

18.48.030 Purpose. It is the purpose of the ordinance codified in this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designated:

- A. To protect human life and health;
 - B. To minimize expenditure of public money for costly flood-control projects;
 - C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - D. To minimize prolonged business interruptions;
 - E. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special hazard;
 - F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
 - G. To insure that potential buyers are notified that property is in an area of special flood hazard; and
 - H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (Ord. 38-1980 §1.3, 1980)

18.48.040 Methods of reducing flood losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards in other areas. (Ord. 38-1980, §1.4, 1980)

18.48.050 Applicability. (Reserved)

18.48.060 Areas of special flood hazard—Basis for establishment. (Reserved)

18.48.070 Interpretation of provisions. In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 38-1980 §3.2, 1985)

18.48.080 Compliance. (Reserved)

18.48.090 Abrogation and greater restrictions. The ordinance codified in this chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 38-1980 §3.4, 1980)

18.48.100 Warning and disclaimer of liability. The degree of flood protection required for this chapter is considered reasonable for regulatory purposes, and is based on scientific and engineering considerations. Larger floods can and will occur in rare occasions.

Flood heights may be increased by manmade or natural causes. The ordinance codified in this chapter does not imply that land outside the areas of special flood hazards, or uses permitted within such areas, will be free from flooding or flood damages. The ordinance codified in this chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under. (Ord. 38-1980 §3.6, 1980)

ARTICLE II. DEFINITIONS

18.48.110 Definitions. Unless specifically defined in this article, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage, and to give this chapter its most reasonable application. (Ord. 38-1980 §2.0 (part), 1980)

18.48.120 Appeal. “Appeal” means a request for a review of the city clerk’s interpretation of any provision of this chapter, or a request for a variance. (Ord. 38-1980, §2.0 (part), 1980)

18.48.130 Area of shallow flooding. Means a designated AO,AH or VO zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. (Ord. 38-1980 §2.0 amended 1988)

18.48.140 Area of Special flood-related erosion hazard is the area subject to severe flood-related erosion losses. The area designated as Zone E on the Flood Insurance Rate Map (FIRM).

18.48.150 Area of special flood hazard. See special flood hazard area.

18.48.160 Area of special mudslide (i.e., mudflow) hazard is the area subject to severe mudslides (i.e., mudflows). The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).

18.48.170 Base Flood means the flood having one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”).

18.48.180 Basement means any area of the building having its floor sub grade (below ground level) on all sides.

18.48.190 Breakaway walls are any type of walls whether solid lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designated to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any building to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

18.48.200 Coastal high hazard areas is the area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as zone V1-V30, VE or V.

18.48.210 Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining dredging, filling, grading, paving, excavation or drilling operations.

18.48.220 Flood or flooding means a general and temporary condition or partial or complete inundation of normally dry land areas from (1) the overflow of flood waters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, and or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by and unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which result in flooding as defined in this definition.

18.48.230 Flood boundary and Floodway Map means the official map on which the Federal Emergency Management Agency of Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

18.48.240 Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zone applicable to the community.

18.48.250 Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

18.48.260 Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

18.48.270 Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

18.48.280 Floodplain Management Regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

18.48.290 Flood proofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

18.48.300 Floodway means 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. Also referred to as “Regulatory Floodway.”

18.48.310 Functionally dependant use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage related manufacturing facilities.

18.48.320 Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction nearest to the proposed walls of a structure.

18.48.330 Lowest Floor means 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 basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

18.48.340 Manufactured home means 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 utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on the site for greater than 180 consecutive days.

18.48.350 Manufactured home park or subdivision means a parcel or contiguous parcels of land divided into two or more manufactured home lots for sale or rent.

18.48.360 Mean Sea Level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

18.48.270 New Construction means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by this community.

18.48.380 One hundred year flood or "100-year flood" means a flood which has a one percent annual probability of being equaled or exceeded. It is identical to the "base flood", which will be the term used throughout this ordinance.

18.48.390 Person means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

18.48.400 Remedy a Violation means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

18.48.410 Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

ARTICLE III. Administration

18.48.420 Development permit—Required—Application information. A. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 18.48.060. Application for a development permit shall be made on forms furnished by the Siskiyou County Department of Public Works, and may include, but not limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations 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:

1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO or DO, elevation of highest adjacent grade and proposed elevation of the lowest floor of all structures.
2. Proposed elevation in relation to mean sea level to which any structure will be flood proofed;
3. All appropriate certification listed in Section 18.48.420 of this ordinance; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

18.48.430 Designation of the Floodplain Administrator The Siskiyou County Department of Public Works is hereby appointed to administer and implement this ordinance by granting or denying development permits in accordance with its provisions.

18.48.440 Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

- A. Permit review
 - 1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied;
 - 2. All other required state and federal permits have been obtained;
 - 3. The site is reasonably safe from flooding;
 - 4. The proposed development does not adversely affect the carrying capacity. For purposes of this ordinance, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.
- B. Use of other Base Flood Data. When base flood elevation data has not been provided, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 4. Any such information shall be submitted to the Council for adoption.
- C. Whenever a watercourse is to be altered or relocated:
 - 1. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
 - 2. Require that the Flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
- D. Obtain and maintain for public inspection and make available as needed:
 - 1. The certification required in Section 5.1.C.1 (floor elevations);
 - 2. The certification required in Section 5.1.C.2 (elevations in areas of shallow flooding);
 - 3. The certification required in Section 5.1.C.3.c (elevation or flood proofing of nonresidential structures);
 - 4. The certification required in Section 5.1.C.4.a or 5.1.C.4.b (wet flood proofing standard);
 - 5. The certified elevation required in Section 5.3.B (subdivision standards);
 - 6. The certification required in Section 5.5.A (floodway encroachments);
 - 7. The information required in Section 5.6.F (coastal construction standards; and
 - 8. The reports required in Section 5.7.D (mudflow standards).

- E. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, areas of flood-related erosion hazards or areas of mudslide (i.e., Mudflow) (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6.0.
- F. Take action to remedy violations of this ordinance as specified in Section 3.3 herein.

SECTION V.

PROVISIONS FOR FLOOD HAZARD REDUCTION

18.48.450 Standards of Construction In all areas of special flood hazards the following standards are required:

- A. Anchoring.
 - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - 2. All manufactured homes shall meet the anchoring standards of Section 5.4.
- B. Construction Material.
 - 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - 3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - 4. Required within Zones AH, AO or Vo, adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

- C. Elevation and Flood proofing.
1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in Section 5.1.C.3. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.
 2. New construction and substantial improvement of any structure in Zone AH, AO or VO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least two feet if no depth number is specified. Nonresidential structures may meet the standards in Section 5.1.C.3. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.
 3. Nonresidential construction shall either be elevated in conformance with Section 5.1.C.1. or 2. or together with attendant utility and sanitary facilities:
 - a. Be flood proofed so that below 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 buoyancy; and
 - c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.

4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designated to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. Either a minimum of two 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, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
 - b. Be certified to comply with a local flood proofing standard approved by the Federal Insurance Administration.
5. Manufactured homes shall also meet the standards in Section 5.4.

18.48.460 Standards for Utilities Section 5.2

- A. 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.
- B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

18.48.470 Standards for Subdivisions Section 5.3

- A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
- B. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All subdivisions shall be provide adequate drainage to reduce exposure to flood hazards.

18.48.480 Standards for Manufactured Homes Section 5.4 All new and replacement manufactured homes and additions to manufactured homes shall.

- A. Be elevated so that the lowest floor is at or above the base flood elevation; and
- B. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement.

18.48.490 Floodways Section 5.5. Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood water which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If Section 5.5.A is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 5.

18.48.500 Coastal High Hazard Areas Section 5.6 Within costal high hazard areas established in Section 3.2, the following standards shall apply:

- A. All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation.
- B. All new construction shall be located on the landward side of the reach of mean high tide.

- C. All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such temporarily enclosed space shall not be used for human habitation.
- D. Fill shall not be used for structural support of the building.
- E. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- F. The floodplain Administrator shall obtain and maintain the following records:
 - 1. Certification by a registered engineer or architect that a proposed structure complies with Section 5.6.A.
 - 2. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures contain a basement.

18.48.510 Mudslide (i.e., Mudflow) – Prone Areas. Section 5.7.

- A. The floodplain Administrator shall review permits for proposed construction or other development to determine if it is within a mudslide area.
- B. Permits shall be reviewed to determine that the proposed development is reasonably safe from mudslide hazards. Factors to be considered in making this determination include but are not limited to:
 - 1. The type and quality of soils;
 - 2. Evidence of ground water or surface water problems;
 - 3. The depth and quality of any fill;
 - 4. The overall slope of the site; and
 - 5. The weight that any proposed development will impose on the slope.
- C. Within areas which have mudslide hazards, the following requirements apply:
 - 1. A site investigation and further review shall be made by persons qualified in geology and soils engineering;
 - 2. The proposed grading, excavation, new construction and substantial improvements shall be adequately designed and protected against mudslide damages;
 - 2. The proposed grading, excavation, new construction and substantial improvements do not aggravate the existing hazard by creating either on-site or off-site disturbances; and
 - 3. Drainage, planting, watering and maintenance shall not endanger slope stability.

- D. Within Zone M on the Flood Insurance Rate Map, the Community shall adopt a drainage ordinance which at least complies with the standards of Sections 7001 through 7006 and Sections 7008 through 7015 of the most recent amendment of the 1973 Uniform Building Code:
1. The location of foundation and utility systems of new construction and substantial improvements;
 2. The location, drainage and maintenance of all excavations, cuts and fills and planted slopes;
 3. Protective measures including but not limited to retaining walls, buttress fills, sub drains, diverter terraces, benchings, etc.; and
 4. Engineering drawings and specifications to be submitted for all corrective measures, accompanied by supporting soils engineering and geology reports.

18.48.520 Flood-related Erosion-Prone Areas. Section 5.8.

- A. The Floodplain Administrator shall require permits for proposed construction and other developments within all flood-related erosion-prone areas as known to the community.
- B. Such permits shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.
- C. If a proposed improvement is found to be in a path of flood-related erosion and would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.
- D. Within Zone E on the Flood Insurance Rate Map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated “useful life” of the structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

SECTION 6.0

VARIANCE PROCEEDURE

18.48.530 Appeal Board Section 6.1

- A. The City Council of Fort Jones shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- B. The City Council shall hear a decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- C. In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger of life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The importance of the services provided by the facility to the community;
 - 5. The necessity to the facility of a waterfront location, where applicable;
 - 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - 7. The compatibility of the proposed use with existing and anticipated development;
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site and;
 - 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and street and bridges.

- D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed the base flood level, providing items 6.1.C.1. through 6.1.C.11 have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.
- E. Upon consideration of the factors of Section 6.1.C. and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- F. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

18.48.540 Conditions for Variances Section 6.2

- A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of 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.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to avoid relief.
- D. Variances shall only be issued upon:
 1. A showing of good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances.
- E. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependant use provided that the provisions of Sections 6.2A through 6.2.D are satisfied and that the structure or other development is protected by methods that minimize flood damages during base flood and create no additional threats to public safety.
- F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A

copy of the notice shall be recorded by the City Council in the office of the Siskiyou County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

ARTICLE V. FLOOD HAZARD REDUCTION

18.48.340 General Standards Designated. In all areas of special flood hazard, the standard set out in this article are required. (Ord. 38-1980 §5.1, 1980)

18.48.350 Anchoring.

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- B. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - 1. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than fifty feet long requiring one additional tie per side;
 - 2. Frame ties be provided at each corner of the home, with five additional ties per side at intermediate points, with mobile homes less than fifty feet long requiring four additional ties per side;
 - 3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and
 - 4. Any additions to the mobile home be similarly anchored. (Ord. 38-1980 §5.1.1, 1980)

18.48.360 Construction materials and methods.

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. (Ord. 38-1980 §5.1.2, 1980)

18.48.370 Utilities.

- A. All new and replacement water-supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltrations of floodwaters into the system and discharge from the systems into flood waters.
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 38-1980 §5.1.3, 1980)

18.48.380 Subdivision proposal requirements.

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less. (Ord. 38-1980 §5.1.4, 1980)

18.48.390 Encroachments. The cumulative effect of any development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. 38-1980 §5.1.5, 1980)

18.48.400 Specific standards designated. In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 18.48.060 or subsection B of Section 18.48.310, the provisions set out in Section 18.48.410 through 18.48.430 are required. (Ord 38-1980 §5.1, 1980)

18.48.410 Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation. (Ord. 38-1980 §5.2-1., 1980)

18.48.420 Nonresidential construction.

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:
 - 1. Be flood proofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - 3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in subsection C2 of the Section 18.48.310. (Ord. 38-1980 §5.2-2., 1980)

18.48.430 Mobile homes.

- A. Mobile homes shall be anchored in accordance with subsection B of section 18.48.360.
- B. For new mobile home parks and mobile home subdivisions; for expansions to existing mobile homes parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, it is required that:
 - 1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
 - 2. Adequate surface drainage and access for a hauler are provided; and
 - 3. In the instance of elevation on pilings, that:
 - a. Lots are large enough to permit steps,
 - b. Piling foundations are placed in stable soil no more than ten feet apart, and
 - c. Reinforcement is provided for piling more than six feet above the ground level. (Ord. 38-1980 §5.2-3, e1980)

18.48.440 Shallow flooding. Located within the areas of special flood hazard established in Section 18.48.060 are areas designated as flooding. These areas have special flood hazards associated with base flood depths on one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Therefore, the following provisions apply:

- A. All new construction and substantial improvements of residential structures have the lowest floor, including the basement, elevated above the crown of the nearest street to or above the depth number specified in the communities FIRM.
- B. All new construction and substantial improvements of nonresidential structures shall:
 - 1. Have the lowest floor, including the basement, elevated above the crown of the nearest street to or above the depth number specified in the communities FIRM, or
 - 2. Together with the attendant utility and sanitary facilities be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (Ord. 38-1980 §5.2-4, 1980)

