

**AN ORDINANCE OF THE CITY OF EUREKA AMENDING CHAPTER 155 FOR
SPECIAL HOUSING NEEDS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

Section 1. Eureka Municipal Code Title 15, portions of Chapter 155 are hereby amended as follows:

§ 155.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

AGGRIEVED PERSON. Any person who, in person or through a representative, appeared at a public hearing of the approving authority in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the local government of the nature of his or her concerns or who for good cause was unable to do either.

ALLEY. A public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

ALLOWABLE USE. Any use allowed by right which does not require a public hearing or any discretionary or nondiscretionary permit from the approving authority.

ALTER. To make a change in the supporting members of a structure, such as bearing walls, columns, beams, or girders, which change will prolong the life of the structure.

BED AND BREAKFAST INN. A residential dwelling occupied by a resident person or family, containing guest rooms occupied on a transient basis for compensation, and in which one or more meals are provided.

BLOCK. The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse, or city boundary.

BOARD OF ZONING ADJUSTMENT. The duly appointed Board of Zoning Adjustment.

BUILDING. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. For the purposes of this section, **BUILDING** shall mean manufactured homes and mobilehomes as defined in this section.

BUILDING INSPECTOR. The Building Inspector of the city.

BUILDING OFFICIAL. The Building Official of the city.

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

CHIEF OF POLICE. The Chief of Police of the city.

CITY ATTORNEY. The City Attorney of the city.

CITY CLERK. The City Clerk of the city.

CITY PLANNING COMMISSION and COMMISSION. The duly appointed City Planning Commission.

CONVALESCENT FACILITY. A structure for more than six residents, in which nursing, dietary, and other personal services are rendered to convalescents, invalids, or aged persons, and in which surgery is not performed and primary treatments, such as customarily are given in hospitals or sanitariums, are not provided.

COURT. An unoccupied open space on the same site with a building, which space is bounded on three or more sides by exterior building walls.

DELICATESSEN STORE. An establishment which primarily retails cooked meats, foods, and condiments for consumption off the premises, and which does not offer the range of meats, foods, and goods carried by food stores or supermarkets, but which may have accessory seating for not more than 12 persons within an enclosed structure, and on-site consumption of food outside the enclosed structure is not permitted.

DEPTH. The horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines.

DESIGN REVIEW COMMITTEE and COMMITTEE. The duly appointed Design Review Committee established by §§ 155.180 through 155.187 of this chapter.

DEVELOPMENT. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials;

change in the density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Cal. Gov't Code § 66410), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

DIRECTOR OF COMMUNITY DEVELOPMENT. The Director of Community Development of the city.

DIRECTOR OF PUBLIC WORKS. The Director of Public Works of the city.

DISTRICT. A portion of the city within which the use of land and structures and the location, height, and bulk of structures are governed by this chapter.

DOUBLE FRONTAGE LOT. See *LOT, DOUBLE FRONTAGE.*

DRIVE-IN. An establishment serving food or beverages to customers who remain in or leave and return to their cars for consumption and including establishments with drive-up or drive through window services.

DRIVEWAY. A private road, the use of which is limited to persons residing or working on the site and their invitees, licensees, and business visitors, and which provides access to off-street parking or loading facilities.

DWELLING. A one-family dwelling or multi-family dwelling other than an automobile trailer, hotel, motel, labor camp, camp car, tent, railroad car, or temporary structure.

DWELLING UNIT. One or more rooms and a single kitchen designed for occupancy by one family for living and sleeping purposes.

EMERGENCY SHELTER. A structure providing housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. No individual or household may be denied emergency shelter because of an inability to pay, supervision and needed support services to homeless persons on a daily basis, with a duration of residency not to exceed six months. Emergency shelters are intended to provide interim, temporary housing to residents for whom other housing options are not readily available or affordable, and are not intended to provide long term housing needs. Standards are included in § 155.040 of this chapter to ensure that this intent is met.

FAMILY. An individual or group of two or more persons occupying a dwelling and living together as a single housekeeping unit as evidenced by any combination of the following: each resident has access to all parts of the dwelling; adult residents share expenses for food or rent; residents have household responsibilities and activities, which may include, but are not limited to sharing expenses, chores, eating evening meals together; residents participate in recreation activities together; residents have close social, economic and psychological commitments to each other related by blood, marriage, or adoption, or a group of not more than six persons, not including servants, who need not be related, living as a single housekeeping unit. Family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, convents, residential care facility or military barracks, nor does it include such commercial group living arrangements as boardinghouses, lodging houses and the like.

FLOOR AREA, BASIC. The total amount of gross floor area a building contains, expressed as a percentage of the total area of the lot.

~~—***FAMILY CARE HOME.*** A residence wherein the owner or proprietor is certified and supervised by the Department of Mental Hygiene of the state to furnish food and lodging in a family atmosphere plus varying amounts of custodial care to one or more persons, not exceeding six persons, who have been “gravely disabled” as defined in Cal. Welf. and Inst. Code § 5008(h).~~

FLOOR AREA, GROSS. The sum of the gross horizontal area included within the surrounding exterior walls of the several floors of a building and its accessory buildings on the same site excluding: basement or cellar areas used only for storage; space used for off-street parking or loading; steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three sides. Unless excepted above, floor area includes, but is not limited to, elevator shafts and stairwells measured at each floor (but not mechanical shafts), penthouses, enclosed porches, interior balconies, and mezzanines.

FRONTAGE. The property line of a site abutting on a street, other than the side line of a corner lot. ***FRONTAGE*** shall be measured as the shortest distance between the points at which the side property lines intersect the street property line.

GARAGE or CARPORT. An accessory structure, or a portion of a main structure having a permanent roof and designed for the storage of motor vehicles.

GARAGE, PARKING. A structure or part thereof used for the storage, parking, or servicing of motor vehicles, but not for the repair thereof.

GARAGE, REPAIR. A structure or part thereof where motor vehicles or parts thereof are repaired or painted.

HABITABLE ROOM. A room meeting the requirements of §§ 150.015 through 150.024 of this title for sleeping, living, cooking, or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, and similar spaces.

HALFWAY HOUSE. A residence wherein food, lodging, and a certain amount of custodial and counseling care are provided to one or more persons who have recently been released from either a state penal institution or from a federal penal institution.

HOME OCCUPATION. The conduct of an art or profession, the offering of a service, the conduct of a business, or the handcraft manufacture of products in a dwelling in accordance with the provisions of § 155.215 of this chapter.

HOTEL. See **MOTEL.**

INDIRECT ILLUMINATION. Illumination of a sign by means only of light cast upon it from a concealed source outside the sign itself.

INTERSECTION, STREET. The area common to two or more intersecting streets.

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

KENNEL. Any premises, except where accessory to an agricultural use, where four or more dogs or cats four months of age or older are kept.

LIVING AREA. The interior habitable area of a dwelling unit excluding a garage and any accessory structure(s).

LIVING ROOM. The principal room designed for general living purposes in a dwelling unit. Each dwelling unit shall have a living room.

LODGING HOUSE. A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate oral or written rental agreements or leases, whether or not an owner, agent, or property manager is in residence. Lodging House includes boardinghouse and roominghouse in which lodging only or lodging and meals only are provided for compensation.

LOT. See **SITE.**

LOT, CORNER. A site bounded by two or more adjacent street lines which have an angle of intersection of not more than 135°.

LOT, CORRIDOR. A site with access to a street by means of a corridor having not less than 20 feet of frontage and a width less than the required site width but at no point less than 20 feet.

The length of a corridor shall be measured from the frontage line to the nearest point of intersection with that property line parallel or most nearly parallel to the frontage line. The area of an access corridor shall not be included in determining the site area of a corridor lot.

LOT, DOUBLE FRONTAGE. An interior lot having frontage on two parallel or approximately parallel streets. For the purpose of determining front yard requirements, both frontages shall be deemed front lot lines.

LOT, INTERIOR. A lot other than a corner lot.

LOT, KEY. The first interior lot to the rear of a reversed corner lot.

LOT, REVERSED CORNER. A corner lot the side line of which is substantially a continuation of the front property line of the first lot to its rear.

LOT LINE, FRONT. A line separating an interior lot from a street, or a line separating either the narrower or the wider street frontage of a corner lot from a street at the option of the owner. For a corner lot, the front lot line is the shorter street frontage.

LOT LINE, REAR. A lot line, not a front lot line, which is parallel or approximately parallel to the front lot line. Where no lot line is within 45° of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line shall be deemed the rear lot line.

LOT LINE, SIDE. Any lot line which is not a front lot line or a rear lot line.

MANUFACTURED HOME. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under this chapter. **MANUFACTURED HOME** includes a mobile home subject to 42 USC § 5401 *et seq.*

(Cal. Health & Safety Code § 18007)

MOBILEHOME. A structure that meets the requirements of the definition of a **MANUFACTURED HOME**. **MOBILEHOME** does not include a commercial coach, as defined Cal. Health & Safety Code § 18001.8, factory-built housing, as defined Cal. Health & Safety Code § 19971, or a recreational vehicle, as defined in Cal. Health & Safety Code § 18010.

(Cal. Health & Safety Code § 18008)

MOBILEHOME PARK. Any area or tract of land where two or more lots or spaces are rented or leased or held out for rent or lease to accommodate manufactured homes or mobilehomes used for human habitation.

MODULAR HOME. Factory-built housing certified as meeting the local or State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

MOTEL or HOTEL. A structure or portion of thereof or a group of attached or detached structures, containing completely furnished individual guest rooms or suites, occupied on a transient basis for compensation, and in which more than 60% of the individual guest rooms or suites are without kitchens or cooking facilities.

MOTOR VEHICLE WRECKING YARD. A site or portion of a site on which the dismantling or wrecking of used vehicles, whether self-propelled or not, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence outside a fully enclosed structure of three or more used motor vehicles which are not capable of operating under their own power shall constitute prima facie evidence of a motor vehicle wrecking yard. A **MOTOR VEHICLE WRECKING YARD** shall be deemed a junk yard.

MULTI-FAMILY DWELLING. A structure, containing more than one dwelling unit, designed for occupancy or occupied by more than one family.

NONCONFORMING SIGN. A sign, outdoor advertising structure, or display of any character which was lawfully erected or displayed, but which does not conform with standards for location, size, or illumination for the district in which it is located by reason of the adoption or amendment of this chapter, or by reason of annexation of territory to the city.

NONCONFORMING STRUCTURE. A structure which was lawfully erected, but which does not conform with the standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located by reason of the adoption or amendment of this chapter, or by reason of annexation of territory to the city.

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

NURSERY SCHOOL. A school for ~~five or more~~ pre-elementary school age children, or the use of a site or portion of a site for a group daycare program ~~for five children or more other than those resident on the site~~, including a day nursery, play group, or after-school group.

NURSING HOME. A ~~residential structure for not more than six residents, operated as a lodging house~~ in which nursing, dietary, and other personal services are rendered to convalescents, invalids, or aged persons, and in which surgery is not performed and primary

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

OFF-STREET LOADING FACILITIES. A site or portion of a site devoted to the loading and unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

OFF-STREET PARKING FACILITIES. A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access driver, and landscaped areas.

OIL AND GAS PIPELINE. Any public or private facility for transmitting hydrocarbons.

ONE-FAMILY DWELLING. A building designed for and/or occupied as a residence by one family or individual. The term **ONE-FAMILY DWELLING** shall include manufactured homes when placed on a permanent foundation, converted to real property, and taxed as a site-built dwelling as provided by law.

ORIEL WINDOW. A window which projects from the main line of an enclosing wall of a building and is carried on brackets or corbels.

OUTDOOR ADVERTISING STRUCTURE. A structure of any kind or character, erected or maintained for outdoor advertising purposes, upon which an advertising sign may be placed.

PATIO, COVERED. An attached or detached structure not exceeding 14 feet in height and enclosed on not more than three sides except for posts necessary for roof support.

PERMITTED USE. Any use allowed by right which does not require a public hearing, but does require a discretionary or nondiscretionary permit (such as, building permit) to be issued by the approving authority.

PRE-EXISTING. In existence prior to October 16, 1966.

PUBLIC UTILITY. An organization which provides an essential commodity or basic service to the public, such as water, energy, transportation, or telecommunications. Utilities may be publicly or privately owned.

RAILROAD RIGHT-OF-WAY. A strip of land on which railroad tracks, switching equipment, and signals are located, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, yards, or other uses are located. Areas of railroad rights-of-way may be used solely for the purpose of accommodating tracks, signals, and other operative devices and facilities related to and necessary for the operation of a railroad.

RECREATIONAL VEHICLE. A vehicle with or without motive power designed for human habitation for recreational or emergency occupance meeting the criteria of Cal. Health and Safety Code Division 13, Part 2.11, § 18215.5. A **RECREATIONAL VEHICLE** shall include a motorhome, travel trailer, truck camper, or camping trailer.

RECREATIONAL VEHICLE PARK.

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

(2) Notwithstanding division (1) above, an area or tract of land zoned for agricultural purposes where two or more lots are rented or leased, or held out for rent or lease, to owners or users of recreational vehicles or tents for the purpose of housing 12 or fewer agricultural employees, shall not be deemed a recreational vehicle park.

(Cal. Health & Safety Code § 18215)

SATELLITE TELECOMMUNICATION FACILITY. Government and private facilities that transmit a variety of data through satellites, including photos of the earth, messages to and from public safety officials, and a variety of other information.

SCRAP METAL YARD. A site or portion of a site used for storage, sorting, collecting, or bailing of previously semi-prepared scrap metal, provided that no burning shall be permitted.

SECRETARY. The Secretary of the City Planning Commission, Board of Adjustment, and Design Review Committee.

SERVICE STATION. A place where gasoline or any other motor fuel, lubricating oil, or grease for the operation of motor vehicles is offered for sale to the public and deliveries are made directly into the vehicle, including the sale of accessories, performance of minor repairs and lubrication, and the washing of automobiles where no chain conveyor or blower is used.

SIGN. Any lettering or symbol made of cloth, metal, paint, paper, wood, or other material of any kind whatsoever placed for advertising, identification, or other purposes on the ground or on any bush, tree, rock, wall, post, fence, building, structure, vehicle, or on any place whatsoever. The term “placed” shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever beyond the boundaries of a site.

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

SIGN, SUBDIVISION. Any sign located either on or off a subdivision tract, which sign indicates the direction to or advertises the location, existence, or sale of a subdivision or any part thereof.

SINGLE OWNERSHIP. Holding record title, possession under a contract to purchase, or possession under a lease by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner whereby the property is or will be under unitary or unified control.

SITE or LOT. A parcel of land or a portion thereof, considered as a unit, devoted to or intended for a use or occupied by a structure or a group of structures that are united by a common interest or use. A **SITE** or **LOT** shall have frontage on a street.

SITE AREA. The total horizontal area included within the property lines of a site, exclusive of the area of access corridors, streets, portions of the site within future street plan lines, and portions of the site within which a square having a minimum dimension of 35 feet cannot be inscribed.

STREET. A thoroughfare right-of-way, dedicated as such or acquired for public use as such, other than an alley, which affords the principal means of access to abutting land.

STRUCTURE. Anything constructed or erected which requires a location on the ground, including a building or a swimming pool, but not including a fence or a wall used as a fence if the height does not exceed six feet, or access drives or walks.

STRUCTURE, ACCESSORY. A subordinate structure which use is appropriate, subordinate, and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use.

STRUCTURE, MAIN. A structure housing the principal use of a site or functioning as the principal use.

SUPPORTIVE HOUSING. A structure providing housing, with no limit on the length of stay, that is occupied by the **TARGET POPULATION** as defined in California Health and Safety Code subdivision (d) of §53260, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

SWIMMING POOL. A pool, pond, lake, or open tank capable of containing water to a depth greater than 1½ feet at any point.

TARGET POPULATION. Adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Development Disabilities Services Act [Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code] and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people, pursuant to Health and Safety Code §53260(d).

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

TRANSITIONAL HOUSING. A structure configured as a rental housing development, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be not less than six months. **TRANSITIONAL HOUSING** is further defined as a residential land use that is not linked to onsite or offsite services that assist the resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

TRANSMISSION LINES. Electric power lines bringing power to a receiving substation or a distribution substation.

USABLE OPEN SPACE. Open space meeting the requirements of § 155.035 of this chapter.

USE. The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged or for which either a site or a structure is or may be occupied or maintained.

USE, ACCESSORY. A use which is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

WIDTH. The horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

WIRED TELECOMMUNICATION FACILITY. Telecommunications services such as wired (land line) telephone, digital subscriber line (DSL), internet and cable TV and internet services where TV, voice, internet, data, and other content are routed over a network of wires and cables and that do not require an antenna for transmission or reception.

WIRELESS TELECOMMUNICATION FACILITY. Public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications. **WIRELESS TELECOMMUNICATION FACILITY** includes the towers and other support structures, commercial satellite dishes, antennas, equipment buildings necessary for the specific facility, and facilities co-located on utility poles. **WIRELESS TELECOMMUNICATION FACILITY** includes “satellite telecommunication facility.” **WIRELESS TELECOMMUNICATION FACILITY** does not include “wired telecommunication facility,” or private personal wireless

facilities that do not require a license from the Federal Communications Commission, including direct-to-home satellite TV.

WIRELESS TELECOMMUNICATION FACILITY PERMIT. An administrative permit issued by the Director of Community Development or the Planning Commission.

YARD. An open space on the same site as a structure, located between a structure and the adjoining lot lines, unoccupied and unobstructed by structures from the ground upward or from the level of the structure requiring the yard upward except as otherwise provided in this chapter, including a front yard, side yard or rear yard.

YARD, FRONT. A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

YARD, REAR. A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site.

YARD, SIDE. A yard between the main building and the adjacent side line of the lot and extending entirely from the front yard to the rear yard.

('63 Code, § 10-5.106) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 92-C.S., passed 10-6-67; Am. Ord. 152-C.S., passed 11-20-70; Am. Ord. 154-C.S., passed 12-4-70; Am. Ord. 158-C.S., passed 2-5-71; Am. Ord. 340-C.S., passed 7-7-81; Am. Ord. 512-C.S., passed 3-8-90; Am. Ord. 515-C.S., passed 5-19-90; Am. Ord. 518-C.S., passed 8-26-90; Am. Ord. 526-C.S., passed 2-5-91; Am. Ord. 589-C.S., passed 2-21-95; Am. Ord. 663-C.S., passed 11-19-02; Am. Ord. 710-C.S., passed 3-20-07; Am. Ord. 757-C.S., passed 10-19-10)

§ 155.007 DISTRICTS ESTABLISHED.

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

- (F) Flood Plain Districts
- (U) Unclassified Districts
- (A) Agricultural Districts
- (R) Residential Districts:

RS-6,000 - One-Family Residential Districts, 6,000 square feet minimum site area, provided 4,000 square feet have a natural grade of less than 20%.

RM-2,500 - Multi-Family Residential Districts, 6,000 square feet minimum site area, 2,500 square feet site area per dwelling unit.

RM-1,000 - Multi-Family Residential Districts, 6,000 square feet minimum site area per four (4) dwelling units, plus 1,000 square feet per additional dwelling unit.

(OR) Office and Multi-Family Residential District: Office and Multi-Family Residential Districts, 6,000 square feet minimum site area per four (4) dwelling units, plus 1,000 square feet per additional dwelling unit.

(HM) Hospital-Medical Districts

(C) Commercial Districts:

CN - Neighborhood Commercial Districts

CP - Planned Shopping Center Commercial Districts

CC - Central Commercial Districts

CW - Waterfront Commercial Districts

CS - Service Commercial Districts

(M) Industrial Districts:

ML - Limited Industrial Districts

MG - General Industrial Districts

(P) Public Districts

- (PD) Planned Unit Development Combining Districts
- (AR) Architectural Review Combining Districts
- (LW) Live Work Combining Districts

(S) Study Districts

- (Q) Qualified Combining Districts

('63 Code, § 10-5.107) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 710-C.S., passed 3-20-07)

§ 155.008 DISTRICT BOUNDARIES.

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

(A) Where a boundary line is indicated as following a street or alley, it shall be construed as following the right-of-way line thereof.

(B) Where a boundary line is indicated as following a watercourse, it shall be construed as following the centerline thereof.

(C) Where a boundary line follows or coincides approximately with a lot line or a property ownership line, it shall be construed as following the lot line or property ownership line.

(D) Where a boundary line is not dimensioned and is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zoning map.

(E) Where further uncertainty exists, the Planning Commission, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the zoning map and the objectives of this chapter and the purposes set forth in the district regulations.

('63 Code, § 10-5.108) (Ord. 80-C.S., passed 10-16-66)

§ 155.009 CONFORMITY REQUIRED.

(A) No site or structure shall be used or designated for use for any purpose or in any manner other than in conformity with the regulations for the district in which the site or structure is located.

(B) No structure shall be erected, and no existing structure or use shall be moved, altered, or enlarged, except in conformity with the regulations for the district in which the structure or use is located.

(C) No yard space provided in compliance with the regulations for the district in which it is located shall be deemed to provide a yard space for any other structure, and no yard or usable open space on one site shall be deemed to provide a yard space or usable open space for a structure on any other site.

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

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

('63 Code, § 10-5.109) (Ord. 80-C.S., passed 10-16-66) Penalty, see § 150.999

§ 155.010 ESTABLISHMENT OF DISTRICTS BY MAP.

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

(‘63 Code, § 10-5.110) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 589-C.S., passed 2-21-95)

§ 155.011 DIVISION OF ZONING MAP.

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

(‘63 Code, § 10-5.111) (Ord. 80-C.S., passed 10-16-66)

§ 155.012 DRAINAGE REQUIREMENTS.

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

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

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

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

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

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

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

(D) *Drain control plan to be approved.* No zoning permit for any site in an area designated for drainage control as prescribed in this chapter shall be issued until a drainage control plan required by division (E) of this section has been approved by the Director of Public Works or the Planning Commission.

(E) *Drainage control plan to be submitted.* The owner of the site or his authorized agent shall submit a drainage control plan prepared by a duly licensed engineer to the Director of Community Development at the time of or prior to applying for a zoning permit, which plan shall include the following:

(1) A topographic map delineating the drainage area contributing to the area under consideration;

(2) A calculation of the flow from the drainage area;

(3) A plan of the area to be improved and indicating the proposed finish grade elevation, size, and location of proposed drainage structures; and,

(4) The Director of Public Works may require additional information, if necessary, to determine whether the purposes of this section are being carried out or may authorize the omission of any or all the information required by this section if it is not necessary.

(F) *Referral to Director of Public Works.* The Director of Community Development shall submit all applications for developments on sites in areas designated for drainage control to the Director of Public Works for investigation, report, and recommendation.

(G) *Action of Director of Public Works.*

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

(2) If the Director of Public Works approves the plans, or if the conditions or modifications recommended by the Director of Public Works are acceptable to the applicant, the drainage control plans shall not be submitted to the Planning Commission.

(H) *Action of Planning Commission.* Within 30 days after the Director of Public Works has recommended conditional approval, modification, or disapproval of the plans, the Planning Commission shall approve, conditionally approve, or disapprove the plans or shall request the applicant to revise the plans; provided, however, if the conditions or modifications requested by the Director of Public Works are acceptable to the applicant, no action by the Commission shall be required.

(I) *Status of approved drainage control plan.* The approved drainage control plans shall govern the drainage improvements on the site, and, if subsequently divided into two or more parcels, the approved plans shall govern the drainage improvements of each of the separate parcels.

('63 Code, § 10-5.112) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 589-C.S., passed 2-21-95; Am. Ord. 710-C.S., passed 3-20-07)

REQUIREMENTS AND REGULATIONS

§ 155.025 BASIC REQUIREMENTS FOR ALL DISTRICTS.

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

Zoning Schedule: Site Area, Yard Space, Bulk, Coverage, and Usable Open Space Requirements

Minimum Site			Minimum Yards [setbacks]							
(A)	Width (feet) § 155.006	Depth (feet) § 155.027	Front (feet) § 155.028	Side (feet) § 155.029	Rear (feet) § 155.029	Site Area per Dwelling Unit (sq. ft.) § 155.027(A)	Group Usable Open Space (sq. ft.) § 155.035	Basic Floor Area Ratio (% of site area) § 155.006	Max. Height § 155.033	Max. Height (feet)
(.600)	60' (corner lot 66')	100	15' 20' for garage	5' (corner lot, § 155.029 (A)(B))	25' (corner lot, § 155.029 (B))	6,000		50%	35'	12'
(.600)	60' (corner lot 66')	100	15' 20' for garage	5' (corner lot, § 155.029 (A)(B))	20' (corner lot, § 155.029 (B))	2,500	400	50%	35'	12'
(.600)	60' (corner lot 66')	10'0	15' 20' for garage	5' (corner lot, § 155.029 (A)(B))	20' (corner lot, § 155.029 (B))	6,000 per 4 dwelling units plus 1,000 per additional dwelling unit	200'	100%	75'	12'
	60'	100'	§ 155.054(C)(1)	§ 155.054(C)(1)	10' § 155.054(C)(1)	§ 155.054(C)(1)		250%	100'	12'
	60'	100'	15'	10'	10'	Same as RM-1000		100%	Hospitals 75'; other	12'

			§ 155.030	§ 155.030	§ 155.030				uses 25'	
						§ 155.078(B)		200%	35'	35'
min of	200'	200'	50' from exterior perimeter of shopping center	50' from exterior perimeter of shopping center	50' from exterior perimeter of shopping center	Dwellings not permitted		35%	35'	35'
						§ 155.078(B)		500%	100'	100'
	60'	100'				§ 155.078(B)		250%	100'	100'
	60'	100'				§ 155.078(B)		120%	35'	35'
	60'		10'			Dwellings not permitted		120%	35'	35'
	60'		10'			Dwellings not permitted		200%	100'	100'

(1)

						§ 155.057(C)(2) § 155.057(C)(4)	400 sq. ft. § 155.057(C)(3)			
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district with which combined

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§ 155.026 EXTENSIONS OVER PROPERTY LINES AND EASEMENTS.

Except as provided in Chapter 150 of this title, §§ 155.155 through 155.168 of this chapter, and § 155.032 of this subchapter, no use or structure shall extend beyond the property lines of its site. No structure shall extend over a public utility easement. However, this section shall not be construed to prohibit the location of public access structures that may require an extension over property or easements to be able to function consistent with the policies of the General Plan.

('63 Code, § 10-5.202) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 710-C.S., passed 3-20-07)
Penalty, see § 150.999

§ 155.027 SITE AREA AND DIMENSIONS; REQUIREMENTS AND EXCEPTIONS.

(A) *Measurement.*

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

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

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

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

(5) On the site of more than one dwelling unit, the area of all vehicular accessways exceeding 100 feet in length shall be deducted from the total site area, and the number of dwelling units permitted shall be determined by dividing the remainder by the site area required per dwelling unit.

(6) If after dividing the area of a site in an R, OR, HM, CN, CC, or CW District by the site area required per dwelling unit, a remainder equal to or greater than 90% of the area required for an additional dwelling unit is obtained, one additional dwelling unit may be located on the site provided all other applicable yard, open space, bulk, and parking regulations are met.

(B) *Hillside sites in RS-6,000 Districts.* In an RS-6,000 District, each site shall conform with the following regulations:

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

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

(C) *Depth adjoining freeways or railroads in R Districts.* In an R District, no site rearing on a freeway or railroad right-of-way shall have a depth of less than 130 feet.

(D) *Nonconforming sites.* A site having an area, frontage, width, or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to October 16, 1966, and which had a legal area, frontage, width, and depth at the time the subdivision map, deed, or contract of sale was recorded, may be used for a permitted use or a conditional use in the district in which it is located but shall be subject to all other regulations for the district.

('63 Code, § 10-5.203) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 508-C.S., passed 12-21-89; Am. Ord. 515-C.S., passed 5-19-90; Am. Ord. 589-C.S., passed 2-21-95) Penalty, see § 150.999

§ 155.028 FRONT YARDS; REQUIREMENTS AND EXCEPTIONS.

In addition to the regulations prescribed in the zoning schedule set forth in § 155.025 of this subchapter, the following regulations shall apply:

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

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

('63 Code, § 10-5.204) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 512-C.S., passed 3-8-90) Penalty, see § 150.999

§ 155.029 SIDE AND REAR YARDS; REQUIREMENTS AND EXCEPTIONS.

In addition to the regulations prescribed in the zoning schedule set forth in § 155.025 of this subchapter, the following regulations shall apply:

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

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

(C) Where the side or rear lot line of the site of a use other than a residential use in a district other than an R or HM District adjoins an R District, the minimum side or rear yard shall be 10 feet.

(D) On the street side of a corner lot, the minimum side yard for a garage, carport, or off-street parking space required to serve a dwelling unit in an R District shall be 20 feet, except that if the garage, carport, or off-street parking space is entered parallel to the street from which it has access, the minimum side yard shall be the same as the side yard otherwise required for a corner lot.

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

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

('63 Code, § 10-5.205) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 512-C.S., passed 3-8-90; Am. Ord. 710-C.S., passed 3-20-07) Penalty, see § 150.999

§ 155.030 SPECIAL YARDS IN HM DISTRICTS.

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

('63 Code, § 10-5.206) (Ord. 80-C.S., passed 10-16-66) Penalty, see § 150.999

§ 155.031 TRAFFIC SIGHT OBSTRUCTIONS.

The height of obstructions at corners of intersecting streets and at alleys and driveways shall be regulated by §§ 71.55 through 71.59 of this code of ordinances.

('63 Code, § 10-5.208) (Ord. 80-C.S., passed 10-16-66)

§ 155.032 PROJECTIONS INTO YARDS.

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

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

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

(D) *Balconies over six feet aboveground.* Balconies, decks, terraces, and other similar unroofed structures at a height, including railings, more than six feet above the level at which a yard must be provided may project not more than eight feet into a required front yard or rear yard and five feet into any other yard, provided that they shall not reduce any yard to less than five feet except on the street side of a corner lot. Such structures shall be cantilevered or supported only by necessary columns. A balcony or deck projecting from a higher story may extend over a lower balcony or deck but shall not in such case be deemed a roof for the lower balcony or deck.

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

(F) *Covered patios.* Covered patios attached to a main structure may project not more than eight feet into a required rear yard and five feet into a required side yard, provided that the required side yard shall not be reduced to less than five feet. A covered patio not attached to a main structure shall be deemed an accessory structure.

(G) *Underground structures.* Covered underground structures may project without limit into any required yard provided they shall not have a height of more than 2½ feet and their surfaces shall be landscaped.

('63 Code, § 10-5.209) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 710-C.S., passed 3-20-07)
Penalty, see § 150.999

§ 155.033 HEIGHT LIMITS.

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

(B) *Exceptions.* Towers, spires, cupolas, chimneys penthouses, water tanks, flagpoles, monuments, scenery lofts, transmission towers for wired telecommunications, fire towers, and similar structures and necessary mechanical appurtenances covering not more than 10% of the ground area covered by the structure may be erected to a height of not more than 100 feet or not more than 25 feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less. The height of wireless telecommunication facilities shall be regulated by Chapter 159.

(C) *Airport zoning regulations.* All structures shall be subject to the height limitations imposed by Chapter 151 of this title.

('63 Code, § 10-5.210) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 512-C.S., passed 3-8-90; Am. Ord. 757-C.S., passed 10-19-10) Penalty, see § 150.999

§ 155.034 ACCESSORY STRUCTURES.

(A) In an R District accessory structures may be located in a required rear yard, provided that the distances to lot lines shall not be less than prescribed in the zoning schedule set forth in § 155.025 of this subchapter, and provided that in aggregate no more than 500 square feet or 10% of the area of the required rear yard whichever is greater, shall be covered by structures, except as provided in division (D) of this section. Accessory structures located in required rear yards shall not be closer to a main structure or another accessory structure than the distances prescribed in the City Building Code and as provided in division (D) of this section.

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

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

(D) On a site with a required rear yard adjoining an alley, accessory structures shall be not less than 15 feet from the center line of the alley, and accessory structures containing no habitable rooms may adjoin a main structure. In an RM or OR District accessory structures containing no habitable rooms may cover not more than 60% of a required rear yard adjoining an alley.

('63 Code, § 10-5.211) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 512-C.S., passed 3-8-90; Am. Ord. 537-C.S., passed 2-6-92; Am. Ord. 710-C.S., passed 3-20-07) Penalty, see § 150.999

§ 155.035 USABLE OPEN SPACE.

(A) Group or private usable open space shall be provided for each dwelling unit in the RM, OR, CN, CC, CS, and CW Districts as prescribed in the zoning schedule set forth in § 155.025 of this subchapter. Each square foot of private usable open space shall be considered equivalent to two square feet of group usable open space and may be so substituted. A combination of group and private usable open space may be used, however, for each dwelling unit, open space must either be group or private but cannot be a combination of group and private. All required usable open space shall be planted area, or shall have a dust free surface, or shall be water surface, provided that not less than 10% of the required group usable open space at ground level shall be landscaped with trees and other plant materials suitable for ornamentation. No required usable open space shall be located in a parking area, driveway, service area, or required front yard or have a slope greater than 10%.

(B) Required group usable open space shall have a minimum dimension of 15 feet on each side. Required space may be located on the roof of an attached garage or carport, but not more than 20% of the required space shall be located on the roof of a building containing habitable rooms.

(C) Required private usable open space located at ground level shall be fenced and have a minimum dimension of 10 feet on each side. The minimum area of aboveground level required private usable open space shall be 50 square feet, and have a minimum dimension of five feet on each side. Required private usable open space shall be adjacent to, and not more than four feet above or below the floor level of the dwelling unit served. Not more than 50% of ground level private usable open space may be covered by an overhang, balcony, or patio roof. Aboveground level space shall have at least one exterior side open above the railing height.

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

('63 Code, § 10-5.212) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 512-C.S., passed 3-8-90; Am. Ord. 710-C.S., passed 3-20-07) Penalty, see § 150.999

§ 155.036 SCREENING AND LANDSCAPING.

(A) *Screening of parking and loading facilities adjoining or opposite an R District.* In any district, any proposed open parking facility for more than five cars or a loading area on a site adjoining or directly opposite across a street or alley from an R District shall be screened, except for necessary drives and walks, and provided that where an alley is used for maneuvering, no screening shall be required. Screening shall be six feet in height, except that screening to protect properties across a street or alley may be not less than four feet in height.

(B) *Screening of uses adjoining RS Districts.* In any district where the site of a proposed use other than a one-family dwelling or a duplex adjoins an RS District, screening six feet in height shall be located adjoining the property line. Where the site of a proposed use other than a

dwelling adjoins an RS District, an area 10 feet in depth adjoining the property line shall be landscaped with plant materials, including a buffer of trees.

(C) *Screening of uses adjoining RM Districts.* In any district where the site of a use other than a dwelling adjoins an RM District, screening six feet in height shall be located adjoining the property line, and an area 10 feet in depth adjoining the property line shall be landscaped with plant materials, including a buffer of trees.

(D) *Screening of open uses.* In a C or M District adjoining an HM District or directly opposite across a street or alley from an R or HM District and in a CS or M District adjoining or directly opposite across a street or alley from an OR, CN, CP, CC, or CW District, screening of a height specified by the Director of Community Development shall screen a proposed use not conducted within a completely enclosed structure, other than a parking facility, a service station, or a drive-in, unless the Director of Community Development determines that topographic or other conditions make screening unnecessary or ineffective for the protection of the opposite district, or unless the Planning Commission finds that the characteristics of the proposed use make screening unnecessary or ineffective for protection of the opposite district from adverse impact.

(E) *Landscaping of parking facilities.* In an OR, HM, ML, RM, and all C Districts, not less than 4% of the interior of a parking area shall be landscaped with trees and other plant materials suitable for ornamentation. Landscaped areas shall be distributed throughout the proposed parking area. Incentives described in § 155.036(L) of this title are provided to encourage interior landscaping beyond the required 4%. These requirements shall apply to all proposed parking facilities with 5 or more spaces, and to existing parking lots when land use changes occur due to zoning reclassification or other discretionary land use permit. These requirements shall not apply to ministerial projects associated with existing parking lots. In addition, a perimeter landscaped area not less than four feet in depth shall be located at the property lines adjoining the street frontages of the site except for necessary drives and walks. At least one 15 gallon tree shall be planted for every 5 required off-street parking spaces. Trees may be planted within the perimeter and/or interior landscaping areas.

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

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

(H) *Screening and landscaping materials and maintenance.* Screening shall consist of a solid wall or fence, vine-covered fence, or compact evergreen hedge. Hedge materials used as

screening shall be not less than three feet in height when planted, and shall not be permitted to exceed the maximum specified height by more than 1½ feet. Where buffers of trees are required, they shall have a mature height of not more than 40 feet and shall be planted not more than 20 feet apart. All screening and landscaping shall be permanently maintained in neat and orderly condition by the owner. Plant materials shall be watered, weeded, pruned, and replaced as necessary to screen or ornament the site.

(I) *Landscaping and vegetative ground coverage.* Vegetative matter shall cover 75% of the landscaped area required by this title. Limited use of materials such as crushed rock, pebbles and stone is acceptable; however, the use of such materials shall not exceed 25% of the total amount of the landscaped area.

(J) *Trees near overhead power lines.* All trees reaching a height of greater than 20 feet at maturity shall not be planted within 10 feet (measured horizontally) of overhead power lines.

(K) *ISA Standards for professional landscapers.* All professional landscapers shall comply with the ISA (International Society of Arboriculture) pruning and trimming standards. Where pruning to ISA standards is impractical, the work shall be performed to minimize tree damage and visualize impact, or the tree shall be removed. Copies of the ISA standards shall be readily available at the Community Development Department.

(L) *Incentive and density bonuses.* For projects in Commercial and Residential Multiple Family Districts which provide at least 5% interior landscaping in parking facilities, and install greater than the minimum plant and tree quantities, and provide protection for existing trees on lots during construction activities (as applicable), the following incentives shall apply:

(1) *Commercial districts.* For Commercial parking lots with at least 30 required parking spaces, the required parking may be reduced by 1 space. One additional parking space may be reduced for each subsequent 10 required spaces.

(2) *Residential Multiple Family (RM) Districts.* To compensate Residential Multiple Family property owners for providing additional landscaping, a maximum density bonus of 10% will be allowed for parking lots which provide at least 5% interior landscaping and install greater than the minimum plant and/or tree quantities.

(3) For any Commercial or Residential Multiple Family project which requires a parking variance to meet the incentives, the applicable variance fee shall be waived.

(M) *Proposed landscape site plan requirements.* When landscaping is required pursuant to this title, Landscape Site Plans shall be submitted to the Design Review Committee for approval. Landscape Site Plans shall be prepared by applicants, and shall not require the services of a licensed landscape architect. Each required Landscape Site Plan shall contain the following:

(1) All existing structures and trees.

(2) All proposed trees and plants, drawn to scale, showing estimated size at maturity. All proposed tree removals should also be indicated.

(3) The total square footage of all landscaped areas (existing and proposed).

(4) A legend showing common names of all proposed trees and plants, and their gallon sizes as planted.

(5) Location of all utilities corridors and easements below and above ground.

(N) *Sight obstruction regulations.* All fencing, landscaping, shrubs and trees shall meet height and distance visibility requirements of the City of Eureka Sight Obstruction Regulations. These standards provide sight visibility guidelines for street corners, driveway openings and alley intersections, and address the safety of pedestrians, bicyclists and vehicles.

(O) *General requirements.* The following general requirements should be considered when incorporating landscaping into development projects:

(1) All landscaping required pursuant to this title should consider the aesthetic qualities of existing terrain and landscaping to assure compatibility with existing trees and significant plant material, and to conserve top soil.

(2) All proposed planting material should be selected for suitability to the climate of Eureka.

(3) All vegetative matter should be planted and maintained in accordance with the Eureka Street Tree Management Plan and Design Guidelines Manual (available at the Community Development Department).

('63 Code, § 10-5.213) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 589-C.S., passed 2-21-95; Am. Ord. 627-C.S., passed 9-1-98; Am. Ord. 710-C.S., passed 3-20-07) Penalty, see § 150.999

§ 155.037 [RESERVED]

§ 155.038 [RESERVED]

§ 155.039 [RESERVED]

§ 155.040 EMERGENCY SHELTERS.

(A) *Purpose and Intent.* In addition to the objectives prescribed in § 155.002 of this chapter, this section is added to achieve the following purposes:

(1) To provide for the placement of emergency shelters within the city as principally permitted uses subject to the same level of entitlement requirement as other principally permitted uses within the same zoning district;

(2) To address the special needs and characteristics of emergency shelters;

(3) To insure housing provided by emergency shelters will meet building, health, safety and access standards;

(4) To provide sufficient open space, parking and circulation to meet the needs of the emergency shelter;

(5) To provide compatibility with other uses allowed within the zoning districts in which emergency shelters are located; and

(6) To provide a safe environment for emergency shelter residents.

(PB) *Emergency Shelters in Permitted Zones.* Emergency shelters shall be principally permitted land uses ~~allowed~~ within the Service Commercial Zoning District (CS), the Light Industrial Zoning District (ML), and the General Industrial Zoning District (MG) with the issuance of a shelter permit as prescribed in this section. Emergency shelters located within the Coastal Zone shall comply with Chapter 156.

(BC) *Shelter Permit Required.* In accordance with the provisions of this section, a shelter permit application shall be approved by the City Council Director of Community Development or a designee, and obtained prior to occupation of any qualified site by an emergency shelter, and prior to approval of either a building permit or a change of occupancy permit, if required.

(CD) *Shelter Permit Application Requirements.*

(1) *Application forms.* Applications for shelter permits shall be filed with the Community Development Director, and shall be on forms supplied by the Department for shelter permits. Applications shall include the following information:

(a) Name and address of the applicant;

(b) Statement that the applicant is the owner or the authorized agent of the owner of the property on which the emergency shelter is proposed to be located;

(c) Address and assessor's parcel number of the property; and

(d) Statement indicating the precise manner of compliance with each of the applicable provisions of the section and chapter.

(2) *Maps.* The application shall be accompanied by the following plans and drawings:

- (a) A scaled site plan showing the existing and projected uses on the site, and including the existing uses on parcels surrounding the site for at least 300 feet;
- (b) An accurate, scaled set of elevations and floor plans for the building which show how the building will meet required building standards; and
- (c) Information detailing how the emergency shelter will meet the required site standards.

(3) *Fees.* The application shall be accompanied by a ~~Conditional Use Permit~~ fee established by resolution of the council to cover the cost of handling the application as prescribed in this section.

~~—(D)— *Investigations and Reports.* The Community Development Director shall make an investigation of the application, and shall prepare a report thereon which shall be submitted to the City Council.~~

~~—(E)— *City Council Public Meeting.* The City Council shall hold at least one public meeting. Unless otherwise directed by the Council, the City Clerk shall set the time and place of the meeting. Notice of the public meeting shall be given as prescribed in this chapter, when applicable, and shall also be given to the applicant.~~

~~—(F)— *City Council Public Meeting Procedure.* At the public meeting, the City Council shall review the application and the report provided by the Community Development Director regarding the application. Within 15 days of the close of the public meeting, the Council shall make a specific finding as to whether the emergency shelter will meet the standards outlined in § 155.040 (N) and (O) of this chapter.~~

~~—(G)— *Action of the City Council.* The City Council shall act within 15 days after the close of the public meeting. The City Council must approve the shelter permit if a finding is made that the shelter meets the standards listed in § 155.040(N) and (O) of this chapter. The City Council must deny the shelter permit if a finding is made that the shelter does not meet the standards listed in § 155.040 of this chapter. Within five days of the final action of the City Council, the City Clerk shall provide a written notice of the action to the applicant.~~

~~—(H)— *Effective Date of Shelter Permits.* A shelter permit will become effective ten days following the date on which the City Council approved the permit.~~

~~—(I)— *Lapse of Shelter Permits.* A shelter permit shall lapse and become void one year from the date on which the shelter permit becomes effective unless, prior to the expiration of one year, a building permit is issued and construction commenced and diligently pursued toward completion on the site which was the subject of the shelter permit application, or a certificate of occupancy is issued for the structure which was the subject of the shelter permit application, or the site is occupied if neither a building permit or change of occupancy was required.~~

~~—(J)— *Renewal of Lapsed Shelter Permits.* A lapsed shelter permit may be renewed for an additional one year, provided that prior to the expiration of one year from the date when the shelter permit or the renewal becomes effective, an application for the renewal is filed with the Community Development Department. The City Council may grant or deny an application for the renewal of the lapsed shelter permit. Divisions 155.040(B) through (G) of this chapter shall apply to an application for the renewal of a lapsed shelter permit.~~

~~—(K)— *Modification of Shelter Permit.* All standards contained in § 155.040 of this chapter shall apply to an application for modification, expansion or other change to an approved shelter permit.~~

~~—(L)— *Suspension and Revocation.* Upon a violation of any applicable provision of this section, or of the conditions of the shelter permit, the shelter permit shall be suspended automatically. The City Council shall hold a public hearing within 45 days of such suspension, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the shelter permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition.~~

(ME) *Compliance with Development Standards.* All emergency shelters located within the city shall comply with the development standards contained within this section. The application of the development standards shall occur at the time of issuance of a shelter permit approved by the City Council.

(NF) *Site Development Standards.*

~~—(1)— Parcels selected for the placement of emergency shelters shall meet minimum parcel sizes for the zoning district in which they are located. Parcels must be available for use without the issuance of a variance.~~

(21) Buildings used as emergency shelter sites shall meet all handicapped access, health, safety, building and fire standards. Non-conforming buildings shall not be used for emergency shelters. Prior to occupancy, a Change of Occupancy permit, which indicates the building has met the required building standards, must be approved by the City Building Official. The Building Official shall determine the number of residents allowed to occupy the building. The Building Official shall also make the determination of occupant loading using the Uniform Building Code, as adopted by the city.

(32) Buildings used as emergency shelter sites shall provide housing accommodations and ~~needed-minimal~~ support services to homeless persons on a day to day basis, with a duration of residency not to exceed six months. Emergency shelters are intended to provide interim, temporary housing to residents for whom other housing options are not readily available or affordable, and are not intended to provide long term housing needs.

(43) A minimum of one parking space for every eight residents, plus an additional one parking space for each two employees on a shift at the site, shall be provided on-site. All

parking provided shall meet the standards for access, parking, loading, and landscaping provided in this chapter.

(54) Exterior security lighting shall be provided at all access points to the building and within all parking areas. Lighting shall be placed so as to light the interior of the parking areas, and shall be placed so as to not create glare or impact adjoining parcels.

(65) Signs placed on-site shall meet all requirements of this chapter. Sign standards shall be applied according to the zoning district in which the shelter site is located.

(76) No emergency shelter shall be placed within 1000 feet of any pre-school, nursery school, or schools for students in kindergarten through 12th grade or within 300 feet of another emergency shelter.

(87) Any preparation, storage, or serving of food on the premises shall comply with the requirements for such use as required by the Humboldt County Public Health Department.

(98) Child-care provided on-site shall meet the standards required by the State of California for day care facilities.

(409) Open Space shall be provided on-site at a ratio of five square feet per resident. The number of residents shall be as determined by the City Building Official. The parking provided for the site, or any paved area, shall not count as required open space. Open space provided shall meet all other standards as required for other residential uses as described in § 155.035 of this chapter.

(410) Storage areas, including garbage and recycling areas located exterior to the building, shall be screened with a six foot opaque barrier acceptable to the city.

~~(12) Emergency shelters shall be located within 1000 feet of a bus line with pedestrian access available to the bus stop.~~

(EG) *Shelter Operation.*

(1) Shelter operators shall either be a government agency, or a private for non-profit, or a non-profit organization which can demonstrate the ability to meet the standards required for shelter operation.

(2) Methods of demonstrating this ability shall include but not be limited to demonstrating past experience in operating the type of shelter proposed, oversight by another organization with past experience in operating the same type of shelter proposed, or the ability to obtain or otherwise meet the State requirements for operators of facilities for mentally disordered, handicapped persons, alcoholism or drug abuse facilities or for health/community care facilities.

(3) A minimum of one ~~paid~~ employee for every 30 shelter residents must be on-site during the hours of operation of the shelter.

(4) Shelter operators shall provide a program which details the supervision of shelter residents. The program shall include a means by which the surrounding neighborhood will be kept free from garbage, unattended or inoperable vehicles or other surplus items left by shelter residents. All such items left on-site at the shelter shall be screened as approved by the city.

(5) Shelter operators shall insure that the County Mental Health and Public Health Departments shall have access to the shelter site to provide direct services to the shelter residents.

(6) Support services which maintain separate offices at the shelter site shall meet the parking standards for their particular use as required by this chapter. Support services which share office space with shelter office space will be counted with that space for the purpose of determining parking requirements.

(7) Shelter operators shall provide a program acceptable to the Eureka Police Department which addresses the need for the coordination of police services to the site and the surrounding neighborhood. The program submitted shall address the need for private security personnel supplied by the shelter operators.

(8) Shelter operations shall comply with the ambient noise levels established at the shelter site.

~~(P) *Emergency Shelters in Permitted Zones.* Emergency shelters shall be allowed within the Service Commercial Zoning District (CS), the Light Industrial Zoning District (ML), and the General Industrial Zoning District (MG) with the issuance of a shelter permit as prescribed in this section. Emergency shelters located within the Coastal Zone shall comply with Chapter 156.~~

(Ord. 631-C.S., passed 9-7-99; Am. Ord. 710-C.S., passed 3-20-07)

SPECIFIC DISTRICTS

§ 155.050 U UNCLASSIFIED DISTRICTS.

(A) *Purposes.* In addition to the objectives prescribed in § 155.002 of this chapter, the U Unclassified District is included in this chapter to achieve the following purposes:

(1) To provide a proper classification for submerged lands within and adjoining Humboldt Bay;

(2) To permit certain uses which are compatible with open water areas which uses will not conflict with regulations established for safe navigation of shipping; and,

(3) To permit the review of development proposals to ensure the orderly growth and development of Humboldt Bay in a manner consistent with community goals, objectives, and values.

('63 Code, § 10-5.351)

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

('63 Code, § 10-5.352)

(C) *Conditional uses.* Any use permitted by this chapter, either as a permitted use or as a conditional use, may be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter; provided, however, a use permit shall not be required for docks, piers, and wharves, including launching ramps, when not in conflict with pierhead lines or bulkhead lines established by the United States Army Corps of Engineers. The use permit shall require that the use comply with the provisions of §§ 155.025 through 155.036 and §§ 155.155 through 155.168 of this chapter, for a district specified by the use permit, or substitute regulations shall be prescribed by the use permit.

('63 Code, § 10-5.353)

(D) *Off-street parking.* Off-street parking facilities shall be provided for each use as prescribed in §§ 155.115 through 155.123 of this chapter.

('63 Code, § 10-5.354)

(E) *Off-street loading.* Off-street loading facilities shall be provided for each use as prescribed in §§ 155.135 through 155.141 of this chapter.

('63 Code, § 10-5.355)

(F) *Signs.* No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in §§ 155.155 through 155.168 of this chapter.

('63 Code, § 10-5.356)

(Ord. 80-C.S., passed 10-16-66; Am. Ord. 710-C.S., passed 3-20-07) Penalty, see § 150.999

§ 155.051 A AGRICULTURAL DISTRICTS.

(A) *Purposes.* In addition to the objectives prescribed in § 155.002 of this chapter, the A Agricultural District is included in the zoning regulations to achieve the following purposes:

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

(2) To prevent premature urban development of certain lands, which eventually will be appropriate for urban uses, until the installation of drainage works, streets, utilities, and community facilities makes orderly development possible; and,

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

('63 Code, § 10-5.401)

(B) *Required conditions.*

(1) All uses shall comply with the regulations prescribed in §§ 155.025 through 155.036 of this chapter.

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

(3) Animal keeping shall comply with the provisions of Chapter 91 of this code of ordinances.

('63 Code, § 10-5.402)

(C) *Permitted uses.* The following uses shall be permitted:

(1) One-family dwellings and farm employee housing for persons employed on the premises. Not more than one dwelling unit, other than farm employee housing, shall be located on each five acres of the site. Manufactured homes shall meet the criteria prescribed in §§ 155.230 through 155.232 of this chapter.

(2) Animal breeding;

(3) Apiaries;

(4) Dairies and processing of dairy products;

(5) Field and truck crops;

- (6) Fur farms and rabbit raising;
- (7) [Reserved]
- (8) Livestock raising, not including feed lots where more than 50% of the feed is imported, or hog raising;
- (9) Nurseries, greenhouses, and botanical conservatories;
- (10) Orchards;
- (11) Poultry raising, egg processing, and hatcheries;
- (12) Private kennels;
- (13) Riding academies and stables;
- (14) Timber harvest; and,
- (15) Accessory structures and uses located on the same site with a permitted use, including barns, stables, coops, tank houses, storage tanks, windmills, silos, other farm outbuildings, private garages and carports, one guest house or accessory living quarters without a kitchen for each dwelling on the site, storehouses, garden structures, greenhouses, recreation rooms and hobby shops, and the storage of petroleum products for the use of persons residing on the site.

('63 Code, § 10-5.403)

(D) *Conditional uses.* The following uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter:

- (1) Airports and heliports;
- (2) Animal sales yards;
- (3) Automobile motorcycle racing stadiums and drag strips;
- (4) Bulk storage of petroleum products for direct sale to consumers;
- (5) Cemeteries, crematories, and columbariums;
- (6) Charitable institutions and social service and social welfare centers;
- (7) Churches, synagogues, temples and other institutions of worship;
- (8) Commercial kennels;

- (9) Commercial and private recreation facilities;
 - (10) Drive-in theaters;
 - (11) Farm equipment service and repair establishments;
 - (12) Fertilizer plants and yards;
 - (13) Gas and oil wells;
 - (14) Golf courses and golf driving ranges;
 - (15) Hospitals or sanitariums and ~~nursing homes~~ convalescent facilities;
 - (16) Nursery schools;
 - (17) Private schools and colleges;
 - (18) Public utility and public service pumping stations, power stations, equipment buildings, installations, and service yards, drainage ways and structures, storage tanks, reservoirs, and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare;
 - (19) Quarrying and extraction of minerals;
 - (20) Resorts;
 - (21) Restaurants;
 - (22) Roadside stands for the sale of agricultural produce grown on the site;
 - (23) Stockyards and slaughterhouses;
 - (24) Veterinarians' offices;
 - (25) Accessory structures and uses located on the same site as a conditional use;
- ('63 Code, § 10-5.404)
- (26) Wireless telecommunication facilities subject to the provisions of Chapter 159; and
 - (27) Medical cannabis cultivation and processing facilities subject to the provisions of Chapter 158.

(E) *Off-street parking.* Off-street parking facilities shall be provided for each use as prescribed in §§ 155.115 through 155.123 of this chapter, except that no space shall be required to be located in a garage or carport.

('63 Code, § 10-5.405)

(F) *Off-street loading.* Off-street loading facilities shall be provided for each use as prescribed in §§ 155.135 through 155.141 of this chapter.

('63 Code, § 10-5.406)

(G) *Signs.* No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in §§ 155.155 through 155.168 of this chapter.

('63 Code, § 10-5.407)

(H) *Architectural review.* Conditional uses shall be subject to architectural review as prescribed in §§ 155.180 through 155.187 of this chapter.

('63 Code, § 10-5.408)

(I) *Subdivision of A Agricultural Districts.* All land classified as A Agricultural District which has been or is hereafter subdivided for single-family residential use by the filing of an approved final subdivision map in accordance with Chapter 154 of this title, shall automatically be classified RS-6,000 One-Family Residential District without further proceedings and thereafter be classified in any proper district in accordance with the procedures prescribed in §§ 155.350 through 155.362 of this chapter.

('63 Code, § 10-5.409)

(Ord. 80-C.S., passed 10-16-66; Am. Ord. 518-C.S., passed 8-26-90; Am. Ord. 526-C.S., passed 6-20-91; Am. Ord. 710-C.S., passed 3-20-07; Am. Ord. 757-C.S., passed 10-19-10; Am. Ord. 768- C.S., passed 5-3-11) Penalty, see § 150.999

§ 155.052 RS-6,000 ONE-FAMILY RESIDENTIAL DISTRICTS.

(A) *Purposes.* In addition to the objectives prescribed in § 155.002 of this chapter, the RS-6,000 One-Family Residential District is included in the zoning regulations to achieve the following purposes:

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

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

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

(4) To provide space for semi-public facilities needed to complement urban residential areas and for institutions that require a residential environment;

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

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

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

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

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

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

('63 Code, § 10-5.501)

(B) *Required conditions.*

(1) All uses shall comply with the regulations prescribed in §§ 155.025 through 155.036 of this chapter.

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

('63 Code, § 10-5.502)

(C) *Permitted uses.* The following uses shall be permitted:

(1) One-family dwellings. Manufactured homes shall meet the criteria prescribed in §§ 155.230 through 155.232 of this chapter;

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

(3) [Reserved]

(4) Temporary subdivision sales offices conducted in accord with the regulations prescribed in §§ 155.216 of this chapter;

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

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

(7) Keeping horses, rabbits, poultry, and bees in accord with the provisions of Chapter 91 of this code of ordinances;

~~(8) Nursery School for not more than six children;~~

~~(9) Nursing homes;~~

~~(10) Supportive Housing for not more than six residents; and~~

~~(11) Transitional Housing for not more than six residents.~~

_'63 Code, § 10-5.503)

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter:

(1) [Reserved]

(2) Charitable institutions;

(3) Churches, synagogues, temples and other institutions of worship;

(4) Commercial nursery growing grounds;

(5) Golf courses;

(6) Nursery schools for more than six children;

~~(7) Nursing homes for not more than six patients;~~

(78) Parking facilities improved as prescribed in §§ 155.115 through 155.123 of this chapter, on a site having a side property line which adjoins an OR, HM, C, or M District, or is opposite and separated therefrom only by an alley, or on a site that has a rear property line

adjoining an OR, HM, C, or M District and has access therefrom, provided that the site of the parking facility shall not extend more than 150 feet from the boundary of the OR, HM, or M District;

(~~89~~) Private recreation parks and swim clubs;

(~~109~~) Private schools and colleges, not including art, craft, music, dancing, business, professional, or trade schools and colleges;

(~~104~~) Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare;

(~~112~~) Accessory structures and uses located on the same site as a conditional use;

(~~123~~) “Bed and breakfast inn” in which not more than 15 paying guests may be lodged or boarded, provided that the site of such inn shall not be less than one acre in area;

(~~134~~) Timber harvest of less than three acres; and

(‘63 Code, § 10-5.504)

(~~145~~) Wireless telecommunication facilities subject to the provisions of Chapter 159.

(E) *Off-street parking.* Off-street parking facilities shall be provided for each use as prescribed in §§ 155.115 through 155.123 of this chapter.

(‘63 Code, § 10-5.505)

(F) *Off-street loading.* Off-street loading facilities shall be provided for each use as prescribed in §§ 155.135 through 155.141 of this chapter.

(‘63 Code, § 10-5.506)

(G) *Signs.* No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in §§ 155.155 through 155.168 of this chapter.

(‘63 Code, § 10-5.507)

(H) *Architectural review.* Conditional uses shall be subject to architectural review as prescribed in §§ 155.180 through 155.187 of this chapter.

(‘63 Code, § 10-5.508)

(Ord. 80-C.S., passed 10-16-66; Am. Ord. 340-C.S., passed 7-7-81; Am. Ord. 515-C.S., passed 5-19-90; Am. Ord. 518-C.S., passed 8-26-90; Am. Ord. 526-C.S., passed 6-20-91; Am. Ord. 710-C.S., passed 3-20-07; Am. Ord. 757-C.S., passed 10-19-10) Penalty, see § 150.999

§ 155.053 RM MULTI-FAMILY RESIDENTIAL DISTRICTS.

(A) *Purposes.* In addition to the objectives prescribed in § 155.002 of this chapter, the RM Multi-Family Residential Districts are included in the zoning regulations to achieve the following purposes:

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

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

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

(4) To provide space for semi-public facilities needed to complement urban residential areas and space for institutions that require a residential environment;

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

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

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

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

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

('63 Code, § 10-5.601)

(B) *Special purposes of RM-2,500 Districts.*

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

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

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

('63 Code, § 10-5.601.1)

(C) *Special purposes of RM-1,000 Districts.*

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

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

('63 Code, § 10-5.601.2)

(D) *Required conditions.*

(1) All uses shall comply with the regulations prescribed in §§ 155.025 through 155.036 of this chapter.

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

('63 Code, § 10-5.602)

(E) *Permitted uses.* The following uses shall be permitted in the RM-2,500 and RM-1,000 Districts:

(1) Any use permitted under § 155.052(C) of this subchapter in RS-6,000 One-Family Residential Districts;

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

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

(4) Convalescent facilities;

(4) Nursing homes for not more than six patients; and,

~~(6) Supportive Housing;~~

~~(7) Nursery Schools for not more than six children; and,~~

~~(8) Transitional Housing.~~

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

('63 Code, § 10-5.603)

(F) *Conditional uses.* The following conditional uses shall be permitted in the RM-2,500 and RM-1,000 Districts upon the granting of a use permit in accordance with the provisions of §§ 155.280 through 155.299 of this chapter:

(1) Charitable institutions;

(2) Churches, synagogues, temples and other institutions of worship;

(3) Commercial nursery growing grounds;

(4) Golf courses;

(5) Nursery schools for more than six children;

~~(6) Nursing homes;~~

(7) Parking facilities improved as set forth in §§ 155.115 through 155.123 of this chapter on site having a side property line which adjoins an OR, HM, C, or M District, or is opposite and separated therefrom only by an alley, or on a site that has a rear property line adjoining an OR, HM, C, or M District and has access therefrom; provided, however, the site of the parking facility shall not extend more than 1,500 feet from the boundary of the OR, HM, C, or M District.

(8) Private recreation parks and swim clubs;

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

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

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

(12) Mobilehome parks in an RM-1,000 District in accordance with the provisions of §§ 155.230 through 155.232 of this chapter.

- (13) Accessory structures and uses located on the same site as a conditional use;
- (14) ~~Family care homes and hH~~halfway houses;
- (15) Timber harvest of less than three acres; and

('63 Code, § 10-5.604)

- (16) Wireless telecommunication facilities subject to the provisions of Chapter 159.

(G) *Off-street parking.* Off-street parking facilities shall be provided for each use as set forth in §§ 155.115 through 155.123 of this chapter.

('63 Code, § 10-5.605)

(H) *Off-street loading.* Off-street loading facilities shall be provided for each use as set forth in §§ 155.135 through 155.141 of this chapter.

('63 Code, § 10-5.606)

(I) *Signs.* No sign, outdoor advertising structure, or display of any character shall be permitted except as set forth in §§ 155.155 through 155.168 of this chapter.

('63 Code, § 10-5.607)

(J) *Site plan review and architectural review.* All permitted uses, except one-family dwellings, multi-family dwellings containing not more than six dwelling units, and dwelling groups containing not more than six units, shall be subject to site plan review as set forth in §§ 155.180 through 155.187 of this chapter. All conditional uses shall be subject to architectural review.

('63 Code, § 10-5.608) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 92-C.S., passed 10-6-67; Am. Ord. 152-C.S., passed 11-20-70; Am. Ord. 340-C.S., passed 7-7-81; Am. Ord. 518-C.S., passed 8-26-90; Am. Ord. 526-C.S., passed 6-20-91; Am. Ord. 710-C.S., passed 3-20-07; Am. Ord. 757-C.S., passed 10-19-10) Penalty, see § 150.999

§ 155.054 OR OFFICE AND MULTI-FAMILY RESIDENTIAL DISTRICTS.

(A) *Purposes.* In addition to the objectives set forth in § 155.002 of this chapter, the OR Office and Multi-Family Residential District is included in the zoning regulations to achieve the following purposes:

- (1) To provide opportunities for offices of a semi-commercial character to locate outside commercial districts;

(2) To provide space for semi-public facilities and institutions which appropriately may be located in office and multi-family dwelling districts;

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

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

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

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

('63 Code, § 10-5.701)

(B) *Required conditions.*

(1) All uses shall comply with the regulations prescribed in §§ 155.025 through 155.036.

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

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

('63 Code, § 10-5.702)

(C) *Permitted Office/Multi-Family Residential (OR) uses.* The following uses shall be permitted:

(1) Any use permitted under § 155.053(E) of this subchapter in RM Districts, provided that there shall be not less than 1,000 square feet of site area per dwelling unit, and provided that units not located above a permitted nonresidential use shall be subject to the requirements for usable open space per dwelling unit of the RM-1,000 District. Yards at and above the first level occupied by dwelling units shall be as required in the RM District;

(2) Administrative, business, and professional offices, including medical offices;

(3) Any other use which is determined by the Planning Commission, as provided in §§ 155.265 through 155.270 of this chapter, to be similar to the uses listed in subsection (2) of this section;

(4) Parking facilities, including fee parking facilities improved in conformity with the standards prescribed for required off-street parking facilities in § 155.118 of this chapter; and

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

('63 Code, § 10-5.703)

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter:

~~(1) Nursing homes;~~

~~(2)~~ Private schools and colleges, including music and dance studios not less than 150 feet from an R District;

~~(3)~~ Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety, or welfare;

~~(4)~~ Accessory structures and uses located on the same site as a conditional use;

~~(5)~~ ~~Family care homes and hH~~halfway houses;

~~(6)~~ Charitable institutions;

~~(7)~~ Churches, synagogues, temples and other institutions of worship;

~~(8)~~ Nursery schools for more than six children;

~~(9)~~ Private noncommercial clubs and lodges;

~~(10)~~ Mortuaries;

~~(11)~~ Motels and hotels; and,

~~(12)~~ Retail and service establishments that are compatible with and complementary to other permitted uses, including only:

(a) Art and artists' supply stores;

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

- (c) Banks and savings and loan offices;
- (d) Bail bonding establishments;
- (e) Bars not less than 150 feet from an R District;
- (f) Barber shops and beauty shops;
- (g) Book stores and rental libraries;
- (h) Candy stores;
- (i) Finance companies;
- (j) Florists;
- (k) Gift shops;
- (l) Interior decorating shops;

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

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

(o) Telegraph offices; and,

(p) Travel agencies.

(123) Timber harvest of less than three acres; and

('63 Code, § 10-5.704)

(134) Wireless telecommunication facilities subject to the provisions of Chapter 159.

(E) *Off-street parking.* Off-street parking facilities shall be provided for each use as prescribed in §§ 155.115 through 155.123 of this chapter.

('63 Code, § 10-5.705)

(F) *Off-street loading.* Off-street loading facilities shall be provided for each use as prescribed in §§ 155.135 through 155.141 of this chapter.

('63 Code, § 10-5.706)

(G) *Signs.* No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in §§ 155.155 through 155.168 of this chapter.

('63 Code, § 10-5.707)

(H) *Site plan review and architectural review.* All permitted uses, except one-family dwellings, multi-family dwellings containing not more than six units, and dwelling groups containing not more than six units, shall be subject to site plan review as prescribed in §§ 155.180 through 155.187 of this chapter. All conditional uses shall be subject to architectural review.

('63 Code, § 10-5.708)

(Ord. 80-C.S., passed 10-16-66; Am. Ord. 92-C.S., passed 10-6-67; Am. Ord. 122-C.S., passed 5-23-69; Am. Ord. 152-C.S., passed 5-23-69; Am. Ord. 512-C.S., passed 3-8-90; Am. Ord. 518-C.S., passed 8-26-90; Am. Ord. 710-C.S., passed 3-20-07; Am. Ord. 757-C.S., passed 10-19-10) Penalty, see § 150.999

§ 155.055 HM HOSPITAL-MEDICAL DISTRICTS.

(A) *Purposes.* In addition to the objectives prescribed in § 155.002 of this chapter, the HM Hospital-Medical District is included in the zoning regulations to achieve the following purposes:

- (1) To permit the development of major health facilities according to standards that minimize adverse impact on adjoining residential areas;
- (2) To protect major health facilities from unrelated and incompatible uses and to encourage related medical facilities to locate in proximity to each other;
- (3) To reserve appropriately located areas for health facilities in order to stimulate the city's development as a major medical center;
- (4) To provide adequate expansion space for major health facilities;
- (5) To provide adequate space to meet the off-street parking and loading needs of health facilities;
- (6) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- (7) To protect major health facilities from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences; and,

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

('63 Code, § 10-5.801)

(B) *Required conditions.*

- (1) All uses shall comply with the regulations prescribed in §§ 155.025 through 155.036.

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

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

('63 Code, § 10-5.802)

(C) *Permitted uses.* The following uses shall be permitted:

- (1) Hospitals, ~~or~~ sanitariums, or nursing homes, convalescent homes, and family care homes;

- (2) Medical and dental offices and clinics, including offices of physicians, dentists, podiatrists, osteopaths, chiropractors, optometrists, and physical therapists;

- (3) Medical and dental laboratories;

- (4) Nursing homes;

- ~~(45)~~ Prescription pharmacies provided that at least 80% of the interior display area of a pharmacy shall be used for the sale of prescription or trade drugs, and provided that liquor shall not be sold;

- ~~(65)~~ Any use which is determined by the Planning Commission, as provided in §§ 155.265 through 155.270 of this chapter, to be similar to the uses listed in this section;

- ~~(76)~~ Parking facilities, including fee parking facilities improved in conformity with the standards prescribed for required parking facilities in § 155.118 of this chapter;

- ~~(87)~~ Accessory structures and uses located on the same site as a permitted use; and

('63 Code, § 10-5.803)

(98) Wireless telecommunication facilities located no more than 150 feet from an R District subject to a wireless telecommunication facility permit issued pursuant to Chapter 159.

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter:

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

(2) Heliports;

(3) Required off-street parking facilities located on a site separated from the use which the facilities serve, as prescribed in § 155.119 of this chapter;

(4) Off-street parking facilities improved as prescribed in §§ 155.115 through 155.123 of this chapter;

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

(6) Any use permitted in § 155.053(E) of this chapter in “RM” Districts, subject to all the requirements of the “RM 1,000” District. “HM” District regulations shall control where they impose greater restrictions;

(7) Timber harvest of less than three acres;

(‘63 Code, § 10-5.804)

(8) Wireless telecommunication facilities located within 150 feet of an R District subject to the provisions of Chapter 159; and

(9) Medical cannabis distribution facilities subject to the provisions of Chapter 158.

(E) *Off-street parking.* Off-street parking facilities shall be provided for each use as prescribed in §§ 155.115 through 155.123 of this chapter.

(‘63 Code, § 10-5.805)

(F) *Off-street loading.* Off-street loading facilities shall be provided for each use as prescribed in §§ 155.135 through 155.141 of this chapter.

(‘63 Code, § 10-5.806)

(G) *Signs.* No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in §§ 155.155 through 155.168 of this chapter.

('63 Code, § 10-5.807)

(H) *Site plan review and architectural review.* All permitted uses shall be subject to site plan review as prescribed in §§ 155.180 through 155.187 of this chapter. Conditional uses shall be subject to architectural review.

('63 Code, § 10-5.808)

(Ord. 80-C.S., passed 10-16-66; Am. Ord. 92-C.S., passed 10-6-67; Am. Ord. 338-C.S., passed 5-5-81; Am. Ord. 518-C.S., passed 8-26-90; Am. Ord. 757-C.S., passed 10-19-10; Am. Ord. 768-C.S., passed 5-3-11) Penalty, see § 150.999

§ 155.056 P PUBLIC DISTRICTS.

(A) *Purposes.* In addition to the objectives prescribed in § 155.002 of this chapter, the P Public District is included in the zoning regulations to provide a procedure for the orderly establishment of public facilities, expansion of their operations, or changes in the use of lands owned by governmental agencies.

('63 Code, § 10-5.1101)

(B) *Required conditions.*

(1) All uses shall comply with the regulations prescribed in §§ 155.025 through 155.036 of this chapter. Each yard space shall be not less than the yard required in the district adjoining or directly across a street from each property line, but the Planning Commission may require larger yards and may establish limits to height, bulk, and coverage as a condition of a use permit in order to ensure compatibility with adjoining uses.

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

('63 Code, § 10-5.1102)

(C) *Permitted uses.* Each use and structure existing on a parcel in the P District as of September 13, 1966, is hereby declared to be a conforming use and structure.

('63 Code, § 10-5.1103)

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter:

- (1) Airports;
- (2) Animal shelters;
- (3) Boat harbors and wharves;
- (4) Hospitals;
- (5) Parks, zoos, golf courses, playgrounds, and other public recreation facilities;
- (6) Public buildings and grounds;
- (7) Public schools, including nursery schools, elementary schools, junior high schools, high schools, and colleges;
- (8) Public pumping stations, power stations, equipment buildings and installations, corporation yards, drainage ways and structures, reservoirs, storage tanks, and sewage treatment plants;
- (9) Required off-street parking facilities located on a site separated from the use which the facilities serve, as prescribed by § 155.119(B) of this chapter; and

('63 Code, § 10-5.1104)

- (10) Wireless telecommunication facilities subject to the provisions of Chapter 159.

(E) *Off-street parking.* Off-street parking facilities shall be provided for each use as prescribed in §§ 155.115 through 155.123 of this chapter.

('63 Code, § 10-5.1105)

(F) *Off-street loading.* Off-street loading facilities shall be provided for each use as prescribed in §§ 155.135 through 155.141 of this chapter.

('63 Code, § 10-5.1106)

(G) *Signs.* No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in §§ 155.155 through 155.168 of this chapter.

('63 Code, § 10-5.1107)

(H) *Architectural review.* All uses shall be subject to architectural review as prescribed in §§ 155.180 through 155.187 of this chapter.

('63 Code, § 10-5.1108)

(Ord. 80-C.S., passed 10-16-66; Am. Ord. 757-C.S., passed 10-19-10) Penalty, see § 150.999

§ 155.057 PD PLANNED UNIT DEVELOPMENT COMBINING DISTRICTS.

(A) *Purposes.* In addition to the objectives prescribed in § 155.002 of this chapter, PD Planned Unit Development Combining Districts are included in the zoning regulations in order to provide locations for well-planned developments, including Common Interest Developments that conform with the general plan although the developments deviate in certain respects from the zoning map and district regulations. The planned unit development provisions are intended to allow freedom of design in order to obtain development that will be an asset to the city by equaling or surpassing the quality required by the regulations for the district with which a PD District is combined. A site may be rezoned to a combined district permitting a planned unit development provided the development complies with the regulations prescribed in this section and the Subdivision Map Act, as applicable.

('63 Code, § 10-5.1201)

(B) *Combining districts.* A planned unit development district may be combined with an R, OR, HM, C, or M District by a change of district to a Combined Planned Unit Development District in accord with the provisions of §§ 155.350 through 155.362 of this chapter, provided the findings prescribed by § 155.354(E) of this chapter are made. A Planned Unit Development District shall be designated by the letters PD following the full R, OR, HM, C, or M District designation.

('63 Code, § 10-5.1202)

(C) *Required conditions.*

(1) *Site area.* The site shall be at least three acres in area and shall have a frontage of at least 100 feet on a public street, provided that the minimum site area requirement shall not apply to a redevelopment project as defined by the California Community Redevelopment Law. All of the site area shall be in one ownership at the time of a change of district to a Combined Planned Unit Development District; the site may include a combination of separately recorded properties.

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

(3) *Open space.* In addition to the usable open space per dwelling unit required in the RM-2,500 District, a planned unit development containing dwellings shall include common open

space occupied by landscaping, natural vegetation, or water, and available for the use of all residents of the PD District, equal to not less than 10% of the minimum site area per dwelling unit in the district with which the PD District is combined times the number of dwelling units in the PD District. The Planning Commission shall require appropriate location, development, and provisions for perpetual maintenance of open space to serve the needs of residents of a planned unit development.

(4) *Additional requirements.* Additional site development requirements shall include, but not be limited to, the following:

(a) Except as provided in this section, a planned unit development shall meet all of the requirements of §§ 155.025 through 155.035 of this chapter for the district in which it is located.

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

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

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

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

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

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

('63 Code, § 10-5.1203)

(D) *Use permits required.* No zoning permit shall be issued for any site in a PD District until a use permit for the entire PD District has been granted in accord with the provisions of §§ 155.280 through 155.299 of this chapter.

('63 Code, § 10-5.1204)

(E) *Plans required.* In lieu of the map required by § 155.281(B)(2) of this chapter, an application for a use permit for a planned unit development shall be accompanied by a plan of the entire planned unit development, drawn to scale, and showing the contours of the site at intervals of not more than five feet; provisions for drainage of surface waters; watercourses; railroad and public utility rights-of-way; streets, driveways, and pedestrianways; lot layout; schools, parks, playgrounds, and other open spaces; dwelling types; nonresidential uses;

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

('63 Code, § 10-5.1205)

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

('63 Code, § 10-5.1206)

(G) *Status of approved plans for planned unit developments.* The approved site plan for a planned unit development shall govern all development on the site. If approval is granted for subsequent division of the Planned Unit Development District into two or more parcels, the approved plan shall govern the development of each of the separate parcels.

('63 Code, § 10-5.1207)

(H) *Subdivisions of planned unit developments.* Planned unit developments created through subdivision into a Common Interest Development shall include adequate provisions to ensure the perpetual maintenance of all areas and improvements proposed to be owned in common, or to be maintained in common, and to ensure that additional development will conform with the approved plan consistent with Chapter 154 and the Subdivision Map Act.

('63 Code, § 10-5.1208)

(I) *Architectural review.* All uses shall be subject to architectural review as prescribed in §§ 155.180 through 155.187 of this chapter.

('63 Code, § 10-5.1209)

(Ord. 80-C.S., passed 10-16-66; Am. Ord. 589-C.S., passed 2-21-95; Am. Ord. 710-C.S., passed 3-20-07) Penalty, see § 150.999

§ 155.058 AR ARCHITECTURAL REVIEW COMBINING DISTRICTS.

(A) *Purposes.* In addition to the objectives prescribed in § 155.002 of this chapter, the AR Architectural Review Combining District is included in the zoning regulations to achieve the following purposes:

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

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

(3) To ensure the continuation of high standards of development that have been established in certain portions of the city; and,

(4) To ensure that high standards of development will be maintained for certain uses that are to be permitted in certain locations on the condition that prescribed development standards be met.

('63 Code, § 10-5.1301)

(B) *Combining districts.* An AR Architectural Review Combining District may be combined with any other district. All regulations for the district combined with the AR District shall apply except as provided in division (C) of this section.

('63 Code, § 10-5.1302)

(C) *Architectural review.* All uses shall be subject to architectural review as prescribed in §§ 155.180 through 155.187 of this chapter, and the purposes and standards prescribed in § 155.180(B) of this chapter shall apply.

('63 Code, § 10-5.1303)

(Ord. 80-C.S., passed 10-16-66) Penalty, see § 150.999

§ 155.059 LW LIVE WORK COMBINING DISTRICTS.

(A) *Purposes.* In addition to the objectives stated in § 155.002 of this chapter, the LW Live Work Combining District is included in the zoning regulations to achieve the following purposes:

(1) To provide a district which would be combined only within the Eureka Business Improvement District boundaries in order to concentrate live work use within the business district in the city which is best suited to accommodate such use. Characteristics of the district important to the placement of live work use include, but are not limited to, access to transit, pedestrian orientation, and a substantial number of significant structures available for the use. It is the intent of this district to not be used indiscriminately but to reflect the importance of the live work use as part of a business district.

(2) To assist in implementation of the city's adopted housing element by increasing the type and variety of housing units available to the city's residents.

(3) To promote the revitalization of the Downtown Core Area, as described by the Eureka Business Improvement District (EBID) boundaries (which are co-terminus with the boundaries of the Eureka Main Street Program and the Cultural Arts Resource District) by encouraging the establishment of a stable residential community which is integrated with the business community.

(4) To establish parameters for a healthy living environment for the residents who wish to reside within commercial and industrial environments.

(5) To provide for maximum compatibility of the live work space with the existing land uses in the area.

(6) To encourage the conservation, and adaptive re-use of historic structures by increasing the number and variety of mixed uses which may co-locate within a structure.

(7) To encourage and enhance the economic viability of seismic retrofitting of unreinforced masonry (URM) structures by increasing the number and variety of mixed uses which may be co-located within the URM structures.

(B) *Combining districts.* A LW Live Work District will be used as a combining district only, in conjunction with basic zoning districts in accordance with the purposes listed in this section. All regulations for the district combined with the LW District shall apply except as provided in division (F) of this section.

(C) *Building requirements.* All uses shall be subject to the Live Work Building Ordinance (§§ 150.105 through 150.122 of this title).

(D) *Location of live-work uses within a structure.* The residential part of the live-work uses will not be allowed within the ground floor of a structure. An exception may be made provided the portion of the structure facing the street is maintained as a retail use within the first 30 feet of the street-facing windows. All such windows shall be maintained as available for pedestrian viewing (such as, without screens, window shades, draperies, or other materials which block the view of the interior of the structure from the sidewalk). Such exceptions will be reviewed through the zoning permit review process and shall be considered for approval by the Community Development Director or a designee.

(E) *Additional findings.* On the basis of the use permit application for conditional uses within the ML Limited Industrial Zoning District, and the evidence submitted, the Planning Commission must be able to make the following finding, in addition to the findings prescribed in § 155.285 of this chapter:

(1) That the proposed use, and its location will not result in detrimental effects upon the health, safety or welfare of the proposed residents due to the nature or operation of the existing neighboring uses.

(2) That the proposed use, and its location will not result in an impact upon existing, neighboring uses which may cause those uses to have to change the methods or nature of their operation.

(F) *Zoning standards.* All live work uses shall meet the requirements for site area, yard space, bulk, coverage, and usable open space as outlined in § 155.025 of this chapter according to the basic zoning district in which the live work use is located. Live work uses will not be required to meet the requirements of the RS (Single-Family Residential) or RM (Multi-Family Residential) zoning districts where the Live Work Combining Zone is applied.

(Ord. 593-C.S., passed 8-15-95; Am. Ord. 710-C.S., passed 3-20-07) Penalty, see § 150.999

§ 155.060 S STUDY DISTRICTS.

(A) *Purposes.* In addition to the objectives prescribed in § 155.002 of this chapter, the S Study District is included in the zoning regulations to achieve the following purposes:

(1) To provide a district into which unzoned territory or newly-annexed territory that has not been rezoned shall be automatically classified, pending study and reclassification, to an F, A, R, OR, HM, C, M, or U District; and,

(2) To permit the review of each development proposal in areas where changing conditions or the inadequacy of existing zoning regulations indicates the need for special study and possible amendments to this chapter.

('63 Code, § 10-5.1401)

(B) *Annexed and unzoned territory.*

(1) All territory which is annexed to the city, and has not been rezoned, or territory which is unzoned shall be automatically classified in the S Study District.

(2) Within 60 days after territory is automatically classified in an S District, the Director of Community Development shall submit to the Planning Commission a written report recommending in which zoning district the territory should be classified in order to carry out the objectives of this chapter.

(3) Within 30 days after receipt of the report of the Director of Community Development, the Commission shall initiate an amendment to reclassify the territory to an F, A, R, OR, HM, C, M, or U District.

('63 Code, § 10-5.1402)

(C) *Other authority.*

(1) The Planning Commission or the Council may initiate the reclassification of any territory from any other district to an S District in accord with the provisions of §§ 155.350 through 155.362 of this chapter provided the Commission or the Director of Community Development is conducting, or intends to conduct, studies within a reasonable time for the purpose of initiating a further amendment to this chapter that would affect the property reclassified to an S District.

(2) Reclassification of any territory from any other district to an S District shall be in accord with the provisions of §§ 155.350 through 155.362 of this chapter provided the Council shall designate the property as an S District by a two-thirds vote, and such designation shall become void one year following the date on which the designation was adopted. Two one-year extensions may be adopted provided the Council shall adopt each extension by a four-fifths vote, and each extension shall become void one year following the date on which the extension was adopted. Each extension shall be treated as an amendment and shall be adopted in accord with the provisions of §§ 155.350 through 155.362 of this chapter. Unless reclassified to another district, on expiration of the S District designation the property shall revert automatically to the classification held immediately prior to designation as an S Study District.

('63 Code, § 10-5.1403)

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

('63 Code, § 10-5.1404)

(E) *Permitted uses.* No use, structure, or sign lawfully occupying a site immediately prior to its classification as an S District shall become nonconforming by reason of being classified in an S District.

('63 Code, § 10-5.1405)

(F) *Conditional uses.* Any use permitted by this chapter, either as a permitted use or as a conditional use, may be permitted or extended, or any structure may be altered or enlarged upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter; provided, in order to allow reasonable time for special study, no application for a use permit shall be accepted for a use other than a use permitted in an R District or an extension of an existing use until the property has been reclassified to an S District for 60 days. The use permit shall require that the use comply with the provisions of §§ 155.025 through 155.036 and 155.155 through 155.168 of this chapter for a district specified by the use permit, or substitute regulations shall be prescribed by the use permit.

('63 Code, § 10-5.1406)

(G) *Off-street parking.* Off-street parking facilities shall be provided for each use as prescribed in §§ 155.115 through 155.123 of this chapter.

('63 Code, § 10-5.1407)

(H) *Off-street loading.* Off-street loading facilities shall be provided for each use as prescribed in §§ 155.135 through 155.141 of this chapter.

('63 Code, § 10-5.1408)

(I) *Signs.* No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in §§ 155.155 through 155.168 of this chapter.

('63 Code, § 10-5.1409)

(Ord. 80-C.S., passed 10-16-66; Am. Ord. 589-C.S., passed 2-21-95) Penalty, see § 150.999

§ 155.061 Q QUALIFIED COMBINING DISTRICT.

(A) *Purposes.* In addition to the objectives prescribed in § 155.002 of this chapter, the Q Qualified Combining District is included in the zoning regulations to achieve the following purposes:

(1) To be combined with any zone in situations where sound and orderly planning indicate that specified principal permitted uses or conditional uses otherwise allowed under the zone should be restricted. Principal uses may be made conditional uses, and/or principal or conditional uses may be disallowed. Uses not otherwise allowed in the zone cannot be added to the zone. The qualified uses shall be specified in the ordinance applying the Q zone to specific property.

(B) *Combining districts.* A Q Qualified Combining District may be combined with any other district. All regulations for the district combined with the Q District shall apply except as specified in the Ordinance applying the Q zone to the specific property.

(Ord. 621-C.S., passed 11-25-97; Am. Ord. 646-C.S., passed 8-21-01)

COMMERCIAL DISTRICTS

§ 155.075 PURPOSES IN GENERAL.

In addition to the objectives prescribed in § 155.002 of this chapter, the C Commercial Districts are included in the zoning regulations to achieve the following purposes:

(A) To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses offering commodities and services required by residents of the city and its surrounding market area;

(B) To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other;

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

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

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

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

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

('63 Code, § 10-5.901) (Ord. 80-C.S., passed 10-16-66)

§ 155.076 SPECIAL PURPOSES OF SPECIFIC COMMERCIAL DISTRICTS.

(A) *CN Neighborhood Commercial Districts.*

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

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

('63 Code, § 10-5.901.1)

(B) *CP Planned Shopping Center Commercial Districts.*

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

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

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

('63 Code, § 10-5.901.2)

(C) *CC Central Commercial Districts.*

(1) To maintain compactness and encourage more intensive development in the county's principal business district; and,

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

('63 Code, § 10-5.901.3)

(D) *CS Service Commercial Districts.*

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

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

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

('63 Code, § 10-5.901.5)

(Ord. 80-C.S., passed 10-16-66; Am. Ord. 663-C.S., passed 11-19-02; Am. Ord. 710-C.S., passed 3- 20-07)

§ 155.077 REQUIRED CONDITIONS.

(A) All uses shall comply with the regulations prescribed in §§ 155.025 through 155.036 of this chapter.

(B) In a CN, CC, or CP District all businesses, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, exhibits of goods sold, manufactured, or processed on the premises, gasoline service stations,

outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots, and utility substations and equipment installations.

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

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

('63 Code, § 10-5.902) (Ord. 80-C.S., passed 10-16-66; Am. Ord. 663-C.S., passed 11-19-02; Am. Ord. 710-C.S., passed 3-20-07) Penalty, see § 150.999

§ 155.078 PERMITTED AND CONDITIONAL USES.

(A) The following uses shall be permitted uses or conditional uses in a C District provided the symbol P, for permitted uses, or C, for conditional uses which appears in the column beneath of C District:

<i>USES</i>	<i>CN</i>	<i>CP</i>	<i>CC</i>	<i>CS</i>
Accessory uses and structures located on the same site as a permitted use		P	P	P
Accessory uses and structures, not including warehouses, located on the same site as a permitted use	P			
Accessory uses and structures located on the same site as a conditional use	C	C	C	C
Addressograph services			P	P
Arts and crafts schools and colleges	P		P	P
Administrative, business, and professional offices, except medical and dental offices	P	P	P	P
<i>USES</i>	<i>CN</i>	<i>CP</i>	<i>CC</i>	<i>CS</i>
Ambulance services	C			P

Amusement parks				C
Arts and artists' supply stores	P	P	P	P
Art galleries and stores selling objects of art	P	P	P	P
Auction rooms		P	P	P
Auction establishments, including outdoor displays				P
Automobile and motorcycle racing stadiums and drag strips				C
Automobile rental agencies			P	P
Automobile repairing, overhauling, rebuilding, and painting				P
Automobile (new car) sales and services, including used car sales incidental to new car sales			P	P
Automobile tire sales (see "Tire sales and service")				
Automobile (used car) sales				P
Automobile supply stores		P	P	P
Automobile upholstery and top shops				P
Automobile washing, including the use of mechanical conveyors, blowers, and steam cleaners				P
Bakeries				P
Bakeries, including baking for sale on the premises only	P	P	P	P
Bail bonds			P	P
Banks	P	P	P	P
Banquet rooms		P	P	P
Banquet rooms not less than 150 feet from an R	P			

District

<i>USES</i>	<i>CN</i>	<i>CP</i>	<i>CC</i>	<i>CS</i>
Barber shops and beauty shops	P	P	P	P
Bars		P	P	P
Bars not less than 150 feet from an R District	P			
Beverage distributors				P
Bicycle shops	P	P	P	P
Blacksmith shops not less than 300 feet from an R or OR District				P
Blueprint and photostat shops	C	P	P	P
Boat sales, services, and repairs				P
Bookbinding				P
Book stores and rental libraries	P	P	P	P
Bottling works				P
Bowling alleys			P	P
Building materials' yards other than gravel, rock, or cement yards not less than 300 feet from an R or OR District				P
Bus depots, provided buses shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site			P	P
Business, professional, and trade schools and colleges	C	P	P	P
Cabinet shops				P
Candy stores	P	P	P	P

Card rooms			P	P
Carpenter shops				P
Carpet and rug cleaning and dyeing				P
Catering establishments				P
USES	CN	CP	CC	CS
Charitable institutions	C	C	C	CP
Charitable institutions, including lodging houses or dormitories providing temporary quarters for transient unemployed persons, organizations devoted to collecting or salvaging new or used materials, or organizations devoted principally to distributing food, clothing, or supplies on a charitable basis	-	-	€	€
Christmas tree sales lots	P	P	P	P
Churches, synagogues, temples and other institutions of worship	C	C	C	C
Cigar stores	P	P	P	P
Circuses, carnivals, and other transient amusement enterprises		C		C
Cleaning and dyeing				P
Cleaning and dyeing, including the use of one synthetic dry cleaning machine using nonexplosive solvents and having a capacity of not more than 40 pounds per cycle only	P	P	P	P
Cleaning, coin-operated	P	P	P	P
Clinics (see “Medical and dental offices”)				

Section 2.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of _____, 2011 by the following vote:

AYES:	COUNCILMEMBERS
NOES:	COUNCILMEMBERS
ABSENT:	COUNCILMEMBERS
ABSTAIN:	COUNCILMEMBERS

Lance Madsen, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2011, and hereby approved.

Frank Jäger, Mayor

Approved as to Administration:

Approved as to form:

David W. Tyson, City Manager

Cyndy Day-Wilson City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the ____ day of _____, 2011.

Pamela J. Powell, City Clerk