

## **CHAPTER 17.22**

### **REGULATIONS FOR ZONING PERMITS**

#### **Sections:**

- 17.22.010      Zoning Permits**
- 17.22.020      Zoning Permit Performance Standards**

#### **Section 17.22.010      Zoning Permits:**

- A. Zoning permits which are revocable, conditional, and/or valid for a term period may be issued for uses authorized in each zoning district. Zoning permits may be issued by the Community Development Director (CDD) in the manner specified herein and shall be subject to compliance with the standards set forth herein or any other conditions necessary to protect the health, safety, and welfare of City residents. The zoning permit is a ministerial permit subject to periodic review by the CDD or Planning Commission as necessary to determine compliance with conditions.
- B. Application for a zoning permit shall be made in writing by the owner of the property or lessee of the property, the purchaser in escrow, or the optionee of the property with the written consent of the owner on a form provided by the CDD. The application shall be accompanied by a fee in an amount set by Resolution of the City Council. Plans and written material detailing the proposed use or operation may be required by the CDD.
- C. Notice of the intent to issue a zoning permit shall be given to those properties that are immediately contiguous to the property on which the subject application is made. The notice shall state the intended use and that the City will consider the issuance of a permit within five days. The intent of said notice is for information purposes only. The Community Development Department may issue zoning permits for one or two day special events provided all findings set forth in Section D. are complied with.
- D. The CDD may approve issuance of a zoning permit provided that the performance standards set forth in the following sections are complied with. In addition, the following findings must be made in each case:
  - 1. The proposed use is located in an appropriate zoning district, is consistent with the Lakeport General Plan, and will not create a detrimental impact.
  - 2. The proposed use complies with the applicable conditions and standards in the Municipal Code.
  - 3. The applicant has agreed to conform to all applicable building, health, and public works permits and requirements set forth in the Municipal Code, to comply with all other required conditions, and to operate the proposed use in conformance with the zoning permit.

- E. Upon application for a zoning permit, and after a determination by the CDD that the requirements of the Municipal Code have been met, the zoning permit may be issued. The zoning permit is effective upon issuance.
- F. In the event that the CDD determines that the impact of the issuance of the proposed zoning permit is potentially significant or detrimental, or that the use is only marginally in conformance with this section, the permit may be referred to the Planning Commission for review and action.

**Section 17.22.020 Zoning Permit Performance Standards:**

- A. This subsection intentionally left blank.
- B. This subsection intentionally left blank.
- C. **Guest Quarters:**
  - 1. A guest house shall be an accessory structure consisting of a detached living quarter of a permanent type of construction located within 200 feet of the primary residential unit.
  - 2. The guest house shall not contain kitchen facilities allowing the preparation and/or storage of any food.
  - 3. The guest house shall not be leased, subleased, rented, or subrented separately from the primary residential unit and is to be used for guest purposes only.
  - 4. The minimum gross floor area required for a guest house shall be 200 square feet and shall not exceed a maximum of 1,000 square feet of floor area.
  - 5. Vehicular access to the guest house shall be by way of the driveway of the main building and in no case shall a separate point of access be created to the adjoining road or highway.
  - 6. One covered off-street parking space shall be provided for the exclusive use of the guest house in addition to the parking requirements for the primary residential unit.
  - 7. Guest houses shall comply with the development standards set forth in the zoning district in which it is located.
  - 8. A guest house shall not be permitted on a lot in addition to a secondary accessory residential unit or similar dwelling. If a guest house has been approved on a lot, a secondary residential unit or similar dwelling shall not be permitted unless the guest house is removed or converted to another authorized use.
  - 9. The architectural style and construction materials of the guest house shall generally conform to those of the existing single-family residential primary unit in

terms of building height, roof style, roof materials, siding, windows, doors, siding and trim colors, and other architectural features.

**D. Temporary Offices:**

1. One commercial coach/mobilehome may be used as a temporary office for a period not to exceed one year during the construction of a commercial building on the same site.
2. Prior to issuance, applicants for temporary office zoning permits shall:
  - a. Obtain a building permit for the principal structure.
  - b. Obtain building and health permits for the inspection of the water supply, waste system, and electrical installation for the temporary office.
  - c. Define the foundation system and location of waste discharge facilities.
3. The temporary office shall not be permanently attached to the ground and shall be of a size that is readily removable.
4. The temporary office shall be removed from the site within 45 days of issuance of an occupancy permit for the office or commercial building and its presence shall not exceed one year from the date of issuance of the zoning permit.
5. The applicant shall obtain an inspection of the property upon completion of the principal structure not later than one year after the issuance of the zoning permit to determine compliance with the provisions herein.
6. An extension of a temporary office zoning permit may be issued on the same site for an additional six-month period upon written application for such an extension. Applications for extension shall be subject to the same procedures and requirements of the original zoning permit. Only one extension may be granted.
7. Application for an extension shall be accompanied by evidence of a valid building permit and evidence of substantial progress in construction of the primary structure.

**E. Temporary Construction Office:**

1. Temporary construction offices may be used during a construction project pursuant to the requirements of this section.
2. Applicants for a temporary construction office zoning permit shall obtain building and health permits for the inspection of the water supply, waste system, and electrical installation of the temporary construction office.
3. The temporary construction office shall not be permanently attached to the ground and shall be of a size that is readily removable.

4. All office activities shall be conducted within the temporary construction offices and no outdoor storage shall be conducted without prior authorization by the Lakeport Community Development Department.
5. All signing associated with the temporary construction office shall meet the requirements of the City Sign Ordinance.
6. The zoning permit shall expire after either:
  - a. The project has been completed.
  - b. The contractor has completed the contract for which the office is made necessary.
  - c. Two years after the issuance of a permit, whichever is earlier.
7. The temporary construction office shall be removed from the site within 45 days after completion of the project, vacation of the occupancy, termination of the contract, or expiration of the permit, whichever is earlier.

**F. Permanent or Semi-Permanent Accessory Offices:**

1. One permanent or semi-permanent accessory office structure may be used in commercial zoning districts, subject to issuance of a zoning permit and architectural and design review, or use permit, if applicable, as an office for the associated commercial activity pursuant to the requirements of this section.
2. Applicants for accessory offices shall obtain building and health permits for the inspection of the water supply, waste system, and electrical installation of the accessory office.
3. The accessory office shall be securely attached to the ground, footing or foundation in accordance with the provisions of the Uniform Building Code.
4. The accessory office shall be permitted only in conjunction with an existing or approved commercial use where it is not feasible or practical to construct a building with standard offices, or if the need for a typical office structure is not justified or necessary.
5. The accessory office shall be of a modular, commercial coach, mobile, or frame construction type and shall conform to the requirements of the Uniform Building Code in terms of access, doorway width, hall width, exits, occupancy load, etc. Provision of restroom facilities, plumbing, and electrical utilities shall also be in conformance with the Uniform Building Code.
6. The accessory office shall be visually pleasing and architecturally compatible with the commercial use of the site and surrounding area. City staff will review the proposed office in terms of its height, roof style, roof materials, siding, windows, doors, siding and trim colors, and other architectural details and may required improvements as necessary to assure a more visually attractive structure.

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

**G. Special Outdoor Events:**

1. Special outdoor events may be allowed upon application and approval of a zoning permit. A special outdoor event shall include, but not be limited to, outdoor activities such as street dances, sporting events, festivals, open air plays, and other similar activities.
2. Special outdoor events shall not include events held by individuals or non-profit organizations which occur on land specifically designed for such events including, but not limited to, sporting stadiums, race tracks, and fraternal lodge or club yard areas.
3. The applicant for an outdoor event shall be responsible for all activities and shall supervise all participants so that the event will be orderly and not result in disruption to neighboring properties or residents.
4. The hours of operation of special outdoor events shall generally be limited to 6:00 a.m. to 11:00 p.m. not including the setting up and taking down of displays, booths, stages, sound and lighting equipment, etc. Street dances shall be limited to approved hours of operation set forth in the zoning permit.
5. Special outdoor events shall not obstruct traffic or reduce sight distance at any driveway or intersection unless approved and authorized by the City.
6. The applicant for a special outdoor event shall submit for each event the following plans for review prior to the issuance of a special event permit.
  - a. Project description including estimated number of participants and spectators.
  - b. Parking and traffic control plan which provides for sufficient parking, circulation, and access to the event.
  - c. Solid and liquid waste disposal plan which provides adequate means for solid and liquid waste removal.
  - d. Public safety, noise, crowd control emergency contingency plans.
  - e. List of responsible parties and emergency contacts.
7. The site of the outdoor event shall be maintained in a litter-free condition and shall be returned to its original condition upon completion of the event unless alternative measures have been approved by the Community Development Director.
8. A special event shall not reduce the number or usability of parking spaces or other uses on the lot to a point where public safety is impacted.

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

**H. Outdoor food service, tables, and seating placement on sidewalks:**

1. Outdoor food service and seating activities may be conducted on sidewalk areas in conjunction with an existing restaurant, sandwich shop, coffee shop, and similar food service businesses located within a building in the commercial districts.
2. The outdoor seating location shall be defined on a map submitted with the zoning permit application and shall be limited to the storefront area or the minimum area necessary for outdoor seating facilities. All outdoor seating facilities shall generally be located adjacent to the building or structure unless otherwise specifically approved by Community Development Department staff.
3. Outdoor food service and seating activities shall not obstruct sidewalk areas or block building entries or exits. All equipment related to outdoor seating activities shall be maintained in a clean condition, and the activities shall be conducted and maintained in a neat and orderly manner.
4. Outdoor seating facilities in the downtown area shall be of a bistro or Victorian style utilizing high quality and durably constructed sidewalk furniture. All sidewalk furniture shall be approved by the Community Development Department prior to its use.
5. A minimum sidewalk and doorway clearance of 36 inches shall be maintained at all times within areas of outdoor seating.
6. Each outdoor seating business owner in the downtown area shall sign and submit a hold harmless agreement.

**I. Requirements for outdoor display/sales activities in commercial districts:**

1. Small scale (less than 200 square feet) outdoor display and sales activities on private property may be conducted without time limitation, or in accordance with a time limit as specified in the zoning permit. The applicant for outdoor display and sales activities shall specify the display schedule as part of the zoning permit application. Outdoor display on City sidewalks in the downtown area shall be limited to 100 days in a calendar year.
2. The application for the outdoor display/sales activities shall indicate the type and location of tables, racks, and other storage and display activities to be utilized. All facilities shall be limited to the applicant's storefront area, or the minimum area necessary for effective outdoor display activity associated with an existing commercial business. Tables and racks, along with other equipment used for

outdoor display and sales activities, shall be of a high-quality and durably constructed material and approved by the City.

3. Small scale outdoor display and sales activities shall not obstruct sidewalk areas or block building entries and/or exits. A 36" sidewalk/doorway clearance must be maintained at all times. All outdoor display and sales activities, including the display of merchandise, shall be conducted and maintained in a neat and orderly fashion at all times.
4. Signing related to small scale outdoor display and sales activities shall be defined in the zoning permit application and approved by the Community Development Department prior to their display. Signing related to outdoor commercial activities shall be oriented to pedestrians.
5. The display height of merchandise in a small scale outdoor display and sales activity shall not exceed six feet measured from the sidewalk grade.
6. All small scale outdoor display and sales activities shall generally be located adjacent to buildings or structures unless otherwise specifically approved by the Community Development Department as part of the zoning permit.
7. A minimum sidewalk and doorway clearance of 36 inches shall be maintained at all times in the vicinity of the small scale outdoor and sales activity.
8. Business owners involved in small scale outdoor display on City sidewalks shall sign and submit a hold harmless agreement.

J. **Requirement for larger scale and/or short term outdoor display and sales activities:**

1. Larger scale (more than 200 square feet), short term outdoor display and sales activities may be conducted for a time period not to exceed 14 days in a calendar year, or as specified in the zoning permit. The application for a zoning permit for larger scale - short term outdoor display and sales activities shall indicate the intended time frame, proposed location, extent of the sales area, and type of merchandise to be displayed. A site plan which identifies the outdoor sales area shall accompany the application.
2. The area shall be limited to the minimum necessary. Tables, racks, or other equipment used for the sales event shall be of high-quality, durably constructed material and approved by the City prior to their use.
3. Larger scale - short term outdoor sales activities shall not obstruct sidewalk areas, block building entries and/or exits, hinder the movement of traffic within a parking lot, impact neighboring properties, or create other health and safety related problems. Minimum sidewalk and aisle widths of 36" shall be maintained at all times within areas of outdoor display and sales activities. All larger scale - short term outdoor sales events shall be conducted and maintained in a neat and orderly fashion at all times. Haphazard, sloppy, or conditions that result in health and safety problems shall not be permitted.

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

K. **Home Occupations:**

1. The home occupation shall be strictly secondary and subordinate to the principle residential use and shall not change or detrimentally affect the residential character of the dwelling unit premises or neighborhood.
2. Home occupations shall not involve any structural alterations of the dwelling, and the entrance to the home occupation room shall be from within the dwelling except as approved by the City on a case-by-case basis.
3. The home occupation shall be conducted solely by the residential dwelling occupants and no employees shall be connected with the home occupation.
4. A home occupation shall not create any radio or television interference, any noise, any obnoxious odors or fumes, or any other detrimental negative effects to adjacent property owners.
5. There shall be no outdoor storage of materials or supplies related to the home occupation.
6. Vehicles related to home occupations shall not be used for display of signs to attract attention to the home occupation.
7. One parking space shall be provided when a vehicle is to be used primarily as part of the home occupation in addition to those parking spaces required for the dwelling unit.
8. Home occupations shall comply with all applicable State, County, and local laws.
9. Home occupations shall not involve on-site retail sales as a primary function.

L. **Agricultural Uses Including the Keeping of Livestock:**

1. Limited, small scale agricultural activities which include, but are not limited to, the tilling of soil, growing of crops or gardens, and the keeping of small animal pets (such as rabbits) is permitted in conjunction with a residential use in a residential district without a zoning permit. Said agricultural activities shall conform to the standards herein and shall not detrimentally impact surrounding property owners' rights to enjoy the peaceful occupancy of their residences.
2. Other agricultural activities including commercial, agricultural businesses, the keeping of large animals, livestock, and similar activities shall be subject to the issuance of a zoning permit. Applications for zoning permits shall specify the type of agricultural activity being proposed, parcel size, the number and types of animals and/or number and types of crops to be kept on the property, and other details necessary to make a decision on the zoning permit.
3. The sale of agricultural produce grown on the premises may be permitted as a component of the zoning permit provided that no structure is maintained primarily for such sale activity. The display and sale of all produce grown on the

site shall be set back from street right-of-way or adjacent lot lines a minimum of 15 feet.

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

TYPE OF ANIMAL	NUMBERS OF ANIMALS AND MINIMUM LOT SIZE
Small animals such as rabbits, caged pets, and birds:	Up to three animals may be maintained on a standard City lot (5,000 - 6,000 square feet in size). Each additional animal shall require 1,000 square feet in land area.
Mid-size animals such as pot-bellied pigs or goats:	One mid-size animal may be maintained per 10,000 square feet of land area. Each additional animal shall require 2,500 square feet of land area.
Large animals such as cows or horses:	One large animal may be maintained with a minimum lot size of one acre. Each additional animal shall require an additional 15,000 square feet of land area.

5. The keeping of all animals, livestock, caged pets, and birds shall not impact surrounding or nearby properties. Animal runs, cage areas, pastures, and other similar areas shall not be located closer than 10 feet from adjacent property lines, shall be located in the rear yard of all areas, unless otherwise defined in the approved zoning permit, and shall be maintained in a neat and orderly fashion.
6. The standards set forth herein are considered to be the minimum and may be increased by the Community Development Department as a condition of the issuance of a zoning permit when it is determined that said increase is necessary for the protection of the public health, safety, and welfare.
7. The Community Development Department may require, revise, or revoke a zoning permit issued for agricultural activities when there has been a determination that the activity has caused or is creating a public health, safety, and welfare issue which is impacting surrounding or adjacent property owners. The Community Development Director may also require review of the zoning permit by the Planning Commission.

**M. Docks, Piers, and Boat Houses:**

1. The development of docks, piers, and boat houses on parcels adjacent to the shoreline of Clear Lake shall be subject to the issuance of a zoning permit by the Community Development Department. Said zoning permit application shall be made concurrent with an application for encroachment permit from the County of Lake. Upon the issuance of an encroachment permit by the County of Lake, a City building permit, in compliance with all Lakebed Management conditions, shall be obtained.