

17.08.010 - Uses permitted in each zone.

Use types permitted in each zone shall be as shown in the following table. Note: A slash mark (/) means the use is permitted only with a conditional use permit; a cross mark (X) indicates the use is permitted by right. Explanations of use types listed in the table are provided in this chapter.

ZONES										USE TYPES	ZONES						
SPR	RR	A	R-E	R-L	R-M-L	R-M	R-H	P-D		P/Q-P	C-N	C-C	C-G	C-M-O	I-S	I-G	R/MH
<b>Agricultural:</b>																	
X	/	X	X						/	Animal Keeping (Light)					X	X	
/		/								Livestock/Animal Keeping (Heavy)				/	/		
X	X	X	X	X	X	X	X	/		Plant Cultivation (Light)					X	X	
X		X								Farm/Plant Cultivation (Heavy)						X	
	X	X								Farmworker Housing							
<b>Residential:</b>																	
X	X	X	X	X	X	X		/		Single-Family Dwelling					/	/*	
					X	X		/		Two-Family Dwelling							
				X	X	X		/		Multiple-Family Dwelling			/				
/		/					/	/	/	Group Dwelling							
X	X	X	X	X				/		Guest House							
	/	/	/	/	/	/	/	/		Mobile Home Park							X
										Recreational Vehicle Park							

X	X	X	X	X	X	X	X	X	Residential Care Facilities (Small)										X
	/		/	/	/	/	/	/	Residential Care Facilities (Large)										
X		X							Residential Unit, One per 20 acres										
									Single-Room Occupancy									X	X
	X		X	X <sub>[4]</sub>	X	X	X	X	Transitional Housing and Supportive Housing										X
									Emergency Shelter									X	X
<b>Public/Quasi-Public:</b>																			
/		/	/	/	/	/	/	/	Public Administrative Services	X	/	/	/	/	/	/	/	/	/
									Cemeteries		/								
								/	Cultural Exhibits/Museums	X	/	/	/						
/		/	/	/	/	/	/	/	Educational Institutions/Schools	X	/	/	/	/	/	/	/	/	/
									Hospitals	X	/	/	/						
								/	Library Services	X	/	/	/	/					
/									Open Space Uses										
									Postal Services	X	/	/							
									Public Maintenance Services	X	/	/	/	/	/	/	/	X	X
									Public Transportation Services	X	/	/	/	/	/	/	/	X	X
/	/	/	/	/	/	/	/	/	Recreation Services/Facilities	X									/

/	/	/	/	/	/	/	/	Religious Assembly	X	/	/	/			
/								Resort Facilities							
								Transitional Shelter			/	/			
/	/	/	/	/	/	/	/	Utility Operations Facilities	X	/	/	/	X	X	
								Jails	X						
<b>Commercial:</b>															
							/	Administrative/Professional Services	/	X	X	X	/	X	
/							/	Adult Business				/			
/	/	/						Agriculture							
/	/						/	Animal Boarding			X	/	/		
/	/							Animal Grooming		X	X	X	/	/	
/	/							Animal Health Care			X	/	/		
								Automobile Painting					/	/	
							/	Automobile Parking	X	X	X	X	/	X	X
							/	Automobile Repair				/	/	X	X
							/	Automobile Sales/Rentals			/	X	/	X	
							/	Automobile Servicing		/	/	X	/	X	X
							/	Automobile Storage				/	/	X	
								Business Support Services		X	X	X	/	X	
							/	Communications Services			/	/	/	/	X
							/	Construction Sales and Services				/	/	X	X
							/	Convenience Sales and Services		X	X	X	/	/	

	Crematory	/	/	/			
/	Eating/Drinking Establishments		X	X	X	/	X X
/	Entertainment Facilities		/	/	/		
/	Feed Lots						
/	Financial Institutions		X	X	X	/	
/	Food and Beverage Sales		X	X	X	/	
/	Fraternal Organization/Lodge Hall/Club	X		X	X	/	
/	Funeral Services	X		X	X	/	
/	Instructional Services	X	X	X	X	/	X X
/	Laundry Services (Heavy)			/	/		X X
/	Laundry Services (Light)			X	X	/	X
/	Medical Services	/	X	X	X	/	
/	Recreational/Fitness Facilities		/	X	/	/	
/	Repair Services		X	X	X	/	/ /
/	Retail Sales (Indoor)		X	X	X	/	/ /
/	Retail Sales (Outdoor)		/	/	/	/	/ /
/	Transient Habitation		/	X	/		
	<b>Industrial:</b>						
	Building Material Yards				/		X X
	Custom Manufacturing			/	/		X X
	Farm Equipment Sales/Rentals				/		X X



\* For provisions regarding residences in nonresidential zones, see Section 17.68.025.

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**Editor's note**— Permitted in the R-L-1, R-L-1-72 and R-L-2 zones.

### DIVISION III. - DEVELOPMENT AND PERFORMANCE STANDARDS

#### Chapter 17.10 - LOT AND BUILDING DIMENSIONS

##### Sections:

##### 17.10.010 - Lot area, width and depth.

The minimum lot areas and dimensions in the various land use zones shall be as shown in the following table:

Zone	Minimum Lot Area (S.F.)	Minimum Lot Width (ft.)	Minimum Lot Depth (ft.)
A	5 acres	—	—
R-R	See <a href="#">Section 17.06.010(C)</a>	—	—
R-E	9,600	75	100
R-L-1	7,800	65	100
R-L-1-72	7,200	65	100
R-L-2	6,000	50	100
R-M-L	7,800	65	100
R-M	10,000	75	100
R-H	15,000	100	100
P-D	1 acre	(See General Plan)	
C-N	5,000	50	100
C-C	5,000	50	100
C-G	5,000	50	100
C-M-O	—	—	—

D-O	—	—	—
I-S	10,000	75	100
I-G	15,000	100	100

(Ord. 789 § 1 (part), 2004; Ord. 636 (part), 1988; Ord. 595 § 4.00 (part), 1982)

#### 17.10.015 - Residential lot coverage.

The ground floor area of all roofed structures, both main and accessory, on residential lots shall be limited to forty percent of the total lot area.

(Ord. 789 § 1 (part), 2004)

#### 17.10.020 - Lot size exemptions.

Where a lot is recognized as a legal lot as defined in this title, and the area and dimensions of the lot are less than required for its zone, the following shall apply:

- A. Such lot in the residential, commercial and industrial service zones may be occupied by the uses permitted in the zone.
- B. Such lot in residential zones may be occupied by the number of dwelling units permitted under the density provision (minimum square footage of lot area required per dwelling unit) of the zone in which it is located. If the lot area is less than the minimum required dwelling unit, one dwelling unit may occupy the lot provided the development standards are met or acceptably modified in accordance with procedures of this title.
- C. Development regulations for a nonconforming legal lot in residential zones may be varied in accordance with the requirements and procedures of Section 17.70.070, Minor variances—Granting, if strict application of these regulations would deprive such property of privileges enjoyed for lots of the required minimum size. The planning director shall also, when granting minor variances, make the remaining findings required under Chapter 17.70.
- D. The planning director may vary side yard setbacks for a nonconforming lot in the C-M-O zone to zero subject to the following conditions if he is also able to make the findings required by Chapter 17.70:
  1. The lot is a legal lot having access from a street or alley both to the front and rear and the side yard is not the yard of a corner lot adjacent to a street;
  2. The wall of the residence located on the side yard lot line has no windows or other openings and no extensions of the foundation, wall or roof protruding over the lot line;
  3. The wall of the residence located on the side yard lot line does not extend more than twenty-five feet to the rear of the front yard setback line and is separated by twenty feet from any accessory building located on the same lot line.
- E. Such lot in the I-G zone may be occupied by the uses permitted in the zone only if a conditional use permit is granted.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 4.00 (part), 1982)

#### 17.10.030 - Dwelling unit floor area.

The minimum gross floor area of a dwelling unit in the various land use zones shall be as shown in subsections A or B of this section.

A. Minimum Gross Floor Area in Square Feet.

**Two-family or Multiple-family Dwelling**

Zone	Bachelor	Efficiency	One Bedroom	Two Bedrooms	Single-Family Dwelling
R-E	—	—	—	—	1,250
R-L	—	—	—	—	800
R-M-L	350	400	500	600	800
R-M	350	400	500	600	800
R-H*	350	400	500	600	—

\* Single-family and two-family dwellings in separate buildings are not permitted uses in the R-H zone.

B. Manufactured housing units permitted under Section 17.38.060(E) shall have a minimum square footage of six hundred seventy-two square feet. Those manufactured units which have less than eight hundred square feet of floor space shall be required to construct or install sixty cubic feet of enclosed storage that shall match the exterior of the unit.

(Ord. 679 § 2, 1992; Ord. 595 § 4.01, 1982)

17.10.031 - Residential accessory structure size.

The square footage of any accessory structure shall not exceed the ground floor area of the primary dwelling unit, unless approved through the variance process.

(Ord. 789 § 1 (part), 2004)

17.10.035 - Residential building width.

All single-family residential units shall be a minimum of twenty feet in width, except those manufactured housing units on twenty-five foot lots allowed under Section 17.38.060 of this title. Width shall be exclusive of eaves, overhangs, porches or awnings.

(Ord. 679 § 1, 1992; Ord. 659 § 1, 1989)

17.10.040 - Building height.

- A. The height of any single-family residential structure shall not exceed two stories from finished grade; and the height of any accessory structures shall not exceed eighteen feet from finished grade.
- B. All other buildings shall not exceed three stories in height or a maximum of thirty-four feet in height.
- C. The height of telecommunications facilities shall be as set forth in Chapter 17.47.
- D. All other unmanned structures in the I-S and I-G zone shall not exceed seventy-five feet in height without the issuance of a variance by the city council as set forth in Chapter 17.70.

(Ord. 789 § 1 (part), 2004; Ord. 721 § 3, 1995; Ord. 638 § 4, 1988; Ord. 617 § 1, 1985; Ord. 595 § 4.02, 1982)



17.10.050 - Lot area per dwelling unit.

A. The minimum lot area required for each dwelling unit in the residential zones shall be as shown in the following table:

Zone	Minimum Required Lot Area Per Dwelling Unit (sq. ft.)	Multi-Family Units Per Acre
R-E	9,600	—
R-L-1	7,800	—
R-L-1-72	7,200	—
R-L-2	6,000	—
R-M-L	3,900	11.16
R-M	3,100	14.05
R-H	1,500	29.04

B. The table set out in subsection A of this section is designed so that a development meeting the requirements of the R-E and R-L zones will be consistent with the "Low Density Residential" category defined in the Land Use Element of the Blythe General Plan; the R-M-L and R-M zones' requirements will be consistent with the "Medium Density Residential" category and the R-H zone requirements will be consistent with the "High Density Residential" category.

(Ord. 789 § 1 (part), 2004; Ord. 638 § 5, 1988; Ord. 636 (part), 1988; Ord. 595 § 4.03, 1982)

17.10.060 - Recreation space.

A. All developments in residential zones must provide a minimum of one square foot of recreation space for every five square feet of gross dwelling unit floor area. At least half of this shall be in the form of private recreation space, with each unit having one square foot of private recreation space for every ten square feet of its gross floor area. This requirement may be waived by the planning director if the proposed development contains exceptional design features or amenities (such as spas, a pool, tennis courts, etc.). No recreation area shall have a dimension of less than eight feet.

B. Private and common recreation space may be located in a required rear or side setback, but not in a required front setback. Area in a required side setback cannot be counted as common recreation space unless it has a minimum dimension of twenty feet.

(Ord. 630 § 3 (part), 1987; Ord. 601 § 3 (part), 1984; Ord. 595 § 4.04, 1982)

17.10.070 - Perimeter foundation.

All perimeter foundations must be at least eight inches above the highest adjacent curb height.

(Ord. 601 § 2 (part), 1984)

Chapter 17.12 - SETBACKS\*

**Sections:**

17.12.010 - Measurement.

Setbacks along streets shall be measured from the "lot line" established for the planned right-of-way for collector, secondary, major and arterial streets specified in the Circulation Element of the Blythe General Plan. The "lot line" of either an existing or planned street is measured from a centerline established by the planning director or is the planned right-of-way line for the street as established by the planning director based upon policies and actions taken under city laws. In no event shall the "lot line" be considered closer than thirty feet on an existing or planned city street from the centerline as established by the planning director.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 4.05(A) (part), 1982)

17.12.020 - Compliance—Factors affecting requirements.

Structures shall be set back from the front, side and rear property lines of the lot on which they are located in accordance with the requirements set forth in this chapter. The setback requirements will vary depending on what bounds the property (streets, alleys or other lots), the function of the structure (main or accessory building) and the zone in which it is located (residential, commercial or industrial).

(Ord. 595 § 4.05(A) (part), 1982)

17.12.030 - Residential-zone setbacks.

Setback requirements in the residential zones shall be as follows:

From Lot Line	Bounded By	A Building	Must be Set Back (ft.)	
Front	a street	main or accessory	R-R	25
			R-E	25
			R-L-1	25
			R-L-1-72	20
			R-L-2	20
			R-M-L	15
			R-M	15
			R-H	15
Side	other lots	main	5 <sup>2, 6</sup>	

Side	other lots	accessory	0 <sup>3, 4, 6, 8</sup>	
Side	an alley	main or garages opening to alley	25 from opposite side of alley	
Side	an alley	accessory (except garages opening to alley)	0 <sup>3, 4, 8</sup>	
Side	a street	main or accessory	5 for corner lot; 10 <sup>2, 5</sup> for reserve corner	
			R-R	25
			R-E	25
			R-L-1 <sup>7</sup>	25
			R-L-1-72 <sup>7</sup>	20
			R-L-2 <sup>7</sup>	20
			R-M-L	15
			R-M	15
			R-H <sup>2, 7</sup>	15
Rear	another lot or an alley	accessory	0 <sup>3, 4, 8</sup>	
Rear	an alley	garages opening to an alley	25 from opposite side of alley	

**Notes:**

1. Fire escapes and unenclosed, uncovered stairways, unenclosed patios, porches, platforms and landing places not extending above the level of the first floor, as well as cornices, eaves, sills and similar architectural features may project up to five feet into the required setback. Balconies and fireplaces having a maximum linear dimension of eight feet may project up to thirty inches into the required setback.
2. A main building shall be located no closer to a side property line than five feet, except for fireplaces having a maximum linear dimension of eight feet, and eaves which may project two feet into the required setback. Three-or-more-storied buildings in the R-H zone shall be located no closer than ten feet to a side property line.
3. The building shall be located at least three feet from the lot line if it has openings along the lot line or is of frame construction. If the eaves of the building are constructed of one-hour fire-resistant material, they may project one foot into the three-foot setback. If the entire building is constructed of one-hour fire-resistant material and all water

drainage from the roof is onto the lot on which the building is located, no setback is required.

4. This applies only to accessory structures (except swimming pools) located at least eighty feet from the front lot line. Accessory structures located less than eighty feet from the front lot line must be set back the same distance as main buildings. Swimming pools must be set back at least five feet from a lot line.
5. Except garages opening onto the street, which must be set back at least twenty feet.
6. Lot not having access to an alley shall provide one side yard of a minimum of ten feet for vehicular access to the rear yard.
7. Attached unenclosed patios with no freestanding walls may extend up to ten feet into the required setback from the rear lot line only.
8. Two-story accessory structures shall maintain the same setback as main buildings.
9. Handicapped ramps are permitted in the front, side, and rear yard setbacks of any residential structure provided that they do not extend closer than three feet to any side yard property line and five feet to any rear or front yard property line.

(Ord. 789 § 1 (part), 2004; Ord. 636 (part), 1988; Ord. 595 § 4.05(B), 1982)

(Ord. No. 862, § 7, 10-8-13)

17.12.040 - C-N, C-C, C-G, I-S, I-G, and P/Q-P setback requirements.

Setback requirements in the C-N, C-C, C-G, I-S, I-G, and P/Q-P zones shall be as follows:

Lot Line	Bounded By	Building Setback
Front	a street	10 feet <sup>1,2,5</sup>
Side	a street	10 feet <sup>1,2,5</sup>
Side	an alley or another lot	0 feet <sup>3,4</sup>
Rear	a street	5 feet <sup>1,2,5</sup>
Rear	an alley or another lot	0 feet <sup>3,4</sup>

**Notes:**

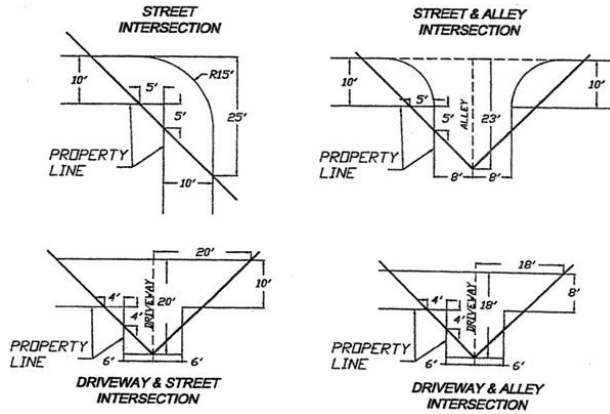
1. No setback is required for buildings in the C-C, C-G, and I-S zones, except as noted in Section 17.12.050, where the lot width is sixty feet or less.
2. Cornices, eaves, sills, and similar architectural features may project up to five feet into the required setback.
3. Where a building is provided with a vehicle or pedestrian access door, the building shall be set back twenty-five feet from the opposite side of the alley.
4. Where a building abuts a residential zone, the average of the combined building setback standards for the residential and abutting zones shall apply.
- 5.

When a building is surrounded by developed properties, then the setback may be determined by the planning director by taking an average of the setbacks on the existing buildings in the block.

(Ord. 630 § 3 (part), 1987; Ord. 601 § 3 (part), 1984; Ord. 595 § 4.05(C), 1982)

17.12.050 - Intersection visibility.

In all zones, no buildings, walls, fences, hedges, shrubs, ground signs or other physical obstruction higher than three feet above grade shall be located in the triangular areas defined by the intersections diagramed below (the diagrams are not to scale):



(Ord. 789 § 1 (part), 2004; Ord. 595 § 4.05(D), 1982)

17.12.060 - Distance between buildings.

Facing walls of separate buildings on the same lot in the residential zones (buildings linked by a common roof are considered separate buildings) shall be set apart according to the following table:

Type of Facing Wall	Separation Required for Each Wall
With openings	3 ft.
Without openings	As provided for in the adopted California Building Code

**Notes:**

1. The total separation required between two facing walls is the sum of that required for each.
2. No part of the structure may encroach into the three feet separating.
3. Separation requirements are based on V-N Type Construction and R-3 Occupancy.

(Ord. 789 § 1 (part), 2004; Ord. 595 § 4.06, 1982)

Chapter 17.14 - FENCES, HEDGES AND WALLS

**Sections:**

17.14.010 - Residential zones—Height.

Screening up to six feet in height shall be permitted on all rear and side property lines with the following exceptions:

- A. No fence, wall or hedge over four feet in height will be permitted within the required front yard setback.
- B. Fences over six feet in height, to enclose swimming pools, tennis courts or other game areas located within the rear half of the lot, may be permitted upon the finding of the planning director that such an enclosure will not constitute a nuisance to abutting property.
- C. No fence, wall or hedge or other physical obstruction higher than three feet above grade shall be located in the triangular areas defined by the intersections diagramed in Section 17.12.050.
- D. Where a single story, single-family residential structure is located on a parcel of land immediately adjacent to a multi-story, multi-family residential structure with windows overlooking the single-story structure and no public rights-of-way or public property will be impacted, a hedge, higher than six feet may be grown to provide screening for the single-story structure. The property owner on which the hedge is located shall be wholly responsible for the upkeep and maintenance of the hedge. The hedge shall be regularly watered, trimmed and maintained in order to avoid the creation of a fire hazard and for aesthetic purposes. Failure to maintain the hedge shall be a violation of this chapter, a fire hazard and a nuisance that the city may abate as set forth in the Blythe Municipal Code.

(Ord. 806 § 1, 2006; Ord. 789 § 1 (part), 2004; Ord. 630 § 3 (part), 1987; Ord. 603 § 1, 1984; Ord. 595 § 4.07(A)(1), 1982)

#### 17.14.020 - Residential zones—Materials.

All screening under this section shall be composed of one or more of the following:

- A. Masonry walls;
- B. Evergreen shrubs closely spaced and maintained;
- C. Wooden fencing, if of adequate aesthetic and structural quality and durability;
- D. Other materials approved by the planning director, after giving consideration to appearance, structural quality and durability.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 4.07(A)(2), 1982)

#### 17.14.030 - Commercial and industrial zones—Location.

Screening shall be required in all commercial and industrial zones as follows:

- A. Along any side or rear lot line when adjacent to a residential use, or along the front yard setback line, as defined by Section 17.12.040, when adjacent to or across the street from a residential use;
- B. Along the front yard setback line, as defined by Section 17.12.040, for any outdoor storage operation;
- C. Around any trash enclosure or storage area; except as provided for in Sections 17.20.010(A) and (B).

(Ord. 789 § 1 (part), 2004; Ord. 603 § 2, 1984; Ord. 595 § 4.07(B)(1), 1982)

#### 17.14.040 - Commercial and industrial zones—Materials.

All screening in commercial and industrial zones shall be composed of one or more of the following:

- A. Masonry walls;
- B. Wooden fencing, if of adequate aesthetic and structural quality and durability;
- C. Other materials approved by the planning director after giving consideration to appearance, structural quality and durability.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 4.07(B)(2), 1982)

17.14.050 - Commercial and industrial zones—Height.

Screening may be permitted within the height ranges shown in the following table with the following exceptions:

- A. No fence, wall or hedge or other physical obstruction higher than three feet above grade shall be located in the triangular areas defined by the intersections diagramed in Section 17.12.050.

Use	Abutting a:		
	Residential Zone	Street	Commercial Zone
Display of autos, boats, trailers, or nursery stock	2 to 6 feet when adjacent to the front yard setback, otherwise 6 to 8 feet	0 to 3 feet	0 to 8 feet
Parking	3 to 6 feet when adjacent to the front yard setback, otherwise 6 to 8 feet	0 to 3 feet	0 to 8 feet
Trash storage or commercial operation	6 to 8 feet	6 feet	6 to 8 feet
Storage (except trash) or industrial operations	6 to 8 feet	6 to 8 feet	6 to 8 feet

**Note:**

In no instance shall the materials stored exceed the height of the screening.

(Ord. 789 § 1 (part), 2004; Ord. 603 § 3, 1984; Ord. 595 § 4.07(B)(3), 1982)

17.14.060 - Measurement of screening height.

For the purposes of this chapter, the height of any screening shall be measured as follows:

- A. For street-abutting property lines, at sidewalk grade;
- B. For interior property lines, at the highest elevation of adjacent finished grade or as determined by the planning director.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 4.07(C), 1982)

17.14.070 - Other security-fencing requirements unaffected.

Nothing in this chapter shall be deemed to set aside or reduce the requirements established for security fencing by local, state or federal law.

(Ord. 595 § 4.07(D), 1982)

## 17.14.080 - Security fencing allowances.

Security fencing, consisting of chain link and barbed wire, may be permitted up to eight feet in height along any rear or side lot line not adjacent to residential uses or zones. Such fencing may also be permitted along the front yard setback line, as defined by [Section 17.12.040](#), when it is not adjacent to, or across the street from any residential use or zone.

(Ord. 603 § 4, 1984)

## 17.14.090 - Maintenance and upkeep of fencing and screening.

It shall be the responsibility of the property owner and/or tenant to maintain site fencing and/or screening in a state of good repair. If a fence or screen, or any part thereof, due to deterioration and/or lack of maintenance is unable to serve its intended purpose as a fence or screen, it shall be declared a public nuisance.

(Ord. 789 § 1 (part), 2004)

## Chapter 17.16 - OFF-STREET PARKING

**Sections:**

## 17.16.010 - Compliance required when.

- A. The standards for providing off-street parking set out in this chapter shall apply at the time of the erection of any main building.
- B. These standards shall also be complied with when an existing building is altered or enlarged by the addition of dwelling units or guestrooms or where the use is intensified or floor area added.

(Ord. 601 § 3 (part), 1984; Ord. 595 § 4.08 (part), 1982)

## 17.16.020 - Enlargement, extension, intensification or addition requires conformity.

Where automobile parking space is provided and maintained on a lot in connection with a structure and where such parking spaces at the time the ordinance codified in this chapter became effective were insufficient to meet the requirements for the use with which it is associated, or where no such parking has been provided, said structure may be altered or enlarged, or such use may be extended, only if additional automobile parking spaces are provided to meet the standards for the use in conformity with the requirements set forth in this title, for the enlargement, extension or addition proposed. Where a structure located in a commercial zone and having a commercial use at the time of the enactment of the ordinance codified in this section does not have any area on its lot for parking it is exempt from providing parking except when an intensification of use takes place.

(Ord. 638 § 6 (part), 1988; Ord. 595 § 4.08 (A) (part), 1982)

## 17.16.030 - Fractional number in calculations.

Where calculation of the number of spaces required results in a fractional number, the next higher whole number shall be used.

(Ord. 595 § 4.08(A) (part), 1982)

## 17.16.040 - Enclosure required for nonlocomotive vehicle.

No motor vehicle shall be parked or stored in a residential or commercial zone, other than in an entirely enclosed space, unless the vehicle is capable of movement under its own power.



(Ord. 595 § 4.08(A) (part), 1982)

17.16.050 - Commercial vehicles in residential zones.

Unless excepted pursuant to subsection A of this section, no commercial or construction vehicle, or towed or commercial equipment, or agricultural equipment, shall be parked on private property or on public right-of-way in residential zones unless the vehicle or equipment is screened from public view and adjacent properties. The term "commercial or construction vehicle, or towed, or commercial equipment, or agricultural equipment" includes, but is not limited to, utility body trucks, construction or agriculture tractors, construction vehicles and towed equipment, semitruck tractors, semitruck trailers, dump trucks, step van delivery trucks or any parts or apparatus of any of the above.

A. Commercial Vehicles Exempted. The following commercial vehicles are exempted from the above paragraph:

1. Pickup trucks, utility vans and similar utility vehicles, each of which does not exceed eight feet in height or twenty feet in combined total length;
2. All vehicles while being used in actual construction work on a permit-approved construction site;
3. All vehicles in the process of making a pickup or delivery;
4. All vehicles used to load or unload agriculture products or supplies, and all vehicles used in cultivation or harvesting of crops, pertaining to that specific property;
5. Government, utility and emergency service vehicles; and
6. All vehicles used in gardening or landscaping businesses, each of which does not exceed eight feet in height or twenty feet in length.

(Ord. 695 § 1, 1993; Ord. 595 § 4.08 (A) (part), 1982)

17.16.055 - Vehicles in front yard setbacks.

No motor vehicle, trailer, boat or recreational vehicle shall be parked in the front yard setback as defined by this title, except on paved driveways.

(Ord. 695 § 2, 1993)

17.16.060 - Number of spaces required—Residential.

The number of spaces required for residential uses shall be as follows:

- A. There shall be at least two parking spaces for every dwelling unit in zones R-R, R-E, R-L and R-M-L. One and one-half parking spaces shall be provided for every dwelling unit in the R-M and R-H zones.
- B. Tandem parking shall not be permitted to meet the requirements of subsection A of this section.

(Ord. 789 § 1 (part), 2004; Ord. 595 § 4.08(B)(1), 1982)

17.16.070 - Number of spaces required—Nonresidential.

- A. The number of spaces required for nonresidential uses shall be as follows for the various types and buildings and uses. The requirement for a use not specifically mentioned shall be the same as for a use specified which has similar traffic-generating characteristics:

1. For churches, theaters, auditoriums and similar places of assembly: at least one space for each five seats in the principal assembly room counting twenty inches of seating space on a bench as one seat. In cases where temporary or movable seats are provided, there shall be one space for every forty square feet of area within the assembly room.

In cases of a use without a building, there shall be one space for each five persons normally attending or using the facilities;

2. For hospitals: one per three beds;
  3. For clinics, medical and dental offices: one per two hundred square feet of gross floor area;
  4. For convalescent, nursing or rest homes, sanitarium or homes for the care of children or the aged: one space for each four beds;
  5. For hotels and motels: one per room;
  6. For boardinghouses, clubhouses, fraternity or sorority houses: one space for each guestroom, plus one space for each two beds in a dormitory in any of the above;
  7. For child care services: one space for each staff member, plus one space for each twenty children;
  8. For mobile home parks: See Chapter 17.40;
  9. For retail stores, administrative and professional offices: one space for each two hundred fifty square feet of gross floor area;
  10. For manufacturing, industrial, warehouse and storage buildings: one space for each five hundred square feet of gross floor area;
  11. For storage yards, nursery sales, contractor yards and lumberyards, and public utilities services: one space for each five hundred square feet of gross floor area, plus one space for each two thousand square feet of open land on the premises;
  12. For bowling alleys: six spaces for each alley;
  13. For restaurants, cafes, bars or other eating or drinking establishments including fast-food establishments: one space for each fifty square feet of gross floor area with a minimum of five spaces;
  14. For retail stores: one space for every three hundred seventy-five square feet of gross floor area;
  15. For mini-warehousing or storage: one space for every twenty cubicles or storage spaces plus two enclosed spaces for the manager's quarters.
- B. "Gross floor area" need not include duct and elevator shafts; stairs; telephone, electrical and mechanical rooms; restrooms; janitor rooms and corridors.

(Ord. 595 § 4.08(B)(2), 1982)

#### 17.16.080 - Joint use of parking areas.

Where an attested copy of a contract between the parties concerned and the city as a third party beneficiary is filed with the application for a building permit, which contract sets forth an agreement for joint use of parking spaces irrevocable for the life of the uses or buildings concerned, the number of spaces jointly required for a place of assembly, the use of which is principally exercised during nonbusiness hours, and a business use or uses regularly closed at such time may be reduced so that the total number equals whichever is greater of:

- A. All spaces required for the business use or uses, plus one-half of the spaces required for the place of assembly; or
- B. All the spaces required for the place of assembly, plus one-half of the spaces required for the business use or uses.

(Ord. 595 § 4.08(C), 1982)

#### 17.16.090 - Location—Residential.

Required parking spaces for residential buildings and uses shall be provided as follows:

- A. On the same lot as the main building;
- B. Located at least twenty feet from a public street;

C. Not located in any required yard. For exceptions for garages or carports, see Section 17.12.030.

(Ord. 595 § 4.08(D)(1), 1982)

17.16.100 - Location—Nonresidential.

Required parking spaces for other than residential buildings and uses shall be provided in one or more of the following locations:

- A. On the lot with the building served;
- B. On a contiguous lot, or a lot within five hundred feet of the building or use served, if a legally acceptable covenant is executed and recorded to guarantee the maintenance of the required spaces and an attested copy is filed with the department;
- C. By inclusion in a municipal parking district.

(Ord. 595 § 4.08(D)(2), 1982)

17.16.110 - Design—Residential.

Every required parking area and garage for residential uses shall be designed and maintained in accordance with the following regulations:

- A. Each parking space shall be not less than nine feet in width and twenty feet in depth, and shall be independently accessible with a minimum of twenty-five feet of unobstructed space provided for the maneuvering of vehicles.
- B. Every parking stall adjoined on one or both sides of its lengths by a curb, fence, wall, partition, column, post or similar obstruction, that is located less than four feet from an access aisle measured along the length of the stall or continues to form the end of an access aisle, shall have a minimum width of eleven feet six inches.
- C. In the R-R, R-E and R-L zones, at least two spaces per dwelling unit shall be provided in a garage or carport, except that for a single-family dwelling having less than eight hundred seventy-five square feet of gross floor area a minimum of one covered space shall be required.
- D. In the R-M-L, R-M and R-H zones, at least one space per dwelling unit shall be provided in a garage or carport.
- E. Carports or unenclosed spaces shall be screened from all property lines except those abutting an alley by a combination of landscaping and a minimum five-foot-high permanent decorative barrier.
- F. Striping and car stops or bumpers shall be as shown in Figure No. 1 in Appendix A to this chapter.

(Ord. 789 § 1 (part), 2004; Ord. 595 § 4.08(E)(1), 1982)

17.16.120 - Design—Nonresidential.

Every required nonresidential parking area and garage shall be designed and maintained in accordance with the following regulations:

- A. Parking stall dimensions shall be in accordance with the following table:

Dimension	Stall Type		
	Standard	Parallel	Compact
Width	9'0"	8'0"	7'6"
Length	20'0"	24'0"	15'0"

Exception: Every parking stall adjoined on one or both sides of its length by a curb, fence, wall, partition, column, post or similar obstruction, that is located less than four feet from an access aisle measured along the length of the stall or continues to form the end of an access aisle, shall have a minimum width of eleven feet six inches.

- B. Each stall shall be located so that no automobile is required to back onto a public street.
- C. In every parking area and garage containing ten or more stalls, twenty percent of the stalls may be designed to accommodate compact cars, and shall be clearly marked as compact stalls.
- D. Handicapped stalls shall be provided as recommended by the state code (two percent of total required spaces).
- E. Striping and car stops or bumpers shall be as shown in Figure No. 1 in Appendix A to this chapter.
- F. The minimum width of each parking bay shall be determined by the stall width and parking angle in accordance with Tables 1, 2, 3 and 4 in Appendix B to this chapter. Where parking stalls of two bays interlock the bays may overlap. The minimum bay widths required may be reduced for bays or portions of bays containing compact stalls, provided that the net aisle width is not reduced.
- G. Unless otherwise excepted in this section, all parking areas, including those for outdoor automotive display, sales and storage, shall be surfaced or paved with asphalt concrete of at least two and one-half inches thickness over a suitable base material, and shall thereafter be maintained in good condition. However, should use or soil condition necessitate, the planning director may require additional paving or lot improvement.
- H. Where such areas adjoin residential uses they shall be separated therefrom by screening as specified in Chapter 17.14. These areas shall also be provided with adequate wheel stops: a concrete curb not less than six inches high, installed and maintained as a safeguard to abutting property. The barrier shall be at least three feet from any property line, but in no case shall it be less than necessary to meet the intent of this chapter.

(Ord. 630 § 3 (part), 1987; Ord. 601 § 3 (part), 1984; Ord. 595 § 4.08(E)(2), 1982)

#### 17.16.130 - Driveway requirements.

There shall be paved vehicular access from a dedicated and improved street or alley to off-street parking facilities on the property requiring the off-street parking as follows:

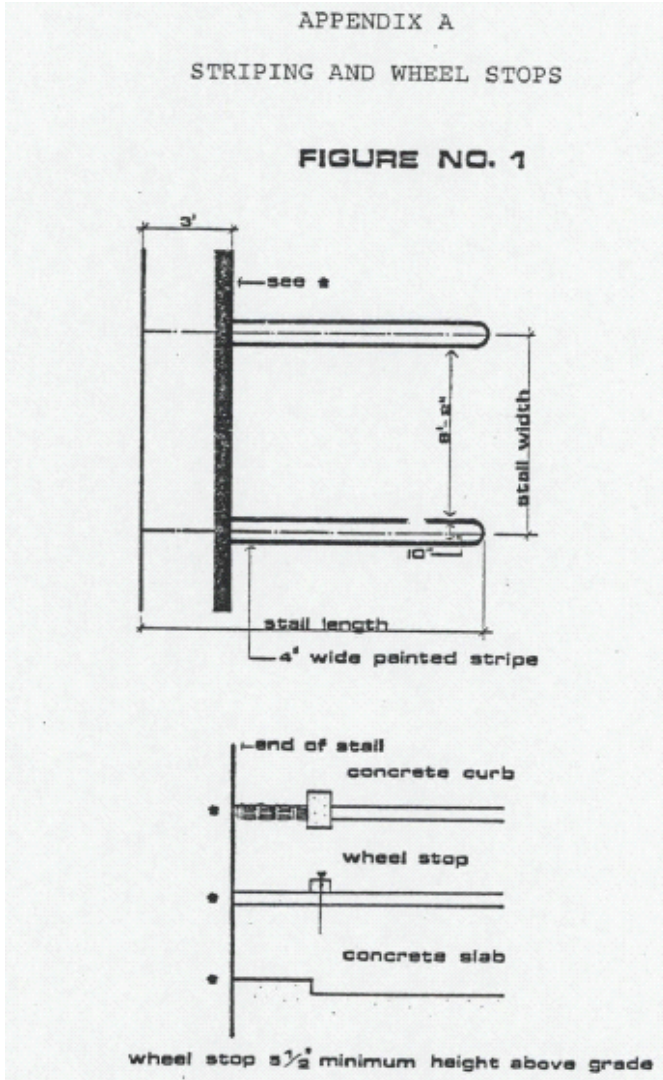
- A. Single-family residences: Each driveway shall be at least ten feet wide and shall not be encumbered by a projection to a height under eight feet above grade.
- B. Multiple-family residences: Each driveway shall be at least twelve feet wide and shall not be encumbered by any projection to a height under twelve feet above grade. If any driveway serves as access to more than ten parking spaces such driveway shall be not less than eighteen feet wide. Where there is more than one means of access, two twelve-foot-wide driveways may be provided in lieu of one eighteen-foot-wide driveway.
- C. Commercial or industrial uses: One-way driveways shall be twelve feet wide; two-way, twenty feet wide; and shall not be encumbered by any projection to a height under fourteen feet above grade. Where there is more than one means of access, two twelve-foot-wide driveways may be provided in lieu of one twenty-foot-wide driveway. Exception: Where access is provided for drive-through service offered by a banking institution, fast-food restaurant or similar use, and access is a one-way driveway, the driveway may be ten feet wide.
- D. Child care services: A circular driveway at least twenty feet in width shall be provided for the safe off-street loading and unloading of children.
- E. All zones: Where two driveways are provided each shall be clearly marked as to the direction of ingress and egress.

(Ord. 595 § 4.08(F), 1982)

#### 17.16.140 - Fee in lieu of required parking.

Where parking requirements cannot be met on the same site or adjacent site to the development requiring parking, parking requirements may be satisfied at the option of the city by payment to the city of an amount of money for each square foot of parking space required under this title. A parking space shall consist of two hundred fifty square feet for the calculation required. The amount of money per square foot shall be set by resolution of the city council in the same manner as required for permits and fees under council in the same manner as required for permits and fees under this title. Alternately parking requirements may be met by participating in the construction and/or purchase of a cooperative parking facility within one hundred fifty feet of the development requiring parking.

(Ord. 638 § 6 (part), 1988; Ord. 595 § 4.08(G), 1982)



APPENDIX B

PARKING BAY WIDTHS

TABLE NO. 1  
PARKING BAY WIDTHS  
FOR ONE-WAY TRAFFIC

TABLE NO. 2  
DOUBLE-LOADED AISLES

PARKING ANGLE	TABLE NO. 1 SINGLE-LOADED AISLES		TABLE NO. 2 DOUBLE-LOADED AISLES	
	9'-0"	STALL WIDTH 9'-2"	9'-0"	STALL WIDTH 9'-8"
30°	30'-0"	30'-0"	48'-0"	48'-0"
45°	31'-6"	33'-0"	51'-6"	51'-6"
60°	39'-0"	38'-0"	55'-8"	54'-0"
75°	43'-6"	42'-6"	59'-0"	58'-0"
90°	45'-0"	44'-6"	65'-0"	64'-0"

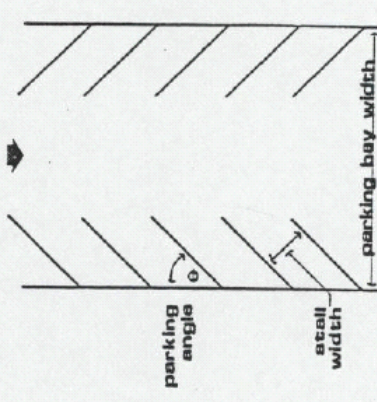
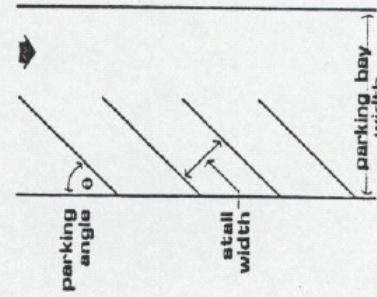




TABLE NO. 3 SINGLE-LOADED AISLES		TABLE NO. 4 DOUBLE-LOADED AISLES	
PARKING ANGLE	STALL WIDTH	STALL WIDTH	STALL WIDTH
30°	37'-10"	9'-0"	10'-0"
45°	40'-6"	57'-10"	57'-10"
60°	41'-10"	60'-5"	60'-2"
75°	43'-8"	61'-6"	61'-3"
90°	45'-0"	63'-3"	62'-6"
		65'-0"	65'-0"

Diagram labels: parking angle, stall width, parking bay width

Diagram labels: parking angle, stall width, parking bay width

Chapter 17.18 - LOADING

Sections:

17.18.010 - Adequate loading space required.

All commercial and industrial buildings, hotels, hospitals and institutions erected, constructed, converted, established or enlarged to increase their floor space after the adoption of the ordinance codified in this title shall be provided with adequate loading spaces of at least twenty-five by fourteen feet with a fourteen-foot overhead clearance. The number of spaces needed will be determined by the planning director; however, in no case shall there be less than one space.

(Ord. 630 § 3 (part), 1987; Ord. 601 § 3 (part), 1984; Ord. 595 § 4.09 (part), 1982)

17.18.020 - Ingress and egress for trucks.

Any loading space provided shall afford adequate ingress and egress for trucks from a public street or alley.

(Ord. 595 § 4.09 (part), 1982)

17.18.030 - Use of public street or alley.

In no case shall any part of a public street or alley be used for loading.

(Ord. 595 § 4.09 (part), 1982)

## Chapter 17.20 - TRASH, STORAGE AND UTILITY AREAS

**Sections:**

## 17.20.010 - Trash and garbage collection areas.

All outside trash and garbage collection areas shall be constructed as approved by the planning director as set forth in the following guidelines:

- A. Residential, commercial and industrial areas that are served by alleys shall locate collection areas in or on the alley. Where collection is on the alley with an insert onto private property, a concrete pad shall be required. Where collection is in the alley, commercial, multifamily residential and industrial users shall provide a concrete pad. The area shall be screened from the owner's property.
- B. Commercial and industrial users not served by alleys shall locate collection areas as close as possible to public right-of-way. The area shall be paved and shall be enclosed on three sides, with one side providing screening from the public right-of-way. Location shall be approved by the planning director and the public works director.
- C. Commercial, industrial and residential property tenants shall be responsible for keeping garbage collection and storage areas clean and picked up. Those failing to do so shall be subject to penalties of this title.

(Ord. 789 § 1 (part), 2004; Ord. 664 § 1, 1990; Ord. 638 § 7, 1988; Ord. 630 § 3 (part), 1987; Ord. 595 § 4.10(A)(2), 1982)

## 17.20.015 - Recyclable materials storage and collection areas.

Commercial, industrial and residential property tenants shall be responsible for keeping recyclable materials storage and collection areas clean and picked up. Those failing to do so shall be subject to penalties of this title.

(Ord. 789 § 1 (part), 2004)

## 17.20.020 - Trash containers.

All trash containers shall be as provided or specified by the director of public works.

(Ord. 595 § 4.10(A)(2), 1982)

## 17.20.030 - Storage areas.

At least sixty cubic feet of enclosed accessory storage space shall be provided for each dwelling unit. The space may be located in a garage or carport provided that it does not interfere with the parking of a vehicle.

(Ord. 595 § 4.10(B), 1982)

## Chapter 17.22 - LANDSCAPING\*

**Sections:**

## 17.22.010 - Purpose.

The purpose of this section is to establish general guidelines for the planting and care of landscaping and irrigation in residential, commercial, industrial and public/quasi-public zones. The goals of this section are to:

- A. Enhance the community's environmental and visual character for its citizens' use and enjoyment;



- B. Establish a more healthy environment by using plants to mitigate pollution's ill effects;
- C. Safeguard property values;
- D. Protect public and private investments; and
- E. To promote high-quality development.

(Ord. 789 § 1 (part), 2004)

17.22.020 - Applicability.

This section applies to all existing and proposed landscaped areas in residential, commercial, industrial and public/quasi-public use.

(Ord. 789 § 1 (part), 2004)

17.22.030 - Where required.

Landscaping is required in the following locations for all residential, commercial, industrial, and public/quasi-public uses:

- A. Throughout required front yard setbacks and other areas visible from a public street where not used for parking, access or loading;
- B. Five percent of the parking lot area which is visible from a public street; and
- C. Refer to Section 17.34.055 of this title for nonconforming areas.

(Ord. 789 § 1 (part), 2004)

17.22.040 - Approval of elements.

1. Required landscaping shall consist of an effective combination of trees, lawn and/or ground cover, shrubs and desert vegetation, as approved by the planning director.
2. All unplanted landscape areas in commercial, industrial and public/quasi-public shall be mulched with a minimum of two inches of material as approved by the planning director to promote weed control and water conservation.

(Ord. 789 § 1 (part), 2004)

17.22.050 - Trees in front yard of dwellings.

A minimum of two deciduous or evergreen shade trees conforming to the measurements specified in this section shall be planted in the front yard of any lot on which a dwelling unit or units are to be built or placed.

- A. Minimum branching height for all shade trees shall be six feet;
- B. Minimum size for shade trees shall be two and one-half to three inches in diameter measured six inches above grade, and twelve to fourteen feet in height.

(Ord. 789 § 1 (part), 2004)

17.22.060 - Commercial, industrial or public/quasi-public.

For every two hundred square feet of landscaping, a minimum of one deciduous or evergreen tree conforming to the measurements specified in this section shall be planted in a tree, well-sized to properly accommodate the intended tree. Suitable protection shall be provided to trees and public works from traffic.

- A. Minimum branching height for all shade trees shall be six feet.
- B.

Minimum size for shade trees shall be three and one-half to four inches in diameter measured six inches above grade, and twelve to fourteen feet in height.

(Ord. 789 § 1 (part), 2004)

#### 17.22.070 - Irrigation systems.

All landscaped areas in commercial and industrial uses, and multi-family residences in R-M, R-M-L and R-H zones shall have a properly maintained permanent, automated, underground, full-coverage irrigation system meeting the approval of the planning director. In residential R-R, R-E and R-L zones irrigation systems in the front yard setbacks of residences are encouraged.

(Ord. 789 § 1 (part), 2004)

#### 17.22.080 - Maintenance.

It shall be the responsibility of the property owner and/or tenant to:

- A. Maintain all landscaping and landscape areas in a neat, clean and healthful condition;
- B. Replace dead trees and/or plants within sixty days;
- C. Mow grass on a regular basis (maximum grass height shall be eight inches);
- D. Maintain tree canopies at a minimum of six feet in height;
- E. Maintain irrigation systems in proper working order.

Those failing to do so shall be subject to penalties of this chapter.

(Ord. 789 § 1 (part), 2004)

### Chapter 17.23 - STREET NAMING SYSTEM

#### Sections:

#### 17.23.010 - System established.

A uniform system is necessary to provide control and coordination for the selection of street names to prevent situations that may affect emergency response by emergency services providers, as well as to minimize confusion to postal workers and the public at large. It is determined that a system be adopted that will eliminate future street naming duplication, spelling or pronunciation similarities, difficult pronunciations, inappropriate usages (both English and Spanish), and which encourages pleasant sounding and geographically relevant street names.

(Ord. 766 § 1 (part), 2000)

#### 17.23.020 - Street naming committee.

A committee formed of one member each from the development services department, fire department, and police department shall sit as a body to review proposed names for new streets in order to eliminate duplications of street names, spelling or pronunciation similarities, difficult pronunciations, and inappropriate usages (both English and Spanish). The development services department committee member shall be designated as "street naming coordinator."

(Ord. 766 § 1 (part), 2000)

#### 17.23.030 - Street naming coordinator—Duties.

The duties of the street naming coordinator shall be to facilitate and advise applicants on the selection of new street names through the use of:

- A. Three lists of street names which will be kept current:
  - 1. Existing Street Name List. A list of street names currently in use, thus not available for use as new street names;
  - 2. Available Street Name List. A list of approved street names which are not in use and may be used for streets in new developments;
  - 3. Tentative Street Name List. A list of street names which have been assigned to new streets but have not yet been recorded or constructed.
- B. The street naming coordinator shall supply a copy of the "available street name list" to applicants, and shall verify that all street names selected by an applicant are in conformance with the "procedure for street naming" before recordation of a final tract map or final approval of site plans.

(Ord. 766 § 1 (part), 2000)

#### 17.23.040 - Procedure for street naming.

A written "Procedure for Street Naming" shall be made available to applicants in order to fulfill the necessary requirements of new street naming. The procedure for street naming shall be an extension of this code.

(Ord. 766 § 1 (part), 2000)

#### 17.23.050 - Usage of surnames.

A street may be named for a living or deceased citizen who has made a significant contribution to the community with the approval of the city council as recommended by the street naming coordinator at the request of an applicant, general public or a city official.

(Ord. 766 § 1 (part), 2000)

#### 17.23.060 - Official street names.

All names presently assigned to streets prior to January 1, 2000, are accepted as the official names of such streets.

(Ord. 766 § 1 (part), 2000)

#### 17.23.070 - Change of street names.

In the event that street names are changed in the future, such name changes shall be undertaken upon the recommendation of the planning commission to the city council. Public hearings shall be held by the planning commission and city council in considering the proposed name changes. Written notice shall be given to all parties to be affected by such name change, i.e., the residents of the subject street, or, in the event that a large number of residents are affected, by posting of notices along the street and by subject publication of such notice at least ten days prior to the date of the hearing.

(Ord. 766 § 1 (part), 2000)

#### 17.23.080 - Severability.

If any section, subsection, or clause of the ordinance codified in this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

(Ord. 766 § 1 (part), 2000)

## Chapter 17.24 - STREET IMPROVEMENTS—MECHANICAL EQUIPMENT—ACCESS\*

### Sections:

#### 17.24.010 - Street improvements.

The installation of curbs, gutters and sidewalks, or the repair of such existing street improvements to city standards, is required along the street frontage of any building site as a condition precedent to issuing any building permit. Refer to Section 17.34.055 of this title concerning nonconforming areas.

(Ord. 638 § 9 (part), 1988; Ord. 595 § 4.12, 1982)

#### 17.24.020 - Mechanical equipment.

Mechanical equipment including, but not limited to, heating and air-conditioning devices shall be located within the building or, if mounted elsewhere, shall be screened from public view. Residences up to and including four units on a single lot may screen the equipment by placing it below the ridge line of a gabled roof on the side away from the street at the front of the house. Flat-roof residences shall screen equipment from public view from the street at the front of the residence.

(Ord. 638 § 9 (part), 1988; Ord. 630 § 3 (part), 1987; Ord. 595 § 4.13, 1982)

#### 17.24.030 - Access across prohibited zone.

Access to a use shall not be taken across property subject to a zone in which such use is prohibited.

(Ord. 595 § 4.15, 1982)

## Chapter 17.26 - SIGNS

### Sections:

#### 17.26.010 - Purpose.

The purpose of this section is to establish general guidelines for the installation and/or placement of signs. The goals of this section are to:

- A. Provide minimum standards to safeguard and enhance property values and protect public and private investment in buildings and open space;
- B. Preserve and improve the appearance of the city as a place to live, work and visit;
- C. Encourage sound signing practices to aid business and provide directional information to the public;
- D. Ensure that signs effectively identify business and other establishments;
- E. Prevent excessive and confusing signing displays; and
- F. Reduce traffic hazards and promote the public health, safety and welfare by minimizing visual competition among signs.

(Ord. 792 § 1 Exh. A (part), 2004)

#### 17.26.020 - Applicability.

This section applies to all signs existing and proposed to be located within the corporate limits of the city of Blythe California as defined by Section 17.26.030 (Definitions), including permanent, semipermanent and temporary signs within residential and nonresidential districts. This section shall also apply to signage within public rights-of-way excepts as prohibited by state and federal law.

(Ord. 792 § 1 Exh. A (part), 2004)

#### 17.26.030 - Definitions.

For the purposes of this section, the following definitions shall apply. These definitions shall be adapted to the context for appropriate grammatical tenses, number, case and gender.

"Abandoned sign" means a sign which is located on property which becomes vacant or unoccupied or which pertains to any occupant or business unrelated to the premises' present occupant or business, or a sign which pertains to a time, event or purpose which no longer applies.

"Accessory sign" means a sign whose copy refers to the products, facilities or services available on the premises.

"Advertising statuary" means an imitation or representation of a person or thing which is sculptured, molded, modeled or cast in any solid or plastic substance, material or fabric and used to identify or advertise a product or service.

"Advertising vehicles" means any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way which has attached thereto, or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during normal course of business. Public buses or taxis are exempt from this prohibition.

"Aggregate sign area" means the total area of all signs combined.

"Animated sign" means any sign which includes action or motion or the optical illusion of action or motion, or color changes of all or any part of the sign facing, requiring electrical energy, or set in motion by movement of the atmosphere. Excluded from the definition are public service message center signs and flags.

"Attraction board" means a sign capable of supporting copy which is readily changeable without the use of tools, such as a theater marquee, and which refers to products, services or coming events on the premises.

"Banner" or "banner sign" means a sign hung either with or without frames, possessing written communication applied to nonrigid paper, plastic or fabric of any kind.

"Billboard" means an off-premises sign with changing advertising copy or other changing copy.

"Bulletin board" means a board, kiosk or wall area on which are affixed personal notices, lost-and-found notices, business cards, and similar small informal notices referring to products, services, activities, or other items not offered on the same premises. The term "bulletin board" shall not include business identification signs or attraction boards.

"Building-mounted sign" means a sign affixed to a building, painted directly on a wall or erected against the wall of a building. Building-mounted signs include awning signs, fascia signs, mansard roof signs, wall signs, window signs, projecting signs and under-canopy signs.

"Business" means a commercial, office, institutional or industrial establishment.

"Canopy" means a fixed structure of any material and any length, projecting from and connected to a building and/or columns and posts from the ground, or supported by a frame extending from the building and/or posts from the ground.

"Construction sign" or "future facility construction sign" means a sign containing information pertaining to a future development on the site where the sign is located, including the name of the project, the developer, contractor, financing source, future occupant(s), and other information directly related to the development.

"Copy" or "sign copy" means any words, letters, numbers, figures, designs, or other symbolic representations incorporated onto the face of a sign.

"Corporate limits" means all properties currently existing within the city limits, as well as all properties annexed into the city limits at any point in the future.

"Current" means at the time building permit application is made.

"Development" means, on land or 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, 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.

"Directional sign" means any sign which is designed and erected solely for the purpose of traffic or pedestrian direction and which is placed on the property to which or on which the public is directed. Such a sign contains no advertising copy. (Examples are: "one-way," "entrance," "exit," "parking in rear," "fifteen miles per hour," "no left turn.")

"Director" or "planning director" means the director of the city of Blythe Development Services Department or the director's authorized agent or representative.

"Downtown" means that area on Hobsonway extending from the east side of Ash Avenue to the west side of Third Street; and, the area between the alley west of Main Street to the alley east of First Street extending north from Hobsonway to Murphy Street and south from Hobsonway to Rice Street.

"Electronic message board sign" means a sign with a fixed or changing display composed of a series of lights, but does not include time and temperature displays.

"Exempt sign" means a sign which is designated in this code as not subject to certain regulations.

"Face of building wall" means the outer surface of any main exterior wall or foundation of a building, including windows and store fronts.

"Fascia" means a parapet-type wall used as part of the fascia of a flat-roofed building and projecting not more than six feet from the building face immediately adjacent thereto. Such a wall shall enclose at least three sides of the projecting flat roof and return to a parapet wall or the building.

"Flag" means a visual display device without copy, made of flexible material, usually cloth, paper or plastic.

"Flashing sign" means any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Excluded from the definition are public service message center signs.

"Freestanding sign" means a sign supported upon the ground and not attached to any building. This definition includes monument signs and ground signs.

Height. See "sign height."

"Garage sale sign" (i.e., yard sales, moving sales, patio sales) means a sign used to announce sale of a used item or items.

"Identification sign" or "ID sign" means a sign whose copy is limited to the name and address of a building, business, office, establishment, person or activity.

"Illumination" means the method by which a sign is lighted so as to be readable at night. The following types of illumination are provided for in this chapter:

1. "Direct illumination" means the lighting of the sign face from behind so that the light shines through translucent sign copy or lighting via neon or other gases within translucent tubing incorporated onto or into the sign face.
2. "Indirect illumination" means the lighting of an opaque sign face from a light source mounted in front of the face, or the lighting of opaque sign copy (on an opaque sign face) via lights mounted into the copy and shining rearward onto the face to form a lighted "halo" around the copy (e.g., "reverse channel" letters).

"Improvement plan(s)" means on- and off-site construction drawings.

"Landscaping" means any material used as a decorative feature, such as shrubbery or planting materials within planter boxes or concrete bases, used in conjunction with a sign which expresses the theme of the sign and related structure but does not contain advertising copy. All landscape areas shall be maintained in a healthy and viable condition for the life of the sign.

"Logo" means a trademark or symbol of an organization.

"Lot" means a parcel of real property which is shown as a single lot in a lawfully recorded subdivision, approved pursuant to the provisions of the Subdivision Map Act; or, a parcel of real property, the dimensions and boundaries of which are defined as a single lot by a lawfully recorded record of survey map. See "site."

"Mansard roof sign" means any sign attached to or supported by a mansard roof. A "mansard roof" is a roof having two slopes, the lower steeper than the upper, and having a slope of sixty degrees or greater with the horizontal plane.

"Modification" means the addition of structures or equipment to a previously approved installation. The term does not include replacement of existing equipment or structures, provided the replacement equipment or structure is substantially similar to the pre-existing equipment or structure, and creates no new impacts not addressed in connection with the previous approval.

"Monument sign" means a freestanding sign mounted on a low-profile solid base or a fence, or a freestanding wall, as distinguished from support by poles.

"Multiple-building complex" means more than one structure on a parcel of land housing commercial uses in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide an area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple-building complex may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple-tenant commercial use of a single structure or structures in multiple buildings.

"Multiple-tenant (commercial) building" means a commercial development in which there exists a number of separate commercial activities, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple-tenant commercial building may, but need not, include common ownership of the real property upon which the center is located, common-wall construction and multiple-occupant commercial use of a single structure.

"Neon sign" means a sign which utilizes neon or other gases within translucent tubing in or on any part of the sign structure.

"Off-premises sign" means a structure which bears a sign which is not appurtenant to the use of the property where the sign is located or a product sold or a service offered upon the property where the sign is located, and which does not identify the place of business where the sign is located as a purveyor of the merchandise or services advertised upon the sign. Some temporary signs are not defined as off-premises signs as used within this chapter.

"On-premises sign" means a sign referring to a person, establishment, merchandise, service, event or entertainment which is located, sold, produced, manufactured, provided or furnished on the premises where the sign is located.

"Parapet wall" means a wall extending above the roof plane of the building.

"Permanent sign" means any sign which is intended to be and is so constructed as to be a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position and in a permanent manner affixed to the ground, wall or building, provided the sign is listed as a permanent sign in this chapter.

"Political campaign sign" or "political sign" means a sign indicating the name and/or picture of an individual seeking election to a public office, or relating to a forthcoming public election, referendum, initiative, or to the advocating by persons, groups or parties of political views or policies.

"Portable sign" or "mobile sign" means a sign made of any material, which, by its design, is readily movable and is equipped with wheels, casters or rollers or which is not permanently affixed to the ground, structure or building, or a sign upon a vehicle or trailer used as a stationary advertising display, the primary purpose of which is to serve as a base or platform for the sign. (Also includes sidewalk or sandwich board signs.)

"Projecting sign" means any sign with two parallel faces no more than eighteen inches apart projecting twelve inches or more from the wall or eaves of a building. No guy wires, braces or secondary supports are visible.

"Private property" means any property other than public property.

"Public property" means any real or personal property in which the city or any other governmental entity or any publicly regulated utility company possesses an ownership interest. Public property shall include, without limitation, any street, sidewalk, curb, curbstone, street lamp post, hydrant, tree, tree stake or guard, railroad trestle, electric light, power, telephone or telegraph wire, pole or appurtenance thereof, any fixture of a fire alarm or police telephone or telegraph system, any lighting system, public bridge or wall, drinking fountain, life buoy, life preserver, lifesaving equipment, street, sign, traffic sign or signal, street median, public park or other publicly owned property or structure.

"Public service message center sign" means an electronically or electrically controlled sign or portion of a larger sign which conveys only information such as time, date, temperature, atmospheric condition or general news information where different alternating copy changes are shown on the same lamp bank matrix.

"Real estate sign" means a sign advertising the sale, lease or rent of the property upon which it is located and the identification of the person or firm handling such sale, lease or rent.

"Roof sign" means any sign erected upon or above a roof or parapet wall of a building or placed above the apparent flat roof or eaves of a building.

"Seasonal sales sign" means a sign used to advertise a business or merchandise held seasonally for a limited interval, all or most of whose business is conducted or whose merchandise is displayed in an outdoor area.

"Sign" means any medium for visual communication, including but not limited to words, symbols and illustrations, together with all parts, materials, frame and background, which is used or intended to be used to attract attention to, identify or advertise an establishment, product, service, activity or location, or to provide information.

"Sign area" means the following:

1. Basic Rule. Sign size or area shall be defined as the entire area of the sign face, including nonstructural perimeter trim but excluding structures or uprights on which the sign is supported.
2. Window Signs. Window sign area shall be considered to be the entire area of any sign placed on or inside a window and not painted directly on the glass. For signs painted directly on the glass, area measurement shall be the same as that for wall signs, following.



3. Individual Letters. The area of wall or window signs composed of individual letters painted on or otherwise affixed to the wall or window shall be considered to be the area within the single continuous perimeter encompassed by a straight-line geometric figure which encloses the extreme limits of the letters or other characters.
4. Double-Faced Signs. If a sign is double-faced with only one face visible from any ground position at one time, its sign area shall be considered to be the area of either face taken separately. Thus, if the maximum permitted sign area is twenty square feet, a double-faced sign may have an area of twenty square feet per face.
5. Three-Dimensional Signs. If a sign has three or more faces, its sign area shall be considered to be the sum of the areas of each individual face. Thus, if a sign has four faces and the maximum permitted sign area is twenty square feet, the maximum allowable area for each face is only five square feet.
6. Separated-Panel Signs. The sign area of open or separated panel signs, i.e., those signs having empty spaces between copy panels, shall be considered to be the entire area encompassed by the sign face, including the empty spaces between panels.

"Sign face" means the exterior surface of a sign exclusive of structural supports, on which is placed the sign copy.

"Sign height," "height of sign," or "height" means the following:

1. For building-mounted signs, the distance from the average finish grade directly beneath the sign to the top of the sign.
2. For freestanding signs, the distance from top of curb of the nearest street (or the edge of pavement of such street where there is no curb) to the top of the sign or any vertical projection thereof, including supporting columns and/or design elements. However, in cases where the director determines that a freestanding sign is not oriented to any particular street or is too far from such a street to reasonably apply the foregoing standard, sign height shall be measured from the average finish grade at the base of the sign.

"Sign permit" means an entitlement from the city to place or erect a sign.

"Sign program" means the method of review and approval of signs by one of the following two procedures:

1. Standard Sign Application. The review and approval of standard sign applications is conducted by the planning director consistent with the regulations and standards as identified for various signs in this chapter.
2. Planned Sign Program. The review and approval of applications for signs under this program is conducted by the planning commission. The planning commission may exercise discretion to provide additional flexibility in the application of the regulations of this chapter.

"Sign structure" means the structural supports, uprights and bracing for a sign.

"Site" means the area of the lot to be developed.

"Special event sign" means a sign used to announce a circus, carnival, festivals or other similar events.

"Subdivision sign" means a sign containing the name, location or directions to a builder, developer, and pertinent information about a subdivision for which there is a properly approved and recorded map and in which homes remain to be constructed or initially sold.

"Under-canopy sign" means a sign suspended beneath a projecting canopy, walkway cover, awning, ceiling or marquee.

"Wall sign" means a sign attached to, erected on, painted on or otherwise affixed to the exterior wall of a building or structure in such a manner that the face of the sign is approximately parallel to the exterior wall of the building and exposed to the exterior side of the building. Signs or advertising displays in or on windows are not considered wall signs.

"Window sign" means any sign painted on or attached to a window or located inside within a distance equal to the greatest dimension of the window (either width or height) and designed to be viewed from the outside of the building in which the window is located.

(Ord. 792 § 1 Exh. A (part), 2004)

17.26.040 - Exempt signs.

- A. Signs Not Requiring Sign Permits. The signs listed in Table 17-1 do not require a sign permit nor shall their area and number be included in the aggregate area or number of signs permitted for any premises or use. However, this exemption shall not be construed as relieving the sign owner of the responsibility of:
  - 1. Obtaining any building or other permits required for sign erection, if any;
  - 2. Proper sign maintenance; or
  - 3. Compliance with applicable provisions of this chapter or of any other law or ordinance. Exempt signs shall not be illuminated nor placed within any public right-of-way unless specifically permitted in this section.
- B. Repainting. The repainting of a sign in original colors shall not be considered an erection or alteration which requires sign approval unless a structural (including face plate changes on signs above twenty feet), text or design change is made.

**Table 17-1**

Sign Type	Placement	Maximum Area	Illumination
1. Official notices issued by any court or public body or officer and notices posted by any public officer in the performance of a public duty or by any person giving legal notice	n/a	n/a	n/a
2. Within residential districts, address or identification signs	Building-mounted	2 sq. ft. aggregate	n/a
3. Signs located in the interior of any building or enclosed outdoor area which are designed and located to be viewed exclusively from within such building or outdoor area	n/a	n/a	Yes
4. Tables, stained glass windows or dates of erection cut into the surface of a wall or pedestal or projecting not more than two inches	Building-mounted or freestanding	3 sq. ft.	No
5. Directional, warning or informational signs required by or authorized by law or by a governmental authority, including signs necessary for the operation and safety of public utility uses	n/a	n/a	Yes
6. Incidental accessory signs and placards (e.g., open/closed signs), six signs maximum per premises	Window or building-mounted	3 sq. ft. aggregate	Internal only

7. Temporary decorations clearly incidental and customary and commonly associated with any national, local or religious holiday, provided such signs are not installed more than 60 days in advance of the holiday and are removed within fourteen days after the applicable holiday	n/a	n/a	Yes
8. Sculptures, fountains, mosaics and design features which do not incorporate advertising or premise identification	n/a	n/a	Yes
9. Property signs (e.g. "No Trespassing," "No Parking," etc.), informational/directional signs (e.g. "Restrooms," "Exit," etc.) and warning signs (e.g., "High Voltage")	Building-mounted or freestanding	3 sq. ft.	Yes
10. Vehicular directional signs used to identify street entrances and exits, maximum three feet if freestanding	Building-mounted or freestanding	3 sq. ft.	Yes
<u>11.</u> Directional pavement markings	n/a	n/a	n/a
12. Newspaper stand identification	n/a	3 sq. ft.	No
<u>13.</u> Within commercial districts, chalkboards or small placards (e.g., restaurant menu boards)	Building-mounted	<u>4</u> sq. ft.	Indirect only
14. Vending machine signs and automatic teller signs	n/a	n/a	Yes
15. Directional and nonprofit public information signs for public, quasi-public, and nonprofit uses on public or private property adjacent to an arterial or major collector thoroughfare. Number, shape, location and height (maximum 6 feet) of signs shall be approved by the planning and public works directors	Freestanding	6 sq. ft.	No
<u>16.</u> Within residential zones, temporary decorative flags clearly incidental which may or may not be associated with any national, local or religious holiday	Building-mounted	15 sq. ft.	n/a

17. Within commercial zones, temporary information window signs fronting on a street, parking lot or common on-site area, not covering more than 25% of the area of the window(s) within which they are placed for a period not to exceed 14 days nor more than 6 times per calendar year. No more than 3 signs per elevation with windows may be installed at any one time. For additional area allowances see Section 17.26.080

Window-mounted No one window sign shall exceed 4' high or 8' long (32 sq. ft.)

18. Temporary for sale, lease, open house, or rent signs located on residential property. One sign per street frontage

Freestanding 8 sq. ft., 4' high. No Aggregate not to exceed 16 sq. ft.

19. Temporary for sale, lease, open house, or rent signs located on commercial or industrial parcels in one ownership. One sign per street frontage to a maximum of one sign for each five parcels. (1—5 parcels = 1 sign 6—10 parcels = 2 signs)

Freestanding 32 sq. ft. No aggregate area with no one side exceeding 8'

Signs in residential districts requiring a permit

See Section 17.26.060

Signs in nonresidential districts requiring a permit

See Section 17.26.070

Temporary and semipermanent signs

See Sections 17.26.080 and 17.26.090

Note: In this table "n/a" means not applicable or no restriction and "building-mounted" means signs mounted flush-to-wall only.

(Ord. 792 § 1 Exh. A (part), 2004)

17.26.050 - General sign standards.

- A. Applicability. Signs in the city of Blythe, including exempt, permanent, semipermanent and temporary signs, are subject to the general standards of this section.
- B. Planned Sign Programs. Planned sign program review is required, per the provisions of Section 17.26.110(D), for submissions which:
  1. Include three or more permanent signs;
  2. Are in conjunction with review of a site development permit by the planning commission; or
  3. Include a request for a sign adjustment to a sign previously approved under a planned sign program.

- C. Interpretation of Provisions. Where a matter of interpretation arises regarding the provisions of this chapter, the more specific definition or more rigorous standard shall prevail. Whenever the planning director determines that the application of any provision of this chapter is uncertain, the issue shall be referred to the planning commission for determination.
- D. Application of Standards. If the director determines that a staff-reviewed sign does not conform to one or more of the general standards set forth in this section, the applicant shall be given the option of modifying the sign or applying for a minor adjustment.
- E. Measurement of Sign Area. Sign area shall be measured as follows:
1. Basic Rule. Sign size or area shall be defined as the entire area of the sign face, including nonstructural perimeter trim but excluding structures or uprights on which the sign is supported.
  2. Window Signs. Window sign area shall be considered to be the entire area of any sign placed on or inside a window and not painted directly on the glass. For signs painted directly on the glass, area measurement shall be the same as that for wall signs, following.
  3. Individual Letters. The area of wall or window signs composed of individual letters painted on or otherwise affixed to the wall or window shall be considered to be the area within the single continuous perimeter encompassed by a straight-line geometric figure which encloses the extreme limits of the letters or other characters.
  4. Double-Faced Signs. If a sign is double-faced with only one face visible from any ground position at one time, its sign area shall be considered to be the area of either face taken separately. Thus, if the maximum permitted sign area is twenty square feet, a double-faced sign may have an area of twenty square feet per face.
  5. Three-Dimensional Signs. If a sign has three or more faces, its sign area shall be considered to be the sum of the areas of each individual face. Thus, if a sign has four faces and the maximum permitted sign area is twenty square feet, the maximum allowable area for each face is only five square feet.
  6. Separated-Panel Signs. The sign area of open or separated panel signs, i.e., those signs having empty spaces between copy panels, shall be considered to be the entire area encompassed by the sign face, including the empty spaces between panels.
- F. Measurement of Sign Height. Sign height shall be measured as follows:
1. Building-Mounted Signs. The height of building-mounted signs shall be measured from the average finish grade directly beneath the sign.
  2. Freestanding Signs. The height of a freestanding sign shall be measured from the top of curb of the nearest street (or the edge of pavement of such street where there is no curb) to the top of the sign or any vertical projection thereof, including supporting columns and/or design elements. However, in cases where the director determines that a freestanding sign is not oriented to any particular street or is too far from such a street to reasonably apply the foregoing standard, sign height shall be measured from the average finish grade at the base of the sign.
- G. Sign Placement.
1. Setback From Street. Freestanding signs shall not be located within five feet of a street right-of-way nor within a corner cutoff area identified in Section 17.12.050.
  2. No Off-Premises Signs. All signs shall be located on the same premises as the land use or activity identified by the sign, unless specifically permitted to be off-premises in this chapter.
  3. Utility Lines. No sign shall be located closer to overhead utility lines than the distance prescribed by California law or by the rules duly promulgated by agencies of the state or by the applicable public utility.
  4. Traffic Safety. No sign shall be located in such a manner as to obstruct free and clear vision of pedestrian and vehicular traffic.
  - 5.

Public Right-of-Way. No sign shall be located within, over or across a public right-of-way unless specifically permitted in this chapter and an encroachment permit has been obtained.

- H. Illumination. Illumination from or upon any sign shall not be directed upward into the night sky. In addition, illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare or reflection of light on private or public property in the surrounding area so as to avoid unreasonably distracting pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street. Illuminated signs which face or are adjacent to residentially zoned property shall be required to minimize the illumination, glare or reflection of light which is visible from the residentially zoned property.
- I. Maintenance. Any sign displayed within the city, together with supports, braces, guys, anchors, and electrical components, shall be maintained in good physical condition, including the replacement of defective parts. Exposed surfaces shall be kept clean, in good repair and painted where paint is required. The planning director may order the repair or removal of any sign determined to be unsafe, defective, damaged or substantially deteriorated.
- J. Landscaping of Freestanding Signs. All freestanding signs shall include, as part of their design, landscaping and/or landscaping about their base so as to prevent vehicles from hitting the sign, to improve the overall appearance of the installation, and to screen light fixtures and other appurtenances. Minimum landscape area at the base of freestanding signs shall be a minimum of twice the aggregate area of the freestanding sign or combination of signs. The applicant shall maintain all landscape areas in a healthy and viable condition.
- K. Inspection. All sign owners and users shall permit the periodic inspection of their signs by the city upon ten days notice.
- L. Specific Plan Standards to Apply. Signs to be located within the boundaries of a specific plan or other special design approval area shall comply with the criteria established by such plan or area.

(Ord. 792 § 1 Exh. A (part), 2004)

17.26.060 - Permanent signs in residential districts.

Signs identified in Table 17-2 are permitted in residential districts subject to approval of a sign permit per Section 17.26.110.

**Table 17-2**

Sign Type and Placement	Maximum Number	Maximum Area (sq. ft.)	Maximum Height	Illumination	Additional Requirements
1. Building-mounted or freestanding project/neighborhood/apartment complex ID sign	2 per entry street (1 if double faced)	24	6 ft., or top of wall if building-mounted	Indirect only	1 single faced sign permitted on each side of street (1 sign only if double faced)

2. Building-mounted or freestanding directory sign for multi-tenant buildings or complex(es)	1 per entrance to complex	9	6 ft.	Indirect only	Signs are to be designed and oriented to direct pedestrian traffic
3. Freestanding directory sign for multi-tenant buildings or complex(es) (required)	1 at each entrance to complex	12	6 ft.	Indirect only	Signs are to be designed and oriented to direct vehicular and emergency response traffic
4. Building-mounted or freestanding apartment rental (permanent)	1 of either per street frontage	6	6 ft.	Indirect only	Permanent sign giving rental information for buildings or complexes containing 15 or more units
5. Other uses	1 freestanding 2 building-mounted	24 aggregate	6 ft. top of wall	Indirect only	1 sign may be changeable copy

Signs in nonresidential districts requiring a permit

See [Section 17.26.070](#)

Signs exempt from sign permit approval

See [Section 17.26.040](#)

Temporary and semipermanent signs

See Sections [17.26.080](#) and [17.26.090](#)

Notes:

1. Freestanding signs shall not be located within five feet of a street right-of-way nor within a corner cutoff area identified in [Section 17.12.050](#).
2. "ID" means identification sign.

(Ord. 792 § 1 Exh. A (part), 2004)

17.26.070 - Permanent signs in nonresidential districts.

Signs identified in Table 17-3 are permitted in nonresidential districts subject to approval of a sign permit per Section 17.26.110.

**Table 17-3**

Sign Type and Placement	Maximum Number	Maximum Area	Maximum Height	Illumination	Additional Requirements
1. Freestanding center or complex ID sign for multi-tenant building or multi-building shopping center or other commercial or office complex	1 per street frontage	.25 sq. ft. per linear ft. of street frontage up to a maximum of 96 sq. ft. per sign and 200 sq. ft. aggregate for all signs	28 ft. if building has less than 200' of street frontage.  50 ft. if building has more than 200' of street frontage.	Direct or indirect for all signs	Aggregate sign area may not be combined among street frontages. Letter height shall be a minimum 10" high
2. Building-mounted or permanent window ID signs for individual commercial or office tenants	1 flush-mounted plus 1 under canopy per tenant frontage along a street or along a common-use parking lot with no direct street frontage	Flush-mounted: 1 sq. ft. per linear ft. of lease frontage up to a maximum of 50 sq. ft. aggregate  Under-canopy: 3 sq. ft.	8 ft.	Direct or indirect for all signs	ID signs not permitted for tenants above the ground floor in buildings with only interior access above ground floor



3. Freestanding ID sign for individual commercial or office building	1	96 sq. ft.	28 ft.	Direct or indirect for all signs	*Allowed only if building has minimum 200 linear feet of street frontage
		200 sq. ft.	50 ft.*		
4. Building-mounted or freestanding directory sign for multi-tenant buildings or complex(es)	1 per entrance to building complex	<u>18</u> sq. ft.	Top of wall or 6 ft. if freestanding	Direct or indirect	Signs are to be designated and oriented to direct pedestrian traffic
5. Building-mounted ID sign for individual commercial or office building	2 (but not more than 1 per each side of building)	1 sq. ft. per linear ft. of building frontage along a street up to maximum of 50 sq. ft. aggregate	Top of wall	Direct or indirect for all signs	
6. Building-mounted or freestanding directory sign for multi-tenant buildings or complex(es)	1 per entrance to building complex	<u>18</u> sq. ft.	Top of wall or 6 ft. if freestanding	Direct or indirect	Signs are to be designated and oriented to direct pedestrian traffic
7. Theaters, cinemas and cabarets	1 freestanding and 1 building-mounted sign of which 1 sign may be combination ID and attraction board	Aggregate allowed: 20 sq. ft. plus 10 sq. ft. per screen/stage over 1, up to maximum of 40 sq. ft.	Top of wall or 28 ft. if freestanding	Direct or indirect for all signs	

	1 building-mounted coming-attraction poster per screen or stage	6 sq. ft.	Top of wall	Indirect only	
8. Church and institutional uses	1 freestanding 2 building-mounted	24 sq. ft. 24 sq. ft. aggregate	6 ft. Top of wall	Direct or indirect for all signs	1 of the allowed signs may include an attraction board
9. Gas/service stations	1 freestanding	200 sq. ft.	50'	Direct or indirect for all signs	See <u>Section 17.50.080</u> for all other gas/service station signs

Signs in residential districts requiring a permit See Section 17.26.060

Sign exempt from sign permit approval See Section 17.26.040

Temporary and semipermanent signs See Sections 17.26.080 and 17.26.090

Notes:

1. Freestanding signs shall not be located within five feet of a street right-of-way nor within a corner cutoff area identified in Section 17.12.050.
2. "ID" means identification sign.
3. Signs required by law shall be allowed at the minimum size specified by such law.

(Ord. 792 § 1 Exh. A (part), 2004)

17.26.080 - Permitted temporary signs.

- A. Definition. "Temporary sign" means any stationary, non-illuminated sign which may require a sign permit and which is intended to be posted for a maximum of sixty days. Temporary signs include without limitation: political campaign signs, garage sale signs and seasonal sales signs.
- B. Maximum Time Periods. No temporary sign shall be posted for more than sixty consecutive days nor shall such temporary sign or sign displaying similar messages regarding the same event, if any, which is the subject of such temporary sign be re-posted upon the same site, or any site which is visible from the original site, within ninety days of the removal of the original temporary sign. In addition, all temporary signs shall be removed within seven days after the occurrence of the event, if any, which is the subject of the temporary sign. (For example, a temporary sign advertising a garage sale on a particular date, or a temporary sign promoting a candidate in a particular election).
- C. Maximum Sign Area. Temporary sign and/or signs placed on private residential property with a total square footage of eight square feet of total sign area or less per lot or parcel are allowed. Temporary signs placed on private commercial and industrial property may not exceed thirty-two square feet in area with no dimension exceeding eight feet. The

aggregate area of all temporary signs maintained on any private property parcel of real property in one ownership may not exceed thirty-two square feet. Area shall be calculated on the basis of the entire sign area, as defined in Section 17.26.030.

- D. Maximum Height. Freestanding temporary signs which are placed on public or private property shall not exceed six feet in height. Temporary signs which are posted, attached or affixed to private multiple-floor buildings shall not be placed higher than eight feet or the finish floor line of the second floor of such buildings, whichever is less, and temporary signs which are posted, attached or affixed to private single-floor buildings shall not be higher than the eaveline or top of wall of the building. All heights shall be measured to the highest point of the surface of the sign.
- E. Maximum Number. In no case shall the total number of temporary signs for any permit exceed fifty, except temporary signs supporting political and/or election campaigns.
- F. Placement Restrictions. Temporary signs shall not be posted on sidewalk surfaces, mailboxes, utility boxes, electric light or power or telephone wires, poles or appendages, hydrants, trees, shrubs, tree stakes or guards, public bridges, fences or walls, fire alarm or police telegraph systems, drinking fountains, life buoys, life preservers, lifesaving equipment, street signs or traffic signs or signals. Temporary signs shall be posted no closer than five feet from the edge of the paved area of any public road or street. Temporary signs shall be placed no less than two hundred feet apart from identical or substantially similar temporary signs and shall not be visible simultaneously with the boundaries of the city. Temporary signs shall not be posted in a manner which obstructs the visibility of traffic or street signs or signals or emergency equipment.
- G. Sign Permit Required. Any person, business, campaign organization, or other entity who proposes to post more than five temporary signs on private property, or intends to exceed the allowed maximum square footage for any one parcel shall make application to the development services department for a sign permit. To insure sign removal upon expiration of the permitted posting time, a refundable deposit as established by city council resolution shall be paid in conjunction with the issuance of the sign permit.
1. Statement of Responsibility Required. Each applicant for a temporary sign permit shall submit to the development services department a statement of responsibility certifying a natural person who will be responsible for removing each temporary sign for which a permit is issued by the date removal is required, and who will reimburse the city for any costs incurred by the city in removing each such sign which violates the provisions of this section.
  2. Standards for Approval.
    - a. Within ten business days of the development services department's receipt of a temporary sign permit application, the planning director shall approve or disapprove such application. If the director disapproves an application, the notice of disapproval shall specify the reasons for disapproval. The director shall approve or disapprove any permit application for temporary signs based on character, location and design, including design elements such as materials, letter style, colors, sign type or shape, and the provisions of this section.
    - b. The director's decision with respect to a permit application for a temporary sign may be appealed to the planning commission.
- H. Maintenance and Removal of Temporary Signs.
1. Maintenance. All temporary signs shall be constantly maintained in a state of security, safety and good repair.
  2. Removal from Private Property. If the city finds that a temporary sign located on private property is unsafe or insecure, is a menace to public safety or has been constructed, erected, relocated or altered in violation of this section, the city shall give written notice to the property owner, owner of the temporary sign, or the person who has claimed responsibility for the temporary sign pursuant to subsection F of this section, that the temporary sign is in violation of this section, shall specify the nature of the violation, and shall direct the owner of the temporary sign or responsible person to remove or alter such temporary sign. If the city cannot determine the owner of the sign or person responsible therefor, the city shall post such notice on or adjacent to each temporary sign which is in violation. If the owner of the temporary sign or the person responsible therefor fails to comply with the notice within

five days after such notice is given, the temporary sign shall be deemed abandoned, and the city may cause such temporary sign to be removed and the cost thereof shall be payable by the owner or person responsible for the temporary sign to the city.

- I. The placement of temporary signs for existing commercial businesses during the construction of any department of public works contract over forty-five days in length, where the ingress and egress points to a commercial establishment, have been interrupted, and further when the construction/modification of the public street involves a distance of more than three thousand feet in length, the above regulations pertaining to temporary signs and the associated processing fees, shall not be enforced for the duration of the department of public works street contract. However, the placement of temporary signs must not interfere with site visibility for vehicular movement.
- J. A banner is allowed on each building street frontage within six months of the business opening with a sign permit. The signs shall consist of light-weight fabric or similar material attached to the building wall below the eaveline for a period not to exceed thirty days. The signs shall be non-illuminated and its size shall not exceed thirty-two square feet.

(Ord. 792 § 1 Exh. A (part), 2004)

#### 17.26.090 - Permitted semipermanent signs.

- A. Definition. "Semipermanent sign" means a non-illuminated sign which requires a sign, such as advertising the future construction of a facility, model home complex, commercial, or residential subdivision identification which is intended to be erected or posted for a minimum of sixty-one days and a maximum of one year. A permit for semipermanent signs advertising future facility construction shall not be approved until a development review application has been submitted.
- B. Maximum Time Periods. No semipermanent sign shall be posted for more than one year. In addition, all semipermanent signs shall be removed within ten days after the occurrence of the event, if any, which is the subject of the semipermanent sign. (For example, a semipermanent sign advertising the future construction of a facility on the site shall be removed within ten days after the facility has received a certificate of occupancy, and a model home complex identification sign shall be removed within ten days after the model homes are completed and sold.) The date of posting and permit number shall be permanently and legibly marked on the lower right-hand corner of the face of the sign.
- C. Maximum Sign Area. Semipermanent signs may not exceed thirty-two square feet in area with no dimension exceeding eight feet. The aggregate area of all semipermanent signs placed or maintained on any parcel of real property in one ownership shall not exceed sixty-four square feet. Area shall be calculated on the basis of the entire sign area, as defined in Section 17.26.050.
- D. Maximum Height. Freestanding semipermanent signs shall not exceed eight feet in height. Semipermanent signs which are posted, attached or affixed to multiple-floor buildings shall not be placed higher than the finish floor line of the second floor of such buildings and such signs posted, attached or affixed to single-floor buildings shall not be higher than the eaveline or top of wall of the building. All heights shall be measured to the highest point of the surface of the sign.
- E. Maximum Number. In no case shall the number of signs on any parcel exceed ten.
- F. Placement Restrictions. Semipermanent signs may not be posted on public property, as defined in Section 17.26.030. Semipermanent signs may not be posted in a manner which obstructs the visibility of traffic or street signs or signals or emergency equipment. Temporary signs may not be posted on sites approved for semipermanent signs unless specifically authorized by the semipermanent sign permit.
- G. Sign Permit Required. Any person, business, campaign organization or other entity who proposes to post or erect a semipermanent sign shall make application to the development services department for a semipermanent sign permit.
  1. Statement of Responsibility Required. Each applicant for a semipermanent sign permit shall submit to the development services department a statement of responsibility certifying a natural person who will be responsible for removing each semipermanent sign for which a permit is issued by the date removal is required, and who will

reimburse the city for any costs incurred by the city in removing each such sign which violates the provisions of this section.

2. Standards for Approval.
  - a. Within ten business days of the development services department's receipt of a semipermanent sign permit application, the director shall approve or disapprove such application. If the director disapproves an application, the notice of disapproval shall specify the reasons for disapproval. The director shall approve or disapprove any permit application for semipermanent signs based on character, location and design, including design elements such as materials, letter style, colors, sign type or shape and the provisions of this section.
  - b. In any event, no permit application shall be approved which proposes to place in excess of ten semipermanent signs on private property which will be visible simultaneously from a single location and orientation within the boundaries of the city.
  - c. The director's decision with respect to a permit application for a semipermanent sign may be appealed to the planning commission.
- H. Time Extensions. The applicant may apply for a time extension of up to one year from the date of expiration. The planning director shall approve the application for an extension of time upon finding that the semipermanent sign is otherwise in compliance with the requirements of this section and that the time extension is necessary to accomplish the purposes for which the semipermanent sign has been posted.
- I. Maintenance and Removal of Semipermanent Signs.
  1. Maintenance. All semipermanent signs shall be constantly maintained in a state of security, safety and good repair.
  2. Removal. If the city finds that any semipermanent sign is unsafe or insecure, is a menace to public safety or has been constructed, erected, relocated or altered in violation of this section, the city shall give written notice to the owner of the semipermanent sign, or the person who has claimed responsibility for the semipermanent sign pursuant to subsection F of this section, that the semipermanent sign is in violation of this section, shall specify the nature of the violation, and shall direct the owner of the semipermanent sign or responsible person to remove or alter such semipermanent sign. If the city cannot determine the owner of the sign or person responsible therefor, the city shall post such notice on or adjacent to each semipermanent sign which is in violation. If the owner of the semipermanent sign or the person responsible therefor fails to comply with the notice within five days after such notice is given the semipermanent sign shall be deemed abandoned, and the city may cause such semipermanent sign to be removed and the cost thereof shall be payable by the owner or person responsible for the semipermanent sign to the city.

(Ord. 792 § 1 Exh. A (part), 2004)

#### 17.26.100 - Signs within the defined "downtown."

- A. "Downtown" means that area on Hobsonway extending from the east side of Ash Avenue to the west side of Third Street, and the area between the alley west of Main Street to the alley east of First Street extending north from Hobsonway to Murphy Street and south from Hobsonway to Rice Street.
- B. Signs within the downtown shall meet the requirements set forth in this section and shall be guided by the provisions set forth within the Downtown Design Guidelines adopted by the city of Blythe and incorporated in this section by this reference.

(Ord. 792 § 1 Exh. A (part), 2004)

#### 17.26.110 - Sign permit review.

- A. Sign Permit Required. Sign permit approval is required prior to obtaining a building permit for the placing, erecting, moving, reconstructing, altering or displaying any sign on private property within the city, unless the review procedure is exempt under Section 17.26.040 of this chapter or other provisions of this chapter. Signs requiring approval shall comply

with the provisions of this chapter and all other applicable laws and ordinances. Signs legally existing prior to the effective date of the ordinance codified in this chapter shall not require approval until such time as the sign is moved, structurally altered, changed or relocated, at which time, the review and approval provisions of this chapter shall apply before a sign permit and/or building permit is issued.

- B. **Submission Materials.** The following shall be submitted by the applicant to the development services department at the time of permit application unless otherwise modified by the planning director:
1. Completed sign application obtained from the city;
  2. Appropriate sign plans with number of copies and exhibits as required in the application;
  3. Appropriate fees as established by city council resolution;
  4. Letter of consent or authorization from the property owner, or lessor, or authorized agent of the building or premises upon which the sign is to be erected;
  5. Sign plans with the following information:
    - a. Sign elevation drawing indicating overall and letter/figure/design dimensions, colors, materials, proposed copy and illumination method,
    - b. Site plan indicating the location of all main and accessory signs existing or proposed for the site with dimensions, color, material, copy and method of illumination indicated for each,
    - c. Building elevations with signs depicted (for building-mounted signs).
- C. **Review Procedures—Standard Sign Application.**
1. The standard sign application is used by the development services department to process the following sign applications using the standards and provisions contained in this chapter:
    - a. Two or less permanent signs,
    - b. Signs in conformance with a previously approved planned sign program pursuant to subsection D of this section.
  2. The planning director or other authorized staff member shall review standard sign applications and shall make a determination to either approve, approve with modification or deny the application. The review shall consider the size, design, colors, character and location of the proposed signs.
  3. A standard sign application shall only be approved after a finding that the proposed sign is consistent with the purpose and intent of this chapter and the regulations herein.
- D. **Review Procedures—Planned Sign Programs.**
1. **Planned Sign Problems.** Planned sign program review per the provisions of this subsection is required for submissions which:
    - a. Include three or more permanent signs,
    - b. Are in conjunction with review of a site development permit by the planning commission, or
    - c. Include a request for a sign adjustment to a sign previously approved under a planned sign program.
  2. The planning commission shall make a determination to either approve, approve with modifications, or deny planned sign program applications in conjunction with its review of the associated development project.
  3. The planning commission, upon completion of its review, may attach appropriate conditions to any sign program approval. In order to approve a planned sign program, the commission must find that:
    - a. The sign program is consistent with the purpose and intent of this chapter,
    - b. The sign program is in harmony with and visually related to:
      - i. All signs within the planned sign program, via the incorporation of several common design elements such as materials, letter style, colors, illumination, sign type or sign shape.

- ii. The Buildings They Identify. This may be accomplished by utilizing materials, colors, or design motif included in the building being identified.
    - iii. Surrounding Development. Implementation of the planned sign program will not adversely affect surrounding land uses or obscure adjacent conforming signs.
  - 4. Modification of signs within a previously approved sign program shall be reviewed by the planning director and approved by the planning commission under the same procedures as review of a new planned sign program.
- E. Sign Adjustments. Adjustments to planned sign programs to permit additional sign area, additional numbers of signs, an alternative sign location, an alternative type of signage, new illumination or additional height may be granted by the planning commission. Applications for sign adjustments shall be submitted in writing on forms provided by the planning director. The planning commission shall make one or more of the following findings in conjunction with approval of a sign adjustment:
  - 1. Additional Area.
    - a. To overcome a disadvantage as a result of an exceptional setback between the street and the sign or orientation of the sign location,
    - b. To achieve an effect which is essentially architectural, sculptural or graphic art,
    - c. To permit more sign area in a single sign than is allowed, but less than the total sign area allowed on the site, where a more orderly and concise pattern of signing will result,
    - d. To allow a sign to be in proper scale with its building or use,
    - e. To allow a sign compatible with other conforming signs in the vicinity,
    - f. To establish the allowable amount and location of signing when no street frontage exists or when, due to an unusual lot shape (e.g., flag lot), the street frontage is excessively narrow in proportion to the average width of the lot.
  - 2. Additional Number. To compensate for inadequate visibility, or to facilitate good design balance.
  - 3. Alternative Locations.
    - a. To transfer area from one wall to another wall or to a freestanding sign upon the finding that such alternative location is necessary to overcome a disadvantage caused by an unfavorable orientation of the front wall to the street or parking lot or an exceptional setback,
    - b. To permit the placement of a sign on an access easement to a lot not having street frontage, at a point where viewable from the adjoining public street. In addition to any other requirements, the applicant shall submit evidence of the legal right to establish and maintain a sign within the access easement,
    - c. Additionally, alternative on-site locations may be granted in order to further the intent and purposes of this chapter or where normal placement would conflict with the architectural design of a structure.
  - 4. Alternative Type of Sign. To facilitate compatibility with the architecture of structure(s) on the site and improve the overall appearance on the site.
  - 5. Additional Height. To permit additional height to overcome a visibility disadvantage.
- F. Disposition of Plans.
  - 1. When revisions to sign plans are required as a condition of approval, the applicant shall submit the required number of copies of the revised plans to the development services department to be stamped "Approved." The department will retain copies and a set will be returned to the applicant.
  - 2. After approval is granted, it shall be the responsibility of the applicant to submit all required applications, plans, bonds, and fees to the building department for issuance of the building permit.
- G. Sign Permit Expiration and Time Extensions.

1. Approval of a standard application or planned program application shall expire one year from its effective date unless the sign has been erected or a different expiration date is stipulated at the time of approval. Prior to the expiration of the approval, the applicant may apply to the director for an extension of up to one year from the date of expiration. The director may make minor modifications or may deny further extensions of the approved sign or signs at the time of extension if the director finds that there has been a substantial change in circumstances.
  2. The expiration date of the sign approval(s) shall automatically be extended to concur with the expiration date of building permits or other permits relating to the installation of the sign.
  3. A sign approval shall expire and become void if the circumstances or facts upon which the approval was granted changes through some subsequent action by the owner or lessees such that the sign would not be permitted per this chapter under the new circumstances.
- H. Appeals. Any decision of the planning director made pursuant to this chapter may be appealed to the planning commission and decisions of the planning commission may be appealed to the city council. The appeal must be made within ten calendar days of the decision date, in accordance with Section 17.26.140.

(Ord. 792 § 1 Exh. A (part), 2004)

#### 17.26.120 - Prohibited signs.

The signs and displays listed in this section are prohibited. Such signs are subject to removal by the city at the owner's or user's expense. Prohibited signs include the following:

- A. Any sign not in accordance with the provisions of this chapter;
- B. Abandoned signs;
- C. Rotating, revolving or otherwise moving signs within the defined downtown;
- D. Trailer signs and other signs with directional arrows affixed to vehicles which are used exclusively or primarily for advertising, unless specifically permitted;
- E. Flags (other than organizational, state or national), pennants, streamers, spinners, festoons, windsocks, valances or similar displays, unless specifically permitted in this chapter;
- F. Animated or flashing signs within twenty-five feet of any public right-of-way;
- G. Portable signs, unless specifically permitted in this chapter;
- H. Off-premises signs, unless specifically permitted in this chapter;
- I. Billboards or outdoor advertising signs;
- J. Signs which identify or advertise activities which are illegal under federal, state or local laws in effect at the location of such signs or activities;
- K. Building-mounted signs placed on or above the roof or above the eaveline of any structure;
- L. Signs which purport to be, are an imitation of, or resemble an official traffic sign or signal;
- M. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic-control sign, signal or device, or the light of an emergency vehicle, or which obstruct the visibility of any traffic or street sign or signal device;
- N. Signs that create a potential safety hazard by obstructing clear view of pedestrian or vehicular traffic;
- O. Signs located upon or projecting over public streets, sidewalks or rights-of-way (unless specific approval has been granted and an encroachment permit has been obtained);
- P. Signs attached to utility poles or stop signs or other municipal sign structure;
- Q. Balloon signs, inflatable animal or other figures, or other inflatable displays, whether tethered or not, except as otherwise permitted by a temporary use permit;



- R. Signs located closer to overhead utility lines than the minimum distance prescribed by California law, or by the rules duly promulgated by agencies of the state or by the applicable public utility;
- S. "For sale" signs affixed to vehicles parked on private property for display purposes, excluding those parked in a legal new or used automobile dealership sales lot, except where the vehicle is parked on the owners own private residential property;
- T. Neon signs, except those specifically approved as an activity's major identification sign;
- U. Signs drawn or painted onto or otherwise affixed to trees or rocks unless specifically permitted in this chapter;
- V. Advertising statuary;
- W. Any temporary sign or banner, unless specifically permitted in this chapter and a temporary use permit obtained;
- X. Translucent or transparent signs on internally illuminated awnings so that they allow light to shine through the letters of the copy.

(Ord. 792 § 1 Exh. A (part), 2004)

#### 17.26.130 - Nonconforming signs.

- A. Every legal sign in existence on the effective date of this code which does not conform to the provisions of this chapter but which was in conformance with city sign regulations in effect prior to said effective date, shall be deemed a nonconforming sign and may be continued and maintained provided:
  - 1. The sign is properly maintained and does not in any way endanger the public; and
  - 2. The sign was covered by a valid permit or variance or complied with all applicable laws on the date of adoption of the ordinance codified in this chapter; or
  - 3. If the existing businesses using the pole sign closes after adoption of the ordinance codified in this chapter, the new occupant or business will be required to comply with the requirements of this chapter.
- B. No nonconforming sign shall be changed to another nonconforming sign, changed in any manner that increases the sign's noncompliance with the provisions of this chapter, nor expanded or structurally altered so as to extend its useful life. This restriction does not preclude change of sign copy or normal maintenance.
- C. Any nonconforming sign which is damaged or destroyed beyond fifty percent of its value shall be removed or brought into conformity with the provisions of this chapter. The determination whether a sign is damaged or destroyed beyond such fifty percent of value shall rest with the planning director and shall be based upon the actual cost of replacing said sign.
- D. The burden of establishing a sign as legally nonconforming under this section rests upon the person or persons, firm or corporation claiming legal status for a sign.

(Ord. 792 § 1 Exh. A (part), 2004)

#### 17.26.140 - Enforcement, sign removal and abatement.

- A. Enforcement Responsibility. It shall be the duty of the director or the director's authorized representative to enforce the provisions of this chapter.
- B. Illegal and Abandoned Signs.
  - 1. Illegal Signs. Any sign which does not have a required permit or which otherwise violates applicable provisions of this chapter shall be deemed illegal. If the director determines a sign to be illegal, the director may order the property owner and/or sign owner to remove the sign or may require other actions to ensure compliance with this chapter. Further, in order to discourage the erection of signs without a permit, the director may require that such illegally erected signs be removed prior to review. If the director determines that such removal is not feasible, such illegal signs shall be subject to a tripled sign permit application fee in conjunction with sign review.

2. Abandoned Signs. Any sign located on property which becomes vacant or unoccupied or which pertains to any occupant or business unrelated to the premises, present occupant or business, or which pertains to a time, event or purpose which no longer applies shall be deemed abandoned. Such signs shall be removed within ninety days after the associated enterprise or occupant has vacated the premises or within ninety days after the time, event or purpose which no longer applies has ended. Any such sign not removed within the required period shall constitute a nuisance and shall be subject to removal per subsection E of this section.
- C. Unsafe Signs. Any sign deemed by the city to be a danger to the public under any applicable ordinance or other statute shall be repaired or altered to as to be deemed safe by the city or shall be removed pursuant to subsection E of this section.
  - D. Expired Temporary and Semipermanent Signs. A temporary or semipermanent sign which remains posted beyond the time limits set out therefor in Sections 17.26.080(H) and 17.26.090(I) respectively shall be removed.
  - E. Abatement and Removal of Signs.
    1. Abatement Procedures. Any illegal or abandoned sign may be deemed to be a public nuisance that poses an immediate danger to the health, safety and welfare of the community by creating an obstruction to circulation, including, but not limited to, vehicular and pedestrian. The owner of the sign shall be responsible and liable for the removal and disposition of the sign.
      - a. Abatement. Upon discovering the existence of an illegal sign, the director shall have the authority to order the immediate abatement and removal thereof. The director shall notify the owner thereof, or the owner's representative, in person or by mailing an abatement notice to the owner's last known address. Such notice shall state the time limit, if any, granted for removal of the sign and the statement that the director shall remove the sign after the stated time, the procedure for retrieving a removed sign, and a statement that the owner may request a hearing to appeal the abatement and removal by submitting a written request. The amount of time stated for removal of a sign may be reduced or eliminated if the director determines that the illegal sign constitutes an immediate danger to the health, safety and welfare of the community or is a safety hazard.
      - b. Hearings.
        - i. Any sign removed and stored pursuant to these provisions shall be released to the owner thereof if claimed within thirty days after such removal and upon the payment of reasonable administrative fees. Such administrative fees shall be waived if, after a hearing to appeal has been requested, a determination is made at such hearing that the fees shall be waived. The administrative fees for the removal and storage of the sign shall be established or modified by resolution of the city council and shall include the actual cost of removal and storage of any sign plus the proportional share of administrative costs in connection therewith.
        - ii. Any hearing to appeal an abatement order which is requested shall be conducted within five working days of the receipt of the request by the city manager, who should be designated as the hearing officer. The failure of either the owner or his agent to request a hearing within ten days of receipt of the above referenced abatement notice shall waive the right to a hearing. At the hearing, the hearing officer shall determine whether good cause was shown for the abatement and removal of the sign. The decision of the hearing officer shall be deemed the final administrative determination. If good cause is shown for the abatement and removal of the sign, the owner or his agent shall have fifteen days from the date of the hearing to retrieve his sign upon payment of the administrative fee. If good cause is not shown for the abatement and removal of the sign, the administrative fee shall be waived and the owner of this agent shall have fifteen days to retrieve his sign.
      - c. Disposition. Any sign not retrieved by its owner within thirty days after delivering or mailing the abatement notice when such owner has not requested a hearing to appeal, or within thirty days of storage of the sign by the city in all other cases, shall be deemed to be permanently abandoned and may be disposed of by the city.

- F. No City Liability. Neither the city nor any of its agents shall be liable for any damage to a sign which is removed under this section.
- G. Legal Action. In response to any violation of the provisions of this chapter, the city may elect to file a criminal complaint against the violator, issue a citation to the violator for an "infraction" pursuant to California Government Code Section 36900, or institute a civil action in a court of competent jurisdiction.

(Ord. 792 § 1 Exh. A (part), 2004)

#### Chapter 17.27 - ARTS IN PUBLIC PLACES PROGRAM

##### Sections:

##### 17.27.010 - Purpose.

The purpose of this section is to establish an arts in public places program.

(Ord. 800 § 1 (part), 2006)

##### 17.27.020 - Applicability.

- A. Newly constructed and reconstructed commercial and industrial buildings and structures and additions to commercial and industrial buildings and structures shall include public arts amenities.
- B. New single- and multi-family developments of five units or more shall include public arts amenities.

(Ord. 800 § 1 (part), 2006)

##### 17.27.030 - Fee in-lieu.

- A. Payment may be made to the city of a fee in-lieu of the inclusion of public arts amenities.
- B. Said fee shall be one percent of commercial and industrial project costs as stated on building permits. Project costs shall not include improvements in/to the public right-of-way.
- C. Said fee shall be one-half of one percent of project costs as stated on building permit. Said fee shall apply to single- and multi-family developments of five units or more. Project costs shall not include improvements in/to the public right-of-way.
- D. Proceeds of such fee shall be expended by the city only for the acquisition, installation, improvement, maintenance, and insurance of public arts amenities located in the city of Blythe.

(Ord. 800 § 1 (part), 2006)

##### 17.27.040 - Review of art in public places.

The Blythe city council shall review and at its discretion approve all art proposed for construction and/or installation in public places.

(Ord. 800 § 1 (part), 2006)

#### Chapter 17.28 - HAZARDS—NOISE—LIGHT AND GLARE—AIR POLLUTION

##### Sections:

## 17.28.010 - Uses with detrimental emissions.

No use shall be established which causes or emits any dust, gas, smoke, fumes, odors, noise or vibrations which are or may be detrimental to other properties in the neighborhood or to the occupants thereof.

(Ord. 595 § 5.00, 1982)

## 17.28.020 - Flammable and explosive materials.

All activities involving, and all storage of, flammable and explosive materials shall be provided with adequate safety devices against hazards of fire and explosion by adequate firefighting and fire-suppression equipment and devices standard in industry.

(Ord. 595 § 5.01, 1982)

## 17.28.030 - Lighting of private property.

Lighting, where provided to illuminate private property, shall be so arranged as to reflect away from adjoining property or any public way and to be arranged so as not to cause a nuisance either to highway traffic or to the living environment.

(Ord. 595 § 5.02, 1982)

## 17.28.040 - Airborne emissions.

No airborne emission shall be permitted which causes any damage to health, animals, vegetation or other forms of property, or which causes soiling at or beyond the property line of the property where the emission is produced.

(Ord. 595 § 5.03, 1982)

## 17.28.050 - Vacant buildings.

Vacant buildings are determined to be a potential hazard to the safety and welfare of the citizens. All vacant buildings shall be secured as follows:

- A. Trash and Debris Removal. All buildings shall be cleared of trash and debris that would create a fire hazard or a place for vermin.
- B. Security. It is the owner's responsibility to see that the building is secured at all times.
  1. Glass windows and doors shall be kept in good repair. Any broken glass shall be replaced with glass.
  2. If it is decided to secure the building by boarding it up, the following standards shall apply:
    - a. The covering shall be one-half inch CCX plywood or equivalent;
    - b. The covering shall be inset in window and door opening so as to present a smooth surface with the exterior of the building;
    - c. The covering shall be secured with screws;
    - d. The covering shall be painted a color to match the rest of the building.

(Ord. 695 § 4, 1993)

## Chapter 17.29 - FLOODPLAIN MANAGEMENT

**Sections:**

## 17.29.010 - Statutory authorization, findings of fact, purpose and methods.

- A. Statutory Authorization. The Legislature of the State of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the city council of the city of Blythe does adopt the following floodplain management regulations.
- B. Findings of Fact.
1. The flood hazard areas of the city of Blythe are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
  2. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.
- C. Statement of Purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide (i.e., mudflow) or flood-related erosion areas. These regulations are designed to:
1. Protect human life and health;
  2. Minimize expenditure of public money for costly flood-control projects;
  3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. Minimize prolonged business interruptions;
  5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
  6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
  7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
  8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes regulations to:
1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
  2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
  4. Control filling, grading, dredging, and other development which may increase flood damage; and
  5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

(Ord. 827 § 1 (part), 2008)

## 17.29.020 - Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

A Zone. See "Special flood hazard area."

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than two cars; or
2. A small, low cost shed for limited storage, less than one hundred fifty square feet and one thousand five hundred dollars in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by floodflows, and then deposited on the valley floors, and which is subject to flashflooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.

"Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "one hundred year flood"). Base flood is the term used throughout this chapter.

"Base flood elevation (BFE)" means the elevation shown on the flood insurance rate map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade—i.e., below ground level—on all sides.

Building. See "Structure."

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the adoption date of the ordinance codified in this chapter.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding or floodwater" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood-related erosion.

"Flood boundary and floodway map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

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

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.

"Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

"Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in floodprone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodplain or flood prone area" means any land area susceptible to being inundated by water from any source—see "Flooding."

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93 and TB 7-93.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

"Floodway fringe" means that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

"Fraud and victimization" as related to Section 17.29.060 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city of Blythe will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

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

"Governing body" means the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship" as related to Section 17.29.060 of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The Blythe city council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
  - a. The flood openings standard in Section 17.29.050(A)(3)(c);
  - b. The anchoring standards in Section 17.29.050(A)(1);
  - c. The construction materials and methods standards in Section 17.29.050(A)(2); and
  - d. The standards for utilities in Section 17.29.050(B).
2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

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



"Market value" is defined in the city of Blythe substantial damage/improvement procedures. See Section 17.29.040(B)(2)(a).

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

"New construction" for floodplain management purposes, means structures for which the "start of construction" commenced on or after the adoption date of the ordinance codified in this chapter, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the adoption date of the ordinance codified in this chapter.

"Obstruction" means and includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One Hundred Year Flood or 100 Year Flood. See "Base flood."

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance" as related to Section 17.29.060 of this chapter, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sheet Flow Area. See "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1, A30, AE, A99 or AH.

"Start of construction" means and includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. 827 § 1 (part), 2008)

#### 17.29.030 - General provisions.

- A. Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Blythe.
- B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for Riverside County, California and Incorporated Areas" dated August 28, 2008, with accompanying flood insurance rate maps (FIRM's) and flood boundary

and floodway maps (FBFM's), dated August 28, 2008, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the Blythe city council by the floodplain administrator. The study, FIRM'S and FBFM's are on file at the city of Blythe planning department, 235 North Broadway, Blythe.

- C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the Blythe city council from taking such lawful action as is necessary to prevent or remedy any violation.
- D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:
  - 1. Considered as minimum requirements;
  - 2. Liberally construed in favor of the governing body; and
  - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Blythe city council, any officer or employee thereof, the state of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
- G. Severability. This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. 827 § 1 (part), 2008)

#### 17.29.040 - Administration.

- A. Designation of the Floodplain Administrator. The planning director is appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.
- B. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
  - 1. Permit Review. Review all development permits to determine:
    - a. Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures,
    - b. All other required state and federal permits have been obtained,
    - c. The site is reasonably safe from flooding,
    - d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the city of Blythe, and
    - e.

All letters of map revision (LOMR's) for flood-control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood-control project and land preparation as specified in the "start of construction" definition;

2. Development of Substantial Improvement and Substantial Damage Procedures.
  - a. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
  - b. Assure procedures are coordinated with other departments/divisions and implemented by community staff.
3. Review and Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 17.29.030(B), the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 17.29.050.

Note: a base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas—A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

4. Notification of Other Agencies.
  - a. Alteration or Relocation of a Watercourse.
    - i. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
    - ii. Submit evidence of such notification to the Federal Emergency Management Agency; and
    - iii. Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.
  - b. Base Flood Elevation Changes Due to Physical Alterations.
    - i. Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).
    - ii. All LOMR's for flood-control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood-control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

- c. Changes in Corporate Boundaries. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.
5. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
  - a. Certification required by Section 17.29.050(A)(3)(a) and Section 17.29.050(D) (lowest floor elevations);
  - b. Certification required by Section 17.29.050(A)(3)(b) (elevation or floodproofing of nonresidential structures);
  - c. Certification required by Section 17.29.050(A)(3)(c) (wet floodproofing standard);
  - d. Certification of elevation required by Section 17.29.050(C)(l)(c) (subdivisions and other proposed development standards);

- e. Certification required by Section 17.29.050(F)(2) (floodway encroachments); and
  - f. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
6. Map Determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 17.29.040(D).
7. Remedial Action. Take action to remedy violations of this chapter as specified in Section 17.29.030(C).
8. Biennial Report. Complete and submit biennial report to FEMA.
9. Planning. Assure community's general plan is consistent with floodplain management objectives herein.
- C. Development Permit. A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 17.29.030(B). Application for a development permit shall be made on forms furnished by the city of Blythe. The applicant shall provide the following minimum information:
- 1. Plans in duplicate, drawn to scale, showing:
    - a. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
    - b. Proposed locations of water supply, sanitary sewer and other utilities;
    - c. Grading information showing existing and proposed contours, any proposed fill and drainage facilities;
    - d. Location of the regulatory floodway when applicable;
    - e. Base flood elevation information as specified in Section 17.29.030(B) or 17.29.040(B)(3);
    - f. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
    - g. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 17.29.050(A)(3)(b) of this chapter and detailed in FEMA Technical Bulletin TB 3-93.
  - 2. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 17.29.050(A)(3)(b).
  - 3. For a crawl-space foundation, location and total net area of foundation openings as required in Section 17.29.050(A)(3)(c) of this chapter and detailed in FEMA Technical Bulletins 1-93 and 7-93.
  - 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  - 5. All appropriate certifications listed in subsection (B)(5) of this section.
- D. Appeals. The city council of the city of Blythe shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

(Ord. 827 § 1 (part), 2008)

17.29.050 - Provisions for flood hazard reduction.

- A. Standards of Construction. In all areas of special flood hazards the following standards are required:
  - 1. Anchoring. All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - 2. Construction Materials and Methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

- a. With flood-resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation,
  - b. Using methods and practices that minimize flood damage,
  - c. With electrical, heating, ventilation, plumbing and airconditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, and
  - d. Within Zone AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
3. Elevation and Floodproofing.
- a. Residential Construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
    - i. In AE, AH, A1-30 zones, elevated to or above the base flood elevation;
    - ii. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified;
    - iii. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to or above the base flood elevation; as determined under Section 17.29.040(B)(3).

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

- b. Nonresidential Construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with subsection (A)(3)(a) of this section or:
  - i. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under subsection (A)(3)(a), so that the structure is watertight with walls substantially impermeable to the passage of water;
  - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - iii. Be certified by a registered civil engineer or architect that the standards of subsections (A)(3)(b)(i) and (ii) are satisfied. Such certification shall be provided to the floodplain administrator.
- c. Flood Openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:
  - i. For Non-Engineered Openings.
    - (A) Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - (B) The bottom of all openings shall be no higher than one foot above grade;
    - (C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
    - (D) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter; or

- ii. Be Certified by a Registered Civil Engineer or Architect.
  - d. Manufactured Homes.
    - i. See subsection D of this section.
  - e. Garages and Low Cost Accessory Structures.
    - i. Attached Garages.
      - (A) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. See subsection (A)(3)(c). Areas of the garage below the BFE must be constructed with flood-resistant materials. See subsection (A)(2).
      - (B) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
    - ii. Detached Garages and Accessory Structures.
      - (A) "Accessory structures" used solely for parking (two car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 17.29.020, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
        - (1) Use of the accessory structure must be limited to parking or limited storage;
        - (2) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
        - (3) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
        - (4) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
        - (5) The accessory structure must comply with floodplain encroachment provisions in subsection F of this section; and
        - (6) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with subsection (A)(3)(c) of this section.
      - (B) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in subsection A of this section.
- B. Standards for Utilities.
1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
    - a. Infiltration of floodwaters into the systems; and
    - b. Discharge from the systems into floodwaters.
  2. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.
- C. Standards for Subdivisions and Other Proposed Development.
1. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is the lesser, shall:
    - a. Identify the special flood hazard areas (SFHA) and base flood elevations (BFE);
    - b. Identify the elevations of lowest floors of all proposed structures and pads on the final plans;
    - c. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the floodplain administrator:

- i. Lowest floor elevation,
    - ii. Pad elevation,
    - iii. Lowest adjacent grade.
  - 2. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
  - 3. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
  - 4. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.
- D. Standards for Manufactured Homes.
- 1. All manufactured homes that are placed or substantially improved, on sites located:
    - a. Outside of a manufactured home park or subdivision;
    - b. In a new manufactured home park or subdivision;
    - c. In an expansion to an existing manufactured home park or subdivision; or
    - d. In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:
      - i. Within Zones A1-30, AH and AE on the community's flood insurance rate map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - 2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's flood insurance rate map that are not subject to the provisions of subsection (D)(1) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
    - a. Lowest floor of the manufactured home is at or above the base flood elevation; or
    - b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

E. Standards for Recreational Vehicles.

- 1. All recreational vehicles placed in Zones A1-30, AH and AE will either:
    - a. Be on the site for fewer than one hundred eighty consecutive days;
    - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
    - c. Meet the permit requirements of Section 17.29.040(C) of this chapter and the elevation and anchoring requirements for manufactured homes in subsection (D)(1).
- F. Floodways. Since floodways are an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- 1.



Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the city of Blythe.

2. Within an adopted regulatory floodway, the city of Blythe shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
3. If subsections (F)(1) and (2) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this section.

(Ord. 827 § 1 (part), 2008)

#### 17.29.060 - Variance procedure.

- A. Nature of Variances. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Blythe city council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

- B. Conditions for Variances.

1. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of [Sections 17.29.040](#) and [17.29.050](#) of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in [Section 17.29.020](#) of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the

Blythe city council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Blythe city council believes will both provide relief and preserve the integrity of the local ordinance.

5. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
  - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and
  - b. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the Riverside recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
6. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

C. Appeal Board.

1. In passing upon requests for variances, the Blythe city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
  - a. Danger that materials may be swept onto other lands to the injury of others;
  - b. Danger of life and property due to flooding or erosion damage;
  - c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  - d. Importance of the services provided by the proposed facility to the community;
  - e. Necessity to the facility of a waterfront location, where applicable;
  - f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. Compatibility of the proposed use with existing and anticipated development;
  - h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. Safety of access to the property in time of flood for ordinary and emergency vehicles;
  - j. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
  - k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system and streets and bridges.
2. Variances shall only be issued upon a:
  - a. Showing of good and sufficient cause;
  - b. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and
  - c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.
3. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (C)(1) through (C)(4) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

4.

Upon consideration of the factors of subsection (B)(1) of this section and the purposes of this chapter, the Blythe city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(Ord. 827 § 1 (part), 2008)

#### DIVISION IV. - SPECIAL PROVISIONS

##### Chapter 17.30 - HOME-BASED BUSINESSES\*

###### Sections:

##### 17.30.010 - Criteria of valid home-based businesses.

The following criteria shall be used to determine a valid home-based business:

- A. No employees other than member(s) of the resident family;
- B. No use of material or equipment not recognized as being part of the normal practices in the zone of which the use is a part;
- C. No significant increase in pedestrian or vehicular traffic generated beyond that normal to the zone in which it is located;
- D. No use of commercial vehicles for delivery of materials to or from the premises that exceed the weight and/or vehicle dimension restrictions for residential zones;
- E. No unenclosed outside storage of materials and/or supplies;
- F. No signs other than those permitted in the zone of which it is a part, as provided for in Chapter 17.26;
- G. Use of not more than one room in a dwelling or in an accessory structure for the home-based business;
- H. No alteration of the appearance of the structure or the conduct of the occupation within the structure, such that the structure may be reasonably recognized as serving a nonresidential use, either by color, materials or construction, lighting, signs, sounds or voices, vibrations, etc.;
- I. No use of utilities of community facilities beyond that normal to use of the property for residential purposes;
- J. Conformance with the performance standards of Chapter 17.28.

(Ord. 790 § 1 (part), 2004)

##### 17.30.020 - Home-based business permit.

Prior to commencing any home-based business meeting the criteria set forth in this chapter, a business license with home-based business approval from the planning department must be obtained. The business license, with home-based business approval, shall set forth the name, address and telephone number of the operator, the nature of the operation and by way of the applicant's signature, an acknowledgment of the criteria for a home-based business.

(Ord. 790 § 1 (part), 2004)

##### 17.30.030 - Uses permitted as home-based businesses.

The following are examples of uses permitted, but not limited to, as home-based businesses:

- A. Professional offices;
- B. Offices for personal services, such as janitorial services, gardening services, office services, etc.;
- C. Dressmaking, millinery and other home sewing work;

- D. Handicrafts such as weaving, leather work and other arts and crafts;
- E. Instructional classes, not exceeding two students at one time;
- F. Mail order or direct sales, provided no merchandise is sold on the premises;
- G. Single chair beauty/barber salon;
- H. Repair of electronic equipment and small business machines;
- I. Locksmithing;
- J. Cottage food operation.

(Ord. 790 § 1 (part), 2004; Ord. No. 894, § 1, 10-9-18)

17.30.040 - Uses prohibited as home-based businesses.

The following uses are prohibited as home-based businesses:

- A. The repair, reconditioning, servicing or manufacturing of any internal combustion or diesel engine or of any motor vehicle, including automobiles, trucks, motorcycles or boats;
- B. Major appliance repair;
- C. Uses which entail the harboring, training, raising, or grooming of dogs, cats or other animals;
- D. Uses in violation of public health and/or environmental health statutes or requirements;
- E. Sexually oriented businesses;
- F. Spiritual advisory services.

(Ord. 790 § 1 (part), 2004)

17.30.050 - Cottage food operation.

A "cottage food operation," as that term is defined in California Health & Safety Code 113758(a), as may be amended from time to time, is permitted provided that:

- A. Approval Required. An application for approval to engage in a home-based business shall be filed with the planning department pursuant to 17.30.020. In addition to the requirements for a home based business set forth in Section 17.30.020, the application for a cottage food operation shall also include the following:
  1. A statement of whether the applicant is the owner or a tenant of the property on which the use is proposed to be located; and if a tenant, the name and contact information for the property owner, landlord, or management company; as well as the signature of the property owner, landlord or management company consenting to the use;
  2. The address or legal description of the property on which the cottage food operation is proposed to be located;
  3. A copy of the permit issued by or the application submitted or to be submitted to the County of Riverside Department of Environmental Health for the proposed use;
  4. Identification of the name of each individual involved and/or employed in the proposed use and whether they are a family member or household member of the cottage food operator;
  5. A statement of whether the proposed use will involve "direct sales" or "indirect sales" of cottage food products at the subject residence as those terms are defined in California Health and Safety Code 113758(b) as may be amended;
  6. A description, explanation, and amount of projected impacts on traffic, including, but not limited to, the number of deliveries to be received or sent from the subject residence, frequency of loading of products for sale elsewhere, and anticipated consumer or third party retailer visits to the subject residence;

7. An accurate floor plan drawing(s) of the subject residence showing: (i) areas proposed to be registered and/or permitted by or areas shown on application submitted to the County of Riverside Department of Environmental Health for cottage food preparation, packaging and related exclusive storage; (ii) all doors and exits; (iii) all vehicle parking spaces; (iv) all delivery and/or loading areas; and (v) the location(s) of streets, property lines, uses, structures, driveways, pedestrian walks;
  8. Any additional information, plans, or drawings the planning department may require to determine whether the proposed use will comply with all of the applicable provisions of this section. The city manager, or his or her designee, may authorize omission of any or all of the plans and drawings required by this section if they are not necessary;
- B. Action of Planning Department. After submittal of a complete application and fee as required by this section the planning department shall approve, approve in modified form, or deny the application in compliance with the authority and requirements set forth in California Government Code § 51035, as may be amended from time to time. The planning department shall grant the permit if the proposed cottage food operation, as applied for or as modified, complies with the standards set forth herein. Notwithstanding the foregoing, the planning department, in their discretion may condition approval of the use upon the cottage food operations compliance with any additional reasonable standards related to spacing and concentration, traffic control, or noise which the planning department, in their sole discretion, deems necessary to mitigate the impact of the proposed use on the surrounding residential neighborhood. Within thirty days of receipt of a complete application for a cottage food operation permit, the planning department shall approve or deny the same. The planning department's action shall be in written form and shall contain a brief statement of the facts upon which such determination is based. Not later than five working days following the rendering of such determination, the planning department shall forward a copy of their decision by United States mail, postage prepaid, addressed to the applicant and any other persons requesting a copy of the same. The action of the planning department shall be final and conclusive, unless within the time permitted an appeal is filed appealing the decision of the planning department to the city council.
- C. Standards. Cottage food operations must meet the following requirements:
1. Spacing and Concentration. No cottage food operation shall be approved if the site of the proposed use is located within three hundred feet of the property line of another cottage food operation.
  2. Traffic Control.
    - (a) Parking.
      - (1) On-site parking for the residential unit in which the cottage food operation is located shall be maintained free and clear and available for parking and/or deliveries at all times to the extent such parking is necessary to mitigate the cottage food operations impact upon the traffic circulation.
      - (2) The cottage food operation shall not result in any appreciable increase in traffic, pedestrian or vehicular.
    - (b) Deliveries and Loading. The cottage food operator shall only allow vehicular delivery or loading related to the cottage food operation between the hours of six a.m. and seven p.m.
    - (c) The cottage food operator shall not allow any vehicle making a delivery, being loaded, or being used by consumers or third party retailers in relation to the cottage food operation to block or impede the public right-of-way, a vehicular drive aisle, encroach into any required on-site parking space, or idle at any time.
    - (d) Sales at the Subject Residence. Cottage food operations engaging in sales to consumers or third party retailers at the residence containing the cottage food operation shall also be subject to the following traffic control standards:
      - (1) Visitation to the residence containing the cottage food operation for the purpose of direct or indirect sales is limited to the hours of eight a.m. to seven p.m., Monday through Saturday.

- (2) Visitors shall not be allowed to queue outside of the residence containing the cottage food operation at any time, either on foot or in vehicles.
- (3) There shall be no outdoor sales at any time at the residence containing the cottage food operation.
- 3. Noise Control. Cottage food operations shall not create noise levels in excess of those allowed in the applicable residential areas in the noise element of the general plan or in excess of those allowed in residential property pursuant to the Blythe Municipal Code.
- 4. Zoning Standards. The cottage food operation shall conform to all applicable federal, state, and municipal laws and regulations applicable to the residential area in which the cottage food operation is located, including, but not limited to, setbacks, signage, etc.
- D. Approval Revocable. Approval to operate a cottage food operation obtained under this section is revocable at any time by the final approving authority if the business is found to be in non-compliance with any condition of approval or applicable local or state law or regulation governing cottage food operations.
- E. Appeals. Any person aggrieved by the decision of the planning department under this subsection may appeal such decision to the city council by submission to the city clerk, within ten days of the issuance of the planning department's determination, a written request for such appeal. Upon receipt of a timely filed appeal, together with any applicable filing and processing fee, the city clerk shall set the matter for a hearing before the city council at its next most convenient meeting. In acting upon such appeals the city council shall conduct a hearing and shall act upon such application for as cottage food operation permit, in the same manner as is set forth in this code.

(Ord. No. 894, § 2, 10-9-18)

#### Chapter 17.32 - CONDOMINIUMS AND COMMUNITY APARTMENTS

##### Sections:

##### 17.32.010 - Defined.

- A. "Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of such real property. Such estate may, with respect to the duration of an enjoyment, be either:
  - 1. An estate of inheritance or perpetual estate;
  - 2. An estate for life; or
  - 3. An estate for years.
- B. "Condominiums" includes "community apartments."

(Ord. 595 § 6.01(A), 1982)

##### 17.32.020 - Compliance and conditional use permit required.

Condominiums and community apartments shall meet the requirements of this chapter and the obtaining of a conditional use permit in accordance with procedures set forth in Chapter 17.68.

(Ord. 595 § 6.01(B), 1982)

##### 17.32.030 - Conditions, covenants and restrictions.

Copies of conditions, covenants and restrictions (CC&Rs) that will apply to the proposed development shall be submitted as part of the conditional use permit application and shall include the following provisions:

- A. Insure payment of any invoice by the city for water or sewer service charges, garbage, trash or rubbish charges in such manner that either the board of governors, the condominium owners or the management-agent guarantees payment to the city;
- B. Guarantee access and entry to the development, all buildings and structures for any authorized fire inspector, building official or any other official charged with carrying out the laws of the city, state or federal government;
- C. Insure that each residential unit in the development shall be used as a residence for a single family and for no other purpose;
- D. Insure that no sign of any kind may be displayed advertising any service, business or other commercial project or venture, in any residential condominium or community apartment;
- E. That the names of the officers and members of the board of governors shall be filed annually with the city clerk during the month of July;
- F. A request that traffic regulations be enforced by the city on the private streets (if any) located therein.

(Ord. 595 § 6.01(C), 1982)

#### 17.32.040 - Off-street parking.

The off-street parking requirements for residential condominiums and community apartments shall be the same as required for any residential project in accordance with the zone in which it is located. (See [Chapter 17.16.](#))

(Ord. 595 § 6.01(D), 1982)

#### 17.32.050 - Tract map—Site and floor plans.

A tentative tract map shall be filed as required by state law and the Blythe Subdivision Ordinance, as amended. In addition, a site and building floor plan drawn to scale shall be submitted showing: location of buildings; floor plan of each unit within the buildings; square footage of each unit; location of recreation space, pools and rooms; trash areas; any other amenities within the project; driveways and parking stalls; open space including patios and balconies; and any other pertinent information deemed necessary by the planning director.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 6.01(E), 1982)

#### 17.32.060 - Interior private streets.

Interior private streets may be permitted within any condominium or community apartment development, but shall have a minimum width of pavement between standard concrete curbs as follows:

- A. Forty feet where parking is permitted on both sides;
- B. Twenty-eight feet where parking is permitted on one side only;
- C. Twenty feet where parking is prohibited on both sides;
- D. Where a private drive serves only garages, and the driveway is posted to prohibit all other parking, the drive may be constructed to the standard twenty-foot alley specification. All private streets shall be irrevocably offered for dedication and may be refused or withheld by the city;
- E. As required by [Title 16](#) of this code for commercial or industrial condominiums when greater than specified in subsections A through D of this section.

(Ord. 595 § 6.01(F), 1982)

## Chapter 17.33 - ACCESSORY DWELLING UNITS/JUNIOR ACCESSORY DWELLING UNITS

### Sections:

#### 17.33.010 - Purpose and scope.

- A. This chapter's purpose is to encourage and allow the provision of affordable housing, while preserving the character and integrity of Blythe's residential uses and neighborhoods. This chapter establishes standards for accessory dwelling units (ADUs) in conformance with Government Code Section 65852.2 and junior accessory dwelling units (JADUs) in conformance with Government Code Section 65852.22.
- B. For purposes of this chapter, an existing residential dwelling, or the larger of two proposed units, is considered to be the "primary residence."
- C. In cases of conflict between this chapter and any other provision of this title, the provisions of this chapter shall prevail. To the extent that any provision of this chapter is in conflict with state law, the mandatory requirement of state law shall control, but only to the extent legally required.

(Ord. No. 911, § 3, 12-14-21)

#### 17.33.020 - Requirements.

- A. Zoning Clearance. ADUs and JADUs consistent with the requirements of this section are allowed by-right with a building permit.
- B. Applications. Applications for ADUs and JADUs shall be ministerially processed within sixty days of receipt of a complete application and approved if they meet the requirements of this chapter.
  1. If the application is submitted in conjunction with an application for a new single-family dwelling, the application for the ADU or JADU shall not be acted upon until the application for the new single-family dwelling is approved, but thereafter shall be ministerially approved if it meets all requirements within sixty days.
  2. The city shall grant a delay if requested by the applicant.
  3. All applications for ADUs and JADUs shall be accompanied by an application fee.
- C. Inspection and Permit Fees. ADUs and JADUs shall be subject to applicable inspection and permit fees.
- D. Public Utilities. All ADUs and JADUs must be connected to public utilities or their equivalent, including water, electric, and sewer services. However, legally compliant well-water and septic services may meet these requirements on a lot with a single-family home if the well-water and septic services would be authorized if the ADU or JADU were a single family home.
- E. Zones of Insufficient Water and Sewer Service. Unless prohibited by law, new ADUs are prohibited if the public works director or designee determines the surrounding residential neighborhood has insufficient water or sewer service. The public works director shall maintain a document detailing the known areas in the city with insufficient water or sewer service. Such document shall be promptly made available to the public upon request. The public works director shall update the document periodically.
- F. Recorded Covenants. The owner of any new ADU or new JADU shall record against the property a covenant in a form that meets the approval of the city attorney, and which establishes the following:
  1. The ADU/JADU shall not be sold separately from the single-family residence, except as authorized by Government Code Section 65852.26;
  2. The ADU/JADU is restricted to the maximum size allowed per the standards set forth in this chapter;



3. The restrictions shall be binding upon any successor in ownership of the property, and lack of compliance shall result in legal action against the property owner for noncompliance with the requirements for an ADU/JADU;
4. The ADU/JADU shall not be rented for periods of less than thirty-one days; and
5. For JADUs, that the owner reside in either the primary unit or the JADU.

(Ord. No. 911, § 3, 12-14-21)

17.33.030 - Permitted locations.

A. An ADU is permitted on any lot where single- or multiple-family dwellings are a permitted use. An ADU is also allowed on a lot where a single- or multiple-family dwellings are a conditionally permitted use, provided that the lot will contain either a single- or multiple-family dwelling. One or more ADUs are also allowed on any lot with an existing legal non-conforming single- or multiple- family lot in a residential or mixed-use zone if authorized by Government Code Section 65852.2(e).

B. A JADU is permitted in conjunction with a single-family dwelling in the zones identified in Section 17.08.010 of this code.

(Ord. No. 911, § 3, 12-14-21)

17.33.040 - Number of ADUs/JADUs.

A. Single-Family Dwelling. On a lot with an existing or proposed single-family dwelling within a residential or mixed-use zone, the following maximum number of ADUs are allowed:

1. One attached or detached ADU; and
2. One JADU pursuant to Government Code Section 65852.22.

B. Multiple-Family Dwelling.

1. On a lot with an existing multiple family dwelling structure in a residential or mixed-use zone, the following maximum number of dwelling units are allowed:
  - a. Not more than two detached ADUs; or
  - b. One or more ADUs, within a portion of the existing structure that is not used as habitable space for a total of up to twenty-five percent of the existing units on-site. For example, existing garage, storage room, boiler room, passageway, attic, or basement areas within the multiple-family dwelling structure that are not used as habitable space may be converted to an ADU; or
  - c. One ADU described in subsection A, immediately above, and one ADU described in subsection B, immediately above.
2. On a lot without an existing multiple family dwelling structure, but which is proposed to have one or more such structures, up to two new detached ADUs may be constructed, provided that each ADU does not exceed sixteen feet in height, does not have more than eight hundred square feet in floor area, and complies with all applicable setbacks (including side and rear setbacks of at least four feet). Although such ADUs must be detached from the multiple-family dwelling structure(s), the ADUs need not be detached from each other.

(Ord. No. 911, § 3, 12-14-21)

17.33.050 - ADUs as transient lodging.

ADUs and JADUs may not be rented for periods of less than thirty-one days.

(Ord. No. 911, § 3, 12-14-21)

17.33.060 - Site and design standards.

A. General Standards.

1. ADUs and JADUs are not included in density calculations, are considered residential uses, and may count as dwelling units for purposes of identifying adequate sites for housing.
2. ADUs and JADUs must satisfy the requirements of Title 15 of this code (Buildings and Construction) and any other applicable provisions of the California Building Standards Code as each may be amended from time to time. However, fire sprinklers shall not be required if they are not required for the primary residence.
3. The floor area of an ADU and JADU (either attached or detached) may not be less than the floor area required for an efficiency dwelling unit as provided by Health and Safety Code Section 17958.1(b).
4. The exterior materials, colors, roof pitch and architecture of an ADU and JADU shall be similar to and compatible with those of the primary unit. However, the planning director may waive some or all of the requirements of this subsection A.4 if the planning director determines that the ADU and JADU are not clearly visible from the public right-of-way and that the cost of complying with the requirements of this subsection A.4 greatly outweigh the public benefits of enforcing these requirements.

B. Height, and Site Coverage.

1. ADUs are subject to the same height standards that apply to primary dwellings on the lot in the applicable zoning district.
2. Provided an ADU complies with the height and ADU setback standards for the zoning district in which it is located, lot coverage standards (See e.g., Section 17.10.015 of this code, "Lot and Building Dimensions") do not apply to an ADU that is proposed to be eight hundred square feet or less.

C. Relationship to Residential Structures.

1. An ADU may be within, attached to, or detached from a single- or multiple-family residential structure, except as may be limited herein.
2. An ADU unit must have kitchen and bathroom facilities that are separate from the primary dwelling.
3. A JADU must have an efficiency kitchen as defined in Government Code Section 65852.22(a)(6) as it may be amended from time to time. Bathroom facilities may be shared with the primary dwelling.

D. Maximum Unit Size.

1. JADU. The floor area of a JADU shall not exceed the maximum of five hundred square feet as allowed by Government Code Section 65852.22 and shall be created within the walls of an existing primary dwelling.
2. ADU.
  - a. Single-Family.
    - i. Detached. For lots with a proposed or existing single-family dwelling, a detached ADU shall not have more than one thousand two hundred square feet.
    - ii. Attached. An ADU attached to a single-family dwelling shall be no more than the greater of (1) fifty percent of the square footage of the existing single-family dwelling, or; (2) for an ADU with zero to one bedrooms, eight hundred fifty square feet or for an ADU with two or more bedrooms, one thousand square feet.
  - b. Multiple-Family, Exterior Construction. For lots with an existing legal multiple-family dwelling structure, an ADU shall not exceed eight hundred square feet.
  - c. Interior Conversions. Notwithstanding subsections a and b of this subsection D.2, immediately above, ADUs which are converted from space entirely within lawful existing structures, and ADUs entirely within proposed lawful single-family dwellings, are not subject to a limit on maximum square footage. For ADUs converted from an existing accessory structure, and which ADU is on a lot with a proposed or existing single-family dwelling, up to one hundred fifty square feet may be added to the ADU solely to accommodate ingress and egress.

3. Existing home designated as ADU. If a lot contains an existing single-family dwelling less than one thousand two hundred square feet in size, the existing single-family dwelling may be designated as an ADU as part of a project to construct a new single-family home on the lot.

E. Setbacks.

1. Residential Zones.
  - a. Front setback: Per the base zoning standard.
  - b. Side setback: Four feet.
  - c. Rear setback: Four feet.
  - d. Building separation: Detached ADUs must be at least ten feet from any other building on the lot.
2. Mixed Use Zones. ADUs are subject to the setbacks as provided in the base zoning standard.
3. Conversion of Existing Accessory Structure. No additional setbacks are required for an existing lawfully constructed structure that is converted to an ADU.

F. Parking.

1. In addition to the required parking for the primary unit(s), one parking space shall be provided for an ADU. The required parking space may be provided as:
  - a. Tandem parking on an existing driveway in a manner that does not encroach onto a public sidewalk and otherwise complies with city parking requirements; or
  - b. Within a setback area or as tandem parking unless the city manager or the city manager's designee determines that parking in the setback or tandem parking is not feasible based upon specified site or regional topographical or fire and life safety conditions.
2. Notwithstanding the foregoing, no parking space shall be required for an ADU if:
  - a. It is located within one-half mile walking distance of public transit such as a bus stop, bus station, train station, etc.;
  - b. It is located within an architecturally and historically significant district;
  - c. It is part of a proposed or existing primary residence or accessory structure;
  - d. When on-street parking permits are required but not offered to the occupant of the ADU; or
  - e. Where there is a car share vehicle located within one block of the ADU.
3. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted into an ADU, those off-street parking spaces need not be replaced.
4. No additional parking shall be required for JADUs.

- G. Nonconformities. Approval of ADUs and JADUs shall not be conditioned on correction of nonconforming zoning conditions.

(Ord. No. 911, § 3, 12-14-21)

17.33.070 - Exception.

Notwithstanding any other provision of this chapter to the contrary, an ADU or JADU may be constructed if required by Government Code Sections 65852.2 or 65852.22 as either section may be amended from time to time.

(Ord. No. 911, § 3, 12-14-21)

Chapter 17.33A - TWO-UNIT HOUSING DEVELOPMENT

**Sections:**

## 17.33A.010 - Definitions.

For purposes of this chapter, the following definitions shall apply:

- A. "Housing development" shall mean no more than two residential units within a single-family residential zone that meets the requirements of this section. The two units may consist of two new units or one new unit and one existing unit.
- B. "Single-family residential zone" shall mean the specific plan resort (SPR), rural residential (RR), agriculture (A), residential estates (R-E), and low density residential (R-L-1, R-L-72, R-L-1-72) zones.

(Ord. No. 913, § 2, 12-14-21)

## 17.33A.020 - Ministerial approval.

The city shall ministerially approve a housing development containing no more than two residential units if it meets the following requirements:

- A. The parcel is located within a single-family residential zone.
- B. The parcel is located at least partially in an urbanized area or urban cluster as designated by the United States Census Bureau.
- C. The parcel is not located in any of the following areas and does not fall within any of the following categories:
  - 1. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
  - 2. Prime farmland or farmland of statewide importance as further defined in Government Code Section 65 913.4(a)(6)(B).
  - 3. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
  - 4. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
  - 5. A special flood hazard area subject to inundation by the one-percent annual chance flood (one hundred-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
    - a. The site has been subject to a letter of map revision prepared by FEMA and issued to the city; or
    - b. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the Nation Flood Insurance Program as further spelled out in Government Code Section 65 913.4(a)(6)(G)(ii).
  - 6.

A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.

7. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan as further spelled out in Government Code Section 65 913.4(a)(6)(I).
  8. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
  9. Lands under a conservation easement.
- D. The proposed housing development would not require demolition or alteration of any of the following types of housing:
1. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
  2. A parcel or parcels on which an owner of residential real property exercised rights under Government Code Section 7060 et seq. to withdraw accommodations from rent or lease within fifteen years before the date of the application; or
  3. Housing that has been occupied by a tenant in the last three years.
- E. Unless demolition is prohibited pursuant to section D above, demolition of an existing unit shall not exceed more than twenty-five percent of the existing exterior structural walls.

(Ord. No. 913, § 2, 12-14-21)

17.33A.030 - Standards and requirements.

The following requirements shall apply in addition to all other objective standards pertaining to the single-family residential zone:

- A. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
- B. Except for those circumstances described in section A. above, the setback for side and rear lot lines shall be four feet. The front setback shall be as set forth in the applicable single-family residential zone.
- C. The applicant shall provide easements for the provision of public services and facilities as required.
- D. Where the street frontage of a lot (or the combined street frontage of the two lots created through an urban lot split) is less than seventy-five feet, all units on the lot (or all units on both lots created through an urban lot split) shall share and take vehicular access from the same drive approach and driveway, which shall have a minimum street frontage of ten feet to provide for vehicular access.
- E. The applicant shall provide appropriate easements for the provision of pedestrian and/or vehicular access as required.
- F. Off-street parking shall be limited to one space per unit, except that no parking requirements shall be imposed if the parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code Section 21155(b) or a major transit stop as defined in Public Resources Code Section 21064.3.
- G.

For residential units connected to an onsite wastewater treatment system (septic tank), the applicant shall provide a percolation test completed within the last five years, or if the percolation test has been recertified, within the last ten years, which shows that the system meets acceptable infiltration rates.

(Ord. No. 913, § 2, 12-14-21)

#### 17.33A.040 - Limitations on city actions.

The city shall not require or deny an application based on any of the following:

- A. The city shall not impose any objective zoning, subdivision, or design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than eight hundred square feet.
- B. The city shall not deny an application solely because it proposes adjacent or connected structure provided that that all building code safety standards are met and they are sufficient to allow a separate conveyance.

(Ord. No. 913, § 2, 12-14-21)

#### 17.33A.050 - Affidavit.

An applicant for a housing development shall be required to sign an affidavit in a form approved by the city attorney to be recorded against the property stating the following:

- A. That the uses shall be limited to residential uses.
- B. That the rental of any unit created pursuant to this section shall be for a minimum of thirty-one days.
- C. That the maximum number of units to be allowed on the parcels is two, including, but not limited to, units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to this section.

(Ord. No. 913, § 2, 12-14-21)

#### 17.33A.060 - Building official denial.

The city may deny the housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code Section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(Ord. No. 913, § 2, 12-14-21)

#### 17.33A.070 - Contrary provisions superseded.

The provisions of this section supersede any contrary provisions in the Blythe Municipal Code to the contrary.

(Ord. No. 913, § 2, 12-14-21)

### Chapter 17.34 - NONCONFORMING LOTS, USES AND STRUCTURES

#### Sections:

#### 17.34.010 - Intent.

Within the districts established by this title or amendments that may later be adopted there exist lots, structures, including buildings or parts of buildings, uses of land and structures, and characteristics of use which existed before the ordinance codified in this title was adopted or amended, but which would be prohibited, regulated or restricted under the terms of this title. It is the intent of this chapter to permit these nonconformities to continue insofar as they are otherwise lawful, until they are removed or otherwise set out in this chapter. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited in the same district.

(Ord. 638 § 10 (part), 1988; Ord. 595 § 6.02(A), 1982)

#### 17.34.020 - Definitions.

As used in this chapter:

- A. "Nonconforming lot" means a legal lot as defined in Chapter 17.04 which does not conform to the regulations contained in this title.
- B. "Nonconforming structure or building" means a building or portion thereof or a structure existing at the time the ordinance codified in this title was adopted and which was designed, erected or structurally altered for a use which does not conform to uses permitted in the zone in which it is located or which does not comply with development standards applicable in the zone in which it is located, but is otherwise lawful.
- C. "Nonconforming use" means a use of a structure, building or land existing on October 12, 1982 which does not conform to the regulations for the zone in which it is located, but which is otherwise lawful.

(Ord. 595 § 6.02(B), 1982)

#### 17.34.030 - Nonconforming use of land.

Where lawful use of land exists which would not be permitted by the regulations imposed by this title, and where such use involves no individual structure with a replacement cost exceeding five thousand dollars, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied on October 12, 1982.
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the date of adoption or amendment of the ordinance codified in this title.
- C. If any such nonconforming use of land ceases for any reason for a period of more than thirty days, any subsequent use of such land shall conform to the regulations specified for the zone in which such land is located.

(Ord. 595 § 6.02(C), 1982)

#### 17.34.040 - Nonconforming use of structures and premises.

If a lawful use involving individual structures including buildings or parts of buildings with a replacement cost of five thousand dollars or more, or of structures and premises in combination, exists that would not be allowed in the zone under the terms of this title, the use may be continued so long as it is otherwise lawful, subject to the following provisions:

- A. No existing structure or building devoted to a use not permitted in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B.

Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use on October 12, 1982, but no such use shall be extended to occupy any land outside such building.

- C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone, and the nonconforming use may not thereafter be resumed.
- D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one year, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zone in which it is located.

(Ord. 625 § 1, 1986; Ord. 601 § 1, 1984; Ord. 595 § 6.02(D), 1982)

#### 17.34.041 - Reconstruction of damaged buildings.

Nothing in this chapter shall prevent the reconstruction, repairing or rebuilding or continued use of any nonconforming building or structure, damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God, subsequent to the effective date of the ordinance codified in this chapter wherein the expense of such reconstruction does not exceed the fair market value of the structure at the time such damage occurred, provided, however said construction must be commenced (commencement of construction being defined as issuance of a building permit within two years thereafter and completed within one year after issuance of said building permit.

(Ord. 625 § 2, 1986)

#### 17.34.050 - Repairs and maintenance.

- A. On any nonconforming structure, building or portion of a structure or building containing a nonconforming use, work may be done to carry out ordinary repairs, or repair or replacement of walls, fixtures, wiring or plumbing, to the extent that the cubic content existing when it became nonconforming shall not be increased.
- B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- C. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official, when such order is made, a conditional use permit may subsequently be granted to permit a use to continue which would otherwise become unlawful under other provisions of this section.

(Ord. 638 § 10 (part), 1988; Ord. 595 § 6.02(E), 1982)

#### 17.34.055 - Nonconforming areas—Landscaping, garbage screening and street improvements.

Where uses exist where the requirements for landscaping and concrete pads for trash sites in commercial and industrial zones, screening and street improvements in residential zones, parking in all zones, and other such requirements, at the time of the enactment of this section, those uses may continue without adherence to the requirements until such time as the use is intensified or when the cost of repairs or alterations equals or exceeds fifty percent of the assessed valuation of the structure (as set forth in the latest county assessment roll). Permits for partial work shall not negate this provision. All costs shall be cumulative for five years.

(Ord. 638 § 10 (part), 1988)

#### 17.34.060 - Signs.



A nonconforming use of structure or land shall not be extended or enlarged by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

(Ord. 595 § 6.02(F), 1982)

#### Chapter 17.36 - SPECIFIC PLANS AND PLANNED DEVELOPMENT ZONES

##### Sections:

##### 17.36.010 - Applicable regulations.

All regulations, including development and performance standards and special provisions of this title, shall apply under a specific plan or planned development zone unless specifically varied as shown on the drawings and in statements approved by the city council when adopting or amending a specific plan or planned development zone.

(Ord. 595 § 6.03(F), 1982)

##### 17.36.020 - Fee.

A fee shall be required as specified by resolution of the city council.

(Ord. 595 § 6.03(G), 1982)

##### 17.36.030 - Specific plan—Adoption provisions—Hearing.

Specific plans, and amendments thereto, shall be adopted in accordance with the provisions of Section 65450 et seq. of the Government Code, as written as of October 12, 1982 or thereafter amended, and this chapter. Any specific plan may be set for hearing upon order of the city council.

(Ord. 595 § 6.03(A), 1982)

##### 17.36.040 - Specific plan—Intent.

A specific plan is intended to be an expansion of the Blythe General Plan and to permit flexible application on parcels of land generally exceeding fifteen acres of the use classifications, uses, standards and other regulations of this title in satisfaction of the policies of the general plan. In adopting a specific plan, the city council may require that uses conform to the site plan, architectural drawings or statements submitted in support of an application, or such modification thereof as the city council may deem necessary to protect the public health, safety and general welfare and secure the policies of the general plan.

(Ord. 595 § 6.03(B), 1982)

##### 17.36.050 - Specific plan—Right to request consideration.

The owner or authorized agent of the owner shall have the right to request that the city consider a specific plan of land use for his real property. The right to request consideration of a specific plan does not imply that the plan will be approved. The city council may initiate preparation of a specific plan.

(Ord. 595 § 6.03(C)(1), 1982)

##### 17.36.060 - Specific plan—Environmental Quality Act compliance.

An application for a specific plan shall not be set for public hearing until all procedures to implement the California Environmental Quality Act of 1970, including the preparation of an environmental impact report, if required, have been completed.

(Ord. 595 § 6.03(C)(2), 1982)

17.36.070 - Specific plan—Application generally.

Applications shall be made to the planning director, who shall follow procedures required for amendment to the zoning ordinance by Chapter 17.66. A fee shall be required as specified by the city council by resolution. The applicant shall supply all required information, which may include part or all of the following, depending on the nature of the plan, and shall be in the form of a text and accompanying maps, plans and exhibits:

- A. A preliminary development plan of the entire proposed development, drawn to scale, showing: land uses, density, lot design, traffic circulation, street design, private roadways, pedestrian circulation, estimated population, reservations and dedications for public uses, including schools, parks, playgrounds and open spaces, and major landscaping features. All elements and amounts to be listed shall be characterized as existing or proposed, including topography, and shall be shown only in such detail as is necessary to indicate clearly the intent or impact of development;
- B. A tabulation of land area to be devoted to various uses, including open spaces, and a calculation of the overall density and the average densities per net residential acre of the various residential areas proposed;
- C. A stage development schedule showing various units of development through completion and indicating the areas and sizes of such development phases;
- D. A statement and graphics describing the existing topography, vegetation, soil conditions and drainage of the proposed development;
- E. A statement proposing the method of maintaining and perpetuating common open areas and facilities;
- F. A description of the proposed grading program;
- G. Identification of proposed future ownership and maintenance of all streets, driveways, sidewalks, pedestrian ways, open space areas, recreation spaces, structures and facilities;
- H. Proposed use of natural features such as ponds, lakes, river beds and floodplains;
- I. Design and acreage of any golf courses and other open space features, their intended means of maintenance and whether to be public or private or semiprivate;
- J. A statement of solid waste disposal and utility service;
- K. Such additional information as may be required for a particular project.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 6.03(C)(3), 1982)

17.36.080 - Specific plan—Application supplements for commercial or industrial uses.

Whenever an application is filed which includes a specific plan for commercial or industrial uses, the application shall include the following additional information:

- A. Proposed form of ownership and related application, if required;
- B. Description of basic types of uses, including their ultimate range of square footage;
- C. Market analysis;
- D. Traffic analysis;
- E. Where applicable, an analysis of the availability of employees and employee housing necessary for the proposed development;

F. Architectural design criteria for proposed centers or a perspective rendering depicting the basic architectural theme of the project.

(Ord. 595 § 6.03(C)(4), 1982)

#### 17.36.090 - Planned development—Intent.

The planned development zone is intended to implement the policies of the Blythe General Plan by permitting flexible application on a parcel of land of one acre or larger of the use classifications, uses, standards and other regulations of this title in satisfaction of the policies of the general plan. The planned development zone shall be applied to specific properties and shown on the official zoning map in the same manner as for any other zone.

(Ord. 595 § 6.03(D), 1982)

#### 17.36.100 - Planned development—Application.

The planned development features of the P-D zone shall be initiated by the filing of an application for a conditional use permit at the discretion of the owners or the authorized agent of owners of parcels of property for which the permit is requested. The conditional use permit shall be processed in accordance with the requirements of Chapter 17.68 and this chapter. Applications may be required by the planning director to contain all of the information listed in Sections 17.36.050 through 17.36.080.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 6.03(E) (part), 1982)

#### 17.36.110 - Planned development—Uses permitted.

When the P-D zone is applied to properties as an amendment to the official zoning map and for those portions of the properties on which no conditional use permit is in effect, uses permitted shall be the same as those permitted under the R-M-L zone, subject to all regulations applicable in the R-M-L zone. The city council may substitute another zone for the R-M-L zone at the time the P-D zone is applied to property. A suffix shall then be added to the P-D symbol which shall be the symbol of the zone so designated by the city council. When a conditional use permit is in effect and has not lapsed or been revoked, properties shall be developed only in accordance with the provisions of such permit.

(Ord. 595 § 6.03(E) (part), 1982)

### Chapter 17.38 - MOBILE HOMES OR MANUFACTURED HOUSING ON RESIDENTIAL LOTS

#### Sections:

#### 17.38.010 - Purpose.

It is the purpose of this chapter to, where approved, allow the placement of mobile homes or manufactured housing on individual lots. The mobile home or manufactured housing would have to conform with the minimum lot size and setbacks for the zone in which it is located and, in addition, meet the criteria set forth in this chapter. This chapter is based on the city council's concern over the increasing cost of housing and the need to increase the supply and variety of house types available to the public. This title also allows mobile home or manufactured housing subdivisions in the same manner as residential subdivisions.

(Ord. 638 § 11 (part), 1988; Ord. 595 § 6.04(A), 1982)

#### 17.38.020 - Single-family requirements enforcement.

It is the intent of this chapter that all requirements applicable to single-family residence construction be enforced in this chapter.

(Ord. 595 § 6.04(B), 1982)

17.38.030 - Tax status.

A mobile home or manufactured housing unit which has been placed on a foundation system pursuant to this chapter shall be deemed to be a mobile home or manufactured housing and subject to local property taxation pursuant to provisions of the California Health and Safety Code and the Revenue and Taxation Code.

(Ord. 638 § 11 (part), 1988; Ord. 595 § 6.04(C), 1982)

17.38.040 - Approval of planning director required.

A mobile home or manufactured housing on a foundation system on a private lot is permitted upon approval of the planning director.

(Ord. 638 § 11 (part), 1988; Ord. 630 § 3 (part), 1987; Ord. 595 § 6.04(D), 1982)

17.38.050 - Eligibility of mobile home, or manufactured housing.

A mobile home shall not be located on a permanent foundation on a private lot unless it:

- A. Was constructed after July 1, 1976 and was issued an insignia of approval by the U.S. Department of Housing and Urban Development; and
- B. Has not been altered in violation of applicable codes.

(Ord. 638 § 11 (part), 1988; Ord. 595 § 6.04(E), 1982)

17.38.060 - Use and installation requirements.

Mobile homes or manufactured housing located on a foundation system on a private lot shall:

- A. Be occupied as a residential use type;
- B. Be subject to all provisions of this title applicable to residential structures;
- C. Meet all requirements for the zone in which they locate;
- D. Be attached to a foundation system in compliance with all applicable building regulations, and Section 18551 of the California Health and Safety Code;
- E. Have a minimum width of twenty feet except in those areas zoned R-M-L/C-M-O which have twenty-five foot lots as recorded prior to August 8, 1989, where the minimum width shall be fourteen feet. All units shall meet the setback, landscaping, minimum square footage, and parking requirements of this title;
- F. Be covered with an exterior material customarily used on conventional dwellings and approved by the planning director. The exterior covering material shall extend to the ground, except that when solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;
- G. Have a roof which consists of shingles or other materials compatible with the surrounding neighborhood;
- H. The mobile home or manufactured housing may be required to have porches and eaves, or roofs with eaves, when, in the opinion of the planning director, this is necessary to achieve compatibility with other dwellings in the neighborhood.

(Ord. 679 § 3, 1992; Ord. 659 § 2, 1989; Ord. 638 § 11 (part), 1988; Ord. 630 § 3 (part), 1987; Ord. 595 § 6.04(F), 1982)

17.38.070 - Modification of requirements.

Modification of a criterion set forth in Section 17.38.060 may be granted by the planning director if he finds that such modification will not be detrimental to the public interest or surrounding residences or properties. No modification may be granted from subsections A through E of Section 17.38.060.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 6.04(G), 1982)

#### 17.38.080 - Building permit.

Prior to installation of the mobile home or manufactured housing on a permanent foundation system, the mobile home or manufactured housing owner or a licensed contractor shall obtain a building permit from the director of public works. To obtain such a permit, the owner or contractor shall comply with all requirements of the California Health and Safety Code.

(Ord. 638 § 11 (part), 1988; Ord. 595 § 6.04(H) (part), 1982)

#### 17.38.090 - Certificate of occupancy—Surrender of license plate and registration.

Subsequent to the granting of the required building permits, and prior to occupancy, a certificate of occupancy shall be issued pursuant to Section 18551 of the California Health and Safety Code and Chapter 17.80 of this title. Thereafter, any vehicle license plate with a certificate of ownership and certificate of registration by a state agency is to be surrendered to the appropriate agencies. Any mobile home vehicle or manufactured housing unit which is permanently attached with underpinning or foundation to the ground must bear a California insignia or federal label pursuant to the requirements of the Health and Safety Code.

(Ord. 638 § 11 (part), 1988; Ord. 595 § 6.04 (H) (part), 1982)

### Chapter 17.40 - MANUFACTURED HOUSING PARKS

#### Sections:

#### 17.40.010 - Conditional use permit required—Applicable zone regulations.

Manufactured housing parks shall be permitted with a valid conditional use permit in zones designated in this title for such use. (See Chapter 17.08.) All regulations and standards of the zone in which the manufactured housing park is located shall apply unless modified by the conditions of the permit and the minimum standards specified in this chapter.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(A), 1982)

#### 17.40.020 - Minimum standards compliance.

Manufactured housing parks approved pursuant to the provisions of this title shall comply with the minimum standards set out through Section 17.40.270 except where the city council finds that the size, shape or location of the land, topographic conditions or other factors make strict compliance therewith impractical.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(B) (part), 1982)

#### 17.40.030 - Area.

The minimum area that may be developed as a manufactured housing park shall be five acres, excluding public streets.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05 (B)(1), 1982)

#### 17.40.040 - Setbacks.

- A. Where a property across any public street or highway from a manufactured housing park is zoned in a residential zone, the manufactured housing park shall have the same setback as the residential zone. In all other zones, this setback may be reduced to ten feet. On all other property lines, the manufactured housing shall observe a five-foot minimum setback.
- B. No manufactured housing unit or structure other than fences and walls may occupy the ten-foot front yard, the five-foot side yard and five-foot rear-yard setbacks established in this section for the manufactured housing park.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(B)(2), 1982)

#### 17.40.050 - Plot plan.

A plot plan drawn to scale shall be submitted with an application for a conditional use permit for a manufactured housing park showing the proposed development and improvements:

- A. For manufactured housing parks up to ten acres, the scale shall be one inch equals thirty feet. On larger than ten acres the scale may be one inch equals fifty feet.
- B. A vicinity map showing the general location shall be included on the plot plan.
- C. A typical manufactured housing space showing slab, parking area, trailer location and all dimensions at one inch equals twenty feet or one inch equals six feet scale shall be included on the plot plan.
- D. North arrow, property dimensions, access street, adjoining property lines, side yard dimensions and all easements shall be shown.
- E. A typical interior street cross-section shall be shown on the plot plan. Proposed street grades shall be shown on the plot plan.
- F. A drainage plan shall be shown on the plot plan. This shall include a plan to control both on-site and off-site storm water runoff through the manufactured housing park.
- G. Existing contours shall be shown.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(B)(3), 1982)

#### 17.40.060 - Improvements standards.

Improvements in a manufactured housing park shall conform to the minimum standards set out through Section 17.40.160.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(B)(4) (part), 1982)

#### 17.40.070 - Paved parking space.

A paved space for two cars shall be provided for each manufactured housing site not less than nine feet by forty feet in size.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(B)(4)(a), 1982)

#### 17.40.080 - Streets.

- A. Streets shall be paved with a minimum of two and one-half inches of plant-mix or road-mix surfacing to a minimum width of twenty-five feet and parking shall not be permitted on the street. Roll curbs shall be installed.
- B. Minimum radii on street curves shall be not less than twenty feet; cul-de-sac radii shall not be less than thirty feet.

(Ord. 595 § 6.05(B)(4)(b), 1982)

#### 17.40.090 - Slab, porch or deck.

A concrete slab not less than eight feet by twenty feet in size shall be provided for each manufactured housing site. A wooden porch or deck may be constructed adjacent to the manufactured housing unit in lieu of a concrete slab, which shall be not less than eight feet by twenty feet in size, and shall meet the structural and safety requirements of the director of public works.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(B)(4)(c), 1982)

17.40.100 - Off-street visitor parking.

Off-street visitor parking shall be provided at the recreation area at the rate of one parking space for each ten manufactured housing sites.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05 (B)(4)(d), 1982)

17.40.110 - Highway and street access.

Highway access shall be safe and convenient and designed in accordance with accepted traffic engineering standards. The number of access points to one street shall be limited to two.

(Ord. 595 § 6.05(B)(4)(e), 1982)

17.40.120 - Paving specifications.

Paving and parking spaces, whenever required by these standards or the conditions of approval, shall consist of two and one-half inches of plant-mix asphalt material on a proper sub-base. Edges shall be formed with two-and-one-half-inch redwood lumber.

(Ord. 595 § 6.05(B)(4)(f), 1982)

17.40.130 - Lighting.

Lighting shall be designed and maintained so as not to shine or be reflected beyond the park boundaries.

(Ord. 595 § 6.05(B)(4)(g), 1982)

17.40.140 - Sanitary and water systems.

Sanitary facilities, sewage disposal and the domestic water system shall be designed as approved by the director of public works.

(Ord. 595 § 6.05(B)(4)(h), 1982)

17.40.150 - Laundry facilities.

Laundry facilities (including drying yard) shall be located at the rear or interior of the park and shall be screened from view.

(Ord. 595 § 6.05(B)(4)(i), 1982)

17.40.160 - Rubbish and garbage disposal.

Rubbish and garbage disposal shall be handled by closed bins of specifications as prescribed by the director of public works and located on cemented areas which shall be situated at the rear or interior of the manufactured housing park.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05 (B)(4)(j), 1982)

17.40.170 - Recreation areas.

Recreation areas of not less than five percent of the total area of the park shall be provided. Recreational facilities shall be located in the interior of the park rather than at the boundaries and shall be properly maintained at all times.

(Ord. 595 § 6.05(B)(5), 1982)

17.40.180 - Walls or fences.

Walls or fences shall be installed as follows: The manufactured housing park boundary shall have installed a forty-two-inch solid wall along all boundary lines except as hereinafter provided. Such wall shall be constructed in such a manner as to facilitate the natural drainage flow. Wherever the boundary line abuts or is adjacent to a Palo Verde Irrigation District canal or ditch, then the fence shall be chain link fence not less than six feet in height. Should any boundary line abut or be adjacent to any area of the city in a residential zone, then such solid wall in the front yard may be located in accordance with a design approved by the planning director.

(Ord. 638 § 13, 1988; Ord. 630 § 3, 1987; Ord. 595 § 6.05(B)(6), 1982)

17.40.190 - Public address system.

Public address systems, if installed, shall be designed and operated so that sounds therefrom are not carried beyond the park boundaries.

(Ord. 595 § 6.05(B)(7), 1982)

17.40.200 - Utility services.

All utility services shall be installed underground and according to plans and specifications approved by the director of public works.

(Ord. 595 § 6.05(B)(8), 1982)

17.40.210 - Landscaping.

Shade trees and landscaping are required in manufactured housing parks.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(B)(9)(a), 1982)

17.40.220 - Accessory storage.

A metal storage facility is required for each manufactured housing unit, having minimum dimensions of not less than five feet by seven feet and installed on a concrete slab.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(B)(9)(b), 1982)

17.40.230 - Skirting.

Skirting is required for each manufactured housing unit, with adequate ventilation provided.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(B)(9)(c), 1982)

17.40.240 - Illumination.

Adequate lighting illuminating streets, driveways, recreational and service areas is required in manufactured housing parks.



(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(B)(9)(d), 1982)

#### 17.40.250 - Fire hydrants.

Fire hydrants of a type approved by the city fire marshal shall be installed at such locations in the manufactured housing park as he designates.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(B)(9)(e), 1982)

#### 17.40.260 - Recommended facilities.

The following additional facilities are recommended but not required in manufactured housing parks:

- A. Screening between trailer ports;
- B. Public telephone;
- C. Adult recreation facilities;
- D. Fencing around open recreation areas.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(B)(10), 1982)

#### 17.40.270 - Distance between structures.

Manufactured housing units and accessory structures shall not be located closer than six feet to another manufactured housing unit or other building or accessory structure.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(B)(11), 1982)

#### 17.40.280 - Condominium development or conversion.

A manufactured housing condominium may not be developed nor a manufactured housing park converted to a condominium unless such condominium meets all requirements of Chapter 17.32, Condominiums and Community Apartments, and Chapter 17.38, Mobile Homes or Manufactured Housing on Residential Lots.

(Ord. 638 § 12 (part), 1988; Ord. 595 § 6.05(C), 1982)

#### 17.40.290 - Temporary use as living quarters.

A manufactured housing unit not on a foundation outside a manufactured housing park may not be used as living quarters unless a temporary permit for such use has been issued by the planning director in accordance with Chapter 17.72. Such a permit may be issued at construction sites, for watchmen in industrial areas, and under unique circumstances when denial of such a permit would cause severe hardship.

(Ord. 638 § 12 (part) 1988; Ord. 630 § 3 (part), 1987; Ord. 595 § 6.05(D), 1982)

### Chapter 17.42 - RECREATIONAL VEHICLE PARKS

#### Sections:

#### 17.42.040 - Minimum standards compliance.

Recreational vehicle parks approved pursuant to the provisions of this title shall comply with the minimum standards set out in this chapter, except where the city council finds that the size, shape or location of the land, topographic conditions or other factors make strict compliance therewith impractical.

(Ord. 638 § 14 (part), 1988)

17.42.050 - Area—Density.

Each parcel of land used for a recreational vehicle park shall have a minimum of three acres.

(Ord. 638 § 14 (part), 1988)

17.42.055 - Dimensions, separations and setbacks.

- A. Width: each recreational vehicle space shall have a minimum width of twenty-five feet.
- B. Depth: each recreational vehicle space shall have a minimum depth of forty feet; provided, however, that any space within the park which is to accommodate an RV unit greater than thirty-two feet in length, the minimum space depth shall be increased to forty-eight feet.
- C. Separation: the minimum spacings between any two recreational vehicles shall be ten feet. The minimum spacing between any two buildings or covered structures shall be ten feet.
- D. Setback: the minimum setback for the recreational vehicle unit space to the edge of any private street shall be five feet.

(Ord. 638 § 14 (part), 1988)

17.42.060 - Height regulations.

No principal building shall exceed two stories in height and no accessory building shall exceed fifteen feet in height.

(Ord. 638 § 14 (part), 1988)

17.42.070 - Streets.

Park roadways shall have a minimum width of twenty-four feet between curbs. The entrance street shall be paved with asphaltic concrete or equivalent and landscaped. The interior streets shall be of dust-free material as approved by the city. The radii of curves shall be as per adopted city standards. Curbs may be of a flat or rolled design or other design approved by the planning director as appropriate for recreational vehicle parks.

(Ord. 638 § 14 (part), 1988)

17.42.080 - Off-street parking.

One parking space shall be provided for each recreational vehicle space. Parking spaces shall be paved or shall be constructed of treated gravel edged with two inch by six inch redwood.

(Ord. 638 § 14 (part), 1988)

17.42.090 - Illumination.

Adequate lighting shall be provided for all park roadways, walks and service facilities.

(Ord. 638 § 14 (part), 1988)

## 17.42.100 - Storm drainage.

Proper surface storm drainage will be provided and the drainage plan will be approved by the planning director and city engineer.

(Ord. 638 § 14 (part), 1988)

## 17.42.110 - Recreational areas.

In addition to the space devoted to individual recreation on individual spaces, there shall be provided a developed area, or areas, devoted to recreational and service purposes consisting of at least ten percent of the gross park area, and will be provided and maintained by the park operator. Swimming pools are encouraged.

(Ord. 638 § 14 (part), 1988)

## 17.42.120 - Utilities—Fire hydrants.

Electricity, city water and city sewer shall be provided for at least fifty percent of the recreational spaces. Partial or limited utilities may be provided in some spaces. No aboveground utility lines shall be permitted. Water mains and fire hydrants and necessary easements shall be built to city standards and dedicated to the city. Sewer facilities shall be owned and maintained by the park owner. Approved fire hydrants shall be located per adopted city standards.

(Ord. 638 § 14 (part), 1988)

## 17.42.130 - Sanitary facilities.

Sanitary facilities including showers shall be provided. These shall conform to state and county health regulations.

(Ord. 638 § 14 (part), 1988)

## 17.42.140 - Dump stations.

Sanitary dump stations designed to receive the discharge of sewage holding tanks of self-contained vehicles shall be installed in an accessible location in every recreation vehicle park. Sanitary dump stations shall be designed and constructed as required by provisions of the California Administrative Code.

(Ord. 638 § 14 (part), 1988)

## 17.42.150 - Landscaping and screening.

Recreational vehicle parks shall be screened from surrounding areas by the use of fences, walls or landscaping or the combination of same. Each park shall be enclosed by fence or wall. Each park shall have a landscaping plan which shall be approved by the planning director.

(Ord. 638 § 14 (part), 1988)

## 17.42.160 - Conformance of spaces rented, leased or sold.

No recreation vehicle space may be rented, leased or sold for transient occupancy unless such space is within a recreational vehicle park or campground approved in accordance with this chapter. There shall be no permanent occupancy of recreational vehicle parks or campgrounds except for one residence for operator/employee of the park. Such residence may be a manufactured housing unit located according to adopted codes of the city.

(Ord. 638 § 14 (part), 1988)

#### Chapter 17.44 - MOBILE HOMES AND OFFICE UNITS

##### Sections:

##### 17.44.010 - Occupancy of unfixed mobile homes.

Mobile homes not on foundations shall not be used as a place of human habitation other than in a mobile home park except as a watchman's quarters during the construction of a building and pursuant to the issuance of a temporary use permit under the provisions of Chapter 17.72.

(Ord. 601 § 3 (part), 1984; Ord. 595 § 6.07(A), 1982)

##### 17.44.020 - Temporary use of mobile office units.

Mobile office units not on foundations may be temporarily used in the commercial, industrial and appropriate P-D zones pursuant to the granting of a temporary use permit in accordance with Chapter 17.72 by the city council. The following conditions must be satisfied before a temporary use permit can be granted:

- A. The proposed use for the mobile unit shall be permitted in the zone in which it is to be located.
- B. All requirements of this title for development in the zone in which the mobile unit is to be placed shall be satisfied.
- C. The mobile unit shall be compatible in appearance with surrounding structures and improvements.

(Ord. 595 § 6.07(B), 1982)

#### Chapter 17.46 - PUBLIC UTILITIES AND SERVICES

##### Sections:

##### 17.46.010 - Provisions not to interfere with public utilities—Location of facilities.

The provisions of this title shall not be construed as to limit or interfere with the construction, installation, operation and maintenance of any use coming under the jurisdiction of the public utilities commission, which uses are related to public utility purposes, of water and gas pipes, mains and conduits, electric light and power transmission and distribution lines, telegraph and telephone lines, sewers and sewer mains and incidental appurtenances. The location of such lines, mains and conduits shall be subject to city council review and approval.

(Ord. 595 § 6.08, 1982)

#### Chapter 17.47 - WIRELESS TELECOMMUNICATIONS FACILITIES

##### Sections:

##### 17.47.010 - Purpose.

The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this section are to:

- A. Protect residential areas and land uses from potential adverse impacts of towers and antennas;

- B. Encourage the location of towers in non-residential areas;
- C. Minimize the total number of towers throughout the community;
- D. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- E. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, now and in the future;
- F. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;
- G. Development of an orderly handling procedure to accommodate the growing need for commercial communications towers;
- H. Enhance the ability of the providers of telecommunications service to provide such services to the community quickly, effectively and efficiently;
- I. Consider the public health and safety and welfare of the community in the siting of communications towers; and
- J. To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, the city shall give due consideration to the city of Blythe general plan, zoning map, existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas.

(Ord. 783 § 1 (part), 2003)

#### 17.47.020 - Applicability.

This section applies to all wireless communications facilities existing and proposed to be located within the corporate limits of the city, as defined in Section 17.47.030. Including personal wireless services as defined by the Telecommunications Act ("TCA") and licensed by the Federal Communications Commission ("FCC"), including, but not limited to, the types commonly known as cellular, personal communications services ("PCS"), specialized mobile radio ("SMR"), enhanced specialized mobile radio ("ESMR"), paging, land based repeaters for satellite broadcast services, micro-cell antennas and similar systems which exist now or may be developed in the future and exhibit technological characteristics similar to them. This chapter shall also apply to wireless communication facilities within public rights-of-way except as prohibited by state and federal law.

(Ord. 783 § 1 (part), 2003)

#### 17.47.030 - Definitions.

For the purposes of this section, the following definitions apply. These definitions shall be adapted to the context for appropriate grammatical tense, number, case and gender.

- A. "Accessory structure" means a building, part of building or structure which is subordinate to, and the use of which is incidental to, that of the main building, structure or use of the same lot.
- B. "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- C. "Ancillary structures" means any structure or device used to contain ancillary equipment for a wireless communications facility, such as cabinets, shelters, and additions to existing structures, pedestals and other devices serving similar purposes. Typically, it may include an air conditioning unit, a heating unit, electrical supply, telephone hookup and back-up power supply and may include any service roads or other access accommodations used to service the facility.
- D.

"Antenna" means any exterior transmitting or receiving device mounted on a tower, building structure or alternative tower structure, and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

- E. "Antenna structure" refers collectively to an antenna and its supporting mast, if any.
- F. "Array antenna" means an antenna consisting of two or more radiating elements, generally similar, which are arranged and excited in such a manner as to obtain directional radiation patterns. It includes any structural members which are necessary to maintain the proper electrical relationships between the radiating elements, but does not include the mast or other structure used to support the array as a whole, nor does it include the transmission line which supplies energy to or receives energy from the array as a whole.
- G. "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- H. "Broadcast receiving antenna" means an outside antenna used for the reception of signals transmitted by stations licensed by the Federal Communications Commission in the radio broadcast services, including AM, FM and TV.
- I. "Building inspector" means the development services director of the city, or any of the directors authorized representatives.
- J. "Corporate limits" means all properties currently existing within the city limits, as well as all properties annexed into the city limits at any point in the future.
- K. "Collinear antenna" means a linear array in which the radiating elements are disposed end-to-end in a substantially straight vertical line.
- L. "Co-location" means the use of a common wireless communications facility or common site by two or more service providers, or use by one applicant/permittee of a single site for two or more technologies. It is also called "site sharing."
- M. "Commercial communications antenna" means a telecommunications antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC). The commercial communication antenna shall not include amateur radio operators' equipment, as licensed by the FCC, or home satellite/television antennas.
- N. "Coverage map" means a map or maps showing the realistically forecasted service area of the facility at a given height and strength.
- O. "Current" means at the time building permit application is made.
- P. "Development services director" means the city's development services director or his or her designee.
- Q. "Dipole" means a driven element in the form of a conductor approximately one-half wavelength long, split at its electrical center for connection to the transmission line feeding the antenna.
- R. "Director" means the city's development services director or his or her designee.
- S. "Director element" means a parasitic element located forward of the driven element of an antenna, intended to increase the directive gain of the antenna in the forward direction.
- T. Dish antenna. See "parabolic antenna."
- U. "Driven element" means a radiating element coupled directly to the transmission line feeding the antenna.
- V. "FAA" means the Federal Aviation Administration.
- W. "Facility" means any component of the wireless communication installation including any towers, antennae and antenna array.
- X. "FCC" means the Federal Communications Commission.
- Y.

"Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel on which the structure is located, to the highest point on the tower or other structure, including the base pad and any antenna.

- Z. "Improvement plan(s)" means on and off-site construction drawings.
- AA. "Inverted-V antenna" means an antenna consisting of a singular dipole constructed of wire and supported at the center and ends in such a manner as to form an inverted "V" in a vertical plane.
- BB. "Leasehold area" means that portion of a lot leased by the applicant/developer. See "site."
- CC. "Linear array" means an array antenna having the centers of the radiating elements lying along a straight line.
- DD. "Lot" means a parcel of real property which is shown as a single lot in a lawfully recorded subdivision, approved pursuant to the provisions of the Subdivision Map Act; or, a parcel of real property, the dimensions and boundaries of which are defined as a single lot by a lawfully recorded record of survey map. See "site."
- EE. "Mast" means a pole of wood or metal, or a tower fabricated of metal, used to support a broadcast receiving antenna or a communications antenna and maintain it at the proper elevation.
- FF. "Modification" means the addition of structures or equipment to a previously approved installation. The term does not include replacement of existing equipment or structures, provided the replacement equipment or structure is substantially similar to the pre-existing equipment or structure, and creates no new impacts not addressed in connection with the previous approval.
- GG. "Parabolic antenna" means an antenna consisting of a driven element and a reflector element, the latter having the shape of portion of a paraboloid of revolution.
- HH. "Parasitic element" means a radiating element which is not directly coupled to the transmission line feeding the antenna. It includes director elements and reflector elements.
- II. "PCS" means personal communications service, as defined in the Telecommunications Act and Federal Communications Commission regulations.
- JJ. "Preexisting towers" and "preexisting antennas" means any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this section, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
- KK. Propagation study. See "coverage map."
- LL. "Radiating element" means a basic subdivision of an antenna which in itself is capable of effectively radiating or receiving radio waves. It includes driven elements and parasitic elements.
- MM. "Reflector element" means a parasitic element located in a direction other than forward of the driven element of an antenna, intended to increase the directive gain of the antenna in the forward direction.
- NN. "Site" means the area of the lot to be developed. See "leasehold area."
- OO. "Stealth" means intended to escape observation. See "alternative tower structure."
- PP. "Stealth facility" means a facility designed to visually and operationally blend into the existing natural environment in a manner compatible with local community character. See "alternative tower structure."
- QQ. "TCA" means the Telecommunications Act of 1996.
- RR. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.
- SS.

"Whip antenna" means an antenna consisting of a single, slender, rod-like driven element which is supported only at its base and is fed at or near its base. It may include at its base a group of conductors disposed horizontally, or substantially so, forming an artificial ground-plane.

TT. "Wireless communications" means any electronic wireless services as defined by the TCA and/or licensed by the Federal Communications Commission, including, but not limited to, the types commonly known as cellular, personal communications services ("PCS"), specialized mobile radio ("SMR"), enhanced specialized mobile radio ("ESMR"), paging, ground based repeaters for satellite radio services, micro-cell antennae and similar systems which exist now or may be developed in the future and exhibit technological characteristics similar to them. Failure to describe any electronic service shall not act as a limitation to these definitions.

UU. "Yagi antenna" means a linear array in which the radiating elements are parallel to each other and are disposed along and perpendicular to a single supporting boom. The plane of the radiating elements may be vertical or horizontal.

(Ord. 783 § 1 (part), 2003)

#### 17.47.040 - General requirements.

- A. Principal or Accessory Use. A different use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- B. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the development services director an inventory of its existing towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the location, height and design of each tower. The director may share such information with other applicants applying for administrative, plot plan or conditional use permit approval under this section or other organizations seeking to locate antennas within the jurisdiction of the city, provided, however, that the director is not, by sharing such information, in any way representing the accuracy of the information or warranting that such sites are available or suitable.
- C. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for nullification of the conditional use permit or other city approval.
- D. Building Codes—Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- E. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the city irrespective of municipal and county jurisdictional boundaries.
- F. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises, if any, required by law for the construction and/or operation of a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the development services director prior to final building inspection.
- G.



Public Notice. For purposes of this section, any conditional use request, plot plan request, variance request or appeal of an administratively approved use or conditional use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Sections 17.47.080(D) and 17.47.090(D), in addition to any notice otherwise required by this code, California Environmental Quality Act, or California Government Code.

- H. Signs. Commercial communications towers and antennas or ancillary structures representing religious, cultural, commercial or other symbols, signs or statuary shall be prohibited. Such facilities shall not bear any signs or advert sign devices other than those required by federal regulations or other applicable law.
- I. RF Emissions. The city requires the same information submitted to the FCC regarding radio frequency (RF) emissions with any application to establish a new or expand an existing communications facility. If the application pertains to co-location, or to an additional facility on a parcel, a cumulative emissions report for the site is required. The city requires the information pursuant to its responsibility under the California Environmental Quality Act (CEQA), to determine cumulative environmental impacts for all permitted projects.

#### 17.47.050 - Supplementary application materials.

In addition to any information required for applications for conditional use permits, plot plans, project review committee or building permits, applicants shall submit the following:

- A. The setback distance between the proposed tower and the nearest residential unit and/or residentially zoned property;
- B. The separation distance from any other existing or proposed tower(s) within a one thousand foot radius;
- C. A realistic visual impact analysis with photo simulation of the proposed facility;
- D. Elevations drawn to scale showing all sides of any proposed buildings and structures;
- E. Proof that the location and design of the proposed antenna is approved by the FAA or local airport authority, if such approval is required;
- F. A description of the services that will be provided by the proposed site, including:
  - 1. A description of the location, type, capacity, field strength or power density, and calculated geographic service area of the proposed antenna or antenna array. The city retains the right to retain experts to review and assess the technical data.
  - 2. Copies of documentation showing the applicant/permittee is in compliance with all applicable licenses, permits or authorizations required by the FCC,
  - 3. Location of all existing, proposed and anticipated wireless communications facilities in the applicant/permittee's network located in the city, or within one-half mile of the city's corporate limit in any direction,
  - 4. A description of how the proposed facility fits into the applicant/permittee's network,
  - 5. In the instance where a facility is proposed within one hundred feet of residential dwellings, schools, child day care centers and hospitals, the applicant/permittee shall submit a narrative description of alternative sites considered, if any, and include specific reasons these alternative sites were not chosen.
  - 6. If in a residential zone, locate each of the closest commercial zones and show why these sites were not chosen.

(Ord. 783 § 1 (part), 2003)

#### 17.47.060 - Permitted zones.

- A. Commercial communication towers and commercial communication antennas may be permitted in residential zones pursuant to Section 17.47.070 and subject to standards set forth in Section 17.47.080. No such facility shall exceed sixty feet in height.

- B. Commercial communication towers and commercial communication antennas may be approved in any of the following zones pursuant to Section 17.47.070 and subject to standards as set forth in Section 17.47.090.

C-G ..... General Commercial

C-C ..... Community Commercial

C-N ..... Neighborhood Commercial

I-S ..... Service Industrial

I-G ..... General Industrial

P/Q-P ..... Public/Quasi-Public

A ..... Agricultural

#### 17.47.070 - Levels of review.

- A. City Council Review. The following shall be reviewed by the city council, subject to a conditional use permit:
1. All new wireless communications facilities, including but not limited to, lattice towers and monopoles that exceed sixty feet in height;
  2. Increased height of an existing city-approved antenna that exceeds seventy-five feet in height;
  3. All new wireless communications facilities including but not limited to, lattice towers and monopoles, in residential zones, except as noted in Section 17.47.070(B)(4); and
  4. All new wireless communications facilities on residentially designated property that is developed with a legal non-residential use (e.g., school, church, etc.) that exceed sixty feet in height.
- B. Planning Commission Review. The following shall be reviewed by the planning commission, subject to site plan approval:
1. All new wireless communications facilities, including but not limited to, lattice towers and monopoles that do not exceed sixty feet in height which are located in a commercial or industrial zone;
  2. Increased height of an existing city-approved antenna where all city conditions of approval have been met, to a maximum of seventy-five feet in height and where the structure is located in a commercial or industrial zone;
  3. Placement of an antenna on any building in a commercial or industrial zone not screened from public view; and
  4. All new wireless communications facilities on residentially designated property that is developed with a legal non-residential use (e.g., school, church, etc.) that do not exceed sixty feet in height.
- C. Administrative Review. The following shall be reviewed by the project review committee, subject to standard building permits:
1. Commercial communications facilities in non-residential zones up to a maximum of fifteen feet in height that are mounted on a building or rooftop and that are screened from view from all adjacent public rights-of-way;
  2. Commercial communications facilities in non-residential zones mounted on existing structures including, but not limited to, water tanks, pump stations, utility poles, ball field lighting where antenna height does not exceed structure height;
  - 3.

Co-location of equipment on an existing city-approved support structure where all city conditions of approval have been met; and

4. The installation of ground or building mounted satellite dishes for commercial use in non-residential zones.

D. Exemptions. The following installations in residential zones exempt from the provisions of this section:

1. The installation of one ground mounted satellite dish antenna in the rear yard which is less than twelve feet in diameter and less than fourteen feet in height;
2. One satellite dish antenna which is less than twenty-four inches in diameter may be installed on a building provided that such antenna does not extend above the roofline of said building.
3. Residential single-pole, tower roof, ground mounted television antennas; and
4. Amateur radio antennas where the boom of any active element of the array is thirty feet or less and the fixed height does not exceed sixty-five feet. Automated or hand cranked telescoping amateur radio antennas may extend to a height of one hundred feet only while in use.

(Ord. 783 § 1 (part), 2003)

17.47.080 - Residential zone development standards.

- A. Tower Height. No tower located within a residential zone shall exceed sixty feet in height.
- B. Stealth Installation. All commercial communication towers and antennas located on residentially zoned property shall be designed as a stealth facility, intended to blend in with their existing natural environment (i.e. monopoles designed as artificial palm trees).
  1. Because palm trees are plentiful throughout the city a suggested screening method for a monopole antenna or large commercial antenna may be a "monopalm."
    - a. A "monopalm" designed large commercial antenna shall include a cluster of at least three "Washingtonia robusta" (Mexican fan palm) or "Phoenix dactylifera" (date palm) to enhance the camouflaged antenna. Palms shall have a height that is within fifteen feet of the height of the monopalm and at varying heights planted around the monopalm at the time of installation. Existing landscaping material (real palm trees) may be considered in order to screen the monopalm.
    - b. The monopalm itself will be textured in such a way to appear as the trunk of a palm tree. Manufactured palm fronds shall adequately camouflage the panel antennas from view from adjacent properties and public streets.
  2. Other screening methods may be utilized where approved by the city council.
- C. Setbacks. Commercial communication tower/antenna setbacks shall be measured from the base of the tower/antenna to the property line of the parcel on which it is located. Accessory structures shall comply with the minimum requirements of the district in which they are located. The city council may reduce the required setbacks if the goals of this section would be better served thereby.
- D. Separation From Off-site Uses. Commercial communication tower/antenna shall be separated from residentially zoned lands or residential uses a minimum of three hundred feet. Said separation shall be measured from the base of the tower to the closest point of off-site use. The city council may reduce the standard separation from off-site uses to a minimum of one hundred twenty-five percent of the tower height if the goals of this section would be better served thereby.
- E. Fencing. Fencing shall be eight foot high wrought iron/brick pillar combination. Vertical spacing of the wrought iron members shall not exceed four inches. Brick pillars shall be located at each of the four corners, on each side of the entrance gate and every six feet in the field. No other type of fencing material is permissible in any residential zone without approval of the city council.
  1. Where brick pillars are installed, the developer/applicant shall provide a 12" × 12" sign, posted on one of the entrance gate pillars, that reads, "For graffiti removal please call \_\_\_-\_\_\_-\_\_\_." Upon notification, the developer/ applicant shall remove or cause to be removed all graffiti from the site. Removal of the graffiti shall be by high pressure wash or

sand blasting, not by painting.

- F. Landscaping. Landscaping shall be installed around the entire perimeter of the project site/leasehold area. Landscaping shall consist of a combination of trees, ground cover, shrubs and desert vegetation. A permanent, automated, underground, full-coverage irrigation system shall be installed and properly maintained. A comprehensive landscape and irrigation plan must be approved by the planning department. The city council may reduce the landscape requirements if the goals of this section would be better served thereby.
- G. Lighting. If security or maintenance lighting of the facility is required, the placement, size and type of lighting shall be shown on improvement plans and shall be approved by the development services department. Lighting alternatives and design must cause the least disturbance to the surrounding views.
- H. Emergency Access. Emergency access to the site shall be provided as per current city standards and specifications and state of California fire code. The developer/applicant shall equip all gates with KNOX locks.
- I. Ancillary Equipment. The facility shall use the most quiet cooling equipment and emergency power generating apparatus available.
  - 1. Installation of emergency power generating apparatus (i.e. back-up/standby generator) shall comply with all of the following:
    - a. If a fuel tank is required for the emergency power generating apparatus it shall be self-contained and use the best available technology for the type of tank and installation; or use natural gas as a fuel source. Commercial above ground propane tanks are prohibited within residential zones.
    - b. Written approval from Mojave Desert air quality management district shall be submitted prior to installation of the emergency power generating apparatus.
    - c. Emergency power generating apparatus shall be equipped with a residential exhaust silencer meeting city standards at the time of installation. Noise levels shall be reduced to 60 dB L<sub>dn</sub> (or CNEL) or less within outdoor activity areas and 45 dB L<sub>dn</sub> (or CNEL) or less within interior living spaces. Where it is not possible to reduce exterior noise levels within outdoor activity areas to 60 dB L<sub>dn</sub> (or CNEL) or less after the practical application of the best available noise reduction technology, an exterior noise level of up to 65 dB L<sub>dn</sub> (or CNEL) will be allowed.
    - d. The automatic exerciser on the emergency power generating apparatus shall be set to run only between the hours of eight a.m. and five p.m., Monday through Friday only.
    - e. Installation of the emergency power generating apparatus shall comply with all current city standards and all state and/or national codes applicable to the facility. The developer/applicant shall provide documentation from Southern California Edison showing that all concerns and requirements with regard to the auto transfer switch have been addressed.
- J. Accessory Buildings. Accessory buildings housing equipment in support of commercial antennas shall not exceed a height of twelve feet and shall not be used for offices or material storage. All accessory structures or buildings shall comply with the minimum required setbacks of the zone in which it is located. The use of materials and colors for accessory structures/buildings or cabinets shall be designed to blend with the exterior of existing structures within the area. A materials and color sample (minimum 12" × 12") shall be submitted as part of the conditional use permit application.
- K. Building and tower appearance shall be consistent with approved elevations and specifications.

(Ord. 783 § 1 (part), 2003)

#### 17.47.090 - Non-residential zone development standards.

- A. Tower Height. No tower shall exceed seventy-five feet in height. Additional height may be approved by the city council provided that technical data justifies the need for greater height.
- B.

Stealth Installation. All commercial communication towers and antennas shall be designed as a stealth facility, intended to blend in with their existing natural environment (i.e. monopoles designed as artificial palm trees).

1. Because palm trees are plentiful throughout the city a suggested screening method for a monopole antenna or large commercial antenna may be a "monopalm."
    - a. A "monopalm" designed large commercial antenna shall include a cluster of at least three "Washingtonia robusta" (Mexican fan palm) or "Phoenix dactylifera" (date palm) to enhance the camouflaged antenna. Palms may have a height that is within fifteen feet of the height of the monopalm. and at varying heights planted around the monopalm at the time of installation. Existing landscaping material (real palm trees) may be considered in order to screen the monopalm.
    - b. Where visible from a public right-of-way, the monopalm itself shall be textured in such a way to appear as the trunk of a palm tree. Manufactured palm fronds shall adequately camouflage the panel antennas from view from adjacent properties and public streets.
    - c. Where not visible from a public right-of-way, the monopalm itself shall be treated in such a way to appear as the trunk of a palm tree. Manufactured palm fronds shall adequately camouflage the panel antennas from view from adjacent properties and public streets.
  2. Other screening methods may be utilized where approved by the city council.
  3. Where it can be demonstrated by the applicant that stealth installation is neither practical or feasible, the city council may approve non-stealth installation.
- C. Non-stealth Installation. Non-stealth installation shall meet the following requirements:
1. Towers shall be painted a neutral color so as to reduce visual obtrusiveness. A color sample (minimum 12" × 12") shall be submitted as part of the conditional use permit application.
- D. Setbacks. Commercial communication tower/antenna setbacks shall be measured from the base of the tower/antenna to the property line of the parcel on which it is located. Accessory structures shall comply with the minimum requirements of the district in which they are located. The reviewing body may modify the required setbacks if the goals of this section would be better served thereby.
- E. Separation From Off-site Uses. Commercial communication tower/antenna shall be separated from existing off-site structures a minimum of one hundred ten percent of the proposed tower height. Said separation shall be measured from the base of the tower to the closest point of off-site structure except in residentially zoned areas as defined in Section 17.47.080(D) (three hundred feet).
- F. Fencing.
1. Industrial Zones. Fencing shall be eight foot high chain link or material similar to that used on adjacent properties.
  2. Commercial and Quasi-Public Zones. Where visible from a public right-of-way, fencing shall be eight foot high wrought iron/brick pillar combination. Vertical spacing of the wrought iron members shall not exceed four inches. Brick pillars shall be located at each of the four corners, on each side of the entrance gate, and every six feet in the field. Where not visible from a public right-of-way, fencing may be eight foot high chain link or material similar to that used on adjacent properties.
    - a. Where brick pillars are installed, the developer/applicant shall provide a 12" × 12" sign, posted on a one of the entrance gate pillars, that reads, "For graffiti removal please call \_\_\_-\_\_\_-\_\_\_." Upon notification, the developer/applicant shall remove or cause to be removed all graffiti from the site. Removal of the graffiti shall be by high pressure wash or sand blasting, not by painting.
- G. Landscaping. Landscaping shall be installed around the entire perimeter of the project site/leasehold area. Landscaping shall consist of a combination of trees, ground cover, shrubs and desert vegetation. A permanent, automated, underground, full-coverage irrigation system shall be installed and properly maintained. A comprehensive landscape and

irrigation plan must be approved by the planning department. The reviewing body may modify the landscape requirements if the goals of this section would be better served thereby.

- H. Lighting—If security or maintenance lighting of the facility is required, the placement, size and type of lighting shall be shown on improvement plans and shall be approved by the development services department. Lighting alternatives and design must cause the least disturbance to the surrounding views.
- I. Emergency Access. Emergency access to the site shall be provided as per current city standards and specifications and state of California fire code. The developer/applicant shall equip all gates with KNOX locks.
- J. Ancillary Equipment. The facility shall use the most quiet cooling equipment and emergency power generating apparatus available. Installation of emergency power generating apparatus (i.e. back-up/standby generator) shall comply with all of the following:
  1. If a fuel tank is required for the emergency power generating apparatus it shall be self-contained and use the best available technology for the type of tank and installation; or use natural gas as a fuel source. Commercial above ground propane tanks are prohibited within residential zones.
  2. Written approval from Mojave desert air quality management district shall be submitted prior to installation of the emergency power generating apparatus.
  3. Emergency power generating apparatus shall be equipped with a residential exhaust silencer meeting city standards at the time of installation. Noise levels shall be reduced to 60 dB L<sub>dn</sub> (or CNEL) or less within outdoor activity areas and 45 dB L<sub>dn</sub> (or CNEL) or less within interior living spaces. Where it is not possible to reduce exterior noise levels within outdoor activity areas to 60 dB L<sub>dn</sub> (or CNEL) or less after the practical application of the best available noise reduction technology, an exterior noise level of up to 65 dB L<sub>dn</sub> (or CNEL) will be allowed.
  4. The automatic exerciser on the emergency power generating apparatus shall be set to run only between the hours of eight a.m. and five p.m., Monday through Friday only.
  5. Installation of the emergency power generating apparatus shall comply with all current city standards and all state and/or national codes applicable to the facility. The developer/applicant shall provide documentation from Southern California Edison showing that all concerns and requirements with regard to the auto transfer switch have been addressed.
- K. Accessory Buildings. Accessory buildings housing equipment in support of commercial antennas shall not exceed a height of twelve feet and shall not be used for offices or material storage. All accessory structures or buildings shall comply with the minimum required setbacks of the zone in which it is located. The use of materials and colors for accessory structures/buildings or cabinets shall be designed to blend with the exterior of existing structures within the area. A materials and color sample (minimum 12" × 12") shall be submitted as part of the conditional use permit application.
- L. Building and tower appearance shall be consistent with approved elevations and specifications.

(Ord. 783 § 1 (part), 2003)

#### 17.47.100 - Operational plan.

All applications for wireless communications facilities shall include written assurances that the facilities shall be operated in accordance with the following:

- A. Maintenance. All facilities, landscaping and related equipment shall be maintained in good working order and free from trash, debris, graffiti and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within twenty-four hours. Damaged, dead or decaying plant materials shall be removed and replaced within ten days from the date of notification.
- B.

Monitoring. Once the wireless communications facility is operating, the city may, if a legitimate concern regarding the facility arises, require the applicant/permittee to submit documentation that the facility is operating within the technical standards described in the application and the Federal Communications Commission permit. Independent field strength or power density measurements shall be provided to the director within thirty days of written request to the applicant/permittee.

(Ord. 783 § 1 (part), 2003)

#### 17.47.110 - Construction time.

All wireless communications facilities which receive a permit under this section shall be completed and operational within one hundred eighty calendar days of the issuance of the permit and all related permits or licenses. The construction time may be extended for an additional one hundred eighty calendar days upon a showing of good faith efforts to complete the facility, which shall take into account complications beyond the control of applicant/permittee. If the facility is not completed and operational by the end of the extension period, then the permit shall expire, and the applicant/permittee must reapply for the permit; however, this provision shall not apply when the applicant/permittee demonstrates to the satisfaction of the director that the operational delay is due entirely to factors beyond the control of the applicant/permittee, in which event the director may extend the construction time in his or her discretion.

(Ord. 783 § 1 (part), 2003)

#### 17.47.120 - Decommissioning.

Any commercial antenna carrier who intends to decommission or discontinue use of a commercial antenna shall notify the city by certified mail no less than thirty days prior to such action. The commercial antenna carrier or owner of the affected real property shall have ninety days from the date of decommissioning or discontinuance, or a reasonable time as may be approved by the director, to dismantle and remove the commercial antenna and all ancillary structures and restore the site to its original condition. In the case of multiple carriers sharing use of a single tower, this provision shall not become effective until all carriers cease operation. The subject conditional use permit shall become null and void.

(Ord. 783 § 1 (part), 2003)

#### 17.47.130 - Abandonment.

Any facility that ceases operating for more than one hundred eighty consecutive days shall be considered abandoned. Upon a finding of abandonment, the city shall provide notice to the commercial antenna carrier last known to use such facility and, if applicable, the owner of the affected real property, providing ninety days from the date of the notice to 1) apply for all permits required at the time of expiration to reactivate the operation, or 2) dismantle and remove the commercial antenna and all ancillary structures and restore the site to its original condition. In the event the applicant/permittee fails to apply for permits or perform the removal and restoration within ninety days, the property owner shall have the facility removed.

#### 17.47.140 - Removal by city.

If the property owner does not remove the equipment or does not request a hearing before the director on the issue of whether the equipment is abandoned and subject to removal, the city may have the equipment removed and store it in a secure location. The owner shall have fourteen days from the date the city provides the owner with written notice of removal of the equipment and notification of the current location of equipment to reclaim the equipment. If the equipment is not reclaimed in accordance with this section, the city may dispose of the equipment in accordance with the city's existing policy for disposal of abandoned or lost property. All expenses associated with the removal of the facility shall be charged back to the applicant/permittee and/or property owner.

(Ord. 783 § 1 (part), 2003)

17.47.150 - Technological advancement.

At such time as is technologically allowable, modification to the facility shall be performed by the applicant, permittee, assignee or any successor-in-interest within a twenty-four-month period. Modification may include, but shall not be limited to, lowering of the tower height, removal of the microwave dishes, or the installation of cellular telephone locating capabilities as may be required by state of federal statute.

(Ord. 783 § 1 (part), 2003)

17.47.160 - Application of standards to existing projects.

- A. Modifications to Existing Projects. Any modification to a wireless communication facility existing at the time of the adoption of the ordinance codified in this chapter shall be processed through a new conditional use permit and the facility as modified shall comply with the standards contained in this section.
- B. All wireless communication facilities existing at the time of the adoption of the ordinance codified in this chapter shall either be removed or be modified through the approval of a new conditional use permit as specified in subsection A of this section, on or before the tenth anniversary of the effective date of the ordinance codified in this chapter.
- C. Notwithstanding the provisions of subsection B of this section, the deadline for removal or modification of an existing wireless communications facility may be extended upon application by the owner of the facility. The extension shall be granted if the owner can demonstrate that as applied to the owner's facility the amortization period stated in subsection B of this section is unreasonably short when considering factors including, but not limited to, the depreciated value of the facility to be removed or modified, the remaining useful life of the facility to be removed or modified and the harm to the public that would result from the continued existence of the facility without modification.

(Ord. 783 § 1 (part), 2003)

17.47.170 - Installation of wireless communication facilities on sites with nonconforming conditions.

Notwithstanding any other provisions of this title, the installation of a wireless communications facility and ancillary structures may be permitted on a property on which there exists a nonconforming building, structure, use or site conditions, provided the wireless communications facility and ancillary structures are approved through a conditional use permit, as required by this section, except that such installation shall not be permitted on any site on which there exists a nonconforming sign or fire safety hazard, as documented by the development services director.

(Ord. 783 § 1 (part), 2003)

Chapter 17.49 - SEXUALLY ORIENTED BUSINESSES

**Sections:**

17.49.010 - Purpose and findings.

- A. Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by



adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

- B. Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the council finds:
1. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
  2. Certain employees of sexually oriented businesses defined in this chapter as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.
  3. Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.
  4. Offering and providing such space encourages such activities, which creates unhealthy conditions.
  5. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
  6. At least fifty communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
  7. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States—six hundred in 1982, two thousand two hundred in 1983, four thousand six hundred in 1984, eight thousand five hundred fifty-five in 1985 and two hundred fifty-three thousand four hundred forty-eight through December 31, 1992.
  8. As of January 31, 1998, there have been one hundred five thousand one hundred twenty-one reported cases of AIDS in the State of California, resulting in sixty-six thousand four hundred fifty deaths.
  9. Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV anti-body test in Blythe, California.
  10. The number of cases of early (less than one year) syphilis in the United States reported annually has steadily declined since 1991, with fifty-three thousand eight hundred fifty-five cases reported in 1991 and twenty thousand one hundred eighty-seven cases reported in 1996.
  11. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over three hundred twenty-five thousand cases being reported in 1996.
  12. The surgeon general of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
  13. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
  - 14.

Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

15. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.
16. The findings noted in subsection (B)(1) through (15) of this section raise substantial governmental concerns.
17. Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
18. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the city. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.
19. Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.
20. Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
21. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.
22. It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this chapter is designed to prevent or who are likely to be witnesses to such activity.
23. The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this chapter.
24. The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.
25. The general welfare, health, morals and safety of the citizens of the city will be promoted by the enactment of this chapter.

(Ord. 746 § 2 (part), 1998)

#### 17.49.020 - Definitions.

As used in this chapter, the following shall apply:

"Adult arcade" means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

"Adult bookstore," "adult novelty store" or "adult video store" means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity or semi-nude; or
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult motel" means a hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten hours; or
3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

"Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

"Employee" means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

"Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

"Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

"Establishment" means and includes any of the following:

- 1.

The opening or commencement of any sexually oriented business as a new business;

2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
3. The additions of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

"Licensee" means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

"Nude model studio" means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the state or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
3. Where no more than one nude or semi-nude model is on the premises at any one time.

"Nudity" or a "state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

"Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.

"Semi-nude" or in a "semi-nude condition" means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast; but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

"Sexual encounter center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

"Sexually oriented business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

"Specified anatomical areas" means:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

"Specified criminal activity" means any of the following offenses:

- 1.

Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

2. For which:
  - a. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
  - b. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
  - c. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four-month period.
3. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

"Specified sexual activities" means any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
3. Excretory functions as part of or in connection with any of the activities set forth in (1) through (2) above.

"Substantial enlargement" of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent, as the floor areas exist on the date the ordinance codified in this section takes effect.

"Transfer of ownership or control" of a sexually oriented business means and includes any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Ord. 746 § 2 (part), 1998)

17.49.030 - Classification.

Sexually oriented businesses are classified as follows:

- A. Adult arcades;
- B. Adult bookstores, adult novelty stores, or adult video stores;
- C. Adult cabarets;
- D. Adult motels;
- E. Adult motion picture theaters;
- F. Adult theaters;
- G. Escort agencies;
- H. Nude model studios; and
- I. Sexual encounter centers.

(Ord. 746 § 2 (part), 1998)

17.49.040 - License required.

- A. It is unlawful:
1. For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the city pursuant to this chapter.
  2. For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the city pursuant to this chapter.
  3. For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this chapter.
- B. An application for a license must be made on a form provided by the city.
- C. All applicants must be qualified according to the provisions of this chapter. The application may request and the applicant shall provide such information (including fingerprints) as to enable the city to determine whether the applicant meets the qualifications established in this chapter.
- D. If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a twenty percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.
- E. The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:
1. If the applicant is:
    - a. An individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is eighteen years of age;
    - b. A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
    - c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.
  2. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state (a) the sexually oriented business's fictitious name and (b) submit the required registration documents.
  3. Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this chapter, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.
  4. Whether the applicant, or a person residing with the applicant, has had a previous license under this chapter or other similar sexually oriented business ordinances from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

5. Whether the applicant or a person residing with the applicant holds any other licenses under this chapter or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses.
6. The single classification of license for which the applicant is filing.
7. The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.
8. The applicant's mailing address and residential address.
9. A recent photograph of the applicant(s).
10. The applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number.
11. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
12. A current certificate and straight-line drawing prepared within thirty days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within one thousand feet of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park or recreation area within five hundred feet of the property to be certified.

Note: For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

13. If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Section 17.49.140.
- F. Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the city the following information:
1. The applicant's name or any other name (including "stage" names) or aliases used by the individual;
  2. Age, date, and place of birth;
  3. Height, weight, hair and eye color;
  4. Present residence address and telephone number;
  5. Present business address and telephone number;
  6. Date, issuing state and number of driver's permit or other identification card information;
  7. Social Security number; and
  8. Proof that the individual is at least eighteen years of age.
- G. Attached to the application form for a sexually oriented business employee license as provided above, shall be the following:
1. A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant.
  2. A statement detailing the license history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state, or country, has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of

any such denial, revocation, or suspension, state the name of the operation, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

3. A statement of whether or not the applicant has been convicted of a specified criminal activity as defined in this chapter and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(Ord. 746 § 2 (part), 1998)

17.49.050 - Issuance of license.

- A. Upon the filing of said application for a sexually oriented business employee license, the city shall issue a temporary license to said applicant. The application shall then be referred to the appropriate city departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within thirty (30) days from the date the completed application is filed. After the investigation, the city shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
  1. The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
  2. The applicant is under the age of eighteen years;
  3. The applicant has been convicted of a "specified criminal activity" as defined in this chapter;
  4. The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this chapter; or
  5. The applicant has had a sexually oriented business employee license revoked by the city within two years of the date of the current application. If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in Section 17.49.100.
- B. A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the city that the applicant has not been convicted of any specified criminal activity as defined in this chapter or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in Section 17.49.060.
- C. Within thirty days after receipt of a completed sexually oriented business application, the city shall approve or deny the issuance of a license to an applicant. The city shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
  1. An applicant is under eighteen years of age.
  2. An applicant or a person with whom applicant is residing is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.
  3. An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
  4. An applicant or a person with whom the applicant is residing has been denied a license by the city to operate a sexually oriented business within the preceding twelve months or whose license to operate a sexually oriented business has been revoked within the preceding twelve months.
  5. An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this chapter.
  6. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
  7. The license fee required by this chapter has not been paid.



8. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.
- D. The license, if granted shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued pursuant to Section 17.49.030. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.
- E. The health department, fire department, and the building official shall complete their certification that the premises is in compliance or not in compliance within twenty days of receipt of the application by the city.
- F. A sexually oriented business license shall be issued for only one classification as found in Section 17.49.030.

(Ord. 746 § 2 (part), 1998)

#### 17.49.060 - Fees.

- A. Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a five hundred-dollar nonrefundable application and investigation fee.
- B. In addition to the application and investigation fee required above, every sexually oriented business that is granted a license (new or renewal) shall pay to the city an annual nonrefundable license fee of one hundred four dollars within thirty days of license issuance or renewal.
- C. Every application for a sexually oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual nonrefundable application, investigation, and license fee.
- D. All license applications and fees shall be submitted to the development services department.

(Ord. 746 § 2 (part), 1998)

#### 17.49.070 - Inspection.

- A. An applicant or licensee shall permit representatives of the police department, health department, fire department, zoning department, or other city departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.
- B. A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is open for business.

(Ord. 746 § 2 (part), 1998)

#### 17.49.080 - Expiration of license.

- A. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 17.49.040 application for renewal shall be made at least thirty days before the expiration date, and when made less than thirty days before the expiration date, the expiration of the license will not be affected.
- B. When the city denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the city finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety days have elapsed since the date denial became final.

(Ord. 746 § 2 (part), 1998)

#### 17.49.090 - Suspension.

- A. The city shall suspend a license for a period not to exceed thirty days if it determines that a licensee or an employee of a licensee has:

1. Violated or is not in compliance with any section of this chapter;
2. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter.

(Ord. 746 § 2 (part), 1998)

17.49.100 - Revocation.

- A. The city shall revoke a license if a cause of suspension in Section 17.49.090 occurs and the license has been suspended within the preceding twelve months.
- B. The city shall revoke a license if it determines that:
  1. A licensee gave false or misleading information in the material submitted during the application process;
  2. A licensee has negligently allowed possession, use, or sale of controlled substances on the premises;
  3. A licensee has negligently allowed prostitution on the premises;
  4. A licensee negligently operated the sexually oriented business during a period of time when the licensee's license was suspended;
  5. Except in the case of an adult motel, a licensee has negligently allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or
  6. A licensee is delinquent in payment to the city, county, or state for any taxes or fees past due.
- C. When the city revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented business license for one year from the date the revocation became effective. If, subsequent to revocation, the city finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety days have elapsed since the date the revocation became effective.
- D. After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

(Ord. 746 § 2 (part), 1998)

17.49.110 - Transfer of license.

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

(Ord. 746 § 2 (part), 1998)

17.49.120 - Location of sexually oriented businesses.

- A. A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than C-G (general commercial), as defined and described in the city zoning ordinance.
- B. A person commits an offense if the person operates or causes to be operated a sexually oriented business within five hundred feet of:
  1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
  2. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

3. A boundary of a residential district as defined in the city of Blythe zoning ordinance;
  4. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation, or management of the city park and recreation authorities;
  5. The property line of a lot developed to a residential use as defined in the zoning ordinance;
  6. An entertainment business which is oriented primarily towards children or family entertainment; or
  7. A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the state.
- C. A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand feet of another sexually oriented business.
- D. A person commits a misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
- E. For the purpose of subsection B of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in said subsection B. Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
- F. For purposes of subsection C of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- G. Any sexually oriented business lawfully operating on July 1, 1998, that is in violation of subsections A through F of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within one thousand feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established businesses is/are nonconforming.
- H. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in subsection B of this section within one thousand feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

(Ord. 746 § 2 (part), 1998)

17.49.130 - Additional regulations for adult motels.

- A. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.
- B. A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented license, he rents or subrents a sleeping room to a person and, within ten hours from the time the room is rented, he rents or subrents the same sleeping room again.
- C.

For purposes of subsection B of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

(Ord. 746 § 2 (part), 1998)

17.49.140 - Regulations pertaining to exhibition of sexually explicit films, videos or live entertainment in viewing rooms.

- A. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
1. Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The city may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
  2. The application shall be sworn to be true and correct by the applicant.
  3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the city.
  4. It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
  5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
  6. It shall be the duty of the licensee to ensure that the view area specified in subsection (A)(5) of this section remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (A)(1) of this section.
  7. No viewing room may be occupied by more than one person at any time.
  8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five footcandles as measured at the floor level.
  9. It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
  10. No licensee shall allow openings of any kind to exist between viewing rooms or booths.
  11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
  12. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if

any openings or holes exist.

13. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
14. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight inches of the floor.

- B. A person having a duty under subsection (A)(1) through (14) of this section commits a misdemeanor if he knowingly fails to fulfill that duty.

(Ord. 746 § 2 (part), 1998)

17.49.150 - Additional regulations for escort agencies.

- A. An escort agency shall not employ any person under the age of eighteen years.
- B. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of eighteen years.

(Ord. 746 § 2 (part), 1998)

17.49.160 - Additional regulations for nude model studios.

- A. A nude model studio shall not employ any person under the age of eighteen years.
- B. A person under the age of eighteen years commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio.
- C. A person commits an offense if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.
- D. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

(Ord. 746 § 2 (part), 1998)

17.49.170 - Additional regulations concerning public nudity.

- A. It shall be a misdemeanor for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or depicts specified sexual activities.
- B. It shall be a misdemeanor for a person who knowingly or intentionally in a sexually oriented business appears in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten feet from any patron or customer and on a stage at least two feet from the floor.
- C. It shall be a misdemeanor for an employee, while semi-nude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in a sexually oriented business.
- D. It shall be a misdemeanor for an employee, while semi-nude, to touch a customer or the clothing of a customer.

(Ord. 746 § 2 (part), 1998)

17.49.180 - Prohibition against children in a sexually oriented business.

- A. A person commits a misdemeanor if the person knowingly allows a person under the age of eighteen years on the premises of a sexually oriented business.

B.

A person under the age of eighteen years commits a misdemeanor if the person enters or remains in a sexually oriented business.  
(Ord. 746 § 2 (part), 1998)

#### 17.49.190 - Hours of operation.

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of one a.m. and eight a.m. on weekdays and Saturdays, and between the hours of one a.m. and noon on Sundays.

(Ord. 746 § 2 (part), 1998)

#### 17.49.200 - Exemptions.

It is a defense to prosecution under Section 17.49.170 that a person appearing in a state of nudity did so in a modeling class operated:

- A. By a proprietary school, licensed by the state; a college, junior college, or university supported entirely or partly by taxation;
- B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- C. In a structure:
  1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
  2. Where, in order to participate in a class a student must enroll at least three days in advance of the class; and
  3. Where no more than one nude model is on the premises at any one time.

(Ord. 746 § 2 (part), 1998)

#### 17.49.210 - Injunction.

A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of Section 17.49.120 of this chapter is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of two hundred dollars or thirty days' imprisonment. Each day a sexually oriented business so operates is a separate offense or violation.

(Ord. 746 § 2 (part), 1998)

### Chapter 17.50 - AUTOMOBILE SERVICE STATIONS

#### Sections:

#### 17.50.010 - Applicability.

The provisions set out in this chapter shall be the minimum standards for any service station granted a conditional use permit in the C-N zone, and may be used as a guide in granting a conditional use permit in other commercial and industrial zones.

(Ord. 595 § 6.10 (part), 1982)

#### 17.50.020 - Lot area.

Each service station lot shall have a minimum area of fourteen thousand square feet.

(Ord. 595 § 6.10(A), 1982)

17.50.030 - Lot width.

Each service station lot shall have a minimum width of one hundred twenty feet on that street or those streets which is or are classified as a part of the "Select System of Roads and Streets," as defined by the California Streets and Highways Code, but in no event can the dimension along the intersecting street be less than ninety feet.

(Ord. 595 § 6.10(B), 1982)

17.50.040 - Setbacks.

- A. There shall be a minimum setback for any service station building of ten feet from any property line, except where the lot line of the property involved abuts a public alley and a five-foot masonry wall is erected pursuant to Section 17.50.100(C) or a building is constructed adjacent to such alley.
- B. Gasoline pumps, or other facilities for providing vehicles with gasoline, and pump islands on which they are placed shall be set back fifteen feet from any property line.

(Ord. 595 § 6.10(C), 1982)

17.50.050 - Access.

- A. Each developed service station site shall have not more than two accessways (driveways) to any one street.
- B. Accessways shall be located so that there is a minimum of five feet of full-height curb between the way and adjoining residential property lines.
- C. No driveway shall exceed a width of thirty-five feet.
- D. No driveway shall encroach into the curve of a street corner unless the radius of the curb return is greater than thirty feet.
- E. There shall be a minimum distance of twenty-two feet of full-height curb between curb cuts along any street frontage.

(Ord. 595 § 6.10(D), 1982)

17.50.060 - Parking.

- A. Off-street parking at service stations shall be provided as required in Chapter 17.16. In addition, one parking space shall be provided at all times for each employee on duty.
- B. No parking of commercial vehicles over six thousand pounds shall be permitted between ten p.m. and six a.m. within fifteen feet of an abutting residential zone.

(Ord. 595 § 6.10(E), 1982)

17.50.070 - Landscaping.

- A. Three-foot-wide planters shall be located and maintained adjacent to every street frontage, except for driveways or curb cut openings, at service stations.
- B. One hundred square feet of planting area shall be located and maintained at the intersection of two property lines at a street corner.
- C. All planting areas shall be separated from abutting paving by minimally six-inch-high curb walls.
- D. All planting shall be a variety that will not achieve a height greater than thirty inches, shall not be thorny or spiked and shall not extend over the sidewalk.

- E. All landscaped areas shall have permanent irrigation systems approved by the planning director and such areas shall be planted and maintained.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 6.10(F), 1982)

#### 17.50.080 - Signs.

Signs at service stations shall be limited to the following:

- A. There shall be no more than two principal identification signs.
1. One sign may be freestanding with a maximum sign face area of two hundred square feet and a maximum height of fifty feet; and
  2. One fin or pylon sign, with a maximum sign face area of forty square feet, provided that the pylon sign is placed on a structure which is integrated with the main.
- B. Two freestanding posterboard signs may be located no closer than thirty-five feet to the point of intersection of the property lines extended on a corner site. In lieu of that, one such posterboard sign may be placed nearer than thirty-five feet to the point of intersection of the property lines extended, provided that it is placed behind a line drawn between two points, each of which is fifteen feet from the point of intersection. These posterboard signs shall be permanently placed; however, they may contain changeable copy. The maximum area of any such sign face shall not exceed twenty-four square feet.
- C. All signs in addition to those provided for in subsections A and B of this section shall be placed on or affixed to a structure.

(Ord. 789 § 1 (part), 2004; Ord. 595 § 6.10(G), 1982)

#### 17.50.090 - Outside lighting.

- A. All outside lighting at service stations shall be so arranged and shielded as to prevent any glare or reflection, nuisance, inconvenience or hazardous interference of any kind on adjoining streets or property.
- B. All outside lights and signals, except for those necessary for security lighting, shall be turned off when the station is not in operation.

(Ord. 595 § 6.10(H), 1982)

#### 17.50.100 - Screening.

- A. Entrances to all service station restrooms shall be screened from view of adjacent properties or street rights-of-way by decorative screening six feet high. The bottom of such screens shall be raised eighteen inches above grade for visibility and ventilation.
- B. All outside trash, garbage, refuse and storage areas shall be enclosed on all sides by a five-foot-high structure. Provisions for adequate vehicular access shall be provided to and from such areas for collection of trash. Where installation of a permanent enclosure is physically impossible, a trash container of a type approved by the director of public works may be substituted.
- C. Where the rear property line abuts a public alley, there shall be erected a five-foot masonry wall dividing the service station property from the alley.

(Ord. 595 § 6.10(I), 1982)

#### 17.50.110 - Displays.



All displays at service stations shall be restricted to within five feet of the principal building, on the pump island, or in permanently placed, fully enclosed display cabinets. The display cabinets may be placed on the interior perimeter property line, but, in any case, no closer than ten feet to a street property line.

(Ord. 595 § 6.10(J)(1), 1982)

#### 17.50.120 - Hours.

Service stations which abut residentially zoned property shall close between midnight and six a.m., and all business activities except for services and emergency repairs shall be confined to the hours between six a.m. and ten p.m.

(Ord. 595 § 6.10(J)(2), 1982)

#### 17.50.130 - Alcoholic beverages.

There shall be no sale or distribution of alcoholic beverages from the premises of any automobile service station without the issuance of a conditional use permit by the city council.

(Ord. 789 § 1 (part), 2004; Ord. 595 § 6.10(J)(3), 1982)

#### 17.50.140 - Underground utilities.

Utilities to all service-station structures, including signs, shall be installed underground.

(Ord. 595 § 6.10(K), 1982)

### Chapter 17.52 - FUEL DISPENSING AND STORAGE

#### Sections:

#### 17.52.010 - Applicability.

The provisions set out in this chapter shall be the minimum standards for fuel dispensing facilities (service stations) granted a conditional use permit for gasoline dispensing and storage in the C-N zone, and may be used for the granting of a conditional use permit in the C-C (community commercial) and C-G (general commercial) zones for the dispensing and storage of propane.

(Ord. 770 § 1 (part), 2000; Ord. 595 § 6.11, 1982)

#### 17.52.020 - Performance standards.

All activities involving the installation of facilities for, and all storage of, flammable and explosive materials shall be in compliance with Chapter 57 (Flammable and Combustible Liquids) of the 2022 California Fire Code and Title 15 of the Blythe Municipal Code.

(Ord. 770 § 1 (part), 2000)

(Ord. No. 846, § 2, 12-14-10; Ord. No. 879, § 2, 11-8-16; Ord. No. 898, § 2, 11-12-19; Ord. No. 929, § 18, 12-13-22)

### Chapter 17.54 - ANIMALS, POULTRY AND FOWL

#### Sections:

## 17.54.010 - Applicability.

Regulations governing the keeping of animals, poultry and fowl shall be as set out in this chapter.

(Ord. 595 § 6.12 (part), 1982)

## 17.54.020 - Animals prohibited within city.

No person shall keep, maintain, cause or otherwise permit to be kept or maintained, any of the following on any property or premises within the city:

- A. Oxen or swine;
- B. Dangerous or poisonous reptiles, except in scientific biological laboratories or educational institutions;
- C. Lions, tigers, elephants; all species of monkeys, apes and chimpanzees; or similar such animals which shall be considered wild and/or dangerous by their nature or ancestry; or
- D. Any other animals, poultry or fowl not specifically provided for in this title.

(Ord. 595 § 6.12(A), 1982)

## 17.54.030 - Animals prohibited in residential and commercial zones.

No person shall keep or maintain any sheep, goats, cattle, jacks, jennies, burros or any other type or kind of livestock on any property or premises within the city in any residential or commercial zone classification, except as may otherwise be regulated and permitted as set forth in Section 17.54.060.

(Ord. 595 § 6.12(B), 1982)

## 17.54.040 - Noisy animals, poultry or fowl.

No person shall keep or maintain upon any property or premises in the city any crowing rooster, peacock, guinea fowl, geese or any other animal, poultry or fowl which by any sound or cry unreasonably disturbs the peace, quiet, urban environment, tranquility or welfare of the public generally.

(Ord. 595 § 6.12(C), 1982)

## 17.54.050 - Number of dogs and cats.

No person shall keep or maintain more than three dogs and three cats more than three months of age upon any lot or premises located in any residential zone of the city. Such dogs and/or cats shall be kept only for the personal use and enjoyment of the occupants of the premises upon which such dogs or cats are so kept or maintained.

(Ord. 595 § 6.12(D), 1982)

## 17.54.060 - Number of poultry, fowl, rabbits or small animals.

No person shall keep or maintain any combination of poultry, fowl, rabbits or small animals exceeding nine, or more than three of each type, kind or species, upon any lot or premises in any residential zone, except in the R-E zone. In the R-E zone, no person shall keep or maintain any combination of poultry, fowl, rabbits or small animals exceeding twenty for each ten thousand square feet of lot area. These restrictions shall apply regardless of the age of such poultry, fowl, rabbits or small animals.

(Ord. 595 § 6.12(F), 1982)

## Chapter 17.56 - SOLAR ACCESS AND SHADING

**Sections:**

## 17.56.010 - Intent.

The intent of this chapter is to provide for the protection and encouragement of the use of solar energy collectors as an alternate energy source.

(Ord. 595 § 6.13 (part), 1982)

## 17.56.020 - Solar energy collectors as permitted use.

The use of solar energy collectors for the purpose of providing energy for heating and/or cooling is a permitted use within all zones, whether as part of a structure or incidental to a group of structures in the nearby vicinity. Use of solar energy collectors is subject to the restraints imposed by the existing buildings and structures within the city limits plus the zoning, height and setback limitations continued within this code, and existing trees. No guarantee is hereby given that all property within the city limits is entitled to the use of solar collectors. However, as a general policy, reasonable care should be taken to protect the opportunity for the utilization of solar collectors at all of the locations available.

(Ord. 595 § 6.13(A), 1982)

## 17.56.030 - Variances for solar access.

Variances shall be granted by the planning director from zone restrictions such as height, setback and lot density where such variances are necessary to permit unimpaired access to the sun during the hours of ten a.m. to two p.m. so long as such variances do not interfere with an existing solar collector on northerly property within the reasonable vicinity and are not otherwise injurious to adjacent property. Such variances shall be considered minor variances within the meaning of Section 17.70.070.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 6.13(B), 1982)

## 17.56.040 - Yard variation for block solar development.

If, for the reason of solar orientation, an entire area between two intersecting streets in a block is developed cooperatively as a unit, all yard regulations may be varied to carry out the purpose, providing that the city council, after public notice and hearing, is of the opinion that such a development will not be injurious to adjacent property.

(Ord. 595 § 6.13(C), 1982)

## Chapter 17.58 - GARAGE AND YARD SALES

**Sections:**

## 17.58.010 - Goods sold—Displays of goods.

No person shall sell or offer for sale personal property in a manner commonly known as a "garage" sale, "patio" sale or "yard" sale, except personal property owned, utilized and maintained by such person or members of his family on or in connection with premises which they occupy; provided, however, that a sale of donated property of others may be conducted on behalf of a church or charitable organization if the church or the organization joins in the application and the entire proceeds of such sale are donated to the sponsoring church or charitable organization. Personal property offered for sale shall not be displayed in the front yard, or the side yard of any corner lot which adjoins a street, of any such premises.

(Ord. 595 § 6.14(A), 1982)

17.58.030 - Number and duration.

Only two sales may be conducted in any twelve-month period at the address for which the permit is issued and shall be limited to not more than three consecutive days for each sale.

(Ord. 595 § 6.14(C), 1982)

17.58.040 - Signs.

Notwithstanding any other provision of this title, one sign not exceeding four square feet in area shall be permitted during such sale.

(Ord. 595 § 6.14 (D), 1982)

17.58.050 - Court-ordered sales exempted.

The provisions of this chapter shall not apply to sales of personal property made under court order or process.

(Ord. 595 § 6.14(D), 1982)

Chapter 17.60 - MINIWAREHOUSING

**Sections:**

17.60.010 - Purpose.

The purpose of this chapter is to permit the lease or rental of small spaces for the enclosed storage of personal property and the open storage of automobiles, boats, recreation vehicles and travel trailers.

(Ord. 595 § 6.15(A), 1982)

17.60.020 - Permitted manner of development.

It is the intent of this chapter that such use may be developed:

- A. As an accessory or associated use with mobile home parks, and recreation vehicle or travel trailer parks subject to the conditions and requirements of a conditional use permit;
- B. As a permitted use in zones I-S and I-G and by conditional use permit in zones C-G, C-C, P-D and C-M-O subject to all the development standards of the zone in which it is located.

(Ord. 789 § 1 (part), 2004; Ord. 595 § 6.15(B), 1982)

17.60.030 - Size of units.

Individual storage units may vary in size but they may not exceed three hundred square feet in area.

(Ord. 595 § 6.15(C)(1), 1982)

17.60.040 - Screening of open units.

Open storage units shall be screened with a suitable six-foot fence or wall subject to the approval of the planning director.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 6.15(C)(2), 1982)

#### 17.60.050 - Design of outside storage.

Outside storage shall be designed according to standards for nonresidential parking specified in Sections 17.16.110, 17.16.120 and 17.16.130.

(Ord. 595 § 6.15(C)(3), 1982)

### Chapter 17.62 - COMMERCIAL MANUFACTURING OVERLAY ZONE

#### Sections:

#### 17.62.010 - Purpose.

The C-M-O zone is intended to designate areas where a transition, in-filling or expansion of commercial and light industrial uses is desired into an area of intermittent residential uses.

(Ord. 595 § 6.16(A), 1982)

#### 17.62.020 - Conditional use permit—Manner of development.

Commercial and industrial uses shall be established subject to a conditional use permit, the primary purpose of which is to provide conditions protecting the residential uses in the area. All uses shall be developed in a manner to upgrade the general quality of the area and to assure reasonable compatibility between uses.

(Ord. 595 § 6.16(B), 1982)

#### 17.62.030 - Residential uses—Zoning map designation.

The basic underlying use in the C-M-O zoned areas is residential. Where the C-M-O zone symbol is designated on the zoning map, it shall be followed by a residential zone symbol. Residential uses shall be those permitted in the designated zone, and subject to the provisions of the zone and all other provisions of this title.

(Ord. 595 § 6.16(C), 1982)

### Chapter 17.63 - FARMWORKER HOUSING

#### Footnotes:

-- (5) --

**Editor's note**— Ord. No. 862, § 8, adopted October 8, 2013, set out provisions intended for use as Chapter 17.64. For purposes of classification, and at the editor's discretion, these provisions have been included as Chapter 17.63.

#### 17.63.010 - Intent.

It is the intent of this chapter to facilitate and encourage the provision of decent, affordable housing for farmworkers by not requiring a conditional use permit, zoning variance, or other zoning clearance for farmworker housing that is not required of any other agricultural activity in the agriculture (A) zone.

(Ord. No. 862, § 8, 10-8-13)

## 17.63.020 - Agricultural use.

Farmworker housing shall be considered to be an activity that in no way differs from an agricultural use.

(Ord. No. 862, § 8, 10-8-13)

## 17.63.030 - Occupancy.

The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

(Ord. No. 862, § 8, 10-8-13)

## Chapter 17.63A - EMERGENCY SHELTER

*Footnotes:*

--- (6) ---

**Editor's note**— Ord. No. 862, § 8, adopted October 8, 2013, set out provisions intended for use as Chapter 17.66. For purposes of classification, and at the editor's discretion, these provisions have been included as Chapter 17.63A.

## 17.63A.010 - Intent.

It is the intent of this chapter to facilitate and encourage the provision of emergency shelter for homeless persons and households by allowing emergency shelters without a conditional use permit or other discretionary action in the service industrial (I-S) and general industrial (I-G) zones and subject only to the same development standards that apply to the other permitted uses in these zones, except for standards unique to emergency shelters as set forth in Section 17.63A.020 of this chapter.

(Ord. No. 862, § 8, 10-8-13)

## 17.63A.020 - Special development and management standards.

In addition to the applicable development and performance standards set forth in Division III of Title 17, the following development and management standards shall apply to emergency shelters as authorized by Section 65583(a)(4) of the California Government Code:

- A. The maximum number of beds or persons to be served nightly by an emergency shelter shall be thirty-five.
- B. Off-street parking shall be based upon demonstrated need, provided that parking for an emergency shelter shall not be more than that required for other commercial or industrial uses permitted in the service industrial (I-S) and general industrial (I-G) zones.
- C. Appropriately sized and located exterior and interior on-site waiting and intake areas shall be provided.
- D. Appropriate exterior lighting shall be provided.
- E. On-site management shall be provided.
- F. Security shall be provided during the hours that the emergency shelter is in operation.
- G. The maximum length of stay by a homeless person in an emergency shelter shall be six months.
- H. An emergency shelter shall not be located within three hundred feet of another emergency shelter.
- I. No individual or household shall be denied emergency shelter because of an inability to pay.

(Ord. No. 862, § 8, 10-8-13)

## Chapter 17.63B - SINGLE-ROOM OCCUPANCY (SRO)

*Footnotes:*

--- (7) ---

**Editor's note**— Ord. No. 862, § 8, adopted October 8, 2013, set out provisions intended for use as Chapter 17.68. For purposes of classification, and at the editor's discretion, these provisions have been included as Chapter 17.63B.

## 17.63B.010 - Intent.

It is the intent of this chapter to facilitate and encourage the provision of affordable shelter for low-income persons with special housing needs by allowing SRO housing without a conditional use permit or other discretionary action in the service industrial (I-S) and general industrial (I-G) zones.

(Ord. No. 862, § 8, 10-8-13)

## 17.63B.020 - Occupancy.

An SRO unit shall be occupied by a single person. Occupancy of SRO units may be restricted to seniors or be available to persons of all ages.

(Ord. No. 862, § 8, 10-8-13)

## 17.63B.030 - Special development and management standards.

In addition to the applicable development and performance standards set forth in Division III of Title 17, the following development and management standards shall apply to SRO housing:

- A. Units in an SRO housing development shall consist of a single room and may have a private or shared bathroom. A shared common kitchen and activity area may also be provided.
- B. On-site management shall be provided.

(Ord. No. 862, § 8, 10-8-13)

## Chapter 17.63C - SUPPORTIVE HOUSING

**Section:***Footnotes:*

--- (8) ---

**Editor's note**— Ord. No. 862, § 8, adopted October 8, 2013, set out provisions intended for use as Chapter 17.70. For purposes of classification, and at the editor's discretion, these provisions have been included as Chapter 17.63C.

## 17.63C.010 - Intent.

It is the intent of this chapter to facilitate and encourage the provision of affordable shelter for low-income persons with special housing needs by allowing supportive housing without a conditional use permit or other discretionary action in all residential zones and subject only to the same development standards that apply to the other permitted residential uses in these zones.

(Ord. No. 862, § 8, 10-8-13)

## Chapter 17.63D - TRANSITIONAL HOUSING

**Section:***Footnotes:*

--- (9) ---

**Editor's note**— Ord. No. 862, § 8, adopted October 8, 2013, set out provisions intended for use as Chapter 17.72. For purposes of classification, and at the editor's discretion, these provisions have been included as Chapter 17.63D.

## 17.63D.010 - Intent.

It is the intent of this chapter to facilitate and encourage the provision of affordable shelter for low-income persons with special housing needs by allowing transitional housing without a conditional use permit or other discretionary action in all residential zones and subject only to the same development standards that apply to the other permitted residential uses in these zones.

(Ord. No. 862, § 8, 10-8-13)

## Chapter 17.63E - COMMERCIAL CANNABIS RELATED USES AND ACTIVITY

*Footnotes:*

--- (10) ---

**Editor's note**— Ord. No. 883, § 1, adopted June 13, 2017, repealed the former Chapter 17.63E, §§ 17.63E.010—17.63E.060, and enacted a new Chapter 17.63E as set out herein. The former Chapter 17.63E pertained to marijuana dispensaries and derived from Ord. No. 873, adopted January 12, 2016 and Ord. No. 882, adopted May 9, 2017.

## 17.63E.010 - Purpose.

The purpose of this chapter is to further fulfill the purposes and intents set forth in Title 5 of the Blythe Municipal Code. No person shall operate a commercial cannabis business without first obtaining a city commercial cannabis business permit and complying with all the requirements of Title 5 of the Blythe Municipal Code and complying with all applicable state law requirements including obtaining a license or permit required by the state to operate a commercial cannabis business.

(Ord. No. 883, § 2, 6-13-17)

## 17.63E.020 - Definitions.

Unless otherwise provided herein, the terms used in this part shall have the meanings ascribed to them in Title 5 of the Blythe Municipal Code.

(Ord. No. 883, § 2, 6-13-17)

## 17.63E.030 - Location of commercial cannabis businesses—Dispensaries.

Commercial cannabis dispensaries shall be permitted only as follows:

- A. In the C-C, commercial community business, C-G general commercial, and in I-G, general industry zone.
- B. The dispensary must not be located on a parcel located within a six hundred feet radius of a school (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12). If any part of a parcel falls within the six hundred feet, then the entire parcel shall meet the requirements of this paragraph.
- C. No closer than six hundred feet from any portion of any parcel in the City limits containing any of the following:
  - 1.



A youth facility;

2. A daycare facility serving nine or more children and is licensed by the county or city.
3. Parks and places of worship at the discretion of the city council.

D. No closer than one thousand feet from any portion of any parcel containing a commercial adult day care facility serving nine or more adults and licensed by the state, county or city.

(Ord. No. 883, § 2, 6-13-17)

17.63E.040 - Location of commercial cannabis businesses—All types other than dispensaries—Cultivation, manufacturing, testing facilities and distributors.

Commercial cannabis businesses other than dispensaries, including those permitted to engage in cultivation, manufacturing, testing and distribution of cannabis and cannabis products shall be permitted only if all the following requirements are met:

- A. Commercial cannabis businesses other than a dispensary must be located on property zoned C-C community commercial, C-G, general commercial, I-G general industrial, and I-S service industrial; and
- B. The property on which the commercial cannabis business is located must also be no closer than six hundred feet from any portion of any parcel containing any of the following:
  1. A school (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12);
  2. A daycare facility serving nine or more children and is licensed by the county and city;
  3. Any park or place of worship at the discretion of the city council;
  4. A youth facility.

(Ord. No. 883, § 2, 6-13-17; Ord. No. 885, § 16, 10-10-17; Ord. No. 890, § 2, 8-14-18; Ord. No. 901, § 2, 7-14-20)

17.63E.050 - Distances measured; applicable properties.

The distance between parcels shall be the horizontal distance measured in a straight line from any property line of the sensitive use to the closest property line of the lot on which the commercial cannabis business is to be located, without regard to any intervening structures. The distance requirements in this chapter shall only be applicable with respect to properties located in the city's limits, unless otherwise required by state law. The distance requirements shall not be applicable with respect to any property located outside the city limits.

(Ord. No. 883, § 2, 6-13-17)

17.63E.060 - Certification from the planner or designee.

Prior to commencing operations, a commercial cannabis business must obtain a certification from the planner or designee certifying that the business is located on a site that meets all the requirements of this chapter.

(Ord. No. 883, § 2, 6-13-17)

17.63E.070 - Medical dispensaries, cultivation of medical marijuana and all commercial medical marijuana uses in the city.

Marijuana cultivation by any person, including primary caregivers, qualified patients and dispensaries, is prohibited throughout the city of Blythe unless permitted by this chapter.

(Ord. No. 883, § 2, 6-13-17)

DIVISION V. - ADMINISTRATION, PERMITS AND VARIANCES

## Chapter 17.64 - ADMINISTRATIVE POWERS AND DUTIES

**Sections:**

## 17.64.010 - City council responsibilities.

The city council shall:

- A. Adopt regulations as stated in this title and amendments hereto;
- B. Approve any changes to the zoning map;
- C. Grant or deny conditional use permits and variances; and
- D. Perform such other duties as are required by state law, acting in joint capacity as planning commission and city council.

(Ord. 595 § 7.00(A), 1982)

## 17.64.020 - Planning director responsibilities generally.

The planning director shall be responsible for:

- A. Investigations;
- B. Reports;
- C. Public notices;
- D. Records;
- E. Interpretations of provisions of this title; and
- F. Other activities required by this title or the city council to fairly and effectively administer all zoning regulations.

(Ord. 630 § 1, 1987; Ord. 595 § 7.00(B), 1982)

## 17.64.030 - Application and action recordkeeping.

- A. The planning director shall give each application filed with him or action initiated by the city council an identification number. Each type of application shall have a separate number series which thereafter shall be numbered sequentially.
- B. The planning director shall prepare and maintain a file on each application or action initiated by the city council, and an index to facilitate location of files and applicability of cases to specific properties.

(Ord. 630 § 3 (part), 1987; Ord 595 § 7.08(A, B), 1982)

## 17.64.040 - Notice to affected property owners.

The planning director shall, upon receiving an application under this title or starting a file on a city-council-initiated or planning-director-initiated action, cause the owners or authorized agent of owners of parcels of property to which the action applies to be notified in writing of hearing dates, times and locations, when applicable, and of final action for or against proposals being considered.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.08(C), 1982)

## 17.64.050 - Enforcement responsibility.

The director of public works, building inspector and all officials charged with the issuance of licenses or permits shall enforce the provisions of this title. The chief of police and all officials charged with the enforcement of the law shall also enforce the provisions of this title.

(Ord. 595 § 8.00, 1982)

#### 17.64.060 - Design review committee.

The provisions for the design review committee are set out in Sections 17.64.061 through 17.64.066.

(Ord. 636 (part), 1988)

#### 17.64.061 - Purpose.

The purpose of the design review committee is to provide an additional level of design review to the central business district, as defined in the "Blythe Downtown Design and Implementation Program" (as amended). The design review committee shall prevent the erection of structures or signs which are inharmonious and incompatible with the Design Standards and Architectural Guidelines of the implementation plan.

(Ord. 636 (part), 1988)

#### 17.64.062 - Composition of design review committee.

The design review committee shall be composed of five members, to consist of three members of the downtown implementation advisory committee, who shall be appointed by city council; the city manager; and the director of planning. The committee may also include a nonvoting design professional who may be an architect, landscape architect or related design professional.

(Ord. 636 (part), 1988)

#### 17.64.063 - Public meetings of design review committee.

The design review committee shall hold one regularly scheduled public meeting each year, the agenda of which shall be posted on the door of the city council chambers seven calendar days in advance of said meeting. Additional meetings of the design review committee shall be noticed in the same manner. Recommendations of the design review committee with the concurrence of a minimum of three members, shall be adopted.

(Ord. 636 (part), 1988)

#### 17.64.064 - Scope of committee review.

The design review committee shall be responsible for the review of site plans, building plans and elevations, signage plans and landscape plans and other issues which may affect the development's conformance with the Design Standards and Architectural Guidelines of the downtown design implementation program. The adequacy of materials provided for committee review shall be determined by the planning director. The following plans shall be submitted to the planning director as part of the required application materials for plot plans, conditional use permits, public use permits, subdivisions or other plans which affect the appearance of the downtown area.

- A. Site Plans. Site plans shall be drawn to scale, showing the proposed layout of structures and other improvements including, where appropriate, driveways, pedestrian walkways, off-street parking and loading areas, landscape areas, fences and walls. Site plans shall also indicate ingress and egress and full width adjacent streets.

B.

Landscape Plan. A comprehensive landscape plan shall be drawn to scale, indicating the location and design of the landscape elements including biological and common names of each species and size to be planted, symbols on plan indicating planting type and size at maturity, mounding or berms and other landscaping features.

- C. Architectural drawings and Elevations. The required architectural drawings and elevations shall be drawn to scale and shall clearly illustrate the appearance of proposed new construction or renovations. Plans and drawings shall fully indicate types of exterior materials and finishes to be used. All elevations of buildings shall be shown in equally clear detail.
- D. Signage. All proposed signage, whether freestanding or mounted on existing or new structures, shall be shown in plans drawn to scale, indicating dimensions of the sign, its location on the site, height, materials and colors to be used and method of illumination.
- E. Additional Information. Additional materials, other than those listed in this section, may be required by the planning director for review by the design review committee.

(Ord. 636 (part), 1988)

#### 17.64.065 - Review and action of the design review committee.

Within thirty days from the finding of adequacy of the application materials by the planning director, the design review committee shall review and render a determination of adequacy of the proposed application, either approving design elements or returning plans and drawings to the applicant for modification. Failure on the part of the design review committee to conduct the design review within the thirty-day review period shall result in the approval of plans, drawings or elevation, unless a time extension has been requested by the applicant and approved by the planning director.

(Ord. 636 (part), 1988)

#### 17.64.066 - Appeal to the redevelopment agency.

Within ten days from the date of determination by the design review committee, the applicant may file an appeal with the planning director to bring the matter before the redevelopment agency. The redevelopment agency shall hear the appeal within thirty days from the submittal of the appeal application and appropriate fee. Failure of the redevelopment agency to act within the prescribed time limit shall result in the automatic approval of submitted design materials, unless an extension of time is requested by the applicant.

(Ord. 636 (part), 1988)

### Chapter 17.66 - AMENDMENTS—REZONES

#### Sections:

#### 17.66.010 - Scope.

This chapter includes proceedings to changes zones applicable to specific properties, to alter boundaries of zones, to add or remove uses permitted within zones, to add new regulations to this title or to modify or remove regulations from this title.

(Ord. 595 § 7.01(A), 1982)

#### 17.66.020 - Initiation—Applicable procedures.

When initiated by the city council, amendments to this title shall be processed in accordance with requirements of the California Planning and Zoning Law and the council's adopted procedures for enacting ordinances. In addition, a change of the zone applicable to specific properties or an alteration of zone boundaries may be initiated by parties other than the city council in accordance with the procedures detailed in the following sections and requirements of the California Planning and Zoning Law. The provisions of this title shall prevail when more restrictive than the state law.

(Ord. 595 § 7.01(B), 1982)

#### 17.66.030 - Application for rezone.

An application for a change of zone may be filed with the planning director by the owners or the authorized agent of the owners of the parcels of property for which a change of zone is sought. The application shall contain the following information:

- A. Name and address of applicant;
- B. Address and legal description of the property;
- C. A statement and maps, site plans, charts, diagrams, renderings and other data or exhibits which clearly define the use to be made of the property and its relationship to adjacent properties;
- D. Maps showing all properties, public and private streets, alleys and pertinent easements within three hundred feet of the property described in the application;
- E. Such additional information as the planning director may require.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.01(C), 1982)

#### 17.66.040 - Fee.

A fee shall accompany the application in an amount established by resolution of the city council.

(Ord. 595 § 7.01(D), 1982)

#### 17.66.050 - Review and recommendation of director.

The planning director shall review applications for zone change and:

- A. Advise the city council when a hearing is required; and
- B. Prepare a report to the city council of his finding and recommendations.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.01(E), 1982)

#### 17.66.060 - Public hearings.

The city council shall schedule and hold two public hearings prior to making its decision and may, at its own discretion, continue the hearings or schedule and hold additional hearings. Hearings shall be set and notice given as provided in Section 17.74.010.

(Ord. 595 § 7.01(F), 1982)

#### 17.66.070 - Action by city council.

Within sixty days of the close of scheduled public hearings, the council shall either enact an ordinance amending this title or deny the application. Amendments enacted may encompass any boundary changes or application of zones appearing in the advertisement of hearing and discussed at the hearing.

(Ord. 595 § 7.01(G), 1982)

#### 17.66.080 - Reapplication after denial.

Following denial of a change of zone applicable to properties or an alteration of zone boundaries, no application for the same or substantially the same change on the same or substantially the same site shall be filed within one year from the date of denial.

(Ord. 595 § 7.01(H), 1982)

### Chapter 17.68 - CONDITIONAL USE PERMITS

#### Sections:

#### 17.68.010 - Purpose—Uses requiring CUP.

Certain uses of land, structures and buildings possess characteristics which, if not specifically regulated, could be detrimental to adjacent properties or to the general welfare of the city, yet should logically be located in certain zoned districts, or in the city without regard to zone district classification. Such uses would serve the general welfare and not be detrimental to adjacent properties if subject to conditions designed to minimize the adverse effects at specific sites. A conditional use permit, approved by the city council, is required for the location and operation of such uses. All uses subject to conditional use permits are identified in this title together with the zone or zones within which such permit is required.

(Ord. 595 § 7.02(A), 1982)

#### 17.68.020 - Who may initiate.

A conditional use permit application may be initiated by the city council or by the owners or the authorized agent of the owners of the parcels of property for which a conditional use is sought.

(Ord. 595 § 7.02(B), 1982)

#### 17.68.025 - Residences in nonresidential zones.

Single-family residential units may be permitted in I-S or C-G zones with a conditional use permit using the procedures of this title with the additional provisions.

A. The following findings must be made:

1. The proposed dwelling is in character with the existing neighborhood;
2. The proposed dwelling is in an area where adjacent land uses are residential;
3. The proposed dwelling does not conflict with the permitted uses of the zone in regards to access and traffic generation.

B. The conditions of approval shall include:

1. A statement of the potential conflicts that may arise due to the issuance of the conditional use permit;
2. A statement of nonliability for conflicts arising due to the conflict of uses in the zone.

C. Conditional use permits may be issued to existing dwellings in the above zones to allow renovations under the above provisions.

(Ord. 690 § 2, 1992)

#### 17.68.030 - Application.

The application of an owner or his authorized agent for a conditional use permit shall be filed with the planning director and shall contain the following information:

- A. Name and address of applicant;
- B. Address and legal description of the property;
- C. A statement and maps, site plans, charts, diagrams, renderings and other data or exhibits which clearly define the use to be made of the property and its relationship to adjacent properties;
- D. Two maps showing all properties, public and private streets, alleys and pertinent easements within three hundred feet of the property described in the application;
- E. Such additional information as the planning director may require.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.02 (B), 1982)

#### 17.68.040 - Fee.

A fee shall accompany the application for a conditional use permit in an amount established by resolution of the city council.

(Ord. 595 § 7.02(C), 1982)

#### 17.68.050 - Review and recommendations of director.

The planning director shall review applications for conditional use permits and:

- A. Advise the city council when a hearing is required; and
- B. Prepare a report to the city council of his finding and recommendations.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.02(D), 1982)

#### 17.68.060 - Hearing before council.

The city council shall schedule and hold one public hearing prior to making its decision and may, at its own discretion, continue the hearing or schedule and hold additional hearings. Hearings shall be set and notice given as prescribed in Section 17.74.010.

(Ord. 595 § 7.02(E), 1982)

#### 17.68.070 - City council findings and action.

- A. Within thirty days following closure of the scheduled public hearing or hearings, the city council shall grant with appropriate conditions or deny the application.
- B. Before final approval of a conditional use permit, the council shall make the following findings:
  - 1. That the proposed location of the conditional use is in accord with the objectives of this title and the purposes of the zone in which the site is located;
  - 2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

(Ord. 595 § 7.02(F), 1982)

#### 17.68.080 - Reapplication after denial.

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit.

(Ord. 595 § 7.02(G), 1982)

#### 17.68.090 - Continuation of existing conditional use.

A conditional use legally established prior to the effective date of the ordinance codified in this title or prior to the effective date of subsequent amendments to the regulations or zone boundaries of this title shall be permitted to continue, provided that it is operated and maintained in accord with the conditions prescribed at the time of its establishment, if any.

(Ord. 595 § 7.02(H), 1982)

#### 17.68.100 - Permit runs with land.

A conditional use permit granted pursuant to the provisions of this title shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the conditional use permit application.

(Ord. 595 § 7.02(I), 1982)

#### 17.68.110 - Lapse from disuse.

A conditional use permit issued under the terms of this title shall lapse if no improvements to the real estate concerned have been made, and the holder of the permit shall not have utilized it within one year from the date upon which such permit shall have been granted unless by conditions of the permit a greater time is allowed.

(Ord. 595 § 7.02(J), 1982)

#### 17.68.120 - Suspension and revocation.

A conditional use permit may be suspended and subsequently revoked in accordance with procedures established in [Chapter 17.74](#).

(Ord. 595 § 7.02(K), 1982)

### Chapter 17.69 - NON-DISCRETIONARY PERMIT FOR LARGE FAMILY DAY CARE HOMES

#### Sections:

#### 17.69.010 - Definition.

"Large family day care home" means a detached, single-family dwelling which provides family day care for seven to fourteen children, inclusive, including children under the age ten years who reside at the home as defined in Section 1596.78 of the California Health and Safety Code and as permitted by the licensing agency.

(Ord. 774 § 1 (part), 2001)

#### 17.69.020 - Zoning use chart.



City of Blythe Child Care Zoning Regulations					Legend														
					P	Permitted													
					NP	Not Permitted													
					NDP	Non-Discretionary Permit													
					CUP	Permitted with a Conditional Use Permit													
					CUP*	Permitted with a Conditional Use Permit if in conjunction with public/quasi-public uses. Otherwise not allowed.													
Type of Services	R-A	R-R	R-E	R-1	R-1-5	R-2	R-3	R-4	P-O	C-1	C-2	C-3	M-1	M-2	O-A	A-S	A-D		
Small Day Care Home (6 or less children) (8 under certain conditions)	P	P	P	P	P	P	P	P	CUP	NP	CUP	CUP	NP	NP	NP	NP	NP		
Large Family Day Care Home (7 to 12 children)	NDP	NDP	NDP	NDP	NDP	NDP	NDP	NDP	CUP	NP	CUP	CUP	NP	NP	NP	NP	NP		

Day Care Center (Other than large or small family day care homes Includes pre-schools, infant centers and extended day care facilities).	NP	NP	NP	NP	NP	CUP *	CUP *	CUP *	Permitted by right if facility is in conjunction with and primarily serves adjoining businesses.  Conditional Use Permit required if facility is not in conjunction with or primarily does not serve adjoining businesses.
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(Ord. 774 § 1 (part), 2001)

17.69.030 - Non-discretionary permit fee.

A fee of two hundred fifty dollars for large family day care homes is required.

(Ord. 774 § 1 (part), 2001)

17.69.040 - Requirement for large family day care homes.

- A. The applicant shall obtain all licenses and permits required by State law for operation of the facility and shall keep all State licenses or permits valid and current. If the license is revoked for any reason, the applicant shall immediately notify the planning department.
- B. Applicants who reside on rented or leased property shall provide proof of written notice to the landlord or owner of the property that they intend to operate a family day care home on the rented or leased premises in accord with Section 1597.40(d) of the California Health and Safety Code.
- C. Use of a single-family dwelling for the purposes of a large family day care home shall not constitute a change of occupancy or use. Therefore, the facility shall comply with all zoning standards applicable to other single-family residences.
- D. The facility is the residence of the provider and the use is clearly incidental and secondary to the use of the property for residential purposes.
- E. No structural changes are proposed which will alter the character of the single-family or multi-family residence.
- F. The facility shall comply with all standards relating to fire and life safety applicable to single-family residences established by the State Fire Marshal contained in Title 24 of the California Code of Regulations as amended from time to time.
- G. The subject site shall not be located closer than one thousand two hundred lineal feet from any other large family day

care home on the same street.

- H. An outdoor play area which satisfies the requirements of the state, community care licensing division shall be provided in the rear yard and shall be enclosed by a natural barrier, wall, solid fence or other solid structure a minimum of five feet in height. The provider shall comply with all adopted and/or future noise ordinances and policies.
- I. All outdoor play areas shall be adequately separated from vehicular circulation and parking areas by a strong fence such as chain link, wood or masonry.
- J. Required garages shall be prohibited for use as a family day care home and shall be utilized for parking two of the applicant's onsite vehicles during the daily operation of the day care home rather than parking the vehicles on the street or in the driveway.
- K. The applicant shall designate the onsite driveway as the official drop-off and pick-up area for children and shall notify parents of this requirement. The driveway shall remain free and clear of parked cars.
- L. The applicant shall require that employees park in locations which will not inconvenience nearby residents. To disrupt the neighborhood as little as possible, best efforts shall be made by the applicant to require employees to park as close as possible to the family day care home.
- M. Proof of notification (by the applicant) of all property owners and/or occupants within one hundred feet of the subject property shall be provided. Please attach proof of notification (i.e. registered mail receipts or occupant's signature confirming receipt of letter).
- N. Large family day care home providers shall make a written application to the zoning administrator and shall include all materials deemed necessary by the zoning administrator to show that the requirements of this section are met. The zoning administrator shall grant the permit without a hearing if all the requirements of this section are satisfied. The decision of the zoning administrator shall be made within fifteen working days of the receipt of a complete application and provided to the applicant in writing. The decision of the zoning administrator may be appealed to the planning commission within ten days of the date of the notification by the zoning administrator. Any appeal shall be filed in accordance to the procedures set forth in Section 17.62.020C1a of this title; the appellant shall pay the fee applicable to single-family dwellings.

(Ord. 774 § 1 (part), 2001)

#### 17.69.050 - Effective date.

The ordinance codified in this chapter shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

(Ord. 774 § 1 (part), 2001)

#### 17.69.060 - Publication.

At least two days prior to its final adoption, copies of the ordinance codified in this chapter shall be posted in at least three prominent and distinct locations in the city; and a notice shall be published once in the Palo Verde Valley Times, the official newspaper of the city of Blythe, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

(Ord. 774 § 1 (part), 2001)

### Chapter 17.70 - VARIANCES

#### Sections:

## 17.70.010 - Findings required to grant.

A variance is a modification of a regulation contained in this title which may be granted only when it can be found that:

- A. Because of special circumstances applicable to a property, including size, shape, topography, location or surroundings, strict application of a regulation contained in this title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
- B. The conditions under which the variance is to be granted will assure that the authorized modification of regulations shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;
- C. The variance does not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the property.

(Ord. 595 § 7.03(A), 1982)

## 17.70.020 - Who may initiate—Procedures.

The city council may initiate a variance which thereafter shall be processed in accordance with the procedures to be followed by the planning director and the city council as set forth in the following sections of this chapter. An application for a variance may be filed with the planning director by the owners or the authorized agent of the owners of such property and processed in accordance with the requirements of this chapter.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.03(B), 1982)

## 17.70.030 - Application by property owner or agent.

An application for a variance shall be filed with the planning director by the owners or the authorized agent of the owners of the parcels of property for which the variance is sought. The application shall contain the following information:

- A. Name and address of applicant;
- B. Address and legal description of the property;
- C. A statement and maps, site plans, charts, diagrams, renderings and other data or exhibits which clearly define the use to be made of the property and its relationship to adjacent properties;
- D. Two maps showing all properties, public and private streets, alleys and pertinent easements within three hundred feet of the property described in the application;
- E. Such additional information as the planning director may require.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.03(C), 1982)

## 17.70.040 - Fee.

A fee shall accompany the application for a variance in an amount established by resolution of the city council.

(Ord. 595 § 7.03(D), 1982)

## 17.70.050 - Determination of major or minor nature.

The planning director shall review all variance applications and determine whether each is a major or minor variance within the meaning of Sections [17.70.060](#) and [17.70.070](#) and shall process each in accordance with his determination.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.03(E), 1982)

## 17.70.060 - Minor variance—Notice.

The planning director shall give notice of a filing for a minor variance in the same manner as specified for hearings before the city council in Section 17.74.010. Notice shall specify that the planning director will receive comments in writing for or against the variance for a period of ten days subsequent to publication or placement of the notice, after which time he will render his decision.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.03(F), 1982)

## 17.70.070 - Minor variance—Granting.

The planning director, after giving notice as required in Section 17.70.060 and after making the findings specified in Section 17.70.010, may grant the following variances:

- A. Front, side and rear yard setbacks: Side yards may be varied only to three feet unless meeting conditions for zero side yards specified in Chapter 17.10;
- B. Lot width: up to ten percent of required width;
- C. Allowance of the use of common recreation space as a substitute for private space;
- D. Variances pertaining to fences, hedges and walls;
- E. Building height affecting architectural features, signs and tower appropriate to the use of the premises and solar energy features;
- F. The planning director may grant a variance to the setback regulations applicable in zones R-E, R-L-1 and R-L-2 by increasing or diminishing required side and rear setbacks up to forty percent, provided that square footage of buildable area of the lot as determined by the setback provisions of Chapter 17.12 is not increased and provided that the ground floor area of all roofed structures, both main and accessory, constitute less than forty percent of the lot area. Variances meeting these standards are declared to be consistent with the finding required under Section 17.70.010.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.03(G), 1982)

## 17.70.080 - Minor variance—Request for hearing—Processing as major.

The planning director may, on his own initiative, or shall, upon receipt in writing of a request for a hearing before the city council and payment of an appeal fee as prescribed by the city council by resolution, continue to process a minor variance in accordance with procedures for a major variance.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.03(H), 1982)

## 17.70.090 - Major variance—Findings and recommendations of director.

The planning director shall review all applications he determines to be major variances and all appeals of his decisions on minor variances and:

- A. Advise the city council of the need for a public hearing; and
- B. Report to the city council his findings and recommendations.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.03(I), 1982)

## 17.70.100 - Major variance—Hearing before council.

The city council shall schedule and hold one public hearing prior to making its decision and may, at its own discretion, continue the hearing or schedule and hold additional hearings. Hearings shall be set and notice given as prescribed in Section 17.74.010.

(Ord. 595 § 7.03(J), 1982)

17.70.110 - Major variance—Grant or denial.

Within thirty days following closure of the scheduled public hearing or hearings, the city council shall grant with appropriate conditions or deny the application. Before final approval of a variance, the city council shall make the findings defined in Section 17.70.010.

(Ord. 595 § 7.03(K), 1982)

17.70.120 - Reapplication after denial or revocation.

Following the denial of a variance application or the revocation of a variance, no application for a variance for the same or substantially the same variance on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the variance.

(Ord. 595 § 7.03(L), 1982)

17.70.130 - Variances run with land.

A variance granted pursuant to the provisions of this title shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the variance application.

(Ord. 595 § 7.03(M), 1982)

17.70.140 - Lapse for lack of action.

An approved variance shall lapse if no action has been taken under it for a period of one year from the date of grant unless a greater time is allowed in the conditions of grant.

(Ord. 595 § 7.03 (N), 1982)

17.70.150 - Suspension and revocation.

A variance may be suspended and subsequently revoked in accordance with procedures established in Chapter 17.74.

(Ord. 595 § 7.03(O), 1982)

Chapter 17.72 - TEMPORARY USE PERMITS

**Sections:**

17.72.010 - Initiation—Processing.

A temporary use permit application may be initiated by the planning director, or by the owners or the authorized agent of the owners of parcels of property on which the temporary use is to be located. When initiated by the director of public works, the planning director shall process the permit in accordance with the provisions of this chapter. Other parties shall file an application as required by Section 17.72.030.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.04(A) (part), 1982)

17.72.020 - Required when.

A temporary use permit is required for the following uses:

- A. Temporary display and sales of art work;
- B. Christmas tree sales;
- C. Carnivals, circuses, special events of not over seventy-two consecutive hours;
- D. Garage or yard sales subject to the limitation of Chapter 17.58;
- E. Parking and temporary moving of construction equipment;
- F. Storage of materials incidental to the carrying on of a public works project, subdivision or other construction project;
- G. Real estate sales office or a development site;
- H. Garage or shed on development site;
- I. Model homes, model home sales offices;
- J. Such other uses as the planning director may consider to be within the intent and purposes of this chapter.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.04(A) (part), 1982)

#### 17.72.030 - Application.

An application for a temporary use permit shall be filed with the planning director by the owners or the authorized agent of owners of the parcels of property for which the permit is sought. The permit shall contain the following information:

- A. Name and address of applicant;
- B. Address and legal description of the property;
- C. A statement and maps, site plans, charts, diagrams, renderings and other data or exhibits which clearly define the use to be made of the property and its relationship to adjacent properties;
- D. Two maps showing all properties, public and private streets, alleys and pertinent easements within three hundred feet of the property described in the application. This requirement may be waived by the director of public works;
- E. Statement of the date and time the use is to cease;
- F. Such additional information as the planning director may require.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.04(B), 1982)

#### 17.72.040 - Fee—Deposit.

A fee shall accompany the application in an amount to be established by resolution of the city council. In addition, the director may require a deposit not to exceed one hundred percent of the fee. The deposit is to be refunded to the applicant upon determination by the planning director within fifteen days after the use is scheduled to cease that the property has been restored to a clean, sanitary and usable condition.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.04(C), 1982)

#### 17.72.050 - Thirty days' duration or less.

The planning director may grant permits for temporary use of thirty days or less upon a finding that the use, under conditions imposed, will not have a significant adverse impact on adjacent properties and the community.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.04(D), 1982)

#### 17.72.060 - Thirty-one to one hundred eighty days.

- A. The planning director may grant a temporary use for thirty to one hundred eighty days upon a finding that the use will not, under conditions imposed, have a significant adverse impact on adjacent properties or the community.
- B. A permit for use for thirty-one to one hundred eighty days shall be processed as if it were a minor variance.
- C. A permit processed under this section may be extended by the planning director for an additional one hundred eighty days and subsequently, by the city council, for one year.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.04(E), 1982)

#### Chapter 17.74 - NOTICES—SUSPENSIONS AND REVOCATIONS

##### Sections:

##### 17.74.010 - Notice of required public hearings.

When public hearings are required by this title and reference is made to this section, such notice shall be given by:

- A. Publication at least once in a newspaper of general circulation within the city not less than ten days before the date of a scheduled public hearing. Such notice shall state the nature of the matter to be heard, the location of the property involved, and the time and place of the hearing; and
- B. Posting of notices of such hearing at a distance not more than one hundred feet apart along both sides of each and every street upon which the property abuts for a distance of not less than three hundred feet from the boundaries of the property. The nature of the proposed action shall be printed in plain type with letters not less than one inch in height and in addition in smaller type a statement describing the property involved and the character of the proposed action.

(Ord. 595 § 7.05, 1982)

##### 17.74.020 - Suspension and revocation of permits and variances—Cause.

Failure to comply with the provisions of this title or with the conditions which are a part of an approved permit or variance are cause for suspension and revocation of a permit or variance granted under terms of this title.

(Ord. 595 § 7.06(A), 1982)

##### 17.74.030 - Suspension and revocation of permits and variances—Procedure.

The planning director may suspend a permit or variance for ninety days for failure to comply with the provisions of this title or the conditions which are a part of an approved permit or variance. The planning director shall notify the city council of his determination of noncompliance if such noncompliance has not been corrected at the end of sixty days following notice of violation having been given to the owners of the parcels of property which are in noncompliance. Thereafter, the city council may extend the suspension of the permit or variance for an additional one hundred eighty days and may initiate procedures to revoke the permit. Procedures to revoke a permit or variance shall be the same as those for granting the permit or variance.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.06(B), 1982)

#### Chapter 17.76 - INTERPRETATION OF PROVISIONS

##### Sections:



**17.76.010 - Responsibility of planning director—Written statements.**

The planning director shall interpret the provisions of this title and, when requested by persons who believe they may be injured by an interpretation, shall prepare a written statement of such interpretation.

(Ord. 630 § 2, 1987; Ord. 595 § 7.07(A) (part), 1982)

**17.76.020 - Review by planning commission.**

Upon payment of an appeal fee established by resolution of the city council, a person who asserts that he may be injured by an interpretation of the provisions of this title by the planning director may file with the planning director a request for review by the planning commission. The director shall submit to the planning commission within thirty days the request for review and his report containing his interpretation, together with such supporting data as he may deem necessary. The planning commission shall act on the request for review within thirty days of receipt of the request for review.

(Ord. 789 § 1 (part), 2004; Ord. 630 § 3 (part), 1987; Ord. 595 § 7.07 (A) (part), 1982)

**Chapter 17.78 - ENVIRONMENTAL EVALUATION****Sections:****17.78.010 - Assessments and impact reports.**

The planning director shall make an environmental assessment of all matters requiring action by the city council under this title. When the planning director determines that an environmental impact report is required under the state law and Administrative Code, he may require an applicant under this title to provide such information and data as he may deem necessary for this preparation of the required report.

(Ord. 630 § 3 (part), 1987; Ord. 595 § 7.10, 1982)

**Chapter 17.80 - BUILDING PERMITS—CERTIFICATES OF OCCUPANCY****Sections:****17.80.010 - Building permit—Required.**

No building or structure, or part thereof, shall be erected after the effective date of the ordinance codified in this title unless a building permit has been issued for such work. No building permit shall be issued for the erection or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this title.

(Ord. 595 § 8.01, 1982)

**17.80.020 - Building permit—Site plan required.**

- A. All applications for building permits shall be accompanied by a site plan drawn to scale, showing the actual dimensions of the lot to be built upon, the location, height and area of the building to be erected and such other information as may be necessary for the enforcement of this title.

- B.

Where a building is to be erected in any district and the proposed front yard is less than the prescribed minimum for the district in which the building is to be erected and when such minimum front yard is permitted to be reduced as hereinbefore specified, the site plan shall include the premises on both sides in the same block on which the premises' buildings have already been erected, together with the location of such buildings.

(Ord. 595 § 8.02, 1982)

17.80.030 - Certificate of occupancy—Required when.

- A. No building erected, moved, enlarged or altered shall be occupied, used or changed in use until a certificate of occupancy has been issued by the director of public works. Such certificate shall be applied for coincidentally with the application for a building permit and shall be issued only after such building, erection, enlargement or alteration has been completed in conformity with the provisions of this title and when the proposed use conforms thereto. Any use legally occupying an existing building at the time the ordinance codified in this chapter became effective may be continued but shall not be changed unless a certificate of occupancy for the new use has been issued by the director of public works, after finding that such use conforms with the provisions of this title and applicable ordinances.
- B. A certificate of occupancy shall also be applied for before any vacant land is used or before an existing use of vacant land is changed after the effective date of the ordinance codified in this chapter. No certificate of occupancy shall be required where the land is to be used for tilling the soil and the growing of farm, garden or orchard products.

(Ord. 595 § 8.03 (part), 1982)

17.80.040 - Certificate of occupancy—Content—Records.

- A. The certificate of occupancy shall state that the building or proposed use of a building or land complies with all the laws and ordinances and with the provisions of this title.
- B. A record of all certificates shall be kept on file by the director of public works and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

(Ord. 595 § 8.03 (part), 1982)

Chapter 17.82 - VIOLATIONS

**Sections:**

17.82.010 - Abatement, removal and enjoinder—Citizen duty to aid enforcement.

- A. Any building or structure erected or maintained and/or any use of property contrary to the provisions of this title is unlawful and a public nuisance and the city attorney shall, upon order of the city council, immediately commence action or proceedings for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person from setting up, erecting or maintaining such building or structure, or using any property contrary to the provisions of this title.
- B. It shall be the right and duty of every citizen to participate and assist the city officials in the enforcement of this title.

(Ord. 595 § 8.04, 1982)

17.82.020 - Misdemeanor penalty.

Any person violating, or anyone acting in behalf of a person violating, any of the provisions of this title shall, upon conviction thereof, be subject to a fine or imprisonment or both such fine and imprisonment to the maximum penalty permitted by the law of the state for a misdemeanor. Each day that a violation of this title is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this section.

(Ord. 595 § 8.05, 1982)

#### Chapter 17.84 - REASONABLE ACCOMMODATION PROCEDURE

##### 17.84.010 - Purpose.

This chapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

(Ord. No. 862, § 9, 10-8-13)

##### 17.84.020 - Applicability.

- A. A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a requirement of this zoning ordinance or other city requirement, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or developmental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.
- B. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
- C. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the property.
- D. A reasonable accommodation may be granted in compliance with this chapter without the need for the approval of a variance.
- E. Requests for reasonable accommodation shall be made in the manner prescribed by Section 17.84.030 of this chapter.

(Ord. No. 862, § 9, 10-8-13)

##### 17.84.030 - Application procedure.

- A. Application. Requests for reasonable accommodation shall be submitted on an application form provided by the development services department, or in the form of a letter, to the city planner and shall contain the following information:
  1. The applicant's name, address and telephone number;
  2. Address of the property for which the request is being made;
  3. The current actual use of the property;
  4. The basis for the claim that the individual is considered disabled under the Acts;
  5. The zoning ordinance provision, regulation or policy from which reasonable accommodation is being requested; and

6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

- B. Review with Other Land Use Applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (e.g., conditional use permit, design review, etc.), then the applicant shall file the application for discretionary approval together with the information required by subsection A above for concurrent review.

(Ord. No. 862, § 9, 10-8-13)

17.84.040 - Review authority.

- A. City Planner. Requests for reasonable accommodation shall be reviewed by the city planner, or his/her designee if no approval is sought other than the request for reasonable accommodation.
- B. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority responsible for reviewing the discretionary land use application.

(Ord. No. 862, § 9, 10-8-13)

17.84.050 - Application review.

- A. City Planner Review. The city planner, or his/her designee, shall make a written determination within forty-five days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section 17.84.060 (Findings and decision).
- B. Other Review Authority. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with Section 17.84.060 (Findings and decision).

(Ord. No. 862, § 9, 10-8-13)

17.84.060 - Findings and decision.

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

- A. Whether the housing, which is the subject of the request, will be used by an individual disabled under the Acts;
- B. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city;
- D. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning;
- E. Potential impact on surrounding uses;
- F. Physical attributes of the property and structures; and
- G. Alternative reasonable accommodations that may provide an equivalent level of benefit.

(Ord. No. 862, § 9, 10-8-13)

17.84.070 - Conditions of approval.

In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Section 17.84.060. The conditions shall also state whether the accommodation granted shall be rescinded in the event that the person for whom the accommodation was requested no longer resides on the property.

(Ord. No. 862, § 9, 10-8-13)