

ORDINANCE NO. 123

AN ORDINANCE OF THE CITY OF RIDGECREST
AMENDING VARIOUS SECTIONS OF ORDINANCE
NO. 80 RELATING TO DISTRICTS, CONDITIONAL
USES, YARD REQUIREMENTS, ETC.

THE CITY COUNCIL OF THE CITY OF RIDGECREST DOES ORDAIN AS
FOLLOWS:

Section 1. Pursuant to Article 19 of Ordinance No. 80 of the City of Ridgecrest, certain amendments to said Ordinance have been proposed, the Planning Commission has held the hearing and made the findings and the City Administrator has made the investigation, report and statement required by law, the City Council has held the hearing and finds the amendments set forth hereinafter are required in order to achieve the objectives of the ordinance prescribed in Section 102 thereof and are consistent with the purposes and application of the zoning district classification.

Section 2. Section 201 of Ordinance No. 80 is amended to read as follows:

"SECTION 201 - DISTRICTS

The districts established by the zoning ordinance are hereby designated as follows;

RSC RECREATION, SCHOOL AND CONSERVATION DISTRICT

UR URBAN RESERVE DISTRICT

R ONE-FAMILY RESIDENTIAL DISTRICTS

R-1-40 40,000 square feet minimum site area

R-1-10 10,000 square feet minimum site area

R-1-6 6,000 square feet minimum site area

RM MULTI-FAMILY RESIDENTIAL DISTRICTS

RM-3 3,000 square feet minimum site area
per dwelling unit

RM-2 2,000 square feet minimum site area
per dwelling unit

RM-1 1,000 square feet minimum site area
per dwelling unit

RT RESIDENTIAL TRAILER DISTRICT

PO PROFESSIONAL OFFICE DISTRICT

C COMMERCIAL DISTRICTS

CN Neighborhood Commercial District

CG General Commercial District

CS Service Commercial District

CH Highway Commercial District

- M INDUSTRIAL DISTRICTS
- ML Light Industrial District
- MH Heavy Industrial District"

Section 3. Section 503 of Ordinance No. 80 is amended to read as follows:

"SECTION 503 UR - CONDITIONAL USES - COMMISSION APPROVAL

The following uses may be permitted in accordance with the procedures prescribed in Article 15 and Section 504 A of this article.

- A. Any use listed as either a permitted use or conditional use in the RSC, RM, PO, or M Districts.
- B. Any use listed as a conditional use in the R District.
- C. The use of land as a residential, commercial or industrial subdivision, or combination thereof."

Section 4. Section 609 of Ordinance No. 80 is amended to add thereto sub-section D to read as follows:

- "D. Garages and carports shall be set back a minimum of twenty (20) feet from the front or street side property line."

Section 5. Section 707 of Ordinance No. 80 is amended to read as follows:

"SECTION 707 RM - FRONTAGE, WIDTH AND DEPTH OF SITE

- A. Each site shall not have less than sixty (60) feet of frontage on a public street, except that those sites which front on a cul-de-sac or loop-out street may have a frontage of not less than forty (40) feet provided that the width of the site as measured along the front yard setback line is at least sixty (60) feet.
- B. The minimum of width of each site shall be sixty (60) feet.
- C. The minimum depth of each site shall be as follows:

District	Interior Lot	Corner Lot
RM-3	100 feet	100 feet
RM-2	100 feet	90 feet
RM-1	100 feet	80 feet

Section 6. Section 709 of Ordinance No. 80 is amended to add thereto sub-section D to read as follows:

"D. Garages and carports shall be set back a minimum of twenty (20) feet from the front or street side property line."

Section 7. Section 815 is added to Ordinance No. 80 to read as follows:

"SECTION 815 RT - MOBILE HOMES HELD OUT FOR RENT

Mobile homes established under the provisions of this Article which are held out for rent shall constitute a mobile home park and shall be subject to all the provisions of Section 1302, excepting sub-sections A, B and H, and shall be processed as Conditional Use Permits."

Section 8. Section 908 of Ordinance No. 80 is amended to add thereto sub-section D to read as follows:

"D. Garages and carports shall be set back a minimum of twenty (20) feet from the front or street side property line."

Section 9. Section 1003 of Ordinance No. 80 is amended to delete from sub-section B 2 thereof the following:

"Fire and police stations"

Section 10. Section 1014 of Ordinance No. 80 is amended to read as follows:

"SECTION 1014 C - SITE PLAN REVIEW

Except for accessory structures, no permitted use shall be erected on any lot or site in this district until a site plan shall have been submitted to and approved by the Planning Commission to the provisions of Article 16."

Section 11. Section 1207 of Ordinance No. 80 is amended to read as follows:

"SECTION 1207 - EXISTING USES

No existing use of land or structure shall be deemed to be a non-conforming use solely because of the lack of off-street parking facilities or off-street loading facilities prescribed in this articles, provided that

facilities being used for off-street parking and off-street loading at the time of the adoption of this ordinance shall not be reduced in capacity to less than the number of spaces or berths or reduced to less than the minimum standards prescribed in this article. Where an existing use is expanded, the parking requirements of this article shall apply only to the addition."

Section 12. Section 1301 of Ordinance No. 80 is amended to read as follows:

"SECTION 1301 - HOME OCCUPATIONS

Home occupations shall comply with the following regulations:

- A. There shall be no stock-in-trade other than products manufactured on the premises.
- B. A home occupation shall be conducted within a dwelling by an inhabitant thereof and shall be clearly incidental to the use of the structure as a dwelling.
- C. A home occupation shall not be conducted in an accessory structure and there shall be no storage of equipment or supplies in an accessory structure or outside the dwelling.
- D. There shall be no external alteration of appearances of the dwelling in which a home occupation is conducted.
- E. The existence of a home occupation shall not be apparent beyond the boundaries of the site except for a non-illuminated name plate, not to exceed six (6) square feet in area.
- F. No one other than a resident of the dwelling shall be employed in the conduct of a home occupation.
- G. A home occupation shall not create any radio or television interference or noise audible beyond the boundaries of the site.
- H. Not more than one (1) truck of not more than three-quarters (3/4) ton capacity and no semi-trailers incidental to a home occupation shall be kept on the site.
- I. A home occupation shall not create pedestrian, automobile or truck traffic significantly in excess of the normal amount generated by permitted uses in the district."

Section 13. Section 1408 C of Ordinance No. 80 is amended to read as follows:

"1408C. - ALTERATIONS AND ADDITIONS TO NON-CONFORMING USES

No structure, the use of which is non-conforming shall be moved, altered or enlarged unless required by law or

unless the moving, alteration or enlargement will result in the elimination of the non-conforming use, except that a structure housing a non-conforming residential use located in a R, RM, or RT District may be moved, altered or enlarged providing the number of residential units is not increased.

No structure partially occupied by a non-conforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the non-conforming use."

Section 14. Sub-section 2 of Section 1408 E of Ordinance No. 80 is amended to read as follows:

"2. The Planning Commission shall hold a public hearing on an application for a change of use. Notice of the hearing shall be given in the manner prescribed by Section 1504 of this ordinance."

Section 15. Section 1409 is added to Ordinance No. 80 as follows:

"SECTION 1409 - APPEAL TO CITY COUNCIL

Within three (3) working days following the date of a decision of the Planning Commission on an application, the decision may be appealed to the City Council by the applicant or any other interested party. An appeal shall be made on a form prescribed by the Planning Commission and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission or wherein its decision is not supported by the evidence in the record.

Within five (5) days of the filing of an appeal, the Secretary to the Planning Commission shall transmit to the City Clerk the application and all other data filed therewith, and the minutes of the Planning Commission, report of the Secretary of the Planning Commission, the decision of the Planning Commission and its findings on the application for review and action.

The City Clerk shall give notice to the applicant and to the appellant (if the applicant is not the appellant) and shall give notice to those persons notified of the application and to any other interested party of the time when the appeal will be considered by the City Council!"

Section 16. Section 1410 is added to Ordinance No. 80 as follows:

"SECTION 1410 - ACTION OF THE CITY COUNCIL

The City Council shall hear the appeal at its next regular meeting following a period of ten (10) days after the filing of an appeal. The City Council may affirm, reverse or modify a decision of the Planning Commission on an application, provided that if a decision denying an application is reversed or a decision granting an application is modified, the City Council shall, on the basis of the record transmitted and such additional evidence as may be submitted, make the findings prerequisite to the granting of an application which may be applicable.

The City Council may refer the application back to the Planning Commission for the consideration of additional evidence submitted at the time of the public hearing.

An application which has become the subject of an appeal shall become effective three (3) working days following the date on which the application is affirmed or modified by the Council."

Section 17. Sub-section B of Section 1602 of Ordinance No. 80 is amended to read as follows:

"B. The Secretary to the Planning Commission shall make an investigation of the site plan as to the completeness and accuracy of the information required by paragraph A of this section and shall prepare a report thereon which shall be submitted to the Planning Commission. Such report shall include a recommendation as to conditions to be required by the Commission pursuant to Sections 1508 and 1603, a recommendation as to the action to be taken by the Commission, and a statement supporting such recommendation. The Secretary to the Planning Commission shall give written notice to the applicant of the time when the site plan will be reviewed by the Planning Commission."

Section 18. Sub-sections B and C of Section 1703 of Ordinance No. 80 are amended to read as follows:

- "B. Any use permitted in a PO, CN, or CG District as a permitted use or conditional use, or any combination of such uses may be included in a planned unit development located in a CN, CG. or UR District.
- C. Any use permitted in any CS, ML, or MH District, as a permitted use or conditional use, or any combination of such uses may be located in a

planned unit development located in a ML, MH
or UR District."

Section 19. Section 1804 of Ordinance No. 80 is amended to read as follows:

"SECTION 1804 - HEARING AND NOTICE

The Planning Commission shall hold a public hearing in accordance with the provisions of Section 1504."

Section 20. Section 1806 of Ordinance No. 80 is amended to read as follows:

"SECTION 1806 - INVESTIGATION AND REPORT

The Secretary to the Planning Commission shall make an investigation and shall prepare a report thereon in accordance with the provisions of Section 1506."

Section 21. Sections 1808 and 1809 of Ordinance No. 80 are repealed.

Section 22. Section 1811 of Ordinance No. 80 is amended to read as follows:

"SECTION 1811 - LAPSE OF VARIANCE

A variance shall lapse and shall become void one (1) year following the date on which the variance becomes effective unless by conditions of the variance a greater time is allowed, or unless prior to the expiration of one (1) year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application.

A variance may be renewed for an additional one (1) year provided that prior to the expiration of one (1) year from the date when the variance originally becomes effective, an application for renewal of the variance is made to the Planning Commission. The Commission may grant or deny an application for renewal of a variance."

Section 23. Section 1904 of Ordinance No. 80 is amended to read as follows:

"SECTION 1904 - PUBLIC HEARING - NOTICE

The Planning Commission shall hold a public hearing on each application for a change in district boundaries

or of a district regulation, off-street parking or loading facilities requirement, general provision, exception or other provision of this ordinance initiated by the Commission or the City Council within sixty (60) days of the date when the application was filed or the proposal was initiated. Notice of public hearing shall be given by the Secretary of the Planning Commission not less than ten (10) days nor more than twenty (20) days prior to the date of the public hearing by publication of a notice of the time and place of the hearing in a newspaper of general circulation published and circulated within the City, and by mailing, postage prepaid, a notice of the time and place of the hearing to all persons whose names appear on the latest adopted tax roll of Kern County as owning property within three hundred (300) feet of the boundaries of the areas occupied or to be occupied by the use which is the subject of the hearing."

Section 24. Section 1906 of Ordinance No. 80 is amended to read as follows:

"SECTION 1906 - INVESTIGATION AND REPORT

The Secretary to the Planning Commission shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission, including a recommendation as to the action to be taken by the Commission and a statement supporting such recommendation."

Section 25. Section 1907 of Ordinance No. 80 is amended to read as follows:

"SECTION 1907 - ACTION OF THE PLANNING COMMISSION

Within sixty (60) days following the completion of the public hearing, the Planning Commission shall make a specific finding in writing as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 102 and whether the change would be consistent with the purposes and intended application of the zone classification proposed. The Commission shall transmit a report to the City Council recommending that the application be granted or denied or that the proposal be adopted or rejected, including a written statement of the reasons for the recommendation, together with one (1) copy of the application, resolution of the Commission or request of the City Council, the scale drawing of the site and the surrounding areas and all other data filed therewith, the minutes of the public hearing, the report of the Secretary to the Planning Commission, and the findings of the Commission."

Section 26. Section 1908 of Ordinance No. 80 is amended to read as follows:

"SECTION 1908 - ACTION OF THE CITY COUNCIL

Upon receipt of the resolution or report of the Planning Commission, the City Council shall hold a public hearing; provided, however, that if the matter under consideration is an amendment to change property from one district classification to another, and the Planning Commission has recommended against the adoption of such amendment, the City Council need not take any further action thereon unless an interested party shall request such a hearing by filing a written request with the City Clerk within ten (10) days after the Planning Commission files its recommendations with the City Council.

Notice of the time and place of said hearing shall be given in the time and manner provided under Section 1904 of this article.

The City Council, after the close of the public hearing, shall make a specific finding in writing as to whether the amendment is required in order to achieve the objectives of the zoning ordinance prescribed in Section 102, and, when applicable, whether the amendment would be consistent with the purposes and application intended for the zoning district classification proposed.

The City Council may approve, modify or disapprove the recommendation of the Planning Commission; provided, however, that any modification shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a hearing thereon. Failure of the Planning Commission to report within forty (40) days of the reference, or such longer period as may be designated by the City Council shall be deemed to be approval of the proposed modification.

If the Council finds that the proposed change is required, in its original or modified form, it shall enact an ordinance amending the regulations of this ordinance, or grant a special zoning exception as prescribed in Section 1909. If the Council finds that a change is not required, it shall deny the application of proposal for change."

PASSED AND ADOPTED on the 1st day of October,
1970, by the following vote:

AYES: Mayor Smith, Councilmen Edwards, Kessler, Shacklett

NOES: None

ABSENT: Councilman Fox

Kenneth M. Smith
Mayor

Attest:

James R. Hoch
City Clerk