

ORDINANCE NO. 33

AN ORDINANCE AMENDING ORDINANCE NO. 10 ESTABLISHING AN INTERIM ZONING DISTRICT FOR THE CITY OF RIDGECREST PENDING THE ADOPTION OF A ZONING ORDINANCE

The City Council of the City of Ridgecrest does ordain as follows:

SECTION 1 PURPOSE

The City Council of the City of Ridgecrest hereby declares it to be its intention to proceed within a reasonable time with the consideration of a General Plan and a zoning plan based thereon for the City of Ridgecrest and to adopt a zoning ordinance and zone plan for the City of Ridgecrest. Said City Council hereby finds that owing to the necessity for careful studies and thorough analysis of facts in the preparation of the aforesaid zoning ordinance and plan, considerable time will necessarily elapse before said plans will be before said City Council for consideration and that certain regulations of an interim nature are necessary to be adopted at this time in order to protect the character and stability of the uses of property and orderly development of said city and otherwise to protect the public health, safety, comfort, convenience and general welfare pending the preparation and adoption of the aforesaid zoning ordinance and zoning plan. Said regulations are hereinafter set forth in this ordinance.

SECTION 2 INTERIM ZONE DISTRICT NO. 1

The entire incorporated area of the City of Ridgecrest is hereby established as Interim Zone District No. 1.

SECTION 3 APPLICATION

Within Interim Zone District No. 1 no use of any land, building or other structure shall hereafter be established or established and conducted, and no building or other structure shall hereafter be erected, constructed, moved or converted, if such use of such building or structure or the erection, construction, moving or conversion of the same would be detrimental to property and improvements in the neighborhood or injurious to persons residing or working in the neighborhood or hazardous to traffic on adjacent streets or highways or if the same would otherwise adversely affect the welfare of said neighborhood or of the City.

SECTION 4 PROHIBITED USES

The following uses are hereby prohibited in Interim Zone District No. 1: Auto wrecking yard or establishment, junk yard or establishment, hog ranch, dump, and any other use which in the opinion of the City Council is equally or more obnoxious by reason of its general character.

SECTION 5 PRE-EXISTING USE PERMITS

In order to provide continuity during the transitional period covered by this interim ordinance pending adoption of the official zoning ordinance and plan, all existing or proposed uses in Interim Zone District No. 1 for which a duly authorized use permit was issued by the Kern County Planning Commission or Board of Supervisors prior to the City's Incorporation are hereby deemed to have been conditionally approved by the City Council. A use permit granted under the provisions of any zoning ordinance of the

County of Kern prior to the enactment of this ordinance or incorporation of the City of Ridgecrest shall become null and void at the end of one (1) year following the date of original approval or extension thereof granted by the County of Kern. In the event of any conflict between the provisions, requirements or conditions originally approved in granting a pre-existing use permit and the provisions of this ordinance, the provisions of this Ordinance No. 10 shall have precedence. Before any building permit shall be issued for any building or structure proposed as part of an approved pre-existing use permit, the Building Official shall determine that all proposed facilities and improvements are in conformity with the site plan and conditions as originally approved. The applicant for such building permit shall provide the Building Official with the officially approved copy of the site plan and conditions of approval.

#### SECTION 6 PERMITTED USES

The following uses are hereby permitted in said Interim Zone District No. 1 without requiring a use permit from the City Council for the establishment of any such use: One family residences, subject to provisions of Section 8, crops and tree farming, and uses and buildings accessory or incidental thereto which are located on the same site as the permitted use.

#### SECTION 7 USE PERMIT

No other use than those hereinbefore in Section 6 enumerated, including the use of land as a residential subdivision, shall be established in Interim Zone District No. 1 and no building structure or other improvement shall be erected, constructed, moved or altered in said Interim Zone District No. 1 for any use other than those hereinbefore in Section 6 enumerated, unless and until a use permit shall first have been secured from the City Council for the establishment of such use or for the erection, construction, moving or alteration of such building or structure.

##### A. APPLICATION

Application for a use permit shall be made to the City Planning Commission on a form prescribed by the Commission which shall include the following data:

1. Name and address of the applicant.
2. Statement that the applicant is the owner of the property or is the authorized agent of the owner or the plaintiff in an action of eminent domain to acquire the property involved.
3. Address and legal description of the property.
4. Statement setting forth the precise circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right, together with any other data pertinent to the findings prerequisite to the granting of a use permit as prescribed under Paragraph 8 herein.
5. An accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the existing locations of streets and property lines and the names and addresses of the recorded

legal owners of all properties shown on the drawing. County Assessor's maps may be used for this purpose.

6. Preliminary floor plans and front, side and rear elevations of proposed structures.
7. Three prints of a site plan, drawn to scale, which shall indicate clearly and with full dimensions the following information:
  - a. Lot or site dimensions.
  - b. The location and proposed use of all buildings and structures.
  - c. Yard areas and space between buildings.
  - d. The location, height and materials to be used in the construction of walls and fences.
  - e. Off-street parking and off-street loading areas: location, number of spaces and dimensions of parking and loading areas and pattern of vehicular circulation within parking and loading areas.
  - f. Access: pedestrian, vehicular and service access, points of ingress and egress, pattern of internal circulation and width of drives and walks.
  - g. Signs: location, size, height, and type of illumination, if any, including provisions for hooding devices.
  - h. Street dedications and improvements, method of surfacing all drives and off-street parking and loading areas and means of surface water drainage.
  - i. Type and location of landscaping.
  - j. Such other data as may be required by the Planning Commission to make the required findings as prescribed under Paragraph D herein.

8. The application shall be accompanied by a fee to be set by the City Council sufficient to pay the cost of handling the application.

#### B. PUBLIC HEARING

1. The Planning Commission may hold a public hearing on an application for a use permit. Such hearing shall be held within forty-five (45) days of the date when the application was filed. Notice of the public hearing shall be given not less than ten (10) days nor more than twenty (20) days prior to the date of the hearing 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 occupied or to be occupied by the use which is the subject of the hearing.
2. At the public hearing, the Planning Commission shall review the application and statement and drawings submitted therewith and shall receive pertinent evidence and testimony concerning the proposed use and the proposed conditions under which it would be operated and maintained, particularly with respect to the findings prescribed under Paragraph D of this section.

In the case of a proposed subdivision, the maps and information required in filing the tentative subdivision maps may be substituted in part or in total for the above information required under Section 7.7A.

### C. INVESTIGATION, REPORT AND NOTICE

The Office of the City Administrator shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission. Such report shall include a recommendation as to the action to be taken by the Commission, together with a statement supporting such recommendation. Written notice shall be given to the applicant of the time when the application will be considered by the Commission.

### D. ACTION BY THE PLANNING COMMISSION

1. The Planning Commission may grant an application for a use permit as the use permit was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Commission makes all of the following findings:
  - a. That there are circumstances or conditions applicable to the land, structure or use which makes granting of a use permit necessary for the preservation and enjoyment of a substantial property right.
  - b. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or general welfare, or materially injurious to or inharmonious with properties or improvements in the vicinity.
  - c. That sufficient off-street parking and off-street loading facilities will be provided on the site of the proposed use so as not to result in the parking or loading of vehicles on public streets in such manner as to interfere with the free flow of traffic on the streets.
  - d. That the following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected and there will be no adverse effect on surrounding properties:
    - (1) Facilities, improvements and utilities.
    - (2) Vehicular ingress, egress and internal circulation.
    - (3) Height of buildings, location of service use areas, walls, landscaping and drainage of site.
  - e. Proposed lighting is so arranged as to deflect the light away from adjoining properties.
  - f. Proposed signs will not, by size, location, color or lighting, interfere with traffic or limit visibility.
  - g. That proposed street dedications and street improvements subject to provisions of Section 9 will be adequate in relation to increases in vehicular traffic on adjacent public streets generated by the proposed use.
  - h. That the granting of the use permit will not constitute a grant of special privilege inconsistent with the limitations imposed on the use of similarly situated properties by this ordinance.
2. A use permit may be revocable <sup>or</sup> may be granted for a limited time period, or may be granted subject to such conditions as the Planning Commission may prescribe.

The Planning Commission may deny an application for a use permit.

3. Within five (5) days following the date of a decision by the Planning Commission, the Secretary of the Commission shall transmit to the City Clerk written notice of the decision together with the use permit application and all other data filed therewith, and the minutes of the public hearing, if any, the report of the City Administrator and the findings of the Commission.

#### **E. CONDITIONS OF APPROVAL**

In recommending approval of a conditional use permit, the Planning Commission shall, in its resolution, state that conditions of approval are necessary to protect the public health, safety and general welfare. Such conditions may include:

1. Special yards, spaces and buffers
2. Fences and walls
3. Surfacing of parking areas and provision for surface water drainage subject to city specifications.
4. Requiring street dedications and improvements subject to the provisions of Section 10, including service roads or alleys.
5. Regulations of points of vehicular ingress and egress
6. Regulation of signs
7. Requiring maintenance of the grounds
8. Requiring landscaping and maintenance thereof
9. Regulation of noise, vibration, odors and other similar characteristics
10. Regulation of time for certain activities to be conducted on the site
11. Time period within which the proposed use shall be developed
12. A bond or deposit of money for the completion of street improvements and other facilities or removal of such use within a specified period of time, to assure faithful performance on the part of the applicant, and
13. Such other conditions as will make possible the development of the city in an orderly and efficient manner, in conformance with the intent and purposes set forth in this ordinance.

#### **F. REVIEW AND ACTION BY THE CITY COUNCIL**

At the first meeting of the City Council held not later than <sup>thirty (30)</sup> days after a decision on a use permit application by the Planning Commission, the City Council may affirm, reverse or modify a decision of the Planning Commission, provided that if a decision denying a use permit is reversed or a decision granting a use permit is modified, the City Council shall, on the basis of the record transmitted and such additional evidence submitted, make the findings prerequisite to the granting of a use permit prescribed under Paragraph D of this Section. A use permit shall become effective three (3) days following the date on which the use permit is granted by the City Council.

## **G. LAPSE OF PERMIT**

A use permit shall lapse and become null and void one (1) year following the date on which the use permit became effective unless prior to the expiration of one (1) year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application. A use permit may be renewed for an additional period of one (1) year, provided that prior to the expiration of one (1) year from the date when the use permit originally becomes effective, a written application for renewal of the use permit is filed with the Planning Commission. The Planning Commission and City Council may grant or deny an application for renewal.

## **SECTION 8 SITE PLAN REVIEW**

No one-family residence, including accessory structures, shall be constructed in or moved into Interim Zone District No. 1 unless and until a site plan of the proposed use is approved in accordance with the following procedure:

### **A. SITE PLAN**

The applicant shall submit three (3) prints of the site plan to the Planning Commission. The site plan shall be drawn to scale and shall indicate clearly and with full dimensions the following information:

1. Lot or site dimensions
2. All buildings and structures: locations, setback, size, height, proposed use.
3. Yards and space between buildings.
4. Street dedications and improvements.
5. Such other data as may be required by the Planning Commission to make the required finding.

### **B. ACTION OF PLANNING COMMISSION**

Within fifteen (15) working days after submission of the site plan, the Planning Commission shall approve, disapprove or approve with conditions. Such conditions may include:

1. Requiring street dedication and improvements subject to provisions of Section 9.
2. Such other conditions as will make possible the development of the city in an orderly and efficient manner, in conformance with the intent and purposes set forth in this ordinance.

The decision of the Planning Commission shall be final unless appealed to the City Council.

### **C. APPEAL TO CITY COUNCIL**

The applicant or any aggrieved person may appeal, in writing, setting forth his reason for such appeal to the City Council. Such appeal shall be filed with the City Clerk within fifteen (15) days after the Commission's decision. The appeal shall be placed on the agenda of the Council's next regular meeting after the appeal is filed. The Council shall review the site plan and shall approve, approve with conditions or disapprove. The decision of the Council will be final.

### **D. NOTIFICATION**

The approved site plan with any conditions shown thereon or attached thereto, shall be dated and signed by the City Administrator. One (1) copy of the said site plan and conditions shall be mailed to the applicant.

**SECTION 9 PERMITS, CERTIFICATES AND LICENSES**

Before a building permit shall be issued for any building or structure proposed as part of an approved Use Permit or Site Plan Review application, the Building Official shall determine that all proposed facilities and improvements are in conformity with the site plan and conditions officially approved.

All governmental officials, departments and employees vested with the public authority or duty to issue permits, certificates or licenses within the City of Aldercrest shall comply with the provisions of this ordinance and shall issue no permit, certificate or license which conflicts with the provisions of this ordinance. Any permit, certificate or license issued in conflict with the provisions of this ordinance shall be null and void.

**SECTION 10 STREET DEDICATIONS AND IMPROVEMENTS**

Because of the changes that may occur affecting the existing city street system or the future street pattern due to vehicular traffic or other conditions generated by new uses and facilities, and upon the principle that such developments should be required to provide street dedications and improvements as near as practicable in proportion to such changes, the following dedications and improvements may be deemed necessary by the Planning Commission or City Council and may be required as a condition or conditions to the approval of any use permit or site plan:

**A. DEVELOPMENTS BORDERING OR TRAVERSED BY AN EXISTING STREET**

If the development borders or is traversed by an existing street, the applicant may be required to:

1. Dedicate all necessary rights-of-way to widen a bordering minor or collector street to the extent of one-half (½) the ultimate width established by the City as the standard for such minor or collector street.
2. Dedicate all necessary rights-of-way to widen a traversing minor or collector street to its ultimate width established by the City as the standard for such minor or collector street.
3. Dedicate all necessary rights-of-way to widen a bordering or traversing major street to the standards of width required for a collector street under paragraphs 1 and 2 above.
4. Set back all facilities the required distances from ultimate property lines along a major street as shown on any master, official or precise plan of streets and highways.
5. Install curbs, gutters, sidewalks, street signs, street lights and street trees along one side of a bordering or along both sides of a traversing minor, collector or major street.
6. Install utilities and drainage facilities to the full extent of the service requirements generated by the development.
7. Grade and improve bordering minor or collector streets from curb to the center line of the ultimate right-of-way.
8. Grade and improve traversing minor or collector streets from curb to curb.
9. Grade and improve the parking lane and one traffic lane adjacent to the development along a bordering major street.

10. Grade and improve both parking lanes and the two outside traffic lanes of a traversing major street.
- B. Except as provided in Section 10-C, all new roads shall be dedicated and improved in accordance with the requirements of Section 10-A.
- C. Where a frontage road is provided and improved along a major street in accordance with City standards, the street dedication and curb, gutter, sidewalk, street sign, street light, grading and paving requirements of Section 10-A shall not be required.
- D. Where access to or from a bordering or traversing major street is prohibited as a condition of approval or by law, the curb, gutter, sidewalk, street sign, street light, grading and paving requirements of Section 10-A shall not be required.
- E. All improvements shall be to City of Ridgcrest standards existing at the time the site plan is approved and shall be installed at the time of the proposed development. Where it is determined by the Planning Commission that it is impractical to put in any or all improvements at the time of the proposed development, an agreement to make such improvements may be accepted in lieu thereof. In any event, the applicant shall enter into an agreement with the City for the provision of improvements before a building permit may be issued, at which time there shall be money deposited with the City or a performance bond posted with the City, in an amount equal to the estimated cost of the improvements, to guarantee the making of such improvements.

## SECTION 11 RESIDENTIAL SITE DEVELOPMENT

All residences hereafter erected or enlarged within or moved into Interim Zone District No. 1 shall be located on a site which shall have the following:

- (a) at least sixty (60) feet of frontage on a public street or highway, 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 fifty (50) feet,
- (b) A side yard on each side of said residence, exclusive of a side yard of any other building or structure, of at least five (5) feet in width,
- (c) A front yard setback of at least twenty <sup>25</sup>/~~20~~ feet, and
- (d) An area of not less than 6000 square feet.

A variance from one or more of the above requirements may be granted by the Planning Commission at the time of reviewing the site plan, if, on the basis of the application and evidence submitted, the Commission makes the following findings:

- (a) That the enforcement of the above requirements would result in practical difficulty or unnecessary physical hardship inconsistent with objectives of this ordinance.
- (b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other residential properties.
- (c) That enforcement of the above requirements would deprive the applicant of privileges enjoyed by the owners of other

6. **Junk Yard --** A site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards and the like, excepting a site on which uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this section. An establishment for the sale purchase or storage of used cars, farm equipment or salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junk yard.
7. **Lot --**
  - (a) A single parcel of land for which a legal description is filed of record or the boundaries of which are shown on a subdivision map or record of survey map filed in the office of the County Recorder.
  - (b) The term "lot" shall include a part of a single parcel of land when such part is used as though a separate lot for all of the purposes and under all of the requirements of this ordinance.
  - (c) The term "lot" shall include two or more abutting lots when combined and used as though a single lot.
8. **Lot Area --** The total horizontal area within the lot lines of a lot.
9. **Lot Line, Front --**
  - (a) In the case of an interior lot, a line separating the lot from the street.
  - (b) In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.
10. **Lot Line, Rear --**
  - (a) A lot line which is opposite and most distant from the front lot line; or
  - (b) In the case of a irregular, triangular or gore-shaped lots, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line.
11. **Off-Street Loading Facilities --** A site or a portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.
12. **Off-Street Parking Facilities --** A site or a portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, access drives and landscaped areas.
13. **Residence, One-Family --** A structure designed exclusively for occupancy or occupied by one family for residential purposes.
14. **Sign --** Any letter or symbol made of cloth, metal, paint, paper, wood or other material of any kind whatsoever placed for advertising, identification or other purposes on the ground or on any wall, post, fence, building, structure, vehicle or on any place whatsoever. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever except the painting of a sign on a window or wall of a building.
15. **Site --** A parcel of land, subdivided or unsubdivided, occupied or