

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS
AMENDING SECTION SEVEN (7) (GENERAL PROVISIONS AND EXCEPTIONS) OF
THE ZONING ORDINANCE OF THE CITY OF WILLOWS PROVIDING
PROCEDURES FOR THE ESTABLISHMENT AND REGULATION OF THE
TEMPORARY USE OF STORAGE CONTAINERS, AND AMENDING THE EXISTING
APPROVAL PROCESS TO ALLOW THE CONTINUED USE OF A NON
CONFORMING BUILDING INTENDED FOR RESIDENTIAL USE WITHIN THE
CITY OF WILLOWS WITH THE REMAINDER OF THE GENERAL PROVISIONS
AND EXCEPTIONS REMAINING UNCHANGED**

**THE CITY OF COUNCIL OF THE CITY OF WILLOWS DOES ORDAIN AS
FOLLOWS:**

SECTION 1. The City Council does hereby amend Section Seven (7) (General Provisions and Exceptions) of the City of Willows Zoning Ordinance to read as follows

7.01 SCOPE

Each and every district shall be subject to the provisions of this chapter in addition to the requirements and regulations set out in each of the district regulations.

7.02 ACCESSORY BUILDINGS

Accessory buildings conforming to the building code of the City of Willows shall be permitted as follows:

- (1) Attached Accessory Building. An accessory structure may be attached to the main building. Provided that it shall be made structurally a part of and have a common wall with the main building and it shall comply with all other requirements, including setbacks, for main buildings.
- (2) Detached Accessory Buildings. Detached accessory buildings shall be located as follows:
 - (A) To comply with side and front yard requirements for main buildings
 - (B) Three (3) feet from the rear property line, unless the property abuts an alley. If abutting an alley, no rear setback is required.
 - (C) Ten (10) feet from any property line abutting a public street.
- (3) Accessory building(s) shall not be erected in any R district, unless and until the main building is erected and occupied or until a Use Permit is first secured.

7.03 ACCESSORY USES

Accessory uses as defined in Section 6.05 of this code shall be permitted as appurtenant to any permitted use without the necessity of securing an Administrative Use Permit or Use Permit, unless particularly provided in this chapter.

7.04 BED AND BREAKFAST

- (1) These regulations shall apply wherever the Bed and Breakfast use is permitted.
 - (A) A maximum of five (5) guest bedrooms or ten (10) guests at one time shall be provided by a Bed and Breakfast establishment.
 - (B) The owner/operator shall reside on the property.
 - (C) Meals shall not be provided to other than guests of the establishment.
 - (D) All facilities shall meet with the Health and Safety regulations of the Glenn County Health Department.

7.05 FENCES

- (1) Fences shall not be placed or erected on public property unless an encroachment permit has been first obtained from the Director of Public Works.
- (2) In "R" districts, fences in side and rear yards may not exceed six (6) feet in height and may not exceed three and one-half (3 ½) feet in front yards.

7.06 HEIGHT EXCEPTIONS

Towers, spires, chimneys, machinery penthouses, scenery lofts, cupolas, water tanks, radio aerials, television antennas and similar architectural and utility structures and necessary mechanical appurtenances may be built and used to a height not more than ten (10) feet above the height limit established for the district in which the structures are located; provided, however, no such architectural or utility structure in excess of the allowable building height shall be used for sleeping or eating quarters or for any commercial advertising purposes. Additional heights for public utility structures may be permitted upon the approval of the Planning Commission.

7.07 HOME OCCUPATIONS

A home occupation as defined in Section 6.52 shall be permitted in any residence upon first securing a Use Permit only if all the following regulations can be met:

- (1) Is confined completely within a legal structure and occupies not more than twenty-five (25) percent of the floor space of a dwelling or fifty (50) percent of that of an accessory building.

- (2) Involves no sales of merchandise other than that produced on the premises or directly related to and incidental to the services offered.
- (3) Is carried on by the member of the family occupying the dwelling with no other persons employed.
- (4) Produces no evidence of its existence upon or beyond the premises such as external alteration creating non-residential or unsightly appearance of a structure, noise, smoke, odors, vibrations, etc., except one sign not to exceed two (2) square feet in area and pertaining directly to the particular home occupation. The sign must be approved by the Planning Commission with regard to design and placement.
- (5) Does not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which such use is located.
- (6) Meets the requirements of the chief building inspector and fire district of the jurisdiction.

7.08 TEMPORARY USE

Notwithstanding any of the provisions of this title to the contrary, the following uses shall be permitted in any zoning district of the City upon the issuance of an Administrative Use Permit in the manner hereinafter provided by Section 25 of this code:

- (1) Circuses, carnivals, and amusement parks.
- (2) Temporary use of trailer, mobile homes, manufactured housing, or modular units for temporary office or caretaker quarters.
- (3) Temporary uses not specifically identified in this section and not normally associated with or accessory to uses permitted in the zoning districts.
- (4) Temporary storage container units: as defined in Section Six (6.88(a)) shall be temporarily permitted in all zoning districts only when associated with construction projects for the housing of tools, and equipment building assembly operations for which a building permit has been issued subject to the following standards:
 - (A) The Permit for the Temporary Storage Container shall not be issued prior to issuance of a building permit for the project.
 - (B) The Permit shall be granted for a period not to exceed twelve (12) months.
 - (C) The Permit shall expire when the project receives a Certificate of Occupancy or the building permit expires, whichever occurs first.

(D) Zoning district setbacks shall apply to the placement and location of the storage units.

(E) Storage containers shall not be used for any type of advertising.

(F) Permanent storage container units shall be prohibited.

7.09 NONCONFORMING USES

(1) Continuation

(A) The lawful use of land existing at the time of the passage of this ordinance, although such use does not conform to the provisions hereof, may be continued. However, nonconforming commercial and industrial uses operated on open land not accessory to a permanent building on the site may be continued for a period not longer than five (5) years after such uses become nonconforming.

(B) If any nonconforming use is abandoned or discontinued for any reason, subsequent use of such land shall be in conformity with the provisions of this ordinance. The discontinuance of a nonconforming use for a period of six (6) months or more is, in itself, prima facie evidence of abandonment.

(2) Changing to Another Such Use

If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.

(3) Alterations of Buildings

No existing building designed, arranged or intended for or devoted to a use not permitted under the regulations of this ordinance for the district in which such building or premises is located shall be enlarged, extended, reconstructed, or structurally altered, unless such use is changed to a use permitted under the regulations specified by this ordinance for such district in which said building is located. However, authorized maintenance shall be permitted not exceeding a total amount (during a period of five (5) years) of fifty (50) percent of the assessed value of the building according to the assessments thereof by the assessor of the County.

Notwithstanding the above, an owner of a nonconforming building intended for residential use may apply for a Conditional Use Permit to allow maintenance of the building in excess of the amount specified.

(4) Destruction of Building

If at any time any building is in existence or maintained at the time of the adoption of this ordinance or amendments thereto which does not conform to the regulations for the district in which it is located shall be destroyed by fire, explosion, act of God, or act of the public enemy, to the extent of more than fifty percent (50%) of the value thereof, then and without further action by the City Council, said building and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations of the district in which such land and/or building is located. For the purposes of this ordinance, the value of any building shall be the estimated cost of the replacement of the building in kind, as determined by the Building Official.

Notwithstanding the above, non conforming residential structures solely for residential use located in an office, commercial or industrial zone may be continued as a residential use provided that there shall be no increase in the number of dwelling units or total floor area of the former structure. An owner of a nonconforming building intended for residential use may at any time apply to the City Manager or his/her designee for a Zoning Clearance Letter Conditional Use Permit to allow the continued use, maintenance and improvement of the nonconforming ~~building,~~ structure including its reconstruction in the event it is destroyed more than fifty percent (50%) by any of the enumerated acts, provided that the following conditions are met:

A. A building permit for reconstruction is issued within 6 months of destruction.

B. Reconstruction conforms to the current development standards regarding parking, height, setback, and other provisions of this code.

(5) Applicability of Article to New or Changed Districts

The foregoing provision shall also apply to nonconforming uses in districts hereafter changed or established, and any time limit for the suspension of a nonconforming use of the land shall date from the date of the enactment of this ordinance or any amendment of district boundaries which first creates a nonconforming use or uses.

(6) Certificate of Use and Occupancy

The owner or occupant of any land or building classified as a nonconforming use under provisions of this ordinance shall, upon notification by the Planning Commission, make application for a Certificate of Use and Occupancy and shall, on a schedule established by the Planning Commission, thereafter apply for renewal of said Certificate. The Planning Commission may waive the requirement for initial application for a Certificate of Use and Occupancy and/or

periodic renewal, either on a case-by-case basis, or categorically for a class of classes of nonconforming properties.

(7) Enlargement of Nonconforming Use

Any nonconforming use or building may be permitted to be enlarged, extended, reconstructed, or structurally altered in cases where an application for a Use Permit is first approved, as provided in Section 26 Use Permits. The regulations of this article are subject to this section.

7.10 YARDS

- (1) No yard or other open space provided about any building for the purpose of complying with the regulations of this ordinance shall be considered as providing a yard or open space for any other building or structure.
- (2) In any case where a setback line, building line or official plan line has been established, the required yards on the street frontage of lots shall be measured in accordance with such lines and in no case shall the provisions of this ordinance be construed as permitting any structure to extend beyond such lines.
- (3) Garages, carports and other accessory buildings may be attached to and have a common wall with the main building, or when located as required by this ordinance, may be connected thereto by a breezeway.
- (4) Cornices, eaves, canopies, fireplaces, and similar architectural features, but not including any flat wall or window surface, may extend into any required yard a distance not to exceed two (2) feet.
- (5) Uncovered porches or stairways, fire escapes or landing places may extend into any required front or rear yard a distance not to exceed six (6) feet and into any required side yard a distance not to exceed one-half (1/2) of the width of the side yard required for the lot.
- (6) In any R district where fifty (50) percent or more of the building sites in any one block or portion thereof in the same district have been improved with buildings, the required front yard shall be a depth equal to the average of the front yards of the improved building sites, to a minimum requirement of that specified for the district, but in no case less than sixteen (16) feet.
- (7) In any full block frontage lots, the front yards may be varied so that the required yard depth is not reduced more than five (5) feet, the average of all lots equals the required yard depth and corner lot yards are not reduced.

- (8) No yard may be used or allowed to be used for the storage, accumulation or placement of junk, automobiles or other motor vehicles, machinery, or building materials except:
- (A) Automobiles regularly in use which are parked within the off-street parking space provided for on said property,
 - (B) Building materials as may necessarily be required for construction upon the lot wherein said yard is located immediately prior to and during such construction.
 - (C) As may be allowed by the specific regulations applicable to the district wherein said yard lies.
 - (D) The temporary use of a storage container as permitted under Section 7.08(4).

SECTION 2. The City Council of the City of Willows finds that the foregoing amendment and adoption of Ordinance No. _____ is consistent with the General Plan, all applicable specific Plans and the City of Willows Zoning Ordinance.

SECTION 3. The City Council of the City of Willows has considered the proposed Negative Declaration, along with comments received during the public review period and the environmental impacts outlined in the Negative Declaration prior to the adoption of this Ordinance, and have approved the Negative Declaration by the adoption of Resolution _____.

The City Council of the City of Willows further finds that the California Environmental Quality Act and environmental protection has been complied with by virtue of the above findings and the CEQA Resolution No. _____ passed prior to the adoption of this amendment.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Judicial Review. The time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

SECTION 6. Effective Date. This Ordinance shall become effective 30 days after the date of adoption.

SECTION 7. Posting. The City Clerk shall cause this Ordinance to be published and/or posted within fifteen days after its adoption.

INTRODUCED for first reading on the _____ day of _____, 2007.

PASSED AND ADOPTED at a _____ meeting of the City Council of the City of Willows on the _____ day of _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

VINCE HOLVIK, Mayor

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
City Attorney

