

Ordinance O-63-07

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AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE; TO AMEND CERTAIN SECTIONS OF CHAPTER 78 ENTITLED "ZONING ORDINANCE;" TO DELETE SECTION 78-201 "BUILDING RESTRICTIONS ON CITY RIGHT-OF-WAY" AND SUBSTITUTE A NEW SECTION 78-201 OF THE SAME TITLE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR A REPEAL OF CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BERKELEY LAKE that Chapter 78 of the Code of Ordinances of the City of Berkeley Lake entitled "Zoning Ordinance" shall be amended by deleting Section 78-201 "Building restrictions on city right-of-way" in its entirety and substituting in lieu thereof the following:

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Sec. 78-201. Building restriction on city right-of-way

(a) No structures, including walls or fences, shall be erected on the city right-of-way.

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(b) Parking pads are specifically prohibited under this article.

(c) Stake and arm mailbox designs are permitted.

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(d) Any structure which supports a mailbox and/or decorative covers for mailbox supports which are approved by the Federal Highway Administration (FHWA) to be used on the National Highway System (NHS) right-of-way are permitted. For all mailbox designs other than the traditional stake and arm design, the homeowner shall provide a letter to the city from the structure manufacturer or directly from the FHWA that states the structure installed meets the guidelines outlined in the National Cooperative Highway Research Program (NCHRP) Report 350. Any modifications to an approved pre-manufactured structure shall require a letter from the manufacturer or the FHWA stating that the modified structure meets the guidelines outlined in the NCHRP Report 350.

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Severability

If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

Repeal of Conflicting Provisions.

All ordinances or parts of ordinances in conflict with this ordinance are hereby

repealed.

Effective Date

This ordinance shall be effective upon its adoption by the Council of the City of Berkeley Lake.

SO ORDAINED this _____ day of _____, 2008.

LOIS SALTER, MAYOR
CITY OF BERKELEY LAKE

ATTEST:

TOM ROZIER
City Administrator

First Read: December 20, 2007
Second Read and Adoption:

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