

Oroville Zoning Ordinance



for the City of Oroville

Adopted | March 31, 2015

Adopted

Oroville Zoning Ordinance

Submitted to
The City of Oroville | March 31, 2015

Prepared By:

PlaceWorks

1625 Shattuck Avenue, Suite 300
Berkeley, California 94709
510.848.3815
510.848.4315 (f)

ACKNOWLEDGEMENT

The work upon which this publication is based was funded in part through a grant awarded by the Strategic Growth Council.

DISCLAIMER

The statements and conclusions of this report are those of the City of Oroville and not necessarily those of the Strategic Growth Council or of the Department of Conservation, or its employees. The Strategic Growth Council and the Department of Conservation make no warranties, express or implied, and assume no liability for the information contained in the succeeding text.

OROVILLE ZONING CODE

TABLE OF CONTENTS

ARTICLE I. GENERAL PROVISIONS	1
Section 26-01 – Adoption and Application	3
26-01.010 Adoption of Zoning Code	3
26-01.020 Short Title	3
26-01.030 Applicability	3
26-01.040 Purpose of Chapter	3
Section 26-04 – Definitions	5
26-04.010 General Provisions	5
26-04.020 Definitions	5
ARTICLE II. CITYWIDE REGULATIONS	41
Section 26-10 – General Regulations	43
26-10.010 Districts Established	43
26-10.020 Adoption of Zoning Map	44
26-10.030 Zoning Map Provisions	44
26-10.040 District Boundary Changes	45
26-10.050 Rezoning of Unincorporated Areas	45
26-10.060 Zoning of Annexed Areas	45
26-10.070 General Restrictions	45
26-10.080 Certificate of Occupancy	45
26-10.090 Interpretation Regarding Allowable Uses of Land	46
26-10.100 Relationship to Other Regulations and Private Restrictions	47
26-10.110 Regulations are Minimum	47
26-10.120 Medical Marijuana Dispensaries	48
26-10.130 Technology Cost Recovery Fee	48
26-10.135 Art in Public Places/Oroville Beautification	48
26-10.140 Cessation of Land Use Activities	51
26-10.150 Reasonable Accommodation for Disabled or Handicapped Individuals	52
26-10.200 Facility and Park Fee Waiver	53
Section 26-13 – Development Standards	57
26-13.010 Performance Standards	57
26-13.020 Fences, Walls, and Screening	58
26-13.030 Height Limits	62
26-13.040 Setback Requirements	63
26-13.050 Landscape Standards	64
26-13.060 Tree Preservation	68
26-13.070 Parking	69
26-13.080 Loading Spaces	76
26-13.090 Accessory Buildings and Swimming Pools	78
26-13.100 Crime Prevention through Environmental Design (CPTED)	79

Section 26-16 – Use-Specific Regulations81

26-16.010 Second Dwelling Units81

26-16.020 Usable Open Space for Multiple-Family Dwellings82

26-16.030 Mixed-Use Development83

26-16.040 Home Occupations84

26-16.050 Family Day Care Homes85

26-16.060 Temporary Uses and Buildings87

26-16.070 Gas Stations88

26-16.080 Drive-Through Establishments89

26-16.090 Car and Vehicle Washes89

26-16.100 Agricultural Uses.....90

26-16.110 Adult-Oriented Businesses90

26-16.120 Animal Keeping.....98

26-16.130 Outdoor Display and Sales101

26-16.140 Outdoor Storage102

26-16.150 Mobile Food Vending.....103

26-16.160 Alcoholic Beverage Sales.....104

26-16.170 Wireless Communication Facilities105

26-16.175 Distributive Antenna Systems112

26-16.180 Solar Energy Systems113

26-16.185 Solar Energy Requirements115

26-16.190 Smoke Shops115

26-16.200 Medical Marijuana Cultivation116

26-16.210 Cottage Food Operations119

26-16.220 Neighborhood Food and Beverage Sales.....122

26-16.230 Urban Agriculture.....123

26-16.240 Emergency Shelters.....123

Section 26-19 – Sign Regulations125

26-19.010 Purpose and Applicability125

26-19.020 Noncommercial Signs and Messages125

26-19.030 General Provisions125

26-19.040 Sign Permits128

26-19.045 Signs Requiring a Use Permit130

26-19.050 Required Signs.....134

26-19.060 Location, Placement, and Design of Signs.....134

26-19.070 Requirements for Specific Types of Signs135

26-19.080 Sign Programs137

26-19.090 Temporary Signs138

26-19.100 Temporary Sign Permits.....140

26-19.110 Requirements for Residential Districts140

26-19.120 Requirements for Commercial and Mixed-Use Districts141

26-19.130 Requirements for Industrial Districts141

26-19.140 Requirements for Special Purpose Districts141

26-19.150 Requirements for Downtown Historic Overlay (DH-O) Districts141

26-19.160 Nonconforming Signs147

26-19.170 Removal of Signs147

26-19.180 Violations and Penalties148

Section 26-22 – Residential Density Bonuses 149

26-22.010 Purpose 149

26-22.020 General Provisions 149

26-22.030 Standards for Target Units 151

26-22.040 Donations of Land 151

26-22.050 Affordability Requirements 152

26-22.060 Development Incentives 153

26-22.070 Application and Review 154

26-22.080 Density Bonus Housing Agreement 155

Chapter 26-25 – Development Incentives 159

26-25.010 Incentives for Community Benefits 159

ARTICLE III. ZONING DISTRICTS 161

Section 26-30 – Residential Districts 163

26-30.010 Allowed Uses in Residential Districts 163

26-30.020 Development Standards for Residential Districts 163

26-30.030 UR-10: Urban Reserve 10 Acres 168

26-30.040 UR-5: Urban Reserve 5 Acres 168

26-30.050 RA: Agricultural Residential 168

26-30.060 RR-1: Rural Residential 1 Acre 169

26-30.070 RR-20: Rural Residential 20,000 Square Feet 169

26-30.080 RR-10: Rural Residential 10,000 Square Feet 169

26-30.090 RL: Large-Lot Residential 169

26-30.100 R-1: Single-Family Residential 170

26-30.110 R-2: Medium-Density Residential 170

26-30.120 R-3: High-Density Residential 170

26-30.130 R-4: Urban-Density Residential 171

26-30.140 RP: High-Density Residential/Professional 171

Section 26-33 – Commercial Districts 173

26-33.010 Allowed Uses in Commercial Districts 173

26-33.020 Development Standards for Commercial Districts 178

26-33.030 CN: Neighborhood Commercial 178

26-33.040 C-1: Limited Commercial 179

26-33.050 C-2: Intensive Commercial 179

26-33.060 CH: Highway Commercial Corridor 179

26-33.070 CLM: Commercial/Light Manufacturing 180

26-33.080 OF: Office 180

Section 26-34 – Mixed-Use Districts 181

26-34.010 Intent of Mixed-Use Districts 181

26-34.020 Allowed Uses in Mixed-Use Districts 181

26-34.030 Downtown Mixed-Use Development Standards 186

26-34.040 Neighborhood and Corridor Mixed-Use Development Standards 190

Section 26-36 – Industrial Districts 193

26-36.010 Allowed Uses in Industrial Districts 193

26-36.020 Development Standards for Industrial Districts 196

26-36.030	ABP: Airport Business Park	197
26-36.040	M-1: Limited Industrial.....	197
26-36.050	M-2: Intensive Industrial.....	198
Section 26-39 – Special Purpose Districts		199
26-39.010	Allowed Uses in Special Purpose Districts	199
26-39.020	PQ: Public or Quasi-Public Facilities.....	201
26-39.030	Open Space.....	201
Section 26-42 – Overlay Districts		203
26-42.010	General Provisions for Overlay Districts	203
26-42.020	HD-O: Hillside Development Overlay	203
26-42.030	PD-O: Planned Development Overlay	205
26-42.035	Martin Ranch Planned Development Overlay (MRPD-O)	209
26-42.040	DH-O: Downtown Historic Overlay.....	225
26-42.050	AIA-O: Airport Influence Area Overlay.....	229
26-42.060	MS-O: Mini-Storage Overlay.....	243
26-42.070	C-O: Conditional Overlay.....	245
26-42.080	F-O: Foothill Overlay.....	246
26-42.090	UA-O: Unique Agriculture Overlay.....	246
26-42.100	PO-O: Professional Office Overlay.....	248
26-42.110	ACE-O: Arts, Culture, and Entertainment Overlay.....	249
ARTICLE IV. PROCESS		251
Section 26-50 – Permits, Variances, and Nonconformity		253
26-50.010	Use Permits.....	253
26-50.020	Administrative Permits	255
26-50.030	Zoning Clearances.....	256
26-50.040	Landmarks	257
26-50.050	Landmark Modification Permits.....	258
26-50.060	Landmark Demolition Permits	259
26-50.070	Tree Removal Permits	262
26-50.080	Variances	262
26-50.090	Nonconforming Uses and Structures	263
26-50.100	Substandard Lots	265
Section 26-53 – Development Review		267
26-53.010	Purpose.....	267
26-53.020	Review Required.....	267
26-53.030	Application	269
26-53.040	Review of Applications.....	269
26-53.050	Action on Applications.....	270
26-53.060	Industrial Use Projects within the Oroville Enterprise Zone.....	271
Section 26-56 – Enforcement and Administration		273
26-56.010	Duties of the City Council	273
26-56.020	Duties of the Planning Commission	273
26-56.030	Duties of the Zoning Administrator.....	274
26-56.040	Development Review Committee	274

26-56.050	Historic Advisory Commission.....	275
26-56.060	Enforcement.....	275
26-56.070	Violations and Penalties	276
26-56.080	Complaints Regarding Violations	276
26-56.090	Amendments and Rezonings.....	276
26-56.100	Appeals.....	277
26-56.110	Reapplication.....	278
26-56.120	Severability.....	278

ARTICLE I. GENERAL PROVISIONS

Section 26-01 – Adoption and Application3

26-01.010 Adoption of Zoning Code.....3

26-01.020 Short Title.....3

26-01.030 Applicability.....3

26-01.040 Purpose of Chapter.....3

Section 26-04 – Definitions.....5

26-04.010 General Provisions.....5

26-04.020 Definitions.....5

ARTICLE I: GENERAL PROVISIONS

Section 26-01 – ADOPTION AND APPLICATION

- 26-01.010 Adoption of Zoning Code
- 26-01.020 Short Title
- 26-01.030 Applicability
- 26-01.040 Purpose of Chapter

26-01.010 Adoption of Zoning Code

This chapter is adopted as the official Zoning Code of the City of Oroville, Butte County, State of California, and made a part of the Code of the City of Oroville.

26-01.020 Short Title

This chapter shall be known as, and may be cited and referred to as, the "Oroville Zoning Code."

26-01.030 Applicability

This chapter shall apply to all land uses, structures and development within the City of Oroville; provided, however, that State or federal law may exempt a land use, structure or development from one or more of this chapter's requirements.

- A. **Unlawful Acts.** This chapter or any portion, section, or part thereof shall not be deemed to make lawful any act, omission or course of conduct otherwise considered to be unlawful.
- B. **Conformance with State and Federal Law.** If any portion of this chapter is found to conflict with State or federal law, then the applicable State or federal law shall take precedence. In addition, no land use that is illegal under local, State, or federal law shall be allowed in any zoning district within the city.

26-01.040 Purpose of Chapter

The purpose of this chapter is to provide specific guidelines for the development of the City in such a manner as to achieve progressively the general arrangement of land uses and implement the policies depicted in the General Plan. More specifically, this chapter is intended to achieve the following objectives:

- A. To regulate and limit the height, number of stories and size of buildings and other structures hereafter designed, erected or altered.
- B. To regulate and determine the size of building setbacks and other open spaces.
- C. To regulate and limit the density of the City's residential population.
- D. To divide the City into zoning districts of whatever number, shape and area are deemed best suited to carry out these regulations and provide for their enforcement.
- E. To protect, conserve, stabilize and enhance real property values and the City's natural assets.
- F. To provide adequate open space for light and air, and to minimize the risk of fires and other hazards to public safety.

- G. To promote a safe, effective traffic circulation system and provide for appropriate off-street parking and loading facilities.
- H. To promote, protect and preserve the general public health, safety and welfare, and to implement the goals and objectives of the General Plan for the City of Oroville.

Section 26-04 – DEFINITIONS

26-04.010 General Provisions

26-04.020 Definitions

26-04.010 General Provisions

- A. The words, terms, and phrases used in this chapter shall have the meaning commonly ascribed in the English language, except for those terms that are defined in this section.
- B. All words used in the singular include the plural, and the plural the singular; each gender includes the other; and any tense includes the other tenses, unless the context requires otherwise. The word “shall” is mandatory, and the word “may” is permissive. The word “includes” shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

26-04.020 Definitions

A. Definitions, “A”.

Accessory building. See “Building, accessory.”

Accessory dwelling unit. See “Second dwelling unit.”

Accessory use. A use or structure clearly incidental to and customarily found in connection with an established primary use of a site, or of a building located on the same site.

Administrative permit. A permit for a specified land use, building or structure that is issued as a ministerial function, rather than at the City’s discretion.

Adult-oriented business. Any business where employees or patrons expose specified anatomical areas or engage in or simulate specified sexual activities, as defined by this chapter; also, any business that offers to its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or related to specified anatomical areas or specified sexual activities, as described by this chapter. Legitimate medical facilities and non-sexual massage services shall not be considered adult-oriented businesses, provided that employees and patrons do not engage in or simulate specified sexual activities, and that only patrons expose specified anatomical areas.

Adult-oriented business—adult arcade. An establishment where, for any form of consideration, one or more still or motion picture projectors, or similar machines, for viewing by 5 or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions, 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult-oriented business—adult bookstore, adult novelty store or adult video store. A business that, as one of its principal purposes, offers for sale or rental for any form of consideration 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 that are

characterized by the depiction or description of specified sexual activities or specified anatomical areas.

2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

A business may have other principal business purposes that do not involve the offering for sale or rental of material depicting specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store, so long as one of its principal business purposes falls within this definition.

Adult-oriented business—adult motel. A hotel, motel or similar business that does any of the following:

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 that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from a public right-of-way that advertises the availability of this adult type of photographic reproductions.
2. Offers a sleeping room for rent for a period of time that is less than 10 hours.
3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

Adult-oriented business—adult motion picture theater. A business where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult-oriented business—adult theater. Any theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or semi-nudity, or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

Adult-oriented business—specified anatomical areas. “Specified anatomical areas” include all of the following:

1. Less than completely and opaquely covered genitals, pubic regions, buttocks, anuses or female breasts below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Adult-oriented business—specified sexual activities. “Specified sexual activities” include any of the following:

1. The fondling or other erotic touching of human genitals, pubic regions, buttocks, anuses or female breasts.
2. Sex acts, including intercourse, oral copulation, masturbation or sodomy.
3. Excretory functions as part of or in connection with any other specified sexual activity.

Affordable dwelling units. See “Target units.”

Agriculture. The tilling of soil, the raising of crops, horticulture, livestock farming, dairying or animal husbandry, including accessory supply, service, storage and processing areas and facilities to accommodate agricultural products produced on the premises; provided, however, that the accessory uses shall not include slaughter houses, feed yards, hog farms, fertilizer works, bone yards, plants for the rendering of animal matter or similar commercial or industrial uses.

Agriculture, unique. Producing specialty agricultural products such as fruits and nuts, meats, flowers, wine, oils, jams, gourmet items, and handmade gift baskets. Establishments producing unique agricultural products are typically family owned and operated facilities. Unique agricultural producers often offer consumer education opportunities such as product labels that tell the history of the farm and tasting rooms where customers can visit and experience the farm property, learn about farming practices, and purchase goods directly from farmers.

Agriculture, urban. Growing, harvesting, and raising agricultural products in an urban setting for personal, institutional, or commercial use. Includes growing of food crops and ornamental crops (e.g. flowers), and raising of livestock, as well as uses that are complementary and accessory to agricultural pursuits, including retail sales, education, small-scale processing, and events.

Types of urban agriculture include the following:

1. *Home garden.* The property of a single-family or multi-family residence used for the cultivation of fruits, vegetables, plants, flowers, herbs, or the raising of animals, by the residents of the property, guests of the property owner, or a gardening business hired by the property owner.
2. *Community garden.* Privately or publicly owned land, less than 1 acre in size, used by multiple households for the cultivation of fruits, vegetables, plants, flowers, herbs, or the raising of animals.
3. *Urban farm.* Privately or publicly owned land, more than 1 acre in size, used for the cultivation of fruits, vegetables, plants, flowers, herbs, or the raising of animals, by an individual, organization, or business with the primary purpose of growing food for sale.

Alcoholic beverage sales. The retail sale of beer, wine or distilled spirits for on-premise or off-premise consumption. The term “alcoholic beverage sales” includes only establishments that are not open to minors, such as a bar or nightclub, and establishments whose primary business purpose is to sell alcoholic beverages for off-premise consumption, such as a liquor store.

Alley. A public right-of-way no wider than 30 feet that affords only a secondary means of access to abutting property.

Amateur radio facility. A wireless communication facility operated by a federally-licensed amateur radio operator in order to perform amateur radio services.

Amateur radio operator. A person holding a written authorization to be the control operator of an amateur radio facility.

Amateur radio services. Radio communication services that are for the purpose of self-training, intercommunication and technical investigations, carried out by duly-authorized amateurs, solely with a personal aim and without pecuniary interest.

Animal grooming. An establishment that performs on-premise, nonmedical care of animals, including washing and trimming of fur. No overnight care or boarding of any animals is allowed.

Animal keeping. The keeping of animals as provided in Section 26-16.120 (Animal Keeping) of this chapter.

Animal keeping, commercial. Any establishment that keeps animals for sale or hire, provides medical treatment for animals on the premises, or regularly offers any temporary boarding facilities for animals.

Animal keeping, noncommercial. Any establishment that keeps animals only as pets, or for the production of eggs, milk, or meat for personal use.

Antenna. Any system of towers, poles, panels, rods, wires, drums, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves. See also “Satellite dish” and “Satellite antenna.”

Antenna hub site. An equipment structure that serves telecommunication antennas when there are no antennas located on the same lot as the equipment structure.

Apartment. One or more rooms in an apartment building intended or designed to be occupied by one family for living and sleeping purposes, and containing a kitchen and bath facilities.

Apartment building. A building or portion of a building, other than a temporary lodging such as a hotel or motel, containing three or more dwelling units.

Attached sign. See “Sign, attached.”

Authorized grower. A person who is authorized by federal or state law to grow marijuana for personal use or medical use in compliance with local, state, or federal laws authorizing such marijuana cultivation. (Ord. 1799)

Awning. A cloth, plastic or other nonstructural covering that either is attached permanently to a building or can be raised or retracted to a position against the building when not in use.

Awning sign. See “Sign, awning.”

B. Definitions, “B”.

Balcony. A platform that projects from the wall of a building and is surrounded by a railing.

Bank or financial service. A financial institution such as a bank, credit agency or lending institution. A check cashing store shall be considered a moderate-impact personal service rather than a bank or financial service.

Banner sign. See “Sign, banner.”

Basement. A story of a building that is partly below grade, and is located so that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.

Basement, raised. A basement that raises the principal floor level of a building no more than 5 feet above grade.

Bed and breakfast. A residential structure with one family or manager in permanent residence and up to five bedrooms rented for overnight lodging, and where meals may be provided subject to applicable Health Department regulations. A bed and breakfast with more than five guest rooms shall be considered a hotel or motel, as applicable.

Bedroom. A room inside a residential building being utilized by any person for sleeping purposes as evidenced by a bed, personal effects, and other indications evidencing that the room is being utilized for sleeping purposes. (Ord. 1799)

Billboard. See “Sign, off-premise.”

Block. All property fronting on one side of a street between intersecting and intercepting streets; or between a street, railroad right-of-way, waterway, natural barrier or unsubdivided acreage.

Boardinghouse. A building or portion of a building, other than a temporary lodging facility such as a bed and breakfast, hotel or motel, where sleeping facilities and meals for five or more persons are provided for compensation on a regular basis.

Breezeway. A roofed structure open on at least two sides attached to and connecting portions of a main building, or portions of a main building and an accessory building.

Building. A structure having a roof or similar enclosure supported by columns or walls and intended or used for shelter, confinement or housing of any person, animal, or property.

Building, accessory. A subordinate building, the use of which is clearly incidental and secondary to that of the main building on the same site.

Building, apartment. See “Apartment building.”

Building, attached. A building that has at least one of its walls permanently attached, in part or in whole, to the wall of another building.

Building, detached. A building with none of its walls permanently attached to the walls of another building.

Building, main. A building in which one of the site’s principal and permitted uses is conducted. In residential districts, the largest building on a site that contains a dwelling unit shall be deemed the main building. A site may have more than one main building.

Building, nonconforming. A building or structure, or a portion of a building or structure, that does not conform to the regulations contained in this chapter.

Building area. The total amount of ground area occupied by all buildings and structures on a parcel of land.

Building frontage. A building wall facing a parcel boundary that abuts a street.

Building height. See “Height, building or structure”

Building Official. The Building Inspector, or his or her authorized representative.

Building site. See “Site.”

Building supply. A wholesale or retail establishment that sells lumber, wallboard, fixtures and similar large building materials. The term “building supply” does not include establishments primarily devoted to the retail sale of tools, paint and similar products, which are classified as general retail.

Bulletin board. See “Sign, bulletin board.”

Business, freeway-oriented. Any business that supplies food, fuel, or lodging that is essential to support travelers on a freeway, and that is directly dependent upon and adjacent to a freeway.

Business support service. An establishment primarily within a building that provides services that are necessary to other businesses, such as blueprinting, computer rental and repair, mailing and mailbox services, copying and other services of like kind or character.

C. Definitions, “C”.

Canopy. A permanent covering over a walkway or driveway that is wholly supported on each side by posts or walls.

Canopy sign. See “Sign, canopy.”

Car wash. A permanent, self-service, or full-service establishment that provides facilities for car washing.

Cargo container. See “Storage container.”

Caretaker dwelling unit. A permanent residence that is provided as an accessory use to a non-residential use, and is used to house a caretaker and the caretaker’s family for security purposes or to provide around-the-clock care or monitoring of the site or any person or thing on the site.

Carnival, circus or fair. A temporary outdoor amusement event that involves the use of special-purpose equipment and includes activities such as rides, exhibitions, food service, and small-scale games. A carnival, circus or fair may include a temporary market, such as a bazaar, where miscellaneous items are sold.

Carport. A permanent roofed building that is open on at least two sides and is used or designed for the shelter and storage of vehicles.

Catering service. A business that prepares food for consumption on the separate premises of a client, and that is not part of a restaurant. A vehicular food vendor or a restaurant that provides catering shall not be considered a catering service.

Cemetery. Any place for the burial, disposal, or long-term storage of human remains, including but not limited to a columbarium, crematory or mausoleum.

Centerline. The right-of-way centerline for a street or alley, as established by official survey.

Child care center. Any licensed child care center, daycare center, childcare home, or any preschool. (Ord. 1799)

Child day care. Any facility that provides non-medical care and supervision of minor children for periods of less than 24 hours; that does not qualify as a small or large family day care home; and that meets the licensing requirements of the State. Any establishment may provide child day care as an accessory use that is not subject to additional permit requirements, provided that the establishment offers child day care only to its customers or employees, and only during the period when the customers or employees are visiting or working in the establishment.

Child or family-oriented business. A business establishment that has as its primary clientele children or families with children, including but not limited to toy stores, children's clothing stores, family amusement arcades, or family recreation facilities.

City Engineer. The Director of Community Development and Public Works, or his or her authorized representative.

Code. The Municipal Code of the City of Oroville.

Code Enforcement Official. The Code Enforcement Officer or his or her authorized representative.

Colocation. The installation of several wireless communication facilities operated by two or more entities on a single site.

Colocation facility. A wireless communication facility within which colocation occurs.

Commercial animal keeping. See “Animal keeping, commercial.”

Commercial coach. In accordance with Section 18001.8 of the California Health and Safety Code, “commercial coach” means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional or commercial purposes and that is required to be

moved under permit. The term “commercial coach” shall include a trailer coach as defined in Section 635 of the Vehicle Code.

Commercial recreational facility. Any establishment that provides entertainment activities or services for a fee or admission charge, including bowling alleys, electronic game arcades, billiard rooms, miniature golf courses, sports clubs, amusement parks, amphitheaters, stadiums and other uses of like kind or character. An establishment that offers a small number of game machines to its customers as an accessory use, such as a restaurant or laundromat, shall not be considered a commercial recreational facility. Facilities operated by a public agency are not included in this definition.

Commercial wireless communication facility. See “Wireless communication facility, commercial.”

Common open space. See “Open space, common.”

Common-interest development. In accordance with Section 1351 of the Civil Code, “common-interest development” means a community apartment project, condominium project, planned development, or stock cooperative, as those terms are defined in the Civil Code.

Concert or performance. A temporary theatrical, musical, dance, or similar artistic event that is presented as a limited number of performances. This chapter’s requirements for a “concert or performance” shall not apply to land uses that would ordinarily host such events as part of their normal operation, including but not limited to commercial recreational facilities; private and public schools; and restaurants or cafés.

Condominium. In accordance with Section 1351 of the Civil Code, “condominium” means an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan.

Construction yard. A temporary staging area for supplies, equipment, and materials that are being used in conjunction with an approved building permit or grading permit. A construction yard may include a temporary contractor’s office as an accessory use.

Contributing feature. See “Feature, contributing.”

Cottage food operation. An enterprise that has no more than the amount in gross annual sales that is specified in the CA Health and Safety Code Section 113758, is operated by a cottage food operator, and has not more than one full-time equivalent cottage food employee, not including a family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers pursuant CA Health and Safety Code Section 113758.

Courtyard. An open, unoccupied space other than a yard on the same site with a building, and bounded on two or more sides by one or more buildings on the site.

Covered patio. See “Patio, covered.”

Cultivation. The planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof for medical use consistent with the Compassionate Use Act (Health and Safety Code Section 11362.5) or the Medical Marijuana Program Act (Health and Safety Code Section 11362.7 et. seq.). (Ord. 1799)

D. Definitions, “D”.

Dead storage. The storage of inactive items that will not be used for an extended period of time.

Deck. A roofless, floored structure, typically with a railing, that adjoins a building.

Density bonus. An increase in the maximum number of residential dwelling units that are allowed on a site, granted in exchange for reserving dwelling units for certain types of households as specified in Section 26-22 (Residential Density Bonuses) of this chapter.

Detached, fully-enclosed and secure structure. A building completely detached from a residence that complies with the Oroville Building Code and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as 2-inch by 4-inch (2” x 4”) or thicker studs overlaid with three-eighths (3/8”) inch or thicker plywood or the equivalent. Exterior walls must be constructed with non-transparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement. (Ord. 1799)

Detached sign. See “Sign, detached.”

Development. The uses to which land will be put; the buildings and structures to be constructed on the land; and all alteration of the land and other construction incident to these uses, buildings and structures.

Development review. The process of reviewing a development proposal or proposed land use, as provided in Section 26-53 (Development Review) of this chapter.

Directional sign. See “Sign, directional.”

Disabled Person. An individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a medical record of having such an impairment. A disabled person does not include individuals currently using controlled substances as defined by federal law.

Director of Parks and Trees. The Director of Parks and Trees, or his or her authorized representative.

Distributive antenna systems (“DAS”). A single, or network of spatially separated antenna nodes connected to a common source via transport medium that provides wireless service within a geographic area or structure.

District. An area defined on the official Zoning Map within which certain regulations and requirements apply under the provisions of this chapter.

Drive-in theater. Any land, building, or structure used for the showing of outdoor motion pictures for compensation, the viewing of which is from the patron’s automobile.

Drive-through establishment. A building where a customer is permitted or encouraged, either by the design of physical facilities or by the service procedures offered, to be served while remaining seated within a vehicle, including but not limited to drive-through restaurants and automatic car washes.

Duplex. A separate, detached building that provides two independent dwelling units.

Dwelling, multiple-family. A building or portion of a building that provides three or more dwelling units. Multiple-family dwellings include apartment buildings and the residential component of mixed-use

developments, as well as townhouses or rowhouses that have apartments located above them. Multiple-family dwellings do not include temporary lodging such as hotels or motels.

Dwelling, single-family. A single dwelling unit, including kitchen and bath facilities, that is designed for occupancy exclusively by one family. A single-family dwelling may be either detached or attached.

Dwelling, single-family, attached. A two-story single-family dwelling, such as a townhouse or rowhouse, within a dwelling group in which no unit is located above another unit.

Dwelling, single-family, detached. A single-family dwelling that is not attached to any other single-family dwelling, other than an attached second dwelling unit.

Dwelling group. A group or row of detached or semi-detached dwellings that share a yard, courtyard or other open space, including apartment buildings and townhouses, but not including temporary lodging such as hotels or motels.

Dwelling unit. A building or a portion of a building containing one or more habitable rooms used or designed for occupancy by one family for living and sleeping purposes, including kitchen and bath facilities.

Dwelling unit, primary. A dwelling unit located in a main building.

Dwelling unit, second. See “Second dwelling unit.”

E. Definitions, “E”.

Easement. A space on a parcel of land, indicated on a subdivision map or in a deed restriction, where the owner has granted one or more property rights to a person, corporation, public agency or other entity.

Emergency shelter. Housing with minimal supportive services for homeless persons, victims of domestic violence, persons requiring temporary housing, and other individuals and households made temporarily homeless due to natural disasters (e.g., fires and earthquakes) that is limited to occupancy of six months or less by a homeless person and operated by a government agency or private non-profit organization.

Enforcement Officer. The Chief of Police, City of Oroville Code Enforcement Specialist, or any designee of either of them. (Ord. 1799)

Engineering Design Standards. The engineering requirements developed by the City Engineer, and adopted by resolution of the City Council, for the construction and configuration of various types of infrastructure within the city, including but not limited to rights-of-way, water and sewer lines, storm drainage and parking areas.

Equipment and machinery sales or rental. Any establishment that sells or rents large construction equipment, such as bulldozers, ditch diggers, tractors, industrial generators, water tankers or similar items.

F. Definitions, “F”.

Fair Housing Law. Existing law affecting reasonable accommodation in housing including, without limitation, the reasonable accommodation required by 42 U.S.C. Section 3604 (f)(3)(B) and reasonable accommodation required by Government Code Sections 12927 (c)(1) and 12955(1).

Family. See “Household.”

Family day care home, large. In accordance with Section 1597.465 of the Health and Safety Code, “large family day care home” means a home that regularly provides care, protection and supervision of 9 to 14 children, including children under the age of 10 years who reside in the home, in the provider’s own home, for periods of less than 24 hours, while the parents or guardians are away.

Family day care home, small. In accordance with Section 1597.465 of the Health and Safety Code, “small family day care home” means a home that regularly provides care, protection and supervision of 8 or fewer children, including children under the age of 10 years who reside in the home, in the provider’s own home, for periods of less than 24 hours while the parents or guardians are away.

Farmers’ market. The temporary, open-air sale of agricultural products by at least five vendors in a specified location.

Feature, contributing. A building, structure, site or improvement within an existing or proposed Downtown Historic (DH-O) overlay district that has a special character, aesthetic interest or value of a historic nature, and that meets one or more of the designation criteria for landmarks as specified in Section 26-50.040 (Landmarks) of this chapter.

Feature, noncontributing. A building, structure, site or improvement within an existing or proposed Downtown Historic (DH-O) district that does not possess the qualifications or characteristics of a contributing feature, due to factors such as age or alteration, but that has been included within the district for reasons of geographic integrity.

Federal Communications Commission (FCC). The federal agency charged with regulating communications, radio and television.

Fence. A structure forming a physical barrier made of wire, wood, metal, masonry or other material, including walls; trellises; and barriers of plant material that substantially obstruct visibility, such as hedges. A wall of a building shall not be considered a fence.

Fence, solid. A fence constructed of substantial material (such as wood) that prevents viewing the contents from one side to the other. (Ord. 1799)

Fire Chief. The Fire Chief of the Fire Department, or his or her authorized representative.

Flashing sign. See “Sign, flashing.”

Floor area, gross. See “Gross floor area.”

Floor area ratio (FAR). The ratio of the total gross floor area of all buildings on a site, excluding structured parking areas, divided by the total site area. For example, if a 10,000-square-foot site has one 2-story building, and the gross floor area of each story is 2,500 square feet, the site has a total gross floor area of 5,000 square feet and an FAR of 0.5.

Food and beverage production. A manufacturing plant that produces or processes foods and beverages for human consumption and primarily for wholesale or distribution purposes.

Food and beverage sales. A retail establishment in which the majority of the floor area open to the public is occupied by food products or non-alcoholic beverages that are packaged for consumption away from the store. A food and beverage sales establishment may also sell alcoholic beverages, provided that this is not the establishment’s primary business purpose.

Freestanding sign. See “Sign, freestanding.”

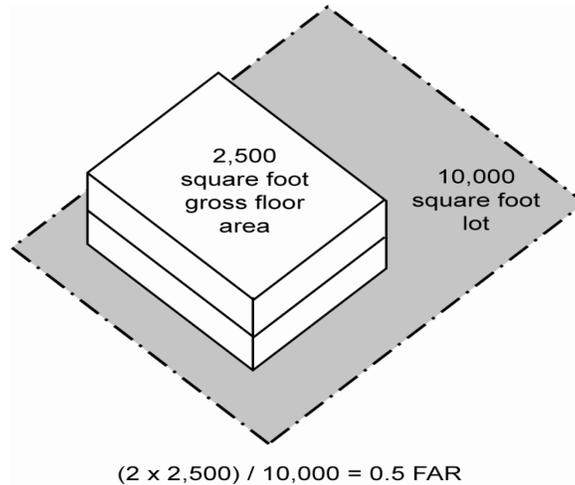


Figure 26-01.060-1: Example of Floor Area Ratio (FAR)

Freeway-oriented business. See “Business, freeway-oriented.”

Freeway-oriented sign. See “Sign, freeway-oriented.”

Front lot line. See “Lot line, front.”

Front setback. See “Setback, front.”

Funeral merchandise sales. The retail or wholesale sales of caskets, cremation urns, headstones, grave markers and burial vaults.

G. Definitions, “G”.

Garden supply store. An establishment engaged in the wholesale or retail sale of ornamental plants and other nursery products, including sales outside and within a building. Garden supply stores do not include the sale of houseplants or other nursery products entirely within a building, which is considered to be general retail.

Gas station. Any building, structure, premise or other place used primarily for the retail sale and dispensation of motor fuels, lubricants and motor vehicle accessories, and the rendering of services and minor repairs to such vehicles, not including painting, body work or fender work. A gas station may include food and beverage sales, as well as a car wash, as an accessory use.

General Plan. The City’s statement of goals and policies adopted by the City Council as a long-range, comprehensive guide to the City’s growth and development, pursuant to Section 65300 et seq. of the Government Code.

General retail. A retail establishment that sells a variety of merchandise and is not otherwise identified in this chapter as a unique retail use, including but not limited to antique stores, bookstores, drugstores, hobby shops, secondhand stores, retail bakeries, hardware stores, appliance and electronics stores and any use of like kind or character.

Golf course. A commercial recreational facility that provides at least nine holes for playing the game of golf and is improved with tees, greens and fairways. A golf course may include accessory uses such as a clubhouse.

Government facility. Any facility owned and operated by the City, county, State or federal government, regardless of the use. Any use that is listed as an allowed use for a given district may be provided as a government facility, even if the district does not list “government facility” as an allowed use.

Grade. The average finished ground level at the center of all the exterior walls of a building or structure.

Gross floor area. The area within the inside perimeter of a building’s exterior walls, including corridors, stairways, closets, the thickness of interior walls, columns and other features. The gross floor area shall not include vent shafts, interior courtyards, or any area used for off-street vehicle parking or loading.

Ground sign. See “Sign, ground.”

Ground-mounted antenna. Any antenna that is attached to a support structure resting on the ground, and that has an overall height not greater than 10 feet above the finished grade at the base of the structure. This definition includes the types of antennas that are sometimes referred to as “post mounts” and “ground builds.”

Gym. A fitness center or health club that provides exercise machines, free weights or a swimming area for use by clients.

H. Definitions, “H”.

Hedge. A barrier formed by branches, shrubs or small trees growing close together in a line with interwoven branches.

Height, building or structure. The height measured in accordance with the requirements of Section 26-13.030 (Height Limits) of this chapter.

Heritage tree. A tree with a 24-inch diameter at breast height (dbh) or greater.

Historic integrity. The authenticity of a landmark or landmark site’s historic identity, evidenced by the survival of physical characteristics, such as location, design, setting, materials, workmanship and overall character, that existed at the time of the construction or events that make the landmark or landmark site historically significant.

Homeless person. Same definition as set forth in 42 U.S.C. Section 11302.

Homeless shelter. See "Emergency Shelter."

Home occupation. A business activity carried on in accordance with the requirements of Section 26-16.040 (Home Occupations) of this chapter.

Home occupation, low-impact. A home occupation that is unlikely to have any noticeable effect on the surrounding neighborhood, as further defined in Section 26-16.040 (Home Occupations) of this chapter.

Home occupation, moderate-impact. A home occupation that requires a permit in order to minimize its effect on the surrounding neighborhood, as further defined in Section 26-16.040 (Home Occupations) of this chapter.

Hospital. A medical facility engaged primarily in the provision of diagnostic services and extensive medical treatment, including surgical services and inpatient beds.

Hotel. A building designed for temporary occupancy by individuals who are lodged for compensation, with or without meals, in which there are six or more guest rooms, the majority of which are accessed from the interior of the building. A hotel may include accessory uses including but not limited to swimming pools and spas, gyms, meeting facilities and retail uses.

Household. One or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs and utilities, as well as maintaining a single lease or rental agreement for all members of the Household and other similar characteristics indicative of a single Household.

Household, lower-income. “Lower-income household” means persons and families whose income does not exceed the qualifying limits for lower-income families, as established and amended from time to time and published by the State of California.

Household, moderate-income. “Moderate-income household” means persons and families whose income does not exceed the qualifying limits for moderate-income families, as established and amended from time to time and published by the State of California.

Household, very-low-income. “Very-low-income household” means persons and families whose income does not exceed the qualifying limits for very-low-income families, as established and amended from time to time and published by the State of California.

I. Definitions, “I”.

Immature marijuana plant. A marijuana plant, whether male or female, that has not yet flowered and which does not yet have buds that are readily observed by unaided visual examination. (Ord. 1799)

Indoors. Within a fully enclosed and secure structure. (Ord. 1799)

Instructional or production studio. A small-scale establishment for the instruction or production of art, including dance, painting, photography, music, sculpture and related arts, and that provides no more than two instructional spaces or facilities for no more than 20 artists at any one time. The term “instructional or production studio” also includes studios for gymnastics, martial arts, yoga or similar activities, provided that they do not also offer fitness equipment similar to a gym.

Internally illuminated sign. See “Sign, internally illuminated.”

J. Definitions, “J”.

Junk. Any worn-out, cast-off or discarded articles or materials that are ready for destruction or have been collected or stored for salvage or conversion to some other use. Any article or material that can be used for its original purpose as readily as when it was new with only reconditioning, and without any other changes or alterations, shall not be considered junk. (Ord. 1769)

K. Definitions, “K”.

Kennel. An establishment other than a pet store where five or more animals are boarded, maintained, kept for hire or trained. The term “kennel” includes for-profit establishments, such as a pet boarding service, as well as nonprofit and charitable organizations, such as an animal shelter. The term “kennel” does not include veterinarians, provided that all animals in the veterinary office are housed

indoors. Kennels are subject to the requirements for animal keeping in Section 26-16.120 (Animal Keeping) of this chapter.

Kitchen. Any room or space used or intended for cooking or preparation of food.

L. Definitions, “L”.

Land development sign. See “Sign, land development.”

Land use. An activity conducted on a site or in a structure, or the purpose for which a site or structure is designed, arranged, occupied or maintained.

Landmark. Any site, including buildings, structures, furniture, signs, works of art, natural features, trees, permanent landscaping or other objects, that has special historic interest or value, and that has been designated as a landmark as provided in this chapter.

Landmark site. The site on which a landmark is situated, and any abutting land used by and constituting part of the landmark’s premises; or any site designated as a landmark.

Landscape material sales. A wholesale or retail establishment that sells unpackaged landscape material such as rocks, gravel, and bark. The term “landscape material sales” does not include garden supply stores, which are separately defined.

Landscaping. The planting and maintenance of living plant material, including the installation, use and maintenance of any irrigation system for the plant material.

Large family day care home. See “Family day care home, large.”

Laundry or dry-cleaning plant. A service establishment that is primarily engaged in high-volume laundry and garment services, including dry-cleaning and garment pressing, linen suppliers, uniform services, diaper services, industrial laundries, and carpet and upholstery cleaners. The term “laundry or dry-cleaning plant” does not include facilities that are considered “personal services,” including coin-operated laundries and dry-cleaning stores where the dry-cleaning does not occur on site.

Legal parcel. Any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Government Code Section 66410 et. seq.). (Ord. 1799)

Library or museum. A public, quasi-public or privately-owned facility that is open to the public, such as an aquarium, art gallery, library, museum or zoo.

Livestock. Larger animals traditionally kept for use on a farm, including but not limited to pigs, sheep, goats, equine and bovine animals such as horses and cows, and ratites such as ostriches and emus.

Living area. The interior habitable area of a dwelling unit, including finished basements and attics but not including garages or accessory structures.

Loading space. A space or berth that is on the same site with a building or contiguous to a group of buildings; that is designed for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials; and that can be accessed from a street or alley.

Lot. A recorded lot or parcel of real property lawfully created in accordance with all applicable requirements of the Subdivision Map Act and of this Code.

Lot, corner. A lot located at the intersection of two or more streets having an angle of intersection of not more than 120 degrees. If the angle of intersection is more than 120 degrees, the lot shall be considered an interior lot.

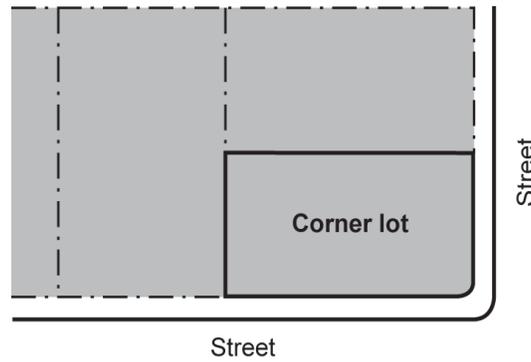


Figure 26-01.060-2: Corner Lot

Lot, double-frontage. A lot that has frontages on two streets that do not intersect, not including alleys, and that has the right of access to both streets.

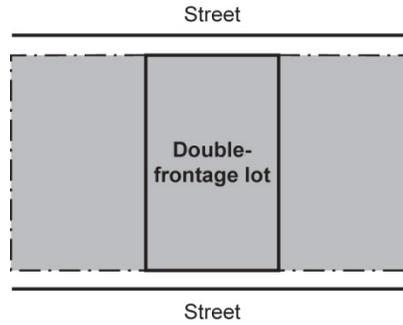


Figure 26-01.060-3: Double-Frontage Lot

Lot, flag. A lot that has no frontage on any street except for a narrow access strip, and that has boundaries such that another lot is located between the main portion of the flag lot and the street.

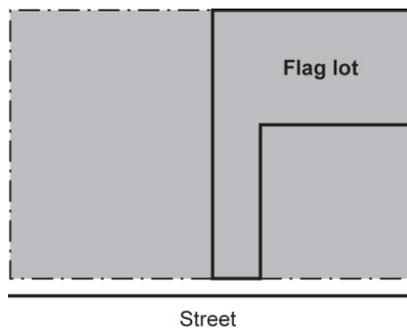


Figure 26-01.060-4: Flag Lot

Lot, interior. A lot abutting only one street.

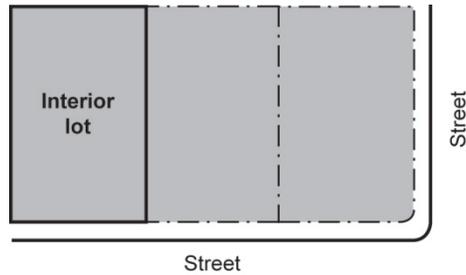


Figure 26-01.060-5: Interior Lot

Lot area. The total area included within the lot lines of a parcel of land.

Lot coverage. See “Site coverage.”

Lot depth. The horizontal length of a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot line, front. In the case of an interior lot, “front lot line” means a line separating the lot from the street; and in the case of a corner lot, “front lot line” means a line separating the narrowest street frontage of the lot from the street.

Lot line, rear. A lot line that is opposite and most distant from the front lot line. If the lot has an irregular or triangular shape, the rear lot line shall be a line within the lot at least 10 feet in length, located parallel to the front lot line and as far as possible from the front lot line.

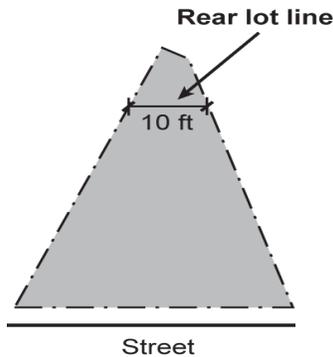


Figure 26-01.060-6: Rear Lot Line for Irregular Lot

Lot line, side. Any lot line other than the front or rear lot line.

Lot width. The horizontal distance between the side lot lines, measured at the front setback.

Low-impact personal services. See “Personal services, low-impact.”

Lower-income household. See “Household, lower-income.”

M. Definitions, “M”.

Machine shop. A facility for the production or assembly of metal parts, not including shops that use casting, smelting, drop hammers or punch presses.

Main building. See “Building, main.”

Manufactured home. In accordance with Section 18007 of the Health and Safety Code, “manufactured home” means a structure transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width, or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the home; except that this term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under this part.” Manufactured home” includes a mobile home, subject to the National Manufacturing Housing Construction and Safety Act of 1974 (42 U.S.C., Section 5401 et seq).

Manufacturing. The conversion of raw materials or assembly of parts into new products that are primarily sold off-site.

Marijuana dispensary. "Marijuana Dispensary" means any of the following:

1. Any for profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where any person(s) (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") makes available, sells, gives, distributes, or otherwise provides marijuana to any two or more other persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") pursuant to Health and Safety Code Sections 11362.8 and/or 11362.7 et seq. or otherwise: or
2. Any for profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to make available, sell, give away, distribute, or otherwise provide marijuana for medicinal marijuana "cooperatives" and "collectives."

The terms "primary caregiver," "qualified patient," "person with an identification card," "cooperative," and "collective" shall be as defined in Proposition 215 (Health and Safety Code Section 11362.5) and Senate Bill 420 (Health and Safety Code Section 11362.7 et seq.) (Ord. 1778)

Marquee. A permanent structure other than a roof that is attached to, supported by and projecting from a building and that provides protection from the elements.

Marquee sign. See “Sign, marquee.”

Mature marijuana plant. A marijuana plant, whether male or female, that has flowered and which has buds that are readily observed by unaided visual examination. (Ord. 1799)

Meeting facility. Any facility for public or private meetings, excluding commercial entertainment facilities. Meeting facilities include community centers, clubs, lodges, houses of worship, auditoriums, union halls and other uses of like kind or character. A meeting facility shall not include substance abuse counseling or outpatient services, which are defined in this code. (Ord. 1775)

Metalwork. Any manufacturing or repair use that involves the production, assembly or dismantling of metal parts, including machine shops, welding shops and sheet metal shops.

Mini-storage facility. A building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for self-service storage of customers’ goods.

Mixed-use development. A development that provides both duplexes, live/work units and/or multiple-family dwellings as well as nonresidential uses. A mixed-use development may include vertical mixed use, with residential units located above nonresidential uses, as well as horizontal mixed use, with residential units located behind nonresidential uses.

Mobile food vendor. Any food service establishment designed to be readily movable, and that operates for a period of at least 30 minutes in a single location, in which food is heated or otherwise prepared and then sold. The term “mobile food vendor” includes but is not limited to carts, mobile kitchens, taco trucks and catering trucks.

Mobile home. In accordance with Section 18008 of the Health and Safety Code, “mobile home” means a structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system. The term “mobile home” does not include a recreational vehicle, commercial coach or manufactured housing.

Mobile home park. Any area or premise where space for mobile homes is rented, held for rent or on which free occupancy is permitted to house trailer owners and users for the purpose of securing their trailer, but not including automobile or trailer dealerships on which unoccupied house trailers are parked for inspection or sale.

Moderate-impact personal services. See “Personal services, moderate-impact.”

Moderate-income household. See “Household, moderate-income.”

Monument sign. See “Sign, monument.”

Mortuary. Any funeral home or parlor where the deceased may be prepared for burial or cremation, funeral services may be conducted and cremation may occur. A mortuary may include funeral merchandise sales as an accessory use.

Motel. A building or group of attached or detached buildings designed for temporary occupancy by individuals who are lodged for compensation, containing individual guest rooms or apartments, where a majority of the rooms or apartments open individually and directly to the outside. A motel may include accessory uses including but not limited to swimming pools and spas, gyms, meeting facilities and retail uses.

Multiple-family dwelling. See “Dwelling, multiple-family.”

Multiple-tenant building. A shopping center, office complex or any other nonresidential development where multiple tenants share a building or complex of buildings.

Mural. A work of art on the exterior wall of a building that is provided for the purpose of decoration or artistic expression.

Museum. See “Library or museum.”

N. Definitions, “N”.

Neighborhood food and beverage sales. A retail establishment under 10,000 square feet in which the majority of the floor area open to the public is occupied by food products or non-alcoholic beverages that are packaged for consumption away from the store. A food and beverage sales establishment may also sell alcoholic beverages or non-food items, provided that this is not the establishment’s primary business purpose.

NIER professional. A certified professional electrical engineer, health physicist or other technical expert with an understanding of NIER and its health effects. An NIER professional must have substantial professional experience performing environmental measurements of radio frequency (RF) exposure and preparing RF environmental evaluation reports for a variety of entities.

Noncommercial animal keeping. See “Animal keeping, noncommercial.”

Noncommercial wireless communication facility. See “Wireless communication facility, noncommercial.”

Nonconforming building. See “Building, nonconforming.”

Nonconforming lot. A lot that does not conform to the development standards, including area and width regulations, of the district in which it is located or that does not conform to subdivision regulations.

Nonconforming sign. See “Sign, nonconforming.”

Nonconforming use. A use that lawfully occupied a building or land at the time the use was established, but that no longer conforms with the use regulations of the district in which it is located.

Noncontributing feature. See “Feature, noncontributing.”

Non-ionizing electromagnetic radiation (NIER). Electromagnetic radiation associated with the extra low frequency, radio, microwave, infrared and visible light portions of the electromagnetic spectrum.

Nursery. See “Child day care.”

O. Definitions, “O”.

Occupancy. The use of a structure, or any portion of a structure, by an owner or tenant.

Off-premise sign. See “Sign, off-premise.”

Office, professional. See “Professional office.”

Official sign. A sign erected by a governmental agency, public utility or service, or one of their designee, setting forth information pursuant to law.

On-premise sign. See “Sign, on-premise.”

Open porch. An open, uncovered, and unenclosed landing or platform.

Open space, common. A usable open space that is shared by all of the residents of a residential development.

Open space, private. A usable open space that is available only to the residents of a single dwelling unit.

Open space, usable. An outdoor space that includes landscaping or other features that provide for active or passive recreation, including any ornamental landscaping that is a part of the outdoor space, and that complies with the requirements of Section 26-16.020 (Usable Open Space for Multiple-Family Dwellings) of this chapter. Parking and loading areas, service areas, driveways, walkways, and areas that provide access to dwelling units shall not be counted as usable open space.

Operator. Any person or organization that controls the operation and maintenance of a facility.

Outdoor. Any location within the City that is not within a fully enclosed and secure structure. (Ord. 1799)

Outdoor advertising sign. See “Sign, off-premise.”

Outdoor storage. See “Storage, outdoor.”

Outpatient services. Any facility that provides outpatient medical care and does not allow patients to stay overnight. Outpatient services typically include but are not limited to diagnosis, medical lab testing, wellness and prevention counseling, medical treatment, and physical therapy. Outpatient services are not considered a hospital, as defined in this code. Outpatient services shall not include, substance abuse counseling as a primary use. (Ord. 1775)

P. Definitions, “P”.

Park or playground. A non-commercial public outdoor recreational facility that provides active or passive recreational opportunities.

Parking area, public. An open area, other than a street or alley, that is paved or otherwise surfaced; used for parking and storage of vehicles; and available for public use, whether for free or for compensation, or as an accommodation for patrons, customers or clientele of a business, professional office or other commercial enterprise.

Parking garage. Any building or structure, other than a garage on the premises of and used exclusively by a single-family dwelling, that is used for the parking or storage of vehicles, whether for free or for compensation.

Parking lot. Any property used temporarily or permanently for parking or storage of vehicles of any type in exchange for compensation, or as an accommodation for patrons, customers, or clientele of a business, professional office, or other commercial enterprise.

Parking space. A space within a parking lot, parking garage, building, or other designated parking area that is designated for the temporary parking or storage of one vehicle or bicycle.

Patio. A paved area adjacent to a building that is intended for people’s recreational use, that is not used for vehicle parking and that is separated from parking areas by landscaping or other physical barriers.

Patio, covered. A patio that includes an impermeable roof or canopy.

Permit, administrative. See “Administrative permit.”

Permit, use. See “Use permit.”

Personal services. An establishment other than a professional office that provides services to individuals as a primary use, and that may provide accessory retail sales of products related to the services provided. Personal services shall not include substance abuse counseling or outpatient services, which are defined in this code. (Ord. 1775)

Personal services—low-impact. A personal services establishment that tends to create minimal adverse impacts for its surroundings, including but not limited to clothing rental, dry-cleaning services with no on-site dry-cleaning equipment, laundromats, tailors, tanning salons and other uses of like kind or character.

Personal services—moderate-impact. A personal services establishment that may tend to attract criminal activity or reduce property values when found near similar establishments, and that may need to be dispersed in order to reduce these potential negative impacts. The term “moderate-impact personal services” includes but not limited to check-cashing stores, pawnshops, psychics, spas and hot tubs for hourly rental, tattoo and body piercing parlors and other uses of like kind or character.

Pet store. An establishment engaged in the retail sale of pet animals, whether for free or for compensation. Pet stores are subject to the requirements for animal keeping in Section 26-16.120 (Animal Keeping) of this chapter.

Pharmacy. A professional office where medications are dispensed by licensed pharmacists.

Planned development. An area of land to which the PD-O overlay zoning district has been applied and that is subject to the provisions of the PD-O district.

Playground. See “Park or playground.”

Porch. A one-story structure attached to a building that has no floor space located above it, and with at least one side that is not enclosed by a vertical wall, window or screening material.

Pole sign. See “Sign, pole.”

Political sign. See “Sign, political.”

Portable sign. See “Sign, portable.”

Premises. A single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall constitute a single “premises” for purposes of this chapter. (Ord. 1799)

Primary caregiver. A “primary caregiver” as defined in Health and Safety Code Section 11362.7(d). (Ord. 1799)

Primary dwelling unit. See “Dwelling unit, primary.”

Primary use. An activity or combination of activities that comprise one of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Private open space. See “Open space, private.”

Professional office. An office used by persons who provide services that require a state license or certificate, including but not limited to accountants, architects, dentists, doctors, engineers, lawyers and real-estate agents. The term “professional office” shall not include any facility that provides intensive medical treatment or overnight lodging for persons, such as a hospital; any facility that provides permanent or temporary boarding of animals, such as a veterinary office or kennel; any use that is considered a “personal service,” as defined in this chapter; or any adult-oriented business.

Project. Any proposed development for a site.

Projecting sign. See “Sign, projecting.”

Public parking area. See “Parking area, public.”

Public safety facility. A facility operated by a public agency for the purpose of protecting public safety, including but not limited to fire stations and other fire-fighting facilities, police stations and ambulance dispatch facilities.

Q. Definitions, “Q”.

Qualified patient. A “qualified patient” as defined in Health and Safety Code Section 11362.7(f). (Ord. 1799)

R. Definitions, “R”.

Radio frequency (RF). The measure of the amplitude of the radio wave on which a given signal is transmitted.

Raised basement. See “Basement, raised.”

Reader board. See “Sign, reader board.”

Real estate sign. See “Sign, real estate.”

Rear lot line. See “Lot line, rear.”

Rear setback. See “Setback, rear.”

Rear yard. The rear open space portion of any premises, whether fenced or unfenced. (Ord. 1799)

Reasonable accommodation. Any request by, or on behalf of, a disabled person for a reasonable deviation from the City's strict application of its land use or building regulations as set forth in this Code, or as adopted by reference in this Code, in order for such disabled person to use and enjoy a dwelling.

Recreational facility, commercial. See “Commercial recreational facility.”

Recreational vehicle (RV). In accordance with Section 18010 of the Health and Safety Code, “recreational vehicle” means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, that meets all of the following criteria:

1. Contains less than 320 square feet of internal living area, excluding built-in equipment, including but not limited to wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms.
2. Contains 400 square feet or less of gross area measured at maximum horizontal projections.
3. Is built on a single chassis.
4. Is self-propelled, truck-mounted or permanently towable on highways without a permit.

Recreational vehicle (RV) park. Any area or tract of land where one or more travel trailers, camp cars or tent camping lots are rented or held for rent, or where space may be rented to place such a vehicle or temporary shelter overnight.

Recycling facility or center. A place of business for the acceptance by donation, redemption, or purchase of recyclable materials from the public, for suitable reuse such as paper, plastic, aluminum cans, household electronics, other recyclable materials. All recycling facilities and/or centers shall be a certified recycling facility or certified processor that are certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986, as may be amended from time to time. These shall not include Scrap and Dismantling yards which are primarily used for the recycling of automobiles and/or industrial wastes. (Ord. 1796)

Repair service. Any facility where electrical, electronic or mechanical equipment is repaired away from the premises of the customer. The term “repair service” does not include vehicle service or repair.

Repair service, small appliances. A repair service that repairs small household items, such as televisions and stereo systems.

Repair service, large equipment. A repair service that repairs large household items, such as refrigerators and air conditioners, or large commercial machinery.

Repair service, vehicle. See “Vehicle service or repair.”

Required minimum setback. See “Setback, required minimum.”

Research laboratory. A facility for scientific research, including pharmaceutical, chemical and biotechnology research, or the design, development and testing of electrical, electronic, magnetic, optical, computer or telecommunications components.

Residential care facility. In accordance with Section 1502 of the Health and Safety Code, “residential care facility” means any family home, group care facility or similar facility for 24-hour nonmedical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. A Residential Care Facility shall not include substance abuse counseling or outpatient services, which are defined in this code. (Ord. 1775)

Residential structure. Any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking and sanitation on a premises or legal parcel located within a residential or agricultural-residential zoning district. (Ord. 1799)

Restaurant or café. Any retail business that sells ready-to-eat food or beverages for on-premise or off-premise consumption.

Review authority. The City official or City body that is responsible, under the provisions of this chapter, for approving or denying a development review application, permit application or other request for official City approval.

Retaining wall. A wall that is designed to resist lateral pressure and prevent the advance of soil or other materials.

Roof sign. See “Sign, roof.”

Roof-mounted. Any object or equipment attached to the roof or the top-most level or levels of a building.

Rotating sign. See “Sign, rotating.”

S. Definitions, “S”.

Salvage yard. See “Scrap or Dismantling Yard.” (Ord 1769)

Satellite antenna. Any device incorporating a reflective surface that is solid, open mesh, or bar-configured to form a shallow dish, cone, horn or cornucopia used to transmit or receive electromagnetic signals. This definition includes antennas that are sometimes called “SES,” “TVRO,” “TVBS” and “DBS.”

Satellite dish. See “Satellite antenna.”

School. An institution of learning for persons under twenty-one (21) years of age, whether public or private, offering regular courses of instruction including, without limitation, a kindergarten, elementary school, middle or junior high school, or senior high school. (Ord. 1799)

School, professional or trade. See “Training facility.”

School, private. An academic institution that is not operated under the authority of a public school board or district. The term “private school” shall include only elementary, middle and high schools, as well as colleges and universities, and shall not include training facilities.

School, public. An academic institution that is operated under the authority of a public school board or district, including a charter school.

Scrap or dismantling yard. Outdoor establishment primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap and the incidental wholesale or retail sales of parts from vehicles. (Ord. 1769)

Seasonal holiday agricultural sales. The temporary sale of seasonal agricultural products, including but not limited to pumpkins and Christmas trees.

Second dwelling unit. An attached or detached dwelling unit that is provided as an adjunct to an existing single-family dwelling unit and that includes complete, independent living facilities, including but not limited to any of the following:

1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Service station. See “Gas station.”

Setback. The minimum distance by which a building or structure must be separated from a lot line. Buildings may project into a setback as provided in Section 26-13.040 (Setback Requirements) of this chapter. In addition, accessory buildings and swimming pools may be located in setbacks as provided in Section 26-13.090 (Accessory Buildings and Swimming Pools) of this chapter.

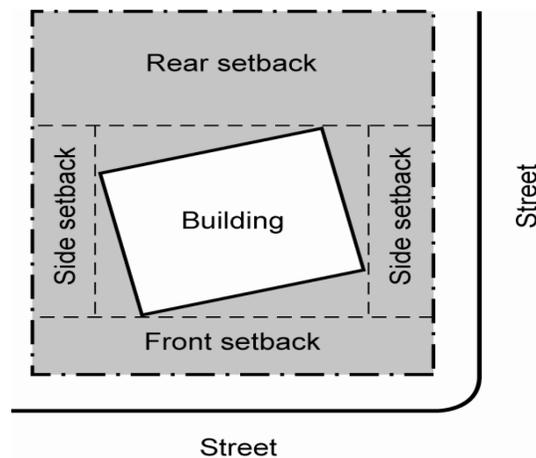


Figure 26-01.060-7: Setback

Setback, front. A setback extending across the full width of the site, the depth of which is the distance between the front lot line and the foundation of any structure. The designation of the front setback of a corner lot shall be as described in the definition of the term “Lot line, front”.

Setback, rear. A setback extending across the full width of the site, the depth of which is the distance between the rear lot line and the foundation of any structure.

Setback, required minimum. The smallest setback from any lot line that is allowed under the provisions of this chapter.

Setback, side. A setback between the foundation of any structure and the side lot line, extending from the front setback to the rear setback. The width of the side setback shall be measured horizontally from the nearest point of the side lot line to the nearest part of the foundation of any structure.

Setback line. A line parallel to a specified lot line that defines a required minimum setback for the foundation of any structure.

Shopping center. A primarily retail-oriented commercial site with at least 3 separate businesses that share common pedestrian and parking areas.

Side lot line. See “Lot line, side.”

Side setback. See “Setback, side.”

Sight distance area. A triangular area that is to be kept clear of visual obstructions for drivers, as further defined by the City Engineering Design Standards.

Sign. A lettered, numbered, symbolic, pictorial, or illuminated display, including any decorative or supporting structure associated with the display, that is designed to identify, announce, direct or inform, and that is visible from a public right-of-way.

Sign, attached. A sign that is permanently affixed to a building, including but not limited to a wall sign, projecting sign, marquee sign, canopy sign or awning sign.

Sign, awning. A sign that is attached to, painted on, hung from or supported by an awning.



Figure 26-01.060-8: Awning Signs Painted on Awning

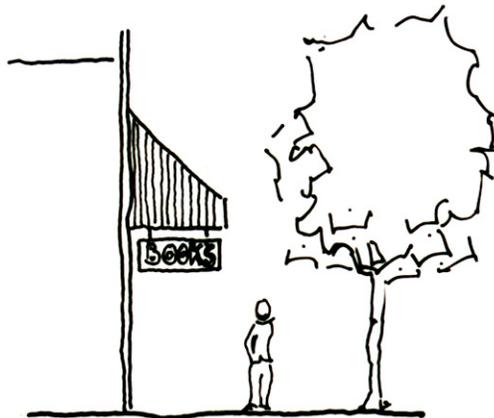


Figure 26-01.060--9: Awning Sign Hanging from Awning

Sign, banner. A sign made of fabric, cloth or any other loosely-draping material, including any flag.



Figure 26-01.060-10: Banner Sign on Building Frontage

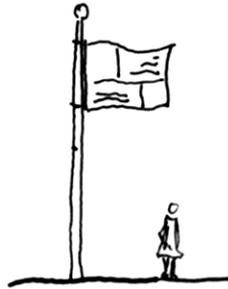


Figure 26-01.060-11: Banner Sign on Flagpole

Sign, billboard. See “Sign, off-premise.”

Sign, bulletin board. A sign where posters, flyers and similar materials can be attached temporarily without replacing or covering the sign face. The term “bulletin board sign” does not include signs that are designed to be used with detachable numbers or letters, which are included within the term “sign, reader board.”

Sign, canopy. A sign that is attached to, painted on, hung from or supported by a canopy.



Figure 26-01.060-12: Canopy Sign

Sign, detached. A sign that is not affixed to or supported by a building or any part of a building.

Sign, directional. A sign specifically designed to provide directional messages for pedestrians and traffic.

Sign, digital display. An off-premise advertising sign/billboard that can be automated, by digital means, to change its message. The duration of each message shall be displayed for a minimum of 8 seconds. Signs displaying messages for a duration of less than 8 seconds shall be considered a video display sign.

Sign, flashing. An illuminated sign in which any artificial light source is not maintained at a constant intensity.

Sign, freestanding. A detached sign that is elevated above the ground by one or more poles, braces or similar structures.



Figure 26-01.060-13: Freestanding Sign

Sign, freeway-oriented. Any sign for a freeway-oriented business that is designed to be visible from the freeway on which the business depends.

Sign, ground. See “Sign, monument.”

Sign, internally illuminated. A sign with a light source located on the inside of the sign, so that the light passes through the face of the sign.

Sign, land development. A detached sign located on the premises of an undeveloped property that is to be subdivided or otherwise developed.

Sign, marquee. A sign that is attached to, painted on, hung from or supported by a marquee.

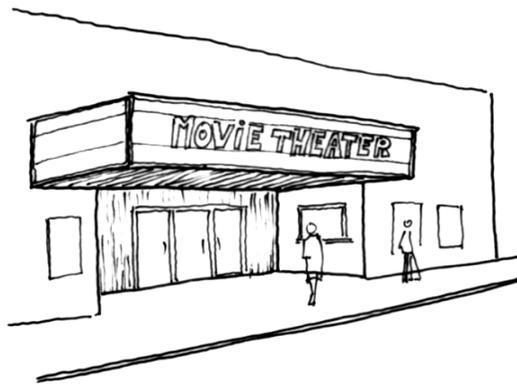


Figure 26-01.060-14: Marquee Sign

Sign, monument. A detached sign that is placed on the ground on a foundation or bearing surface and is not supported by poles, braces, or similar structures.



Figure 26-01.060-15: Monument Sign

Sign, nonconforming. A sign that was installed in accordance with the laws and regulations that applied at the time of installation, but that does not comply with current laws and regulations.

Sign, off-premise. A sign, including the supporting structure, which is visible from a street or highway and advertises goods or services not usually on the premises and/or property upon which the sign is located, excluding directional or official signs authorized by law and real estate signs.

Sign, on-premise. A sign that contains a message chosen by the person who controls the premises on which the sign is located.

Sign, outdoor advertising. See “Sign, off-premise.”

Sign, pole. A freestanding sign, excluding a banner sign on a flagpole, that is supported by a single pole or a similar structure.



Figure 26-01.060-16: Pole Sign

Sign, political. Any sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure.

Sign, portable. A freestanding sign that is not permanently attached, or designed to be permanently attached, to the ground or any structure.

Sign, projecting. A sign that is attached to a building and that projects outward from the building.

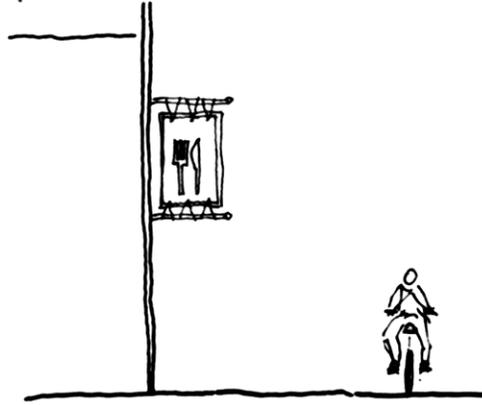


Figure 26-01.060-17: Projecting Sign

Sign, reader board. A sign with detachable or electronic letters, numbers or other characters which allows its message to be changed without replacing or covering the sign face. The term “reader board sign” does not include signs such as a cork board or a kiosk for the posting of flyers, which are included within the term “sign, bulletin board.” (Ord. 1769)

Sign, real estate. A detached sign located on the premises of a property that is for sale, lease or rental.

Sign, roof. A sign erected on or above the roof or parapet of a building or structure.



Figure 26-01.060-18: Roof Sign

Sign, rotating. Any sign that includes a rotating or revolving element.

Sign, temporary. A sign that is displayed for a limited period of time.

Sign, vehicle. A sign that is affixed to, attached to or mounted on a motor vehicle, or to a device such as a trailer that is designed to be attached to a motor vehicle.

Sign, video display. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text, and depicts action or a special effect to imitate continuous movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns, or bands of light, or expanding or contracting shapes. (Ord 1768)

Sign, wall. A sign that is affixed to the wall of a building and is essentially parallel to the wall.

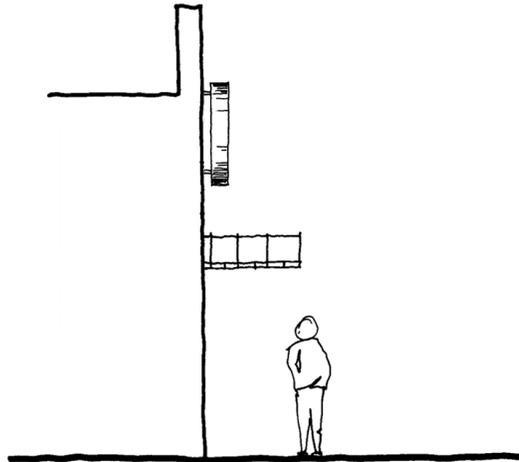


Figure 26-01.060-19: Wall Sign

Sign, wind-driven. A sign that rotates, revolves, drifts or changes with the wind, including banners, balloons, pennants, ribbons, streamers and inflatable signs. The term “wind-driven sign” does not include a flag that is attached to a flagpole.

Sign, window. A sign that is affixed to the inside or outside of a window or located within 3 feet of the window, and that is visible from the outside of the window.

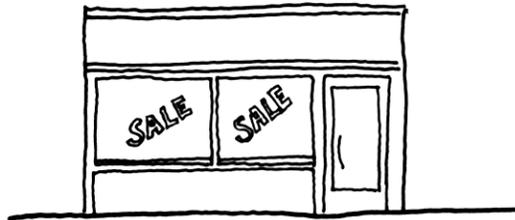


Figure 26-01.060-20: Window Sign

Sign face. Any portion of a sign that uses letters, numbers, words, pictures, symbols or other elements to convey information.

Sign program. A coordinated sign plan for one or more businesses or uses located on a site, incorporating one or more common elements such as color, materials, lettering, illumination, sign type and sign shape.

Single-family dwelling. See “Dwelling, single-family.”

Single-room occupancy (SRO). Housing (consisting of single room dwelling units with a minimum size of 150 square feet) that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both) if the project consists of new construction, conversion of non-residential space, or reconstruction. For acquisition or rehabilitation of an existing residential structure or hotel, neither food preparation nor sanitary facilities are required to be in the unit. If any unit does not contain food preparation or sanitary facilities, the building must contain those facilities in a common area shared by tenants.”

Site. A parcel or adjoining parcels that are under single ownership or single control, and that are considered a unit for the purposes of development or other use.

Site area. The total area included within the boundaries of a site.

Site coverage. The total area of a site covered by buildings, accessory buildings, structures and covered patios. For structures that have walls, the site coverage is measured based on the perimeter of the exterior wall. For structures with no walls, such as a patio cover, the site coverage is measured based on the dimensions of the overhead canopy.

Small family day care home. See “Family day care home, small.”

Smoke shop. Any establishment whose primary business purpose is to sell, offer for sale, or exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia. Such businesses include head shops, hookah shops and lounges, tobacco shops, and other uses of like kind character.

Solar energy system, tier 1. A system only used to power on-site uses. Tier 1 systems include roof-mounted and ground-mounted systems and photovoltaic systems integrated into building materials used in the construction of a structure.

Solar energy system, tier 2. A ground-mounted system used to power on-site and off-site uses, with less than 50 percent of the power generated used off-site.

Solar energy system, tier 3. A ground-mounted system used to power on-site and off-site uses, with 50 percent or more of the power generated used off-site.

Solid fence. See “Fence, solid.”

Specified anatomical areas. See “Adult-oriented business, specified anatomical areas.”

Specified sexual activities. See “Adult-oriented business, specified sexual activities.”

Stealth mount. A way of mounting an antenna that hides the antenna by making it appear to be a part of a structure or tree.

Storage, outdoor. The storage of various materials outside of a structure, either as an accessory or a primary use.

Storage area. Any place outside of a structure where various materials are stored.

Storage business. A business that accepts and stores goods from one or more customers but does not provide individual, compartmentalized and controlled access to each customer’s goods.

Storage container. Any fully enclosed area other than a structure, such as a cargo container or shipping container, where various materials are stored.

Story. Any one of a building’s floors that has a ceiling at least 6 feet above its floor and at least 6 feet above grade.

Street. A thoroughfare, including a road or highway, that provides the principal means of access to abutting property. For the purpose of interpreting this chapter, any throughway except an alley shall be considered a street.

Street line. The boundary line between the street right-of-way and abutting property.

Structural alteration. Any change in the supporting members of a building or structure, including bearing walls, columns, beams or girders, floor joists, ceiling joists or roof rafters.

Structure. Anything constructed or erected that requires attachment to the ground or attachment to something located on the ground. For the purposes of this chapter, the term “structure” includes

buildings, gazebos, aviaries, signs and similar objects, but does not include fences, trellises, fountains, ponds, swimming pools, in-ground spas or similar objects.

Structure, temporary. A structure that is erected for a limited period of time, typically no longer than 60 days, and that does not permanently alter the character or physical facilities of a property.

Structure-mounted. Any object or equipment attached to a building, billboard, tank, sign, utility pole, or other structure, but not attached to a dedicated support structure resting on the ground. When referring to wireless communication facilities, this definition includes antennas sometimes referred to as “façade mounts” and “sign mounts.”

Studio, instructional or production. See “Instructional or production studio.”

Substance abuse counseling. Any facility that provides addiction recovery or substance abuse counseling services to the public, as a primary use, for drug, alcohol, and narcotics related addictions. Substance Abuse Counseling does not include medical care, overnight guests, and 24-hour non-medical care. This definition shall not include meeting facilities, personal services, and residential care facilities as defined in this code. (Ord. 1775)

Supportive housing. Housing configured as rental housing developments, with no limit on length of stay, that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use permitted subject to the same standards and procedures as apply to other residential uses of the same type in the same zone.

T. Definitions, “T”.

Target unit. A dwelling unit within a housing development that is reserved for very-low-income, lower-income or moderate-income households, and for which a density bonus is to be granted, in accordance with the requirements of Section 26-22 (Residential Density Bonuses) of this chapter.

Temporary real estate office. A portable office building that is temporarily located on the site of a development project, in order to provide an on-site working space for use by contractors, architects and others associated with the development.

Temporary sign. See “Sign, temporary.”

Temporary structure. See “Structure, temporary.”

Temporary use. A short-term activity that may or may not meet the normal development or use standards of the applicable zoning district, but that occurs for a limited period of time and does not permanently alter the character or physical facilities of a property.

Tier 1 solar energy system. See “Solar energy system, tier 1.”

Tier 2 solar energy system. See “Solar energy system, tier 2.”

Tier 3 solar energy system. See “Solar energy system, tier 3.”

Tobacco paraphernalia. Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, vaporizers and any other item designed for the smoking, preparation, storing, or consumption of tobacco products. For the purpose of this chapter, electronic cigarette supplies are considered tobacco paraphernalia.

Tobacco product. Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other

preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence. For the purpose of this chapter, electronic cigarettes are considered a tobacco product.

Tower-mounted. Any object or equipment attached to a dedicated support structure resting on the ground whose principal use is to support similar objects or equipment, and that has an overall height greater than 10 feet above finished grade at the base of the structure. When referring to wireless communication facilities, this definition includes antennas that are sometimes referred to as “monopoles,” “lattice towers,” and “guyed towers.”

Townhouse. See “Dwelling, single-family, attached.”

Training facility. A private school that primarily provides specialized education or training for a particular profession or trade.

Transfer business. A business whose primary purpose is the movement of goods from one location to another, and which may use storage facilities incidentally to that purpose.

Transitional housing and transitional housing development (per California Health and Safety Code 50675.2 (h)). Housing configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing is a residential use permitted subject to the same standards and procedures that apply to other residential uses of the same type in the same zone.

U. Definitions, “U”.

Usable open space. See “Open space, usable.”

Use. See “Land use.”

Use, accessory. See “Accessory use.”

Use, nonconforming. See “Nonconforming use.”

Use, primary. See “Primary use.”

Use, temporary. See “Temporary use.”

Use permit. A permit to allow a specified land use, building, or structure that is not allowed as of right on a given property, subject to the discretion of the City.

Utility building or substation. Any facility that is used for production, distribution or processing related to a public utility that involves the use of direct physical connections, such as water, sewage, electricity, natural gas or telecommunications services.

V. Definitions, “V”.

Vehicle. A device by which any person or property may be propelled, moved or drawn, except a device moved by human power or used exclusively upon stationary rails or tracks.

Vehicle depot. A facility that is used primarily for the storage of operative vehicles in a fleet, including associated repair facilities for temporarily inoperative vehicles.

Vehicle sales. An establishment for the retail sales or rental of vehicles. Vehicle sales may include parts sales and vehicle repair, provided that these activities are incidental to the sale of vehicles.

Vehicle service or repair. An establishment that provides any repair, alteration, servicing, restoration or finishing of any vehicle as a primary use, including but not limited to body repair, collision repair, muffler and radiator shops, oil change and quick-lube shops, painting, tire and battery sales and installation, and towing. The term “vehicle service or repair” does not include repair shops that are part of a vehicle sales establishment on the same site.

Vehicle sign. See “Sign, vehicle.”

Vending station. The vehicle, cart or other device used by a mobile food vendor for the preparation and distribution of food.

Very-low-income household. See “Household, very-low-income.”

Veterinarian. A professional office where animals receive medical treatment on the premises from a licensed veterinarian, and where all animals are housed indoors. The outdoor housing of animals shall be considered a “kennel” and is not permitted as an accessory use. Veterinarians are subject to the requirements for animal keeping in Section 26-16.120 (Animal Keeping) of this chapter.

W. Definitions, “W”.

Wall sign. See “Sign, wall.”

Warehousing. The provision of facilities used primarily for the storage of commercial goods, including documents. “Warehousing” does not include mini-storage facilities or facilities used primarily for wholesaling and distribution.

Wholesaling and distribution. The provision of facilities used primarily for selling or distributing goods to retailers, contractors, commercial purchasers or other wholesalers, or to the branch or local offices of a company or organization.

Wind-driven sign. See “Sign, wind-driven.”

Window sign. See “Sign, window.”

Wireless communication facility. The equipment and associated structures needed to transmit or receive electromagnetic signals. A wireless communication facility typically includes antennas, supporting structures, enclosures or cabinets housing associated equipment, cable, access roads and other accessory development. Receive-only radio and television antennas, as well as receive-only satellite dishes or antennas, are excluded from this definition.

Wireless communication facility, commercial. A wireless communication facility operated by a for-profit business.

Wireless communication facility, noncommercial. A wireless communication facility operated by a government agency, a nonprofit organization, or a private citizen for personal use. Any amateur radio facility shall be considered a noncommercial wireless communication facility.

X. Definitions, “X”.

No specialized terms beginning with “X” are defined.

Y. Definitions, “Y”.

Yard. See “Setback.”

Z. Definitions, “Z”.

Zone. See “District.”

Zoning Administrator. The Director of Community Development and Public Works, or his or her authorized representative.

Zoning clearance. A verification by the Zoning Administrator that a proposed structure or use meets the requirements of this chapter.

Zoning Map. The official map and its underlying Geographic Information System (GIS) data, adopted by the City of Oroville, that serves to delineate the boundaries of each district as defined in this chapter.

ARTICLE II. CITYWIDE REGULATIONS

Section 26-10 – General Regulations43

26-10.010 Districts Established43

26-10.020 Adoption of Zoning Map44

26-10.030 Zoning Map Provisions.....44

26-10.040 District Boundary Changes.....45

26-10.050 Rezoning of Unincorporated Areas.....45

26-10.060 Zoning of Annexed Areas45

26-10.070 General Restrictions.....45

26-10.080 Certificate of Occupancy45

26-10.090 Interpretation Regarding Allowable Uses of Land.....46

26-10.100 Relationship to Other Regulations and Private Restrictions47

26-10.110 Regulations are Minimum.....47

26-10.120 Medical Marijuana Dispensaries48

26-10.130 Technology Cost Recovery Fee.....48

26-10.135 Art in Public Places/Oroville Beautification.....48

26-10.140 Cessation of Land Use Activities.....51

26-10.150 Reasonable Accommodation for Disabled or Handicapped Individuals.....52

26-10.200 Facility and Park Fee Waiver.....53

Section 26-13 – Development Standards57

26-13.010 Performance Standards57

26-13.020 Fences, Walls, and Screening.....58

26-13.030 Height Limits62

26-13.040 Setback Requirements63

26-13.050 Landscape Standards64

26-13.060 Tree Preservation68

26-13.070 Parking69

26-13.080 Loading Spaces76

26-13.090 Accessory Buildings and Swimming Pools.....78

26-13.100 Crime Prevention through Environmental Design (CPTED).....79

Section 26-16 – Use-Specific Regulations81

26-16.010 Second Dwelling Units.....81

26-16.020 Usable Open Space for Multiple-Family Dwellings.....82

26-16.030 Mixed-Use Development.....83

26-16.040 Home Occupations.....84

26-16.050 Family Day Care Homes.....85

26-16.060 Temporary Uses and Buildings.....87

26-16.070 Gas Stations.....88

26-16.080 Drive-Through Establishments89

26-16.090 Car and Vehicle Washes.....89

26-16.100 Agricultural Uses90

26-16.110 Adult-Oriented Businesses90

26-16.120 Animal Keeping.....98

26-16.130 Outdoor Display and Sales101

26-16.140 Outdoor Storage.....102

26-16.150	Mobile Food Vending	103
26-16.160	Alcoholic Beverage Sales	104
26-16.170	Wireless Communication Facilities	105
26-16.175	Distributive Antenna Systems.....	112
26-16.180	Solar Energy Systems.....	113
26-16.185	Solar Energy Requirements	115
26-16.190	Smoke Shops.....	115
26-16.200	Medical Marijuana Cultivation	116
26-16.210	Cottage Food Operations	119
26-16.220	Neighborhood Food and Beverage Sales.....	122
26-16.230	Urban Agriculture	123
26-16.240	Emergency Shelters.....	123
Section 26-19 – Sign Regulations		125
26-19.010	Purpose and Applicability.....	125
26-19.020	Noncommercial Signs and Messages	125
26-19.030	General Provisions	125
26-19.040	Sign Permits.....	128
26-19.045	Signs Requiring a Use Permit.....	130
26-19.050	Required Signs	134
26-19.060	Location, Placement, and Design of Signs	134
26-19.070	Requirements for Specific Types of Signs	135
26-19.080	Sign Programs	137
26-19.090	Temporary Signs.....	138
26-19.100	Temporary Sign Permits	140
26-19.110	Requirements for Residential Districts.....	140
26-19.120	Requirements for Commercial and Mixed-Use Districts.....	141
26-19.130	Requirements for Industrial Districts	141
26-19.140	Requirements for Special Purpose Districts.....	141
26-19.150	Requirements for Downtown Historic Overlay (DH-O) Districts.....	141
26-19.160	Nonconforming Signs	147
26-19.170	Removal of Signs.....	147
26-19.180	Violations and Penalties	148
Section 26-22 – Residential Density Bonuses		149
26-22.010	Purpose	149
26-22.020	General Provisions.....	149
26-22.030	Standards for Target Units	151
26-22.040	Donations of Land.....	151
26-22.050	Affordability Requirements	152
26-22.060	Development Incentives	153
26-22.070	Application and Review	154
26-22.080	Density Bonus Housing Agreement	155
Chapter 26-25 – Development Incentives		159
26-25.010	Incentives for Community Benefits.....	159

Section 26-10 – GENERAL REGULATIONS

26-10.010	Districts Established
26-10.020	Adoption of Zoning Map
26-10.030	Zoning Map Provisions
26-10.040	District Boundary Changes
26-10.050	Prezoning of Unincorporated Areas
26-10.060	Zoning of Annexed Areas
26-10.070	General Restrictions
26-10.080	Certificate of Occupancy
26-10.090	Interpretation Regarding Allowable Uses of Land
26-10.100	Relationship to Other Regulations and Private Restrictions
26-10.110	Regulations are Minimum
26-10.120	Medical Marijuana Dispensaries
26-10.130	Technology Cost Recovery Fee
26-10.135	Art in Public Places/Oroville Beautification
26-10.140	Cessation of Land Use Activities
26-10.150	Reasonable Accommodation for Disabled or Handicapped Individuals
26-10.200	Facility and Park Fee Waiver

26-10.010 Districts Established

In order to carry out the purpose and provisions of this chapter, the City shall be divided into the following districts, for which specific requirements appear in Article III of this chapter:

Residential Districts

UR-10	Urban Reserve 10 Acres
UR-5	Urban Reserve 5 Acres
RA	Agricultural Residential
RR-1	Rural Residential 1 Acre
RR-20	Rural Residential 20,000 Square Feet
RR-10	Rural Residential 10,000 Square Feet
RL	Large-Lot Residential
R-1	Single-Family Residential
R-2	Medium-Density Residential
R-3	High-Density Residential
R-4	Urban-Density Residential
RP	High-Density Residential/Professional

Commercial Districts

CN	Neighborhood Commercial
C-1	Limited Commercial
C-2	Intensive Commercial
CH	Highway Commercial
CLM	Commercial/Light Manufacturing
OF	Office

Mixed-Use Districts

MXD	Downtown Mixed Use
MXN	Neighborhood Mixed Use
MXC	Corridor Mixed Use

Industrial Districts

ABP	Airport Business Park
M-1	Limited Industrial
M-2	Intensive Industrial

Special Purpose Districts

PQ	Public or Quasi-Public Facilities
OS	Open Space

Overlay Districts

HD-O	Hillside Development Overlay
PD-O	Planned Development Overlay
MRPD-O	Martin Ranch Planned Development Overlay
DH-O	Downtown Historic Overlay
AIA-O	Airport Influence Area Overlay
MS-O	Mini-Storage Overlay
C-O	Conditional Overlay
F-O	Foothill Overlay
UA-O	Unique Agriculture Overlay
PO-O	Professional Office Overlay
ACE-O	Arts, Culture, and Entertainment Overlay

26-10.020 Adoption of Zoning Map

That particular map entitled "Zoning Map for the City of Oroville," as that zoning information is stored and maintained on the City's Geographic Information System (GIS), is adopted as the official Zoning Map for the City, and is made a part of this chapter by reference.

26-10.030 Zoning Map Provisions

- A. **Resolving Ambiguities.** Where uncertainty exists as to the exact location of the boundary lines for any district shown on the Zoning Map, the following rules shall apply:
1. Where a zoning district's boundary approximately follows lot lines, street centerlines or alley centerlines, those lines shall be deemed to form the district's boundary.
 2. Where a district's boundary divides a lot, and the Zoning Map does not indicate any dimensions showing the boundary's location, the boundary's location shall be determined by measuring the Zoning Map.
- B. **Vacated Streets.** Where a public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply. If the abutting property is in more than one zoning district, the regulations of the most restrictive district shall apply.

- C. **Applicability of Symbols.** A symbol indicating the zoning classification of property on the Zoning Map shall, in each instance, apply to the whole area within the district boundaries.

26-10.040 District Boundary Changes

Changes in boundaries of any district shall be made only by an ordinance amending the Zoning Map. If changes occur in accordance with the provisions of this chapter and all other applicable laws, they shall be indicated on the Zoning Map promptly after approval of the amendment by the City Council. No changes of any nature shall be made to the Zoning Map except in conformity with the procedures set forth in the City Charter and in this chapter.

26-10.050 Prezoning of Unincorporated Areas

The City of Oroville may prezone unincorporated territory recognized as part of its General Plan planning area for the purpose of determining the zoning that shall apply to the property in the event of annexation to the City. All prezones shall be included on the Zoning Map.

26-10.060 Zoning of Annexed Areas

When prezoned property is annexed to the City of Oroville, that property shall become subject to all applicable provisions of this chapter. Any property that has not been prezoned shall be placed in a zoning district at the time of annexation.

26-10.070 General Restrictions

All sections of this chapter shall be subject to the following general provisions and exceptions:

- A. No building shall be erected, converted, reconstructed or structurally altered, nor shall any building or land be used for any purpose that is not permitted in the applicable district, except as specifically provided in this chapter.
- B. No building shall be erected, converted, reconstructed or structurally altered to exceed the height or bulk limits permitted in the applicable district, except as specifically provided in this chapter.
- C. No lot area shall be reduced or diminished so that the required building setbacks are smaller than permitted in the applicable district, except as specifically provided in this chapter.
- D. Every building that is erected after this chapter is enacted shall be located on a site that conforms to the requirements of the applicable district, except as specifically provided in this chapter.

26-10.080 Certificate of Occupancy

- A. **Certificate Required.** No vacant land in any district shall be occupied or used except as permitted under the provisions of this chapter, and no building erected, structurally altered or moved into or within any district shall be occupied, until a certificate of occupancy has been issued by the Building Official.

- B. **Certificate or Permit Required.** Any legal use or occupancy of an existing building at the time this chapter and its amendments became effective may continue but shall not be changed unless a certificate of occupancy for the new use has been issued by the Building Official.
- C. **Content.** The certificate of occupancy shall state that the building or proposed use of a building or land has complied with all laws and provisions of this chapter, including development review as applicable.
- D. **Recording.** A record of all certificates of occupancy shall be kept on file by the Building Official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the subject building, use or land.

26-10.090 Interpretation Regarding Allowable Uses of Land

- A. **Unlisted Uses Not Allowed.** If a proposed use of land is not allowed as of right, or allowed subject to a permit, according to the regulations set forth in this chapter for the applicable district, the use shall not be allowed, except as follows:
 - 1. The Zoning Administrator may determine that a proposed use not listed for any zoning district is allowable as of right, subject to a zoning clearance, or that it is allowable subject to an administrative permit or use permit, if all of the following findings are made, based on substantial evidence:
 - a. The characteristics of, and activities associated with, the proposed use are equivalent to those of 1 or more of the allowable uses for the zoning district.
 - b. The proposed use will not involve a higher level of activity, density or intensity than other allowable uses for the district.
 - c. The proposed use will meet the purpose and intent of the applicable zoning district.
 - d. The proposed use will be consistent with the goals, objectives and policies of the General Plan.
 - 2. When the Zoning Administrator determines that a proposed use is equivalent to a listed use, the proposed use shall be treated in the same manner as the listed use for the purposes of determining where it is allowed, what permits are required and what other requirements of this chapter apply. A record of the determination shall be made in accordance with the procedures set forth in this section.
- B. **Procedures for Interpretations.** The Zoning Administrator shall respond in writing to any written request for interpretation of the regulations set forth in this chapter.
 - 1. The written request shall state which provision is to be interpreted, and it shall provide any information that the Zoning Administrator deems necessary to assist in the review.
 - 2. The Zoning Administrator shall respond to an interpretation request within 30 days of receiving the request. As an alternative to issuing an official interpretation, the Zoning Administrator may refer any request for interpretation to the Planning Commission for a determination.
 - 3. Whenever the Zoning Administrator determines that the meaning or applicability of any of the requirements set forth in these regulations is subject to interpretation generally or

as applied to a specific case, the Zoning Administrator shall issue an official interpretation. Official interpretations shall be:

- a. In writing, and shall quote the provisions of the regulations set forth in this chapter that are being interpreted and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation; and
 - b. Maintained on file by the Zoning Administrator.
4. Any provisions of the regulations set forth in this chapter that are determined by the Zoning Administrator to need refinement or revision will be corrected by amending the regulations in accordance with Section 26-56.100 (Relationship to Other Regulations and Private Restrictions) of this chapter, as soon as is practical. Until amendments can occur, the Zoning Administrator will maintain a complete record of all official interpretations, as made by the Zoning Administrator or as made in accordance with the appeal process described in Section 26-56.100 of this chapter. The record of official interpretations shall be available for public review, and it shall be indexed by the number of the section that is the subject of the interpretation.
 5. Any interpretation by the Zoning Administrator of the regulations set forth in this chapter may be appealed as provided in Section 26-56.100 (Relationship to Other Regulations and Private Restrictions) of this chapter. (Ord. 1762)

26-10.100 Relationship to Other Regulations and Private Restrictions

- A. **Conflicts with Other Regulations.** If the regulations of this chapter conflict with any building code, regulation or statute effective within the City, the more restrictive regulation shall apply.
- B. **Conflicts within the Zoning Code.** If any of the regulations of this chapter conflict with one another, and the chapter does not otherwise explain how to reconcile the conflict, the more restrictive regulation shall apply.
- C. **Easements, Covenants, and Other Agreements.** This chapter shall not interfere with, abrogate or annul any easement, covenant or other agreement now in effect; provided, however, that where this chapter imposes greater restrictions than those imposed or required by easements, covenants or other agreements, the provisions of this chapter shall apply. It shall be the responsibility of the property owner to be knowledgeable of any easements, covenants, or other agreements that have been recorded against their property. The City is not responsible for the enforcement of covenants or other restrictions that may be more stringent than this Code. (Ord. 1770)

26-10.110 Regulations are Minimum

In interpreting and applying the provisions of this chapter, unless otherwise stated, they shall be held to be minimum requirements for the promotion and protection of the public safety, health, and general welfare.

26-10.120 Medical Marijuana Dispensaries

Pursuant to Government Code section 65858, and notwithstanding any other provision of this Code, the establishment, development, construction, maintenance, or operation of a Marijuana Dispensary is hereby prohibited, and is not a permitted use in any of the following zoning districts, even if located within an otherwise permitted use: Urban Reserve 10 Acres (UR-10), Urban Reserve 5 Acres (UR-5), Agricultural Residential (RA), Rural Residential 1 Acre (RR-1), Rural Residential 20,000 square feet (RR-20), Rural Residential 10,000 square feet (RR-10), Large-Lot Residential (RL), Single-Family Residential (R-1), Medium-Density Residential (R-2), High-Density Residential (R-3), Urban Density Residential (R-4), High-Density Residential/Professional (RP), Neighborhood Commercial (CN), Limited Commercial (C-1), Intensive Commercial (C-2), Highway Commercial Corridor (CH), Commercial Light Manufacturing (CLM), Office (OF), Downtown Mixed Use (MXD), Neighborhood Mixed Use (MXN), Corridor Mixed Use (MXC), Airport Business Park (ABP), Light Industrial (M-1), and Intensive Industrial (M-2), Public or Quasi-Public Facilities (PQ), and Open Space (OS). No person shall establish, develop, construct, maintain, or operate a Marijuana Dispensary, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any marijuana dispensary shall be approved by the City of Oroville or any officer or employee thereof in any of the above districts. (Ord. 1778)

26-10.130 Technology Cost Recovery Fee

- A. **Applicability.** This section shall apply to any and all City land use applications, which use of the automated permitting system for land use activities managed by the City of Oroville.
- B. **Amount of Fee.** The amount of the technology cost recovery fee (TCRF) shall be a six percent (6%) fee added to each permit issued by the City of Oroville using the automated permitting system as part of the land use permitting process.
- C. **Time of Payment.** Payment in full of the TCRF shall be required at the time all fees are due on any project processed through the automated permitting system or upon completion of the project, whichever occurs first.
- D. **Deposit of Fee.** The City Administrator is hereby directed to create a special interest-bearing fund entitled “Technology Cost Recovery Fee” fund or other appropriate accounting mechanism. All amounts collected from the TCRF shall be placed in said fund and expended by the City Administrator or his/her designee solely for the purchase, installation, implementation, operation and maintenance of a streamlined permitting process. The City Administrator or his/her designee shall administer the TCRF fund.
- E. **Annual Report.** The City Administrator or his/her designee shall annually prepare and present a report to the Oroville City Council indicating the amount of revenues generated by the technology cost recovery fee and the expenditures made by the City in the preceding fiscal year. (Ord. 1773)

26.10-135 Art in Public Places/Oroville Beautification

- A. **Purpose.** The purpose of this section is to expand the opportunities for citizens of the City of Oroville to experience public art and other projects resulting from the creative expression of its

visual artists in public places throughout the City. A policy is hereby established to direct the inclusion of works of art in new non-residential development projects and establishing a fund used solely for the creation, purchase, installation, security and maintenance of art in public spaces throughout the City.

- B. **Applicability.** This section shall apply to the estimated construction costs (labor and materials) of all new non-residential development projects.
- C. **Public Art Contribution.** All new non-residential development projects subject to the requirements of this section shall install public art on the project site in a public place as approved by the City Council. The cost of the public art must be equal to at least one percent (1%) of the estimated construction costs. The creator of public art shall be an artist, defined as a person who has a reputation among peers as a person of artistic excellence, through a record of exhibitions, public commissions, sale of works, or educational attainment as judged by the Arts Commission. Public art shall be displayed in a manner that will enhance its enjoyment by the general public. The developer has the option to opt out of this requirement and instead pay the equivalent in lieu fee which shall be a one percent (1%) fee of the estimated construction costs.
- D. **Execution of Installation / Time of Payment.** If the developer chooses to pay the in lieu fee, payment in full shall be required at the time all fees are due on any project processed through the City or upon completion of the project, whichever occurs first. The payment of all outstanding fees shall be required prior to the issuance of a Certificate of Occupancy.

For developers choosing to provide art as part of their project, the developer shall provide the City with proof of installation of the required public art on the development site prior to the issuance of a Certificate of Occupancy.

- E. **Beautification Fund.** The City Administrator is hereby directed to create a special interest-bearing fund entitled Art in Public Places / Oroville Beautification Fund (Beautification Fund) or other appropriate accounting mechanism. The City Administrator or his/her designee shall administer the Beautification Fund.
- F. **Use of Funds.** All amounts collected from the in lieu fee shall be placed in said Beautification Fund and expended by the City Administrator or his/her designee solely for the costs associated with projects that result in the creation, purchase, installation, security or maintenance of art in public spaces that include but are not limited to paintings, mural decorations, inscriptions, stained glass, statues, reliefs or other sculptures, monuments, fountains, arches, or other structures intended for ornament or commemoration, carvings, frescoes, mosaics, or drawings. Furnishing or fixtures affixed to the building or its grounds, including architectural features of the building or landscaping that have been uniquely enhanced to be visually appealing, may qualify as art. Works of art may be temporary as well as permanent.
- G. **Ownership and Maintenance of Art.** Title to all public art required by and installed pursuant to this section on private property shall be vested in the owner and pass to the successive owners of the development project. Each successive owner shall be responsible for the custody, protection and maintenance of such works of art. Public art installed on public

property is owned by the City of Oroville and maintenance, removal or protection is the responsibility of the City.

For any works of art installed on private property, the owner(s) of the property shall be required to enter into a written agreement for the maintenance of the artwork. The agreement shall be in a form approved by the City Attorney and Zoning Administrator and suitable for recordation with the Butte County recorder. The agreement shall be binding upon the property owner(s) and any successors in interest.

- H. **Review Process / Standards.** The developer shall submit a narrative proposal and artistic rendering of the public art in satisfaction of the requirements imposed by this section, including any additional information, plans or maps prescribed by the Director of Planning and Development Services at the time of submission of their development application, or indicate an intention to pay the in lieu fees. The proposal for the public art shall be considered as an element of the design review.

The approval of all public art to be created, purchased, installed, secured and maintained under this section shall require a review of the City of Oroville Arts Commission which shall make a recommendation to the City Council for final approval or denial. The decision of the City Council shall be final. Review of all proposed artwork shall be considered based on the following criteria:

1. Conceptual compatibility of the design with the immediate environment of the site;
2. Appropriateness of the design to the function of the site;
3. Compatibility of the design and location within a unified design character or historical character of the site;
4. Creation of an internal sense of order and a desirable environment for the general community by the design and location of the work of art;
5. Preservation and integration of natural features with the project;
6. Appropriateness of the materials, textures, colors, and design to the expression of the design concept;
7. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art in public places to insure a variety of style, design, and media throughout the community that will be representative of the eclectic tastes of the community;

- I. **Removal of Public Art.** If, for any reason, the current owner or successor in interest shall choose to replace any public art installed pursuant to this section, the following requirements shall be met before the art is replaced:

1. The replacement of public art must go through the review process established above, unless the replacement will be identical to the existing art work and in the same location.
2. The cost of the replacement shall be equal to, or greater than, the initial cost of the existing public art to be removed adjusted for time.

3. The location of the replacement public art shall meet the requirement for public visibility in effect at the time of the replacement.
 4. The replacement of public art shall conform, in every respect, to all standards in effect at the time of the replacement.
 5. The replacement public art, location and installation shall violate no other ordinance.
 6. The replacement public art shall be installed within 180 days of the removal of the existing public art piece, unless the period is extended by the Director of Planning and Development Services.
 7. The owner may choose to pay an in lieu fee equivalent to the cost of the replacement of the existing public art.
- J. **Annual Report.** The City Administrator or his/her designee shall annually prepare and present a report to the Oroville City Council indicating the amount of revenues accumulated in the Beautification Fund and the expenditures made by the City in the preceding fiscal year.
- K. **Authority for Additional Mitigation.** Fees collected pursuant to this section do not replace existing development fees or other charges or limit requirements or conditions to provide additional mitigation of impacts imposed upon development projects as part of the normal development review process.
- L. **Waiver.** The City Administrator may request that the City Council exclude certain capital improvement projects from the provisions of this ordinance by the passage of a resolution authorizing such a waiver. (Ord. 1798)

26-10.140 Cessation of Land Use Activities

- A. **Cessation of Uses.** For the purposes of this section, a use shall be deemed to have ceased when it has been discontinued, either temporarily or permanently, whether with the intent to abandon such use or not, for a continuous time period as set forth in this section.
- B. **Cessation of Uses of Buildings Designed for Nonconforming Uses.** A building or structure which was designed for a use which does not conform with the provisions of Chapter 26 and which is occupied by a nonconforming use shall not again be used for nonconforming purposes when such use has ceased for a period of twenty-four (24) months or more.
- C. **Cessation of Uses of Buildings Designed for Conforming Uses.** A building or structure which was designed for a use which conforms with the provisions of this Chapter but which is occupied by a nonconforming use shall not again be used for nonconforming purposes when such use has ceased for a period of twelve (12) months or more.
- D. **Cessation of Nonconforming Uses of Land.** Land on which there is a nonconforming use not involving any building or structure, except minor structures, including buildings containing less than 300 square feet of gross floor area, fences, and signs, where such use has ceased for one month or more shall not again be used for nonconforming purposes, and such nonconforming use of land shall be discontinued, and the nonconforming buildings or structures shall be removed from the premises within six (6) months after the first date of nonconformity.

- E. **Cessation of Nonconforming Junk Yards.** Regardless of any other provision of this Chapter, no junk yard which exists as a nonconforming use in any zone shall continue as provided in this section for nonconforming uses unless such junk yard, within one year after the junk yard has become a nonconforming use, shall be completely enclosed within an existing building or otherwise within a continuous solid fence not less than eight (8') feet nor more than twelve (12') feet in height or equivalent continuous hedgerow screening. The operation shall be conducted in such a manner as to be substantially screened at all times by the building, fence, or hedgerow. Plans for the required fence or hedgerow shall meet the approval of the Planning Director. All other provisions of this section shall apply to any nonconforming junk yard. (Ord. 1783)

26-10.150 Reasonable Accommodation for Disabled or Handicapped Individuals

- A. **Purpose.** This section is intended to provide equal access to residential housing throughout the City's jurisdiction regardless of an individual's physical or mental abilities.
- B. **Definitions.** Unless the contrary is stated or clearly appears from the context, "disabled person", "fair housing law" and "reasonable accommodation" shall be defined as specified in Section 26-04.020 (Definitions) of this chapter.
- C. **Request of Reasonable Accommodation.**
1. A disabled person or person's representative may request reasonable accommodation as specified in this section.
 2. A request for reasonable accommodation must be filed in a form and manner approved by the Zoning Administrator, and at a minimum, must include the following:
 - a. Evidence of the property owner's consent, usually in the form of the owner's signature on the application.
 - b. A description of how the property will be used by the disabled individual(s), e.g., for residential habitation, and the specific reason that reasonable accommodation is desirable.
 - c. Evidence of the applicant's disability as reasonably determined by the Zoning Administrator including, without limitation, an individual's medical record; correspondence from a currently licensed healthcare professional; or documentation from the California Department of Motor Vehicles demonstrating that the individual qualifies for disabled parking.
 3. Verification by the Applicant that the property is the primary residence of the person for whom reasonable accommodation is requested.
- D. **Proceedings.** Upon accepting a reasonable accommodation request application as complete, the Zoning Administrator, or his/her designee, shall review the application and approve, conditionally approve, or deny the application. Any denial must be accompanied by the facts and reasons for denying the application.
- E. **Requirements.** The following requirements must be met in order to approve a request for reasonable accommodation:

1. The parcel and/or housing, which is the subject of the request for reasonable accommodation, will be occupied as the primary residence by an individual protected under the Fair Housing Laws.
 2. The request for reasonable accommodation is necessary to make specific housing available to one or more individuals protected under the Fair Housing Laws.
 3. The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or other procedures of the City.
- F. **Conditions of Approval – General.** A reasonable accommodation granted under this section is subject to the following general conditions:
1. The reasonable accommodation applies only to the specific disabled person;
 2. Changes in use or circumstances that negates the basis for the reasonable accommodation renders it void;
 3. Except as otherwise specifically accommodated pursuant to this section, the approved reasonable accommodation is subject to all uniform building codes as adopted by the City;
 4. Reasonable accommodations affecting an exterior physical improvement must be designed to be substantially similar to the architectural character, colors, and texture of materials of its surrounding dwelling units;
 5. The Zoning Administrator may require additional conditions of approval which may be deemed necessary to reconcile the approved reasonable accommodation with other requirements of this Code while still implementing the purpose of this chapter.
 6. Reasonable accommodations do not run with the land; it constitutes a permit issued to a specific disabled person and may be revoked or rendered void as specified in Section 26-50.020(C) (Administrative Permits, Revocation) of this chapter.
- G. **Application Fee.** The City cannot require a fee for filing an original application. However, the City may establish a fee for appealing decisions pursuant to City Council resolution.

26-10.200 Facility and Park Fee Waiver

- A. **Purpose.** On occasion, the city is asked by various groups to waive facility/park fees for special events. Fee waivers and reductions are granted by the City Administrator or his/her designee on a case-by-case basis according to the eligibility outline in the Municipal Code. It is important to note that fee waivers or reductions do not eliminate the requirements to obtain a permit or meet the conditions of the permit. Depending upon the event and location, these requirements typically include liability insurance, traffic control, notification of affected parties, and event clean-up.

Eligibility for fee waivers or reductions largely depends on the event sponsor and the nature of the event. Events that provide public benefits (i.e. increased business activity, recreation, community activity or destination point improvement) to the entire city are best suited for a fee waiver.

B. **Responsibility.** Fee waivers, reductions and special considerations are determined by the City Administrator or his/her designee and he/she shall ensure that department staff follow the procedures set forth in this policy.

C. **Policy.**

1. Fee waivers and reductions are for facility/park permit fees only. Direct costs include but are not limited to vehicles and staff time which are not eligible for fee waivers or reductions under this policy.
2. No fees shall be waived when:
 - a. The fee is for a facility/park rental that is for private use;
 - b. The fee is for a permit/improvement that is for private use or under private ownership;
 - c. The fee is for a private event, program or activity.
3. Fee waivers do not relieve the applicant from payments and obligations for the following:
 - a. Insurance/indemnification requirements;
 - b. Other permits as required for the event, program or activity;
 - c. Security/damage deposit or other financial obligations associated with the events, program or activity;
 - d. Other conditions of approval that may be required.
4. Fee waivers for facility/park rentals apply only for rentals during normal business hours. If the rental is for a time that requires staff to open or close the facility/park early or late, rental charges will not be waived.

Requests for fee waivers or reductions must be received at least 90 days prior to the actual date of the event. If the request is received in less than 90 days from the event, the facility/park fee waiver or reduction for the event will not be considered and all fees will apply to the event.

5. Requests that include the sale and/or consumption of alcoholic beverages must be reviewed by the Oroville Police Department. Events of this type that have 50 or more participants will require additional law enforcement officers assigned to the event.

D. **Intergovernmental Cooperation.** Fees, up to 50%, may be waived up when:

1. The applicant is another governmental entity (city, county, state, federal or special district); and
2. The use is related to the performance of its normal functions within the City of Oroville; and
3. There is public benefit to a significant portion of the residents of the City of Oroville; and
4. The event or temporary use does not have a significant impact on City services, operations, or activities.

Requests for waivers for ongoing operations (not an annual permit) of the governmental entity may be subject to City Council approval. The Department working with

the requesting entity shall be responsible for preparing the necessary staff report for City Council consideration.

- E. **City Sponsored or Co-Sponsored Programs, Services, and/or Activities.** Fees may be waived for City sponsored programs, services, or activities. The City shall entertain a monetary contribution for sponsored and co-sponsored events during the annual budget process.
- F. **Non-Profit Groups.** Fees, up to 50%, may be waived for approved non-profit groups when:
1. Non-profit organizations, as defined by the Internal Revenue Service (IRS), having IRS approved tax exempt status, formed for civic or educational purposes; and
 2. The event, program, activity, or improvement is of public benefit to the City of Oroville and/or surrounding community, or a significant portion of its residents; and
 3. The event, program, activity, or improvement is open to the public; and
 4. The event, program activity, or improvement does not significantly impact City Departments, services, operations or activities.

A non-profit organization meeting the above criteria may charge an entry or admission fee or sell products/items for the purpose of raising funds for causes that provide a public benefit to the City of Oroville and/or surrounding community, or a significant portion of its residents. However, fundraising for the benefit of an individual or a family for purposes such as scholarships or memorials (illness, injury, etc.) will not be considered for fee waivers.

- G. **Financial Hardship.** Fees, up to 50%, may be waived for groups due to financial hardships when:
1. The requesting group is NOT a non-profit organization; and
 2. There is a public benefit or value to the City of Oroville community or a significant portion of its residents; and
 3. The imposition of fees would create a financial hardship on the organization as demonstrated on the Organization Financial Information Form and the imposition of fees would make it prohibitive for the event to be held; additionally, other financial information may be required; and
 4. The event/program/activity/improvement is open to the public and does not charge an admission, entry or other type of access fee; and
 5. The event, program or activity does not impact the City Departments, services, operations or activities.
- H. **Supplemental Public Safety Services.** From time to time, the size and nature of events, programs or activities may require additional Police/Fire services to ensure safety of the public. The Police Chief, in his/her sole discretion, shall determine when additional law enforcement officers are needed at an event, program or activity. The Fire Chief, in his/her sole discretion, shall determine when additional firefighters are needed at an event, program or activity. Any additional public safety personnel may require additional funding for the extraordinary.

When Supplemental Public Safety services are required, the individual or entity presenting the event, program or activity shall be responsible for full payment in advance of the charges for those services.

- I. **Appeal of Denied Waiver.** Should a request for user fee waiver be denied by the City Administrator or his/her designee, the applicant may appeal that decision to the City Council for a final determination. The appeal must be in writing and received by the City within 15 days from the denial. The appeal must include a copy of the Waiver Request Form, the reason provided for the denial and detailed information on why the applicant believes the appeal should be granted. The City Council will review the information submitted by the applicant as soon as practicable. For all appeals, the decision of the City Council is final.
- J. **Exempt Organizations.** The following organizations have been approved for exemptions to this policy as follows:
 1. **City of Oroville Docents.** The Docents shall not be required to pay a fee, provide a security/damage deposit, or provide a certificate of liability insurance for the rental of City owned/operated facilities and parks.
 2. **Friends of the Parks.** The Friends of the Parks shall not be required to pay a fee, provide a security/damage deposit, or provide a certificate of liability insurance for the rental of City owned/operated facilities and parks.
 3. **Butte County Elections.** Butte County shall only be required to pay for the first 8 hours of use, per day, for a City owned/operated facility and shall not be required to pay the fees associated with a facility use in excess of 8 hours per day. This exemption applies to the use of facilities for election purpose only, and does not relieve the County from providing a certificate of liability insurance naming the City of Oroville as an additional insured. This exemption does include the waiver of a security/damage-deposit.

Section 26-13 – DEVELOPMENT STANDARDS

26-13.010	Performance Standards
26-13.020	Fences, Walls, and Screening
26-13.030	Height Limits
26-13.040	Setback Requirements
26-13.050	Landscape Standards
26-13.060	Tree Preservation
26-13.070	Parking
26-13.080	Loading Spaces
26-13.090	Accessory Buildings and Swimming Pools
26-13.100	Crime Prevention through Environmental Design (CPTED)

26-13.010 Performance Standards

- A. **Purpose.** The performance standards in this section are intended to minimize the potential negative effects that a building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
- B. **Site Maintenance.** For all uses and activities, all areas of a site that are not landscaped, paved or developed shall generally be kept free of debris, including unused fill or building materials. Permitted construction activities, as well as outdoor storage uses that are permitted by this chapter, shall not be subject to this requirement.
- C. **Outdoor Lighting – General.** All outdoor lighting on private property shall conform to the following requirements:
1. Light fixtures, excluding illuminated signs, shall have a maximum height of 25 feet above grade, or the height of the nearest main building on the site, whichever is less. Additional height shall be allowed where necessary to provide adequate clearance for vehicular circulation, provided that the light fixture's height is no greater than necessary to provide this clearance.
 2. All light sources, excluding illuminated signs, shall include appropriate shielding to direct light away from the sky, surrounding properties and streets. Reflections or glare outside of the subject property shall be minimized.
 3. For sites that are within or adjacent to a residential district, or are separated by a street from a residential district, no light source shall produce an illumination level in the residential district greater than one-quarter footcandle at any point measured 25 feet horizontally from the subject property. This requirement shall not apply to illuminated signs.
- D. **Outdoor Lighting – Crime Prevention.** The following lighting standards apply to all new structures, except for single-family homes, accessory structures on single-family lots, and accessory structures that do not require a building permit.
1. Table 26-13-010-1 shows minimum lighting intensities for certain locations on a site and within a building.

TABLE 26-13-010-1: MINIMUM LIGHTING INTENSITY

Location	Minimum Intensity
Exterior building entrances	4 foot candles
Parking areas and pedestrian walkways	1 foot candle
Elevators, stairwells, and corridors	0.5 foot candle

2. Details of exterior lighting shall be provided on all plans submitted for City review and approval. Photometric calculations shall be based on the "mean" light output per the manufacturer's values of the specified lamp and luminaire photometry data. The details provided for exterior lighting shall include point-to-point photometric calculations at intervals of not more than 10 feet at ground level.
 3. Transitional lighting shall be incorporated in exterior areas going to and from buildings or uses within a site. Transitional lighting shall be provided for building entrances, recreation/office buildings, swimming pool areas, laundry and mail rooms, covered breezeways, and similar areas as determined by the Director of Development Services.
 4. Trees and shrubs shall not interfere with the distribution of lighting as required by this section.
- E. **Noise.** All uses and activities shall conform to the noise requirements of Chapter 13A of this Code. This requirement shall be enforced as provided in Chapter 13A of this Code.
- F. **Air Emissions.** No use or activity shall result in the repeated and consistently intolerable emission of excessive odors, dust, fumes, smoke or particulate matter, or in emissions that exceed the requirements or levels enforced by the county's Air Pollution Control District.
- G. **Electrical Disturbances.** No use or activity shall result in electrical disturbances that are readily discernible at the exterior boundaries of the property on which the use or activity is located, or of the dwelling unit in a dwelling group or multiple-unit building.
- H. **Vibration.** No use or activity shall generate ground vibration that is readily perceptible at the exterior boundaries of the property on which the use or activity is located. The vibrations that ordinarily occur as the result of an approved construction or demolition activity, as well as the vibrations ordinarily created by motor vehicles, shall be exempt from this requirement.

26-13.020 Fences, Walls, and Screening

- A. **Applicability.** No fence shall hereafter be erected, constructed, altered, or maintained except as provided by this section. The requirements of this section shall apply to all fences and walls in all districts, excluding the walls of any building, and shall apply regardless of the construction material used.
- B. **Sight Distance Area.** No fence shall obstruct the required sight distance area for an intersection as shown in Figure 26-13.020-1.

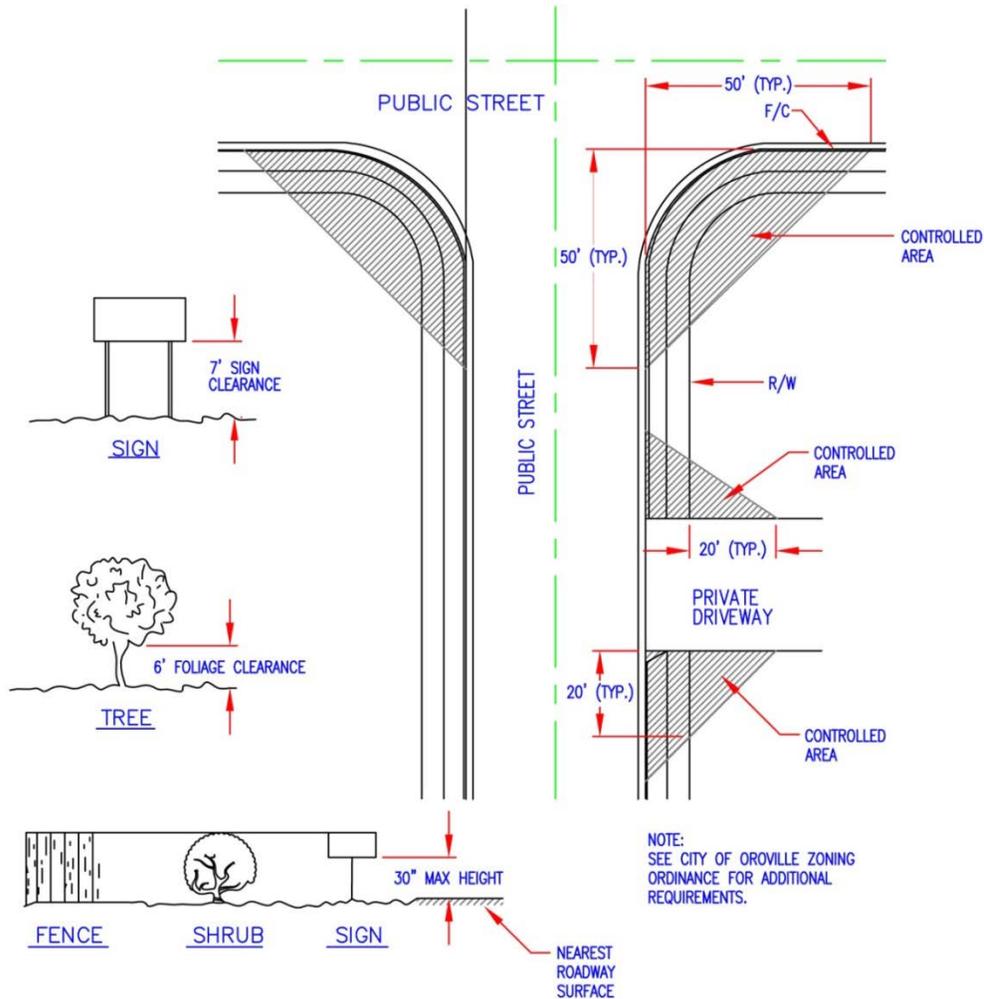


Figure 26-13.020-1: Sight Distance Areas

C. Fence Height.

1. The height of a fence at any point shall be measured from the base of the fence directly below that point. If a fence is constructed atop a retaining wall, the fence's height shall be measured from the adjacent grade on the high side of wall, as shown in Figure 26-13.020-2.

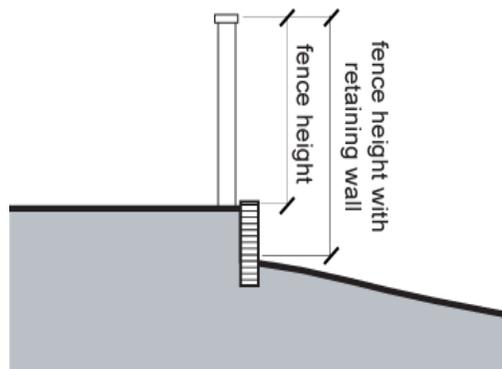


Figure 26-13.020-2: Fence Height

2. Walls at least 8 feet high are required to provide access control for the following areas:
 - a. Non-residential storage areas
 - b. Mini-storages
 - c. Preschools, nurseries, and other similar playgrounds
 - d. Along rear property lines of residential lots which border public streets.
- D. **Public Areas.** Fences that enclose school grounds, public playgrounds, tennis courts, public swimming pools or other public areas may be erected to a height in excess of 6 feet, subject to development review.
- E. **Swimming Pools.** Fencing shall be provided around all swimming pools, spas and similar areas, in accordance with the requirements of the City Building Code.
- F. **Non-Residential Development.** Any non-residential development shall meet the following fencing requirements:
1. The site shall include a solid fence along each property line abutting a residential district. The fence shall be between 6 and 7 feet tall.
 2. Where a street separates the site from a property that is in a residential district, the site shall include one of the following along the property line that faces the street:
 - a. A solid fence, between 6 and 7 feet tall, that is located behind any required planting area, and that has a decorative architectural treatment on any side facing a street, parking lot or adjoining residential district; or
 - b. A planting area with evergreen landscaping that restricts visibility into the site.
 3. Loading areas shall be fenced and screened as provided in Section 26-13.080 (Loading Spaces) of this chapter.
 4. Outdoor storage areas shall be fenced and screened as provided in Section 26-16.140 (Outdoor Storage) of this chapter.
 5. All mechanical, electrical, and external communication equipment, including air conditioners, refrigeration units, satellite dishes and microwave towers, shall be screened from public view. Screening of roof-mounted equipment shall be architecturally integrated into the building's design.
- G. **Residential and Mixed-Use Development.** In all residential districts, the height of any fence or wall located within a required minimum setback shall not exceed 6 feet above grade.
1. All multiple-family residential and mixed-use projects shall be fenced along the rear property line.
 2. For mixed-use development, the site shall include a solid fence along each side property line abutting a residential district. The fence shall be between 6 and 7 feet tall.
 3. All fences in residential districts greater than 42 inches in height shall be set back at least 5 feet from any property line that abuts a public street. This setback area shall be landscaped in accordance with the requirements of Section 26-13.050 (Landscape Standards) of this chapter. (Ord. 1763)

H. Refuse Collection Areas.

1. Except for residential developments that include no more than 2 dwelling units on a single site, all areas used for refuse collection shall be enclosed by a solid-walled enclosure that is faced with stucco, split-block masonry or a similar finished surface.
 - a. In multiple-family residential and professional office developments where trash cans that hold no more than 50 gallons of material are used for refuse collection, the enclosure shall have a minimum height of 42 inches.
 - b. In all other non-residential developments, enclosures shall have a minimum height of 6 feet.
2. Gates for refuse collection areas shall consist of a pre-manufactured solid material, such as metal or a similarly durable material.
3. All refuse collection areas shall be on concrete slabs.

I. Retaining Walls.

1. All retaining walls shall be constructed with split-face masonry, cast-in-place concrete, interlocking block or a similar material. Retaining walls shall not be constructed of wood.
2. Any retaining wall that is visible from a public street or public open space shall have a decorative architectural treatment on the wall face.

J. Electric Fences.

1. In residential districts that have a minimum lot area of at least 20,000 square feet, electrically-charged fences shall be permitted if they are necessary to contain livestock. Any electrically-charged fence shall be set back at least 20 feet from any lot line unless there is also a solid fence along the lot line.
2. In all other districts, no electrically-charged fences shall be permitted.

K. Barbed or Razor Wire. Fences may be constructed with sharp-pointed materials, such as barbed or razor wire, only as follows:

1. In residential districts that have a minimum lot area of at least 20,000 square feet, fences may be constructed with barbed or razor wire if they are necessary to control livestock. Any fence that is constructed with barbed or razor wire shall be set back at least 20 feet from any lot line unless there is also a solid fence along the lot line.
2. In all other residential districts, and on sites that abut a residential district or are separated by a street from a residential district, no fences may be constructed with barbed or razor wire.
3. In industrial districts, fences may be constructed with barbed or razor wire if the wire is at least 6 feet above grade.
4. In commercial and special purpose districts, fences may be constructed with barbed or razor wire only upon approval of a use permit. Before granting the use permit, the Planning Commission shall find, based on substantial evidence, that the barbed or razor wire is necessary in order to provide adequate security for the site and there is no reasonable alternative.

- L. **Permits.** Permits shall be obtained for the erection, construction, alteration and maintenance of fences as specified in the City Building Code.

26-13.030 Height Limits

- A. **Purpose.** This section describes the required methods for measuring the height of structures in compliance with the height limits established by this chapter, as well as exceptions to those height limits.
- B. **Measurement of Height of Structures.**
1. The height of a structure shall not exceed the height limit for the applicable zoning district, except as provided otherwise by this section.
 2. The maximum height shall be measured as the vertical distance from the finished grade of the site to an imaginary plane located at the specified number of feet above and parallel to the finished grade, as shown in Figure 26-13.030-1.

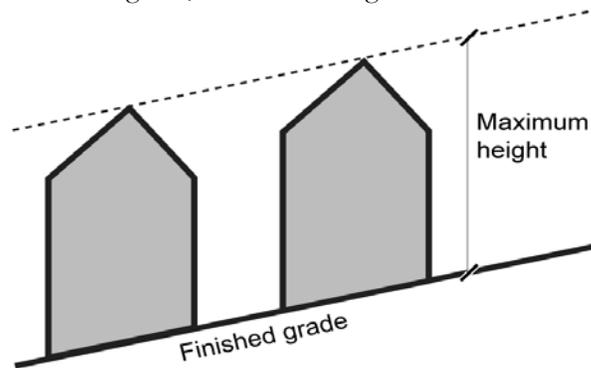


Figure 26-13.030-1: Maximum Height

- C. **Exceptions to Height Limits.** The following exceptions shall apply to the height limits specified by this chapter:
1. The maximum height of a detached accessory building shall be as specified in Section 26-13.090 (Accessory Buildings and Swimming Pools) of this chapter.
 2. The maximum height of a wireless telecommunication facility shall be as specified in Section 26-16.170 (Wireless Communication Facilities) of this chapter.
 3. Roof-mounted structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment shall have a maximum height of 5 feet above the maximum specified for the applicable zoning district. The total square footage of all structures above the allowed height shall not exceed 5 percent of the total roof area of the building to which they are attached.
 4. Chimneys, flag poles, receive-only antennas and satellite dishes, and similar structures shall have a maximum height of 8 feet above the maximum specified for the applicable zoning district.
 5. Additional height increases may be allowed subject to a use permit. Before approving a use permit for increasing the height of a structure, the Planning Commission shall find the following, based on substantial evidence:

- a. The increased height is required to provide for specialized equipment, such as a ventilation chimney or theater scenery loft.
- b. The specialized equipment is necessary in order to establish the land use proposed for the structure.

26-13.040 Setback Requirements

- A. **General.** No setback provided around any building for the purpose of complying with the regulations of this chapter shall be considered to provide a setback for any other building or structure, unless provided otherwise in this chapter.
- B. **Accessory Buildings.** Accessory buildings may be located within setback areas as provided in Section 26-13.090 (Accessory Buildings and Swimming Pools) of this chapter.
- C. **Established Rights-of-Way.** In any case where the City has officially established the location of a right-of-way for a street or alley, the required setback on any portion of the site adjacent to the right-of-way shall be measured from the nearest edge of the right-of-way. In no case shall the provisions of this chapter be construed as permitting any structure to extend into the right-of-way.
- D. **Projections into Setbacks.**
 1. Porches, outside stairways and balconies may project into minimum rear and side setbacks not more than 2 feet, and into minimum front setbacks not more than 6 feet, as illustrated in Figure 26-13.040-1.
 2. Cornices, eaves, canopies, chimneys, bay windows, water softener tanks, air conditioners and similar architectural features may project into the minimum side setback, provided that the structures or equipment shall not extend or project nearer than 3 feet to the side lot line, as illustrated in Figure 26-13.040-1.

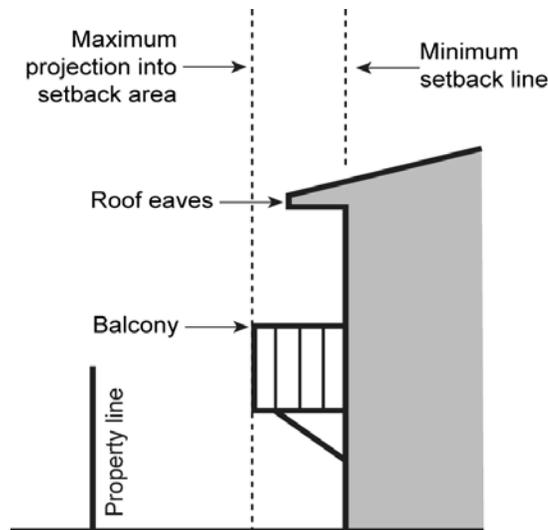


Figure 26-13.040-1: Projections Into Setbacks

- E. **Fire Escapes.** Open fire escapes shall comply with the provisions of the International Fire Code and State fire regulations.

26-13.050 Landscape Standards

- A. **Purpose.** The regulations in this section are intended to enhance the appearance of development within the City by providing and maintaining landscaping for aesthetic and screening purposes, and to provide areas of improved open space.
- B. **Landscaping Required.** The following land uses, buildings and structures shall require the provision of landscaping in accordance with the requirements of this section:
1. The construction or installation of any permanent building or structure with a gross floor area of more than 120 square feet or 10 percent of the gross floor area of existing buildings within the site, whichever is greater.
 2. The expansion of an existing permanent building or structure by more than 20 percent of its original gross floor area. If a building or structure is expanded more than once over a period of time, this requirement shall apply as soon as the total, cumulative area is more than 20 percent greater than the original area.
 3. The occupancy of an existing building or structure that previously was vacant for a continuous period of at least 1 year. For multiple-tenant buildings, this requirement shall apply when more than 50 percent of the multiple-tenant building's gross floor area has been unoccupied for 1 year.
 4. Any other land uses, buildings, and structures specified in this section or elsewhere in this chapter.
- C. **Approval Required.** For land uses other than single-family dwellings and duplexes, the following approvals shall be required:
1. When landscaping is required by this chapter or as a condition of approval for a development permit or other entitlement, landscaping and automatic irrigation plans shall be submitted in a form and manner approved by the Community Development Director and accompanied by any fee established by resolution of the City Council, prior to the issuance of any building permit. The landscaping plans shall be approved or disapproved by the Community Development Director following review of the plans for compliance with the requirements of this section.
 2. Where the total size of all required landscaping areas exceeds 1,000 square feet, the required plans shall be prepared by a landscape architect registered with the State of California or a landscape contractor pursuant to Section 7027.5 of the Business and Professions Code. If a landscape contractor prepares the required plans, the same contractor shall be required to install the improvements. An irrigation consultant may prepare the irrigation plans pursuant to Section 5645 of the Business and Professions Code.
 3. No building permits shall be issued for the site until all required landscaping and automatic irrigation plans have been approved.

D. General Regulations.

1. Plans and specifications for landscaping, irrigation systems, tree preservation and slope planting for erosion control shall reflect the use of the following:
 - a. Plant materials with varied heights, textures and colors.
 - b. Sound soil preparation and planting practices.
 - c. Proper irrigation for healthy plant growth and maturation, as well as the avoidance of unsafe and unnecessary watering of buildings, public ways and pedestrian ways.
2. No more than 10 percent nonliving ground cover such as rock, bark, chips or bricks may be used as an accent material or for weed control, but not as a total landscaping theme or in lieu of living plant material.

E. Crime Prevention Standards. The following landscaping standards apply to all new structures, except for single-family homes, accessory structures on single-family lots, and accessory structures that do not require a building permit.

1. Shrubs located next to pedestrian walkways and other vulnerable areas as determined by the Community Development Director shall not exceed 3 feet in height at maturity.
2. Trees shall be pruned up to 6 feet above ground.
3. Trees and shrubs shall be pruned back from windows, doors and walkways.
4. Decorative stone, brick, and other masonry material shall be grouted to prevent removal by hand.
5. Property lines shall be defined with landscaping or decorative fencing.
6. Entrances to the site and parking lots shall be defined with landscaping, architectural design, or symbolic gateways.

F. Landscaping in Residential Districts.

1. Sites in residential areas shall provide landscaping in as much of the front setback as is practical, excluding any areas with paved driveways or pedestrian paths. In no case shall more than 75 percent of the front setback be paved.
2. Where a side or rear property line is adjacent to a street, the site shall include a planting area along the property line with a width of at least 5 feet. Any fence around the property shall be located behind the planting area.

G. Landscaping in Commercial and Mixed-Use Districts.

1. Sites in commercial and mixed-use districts shall provide a planting area along the front and side property lines, except where a driveway or pathway provides access to the site. The planting area's minimum width shall be determined based on the gross floor area of buildings on the site, as follows:
 - a. Less than 10,000 square feet of gross floor area: 6 feet.
 - b. 10,000 to 40,000 square feet of gross floor area: 10 feet.
 - c. More than 40,000 square feet of gross floor area: 12 feet.

2. For any part of the site adjacent to a street right-of-way, if a fence is located along the property line, a planting area with a width of at least 6 feet shall be provided between the street and the fence.
3. If a building is located within a required planting area, the landscaping requirements for that planting area may be modified or waived as follows:
 - a. If the planting area is adjacent to a street right-of-way, the requirements may be modified or waived subject to development review.
 - b. If the planting area is not adjacent to a street right-of-way, the requirements shall be waived as of right for any portion of the planting area that is occupied by a building. In the remainder of the planting area, landscaping shall be provided as required by this section.

H. Landscaping in Industrial Districts.

1. Sites in industrial districts shall provide a planting area along the front lot line, except where a driveway or pathway provides access to the site. The planting area's minimum width shall be determined based on the gross floor area of buildings on the site, as follows:
 - a. Less than 20,000 square feet of gross floor area: 6 feet.
 - b. 20,000 or more square feet of gross floor area: 10 feet.
2. For any part of the site adjacent to a street right-of-way, if a fence is located along the property line, a planting area with a width of at least 6 feet shall be provided between the street and the fence.
3. Where a site in an industrial district abuts a non-industrial district or is separated by a street from a non-industrial district, the site shall provide landscaping as required for a commercial or mixed-use district.

I. Landscaping in Parking Lots. All parking lots with 6 or more spaces shall provide landscaping as follows:

1. On all boundaries adjacent to streets, except where a driveway or pathway provides access to the site, one of the following screening methods shall be provided:
 - a. A variety of plants of sufficient density to provide visual screening. If the mature height of the plants is greater than 3 feet above grade, the plants shall be spaced to provide visibility into the site above this height. The planted area shall have a minimum width of 6 feet.
 - b. A decorative masonry wall no more than 3 feet high.
2. At least one tree shall be provided within the parking lot for every 10 parking spaces, with a minimum of one tree. If the required number of trees is a fraction greater than or equal to 0.50, it shall be rounded up to the next whole number.
3. Trees within the parking lot shall be planted in tree wells measuring at least 6 feet by 6 feet and shall be evenly dispersed to the extent practicable.
4. All areas unused for parking, vehicular access, loading, or storage shall be landscaped. Landscaped areas shall be evenly dispersed to the extent practicable.

5. An approved concrete curb shall be installed around the perimeter of each landscaped area and shall be at least 6 inches higher than the finished grade of the parking area. The foundation and design of the curb shall conform to the requirements of the City Engineering Design Standards.
6. At least 50 percent of the paved surface shall be shaded by tree canopies within 15 years after obtaining an occupancy permit. The trees to be planted to develop such a canopy shall be in accordance with the City's Master Street Tree Plan and the requirements of the Director of Parks and Trees. Plans submitted for development review shall show the estimated tree canopies after 15 years of growth and the total area in square feet of the area shaded by tree canopies. To determine the area shaded by canopies, the following method shall be used:
 - a. Determine the total area of the parking lot, deducting any areas directly below structures such as a canopy or the second story of a building.
 - b. Measure the shaded area as the area projected to be directly under each tree canopy after 15 years, including both paved areas and landscape planters.

J. Time of Installation.

1. Except as provided in this section, all required landscaping and irrigation improvements shall be installed consistent with the approved landscaping plan prior to issuance of a certificate of occupancy.
2. On behalf of the City, the Director of Parks and Trees may execute an agreement with the owner of a non-residential property that provides for phasing the installation of required landscaping and irrigation improvements over a period of time no longer than 3 years, provided that:
 - a. The property is already developed with a structure that has been legally used for the conduct of a business; and
 - b. The cost of installing the required landscaping will exceed 10 percent of the demonstrated cost of all other improvements required by the City to establish or continue the operation of a business on the property; and
 - c. A landscaping plan has been prepared and approved in accordance with the requirements of this section, and that plan establishes the approved phasing sequence and provides a cost estimate for each phase.
3. The agreement shall not allow deferred installation of all required landscaping and irrigation for the full 3 years, and it shall not allow deferred installation of landscaping along any street frontage.
4. The owner shall pay a fee to prepare and record the agreement in an amount established by resolution of the City Council.
5. A security shall be provided with the agreement in a form and manner approved by the City Attorney. The amount of the security shall be 150 percent of the estimated cost of improvements, based on a contractor's bid or a landscape architect's cost estimate. The security shall be released after the Director of Parks and Trees has verified that the required improvements have been installed.

6. The owner may request a single extension of the agreement for an additional period of time not to exceed 2 years. The owner shall submit this request before the agreement has expired, in a form approved by the Director of Parks and Trees. The owner shall pay a fee to prepare and record the extension in an amount established by resolution of the City Council.

K. Irrigation.

1. All landscaped areas shall be served by a permanent irrigation system, such as an automatic sprinkler or drip irrigation system. The irrigation system shall include timers and rain shut-off devices to prevent excessive and unnecessary watering.
2. The Zoning Administrator may waive this section's irrigation requirements for specified landscape areas if an applicant has demonstrated all of the following:
 - a. The landscaping in the specified areas is composed of drought-tolerant vegetation, plants that are native to Mediterranean climates or other plant materials that do not require permanent irrigation to remain in healthy condition.
 - b. The specified areas will receive adequate temporary irrigation to allow the plants to become established.
 - c. There are no considerations of public health, safety or welfare, including aesthetic considerations, that require installation of a permanent irrigation system.

L. Maintenance. Landscaped areas shall be continually maintained in good condition and shall be kept clean and weeded, and trees shall be pruned in a natural pattern and shall not be topped or pollarded. Maintenance shall include but not be limited to:

1. Cultivation of planting beds, and mowing to maintain grassy areas.
2. Pruning of plants as necessary to control and direct growth.
3. Replacement of dead or unhealthy plant material in accordance with the approved landscaping plan.
4. Fertilization as needed to ensure proper plant growth.
5. Repair or replacement of irrigation system components and irrigation drainage components, as needed, to maintain the system in good working condition.

M. Installation and Maintenance Agreement. For land uses other than single-family dwellings and duplexes, the property owner shall enter into a written agreement for the installation and maintenance of landscaping. The agreement shall be in a form approved by the City Attorney and Zoning Administrator and suitable for recordation with the Butte County recorder. The agreement shall be binding upon the property owner and any successors in interest. (Ord. 1763)

26-13.060 Tree Preservation

A. Applicability.

1. The requirements of this section shall apply to any protected tree.
2. A protected tree is defined as:

- a. Any tree on public property; or
 - b. Any tree on private property that has a trunk diameter of at least 24 inches at 54 inches above grade.
- B. **Permit Required.** The removal of any protected tree requires approval of a tree removal permit, as provided in Section 26-50.070 (Tree Removal Permits) of this chapter.
- C. **Removal without a Permit.** If personal injury or property damage is imminently threatened, the Fire Chief, the Chief of Police or the Zoning Administrator may authorize the removal of a protected tree without obtaining the required permit. The removal shall be reported to the Zoning Administrator within five business days.

26-13.070 Parking

A. General Provisions.

- 1. In all districts, any parking lot or other parking area, as defined in this chapter, shall comply with the standards set forth in this section and with the City Engineering Design Standards.
- 2. All required parking spaces shall be provided on-site, except as otherwise provided in this section.
- 3. No owner or tenant shall lease or rent required parking spaces.
- 4. If a required parking space is converted to another use, a replacement shall be provided in accordance with the requirements of this section.

B. New and Expanded Buildings and Uses.

- 1. When a building or structure is erected or a new use is initiated, minimum off-street parking spaces shall be provided as required by this section.
- 2. When an existing building or structure is enlarged or increased in capacity, or when a change in an existing use creates an increase in the amount of parking required, additional parking spaces shall be provided as follows:
 - a. If the increase in building size or structural area is no more than 25 percent, or if the increase in the amount of parking required by a change in use does not exceed 25 percent, then the number of off-street parking spaces required shall be based only upon the increased size of the building, structure, and/or use of the site.
 - b. If the increase in building size or structural area exceeds 25 percent, or if the increase in the amount of parking required by a change in use exceeds 25 percent, then off-street parking spaces shall be provided for all uses conducted on the site, including the existing and the increased uses of the site. In addition, the existing parking spaces shall be brought into compliance with all applicable requirements of the City Building Code, including its access standards for persons with disabilities.

C. Grading and Drainage.

- 1. Parking spaces and access driveways shall be graded and drained in accordance with City Engineering Design Standards to alleviate the creation of flooding and drainage problems for the subject property and any surrounding properties.

2. For parking lots with six or more spaces, all runoff from parking and vehicular circulation areas shall be treated and filtered on site to remove sediment and pollutants, using a method approved by the City Engineering Design Standards, before it is discharged into the storm drain system.
- D. **Wheel Stops.** Wheel stops with adequate anchorage, including 6-inch concrete curbs and other methods approved by the City Engineering Design Standards, shall be provided at the front edge of all parking spaces located adjacent to property lines. Wheel stops shall be inset from the front edge of the parking space to prevent any vehicle from overhanging property lines, walkways or landscaping.
- E. **Location.** No off-street parking space may be placed where a vehicle would extend into the public right-of-way or obstruct the sight distance area at an intersection.
- F. **Activities Prohibited.** No sale, storage, repair work, dismantling or servicing of any kind shall be permitted in required parking areas, unless all of the following circumstances apply:
1. The activity is a temporary use that meets the requirements of Section 26-16.060 (Temporary Uses and Buildings) of this chapter.
 2. The activity uses the parking spaces for no more than 8 hours in a single day.
 3. The activity occupies no more than 4 parking spaces, or 25 percent of the required number of parking spaces for the site, whichever number is greater.
- G. **On-Site Parking for Single-Family Dwellings and Duplexes.** The following requirements shall apply to all single-family dwellings and duplexes in residential districts:
1. Vehicles shall not be parked or stored in any area other than an enclosed structure, such as a carport or garage, or a designated surface parking area that meets the requirements of this section.
 2. A maximum of three vehicles may occupy designated surface parking areas on a single site. Additional vehicles shall be located in an enclosed structure.
 3. At least one required parking space shall be located in an enclosed structure. A maximum of two additional parking spaces in designated surface parking areas may be counted towards the minimum parking requirement.
 4. Designated surface parking areas shall comply with the following requirements:
 - a. If the designated surface parking area is located within a required minimum setback, the designated surface parking area shall not occupy more than one-half of the required minimum setback.
 - b. The width of the designated surface parking area shall not exceed 30 feet.
 - c. The designated surface parking area shall provide unobstructed access from a street or alley. It shall not be separated from this street or alley by a vertical curb.
 - d. The designated surface parking area shall be paved with surfacing materials as required by the City Engineering Design Standards.
 - e. No portion of vehicles parked in a designated surface parking area may extend into an adjacent right-of-way.

H. Location.

1. For multiple-family residential uses, required parking area shall be located no more than 100 feet from any dwelling unit the parking is intended to serve.
2. For all other uses, required parking area shall be located no more than 200 feet from the entrance to the building that the parking is intended to serve.

I. Minimum Vehicular Parking Requirements By Use.

1. The vehicular parking requirements in Table 26-13.070-1 shall be considered minimum requirements in all districts, except as provided otherwise by this section. Parking requirements shall be cumulative whenever more than 1 use is present on the site, unless a shared parking reduction is granted as provided in this section.

TABLE 26-13.070-1: MINIMUM VEHICULAR PARKING REQUIREMENTS

Land Use	Vehicular Parking Requirements
Public Assembly	
Commercial recreational facility—indoor	
Arcade or amusement center	1 space for each 300 square feet of gross floor area
Bowling alley	2 spaces for each lane
Skating rink	1 space for each 300 square feet of rink area, plus 1 space for each 10 fixed seats
Theater	1 space for each 5 fixed seats, or 1 space for each 100 square feet of gross floor area if no fixed seats; exceptions may be provided for theaters with more than 500 seats, subject to a use permit
Commercial recreational facility—outdoor	Determined by use permit
Gym	1 space for each 300 square feet of gross floor area
Instructional studio	1 space for each 300 square feet of gross floor area
Library or museum	1 space for each 300 square feet of gross floor area
Meeting facility	1 space for each 5 fixed seats, or 1 space for each 100 square feet of gross floor area if no fixed seats; plus additional spaces as required by this section for accessory uses, such as offices
Restaurant or café	1 space for each 100 square feet of gross floor area
School—elementary or middle school	3 spaces for each classroom
School—high school	7 spaces for each classroom
Residential	
Boardinghouse	1 space for each bedroom
Caretaker dwelling unit	1 space for each dwelling unit
Emergency shelter	1 space per 10 adult beds

Land Use	Vehicular Parking Requirements
Family day care, large	2 spaces, in addition to those required for the dwelling unit
Family day care, small	None beyond requirement for dwelling unit
Duplex	2 spaces for each dwelling unit
Home occupation	None beyond requirement for dwelling unit
Mobile home park	1 space for each dwelling unit, plus 1 guest parking space for each 4 dwelling units
Multiple-family dwellings	
Studio or 1 bedroom	1 space for each dwelling unit
2 or more bedrooms—projects with fewer than 14 dwelling units per acre	2 spaces for each dwelling unit
2 or more bedrooms—projects with 14 or more dwelling units per acre	1.5 spaces for each dwelling unit
Guest parking for multiple-family dwellings	1 space for each 4 dwelling units
Residential care facility—6 units or fewer	Same as requirements for applicable type of dwelling unit
Residential care facility—7 units or more	1 space for each 3 beds
Second dwelling unit	1 space for each dwelling unit
Single-family dwelling	2 spaces for each dwelling unit
Retail	
All “Retail” uses listed in Article III of this chapter, except the following:	1 space for each 300 square feet of gross floor area
Alcoholic beverage sales—on-premise consumption	1 space for each 100 square feet of gross floor area
Automobile sales	1 space for each 2,000 square feet of site area
Gas station	As required for individual accessory uses; minimum of 2 spaces
Restaurant or café	1 space for each 4 seats, including outdoor seating
Mobile home, boat or recreational vehicle sales	1 space for each 1,000 square feet of site area
Services	
All “Services” uses listed in Article III of this chapter, except the following:	1 space for each 300 square feet of gross floor area
Bed and breakfast	1 space for each guest room, plus 1 space for any resident manager
Car wash	2 spaces for each wash bay
Hospital	1.1 spaces for each bed
Hotel or motel	1 space for each guest room, plus additional spaces as required by this section for accessory uses

Land Use	Vehicular Parking Requirements
Mortuary	1 space for each 6 fixed seats, or 1 space for each 100 square feet of gross floor area if no fixed seats
Personal services	1 space for each 200 square feet of gross floor area
Manufacturing, Wholesale, Repair and Storage	
All “Manufacturing, Wholesale, Repair and Storage” uses listed in Article III of this chapter, except the following:	1 space for each 1,000 square feet of gross floor area; minimum of 2 spaces
Mini-storage facility	1 space for each 3,000 square feet of gross floor area; minimum of 4 spaces
Research laboratories	1 space for each 300 square feet of gross floor area
Warehousing	1 space for each 2,000 square feet of gross floor area used for storage, plus 1 space for each 300 square feet of other gross floor area
Transportation and Infrastructure	
All “Transportation and Infrastructure” uses listed in Article III of this chapter	1 space for each 1,000 square feet of gross floor area; minimum of 4 spaces

1. Where the application of these standards would result in a fractional number of spaces, the required number of spaces shall be rounded up to the next whole number.
2. For uses that are allowed but are not specified in Table 26-13.070-1, if a use permit is required, the parking requirement shall be determined by the Planning Commission; in all other cases, the parking requirement shall be determined by the Zoning Administrator.
3. For the purposes of interpreting these requirements, each 1.5 linear feet of a bench shall be counted as one seat.
4. In all cases where the Planning Commission or Zoning Administrator is responsible for determining the minimum parking requirement, this minimum shall be based upon the following factors:
 - a. The nature of the proposed use.
 - b. The similarity of the proposed use to other land uses for which a parking requirement is specified in this section.
 - c. The hours of operation of the proposed use.
 - d. Any available data regarding the expected vehicular trip generation for the proposed use.

J. Parking Requirements in DH-O Districts. Notwithstanding any other provision of this section, in Downtown Historic (DH-O) overlay districts, the following minimum parking requirements shall apply:

1. For single-family residential uses in a DH-O district, no parking spaces shall be required, provided that all of the following circumstances exist:
 - a. No off-street parking spaces have already been constructed on the property.

- b. The property qualifies as a landmark, as provided in Section 26-50.040 (Landmarks) of this chapter.
 2. Residential uses in a DH-O district shall be eligible for the on-street parking credit described in this section.
 3. In any RP/DH-O district, all required parking spaces shall be located within the building's rear setback.
- K. **Parking Requirements in the Downtown Parking Assessment District.** In the area known as the "Downtown Parking Assessment District," as shown on the Zoning Map, no off-street parking spaces shall be required.
- L. **On-Street Parking Credits.** In non-residential districts, and for residential uses in a Downtown Historic Overlay (DH-O) district, the following on-street parking credit shall apply:
 1. Where the entirety of a marked, on-street parking space or bicycle parking space is adjacent to a particular site, the on-street parking space may be counted towards any off-street parking requirement for that site.
 2. Where a parking plan includes access driveways or curb cuts that would cause 1 or more marked, on-street parking spaces or bicycle parking spaces to be eliminated, the off-street parking requirement shall be increased by the number of on-street parking spaces that are to be eliminated.
- M. **Multi-Family Housing.**
 1. Parking spaces serving multi-family housing shall be assigned to residents. Spaces shall be located as near to the resident's unit as possible, but not marked with their unit number.
 2. Visitor parking areas shall be clearly designated and labeled.
 3. Parking areas shall be visible from building windows and doors.
- N. **Minimum Bicycle Parking Requirements.**
 1. All non-residential uses and multiple-family residential uses shall provide at least 2 bicycle parking spaces, or 1 bicycle parking space for every 20 required motor vehicle parking spaces, whichever is greater.
 2. In addition to any requirements in the City Engineering Design Standards, each bicycle parking space shall provide a securely anchored, stationary parking device that is adequate to lock and secure a 6-foot-long bicycle.
 3. All bicycle parking spaces shall be conveniently located to the buildings that they serve, and pedestrian walkways shall be provided between the bicycle parking spaces and the nearest building entrance.
 4. For residential uses that are required to provide bicycle parking, all required bicycle parking spaces shall be located in permanently covered areas, either inside or outdoors, that are designed to protect the bicycle from rainfall.

O. Reciprocal Access.

1. In order to provide for convenience, safety and efficient circulation, a nonresidential development project may, as a condition of development review, be required to provide reciprocal vehicle and pedestrian access between parking areas on the development site and parking areas on adjacent sites. This requirement shall not be imposed if reciprocal access is infeasible due to topography or other unusual site conditions.
2. If reciprocal vehicle access is required, a non-exclusive access easement, or an equivalent form of reciprocal access approved by the City Attorney, shall be recorded on both sites.

P. Shared Parking Reduction.

1. Where vehicular parking spaces are shared and cooperatively operated by more than 1 use, the parking requirement for those uses may be eligible for reduction if any of the following circumstances apply:
 - a. The uses attract vehicular traffic at different hours of the day or on different days of the week.
 - b. Visitors to the site are likely to park their cars once, then visit more than 1 of the uses.
2. Any person seeking a shared parking reduction shall file an application with the Zoning Administrator.
 - a. The application shall be filed and processed as an administrative permit, in accordance with the requirements of Section 26-50.020 (Administrative Permits) of this chapter and the requirements of this section.
 - b. The applicant shall provide a description of each use that is to share the parking spaces, including the times of operation for each use. The applicant shall also specify the proposed number of parking spaces to be provided.
3. The Zoning Administrator shall grant a shared parking reduction only upon finding, based on substantial evidence, that there is no substantial conflict in the principal operating hours of the building or uses for which the shared parking is proposed and that the proposed shared parking is conveniently located to the uses to be served. The Zoning Administrator may require additional documents, covenants, deed restrictions or other agreements, in a form approved by the City Attorney, in order to ensure that the parking spaces are maintained and used as approved.
4. If a change in use is proposed for an establishment that has received a shared parking reduction, and this change in use is not explicitly permitted by the administrative permit granting a shared parking reduction, the establishment shall do one of the following prior to the change in use:
 - a. Obtain a new administrative permit granting a shared parking reduction for the proposed new use, in accordance with the requirements of this section.
 - b. Identify an appropriate method of meeting this chapter's minimum parking requirements without a shared parking reduction.
5. In no case shall a shared parking reduction be granted such that the number of shared parking spaces to be provided is less than the largest number of spaces required for any one of the individual uses that will share the parking spaces.

- Q. **Maximum Vehicular Parking.** For all land uses other than single-family dwellings, the following maximum vehicular parking requirements shall apply:
1. The maximum number of off-street vehicular parking spaces allowed as of right shall be 125 percent of the minimum number specified in this section.
 2. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250 percent of the minimum specified in this section. The exact percentage shall be specified in the permit, which shall be processed in accordance with the requirements of Section 26-50.020 (Administrative Permits) of this chapter and the requirements of this section. The permit shall be granted only upon finding all of the following, based on substantial evidence:
 - a. The proposed use will create significant conflicts with surrounding uses unless the maximum parking requirement is increased.
 - b. The proposed increase in parking is no greater than necessary to avoid these conflicts and protect public health, safety and welfare.
 3. A use permit to allow additional off-street vehicular parking may include conditions requiring additional landscaping, planting buffers and other screening that improve the aesthetic quality of the parking area.
- R. **Handicapped Parking.** Parking spaces shall be provided in all parking areas for use by handicapped persons only, as required by the City Building Code.
- S. **Parking Dimensions and Configuration.**
1. The minimum dimensions of parking spaces and aisles, and their required configuration, shall be as shown in the City Engineering Design Standards. Up to 1/3 of all required parking spaces may be sized for compact cars, in accordance with the City Engineering Design Standards.
 2. Parking and aisle space shall be arranged so as to prevent backing of vehicles onto public thoroughfares.

26-13.080 Loading Spaces

- A. **Loading Spaces Required.**
1. For all nonresidential uses, the off-street loading space requirements in Table 26-13.080-1 shall be considered minimum requirements in all districts.
 2. For allowed nonresidential uses that are not included in Table 26-13.080-1, and for uses that may require additional loading spaces as provided in Table 26-13.080-1, the loading space requirement shall be determined as follows:
 - a. If a use permit is required, the loading space requirement shall be determined by the Planning Commission.
 - b. In all other cases, the loading space requirement shall be determined by the Zoning Administrator.

TABLE 26-13.080-1: LOADING SPACE REQUIREMENTS

Land Use	Loading Space Requirements
Retail or Service	
Food and beverage sales—15,000 square feet or more of gross floor area	1 space
Shopping center with less than 30,000 square feet of gross floor area	1 space
Any use with 30,000 square feet or more of gross floor area	1 space, plus additional spaces as required by the applicable authority
Hotels and motels, hospitals and other facilities with temporary overnight accommodations and 10 or more beds	1 space
Manufacturing, Wholesale, Repair and Storage Uses	
Any use with 10,000 square feet or more of gross floor area	1 space
Any use with 40,000 square feet or more of gross floor area	1 space, plus additional spaces as required by the applicable authority
Utility building or substation	1 space

3. In all cases where the Planning Commission or Zoning Administrator is responsible for determining the minimum number of loading spaces, this minimum shall be based upon the following factors:
 - a. The nature of the proposed use.
 - b. The similarity of the proposed use to other land uses for which a loading space requirement is specified in this section.
 - c. The hours of operation of the proposed use.
 - d. Any available data regarding the expected number of deliveries by truck for the proposed use.
- B. **Dimensions of Loading Spaces.** Loading spaces shall have a minimum width of 12 feet, a minimum depth of 40 feet and a minimum vertical clearance of 14 feet, unless reduced dimensions are approved by the City Engineering Design Standards.
- C. **Location of Loading Spaces.**
 1. Loading spaces shall not be located in a required minimum setback, or in any part of the front setback.
 2. To the extent possible, loading spaces shall be arranged so as to prevent backing of vehicles onto public thoroughfares.

- D. **Screening for Loading Areas.** The following screening requirements shall apply to loading areas:
 1. Loading areas shall be screened from adjacent streets and properties by a solid fence, or by evergreen landscaping that restricts visibility into the loading area. This requirement shall not apply if a loading area is located where it cannot be viewed from adjacent streets and properties.
 2. A fence that provides screening for a loading area shall have a decorative architectural treatment on its exterior, and shall have a height between 6 and 10 feet.
- E. **Prohibited Activities.** No sale, storage, repair work, dismantling, or servicing of any kind shall be permitted in required loading areas.
- F. **Paving, Grading and Drainage.** All loading spaces shall be paved, graded, and drained as required for parking lots in the City Engineering Design Standards.

26-13.090 Accessory Buildings and Swimming Pools

A. **Detached Accessory Buildings.**

1. Height and size limits for detached accessory buildings are as follows:

Structure	Maximum Height
Accessory structure	15 feet
Accessory structure over 15 feet in height	25 feet [1]
Garage with second-story dwelling unit	25 feet [1]
	Floor Area [2]
Detached garage	700 square feet[3]
All other accessory structures	25% of the floor area of the main structure [3]

[1] Development Review Committee approval shall be required pursuant to Section 26-53.020 (Review Required).
 [2] For the maximum floor area for a second dwelling unit refer to Section 26-16.010.E (Second Dwelling Units).
 [3] Development Review Committee approval shall be required to exceed these limitations pursuant to Section 26-53.020 (Review Required).

2. All attached or detached single-family dwellings, or other accessory buildings shall be compatible with the materials and architecture of the main dwellings on the property. All proposed structures shall be compatible with the character of the neighborhoods surrounding built environment and natural environments and shall not unnecessarily impact the privacy, views or desirability of adjoining properties.
3. Detached accessory buildings shall not occupy more than 50 percent of the required minimum rear setback for main buildings.
4. Required minimum setbacks for detached accessory buildings are as follows:
 - a. Accessory buildings shall not be located in the required minimum front setback for main buildings.

- b. One detached accessory building with no more than 120 square feet of gross floor area may be constructed in a required minimum side setback. For all other detached accessory buildings, the side setback requirements for main buildings shall apply.
 - c. A detached accessory building may be constructed on the rear lot line, provided that the rear lot line abuts an alley. In all other cases, the accessory building shall have a required minimum rear setback of 5 feet.
- 5. A detached accessory building shall be set back at least 6 feet from the foundation of the main building.
- B. **Attached Accessory Buildings.** Attached accessory buildings shall be allowed in all districts. Private garages, carports and other accessory buildings may be attached to and have a common wall with the main building, or may be connected by a breezeway subject to the development standards in this section.
- C. **Swimming Pools.** Swimming pools, including lap pools, hot tubs, spas and related equipment, are subject to the following requirements:
 - 1. Swimming pools and related uses shall maintain a 5-foot setback from all property lines. All mechanical equipment associated with swimming pools and related uses shall be enclosed, covered, or shielded so that it is not visible from adjacent properties or public rights-of-way.
 - 2. Swimming pools and related uses are not included in site coverage unless covered by a roof structure.
 - 3. All swimming pools and related uses shall be fenced as required by the City Building Code. (Ord. 1762) (Ord. 1770)

26-13.100 Crime Prevention through Environmental Design (CPTED)

- A. **Purpose.** This section contains development regulations to reduce the perception and incidence of crime in Oroville. These regulations are based upon the principles of Crime Prevention through Environmental Design (CPTED). Development that incorporates CPTED principles help prevent crime by delineating private and public spaces, enhancing visibility, controlling property access, and ensuring adequate property maintenance. CPTED principles work in combination with other crime prevention strategies, including “target hardening” and police activity.
- B. **Design Standards for New Structures.**
 - 1. **When Required.** The CPTED design standards below apply to all new structures, except for the following:
 - a. Single-family homes and accessory structures on single-family lots.
 - b. Accessory structures that do not require a building permit.
 - 2. **General Standards.** All new structures subject to the requirements of this section shall comply with the CPTED standards located in the following Development Code sections:
 - a. Section 26-13.010.C (Performance Standards, Lighting).
 - b. Section 26-13.050 (Landscaping Standards).

- c. Section 26-13.020 (Fences, Walls, and Screening).
 - d. Section 26-13.070 (Parking).
3. **Multi-Family Residential Standards.** All new multi-family residential structures shall comply with the following standards:
- a. Building Entrances and Windows.
 - (1) Common building entrances shall automatically lock upon closing.
 - (2) No more than four apartments may share a single entrance.
 - (3) No more than two points of entrance may be provided to common areas within a building.
 - (4) Building entrances shall be visible from adjacent streets or buildings.
 - (5) Windows shall be provided on all sides of a building.
 - (6) Buildings shall be oriented so that the windows and doors of one unit are visible from another.
 - b. Property Identification.
 - (1) All buildings and residential units shall be clearly identified using building numbers that comply with the standards in Section 26-19.050.A (Required Signs, Building Numbers).
 - (2) Where possible, individually locking mailboxes shall be located next to the unit which they serve.
 - c. Other Standards.
 - (1) Balcony railings and patio enclosures shall be kept as low as possible using opaque materials. Railing heights and construction features shall comply with California Building Code.
 - (2) Recreation areas (playgrounds, pools, tennis courts, club houses) shall be positioned to be visible from units' windows and doors.
 - (3) Elevators and stairwells shall be in locations that are clearly visible from windows and outside doors.
- C. **Incentives for New and Existing Development.** Development projects that incorporate CPTED features that exceed the minimum requirements in this section are eligible for an incentive. See Section 26-25.010 (Incentives for Community Benefits).
- D. **Design Review.** To approve Design Review for a proposed project, the City must find that the project complies with the requirements in this section and incorporates crime prevention design principles to the satisfaction of the Chief of Police.
- E. **Security Plans.**
- 1. Applicants shall submit to the City a security plan for the following uses:
 - a. Alcoholic beverage sales.
 - b. Bars, nightclubs, and lounges.
 - c. Firearms and related items.
 - d. Smoke shops.
 - 2. The City may issue an occupancy permit for these uses only after the Chief of Police approves the security plan. For projects that require a Use Permit, Design Review, or other discretionary permit, the City may approve the permit only after the Chief of Police approves the Security Plan.

Section 26-16 – USE-SPECIFIC REGULATIONS

26-16.010	Second Dwelling Units
26-16.020	Usable Open Space for Multiple-Family Dwellings
26-16.030	Mixed-Use Development
26-16.040	Home Occupations
26-16.050	Family Day Care Homes
26-16.060	Temporary Uses and Buildings
26-16.070	Gas Stations
26-16.080	Drive-Through Establishments
26-16.090	Car and Vehicle Washes
26-16.100	Agricultural Uses
26-16.110	Adult-Oriented Businesses
26-16.120	Animal Keeping
26-16.130	Outdoor Display and Sales
26-16.140	Outdoor Storage
26-16.150	Mobile Food Vending
26-16.160	Alcoholic Beverage Sales
26-16.170	Wireless Communication Facilities
26-16.175	Distributive Antenna Systems
26-16.180	Solar Energy Systems
26-16.185	Solar Energy Requirements
26-16.190	Smoke Shops
26-16.200	Medical Marijuana Cultivation
26-16.210	Cottage Food Operations
26-16.220	Neighborhood Food and Beverage Sales
26-16.230	Urban Agriculture
26-16.240	Emergency Shelters

26-16.010 Second Dwelling Units

- A. **Permit Required.** For any parcel in a residential zoning district that is currently occupied by a single-family home, an administrative permit is required to establish a new second dwelling unit.
- B. **Number of Second Units.** A maximum of one second dwelling unit shall be constructed on any parcel.
- C. **Maximum Number of All Units.** Second dwelling units shall not be constructed on any lot or site that is already developed with more than one dwelling unit.
- D. **Location.** A second dwelling unit may be either attached to or detached from the primary dwelling unit on the parcel.

E. **Maximum Size.**

1. The total floor area for a detached second dwelling unit shall not exceed 1,200 square feet, except that in districts with a minimum lot size of at least 5 acres, the floor area shall not exceed 2,000 square feet.
2. The floor area of an attached second unit shall not exceed 30 percent of the primary dwelling unit's living area.
3. Notwithstanding any other provision of this section, an attached unit that qualifies as an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, shall be allowed regardless of the ratio between its floor area and the living area of the existing dwelling unit.
4. Maximum height limits of second dwelling units shall be the same as accessory buildings. Refer to Section 26-13.090 (Accessory Buildings and Swimming Pool). (Ord. 1770)

F. **Development Standards.** Second dwelling units shall conform to all development requirements for the applicable district, including but not limited to the following:

1. The combined site coverage of the primary dwelling unit, the secondary dwelling unit and any accessory structures on the parcel shall not exceed the maximum allowable site coverage.
2. A detached second dwelling unit shall be subject to the development standards for accessory buildings. An attached second dwelling unit shall be considered as part of a single building with its primary dwelling unit, and this building shall be subject to the development standards of the applicable district.
3. Off-street parking shall be provided in accordance with the provisions of Section 26-13.070 (Parking), except that in districts with a minimum lot area of at least 5 acres, parking spaces for the second dwelling unit may be surfaced with gravel.
4. The construction of second dwelling units shall comply with City Building Code requirements in effect at the time of construction.

G. **Fees.** The construction of second units shall be subject to the payment of all fees applicable to the construction of a single-family dwelling on the same property. (Ord. 1770)

26-16.020 Usable Open Space for Multiple-Family Dwellings

- A. **Applicability.** All multiple-family residential projects, excluding those in a Downtown Historic Overlay (DH-O) district, shall include permanently maintained usable open space for residents as provided in this section.
- B. **Exemptions.** The review authority for development review may modify or waive the usable open space requirements of this section upon finding, based on substantial evidence, that a public park or other usable public open space is within a convenient distance of the development, not to exceed 1/2 mile, and is adequate to meet the needs of the development.

- C. **Area Required.** In order to provide convenient recreational opportunities for the project as a whole, as well as for residents of individual dwelling units, the following usable open space shall be required:
1. For each dwelling unit, the project shall include a minimum of 200 square feet of usable open space.
 2. A project's usable open space may include a combination of common open space and private open space. However, no more than 50 percent of the required usable open space shall be provided as private open space.
 3. If a private open space is larger than 200 square feet, the additional area shall not be counted toward the project's usable open space requirement.
- D. **Configuration of Usable Open Space.**
1. All required usable open space shall be provided as contiguous areas that are easily accessible from dwelling units.
 2. The average slope of any usable open space shall be no greater than 8 percent.
- E. **Common Open Space.**
1. Any application for development review of a multiple-family residential project shall include provisions for the permanent control and maintenance of all required common open space. For condominiums, these provisions shall be included in property covenants, and their enforcement shall be made the responsibility of a homeowners' association or a similar entity.
 2. Each common open space shall have a minimum width and depth of 20 feet.
 3. Any portion of the common open space that is not landscaped shall include elements to encourage recreational use, such as decks, sports courts, outdoor seating or decorative paved areas.
 4. A stormwater detention basin may be considered a usable open space if it meets the requirements of this section and includes the necessary improvements to function as a playing field, public plaza or similar open space.
- F. **Private Open Space.**
1. Each private open space shall have a minimum width of 10 feet and a minimum depth of 6 feet.
 2. Private open spaces shall be at the same elevation as, and immediately accessible from, the dwelling unit.

26-16.030 Mixed-Use Development

- A. **Intent.** The requirements of this section are intended to ensure compatibility between residential and commercial uses that are located together on a site, and to preserve the City's supply of commercially-zoned land by reserving space for commercial uses in appropriate amounts and locations.

- B. **Applicability.** This section's requirements shall apply to any mixed-use development in a nonresidential zoning district.
- C. **Provision of Commercial Space.** Nonresidential uses shall be provided on the ground floor of each street frontage. The area reserved for nonresidential uses shall extend across the entire street frontage, excluding any areas that provide access to the upper floors of the building, and shall have a minimum depth of 40 feet.
- D. **Site Design.** The design of any mixed-use development shall minimize potential conflicts between residential and nonresidential uses on the site. Features such as parking areas, loading spaces, refuse collection areas, outdoor storage areas and outdoor lighting shall be designed, located and screened so as to minimize the residents' exposure to noise, odor and glare. (Ord. 1763)

26-16.040 Home Occupations

- A. **Low-Impact Home Occupations.** A home occupation that meets the following requirements shall be considered a low-impact home occupation and shall be allowed as of right in any dwelling unit:
 1. The home occupation shall be conducted entirely within the dwelling unit, not on other parts of the site.
 2. No more than three customer or other business-related visits shall be conducted on the premises each day.
 3. No vehicles, except for those that would ordinarily be located at a place of residence, shall be based on the premises in conjunction with the home occupation.
 4. Hazardous materials, except for those that would ordinarily be located at a place of residence, shall not be stored or used on the premises.
- B. **Moderate-Impact Home Occupations.**
 1. Any home occupation that does not qualify as a low-impact home occupation, but that otherwise meets the requirements of this section, shall be considered a moderate-impact home occupation and shall be required to obtain an administrative permit. Renters shall obtain prior written approval of the property owner before applying for the permit.
 2. Any administrative permit for a moderate-impact home occupation shall be granted subject to the following conditions:
 - a. The permit shall be valid only as to the occupation and residence for which it is issued.
 - b. The permit shall be revoked if the occupation for which the permit is granted has been discontinued for at least 1 year, or if the permit holder fails to comply with the requirements of this section.
- C. **Exemptions.** The following uses shall not be considered home occupations:
 1. A small or large family day care home.
 2. A residential care facility.

3. A business conducted in a residence in a commercial or industrial district, provided that the business complies with all requirements for businesses in the applicable district.

D. **Requirements.** All home occupations shall be subject to the following requirements:

1. Home occupations shall comply with all federal, State, county and local regulations, statutes and provisions.
2. The home occupation, including storage of materials and products, shall be confined principally to 20 percent of the gross floor area or 300 square feet, whichever is less.
3. The home occupation shall not generate pedestrian or vehicular traffic that will cause a disturbance in the district in which it is located.
4. There shall be no excessive or unsightly storage of materials or supplies, either indoors or outdoors.
5. The home occupation shall not involve the use of signs or structures, other than those permitted in the district in which it is located.
6. The home occupation shall employ at least one resident of the dwelling unit. It shall not employ more than one person who is not a resident of the dwelling unit.
7. A dwelling unit may have any number of low-impact home occupations. However, no more than 1 moderate-impact home occupation shall be allowed in a dwelling unit.
8. No more than 1 vehicle, beyond those that would ordinarily be located at a place of residence, shall be based at the home in conjunction with any home occupation.
9. Any vehicle used in conjunction with the home occupation shall have a capacity no greater than 3/4 ton.
10. No home occupation shall involve the elimination of required off-street parking spaces.
11. Any merchandise manufactured on the premises shall not require the transporting of materials or finished products by means other than a vehicle with a capacity no greater than 3/4 ton.
12. Delivery of materials to the subject residence shall not exceed 2 deliveries per month. This requirement shall not apply to deliveries from package delivery services that are ordinarily found in residential neighborhoods.

26-16.050 Family Day Care Homes

- A. **Purpose.** The purpose of this section is to implement the provisions of the California Child Day Care Act set forth in Chapter 3.4, 3.5 and 3.6 of Division 2 of the Health and Safety Code (Section 1596.70 et seq., hereinafter referred to in this section as the Act), and to provide reasonable standards, restrictions and requirements specifically relating to child day care facilities in the City of Oroville.
- B. **Exclusions.** The provisions of this section shall not apply to those facilities and arrangements excluded from the provisions of the California Child Day Care Act pursuant to Section 1596.792 of the Health and Safety Code.

- C. **Small Family Day Care Homes.** Pursuant to Section 1597.45 of the Health and Safety Code, a small family day care home that is properly licensed pursuant to the provisions of the Act shall be considered a residential use of property and shall be allowed as a matter of right in all residential districts. Small family day care homes shall also be allowed as a matter of right in single-family and multiple-family dwellings in commercial zones. The operation of a small family day care home without proper state licensing shall constitute a violation of this section, and, in addition to any remedies available to the state under the Health and Safety Code, any individual maintaining such a use shall be guilty of an infraction subject to citation pursuant to this Code.
- D. **Large Family Day Care Homes.** Pursuant to Section 1597.46 of the Health and Safety Code, a large family day care home shall be permitted in any single-family or multiple-family dwelling in any area of the City, provided that it obtains a large family day care home permit in accordance with this section.
- E. **Large Family Day Care Homes--Permit Issuance.**
1. Any person seeking a large family day care home permit shall submit an application for the permit to the Zoning Administrator. The Zoning application shall be submitted in a form approved by the Zoning Administrator. The Zoning Administrator shall act on the application within 30 days of the date it is received and deemed complete by the Zoning Administrator.
 2. The Zoning Administrator shall grant a large family day care home permit to the applicant only if the following circumstances are present:
 - a. The existing or proposed structure complies with all City restrictions and regulations on building heights, setbacks, site coverage and floor area ratio (FAR) in the zoning district in which the residence is located.
 - b. The proposed use is located on a lot zoned to allow a single family dwelling by right and meets a minimum standard of 75 square feet of outdoor activity space for each child who is not an infant. The outdoor area must be owned or leased by the applicant and cannot be shared with other property owners unless written permission is granted by the owner of the adjoining property.
 - c. The proposed use is located more than 300 feet driving distance and 100 feet radius distance from any other large family day care home property or child day care center.
 - d. The proposed use has adequate vehicular access to the residence to provide a safe drop-off and pick-up area with minimal disruption to local traffic and circulation.
 - e. The proposed use complies with General Plan noise requirements for residential uses and the provisions of Section 26-13.010 (Performance Standards) of this chapter relating to noise.
 3. As conditions of approval of a large family day care home permit, the applicant shall be required to:
 - a. Comply with the City Building Code provisions that apply to single-family or multiple-family residences, as applicable; and
 - b. Comply with any standards promulgated by the State Fire Marshal relating to the subject of fire and life safety in large family day care homes; and

- c. Be licensed or deemed to be exempt from licensure by the state of California as a large family day care home.
- 4. If the applicant or any other person is dissatisfied with a Zoning Administrator action regarding a large family day care home permit, he or she may appeal as provided in Section 26-56.100 (Appeals) of this chapter. (Ord. 1762)

26-16.060 Temporary Uses and Buildings

- A. **Applicability.** All temporary uses and buildings are required to obtain a use permit, except as provided in this section.
- B. **Uses Allowed As of Right.** The following temporary uses and buildings are permitted as of right, provided that they comply with all other applicable regulations:
 - 1. The use of a facility as a polling or voting place for an election conducted by the City or other government agency.
 - 2. The conducting of a garage, yard or rummage sale on a residential property, or a block sale held on several residential properties, provided that the sale continues no longer than 3 days and only 1 such sale occurs in any 30-day period.
 - 3. A temporary outdoor sale that meets the requirements of Section 26-16.130 (Outdoor Display and Sales) of this chapter.
 - 4. A car or vehicle wash for which compensation is collected, provided that:
 - a. The car or vehicle wash is held by a charitable organization for fundraising purposes.
 - b. The car or vehicle wash is held for no more than 2 days within a 3-month period.
 - c. All proceeds from the car or vehicle wash are used solely for charitable purposes, not for the private gain of any person.
 - 5. An on-site construction yard, construction office, scaffolding, material yard or debris container, in conjunction with an approved building permit.
 - 6. The use of an unimproved property in a non-residential zoning district as a parking lot, provided that:
 - a. The parking lot is not used for the dead storage of vehicles.
 - b. The use continues no longer than 30 days in any 1-year period.
 - 7. A temporary emergency shelter that is needed to ameliorate the effects of a declared emergency or disaster, provided that:
 - a. The shelter facilities are approved by the Building Official and Fire Marshal prior to use; and
 - b. The shelter facilities are open no more than 30 days in any 90-day period; and
 - c. No other emergency shelter is operated within 500 feet during the same 90-day period.
- C. **Uses Subject to Administrative Permit.** The following temporary uses and buildings, which are required to obtain an administrative permit, shall be subject to the following requirements:

1. Carnivals, circuses, fairs, races, concerts, bazaars, farmers' markets and similar events may occur for a maximum of 5 days in any 30-day period.
 2. A temporary real estate office may operate for a maximum period of 1 year from the date of approval of the first phase of a development project. Renewal of this permit shall follow the same procedure as a new permit application.
 3. The sale of seasonal holiday agricultural products may occur for a maximum period of 45 days.
 4. The use of a mobile home or recreational vehicle as a single-family dwelling unit on a property zoned for single-family residential use may occur for a period of time not to exceed 1 year, provided that all of the following conditions apply:
 - a. There is an existing single-family dwelling unit on the site that cannot be occupied until repairs are completed, and a valid building permit has been issued to make all repairs required to make the dwelling unit habitable.
 - b. The occupied mobile home or recreational vehicle is not placed within a required minimum setback, with the exception of a designated driveway that conforms to the standards set forth in this chapter.
- D. **Prohibited Uses.** Car and truck sales shall be prohibited as a temporary use.
- E. **Cleanup Required.** Each site occupied by a temporary use shall be cleared of debris, litter or any other evidence of the temporary use upon the completion or removal of the use.

26-16.070 Gas Stations

- A. **Location.**
1. No more than 2 gas stations shall be located adjacent to any street intersection.
 2. Gas station sites shall be separated from one another by a minimum of 600 feet. This requirement shall not apply to gas stations that are both adjacent to the same street intersection.
- B. **Permitted Activities.** Repair work performed on the premises of a gas station shall be limited to minor repair or replacement of tires, batteries, ignition systems or accessories normally associated with gas stations. In districts where major auto repair is permitted, gas stations may include such operations in an enclosed building. All automobile parts, including those that no longer function, shall be stored within a structure.
- C. **Site Improvements.** All runoff from paved areas of the site shall be treated and filtered on site to remove sediment and pollutants, using a method approved by the City Engineering Design Standards, before it is discharged into the storm drain system.
- D. **Display of Merchandise.** Merchandise other than oil displays on pump islands shall not be displayed at a gas station, except within an enclosed structure.
- E. **Access.**
1. Vehicular entrances to the gas station's site shall not be wider than 30 feet.

2. Vehicular entrances to the gas station's site shall be separated from one another as required by the City Engineering Design Standards.
 3. The total number of vehicular entrances to a gas station's site shall not exceed one entrance for each 100 feet of the site's street frontage; provided, however, that each gas station shall have a minimum of two vehicular entrances.
- F. **Self-Service Gas Stations.** Self-service gas stations shall comply with the requirements of this Code.

26-16.080 Drive-Through Establishments

- A. **Display of Merchandise.** Merchandise shall not be displayed except within an enclosed structure.
- B. **Vehicle Queuing.** The site plan for the drive-through establishment shall provide adequate queuing space for vehicles, as well as vehicle circulation paths that prevent backing onto public rights-of-way, in accordance with the requirements of the City Engineering Design Standards.
- C. **Access.**
 1. Vehicular entrances to the establishment's site shall not be wider than 30 feet.
 2. Vehicular entrances to the establishment's site shall be separated from one another as required by the City Engineering Design Standards.
 3. The total number of vehicular entrances to the establishment's site shall not exceed 1 entrance for each 100 feet of the site's street frontage; provided, however, that each establishment shall have a minimum of 1 vehicular entrance.

26-16.090 Car and Vehicle Washes

- A. **Applicability.** The requirements of this section shall apply to any commercial or industrial facility that has an on-site area for the washing of vehicles; any commercial washing facility for motor vehicles, boats or trailers; and all permanent locations where vehicles are washed for compensation.
- B. **Water Quality Requirements.**
 1. Vehicles shall be washed only in designated wash areas that are clearly marked on the pavement. Each designated wash area shall be paved with an impervious surface and shall be designed and graded so as to collect all wash water and direct the water to a drainage system.
 2. All wash water shall be treated and filtered on site to remove sediment and pollutants, using a method approved by the City Engineering Design Standards, before it is discharged into the storm drain system.
 3. All stormwater runoff shall be channeled into storm drains, away from the interior of any buildings or structures.

26-16.100 Agricultural Uses

Agriculture as defined in this chapter shall be subject to the following provisions in all districts where it is permitted:

- A. **Permit Requirements.** A use permit shall be required for the following related uses:
 - 1. Uses and activities that would create noise in violation of Section 26-13.010 (Performance Standards) of this chapter or that would create flies, strong odors, frequent dust, or other significant impacts or hazards to surrounding properties.
 - 2. Permanent structures for the commercial processing or sale of plant crops.
- B. **Animals and Livestock.** The keeping of livestock and other animal-related agricultural uses shall be subject to the provisions of Section 26-16.120 (Animal Keeping) of this chapter.
- C. **Farmworker Housing.** Farmworker Housing and Migrant Farmworker Housing consisting of not more than 12 units designed for use by a single household or 36 beds in a group quarters in accordance with Health and Safety Section 17000, et seq. shall be treated as an agricultural use in residential zones only, as defined by Section 26-04.020 (Definitions) of this chapter. All structures shall fully comply with the development standards of the underlying land use designation, City building codes, and other applicable city, county, state, federal, or local regulations that may apply. For the purpose of this chapter, farmworker housing shall be treated as an agricultural use in residential zones

26-16.110 Adult-Oriented Businesses

- A. **Purpose.**
 - 1. The purpose of this section is to regulate adult-oriented businesses in order to promote the health, safety, morals, and general welfare of the city's residents and businesses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent or effect of this ordinance to condone or legitimize the distribution of obscene material.
 - 2. This section is also intended to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of adult-oriented businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, child or family-oriented business and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of adult-oriented businesses causes an increase in crime, and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this section to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their close

proximity to incompatible uses, while permitting the location of adult-oriented businesses in certain areas.

B. Applicability.

1. In determining whether a use is an adult business, only conduct or activities that constitute a regular and substantial course of conduct, or a use that has a majority of its floor area, stock-in-trade or revenue derived from material characterized by an emphasis on matters depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas, shall be considered. Isolated instances of conduct or activities described in this chapter as characterizing an adult business shall not be considered except where such activities, taken together, constitute a regular and substantial course of conduct.
2. There is a rebuttable presumption that an establishment constitutes an adult-oriented business where the establishment does all of the following:
 - a. Offers or advertises merchandise that is distinguished or characterized by an emphasis upon specified sexual activities or specified anatomical areas.
 - b. Fails to make revenue-related and inventory-related business records available to the City upon reasonable advance notice.

C. Establishment of an Adult-Oriented Business. As used in this section, to “establish” an adult-oriented business shall include any of the following:

- a. The opening or commencement of any adult-oriented business as a new business.
- b. The conversion of an existing business, whether or not an adult-oriented business, to any adult-oriented business.
- c. The addition of any new adult-oriented businesses to any other existing adult-oriented business.
- d. The relocation of any adult-oriented business.

D. Minimum Proximity Requirements.

1. No adult-oriented business shall be established in any of the following locations:
 - a. Within 1,000 feet of any other adult-oriented business.
 - b. Within 1,000 feet of any existing residential district or residential use, park, house of worship, school, or child or family-oriented business as defined in this chapter.
2. The distances set forth above shall be measured as a radius from the primary entrance of the adult-oriented business to the property or lease lines of the property so zoned or used without regard to intervening structures.
3. If any one of the above proximity requirements would have the effect of entirely prohibiting adult-oriented businesses within the City, this proximity requirement shall not be enforced. However, the remaining proximity requirements shall continue to apply.

E. Adult-Oriented Business Permit Required.

1. It shall be unlawful to operate an adult-oriented business without an adult-oriented business permit that has been issued in accordance with the requirements of this section.

2. The fact that an applicant possesses other types of state or City permits or licenses does not exempt the applicant from the requirement of obtaining an adult-oriented business permit.
3. The provisions of this section are not exclusive. Compliance with this section shall not excuse noncompliance with any other City regulations pertaining to the operation of businesses.

F. **Application for Adult-Oriented Business Permit.** An application for an adult-oriented business permit shall be submitted to the Chief of Police, accompanied by a fee established by resolution of the City Council, and shall include all of the following information:

1. Because an adult-oriented business permit is nontransferable, except as provided in this section, an application for an adult-oriented business permit shall include all of the following information:
 - a. If the applicant is an individual, the individual shall state his or her legal name, including all aliases, and his or her address. The applicant shall also submit written proof that he or she is at least 18 years of age.
 - b. If the applicant is a partnership, the partners shall state the partnership's complete name and address; list the names of all partners; indicate whether the partnership is general or limited; and attach a copy of the partnership agreement, if any.
 - c. If the applicant is a corporation, the corporation shall provide its complete name; the date of its incorporation; evidence that the corporation is in good standing; the names and capacity of all officers and directors; the name of the registered corporate agent; and the address of the registered office for service of process.
 - d. If the applicant is a limited liability company, the company shall provide its complete name, the date of establishment, evidence that the company is in good standing under the laws of California, the names and capacities of all members and the name and the address of the managing member.
2. If the applicant is an individual, he or she shall sign the application. If the applicant is a partnership, corporation or limited liability company, an officer of the business entity or an individual with a 10 percent or greater interest in the business entity shall sign the application.
3. If the applicant intends to operate the adult-oriented business under a fictitious business name, the applicant shall file the fictitious name of the adult-oriented business and show proof of registration of the fictitious name.
4. A description of the type of adult-oriented business for which the permit is requested and the proposed address where the adult-oriented business will operate, plus the names and addresses of the owners and lessors of the adult-oriented business site.
5. The address to which notice of action on the application is to be mailed.
6. The names of all employees, independent contractors and other persons who will work at the adult-oriented business.
7. A diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the adult-oriented business. The diagram must be drawn

to a designated scale, or it must include marked dimensions of the interior of the premises to an accuracy of plus or minus 6 inches.

8. A diagram drawn to scale, prepared no more than 30 days prior to application, depicting the building and the portion of the building to be occupied by the adult-oriented business, as well as the following:
 - a. The property line of any other adult-oriented business within 1,000 feet of the primary entrance of the adult-oriented business for which a permit is requested.
 - b. The property lines of any house of worship, school, park, child or family-oriented business, residential district or residential use within 1,000 feet of the primary entrance of the adult-oriented business.
9. A diagram of the off-street parking areas and premises of the adult-oriented business showing the location of the lighting systems required by this section.
10. A statement describing how the adult-oriented business will meet the development and performance standards described in this section.

G. Investigation and Action on Application.

1. Upon receipt of a completed application and its accompanying fee, the Chief of Police shall immediately stamp the application as received and promptly investigate the information contained in the application to determine whether the applicant shall be issued an adult-oriented business permit.
2. Within 30 days of receipt of the completed application, the Chief of Police shall complete the investigation and approve or deny the application. The application may only be denied for the reasons specified in this section.
3. The Chief of Police shall deny the application if any of the following conditions exist:
 - a. The applicant, or any of his or her employees, agents, partners, directors, officers, shareholders or managers, have knowingly made any false, misleading or fraudulent statement of material fact in the application for an adult-oriented business permit.
 - b. An applicant is under 18 years of age.
 - c. The required application fee has not been paid.
 - d. The adult-oriented business would not comply with the locational requirements and performance standards of this section.
4. Upon approving or denying the application, the Chief of Police shall notify the applicant as follows:
 - a. The Chief of Police shall write or stamp "Granted" or "Denied" on the application and sign and date this notation.
 - b. If the application is denied, the Chief of Police shall attach to the application a statement of the reasons for denial.
 - c. If the application is granted, the Chief of Police shall attach to the application an adult-oriented business permit.
 - d. The application as granted or denied shall be delivered to the applicant by mail at the address stated in the application.

H. Transfer of Adult-Oriented Business Permit.

1. A permittee shall not operate an adult-oriented business at any place other than the address stated in the application for the adult-oriented business permit.
2. A permittee shall not transfer ownership or control of an adult-oriented business or transfer an adult-oriented business permit to another person until the Chief of Police has amended the permit as needed. To obtain this amendment, the transferee shall file a transfer application in accordance with the requirements specified in this section for an adult-oriented business permit, accompanied by a transfer fee established by resolution of the City Council. The Chief of Police shall deny the permit unless it is determined that the transferee would be entitled to the issuance of an original permit.
3. If the Chief of Police has notified a permittee that the permit has been, or may be, suspended or revoked, the permit shall not be transferred.
4. Any attempt to transfer a permit, either directly or indirectly, in violation of this section is hereby declared void, and the permit in question shall be deemed revoked.

I. Registration of New Employees.

1. As a condition of approval of every adult-oriented business permit issued pursuant to this section, the owner or operator shall register every employee with the Police Department within 5 business days of the commencement of the employee's period of employment.
2. Each employee shall be required to provide two recent color passport-quality photographs and shall allow himself or herself to be fingerprinted by the Police Department for purposes of identification. In addition, each new employee shall provide the following information on a form provided by the Police Department:
 - a. Name, current resident address and telephone number.
 - b. Date of birth.
 - c. Social Security number.
 - d. Height, weight, color of eyes and hair.
 - e. Stage name, if applicable, and other aliases used within the previous 2 years.
3. The information provided to the Police Department shall be maintained as confidential information, and shall not be disclosed as a public record except pursuant to a subpoena issued by a court of competent jurisdiction.
4. Each owner or operator of an adult-oriented business shall maintain a current register of the names of all employees currently employed by the adult-oriented business, and shall disclose this registration for inspection by any police officer for purposes of determining compliance with the requirements of this section.
5. Failure to register a new employee within 5 days of the commencement of employment, or to maintain a current register of the names of all employees, shall be deemed a violation of the conditions of the permit and may be considered grounds for suspension or revocation of the permit.

J. **Suspension or Revocation of Adult-Oriented Business Permit.** An adult-oriented business permit may be suspended or revoked if any of the following has occurred, subject to appeal as provided in Section 26-56.100 (Appeals) of this chapter:

1. The licensee, employee, agent, partner, director, stockholder, or manager of an adult-oriented business has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult-oriented business:
 - a. Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation.
 - b. Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur.
 - c. Any conduct constituting a criminal offense which requires registration under Section 290 of the California Penal Code.
 - d. The occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, or 318 or Subdivision b of Section 647 of the California Penal Code.
 - e. Any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including but not limited to Sections 311 through 313.4.
 - f. Any conduct prohibited by this section.
2. Failure to abide by any disciplinary action previously imposed by an appropriate City official. (Ord. 1762)

K. **Development and Performance Standards.**

1. Whether or not engaged in the operation of an adult-oriented business, no person shall maintain a business or use in any manner that permits the observation of any material or activities depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any location outside the building or area of such business or use. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business or use is open, and any exterior windows shall be covered with opaque covering at all times.
2. During hours of operation after dusk, all off-street parking areas and entries to the premises of the adult-oriented business shall be illuminated by a lighting system that maintains an average horizontal illumination of 1 footcandle of light on the parking surface and pedestrian walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the adult-oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. This lighting system shall be shown in the application materials as required by this section.
3. The premises within which the adult-oriented business is located shall provide sufficient sound-absorbing insulation so that noise generated inside the premises shall not be audible on any adjacent property or public right-of-way, within any other building, or within a separate unit in the same building.

4. An adult-oriented business shall be open for business only between the hours of 9 a.m. and midnight on any particular day.
5. The building entrance to an adult-oriented business shall be clearly posted with a notice indicating that persons under 18 years of age are precluded from entering the premises. This notice shall be constructed and posted to the satisfaction of the Chief of Police. No person under the age of 18 years shall be permitted within the premises at any time.
6. For commercial establishments not defined by this chapter as an adult-oriented business, any portion of retail floor area distinguished or characterized by an emphasis upon specified sexual activities or specified anatomical areas shall be physically separated from the general floor area. Inventory and content in the sexually-oriented section shall not be visible from the general area at any time, and the entrance to this area shall be clearly posted with a notice indicating that persons under 18 years of age are precluded from entering.
7. All indoor areas of the adult-oriented business within which patrons are permitted, except restrooms, shall be open to view by the management at all times.
8. Any adult-oriented business that is also an "adult arcade" shall comply with the following provisions:
 - a. 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 television monitors or other motion picture or video projection, recording or 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. This required view shall be in a direct line of sight from the manager's station.
 - b. No patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted.
 - c. No viewing room may be occupied by more than one person at any one time.
 - d. The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times, with no holes between any two such rooms that would allow viewing from one booth into another or that would allow physical contact of any kind between the occupants of the booths or rooms
 - e. Customers, patrons or visitors shall not be allowed to stand idly in the vicinity of any video booths, or to remain in the common area of the business, other than restrooms, unless they are actively engaged in shopping for or reviewing the products available for viewing. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.
 - f. The floors, seats, walls and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booths shall be evidence of improper maintenance and inadequate sanitary controls. Repeated instances of such

conditions shall be grounds for suspension or revocation of the adult-oriented business permit.

9. All indoor areas of the adult-oriented business shall be illuminated at the following average horizontal illumination, evenly distributed at ground level:
 - a. Adult bookstores and other retail establishments: 20 footcandles.
 - b. Adult theaters: 5 footcandles, except during performances, at which time the lighting shall be at least 1.25 footcandles.
 - c. Adult arcades: 10 footcandles.
 - d. Adult motels and adult motion picture theaters: 20 footcandles in public areas.
10. The adult-oriented business shall provide and maintain separate restroom facilities for male patrons and employees, and female patrons and employees. Male patrons and employees shall be prohibited from using the restroom for females, and female patrons and employees shall be prohibited from using the restroom for males, except to carry out duties of repair, maintenance and cleaning of the restroom facilities. The restrooms shall be free from any adult-oriented material. Restrooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. These requirements for restroom facilities shall not apply to an adult-oriented business that deals exclusively with sale or rental of adult-oriented material that is not used or consumed on the premises, such as an adult bookstore or adult video store, and that does not provide restroom facilities to its patrons or the general public.
11. The following additional requirements shall pertain to adult-oriented businesses providing live entertainment depicting specified anatomical areas or involving specified sexual activities, except for businesses regulated by the Alcoholic Beverage Control Commission:
 - a. No person shall perform live entertainment for patrons of an adult-oriented business except upon a stage that is at least 18 inches above the level of the floor and is separated by a distance of at least 10 feet from the nearest area occupied by patrons. No patron shall be permitted within 10 feet of the stage while the stage is occupied by an entertainer.
 - b. The adult-oriented business shall provide separate dressing room facilities for entertainers that are exclusively dedicated to the entertainers' use.
 - c. The adult-oriented business shall provide an entrance for entertainers that is separate from the entrance used by patrons.
 - d. The adult-oriented business shall provide access for entertainers between the stage and the dressing rooms that is completely separated from the patrons. If this separate access is not physically feasible, the adult-oriented business shall provide a minimum 3-foot aisle for entertainers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the entertainers and preventing any physical contact between patrons and entertainers.
 - e. Before, during or after performances, there shall be no physical contact between entertainers and patrons. This requirement shall apply only to physical contact on the premises of the adult-oriented business.
 - f. Fixed rails with a minimum height of 30 inches shall be maintained to establish the separations between entertainers and patrons required by this section.

- g. No patron shall directly pay or give any gratuity to any entertainer, and no entertainer shall solicit any pay or gratuity from any patron.
 - h. No owner or other person with managerial control over an adult-oriented business shall permit any person on the premises of the adult-oriented business to engage in a live showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque coverage, or the female breast with less than fully opaque coverage over any part of the nipple or areola.
 - i. Adult-oriented businesses featuring live entertainment shall provide at least one security guard at all times while the business is open. If the occupancy limit of the premises is greater than 35 persons, an additional security guard shall be on duty.
 - j. Security guards for other adult-oriented businesses may be required if it is determined by the Chief of Police that their presence is necessary in order to prevent any conduct prohibited by this section from occurring on the premises.
 - k. Security guards for an adult-oriented business shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of this section. Security guards shall be uniformed in such a manner as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of State law. No security guard required by this section shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.
- L. **Inspection.** At any time that the premises of an adult-oriented business are occupied or open for business, the licensee shall permit representatives of the Police Department, Fire Department, Department of Community Development and Public Works, or other City departments or divisions to inspect the premises of an adult-oriented business for the purpose of ensuring compliance with this section. The refusal to allow such an inspection shall be a violation of the provisions of this section.
- M. **Violation.** Any person or entity violating any of the provisions of this section shall be guilty of a misdemeanor and shall be deemed guilty of a separate offense for each day during which any violation of the provisions of this section is committed, continued or permitted.
- N. **Civil Injunction.** The violation of any provision of this section is hereby declared to be contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.
- O. **Administrative Remedies.** In addition to the civil remedies and criminal penalties set forth above, any person or entity that violates the provisions of this section may be subject to administrative remedies, as set forth by City ordinance.

26-16.120 Animal Keeping

- A. **Purpose.** These regulations are intended to allow persons to keep and maintain animals or livestock at their private residences and business establishments in a manner that will protect the health, safety and welfare of the animals and of the occupants of nearby land uses.

B. Applicability.

1. It is lawful to keep, feed, or raise livestock and domesticated animals, either for domestic or commercial purposes, provided that such uses comply with all applicable City, County and State requirements, including the requirements of this section as well as the requirements of Chapter 4 of this Code.
2. In residential districts, it is lawful to keep a larger number of animals than allowed in this section, and to keep types of animals other than those allowed in this section, provided that the number and type of animals complied with all applicable City or county requirements at the time when the animal keeping began. In addition, lawfully acquired animals may be replaced with animals of the same number and type. If the animal keeping is discontinued for at least 1 year, any future animal keeping on the site shall be in conformity with the provisions of this section.

C. General Regulations.

1. The keeping of animals in such a way as to create flies, odor, dust, damage or hazards that affect surrounding properties, or noise in excess of that allowed by Section 26-13.010 (Performance Standards) of this chapter, shall not be permitted. Proper sanitation and management of manure, feed and drainage shall be practiced to prevent these impacts.
2. Animals other than cats shall be prevented from leaving the premises on which they are kept.
3. Livestock shall be permitted on public street rights-of-way only if the animals are being ridden or led or are otherwise under human control. No livestock shall be driven loosely upon public street rights-of-way without prior approval of the City Engineer.
4. As used in this section, the term “available site area” refers to the total area of the site, excluding areas covered by structures that are not used to house animals. When two or more animals are located on the same site, the sum of the required available site area for each animal shall be required.

D. Animal Keeping—Residential Districts. The type and number of animals that may be kept in residential districts shall be limited as follows:

1. Animals may be kept as specified in Table 26-16.120-1.

TABLE 26-16.120-1: ANIMAL KEEPING IN RESIDENTIAL DISTRICTS

Animal	Animals Allowed	
	One Dwelling Unit on Parcel	Multiple Dwelling Units on Parcel
Poultry over 12 weeks old	6 total	6 total
Homing pigeons	6 total	6 total
Rabbits	6 total	6 total

Animal	Animals Allowed	
	One Dwelling Unit on Parcel	Multiple Dwelling Units on Parcel
Weaned dogs	3 total	3 per dwelling unit
Weaned cats	3 total	2 per dwelling unit
Small reptiles and amphibians, such as turtles, lizards, snakes and frogs	6 total	3 per dwelling unit
Small birds, such as parakeets, parrots or canaries	6 total	3 per dwelling unit
Pot-bellied pigs	1 total	1 per dwelling unit
Fish and other underwater animals	No limit	No limit

2. On any site larger than 1/2 acre, one weaned goat, sheep or similar small livestock animal may be kept.
3. In UR-10, UR-5, RA, RR-1, RR-20 and RR-10 districts, the following animals may be kept:
 - a. One weaned horse, cow, donkey, or mule for each 20,000 square feet of available site area. Sites less than 5 acres shall be limited to a maximum of six such animals.
 - b. One hive of honeybees for each 20,000 square feet of available site area, up to a maximum of two hives; provided, however, that aggressive types of bees, such as Africanized honeybees, shall not be kept.
 - c. One weaned goat, sheep, or similar small livestock animal for each 8,000 square feet of available site area. Sites less than 5 acres shall be limited to a maximum of six such animals.
 - d. One ostrich, emu, or other ratite for each 3,500 square feet of available site area. Sites less than 5 acres shall be limited to a maximum of six such animals.
4. If a site in a residential district includes non-residential land uses, those land uses may keep the following animals:
 - a. Three weaned dogs.
 - b. One weaned cat.
 - c. Four small reptiles and amphibians, such as turtles, lizards, snakes, and frogs.
 - d. Four small birds, such as parakeets, parrots, or canaries.
 - e. An unlimited number of fish and other underwater animals.
5. Future Farmers of America (FFA) and 4-H activities are exempt from the limitations in this section.

E. Animal Keeping—Nonresidential Districts.

1. Except for residential dwellings, any land use in a nonresidential district may keep the following animals:
 - a. Three weaned dogs.

- b. One weaned cat.
 - c. Four small reptiles and amphibians, such as turtles, lizards, snakes and frogs.
 - d. Four small birds, such as parakeets, parrots or canaries.
 - e. An unlimited number of fish and other underwater animals.
2. Residential dwellings in a non-residential district shall be subject to the animal keeping requirements for residential districts.
 3. A use permit, including conditions that ensure the proper management of manure, odors, noise, dust, flies and drainage, shall be required for commercial uses related to animal keeping, including but not limited to:
 - a. Public stables, riding academies, and horse arenas and shows.
 - b. Commercial uses involving concentrations of animals, including dairies, feed yards, auction yards, hog farms, slaughterhouses, poultry and egg production, veterinary hospitals, pet stores, kennels and similar uses.
 4. Future Farmers of America (FFA) and 4-H activities are exempt from the limitations in this section.

F. Location Requirements.

1. Poultry or rabbits that are not kept in a building shall be kept in a fully enclosed structure located at least 60 feet from any occupied building on an abutting parcel.
2. Pens, pastures, or stables for livestock or raptures, as well as beehives, shall be located at least 150 feet from any occupied building on an abutting parcel.

26-16.130 Outdoor Display and Sales

- A. **Temporary Outdoor Display and Sales.** The temporary outdoor display or sale of merchandise shall be allowed as of right, provided that it complies with the following requirements:
 1. The outdoor display or sale shall be conducted as an extension of an approved commercial use on the same site.
 2. The outdoor display or sale shall occur for no more than 120 days within any 1-year period.
 3. The outdoor display shall not be placed on any sidewalk or pedestrian path that is narrower than 8 feet. In addition, portable signs shall not be placed where they would cause the usable width of a sidewalk or pedestrian path to become narrower than 5 feet or would otherwise obstruct the movement of pedestrians.
 4. The outdoor display shall not have a width that exceeds 3 feet and shall not occupy more than 50% of the store frontage.
- B. **Permanent Outdoor Display and Sales.** The permanent outdoor display or sale of merchandise shall comply with the following requirements:
 1. An administrative permit shall be required for a permanent outdoor display or sales area. The permit shall specify the approved location of the display and sales area. This permit

requirement shall not apply to the outdoor display or sales of living plants or cut flowers; however, these activities shall be subject to all applicable requirements of this section.

2. The outdoor display and sales area shall be directly related to a business occupying a permanent structure on the same site.
3. The outdoor display and sales area shall be screened from the view of adjoining public rights-of-way by decorative walls, fences or landscaping. Vehicle sales lots, produce stands, living plants and cut flowers, and oil displays on gas station pump islands are exempt from this screening requirement.
4. Additional signs beyond those approved or allowed for the subject use are prohibited.

C. **Configuration of Display and Sales Areas.** All outdoor display and sales areas shall be subject to the following requirements:

1. The outdoor display of merchandise shall not exceed a height of 6 feet above grade, except with approval of a use permit. Trees and other plants that are greater than 6 feet tall are exempt from this requirement.
2. Outdoor sales areas shall not encroach into required minimum setback areas. In zoning districts where there is no required minimum setback, the outdoor sales area shall have a required minimum setback of 5 feet from adjacent property lines.
3. Displayed merchandise shall occupy a fixed location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, easements or pedestrian walkways. A display shall not obstruct intersection visibility or otherwise create hazards for vehicle or pedestrian traffic. Merchandise must be located entirely within private property, may not encroach into the public right-of-way, and may not occupy any required parking areas.

26-16.140 Outdoor Storage

A. **Applicability.** In non-residential districts, all storage containers and permanent storage areas outside of a structure shall be subject to the provisions of this section, except as follows:

1. Outdoor display and sales shall be subject to the requirements of Section 26-16.130 (Outdoor Display and Sales) of this chapter.
2. Refuse collection areas shall be subject to the requirements of Section 26-13.020 (Fences, Walls, and Screening) of this chapter.
3. Mini-storage facilities shall be subject to the requirements of Section 26-42.060 (MS-O: Mini-Storage Overlay) of this chapter.

B. **Permit Requirements.** Permits shall be required for outdoor storage areas as follows:

1. In residential districts, one or more outdoor storage containers and storage areas with a total area of up to 150 square feet shall be allowed on a site as of right, subject to the requirements of this section.

2. In commercial and mixed-use districts, one or more outdoor storage containers and storage areas with a total area of up to 250 square feet shall be allowed on a site as of right, subject to the requirements of this section. (Ord. 1763)
3. In industrial districts, one or more outdoor storage containers and storage areas with a total area of up to 500 square feet shall be allowed on a site as of right, subject to the requirements of this section.
4. All other outdoor storage containers and storage areas, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit.

C. Number, Size and Location.

1. Outdoor storage containers and storage areas shall not occupy more than 10 percent of the area of any site. In addition, no more than four outdoor storage containers shall be located on a site.
2. Outdoor storage containers and storage areas shall be set back at least 10 feet from any lot line, and they shall not be located in any required minimum setback.
3. Outdoor storage containers shall have a maximum height of 15 feet.

D. Screening. Outdoor storage areas shall be screened by a solid fence of sufficient height to ensure that the outdoor storage area is not visible from public rights-of-way. The fence, and the storage area's contents, shall have a maximum height of 7 feet on sites located within or adjacent to a residential district, and 15 feet on all other sites. The exterior of the fence shall provide a decorative architectural treatment.

E. Hazardous Wastes and Substances. Hazardous wastes and substances as defined in Chapter 11C of this Code, including liquids, shall not be stored in an outdoor storage area or storage container, except with the approval of the Fire Chief. The approval shall be granted only if the applicant demonstrates the following:

1. The design of the storage area or container includes adequate measures to contain the hazardous wastes and substances in the event of a spill.
2. The storage area or container complies with the provisions of Chapter 11C of this Code.

26-16.150 Mobile Food Vending

- A. **Purpose.** The purpose of these regulations is to promote the health, safety, comfort, convenience, prosperity and general welfare by requiring that new and existing mobile food vendors provide the community and customers with a minimum level of cleanliness, quality and security.
- B. **Permit Required.** Mobile food vendors shall be required to obtain an administrative permit as provided in this chapter. The permit application shall include the authorization of each property owner where the mobile food vendor intends to vend.
- C. **Location.**
 1. The mobile food vendor shall not operate in parking spaces required to meet minimum parking requirements for any other business.

2. The mobile food vendor shall not block any parking required to adequately serve other businesses, or any driveways or aisles for vehicular circulation.
3. The mobile food vendor shall be visible from the street.

D. Condition of Vending Station.

1. The mobile food vendor shall display a current business tax certificate and health department permit in plain view at all times on the exterior of the vending station. In addition, the mobile food vendor shall have a letter of permission from the owner of the subject property available at all times.
2. The vending station shall be maintained in operating condition at all times.
3. The vending station shall not include a permanent foundation or other feature that would constitute an improvement to real property.
4. The vending station shall not discharge any materials onto the sidewalk, gutter or storm drains.

E. Condition and Appearance of Site.

1. Exterior storage of refuse, equipment or materials associated with the mobile food vendor is prohibited, except for litter receptacles required by this section.
2. No chairs, tables, fences or other site furniture, including permanent and temporary furniture, shall be permitted in conjunction with mobile food vending establishments.

F. Litter Control.

1. The mobile food vendor shall provide a minimum of two 32-gallon litter receptacles within 15 feet of the vending station.
2. The mobile food vendor shall keep the subject property and adjacent right-of-way free of litter within 200 feet of the vehicle.
3. All refuse shall be removed from the site and properly disposed of on a daily basis.

G. Hours of Operation. The mobile food vendor's operations shall not be conducted before 7:00 am or after 10:00 pm.

26-16.160 Alcoholic Beverage Sales

A. Criteria to be Considered. In determining whether to grant a use permit for alcoholic beverage sales and appropriate conditions to be imposed, the Planning Commission shall consider the following issues, and make appropriate findings, based on substantial evidence, for each issue:

1. The nature of all land uses within 500 feet of the proposed alcoholic beverage sales, and in particular, the location of similar nearby uses and the location of residences, parks, schools and houses of worship.
2. Appropriate measures to provide proper maintenance of the building exterior, including provisions to keep the premises free of litter and debris.

3. Lighting of exterior areas, including parking lots, to discourage loitering outside of the building.
 4. Protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity.
 5. Provision of onsite security, both inside and outside the building, to satisfy any concerns raised by the Chief of Police.
 6. Hours of operation.
 7. Controls on occupancy limits inside of the building and loitering outside of the building.
 8. Prevention of adverse effect of the use on the value of adjacent properties.
 9. Whether approval would result in an undue concentration of these uses, and whether public convenience or necessity would mitigate the issue of undue concentration.
- B. **Conditions of Approval.** Any use permit for alcoholic beverage sales may include any conditions necessary to ensure that the use operates in a manner that provides adequate protection of public health, safety and welfare.

26-16.170 Wireless Communication Facilities

- A. **Purpose.** The purpose of this section is to establish a consistent set of standards to regulate the placement and design of wireless communication facilities. These standards are intended to protect and promote public health, safety, community welfare and the unique visual character of the City of Oroville by encouraging the orderly development of wireless communication infrastructure.
- B. **Exemptions.** The following facilities shall be exempt from the regulations of this section, and shall be permitted provided that the following conditions are met:
1. Receive-only radio and television antennas, including satellite dishes less than 18 inches in diameter, provided that all of the following requirements are met:
 - a. Only one such antenna is installed on any single site.
 - b. The antenna meets all height, setback, site coverage and other limitations on structures in the applicable zoning district.
 - c. All required building permits are obtained.
 2. Amateur radio facilities, provided that all of the following requirements are met:
 - a. Only one such facility is installed on any single site.
 - b. The facility meets all setback, site coverage and other limitations on structures in the applicable zoning district, except height.
 - c. If tower-mounted, the supporting tower does not exceed 35 feet in height from the natural grade below.
 - d. The overall facility is no taller than necessary to support its function.
 - e. The overall facility does not exceed the maximum height in the applicable zoning district by more than 20 feet. Increased height may be allowed if necessary to support the facility's function, subject to a use permit.
 - f. Multiple antennas are grouped so as not to exceed 9 square feet in area.

- g. The facility is licensed with the FCC.
 - h. All required building permits are obtained.
3. Temporary wireless communication facilities providing public information coverage of a news event. Mobile facilities providing public information coverage of news events may be set up on public or private property for a duration of 72 hours or less.
 4. Personal wireless Internet equipment, such as a wireless router, provided that these devices comply with all applicable FCC regulations.
 5. Personal handheld and portable wireless devices, such as mobile phones, cordless phones, personal digital assistants (PDAs) and wireless headphones, provided that these devices comply with all applicable FCC regulations.
- C. **General Requirements.** All wireless communication facilities that are subject to the requirements of this section shall meet the following general requirements, regardless of the zoning district in which they are located:
1. The construction of any wireless communication facility shall require a building permit issued by the City.
 2. Wireless communication facilities shall comply with all applicable local, State and federal requirements, including but not limited to the General Plan, any applicable specific plan, the requirements of this chapter and this Code, and all applicable Federal Communications Commission (FCC) rules, regulations and standards.
 3. No wireless communication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no wireless communication facility or combination of facilities shall produce at any time power densities that exceed the current FCC adopted standards for human exposure to RF fields.
- D. **Height.** Wireless communication facilities shall meet the following height requirements:
1. All wireless communication facilities shall be of the minimum functional height.
 2. No wireless communication facility, except an amateur radio facility, may exceed the allowed height in its zoning district unless the operator can show that the applicable height limit would eliminate the operator's ability to provide service in an area.
 3. No roof-mounted wireless communication facility, except an amateur radio facility, may be more than 15 feet taller than the roof of the building on which it is mounted.
 4. If an operator wishes to apply for an exception to these height limitations, then an Alternatives Analysis must be completed as described in this section, and the operator shall be required to obtain a use permit.
- E. **Design Standards.** Wireless communication facilities shall meet the following design standards:
1. All wireless communication facilities shall be screened to the maximum extent practicable, pursuant to the following requirements:

- a. Ground- and tower-mounted antennas and all accessory structures shall be located within areas where substantial screening by vegetation can be achieved. For facilities that require a use permit, additional vegetation or other screening may be required as a condition of approval.
 - b. Structure-mounted antennas shall be stealth-mounted. The projection of structure-mounted antennas from the face of the structure to which they are attached shall be minimized.
 - c. Roof-mounted antennas shall be set back from the edge of the roof by a distance greater than or equal to the height of the antenna. For roof-mounted antennas that require a use permit, a screening structure that incorporates architectural elements of the building on which it is mounted may also be required as a condition of approval.
2. All cabling between equipment and antennas shall be routed through the interior of a building wherever possible. Cable routed on a building exterior shall be encased in a tray or other architectural feature that has similar color and ornamentation to the building exterior. Cable routed on the ground shall be buried. All cabling shall be performed in accordance with the Electrical Code.
 3. No wireless communication facility shall be installed at a location where special painting or lighting will be required by Federal Aviation Administration (FAA) regulations, unless technical evidence acceptable to the Zoning Administrator is submitted showing that this is the only technically feasible location for the facility. Facilities shall be generally unlit except when authorized personnel are present at night. All facilities shall be painted to minimize visual impact. (Ord. 1769)
 4. Enclosures and cabinets housing equipment related to a wireless communication facility shall meet setback and height restrictions for accessory buildings in their zoning districts. The enclosures and cabinets shall incorporate architectural details that are similar to other buildings on the site and shall be designed to minimize their visual impact. Underground vaults shall be used to meet these requirements if necessary.
 5. Wireless communication facilities shall be served by the minimum roads and parking areas necessary and shall use existing roads and parking areas whenever possible.
 6. All commercial wireless communication facilities shall be designed to promote future facility and site sharing. Towers and roof-mounts shall be designed to structurally accommodate at least one additional operator.
- F. **Permit Requirements.** All wireless communication facilities that are subject to the requirements of this section shall be required to obtain either an administrative permit or a use permit, as follows:
1. The following wireless communication facilities shall be required to obtain an administrative permit:
 - a. Receive-only antennas and receive-only satellite antennas that are not exempt from this section.
 - b. Amateur radio facilities.

- c. Wireless communication facilities installed on City-owned property. An executed license or lease agreement shall also be required.
 - d. Wireless communication facilities installed in commercial and industrial zoning districts, provided that they are at least 500 feet from a residential district.
 - e. Colocation of new wireless communication facilities within a colocation facility, provided that the colocation facility was previously approved through a use permit or other discretionary permit.
2. A use permit is required for any wireless communication facility that is subject to the requirements of this section and that does not qualify for an administrative permit. In order for the Planning Commission to approve a proposed wireless communication facility under a use permit, the Commission shall make the findings required for a use permit, as well as the following additional findings:
- a. No alternative site or design is available that would allow for issuance of an administrative permit for the facility.
 - b. The facility either does not require a Radiofrequency (RF) Environmental Evaluation Report or the RF Environmental Evaluation Report for the facility shows that the cumulative non-ionizing electromagnetic radiation (NIER) emitted by the facility and any nearby facilities will be consistent with FCC regulations. (Ord. 1769)
 - c. The facility will not have significant visual impacts.

G. RF Environmental Evaluation Report.

- 1. An RF Environmental Evaluation Report shall be prepared for any proposed wireless communication facility meeting the specifications below. For any proposed facility that requires an RF Environmental Evaluation Report, the facility shall not be approved unless the report demonstrates that RF emissions from the facility, in combination with existing RF emissions from nearby facilities, will meet the current FCC-adopted exposure standard.
- 2. Wireless communication facilities meeting any of the following criteria require an RF Environmental Evaluation Report before they may be permitted:
 - a. Facilities described in Table 1 of Paragraph 1.1307 of the FCC's Report and Order in ET Docket No. 93-62, or any subsequent FCC document that supersedes it.
 - b. Facilities proposed to be installed within 50 feet of an existing wireless communication facility.
 - c. Facilities with one or more antenna that will be installed less than 10 feet above any area that is accessible to untrained workers or the public.
 - d. Facilities proposed in any residential zoning district.
- 3. The RF Environmental Evaluation Report shall meet the following requirements:
 - a. The RF Environmental Evaluation Report is subject to the approval of the Zoning Administrator.
 - b. The RF Environmental Evaluation shall be prepared by an NIER professional.
 - c. The RF Environmental Evaluation Report shall explicitly state that "operation of the proposed facility in addition to other ambient RF emission levels will not exceed

current FCC-adopted standards with regard to human exposure in controlled and uncontrolled areas, as defined by the FCC.”

- d. Assumptions utilized for the calculations of RF exposure shall be conservative in nature and, at a minimum, shall be in accordance with the most recent FCC guidance on assessment of RF exposures.
 - e. The RF Environmental Evaluation Report shall compare RF measurements and/or calculations of RF exposure to the applicable FCC exposure standard. The comparison shall include the power density in micro-watts per square centimeter and as a percentage of the applicable FCC exposure standard.
 - f. RF field measurements of power density of the proposed facility and/or surrounding facilities shall be included in the RF Environmental Evaluation Report when no adequate technical information is available regarding other wireless communication facilities that may substantially contribute to RF exposure at the subject site. In addition, these field measurements shall be included if calculations of RF exposure indicate the possibility of exposures in excess of the FCC exposure standard.
 - g. All required RF field measurements shall be performed by an NIER professional. Evidence shall be submitted showing that the testing instruments used were calibrated within their manufacturer’s suggested periodic calibration interval, and that the calibration is by methods traceable to the National Bureau of Standards. Measurements shall be performed in compliance with FCC guidance regarding the measurement of RF emissions and shall be conducted during normal business hours on a non-holiday weekday.
 - h. The Zoning Administrator may monitor the performance of testing required for preparation of the RF Environmental Evaluation Report. The cost of this monitoring shall be borne by the applicant.
4. To the extent necessary to ensure compliance with adopted FCC regulations regarding human exposure to RF emissions, or upon the recommendation of the Zoning Administrator, the operator shall modify the placement of the facilities; install fencing, barriers or other appropriate structures or devices to restrict access to the facilities; install signage, including the RF radiation hazard warning symbol identified in American National Standards Institute (ANSI) C95.2-1982 and multi-lingual warnings if deemed necessary by the Zoning Administrator to notify persons that the facility could cause exposure to RF emissions. (Ord. 1769)
 5. If the FCC RF emission standards are modified, the operator shall ensure that the facility is reevaluated for compliance with the new standards, and a recertification statement prepared by a NIER professional shall be submitted by the operator to the Zoning Administrator prior to the effective date of the new FCC RF emission standards.
- H. **Application and Registration Requirements.** In order to assist the City in maintaining an accurate inventory of wireless communication facilities within its area, so that the City can enforce the requirements of this chapter, provide accurate information, collect license fees or charges that may be due the City, and monitor compliance with local, State and federal laws, an application for an administrative permit or use permit for a wireless telecommunication facility shall include the following information:

1. Applicants shall supply, at a minimum, the following background information, in addition to any further information required by the Zoning Administrator:
 - a. Operator's name, address and telephone number.
 - b. Agent's name, address and telephone number, if any.
 - c. Street address of proposed site, or the nearest street address to the site.
 - d. Assessor's Parcel Number (APN), or the APN of the nearest parcel.
 - e. Type of communication service to be provided.
 - f. Property owner's name and address.
 - g. Lease term, if applicable.
 - h. Site ground elevation.
 - i. Height of existing building, if any.
 - j. Identifying characteristics of any existing antennas on the site.
 - k. Proposed antenna height.
 - l. Size and type of tower, if any.
 - m. Size and type of antenna.
 - n. Type of transmitter.
 - o. Broadcast power.
 - p. Radio frequencies used.
 - q. Coverage area.
 - r. Proposed screening, if any.
2. A site plan shall be submitted with sufficient detail to understand the location of the facility and any landscape features that may screen it. At a minimum, the site plan shall include property boundaries and dimensioned setbacks of any existing and proposed structures, communication equipment and accessory structures. Any existing and proposed landscaping or other materials that would screen the proposed wireless communication facility shall also be shown.
3. The applicant shall provide architectural plans and elevation drawings, as applicable, with sufficient detail to understand the design and appearance of the facility. At minimum, these drawings should convey existing heights, proposed heights, materials, colors, schematic antenna mounting details, any proposed screening structures if any, schematic cable runs, design of any exterior cable enclosures if any, location of associated equipment and design of accessory structures.
4. If an RF Environmental Evaluation Report is required by this section, the report shall be submitted with the permit application.
5. For a facility that requires a use permit, a photosimulation of the project shall be provided. The photosimulation shall be created using a photograph of the proposed site, from a location approved by the Zoning Administrator, with the proposed facility superimposed on it in a manner that accurately shows the scale, shape and color of the proposed facility. The purpose of the photosimulation is to assist in arriving at a determination of the level of significance of the proposed facility's visual impact.
6. For a facility that requires a use permit, an Alternatives Analysis shall be prepared by or on behalf of the operator, in accordance with the following requirements:

- a. The Alternatives Analysis shall consider alternative locations and designs for the proposed facility. Alternatives included in the analysis should generally include co-location at all existing wireless communication facilities within 1/4 mile of the proposed facility, as well as lower, more closely spaced wireless communication facilities. The alternatives to be analyzed shall be approved by the Zoning Administrator.
- b. The Alternatives Analysis shall show whether or not the proposed siting and design would have the least possible environmental and visual effect on the community and whether any alternative site or design is available that would allow for issuance of an administrative permit for the facility.
- c. The Zoning Administrator may, at his or her discretion, employ an independent technical expert to review this alternatives analysis on behalf of the City. The operator shall bear the costs of this review.

I. Term of Approval.

1. Permits for wireless communication facilities issued under these regulations shall generally be valid for 10 years, unless this term is changed through the permitting process.
2. A permit granted under these regulations shall become invalid if an operator of a wireless communication facility ceases to operate the facility under the terms of these regulations or under the specific conditions of approval for the facility. If the facility becomes non-compliant, the owner shall cease to operate the facility and remove it from its location within 90 days of being informed that the permit has become invalid.
3. All permits for wireless telecommunication facilities, regardless of the method by which they were originally issued, may be extended administratively by the Zoning Administrator upon verification of the permit-holder's continued compliance with the findings and conditions of approval under which the application was originally approved. At his or her discretion, the Zoning Administrator may require a public hearing for renewal of a use permit for a wireless communication facility.
4. As part of the permit renewal process, the Zoning Administrator may require submittal of a certification by an NIER professional that the facility is being operated in accordance with all applicable FCC standards for RF emissions.

J. Pre-Existing Facilities.

1. Wireless communication facilities with valid permits from the City that were established prior to these regulations shall not be subject to the provisions of this section. In addition, wireless communication facilities that were established prior to annexation by the City, and that have valid permits from the County, shall not be subject to the provisions of this section. However, permits that require renewal shall be renewed under the provisions of this section, and any proposed modification to these facilities shall require new permits as provided in this section.
2. All non-exempt wireless communication facilities without permits issued by the City shall acquire them under the provisions of this section within 90 days of the adoption of these regulations.

- K. **Removal Upon Discontinuation of Use.** All equipment associated with a wireless communication facility shall be removed within 90 days of the discontinuation of the use, and the site shall be restored to its original pre-construction condition. The operator shall agree to this removal as a condition of approval of each permit issued. For facilities that require a use permit, the Planning Commission may require the posting of a bond to ensure removal. Required bonds shall be posted in a form and manner approved by the City Attorney.
- L. **Fees.** Fees for wireless communication facilities shall be commensurate with the City's administrative expenses. The City shall adopt these fees by resolution of the City Council.

26-16.175 Distributive Antenna Systems

- A. **General Requirements.** Distribute Antenna Systems ("DAS") shall be a permitted use in all zoning districts, subject to all applicable regulations, including, but not limited to the requirements in this section:
1. Applicant must demonstrate that a "significant gap" in service exists to necessitate the proposed system.
 2. A lease/right-of-way agreement shall be required for all utilization of street lights within the Oroville City limits for the placement of DAS networks.
 3. No lighting or other forms of illumination shall not be permitted on any DAS network in residential districts.
 4. All DAS networks shall fully comply with the City's Noise Ordinance, as found in Chapter 13A of the Oroville Municipal Code.
 5. No commercial advertising shall be allowed on any antenna or associated equipment.
 6. Installation of all systems shall require a City issued building permit.
 7. Any DAS system on private property shall be subject to the requirements specified in Section 26-16.170 (Wireless Communication Facilities) of the Oroville Municipal Code.
- B. **Design Requirements.**
1. DAS networks shall not exceed a maximum height of 50 feet without discretionary approval from the Planning Commission.
 2. DAS network components/equipment shall be minimized or "stealthed" as much as feasibly possible.
 3. Preference of the City is to place ground equipment in underground vaults whenever feasible. While undergrounding the equipment would be the baseline requirement, there may be cases where undergrounding is not feasible due to soil, water table. Or space constraints. Ground mounted equipment may be housed in cabinets that can have a variety of architectural treatments to blend in as best as possible with the surroundings.
 4. Applicant must demonstrate that no viable design alternatives of the proposed system exist that would provide for a more compatible design with the surroundings.
 5. Applicant shall make a good faith effort to properly design all components/equipment, which best conceals the components for least visual disturbance possible.

- 6. Designs shall require approval of the Development Review Committee.
- C. **Antenna Hub Sites.** Antenna hub sites may be developed subject to the performance standards below.
 - 1. Antenna hub sites shall be classified as a "utility building or substation" for land use related purposes.
 - 2. Antenna hub sites shall comply with the development standards of the applicable district in which they are located.
 - 3. Antenna hub sites shall be compatible with development in the vicinity with regards to the setting, color, lighting, design, and materials. To the maximum extent feasible, related unmanned equipment at antenna hub sites shall be enclosed within a structure.
 - 4. Related unmanned equipment not housed within a structure shall be screened by a solid fence, wall, or berm. If equipment is added to an existing screened enclosure that contains telecommunication uses and/or structures, the screening requirements may be satisfied with the existing screening.
 - 5. Designs shall require approval of the Development Review Committee.

26-16.180 Solar Energy Systems

- A. **Purpose.** This section establishes standards for systems that convert solar energy into electricity. These standards allow for an efficient permit process while minimizing potential impacts on neighboring properties.
- B. **Types of Systems.**
 - 1. A "Tier 1" solar energy system means a system only used to power on-site uses. Tier 1 systems include roof-mounted and ground-mounted systems and photovoltaic systems integrated into building materials used in the construction of a structure.
 - 2. A "Tier 2" solar energy system means a ground-mounted system used to power on-site and off-site uses, with less than 50 percent of the power generated used off-site.
 - 3. A "Tier 3" solar energy system means a ground-mounted system used to power on-site and off-site uses, with 50 percent or more of the power generated used off-site.
- C. **Permitted Locations; Permits Required.** Table 26-16.180-1 identifies permits required to establish solar energy systems, and the districts where each type of system is permitted.

TABLE 26-16.180-1: PERMITS REQUIRED FOR SOLAR ENERGY SYSTEMS

System Type	Permits Required	
	Residential Districts	All Other Districts
Tier 1	Zoning Clearance	
Tier 2	Not Allowed	Administrative Permit

System Type	Permits Required	
	Residential Districts	All Other Districts
Tier 3	Not Allowed	Use Permit

D. Maximum Size.

1. The maximum area that may be occupied by a ground-mounted solar energy system is as follows:
 - a. Tier 1 Systems: One-half acre.
 - b. Tier 2 Systems: 15 percent of the parcel size or 5 acres, whichever is less.
 - c. Tier 3 Systems: 30 percent of a parcel size or 20 acres, whichever is less.
2. An applicant may request administrative approval to exceed these maximums on parcels otherwise unfit for conservation or development, as determined by the Community Development Director, e.g., a contaminated property that could most appropriately be used for solar energy generation.

E. Development and Operation Standards.

1. Photovoltaic panel systems shall meet all applicable performance standards of the National Electrical Code, the Institute of Electrical and Electronics Engineers, and the Public Utilities Commission regarding safety and reliability.
2. Ground-mounted photovoltaic panel systems shall comply with the height and setback standards in Table 26-16.180-2.

TABLE 26-16.180-2: GROUND-MOUNTED SYSTEMS, HEIGHT, AND SETBACK STANDARDS

Parcel Size	Maximum Height	Minimum Setback
Less than 2 acres	8 feet	As required by district
2 to 10 acres	10 feet	As required by district plus 10 additional feet in or adjacent to residential district
Greater than 10 acres	15 feet	As required by district plus 15 additional feet in or adjacent to residential district

3. Photovoltaic panel systems attached to a roof may not project more than 3 feet above the roof at its highest point. Projections greater than 3 feet but no more than 12 feet are permitted with the approval of a Use Permit.
4. If the City determines that a Tier 2 or Tier 3 system is abandoned, the property owner must remove all equipment and facilities from the site and return the site to its original condition. The City will consider a Tier 2 or Tier 3 system abandoned if the system stops

producing electricity for 24 months, unless the property owner demonstrates to the City’s satisfaction that there is no intent to abandon the facility.

26-16.185 Solar Energy Requirements

- A. **Purpose.** This section establishes requirements that certain development projects incorporate systems to convert solar energy into electricity for on-site use.
- B. **Applicability.**
 - 1. **Residential.** This section applies to new residential projects of six units or more.
 - 2. **Nonresidential.** This section applies to new nonresidential projects larger than or equal to 25,000 square feet.
- C. **Systems Required.**
 - 1. **Residential.** Solar photovoltaic panels must be installed on at least 50 percent of new homes in the development.
 - 2. **Nonresidential.** A solar energy generation system must be installed that provides a minimum of 25 percent of the project’s energy needs.

26-16.190 Smoke Shops

- A. **Purpose.** These regulations are intended to allow persons to establish smoke shops in the City of Oroville in a manner that protects the City’s public health, safety and welfare by limiting the number of smoke shops in the City limits with respect to the City’s population size.
- B. **Applicability.**
 - 1. A total of one smoke shop is allowed within City limits for every 4,000 City residents.
 - 2. In the event that the number of existing smoke shops per every 4,000 City residents exceeds the above limit, no additional smoke shops will be allowed within City limits until the number of smoke shops fall below the above threshold as a result of:
 - a. Population growth within the City that would allow for an additional smoke shop to locate within City limits per the threshold above; or
 - b. The number of smoke shops within City limits decreases to a level that would allow for an additional smoke shop to locate within City limits per the threshold above.

TABLE 26-16.190-1: NUMBER OF SMOKE SHOPS ALLOWED

# of City Residents (Range)	# of Smoke Shops Allowed
X	Z
0 to 4,000	1
4,001 to 8,000	2
8,001 to 12,000	3
12,001 to 16,000	4
16,001 to 20,000	5

# of City Residents (Range)	# of Smoke Shops Allowed
Etc.	-

* $X / 4,000 = Z$. If Z is not a whole number, round up to the next whole number.

- C. **General Regulations.** Smoke shops will be subject to all provisions within Chapter 12A of the Oroville Municipal Code.
- D. **Permit Required.** All smoke shops are required to obtain a use permit that may include conditions necessary to ensure that the use operates in a manner that provides adequate protection of public health, safety and welfare.
- E. **Criteria to Be Considered.** In determining whether to grant a use permit for a smoke shop and what appropriate conditions should, if any, be imposed, the Planning Commission shall consider the following issues, and make appropriate findings, based on substantial evidence, for each issue:
 1. The nature of all land uses within 500 feet of the proposed smoke shop, and in particular, the location of similar nearby uses and the location of residences, parks, schools and houses of worship.
 2. Appropriate measures to provide proper maintenance of the building exterior, including provisions to keep the premises free of litter and debris.
 3. Lighting of exterior areas, including parking lots, to discourage loitering outside of the building.
 4. Protection of adjacent properties from illegal activity.
 5. Hours of operation.
 6. Prevention of adverse effects of the use on the value of adjacent properties.

26-16.200 Medical Marijuana Cultivation

- A. **Purpose.** It is the purpose and intent of this chapter to require that medical marijuana be cultivated only in appropriately secured, enclosed, and ventilated structures, so as not to be visible to the general public, to provide for the health, safety and welfare of the public, to prevent odor created by marijuana plants from impacting adjacent properties, and to ensure that marijuana grown for medical purposes remains secure and does not find its way to non-patients or illicit markets. Nothing in this chapter is intended to impair any viable legal defense available to a person using or in possession of medical marijuana pursuant to the Compassionate Use Act (Health and Safety Code Section 11362.5) or the Medical Marijuana Program Act (Health and Safety Code Section 11362.7 et. seq.) Nothing in this chapter is intended to authorize the cultivation, possession, or use of marijuana for non-medical purposes in violation of state or federal law.
- B. **Definitions.** For the purposes of this chapter, the following definitions shall apply as defined in §26-04.020, unless the context clearly indicates otherwise. If a word is not defined in this chapter, the common and ordinary meaning of the word shall apply.

- Authorized Grower
- Bedroom
- Child Care Center
- Cultivation
- Detached, fully-enclosed and secure structure
- Enforcement Officer
- Indoors
- Immature Marijuana Plant
- Legal parcel
- Mature Marijuana Plant
- Outdoor
- Premises
- Primary caregiver
- Qualified patient
- Rear yard
- Residential structure
- School
- Solid fence

C. **Cultivation of Medical Marijuana.** The following regulations shall apply to the cultivation of medical marijuana within the City:

1. No person, other than a qualified patient or primary caregiver, may engage in cultivation of medical marijuana. It is hereby declared to be unlawful and a public nuisance for any person or persons owning, leasing, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the City to cultivate medical marijuana except as provided for in this section (§26-16.200).
2. Residency Requirement. Either a qualified patient or primary caregiver shall reside full-time on the premises where the medical marijuana cultivation occurs.
3. Outdoor Cultivation. It is unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the City to cause or allow such parcel or premises to be used for the outdoor cultivation of marijuana plants.
4. Residential Structure Cultivation. It is unlawful and a public nuisance for any person to cultivate medical marijuana inside any residential structure or building without a medical marijuana cultivation permit issued by the City Police Chief or his or her designee, as provided herein.
5. Cultivation in Non-Residential Zones. Cultivation of medical marijuana is prohibited in all agricultural (except agricultural-residential), commercial, office, industrial, open space, special purpose, mixed use, and other non-residential zoning districts.
6. Proximity to Schools, Child Care Centers, and Parks. It is unlawful and a public nuisance to cultivate medical marijuana on any legal parcel or premises within two hundred fifty (250) feet of any school, child care center, or public park. The two hundred fifty (250) feet shall be measured from the closest property line of the school, child care center, or park to the closest property line of the cultivation parcel.
7. Cultivation Area. It is hereby declared to be unlawful and a public nuisance for any person(s) owning, leasing, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the City to cultivate medical marijuana within a detached structure equal to or less than one hundred twenty (120) square feet in size.
8. Indoor Cultivation in Residential Zones. The indoor cultivation of medical marijuana in a residential zone shall only be conducted within a detached, fully-enclosed and secure structure greater than one hundred twenty (120) square feet in size or within a residential structure conforming to the following minimum standards:
 - a. Any detached structure, regardless of square footage, constructed, altered or used for the cultivation of medical marijuana must have a valid building permit duly

issued by the Building Official. The Building Official shall consult with the Planning Director and Police Chief in consideration of any building permit application seeking a building permit for the construction or alteration of any structure to be used for medical marijuana cultivation.

- b. Indoor grow lights shall not exceed one thousand two hundred (1,200 W) watts and shall comply with the California Building, Electrical and Fire Codes as adopted by the City. Gas products (including, without limitation, CO₂, butane, propane, and natural gas), or generators shall not be used within any detached structure used for the cultivation of medical marijuana.
- c. Any detached, fully enclosed and secure structure or residential structure used for the cultivation of medical marijuana must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and shall comply with the California Building Code. The ventilation and filtration system must be approved by the Building Official and installed prior to commencing cultivation within the detached, fully enclosed and secure structure or residential structure.
- d. A detached, fully enclosed and secure structure used for the cultivation of marijuana shall be located in the rear yard area of a legal parcel or premises, maintain a minimum 10-foot setback from any property line, and the area surrounding the structure must be enclosed by a solid fence at least 6 feet in height.
- e. Adequate mechanical or electronic security systems approved by the Building Official and Police Chief must be installed in and around the detached structure or the residential structure prior to the commencement of cultivation.
- f. Medical marijuana cultivation occurring within a residence shall be cultivated in an area no larger than 50 square feet, regardless of how many qualified patients or primary caregivers are residing at the premises.
- g. Cultivation of marijuana shall not take place in the kitchen, bathrooms, or bedrooms being utilized by any person for sleeping purposes in any building.
- h. Cultivation of marijuana shall not take place on any carpeted surface.
- i. Medical marijuana cultivation for sale is prohibited.
- j. Medical marijuana cultivation may not occur in both a detached structure and inside a residence on the same parcel.
- k. The Authorized Grower shall take measures to prevent persons under 18 years of age from accessing medical marijuana cultivation areas, whether in a detached building or in a residence.

D. Cultivation Permit.

1. Prior to commencing any medical marijuana cultivation the person(s) owning, leasing, occupying, or having charge or possession of any legal parcel or premises where medical marijuana cultivation is proposed to occur must obtain a medical marijuana cultivation permit from the Police Chief or his or her designee. The following information will be required with the initial permit application and subsequent permit extensions:
 - a. A notarized signature from the owner of the property consenting to the cultivation of medical marijuana at the premises on a form acceptable to the City.

- b. The name of each person, owning, leasing, occupying, or having charge of any legal parcel or premises where medical marijuana will be cultivated.
 - c. The name of each qualified patient or primary caregiver who participates in the medical marijuana cultivation.
 - d. A copy of a current valid medical recommendation or county issued medical marijuana card for each qualified patient and primary caregiver identified as required above.
 - e. The physical site address of where the medical marijuana will be cultivated with a drawing and detailed description of where on the property the marijuana will be cultivated.
 - f. A signed consent form, acceptable to the City, authorizing City staff, including the police department, authority to conduct an inspection of the detached, fully-enclosed and secure structure or area of the residence used for the cultivation of medical marijuana upon 24 hours notice.
- 2. The initial permit shall be valid for no more than 2 years and may be extended in increments of 2 years.
 - 3. To the extent permitted by law, any personal or medical information submitted with a medical marijuana cultivation permit application or permit extension shall be kept confidential and shall only be used for purposes of administering this chapter.
 - 4. The Police Chief, or his or her designee, may, in his or her discretion deny any application for a medical marijuana cultivation permit, or extension thereof, where he or she finds, based on articulated facts, that the issuance of such permit, or extension thereof, would be detrimental to the public health, safety, or welfare. The Police Chief shall deny an application for a medical marijuana cultivation permit, or extension thereof, which does not demonstrate satisfaction of the minimum requirements of this Chapter. The denial of any permit application, or permit extension, shall be subject to appeal pursuant to Oroville Municipal Code Chapter 26, Section 26-56.100 (Appeals).
 - 5. The City Council shall establish a fee or fees required to be paid upon filing an application for permit(s) as provided by this chapter, which fees shall not exceed the reasonable cost of administering this chapter.
- E. **Enforcement.** Violations of this chapter shall constitute a public nuisance and may be enforced pursuant to the provisions of Oroville Municipal Code Chapter 26, Sections 26-56.060 (Enforcement) and 26-56.070 (Violations and Penalties).
 - F. **Appeals.** Any person aggrieved by any of the requirements of this section may appeal in so far as such appeals are allowed pursuant to Oroville Municipal Code Chapter 26, Section 26-56.100 (Appeals).

26-16.210 Cottage Food Operations

- A. **Purpose.** The purpose of this section is to implement the provisions of Assembly Bill No. 1616 (AB 1616), and to provide reasonable standards, restrictions and requirements concerning the use of a residence as a cottage food operation.

- B. **Permit Required.** The City shall not prohibit a cottage food operation in any residential dwelling. However, a moderate-impact home occupation permit is required to use a residence as any cottage food operation that complies with all the provisions of the Oroville Municipal Code and AB 1616. There are two possible classifications for a cottage food operation which include:
1. **Class A:** A cottage food operation that may engage only in direct sales of cottage food products from the cottage food operation or other direct sales venues described in paragraph (4), subdivision (b), of the CA Health and Safety Code Section 113758.
 2. **Class B:** A cottage food operation that may engage in both direct sales and indirect sales of cottage food products from the cottage food operation, from direct sales venues described in paragraph (4) of subdivision (b), from offsite events, or from a third-party retail food facility described in paragraph (5), subdivision (b), of the CA Health and Safety Code Section 113758.
- C. **C. Revenue Limitations.** A cottage food operation shall not exceed the following dollar amount in gross annual sales per specified calendar year:
1. 2013: \$35,000
 2. 2014: \$45,000
 3. 2015 and Subsequent Years: \$50,000
- D. **Cottage Food Products.** Cottage food products are defined as non-potentially hazardous foods, as described in Section 113871, including foods that are described in Section 114365.5 of the CA Health and Safety Code and that are prepared for sale in the kitchen of a cottage food operation. All food shall be obtained from sources that comply with all applicable laws.
- A list of non-potentially hazardous foods is maintained and updated by the State Public Health Officer who may add or delete food products to or from the list, which shall be known as the approved products list.
- E. **Requirements.** All cottage food operations shall be subject to the following requirements:
1. No cottage food preparation, packaging, or handling may occur in the home kitchen concurrent with any other domestic activities, such as a family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment.
 2. No infants, small children, or pets may be in the home kitchen during the preparation, packaging, or handling of any cottage food products.
 3. Kitchen equipment and utensils used to produce cottage food products shall be clean and maintained in a good state of repair.
 4. All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any cottage food products shall be washed, rinsed and sanitized before each use.
 5. All food preparation and food equipment storage areas shall be maintained free of rodents and insects.

6. Smoking shall be prohibited in the portion of a private home used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, while cottage food products are being prepared, packaged, stored, or handled.
7. Any person with a contagious illness shall refrain from work in the registered or permitted area of the cottage food operation.
8. A person involved in the preparation or packaging of cottage food products shall keep his or her hands and exposed portions of his or her arms clean and shall wash his or her hands before any food preparation or packaging activity in a cottage food operation.
9. Water used during the preparation of cottage food products shall meet the potable drinking water standards described in Section 113869 of the CA Health and Safety Code, except that a cottage food operation shall not be required to have an indirect sewer connection.
10. A person who prepares or packages cottage food products shall complete a food processor course instructed by the local health department within three months of becoming registered.
11. A cottage food operation shall properly label all cottage food products in compliance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.). Additionally, to the extent permitted by federal law, the label shall include but is not limited to, all of the following:
 - a. The words “Made in a Home Kitchen” in 12-point type on the cottage food product’s primary display panel.
 - b. The name commonly used for the food product or an adequately descriptive name.
 - c. The name of the cottage food operation which produced the cottage food product.
 - d. The registration or permit number of the “Class A” or “Class B” cottage food operation, respectively, which produced the cottage food product and, in the case of “Class B” cottage food operation, the name of the local enforcement agency that issued the permit number.
 - e. The ingredients of the cottage food product, in descending order of predominance by weight, if the product contains two or more ingredients.
12. In addition to these specified regulations for cottage food operations, all cottage food operations shall be subject to the requirements of a moderate-impact home occupation.

F. Inspections.

1. **Class A:** Except as provided below, a “Class A” cottage food operation shall not be subject to initial or routine inspections.
2. **Class B:** Except as provided in this subparagraph, a “Class B” cottage food operation shall not be subject to more than one inspection per year by the local enforcement agency.

For the purpose of determining compliance with this chapter and all provisions in AB 1616, a representative of a local enforcement agency, for inspection purposes, may access the permitted area of a private home where cottage food operation is located only if the

representative has, on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the cottage food operation, or that the cottage food operation has violated this chapter or any provision in AB 1616.

26-16.220 Neighborhood Food and Beverage Sales

- A. **Purpose.** The purpose of this section is to allow residential neighborhoods convenient access to healthy, fresh, and staple foods.
- B. **Permit Required.** Where permitted, Neighborhood Food and Beverage Sales stores require an Administrative Permit. In addition to the materials required by Section 26-50.020 (Administrative Permits), the permit application shall include the following information:
1. A floor plan demonstrating:
 - a. 30 percent of sales area dedicated to perishable goods that include dairy, fresh produce, fresh meats, poultry, fish, and frozen foods intended for home preparation.
 - b. 50 percent of sales area dedicated to nonperishable food products intended for home preparation.
 2. Evidence of application or intent to apply to accept Supplemental Nutrition Assistance Program (SNAP or CalFresh) and Supplemental Nutrition for Women, Infants and Children (WIC) benefits.
- C. **Operating Standards.**
1. **Health and Access.** The store must follow operating standards to support access for all residents to healthy foods, as follows:
 - a. Dedicate 30 percent of sales area to perishable goods that include dairy, fresh produce, fresh meats, poultry, fish, and frozen foods intended for home preparation.
 - b. Dedicate 50 percent of sales area to nonperishable food products intended for home preparation.
 - c. Accept CalFresh benefits.
 - d. Apply to be a certified WIC vendor.
 2. **Ready-to-Eat Foods.** The store may sell ready-to-eat foods only if they are prepared on-site and are not the establishment's primary business purpose.
 3. **Alcoholic Beverages.** The store may sell alcoholic beverages only if they are not the store's primary business purpose. The store shall obtain alcohol permits in accordance with the California Department of Alcoholic Beverage Control.
 4. **Hours.** Sales may only occur between the hours of 7:00 am and 7:00 pm.
 5. **Site Conditions.** The proprietor shall maintain the exterior and interior of the store to provide adequate lighting, prevent loitering, provide trash and recycling receptacles, remove graffiti, and maintain cleanliness, as determined by the Code Enforcement Division.

26-16.230 Urban Agriculture

- A. **Purpose.** The purpose of this section is to allow local food to be produced, sold, and available for community development and education in areas close to where people live and work.
- B. **Permit Requirements.**
1. **Administrative Permit.** An administrative permit shall be required for an Urban Farm use.
 2. **Use Permit.** A use permit is required for uses and activities that create noise in violation of Chapter 13A (Noise) of the Municipal Code or that create flies, strong odors (as addressed in Section 26-13.010.E, Performance Standards, Air Emissions), frequent dust, or other significant impacts or hazards to surrounding properties.
 3. **Uses Permitted By Right.** All other Urban Agriculture uses that are not covered by Section B.1 (Administrative Permit) and B.2 (Use Permit) are permitted by right.
- C. **Animals and Livestock.** Livestock-keeping and other animal-related agricultural uses are subject to the provisions of Section 26-16.120 (Animal Keeping).
- D. **Chemicals.** Agricultural chemicals or pesticides shall not impact abutting properties or the surrounding neighborhood.
- E. **Sales.** Sales on-site are limited to the following:
1. **Hours.** Sales may only occur between the hours of 7:00 am and 7:00 pm.
 2. **Local Food.** At least 50 percent of the products sold on site must be produced on-site, and 75 percent produced within Butte County.
- F. **Events.** Events and educational activities at a Community Garden or Urban Farm use are limited to between the hours of 7:00 am and 7:00 pm.

26-16.240 Emergency Shelters

- A. **Definitions.** Unless the contrary is stated or clearly appears from the context, “emergency shelter” and “Homeless person” shall be defined as specified in Section 26-04.020 (Definitions) of this chapter.
- B. **Development Standards.** In addition to the applicable standards as specified in this chapter, emergency shelters shall also be subject to the following development standards:
1. Each resident must be provided a minimum of 50 gross square feet of personal living space, not including space for common areas. In no case can occupancy exceed 30 residents at any one time.
 2. Before commencing operations, the emergency shelter provider must have a written management plan, which must be approved by the Zoning Administrator. The management plan must at a minimum include: requirements for staff training; resident selection process; pet policies; scheduling of outdoor activities; temporary storage of residents' personal belongings; safety and security; management of outdoor areas; and counseling and social service programs for residents, if any.

3. Not more than one emergency shelter is permitted within a radius of three hundred (300) feet from another emergency shelter.
4. Individual occupancy in an emergency shelter is limited to 6 months during any 12 consecutive month period.
5. Each emergency shelter must have an on-site management office staffed by at least one employee at all times that the emergency shelter is operating.
6. Each emergency shelter must have on-site security, with at least one person present at the emergency shelter while it is operating.
7. Facilities must provide a refuge collection area on accordance with Section 26-13.020 (Fences, Walls, and Screening) of this chapter to ensure it is large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

Section 26-19 – SIGN REGULATIONS

26-19.010	Purpose and Applicability
26-19.020	Noncommercial Signs and Messages
26-19.030	General Provisions
26-19.040	Sign Permits
26-19.045	Signs Requiring a Use Permit
26-19.050	Required Signs
26-19.060	Location, Placement, and Design of Signs
26-19.070	Requirements for Specific Types of Signs
26-19.080	Sign Programs
26-19.090	Temporary Signs
26-19.100	Temporary Sign Permits
26-19.110	Requirements for Residential Districts
26-19.120	Requirements for Commercial and Mixed-Use Districts
26-19.130	Requirements for Industrial Districts
26-19.140	Requirements for Special Purpose Districts
26-19.150	Requirements for Downtown Historic Overlay (DH-O) Districts
26-19.160	Nonconforming Signs
26-19.170	Removal of Signs
26-19.180	Violations and Penalties

26-19.010 Purpose and Applicability

- A. **Purpose.** The purpose of this section is to provide standards to safeguard the public health, safety and welfare, and to enhance the aesthetic character of development in the City, by regulating and controlling the design, number, area, height, quality of materials, construction, illumination, location and maintenance of all signs and sign structures and to implement the purposes, policies and programs of the General Plan.
- B. **Applicability.** The requirements of this section shall apply in all districts.

26-19.020 Noncommercial Signs and Messages

Any sign that is allowed under the provisions of this section may contain a noncommercial message.

26-19.030 General Provisions

- A. **Materials and Structural Components.**
1. All permanent signs that are displayed outdoors shall be constructed of durable, weatherproof materials.
 2. All materials and structural components in a permanent sign shall meet the applicable requirements of the City Building Code. Illuminated signs shall meet the requirements of the City Electrical Code.

- B. **Maintenance.** All signs, together with all of their supporting structural elements, shall be kept in a state of good repair at all times. Failure to comply with this requirement shall be considered a violation of this section.
- C. **Sign Area.** The area of a sign shall be calculated as follows:
1. The area of each face of a sign shall be measured as the area of the smallest rectangle or circle that encloses all of the following, as shown in Figure 26-19.030-1:
 - a. Any words, characters, symbols, and images on the sign face.
 - b. Any border or frame around the information on the sign face.
 - c. Any background color on the sign face.
 - d. Any internally illuminated portion of the sign face.

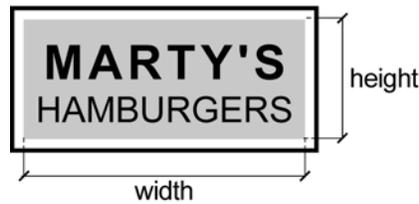
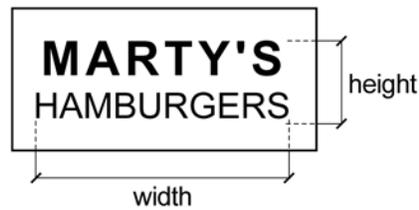


Figure 26-19.030-1: Measurement of sign area

2. The area of a sign with two parallel faces, such as the projecting sign shown in Figure 26-19.030-2, shall be measured as the area of the largest face.

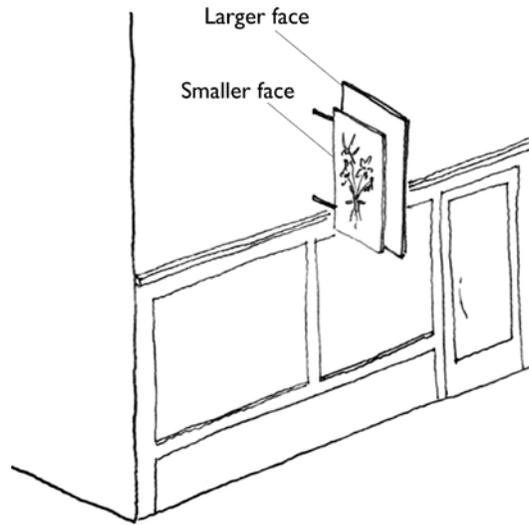


Figure 26-19.030-2: Sign with two parallel faces

3. The area of a spherical, conical, cylindrical, or other non-rectangular 3-dimensional sign shall be measured as the area of the smallest rectangle that encloses the maximum projection of that sign onto a vertical plane, as shown in Figure 26-19.030-3.

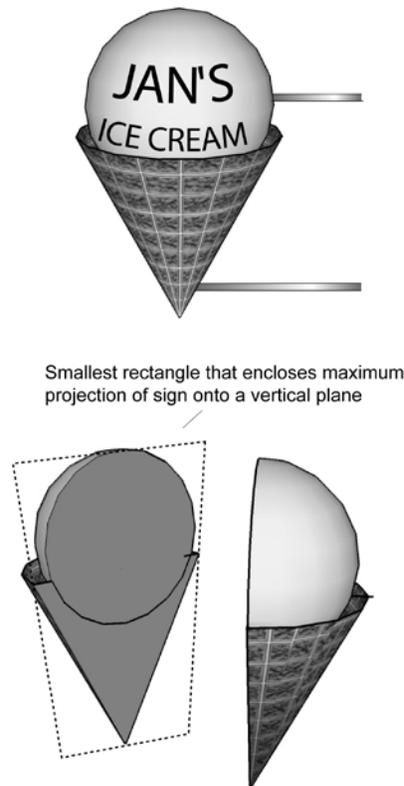


Figure 26-19.030-3: 3-dimensional sign

4. Structural elements that do not include any words, characters, symbols, and images shall not be counted as part of the sign area.

D. Sign Height.

1. The height of a sign shall be measured from the finished grade at which the sign is placed to the highest point of the sign, including any decorative or supporting structures associated with the sign.
2. The finished grade at a sign's base shall not be artificially raised above the surrounding finished grade for the purpose of increasing the sign's elevation above the ground.

E. Prohibited Signs. The following types of signs shall be prohibited:

1. Signs that bear or contain statements, words, or pictures of an obscene, indecent, or immoral character that offends public morals or decency.
2. Roof signs.
3. Rotating signs.
4. Wind-driven signs, "A" frame signs, sandwich boards, and portable signs except as specifically permitted in Section 26-19.090 (Temporary Signs) of this chapter.
5. Video or any other electronic display signs with continuous motion.
6. Signs affixed to structures in the public right-of-way, such as telephone poles, light poles, utility fixtures, posts and fences; provided, however, as follows:
 - a. Temporary signs may be posted on any public kiosk that provides space intended for the posting of signs.
 - b. Official signs posted or required by a government agency, or a public utility or service, may be affixed to structures in the public right-of-way.
7. Vehicle signs that advertise a business, service, or product, whether that business, service, or product is located on the same site or a different site. This prohibition shall not apply to standard identification practices where these signs are painted on or permanently attached to a commercial vehicle used to conduct a land use located on the site, or to bumper stickers.
8. Signs that attempt or appear to attempt to direct traffic, or that interfere with, imitate, or resemble any official traffic device.

F. Sign Face Removal. A sign face shall be removed by the owner or lessee of the premises upon which the sign is located when the business it advertises is no longer on the premises. If the owner or lessee fails to remove the sign face after the business has been discontinued, the Building Official shall issue the owner a citation. If the sign is not removed within 90 days after the citation has been issued, the sign face shall be deemed nonconforming and shall be removed as provided in Section 26-19.170 (Removal of Signs) of this chapter.

26-19.040 Sign Permits

- A. Permit Required.** All signs shall hereafter be erected, re-erected, constructed, painted, affixed, altered, or maintained in accordance with this section. A separate permit shall be required for

each such sign; however, when multiple signs are to be posted on one site, a single application shall be filed for all of the signs.

B. **Sign Permits and Development Review.** When a project is subject to development review, any signs associated with the project shall be evaluated by the review authority for development review, rather than in accordance with the procedure described in this section.

1. The review authority shall verify compliance with all applicable requirements of this section, considering the sign face as well as any structural elements of the sign. Sign permits shall be issued upon the approval of the development review application.
2. The review authority shall issue a sign permit only upon determining that:
 - a. The signs use a palette of colors and materials that is generally related to the architecture and design of other buildings and signs on the site.
 - b. The size of the signs does not cause them to overwhelm the scale of buildings on the site and on surroundings sites.
 - c. The number and placement of signs is generally consistent with the number and placement of signs on other nearby properties.
 - d. The signs conform to the requirements of this section, as well as any applicable specific plan or design guidelines adopted by the City Council.

C. **Application.**

1. Application for a sign permit shall be submitted to the Zoning Administrator in a form approved by the Zoning Administrator, accompanied by any fee established by resolution of the City Council. The application shall contain all of the following information:
 - a. The location by street and number of the proposed sign;
 - b. The name and address of the owner and the sign contractor or erector;
 - c. Site plans showing the location of the proposed sign;
 - d. Scale drawings showing the sign's design and location;
 - e. An inventory of the location, sign area and type of all existing signs on the site, excluding signs that are exempt from obtaining a sign permit;
 - f. Any other pertinent information that is necessary to ensure compliance with this section.

D. **Inspections.** All signs for which a permit is required shall be subject to inspection by the Building Official. Electrical signs shall be inspected before they are erected.

E. **Exempt Signs.** The following signs shall not require a sign permit and shall not be counted towards the allowable sign area or number of signs for a building or use. These exemptions shall not be construed as relieving the owner of the sign from the responsibility to comply with the provisions of this section and with all other applicable regulations.

1. Temporary signs, as described in Section 26-19.090 (Temporary Signs) of this chapter.
2. Required signs, as described in Section 26-19.050 (Required Signs) of this chapter.
3. Professional name plates that have a maximum area of 2 square feet.
4. One bulletin board, with a maximum area of 12 square feet, located on the premises of a community facility or institution such as a park, school, library, community center or house of worship.

5. 1 memorial sign or tablet, with a maximum area of 4 square feet, that includes information such as the name of a building and the date when it was erected, provided that the sign is cut into a masonry surface or constructed of an incombustible material such as bronze.
 6. On-site directional or informational signs, with a maximum area of 5 square feet for each sign, that provide information for the convenience or safety of the public, such as directional signs in parking lots, hours of business and locations of telephones or restrooms.
 7. Official flags of any municipality, state or nation, or of a fraternal or religious organization, provided that the pole height is no greater than 25 feet and the flag's longest dimension is no greater than 25% of the length of the pole.
 8. Signs within a building, or on the premises of a building, that are not visible from a public street.
 9. Murals on the exterior of a building that do not advertise a product, business or service.
 10. Temporary exterior decorations that are associated with a cultural, religious or national holiday, and that are not used to advertise a product, business or service.
 11. Signs on licensed commercial vehicles; provided, however, that such vehicles shall not be utilized as parked or stationary outdoor display signs.
 12. Signs that are required by local, State or federal law or by court order. If any portion of the sign includes messages that are not required by law, that portion shall not be considered an exempt sign.
 13. Signs that are posted by a government agency, or a public utility or service, that are essential to protect the public health, safety and welfare, including but not limited to official signs for traffic control, official public notices and warnings of potential hazards.
 14. Signs that identify or pertain to the City and are authorized by the City Council.
- F. **Maintenance and Changes in Messages.** Painting, repainting, or cleaning of a sign, or the changing of the message on a sign, shall not require that a new sign permit be obtained, provided that all of the following conditions apply:
1. The structural elements associated with the sign are not reconfigured or replaced.
 2. No electrical change is made to the sign.
 3. The sign continues to comply with all requirements of the existing sign permit, as well as any requirements or conditions imposed as part of development review.

26-19.045 Signs Requiring a Use Permit

- A. **Off Premise Signs (Outdoor Advertising including billboards).** Except as otherwise provided in this section, every off-premise sign and outdoor advertising structure shall comply with the requirements of this section. Such Signs may be erected within the Commercial and Industrial districts as herein after stated.

1. **Area.** The maximum size shall be 300 square feet limited to one advertising message per side, per structure.
2. **Height.** No such sign or advertising structure shall exceed a maximum height of 40 feet.
3. **Location:** All off-premises outdoor advertising structures and off-premise signs shall be so placed so as to assure that they do not intrude or project beyond the public right-of-way of any street or highway and shall be located only in C-2, CLM, M-2, and CH zoning districts and shall be placed in accordance with the following standards, except that off-premise monument signs may be permitted in CN and C-1 zones as provided below, and in other zoning districts as provided in specific regulations for those districts:
 - a. *Spacing: City Streets and Roads.* A new off-premise outdoor advertising structure shall not be permitted within three hundred feet in a C-2, CLM, and M-2 zoning, district and 500 feet in a HC zoning district of an existing off-premise outdoor advertising structure fronting on the same side of the street facing in the same direction. Notwithstanding any other provision of this article, a structure may be built regardless of spacing if a building or a natural obstruction is between the distances provided in the spacing formula. A back-to-back structure shall be counted as one structure for the purposes of this article.
 - b. *State Highway System:* A minimum of 500 feet shall be maintained between each off-premise outdoor advertising structure and off-premise sign along each side of the State Highway System.
 - c. *Off-Premise Monument Signs in NC and C-1 Zones:* Upon approval of a Use Permit in accordance with the provisions of Section 26-50.010 (Use Permits) of city code, off-premise identification signage may be allowed in CN and C-1 zones, provided all of the following additional findings can be made: Only public, quasi-public, and residential facilities that include at least four dwelling units or beds and are known by a specific "residential dwelling" business name may utilize off-premise signage. The property to be identified on the off-premise sign is not accessible from the street(s) that abut the property, and the property on which the monument sign(s) are to be placed does abut one or more streets that access the property to be identified on the off-premises sign. However, no off-premise monument identification sign allowed under these provisions shall be placed on a property that is not within the boundaries of the same streets that encompass the property to be identified on the off-premise sign. Off-premise signage is reasonably necessary to allow persons or vehicles to find the property to be identified on the off-premise sign. All off-premise monument signs shall conform to the following specifications: No plywood may be used in the monument sign, Notwithstanding provisions to the contrary, the maximum sign area allowed for a monument sign for the described purposes is 85 square feet, as long as the maximum area that encompasses all actual letters and insignia does not exceed 36 square feet and the height of the sign does not exceed a maximum of 6 feet, Such signs may only include the formal name and the address of the use being identified, and city staff may require that the address shall be included on all such signs as a public service.

4. The application for building permits for such outdoor displays or structures shall include plans showing the construction of the sign, the advertising display to be placed thereon, and the proposed location of the sign in relation to the freeway and to the property on which the sign is to be placed. No advertising structure or off-premise sign shall be placed unless it is built to withstand a wind pressure of 20 pounds per foot of exposed surface.
5. **Lighting.** All lighting shall be effectively shielded so as to prevent beams or rays of light from being directed on the main traveled way of any highway, street or road.
6. **Safety.** The director of public works shall approve the location of all off-premise advertising structures.
7. **Maintenance.** All structures shall be properly maintained, kept in good repair and kept clean. The area occupied by such structure shall be kept free of weeds and debris. If violations of this paragraph occur, the planning commission may start proceedings to revoke the permit.
8. **Permits.** A use permit will be required for all outdoor advertising (off-premise) signs. All requests for building permits for off-premise advertising structures shall be accompanied by engineer’s specification drawings. (Ord. 1768)

B. Digital Display Signs. Except as otherwise provided in this section, all digital display signs (DDS) shall comply with the requirements of this section.

1. **Area.** The maximum sign area for a DDS shall not exceed three hundred (300) square feet on each face.
2. **Height.** A DDS shall not exceed a maximum height of forty (40) feet measured from ground surface to the top of the sign.
3. **Location.** DDS's shall only be allowed to be located within 150 feet of a State Route right-of-way within the City limits. All DDS's shall be located such that no part of the DDS encroaches into any public right of way. DDS's shall not be placed within any legal easements, unless such easements were specifically created for the placement of signs. The applicant for a DDS shall demonstrate that the proposed DDS location is free of such easements.
 - a. All proposed signs adjacent to state highways shall meet the requirements of the State of California Department of Transportation Outdoor Advertising standards for outdoor signs.
4. **Spacing from other DDS.** Signs of this type must be separated from other display signs as follows:

State Route	Distance (miles)
Highway 70	2.0
Highway 162 (Oro Dam Boulevard)	1.25
Highway 162 (Olive Highway)	1.25

5. **Lighting.** Signs which contain, include, or are illuminated by flashing, intermittent, or moving light or lights are prohibited. A DDS that utilizes lighting technologies (such as light emitting diodes) to create digital messages shall be equipped with a light sensor that automatically adjusts the lighting of the sign face as ambient lighting changes. In no event shall a digital display sign face increase ambient illumination by more than 0.3 footcandles when measured perpendicular to the message sign face at a distance based on the sign face size as follows:

Changeable Message Sign Face Size (Square Feet)	Measurement Distance (Feet)
50 ft ²	71
100 ft ²	100
150 ft ²	122
200 ft ²	141
250 ft ²	158
300 ft ²	173

Note: For signs with an area in square feet other than those specifically listed in the table, the measurement distance shall be calculated with the following formula: Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$.

6. **Safety.** The Community Development Director, or his/her designee, shall approve the location of all digital display signs to ensure that they do not introduce unsafe driving conditions to the roadway system.
7. **Maintenance.** All structures shall be properly maintained, kept in good repair and kept clean. The area occupied by such structure shall be kept free of weeds, debris, and graffiti. If violations of this paragraph occur, the Planning Commission may start proceedings to revoke the permit.
8. **Permits.** A use permit will be required for all DDS. All requests for building permits for these signs shall be accompanied by construction and design plans stamped by a California registered civil engineer, in addition, a lighting plan shall be required showing the brightness of the proposed sign and the message intervals between individual advertisements.
9. **Hours of Operation.** All DDS shall be permitted to operate only between the hours of 5:00 am to 12:00 am.
10. Messages shall be displayed for a minimum of 8 seconds.
11. Transition during messages shall be two seconds or less and shall either be instantaneous or fade out/in. Flashing is prohibited.
12. Signs shall be required to meet all Caltrans requirements, permits and other applicable standards.

26-19.050 Required Signs

- A. **Building Numbers.** In order to protect public health and safety by ensuring that buildings can be located by police, fire, paramedic and other public services that are responding to an emergency, main buildings shall display building numbers as follows:
1. The building number shall be displayed at the building's primary entrance. The number shall appear in a color that contrasts from the number's background.
 2. The minimum height of the building number shall be as follows, based on the setback between the building and the street:
 - a. Setback of less than 75 feet: 4 inches.
 - b. Setback between 75 and 150 feet: 5 inches.
 - c. Setback between 151 and 200 feet: 6 inches.
 - d. Setback more than 200 feet: Number shall be posted at street entrance and shall be at least 4 inches high.
- B. **Directory Signs.** In order to protect public health and safety by ensuring that individual tenant spaces in a building can be located by police, fire, paramedic and other public services that are responding to an emergency, directory signs shall be required as follows:
1. All multi-family residential developments, mobile home parks and commercial buildings with multiple tenants shall provide an illuminated directory sign at the building entrance that provides primary access to the businesses or uses contained within the building.
 2. The maximum area of the directory sign shall be 10 square feet.
 3. The directory sign shall include all of the following information:
 - a. The name of the building or complex of buildings.
 - b. A reference point indicating the location of the directory.
 - c. A north arrow.
 - d. Building locations, with numbers and addresses.
 - e. A site plan showing private drives.
 - f. Fire hydrant locations.

26-19.060 Location, Placement, and Design of Signs

- A. **Off-Site Location Required.** All signs shall be located on the same site as the use with which they are associated, except as provided otherwise in this section.
- B. **Placement for Public Safety.** No sign shall be placed in a location where the sign would obstruct an entry or exit to a building or a safety device such as a fire alarm. In addition, no sign shall be located so as to obstruct a required sight distance area.
- C. **General Placement Requirements.** The permitted signs for a use shall be located on the street-facing portion of the building or site where that use is located, except as follows:
1. Where a building is located on a one-way street, or where public visibility of the front face or front entrance of the building is limited or impaired, permitted signs may be placed on the side or rear portion of the building or site, provided that the signs conform to all applicable requirements for the size and number of signs.

2. Where a use is in a multi-tenant building and has no street-facing, ground-level frontage, signs may only be placed on a building directory sign at the building entrance, or on a multi-tenant monument sign. In addition, temporary signs may be used as permitted by this chapter.
- D. **Frontage on Multiple Streets.** On sites where a building has frontage on multiple streets, signs may be placed on any street frontage. The permitted sign area for each building frontage shall not be transferred between the frontages.
- E. **Vertical Clearance.** All signs shall provide adequate vertical clearance to avoid obstructing the movement of vehicles and pedestrians.
- F. **Lighting.**
1. Any sign that includes lighting shall conform to the lighting performance standards in Section 26-13.010 (Performance Standards) of this chapter.
 2. Any conduits or wires that are connected to a sign's lighting source shall be screened or hidden from view where practical.

26-19.070 Requirements for Specific Types of Signs

The following requirements shall apply in any case where the specified type of sign is used, unless provided otherwise by this section:

- A. **Wall Signs.**
1. No part of a wall sign shall extend more than one-third of the sign height or 8 feet, whichever is less, above the top of the portion of the building facade that is adjacent to the sign.
 2. The thickness of any wall sign shall not exceed 1 foot.
 3. The maximum area for the total of all permitted wall signs for any single wall plane shall not exceed 10 percent. The wall plane area shall include all window and door areas and shall be measured from the sidewalk or ground line to the building eave line or parapet.
- B. **Window Signs.** For windows that have multiple panes, in order to determine the maximum window area that may be covered, the window area shall be measured as the framed area of all of the window's panes.
- C. **Monument Signs.**
1. Monument signs shall not be placed on any frontage with a building setback of less than 15 feet.
 2. A minimum distance of 50 feet shall separate any two monument signs.
 3. Where practical, monument signs shall be placed so that the sign face is perpendicular to the adjacent right-of-way.
- D. **Freestanding Signs.**
1. Freestanding signs shall not be placed on any frontage with a width of less than 75 feet, or with a building setback of less than 25 feet.

2. A minimum distance of 75 feet shall separate any two freestanding signs.
3. Where practical, freestanding signs shall be placed so that the sign face is perpendicular to the adjacent right-of-way.
4. The maximum height of a freestanding freeway-oriented sign shall be 40 feet. Increased height, up to a maximum of 60 feet, may be permitted in order to provide motorists with direct vision of the sign from a distance of 1/4 mile from a freeway exit ramp. The need for this increased height shall be demonstrated by means of a balloon test or other method approved by the Zoning Administrator. The maximum permitted height shall be specified in the sign permit.
5. To exceed the allowable height of a freestanding sign as specified in Tables 26-19.120-2, 26-19.120-3, and 26-19.130-1, approval of the Planning Commission shall be required.
6. The maximum freestanding sign area is based on the total linear street frontage of the front side of the site as follows:

<u>Street Frontage</u>	<u>Sign Area</u>
Up to 200 feet	50 square feet per side
200 to 400 feet	75 square feet per side
Over 400 feet	100 square feet per side
7. No portion of a freestanding sign shall project above a public right-of-way.

E. Projecting Signs.

1. Projecting signs may be provided only for uses located on the ground floor of a building.
2. A projecting sign may include a projection above a maximum of 5 feet of the width of a public right-of-way, provided that the sign includes the minimum vertical clearance specified by Section 26-19.060 (Location, Placement, and Design of Signs) of this chapter and provides a 2-foot horizontal clearance from the curb face.
3. In a multi-story building, projecting signs shall be placed at or below the sill of the second-floor windows in a multi-story building.
4. No part of a projecting sign shall extend more than one-third of the sign height or 8 feet, whichever is less, above the top of the portion of the building facade that is adjacent to the sign.
5. Where practical, projecting signs shall be placed so that the sign face is perpendicular to the adjacent right-of-way.
6. The total area of a projecting sign shall not exceed 50 square feet.
7. The thickness of any projecting sign shall not exceed 1 foot.

F. Awning Signs. Awning signs may be placed at the sides or ends of the awning and shall not project from the surface of the awning.

G. Reader Boards.

1. Reader boards may be provided as part of any allowed sign.

2. The area of a reader board shall not exceed 40 square feet on any one face, and in no case shall a reader board be provided on more than two faces of a sign. (Ord. 1763)

26-19.080 Sign Programs

- A. **Purpose.** Sign programs are specifically intended to address the unique needs of certain uses and properties that include multiple uses on a site, or multiple signs for uses with special sign needs. Sign programs shall be used to achieve aesthetic compatibility between the signs within a project and provide flexibility in the number, size, location and type of signs.
- B. **Applicability.** Sign programs are permitted, and may be required as a condition of approval for a use permit, specifically for the following uses:
 1. Multiple-tenant buildings.
 2. Uses with freeway-oriented signs.
 3. Automobile or other vehicle sales.
 4. All uses within a Planned Development (PD-O) overlay district.
- C. **Modification of Standards.** A sign program may modify any of the following standards of this section:
 1. The number of signs allowed.
 2. The size allowed for an individual sign; provided, however, that the total area of all signs in the sign program shall not exceed the total area allowed by this section by more than 10 percent.
 3. The maximum height of monument and freestanding signs that display information for multiple tenants; provided, however, as follows:
 - a. The height shall not exceed 20 feet for establishments that are contiguous to Oroville Dam Boulevard, and 15 feet for all other establishments.
 - b. The maximum height shall not be increased for signs in a residential district.
 4. The location and type of signs allowed; provided, however, as follows:
 - a. A sign program shall allow no more than one sign that is not located on the same site as its associated use, in addition to any such signs that may be allowed by this section.
 - b. A sign program shall not include a prohibited sign.
- D. **Design Requirements.**
 1. Sign programs shall be designed so that all signs have visually compatible themes and placement.
 2. Signs shall draw from a common palette of materials, colors, shapes, lettering types and sizes, and illumination methods. This common palette shall be compatible with the architecture and scale of the site's buildings, as well as the architecture and design of buildings and signs on other nearby properties.
- E. **Review of Sign Programs.** All sign programs shall be subject to development review, in accordance with the requirements of Section 26-53 (Development Review) of this chapter and

the requirements of this section. The review authority for development review shall approve a sign program only upon determining that:

1. The signs included in the sign program have one or more common design elements, such as their placement, colors, materials, illumination, sign type, sign shape, letter size and lettering type.
2. The colors, materials, size and placement of the signs included in the sign program are compatible with the materials, architecture and scale of the buildings and signs on the site, and on other sites in the area.
3. The number and placement of signs included in the sign program is compatible with the number and placement of signs on other nearby properties.
4. The signs included in the sign program conform to the requirements of this section, as well as any applicable specific plan or design guidelines adopted by the City Council.

26-19.090 Temporary Signs

- A. **Intent.** The City recognizes that temporary signs provide an important medium through which to convey a variety of noncommercial and commercial messages. The intent of this section is to balance the right of individuals to convey their messages through temporary signs and the right of the public to be protected against the aesthetic nuisances, traffic hazards and detriments to property values that can result from the unrestricted proliferation of temporary signs.
- B. **General Requirements.**
 1. Except as specified, no sign permit shall be required for the temporary signs described in this section, provided that the signs comply with all applicable requirements of this section.
 2. Temporary signs that are exempted by this section from obtaining a sign permit shall not include any form of lighting or illumination in association with the sign, nor shall any permanent structure be constructed in association with the temporary sign.
- C. **Development Signs.** Temporary development signs, such as those identifying a construction project, indicating the parties involved in a construction project or providing sales information for a subdivision, shall be allowed subject to the following requirements:
 1. On a site with an area of less than 1 acre, a maximum of one temporary development sign, with a maximum area of 36 square feet and a maximum height of 6 feet, may be displayed on-site. On a site with an area of 1 acre or greater, a maximum of two temporary development signs, each with a maximum area of 50 square feet and a maximum height of 10 feet, may be displayed on-site.
 2. One directional sign, with a maximum area of 6 square feet, may be displayed on another site for each on-site temporary development sign that is allowed by this section. These directional signs shall be installed on private property.
 3. Temporary development signs shall be removed within 30 days of the completion of construction or the sale of all available parcels or units, as applicable.

- D. **Real Estate Signs.** One temporary real estate sign, with a maximum area of 32 square feet, may be displayed on the premises of a building or property that is for sale, lease, or rent.
- E. **Portable Signs.** Portable signs shall be allowed in non-residential districts, subject to the following requirements:
1. A business may display one portable sign, with a maximum area of 8 square feet on each face and a maximum of two faces. The sign shall be displayed on a sidewalk adjacent to, the property on which the business is located.
 2. Portable signs shall have a maximum height of 3 feet and a maximum width of 2 feet, and they shall occupy no more than 6 square feet of ground area.
 3. Portable signs shall not be placed within 10 feet of any other portable sign.
 4. Portable signs shall not be placed on any sidewalk or pedestrian path that is narrower than 8 feet. In addition, portable signs shall not be placed where they would cause the usable width of a sidewalk or pedestrian path to become narrower than 5 feet or would otherwise obstruct the movement of pedestrians.
 5. For multiple-tenant buildings, a maximum of one temporary sign for each three tenants may be displayed at any given time, up to a maximum total of three temporary signs.
- F. **Special Function Signs.** Temporary signs for special functions, such as special sales, grand openings and fundraising drives, shall be allowed subject to the following requirements:
1. A maximum of two temporary special function signs, each with a maximum area of 25 square feet, may be displayed. The signs shall be located on private property.
 2. A maximum of four of the following wind-driven signs may be displayed on the site, subject to a temporary sign permit as provided in Section 26-19.100 (emporary Sign Permit) of this chapter:
 - a. A string of any length with attached pennants or streamers.
 - b. A cluster of no more than five balloons, each with a diameter no greater than 14 inches. The maximum height of the balloons shall be 10 feet above the finished grade.
 3. Temporary signs for special functions shall not be displayed more than 60 days prior to, or 7 days after, the function or event.
 4. Signs displayed in or placed on a window shall not obstruct more than 25 percent of the window's area.
- G. **Temporary Uses.** A maximum of two signs, each with a maximum area of 20 square feet, may be displayed on the site of an allowed temporary use. The signs shall be located on private property, and they shall be removed immediately upon cessation of the temporary use.
- H. **Political Signs.** Temporary political signs shall be allowed subject to the following requirements:
1. In residential districts, a maximum of two signs, each with a maximum area of 8 square feet, may be displayed. In non-residential districts, a maximum of two signs, each with a maximum area of 16 square feet, may be displayed.

2. The signs shall be located on private property.
3. The signs shall be removed within 14 days following the election.

26-19.100 Temporary Sign Permits

- A. **Permit Required.** Temporary sign permits shall be required for certain temporary signs as specified in Section 26-19.090 (Temporary Signs) of this chapter.
- B. **Frequency of Permits.** For any site, no more than four temporary sign permits shall be issued within any 12-month period.
- C. **Application.**
 1. Application for a temporary sign permit shall be submitted to the Zoning Administrator in a form approved by the Zoning Administrator, accompanied by any fee established by resolution of the City Council. The application shall contain all of the following information:
 - a. The location by street and number of the proposed sign.
 - b. The name and address of the owner of the site, and of the person requesting the permit.
 - c. The business or event for which a permit is being requested.
 - d. The specific type of temporary sign for which a permit is being requested.
 - e. The dates and times on which the temporary sign will be displayed.
 - f. Any other pertinent information that is necessary to ensure compliance with this section.
 2. An application for a temporary sign permit shall be approved or denied in accordance with the procedure relating to an administrative permit, as provided in Section 26-50.020 (Administrative Permits) of this chapter.

26-19.110 Requirements for Residential Districts

In all residential districts, signs may be provided as follows:

- A. **Dwelling Units and Multiple-Family Developments.**
 1. Each dwelling unit may display one wall, window, banner, canopy or freestanding sign, with a maximum area of 5 square feet. No lighting shall be provided for the sign.
 2. In a multiple-family residential development that contains at least four dwelling units, one additional wall, window, banner, or canopy sign, with a maximum area of 10 square feet, shall be allowed for the entire development. This sign shall not be internally illuminated.
- B. **Subdivision Signs.** A maximum of two monument signs shall be allowed at up to two entrances to a residential subdivision, or to a multi-family residential development with at least four dwelling units. Each sign shall have a maximum area of 18 square feet and a maximum height of 6 feet. The signs shall not be internally illuminated.
- C. **Non-Residential Uses.** Any non-residential use in a residential district may provide one wall, window, banner, canopy, or monument sign. The maximum area of the sign shall be 10 feet, and the sign shall not be internally illuminated.

26-19.120 Requirements for Commercial and Mixed-Use Districts

- A. **Signs in CN and MXN Districts.** In CN and MXN districts, signs shall be permitted as specified in Table 26-19.120-1.
- B. **Signs in C-1, OF, and MXD Districts.** In C-1 and MXD districts, signs shall be permitted as specified in Table 26-19.120-2.
- C. **Signs in C-2, CLM, CH, and MXC Districts.** In C-2, CLM, CH, and MXC districts, signs shall be permitted as specified in Table 26-19.120-3.
- D. **Dwelling Units in Commercial and Mixed-Use Districts.**
 - 1. Any dwelling unit in a commercial or mixed-use district may display one wall, window, banner, or canopy sign, with a maximum area of 5 square feet. No lighting shall be provided for the sign.
 - 2. For mixed-use developments that contain at least four dwelling units, one additional wall, window, banner, or canopy sign, with a maximum area of 10 square feet, shall be allowed for the entire development. This sign shall not be internally illuminated. (Ord. 1763)

26-19.130 Requirements for Industrial Districts

- A. **Signs in Industrial Districts.** In all industrial districts, signs shall be permitted as specified in Table 26-19.130-1.
- B. **Dwelling Units in Industrial Districts.** Any dwelling unit in an industrial district may display one wall, window, banner or canopy sign, with a maximum area of 5 square feet. No lighting shall be provided for the sign.

26-19.140 Requirements for Special Purpose Districts

- A. **Signs in OS Districts.** In OS districts, the following requirements shall apply:
 - 1. Signs that identify the site and provide information of use to visitors, such as the hours of operation, shall be permitted. These site identification signs shall not be subject to a sign permit.
 - 2. No signs that are subject to a sign permit shall be permitted in an OS district.
- B. **Signs in PQ Districts.** In PQ districts, signs shall be permitted as provided in Table 26-19.140-1.

26-19.150 Requirements for Downtown Historic Overlay (DH-O) Districts

- A. **Development Review.** In any case where a sign permit is required in a DH-O district, development review of the sign shall also be required.
- B. **Types of Signs.** Freestanding signs and monument signs shall be prohibited in DH-O districts.

TABLE 26-19.120-1: ALLOWED SIGNS IN CN AND MXN DISTRICTS

Permitted Sign Types	Maximum Number of Signs	Maximum Area	Maximum Total Area for All Signs [1]	Maximum Height	Lighting Allowed	Additional Requirements
Awning signs	No maximum	50% of awning area, or 25 square feet, whichever is less	1 square foot for each linear foot of building frontage, or 150 square feet, whichever is less [2]	No maximum	Yes; internal illumination prohibited	Section 26-19.070 (Requirements for Specific Types of Signs)
Banner signs	1 per frontage	30 square feet		20 feet [3]	No	—
Canopy signs	No maximum	4 square feet per face		20 feet [3]	Yes; internal illumination prohibited	—
Monument signs	1 per frontage	Determined by total area		6 feet	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Projecting signs	1 per tenant on each frontage	50 square feet		20 feet [3]	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Wall signs	No Maximum	10% of wall area		20 feet [3]	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Window signs	No maximum	25% of window area		No maximum	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)

[1] The maximum total area applies to all signs on a site, including signs for all tenants of a multi-tenant building.

[2] The maximum total area shall not be lower than 25 square feet.

[3] Maximum sign height of 20 feet may be exceeded subject to the approval of the Planning Commission.

(Ord. 1796)

TABLE 26-19.120-2: ALLOWED SIGNS IN C-1, OF, AND MXD DISTRICTS

Permitted Sign Types	Maximum Number of Signs	Maximum Area	Maximum Total Area for All Signs [1]	Maximum Height	Lighting Allowed	Additional Requirements
Awning signs	No maximum	50% of awning area, or 40 square feet, whichever is less	<i>Less than 20,000 square feet of gross floor area on site:</i> 1.5 square feet for each linear foot of building frontage, or 300 square feet, whichever is less[2]	No maximum	Yes; internal illumination prohibited	Section 26-19.070 (Requirements for Specific Types of Signs)
Banner signs	1 per frontage	40 square feet		20 feet [5]	No	—
Canopy signs	No maximum	5 square feet per face	<i>At least 20,000 square feet of gross floor area on site:</i> 1.5 square feet for each linear foot of building frontage, or 350 square feet, whichever is less[3] <i>40,000 to 80,000 square feet of gross floor area:</i> 1.5 square feet per linear foot of building frontage, or 400 square feet, whichever is less[4] <i>80,000 to 140,000 square feet of gross floor area:</i> 1.5 square feet per linear foot of building frontage, or 450 square feet, whichever is less <i>140,000 to 200,000 square feet of gross floor area:</i> 1.5 square feet per linear foot of building frontage, or 500 square feet, whichever is less.	20 feet[5]	Yes; internal illumination prohibited	—
Freestanding signs	1 per frontage	Determined by total area		8 feet [4]	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Monument signs	1 per frontage	Determined by total area		8 feet	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Projecting signs	1 per tenant on each frontage	50 square feet		20 feet[5]	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Wall signs	No maximum	10% of wall area		20 feet[5]	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Window signs	No maximum	25% of window area		No maximum	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)

[1] The maximum total area applies to all signs on a site, including signs for all tenants of a multi-tenant building.

[2] For a gross floor area less than 20,000 square feet, the maximum total area shall not be lower than 50 square feet.

[3] For a gross floor area of at least 20,000 square feet, the maximum total area shall not be lower than 75 square feet.

[4] Freeway-oriented businesses, sites contiguous to Oroville Dam Boulevard, as well as other C-1 and MXD properties may have 1 freestanding sign with additional height as specified in Section 26-19.070 (Requirements for Specific Types of Signs).

[5] Maximum sign height of 20 feet may be exceeded, subject to the approval of the Planning Commission. (Ord. 1763, 1796)

TABLE 26-19.120-3: ALLOWED SIGNS IN C-2, CH, CLM, AND MXC DISTRICTS

Permitted Sign Types	Maximum Number of Signs	Maximum Area	Maximum Total Area for All Signs [1]	Maximum Height	Lighting Allowed	Additional Requirements
Awning signs	No maximum	50% of awning area, or 40 square feet, whichever is less	<i>Less than 20,000 square feet of gross floor area on site:</i> 1.5 square feet for each linear foot of building frontage, or 300 square feet, whichever is less[2]	No maximum	Yes; internal illumination prohibited	Section 26-19.070 (Requirements for Specific Types of Signs)
Banner signs	1 per frontage	40 square feet		20 feet [6]	No	—
Canopy signs	No maximum	5 square feet per face	<i>At least 20,000 square feet of gross floor area on site:</i> 1.5 square feet for each linear foot of building frontage, or 350 square feet, whichever is less[3]	20 feet[6]	Yes; internal illumination prohibited	—
Freestanding signs	1 per frontage	Determined by total area		8 feet [5]	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Marquee Signs	1 per frontage	Determined by total area	<i>40,000 to 80,000 square feet of gross floor area:</i> 1.5 square feet per linear foot of building frontage, or 400 square feet, whichever is less[4]	10 feet	Yes	—
Monument signs	1 per frontage	Determined by total area		8 feet	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Projecting signs	1 per tenant on each frontage	50 square feet	<i>80,000 to 140,000 square feet of gross floor area:</i> 1.5 square feet per linear foot of building frontage, or 450 square feet, whichever is less	20 feet[6]	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Wall signs	No Maximum	10% of wall area		20 feet[6]	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Window signs	No maximum	25% of window area	<i>140,000 to 200,000 square feet of gross floor area:</i> 1.5 square feet per linear foot of building frontage, or 500 square feet, whichever is less.	No maximum	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)

[1] The maximum total area applies to all signs on a site, including signs for all tenants of a multi-tenant building.
 [2] For a gross floor area less than 20,000 square feet, the maximum total area shall not be lower than 50 square feet.
 [3] For a gross floor area between 20,000 and 40,000 square feet, the maximum total area shall not be lower than 75 square feet.
 [4] For a gross floor area more than 40,000 square feet, the maximum total area shall not be lower than 100 square feet.
 [5] Freeway-oriented businesses, sites contiguous to Oroville Dam Boulevard, as well as other C-1 and MXD properties may have one freestanding sign with additional height as specified in Section 26-19.070 (Requirements for Specific Types of Signs).
 [6] Maximum sign height of 20 feet may be exceeded, subject to the approval of the Planning Commission.
 (Ord. 1763, 1796)

TABLE 26-19.130-1: ALLOWED SIGNS IN INDUSTRIAL DISTRICTS

Permitted Sign Types	Maximum Number of Signs	Maximum Area	Maximum Total Area for All Signs [1]	Maximum Height	Lighting Allowed	Additional Requirements
Awning signs	No maximum	50% of awning area, or 40 square feet, whichever is less	<p><i>Less than 20,000 square feet of gross floor area on site: 1.5 square feet for each linear foot of building frontage, or 300 square feet, whichever is less[2]</i></p> <p><i>At least 20,000 square feet of gross floor area on site: 1.5 square feet for each linear foot of building frontage, or 350 square feet, whichever is less[3]</i></p>	No maximum	Yes; internal illumination prohibited	Section 26-19.070 (Requirements for Specific Types of Signs)
Banner signs	1 per frontage	40 square feet		20 feet [5]	No	—
Canopy signs	No maximum	5 square feet per face		20 feet[5]	Yes; internal illumination prohibited	—
Freestanding signs	1 per frontage	Determined by total area		8 feet [4]	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Monument signs	1 per frontage	Determined by total area		8 feet	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Projecting signs	1 per tenant on each frontage	50 square feet		20 feet [5]	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Wall signs	No Maximum	10% of wall area		20 feet [5]	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Window signs	No maximum	25% of window area		No maximum	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)

[1] The maximum total area applies to all signs on a site, including signs for all tenants of a multi-tenant building.

[2] For a gross floor area less than 20,000 square feet, the maximum total area shall not be lower than 50 square feet.

[3] For a gross floor area between 20,000 and 40,000 square feet, the maximum total area shall not be lower than 75 square feet.

[4] Freeway-oriented businesses, sites contiguous to Oroville Dam Boulevard, as well as other C-1 and MXD properties may have one freestanding sign with additional height as specified in Section 26-19.070 (Requirements for Specific Types of Signs).

[5] Maximum sign height of 20 feet may be exceeded, subject to the approval of the Planning Commission. (Ord. 1763, 1796)

TABLE 26-19.140-1: ALLOWED SIGNS IN PQ DISTRICTS

Permitted Sign Types	Maximum Number of Signs	Maximum Area	Maximum Total Area for All Signs [1]	Maximum Height	Lighting Allowed	Additional Requirements
Awning signs	No maximum	50% of awning area, or 40 square feet, whichever is less	1 square foot for each linear foot of building frontage, or 100 square feet, whichever is less [2]	No maximum	Yes; internal illumination prohibited	Section 26-19.070 (Requirements for Specific Types of Signs)
Banner signs	1 per frontage	30 square feet		20 feet [3]	No	—
Canopy signs	No maximum	4 square feet per face		20 feet[3]	Yes; internal illumination prohibited	—
Freestanding signs	1 per frontage	Determined by total area		6 feet	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Projecting signs	1 per tenant on each frontage	50 square feet		20 feet [3]	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Wall signs	No Maximum	10% of wall area		20 feet [3]	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)
Window signs	No maximum	25% of window area		No maximum	Yes	Section 26-19.070 (Requirements for Specific Types of Signs)

[1] The maximum total area applies to all signs on a site, including signs for all tenants of a multi-tenant building.

[2] The maximum total area shall not be lower than 25 square feet.

[3] Maximum sign height of 20 feet may be exceeded, subject to the approval of the Planning Commission. (Ord. 1796)

- C. **Lighting.** Internally illuminated signs shall be prohibited in DH-O districts. Externally illuminated signs shall be allowed, subject to the requirements found in Section 26-19.060(F) (Location, Placement, and Design of Signs, Lighting).
- D. **Exemption for Historic Signs.** Any sign that is a contributing feature of a DH-O district, and that does not advertise a business that is currently in operation, shall not require a sign permit. In addition, any such sign shall not be counted towards the allowable sign area or number of signs for a building or use.

26-19.160 Nonconforming Signs

- A. **Allowances and Requirements for Conformance.** Existing, nonconforming signs shall be allowed to remain in use, except as follows:
 - 1. If the structural elements associated with a nonconforming sign are reconfigured or replaced, immediate conformance with the requirements of this section shall be required.
 - 2. If a business or use for which the nonconforming sign is provided has been discontinued for a continuous period of more than 1 year, the sign and its associated structures shall be removed or brought into conformance with the requirements of this section. For multiple-tenant buildings, this requirement shall apply when more than 50 percent of the multiple-tenant building's gross floor area has been unoccupied for 1 year.
 - 3. If more than 50 percent of a nonconforming sign is destroyed, and structural repairs are required to restore the sign to good condition, the sign shall be removed or brought into conformance with the requirements of this section.
- B. **Exceptions.**
 - 1. If the Planning Commission finds, based on substantial evidence, that the provisions of this section would significantly affect the economic ability of a business to continue, because of the impossibility of locating a new sign in a position where it would not be completely obstructed by existing signs, the Commission may grant a variance allowing a nonconforming sign to be retained or modified, or a new nonconforming sign to be erected.
 - 2. A sign that is part of a landmark or landmark site shall be deemed nonconforming only if at least one of the following conditions applies:
 - a. The sign does not contribute to the historic significance of the landmark or landmark site.
 - b. The sign poses an immediate threat to public safety. If the sign is deemed nonconforming solely because it threatens public safety, the sign shall be repaired or modified, if possible, rather than removed.

26-19.170 Removal of Signs

- A. **Removal of Permanent Signs.** The Zoning Administrator may order the removal of any permanent sign, including its associated structural elements, that has been erected or maintained in violation of this section.

1. The Zoning Administrator shall give written notice to the owner of the building, structure or premises upon which the sign is located, requiring the owner to remove the sign or to bring it into compliance with this section.
 2. If the owner does not comply with the City's notice within 30 days, the City may proceed to enter the premises and remove the sign and its structural elements. The cost of the removal shall be assessed to the record owner of the premises upon which the sign is situated.
 3. With the prior written approval of the City Attorney, the Building Official may remove any sign immediately, without notice, if the condition of the sign presents an immediate threat to public safety. The Building Official shall notify the Zoning Administrator in writing of any such action.
- B. **Removal of Temporary Signs.** The Zoning Administrator may order the removal of any temporary sign erected or maintained in violation of this section, without any notice requirement.
- C. **Storage of Removed Signs.** Any sign removed by the Zoning Administrator shall be stored for 10 days, during which time the owner or other party responsible for posting the sign may recover the sign upon payment to the City of the costs of removal and storage.
- D. **Cost of Sign Removal.** If a permanent sign is not recovered within the storage period required by this section, the City shall mail a notice to the last known record owner of the premises at the address set forth upon the last equalized assessment roll. The notice shall be of a form approved by the Zoning Administrator and City Attorney, and it shall set forth the cost of removing the sign and notify the owner of the City Council hearing at which the cost of sign removal will be assessed against the property.
- E. **Removal of Portion of a Sign.** Where practical, the Zoning Administrator may require the removal or screening of only a portion of a nonconforming sign, rather than the removal of the entire sign face and all of its associated structural elements.

26-19.180 Violations and Penalties

- A. **Violation.** It shall be unlawful for any person or entity to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy, or maintain any signs in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this section.
- B. **Penalties.** Any person or entity violating any of the provisions of this section shall be guilty of an infraction and shall be deemed guilty of a separate offense for each day during which any violation of the provisions of this section is committed, continued, or permitted. Upon conviction of any such violation, the violator shall be subject to a fine of not more than \$1,000.

Section 26-22 – RESIDENTIAL DENSITY BONUSES

26-22.010	Purpose
26-22.020	General Provisions
26-22.030	Standards for Target Units
26-22.040	Donations of Land
26-22.050	Affordability Requirements
26-22.060	Development Incentives
26-22.070	Application and Review
26-22.080	Density Bonus Housing Agreement

26-22.010 Purpose

The provisions of this section are intended to implement and supplement the requirements of Section 65915 of the Government Code. In the event of any conflict between this section and Section 65915 of the Government Code, the provisions of the Government Code shall apply.

26-22.020 General Provisions

- A. **Eligibility.** The City shall grant a density bonus and a development incentive or incentives to an applicant or developer of a housing development with five or more dwelling units who provides any of the following in accordance with the provisions of this chapter:
1. At least 10 percent of the total units of the housing development as target units affordable to lower-income households.
 2. At least 5 percent of the total units of the housing development as target units affordable to very-low-income households.
 3. 10 percent of the total dwelling units in a common-interest development as target units affordable to moderate-income households, provided all units are offered to the public for purchase.
 4. A donation of land for the purpose of constructing housing for very-low-income households, in accordance with the requirements of Section 26-22.030 (Standards for Target Units) of this chapter.
 5. A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons, pursuant to Section 798.76 or 799.5 of the Civil Code.
- B. **Number of Target Units.** To determine the number of target units to be provided, the maximum residential density shall be multiplied by .05 where very-low-income households are targeted, or by .10 where lower-income or moderate-income households are targeted. Any fraction shall be rounded up to the next whole number. Required donations of land in a residential subdivision shall be calculated as required in Section 26-22.030 (Standards for Target Units) of this chapter.

- C. **Number of Density Bonus Units.** The number of density bonus units to be granted shall be determined as follows:
1. A base factor for calculating the number of density bonus units shall be selected, based on the type of housing development, as follows:
 - a. For a common-interest development that provides target units for moderate-income households but do not otherwise meet the requirements of this section, the base factor shall be 0.05.
 - b. For housing developments that include donations of land to construct housing for very-low-income households but do not otherwise meet the requirements of this section, the base factor shall be 0.15.
 - c. For other housing developments that meet the requirements of this section, the base factor shall be 0.20.
 2. The base factor shall be adjusted, up to a maximum of 0.35, for projects that provide any of the following:
 - a. For a housing development that provides more than 10 percent of the total units as target units for low-income households, each 1 percent increase shall increase the base factor by 0.015.
 - b. For a housing development that provides more than 5 percent of the total units as target units for very-low-income households, each 1 percent increase shall increase the base factor by 0.025.
 - c. For a common-interest development that provides more than 10 percent of the total units as target units for moderate-income households, each 1 percent increase shall increase the base factor by 0.01.
 - d. For donations of land to construct housing for very-low-income households, if the area of land donated is larger than the minimum required area, each 1 percent increase in the size of the land donation shall increase the base factor by 0.01.
 3. The minimum number of density bonus units to be granted shall be the maximum residential density for the site, multiplied by the adjusted base factor. Any fraction shall be rounded up to the next whole number.
 4. The density bonus units shall not be included when determining the number of target units required to qualify for a density bonus.
- D. **Reduction of Target Units Prohibited.** No reduction shall be allowed in the number of target units required, even if the applicant proposes to build fewer density bonus units than are permitted by this section.
- E. **Child Day Care Facilities.** If a housing development is otherwise eligible for a density bonus under the provisions of this section; the development includes a child day care facility other than a family day care home, including but not limited to an infant center, preschool, extended day care facility or school-age child care center, that will be located on the premises of, as part of or adjacent to the development; and the City does not find, based upon substantial evidence, that the community has adequate child care facilities, the City shall grant one of the following:
1. An additional density bonus that is a number of square feet of residential space equal to or greater than the number of square feet in the child care facility; or

2. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

26-22.030 Standards for Target Units

All target units built under the provisions of this section shall meet the following requirements:

- A. **Concurrency.** Target units shall be built concurrently with non-restricted units unless the City and the applicant agree within the density bonus housing agreement to an alternative schedule for development.
- B. **Location.** Target units shall be built on-site wherever possible and, where practical, shall be dispersed within the housing development.
- C. **Unit Size.** Where feasible, the number of bedrooms of the target units shall be equivalent to the bedroom mix of the housing development's other units, except that the developer may include a higher proportion of target units with more bedrooms.
- D. **Design.** The design and appearance of the target units shall be compatible with the design of the housing development as a whole.
- E. **Development Standards.** Housing developments shall comply with all applicable development standards, except those that may be modified as provided by this chapter.
- F. **Linked Sites.** Circumstances may arise in which the public interest would be served by allowing some or all of the target units associated with 1 housing development to be produced and operated at an alternative development site. If the developer and the City agree to allow the production and operation of target units at an alternative site, the resulting linked developments shall be considered a single housing development for the purposes of this section.

26-22.040 Donations of Land

All land donated for the purpose of constructing housing for very-low-income households, in order to receive a density bonus under the provisions of this section, shall meet the following requirements:

- A. **Date of Transfer.** The applicant shall donate and transfer the land no later than the date of approval of the final subdivision map, parcel map or residential development application.
- B. **Development Acreage.** The developable acreage of the land being transferred shall be sufficient to permit construction of units affordable to very-low-income households in an amount not less than 10 percent of the number of residential units in the proposed development.
- C. **Minimum Size.** The transferred land shall have an area sufficient to permit development of at least 40 units.
- D. **Appropriate Regulations and Infrastructure.** The transferred land shall have the appropriate General Plan land use designation, zoning and development standards to make the development of affordable units feasible, and it shall have existing or planned public facilities and infrastructure that are adequate to support the development.

- E. **Entitlements.** No later than the date of approval of the final subdivision map, parcel map or residential development application, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very-low-income housing units on the transferred land, except that the City may subject the proposed development to design review to the extent authorized by subdivision (i) of Section 66583.2 of the Government Code if the design is not reviewed by the City prior to the time of transfer.
- F. **Deed Restriction.** The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this section. The restriction shall be recorded on the property at the time of dedication.
- G. **Recipient.** The land shall be transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer.
- H. **Location.** The transferred land shall be within the boundary of the proposed development or, if the City agrees, within 1/4 mile of the boundary of the proposed development.

26-22.050 Affordability Requirements

- A. **Continued Affordability.** Target units, and units built on donated land, shall remain restricted and affordable to the designated group for a period of 30 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program.
- B. **Affordability Requirements.** Affordability of the target units, and units built on donated land, shall be required as follows:
 1. For units for lower-income households, the rent shall not exceed 18 percent of area median income.
 2. For units for very-low-income households, the rent shall not exceed 15 percent of area median income.
 3. For target units for moderate-income households in a common-interest development, each initial occupant shall be a person or family of moderate income, as defined in Section 50093 of the Health and Safety Code.
- C. **Occupancy Assumptions.** The following assumptions shall be used to determine the maximum affordable rent or affordable sales price of target units, and units built on donated land, unless the housing development is subject to different assumptions imposed by other governmental regulations:
 1. A residential hotel or single-room occupancy (SRO) unit shall be assumed to be occupied by 0.75 persons.
 2. A 0-bedroom (studio) unit shall be assumed to be occupied by 1 person.
 3. A 1-bedroom unit shall be assumed to be occupied by 2 persons.
 4. A 2-bedroom unit shall be assumed to be occupied by 3 persons.
 5. A 3-bedroom unit shall be assumed to be occupied by 4 persons.
 6. A 4-bedroom unit shall be assumed to be occupied by 6 persons.

26-22.060 Development Incentives

- A. **Number of Incentives.** The applicant shall receive, at a minimum, the following number of development incentives:
1. A minimum of one incentive for projects that include at least 10 percent of the total units for lower-income households, at least 5 percent for very-low-income households, or at least 10 percent for persons and families of moderate income in a common-interest development.
 2. A minimum of two incentives for projects that include at least 20 percent of the total units for lower-income households, at least 10 percent for very-low-income households, or at least 20 percent for persons and families of moderate income in a common-interest development.
 3. A minimum of three incentives for projects that include at least 30 percent of the total units for lower-income households, at least 15 percent for very-low-income households, or at least 30 percent for persons and families of moderate income in a common-interest development.
- B. **Additional Incentives.** The City may, at its discretion, grant additional incentives to increase the number of target units provided or to increase the affordability of the target units.
- C. **Incentive for Day Care Facility.** If the applicant proposes to include a child day care facility in the project, in accordance with the requirements of this section, the applicant may choose to request an additional incentive instead of a density bonus. The additional incentive shall be required to contribute significantly to the economic feasibility of the construction of the child care facility.
- D. **Available Incentives.** Development incentives may include, but are not limited to, the following:
1. A reduction of site development standards, or a modification of zoning or architectural design requirements.
 2. Reduced minimum lot sizes or dimensions.
 3. Reduced minimum setbacks.
 4. Reduced minimum outdoor and/or private outdoor space.
 5. Increased maximum site coverage.
 6. Increased maximum building height and/or number of stories.
 7. Reduced parking ratios.
 8. Reduced minimum building separation requirements.
 9. An increased density bonus.
 10. The waiver, reduction or deferral of planning, plan check, construction permit and/or development impact fees.
 11. Approval of mixed-use zoning in conjunction with the housing development, if commercial, office, industrial, or other land uses will reduce the cost of the housing

development and if the commercial, office, industrial or other land uses are compatible with the housing development and the existing or planned development in the area where the proposed development will be located.

12. Direct financial aid, such as a redevelopment set-aside or community development block grant funding, in the form of a loan or grant to subsidize or provide low-interesting financing for on-site or off-site improvements, land or construction costs.
 13. Other regulatory incentives or concessions that result in identifiable, financially sufficient and actual cost reductions.
- E. **Justification for Incentives.** An applicant requesting a density bonus, concession, or incentive shall also show, using one of the following methods, that the waiver or modification is necessary to make the target units economically feasible:
1. A development pro forma with the capital costs, operating expenses, return on investment, loan-to-value ratio and the debt coverage ratio, including the contributions provided by any applicable subsidy programs, and the economic effect created by the minimum 30 year use and income restrictions on the affordable housing units.
 2. An appraisal report indicating the value of the density bonus and of the incentives/concessions.
 3. A use of funds statement identifying the projected financing gap for the project with the affordable housing units. The analysis shall show how much of the funding gap is covered by the density bonus and how much by the incentives/concessions.
- F. **Provision of Incentives.** The City shall provide the specific incentive or incentives requested by an applicant, unless the City makes a written finding, based upon substantial evidence, of any of the following:
1. The incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in this section.
 2. The incentive would have a specific adverse impact, as defined in paragraph (2) of subsection (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households.

26-22.070 Application and Review

- A. **Application.** A developer seeking approval of a density bonus and an additional incentive or incentives shall file an application with the Zoning Administrator. The Zoning Administrator shall process the application concurrently with any other application required for the housing development. The form and content of the application shall be as specified by the Zoning Administrator and may be subject to a fee established by resolution of the City Council.

- B. **Hearing Process.** The application shall be heard and decided by the Planning Commission. The procedure for giving notice of the application shall be as specified for a use permit, except that the notice shall also identify the density bonus and additional incentive or incentives requested for the project. The Planning Commission's decision may be appealed as provided in Section 26-56.100 (Appeals) of this chapter.
- C. **Approval Process.** The Planning Commission and City Council shall be authorized to approve development incentives as follows:
1. The Planning Commission shall be authorized to approve development incentives that include the modification of site development standards, or the modification of zoning or architectural design requirements.
 2. Approval by the City Council shall be required for all other development incentives. (Ord. 1762)

26-22.080 Density Bonus Housing Agreement

- A. **Agreement Required.** As a condition for the approval of a density bonus and additional incentive or incentives pursuant to this section, the application shall agree to enter into a density bonus housing agreement with the City. The executed density bonus housing agreement shall be recorded on the parcel or parcels designated for the construction of target units, or donated for the purpose of constructing housing units as specified in this section. The approval and recordation shall occur prior to final map approval or, where a map is not being processed, prior to the issuance of building permits for the parcels or units. The density bonus housing agreement shall be binding upon all future owners and successors in interest.
- B. **Content of Agreement.** The density bonus housing agreement shall, at a minimum, include all of the following:
1. The total number of units approved for the housing development, including the number of target units.
 2. A description of the household income group to be accommodated by the housing development, as outlined in this section, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.
 3. The location, unit size in square feet and number of bedrooms of each target unit.
 4. The location and square footage of any land being donated for the purpose of constructing housing units that are affordable to very-low-income households.
 5. The location and square footage of any child day care facility for which a density bonus or additional incentive is being granted.
 6. Tenure of use restrictions for target units, and units built on donated land, in accordance with the requirements of this section.
 7. A schedule for the completion and occupancy of target units.
 8. A description of the additional incentive or incentives being provided by the City.

9. A description of remedies for breach of the agreement by either party, including the provision that tenants or qualified purchasers are third-party beneficiaries under the agreement.
 10. Other provisions as appropriate to ensure implementation and compliance with this chapter's requirements for density bonuses and additional incentives.
- C. **For-Sale Requirements.** In the case of for-sale housing developments, excluding target units for moderate-income households, the density bonus housing agreement shall provide for the following requirements during the use restriction period:
1. The initial sale of each target unit shall be to a household that meets the income requirement for the target unit or, for senior citizen housing, to a senior citizen.
 2. The initial occupier of each target unit shall be a household that meets the income requirement for the target unit or, for senior citizen housing, a senior citizen.
 3. The initial purchaser of each target unit shall execute an instrument or agreement approved by the City restricting the sale of the target unit during the use restriction period. The instrument or agreement shall be recorded against the parcel containing the target unit and shall contain provisions as required by the City to ensure continued compliance with this chapter and with State law.
- D. **Moderate-Income Requirements.** In the case of target units for moderate-income households, the density bonus housing agreement shall provide for the following requirements:
1. The initial sale of each target unit shall be to a household that meets the income requirement for the target unit.
 2. When the initial purchaser sells the unit, the initial purchaser shall retain the value of any improvements, the down payment and the value of the unit's appreciation, less the City's share of the appreciation.
 3. When the initial purchaser sells the unit, the City shall receive a share of the unit's appreciation equal to the percentage by which the initial sale price to the moderate income household was less than the fair market value of the home at the time of initial sale. The City shall use this share of appreciation for any of the purposes that promote homeownership described in subdivision (e) of Section 33334.2 of the Health and Safety Code.
- E. **Rental Requirements.** In the case of rental housing developments, the density bonus housing agreement shall provide for the following requirements during the use restriction period:
1. Rules and procedures for qualifying each tenant, determining affordable rents, filling vacancies and retaining target units for qualified tenants.
 2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this section.
 3. Provisions requiring owners to submit an annual report to the City, including the name, address and income of each person occupying a target unit and the bedroom size and monthly rent or cost of each target unit.

- F. **Day Care Facility Requirements.** In the case of child day care facilities for which a density bonus or additional incentive is being granted, the density bonus housing agreement shall provide for the following requirements:
1. Operating duration requirements for the child day care facility, such that the child day care facility shall remain in operation for as long as or longer than the period of time during which the density bonus units are required to remain affordable.
 2. Provisions requiring that for children who attend the child day care facility, the percentage of children from the income group associated with the development's target units shall be equal to or greater than the minimum percentage of target units that must be provided for that income group in order to receive a density bonus, pursuant to the requirements of this section.

Chapter 26-25 – DEVELOPMENT INCENTIVES

26-25.010 Incentives for Community Benefits

26-25.010 Incentives for Community Benefits

This section establishes incentives for applicants to locate and design development projects in a manner that provides substantial benefits to the community.

- A. **Incentives Restricted to Added Benefits.** The City may grant additional incentives when the community benefits or amenities offered are not otherwise required by the Zoning Code or any other provision of local, state, or federal law. The City is not required to grant incentives; the City will decide if a project should receive an incentive on a case-by-case basis.
- B. **Allowable Benefits – All Districts.** A proposed project in any district that provides one or more of the following benefits is eligible for an incentive:
1. Building and site design features that help to reduce the fear and incidence of crime. To be eligible for an incentive, these features must be in addition to any standards required by Section 26-13.100 (Crime Prevention through Environmental Design).
 2. Development of a blighted property, or a vacant property in a blighted area, as determined by the Planning Commission.
 3. Sustainable development features, including on-site renewable energy generation and green roofs.
 4. Design improvements to increase transit accessibility, including installing additional transit stops or facilities around proposed development.
 5. Commuter trip reduction measures, such as providing transit passes to employees, for office or employment center development proposals.
 6. Features that increase the community's ability to access healthy, fresh foods, such as providing space for community gardens, farmers' markets, or grocery stores.
 7. Meeting healthy, local food retail standards, including:
 - a. Buying fresh produce from local producers (5 percent from the Oroville Sphere of Influence, 10 percent from Butte County, and/or 25 percent from California).
 - b. Dedicating 30 percent of sales area to perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods intended for home preparation.
 - c. Dedicating 50 percent of sales area to nonperishable food products intended for home preparation.
 - d. Agreeing to have at least one "family-friendly" junk-food free checkout line.
- C. **Allowable Benefits – Mixed Use Districts.** A proposed project in a Mixed Use district that provides one or more of the following benefits is eligible for an incentive:
1. Improved bicycle and pedestrian facilities, including wider sidewalks, street furniture, and direct pedestrian or bike connections to destinations.
 2. Public outdoor gathering places, including parks and plazas.

3. Measures to expand arts and entertainment facilities in the Downtown Mixed Use district.
 4. Installation of informational kiosk to improve way finding for residents and visitors in the Downtown Mixed Use district.
- D. **Available Incentives – All Districts.** A proposed project in any district providing benefits is eligible for the following incentives:
1. A reduction in the minimum required number of off-street parking spaces up to 25 percent.
 2. Incentives described in Section 26-22.060 (Development Incentives).
- E. **Available Incentives – Downtown Mixed Use District.** A proposed project in the Downtown Mixed Use district providing benefits is eligible for an increase in the maximum permitted floor area ratio (FAR) of up to 3.5. This incentive is in addition to the incentives for all districts listed in section (D) above.
- F. **Relationship to State Density Bonus Law.** The incentives allowed by this section are in addition to any development incentive required by Section 65915 of the California Government Code or Section 26-22 (Residential Density Bonus) of Oroville’s Zoning Code.
- G. **Permits Required.**
1. A Conditional Use Permit is required for an applicant to receive incentives in exchange for benefits. The City recommends that an applicant requests a pre-application hearing with the Development Review Committee to receive non-binding input as to whether the request for incentives is worthy of consideration.
 2. Applicants requesting incentives shall submit the following information as part of the Conditional Use Permit application:
 - a. A description of the proposed amenities and how they will benefit the community.
 - b. All information needed by the Planning Commission to make the required findings described in Section H (Findings) below, including a pro forma analysis demonstrating that the economic value of the proposed amenities is equal to or greater than the economic value of the requested incentives.
 - c. A description of the incentives being requested.
- H. **Findings.** The Planning Commission may approve the requested incentives only if the following findings can be made in addition to the findings required by Section 26-50.010 (Use Permits):
1. The proposed amenities will provide a substantial benefit to the community and advance the goals of the General Plan.
 2. There are adequate public services and infrastructure to accommodate the increased development potential provided by the incentive.
 3. The economic value to the community of the proposed amenities is equal to or greater than the economic value of the requested incentive.

ARTICLE III. ZONING DISTRICTS

Section 26-30 – Residential Districts	163
26-30.010	Allowed Uses in Residential Districts.....163
26-30.020	Development Standards for Residential Districts163
26-30.030	UR-10: Urban Reserve 10 Acres.....168
26-30.040	UR-5: Urban Reserve 5 Acres.....168
26-30.050	RA: Agricultural Residential.....168
26-30.060	RR-1: Rural Residential 1 Acre.....169
26-30.070	RR-20: Rural Residential 20,000 Square Feet.....169
26-30.080	RR-10: Rural Residential 10,000 Square Feet.....169
26-30.090	RL: Large-Lot Residential.....169
26-30.100	R-1: Single-Family Residential.....170
26-30.110	R-2: Medium-Density Residential.....170
26-30.120	R-3: High-Density Residential.....170
26-30.130	R-4: Urban-Density Residential.....171
26-30.140	RP: High-Density Residential/Professional.....171
Section 26-33 – Commercial Districts	173
26-33.010	Allowed Uses in Commercial Districts.....173
26-33.020	Development Standards for Commercial Districts.....178
26-33.030	CN: Neighborhood Commercial.....178
26-33.040	C-1: Limited Commercial.....179
26-33.050	C-2: Intensive Commercial.....179
26-33.060	CH: Highway Commercial Corridor.....179
26-33.070	CLM: Commercial/Light Manufacturing.....180
26-33.080	OF: Office.....180
Section 26-34 – Mixed-Use Districts	181
26-34.010	Intent of Mixed-Use Districts.....181
26-34.020	Allowed Uses in Mixed-Use Districts.....181
26-34.030	Downtown Mixed-Use Development Standards.....186
26-34.040	Neighborhood and Corridor Mixed-Use Development Standards.....190
Section 26-36 – Industrial Districts	193
26-36.010	Allowed Uses in Industrial Districts.....193
26-36.020	Development Standards for Industrial Districts.....196
26-36.030	ABP: Airport Business Park.....197
26-36.040	M-1: Limited Industrial.....197
26-36.050	M-2: Intensive Industrial.....198
Section 26-39 – Special Purpose Districts	199
26-39.010	Allowed Uses in Special Purpose Districts.....199
26-39.020	PQ: Public or Quasi-Public Facilities.....201
26-39.030	Open Space.....201

Section 26-42 – Overlay Districts203

26-42.010 General Provisions for Overlay Districts.....203

26-42.020 HD-O: Hillside Development Overlay203

26-42.030 PD-O: Planned Development Overlay205

26-42.035 Martin Ranch Planned Development Overlay (MRPD-O)209

26-42.040 DH-O: Downtown Historic Overlay225

26-42.050 AIA-O: Airport Influence Area Overlay.....229

26-42.060 MS-O: Mini-Storage Overlay243

26-42.070 C-O: Conditional Overlay.....245

26-42.080 F-O: Foothill Overlay246

26-42.090 UA-O: Unique Agriculture Overlay.....246

26-42.100 PO-O: Professional Office Overlay.....248

26-42.110 ACE-O: Arts, Culture, and Entertainment Overlay249

Section 26-30 – RESIDENTIAL DISTRICTS

26-30.010	Allowed Uses in Residential Districts
26-30.020	Development Standards for Residential Districts
26-30.030	UR-10: Urban Reserve 10 Acres
26-30.040	UR-5: Urban Reserve 5 Acres
26-30.050	RA: Agricultural Residential
26-30.060	RR-1: Rural Residential 1 Acre
26-30.070	RR-20: Rural Residential 20,000 Square Feet
26-30.080	RR-10: Rural Residential 10,000 Square Feet
26-30.090	RL: Large-Lot Residential
26-30.100	R-1: Single-Family Residential
26-30.110	R-2: Medium-Density Residential
26-30.120	R-3: High-Density Residential
26-30.130	R-4: Urban-Density Residential
26-30.140	RP: High-Density Residential/Professional

26-30.010 Allowed Uses in Residential Districts

The uses allowed in residential districts shall be as shown in Table 26-30.010-1. These uses include:

- A. **Permitted Use (P).** Uses that are shown with a “P” shall be permitted, subject to obtaining a zoning clearance, as provided in Section 26-50.030 (Zoning Clearances) of this chapter, as well as any building permits or other permits required by this Code.
- B. **Administrative Permit Required (AP).** Uses that are shown with an “AP” shall be subject to obtaining an administrative permit, as provided in Section 26-50.020 (Administrative Permits) of this chapter.
- C. **Use Permit Required (UP).** Uses that are shown with a “UP” shall be subject to obtaining a use permit, as provided in Section 26-50.010 (Use Permits) of this chapter.
- D. **Use-Specific Regulations (S).** Uses that are shown with an “S” shall be subject to permit requirements as provided in the specific regulations for that use. The table indicates where the use-specific regulations are located in this Code.
- E. **Use Not Allowed (-).** Uses that are shown with a “-”, or that are not listed, shall not be allowed, except as provided in Sections 26-10.090 and 26-50.090 of this chapter.

26-30.020 Development Standards for Residential Districts

Development standards for residential districts shall be as shown in Table 26-30.020-1 and Table 26-30.020-2.

TABLE 26-30.010-1: ALLOWED USES IN RESIDENTIAL DISTRICTS

Land Use	Key P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed												
	Zoning Districts												Use-Specific Regulations
	UR-10	UR-5	RA	RR-1	RR-20	RR-10	RL	R-1	R-2	R-3	R-4	RP	
Public Assembly													
Library or museum	-	-	P	P	P	P	P	P	P	P	P	P	-
Meeting facility-10,000 square feet or less of gross floor area	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	-
Meeting facility-more than 10,000 square feet of gross floor area	-	-	-	-	-	-	-	UP	UP	UP	UP	UP	-
Park or playground	-	-	P	P	P	P	P	P	P	P	P	P	-
School, private-elementary, middle or high school	-	-	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	-
School, public	-	-	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	-
Residential													
Animal keeping, noncommercial	P	P	P	P	P	P	P	P	P	P	P	P	26-16.120 (Animal Keeping)
Boardinghouse	-	-	-	-	-	-	-	-	-	UP	UP	UP	-
Duplex	-	-	-	-	-	-	-	-	P	P	P	P	-
Emergency shelter	-	-	-	-	-	-	-	-	-	P	P	-	26-16.240 (Emergency Shelters)
Family day care, large	S	S	S	S	S	S	S	S	S	S	S	S	26-16.050 (Family Day Care Homes)
Family day care, small	P	P	P	P	P	P	P	P	P	P	P	P	26-16.050 (Family Day Care Homes)
Home occupation, low-impact	P	P	P	P	P	P	P	P	P	P	P	P	26-16.040 (Home Occupation)
Home occupation, moderate-impact	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	26-16.040 (Home Occupation)
Mobile home park	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	-
Multiple-family dwellings	-	-	-	-	-	-	-	-	P	P	P	P	-
Residential care facility-6 units or fewer	P	P	P	P	P	P	P	P	P	P	P	P	-
Residential care facility-7 units or more	-	-	-	-	-	-	-	-	-	UP	UP	-	-
Second dwelling unit	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	26-16.010 (Second Dwelling Units)
Single-family dwelling, attached	-	-	-	-	-	-	-	-	P	P	P	P	-

Land Use	Key P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed												
	Zoning Districts												Use-Specific Regulations
	UR-10	UR-5	RA	RR-1	RR-20	RR-10	RL	R-1	R-2	R-3	R-4	RP	
Single-family dwelling, detached	P	P	P	P	P	P	P	P	P	-	-	P	-
Single-family manufactured home not on permanent foundation	P	P	-	-	-	-	-	-	-	-	-	-	-
Single-family manufactured home on permanent foundation	P	P	P	P	P	P	P	P	P	P	P	P	-
Single-room occupancy	-	-	-	-	-	-	-	-	-	UP	UP	-	-
Temporary use of mobile home or recreational vehicle as single-family dwelling unit	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	26-16.060 (Temporary Uses and Buildings)
Transitional housing	-	-	-	-	-	-	-	-	-	UP	UP	-	-
Services													
Animal grooming	-	-	-	-	-	-	-	-	-	-	-	UP	26-16.120 (Animal Keeping)
Bed and breakfast	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	-
Child day care center	-	-	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	-
Marijuana Dispensary	-	-	-	-	-	-	-	-	-	-	-	-	-
Mortuary	-	-	-	-	-	-	-	-	-	-	-	UP	-
Office-professional	-	-	-	-	-	-	-	-	-	-	-	P	-
Outpatient services	-	-	-	-	-	-	-	-	-	-	-	-	-
Substance abuse counseling	-	-	-	-	-	-	-	-	-	-	-	-	-
Temporary uses	S	S	S	S	S	S	S	S	S	S	S	S	26-16.060 (Temporary Uses and Buildings)
Local Food Uses													
Agriculture	P	P	P	-	-	-	-	-	-	-	-	-	26-16.100 (Agricultural Uses)
Neighborhood food and beverage sales	AP	-	-	-	-	-	AP	AP	AP	AP	AP	AP	26.16.210 (Cottage Food Operations)
Urban agriculture	S	S	S	S	S	S	S	S	S	S	S	S	26-16.230 (Urban Agriculture)

Land Use	Key												
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed												
	Zoning Districts												Use-Specific Regulations
UR-10	UR-5	RA	RR-1	RR-20	RR-10	RL	R-1	R-2	R-3	R-4	RP		
Transportation and Infrastructure													
Public safety facility	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	-
Solar energy system, Tier 1	P	P	P	P	P	P	P	P	P	P	P	P	26-16.180 (Solar Energy Systems)
Solar energy system, Tier 2	-	-	-	-	-	-	-	-	-	UP	UP	UP	26-16.180 (Solar Energy Systems)
Solar energy system, Tier 3	-	-	-	-	-	-	-	-	-	-	-	-	26-16.180 (Solar Energy Systems)
Utility building or substation	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	-

(Ord.1763, Ord.1775, Ord.1778, Ord.1784)

TABLE 26-30.020-1: DEVELOPMENT STANDARDS FOR UR-10, UR-5, RA, RR-1, RR-20 AND RR-10 DISTRICTS

Development Standard	Zoning Districts					
	UR-10	UR-5	RA	RR-1	RR-20	RR-10
Lot Area, Minimum	10 acres [1]	5 acres [2]	2 acres	1 acre	20,000 sq.ft.	10,000 sq.ft.
Lot Width, Minimum	330 feet	250 feet	150 feet	125 feet	100 feet	80 feet
Height, Maximum [3]	40 feet	40 feet	40 feet	40 feet	40 feet	35 feet
Setbacks, Minimum						
Front	20 feet [4]	20 feet [4]	20 feet [4]	20 feet [4]	20 feet [4]	20 feet [4]
Side	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Rear	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Site Coverage, Maximum	20,000 sq.ft.	15,000 sq.ft.	12,000 sq.ft.	10,000 sq.ft.	40 percent or 8,000 sq.ft., whichever is greater	40 percent or 6,000 sq.ft., whichever is greater

[1] See Section 26-30.020 (Development Standards for Residential Districts) for additional provisions regarding the measurement of lot area.

[2] See Section 26-30.030 (UR-10: Urban Reserve 10 Acres) for additional provisions regarding the measurement of lot area.

[3] Maximum heights apply to main buildings or structures. Height restrictions for accessory structures are in Section 26.13.030 (Height Limits).

[4] See Section 26-13.040 (Setback Requirements) for additional provisions regarding setbacks.

(Ord. 1769)

TABLE 26-30.020-2: DEVELOPMENT STANDARDS FOR RL, R-1, R-2, R-3, R-4 & RP DISTRICTS

Development Standard	Zoning Districts					
	RL	R-1	R-2	R-3	R-4	RP
Lot Area, Minimum						
Interior lot	8,000 sq.ft.	5,000 sq.ft. [2]	3,000 sq.ft. [2]	2,200 sq.ft. [2]	2,000 sq.ft. [2]	2,200 sq.ft. [2]
Corner lot	8,000 sq.ft.	6,000 sq.ft. [2]	4,000 sq.ft. [2]	3,000 sq.ft. [2]	2,500 sq.ft. [2]	3,000 sq.ft. [2]
Density, Minimum	—	—	—	As specified in General Plan	As specified in General Plan	As specified in General Plan
Lot Width, Minimum						
Interior lot	80 feet	50 feet	40 feet	35 feet	30 feet	35 feet
Corner lot	80 feet	60 feet	50 feet	45 feet	40 feet	45 feet
Height, Maximum [3]	30 feet	30 feet	35 feet	45 feet	50 feet	45 feet
Setbacks, Minimum [1]						
Front	20 feet	15 feet; 20 feet for garages	10 feet; 20 feet for garages			
Side, interior lot	5 feet ⁴					
Side, corner lot	5 feet; 10 feet along any street frontage [4]	5 feet; 10 feet along any street frontage [4]	5 feet; 10 feet along any street frontage [4]	5 feet; 10 feet along any street frontage [4]	5 feet; 10 feet along any street frontage [4]	5 feet; 10 feet along any street frontage [4]
Rear	20 feet					
Minimum distance between detached buildings in dwelling group	—	—	10 feet	10 feet	10 feet	10 feet
Site Coverage, Maximum	40 percent	50 percent [5]	60 percent	65 percent	70 percent	65 percent
Courtyards, Minimum Width						
Enclosed by buildings on no more than 2 sides	—	—	10 feet	10 feet	10 feet	10 feet
Enclosed by buildings on 3 or more sides	—	—	20 feet	20 feet	20 feet	20 feet

[1] See Section 26-13.040 (Setback Requirements) for additional provisions regarding setbacks.

[2] The number of dwelling units constructed on a site shall not exceed the density permitted by the applicable General Plan land use designation, except in cases where State law provides an exemption from this requirement, including second dwelling units and density bonus units.

[3] Maximum heights apply to main buildings or structures. Height restrictions for accessory structures are in Section 26.13.030 (Height Limits).

[4] Where a side setback area provides access to a dwelling group, the minimum required side setback shall be 12 feet.

[5] For sites in R-1 districts with less than the minimum lot area, the maximum site coverage shall be 2,000 square feet. (Ord. 1769)

26-30.030 UR-10: Urban Reserve 10 Acres

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in a UR-10 district:

- A. **Intent.** To retain land for the future growth of the City that may also be used for residential and agricultural purposes.
- B. **Use Regulations.** The allowed uses in UR-10 districts shall be as specified in Section 26-30.010 (Allowed Uses in Residential Districts) of this chapter.
- C. **Development Standards.**
 - 1. The development standards in UR-10 districts shall be as specified in Section 26-30.020 (Development Standards for Residential Districts) of this chapter.
 - 2. In UR-10 districts, the lot area shall include detention basins, as well as the area between any lot line and the centerline of an adjacent street right-of-way.

26-30.040 UR-5: Urban Reserve 5 Acres

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in a UR-5 district:

- A. **Intent.** To retain land for the future growth of the City that may also be used for residential and agricultural purposes.
- B. **Use Regulations.** The allowed uses in UR-5 districts shall be as specified in Section 26-30.010 (Allowed Uses in Residential Districts) of this chapter.
- C. **Development Standards.**
 - 1. The development standards in UR-5 districts shall be as specified in Section 26-30.020 (Development Standards for Residential Districts) of this chapter.
 - 2. In UR-5 districts, the lot area shall include detention basins, as well as the area between any lot line and the centerline of an adjacent street right-of-way.

26-30.050 RA: Agricultural Residential

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in an RA district:

- A. **Intent.** To provide areas within the City where development is limited to provide areas conducive to agricultural uses.
- B. **Use Regulations.** The allowed uses in RA districts shall be as specified in Section 26-30.010 (Allowed Uses in Residential Districts) of this chapter.
- C. **Development Standards.** The development standards in RA districts shall be as specified in Section 26-30.020 (Development Standards for Residential Districts) of this chapter.

26-30.060 RR-1: Rural Residential 1 Acre

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in an RR-1 district:

- A. **Intent.** To provide an environment conducive to rural living by limiting development to low-density concentrations of single-family dwellings on large parcels of land.
- B. **Use Regulations.** The allowed uses in RR-1 districts shall be as specified in Section 26-30.010 (Allowed Uses in Residential Districts) of this chapter.
- C. **Development Standards.** The development standards in RR-1 districts shall be as specified in Section 26-30.020 (Development Standards for Residential Districts) of this chapter.

26-30.070 RR-20: Rural Residential 20,000 Square Feet

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in an RR-20 district:

- A. **Intent.** To provide an environment conducive to rural living by limiting development to low density concentrations of single-family dwellings on large parcels of land.
- B. **Use Regulations.** The allowed uses in RR-20 districts shall be as specified in Section 26-30.010 (Allowed Uses in Residential Districts) of this chapter.
- C. **Development Standards.** The development standards in RR-20 districts shall be as specified in Section 26-30.020 (Development Standards for Residential Districts) of this chapter.

26-30.080 RR-10: Rural Residential 10,000 Square Feet

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in an RR-10 district:

- A. **Intent.** To provide an environment conducive to rural living by limiting development to low-density concentrations of single-family dwellings on large parcels of land.
- B. **Use Regulations.** The allowed uses in RR-10 districts shall be as specified in Section 26-30.010 (Allowed Uses in Residential Districts) of this chapter.
- C. **Development Standards.** The development standards in RR-10 districts shall be as specified in Section 26-30.020 (Development Standards for Residential Districts) of this chapter.

26-30.090 RL: Large-Lot Residential

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in an RL district:

- A. **Intent.** To provide living areas within the City where development provides for low density concentrations of single-family dwellings or mobile homes.

- B. **Use Regulations.** The allowed uses in RL districts shall be as specified in Section 26-30.010 (Allowed Uses in Residential Districts) of this chapter.
- C. **Development Standards.** The development standards in RL districts shall be as specified in Section 26-30.020 (Development Standards for Residential Districts) of this chapter.

26-30.100 R-1: Single-Family Residential

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in an R-1 district:

- A. **Intent.** To provide living areas within the City where development is limited to low densities, either as part of a conventional subdivision or in other forms such as a cluster development, and where regulations are designed to promote and encourage a suitable environment for family living; provide open space for community facilities needed to complement urban residential areas; and provide opportunities for housing in varied types and styles.
- B. **Use Regulations.** The allowed uses in R-1 districts shall be as specified in Section 26-30.010 (Allowed Uses in Residential Districts) of this chapter.
- C. **Development Standards.** The development standards in R-1 districts shall be as specified in Section 26-30.020 (Development Standards for Residential Districts) of this chapter.

26-30.110 R-2: Medium-Density Residential

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in an R-2 district:

- A. **Intent.** To provide living areas within the City where development provides for medium-density concentrations of dwelling units in varying housing types and styles.
- B. **Use Regulations.** The allowed uses in R-2 districts shall be as specified in Section 26-30.010 (Allowed Uses in Residential Districts) of this chapter.
- C. **Development Standards.** The development standards in R-2 districts shall be as specified in Section 26-30.020 (Development Standards for Residential Districts) of this chapter.

26-30.120 R-3: High-Density Residential

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in an R-3 district:

- A. **Intent.** To provide living areas within the City where development provides for high-density concentrations of dwelling units in various types and styles of housing.
- B. **Use Regulations.** The allowed uses in R-3 districts shall be as specified in Section 26-30.010 (Allowed Uses in Residential Districts) of this chapter.

- C. **Development Standards.** The development standards in R-3 districts shall be as specified in Section 26-30.020 (Development Standards for Residential Districts) of this chapter.

26-30.130 R-4: Urban-Density Residential

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in an R-4 district:

- A. **Intent.** To provide living areas within the City where development provides for very high-density concentrations of dwelling units in various types and styles of housing.
- B. **Use Regulations.** The allowed uses in R-4 districts shall be specified in Section 26-30.010 (Allowed Uses in Residential Districts) of this chapter.
- C. **Development Standards.** The development standards in R-4 districts shall be as specified in Section 26-30.020 (Development Standards for Residential Districts) of this chapter.

26-30.140 RP: High-Density Residential/Professional

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in an RP district:

- A. **Intent.** This district is intended to provide opportunities for the location of professional offices in close relationship to one another and to residential neighborhoods.
- B. **Use Regulations.** The allowed uses in RP districts shall be as specified in Section 26-30.010 (Allowed Uses in Residential Districts) of this chapter.
- C. **Development Standards.** The development standards in RP districts shall be as specified in Section 26-30.020 (Development Standards for Residential Districts) of this chapter.

Section 26-33 – COMMERCIAL DISTRICTS

- 26-33.010 Allowed Uses in Commercial Districts
- 26-33.020 Development Standards for Commercial Districts
- 26-33.030 CN: Neighborhood Commercial
- 26-33.040 C-1: Limited Commercial
- 26-33.050 C-2: Intensive Commercial
- 26-33.060 CH: Highway Commercial Corridor
- 26-33.070 CLM: Commercial/Light Manufacturing
- 26-33.080 OF: Office

26-33.010 Allowed Uses in Commercial Districts

The uses allowed in commercial district shall be as shown in Table 26-33.010-1. These uses include:

- A. **Permitted Use (P).** Uses that are shown with a “P” shall be permitted, subject to obtaining a zoning clearance, as provided in Section 26-50.030 (Zoning Clearances) of this chapter, as well as any building permits or other permits required by this Code.
- B. **Administrative Permit Required (AP).** Uses that are shown with an “AP” shall be subject to obtaining an administrative permit, as provided in Section 26-50.020 (Administrative Permits) of this chapter.
- C. **Use Permit Required (UP).** Uses that are shown with a “UP” shall be subject to obtaining a use permit, as provided in Section 26-50.010 (Use Permits) of this chapter.
- D. **Use-Specific Regulations (S).** Uses that are shown with an “S” shall be subject to permit requirements as provided in the specific regulations for that use. The table indicates where the use-specific regulations are located in this Code.
- E. **Use Not Allowed (-).** Uses that are shown with a “-”, or that are not listed, shall not be allowed, except as provided in Sections 26-10.090 (Interpretation Regarding Allowable Uses of Land) and 26-50.090 (Nonconforming Uses and Structures) of this chapter.

TABLE 26-33.010-1: ALLOWED USES IN COMMERCIAL DISTRICTS

	Key						
	P Permitted use, subject to zoning clearance						
	AP Administrative permit required						
UP Use permit required							
S See use-specific regulations for permit requirement							
- Use not allowed							
Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Local Food Uses							
Neighborhood Food and Beverage Sales	AP	AP	AP	AP	AP	AP	26-16.210 (Cottage Food Operations)

Land Use	Key							Use-Specific Regulations
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed							
	Zoning Districts							
	CN	C-1	C-2	CH	CLM	OF		
Urban Agriculture	S	S	S	S	S	S	26-16.210 (Cottage Food Operations)	
Public Assembly								
Carnival, circus or fair	AP	AP	AP	AP	AP	UP	26-16.060 (Temporary Uses and Buildings)	
Commercial recreational facility-indoor, 10,000 square feet or less of gross floor area	UP	P	P	P	UP	-	-	
Commercial recreational facility-indoor, more than 10,000 square feet of gross floor area	-	UP	P	UP	UP	-	-	
Commercial recreational facility-outdoor	-	UP	P	-	UP	-	-	
Concert or performance	AP	AP	AP	AP	AP	-	26-16.060 (Temporary Uses and Buildings)	
Library or museum	-	UP	UP	UP	UP	UP	-	
Meeting facility-10,000 square feet or less of gross floor area	P	P	P	UP	UP	P	-	
Meeting facility-more than 10,000 square feet of gross floor area	-	UP	P	-	UP	UP	-	
Park or playground	UP	UP	UP	UP	UP	UP	-	
School, public	-	P	P	UP	UP	UP	-	
School, private	-	P	P	-	-	UP	-	
Training facility	-	UP	UP	-	-	UP	-	
Residential								
Caretaker residence	UP	UP	UP	UP	UP	-	-	
Family day care, large	S	S	S	S	S	-	26-16.050 (Family Day Care Homes)	
Family day care, small	P	P	P	P	P	-	26-16.050 (Family Day Care Homes)	
Home occupation, low-impact	P	P	P	-	-	-	26-16.040 (Home Occupations)	
Home occupation, moderate-impact	AP	AP	AP	-	-	-	26-16.040 (Home Occupations)	
Residential care facility – 6 units or fewer	P	P	P	P	P	-	-	
Residential care facility – 7 units or more	-	-	-	-	-	-	-	
Retail								
Alcoholic beverage sales	UP	UP	UP	-	-	-	-	
Building supply	-	-	P	-	P	-	-	

Land Use	Key						
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed						
	Zoning Districts						Use-Specific Regulations
CN	C-1	C-2	CH	CLM	OF		
Equipment and machinery sales or rental	-	-	P	-	P	-	-
Drive-through establishment-pharmacy	P	P	P	P	P	-	26-16.080 (Drive-Through Establishments)
Drive-through establishment-all other uses	UP	UP	UP	UP	UP	-	26-16.080 (Drive-Through Establishments)
Farmers' market	AP	AP	AP	AP	AP	AP	26-16.060 (Temporary Uses and Buildings)
Food and beverage sales – 10,000 square feet or less of gross floor area	P	P	P	P	P	-	-
Food and beverage sales – 10,001 to 40,000 feet of gross floor area	UP	P	P	UP	-	-	-
Food and beverage sales – more than 40,000 square feet of gross floor area	-	P	P	UP	-	-	-
Funeral merchandise sales	-	UP	UP	-	-	UP	-
Gas station	-	UP	P	P	P	-	26-16.070 (Gas Stations)
General retail-10,000 square feet or less of gross floor area	P	P	P	P	P	-	-
General retail-10,001 to 40,000 feet of gross floor area	UP	P	P	UP	P	-	-
General retail-more than 40,000 square feet of gross floor area	-	UP	P	UP	UP	-	-
Marijuana dispensary	-	-	-	-	-	-	-
Mobile food vendor	AP	AP	AP	AP	AP	AP	26-16.150 (Mobile Food Vending)
Pet store	UP	UP	UP	-	-	-	26-16.120 (Animal Keeping)
Plant nursery or garden supply store	UP	P	P	P	-	-	-
Restaurant or café	P	P	P	P	P	-	-
Seasonal holiday agricultural sales	AP	AP	AP	AP	AP	-	26-16.060 (Temporary Uses and Buildings)
Shopping center	UP	UP	P	UP	UP	-	-
Smoke Shop	UP	UP	UP	UP	UP	UP	26-16.190 (Smoke Shops)
Vehicle sales-automobile, new	-	UP	P	UP	P	-	-
Vehicle sales-all other	-	-	UP	UP	UP	-	-
Services							
Animal grooming	UP	UP	UP	-	-	-	26-16.120 (Animal Keeping)

Land Use	Key						
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed						
	Zoning Districts						Use-Specific Regulations
CN	C-1	C-2	CH	CLM	OF		
Animal keeping, noncommercial	P	P	P	P	P	-	26-16.120 (Animal Keeping)
Bank or financial service	P	P	P	-	P	P	-
Bed and breakfast	UP	P	P	P	-	-	-
Business support service	P	P	P	P	P	P	-
Car wash	-	UP	P	P	P	-	26-16.090 (Car and Vehicle Washes)
Catering service	-	P	P	-	P	-	-
Child day care center	P	P	P	UP	UP	-	-
Gym	P	P	P	-	P	-	-
Hospital	-	UP	UP	-	-	-	-
Hotel or motel	-	UP	P	UP	UP	-	-
Instructional or production studio	P	P	P	-	P	P	-
Kennel	-	-	UP	-	UP	-	26-16.120 (Animal Keeping)
Mortuary	-	UP	UP	UP	P	UP	-
Office – professional	P	P	P	-	P	P	-
Office – all other	P	P	P	-	P	P	-
Outpatient services	UP	P	P	-	-	-	-
Personal services – low-impact	P	P	P	P	P	-	-
Personal services – moderate-impact	UP	UP	UP	UP	UP	-	-
Recreational vehicle (RV) park	-	-	UP	P	UP	-	-
Substance abuse counseling	-	-	P	-	P	-	-
Temporary real estate office	AP	AP	AP	AP	AP	AP	26-16.060 (Temporary Uses and Buildings)
Temporary uses not listed here	S	S	S	S	S	S	26-16.060 (Temporary Uses and Buildings)
Veterinarian	UP	UP	P	-	P	-	26-16.120 (Animal Keeping)
Manufacturing, Wholesale, Repair and Storage							
Food or beverage production	-	UP	UP	-	UP	-	-
Landscape material sales	-	UP	UP	-	P	-	-

Land Use	Key						
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed						
	Zoning Districts						Use-Specific Regulations
CN	C-1	C-2	CH	CLM	OF		
Manufacturing – 20,000 square feet or less of gross floor area	-	UP	P	-	P	P	-
Manufacturing – more than 20,000 square feet of gross floor area	-	-	UP	-	UP	UP	-
Metalwork – 20,000 square feet or less of gross floor area	-	UP	UP	P	P	UP	-
Metalwork – more than 20,000 square feet of gross floor area	-	-	UP	UP	UP	UP	-
Mini-storage facility	S	S	S	-	S	-	26-42.060 (Temporary Uses and Buildings)
Outdoor storage – 250 square feet or less	P	P	P	P	P	P	26-16.140 (Outdoor Storage)
Outdoor storage – more than 250 square feet	UP	UP	P	UP	P	UP	26-16.140 (Outdoor Storage)
Recycling facility or center	-	UP	P	-	P	-	-
Repair service, large equipment-20,000 square feet or less of gross floor area	UP	UP	P	P	P	-	-
Repair service, large equipment-more than 20,000 square feet of gross floor area	-	-	UP	UP	UP	-	-
Repair service, small appliances	P	P	P	-	P	-	-
Research laboratories	-	-	UP	-	UP	UP	-
Scrap or dismantling yard	-	-	-	-	UP	-	-
Vehicle service or repair	-	UP	P	P	P	-	-
Warehousing	-	-	-	-	P	-	-
Transportation and Infrastructure							
Parking garage or lot as primary use	UP	UP	P	-	UP	UP	-
Public safety facility	UP	UP	UP	UP	UP	UP	-
Solar energy system, Tier 1	P	P	P	P	P	P	26-16.180 (Solar Energy Systems)
Solar energy system, Tier 2	AP	AP	AP	AP	AP	AP	26-16.180 (Solar Energy Systems)
Solar energy system, Tier 3	UP	UP	UP	UP	UP	UP	26-16.180 (Solar Energy Systems)
Utility building or substation	P	P	P	P	P	P	-
Vehicle depot	-	-	UP	-	UP	-	-

(Ord. 1763, Ord. 1769, Ord. 1775, Ord. 1778, Ord. 1784)

26-33.020 Development Standards for Commercial Districts

Development standards for commercial and districts shall be as shown in Table 26-33.020-1.

TABLE 26-33.020-1: DEVELOPMENT STANDARDS FOR COMMERCIAL DISTRICT

Development Standard	Zoning Districts					
	CN	C-1	C-2	CH	CLM	OF
Lot Area, Minimum						
Interior lot	6,000 sq.ft.	None	None	6,000 sq.ft.	None	None
Corner lot	7,000 sq.ft.	None	None	7,000 sq.ft.	None	None
Residential Density, Minimum and Maximum	-	-	-	-	-	-
Lot Width, Minimum						
Interior lot	50 feet	None	None	60 feet	None	None
Corner lot	60 feet	None	None	70 feet	None	None
Height, Maximum [1]	40 feet	60 feet	60 feet	40 feet	60 feet	60 feet
Setbacks, Minimum, for All Other Development [2]						
Front	None, except as required in [3] and [4]					
Side, interior lot	None, except as required in [5] and [6]					
Side, corner lot	None, except 10 feet along any street frontage and as required in [5] and [6]	None, except as required in [5] and [6]				
Rear	10 feet, except as required in [7]	None, except as required in [7]				
Floor Area Ratio, Maximum	0.4	0.4		0.4	0.4	0.4

[1] Maximum heights apply to main buildings or structures. Height restrictions for accessory structures are in Section 26.13.090 (Accessory Buildings and Swimming Pool). Exceptions to height standards are in Section 26-13.030 (Height Limit).

[2] See Section 26-13.040 (Setback Requirements) for additional provisions regarding setbacks.

[3] For sites that abut a residential district on any side, the front setback shall be as required in that residential district. This requirement shall not apply where a street separates the site from the residential district.

[4] The required minimum front setback along Oroville Dam Boulevard, Olive Highway, and Feather River Boulevard shall be 12 feet.

[5] Where the side of a site abuts a residential district, the required minimum setback shall be 10 feet on the side abutting the residential district.

[6] Where a side setback area provides access to a dwelling group, the required minimum side setback shall be 12 feet.

[7] The required minimum rear setback shall be 20 feet if the rear of the site abuts a residential district.

26-33.030 CN: Neighborhood Commercial

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in a CN district:

- A. Intent.** To provide convenient locations for the basic, everyday shopping and service needs of residential neighborhoods, but to avoid the development of commercial centers of such scope and variety as to attract substantial volumes of traffic from outside the neighborhood.
- B. Use Regulations.** The allowed uses in CN districts shall be as specified in Table 26-33.010-1 of this chapter.
- C. Development Standards.** The development standards in CN districts shall be as specified in Table 26-33.020-1 of this chapter.

26-33.040 C-1: Limited Commercial

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in a C-1 district:

- A. Intent.** To provide commercial areas within the City where less-intensive retail sales and service activities may be accommodated.
- B. Use Regulations.** The allowed uses in C-1 districts shall be as specified in Table 26-33.010-1 of this chapter.
- C. Development Standards.** The development standards in C-1 districts shall be as specified in Table 26-33.020-1 of this chapter.

26-33.050 C-2: Intensive Commercial

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 and the development review requirements in Section 26-53, the following provisions shall apply in a C-2 district:

- A. Intent.** To provide for more intensive commercial establishments, including those that deal in large, low-volume items and major repair services, or that require large, outdoor display and storage areas.
- B. Use Regulations.** The allowed uses in C-2 districts shall be as specified in Table 26-33.010-1 of this chapter.
- C. Development Standards.** The development standards in C-2 districts shall be as specified in Table 26-33.020-1 of this chapter.

26-33.060 CH: Highway Commercial Corridor

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in a CH district:

- A. Intent.** To provide commercial areas along major highway entrances to the City that offer personal services and conveniences to the highway's travelers.
- B. Use Regulations.** The allowed uses in CH districts shall be as specified in Table 26-33.010-1 of this chapter.

- C. Development Standards.** The development standards in CH districts shall be as specified in Table 26-33.020-1 of this chapter.

26-33.070 CLM: Commercial/Light Manufacturing

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in a CLM district:

- A. Intent.** To provide areas within the City for the manufacture, assembly, fabrication, storage and processing of materials that for the most part are already in a processed form and do not create objectionable influences upon surrounding uses. This district is intended to incorporate intensive commercial uses, as well as the light industrial uses that are necessary for the overall welfare of the community.
- B. Use Regulations.** The allowed uses in CLM districts shall be as specified in Table 26-33.010-1 of this chapter.
- C. Development Standards.** The development standards in CLM districts shall be as specified in Table 26-33.020-1 of this chapter.

26-33.080 OF: Office

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review):

- A. Intent.** To accommodate employment-generating uses that have minimal adverse impacts upon the residential character of immediately adjacent neighborhoods.
- A. Use Regulations.** The allowed uses in OF districts shall be as specified in Table 26-33.010-1 of this chapter.
- B. Development Standards.** The development standards in OF districts shall be as specified in Table 26-33.020-1 of this chapter.

Section 26-34 – MIXED-USE DISTRICTS

- 26-34.010 Intent of Mixed-Use Districts
- 26-34.020 Allowed Uses in Mixed-Use Districts
- 26-34.030 Downtown Mixed-Use Development Standards
- 26-34.040 Neighborhood and Corridor Mixed-Use Development Standards

26-34.010 Intent of Mixed-Use Districts

The intent of the mixed-use districts is to be developed with live-work places for individuals to establish a business with associated residential unit(s). A mixed-use development may include vertical mixed use, with residential units located above non-residential uses, as well as horizontal mixed use, with residential units located behind non-residential uses. The mixed-use districts are as follows:

- A. **MXD: Downtown Mixed-Use.** To strengthen Downtown Oroville as a pedestrian-oriented activity center with a diversity of commercial, employment, and residential uses.
- B. **MXN: Neighborhood Mixed-Use.** To allow for a mixture of retail, personal service, and residential uses that serve neighborhood residents and strengthen community connections.
- C. **MXC: Corridor Mixed-Use.** To support an integrated and attractive network of commercial, employment, and residential uses along Oroville’s major thoroughfares.

26-34.020 Allowed Uses in Mixed-Use Districts

Table 26-34.020-1 shows the uses allowed in the mixed-use districts. These uses include:

- A. **Permitted Use (P).** Uses shown with a “P” are permitted by-right with zoning clearance approval. See Section 26-50.030 (Zoning Clearances).
- B. **Administrative Permit Required (AP).** Uses shown with an “AP” require an administrative permit. See Section 26-50.020 (Administrative Permits).
- C. **Use Permit Required (UP).** Uses shown with a “UP” require a use permit. See Section 26-50.010 (Use Permits).
- D. **Use-Specific Regulations (S).** Uses shown with an “S” must comply with specific regulations for that use. The table identifies the section number for the use-specific regulations.
- E. **Use Not Allowed (—).** Uses shown with a “—” or that are not listed, are not allowed.

TABLE 26-34.020-1: ALLOWED USES IN MIXED-USE DISTRICTS

Land Use	Key:			
	P Permitted use, subject to zoning clearance			
	AP Administrative permit required			
UP Use permit required				
S See use-specific regulations for permit requirement				
- Use not allowed				
Zoning Districts			Use-Specific Regulations	
MXD	MXN	MXC		
Local Food Uses				
Neighborhood Food and Beverage Sales	AP	AP	AP	26.16.210 (Cottage Food Operations)
Urban Agriculture	S	S	S	26.16.220 (Urban Agriculture)
Public Assembly				
Carnival, circus or fair	AP	AP	AP	26-16.060 (Temporary Uses and Buildings)
Commercial recreational facility – indoor, 10,000 square feet or less of gross floor area	UP	UP	P	-
Commercial recreational facility – indoor, more than 10,000 square feet of gross floor area	UP	UP	UP	-
Commercial recreational facility – outdoor	-	-	UP	-
Concert or performance	AP	AP	AP	26-16.060 (Temporary Uses and Buildings)
Library or museum	UP	UP	UP	-
Meeting facility – 10,000 square feet or less of gross floor area	P	P	P	-
Meeting facility – more than 10,000 square feet of gross floor area	UP	UP	P	-
Park or playground	UP	UP	UP	-
School, public	UP	UP	UP	-
School, private	UP	UP	UP	-
Training facility	UP	UP	UP	-
Residential [1]				
Caretaker residence	UP	UP	-	-
Family day care, large	S	S	S	26-16.050 (Family Day Care Homes)
Family day care, small	P	P	P	26-16.050 (Family Day Care Homes)
Home occupation, low-impact	S	S	S	26-16.040 (Home Occupation)
Home occupation, moderate-impact	S	S	S	26-16.040 (Home Occupation)
Mixed-use development	P	P	P	26-16.030 (Mixed-Use Development)
Multiple-family dwellings [1]	-	P	P	-
Residential care facility – 6 units or fewer	P	P	P	-
Residential care facility – 7 units or more	UP	UP	-	-

TABLE 26-34.020-1: ALLOWED USES IN MIXED-USE DISTRICTS

Land Use	Key:			
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed			
	Zoning Districts			Use-Specific Regulations
MXD	MXN	MXC		
Retail				
Alcoholic beverage sales	UP	UP	UP	-
Building supply	-	-	-	-
Equipment and machinery sales or rental	-	-	-	-
Drive-through establishment – pharmacy	-	-	UP	26-16.080 (Drive-Through Establishments)
Drive-through establishment – all other uses	-	-	UP	26-16.080 (Drive-Through Establishments)
Farmers’ market	AP	AP	AP	
Food and beverage sales – 10,000 square feet or less of gross floor area	P	P	P	-
Food and beverage sales – 10,001 to 40,000 feet of gross floor area	UP	P	P	-
Food and beverage sales – more than 40,000 square feet of gross floor area	UP	UP	P	-
Funeral merchandise sales	UP	UP	UP	-
Gas station	-	-	UP	26-16.070 (Gas Stations)
General retail – 10,000 square feet or less of gross floor area	P	P	P	-
General retail – 10,001 to 40,000 feet of gross floor area	UP	P	P	-
General retail – more than 40,000 square feet of gross floor area	-	UP	UP	-
Marijuana Dispensary	-	-	-	-
Mobile food vendor	AP	AP	AP	26-16.150 (Mobile Food Vending)
Pet store	UP	UP	UP	26-16.120 (Animal Keeping)
Plant nursery or garden supply store	UP	UP	P	-
Restaurant or café	P	P	P	-
Seasonal holiday agricultural sales	AP	AP	AP	26-16.060 (Temporary Uses and Buildings)
Shopping center, 1,000 square feet or less of gross floor area	P	P	P	-
Shopping center, 1,000 square feet or greater of gross floor area	P	UP	P	
Smoke Shop	UP	UP	UP	26-36.010 (Allowed Uses in Industrial Districts)
Vehicle sales – automobile, new	-	-	P	-
Vehicle sales – all other	-	-	UP	-

TABLE 26-34.020-1: ALLOWED USES IN MIXED-USE DISTRICTS

Land Use	Key:			
	P Permitted use, subject to zoning clearance			
	AP Administrative permit required			
UP Use permit required				
S See use-specific regulations for permit requirement				
- Use not allowed				
	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Services				
Animal grooming	UP	UP	UP	26-16.120 (Animal Keeping)
Animal keeping, noncommercial	P	P	P	26-16.120 (Animal Keeping)
Bank or financial service	P	P	P	-
Bed and breakfast	P	P	P	-
Business support service	P	P	P	-
Car wash	-	UP	UP	26-16.090 (Car and Vehicle Washes)
Catering service	P	P	P	-
Child day care center	P	P	P	-
Gym	P	P	P	-
Hospital	-	-	-	-
Hotel or motel	UP	-	UP	-
Instructional or production studio	P	-	P	-
Kennel	-	-	UP	26-16.120 (Animal Keeping)
Mortuary	UP	-	UP	-
Office – professional	P	P	P	-
Office – all other	P	P	P	-
Outpatient Services	UP	UP	UP	-
Personal services – low-impact	P	P	P	-
Personal services – moderate-impact	UP	UP	UP	-
Temporary real estate office	AP	AP	AP	26-16.060 (Temporary Uses and Buildings)
Temporary uses not listed here	S	S	S	26-16.060 (Temporary Uses and Buildings)
Veterinarian	UP	UP	P	26-16.120 (Animal Keeping)
Manufacturing, Wholesale, Repair, and Storage				
Food or beverage production	UP	-	UP	-
Landscape material sales	-	-	UP	-
Manufacturing – 20,000 square feet or less of gross floor area	UP	-	UP	-
Metalwork – 10,000 square feet or less of gross floor area	UP	-	UP	-

TABLE 26-34.020-1: ALLOWED USES IN MIXED-USE DISTRICTS

Land Use	Key:			
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed			
	Zoning Districts			Use-Specific Regulations
MXD	MXN	MXC		
Mini-storage facility	-	-	-	26-42.060 (MS-O: Mini-Storage Overlay)
Outdoor storage – 250 square feet or less	-	-	P	26-16.140 (Outdoor Storage)
Outdoor storage – more than 250 square feet	UP	UP	UP	26-16.140 (Outdoor Storage)
Repair service, large equipment – 20,000 square feet or less of gross floor area	-	-	UP	-
Repair service, small appliances	P	P	P	-
Transportation and Infrastructure				
Parking garage or lot as primary use	UP	UP	UP	-
Public safety facility	UP	UP	UP	-
Solar energy system, Tier 1	P	P	P	26-16.180 (Solar Energy Systems)
Solar energy system, Tier 2	AP	AP	AP	26-16.180 (Solar Energy Systems)
Solar energy system, Tier 3	UP	UP	UP	26-16.180 (Solar Energy Systems)
Utility building or substation	P	P	P	-

[1] Residential uses in the Downtown Mixed-Use district are permitted only on upper stories above ground floor commercial uses.

26-34.030 Downtown Mixed-Use Development Standards

The standards below apply to all primary buildings in the Downtown Mixed-Use zoning district. Figure 26-34.030-1 (following page) shows the location of Primary Streets and Secondary Streets as referenced in these standards.

A. Building Form and Placement. All new buildings shall comply with the building form and placement standards in Table 26-34.030-1 and Figure 26-34.030-2.

Figure 26-34.030-2 Development Standards in the Downtown Mixed-Use District

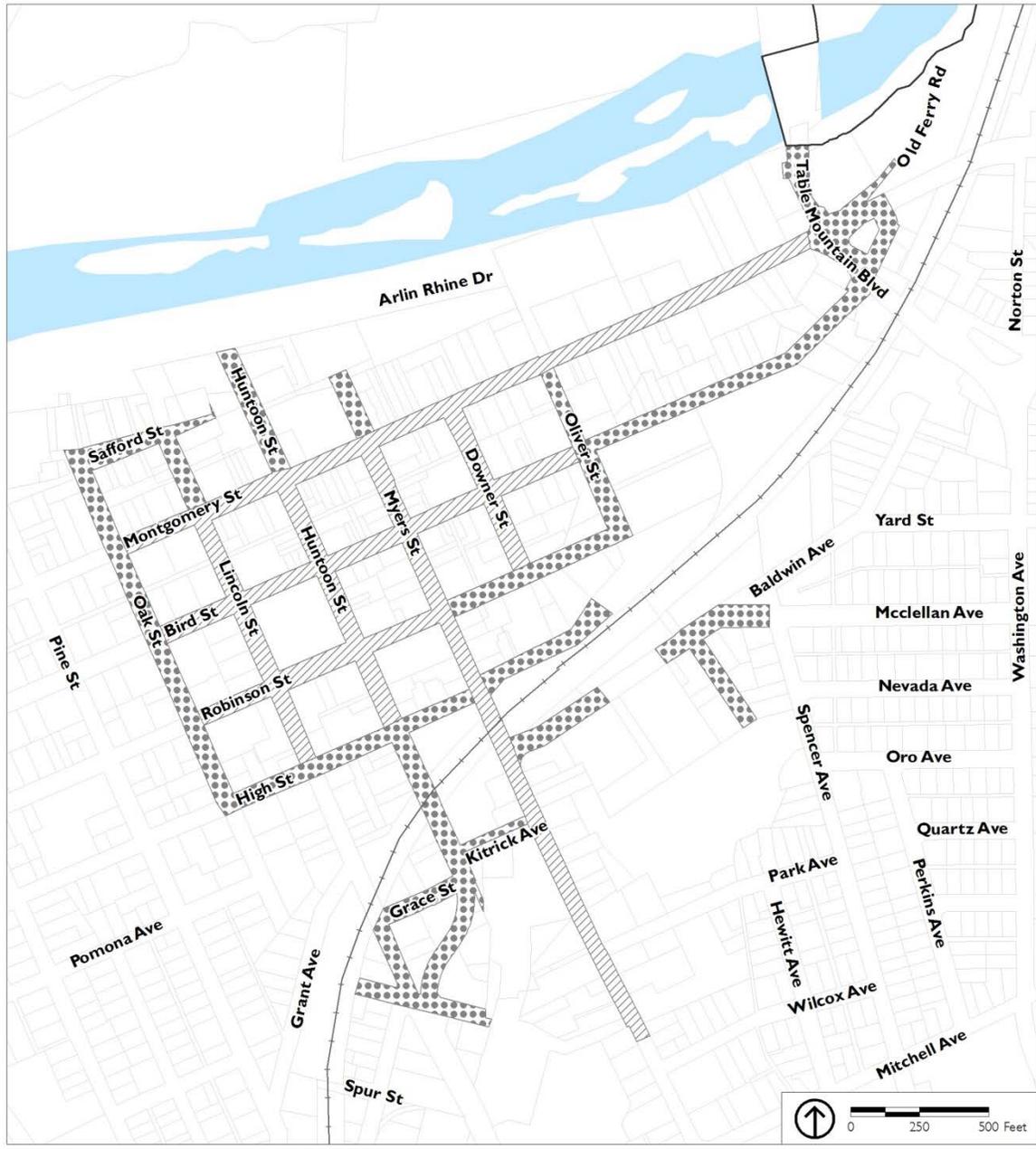


TABLE 26-34.030-1: DEVELOPMENT STANDARDS IN THE DOWNTOWN MIXED-USE DISTRICT

Building Height	A	55 ft. and four stories maximum
Upper Floor Stepbacks	B	10 ft. min. above the third floor
Ground floor Ceiling Height, Minimum	C	15 ft.
Floor Area Ratio		2.0 maximum [1]
Residential Density		70 du/acre maximum
Setbacks		
Front and Street Side	D	Buildings shall be setback from the front property line so that the combined width of the sidewalk and setback is a minimum of 10 ft. If the width of the adjacent front sidewalk is 10 ft. or greater, no front setback is required. In no case shall a building be setback more than 5 ft. from the back of the adjacent sidewalk.
Interior Side		10 ft. minimum for parcels adjacent to a residential zone; no required interior side rear setback for all other parcels
Rear	E	10 ft. minimum for parcels backing into a residential zone; no required rear setback for all other parcels

[1] A maximum FAR of 3.5 is permitted for projects that provide community benefits. See Section 26-25.010 (Incentives for Community Benefits).

Figure 26-34.030-1 Primary and Secondary Streets



Source: City of Oroville, 2013; The Planning Center | DC&E, 2014.

- Street Type**
-  Primary Street
 -  Secondary Street
 -  Oroville City Limit
 -  Railroad

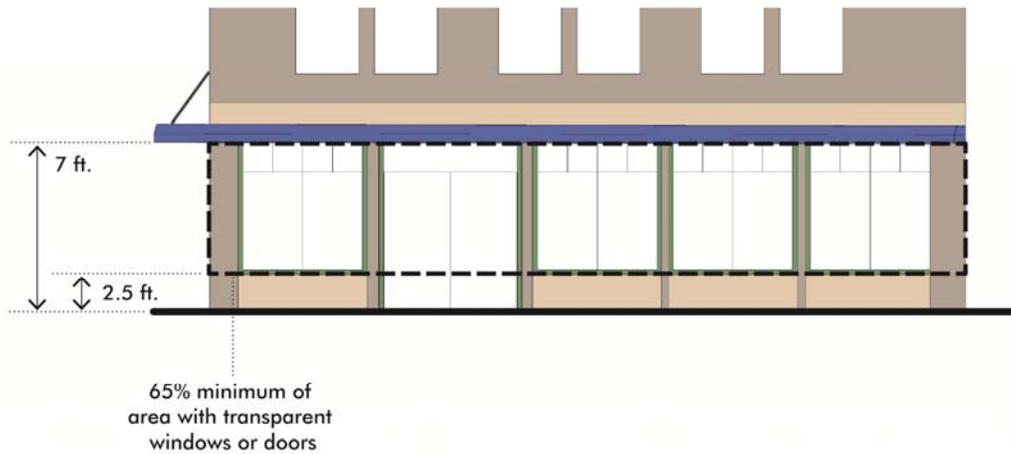
B. Public Realm. The following standards support an active and inviting public realm in the Downtown Mixed-Use zoning district. These standards are illustrated in Figure 26-34-030-3.

Figure 26-34.030-3 *Downtown Mixed Public Realm Standards*



1. **Building Entrances.** For buildings on a parcel abutting a Primary Street, the primary building entrance must face either:
 - a. The Primary Street sidewalk; or
 - b. A pedestrian-oriented outdoor space such as a public square, plaza, or courtyard.
2. **Building Width.** A building must occupy at least 50 percent of its parcel width.
3. **Storefront Width.** The maximum building/storefront width is 50 feet on a Primary Street and 100 feet on a Secondary Street. Larger buildings shall be divided into a pedestrian-scale rhythm with individual building bay widths.
4. **Ground-Floor Building Transparency.**
 - a. The ground-floor building walls of a non-residential use facing a Primary Street shall provide transparent windows or doors with views into the building for a minimum of 65 percent of the building frontage between 2½ and 7 feet above the sidewalk (see Figure 26-34.030-4). Ninety percent of the transparent windows or doors area shall remain clear to allow views into the building.
 - b. Exceptions to this transparency requirement may be allowed with a Use Permit if the Planning Commission finds that:
 - (1) The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theatre; and
 - (2) Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

Figure 26-34.030-4 *Ground-Floor Building Transparency*



5. **Blank Walls.** The maximum length of an unarticulated/blank building wall is 10 feet on a Primary Street and 25 feet on a Secondary Street. Building articulation may be provided by:
 - a. Doors, windows, and other building openings.
 - b. Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.
 - c. Varying wall planes, heights or contrasting materials and colors.
 - d. Awnings, canopies, or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.
6. **Parking Location and Buffers.**
 - a. Surface parking is prohibited between a building and a Primary Street property line. Surface parking shall be located to the rear or side of buildings.
 - b. Parking completely or partially underground may match the setbacks of the primary structure. The maximum height of a parking podium visible from a street is 5 feet from finished grade.
7. **Parking Buffers.**
 - a. Surface parking adjacent to a Primary Street Frontage property line shall be screened along the public right-of-way with a decorative wall, hedge, trellis, or landscaping at least 3 feet in height.
 - b. A landscaped buffer at least 3 feet in width and 6 feet in height is required for a parking lot next to a residential zoning district.
 - c. Service loading areas shall be located to the side and rear of buildings, and shall be sufficiently screened from the public right-of-way by a 6-foot high solid wall or row of densely planted evergreen trees or similar landscaping.
8. **Parking Structures.** Parking structures facing a Primary Street shall incorporate commercial uses on the ground floor that front the sidewalk. Commercial uses shall comply with the Public Realm standards in Section B above.

9. **Driveways and Curb Cuts.**

- a. New driveways shall comply with the dimension standards shown in Table 26-34.030-2. The Community Development Director may approve exceptions to these standards if necessary to accommodate shared or joint use of driveways and parking lots.

TABLE 26-34.030-2: DRIVEWAY DIMENSION STANDARDS

Driveway Type	Driveway Width	
	Minimum	Maximum
1-way	8 ft.	12 ft.
2-way	20 ft.	25 ft.

- b. New driveways may not cross an existing public sidewalk along a Primary Street Frontage.

26-34.040 Neighborhood and Corridor Mixed-Use Development Standards

- A. **Building Form and Placement.** All new buildings in the Neighborhood and Corridor Mixed-Use districts shall comply with the building form and placement standards in Table 26-34.040-1.

TABLE 26-34.040-1: DEVELOPMENT STANDARDS FOR NEIGHBORHOOD AND CORRIDOR MIXED USE DISTRICTS

Development Standard	Zoning Districts	
	MXN	MXC
Residential Density	30 du/ac maximum	
Height, Maximum [1]	40 feet	60 feet
Setbacks, Minimum [2]		
Front	None, except as required in [3] and [4]	
Side, interior lot	None, except as required in [5] and [6]	
Side, corner lot	None, except as required in [5] and [6]	
Rear	None, except as required in [7]	
Floor Area Ratio, Maximum [8]	1.0	

[1] Maximum heights apply to main buildings or structures. Height restrictions for accessory structures are in Section 26.13.090 (Accessory Buildings and Swimming Pools). Exceptions to height standards are in Section 26-13.030 (Height Limits).

[2] See Section 26-13.040 (Setback Requirements) for additional setbacks requirements.

[3] For sites next to a residential district, the front setback is the same as in that residential district. This requirement does not apply where a street separates the site from the residential district.

[4] The required minimum front setback along Oroville Dam Boulevard, Olive Highway, and Feather River Boulevard is 12 feet.

[5] For sites next to a residential district, the required minimum setback is 10 feet on the side next to the residential district.

[6] Where a side setback area provides access to a dwelling group, the required minimum side setback is 12 feet.

[7] The required minimum rear setback is 20 feet if the rear of the site abuts a residential district.

[8] See Section 26-42.040 (DH-O: Downtown Historic Overlay) regarding the maximum floor area ratio in downtown historic overlay (DH-O) district.

- B. **Pedestrian Environment.** The following standards support a pedestrian-friendly environment in the Neighborhood and Corridor Mixed-Use zoning districts.
1. **Building Siting and Orientation.**
 - a. The maximum length of an unarticulated/blank building wall visible from a public street is 50 feet. Building articulation may be provided by windows, doors, and other architectural elements that support an active building frontage.
 2. **Pedestrian Orientation.**
 - a. Pedestrian connections shall be provided between parking areas and building entrances. Where walkways cross driveways, the project shall include design features for pedestrian safety, such as elevated crosswalks and textured pavement.
 - b. A pedestrian connection is required between an adjacent sidewalk and the building entrance.
 3. **Parking.**
 - a. One row of parking is permitted between buildings and the front street. The maximum width of this front parking area is 40 feet. All additional parking must be located to the side or rear of buildings.
 - b. For horizontal mixed-use development, parking areas may not separate adjacent land uses on a site. Uninterrupted pedestrian connections between land uses are required.
 - c. For parking areas adjacent to a public street, a 10-foot landscaped buffer is required between the parking area and the street. Landscaping shall be designed and maintained to allow for public views into the site.

Section 26-36 – INDUSTRIAL DISTRICTS

26-36.010	Allowed Uses in Industrial Districts
26-36.020	Development Standards for Industrial Districts
26-36.030	ABP: Airport Business Park
26-36.040	M-1: Limited Industrial
26-36.050	M-2: Intensive Industrial

26-36.010 Allowed Uses in Industrial Districts

The uses allowed in industrial districts shall be as shown in Table 26-36.010-1. These uses include:

- A. **Permitted Use (P).** Uses that are shown with a “P” shall be permitted, subject to obtaining a zoning clearance, as provided in Section 26-50.030 (Zoning Clearances) of this chapter, as well as any building permits or other permits required by this Code.
- B. **Administrative Permit Required (AP).** Uses that are shown with an “AP” shall be subject to obtaining an administrative permit, as provided in Section 26-50.020 (Administrative Permits) of this chapter.
- C. **Use Permit Required (UP).** Uses that are shown with a “UP” shall be subject to obtaining a use permit, as provided in Section 26-50.010 (Use Permits) of this chapter.
- D. **Use-Specific Regulations (S).** Uses that are shown with an “S” shall be subject to permit requirements as provided in the specific regulations for that use. The table indicates where the use-specific regulations are located in this Code.
- E. **Use Not Allowed (-).** Uses that are shown with a “-”, or that are not listed, shall not be allowed, except as provided in Sections 26-10.090 (Interpretation Regarding Allowable Uses of Land) and Section 26-50.090 (Nonconforming Uses and Structures) of this chapter.

TABLE 26-36.010-1: ALLOWED USES IN INDUSTRIAL DISTRICTS

Land Use	Key			
	P Permitted use, subject to zoning clearance			
	AP Administrative permit required			
UP Use permit required				
S See use-specific regulations for permit requirement				
- Use not allowed				
Land Use	Zoning Districts			Use-Specific Regulations
	ABP	M-1	M-2	
Public Assembly				
Carnival, circus or fair	AP	AP	AP	26-16.060 (Temporary Uses and Buildings)
Commercial recreational facility	-	UP	UP	-
Concert or performance	AP	AP	AP	26-16.060 (Temporary Uses and Buildings)
Library or museum	-	UP	UP	-
Meeting facility	-	UP	UP	-

TABLE 26-36.010-1: ALLOWED USES IN INDUSTRIAL DISTRICTS

Land Use	Key			
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed			
	Zoning Districts			Use-Specific Regulations
ABP	M-1	M-2		
Park or playground	-	UP	UP	-
Training facility	UP	P	P	-
Residential				
Caretaker dwelling unit	P	P	P	-
Retail				
Adult-oriented business	-	S	S	26-16.110 (Adult-Oriented Businesses)
Building supply	-	UP	UP	-
Drive-through establishment	-	UP	UP	26-16.080 (Drive-Through Establishments)
Equipment and machinery sales or rental	-	UP	P	-
Farmers' market	AP	AP	AP	26-16.060 (Temporary Uses and Buildings)
Food and beverage sales-10,000 square feet or less of gross floor area	P	P	P	-
Food and beverage sales-more than 10,000 square feet of gross floor area	-	-	-	-
Gas station	-	UP	UP	26-16.070 (Gas Stations)
General retail-10,000 square feet or less of gross floor area	UP	UP	UP	-
General retail-more than 10,000 square feet of gross floor area	-	UP	UP	-
Marijuana dispensary	-	-	-	-
Mobile food vendor	-	S	S	26-16.150 (Mobile Food Vending)
Plant nursery or garden supply store	-	UP	UP	-
Restaurant or café	UP	UP	UP	-
Seasonal holiday agricultural sales	AP	AP	AP	26-16.060 (Temporary Uses and Buildings)
Smoke Shop	-	UP	UP	26-16.190 (Smoke Shops)
Vehicle sales	-	UP	UP	-
Services				
Business support service	P	P	P	-
Car wash	-	UP	UP	-
Catering service	-	UP	UP	-

TABLE 26-36.010-1: ALLOWED USES IN INDUSTRIAL DISTRICTS

Land Use	Key			
	P	Permitted use, subject to zoning clearance		
	AP	Administrative permit required		
	UP	Use permit required		
	S	See use-specific regulations for permit requirement		
	-	Use not allowed		
	Zoning Districts			Use-Specific Regulations
	ABP	M-1	M-2	
Child day care	UP	UP	UP	-
Instructional or production studio	-	P	P	-
Kennel	-	UP	UP	26-16.120 (Animal Keeping)
Office-professional	P	UP	UP	-
Office-all other	P	UP	UP	-
Outpatient Services	-	-	-	-
Temporary real estate office	AP	AP	AP	26-16.060 (Temporary Uses and Buildings)
Temporary uses not listed here	S	S	S	26-16.060 (Temporary Uses and Buildings)
Substance Abuse Counseling	-	-	-	-
Veterinarian	-	P	P	26-16.120 (Animal Keeping)
Manufacturing, Wholesale, Repair, and Storage				
Food or beverage production	-	UP	P	-
Landscape material sales	-	UP	P	-
Manufacturing, 40,000 square feet or less of gross floor area	P	P	P	-
Manufacturing, more than 40,000 square feet of gross floor area	UP	UP	P	-
Metalwork, 40,000 square feet or less of gross floor area	P	P	P	-
Metalwork, more than 40,000 square feet of gross floor area	UP	UP	P	-
Mini-storage facility	-	S	S	26-42.060 (Temporary Uses and Buildings)
Outdoor storage, 500 square feet or less	P	P	P	26-16.140 (Outdoor Storage)
Outdoor storage, more than 500 square feet	UP	P	P	26-16.140 (Outdoor Storage)
Recycling facility or center	-	P	P	-
Repair service, large equipment	P	P	P	-
Repair service, small appliances	P	P	P	-
Research laboratory	UP	P	P	-
Scrap or dismantling yard	-	-	UP	-
Vehicle Services and Repair	-	P	P	-
Warehousing	P	P	P	-

TABLE 26-36.010-1: ALLOWED USES IN INDUSTRIAL DISTRICTS

Land Use	Key			
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed			
	Zoning Districts			Use-Specific Regulations
ABP	M-1	M-2		
Wholesaling and distribution	UP	P	P	-
Agricultural and Resource-Based Uses				
Surface mining	-	-	UP	Chapter 23A (Surface Mining and Reclamation)
Transportation and Infrastructure				
Parking garage or lot as primary use	-	UP	UP	-
Public safety facility	P	P	P	-
Solar Energy System, Tier 1	P	P	P	26-16.180 (Solar Energy Systems)
Solar Energy System, Tier 2	AP	AP	AP	26-16.180 (Solar Energy Systems)
Solar Energy System, Tier 3	UP	UP	UP	26-16.180 (Solar Energy Systems)
Utility building or substation	P	P	P	-
Vehicle depot	-	P	P	-

(Ord. 1759, Ord. 1769, Ord. 1775, Ord. 1778, Ord. 1784, Ord. 1796)

26-36.020 Development Standards for Industrial Districts

Development standards for industrial districts shall be as shown in Table 26-36.020-1.

TABLE 26-36.020-1: DEVELOPMENT STANDARDS FOR INDUSTRIAL DISTRICTS

Development Standard	Zoning Districts			Additional Regulations
	ABP	M-1	M-2	
Lot Area, Minimum	None	None	None	
Lot Width, Minimum	None	None	None	
Height, Maximum [1]	35 feet	35 feet	65 feet	26-36.040 (M-1: Limited Industrial)
Setbacks [2]				
Front	None, except as required in [3]			
Side	None	None, except as required in [4]		
Rear	None	None, except as required in [5]		
Floor Area Ratio, Maximum	0.35	0.4	0.4	

TABLE 26-36.020-1: DEVELOPMENT STANDARDS FOR INDUSTRIAL DISTRICTS

Development Standard	Zoning Districts			Additional Regulations
	ABP	M-1	M-2	

[1] Maximum heights apply to main buildings or structures. Height restrictions for accessory structures are in Section 26.13.090 (Accessory Buildings and Swimming Pools). Exceptions to height standards are in Section 26-13.030 (Height Limits).

[2] See Section 26-13.040 (Setback Requirements) for additional provisions regarding setbacks.

[3] For sites that abut a residential district on any side, the front setback shall be as required in that residential district.

[4] Where the side of a site abuts a residential district, the required minimum setback shall be 10 feet on the side abutting the residential district.

[5] The required minimum rear setback shall be 20 feet if the rear of the site abuts a residential district. (Ord. 1769)

26-36.030 ABP: Airport Business Park

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in an ABP district:

- A. **Purpose.** To provide for business and commercial opportunities near the Oroville Airport that will neither be detrimental to the airport's growth, efficiency and safety nor create substantial conflict with the development of other industrial lands in the City, and that will be consistent with the General Plan land use designation of Airport Business Park.
- B. **Use Regulations.** The allowed uses in ABP districts shall be as specified in Section 26-36.010 (Allowed Uses in Industrial Districts) of this chapter.
- C. **Development Standards.** The development standards in ABP districts shall be as specified in Section 26-36.020 (Development Standards for Industrial Districts) of this chapter.
- D. **Improvements Required.** In ABP districts, the following additional requirements shall apply for improvements:
 1. Curb, gutter, and sidewalk improvements shall be installed at the time of project development. Deferments, delays or lesser standards shall not be allowed.
 2. Landscaping shall be provided as required for commercial and mixed-use districts.

26-36.040 M-1: Limited Industrial

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in an M-1 district:

- A. **Intent.** To provide areas within the City for large-scale manufacturing, assembly, fabrication, storage, and processing of previously processed materials into finished products. Operations shall not create objectionable influences such as dust, glare, odor, or sound. Uses in this district may be compatible with adjacent residential uses when specific regulations are applied.

- B. **Use Regulations.** The allowed uses in M-1 districts shall be as specified in Section 26-36.010 (Allowed Uses in Industrial Districts) of this chapter.
- C. **Development Standards.** The development standards in M-1 districts shall be as specified in Section 26-36.020 (Development Standards for Industrial Districts) of this chapter.
- D. **Special Standards for Lands Abutting Residential Districts.**
 - 1. In M-1 districts, any use located within 400 feet of a residential district shall operate only between 7:00 am and 7:00 pm.
 - 2. In M-1 districts, any use located within 75 feet of a residential district shall meet the following requirements:
 - a. The height of all structures within 75 feet of the residential district shall not exceed the height allowed in the residential district.
 - b. Wherever practical, low-intensity activities that create minimal disturbances, such as administrative offices and storage areas, shall be located in the area within 75 feet of the residential district.

26-36.050 M-2: Intensive Industrial

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in an M-2 district:

- A. **Intent.** To provide working areas within the City for the manufacture, assembly, repair and fabrication of goods and products; to protect areas appropriate for industrial uses from intrusion of inharmonious uses; and to provide the opportunity for certain higher-intensity uses to locate in beneficial locations.
- B. **Use Regulations.** The allowed uses in M-2 districts shall be as specified in Section 26-36.010 (Allowed Uses in Industrial Districts) of this chapter.
- C. **Development Standards.** The development standards in M-2 districts shall be as specified in Section 26-36.020 (Development Standards for Industrial Districts) of this chapter.
- D. **Special Standards For Lands Abutting Residential Districts.**
 - 1. In M-2 districts, any use located within 500 feet of a residential district shall operate only between 7:00 am and 7:00 pm.
 - 2. In M-2 districts, any use located within 100 feet of a residential district shall meet the following requirements:
 - a. The height of all structures within 100 feet of the residential district shall not exceed the height allowed in the residential district.
 - b. Wherever practical, low-intensity activities that create minimal disturbances, such as administrative offices and storage areas, shall be located in the area within 100 feet of the residential district.

Section 26-39 – SPECIAL PURPOSE DISTRICTS

- 26-39.010 Allowed Uses in Special Purpose Districts
- 26-39.020 PQ: Public or Quasi-Public Facilities
- 26-39.030 Open Space

26-39.010 Allowed Uses in Special Purpose Districts

The uses allowed in special purpose districts shall be as shown in Table 26-39.010-1. These uses include:

- A. **Permitted Use (P).** Uses that are shown with a “P” shall be permitted, subject to obtaining a zoning clearance, as provided in Section 26-50.030 (Zoning Clearances) of this chapter, as well as any building permits or other permits required by this Code.
- B. **Administrative Permit Required (AP).** Uses that are shown with an “AP” shall be subject to obtaining an administrative permit, as provided in Section 26-50.020 (Administrative Permits) of this chapter.
- C. **Use Permit Required (UP).** Uses that are shown with a “UP” shall be subject to obtaining a use permit, as provided in Section 26-50.010 (Use Permits) of this chapter.
- D. **Use-Specific Regulations (S).** Uses that are shown with an “S” shall be subject to permit requirements as provided in the specific regulations for that use. The table indicates where the use-specific regulations are located in this Code.
- E. **Use Not Allowed (-).** Uses that are shown with a “-”, or that are not listed, shall not be allowed, except as provided in Sections 26-10.090 (Interpretation Regarding Allowable Uses of Land) and Section 26-50.090 (Nonconforming Uses and Structures) of this chapter.

TABLE 26-39.010-1: ALLOWED USES IN SPECIAL PURPOSE DISTRICTS

Land Use	Key		
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed		
	Zoning Districts		Use-Specific Regulations
PQ	OS		
Public Assembly			
Carnival, circus or fair	AP	AP	26-16.060 (Temporary Uses and Buildings)
Concert or performance	AP	AP	26-16.060 (Temporary Uses and Buildings)
Golf course	P	UP	-
Government facility	P	UP	-
Hospital	UP	-	-
Meeting facility, 10,000 square feet or less of gross floor area	P	UP	-

TABLE 26-39.010-1: ALLOWED USES IN SPECIAL PURPOSE DISTRICTS

Land Use	Key		
	P	Permitted use, subject to zoning clearance	
	AP	Administrative permit required	
	UP	Use permit required	
	S	See use-specific regulations for permit requirement	
	-	Use not allowed	
	Zoning Districts		Use-Specific Regulations
	PQ	OS	
Meeting facility, more than 10,000 square feet of gross floor area	P	-	-
Park or playground	P	UP	-
School, private	UP	-	-
School, public	P	-	-
Retail			
Farmers' market	AP	AP	26-16.060 (Temporary Uses and Buildings)
Marijuana Dispensary	-	-	-
Seasonal holiday agricultural sales	AP	AP	26-16.060 (Temporary Uses and Buildings)
Services			
Cemetery	UP	UP	-
Temporary real estate office	AP	AP	26-16.060 (Temporary Uses and Buildings)
Temporary uses not listed here	S	S	26-16.060 (Temporary Uses and Buildings)
Agriculture, Local Food, and Resource-Based Uses			
Agriculture	P	P	26-16.100 (Agricultural Uses)
Neighborhood food and beverage sales	P	-	26.16.210 (Cottage Food Operations)
Surface mining	-	S	Chapter 23A (Surface Mining and Reclamation)
Urban agriculture	S	S	26.16.230 (Urban Agriculture)
Transportation and Infrastructure			
Airport	UP	UP	-
Public safety facility	UP	UP	-
Solar Energy System, Tier 1	P	P	26-16.180 (Solar Energy Systems)
Solar Energy System, Tier 2	AP	AP	26-16.180 (Solar Energy Systems)
Solar Energy System, Tier 3	UP	UP	26-16.180 (Solar Energy Systems)
Utility building or substation	P	P	-
Vehicle depot	UP	-	-

(Ord. 1778, Ord. 1784)

26-39.020 PQ: Public or Quasi-Public Facilities

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in a PQ district:

- A. **Intent.** This district is designed for the accommodation of governmental, public, public utility and educational facilities.
- B. **Use Regulations.** The allowed uses in PQ districts shall be as specified in Section 26-39.010 (Allowed Uses in Special Purpose Districts) of this chapter.
- C. **Development Standards.** In a PQ district, the minimum and maximum requirements for lot area, lot width, building heights, setbacks and floor area ratio (FAR) shall be as follows:
 - 1. For sites that abut a residential district, the following requirements shall apply:
 - a. Lot area: No minimum.
 - b. Lot width: No minimum.
 - c. Height: 50 feet for any main building or structure.
 - d. Front setback: As required for the abutting residential district, on any side of the site that abuts a residential district; otherwise, no minimum..
 - e. Side setback: 10 feet on any side of the site that abuts a residential district; otherwise, no minimum.
 - f. Rear setback: 20 feet if the rear of the site abuts the residential district; otherwise, no minimum.
 - g. Floor-area ratio: 0.4 maximum.
 - 2. For all other sites, there shall be no minimum or maximum requirements for the aforementioned development standards.

26-39.030 Open Space

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 26-13 (Development Standards) and the development review requirements in Section 26-53 (Development Review), the following provisions shall apply in an OS district:

- A. **Intent.** To provide permanent open spaces that are intended to safeguard the health, safety and welfare of the people; to provide spaces for preservation of unusual land masses, historical sites, and areas that have energy, water and recreational activities; and to limit development in areas of excessive slope or geologic hazard.
- B. **Use Regulations.** The allowed uses in OS districts shall be as specified in Section 26-39.010 (Allowed Uses in Special Purpose Districts) of this chapter.
- C. **Development Standards.** In OS districts, no minimum or maximum dimensions are established for lot sizes, building heights or building setbacks, except as follows:
 - 1. In OS districts, no more than 10 percent of a site may be covered with buildings, accessory buildings or structures.

2. In OS districts, no more than 10 percent of a site may be paved, excluding required access roads.

Section 26-42 – OVERLAY DISTRICTS

- 26-42.010 General Provisions for Overlay Districts
- 26-42.020 HD-O: Hillside Development Overlay
- 26-42.030 PD-O: Planned Development Overlay
- 26-42.035 Martin Ranch Planned Development Overlay (MRPD-O)
- 26-42.040 DH-O: Downtown Historic Overlay
- 26-42.050 AIA-O: Airport Influence Area Overlay
- 26-42.060 MS-O: Mini-Storage Overlay
- 26-42.070 C-O: Conditional Overlay
- 26-42.080 F-O: Foothill Overlay
- 26-42.090 UA-O: Unique Agriculture Overlay
- 26-42.100 PO-O: Professional Office Overlay
- 26-42.110 ACE-O: Arts, Culture, and Entertainment Overlay

26-42.010 General Provisions for Overlay Districts

A. Identification of Overlay Districts.

1. Overlay districts shall be identified by appending the abbreviated name of each applicable overlay district, prefixed by a slash, to the abbreviated name of the underlying zoning district. For example, an R-1 district with a PD-O overlay would be shown as “R-1/PD-O”. This method of identification shall be used in all rezoning applications, City meeting agendas and City ordinances.
2. The Zoning Map shall identify the location of an overlay district with the naming system described above, or by using an outline, shading or similar method to show the boundaries of the district.

- B. **Standards in Overlay Districts.** All of the requirements for the underlying zoning district shall apply in an overlay district, unless otherwise specified in the provisions for the overlay district. If there is a conflict between the provisions for the overlay district and the provisions for the underlying zoning district, the provisions for the overlay district shall prevail.

26-42.020 HD-O: Hillside Development Overlay

In addition to the requirements for the underlying zoning district, the following provisions shall apply in an HD-O district:

- A. **Intent.** To provide for orderly, harmonious development of the City’s foothills with a minimum amount of disturbance of natural terrain by relating residential density to natural topography, and to encourage and provide incentives for excellence of design and engineering techniques. Limitations are imposed upon development and disturbance of natural terrain in order to minimize grading, erosion, runoff, fire hazards, geologic hazards and removal of vegetation, and to help ensure utilization of land in balance with its natural capabilities to support development.

B. Sites with Varying Slopes.

1. In order to locate development on the most suitable portion of a site, an applicant for development in an HD-O district may divide the site into several portions solely for the following purposes:
 - a. To determine the average slope of each portion.
 - b. To calculate the density reductions and credits that are provided in this section.
2. Where practical, the boundaries of each portion shall correspond to natural breaks in slope, such as the base of a hill or the edge of a ravine.

C. Calculation of Average Slope. The average slope of a site, or a portion of the site, shall be calculated using the following formula:

$$S = 0.00229(I)(L)/A$$

where

S = Average slope (in percent)

I = Contour interval (in feet)

L = Total length of all contour lines on the parcel (in feet)

A = Land area (in acres)

D. Slope Analysis Map. Any applicant for development in an HD-O district shall provide a slope analysis map of the site, prepared by a civil engineer or land surveyor licensed in the State of California.

1. The slope analysis map shall be based on a topographic map of the site, including all abutting properties within 50 feet of the site’s boundaries. The map shall have a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet.
2. The slope analysis map shall identify the area and average slope of the entire site. If the site has been divided into several portions for the purpose of measuring each portion’s slope, the slope analysis map shall also identify the boundaries, area and average slope of each portion.

E. Density Limitations. For any development in an HD-O district, the maximum amount of development allowed on the site shall be determined as follows:

1. A density reduction factor for the site, or portion of the site, shall be determined as provided in the following table:

Slope Range (percent)	Density Reduction Factor
12 or less	1.00
12.1-15	0.90
15.1-20	0.80
20.1-25	0.60
25.1-30	0.40
Over 30	0.00

2. The maximum number of dwelling units and maximum floor area ratio allowed on the site, or portion of the site, shall be calculated using the following formula:

$$U = A(Z)(D)$$

where

U = Number of dwelling units and floor area ratio allowed in zoning district

A = Land area (net acres)

Z = Zoning maximum dwelling units per acre or floor area ratio

D = Density reduction factor

3. Notwithstanding any other provision of this section, at least the following amount of development shall be allowed on any site that otherwise conforms to the requirements of this chapter:
 - a. In residential districts, at least 1 dwelling unit shall be allowed.
 - b. In non-residential districts, a floor area ratio of at least 0.1 shall be allowed.

F. **Cluster Development.** To encourage the maximization of open space and the preservation of the visual and natural character of hillsides, cluster development shall be allowed in HD-O districts as follows:

1. Where this section requires the reduction of density on a portion of a site, the reduced density may be applied as a credit to a portion of the site that has an average slope of 10 percent or less.
2. When a proposed development on multiple adjacent sites includes at least 1 site in an HD-O district, any density reductions required by this section may be applied as a credit to other sites within the proposed development, subject to an administrative permit.
3. Notwithstanding any other provision of this section, in no case shall the proposed development as a whole exceed the maximum residential density allowed by the General Plan.

G. **Areas that Cannot Be Developed.**

1. For any proposed development in an HD-O district, if a portion of the site cannot be developed because of steep slopes or geotechnical hazards that cannot be mitigated, development on this portion of the site shall be prevented in perpetuity.
2. Any of the following methods may be used to prevent a portion of the site from being developed, subject to approval by the Planning Commission and the City Attorney:
 - a. Dedication of development rights, conservation easements or scenic easements to a public agency or land trust, provided that the dedication is accepted by the agency or land trust and that the dedication establishes provisions for the permanent management and maintenance of the land.
 - b. Deed restrictions prohibiting development and requiring permanent management and maintenance.

26-42.030 PD-O: Planned Development Overlay

In addition to the requirements for the underlying zoning district, the following provisions shall apply in a PD-O district:

- A. **Intent.** To promote and encourage maximum flexibility in site planning and property development, relating to design, cluster development and protection of environmental resources, while achieving all of the following goals:
1. Encouraging innovation and the development of affordable housing, particularly on properties with environmental constraints, natural resources or other topographical, geographical, or public improvement and service-related constraints that require unique site planning and design.
 2. Protecting the public health, safety and general welfare of the residential, commercial and manufacturing areas of the City.
 3. Ensuring consistency with the General Plan, any applicable specific plan and any design guidelines adopted by resolution of the City Council.
- B. **General Provisions.**
1. A planned development may adjust or modify, where necessary and justifiable, all applicable development standards of this chapter; provided, however, that any density and intensity provisions of the General Plan that limit the number of dwelling units or square footage that are allowed on the site as a whole, including the maximum dwelling units per acre for residential uses and maximum floor area ratio (FAR) for non-residential uses, shall not be modified; strict compliance with the purpose and intent of the General Plan shall be required in all cases. In addition, proposed modifications to development standards must meet the minimum requirements of the Fire Chief for fire safety access and the minimum requirements of the City Engineering Design Standards for circulation.
 2. For clustered residential developments, maximum density shall be determined based upon the gross area of the project site, minus the total area to be used for streets and alleys.
 3. Planned developments shall produce a development of equal or greater quality or community benefit than might occur without the use of the PD-O overlay district.
- C. **Establishment and Effect of District.**
1. The PD-O district may be applied to parcels of land of any size that are deemed suitable by the City Council for the proposed development.
 2. No portion of a PD-O district may be developed in a manner that is inconsistent with the specific PD-O district development standards that apply at the time building permits are applied for. The applicable standards shall be those established by the ordinance that rezoned the land as a PD-O district, or any modified standards established in accordance with the provisions of this section.
- D. **Uses Permitted.** Uses permitted within the PD-O district shall be consistent with the General Plan designation for the project site, and with the underlying zoning districts approved for the site. However, the development standards approved for the PD-O district may modify the land uses of the underlying zoning district to be more restrictive as to which specific uses will be permitted as of right, permitted through an administrative permit and permitted through a use permit.

E. **Development Standards.**

1. In order to allow maximum flexibility to design a project that is compatible with the physical features of the property and the objectives of this chapter, the intended uses of the project and minimum property development standards shall be developed individually, by the project applicant, for each PD-O district.
2. The property development standards shall establish appropriate amounts of landscaping, open space, setbacks and distances between buildings, architectural standards and other development standards as are necessary for the specific uses requested at the time of consideration of the PD-O district. These standards shall be adopted by the ordinance that establishes the PD-O district.

F. **Application.** The applicant shall submit proposed development standards with the application for a Zoning Code amendment to establish a PD-O district. The development standards shall be submitted in a form specified by the Zoning Administrator and shall contain the following information:

1. A statement regarding the purpose of creating the PD-O district and the character of the design that is to be accomplished.
2. A list of proposed land uses, including uses to be permitted by right, uses to be permitted by administrative permit and uses to be permitted by use permit.
3. For proposed PD-O districts that will be divided into more than 1 development area, a land use map that identifies the boundaries and names of each development area, and a land use table that lists the following information for each development area:
 - a. The name and gross acreage of the area.
 - b. The maximum planned number and maximum allowable number of single-family and multiple-family dwelling units within each development area.
 - c. The total maximum planned and maximum allowable number of dwelling units within the entire PD-O district.
 - d. The maximum planned and maximum allowable building square footage of nonresidential structures for all types of proposed nonresidential uses within each development area.
 - e. The total maximum planned and maximum allowable square footage of all nonresidential structures within the entire PD-O district.
4. A list of development standards for main and accessory buildings, including setbacks, building height, maximum and minimum floor area ratios, parking, landscaping, fencing and screening. Where applicable, the standards of this chapter may be incorporated by reference.
5. Graphic and written materials depicting conceptual building elevations; proposed landscaping improvements; a proposed sign program; and the physical arrangement of buildings.
6. Subdivision development standards, including minimum lot dimensions, minimum lot sizes, access to public and private streets and any other information deemed to be necessary by the Zoning Administrator.

7. For projects that propose to cluster development, proposed development restrictions for, and a plan for the future maintenance of, areas from which development potential was transferred.
 8. A plan for permanent maintenance, including funding for that maintenance, of proposed areas reserved exclusively for landscaping, stormwater detention, private streets and similar areas, whether the areas are proposed for dedication to the public or proposed for private ownership.
 9. A description of what constitutes minor modifications to the plan, with a listing of what modifications can be approved administratively by the Zoning Administrator, and what actions can be approved as a discretionary action by the Planning Commission.
- G. **Processing.** Review of an application for a planned development shall focus on the following issues:
1. Whether the public need for the benefits to be derived from the proposed project justify the application of the PD-O district.
 2. Whether the requested uses, development standards, development intensities and other aspects of the proposal are appropriate for the proposed uses and within the context of surrounding areas.
 3. Whether the proposed benefits of the planned development outweigh any potential negative effects that may result from approval of the requested modifications to development standards.
- H. **Additional Permits Required.** If implementation of the development standards approved for a PD-O district requires approval of any of the following permits, the permits may be approved concurrently with, or following, establishment of a PD-O district. Every approved permit shall be consistent with, and shall implement, those standards in effect for the PD-O district at the time the permit is approved. Any permit that is not consistent with the district standards in effect at the time shall not be approved, unless the district standards are modified as necessary in accordance with the provisions of this section.
1. Approval of any tentative subdivision map, including any parcel map, for a property in a PD-O district shall be accomplished in accordance with the provisions of Chapter 23 of this Code. However, the City Council shall be the review authority for all maps submitted with a PD-O.
 2. Approval of any administrative permit or use permit for a property shall be accomplished in accordance with the provisions of Section 26-50 (Permits, Variances, and Nonconformity) of this chapter.
 3. Any project in a proposed PD-O district shall be subject to development review as required by Section 26-53 (Development Review) of this chapter; provided, however, as follows:
 - a. All development review shall be completed at the time when the PD-O district is established.

- b. The review authority shall consider the development standards and design requirements that are proposed for the PD-O district, in addition to any other applicable design guidelines.

I. Modifications to Approved Development Plan.

1. If the PD-O district development standards identify more than 1 development area, a transfer of numbers or types of dwelling units between the approved development areas shall be allowed, subject to the following conditions:
 - a. The transfer shall not cause the development area to exceed the maximum allowable number of units approved for any one development area, as set forth in the land use table approved for the PD-O district; and
 - b. The transfer of dwelling units between development areas shall not result in an increase in the total number of approved units within the entire PD-O district; and
 - c. A revised land use map and land use table have been submitted to the Zoning Administrator and are consistent with the conditions described above.
2. If the PD-O district development standards identify more than 1 development area, a transfer of non-residential building square footage between the approved development areas shall be allowed, subject to the following conditions:
 - a. The transfer shall not cause the development area to exceed the maximum allowable non-residential square footage approved for any one development area, as set forth in the land use table approved for the PD-O district; and
 - b. A traffic study has demonstrated that the transfer of building square footage between development areas will not create any traffic impacts, or has identified only traffic impacts for which a mitigation plan has been submitted; and
 - c. A revised land use map and land use table have been submitted to the Zoning Administrator and are consistent with the conditions described above.
3. Minor modifications described as such in the approved development plan may be approved in the manner established in that plan.
4. Any modifications to the approved development plan and related development standards that are not identified as minor modifications in the ordinance that established the PD-O district shall be approved by a Zoning Code amendment, pursuant to Section 26-56.100 (Appeals) of this chapter.

J. Phased Development. Within a PD-O district, phased development shall be allowed only as provided in the approved development plan.

K. Previously Approved Planned Developments. Any planned development approved prior to the effective date of these regulations shall remain subject to the previously approved final development plan.

26-42.035 Martin Ranch Planned Development Overlay (MRPD-O)

The requirements for the development plan and areas created by TPM 13-03, and any subsequent subdivisions, shall be consistent with the herein provisions that apply specifically to the Martin Ranch Planned Development-Overlay District, as adopted by the Oroville City Council:

- A. **Intent.** The Martin Ranch Planned Development Overlay (MRPD-O) will promote and encourage maximum flexibility of the project site through site design, innovative land use planning and land development, crime prevention through environmental design, and protection of environmental resources, while achieving all of the following goals:
1. Smart growth and high density project design to allow more flexibility for the development of multiple-family structures that are more affordable, and senior housing units with minimal impacts on City and other agency services and infrastructure.
 2. Allow for a well-planned, mixed-use project with conveniences that support current and future affordable and senior housing demands including apartments, neighborhood commercial/retail, medical, transportation and other services.
 3. The project site provides close proximity to one of areas largest employers situated along County Center Drive, which would allow multi-modal forms of transportation (i.e., walking, biking, ride sharing public transit, and others).
 4. Excellent and easy access to Highway 70 will enhance Oroville's housing competitiveness with the surrounding region (Chico, Paradise, Marysville, and Yuba City).
 5. Close proximity (walking or biking) to numerous recreational amenities, Fore Bay, Feather River, etc.
 6. Excellent potential to positively impact City revenues by accelerating and stimulating development fees and services.
 7. Encouraging innovation and the development of affordable housing, particularly on properties with environmental constraints, natural resources or other topographical, geographical, or public improvement and service-related constraints that require unique site planning and design.
 8. Protecting the public health, safety, and general welfare of the residential, commercial and manufacturing areas of the City.
 9. Ensuring consistency with the General Plan, any applicable specific plan and any design guidelines adopted by resolution of the City Council.
- B. **Establishment and Effect of District.**
1. The Martin Ranch Planned Development-Overlay (MRPD-O) district will apply to all parcels of land of any size within TPM 13-03, and any subsequent subdivision of land that is deemed suitable by the City Council for the proposed development.
 2. The Martin Ranch Planned Development-Overlay (MRPD-O) district shall be developed in a manner that is consistent with the specific development standards and development impact fees that apply at the time of building permit issuance. The applicable development standards shall be those established by this ordinance that rezoned the land as the Martin Ranch Planned Development-Overlay (MRPD-O) district, or any modified standards established in accordance with the provisions of this ordinance.
- C. **Uses Permitted.** Uses permitted within the Martin Ranch Planned Development Overlay (MRPD-O) district shall be consistent with the General Plan designation for the project site, and with the underlying zoning districts approved for the project site. The development

standards for the Martin Ranch Planned Development Overlay (MRPD-O) district are listed in Section D (Development Standards) of this ordinance, and the allowable land uses that are permitted uses subject to a zoning clearance, require an administrative permit, require a conditional use permit, or not allowed, are as follows (Table 26-42.035-1):

TABLE 26-42.035-1: ALLOWED USES IN MARTIN RANCH PLANNED DEVELOPMENT OVERLAY

Land Use	Key			
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed			
	Zoning Districts			Use-Specific Regulations
MXN	RP	PD		
Public Assembly				
Carnival, circus or fair	UP	-	UP	26-16.060 (Temporary Uses and Buildings)
Commercial recreational facility – indoor, 10,000 square feet or less of gross floor area	UP	-	UP	-
Commercial recreational facility – indoor, more than 10,000 square feet of gross floor area	UP	-	UP	-
Commercial recreational facility – outdoor	-	-	-	-
Concert or performance	AP	-	AP	26-16.060 (Temporary Uses and Buildings)
Library or museum	UP	-	-	-
Meeting facility – 10,000 square feet or less of gross floor area	P	UP	P	-
Meeting facility – more than 10,000 square feet or less of gross floor area	UP	UP	UP	
Park or playground	UP	P	P	-
School, public	UP	UP	UP	-
School, private	UP	UP	UP	-
Training facility	UP	-	UP	-
Residential				
Animal keeping, noncommercial	-	P	P	26-16.120 (Animal Keeping)
Boardinghouse	-	UP	UP	-
Caretaker residence	UP	-	UP	-
Duplex	-	P	P	-
Emergency shelter	-	-	-	-
Family day care, large	S	S	S	26-16.050
Family day care, small	P	P	P	26-16.050
Home occupation, low-impact	AP	AP	AP	26-16.040
Home occupation, moderate-impact	AP	AP	AP	26-16.040

Land Use	Key			
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed			
	Zoning Districts			Use-Specific Regulations
MXN	RP	PD		
Mixed-use development	P	-	P	26-16.030
Mobile home park	-	UP	UP	-
Multi-family dwellings	-	P	P	-
Residential care facility – 6 units or fewer	P	P	P	-
Residential care facility – 7 units or more	UP	-	P	-
Second dwelling unit	-	P	P	26-16.010
Single-family dwelling, attached	-	P	P	-
Single-family dwelling, detached	-	P	P	-
Single-family manufactured home not on permanent foundation	-	-	-	-
Single-family manufactured home on permanent foundation	-	P	P	-
Temporary use of mobile home or recreational vehicle as single-family dwelling unit	-	AP	AP	26-16.060 (Temporary Uses and Buildings)
Transitional housing	-	-	UP	-
Retail				
Alcoholic beverage sales	UP	-	UP	-
Building supply	-	-	-	-
Equipment and machinery sales or rental	-	-	-	-
Drive-through establishment-pharmacy (adjacent to Table Mountain Blvd.)	-	-	-	26-16.080 (Drive-Through Establishments)
Drive-through establishment-pharmacy (not adjacent to Table Mountain Blvd.)	-	-	UP	26-16.080 (Drive-Through Establishments)
Drive-through establishment-pharmacy – all other uses (adjacent to Table Mountain Blvd.)	-	-	-	26-16.080 (Drive-Through Establishments)
Drive-through establishment-pharmacy – all other uses (not adjacent to Table Mountain Blvd.)	-	-	UP	26-16.080 (Drive-Through Establishments)
Farmers’ market	AP	-	AP	26-16.060 26-16.060 (Temporary Uses and Buildings)
Food and beverage sales – 10,000 square feet or less of gross floor area	P	-	P	-
Food and beverage sales – 10,001 to 40,000 feet of gross floor area	UP	-	UP	-
Food and beverage sales – more than 40,000 square feet of gross floor area	UP	-	UP	-
Funeral merchandise sales	UP	-	-	-

Land Use	Key			
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed			
	Zoning Districts			Use-Specific Regulations
MXN	RP	PD		
Gas station	-	-	-	26-16.070 26-16.070 (Gas Stations)
General retail – 10,000 square feet or less of gross floor area	P	-	P	-
General retail – 10,001 to 40,000 feet of gross floor area	P	-	P	-
General retail – more than 40,000 square feet of gross floor area	UP	-	UP	-
Marijuana dispensary	-	-	-	-
Mobile food vendor	AP	-	AP	26-16.150 (Mobile Food Vending)
Pet store	UP	-	UP	26-16.120 (Animal Keeping)
Plant nursery or garden supply store	UP	-	UP	-
Restaurant or café	P	-	P	-
Seasonal holiday agricultural sales	AP	-	AP	26-16.060 (Temporary Uses and Buildings)
Shopping center	UP	-	UP	-
Smoke shop	UP	-	UP	26-16.190 (Smoke Shops)
Vehicle sales – automobile, new	-	-	-	-
Vehicle sales – all other	-	-	-	-
Services				
Animal grooming	UP	UP	UP	26-16.120 (Animal Keeping)
Animal keeping, noncommercial	P	-	P	26-16.120 (Animal Keeping)
Bank or financial service	P	-	P	-
Bed and breakfast	UP	UP	UP	-
Business support service	P	-	P	-
Car wash	-	-	-	26-16.090 (Car and Vehicle Washes)
Catering service	P	-	P	-
Child day care center	P	UP	P	-
Gym	P	-	P	-
Hospital	-	-	UP	-
Hotel or motel	-	-	-	-
Instructional or production studio	-	-	P	-
Kennel	-	-	UP	26-16.120 (Animal Keeping)

Land Use	Key			
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed			
	Zoning Districts			Use-Specific Regulations
MXN	RP	PD		
Mortuary	-	UP	UP	-
Office – professional	P	P	P	-
Office – all other	P	-	P	-
Outpatient services	-	-	P	-
Personal services – low-impact	P	-	P	-
Personal services – moderate-impact	UP	-	UP	-
Recreational vehicle (RV) park	-	-	UP	-
Substance abuse counseling	-	-	UP	-
Temporary real estate office	AP	-	AP	26-16.060 (Temporary Uses and Buildings)
Temporary uses not listed here	S	S	S	26-16.060 (Temporary Uses and Buildings)
Veterinarian	UP	-	UP	26-16.120 (Animal Keeping)
Manufacturing, Wholesale, Repair, and Storage				
Food or beverage production	UP	-	UP	-
Landscape material sales	-	-	-	-
Manufacturing – 20,000 square feet or less of gross floor area	-	-	-	-
Manufacturing – more than 20,000 square feet of gross floor area	-	-	-	-
Metalwork – 20,000 square feet or less of gross floor area	-	-	-	-
Metalwork – more than 20,000 square feet of gross floor area	-	-	-	-
Mini-storage facility	-	-	UP	26-42.060 (MS-O: Mini-Storage Overlay)
Outdoor storage – 250 square feet or less	P	-	P	26-16.140 (Outdoor Storage)
Outdoor storage – more than 250 square feet	UP	-	UP	26-16.140 (Outdoor Storage)
Recycling facility or center	-	-	-	-
Repair service, large equipment-20,000 square feet or less of gross floor area	-	-	-	-
Repair service, large equipment-more than 20,000 square feet of gross floor area	-	-	-	-
Repair service, small appliances	P	-	P	-
Research laboratories	-	-	UP	-
Scrap or dismantling yard	-	-	-	-
Vehicle service or repair	-	-	-	-

Land Use	Key			
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed			
	Zoning Districts			Use-Specific Regulations
MXN	RP	PD		
Warehousing	-	-	-	-
Agriculture and Resource-Based Uses				
Agriculture	-	P	P	26-16.100 (Agricultural Uses)
Transportation and Infrastructure				
Parking garage or lot as primary use	UP	-	UP	-
Public safety facility	UP	UP	UP	-
Solar energy system, Tier 1	P	P	P	26-16.180 (Solar Energy Systems)
Solar energy system, Tier 2	AP	UP	UP	26-16.180 (Solar Energy Systems)
Solar energy system, Tier 3	UP	-	UP	26-16.180 (Solar Energy Systems)
Utility building or substation	P	UP	P	-
Vehicle depot	-	-	-	-

D. **Development Standards.** In order to allow maximum flexibility for the design of the Martin Ranch Planned Development project and to ensure compatibility with the physical features of the property and that the objectives of City of Oroville's Zoning Ordinance, Chapter 26 of the Oroville Municipal Code (OMC) are met, the following development standards shall apply (Table 26-42.035-2).

TABLE 26-42.035-2: DEVELOPMENT STANDARDS FOR MARTIN RANCH PLANNED DEVELOPMENT OVERLAY

Development Standards	Zoning Districts		
	MXN	RP	PD
Lot Area, Minimum			
Interior lot	None	2,200 sq.ft. [10]	2,200 sq.ft. [10]
Corner lot	None	3,000 sq.ft. [10]	3,000 sq.ft. [10]
Residential Density, Minimum, and Maximum	10 to 30 du/ac	As specified in General Plan	10 to 30 du/ac
Lot Width, Minimum			
Interior lot	None	35 feet	35 feet
Corner lot	None	45 feet	45 feet

Development Standards	Zoning Districts		
	MXN	RP	PD
Height, Maximum	40 feet	45 feet	80 feet
Setbacks, Minimum, for Mixed-Use Developments			
Front	None, except as required in [3] and [4]	10 feet; 20 feet for garages	None, except as required in [3] and [4]
Side, interior lot	5 feet, except as required in [5]	5 feet [12]	5 feet, except as required in [5]
Side, corner lot	5 feet along interior side; 10 feet along street frontage	5 feet; 10 feet for garages [12]	5 feet along interior side; 10 feet along street frontage
Rear	20 feet	20 feet	20 feet
Minimum distance between detached buildings in any dwelling group	10 feet	10 feet	10 feet
Setbacks, Minimum for all Other Development Standards			
Front	None, except as required in [3] and [4]	10 feet; 20 feet for garages	None, except as required in [3] and [4]
Side, interior lot	5 feet, except as required in [5] and [6]	5 feet [12]	5 feet, except as required in [5] and [6]
Side, corner lot	None, except as required in [5] and [6]	5 feet; 10 feet for garages [12]	None, except as required in [5] and [6]
Rear	None, except as required in [7]	20 feet	None, except as required in [7]
Floor Area Ratio, Maximum	0.4	65% site coverage maximum	65% site coverage maximum
Courtyards, Minimum Width for Mixed-Use Development			
Enclosed by buildings on no more than 2 sides	10 feet	10 feet	10 feet
Enclosed by buildings on no more than 3 sides	20 feet	20 feet	20 feet

[1] Maximum heights apply to main buildings or structures. Height restrictions for accessory structures are in Section 26.13.090 (Accessory Buildings and Swimming Pools). Exceptions to height standards are in Section 26-13.030 (Height Limits).

[2] See Section 26-13.040 (Setback Requirements) for additional provisions regarding setbacks.

[3] For sites that abut a residential district on any side, the front setback shall be as required in that residential district. This requirement shall not apply where a street separates the site from the residential district.

[4] The required minimum front setback along Oroville Dam Boulevard, Olive Highway and Feather River Boulevard shall be 12 feet.

[5] Where the side of a site abuts a residential district, the required minimum setback shall be 10 feet on the side abutting the residential district.

[6] Where a side setback area provides access to a dwelling group, the required minimum side setback shall be 12 feet.

[7] The required minimum rear setback shall be 20 feet if the rear of the site abuts a residential district.

[8] See Section 26-42.040 (DH-O: Downtown Historic Overlay) regarding the maximum floor area ratio in downtown historic overlay (DH-0) districts.

[9] See Section 26-13.040 (Setback Requirements) for additional provisions regarding setbacks.

[10] The number of dwelling units constructed on a site shall not exceed the density permitted by the applicable General Plan land use designation, except in cases where State law provides an exemption from this requirement, including second dwelling units and density bonus units.

[11] Maximum heights apply to main buildings or structures. Height restrictions for accessory structures are in Section 26.13.070 (Parking).

[12] Where a side setback area provides access to a dwelling group, the minimum required side setback shall be 12 feet.

Due to the lack of specific project detail, the property development standards will require an amendment prior to submitting construction plans for the issuance of building permits to establish appropriate amounts of landscaping, open space, and distances between buildings, architectural standards and other development standards for the specific uses of the Martin Ranch Planned Development - Overlay (MRPD-O) District. The development standards, and all required amendments to the project, shall be adopted by the ordinance that establishes the (MRPD-O) 26-42.035 District.

- E. **Additional Development Plan Requirements.** The project will be required to amend this ordinance prior to submitting construction plans for the issuance of building permits to ensure that all site design, design guidelines, and development plan requirements are established and adopted by the City Council. Below is a list of outstanding project design features and components that must be adopted into the Martin Ranch Planned Development – Overlay (MRPD-O).

1. **Implementation of the Environmental Mitigations Measures.**

Mitigation Measure AIR-1: Implement Standard BCAQMD Mitigation Measures

During construction activities, the project applicant shall do the following:

- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- Maximize to the extent feasible, the use of diesel construction equipment meeting the CARS's 1996 or newer certification standard for off-road heavy-duty diesel engines.
- Water shall be applied by means of truck(s), hoses and/or sprinklers as needed prior to any land clearing or earth movement to minimize dust emission.
- Haul vehicles transporting soil into or out of the property shall be covered.
- A water truck shall be on site at all times. Water shall be applied to disturbed areas a minimum of 2 times per day or more as necessary.
- On-site vehicles shall be limited to a speed which minimizes dust emissions on unpaved roads.
- The contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the District shall also be visible to ensure compliance with District Rule 200 & 205 (Nuisance and Fugitive Dust Emissions).
- All visibly dry disturbed soil surface areas of operation shall be watered to minimize dust emission.
- Existing roads and streets adjacent to the project will be cleaned at least once per day unless conditions warrant a greater frequency.
- All visibly dry disturbed unpaved roads surface areas of operation shall be watered to minimize dust emission.

- Unpaved roads may be graveled to reduce dust emissions.
- Haul roads shall be sprayed down at the end of the work shift to form a thin crust. This application of water shall be in addition to the minimum rate of application.
- Vehicles entering or exiting construction area shall travel at a speed which minimizes dust emissions.
- Construction workers shall park in designated parking areas(s) to help reduce dust emissions.
- Soil pile surfaces shall be moistened if dust is being emitted from the pile(s).
- Adequately secured tarps, plastic or other material may be required to further reduce dust emissions.

To reduce operational impacts, the following actions shall be taken:

- Link or minimize cul-de-sacs and dead-end streets, to encourage pedestrian and bicycle travel.
- Traffic calming modifications to project roads, such as narrower streets, speed platforms, bulb-outs and intersection modifications designed to reduce vehicle speeds, thus encouraging pedestrian and bicycle travel.
- Synchronize traffic signals along streets impacted by project development.
- Provide continuous sidewalks separated from the roadway by landscaping and on-street parking.
- Provide adequate lighting for sidewalks, along with crosswalks at intersections.
- Increase the building energy efficiency rating by 10% above what is required by Title 24 requirements. This can be accomplished in a number of ways (increasing attic, wall or floor insulation, etc.).
- Improve thermal efficiency of commercial and industrial structures as appropriate by reducing thermal load with automated and timed temperature controls, or occupancy load limits.
- Incorporate shade trees, adequate in number and proportional to the project size, throughout the project site to reduce building heating and cooling requirements.
- Use fleet vehicles that run on clean-burning fuels as may be practicable.

Responsibility: Project Applicant

Timing: Upon issuance of a grading permit and during project operation

Enforcement: City of Oroville

Mitigation Measure AIR-2: Apply Low Volatile Organic Compound Architectural Coatings

During construction of the proposed project, use architectural coatings with a low volatile organic compound (VOC) content. The project-wide average VOC content of architectural coatings should be 50 grams per liter or less.

Responsibility: Project Applicant

Timing: Upon issuance of a grading permit and during project operation

Enforcement: City of Oroville

Mitigation Measure AIR-3: Apply Architectural Coatings over a Minimum of 25 Days

During construction of the proposed project, spread out application of architectural coatings over a minimum of 25 days. The purpose of this mitigation measure is to reduce the amount of architectural coatings applied on any single day.

Responsibility: Project Applicant

Timing: Upon issuance of a grading permit and during project operation

Enforcement: City of Oroville

Mitigation Measure AIR-4: Equipment Meets Tier 4 Emission Control Standards

During the site preparation, grading, building construction, and paving phases of construction, all diesel-powered construction equipment will comply with Tier 4 emission control standards.

Responsibility: Project Applicant

Timing: Upon issuance of a grading permit and during project operation

Enforcement: City of Oroville

Mitigation Measure AIR-5: Limit Hearths to Natural Gas Fuel

Prohibit the use of wood-burning stoves and fireplaces, limiting fuel for hearths to natural gas.

Responsibility: Project Applicant

Timing: At issuance of building permits

Enforcement: City of Oroville

Mitigation Measure AIR-6: Provide parking reduction (BAMM Number 15)

As described in the CEQA Air Quality Handbook, the following parking reduction percentages should be applied: "Office 25%, Medical office 8%, Commercial 5%, Industrial 10%."

Responsibility: Project Applicant

Timing: At issuance of building permits

Enforcement: City of Oroville

Mitigation Measure AIR-7: Bicycle and pedestrian paths (BAMM Number 33)

As described in the CEQA Air Quality Handbook, "Separate, safe and convenient bicycle and pedestrian paths connecting residential, commercial, and office uses" should be provided.

Responsibility: Project Applicant

Timing: At issuance of building permits

Enforcement: City of Oroville

Mitigation Measure BIO-1: Pre-Construction Survey

Prior to any vegetation removal during the period between March 1 and September 15 of any year, a preconstruction survey shall be conducted at least 15 days prior to initiating any ground disturbance at the project site. If Swainson's hawk, northern harrier, white-tailed kite, loggerhead shrike, or California black rail are identified on the project site, a 200-foot buffer shall be defined around any nests, and the City shall direct the project applicant to consult with a qualified biologist and/or California Department of Fish and Wildlife staff.

Implementation: Project Applicant

Timing: 15 days prior to initiating ground disturbance between March 1 and September 15

Enforcement: City of Oroville

Mitigation Measure BIO-2: Wetland Permitting

Before granting additional development approvals related to the project site, the City shall conduct an updated Wetland Delineation and verify that the project has obtained required permits from the California Department of Fish and Wildlife (CDFW), the Central Valley Regional Water Quality Control Board (RWQCB) and/or the U.S. Army Corps of Engineers, including water quality certification and construction stormwater permit, section 401 and 404 permits, and final approval by CDFW. The project applicant shall implement all conditions of all required permits.

In January 6, 2010, the applicant requested a modification to their existing Department of the Army permit number SPK-2004-00404. The new letter issued February 18, 2010 supersedes the February 2, 2010 modification. The initial permit was issued on June 2, 2006, for the discharge of dredge or fill material into approximately 2.2 acres of waters of the United States, including wetlands, to construct a housing development. The site is located in Section I and 36, Township 19 North, Range 4 East, MDB&M survey, in Butte County, California. The approved project description at the time the February 18, 2010 letter was issued involved construction of a commercial and residential development. Permit Number SPK-2004-00404 was modified as follows:

Special Conditions:

3b. In no case shall initiation of the construction of compensatory mitigation be delayed beyond June 1, 2015. Construction of compensatory mitigation shall be completed no later than 2016.

All other terms and conditions of the permit remain in full force and effect. Failure to comply with the terms and conditions of this authorization may result in the suspension or revocation of your permit.

Implementation: Project Applicant

Timing: Prior to approval of detailed development plans

Enforcement: City of Oroville

Mitigation Measure NOISE-1: Windows and Insulation Facing Railroad Tracks and Table Mountain Boulevard

Residential units within the line of parcels closest to the Union Pacific Railroad (220 feet or closer), and units within parcels adjoining Table Mountain Boulevard should have the minimum amount of window areas facing the railroad tracks or Table Mountain Boulevard, as permitted by City standards. All windows should have a minimum Sound Transmission Class (STC) rating of 32, which can be accomplished with double-strength 1/8-inch panes, separated by a 1/4-inch air gap. Units facing the railroad line should also have a minimum of R13 insulation (3% inches) and 1/2-inch gypsum board used for the interior wall surface. The STC rating is 44, which will result in an attenuation of 41 dB.

Implementation: Project Applicant

Timing: Upon issuance of building permits

Enforcement: City of Oroville

Mitigation Measure NOISE-2: Building Setback from Railroad Line

The City will verify that all building setbacks are a minimum of 220 feet from the centerline of the Union Pacific railroad tracks.

Implementation: Project Applicant

Timing: Upon issuance of building permits

Enforcement: City of Oroville

Mitigation Measure TRAFFIC-1: Fair-Share Improvements

Establish a fair share program and pay fair-share contributions to fund the following roadway improvements:

- Installing a traffic signal or roundabout at the intersection of Garden Drive and the southbound SR-70 ramps.
- Adding a northbound approach lane to the roundabout and widening of the circulating lane and receiving leg at the intersection of Washington Avenue and Montgomery Street.
- Adding an additional eastbound right turn lane, northbound left turn lane, and westbound separated left- and right- turn lanes at the intersection of Table Mountain Boulevard and Grand Avenue.
- Installing a traffic signal at the intersection of Table Mountain Boulevard and County Center Drive.

Implementation: Project Applicant

Timing: Upon submission of a final subdivision map

Enforcement: City of Oroville

Mitigation Measure TRAFFIC-2: Bicycle Facilities

Require provisions for bicycle use within the boundaries of the project site, including well lit bicycle parking facilities within the office/retail components of the development.

Encourage businesses to provide shower and locker facilities for employees.

Implementation: Project Applicant

Timing: Upon submission of a final subdivision map
 Enforcement: City of Oroville

Mitigation Measure UTILITIES-1: Sewer Conveyance Improvements

In order for wastewater from the project site to be conveyed to the closest existing point of connection to the City sewer system, the SSMP prescribes a new lift station, 1,740 feet of new 6-inch force main and 1,700 feet of replacement 8-inch gravity pipe. These improvements are designated as Element 3 (CIP Project No. 3T) and are development driven and developer funded. In order to accommodate development of the proposed project, the lift station size will require a 271 gpm capacity. CIP Project 3T will need to be fully completed to serve the Project, and will need completion prior to any occupancies. The sewer lift station specified as 183 gpm will need to be increased to 271 gpm to serve the proposed project. This improvement will be funded by the developer. The developer may engage in a negotiated reimbursement agreement with the City for reimbursements from impact fees for future connections. The estimated cost of CIP Project 3T is \$860,000, with an additional cost to be determined for the increased capacity at the lift station.

Other portions of the conveyance route to the WWTP include SSMP Element 2 projects. These are projects that are also development driven, that require the upsizing of existing pipes to accommodate increased flows from future development, and are primarily developer funded. There are two Element 2 projects listed in the City's SSMP, one on Table Mountain Boulevard (CIP Project 2E) and one through the downtown area (CIP Project 20).

CIP Project 2E will be required to support flows from the project based on the City's best available data. Each of three pipe sections associated with this project must be upsized from existing 10-inch pipes to 15 inches. This improvement will be funded by the developer. The developer may engage in a negotiated reimbursement agreement with the City for reimbursements from impact fees for future connections. The estimated cost of CIP Project 2E is \$150,000.

15 of 17 pipes included in CIP Project 20 will be required to support flows from the project. These existing pipe sections must be upsized from existing 18-inch and 20-inch pipes to 24 inches. This improvement will be funded by the developer. The developer may engage in a negotiated reimbursement agreement with the City for reimbursements from impact fees for future connections. The ~stimated cost of CIP Project 20 is \$1.7 Million.

Use of hydraulic simulation may reduce the number of pipe improvements to accommodate project flows. The final improvements required will be at the discretion of the City.

Responsibility: Project Applicant

Timing: Upon submission of a final subdivision map

Enforcement: City of Oroville

2. **Transportation and Circulation Standards.**
 - a. A traffic study has been prepared and all traffic impacts have been identified for which a mitigation plan has been submitted, as described above.
 - b. A plan for permanent maintenance, including funding for that maintenance of private streets and similar areas for private ownership shall be required.
 - c. Public transportation facilities and services, including but not limited to different multi-modal forms of transportation and alternative vehicle fueling facilities and services shall be required.
 - d. Develop a plan for permanent maintenance, including funding for that maintenance of public or private roadway landscaping throughout the development plan.
3. **Architectural and Building Design Standards.**
 - a. The property development standards will require an amendment prior to submitting construction plans for the issuance of building permits to establish appropriate distances between buildings, architectural standards, cluster development, and other development standards for the specific uses.
 - b. Graphic and written materials depicting conceptual building elevations; proposed landscaping improvements; a proposed sign program; and the physical arrangement of buildings shall be required.
4. **Landscaping and Other Amenities.**
 - a. The property development standards will require an amendment prior to submitting construction plans for the issuance of building permits to establish appropriate amounts of landscaping, open space, public park spaces, public art, and other project amenities
 - b. A Landscape Architect shall prepare the landscape plans for the development area (or each specific phase of the development area).
 - c. A landscape installation and maintenance agreement will be required for the entire development area.
5. **Facility Operations and Maintenance.** Develop a plan for permanent maintenance, including funding for that maintenance, for, but not limited to: landscaping, street lights, stormwater detention, private and public streets throughout the development, and identify whether the areas are for dedication to the public or private ownership.
6. **Development Plan Modification: Review and Approval Process.** Develop the procedural process for what constitutes minor modifications to the development plan, with a listing of what modifications can be approved administratively by the Zoning Administrator, and what actions can be approved as a discretionary action by the Planning Commission.
7. **Development Plan Utilities.**
 - a. Water and sewer system studies have been prepared and all impacts and system requirements have been identified for which a mitigation plan has been developed.
 - b. The permanent operation and maintenance, including funding for the installation of the utilities will be submitted as part of the development plan.
 - c. All utilities for the project site will be installed underground, without exception, unless adopted in this ordinance by the City Council.

- F. **Additional Permits Required.** Every approved permit shall be consistent with, and shall implement, those development standards adopted by this ordinance for the Martin Ranch Planned Development – Overlay (MRPD-O) District – 26-42.035. Any permit that is not consistent with the adopted development standards shall not be approved, unless the adopted development standards are modified as necessary in accordance with the provisions of this section of the ordinance.
1. Approval of any tentative subdivision map, including any parcel map, for a property within the Martin Ranch Planned Development- Overlay (MRPD-O) District – 26-42.035 shall be completed in accordance with the provisions of Chapter 23 of the Oroville Municipal Code. However, the City Council shall be the review authority for all maps submitted for the MRPD-O District.
 2. Approval of any administrative permit or use permit for a property shall be in accordance with the provisions of Section 26-50 (Permits, Variances, and Nonconformity) of the Oroville Municipal Code.
 3. Any project in the Martin Ranch Planned Development- Overlay (MRPD-O) District – 26-42.035 shall be subject to development review as required by Section 26-53 (Development Review) of the Oroville Municipal Code; provided, however, as follows:
 - a. All development review shall be completed at the time the MRPD-O district is established, or at the time any amendment(s) to the ordinance are adopted by the City Council.
 - b. The review authority shall consider the development standards and design requirements for the MRPD-O district, in addition to any other applicable design guidelines.
- G. **Approval Process for Dwelling Unit Transfers within Development Areas.**
1. The Martin Ranch Planned Development-Overlay (MRPD-O) district development standards identify two (2) development areas. A transfer of numbers or types of dwelling units between the approved development areas shall be allowed, subject to the following conditions:
 - a. The transfer shall not cause the development area to exceed the maximum allowable number of units approved for any one development area, as set forth in the land use table approved for the MRPD-O District; and
 - b. The transfer of dwelling units between development areas shall not result in an increase in the total number of approved units within the entire MRPD-O District; and
 - c. A revised land use map and land use table must be submitted to the Zoning Administrator and be consistent with the conditions described above.
 2. The MRPD-O District development standards identify two (2) development areas, a transfer of non-residential building square footage between the approved development areas shall be allowed, subject to the following conditions:
 - a. The transfer shall not cause the development area to exceed the maximum allowable non-residential square footage approved for any one development area, as set forth in the land use table approved for the MRPD-O district; and

- b. A traffic study has demonstrated that the transfer of building square footage between development areas will not create any traffic impacts, or has identified traffic impacts for which a mitigation plan has been submitted; and
 - c. A revised land use map and land use table must be submitted to the Zoning Administrator and be consistent with the conditions described above.
 - 3. Minor modifications described in the approved development plan may be approved in the manner established by that plan.
 - 4. Any modifications to the approved development plan and related development standards that are not identified as minor modifications in the ordinance that establishes this MRPD-O district shall be approved by a Zoning Code amendment, pursuant to Section 26-56.090 (Amendments and Rezoning) of the City's Municipal Code.
- H. **Phased Development.** The Martin Ranch Planned Development- Overlay (MRPD-O) District- 26-42.035, shall be allowed to be developed in a phased manner with an approved development plan.
- I. **Other Applicable Standards.** For all standards that are not expressly identified in the ordinance establishing the Martin Ranch Planned Development - Overlay (MRPD-O) District – 26-42.035, the requirements specified in the City's Zoning Ordinance, Chapter 26 of the Oroville Municipal Code, shall apply.

26-42.040 **DH-O: Downtown Historic Overlay**

In addition to the requirements for the underlying zoning district, the following provisions shall apply in a DH-O district:

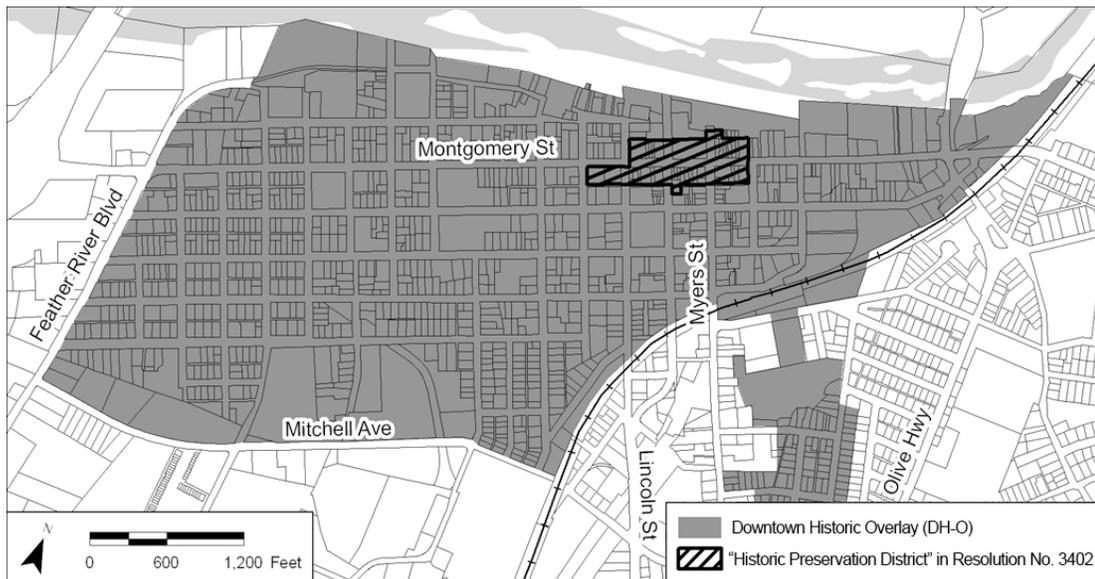
- A. **Purpose.** The purpose of this section is to promote the public health, safety and general welfare by providing for the identification, protection, enhancement, perpetuation and use of historic resources within Downtown Oroville that reflect special elements of the City's architectural, artistic, cultural, political and social heritage, for the following reasons:
- 1. To safeguard the City's heritage by encouraging the protection of significant elements of its history.
 - 2. To foster civic pride and a sense of identity based on an appreciation of the City's past and the recognition and use of historic resources.
 - 3. To enhance the visual character of the City by preserving diverse architectural styles reflecting various phases of the City's history, and by encouraging complementary design and construction for contemporary buildings.
 - 4. To allow for a diversity of housing types that reflect the traditional scale and character of residential neighborhoods in Downtown Oroville.
 - 5. To strengthen the economy of the City by protecting and enhancing the City's historic attractions for residents and visitors.
 - 6. To stabilize and improve property values within the City by protecting areas of historic buildings from encroachment by incompatible designs.

7. To promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the City.
 8. To integrate the preservation of historic resources, and the consideration of relevant information about these resources, into public and private land management and development processes.
 9. To conserve valuable building materials and energy resources by ongoing use and maintenance of the existing built environment.
- B. **Maximum Floor Area Ratio (FAR).** When a DH-O district is combined with a commercial or mixed-use district, the maximum floor area ratio (FAR) in the DH-O district shall be 2.0, provided that any required off-street parking spaces are supplied off-site.
- C. **Development Standards in Residential Districts.**
1. In order to accommodate historic development patterns and provide for new development that is compatible with these patterns, the following alternative standards may be applied, subject to development review, in residential zoning districts that are combined with the DH-O district:
 - a. The maximum height may be increased to 45 feet or two stories, whichever is less. A raised basement may be included and shall not be counted as a story.
 - b. The maximum site coverage may be increased to 70 percent.
 2. In order to apply these alternative standards, the review authority for development review shall determine that the alternative standards are necessary in order to preserve or enhance the historic character of the district.
- D. **Development Review.** Development review shall be required in DH-O districts as provided in Section 26-53.020 (Review Required) of this chapter.
- E. **Landmark Modification and Landmark Demolition Permits.** If a building or structure is listed in a City of Oroville historic survey for a DH-O district, then the following requirements shall apply:
1. A landmark modification permit shall be obtained before modifying the structure, when required by Section 26-50.050 (Landmark Modification Permits) of this chapter.
 2. A landmark demolition permit shall be obtained before demolishing the structure, when required by Section 26-50.060 (Landmark Demolition Permits) of this chapter.
- F. **Identification of Contributing Features.**
1. Whenever this chapter requires the evaluation of a building, structure, site or improvement in a DH-O district to determine whether it is a contributing feature of the district, the Historic Advisory Commission shall be responsible for making this determination.
 2. The Historic Advisory Commission shall make its determination based upon whether the subject building, structure, site or improvement meets the criteria for designation as a landmark, as specified in Section 26-50.040 (Landmarks) of this chapter. If the criteria for landmark designation are met, the subject building, structure, site or improvement shall be deemed a contributing feature of the DH-O district.

3. A Historic Advisory Commission determination regarding a contributing feature may be appealed, as provided in Section 26-56.100 (Appeals) of this chapter. (Ord. 1756)

G. **“Historic Preservation District” in Downtown Oroville.** This section does not repeal, modify or amend the provisions of Resolution No. 3402 adopted January 1, 1979, which designates the “historic preservation district” shown in Figure 26-42.040-1. This “historic preservation district” is not a separate overlay district; it encompasses a small portion of the DH-O district. Should there be any conflict between the provisions contained in Resolution No. 3402 and this section, the provisions of Resolution No. 3402 shall prevail. Resolution No. 3402 reads as follows:

Figure 26-42.040-1: “Historic Preservation District” and Downtown Historic Overlay (DH-O)



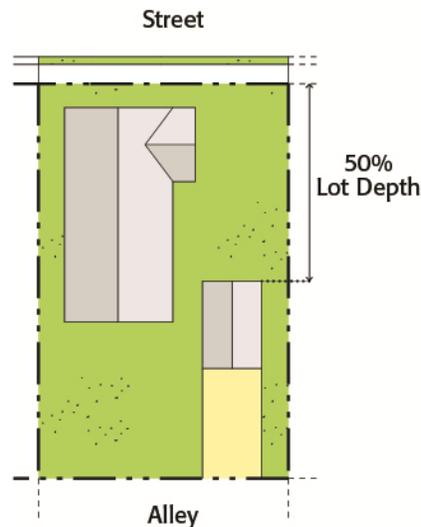
1. A portion of downtown Oroville is designated as an "historic preservation district" as noted on the attached map.
2. All structures built, remodeled, rehabilitated, or altered in this designated area shall conform to a “Turn of the Century” theme; the facade of each building in the area, when altered, shall conform to this theme.
3. The Historic Advisory Commission is hereby charged with the responsibility to oversee and monitor the development of this theme.

H. **Residential Building Types.**

1. **Purpose.** This section identifies residential building types permitted in the DH-O district. These building types are permitted in addition to development allowed by the underlying base district.
2. **Building Type Defined.** A building type is a particular kind of structure with its own recognizable identity. Building types are defined primarily by their form (mass, scale and design) with building function being of secondary importance.

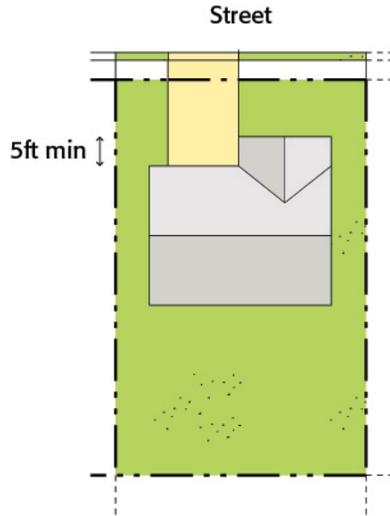
3. **Permitted Building Types.** The following building types, which are described in Figures 26-42.040-4 through 26-42.040-12, are permitted in the DH-O district:
 - a. Small Lot Single-Family Homes
 - b. Carriage Homes
 - c. Side Yard Homes
 - d. Duplexes, Triplexes, and Quadplexes (“Mansion Apartments”)
 - e. Rosewalk
 - f. Bungalow Court
 - g. Townhomes
 - h. Side Yard Apartments
 - i. Courtyard Apartments
4. **Where Allowed.** The residential building types described in this section are permitted where the DH-O is applied to a residential base district.
5. **Permit Required.** Development Review is required for a permitted residential building type that complies with the standards in this chapter but conflicts with the standards of the underlying base district. A Variance is not required.
6. **Development Standards for All Building Types.** The following standards apply to all residential building types in the DH-O district:
 - a. *Orientation.* Front entrances to buildings shall face onto or be clearly visible from a public street.
 - b. *Corner Lots.* Buildings on corner lots shall feature well-articulated facades for each street frontage.
 - c. *Pathways.* A pathway shall connect the adjacent public sidewalk to a building’s front entry.
 - d. *Parking and Access – Alley-Loaded Buildings.* For buildings served by an alley, vehicle access to the lot is allowed only through the alley. When an alley is present, vehicle parking areas, including garages, carports and surface parking spaces, shall be set back from the front lot line a minimum of 50 percent of the total lot depth (See Figure 26-42.040-2). Utilities, above ground equipment, trash containers and other services shall be accessed only through the alley.

Figure 26-42.040-2: Parking and Access – Alley-Loaded Buildings



- e. *Parking and Access – Front-Loaded Buildings.* For front-loaded buildings without an alley, vehicle parking area, including garages, carports or surface parking spaces, shall be set back a minimum of 5 feet from the front façade of the building (see Figure 26-42.040-3). Garages shall comprise no more than 50 percent of front building façade.

Figure 26-42.040-3 *Parking and Access – Front Loaded Buildings*



- 7. **Standards for Individual Residential Building Types.** Individual building types within the DH-O district shall comply with standards described in Figures 26-42.040-4 through Figure 26-42.040-12. Diagrams of building types are for illustrative purposes only; they do not establish or imply any requirements not specified in the text or tables.

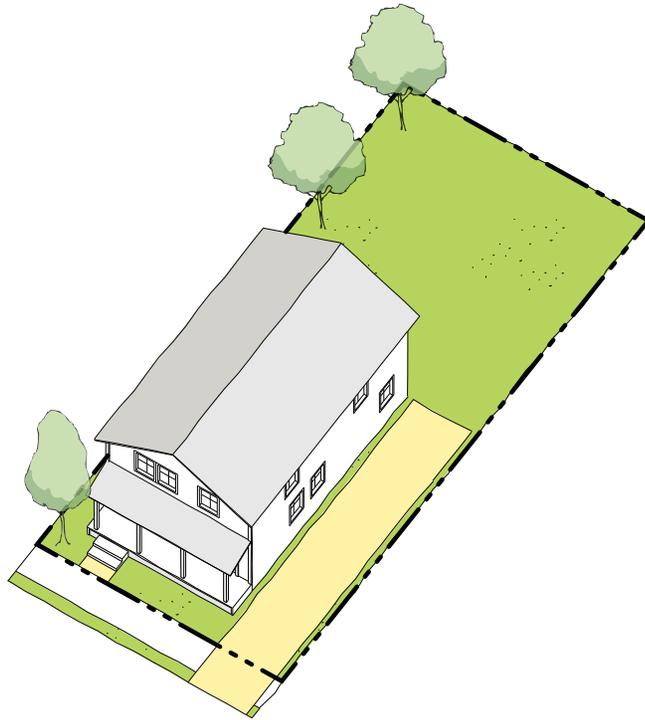
26-42.050 AIA-O: Airport Influence Area Overlay

In addition to the requirements for the underlying zoning district, the following provisions shall apply in an AIA-O district:

- A. **Intent.** This section identifies limitations on the density, intensity, height, and other aspects of the use of property within the Oroville Municipal Airport overflight area that are necessary to protect persons on the ground and in the air from adverse impacts that may result from operation of an airport, in the manner described in the 1990 Master Plan for the Oroville Municipal Airport. The limitations established in this section are consistent with Airport Compatibility Criteria described in the Butte County Airport Land Use Commission’s 2000 Airport Land Use Compatibility Plan.
- B. **Applicability.** The provisions of this section are applicable to all properties that have any portion located within the boundaries of an AIA-O district.
- C. **Airport Influence Area Zones.** Any AIA-O district shall be divided into Airport Influence Area Zones "A," "B1," "B2," "C" and "D," each of which shall be separately depicted on the Zoning Map.

FIGURE 26-42.040-4 SMALL LOT SINGLE-FAMILY HOMES

Building Type Definition: A detached single-family residential structure on a small lot.



Development Standards for Small Lot Single-Family Homes

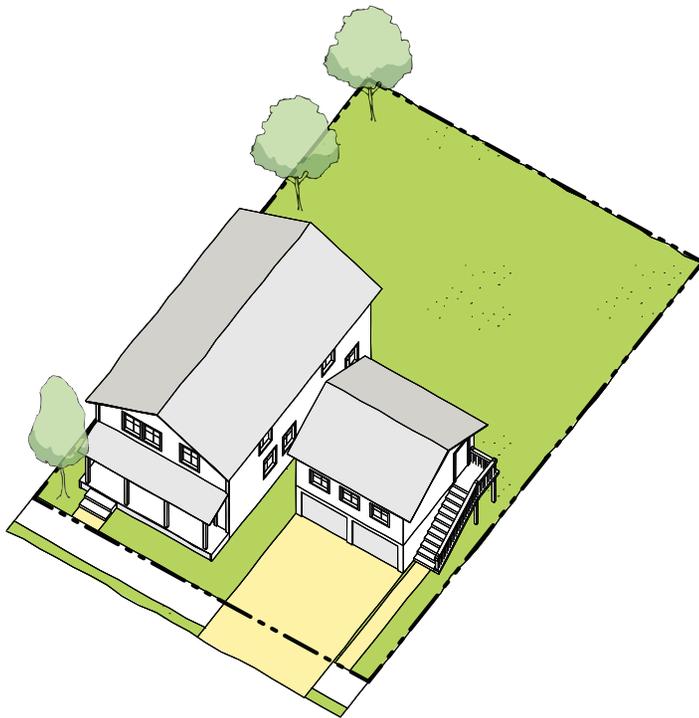
	Minimum	Maximum
Lot Standards		
Width	30 ft.	100 ft.
Length	75 ft.	150 ft.
Building Standards		
Setbacks		
Front	15 ft. [1]	25 ft.
Side	5 ft.	-
Rear	25 ft. [2]	-
Height	-	30 ft. and 2 stories

[1] Front porches may be setback 10 feet from the front property line.

[2] The minimum rear setback is 5 feet when abutting an alley.

FIGURE 26-42.040-5 CARRIAGE HOMES

Building Type Definition: An accessory dwelling unit located above a detached or semi-detached garage structure.

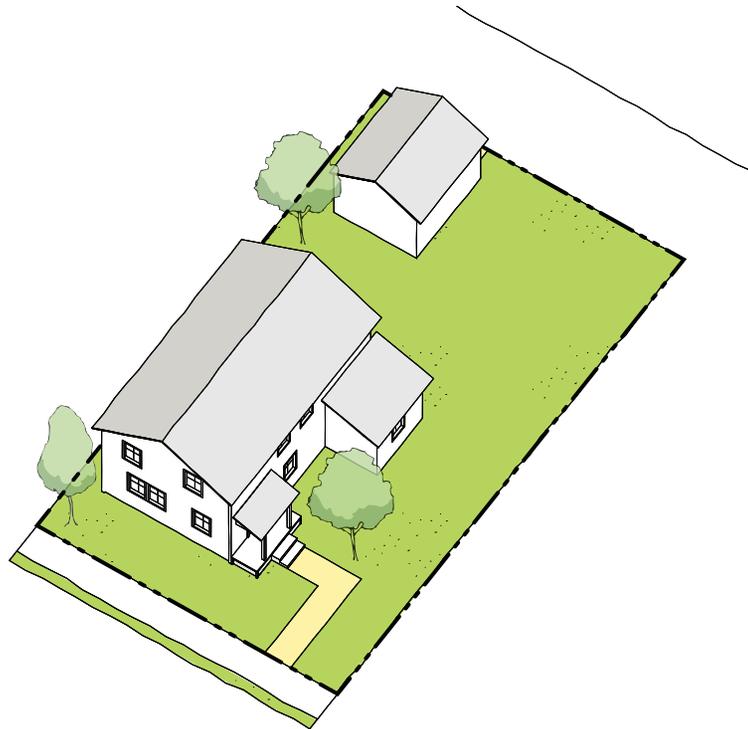


Development Standards for Carriage Homes

	Minimum	Maximum
Lot Standards		
Width	40 ft.	100 ft.
Length	50 ft.	150 ft.
Building Standards		
Setbacks		
Front	10 ft.	15 ft.
Side, Street	10 ft.	-
Side, Interior	10 ft.	-
Rear	5 ft.	-
Height	-	30 ft. and 2 stories

FIGURE 26-42.040-6 SIDE YARD HOMES

Building Type Definition: An alley-loaded single dwelling unit with one active side yard.



Development Standards for Side Yard Homes

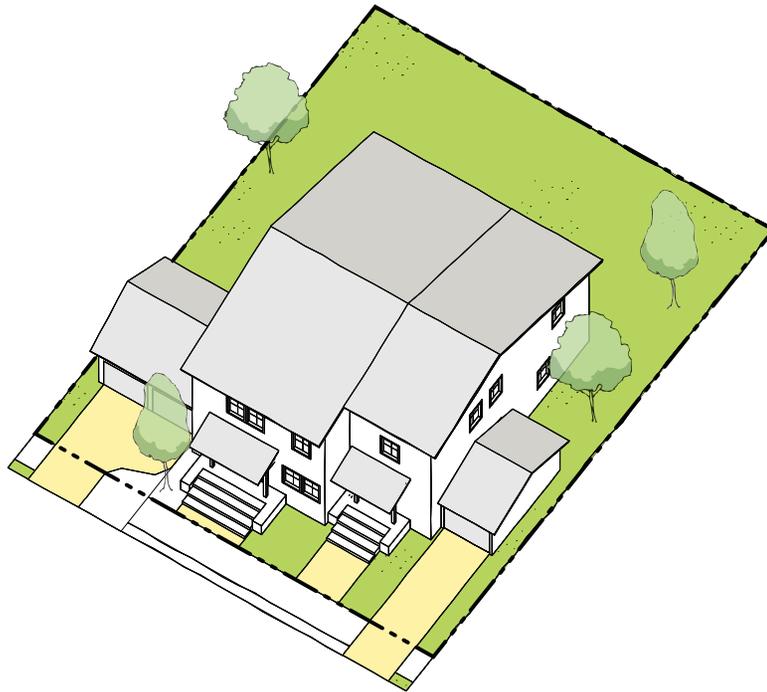
	Minimum	Maximum
Lot Standards		
Width	40 ft.	100 ft.
Length	50 ft.	150 ft.
Building Standards		
Setbacks		
Front	10 ft.	15 ft.
Side, Active Yard	10 ft.	-
Side, Inactive Yard	10 ft.	-
Rear	5 ft.	-
Height	-	30 ft. and 2 stories

Additional Side Yard Homes Standards

- **Pedestrian Access.** The main entry to a side yard homes shall be through either the building facade facing the active side yard or the front street-facing facade.
- **Frontage.** The building facade fronting the active side yard shall feature a porch; and the active side yard shall front the street on a corner lot.

FIGURE 26-42.040-7 DUPLEXES, TRIPLEXES, AND QUADPLEXES

Building Type Definition: A residential structure that contains 2 to 4 dwelling units that are either stacked or placed side-by-side and appear as a large single-family home.



Development Standards for Duplexes, Triplexes, and Quadplexes

	Minimum	Maximum
Lot Standards		
Width	50 ft.	120 ft.
Length	75 ft.	150 ft.
Building Standards		
Setbacks		
Front	10 ft. [1]	15 ft.
Side, Street	10 ft.	-
Side, Interior	5 ft.	-
Rear	15 ft. [2]	-
Height	-	35 ft. and 2 stories

[1] Porches and stoops may be setback 5 feet from the front property line.

[2] The minimum rear setback shall be 5 feet when abutting an alley.

FIGURE 26-42.040-8 ROSEWALK

Building Type Definition: A grouping of detached dwelling units arranged in two rows on either side of a common green.

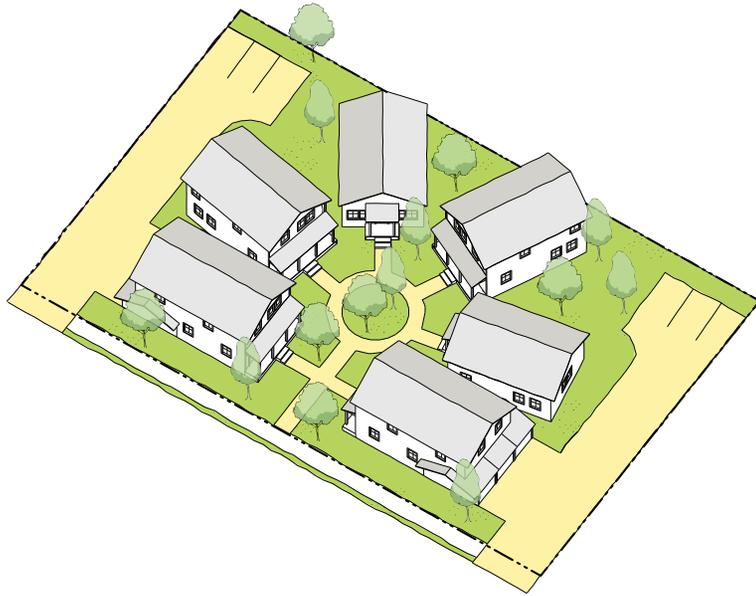


Development Standards for Rosewalk

	Minimum	Maximum
Lot Standards		
Width	100 ft.	150 ft.
Length	100 ft.	150 ft.
Density	-	6 units/acre
Building Standards		
Setbacks		
Exterior, Front	15 ft.	25 ft.
Exterior, Street Side	5 ft.	-
Interior, Side	8 ft.	-
Interior, Rear	15 ft.	30 ft.
Height	-	30 ft. and 2 stories

FIGURE 26-42.040-9 BUNGALOW COURT

Building Type Definition: A grouping of detached single-family homes arranged around a shared courtyard that is typically perpendicular to the street.



Development Standards for Bungalow Court

	Minimum	Maximum
Lot Standards		
Width	100 ft.	200 ft.
Length	100 ft.	300 ft.
Density	-	6 units/acre
Building Standards		
Setbacks		
Front	10 ft.	25 ft.
Side, Street	10 ft.	25 ft.
Side, Interior	10 ft.	-
Rear	15 ft. [1]	-
Between Structures on Lot	8 ft.	-
Height	-	30 ft. and 2 stories

[1] The minimum rear setback shall be 5 feet when abutting an alley.

Additional Bungalow Court Standards

- **Pedestrian Access.** The primary pedestrian entry to a bungalow court shall be provided from a public sidewalk adjacent to the central courtyard. The main entry to each unit shall face either the central courtyard or a public street.
- **Central Courtyard.**
 - ◆ The central courtyard shall be a shared space accessible to all building residents. The central courtyard shall be visible from the primary street frontage. The amount of impervious surface in central courtyard shall not exceed 50 percent of the total courtyard area. The central courtyard shall be at least 30 feet in width.
 - ◆ Pathways shall be provided from each unit to the central courtyard and from the central courtyard to a public sidewalk adjacent to the site.

FIGURE 26-42.040-10 TOWNHOMES

Building Type Definition: A single-family home attached to one or more other single-family homes in a linear arrangement.



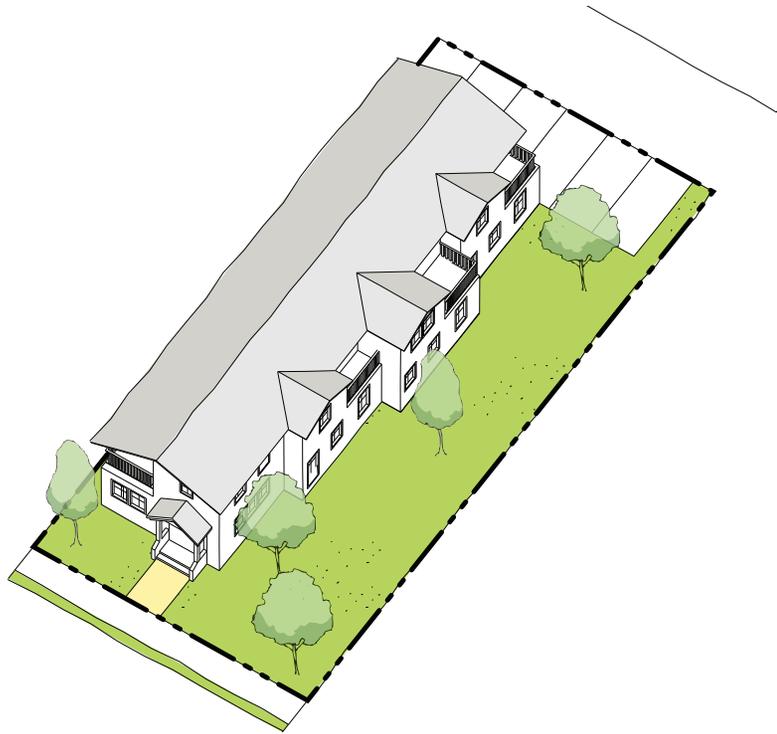
Development Standards for Townhomes

	Minimum	Maximum
Lot Standards		
Width	100 ft.	150 ft.
Length	100 ft.	150 ft.
Density	-	6 units/acre
Building Standards		
Setbacks		
Exterior	-	15 ft.
Interior, Side	8 ft.	0 ft.
Interior, Rear	5 ft. [1]	30 ft.
Height	-	35 ft. and 3 stories

[1] The minimum rear setback shall be 5 feet when abutting an alley.

FIGURE 26-42.040-11 SIDE COURT APARTMENTS

Building Type Definition: A 2-story structure that contains multiple dwelling units with most of its dwelling units facing an active side yard.



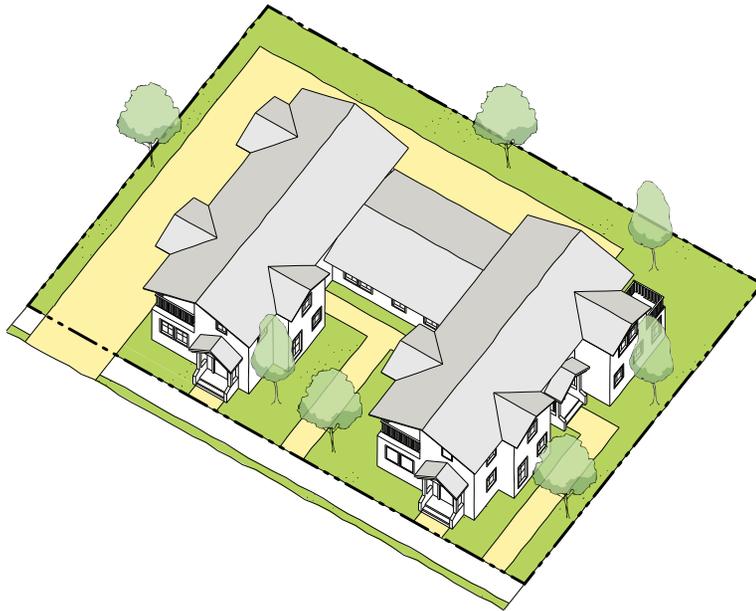
Development Standards for Side Court Apartments

	Minimum	Maximum
Lot Standards		
Density	-	6 units/acre
Building Standards		
Setbacks		
Exterior, Front	10 ft.	20 ft.
Interior, Rear	15 ft. [1]	-
Side, Inactive	5 ft.	-
Side, Active	20 ft.	-
Height	-	35 ft. and 2 stories

[1] The minimum rear setback shall be 5 feet when abutting an alley.

FIGURE 26-42.040-12 COURTYARD APARTMENTS

Building Type Definition: A grouping of attached dwelling units arranged to share one or more central courtyard.



Development Standards for Courtyard Apartments

	Minimum	Maximum
Building Standards		
Setbacks		
Exterior, Front	10 ft.	20 ft.
Exterior, Side	10 ft.	-
Interior, Side	5 ft.	-
Interior, Rear	15 ft. [1]	-
Height	-	35 ft. and 2 stories

[1] The minimum rear setback shall be 5 feet when abutting an alley.

Additional Bungalow Court Standards

- **Pedestrian Access.** The primary entry to individual units or the interior lobby of a courtyard apartment building shall be through the central courtyard.
- **Central Courtyard.**
 - ◆ The central courtyard shall be a shared space accessible to all building residents. The central courtyard shall be visible from the primary street frontage. The amount of impervious surface in central courtyard shall not exceed 50 percent of the total courtyard area. The central courtyard shall be at least 30 feet in width.
 - ◆ Pathways shall be provided from each unit to the central courtyard and from the central courtyard to a public sidewalk adjacent to the site.
- **Frontage.** The active side yard shall front the street on a corner lot.

- D. **Uses Permitted.** All uses may be provided that are allowed in the underlying zoning district, to the extent that those uses are consistent with the compatibility criteria set forth in this section.
- E. **Development Standards.** Use of property within an AIA-O district shall comply with the compatibility criteria set forth in this section, and also with the development standards of the zoning district with which the AIA-O district is combined to the extent that those standards are consistent with the compatibility criteria identified in this section.
- F. **Compatibility Criteria.** The airport compatibility criteria for land uses within Airport Influence Area Zones "A," "B1," "B2," "C" and "D" shall be as provided in Table 26-42.050-1. For the purposes of this section, calculation of the minimum lot size for residential use in B1 and B2 zones shall be based upon the gross acreage of a lot, with the gross acreage to include the area in any abutting publicly-owned vacant land such as stormwater detention facilities, and any area between the lot line and the center line of abutting streets.

TABLE 26-42.050-1: COMPATIBILITY CRITERIA FOR AIRPORT INFLUENCE AREA OVERLAY ZONES

Zone	Maximum Densities/Intensities				Additional Requirements		
	Residential (du/ac)	Other Uses (persons/ac) [1]			Required Open Land [2]	Prohibited Uses [3]	Other
		Average	Per Acre	With Bonus			
A	0	10	n/a	n/a	All remaining	A, B, C, D, E	A
B1	0.1 (10 ac min.)	25	50	n/a	30%	D, E, F, G	A, B, C, D, E
B2	0.2 (average lot size 5 ac)	50	100	130	20%	E, F, G	B, D, E
C	(1) 0.2 or (2) 4.0	100	300	390	10%	E, F	B, E
D	No limit	No limit	No limit	n/a	None	E	E

[1] Calculations of persons per acre shall be consistent with the criteria described in paragraph G of this section.

[2] Open land shall conform to the requirements in paragraph H of this section.

[3] Prohibited uses are those that correspond to the same letter in the list in paragraph I of this section.

[4] Other requirements shall be those that correspond to the same letter in the list in paragraph J of this section.

G. Persons Per Acre.

1. Calculations of the number of persons per acre shall include all people who may be on the property, such as employees, customers and visitors, both indoors and outdoors. The calculations shall be based upon one or more criteria that include the number of parking spaces provided for the use, the maximum occupancy allowed by adopted building codes, and, for non-standard types of development, a survey of similar uses in other jurisdictions. Sample calculation based upon parking spaces and upon building codes are provided in Appendix D of the December 2000 Butte County Airport Land Use Compatibility Plan. (ALUCP Table 2A, note 2; Appendix D)

2. "Average" density is the usage intensity indicated in this section times the gross acreage of the site. The total number of people permitted on a project site at any time shall not exceed the indicated average density for the zone in which the project site is located, except for rare special events, such as an air show at an airport, for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate. (ALUCP Table 2A, note 6) Clustered development shall not result in density or intensity of use on any single acre that exceeds the indicated average density. (ALUCP Table 2A, note 7; policy 4.2.6)
3. "1 acre" density is the maximum number of people who may occupy any single acre of the project site. This limitation also applies to clustered development. For the purposes of this requirement, areas to be evaluated shall be squares (for example, an area measuring 209 feet by 209 feet for a one-acre area) to the extent possible, given the shape of the property being evaluated. (ALUCP policy 4.2.6).
4. "Bonus" is the increase in persons per acre that may be permitted upon approval of a use permit by the Planning Commission if the building design reduces risks to occupants in the event of an aircraft collision with the building by incorporating features that include, but are not limited to, the following: (ALUCP Table 2A, note 8; policy 4.2.7)
 - a. Concrete walls;
 - b. Minimal number and size of windows;
 - c. Upgraded strength of the building roof;
 - d. No skylights;
 - e. Enhanced fire sprinkler system;
 - f. Single story construction;
 - g. Increased number of emergency exits.
5. The provisions of Section 26-50.010 (Use Permits) of this chapter shall apply to the approval of a use permit for a bonus in the number of persons per acre in an AIA-O district, in addition to which the Commission shall make specific findings showing why the exception is being made and that the land use will not create a safety hazard to people on the ground or aircraft in flight.

H. **Open Land.** (ALUCP Table 2A, note 3; policy 4.2.5)

1. New discretionary development of every property in an AIA-O district shall provide open land in the manner described in this section when the property is large enough to reasonably accommodate the required open land. The required open land may be provided on the property to be developed, or the property owner may pay an in-lieu Airport Open Space Mitigation Fee in an amount to be established by resolution of the City Council.
2. The amount of open land required for new development of every property shall be that percentage of the total gross area of the property that is indicated in this section.
3. An open land area shall be consistent with all of the following characteristics:
 - a. It shall have minimum dimensions of at least 75 feet by 300 feet.

- b. It shall be free of structures and other major obstacles such as walls, trees or poles that are greater than 4 inches in diameter at a point 4 feet above the ground, and overhead wires.
 - c. It shall be reserved as airport safety open land by deeded easement that prohibits development that is not consistent with this section.
 - d. Roads are acceptable as open land areas if they met the above criteria, particularly with respect to the arrangement of light fixtures and the placement and height of street trees.
- I. **Prohibited Uses.** Where the letter or letters listed in Table 26-42.050-1 correspond to the uses listed below, those uses shall be explicitly prohibited, regardless of whether it meets the intensity criteria, unless the prohibition is precluded by applicable State statutes:
- 1. **Use A.** All structures except facilities with location set by FAA criteria.
 - 2. **Use B.** Assemblages of people.
 - 3. **Use C.** Objects exceeding the Federal Aviation Administration's FAR Part 77 height limits. (ALUCP policy 4.3.2).
 - 4. **Use D.** Above-ground bulk storage of hazardous materials, except as described herein.
 - 5. **Use E.** Hazards to flight, including physical (such as tall objects), visual (such as glare, distracting lights, dust, steam or smoke), and electronic forms of interference with the safety of aircraft operations. Also included is land use development such as landfills that may attract birds to the site. (ALUCP Table 2A, note 9; policy 4.2.4). Storage of fuel and other hazardous materials is prohibited in Zone A. In Zones B1 and B2, these substances must be stored in underground tanks, except that on-airport storage of aviation fuel and other aviation-related flammable materials is allowed, as is storage of up to 2,000 gallons of nonaviation flammable materials. (ALUCP Table 2A, note 12; policy 4.3.6).
 - 6. **Use F.** Children's schools (kindergarten through twelfth grade), day care centers (provided, however, that non-commercial centers ancillary to a place of business are permitted in Zones B2 and C, so long as the overall use of the property meets the intensity requirement indicated in this section), libraries, hospitals and residential care facilities with 7 units or more. (ALUCP Table 2A, notes 10 and 11).
 - 7. **Use G:** Highly noise-sensitive uses, such as outdoor theaters. (ALUCP Table 2A)
- J. **Other Requirements.** Other requirements shall be only those for which the letter or letters listed in Table 26-42.050-1 correspond to the letter or letters listed below:
- 1. **Requirement A.** Dedication of an "aviation easement" is required, using forms provided by the City (ALUCP Appendix G2). The aviation easement shall do all of the following: (ALUCP policy 4.3.4)
 - a. Provide the right of flight in the airspace above the property.
 - b. Allow the generation of noise and other impacts associated with aircraft overflight.
 - c. Restrict the height of structures, trees and other objects.
 - d. Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit.

- e. Prohibit electrical interference, glare and other potential hazards to flight from being created on the property.
2. **Requirement B.** Deed notice of airport proximity and the potential for aircraft overflights is required, using forms provided by the City. (ALUCP Appendix G3)
 3. **Requirement C.** Locate structures the maximum distance from the extended runway centerline. (ALUCP Table 2A)
 4. **Requirement D.** A minimum noise level reduction of 20 dB is required for properties within the B1 Zone, and a minimum noise level reduction of 20 dB is required for properties within the B2 Zone. “Noise level reduction” refers to outside-to-inside sound level attenuation provided by a structure (ALUCP Table 2A, note 13), as measured with windows closed. The requirement applies to residences (including mobile homes) and buildings with noise-sensitive uses, including hotels and motels, hospitals and residential care facilities with 7 or more units, churches, meeting halls, office buildings, mortuaries, schools, libraries and museums. Evidence, such as building plans or conditions of approval of planning permits, shall be provided that new structures will be designed to comply with the stated criteria. (ALUCP policy 4.1.5).
 5. **Requirement E.** Airspace review is required for tall objects as follows: B1 Zones, greater than 35 feet; B2 Zones, greater than 70 feet; C and D Zones, greater than 100 feet. The applicant shall notify the Federal Aviation Administration regarding the height of any proposed structures or objects, as required by federal or State regulations. (ALUCP policy 4.3.5). The Federal Aviation Administration may require marking and lighting of certain objects less than 35 feet in height. (ALUCP policy 4.3.2 and 4.3.3).
- K. **Clustering.** In all zones except Zone A, development of a site or within a subdivision may be concentrated in a portion of the overall project site for purposes of achieving required open land, subject to the following limitations:
1. In no case shall the applicable maximum overall density criteria indicated in this section be exceeded on any 1 acre of the project site as a result of clustering.
 2. With clustering, some lots may be much smaller than others, although approval of a Planned Development (PD-O) overlay zone may be required if the proposed clustering of structures or lots is not consistent with development standards applicable to the underlying zoning district with which the AIA-O district is combined. (ALUCP Table 2, notes 1, 6, and 7; policy 4.2.6).
- L. **Development by Right.** Nothing in these policies prohibits construction or alteration of a single-family home on a legal lot of record if such use is permitted by this chapter. (ALUCP 2.4.4 d).
- M. **Parcels Lying within Multiple Compatibility Zones.** (ALUCP policy 2.4.4e)
1. For the purposes of evaluating consistency with the compatibility criteria set forth in this section, any parcel that is split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line.
 2. The intensity of development allowed within the more restricted portion of the parcel can, and is encouraged to be transferred to the less restricted portion, even if the

resulting development in the latter area then exceeds the criteria for that compatibility zone.

- N. **Other Special Conditions.** (ALUCP policy 2.4.4f) As provided in the Airport Land Use Compatibility Plan, the Airport Land Use Commission may approve the establishment of a use that is permitted by the underlying zoning district applicable to a property, even if the use is not otherwise permitted within the applicable Airport Influence Area Safety Zone. If approved by the Airport Land Use Commission, that use shall be allowed as provided in the underlying zoning district.

26-42.060 MS-O: Mini-Storage Overlay

- A. **Intent.** The requirements of this section are intended to minimize the potential adverse impacts that mini-storage facilities may have on other types of commercial development. Potential adverse impacts include a significant reduction in the availability of vacant land for development of other commercial uses, as well as the projection of a “warehouse” image that reduces the appeal of adjacent properties for development of other commercial uses.
- B. **Applicability.**
1. Any mini-storage facilities approved in accordance with regulations in effect prior to December 31, 2004, may be constructed without obtaining approval for an MS-O district, provided that all of the following conditions apply:
 - a. Construction of the approved facilities was initiated in accordance with a lawfully obtained building permit prior to December 31, 2005.
 - b. Construction of the approved facilities is completed in accordance with a lawfully obtained building permit prior to December 31, 2010.
 2. Any substantial amendments to facility design and site plans approved prior to December 31, 2004, shall require the creation of an MS-O district and shall be subject to the provisions of this section.
- C. **Establishment of District.** An MS-O district may be combined with any other zoning district that implements the “Retail and Business Services” or the “Industrial” land use classifications set forth in the General Plan Land Use Element. Examples of such zoning districts include the CN, C-1, C-2, CLM, M-1, and M-2 districts, but do not include the RP or ABP districts.
- D. **Assessment of Impacts.** Prior to the creation of an MS-O district, factual information shall be prepared and reviewed by the Planning Commission and City Council regarding the following:
1. The total number, total area and relative locations of other vacant properties that are particularly suited, because of location or relatively large total area, for development of other types of commercial uses that typically generate more jobs and sales tax revenue, and provide shopping and service opportunities other than mini-storage facilities for residents of the local area.
 2. The location, acreage, total square feet and total number of mini-storage units for existing and approved mini-storage facilities.
 3. The location of all other existing MS-O districts.

- E. **Facilities in Highly Visible Locations.** For the purposes of this section, a mini-storage facility shall be considered to be in a “highly visible location” if it is in one of the following areas, as well as any other area that the Planning Commission determines to be a highly visible location:
1. Any property or area within 600 feet of the Highway 70 right-of-way.
 2. Any property that abuts Feather River Boulevard.
 3. Any property that abuts a street designated as an arterial in the General Plan Circulation Element.
 4. Any property that abuts a residential zoning district, if the elevation of a substantial portion of the property is below the elevation of the residential district such that fencing will not sufficiently screen the mini-storage facilities from adjacent residential uses. This requirement shall be construed to designate a property as a “highly visible location” if a reasonable argument can be made that changes in elevation between the residential district and the property exist and may have an adverse visual impact on adjacent residential uses.
- F. **Uses Allowed.** In MS-O districts, the allowed uses shall be the same as those allowed in the underlying zoning district, except as follows:
1. The following types of uses and facilities shall be required to obtain a use permit:
 - a. Mini-storage facilities in highly visible locations.
 - b. An on-site office.
 - c. An on-site caretaker dwelling unit.
 2. Enclosed mini-storage facilities that are not in a highly visible location shall be allowed as of right, subject to a zoning clearance.
- G. **Permitted Activities.** Within a mini-storage facility in an MS-O district, no business activity, other than the rental of storage units, shall be conducted. The operation of the facility shall be for dead storage only and shall in no way include a transfer or storage business. Electrical service to individual storage units shall consist only of lighting and switches. Electrical outlets within storage units are specifically prohibited.
- H. **Hours of Operation.** In MS-O districts, no mini-storage facility shall open before 7:00 AM or close after 7:00 PM, unless other operating hours are approved by use permit.
- I. **Maximum Unit Size.** In MS-O districts, the size of each unit of mini-storage shall not exceed 400 square feet.
- J. **Vehicular Circulation.** In MS-O districts, interior driveways and aisles shall have a minimum width of 20 feet.
- K. **Fencing.** In MS-O districts, where fences are required under the provisions of Section 26-13.020 (Fences, Walls, and Screening), exterior rear and side walls of the storage units that are adjacent to the property line may serve as a portion of the required fencing, if those walls are finished with a stucco or masonry surface.
- L. **Prohibited Materials.** In MS-O districts, the following materials shall not be stored in individual storage units:

1. Flammable or combustible liquids.
2. Calcium carbide or acetylene.
3. Compressed gas and liquid propane gas.
4. Explosive and blasting agents.
5. Fireworks.
6. Hazardous chemicals.
7. Corrosive liquids and poisonous gases.
8. Toxic materials.

M. **Design Requirements in Highly Visible Areas.** In MS-O districts, for mini-storage facilities in highly visible areas, portions of facilities that the Planning Commission determines will be particularly visible to adjacent areas or to the general public shall conform to all of the following standards, in order to achieve greater visual compatibility with the surrounding uses:

1. The placement and height of buildings, walls and other structures along the perimeter of the site shall be varied to provide visual relief. The structures shall not project the image of a walled fortress.
2. All building walls and perimeter fencing shall have a stucco or decorative masonry finish and shall include features that add dimension to an otherwise flat plane. These features may include, but are not limited to, cornices, window shutters of an appropriate size for the window, recessed or indented areas and lines or trim that project from the wall plane.
3. In order to avoid the appearance of a site that is almost entirely covered by structures, the site design shall divide the massing of structures in a way that creates concentrated areas of open space between structures.

26-42.070 C-O: Conditional Overlay

In addition to the requirements for the underlying zoning district, the following provisions shall apply in a C-O district:

- A. **Intent.** This district shall be applied to properties where the City Council has imposed special land use conditions or limitations that are not applicable to similarly zoned properties as a condition of approval of the underlying primary zoning designation. The C-O designation is intended to alert all persons that additional inquiries are required to know the nature and extent of the restrictions that apply to a particular site.
- B. **Application of District.** The C-O district shall be applied as provided in Section 26-56.100 (Appeals) of this chapter, except as follows:
 1. The C-O district shall be applied only in conjunction with a change to the underlying zoning district.
 2. The ordinance amending the Zoning Map shall specify the conditions that are to be imposed within the C-O district.

- C. **Nature of Special Conditions.** Land in a C-O district shall be subject to one or more of the following types of conditions, or other conditions deemed necessary by the City Council:
1. A use permit may be required for all or most uses that ordinarily are allowed as of right, or subject to an administrative permit, in the underlying district.
 2. The property may be subject to mitigation measures that reduce potential environmental impacts associated with the rezoning to a level that is less than significant.
- D. **Recording of Conditions.** When the C-O district is applied to or removed from any portion of the Zoning Map, the adopting ordinance for the rezoning shall be recorded as follows:
1. A copy of the ordinance that applies or removes the C-O zoning designation shall be recorded with the county recorder for each applicable parcel.
 2. A copy of the recorded ordinance shall be placed in the City's records for each applicable parcel.

26-42.080 F-O: Foothill Overlay

- A. **Purpose.** The purpose of the F-O district is to preserve and enhance the special character of foothill areas in Oroville. Properties within the F-O district are subject to land use and infrastructure standards that reflect the low-density and rural character of these areas.
- B. **Land Use and Infrastructure Standards.** The following land use and infrastructure standards apply in the F-O district:
1. The sale and use of fireworks is prohibited. See Article II of Chapter 10 (Safe and Sane Fireworks).
 2. The City Engineer may approve exceptions to roadway and sidewalk standards, based on site-specific conditions. See Article III of Chapter 22 (Installation of Curbs, Gutters, Sidewalks, and Streets).
 3. The City requires street frontage improvements only for development valued at \$52,000 or more. See Section 22-22 (Installation Required when Improvements Valued at Fifty-Two Thousand Dollars are Made).
 4. The City may allow postponed street frontage improvements when surrounding development that lacks sidewalks. See Section 22-24 (Postponement of Requirement to Install Frontage Improvements).

26-42.090 UA-O: Unique Agriculture Overlay

- A. **Purpose.** The purpose of the UA-O district is to protect and promote small-scale agriculture, family farms, unique crops and historic ways of farming by allowing agricultural support and specialty agriculture uses in areas where the underlying designation may not allow them. The UA-O district accommodates uses that are complementary and accessory to unique agricultural pursuits, including education and tourism. The district also includes provisions to protect adjacent residential and agricultural uses.

B. Applicability. The UA-O district may be combined with the Urban Reserve (UR), Agricultural Residential (RA), Public/Quasi-Public (PQ) and Rural Residential (RR) zones.

C. Use Regulations. Permitted and conditionally permitted uses in the UA-O district are the same as the base district, except as specified below.

1. **Permitted Uses.** The following uses are permitted as-of-right in the UA-O district:

- a. Agriculture-related museums.
- b. Bed and breakfasts (maximum one per parcel).
- c. Cooking demonstrations and pairing food and wine not sold for consumption.
- d. Farm tours.
- e. Farmstays.
- f. Growing and harvesting unique agricultural products.
- g. Interactive animal displays (e.g., petting farms).
- h. On-site picking of unique agricultural products.
- i. Picnic areas.
- j. Processing, bottling or packaging unique agricultural products produced within the UA-O district.
- k. Public tasting rooms for unique agricultural products produced within the UA-O district.
- l. Selling food catered by licensed vendors.
- m. Selling pre-packaged foods, including by vending machines.
- n. Selling unique agricultural products or merchandise related to the region.
- o. Special events, such as farm trail events, weddings, concerts, parties, educational classes, corporate events and other similar activities.
- p. Trails.

2. **Conditionally Permitted Uses.** A Use Permit is required for small restaurants or cafes (16 seats or less) showcasing locally grown foods.

D. Development and Operational Standards.

1. **Limitation on Processing Activities.** Permitted agricultural processing activities are limited to products grown, cultivated, or produced within the UA-O district.

2. **Parking.** Minimum on-site parking spots required for uses with the UA-O district are specified in Section 26-13 (Parking). Required parking for uses not listed in Section 26-13 (Development Standards) is as determined by the Planning Division.

3. **Hours of Operation.** Retail sales and similar commercial activities may be conducted only between the hours of 7:00 am and 7:00 pm unless otherwise approved as part of a Use Permit.

4. **Tour Buses and Vans.** Tour buses and vans shall not idle more than 10 minutes per hour on-site within the UA-O district, so as to minimize noise and air quality impacts to the area. Buses and tour vans shall be provided with adequate off-street parking and turn-around areas.

5. **Special Events.**

- a. *Number of Attendees.* Attendees allowed at special events in the UA-O district are limited to the number shown in Table 26-42.090-1.

TABLE 26-42.090-1: ATTENDEES AT SPECIAL EVENTS

Total Parcel Size (Acres)	Maximum Number of Attendees (Peak)
1.0 – 2.5	50 people
2.51 – 5.0	100 people
5.01 – 10.0	200 people
10.01 – 20.0	300 people
Over 20 acres	350 people

- b. *Hours of Operation.* Retail sales and similar commercial activities may be conducted only between the hours of 7 am and 7 pm unless otherwise approved as part of a Use Permit.
- c. *Noise.* All special events are subject to the noise standards found in Chapter 13A of the Oroville Municipal Code.

26-42.100 PO-O: Professional Office Overlay

- A. **Purpose.** The purpose of the PO-O district is to allow professional office uses in addition to the uses allowed by the underlying district to support a vibrant downtown with a diversity of commercial, residential, and office uses.
- B. **Use Regulations.** Permitted and conditionally permitted uses in the PO-O district are the same as the base district, except as specified below.
 - 1. **Permitted Uses.** The following uses are permitted as-of-right in the PO-O district:
 - a. Professional offices
 - b. Commercial art and design studios
 - c. News and journalism offices
 - d. Instructional and production studios
 - 2. **Conditionally Permitted Uses.** Low Impact Personal Services are allowed in the PO-O district with approval of a Use Permit.
- C. **Development Standards.** Development standards in the PO-O district are the same as in the base district.
- D. **Development Review.** Pursuant to Section 26-53.020 (Review Required), development review requirements shall be the same as those of the underlying base district, including development review requirements for properties within the Downtown Historic Overlay.

26-42.110 ACE-O: Arts, Culture, and Entertainment Overlay

- A. **Purpose.** The purpose of the ACE-O district is to revitalize the historic Downtown as a recreational, community and tourist destination by establishing an Arts, Culture, and Entertainment District (AC&E District) that will capitalize upon existing cultural, historic, and natural resources of the area.
- B. **Use Regulations.** Permitted, conditionally permitted, and uses not allowed in the ACE-O district are the same as the base district, except as specified below.
1. **Permitted Uses.** The following uses are permitted as-of-right in the ACE-O district:
 - a. Museums, art galleries and other uses for the display of visual arts.
 - b. Theatres, concert halls, and uses whose primary business purpose is to perform music, dance, plays and other methods of the performing arts.
 - c. Instructional or production studios for the instruction or production of art, including dance, painting, photography, music, sculpture and related arts, gymnastics, martial arts, yoga or similar activities. There is no specified limitation on instructional spaces or number of artists.
 2. **Uses Not Allowed.** The following uses are not allowed in the ACE-O district.
 - a. Vehicle Service or Repair
 - b. Recycling Facility or Center
 - c. Mini-storage facility
 - d. Landscape material sales
- C. **Development Standards.** Development standards in the ACE-O district are the same as in the base district.
- D. **Development Review.** Pursuant to Section 26-53.020 (Review Required), development review requirements shall be the same as those of the underlying base district, including development review requirements for properties within the Downtown Historic Overlay.

ARTICLE IV. PROCESS

Section 26-50 – Permits, Variances, and Nonconformity253

26-50.010 Use Permits253

26-50.020 Administrative Permits.....255

26-50.030 Zoning Clearances.....256

26-50.040 Landmarks257

26-50.050 Landmark Modification Permits.....258

26-50.060 Landmark Demolition Permits259

26-50.070 Tree Removal Permits262

26-50.080 Variances.....262

26-50.090 Nonconforming Uses and Structures263

26-50.100 Substandard Lots.....265

Section 26-53 – Development Review267

26-53.010 Purpose267

26-53.020 Review Required.....267

26-53.030 Application269

26-53.040 Review of Applications269

26-53.050 Action on Applications270

26-53.060 Industrial Use Projects within the Oroville Enterprise Zone271

Section 26-56 – Enforcement and Administration273

26-56.010 Duties of the City Council.....273

26-56.020 Duties of the Planning Commission.....273

26-56.030 Duties of the Zoning Administrator.....274

26-56.040 Development Review Committee274

26-56.050 Historic Advisory Commission275

26-56.060 Enforcement275

26-56.070 Violations and Penalties276

26-56.080 Complaints Regarding Violations.....276

26-56.090 Amendments and Rezoning276

26-56.100 Appeals.....277

26-56.110 Reapplication.....278

26-56.120 Severability.....278

Section 26-50 – PERMITS, VARIANCES, AND NONCONFORMITY

26-50.010	Use Permits
26-50.020	Administrative Permits
26-50.030	Zoning Clearances
26-50.040	Landmarks
26-50.050	Landmark Modification Permits
26-50.060	Landmark Demolition Permits
26-50.070	Tree Removal Permits
26-50.080	Variances
26-50.090	Nonconforming Uses and Structures
26-50.100	Substandard Lots

26-50.010 Use Permits

- A. **Intent.** Use permits provide an opportunity to review the location, site development or conduct of certain land uses, activities and structural features that generally have a distinct impact on the area in which they are located or are capable of creating special problems for bordering properties unless given careful attention. Use permits are discretionary and may be granted or denied by the Planning Commission under the provisions of this section.
- B. **Transferability.** A use permit shall be valid only for the property for which it was issued. Use permits shall not be transferred from one property to another.
- C. **Uses Requiring a Use Permit.** Uses shall be required to obtain a use permit as specified in this chapter.
- D. **Conditions.**
 1. If the Planning Commission grants a use permit, it may attach any conditions to the use permit that are deemed necessary to achieve the purposes of this chapter, and that also promote the general health, safety and public welfare of the City.
 2. The conditions imposed by the Planning Commission may include, but are not limited to:
 - a. Improvement of vehicle access to the subject property in accordance with City standards.
 - b. Regulation of a structure's horizontal or vertical size.
 - c. Regulation or placement of the use or building on the subject property.
 - d. Regulation of the design and configuration of building frontages.
 - e. Regulation of the nature, hours of operation and extent of the use.
 - f. Regulation of the term during which the use permit is valid.
 - g. Regulation of landscaping and other barriers for the protection of adjoining or nearby properties.
 - h. Improvement of access to the building or site for disabled persons.
 3. Each use permit shall be issued subject to the condition that the Zoning Administrator may inspect the premises for which the use permit is issued at any reasonable time to

ensure compliance with the conditions of the use permit. Refusal to permit the Zoning Administrator to inspect the premises shall be rebuttably presumed to be grounds for revocation of the use permit.

E. Application.

1. Application for a use permit shall be made to the Planning Commission in a form prescribed by the Zoning Administrator, accompanied by a fee established by resolution of the City Council. The application shall also include all of the following as applicable:
 - a. Site and floor plans, including the location, square footage and use of all structures.
 - b. Architectural drawings showing proposed building elevations.
 - c. Landscape plans showing the types, sizes and location of vegetation to be planted and the irrigation system to be installed.
 - d. Plans for the configuration and layout of all off-street parking spaces, including entrances, exits and internal circulation routes.
 - e. Plans for all lighting to be installed on the site, including the location, type, height and brightness of each lighting fixture.
 - f. Drawings of all signs that are proposed in association with the project.
 - g. Plans showing the location, square footage and capacity of any existing or proposed surface stormwater detention facilities.
 - h. Plans showing the location and square footage of any existing or proposed outdoor storage areas.
 - i. Descriptions of any off-site infrastructure improvements to be provided in conjunction with the project.
 - j. Hours of operation for all proposed land uses.
 - k. Number of employees and fleet vehicles for all proposed land uses.
 - l. A letter authorizing the use permit application from the owner of the property.
2. All plans and drawings shall be drawn to scale to the extent feasible and shall indicate the full dimensions, contours and other topographic features and information necessary to make a full evaluation of the project.
3. The Planning Commission shall hold a minimum of 1 public hearing on the application, notice of which shall be given by 1 publication in a newspaper of general circulation in the City of Oroville at least 10 days prior to the hearing, or by posting notice on the property involved at least 10 days prior to the hearing.
4. The Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:
 - a. The granting of the permit will not be incompatible with or detrimental to the general health, safety, or public welfare of the surrounding area or of the City as a whole.
 - b. The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.
 - c. Public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use.

- d. The location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.
 - e. The subject site is physically suitable for the type and intensity of land use being proposed.
 - f. The size, intensity, and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.
 - g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, of this chapter and of the City Code.
5. Notice of the Planning Commission's determination shall be issued within 10 days after the determination has been made. This notice shall be issued in writing to the permit applicant.

F. Revocation.

1. In any case where a use permit has not been used for 1 year, the Zoning Administrator shall make a determination regarding whether relevant circumstances have changed significantly since the approval. Relevant circumstances shall be those that were considered and relied upon when the permit was approved, including but not limited to the surrounding levels of traffic and the types and intensity of uses on adjoining properties. If the Zoning Administrator determines that relevant circumstances have changed significantly, the permit shall be reviewed by the Planning Commission to determine if a hearing should be scheduled to revoke it.
2. The Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
 - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
 - b. Any of the terms or conditions of the permit have been violated.
 - c. A law, including any requirement in this chapter, has been violated in connection with the permit.
 - d. The permit was obtained by fraud.
3. The Planning Commission shall hold a public hearing on any proposed revocation after giving written notice to the permittee at least 10 days prior to the hearing.

- G. Appeals.** If the applicant, permittee or any other person is dissatisfied with a Planning Commission action regarding a use permit, he or she may appeal to the City Council as provided in Section 26-56.100 (Appeals) of this chapter. (Ord. 1762)

26-50.020 Administrative Permits

- A. Uses Requiring an Administrative Permit.** Uses shall be required to obtain an administrative permit as specified in this chapter.

B. Application.

1. Application for an administrative permit shall be made in a form prescribed by the Zoning Administrator and accompanied by a fee established by resolution of the City Council. If the applicant does not own the property for which a permit is requested, the application shall be accompanied by a letter authorizing the administrative permit application from the owner of the property.
2. The Zoning Administrator may grant or deny an application for an administrative permit under the provisions of this section. Notice of the Zoning Administrator's determination shall be issued within 10 days after the determination has been made. The notice shall be issued in writing to the permit applicant.

C. Revocation. After providing a 10 day notice to the permittee and holding a hearing, the Zoning Administrator, upon his or her own motion, may revoke any administrative permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:

1. Any of the terms or conditions of the permit have been violated.
2. A law, including any requirement in this chapter, has been violated in connection with the permit.
3. The permit was obtained by fraud.

D. Appeals. If the applicant or any other person is dissatisfied with a Zoning Administrator action regarding an administrative permit, he or she may appeal as provided in Section 26-56.100 (Appeals) of this chapter. (Ord. 1762)

26-50.030 Zoning Clearances

A. Purpose. A zoning clearance verifies that a proposed structure or use meets all of the requirements that apply to that structure or use, including but not limited to requirements for allowed activities and development standards.

B. Applicability.

1. A zoning clearance is required prior to the issuance of any building or occupancy permit.
2. Except for properties in residential districts that are used exclusively for single-family residential purposes, a zoning clearance shall be obtained for any change of lessee, operator or owner, even when the change does not alter the use or activity being conducted on the property.

C. Application. Application for a zoning clearance shall be made in a form prescribed by the Zoning Administrator. The application shall be accompanied by any materials that are necessary to verify compliance with this chapter's requirements, including but not limited to site plans and written descriptions of the proposed uses and activities, as well as any fee established by resolution of the City Council.

- D. **Review and Approval.** The Zoning Administrator shall approve the zoning clearance upon verifying that the proposed structure or use complies with all applicable requirements of this chapter.
- E. **Form of Zoning Clearance.** A zoning clearance may be issued as a stamp or seal of approval on a set of building plans, a signature on a City approval document, or in another form approved by the Zoning Administrator.

26-50.040 Landmarks

- A. **Landmark Designation Criteria.** Any site or improvement to a site may be designated as a landmark if it retains its historic integrity and meets one or more of the following criteria:
 1. It is designated as a California Historical Landmark, or it is listed on the National Register of Historic Places.
 2. It appears on a City inventory of historic resources.
 3. It exemplifies or reflects elements of the City's history.
 4. It has special aesthetic or artistic qualities that are of historic value.
 5. It is identified with historic persons or with important events in local, State or national history.
 6. It embodies distinguished architectural characteristics valuable for study of a period, style, method of construction or cultural characteristic.
 7. It is a valuable example of indigenous materials or craftsmanship.
- B. **Landmark Designation Process.** Landmark designations shall be granted and revoked by the City Council as follows:
 1. Any owner may request the designation of an improvement as a landmark, or the revocation or modification of a landmark designation, by submitting an application to the Historic Advisory Commission. The application shall be in a form established by the Zoning Administrator and accompanied by a fee established by resolution of the City Council. In addition, the application shall identify the specific portions of the improvement that are proposed for designation as a landmark.
 2. Public hearings on the application shall be held before the Historic Advisory Commission in an advisory capacity, and the City Council for a final decision, in accordance with the procedure for amendments and rezonings, as specified in Section 26-56.100 (Appeals) of this chapter. The hearing before the Historic Advisory Commission shall be held within 90 days of filing the application.
 3. When considering the application, the Historic Advisory Commission and City Council shall consider the landmark designation criteria provided in this section.
 4. All landmark designations shall identify the specific portions of the site or improvement that are designated for protection as a landmark.

C. Duty to Maintain.

1. Any person who owns or controls any landmark or landmark site shall regularly maintain the site, and its buildings and structures, at a level that clearly ensures the continued availability of the buildings, structures and premises for lawful, reasonable uses and prevents deterioration, dilapidation and decay of the buildings, structures and premises. This maintenance requirement shall apply to the exterior portions of buildings and structures; any interior portion that is specifically identified in the landmark designation as a protected feature; and any interior portions that must be maintained in order to prevent the deterioration of the exterior.
2. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior improvement or exterior architectural feature that does not involve a change in design or materials.

D. Modification and Demolition.

1. A landmark shall not be modified without first obtaining a landmark modification permit, as provided in Section 26-50.050 (Landmark Modification Permits) of this chapter.
2. A landmark shall not be demolished without first obtaining a landmark demolition permit, as provided in Section 26-50.060 (Landmark Demolition Permits) of this chapter.

26-50.050 Landmark Modification Permits

- A. **Purpose.** The purpose of requiring landmark modification permits is to ensure that alterations to landmarks and landmark sites do not adversely affect their historic character.
- B. **Applicability.** A landmark modification permit shall be required for any restoration, rehabilitation or alteration that would change the exterior appearance or otherwise affect the historic significance of any of the following:
 1. Any structure or site that is designated as a California Historical Landmark, or is listed on the National Register of Historic Places.
 2. Landmark buildings, structures or sites.
 3. Buildings, structures or improvements that are identified in a City of Oroville historic survey for a Downtown Historic Overlay (DH-O) district, provided as follows:
- C. **Rights Granted.** A landmark modification permit authorizes its holder to apply for any building permits or other permits that are necessary to modify a specified building, structure or significant feature. A landmark modification permit shall not be construed to grant the rights that are provided by a building permit, grading permit or any other permit.
- D. **Discretionary Action.** Any determination regarding a landmark modification permit shall be considered a discretionary action and shall be subject to all applicable provisions of the California Environmental Quality Act (CEQA).
- E. **Procedure.** The procedure to apply for and issue a landmark modification permit shall be as specified for development review in Section 26-53 (Development Review) of this chapter, except as follows:

1. An application for a landmark modification permit shall be considered in light of the following criteria:
 - a. Whether the proposed change, including its design and materials, is consistent with the historic period of the landmark.
 - b. Whether the proposed change is compatible with any adjacent or nearby landmarks.
 - c. Whether the proposed change destroys or diminishes an important feature of the landmark.
 - d. Whether the proposed change conforms to the most recent edition of the Secretary of the Interior's Standards for the Treatment of Historic Properties, published by the United States Department of the Interior.
 - e. Whether the proposed change conforms to any design guidelines for landmarks or historic structures that have been adopted by the City Council.
 2. An application for development review may be combined with an application for a landmark modification permit.
- F. **Violations and Penalties.** Any person or entity that alters any landmark or landmark site for which a landmark modification permit is required without first obtaining that permit shall be deemed guilty of an infraction, and upon conviction shall be punished by a fine not to exceed \$1,000. Each day on which the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under the provisions of this section.

26-50.060 Landmark Demolition Permits

- A. **Purpose.** The purpose of requiring landmark demolition permits is to help prevent, to the extent that it is reasonable, the demolition of any City, State or federal landmark.
- B. **Applicability.** A landmark demolition permit shall be obtained before a demolition permit is issued for any of the following:
 1. Any structure or site that is designated as a California Historical Landmark, or is listed on the National Register of Historic Places.
 2. Landmark buildings, structures or sites.
 3. Buildings, structures or improvements that are identified in a City of Oroville historic survey for a Downtown Historic Overlay (DH-O) district, provided as follows:
 - a. If the subject improvement has not previously been evaluated to determine whether it is a contributing feature of the DH-O district, the Historic Advisory Commission shall make this determination as provided in Section 26-42.040 (DH-O: Downtown Historic Overlay) of this chapter.
 - b. A landmark demolition permit shall be required only for contributing features of the DH-O district.
- C. **Rights Granted.** A landmark demolition permit is a land use entitlement that authorizes its holder to apply for a demolition permit for a specified landmark. A landmark demolition permit shall not be construed to grant the rights that are provided by a demolition permit.
- D. **Exemption for Dangerous Buildings.** The requirements of this section shall not apply to any building that the Building Official or Fire Marshal determines is dangerous to the health

and safety of the building occupants, neighbors or general public, and consequently should be demolished immediately. The Building Official or Fire Marshal shall set forth in writing the reasons for his or her determination that immediate demolition is warranted.

- E. **Economic Evidence.** In order to demonstrate that there is no feasible economic use of the building or structure to be demolished, all applications for a landmark demolition permit shall include economic evidence as follows:
1. For all properties, the following information shall be provided:
 - a. The amount paid for the subject property.
 - b. The date of purchase; the party from whom the subject property was purchased; and a description of the business or family relationship, if any, between the owner and the party from whom the subject property was purchased.
 - c. The cost of any improvements since purchase by the applicant, and the date when each cost was incurred.
 - d. The assessed value of the subject property and its improvements, according to the most recent assessments.
 - e. Amount of real estate taxes for the previous 2 years.
 - f. Amount of annual debt service, if any, for the previous 2 years.
 - g. All appraisals obtained within the previous 5 years by the owner or applicant in connection with the purchase, financing or ownership of the subject property.
 - h. Any listing of the property for sale or rent, including the price asked and the offers received, if any.
 - i. Any consideration by the owner for profitable and adaptive uses for the property, including renovation studies, plans and bids, if any.
 2. For income-producing properties, the following additional information shall be provided:
 - a. Annual gross income from the property for the previous 4 years.
 - b. Itemized operating and maintenance expenses for the previous 4 years.
 - c. Annual cash flow for the previous 4 years.
- F. **Application.** Application for a landmark demolition permit shall be made in a form prescribed by the Zoning Administrator and accompanied by a fee established by resolution of the City Council. Only the owner of the site may apply for a landmark demolition permit.
- G. **Initial Review.** Upon the filing of an application for a landmark demolition permit, the Zoning Administrator shall verify that the activity to be performed requires a demolition permit and is subject to obtaining a landmark demolition permit. After any required environmental review has been performed, the Zoning Administrator shall submit the application to the Historic Advisory Commission.
- H. **Required Findings.**
1. The Historic Advisory Commission shall not issue a landmark demolition permit unless it finds that the owner has demonstrated all of the following, based on substantial evidence:
 - a. There is no feasible economic use of the building or structure, as demonstrated by the economic evidence submitted with the permit application.
 - b. It is not possible or practical to renovate the building or structure so that it can provide a feasible economic use.

- c. The property cannot be sold or leased at a reasonable price to a buyer or tenant who would retain the building or structure.
 - d. The building or structure cannot be moved to another site without compromising the building's historic integrity or adversely affecting public utilities or trees; or the owner of the building or structure has made an offer to move the building, in accordance with the requirements of this section, and the offer has not been accepted.
 - 2. Any Historic Advisory Commission action regarding the issuance of a landmark demolition permit may be appealed, as provided in Section 26-56.100 (Appeals) of this chapter. (Ord. 1762)
 - 3. Any determination regarding a landmark demolition permit shall be considered a discretionary action and shall be subject to all applicable provisions of the California Environmental Quality Act (CEQA).
- I. **Offer to Move Requirements.** Whenever required by this section, the owner of a building that is proposed for demolition shall offer any member of the public the opportunity to move a building or structure from a landmark or landmark site.
- 1. At least 1 notice of the "offer to move" shall be published in a daily newspaper of local circulation. The notice shall be in a form approved by the Zoning Administrator and shall contain a statement that the building is being made available to any member of the public free of charge, or for a nominal cost based upon the building's salvage value, and must be moved at the taker's expense.
 - a. The offer contained in the notice shall remain outstanding for a period of 30 days.
 - b. The offer contained in the notice shall be conditioned upon the acceptor's agreement to remove the building in its entirety, along with any associated debris, from the site, no later than 90 days from the date of publication of the notice; however, nothing shall preclude the owner of the building and the acceptor from mutually agreeing to a longer period of time.
 - 2. If an offer to move the building is accepted by any member of the public, the City shall process the necessary permits to accommodate the moving of the building.
- J. **Expiration.** A landmark demolition permit shall be valid for 1 year after the date when it is issued; provided, however, that if a demolition permit is obtained before the landmark demolition permit expires, the landmark demolition permit shall be valid until the demolition permit expires.
- K. **Appeals.** Any action regarding the issuance or denial of a landmark demolition permit may be appealed as provided in Section 26-56.100 (Appeals) of this chapter. (Ord.1762)
- L. **Violations and Penalties.** Any person or entity that demolishes any building or structure for which a landmark demolition permit is required without first obtaining that permit in accordance with the provisions of this section shall be guilty of a misdemeanor, punishable by a \$1,000 fine and/or 6 months in the County jail. In addition, no building permit shall be issued for any development on the former landmark's site for a period of 5 years from the date the violation occurs; provided, however, that if necessary to protect health and safety, a permit may

be issued for development that does not exceed the square footage or site coverage of the original structure, and that does not involve a change of use.

26-50.070 Tree Removal Permits

A. **Purpose.** The purpose of requiring tree removal permits is to preserve the City's mature trees by placing appropriate restrictions on their removal, while also allowing the removal of trees when necessary to protect the health, safety and welfare of the public.

B. **Application**

1. Application for a tree removal permit shall be made in a form prescribed by the Zoning Administrator and accompanied by a fee established by resolution of the City Council. Only the owner of the site may apply for a tree removal permit.
2. The application for a tree removal permit shall include a map depicting the location, size and type of all trees within or immediately adjacent to the subject property. The map shall also depict any permanent buildings or structures on the subject property.
3. The review authority for a tree removal permit shall be determined as follows:
 - a. For trees on public property, unless the removal is associated with a proposed development that requires Planning Commission approval, the Director of Parks and Trees shall be responsible for issuing tree removal permits.
 - b. For trees on private property, unless the removal is associated with a proposed development that requires Planning Commission approval, the Zoning Administrator shall be responsible for issuing tree removal permits.
 - c. For any proposed development that requires Planning Commission approval, the Planning Commission shall review the trees being removed, and approval of the project shall also be approval to remove all specified trees.

C. **Required Findings.**

1. A tree removal permit shall not be issued unless the review authority finds, based on substantial evidence, that the owner has demonstrated that the removal is necessary in order to accomplish any one of the following objectives:
 - a. To ensure public safety as it relates to the health of the tree, potential hazard to life or property, and proximity to existing or proposed structures.
 - b. To allow reasonable enjoyment of the property, including sunlight access and the right to develop the property.
 - c. To pursue good, professional practices of forestry or landscape design.
2. Any action regarding the issuance of a tree removal permit may be appealed, as provided in Section 26-56.100 (Appeals) of this chapter. Subject trees shall not be removed prior to the completion of the required appeal period. (Ord. 1762)

26-50.080 Variances

A. **Purpose.** When the strict and literal enforcement of the provisions of this chapter results in unreasonable and unnecessary hardships, or in results inconsistent with the general purposes of this chapter, the Planning Commission shall have the authority to grant variances that are in

harmony with the purposes of this chapter. The sole purpose of any variance shall be to prevent discrimination and undue hardship, and no variance shall be granted that would provide a special privilege not shared by other property in the same vicinity.

- B. **Standards to Be Modified.** A variance shall not permit any land use that is not allowed in the applicable zoning district, as specified in this chapter.
- C. **Application.**
1. Application for a variance shall be made to the Planning Commission in writing on a form prescribed by the Planning Commission. The application shall be subject to a fee established by resolution of the City Council.
 2. The Planning Commission shall hold at least one public hearing on the application, notice of which shall be given by one publication in a newspaper of general circulation in the county at least 10 days prior to the hearing, or by posting notice on the property involved at least 10 days prior to the hearing.
 3. The Planning Commission shall grant a variance only upon finding all of the following, based on substantial evidence:
 - a. The granting of the variance is not inconsistent with the General Plan or any applicable specific plan.
 - b. There are exceptional and extraordinary circumstances or conditions applying to the land, building, or use referred to in the application that do not generally apply to other land, buildings or uses in the same district.
 - c. The granting of the variance will not grant a special privilege to the property.
 - d. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district, and that would otherwise be denied to the property in question.
 - e. The granting of the variance will not be materially detrimental to the public welfare.
 - f. The granting of the variance will not be injurious to, or incompatible with, any nearby property or improvements.
- D. **Appeals.** If the applicant or any other person is dissatisfied with the action of the Planning Commission, he or she may appeal as provided in Section 26-56.100 (Appeals) of this chapter. (Ord. 1762)

26-50.090 Nonconforming Uses and Structures

- A. **General.** If a building, structure, or land use existed lawfully at the time when it was erected or initiated, but it does not conform to the current regulations of the zoning district in which it is located, it may be continued, subject to the provisions of this section.
- B. **Nonconforming Uses.**
1. The enlargement or relocation of a nonconforming use on the same parcel may be allowed upon approval of a use permit. Before granting a use permit to enlarge or relocate a nonconforming use, the Planning Commission shall find, based on substantial evidence, that the benefit to the public health, safety, or welfare exceeds any detriment inherent in such a change. In addition, the conditions of approval for the use permit shall

state that the new use is a nonconforming use and is subject to this section's requirements for nonconforming uses.

2. A nonconforming use may be changed to a different nonconforming use of the same nature, or a less-intensive or more-restricted nature, upon approval of a use permit. The conditions of approval for the use permit shall state that the new use is a nonconforming use and is subject to this section's requirements for nonconforming uses.
3. If a nonconforming use has been discontinued for at least 1 year, any future use of the site shall be in conformity with the provisions of the district in which it is located, as well as all other applicable requirements of this chapter. For multiple-tenant buildings, this requirement shall apply when more than 50 percent of the multiple-tenant building's gross floor area has been unoccupied for 1 year.

C. Nonconforming Structures—General.

1. A nonconforming structure shall not be enlarged or altered in any manner that increases its nonconformity.
2. Any portion of a nonconforming structure that is involuntarily demolished, in whole or in part, may be reconstructed if building permits are issued within 1 year of the involuntary demolition. This provision shall also apply in cases where the Building Official has required demolition or reconstruction.
3. A nonconforming structure that is voluntarily demolished shall not be reconstructed, unless it is brought into full compliance with the requirements of this chapter.
4. A building or structure shall not be nonconforming solely because it does not conform to setback requirements. Damaged or destroyed portions of buildings or structures whose physical location on a site conforms to setback requirements that applied at the time of construction may be reconstructed in the original location, provided that they are in compliance with building codes applicable at the time of reconstruction. However, additions to such buildings or structures shall comply with current setback requirements.

D. Nonconforming Structures—Dwelling Units.

1. Nonconforming dwelling units in the CN and C-1 districts may be enlarged, moved, altered or reconstructed, provided there is no increase in the number of dwelling units, kitchens, or households.
2. A nonconforming dwelling in a commercial or industrial zoning district that is involuntarily destroyed or demolished may be reconstructed with approval of an administrative permit if all of the following circumstances apply:
 - a. A valid building permit to reconstruct the dwelling is obtained within 1 year of the time it was substantially destroyed, and a certificate of occupancy is obtained for the dwelling within 1 year after issuance of the building permit.
 - b. The dwelling to be reconstructed was lawfully and continuously occupied within 1 year of the time it was substantially destroyed. For the purposes of this section, "continuously occupied" means that the dwelling was occupied for at least 9 of the 12 months that preceded its substantial destruction. Prior to issuance of a building permit to reconstruct the dwelling unit, the owner of the property on which it is

- located shall provide evidence of the time of substantial destruction and evidence of continuous occupancy, such as utility bills, within 1 year of that destruction.
- c. Reconstruction of the dwelling does not result in expansion or relocation of the structure, or the number of dwelling units within it.
 - d. Off-street parking is provided for the dwelling in accordance with City standards in effect at the time of reconstruction.

26-50.100 Substandard Lots

- A. **General.** In any zoning district, lots or parcels that do not meet this chapter's requirements for minimum lot area or lot dimensions may be developed or occupied by the uses permitted in that district, provided that:
 - 1. The lots or parcels were created in compliance with any applicable laws in effect at the time of their creation.
 - 2. The lots or parcels cannot be made to conform to current requirements by combination with or modification of adjacent lots or parcels under the same ownership.
- B. **Conformance with Current Requirements.** Any building or structure that is erected on a nonconforming lot shall conform to all current requirements for setbacks, heights and floor area ratios (FAR), as well as any other applicable requirements of this chapter.
- C. **Number of Dwelling Units.** In any residential zoning district that has a requirement for minimum lot area per dwelling unit and allows duplexes or multiple-family dwellings, no more than one dwelling unit may be erected on a lot or parcel that does not have the required minimum lot area per dwelling unit.

Section 26-53 – DEVELOPMENT REVIEW

26-53.010	Purpose
26-53.020	Review Required
26-53.030	Application
26-53.040	Review of Applications
26-53.050	Action on Applications
26-53.060	Industrial Use Projects within the Oroville Enterprise Zone

26-53.010 Purpose

The purpose of a development review is to permit the City's Development Review Committee (DRC) to meet and discuss, evaluate, and review all discretionary development applications (i.e., General Plan Amendment/Rezoning, Tentative Subdivision Maps, Tentative Parcel Maps, Conditional Use Permits, Variances, etc.).

In addition, the DRC will review the designs of structures and other site improvement projects for multi-family dwelling units, commercial or industrial uses, and any new construction, or a remodel project of 25 percent or greater, of a single-family dwelling unit within the Historic Area or Downtown Historical Overlay (DH-0), in order to ensure compliance with the Oroville Municipal Code and compatibility and harmony of appearance in the City's neighborhoods and zoning districts.

26-53.020 Review Required

A. Development Subject to Review.

1. Development review shall be required for all new construction that requires a building permit, except:
 - a. A project that includes a single-family dwelling unit, including private garages and other normally incidental accessory buildings and improvements.
 - b. Alteration, remodeling, reconstruction, modification or repair of any building that does not increase its gross floor area by more than 25 percent within any 2-year period.
 - c. The demolition of a building that the Building Official or Fire Marshal determines is dangerous to the health and safety of the building occupants, neighbors or general public, and consequently should be demolished immediately. The Building Official or Fire Marshal shall set forth in writing the reasons for his or her determination that immediate.
 - d. General maintenance and the removal and replacement of over-the-counter appliances (i.e., water heaters, HVAC units, swamp coolers, solar panels, etc.). This does not relieve the applicant from any requirement to obtain any required building permit.
 - e. Simple building permits (i.e., electrical, mechanical, plumbing, and re-roof) where no new construction (or remodel expansion of 25 percent or greater) is part of the project.

2. Notwithstanding any other provision of this section, development review shall be required for any new construction in a Downtown Historic Overlay (DH-0) district that requires a building permit to alter a structure's exterior appearance.
3. An exemption is provided for In-kind Replacement of a Dangerous Building provided the project meets any of the following requirements:
 - a. Upon request from the applicant, the requirements of this section shall apply to any building that the Building Official or Fire Marshal determines is dangerous to the health and safety of the building occupants. The applicant must provide an application and evidence that a structure on their property be demolished and replaced with an in-kind structure. The Building Official or Fire Marshal shall inspect the structure and set forth in writing the reasons for his or her determination that immediate demolition is warranted;
 - b. The applicant replaces the structure on the same footprint with materials and features that preserve the integrity of the historical characteristic of the existing structure on the property; and
 - c. The proposed structure does not exceed 1,000 square feet.
4. Development review shall be required for certain site improvements, including but not limited to parking and landscaping improvements, as specified in this chapter.
5. Development Review shall be required for certain types of accessory buildings as specified in Section 26-13.090 (Accessory Buildings and Swimming Pools).

For any project that requires development review, building permits shall not be issued until the project's development review application has been approved. Building plans submitted to the Building Division for review while simultaneously undergoing the development review process with the Planning Division are subject to change. The applicant acknowledges that the plans submitted to the Building Division are subject to changes recommended by the Development Review Committee, Planning Commission and the Zoning Administrator. (Ord. 1774)

- B. **Planned Development Design.** A pre-application meeting shall be required for all Planned Development applications. For any residential planned development project, the design of attached or detached single-family dwelling units or other accessory structures may be evaluated on the basis of representative examples, provided that the design of all such structures conform substantially to the examples. All attached or detached single-family dwellings, or other accessory buildings reviewed by the Development Review Committee shall be compatible with the proposed planned development standards approved for the project. The proposed planned development shall be compatible with the character of the surrounding neighborhood or any applicable Overlay District and shall not unnecessarily impact the privacy, views or desirability of adjoining properties.
- C. **Individual Development Project Design.** The DRC shall review any development project application for multi-family dwelling units, commercial or industrial uses, any new construction, or a remodel project of 25% or greater, of a single-family dwelling unit within the HPA or DHO, and any associated accessory structure(s). For remodeling projects and/or accessory structure(s), the applicant shall meet the materials and architecture style of the existing dwellings on the property. The proposed structure(s) shall be compatible with the

character of the surrounding neighborhood or any applicable Overlay District and shall not unnecessarily impact the privacy, views or desirability of adjoining properties.

- D. **Notice Requirements.** The Development Review of all discretionary development applications shall hold a minimum of one public hearing on an application, notice of which shall be mailed or delivered to the owners of all property within 300 feet of the exterior boundary of the property that is subject to the hearing. (Ord. 1770)

26-53.030 Application

- A. **Materials Required.** Application for development review shall be made in a form prescribed by the Zoning Administrator and shall be accompanied by a fee established by resolution of the City Council. At a minimum, the application shall include the following as applicable:
1. Site plans;
 2. Architectural drawings showing proposed building elevations;
 3. Landscape plans showing the types, sizes and location of vegetation to be planted and the irrigation system to be installed;
 4. Plans for the configuration and layout of all off-street parking spaces;
 5. Plans for all lighting to be installed on the site, including the location, type, height and brightness of each lighting fixture;
 6. Drawings of all signs that are proposed in association with the project; and
 7. Any appropriate studies required for the project (i.e. traffic, noise, sewer capacity, historical review, etc.)
 8. Project Description, and explanation of what is being proposed. Including a description of the intended use, for commercial and industrial projects, hours of operations, numbers of employees, and a description of daily operation, services offered, products manufactured and sold.
- B. **Plans and Drawings.** All plans and drawings shall be drawn to scale to the extent feasible and shall indicate the full dimensions, contours and other topographic features and information necessary to make a full evaluation of the project.

26-53.040 Review of Applications

- A. **Review Authority.** The DRC shall review all discretionary development applications and the designs of structures and other site improvement projects for multi-family dwelling units, commercial or industrial uses, and any new construction, or a remodel project of 25% or greater, of a single-family dwelling unit within the HPA or DH-O shall be determined as follows:
1. If the proposed project requires discretionary approval or permit that is subject to review by the Planning Commission, the Planning Commission shall hold a minimum of at least one (1) public hearing on the development application.

2. If the proposed project includes improvements that cover less than 1,000 square feet of a site, and does not involve the construction, remodeling or other alteration of a building, the Zoning Administrator shall hold a Zoning Administrator hearing on the development application.
 3. For any industrial use project within the Oroville Enterprise Zone, the Zoning Administrator shall be the review authority, and the application shall be reviewed as provided in Section 26-53.060 (Industrial Use Projects within the Oroville Enterprise Zone) of this chapter.
- B. **Guidance from Third Parties.** The review authority may obtain guidance from third parties, including architects, urban planners and City commissions or staff, as to whether the application conforms to the requirements of this chapter. These third parties shall be qualified by reason of their relevant training or experience. Any guidance they provide shall be submitted in writing and included in the report on the application.
- C. **Standards for Review.** All applications shall be reviewed in light of the requirements of the General Plan and any applicable specific plan, as well as the requirements of this Code and any design guidelines adopted by the City Council.
- The DRC will meet at least once per month at a set time, or as necessary. Generally, the DRC will meet on the fourth Wednesday of the each month starting at 9:00 AM and conclude once all the items on the agenda have been addressed.
- D. **Review Process.** Development project applicant may participate in up to at least three DRC meetings. The number of DRC meeting will depend upon the size and scope of the project. The DRC review process:
1. The initial meeting is to review development project or site improvement application for completeness and for any additional DRC meetings;
 2. The second meeting would be to review the draft Conditions of Approval for the project prior to a public hearing before the Planning Commission;
 3. For large complicated projects, a "pre-construction" meeting with the applicant and/or contractor after project approval;
 4. An additional meeting may be required to discuss any serious issues and to request additional information between the initial meeting and second meetings, only if necessary; and
 5. All Pre-application meeting will be conducted by the DRC.

26-53.050 Action on Applications

- A. **Notice of Decision.** Upon submission of an application for development review, the DRC shall review the application and render a written report recommending approval, approval with conditions, or denial. A copy of the report shall be sent to the applicant.
- B. **Appeals.** The recommendation of the review authority shall be final, unless that action is appealed as provided in Section 26-56.100 (Appeals) of this chapter. (Ord. 1762)

- C. **Expiration.** The approval of the application shall expire Two years after the written report is rendered, unless within that time the applicant obtains all necessary building permits and pays all required fees associated with the permits. The review authority may extend the initial approval for an additional 1-year period upon receipt, prior to expiration of approval, of a written application for extension, signed by the applicant and accompanied by a fee established by resolution of the City Council.

26-53.060 Industrial Use Projects within the Oroville Enterprise Zone

- A. **Applicability.** The following streamlined review process shall apply to development review of any industrial use project within the State-approved Oroville Enterprise Zone.
- B. **Review Process.** The Zoning Administrator shall review the plans for the proposed industrial use project with the appropriate City departments, affected outside agencies and the project applicant to discuss any changes or conditions deemed necessary for approval. Following this review process, the Zoning Administrator shall hold a Zoning Administrator hearing on the development application.
- C. **Approval of Application.** If the project applicant agrees to the proposed changes or conditions, the project shall be deemed approved subject to the incorporation of the proposed changes or conditions. For projects where certification of an environmental review document is required, this approval shall not be final until the certification has occurred.
- D. **Denial of Application.** If the project applicant does not agree to the proposed changes or conditions, the application shall be denied. The project applicant may appeal as provided in Section 26-56.100 (Appeals) of this chapter. (Ord. 1762)

Section 26-56 – ENFORCEMENT AND ADMINISTRATION

26-56.010	Duties of the City Council
26-56.020	Duties of the Planning Commission
26-56.030	Duties of the Zoning Administrator
26-56.040	Development Review Committee
26-56.050	Historic Advisory Commission
26-56.060	Enforcement
26-56.070	Violations and Penalties
26-56.080	Complaints Regarding Violations
26-56.090	Amendments and Rezoning
26-56.100	Appeals
26-56.110	Reapplication
26-56.120	Severability

26-56.010 Duties of the City Council

The City Council shall possess the following specific duties related to the administration of this chapter:

- A. To render decisions on amendments to this chapter and rezonings, upon receipt of the recommendations of the Planning Commission.
- B. To act on appeals of actions by the Planning Commission as specified in Section 26-56.100 (Appeals) of this chapter.

26-56.020 Duties of the Planning Commission

- A. **Duties.** The Planning Commission shall possess the following specific duties related to the administration of this chapter:
 1. To make recommendations on amendments to the regulations set forth in this chapter, and on proposed rezonings of property.
 2. To act on requests for variances from the provisions of this chapter.
 3. To grant and revoke use permits in any cases where use permits are required.
 4. To act on appeals of the Zoning Administrator's interpretation of the regulations set forth in this chapter, and to act on appeals of decisions made by City staff members and advisory commissions as specified in Section 26-56.100 (Appeals) of this chapter.
- B. **Special Meetings.** Special meetings may be called at any time by the chairperson of the Planning Commission, by 4 planning commissioners or by the Zoning Administrator. Written notice of the special meeting shall be provided, personally or by mail, to each Planning Commission member. In addition, written notice shall be provided to each local newspaper of general circulation, radio station and television station that has requested notice of Planning Commission meetings. The notice shall be delivered at least 24 hours before the meeting time

that is specified in the notice. All provisions of Section 54956 of the Government Code shall apply to special meetings of the Planning Commission. (Ord. 1756)

26-56.030 Duties of the Zoning Administrator

The Zoning Administrator shall possess the following specific duties related to the administration of this chapter:

- A. **Administration.** To interpret, administer and enforce the provisions of this chapter in such a way as to carry out the intent and purpose of the General Plan as set forth on the zoning map.
- B. **Permits.** To grant and revoke administrative permits and other non-discretionary permits in any cases where such permits are required.
- C. **Zoning Clearances.** To issue zoning clearances for uses that do not require a permit.
- D. **Interpretations Regarding Allowed Uses.** To make interpretations regarding allowed uses of land, as provided in Section 26-10.090 (Interpretation Regarding Allowable Uses of Land) of this chapter.

26-56.040 Development Review Committee

- A. **Required.** The Development Review Committee shall be made up of two (2) Planning Commissioners, one serving as Chairperson and the other as a Committee Member, along with the Zoning Administrator, Chief Building Official, Fire Chief, Fire Marshall, Director of Public Works, Economic Development Manager, and Director of Parks and Trees, and if necessary, Director of Business Assistance and Housing, and the Police Chief shall make up the Development Review Committee. The applicant and/or their representative are encouraged to attend the DRC meeting.

The Development Review Committee shall have one Chairperson and one Committee Member represented by two Planning Commissioners. A Planning Commissioner shall serve for a period of three months or a quarter of the year as Chairperson of the DRC, after which time the Commissioner who was acting as a committee member shall replace the previous Chairperson. A Planning Commissioner who was not previously assigned to the DRC will then fill the vacant Committee Member position. This rotation will give each Planning Commissioner an opportunity to conduct the Development Review Committee meetings as a Chairperson.

DRC meetings are open to the public but are not formally noticed.

- B. **Optional Advisory Members.** The Development Review Committee may also include other advisory members to participate in an advisory role. These advisory members shall be qualified by reason of training or experience in land development, city planning, public art, or structural design.
- C. **Duties of the Committee.** The Development Review Committee shall be responsible to meet, discuss, evaluate, and review all discretionary development applications and the designs of structures and other site improvement projects for multi-family dwelling units, commercial or industrial uses, and any new construction, or a remodel project of 25 percent or greater, of a

single-family dwelling unit within the Historic Area or DH-O as specified in Section 26-53 (Development Review) of this chapter. (Ord. 1787)

26-56.050 Historic Advisory Commission

- A. **Membership.** A Historic Advisory Commissioner shall be appointed at the same time the individual is appointed to the Planning Commission by the City Council.
1. The Historic Advisory Commission shall consist of 7 members, (the same individuals that sit as Planning Commissioners) each of whom shall serve at the pleasure of the City Council. The term of each Historic Advisory Commissioner will coincide with their term as a Planning Commissioner.
 2. Members of the Historic Advisory Commission shall be members of the Planning Commission. Members shall meet the qualifications established to sit as a Planning Commissioner.
- B. **Duties of the Commission.** The Historic Advisory Commission shall have the following duties:
1. To advise the City Council of the historic nature and historic value of any landmarks and landmark sites proposed by property owners within DH-O districts.
 2. To recommend specific guidelines, subject to City Council approval, for designation and development of landmarks and landmark areas.
 3. To promote and conduct educational and interpretational programs on historic properties within DH-O districts, subject to approval by the City Council.
 4. To provide the City Council with an inventory of existing landmarks and landmark sites, as well as an inventory of possible future landmarks and landmark sites, within the City.
 5. To provide the City Council with an inventory of contributing and noncontributing features within existing DH-O districts.
 6. To perform any other duties, responsibilities and functions enumerated in this chapter.

26-56.060 Enforcement

- A. **Conformance Required.** All departments, officials, and public employees of the City vested with the duty and authority to issue permits or licenses shall conform to the provisions of this chapter, and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this chapter. Any such permit or license issued in conflict with the provisions of this chapter shall be null and void.
- B. **Enforcement by Zoning Administrator.** The administration of this chapter shall be the responsibility of the Zoning Administrator, who is also designated as the agent of the Historic Advisory Commission, Planning Commission, and City Council for the purpose of issuing all zoning permits regulated by this chapter, such as use permits and variances, subject to the direction of the Historic Advisory Commission, Planning Commission and the City Council.

- C. **Enforcement by Building Official.** The enforcement of this chapter's provisions pertaining to the creation, construction, reconstruction, moving, conversion, alteration or addition to any building or structure within the City shall be the responsibility of the building official.

26-56.070 Violations and Penalties

- A. **Public Nuisances.** Any building or structure erected, moved, altered or maintained contrary to the provisions of this chapter, in addition to any use of land, building or premise established, conducted, operated or maintained contrary to the provisions of this chapter, is hereby declared a public nuisance.
- B. **Requirements for Abatement.** Any person, firm or corporation violating or causing the violation of any of the provisions of this chapter may, upon actual or contra-active notice, be subject to prosecution and upon conviction the City Attorney shall, upon order of the City Council, immediately commence action or proceedings for the abatement and removal of any building or structure in the manner provided by law.
- C. **Remedies.** The remedies provided herein shall be cumulative and not exclusive.

26-56.080 Complaints Regarding Violations

- A. **Filing a Complaint.** When a violation of this chapter occurs or is alleged to have occurred, any person may file a written or oral complaint with the Zoning Administrator. This complaint shall state, in full, the cause and basis for the complaint. The complaint shall be immediately recorded, investigated and acted upon as provided in this chapter.
- B. **Notice.** The alleged violator shall be notified in writing of the complaint. The notice shall indicate that the alleged violator has a right to be heard by the Planning Commission.

26-56.090 Amendments and Rezonings

- A. **General.** Whenever the public health, safety and welfare warrant it, the City Council may by ordinance amend, supplement or change the regulations that this chapter establishes for the zoning of property, provided that the Zoning Code shall be consistent with the General Plan. In the event that the Zoning Code becomes inconsistent with the General Plan by reason of amendment of any portion of the General Plan, the Zoning Code shall be amended within a reasonable time to remain consistent with the General Plan.
- B. **Initiation.** An amendment or rezoning may be initiated by:
1. Resolution of intention by the Planning Commission.
 2. Resolution of intention by the City Council.
 3. A verified petition of 1 or more property owners affected by the proposed amendment, to be filed with the Planning Commission and accompanied by any fee established by resolution of the City Council.
- C. **Planning Commission Hearings.** The Planning Commission shall hold public hearings as required by law on any proposed amendment, rezoning, or pre-zoning. Notice of the time and

place of the hearing shall be given at least 10 calendar days before the hearing in the following manner:

1. Notice shall be published at least once in a newspaper of general circulation within the City.
 2. For the proposed rezoning and pre-zoning of real property, notice shall be mailed or delivered to all of the following:
 - a. The petitioners for rezoning or pre-zoning.
 - b. Anyone who has filed a written request for notice in the applicable calendar year.
 - c. The recorded owners of property to be rezoned or pre-zoned, and the recorded owners of any real property within 300 feet of the property to be rezoned or pre-zoned.
 3. In the event that rezoning or pre-zoning would require notification of more than 1,000 owners, notice may instead be given to the owners in the following manner:
 - a. By placing a display advertisement of at least one-quarter page in a newspaper of general circulation within the City; or
 - b. By placing an insert with a generalized mailing sent by the City to the property owners.
 4. Additional notice may be given in any other manner deemed necessary or desirable.
- D. **Planning Commission Recommendation.** After the hearing on a proposed rezoning or pre-zoning, the Planning Commission shall submit its recommendation in written form to the City Council. The recommendation shall include reasons for the recommendation, as well as a description of the relationship of the proposed chapter or amendment to the adopted General Plan. The recommendation shall be transmitted to the City Council in the form and manner specified by the City Council.
- E. **City Council Action.** The City Council shall hold a public hearing to consider the matter and the recommendation of the Planning Commission. Notice of the time, place and purpose of the hearing shall be published in at least 1 regular issue of a newspaper of general circulation in the City at least 10 days before the hearing.
- F. **Determination.** The City Council may approve, modify or disapprove the recommendation of the Planning Commission, provided that the City Council may modify or disapprove the Planning Commission's recommendation only upon majority vote of the whole Council, in accordance with the provisions of Article IX of the City Charter.

26-56.100 Appeals

When this chapter provides for an appeal of an action, the appeals process shall be as follows:

- A. **Appeals to Planning Commission.**
1. If the applicant or any other person is dissatisfied with an action of the Zoning Administrator, City Engineer, Director of Parks and Trees, Fire Chief or Development Review Committee, and that action pertains to the requirements of this chapter, he or she may appeal, in writing, to the Planning Commission within 15 days after the action. If no appeal is filed, the action shall be final.

2. Within 45 days of the filing of an appeal, the Planning Commission shall hold a public hearing to consider the action and the appeal of that action. The Planning Commission shall render its decision within 30 days of the public hearing, and it shall provide immediate verbal notice of the decision. If the Planning Commission's decision is not appealed, the decision shall be final.

B. Appeals to City Council.

1. If the applicant or any other person is dissatisfied with a Historic Advisory Commission or Planning Commission action, he or she may appeal, in writing, to the City Council within 15 days after the action. If no appeal is filed, the Historic Advisory Commission or Planning Commission's action shall be final.
2. Within 45 days of the filing of an appeal, the City Council shall hold a public hearing to consider the action taken by the Planning Commission and the appeal of that action. The City Council shall render its decision within 30 days of the public hearing, and it shall provide immediate verbal notice of this decision. The decision shall be final.

- C. Form of Appeals.** All appeals shall be submitted in a form established by the Zoning Administrator, accompanied by a fee established by resolution of the City Council.

26-56.110 Reapplication

- A. **General.** Whenever an application for a rezoning, prezoning, permit or variance has been denied as set forth in this chapter, no new application for the denied rezoning, prezoning, permit or variance shall be filed on any part of the property included in the denied application within 1 year from the date of the final decision on the denied application; provided, however, that a new application may be filed and accepted where a change of circumstances has occurred that might affect the outcome of the decision.
- B. **Hearing.** The finding that relevant circumstances have changed enough to justify reconsideration of the denied application may be made by the Planning Commission only after a public hearing noticed and held in the same manner as the hearing for the denied application. A request for a special public hearing shall be accompanied by a fee established by resolution of the City Council and a written explanation of the change of circumstances.
- C. **Appeals.** The decision of the Planning Commission on the issue of change of circumstances shall be final, unless it is appealed as provided in Section 26-56.100 (Appeals) of this chapter. The City Council may approve an appeal only upon finding, based on substantial evidence, that there has been a change of circumstances that might affect the outcome of the decision. (Ord. 1762)

26-56.120 Severability

If any provision of this chapter or the application of this chapter to any person or circumstance is held invalid, the remainder of this chapter or the application of a provision to other persons or circumstances shall not be affected.