



# SHASTA LAKE PLANNING COMMISSION SPECIAL MEETING AGENDA

FEBRUARY 19, 2026

6:00 P.M.

Shasta Lake City Council Chambers

4488 Red Bluff Street ■ Shasta Lake, CA 96019

**Chair:** Vacant

**Vice Chair:** Cherrel Kirkland

**Planning Commissioners:** Jeff Bowman, Duke Fleming, Randy Trotter, Amber Campos

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## OTHER WAYS TO PARTICIPATE IN THE MEETING

- Watch a livestream of the meeting online or view the recording any time after the meeting concludes at the following: [cityofshastalake.gov/meetings](http://cityofshastalake.gov/meetings)
- Submit public comment electronically before the meeting to: [claam@cityofshastalake.gov](mailto:claam@cityofshastalake.gov). Public comments by email will be read into the record during consideration of the item the comment addresses. Each public comment will be limited to three minutes of reading. Include the item number you are commenting on in the subject line of the email. Once the vote has taken place on an item, no additional public comments will be accepted.
- Submit public comment by mail addressed to City Clerk, City of Shasta Lake, PO Box 777, Shasta Lake, CA 96019. Mailed comments must be received one day prior to the meeting to be included.

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### 1.0 6:00 PM CALL TO ORDER – SPECIAL MEETING

- 1.1 Statement for the record of Planning Commissioners Present
- 1.2 Pledge of Allegiance
- 1.3 Election of Chair and Vice Chair

*(Quick recess for city council reorganization – New chair and Vice Chair)*

### 2.0 APPROVAL OF PLANNING COMMISSION MEETING MINUTES

- 2.1 Approval of Minutes for the Planning Commission Special Meeting of January 15, 2026. (Pg. 5)

### 3.0 PUBLIC COMMENT - for non-agendized matters within the City's jurisdiction.

*Each speaker is allocated three (3) minutes to speak. Speakers may not cede their time. Comments should be limited to matters within the purview of the Planning Commission. Pursuant to the Brown Act, the Planning Commission cannot take action on Public Comment Items.*

## 4.0 PLANNING COMMISSION REGULAR AGENDA

### 4.1 Comprehensive Zoning Ordinance (CZO) Update Workshop #16 - Consideration of Draft Chapters in Division IV – Regulations Applying in All Districts, and Division VI – General Terms and Definitions.

This workshop focuses on reviewing multiple chapters in the referenced CZO Divisions. The draft chapters include the following: (pg. 7)

- **Chapter 17.45 – Housing Development.** This chapter supports housing that is consistent with state law and the general plan, including affordable and accessible housing construction. (pg. 13)
- **Chapter 17.46 – Nonconforming Uses, Structures, Sites, and Parcels.** This chapter establishes uniform provisions to address the continued use or modification of nonconforming properties and uses. (pg. 26)
- **Chapter 17.47 – Temporary Uses.** This chapter provides direction on permitting for limited-duration special events and temporary activities and uses. (pg. 32)
- **Chapter 17.48 – Creek Corridor Development.** This chapter provides standards for development adjacent to creek corridors to implement General Plan policies on natural resource conservation. (pg. 35)
- **Chapter 17.50 – Historic Preservation.** This chapter provides authority to create and manage a local list of designated historic properties and to establish Mills Act contracts to encourage the preservation of historic places and resources. (pg. 38)
- **Chapter 17.51 – Development in the High Fire Hazard Severity Zones.** This chapter implements Government Code Chapter 6.8 (Moderate, High, and Very High FHSZ), Public Resources Code Sections 4290–4291, and applicable provisions of the California Building Code (CBC) and California Fire Code (CFC). (pg. 41)
- **Chapter 17.52 – Cluster Development for Open Space Conservation.** This chapter implements the General Plan direction related to encouraging the protection of steep slopes. (pg. 45)
- **Division VI, Chapters 17.60 – Use Classifications; 17.61 – List of Terms and Definitions; and 17.62 - Rules of Measurement.** These chapters provide definitions of the terms, uses and measurements applied in the administration of the zoning ordinances. (pg. 50)

**Staff Recommendation:** That the Planning Commission consider the presentation and any public comments on the draft materials. Staff also request that the Commission provide direction on any desired modifications and, if appropriate, authorize the posting of the draft ordinances for public review and comment.

## 5.0 PUBLIC HEARING

- None

## **6.0 COMMUNICATIONS / REPORTS**

**6.1** Planning Commissioner's Reports

**6.2** City Staff Reports

**6.3** Information Items

## **7.0 ADJOURNMENT**

*Meetings are broadcast on the Wednesday following the meeting at 6:00 PM and the following Friday at 2:00 PM on Charter Channel 181. Videos of meetings are also available through the City website:*

*[www.cityofshastalake.gov](http://www.cityofshastalake.gov)*

*In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call (530) 275-7407. Notification 48 hours prior to the meeting is requested to enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).*





**SHASTA LAKE PLANNING COMMISSION**  
**SPECIAL MEETING MINUTES**  
**JANUARY 15, 2026**  
**6:00 P.M.**

**Shasta Lake City Council Chambers**  
4488 Red Bluff Street ■ Shasta Lake, CA 96019

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**1.0 6:00 PM CALL TO ORDER – SPECIAL MEETING**

**1.1 Chair Brown** stated for the record that all Planning Commissioners were present except Duke Fleming with an excused absence.

**1.2 Commissioner Kirkland** led the Pledge of Allegiance

**2.0 APPROVAL OF PLANNING COMMISSION MEETING MINUTES**

**2.1 A motion was made/seconded (Trotter/Bowman) and passed to Approve** Minutes for December 4, 2025

**3.0 PUBLIC COMMENT PERIOD - for non-agendized matters within the City's jurisdiction.**

**3.1** There was no public comment.

**4.0 PLANNING COMMISSION REGULAR AGENDA**

**4.1 Comprehensive Zoning Ordinance (CZO) Update Workshop #15 - Consideration of Draft Chapters**

**A motion was made/seconded (Kirkland/Trotter) and carried; the item was approved.**

**5.0 PUBLIC HEARING**

**5.1** None

**6.0 COMMUNICATIONS / REPORTS**

**6.1** Planning Commissioner's Reports

**6.2** City Staff Reports

**6.3** Information Items

**7.0 ADJOURNMENT:** With no further business, Chair Brown adjourned the meeting at 7:30 pm

*APPROVAL DATE: February 19, 2026*

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**Charity Tatlow, CMC**  
City Clerk



# CITY OF SHASTA LAKE

PLANNING COMMISSION  
STAFF REPORT  
Special Meeting  
February 19, 2026

**Staff Assigned: Jim Hamilton, Annuitant Planner**

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<b>Project</b>	Comprehensive Zoning Ordinance (CZO) Update Workshop #16 - Consideration of Administrative Draft Ordinances.
<b>File</b>	RZ 24-01
<b>Assessor's Parcel #</b>	Citywide
<b>Location</b>	Citywide
<b>Applicant</b>	N/A
<b>Property Owner</b>	N/A
<b>Representatives</b>	N/A
<b>Significant / Applicable Legal Authority</b>	Shasta Lake Municipal Code Title 17.04; and California Government Code Title 7. Planning and Land Use [65000 - 66499.58]
<b>Environmental Determination:</b>	Not applicable at this time.

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**SUMMARY:**

On September 19, 2023, the City Council initiated a comprehensive update (CZO) to Title 17 (Zoning) of the Municipal Code. This followed the adoption of the 2040 General Plan and an interim zoning ordinance. The Commission approved the project's scope of work in March 2024. This meeting represents the 16<sup>th</sup> Commission workshop on the CZO.

1. Workshop Purpose: Introduction and review of Comprehensive Zoning Ordinance Update administrative draft(s) for Division VI – General Terms and Division IV – Regulations Applying in All Districts.
  - o Division VI includes Chapters 17.60 - Use Classifications, 17.61 - Terms and Definitions, 17.62 – Rules of Measurements; and

- o Division IV Chapters 17.45 – Housing Development; 17.46 – Nonconforming Uses, Structures, Sites and Parcels; 17.47 – Temporary Uses; 17.48 – Creek Corridor Development; 17.50 – Historic Preservation; 17.51 – Development in the High Fire Hazard Severity Zones; and 17.52 – Cluster Development for Open Space Preservation.
2. Goal: Obtain Planning Commission feedback and authorize posting for public comment.
  3. Next Steps: Incorporate any Commission changes, post drafts online for public review, and edit approved administrative drafts into a single document, commence review with the City Council.

This report includes the following attachments:

- Attachment A: Ch. 17.45 – Housing Development.
- Attachment B: Ch. 17.46 – Nonconforming Uses, Structures, Sites and Parcels.
- Attachment C: Ch. 17.47 – Temporary Uses.
- Attachment D: Ch. 17.48 – Creek Corridor Development.
- Attachment E: Ch. 17.50 – Historic Preservation.
- Attachment F: Ch. 17.51 – Development in the High Fire Hazard Severity Zones.
- Attachment G: Ch. 17.52 – Cluster Development for Open Space Preservation.
- Attachment H: Division VI – General Terms including Ch. 17.60 - Use Classifications, Ch. 17.61 - Terms and Definitions, and Ch. 17.62 – Rules of Measurements.

**REQUEST:**

Staff is requesting that the Planning Commission do the following:

1. Consider the draft chapters, staff presentation, and any public comments received.
2. Provide feedback and identify any modifications that are needed.
3. Authorize staff to post the revised draft ordinances for public comment following incorporation of required changes.

**RECOMMENDED MOTION:**

"I move that the Commission authorize the posting of the draft ordinances attached to the staff report for public review and comment, following inclusion of Commission-directed modifications."

**BACKGROUND:**

Given the range of topics and land-use issues covered by these chapters, this report provides only a summary of the ordinance's contents. To facilitate the Commission's review, ordinance sections have text identifying a "NEW" zoning provision. Where current Title-17 ordinances are carried over and have been altered in some fashion, they have been labeled "MODIFIED" or "REORGANIZED."

Modified ordinances have been refined to incorporate General Plan policy or changes in state law, while those labeled as reorganized are based on existing standards that have been modified to improve readability or to conform to the new code format. Provisions that are unchanged from the current Title 17 - Zoning have no special identification. The following is a brief discussion of the purposes and uses of each draft chapter.

- FAQs

*How were the draft ordinances created?*

These ordinances have been built using the city's existing zoning and project review practices. When necessary to address changes in state law or General Plan policy direction, these changes have been incorporated through approaches that use broadly accepted best practices.

*What happens if there is a conflict between one ordinance provision and another?*

When a conflict exists between the standards of different ordinances, the more restrictive standard will typically apply. To address unique circumstances, the CZO permit processes also provide flexibility to allow more detailed consideration of site- or use-specific issues that may require deeper consideration.

**OVERVIEW: DIVISION IV – REGULATIONS APPLYING IN ALL DISTRICTS**

Chapter 17.45 – Housing Development. (Attachment A)

This ordinance provides the local “what and how” needed to implement state housing laws, including SB 35 provisions. The ordinance addresses a range of potential circumstances, and it incorporates responses to SB 9 (Sections 17.45.090 and 17.45.100), which were reviewed by the Commission last summer. It also includes multiple sections directly from the current zoning ordinances. This ordinance responds to specific policy direction in the General Plan Housing Element and to state law requirements.

Chapter 17.46 – Nonconforming Uses, Structures, Sites and Parcels. (Attachment B)

This ordinance supports the reuse or modification of legal nonconforming uses, sites, and buildings that do not comply with current development standards and which must be addressed on a case-by-case basis. This ordinance is part of the current zoning code. Sections have been renumbered for inclusion in the CZO. The ordinance responds to specific General Plan policy direction encouraging flexibility in the reuse of existing buildings. No significant modifications of the ordinance have been made.

Chapter 17.47 – Temporary Uses. (Attachment C)

The purpose of this ordinance is to support limited-duration temporary activities within the city, while ensuring public safety and neighborhood compatibility. Temporary uses and special events refer to land uses or activities conducted for a limited, defined period that are not intended to be permanent, recurring, or continuous. They may involve structures, equipment, or site improvements that can be readily removed upon completion of the event. Temporary activities and uses exclude those that are integral to an existing primary use when they are usual and customary to the operation of the primary use on a developed property.

Chapter 17.48 – Creek Corridor Development. (Attachment D)

This chapter is intended to maintain adequate buffer areas between creek corridors and adjacent development in a natural condition, consistent with general plan policies and state and federal law. Over time, it can help protect public safety and natural habitats and provide scenic and recreational amenities.

The provisions of this chapter would apply to property affected by the creeks in the city identified as within a FEMA floodplain. It establishes an average setback of twenty-five feet for new development from the top of the bank or riparian vegetation boundary, or alternatively, no closer than the FEMA floodplain boundary. This chapter implements the General Plan's policy direction as outlined in the land use, open space, conservation, and public safety elements.

#### Chapter 17.50 – Historic Preservation. (Attachment E)

Shasta Lake possesses historical and cultural resources valued by the community for their role in creating community pride and an appreciation of Shasta Lake's history. In recognition of this, the ordinance provides that the City Council will consider, on a case-by-case basis, allowing use of the "Mills Act Historic Property Tax Incentive Program" to maintain historically important properties. It also supports the establishment of a local register of historic places and resources to further historic preservation, thereby allowing the use of the state historic building code. If created, the Planning Commission would manage the list. This ordinance responds to specific General Plan policy direction.

#### Chapter 17.51 – Development in the High Fire Hazard Severity Areas. (Attachment F)

The purpose of this ordinance is to reduce wildfire ignition potential, enhance life safety, and protect property and resources by implementing development standards for properties located within state-designated Fire Hazard Severity Zones (FHSZ). It implements Government Code Chapter 6.8 (Moderate, High, and Very High FHSZ), Public Resources Code Sections 4290–4291, and applicable provisions of the California Building Code (CBC) and California Fire Code (CFC). Local compliance with these state laws is mandatory. This ordinance also responds to specific General Plan policy direction.

#### Chapter 17.52 – Cluster Development. (Attachment G)

The purpose of this chapter is to implement the goals and policies of the General Plan, which encourage the preservation of open space, protection of environmentally sensitive lands, reduction of exposure to hazards, and promotion of efficient development patterns. The chapter establishes standards for development density on slopes above 20%, using clustering of development in the least-constrained portions of a project site, while also providing incentives to permanently preserve sensitive lands as open space.

### **OVERVIEW: DIVISION VI – REGULATIONS APPLYING IN ALL DISTRICTS (Attachment H)**

#### Chapter 17.60 – Use Classifications

Use classifications describe land uses that are common or reflected in the use tables in the base zoning districts. It does not describe all potential uses or activities that may appropriately be within a classification. Use classifications include residential, general commercial, heavy commercial, industrial, and public or semi-public uses.

#### Chapter 17.61 – List of Terms and Definitions

This chapter provides definitions for common terms and phrases used in the zoning ordinance that are technical or specialized, or that may not reflect common usage. If a word is not

defined in the municipal code, the most common dictionary definition is assumed to be correct. It also includes definitions of terms specific to various ordinances, such as adult entertainment, FEMA floodplain regulations, mining, and others. It includes definitions and terms from the current Title 17 – Zoning, as well as new terms and classifications used in the draft CZO.

### Chapter 17.62 – Rules of Measurements

This section explains how the various measurements referenced in the zoning code, such as building heights, floor area ratios, and building setbacks, are calculated. It includes examples and illustrations. Note that some draft illustrations will be updated or otherwise modified prior to final publication and are provided in the draft chapter as examples for reference only.

## **CONCLUSION**

Together, these divisions and chapters of the draft CZO respond to the following needs:

Addressing unique or special uses. Includes standards and processes needed for certain land uses because of their unique characteristics and/or potential for negative impacts. This helps ensure well-planned, orderly development that is consistent with General Plan policy direction, while also responding to the limits imposed by state law.

Streamlined administration. Communities can manage development processes more efficiently and fairly by establishing standards tailored to land-use-specific issues. These tools help avoid the need to recreate solutions on a case-by-case basis using generalized zoning provisions. In turn, this provides consistent results and can streamline processes by reducing delays caused by the need for Commission- or Council-level interpretations of general provisions and standards.

Guidance for new development. The ordinances provide guidance on uses such as ADUs, gas stations, home occupations, and others. This provides guidance needed for new development to satisfy community standards, particularly where state law may limit local authorities.

Land use compatibility. The ordinances address development and use issues that can negatively impact adjacent properties, helping mitigate potential problems in the short and long term, in line with General Plan direction and existing land use patterns.

Enforcement. Land use and development ordinances are necessary tools to support effective enforcement of the community development standards and state laws.

## **PLANNING COMMISSION OPTIONS**

The Planning Commission has the following options:

- 1. Approve the staff request.** The draft ordinances and related information will be posted on the project website for public review and comment. The ordinances will return to the Commission as part of the ordinance adoption process for final recommendations to the City Council.

2. **Approve the staff request, with modifications.** The draft ordinances will be posted after any Commission-directed changes are incorporated.
3. **Continue action on one or all items to a future meeting.** If the Planning Commission desires additional information or time to review the draft materials, the Commission should continue action on this matter until a subsequent Commission meeting.

**ATTACHMENTS:**

- A: Ch. 17.45 – Housing Development.
- B: Ch. 17.46 – Nonconforming Uses, Structures, Sites and Parcels.
- C: Ch. 17.47 – Temporary Uses.
- D: Ch. 17.48 – Creek Corridor Development.
- E: Ch. 17.50 – Historic Preservation.
- F: Ch. 17.51 – Development in the High Fire Hazard Severity Zones.
- G: Ch. 17.52 – Cluster Development for Open Space Preservation.
- H: Division VI – General Terms including Ch. 17.60 - Use Classifications, 17.61 - Terms and Definitions, and 17.62 – Rules of Measurements.

## **CHAPTER 17.45 HOUSING DEVELOPMENT (NEW/REORGANIZED)**

### **17.45.010 Purpose and applicability.**

The purpose of this chapter is to support housing construction for all residents consistent with requirements of the general plan and state law, including but not limited to affordable and accessible housing construction. This chapter also implements the city's housing element policies and implementation programs. Accordingly, the purposes of this chapter are to:

- A. Establish procedures for the administration of state laws governing housing development.
- B. Provide options and flexibility in applying zoning regulations and development standards to facilitate the development of all housing, including affordable and supportive housing.
- C. Implement the goals and policies of the general plan relative to providing housing opportunities and meeting community housing needs.

### **17.45.020 Definitions.**

Except as otherwise reflected in the sections below, definitions and terms are as set forth in Chapter 17.24 - Density Bonuses and Housing Incentives, and Division 6 - General Terms and Measurements of this title. Terms not defined in this title shall be interpreted according to their common meaning consistent with standard dictionary definitions, or as set forth in state law and accepted land-use practice.

### **17.45.030 Reserved.**

### **17.45.040 Density bonus and housing incentives.**

State law allows the city to provide incentives other than, or in addition to, those required by law. Density bonuses and other incentives for the construction of affordable housing shall be administered consistent with the requirements and standards of Chapter 17.24 – Density Bonuses and Housing Incentives.

### **17.45.050 SB 35 Streamlined ministerial review. (NEW)**

All qualifying housing development projects that meet the eligibility criteria established by Government Code § 65913.4 (SB 35) shall be processed through the streamlined, ministerial approval procedure. Such projects shall be reviewed ministerially, including, without public hearings. They shall be evaluated against the city's objective zoning, subdivision, and design standards in effect at the time the application is submitted. Projects eligible for streamlined ministerial approval are not subject to the California Environmental Quality Act (CEQA) and must be approved or denied within the applicable statutory time limits.

A housing development shall qualify for streamlined ministerial review only if it meets SB 35 statutory requirements, including consistency with city objective design and development standards. For any application that meets the SB 35 criteria, the City shall issue a decision within the timelines required under the Government Code, and no additional zoning entitlements, variances, or public hearings may be required.

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### **17.45.060 Reasonable accommodation.**

- A. Purpose. This section provides a procedure for requesting reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land-use regulations, policies, and procedures.
- B. Applicability. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such an impairment, or anyone who has a record of such an impairment. This section is intended to apply to those persons who are defined as disabled under the Acts. Reasonable accommodation accrues to the person, not the land. If the person needing the reasonable accommodation moves out, the accommodation is no longer valid.
- C. Request for reasonable accommodation. A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity when the application of a zoning law or other land-use regulation, policy, or practice acts as a barrier to fair housing opportunities. Such a request may include a modification or exception to the rules, standards, and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
- D. Application. Requests for reasonable accommodation shall be submitted on an application form provided by the development services department and shall contain the following information:
  - 1. The applicant's name, address and telephone number.
  - 2. Address and parcel number of the property for which the request is being made.
  - 3. The current actual use of the property.
  - 4. The basis for the claim that the individual is considered disabled under the Acts.
  - 5. The zoning code provision, regulation, or policy from which reasonable accommodation is being requested.
  - 6. Why the accommodation is necessary to make the property accessible to the individual.
- E. Review with Other Land Use Applications. If the project for which the request for reasonable accommodation is being made also requires other discretionary approval (including but not limited to conditional use permit, design review, general plan amendment, zone change, annexation, etc.), then the applicant shall file the information required by subsection D together for concurrent review with the application for discretionary approval. If no other approvals are necessary, the request alone is exempt from the California Environmental Quality Act (CEQA).
- F. Review Authority and Process. Requests for reasonable accommodation shall be reviewed by the development services director or his/her designee if no approval is sought other than the reasonable accommodation request. The director, or designee, shall make a written determination within fifteen (15) business days and either grant, grant with modifications, or deny a request for reasonable accommodation.
- G. Findings. The written decision to grant or deny a request for reasonable accommodation shall be consistent with the Acts and shall be based on consideration of the following factors:
  - 1. Whether the housing, which is the subject of the request, shall be used by an individual disabled under the Acts.
  - 2. Whether the request for reasonable accommodation is necessary to make housing available to an individual with a disability under the Acts.

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3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city.
  4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.
  5. Potential impact on surrounding uses.
  6. Physical attributes of the property and structures.
  7. Alternative reasonable accommodations that may provide an equivalent level of benefit.
- H. Conditions of Approval. In granting a request for reasonable accommodation, the development services director or his/her designee may impose those conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection G above.
- I. Appeal of Determination. A determination by the development services director to grant or deny a request for reasonable accommodation may be appealed to the planning commission. Such appeals shall follow the procedures for variance and use permit appeals in accordance with the provisions of this title.

#### **17.45.070 Required findings for denial of affordable housing development.**

- A. Purpose. This section establishes the required findings that must be made by the development services director or his/her designee, the planning commission or the city council when denying an affordable housing development or zoning for such developments pursuant to California Government Code Section 65589.5.
- B. State Required Findings. Pursuant to California Government Code Section 65589.5(d), the City shall not disapprove a housing development project, including farmworker for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, unless it makes written findings, based upon substantial evidence in the record, as to one of the following findings:
1. The city has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the city has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the city has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the project. The share of the regional housing need met by the city shall be calculated in accordance with the forms and definitions adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the city shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.
  2. The development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant,

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quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

3. The denial of the project or imposition of conditions is required to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.
4. The development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
5. The development project or emergency shelter is inconsistent with both the zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the city has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.
  - a. This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the city's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the city's zoning ordinance and general plan land use designation.
  - b. If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and that are sufficient to provide for the city's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element identifies adequate sites with appropriate zoning and development standards, and with services and facilities to accommodate the local agency's share of the regional housing need for the very low- and low-income categories.
  - c. If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

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### **17.45.080 Water and sewer priority for affordable housing.**

- A. Purpose. California Government Code Section 65589.7 requires cities to provide for priority use for water and sewer connections for affordable housing. This section provides for findings and a process for prioritization.
- B. Priority. The City of Shasta Lake (city) shall grant priority to affordable housing projects when allocating water and sewer allocations at the time of discretionary or ministerial approvals applicable to the development.
- C. Development Review. The city will prohibit the denial or conditioning of affordable housing developments with regard to utility services unless the findings in Section 17.45.080(E) are made. The review is exempt from the California Environmental Quality Act (CEQA).
- D. Urban Water Management Plan. The city's urban water management plan shall include projected water use for single- and multi-family housing serving lower-income households.
- E. State Required Findings. Findings required for any denial or conditioning of an approval for water and sewer priority for affordable housing shall include one or more of the following:
  - 1. The city does not have sufficient water supply as defined in California Government Code Section 66473.7(a)(2), or is operating under a water shortage emergency as defined in California Water Code Section 350, or does not have sufficient water treatment or distribution capacity to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.
  - 2. The city is subject to a compliance order issued by the state Department of Health Services that prohibits new water connections.
  - 3. The city does not have sufficient sewer treatment or collection capacity, as demonstrated by a written engineering analysis and report on the condition of the treatment or collection works, to serve the needs of the proposed development.
  - 4. The city is under an order issued by a regional water quality control board that prohibits new sewer connections.
  - 5. The applicant has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking service from the city, including, but not limited to, the requirements of local, state, or federal laws and regulations or payment of a fee or charge imposed pursuant to California Government Code Section 66013.

### **17.45.090 SB-9 Two-unit housing development within single-family zoning districts. (NEW)**

- A. Purpose. This section implements Government Code §§ 66411.7 and 65852.21. The purpose of this section is to apply ministerial approval processes for projects seeking development entitlements using Government Code § 66411.7 or 65852.21. This section is applicable only so long as Government Code §66411.7 and §65852.21 are operative.

The director or designee shall ministerially approve a total of two-unit housing development on a legally created lot within a single-family residential zoning district if the proposed development meets the requirements of Government Code Section 65852.21 and satisfies the site eligibility criteria in Government Code § 65913.4(a)(6)(B)–(K) and complies with all applicable standards in the municipal code. In determining the applicability of this section, a single-family residential zone includes properties in the Suburban Residential (SR-1 and SR-2), Estate Residential (RE), and Rural Residential (RR-2 and RR-5) zoning districts.

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- B. Eligibility for ministerial approval. The physical and other property conditions that directly affect the two-unit ministerial approval process are set forth in Section 17.45.083. F. The city may deny an application for a two-unit housing development if the building official makes a written finding that the project would have a specific adverse impact on public health or safety or on the physical environment where the parcel contains any of the site conditions listed in Government Code section 65913.4. The building official may consult with and be assisted by any other public official as may be necessary in making a finding of a specific adverse impact.

Notwithstanding anything in this section, this section shall not prohibit the development of up to two residential units or either unit being at least 800 square feet in size, and objective standards shall be modified or waived to the minimum extent necessary to avoid physically precluding such units.

- C. Definitions. Terms used in this section shall have the following meanings. Where a definition conflicts with the provisions of state law, the meanings in state law shall govern.
1. Specific Adverse Impact. The term "specific adverse impact" has the same meaning and applicability as in Government Code § 65589.5(d)(2).
  2. Objective Development Standard. The term "objective development standard" includes all of the following: objective zoning standards, objective subdivision standards, and objective design standards. These terms identify standards that involve no personal or subjective judgment by a responsible official and are uniformly verifiable by reference to an external and uniform benchmark, standard, or criterion available to both the applicant and the approving authority before application submittal.
  3. Two-Unit Housing Development. The term "two-unit housing development" means a housing development consisting of no more than two primary dwelling units on a lot, including a development that entails adding one new primary unit to an existing primary unit in a single-family residential zone.
  4. Individual Property Owner. The term "individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. The term "individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code § 402.1(a)(11)(C) or a qualified nonprofit corporation as defined by Revenue and Taxation Code § 214.15.
  5. Unit. The terms "unit," "housing unit," "residential unit," and "housing development" mean primary unit(s) except where specifically identified as an accessory dwelling unit (ADU) or junior ADU.
- D. Denial. Grounds for denial of a ministerial approval include, but are not limited to, the specific adverse impacts or property conditions as set forth below.
1. Roads.
    - a. The project is served by a public or private street that does not meet the minimum design standards for emergency access of the city or responsible agencies.
    - b. The street that serves the project site exceeds the established standards for dead-end road lengths.

In applying subsections (a) and (b), the City may consider feasible mitigation measures, including but not limited to on-site fire sprinklers, turnouts, access easements, or other improvements, before denying a project.

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2. Location. The project site is located within the High and Very High Fire Severity Zone, and the structure, site, or vegetation conditions will not comply with the following:
    - a. The property will not conform to applicable defensible space and vegetation management laws.
    - b. All new structures and any additions within the state-designated fire hazard severity zones will not, or cannot be built to (WUI) Wildland Urban Interface and/or (VHFHSZ) Very High Fire Hazard Severity Zone requirements according to the most current state mapping designation and applicable development requirements.
    - c. Any modified structures will not conform to WUI requirements. Roofing, exterior building coverings, windows, and decking must be constructed with noncombustible and ignition-resistant materials and meet the performance requirements of the California Referenced Standards Code, Title 24, Part 12. All openings in the building must be retrofitted with approved ember-resistant vents or similar.

Compliance with Public Resources Code § 4291, Government Code § 51182, and CBC Chapter 7A, as may be amended, shall be deemed acceptable fire-hazard mitigation for purposes of this subsection.
  3. Utilities.
    - a. The project site is in an area not served by the municipal wastewater collection system and cannot or will not comply with applicable Shasta County Environmental Health requirements for onsite waste disposal (septic systems).
    - b. Public utilities, including adequate fire flows as determined by the city engineer or fire marshal, are not available, or are insufficient to serve the site.
  4. Environment.
    - a. The project is ineligible under Government Code § 65913.4(a)(6)(B)–(K) or would cause a specific, adverse impact on public health and safety that cannot be feasibly mitigated with application of all applicable objective development requirements, or the project would have a specific adverse environmental impact that cannot be mitigated without discretionary entitlement authorities.
  5. Density.
    - a. The project would result in the development of more than two units on a lot created pursuant to Gov. Code, §66411.7. A primary residential unit includes both primary and accessory residential units where a lot has been previously subdivided in accordance with Gov. Code §66411.7. On lots that utilize both the two-unit provisions of § 65852.21 and an urban lot split under § 66411.7, the City is not required to permit ADUs or JADUs in addition to the two primary units per resulting lot. On lots that do not utilize an urban lot split, ADUs and JADUs are governed by state ADU law and this title.
  - E. Application and Fees. The applicant for ministerial review of a two-unit development shall complete an application on a form made available by the city. The applicable permit application fee shall accompany the form. The applicant shall provide all information identified on the form, as well as any other information necessary to determine whether the project is consistent with the applicable objective development standards. No application shall be accepted unless it is complete as prescribed and is accompanied by payment of all applicable fees. The property owner or authorized agent shall sign the application. On any lot created in violation of the Subdivision Map Act (SMA), the applicant shall obtain a Certificate of Compliance for the lot and provide the certificate with the application.

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- F. Ministerial action. The director or designee shall render a decision on an application upon such application being deemed complete and consistent with this code and state law. Notwithstanding anything to the contrary set forth in this code, the director's action on an application is final and not subject to appeal.
1. The ministerial approval of a two-unit project shall not take effect until the owner demonstrates that all required documents have been recorded (e.g., deed restriction, easements).
  2. The permit approval shall require the owner and applicant to hold the city harmless from all claims and damages related to the approval.
  3. The City shall approve or deny a complete application within 60 days pursuant to Gov. Code § 65852.21(h).
- G. Objective development standards and requirements for two-unit residential development.
1. Demolition. Existing structures on a project site may be demolished and replaced, provided they comply with all applicable development standards. Demolition or alteration is prohibited where barred by Government Code § 65852.21(a)(3)–(5), including deed-restricted affordable units, rent- or price-controlled units, units occupied by a tenant within the last three years, parcels withdrawn under the Ellis Act within the previous 15 years, and parcels or contributing structures subject to applicable historic-resource protections.
  2. Yards. The following yard requirements apply:
    - a. Front, as established by the applicable zoning district.
    - b. Rear and side, a minimum of four feet.
    - c. Setbacks for existing structures. An existing legally established structure or a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure shall not require any setback beyond what currently exists.
    - d. Setback encroachments. The setbacks imposed by the applicable zone shall yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot, but in all cases shall maintain a minimum setback of four feet from the side and rear property lines.
    - e. Front setback encroachment. Front setbacks apply unless their application would physically preclude up to two units, or would prevent either unit from being at least 800 square feet in size; if necessary, the minimum relief required shall be granted.
  3. Height restrictions. No new residential unit may exceed the height standards as specified in this code. Accessory dwelling units are limited to the height of accessory buildings as established in the applicable zoning district.
  4. Parking. One off-street parking space per unit is required, except that no parking shall be required if the parcel is located within one-half mile walking distance of a high-quality transit corridor or major transit stop, or where a car share vehicle is located within one block of the parcel.
  5. Utilities. Each primary dwelling unit shall have its own direct utility connection to city utility services and is subject to payment of applicable development impact fees. Utility and impact fees shall only be imposed when consistent with applicable state law. For projects using on-

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site wastewater treatment systems, compliance with Shasta County Environmental Health requirements for on-site waste disposal (septic systems) shall be met.

6. Fire-hazard mitigation measures. A lot and any structures constructed on a lot that is located in the high and very high fire hazard severity zones shall comply with state, city and SLPD fire hazard mitigation measures for residential construction.
7. Rental Term. Any unit created pursuant to Government Code Section 65852.21 may only be rented for a term longer than thirty (30) days and is not eligible for a short-term rental permit.

**17.45.100 SB-9 Urban lot splits within single-family residential zone districts. (NEW)**

- A. Purpose and applicability. This section establishes requirements for urban lot splits:
  1. This section implements Government Code § 66411.7 and 65852.21. This section is applicable only so long as Government Code § 66411.7 and 65852.21 are operative.
  2. Where this section or Government Code § 66411.7 or 65852.21 conflicts with any other provision of this municipal code, this section and Government Code §66411.7 and §65852.21 shall control.
  3. Any development standard or requirement not explicitly addressed by this section or Government Code §66411.7 or §65852.21 shall conform to this code and the objective requirements governing subdivisions. Nothing in this section precludes application for a development permit under another section or chapter of the municipal code.
  4. All objective zoning, subdivision, and design standards applied to an urban lot split must either (1) apply uniformly to all development within the underlying zoning district or (2) be more permissive than those standards. The City shall not impose standards more restrictive than those of the underlying zone.
- B. Urban lot split requirements. This section authorizes a ministerial review process for parcel maps that create no more than two lots in a single-family residential zone (urban lot split) in compliance with Government Code §66411.7. An urban lot split is a subdivision that divides an existing, legally created lot in a single-family residential zone into two parcels, in accordance with this code and state law.
  1. Application.
    - a. A parcel map application for an urban lot split shall be made to the city on a form provided for that purpose. The applicant shall provide all information identified on the form, as well as any additional information required by the director or city engineer to determine whether the project is consistent with the applicable standards for urban lot splits and this code. No application shall be accepted unless it is complete and accompanied by payment of all applicable fees.
    - b. Only individual property owners may apply for an urban lot split. The term "individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. The term "individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corporation, S corporation, etc.) except for a community land trust as defined by Revenue and Taxation Code § 402.1(a)(11)(C) or a qualified nonprofit corporation as defined by Revenue and Taxation Code § 214.15. Any person with a mortgage interest in the lot to be split under this section must sign the application, indicating their consent to the project.

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- d. Projects that include a two-unit housing development in addition to an urban lot split shall also adhere to the requirements specified in Section 17.45.083.
2. Review procedures.
    - a. Completeness review. The director or designee shall determine whether the application is complete and consistent with the Government Code. The director shall provide an applicant with a written determination identifying items that were not complete or are inconsistent with the objective standards applicable to urban lot splits within 30 days after the application is submitted.
    - b. Ministerial action requirements. The director or designee shall make a ministerial decision within 30 days following such application being deemed complete. Notwithstanding anything to the contrary set forth in this title, the action to grant or deny an application for an urban lot split is final and not subject to appeal.
      1. A tentative parcel map for an urban lot split shall be approved ministerially if it complies with all requirements of this title and code. Recordation of a tentative parcel map is not required. A final parcel map shall be approved ministerially upon the owner's demonstration that all required documents have been recorded (e.g., deed restrictions, easements). The expiration date of the tentative map is determined by Title 16 and Government Code §§ 66452.6 and 66463.5. An approved tentative map is valid for 24 months after its effective date.
      2. The approval shall require the permittee to hold the city harmless from all claims and damages related to the project approval and related requirements.
      3. A lot created pursuant to the urban lot split process cannot be sold or transferred until the parcel map has been recorded.
      4. The property owner and applicant shall reimburse the city for any enforcement costs associated with enforcing the requirements of this title or project approval.
  3. Lot split requirements. An urban lot split shall satisfy the following requirements:
    - a. Map Act compliance. The urban lot split shall conform to all applicable objective requirements of the Subdivision Map Act, Government Code § 66410 et seq., and this title. The buyer or grantee of a lot created pursuant to this section has the remedies established by state law and any other applicable legal requirements.

The city has all the remedies available to it under the Subdivision Map Act, and Government Code § 66410 et seq., including the following:

      1. An action to enjoin any attempt to sell, lease, or finance the property.
      2. An action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
      3. Criminal prosecution when applicable.
      4. Recordation of a notice of violation against the property.
      5. Temporary or permanent withholding of any related development permits or approval for use of the subject property until all applicable violations are resolved.
  4. Consistent with Government Code §66411.1, dedication of rights-of-way and construction of city-standard frontage improvements are required for an urban lot split. The project must also meet the following standards:

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- a. Zone. The lot to be split is located in a zone where a single-family dwelling is the permitted primary residential use pursuant to this title. This includes lots in the Suburban Residential (SR 1 and SR 2), Residential Estate (RE), and Rural Residential (RR 2 and RR 5) zoning districts.
  - b. Lot location. The purpose of the following list is to summarize the requirements of Government Code § 65913.4(a)(6)(B) through (K), as may be amended from time to time. Government Code § 66411.7(a)(3)(C) identifies site characteristics that may prohibit the use of the urban lot split process. A lot to be split shall not be located on land subject to any of the following:
    1. A designated wetland or open space easement.
    2. Within a designated high or very high fire hazard severity zone, unless at the time of application, the site complies with all applicable state and local fire-hazard mitigation measures and standards needed to avoid a specific, adverse impact on public health and safety.
    3. A hazardous waste site that has not been cleared for residential use.
    4. Within a designated 100-year flood hazard area, unless the site:
      - i. Is the subject of a letter of map revision approved by the Federal Emergency Management Agency and issued to the city; or
      - ii. The city's designated flood plain administrator determines that the project meets Federal Emergency Management Agency requirements and the minimum flood plain management criteria of the National Flood Insurance Program and this code.
    5. Land under conservation easement or other adopted natural resource protection plan.
    6. The lot to be split shall not be a historic property or within a historic district that is included on the State Historic Resources Inventory, nor within or on a site that is designated by city ordinance as a historic landmark, historic property or historic district.
  - c. Prior urban lot split. The lot to be split shall not have been established through a prior urban lot split, nor shall it be located adjacent to any lot that was established through an urban lot split by the same owner of the lot to be split, or by any person acting in concert with the owner. The term "any person acting in concert with the owner" includes a third party who coordinates or assists the owners of two adjacent lots in their respective urban lot splits.
  - d. Impact on protected housing.
    1. The urban lot split shall not require or include the demolition or alteration of any of the following :
      - i. Housing that is income-restricted for households of moderate, low, or very low-income.
      - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
      - iii. Housing, or a lot that had housing, which has been withdrawn from rental or lease under the Ellis Act, Government Code §§ 7060 through 7060.7, at any time in the 15 years before submission of the urban lot split application.

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- iv. Housing that a tenant has occupied in the last three years.
  - 2. As part of the application, the applicant and owner shall provide a sworn statement warranting that the provisions of this section and state law are satisfied.
  - e. Lot size. The lot to be split shall have an area of at least 2,400 square feet. The resulting lots shall be at least 1,200 square feet in area. The resulting lots shall be split into two roughly equal parts, with neither lot being smaller than 40% of the original lot's size. The minimum lot dimensions and the minimum building site standards specified by the applicable base zone district shall yield to the degree necessary to avoid precluding the construction of up to two units on each resulting lot and shall not preclude each resulting unit from being at least 800 square feet in floor area.
  - f. Easements. The owner shall enter into an easement agreement to establish easements sufficient to provide public services and facilities to each of the resulting lots. Each easement shall be shown on the tentative parcel map and recorded against the property.
  - g. Lot access. Each lot shall have permanent access to or directly adjoin the public right-of-way. Access shall be designed, constructed, and maintained in compliance with the driveway standards specified in the city and fire district standards.
    - 1. Access to flag or rear lots (i.e., lots that do not have frontage on the public right-of-way) created by an urban lot split shall be provided through an access established by recorded easement.
  - h. Number of units allowed. No more than two dwelling units of any kind may be built or exist on a lot that results from an urban lot split. For purposes of this section, the term "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, an ADU, or a JADU.
  - i. Separate conveyance.
    - 1. Within a resulting lot.
      - i. Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.
      - ii. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
      - iii. All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.
  - j. Regulation of uses.
    - 1. Owner occupancy. The applicant for an urban lot split shall sign a declaration stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal place of residence for a minimum of three years after the urban lot split is approved.
  - k. Deed restriction. The owner shall record a deed restriction in a form approved by the city that does each of the following:
    - 1. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.

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2. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
  3. States that an urban lot split forms the property and is therefore subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development.
- I. Specific adverse impacts. Notwithstanding anything else in this section, the city may deny an application for an urban lot split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a specific adverse impact on public health or safety for which there is no feasible method to satisfactorily mitigate or avoid the impact.
1. The term "specific adverse impact" has the same meaning as in Government Code § 65589.5(d)(2).
  2. The building official may consult with and be assisted by any other city staff member as may be necessary in making a finding of specific adverse impact.

## ***Chapter 17.46 NONCONFORMING USES, STRUCTURES, SITES AND PARCELS***

### **17.46.010 Purpose.**

This chapter establishes uniform provisions for regulating legal nonconforming uses, structures, sites, and parcels. Within zoning districts established by this code, there exist structures, land uses, site improvements, and parcels that were lawful prior to the adoption of this code, but which would be prohibited, regulated, or restricted differently under the use regulations and development standards of this code and the general plan. It is the intent of this chapter to discourage the long-term continuance of nonconformities that have resulted in, or can result in, conflicts with surrounding uses, and to provide for their elimination over time, while permitting some nonconformities to exist under the conditions outlined in this chapter.

This chapter also recognizes that consistent investments in developed property can be substantial and that provisions for the continuation and improvement of nonconforming uses or sites are desirable to mitigate the blighting influence that can result from abandoned or underutilized structures that are unable to serve their originally intended purposes.

### **17.46.015 Definitions and terms.**

Definitions and terms are set forth in Division 6 - General Terms and Measurements of this title. Terms not defined in this code shall be interpreted according to their common meaning, consistent with standard dictionary definitions and accepted land-use practice.

### **17.46.020 Nonconforming uses, changes in nonconforming uses, and limitations.**

- A. Continuation. Legal nonconforming uses may be continued provided that such use shall not be intensified or be expanded to occupy a greater area than occupied by the use at the time it became nonconforming unless an administrative use permit is approved in accordance with this code.
- B. Change in Use. Uses in an existing commercial or industrial building may be changed to a different nonconforming use provided that the new use is of the same or a less intensive nature, and provided that, in each case, an administrative permit has been issued. Uses may be changed without bringing the site into full compliance with the provisions of this code, subject to the following standards:
  - 1. Any threat to public health and safety and any blighting conditions which are existing or would result from the change in use are corrected prior to occupancy.
  - 2. If an otherwise permitted use is reestablished, the director or other approving authority may require existing site nonconformances to be improved where they have adverse impacts on adjacent properties or the public. Such nonconformities may include, but are not limited to, a lack of screening of mechanical or other equipment, a lack of noise barriers or waste collection facilities, a lack of fencing or required landscaping, a lack of curb, gutter, or sidewalk, paved parking, and/or correction of other site nonconformances. The approving authority may accept a schedule for the elimination of site nonconformances that does not exceed twenty-four (24) months. The approving authority may require financial securities to insure that such nonconformances are corrected.

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3. The approving authority may establish as permanent, subject to the required findings and conditions of the permit, those nonconformances that cannot be remedied because the location of existing structures or the configuration of the site makes such improvements infeasible.
  4. Exceptions. No use that involves the storage, use or generation of significant levels of hazardous materials or hazardous wastes, or which involve other activity that may be detrimental to public health or safety because of the potential to generate dust, glare, heat, noise, noxious gases, odor, smoke, vibration, or other conditions that would be incompatible with surrounding uses may be substituted for an existing nonconforming use even if the use is of the same or less intensive nature.
- C. Abandoned. If a legal nonconforming use ceases for a continuous period of twelve (12) months or more, it shall be considered abandoned, and the subsequent use of the land shall be in conformance with the regulations specified by this title for the district in which the land is located, unless a use permit is first obtained. The presumption of abandonment may be rebutted upon a showing to the satisfaction of the approving authority that during such period of time the owner of the property:
1. Has been actively marketing the property, site or structure for sale or use; or
  2. Has been engaged in other activities that evidence an intent not to abandon the use of the property. Proof of such intent may include payment of utilities, maintenance of a business license, issuance of building permits, or other information that, to the satisfaction of the approving authority, demonstrates the owners' intended continuation of the previously established use.
- D. Damage or Destruction. Except as otherwise allowed pursuant to subsection 17.046.020.B, if a legal structure associated with a nonconforming use is damaged by fire or other cataclysmic occurrence to an extent of more than fifty (50) percent of the replacement value thereof, the subsequent use of the land shall be in conformance with the regulations specified by this code for the district in which the land is located, unless an administrative use permit has been granted.

#### **17.46.030 Nonconforming structures.**

- A. Continuation. Legal nonconforming structures may remain provided that such structure shall not be enlarged or altered to increase the discrepancy between existing conditions and the development regulations of the zoning district in which it is located unless an administrative permit is approved. A nonconforming structure shall not be modified or expanded by more than 10% of the existing floor area if such modification would be in noncompliance with the site development standards for the district in which the structure of use is located.
- B. Abandoned. If a legal nonconforming structure remains vacant for a continuous period of twelve (12) months, it may be considered abandoned and shall thereafter be removed or converted to a conforming structure unless an administrative use permit is granted in accordance with this code. The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the director, that during such period, the owner of the structure:
1. Has been maintaining it and the property with no intent to discontinue the use; and
  2. Has been actively marketing the structure for sale or use; or
  3. Has been engaged in other activities, evidencing an intent not to abandon the use.
- Proof of use or occupancy of the structure may include business receipts, delivery receipts for reception of articles for the use at the location in question, rent or lease receipts, utility bills in the name of the legally operating nonconforming use, city business license receipts for the use at the location in question and other materials as determined acceptable by the approving authority.
- C. Damage or Destruction. If a legal nonconforming structure is damaged or destroyed by fire or other cataclysmic occurrence, to an extent of more than fifty (50) percent of the current replacement cost as

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verified by a written bid provided by a licensed contractor, it may not be restored except in full compliance with the regulations for the zone in which it is located, unless a use permit is approved.

1. Exceptions: See Section 17.46.060 (Residential structures in office, commercial or industrial zones) and Section 17.46.070 (Nonconforming multiple-family dwellings).
- D. Maintenance, Repairs and Rehabilitations. Ordinary maintenance and repairs may be made to any legal nonconforming structure where such structure is not abandoned as set forth in subsection 17.046.030.B.
- E. A legally established nonconforming structure or site that has historic significance to the city may be utilized for its original intended use regardless of the land use designation of the property wherein it lies if a historic resource evaluation report has been prepared that confirms the historic significance of the structure, and subject to the planning commission's acceptance of the report and determination pursuant to a use permit that the reuse is compatible with surrounding land uses.

### **17.46.040 Nonconforming sites.**

- A. Continuation. Legal uses on legal nonconforming sites may continue, provided that if the use or a structure on the nonconforming site is enlarged, increased, or intensified as determined by the director, it does not increase the level of nonconformity or introduce a new nonconformity.
- B. Abandoned. If the use of a legal nonconforming site ceases for a continuous period of twelve (12) months, it may be considered abandoned. The subsequent use of the land shall require site modifications to bring the site into conformance with the regulations specified by this title for the district in which the land is located unless an administrative use permit is granted in accordance with this code.
- C. Damage or Destruction. If a legal structure on a legal nonconforming site is damaged or destroyed by fire or other cataclysmic occurrence, to an extent of more than fifty (50) percent of the replacement value thereof, the restoration of such structure and site shall be in full compliance with the requirements of this title unless a administrative use permit is granted in accordance with this code; or for residential structures, the provisions of Section 17.46.060 (Residential structures in office, commercial or industrial zones) or Section 17.46.070 (Nonconforming multiple-family dwellings) of this chapter apply. The approving authority shall consider the request in light of the neighborhood's characteristics, including average setbacks, and the prevalence of other similar nonconformities within a five-hundred-foot (500-foot) radius of the property.
- D. Change of Use on a Non-conforming Site. Uses may be changed to a different use on a nonconforming site provided that the new use is of the same or a less intensive nature, and except as otherwise allowed pursuant to Section 17.046.020, the new use is an allowable use in the district where the property is located. Uses on legal nonconforming sites may be changed to a different use without bringing the site into full compliance with this code, provided that the degree of nonconformity or the intensity of use, as determined by the director, is not increased, and subject to the following requirements:
1. Any threat to public health and safety and any blighting conditions as determined by the director, which are existing or would result from the change in use, shall be addressed prior to occupancy.
  2. Except as may otherwise be provided for in this chapter, any increase in the floor area of a principal building by ten percent or more shall require addressing existing nonconformances on the site, including, but not limited to, lack of screening of mechanical or other equipment; required landscape; lack of curb, gutter or sidewalk; lack of parking and/or other nonconformances, where such nonconformances as have adverse impacts to adjacent properties or the public generally. The approving authority may establish a schedule for eliminating the nonconformances that does not exceed twenty-four (24) months after commencement of the use.
  3. The approving authority may determine those nonconformances that need not be remedied because the location of existing structures or the configuration of the site makes such improvements physically infeasible.

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- E. Maintenance, Repairs and Rehabilitation. Ordinary maintenance and repairs may be made to any legal structure on a nonconforming site, provided that the work does not create greater nonconformances.

**17.46.050 Reserved.**

**17.46.060 Residential uses and structures in commercial or industrial zones.**

- A. Continuation. Nonconforming residential structures in commercial or industrial zones may be continued as a residential use provided that no increase in the number of dwelling units or an increase greater than twenty-five (25) percent in total floor area occurs, unless consistent with the applicable zoning district.

Where off-street parking or loading facilities do not conform to the provisions of this title, or where no such facilities have been provided for structures constructed prior to the effective date of this title, the structure shall not be altered or enlarged to create additional dwelling units or guest rooms until such requirements for the district have been complied with.

- B. Use Ceased by Damage or Destruction. Nonconforming residential uses destroyed by fire or other cataclysmic occurrences may be reestablished, provided that:
  - 1. Reconstruction is consistent with building setback, height, parking and other relevant development regulations of the district where the property is located, provided that if the building setbacks of the original structure did not conform to district regulations, the nonconforming setbacks may be maintained, but not expanded.
  - 2. A building permit for reconstruction is issued within twelve (12) months of destruction, and reconstruction, as determined by the issuance of final occupancy approval, is completed within twenty-four (24) months of building permit issuance. The director may extend this time limit by up to one year upon a showing of good cause.

If these standards cannot be met, the use may be reestablished only upon approval of a use permit by the planning commission.

- C. Use Ceased by Voluntary Demolition. Nonconforming residential uses demolished for the purpose of reconstruction to achieve health and safety improvements as required by this code or state law, or to eliminate blight, may be reestablished subject to approval of a site development permit by the director, and provided that:
  - 1. Reconstruction is consistent with the development standards of the district where the property is located, except that if the building setbacks of the original structures did not conform to district regulations, the nonconforming setbacks may be maintained unless they create a safety hazard. In all cases, such buildings may be reconstructed, but not expanded, except as otherwise allowed by this chapter.
  - 2. There is no increase in the number of units or in floor area except as required to meet health and safety standards.
  - 3. Approval of the site development permit is gained prior to demolition of the existing structure(s); and
  - 4. A building permit for reconstruction is issued within twelve (12) months of destruction, and reconstruction, as determined by issuance of final occupancy approval, is completed within twenty-four (24) months of demolition permit issuance.

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### **17.46.070 Nonconforming density for multiple-family dwellings.**

Multiple-family dwellings or dwelling groups of three or more attached or detached dwelling units that exceed the allowable density of the district in which they are located, and that are damaged or destroyed, may be rebuilt with the same number of dwelling units, provided that one of the following conditions is met:

- A. Two to Four Dwelling Units. Preexisting non-conformities are not increased beyond those existing prior to destruction or damage of the dwelling(s), and a building permit for reconstruction is issued within twelve (12) months of destruction.
- B. Five or More Dwelling Units. Rebuilding conforms to the parking, height, setback, and private open-space provisions of this code for multiple-family uses located in the UR-3 district. A use permit is required if these standards cannot be met, but in no case shall any site non-conformities be increased beyond those that existed prior to destruction of the dwelling(s), and a building permit for reconstruction is issued within twelve (12) months of destruction or demolition.

### **17.46.080 Nonconforming parcels.**

A nonconforming parcel or lot of record that does not comply with the area, depth or width requirements of the zoning district in which it is located shall be a legal building site if it meets one of the criteria specified by this section. It shall be the responsibility of the applicant to provide evidence to establish the applicability of one or more of the following:

- A. Approved Subdivision. The parcel was created through a legally recorded subdivision map, or a certificate of compliance has been issued.
- B. Individual Parcel Legally Created by Deed. The parcel is owned by a single entity of record and was legally created by a recorded deed prior to the effective date of the land-use regulation that rendered the parcel nonconforming.
- C. Variance or Lot Line Adjustment. The parcel was approved through the variance procedure or resulted from a lot-line adjustment, in compliance with this code and the Subdivision Map Act.
- D. Partial Government Acquisition. The parcel was created in compliance with this code, but became nonconforming when a portion of it was acquired by a governmental entity.

Where structures have been erected on a nonconforming parcel, the parcel shall not be further divided to reduce the lot size, building setbacks, and/or lot frontage below the requirements of the zoning district where the property is located, except when otherwise permitted by state law or this title.

### **17.46.090 Conformity of uses requiring a discretionary permit.**

Any lawful use existing at the time of adoption or amendment of this code in a zoning district that allows a use subject to the granting of a discretionary permit shall be deemed a legal conforming use for purposes of this chapter. Any expansion or change in the intensity of the use shall require a permit as specified in the district in which the property is located.

### **17.46.100 Previous permits in effect.**

Any use in existence by virtue of a permit issued in compliance with the regulations in effect at the time of application, which, under new or amended regulations, is not allowable, may continue, but only in compliance with the provisions and terms of the original permit.

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**17.46.110 Unlawful structures and uses.**

Structures or uses that did not comply with the regulations in effect at the time of their establishment are considered violations of this code. No right to continue non-conforming use of property containing an illegal structure or use is granted by this chapter.

## **CHAPTER 17.47 – TEMPORARY USES (NEW/REORGANIZED)**

### **17.47.010 Purpose and Intent.**

The purpose of this chapter is to encourage limited-duration temporary activities within the city while ensuring public safety, neighborhood compatibility, and consistency with the requirements of the California Environmental Quality Act (CEQA).

### **17.47.020 Definition.**

Temporary uses and special events refer to land uses or activities conducted for a limited, defined period that are not intended to be permanent, recurring, or continuous, and involve only structures, equipment, or improvements that are readily removable upon completion of the event. Temporary activities and uses exclude those that are integral to the primary use, and which are usual and customary to the operation of the primary allowable use of the property.

### **17.47.030 Applicability.**

- A. Applicable to all activities conducted outdoors and meeting the definition of temporary use and the purposes of this chapter, when not located on a property specifically designed and approved by the city for temporary uses or activities.
- B. Temporary uses shall not:
  - 1. Establish a permanent land use or vested right.
  - 2. Modify the underlying zoning designation or allowed uses.
  - 3. Increase wildfire risk beyond existing site conditions.
- C. Exempt activities. The following temporary uses and activities are exempt.
  - 1. Temporary uses and activities approved by the city or an otherwise responsible agency when occurring on public property.
  - 2. Charitable events, fundraising, and community events. Fundraisers and similar charitable events are limited to three days per month per sponsoring organization. Such activities shall only occur on nonresidential properties and shall not use more than twenty percent of the available site parking.
  - 3. Construction yards and offices. Project contractors' construction yards and offices, including manufactured or mobile units, in conjunction with an approved construction project. Must be removed within 10 days of issuance of the final occupancy permit.
  - 4. Garage and yard sales in residential zones. Three garage or yard sales in any twelve-month period, not exceeding three consecutive days each, shall be deemed a use incidental to the residential use of a property. Garage or yard sales in excess of this limit shall be prohibited in residential zones.

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5. Outside seasonal sales and displays. The temporary outdoor seasonal display and sales of merchandise in conjunction with an active business on the premises, and not exceeding forty-five days.
  6. Seasonal sales lots. Subject to issuance of a business license, seasonal sales of Christmas trees, pumpkins, and other holiday merchandise on nonresidential properties, including temporary security trailers, for a period not exceeding forty-five days.
  7. Similar temporary uses. Similar temporary uses not exceeding the duration standards of this chapter, which, in the opinion of the director, do not require a permit and are compatible with the zoning district and surrounding land uses.

#### **17.47.040 Permit requirements.**

- A. A Temporary Use Permit (TUP) is required for all temporary uses and activities within a zoning district unless expressly exempted by this chapter.
- B. Applications for a TUP shall be submitted a minimum of 30 days before the commencement date of the activity or use. The director may modify this requirement with good cause.
- C. The TUP shall be processed as a site development permit – director (SDP-D) per Chapter 17.13.
- D. The director may impose conditions necessary to address potential impacts resulting from the temporary use, including, but not limited to, noise, trash and litter, access control, traffic, parking, wildfire risk, emergency access, and public safety.

#### **17.47.050 Duration – exempt and permitted temporary uses.**

Temporary uses and activities, including exempt activities unless otherwise noted, are subject to the following time and duration limitations.

- A. Temporary uses or activities shall not exceed five (5) consecutive days.
- B. No site shall host more than 14 consecutive days or thirty (30) days of temporary use activity within a calendar year without planning commission approval. The planning commission, following notice to property owners of all property within 300 feet of the project site, as set forth in section 17.14.050. A, may, upon a showing of good cause and subject to the findings in section 17.13.090, grant such request.
- C. Temporary uses or activities may only be approved as outlined in Section 17.47.040 – Permit requirements.

#### **17.47.060 Environmental Compliance.**

- A. Temporary uses that qualify for a CEQA exemption may be approved without further environmental review. Any activity or use not exempt from CEQA is subject to environmental review.
- B. Conditions of approval consistent with the requirements of CEQA may be applied when necessary to ensure mitigation or prevention of environmental impacts.

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### **17.47.070 Prohibited.**

The following are prohibited within the High and Very High Fire Hazard Severity Zones (VHFHSZ):

- A. Uses involving open flames, fireworks, or pyrotechnics.
- B. Uses requiring permanent structures or grading.
- C. Uses that obstruct or have the potential to obstruct emergency access routes.

### **17.47.080 Enforcement and revocation.**

Violations of conditions of approval or operational requirements of this chapter shall be subject to immediate enforcement and abatement. The director may immediately suspend or revoke a TUP approval if there is a violation of the conditions of approval, or a determination of increased fire risk or hazard to public safety. Upon expiration or revocation, all uses and structures shall be immediately removed, and the property shall be returned to its pre-use condition.

### **17.47.090 Conditions and operations.**

The director shall prepare and make available the application materials necessary for reviewing temporary uses and activities, including a list of required operational standards. The director may also apply specific conditions of approval when necessary to protect the health, safety, and general welfare of the public or persons residing or working in the area.

### **17.47.100 No precedent established.**

Approval of a TUP shall not establish precedent for future approvals or uses.

## **Chapter 17.48 CREEK CORRIDOR DEVELOPMENT (NEW)**

### **17.48.010 Purpose.**

Undeveloped creek corridor areas support a great diversity of plants and animals, filter pollutants, and provide flood storage. These corridors are also valuable as open spaces for recreational and scenic purposes. The purpose of this chapter is to maintain adequate buffer areas in a natural condition between creek corridors and adjacent development consistent with general plan policies and state and federal law, to aid in the protection of public safety, to provide habitat, and as a scenic and recreational amenity.

### **17.48.020 Applicability.**

The provisions of this chapter apply to property adjoining or including any of the waterways identified as within a FEMA floodplain and/or in a natural resource overlay district. Those properties that include existing improvements within required setback areas, and which were legally developed in accordance with applicable standards at the time of their development, shall be considered non-conforming and modifications or intensification of such use are subject to the standards and requirements as set forth in Chapter 17.46 – Nonconforming Uses, Structures, Sites and Parcels. These waterways and their corresponding average buffer widths (setbacks) are shown in Schedule 17.48.020-A.

**Schedule 17.48.020-A Creek Corridor Setback Requirements**

<b>Waterway</b>	<b>Corridor Setback Buffer<sup>1</sup></b>
Churn Creek and related named and unnamed tributaries.	25 feet top of bank or riparian boundary; or no closer than FEMA floodplain boundary <sup>2</sup>
Moody Creek and related named and unnamed tributaries.	25 feet top of bank or riparian boundary; or no closer than FEMA floodplain boundary <sup>2</sup>
Nelson Creek and related named and unnamed tributaries	25 feet top of bank or riparian boundary; or no closer than FEMA floodplain boundary <sup>2</sup>

**Notes:**

<sup>1</sup> Average buffer is required. When the FEMA 100-year floodplain boundary is greater than a required buffer setback established in this schedule, the greater setback shall be utilized.

<sup>2</sup> Floodplains are established by the water surface elevation of the 100-year flood as reflected on the applicable FEMA map.

### **17.48.030 Development standards.**

The following requirements pertain to all new developments along the waterways identified in Schedule 17.48.020-A, except as specifically provided in Sections 17.48.020 and 17.48.040.

- A. Creek corridor setback buffers are required as follows:
  - 1. Ministerial projects (building permit; zoning clearance). Per Schedule 17.48.020-A.
  - 2. Discretionary land use entitlements (site development permits; use permits; subdivisions): Per Schedule 17.48.020-A, may include recordation of an open-space easement when determined necessary by the approving authority.

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3. Subdivisions: Per Schedule 17.48.020-A and recordation of an open-space easement, or dedicated to the city, and accepted in fee by the city council.
  - B. The average buffer widths identified in Schedule 17.20.020-A may be increased by the approving authority if necessary to protect environmental resources as determined through the project environmental review process.
  - C. Where the Natural Resources Overlay District, including applicable subdistricts, requires greater setbacks than shown in Schedule 17.48.020-A, the greater setbacks shall prevail.
  - D. No new structure, fence, swimming pool, or other improvements not specifically exempted for development in the FEMA 100-year floodplain shall be constructed within a required buffer area without first complying with FEMA requirements.
  - E. Creek setback buffer areas shall be maintained in a natural state. Removal of vegetation when required by the Fire Marshal or necessary for the development of authorized improvements is acceptable, subject to review of environmental impacts and implementation of any necessary mitigation measures.
  - F. Setback buffers are not applicable to public improvements. Where new drainage or other public improvements are necessary, they are not subject to Schedule 17.48.020-A setbacks. Such improvements should be designed and constructed with a natural appearance, incorporating earth-tone concrete, river rock, and/or native plant materials as appropriate.

#### **17.48.040 Setback exceptions.**

- A. Existing parcels. The director in the case of site development and administrative permits, and the planning commission in the case of use permits and subdivisions, may reduce the required buffer area for nonexempt projects with good cause. The reduction shall not be more than one-half the distance indicated on Schedule 17.48.020-A. Submission of a biological report prepared in accordance with this section may be required by the director when required to satisfy the findings enumerated below.
- B. New parcels. A variance must be approved in accordance with the procedures established in Chapter 17.16 (Variances) of this title for reduced buffer setback areas on parcels created after the adoption of this code.
  1. Biological Report. The director shall require the applicant to submit a biological report prepared by a qualified biologist prior to development review for projects proposed within the setback buffer areas for the streams identified in Schedule 17.48.020-A.
    - a. Exceptions. The director finds that significant alteration of naturally occurring vegetation within the affected corridor area has resulted from any of the following actions:
      - i. The stream adjacent to the proposed development has been channelized.
      - ii. A FEMA-approved levee has been constructed to contain flood flows.
      - iii. Substantial fill material or improvements have been placed within the buffer area, which has modified the creek corridor or the floodplain.
      - iv. Development has already occurred that substantially alters the characteristics of the required buffer areas and/or floodplain.
  2. Report contents. The report shall describe and map the flora and fauna located within the area proposed for development that is also within a required buffer setback, and identify any rare or endangered species found at the site. Appropriate mitigation measures shall be proposed, as necessary.

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- B. Required findings. To approve a reduced buffer setback, the approving authority shall make the following findings:
1. The reduced setback avoids, to the extent feasible, riparian vegetation.
  2. Any impacts to state or federally listed plant or animal species will be mitigated.
  3. The project or improvement necessitating the reduced setback will not pose a threat to stream bank stability or violate FEMA requirements.
  4. The ability to provide emergency access to the property or floodplain is not compromised.
- C. Appeals. Appeals of setback determinations shall be conducted in accordance with the provisions of Section 17.11.090 – Appeals, of this title.

## ***Chapter 17.50 HISTORIC PRESERVATION (NEW)***

### **17.50.010 Purpose and objectives.**

Shasta Lake possesses a wide range of historical, architectural, and cultural resources valued for their role in creating community pride and an appreciation of Shasta Lake's history. In recognition of this, the city will consider, on a case-by-case basis, the use of the "Mills Act Historic Property Tax Incentive Program" to maintain historically important properties in a manner the city deems reasonable to further the purposes of historic preservation. The specific purposes of this chapter include:

- A. Promoting the public general welfare through the identification and preservation of historically important buildings, structures and cultural resources, including the establishment of a local register of historic places and resources.
- B. When determined appropriate to assist property owners in protecting and maintaining the character of these important community assets.
- C. To allow the use of the Mills Act Historic Property Tax Incentive Program and the application of the California Historical Building Code in specific cases by establishing appropriate administrative procedures.

### **17.50.020 Definitions.**

"City of Shasta Lake Local Register of Qualified and Candidate Historic Properties" means a register of historic, cultural and architecturally important properties consisting of the following:

- A. Local Register of Qualified Historic Properties. A list that identifies properties designated on a federal, state, or city register of historical, cultural, or architecturally significant places or landmarks, including the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, State Points of Historical Interest, and the City of Shasta Lake Local Register of Qualified Historic Properties.
- B. Local Register of Candidate Historic Properties. A list which identifies buildings, structures, and cultural resources that may be significant in the history, architecture, or culture of Shasta Lake, Shasta County, the state of California, native Americans, or nationally.
- C. "Qualified professional" means an individual with documented experience and formal training in the fields of archaeology, anthropology, architecture, engineering, history, or a related field, who has demonstrated experience in research, field work, and/or analysis of historic buildings, structures, and people.

### **17.50.030 Duties of planning commission.**

The planning commission shall have the following powers and duties:

- A. Make additions to, and deletions from, the Local Register of Qualified and Candidate Historic Properties.
- B. Based on the merits of individual applications, certify properties as qualified historic properties for purposes of upgrading from the list of candidate properties to a list of qualified properties and, if appropriate, recommend the property for participation in the Mills Act Historic Property Tax Incentive Program or other programs supporting the protection of historically relevant properties or resources.

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This would include recommending the maintenance and/or improvement requirements, if any, to be included in the applicable contracts.

#### **17.50.040 Local register of qualified and candidate historic properties.**

The "Local Register of Qualified and Candidate Historic Properties" (local register) shall be established by resolution of the planning commission. The local register shall consist of a list of "candidate properties" and a second list of properties that have been certified as "qualified historic properties" under the provisions of this chapter, regardless of ownership or property tax status.

The planning commission may amend the local register from time to time to: (1) delete properties that have been demolished or modified such that they are no longer appropriate for the candidate or qualified lists; and/or (2) add additional properties that may be identified as appropriate for either the candidate or qualified lists.

- A. Candidate properties may, upon property owner requests and more detailed investigations, be certified and added to the list of qualified historic properties appropriate to receive benefits under the Mills Act, or other applicable programs and laws. These include specific buildings, structures, or cultural resources that are identified as having historical, architectural, or other significance to the community.

#### **17.50.050 Qualified historic properties' certification.**

A property must be certified as a qualified historic property by action of the planning commission or the provisions of this chapter in order to participate in the Mills Act Historic Property Tax Incentive Program. A public hearing is required to secure this designation, except that no public hearing is required for those properties specified in subsection A of this section. Once private property on the tax rolls is certified, it is eligible to participate in the Mills Act Historic Property Tax Incentive Program and, with city council approval, may enter into a contract with the city as provided in Section 17.50.060. Properties with the following characteristics may be appropriately certified as qualified historic properties.

- A. Any public property that is listed, or is eligible to be listed, on the National Register of Historic Places, State Register of Historical Resources, California Historical Landmarks, or State Points of Historical Interest is considered to be a qualified historic property without further action by the city.
- B. Any private property included on the list of candidate properties that is determined appropriate for inclusion on the list of qualified properties by the planning commission based on application materials submitted to the city. A property may be eligible to enter into a Mills Act contract and/or placement on the local list if it meets one or more of the following criteria and is consistent with any formal policy or guidelines adopted for evaluating historical or cultural significance, as demonstrated by materials prepared by a qualified professional:
  - 1. Has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation.
  - 2. Is the site of an event significant in local, state, or national history.
  - 3. Is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation.
  - 4. Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation.
  - 5. Embodies distinguishing characteristics of a type, style, period, or specimen in architecture or engineering.
  - 6. Is the work of a person whose work has significantly influenced the development of the community, state, or nation.

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7. Contains elements of design, detail, materials, or craftsmanship that represent a significant innovation.
  8. Represents an established and familiar visual feature of the neighborhood or community.
  9. Has yielded, or may be likely to yield, information important in pre-history or history.

#### **17.50.060 Application forms and fees.**

An application for local designation on the local list of qualified properties or the Mills Act program shall be accompanied by a fee established for this purpose by resolution of the city council and shall be filed with the development services department in a form prescribed by the director or designee. The application shall be accompanied by documentation, including photographs, property descriptions, historical information, and other information deemed necessary by the director to allow the planning commission to determine whether the property should be classified as a qualified historic property as provided for in this chapter.

#### **17.50.070 Approval of Mills Act contracts.**

- A. Subject to city council approval, the city manager is authorized to enter into a Mills Act contract with owners of a qualified historic property as determined under Section 17.50.050. The city manager shall obtain authorization from the city council for the proposed Mills Act contract, as such contracts may affect funding for city programs.
- B. The city council may prohibit entering into a Mills Act contract, despite a determination that the property is otherwise qualified, based on a finding of a conflict with city programs or a significant impact on city funding.

#### **17.50.080 Appeals.**

- A. Appeals to the determinations of the planning commission regarding the composition of the qualified and candidate historic properties lists, and/or the property improvement/maintenance requirements recommended for the Mills Act contract, may be appealed to the city council in accordance with the provisions set forth in Chapter 17.11, Common Procedures.

**Chapter 17.51 DEVELOPMENT IN THE HIGH FIRE HAZARD SEVERITY ZONES**  
**(NEW)**

**17.51.010 Purpose.**

- A. The purpose of this chapter is to reduce wildfire ignition potential, enhance life safety, and protect property and natural resources by establishing development requirements for properties located within state-designated Fire Hazard Severity Zones (FHSZ) in the City of Shasta Lake.
- B. This chapter implements Government Code Chapter 6.8 (Moderate, High, and Very High FHSZ), Public Resources Code Sections 4290–4291, and applicable provisions of the California Building Code (CBC) and California Fire Code (CFC).
- C. This chapter complements and does not replace the minimum requirements of the CBC Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure), CFC Chapter 49 (Requirements for Wildland Urban Interface Fire Areas), and the California Wildland-Urban Interface Code (Part 7 of Title 24), as may be amended from time to time.

**17.51.020 Applicability and mapping.**

- A. **Applicability.** This chapter applies to all applications for discretionary or ministerial approvals involving the construction of new buildings and structures, new subdivisions, site development, and exterior alterations/additions that trigger WUI compliance, when any portion of the site lies within a state-designated FHSZ in the Local Responsibility Area (LRA).
- B. **Official Map.** The geographic extent of the High and Very High FHSZ in the City shall be as shown on the “Fire Hazard Severity Zones in Local Responsibility Area—City of Shasta Lake” map (dated January 22, 2025), as may be updated by the Office of the State Fire Marshal, and any locally adopted amendments pursuant to Government Code Section 51179. The Director shall maintain the current official FHSZ map in the City’s GIS/Document Center.
- C. **Adoption and Transmission.** Any ordinance or ordinance amendment establishing FHSZ maps or requirements shall be transmitted to the State Board of Forestry and Fire Protection within 30 days of adoption, in the form required by the state.

**17.51.030 Definitions.**

Terms shall have the meanings set forth in Government Code §§ 51177–51179, PRC §§ 4290–4291, CBC Chapter 7A, and CFC Chapter 49. Terms not defined in this code or state law shall be interpreted according to their common meaning, consistent with standard dictionary definitions and accepted land-use practice. In the event of conflict between definitions in this title or state law, state law and the CBC/CFC definitions shall govern.

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### **17.51.040 General Plan and state law consistency; implementing resolution.**

- A. Consistency. All approvals under this chapter shall be consistent with the city’s applicable general plan goals and policies, and with state codes and regulations. If there is a conflict between the requirements of this code and those of state law, the more rigorous standard shall apply.
- B. Implementing resolution. The City Council shall adopt, and may periodically amend, a resolution establishing specific development policies, technical standards, and submittal requirements to implement this chapter, consistent with Government Code Chapter 6.8, PRC §§ 4290–4291, CBC Chapter 7A, and CFC Chapter 49 (the “Implementing Resolution”). The Implementing resolution shall include or reference WUI development and plan checklists, permitting and defensible space plan requirements, and may provide other direction necessary to implement the requirements of state law and the general plan.

### **17.51.050 Submittals and findings.**

- A. Submittals. Applications subject to this chapter shall provide:
  - 1. A FHSZ map excerpt showing project location and FHSZ designation(s). Such maps shall be available from the city GIS platform
  - 2. A completed WUI building compliance worksheet identifying CBC 7A assemblies and OSFM-listed products (vents, roofing, siding, decking, glazing).
  - 3. A Defensible Space and Vegetation Management Plan meeting Gov. Code § 51182/PRC § 4291 and BOF guidelines, coordinated with any applicable landscape plans.
  - 4. Fire access, water supply, and signage details per PRC § 4290 and any adopted local standards as established by city council resolution.
- B. Findings. Prior to approval, the review authority shall find that the project meets or exceeds this ordinance and the CBC 7A requirements; provides the required defensible space or an acceptable alternative; and conforms to the city council implementation resolution.

### **17.51.060 Development Standards—all projects located within the FHSZs.**

- A. Building construction (WUI). New buildings and applicable accessory structures shall comply with CBC Chapter 7A WUI provisions, and local fire district requirements for structures and sites shall be used where applicable.
- B. Site design interface. Projects shall avoid creating receptive ember beds within 5 feet of structures, and materials therein shall be noncombustible or ignition-resistant as required by state and local fire agency and city standards or guidance.
- C. Fire operations. Where applicable, provide fire appliance clearances, hydrant spacing/flow, premises identification, and access per state standards, local fire agency standards, and city standards or guidance.

### **17.51.070 Additional Standards—projects in the Very High FHSZ.**

- A. Defensible space. Establish and maintain defensible space to a minimum of 100 feet from each structure, or to the property line, with enhanced treatment between 0–30 feet (Zones 0–1) and regular fuel modification between 30–100 feet (Zone 2), consistent with Gov. Code § 51182 and PRC § 4291, and local fire agency and city standards or guidance.

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- B. Ridgeline and Perimeter Measures. Projects shall incorporate perimeter fuel breaks/greenbelts and site design measures consistent with PRC § 4290, including measures where necessary to reduce fire risk.
  - C. Undeveloped ridgelines and slopes exceeding 20%. New development impacts shall be minimized on designated ridgelines and slopes exceeding 20% as set forth in Chapter 17.52 – Cluster Development for Open Space Preservation; Chapter 15.08 – Grading, Erosion Control, and Hillside Development; and Chapter 12.36 Tree Conservation.

**17.51.080 Access, water supply, identification, and site design.**

- A. Access requirement. Provide access road and driveways meeting minimum width, grade, turnouts/turnarounds, surface, and clearance consistent with PRC §4290 regulations (Board of Forestry Fire Safe Regulations) and local fire agency or city standards. At a minimum, the required improvements shall be in place prior to occupancy.
- B. Water supply. Provide minimum private water supply reserves for emergency fire use, as required by PRC §4290 regulations and local standards, which shall be available or developed prior to occupancy.
- C. Property identification. Street and building identification shall comply with PRC §4290 standards for visibility and durability.
- D. Setbacks and vegetation maintenance. Where required by state Board of Forestry regulations or local standards, structures shall provide and maintain defensible-space-compatible setbacks from property adjacent open spaces and undeveloped areas. Where physical constraints, including existing development patterns, prevent typical defensible space setbacks, the director may authorize the use of “same practical effect” measures as an alternative.

**17.51.090 Landscaping, fuel modification, and defensible space.**

- A. Planting. Landscape plans shall avoid highly flammable species near structures, limit continuous fuel paths, and provide vertical and horizontal spacing between vegetation consistent with BOF Defensible Space Guidelines and CFC Chapter 49.
- B. Zones. Defensible space shall be organized into Zones 0 (0–5 ft), 1 (5–30 ft), and 2 (30–100 ft) with treatments consistent with state guidance and the Implementing Resolution.
- C. Coordination. Vegetation management shall balance fuel reduction with erosion control and habitat considerations as recognized in Gov. Code §51182.

**17.51.100 Maintenance; ongoing responsibilities.**

- A. Maintenance. Property owners shall maintain all required WUI building features, defensible space, and vegetation management in perpetuity and shall comply with any inspection program of the local fire authority.
- B. Notice. For developments within Very High FHSZ, conditions of project approval may require a recorded notice of ongoing defensible space and WUI maintenance obligations.

**17.51.110 Exceptions and same practical effect measures.**

- A. Exceptions. Exceptions from this chapter shall be processed under Title 17 exception or variance procedures; no exception or variance may result in a standard that is less than state minimums.
- B. Same practical effect. Where strict compliance with a specific siting/clearance standard is impracticable due to property constraints, the approving authority may approve measures that provide the “same

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practical effect,” such as noncombustible walls/fences, hardscape buffers within 5 feet of structures, and upgraded ignition-resistant exterior assemblies, consistent with Board of Forestry guidance and comparable local practices.

**17.51.120 Enforcement.**

- A. Violations of this chapter are subject to the enforcement provisions of the municipal code and any applicable provisions of state law. Each day of noncompliance may constitute a separate violation.
- B. Stop Work/Permit Revocation. The city may issue stop-work orders or revoke approvals/permits when required WUI measures are omitted, altered, or not maintained as required by law or the project approval(s).

**17.51.130 Severability; conflicts.**

- A. If any section of this Chapter is held invalid, such invalidity shall not affect the remaining sections.
- B. In the event of conflict between the requirements of this chapter and code, State law or the California Building Standards Code, the more stringent requirement shall control.

## ***Chapter 17.52 CLUSTER DEVELOPMENT FOR OPEN SPACE CONSERVATION (NEW)***

### **17.52.010 Purpose and Intent.**

The purpose of this chapter is to implement the goals and policies of the City of Shasta Lake General Plan, including the Housing Element, which encourages the preservation of open space, protection of environmentally sensitive lands, reduction of exposure to natural hazards, and promotion of efficient development patterns.

This chapter establishes standards for cluster development as a discretionary planning tool that allows development to be concentrated on the least constrained portions of a site, while providing incentives to permanently preserve sensitive lands as open space. The intent of these standards is to minimize adverse environmental and public safety impacts associated with development on steep slopes, riparian corridors, wetlands, flood-prone areas, fire-prone landscapes, and other natural resource or hazard-related features, by:

- A. Encouraging creative approaches to the use of land and its physical development while achieving the goals and policies of the general plan, including the policies of the Housing Element and state law.
- B. Allowing coordinated land use development that balances development with the conservation of natural resources, open space, wildlife habitat, water quality, scenic resources, and community character.
- C. Protecting public health and safety by directing development away from hazardous or environmentally constrained areas through appropriate site design and avoidance.
- D. Implementing state and local hazard-mapping and risk-reduction policies by discouraging development on steep, fire-prone, or otherwise hazardous lands, by concentrating development in areas with lower environmental and public safety risks.

### **17.52.020 Applicability and entitlements.**

This chapter applies to properties located in the Suburban Residential (RE, SR1, SR2) and Urban Residential (UR1) zoning districts that are larger than two (2) acres in size. To be eligible for the incentives provided by this chapter, the property must be encumbered by substantial areas that are subject to open space or environmental protection requirements, where the project area exhibits one or more of the following conditions:

- A. Steep slopes. Substantial areas within a project site where slopes of 20% or greater affect the ability of the property to be developed at the minimum density or intensity of the applicable general plan land use designation. Such areas limit conventional subdivision or development consistent with base zoning standards because they require extensive grading, infrastructure, and hazard mitigation.
- B. Environmentally constrained areas. Lands that are identified as environmentally sensitive and constrained in state or federal law, and in the general plan. The director may require additional information when necessary to determine compliance with the purposes of this chapter.
- C. Entitlements. Projects satisfying one or more of the criteria above are eligible for use of the following entitlement processes.
  - 1. Project areas that are two (2) acres to ten (10) acres in size shall obtain approval of a use permit.

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2. Project areas that are greater than ten (10) acres in size require Planned Development zoning due to their scale and potential for integrated open space, circulation and infrastructure planning.

Eligibility under this section establishes the applicability of cluster development provisions but does not confer a right to increased density, reduced standards, or approval of any specific incentive unless expressly authorized under this chapter.

### **17.52.030 Application.**

An application for cluster development approval shall be accompanied by the required fee and filed with the development services department in the form prescribed by the director. The director or designee may require, as part of the application process, information, exhibits or special studies necessary to determine that the project meets the requirements of this code.

### **17.52.040 General requirements.**

The following standards are applicable to a project seeking to use the cluster development provisions authorized by this chapter. Compliance with this section is required as a condition of eligibility for cluster development and any associated incentives.

- A. Minimum open space area. Cluster development incentives are permitted when at least 25% of the gross site area is preserved as open space. Required open space may include environmentally sensitive or constrained lands, provided such areas are permanently protected from development.
- B. Slope protection. No development shall occur on slopes equal to or exceeding 20%, except for development of access or utilities necessary to serve otherwise permissible development and where no feasible alternative alignment exists.
- C. Sensitive land buffer. A minimum 25-foot buffer, or as otherwise required by state and federal agencies with authority, shall be maintained around areas designated as jurisdictional wetlands, riparian areas, FEMA-designated floodplains, or other environmentally sensitive features.
- D. Connectivity. Open space areas shall be connected to adjacent open space or trail systems where feasible or necessary to provide for public safety to provide for ecological function, emergency access, or public safety purposes. This provision shall not be construed to require public access unless otherwise required by law or as a condition of project approval.
- E. Density transfer within a project area. Density or allowable floor area may be transferred from environmentally sensitive areas to other suitable areas of the project site, provided overall density or floor area does not exceed that stipulated by the applicable zoning district. Density transfer is subject to approval by the reviewing authority based on site design, infrastructure capacity, and consistency with adopted plans and standards.
- F. Building sites. Except for necessary vehicle or utility access, new building pads shall be located outside of required environmental buffers and open space areas, on lands with slopes of ten (10) percent or less.
- G. Open space configuration and use. Open space shall include all environmentally sensitive areas of the site (e.g., creeks, wetlands, floodplains, steep slopes) and shall be configured to provide contiguous, functional resource protection areas where feasible. Open space areas established pursuant to this chapter may be used for those activities permitted in Chapter 17.33 (Open Space District), and shall be permanently restricted from future development in accordance with Section 17.52.080.

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- H. Ridgeline protection required. No structure shall be placed within fifty (50) horizontal feet of a mapped prominent ridgeline, except when visual, geotechnical, and environmental impacts are minimized. A ridgeline development area commences at the highest continuous topographic crest of the landform within the parcel or project area, and extends on all sides to the point at which the downslope reaches ten percent (10%) or more. Where the mapped ridgeline differs from the site-specific topography, the approving authority shall determine the final ridgeline location based on topographic data, field inspection, and visual analysis.

### **17.52.050 Calculation of allowable density.**

- A. Slope and density tier method. Allowable residential units for a project shall be calculated using the following slope-specific tier method, which establishes the maximum potential density prior to application of clustering provisions or incentives:
  - 1. Zero to twenty percent (0–20%) slope: base zoning district density applies.
  - 2. Greater than twenty percent (>20%) and less than thirty percent (<30%) slope: maximum of one (1) dwelling unit per two (2) acres.
  - 3. Thirty percent (30%) slope or greater: maximum of one (1) dwelling unit per five (5) acres.
- B. Clustering without net density increase. Clustering provisions may be applied to reconfigure lot sizes and building envelopes in order to transfer units derived under subsection 17.52.050. A to otherwise suitable locations within a project site, but shall not increase the total number of units or the intensity of development beyond that allowed by the zoning district.
- C. Slope analysis required. The application for use of this ordinance shall include a slope analysis prepared by a qualified professional using current topographic data with five-foot contours or better, based on site-specific topographical information. The analysis shall quantify acreage within each slope category and shall be subject to city verification. The slope analysis shall be used to determine eligibility, allowable density, and the appropriateness of clustering under this chapter. When necessary to determine eligibility for a density increase or other incentive, the director may require a higher level of accuracy in the slope analysis.

### **17.52.050 Cluster development standards.**

The following development standards apply to projects that utilize the preservation provisions as established in this chapter. Compliance with this section is required as a condition of approval for cluster development.

- A. Open space preservation:
  - 1. All environmentally sensitive areas of the site shall be included within designated open space.
  - 2. All designated open space areas shall be permanently protected from development in accordance with Section 17.52.080.
- B. Minimum project area. The minimum project area eligible for cluster development incentives under this chapter shall be two (2) acres.
- C. Performance standards.
  - 1. Site design and grading. Buildings shall be sited to minimize grading, preserve natural topography, and reduce landform alteration, consistent with the standards of Chapter 15.08 and this title.

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2. Relationship to Open Space. Development shall be oriented to maximize public views and access to the dedicated open space when feasible.

### **17.52.080 Open space dedications and management.**

The following are requirements for projects seeking approval under this chapter.

- A. Responsibility and ownership. Open space may be held by a property owner, held in common by a homeowners' association or other entity, or dedicated to the public, provided it is acceptable to the city council. Responsibility for the open space shall be established and documented prior to final map approval or issuance of a permit for property development.
- B. Protection. All areas designated as open space shall be permanently protected through a conservation easement or other legally enforceable mechanism approved by the city attorney that ensures the long-term preservation of the open space.
- C. Maintenance. Upon granting approval for cluster development or incentives authorized by this chapter, a long-term maintenance plan shall be approved as part of the development entitlement. The maintenance plan shall include clearly defined maintenance responsibilities and a mechanism to fund required maintenance activities in perpetuity, which may include homeowners' association assessments, endowments, special assessments, establishment of a landscape maintenance district, or other mechanisms acceptable to the approving authority.
- D. Use restriction. Open space areas shall be permanently restricted from future development and may be used only for those activities set forth in Chapter 17.33 – Open Space District and Chapter 17.53 – Natural Resources Overlay District.
- E. Location. Open space dedications shall be located on property seeking to utilize the benefits of this ordinance. Alternatively, the city council may allow the dedication of open space at off-site locations when the city council finds the off-site location is of equal or superior quality for open space uses than equivalent areas within the project area, and that such off-site dedication is in the public interest. All off-site open-space dedications must be located within the city's corporate boundaries and shall be subject to the same permanent protection and maintenance requirements as on-site open space.

### **17.52.090 Potential incentives.**

To promote the preservation of open space and allow the use of cluster development techniques, the city may, in its discretion, offer the following incentives to conserve open space and other environmentally sensitive lands when the approving authority determines that such incentives are warranted based on site conditions, project design, or public benefit. Project approval may grant one or more of these incentives as determined appropriate and necessary by the approving authority. Such incentives are subject to consistency with the general plan, this title, and the requirements of local ordinance and state law.

- A. Density bonuses.
  1. Projects that preserve more than 50% of the site as open space are eligible for a residential density bonus of up to 10% of the otherwise allowable density as calculated pursuant to Section 17.52.050.
  2. Density bonuses may, where applicable, be combined with state-mandated affordable housing bonuses, provided that the total density does not exceed that permitted by state law and that all applicable findings and procedures under state law are satisfied. Nothing in this chapter is intended to limit or expand rights granted under the State Density Bonus Law (Government Code Section 65915 et seq.).

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B. Flexibility in project design.

1. Modifications to street widths, building setbacks, and parking requirements to support compact, clustered layouts in conjunction with open space dedications, provided such modifications are consistent with public safety, emergency access requirements, and applicable engineering standards.
2. Shared private infrastructure (e.g., driveways, stormwater systems) may be permitted to reduce land disturbance and project costs, subject to approval by the city engineer and compliance with applicable codes and standards.

C. Infrastructure cost sharing.

1. The city may agree to participate in cost-sharing for public infrastructure improvements that are consistent with the applicable master plan (e.g., trails, parks, stormwater facilities) by allowing the use of a project's otherwise required development impact fees. All such cost-sharing is subject to the city council's approval and is permitted only to the extent permitted by the Mitigation Fee Act (Government Code Section 66000 et seq.) and other applicable law. Eligible projects must demonstrate substantial public benefit to utilize these cost-sharing incentives.

D. Recognition and marketing support.

1. Projects that exemplify best practices in open space preservation and sustainable design may be featured in city publications and promotional materials.
2. The city may provide signage or certification recognizing the project's contribution to community stewardship.

E. Technical assistance.

1. Pre-application consultations with planning, engineering, and building staff to assist in site planning and preliminary project design.
2. Pre-project GIS mapping services to help identify optimal areas for development and open space preservation. Such assistance shall not include project-specific design services or access to non-public data.

## DIVISION VI. GENERAL TERMS (NEW/REORGANIZED)

### *Chapter 17.60 USE CLASSIFICATIONS*

#### **17.60.010 Purpose and applicability.**

Use classifications describe one or more uses of land having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The director shall determine whether a specific use shall be deemed to be within one or more use classifications, or not within any classification in this title. Following appeal of the director's determination, the planning commission may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are incompatible with those typical of uses named within the classification.

#### **17.60.020 Residential use classifications.**

##### **Residential Housing Types.**

- A. Single Family Dwelling. One dwelling unit located on a single lot, containing only one kitchen and used to house not more than one family. Includes manufactured housing.
- B. Two-Family Dwelling (Duplex). A single building that contains two dwelling units, or a single lot with two freestanding buildings, each of which is designed for occupancy by one household.
- C. Dwelling Group. A group of three or more detached one-family, two-family, or multiple-family dwellings occupying a parcel of land in one ownership.
- D. Manufactured Home Park. Manufactured housing in a planned development with common area amenities. Spaces for mobile homes may be rented or owned.
- E. Multiple Family Residential (Apartments). Three or more attached dwelling units on a site or lot. Types of multiple-family dwellings include a variety of styles, including, but not limited to, townhouses, garden apartments, and multiple-story apartment buildings. Transitional housing facilities are also included, provided that the facility's residential density is consistent with that of the surrounding neighborhood.
- F. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouses and dormitories, but excludes residential hotels.
- G. Accessory Dwelling Unit. An attached or detached dwelling unit that is located on a single lot with a primary dwelling unit and provides complete facilities for independent living for one or more persons. These facilities include permanent provisions for living, sleeping, cooking, and sanitation.
- H. Residential Condominium. A residential development designed to allow individually owned residential units, which are supported by a formal arrangement of common areas and facilities, as is further defined in Section 1351(f) of the California Civil Code.
- I. Supportive Housing. Housing with no limit on length of stay that is occupied by the target population as defined in Health and Safety Code subdivision (d) of Section 53260 and 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 (per Health and Safety Code Section 50675.14(b)).

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- J. Transitional Housing. Buildings 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 (per Health and Safety Code Section 50675.2).
  - K. Family Day Care. A day-care facility located in a single-family residence where an occupant of the residence provides care and supervision for children.
  - L. Residential Care, Limited. Twenty-four-hour nonmedical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only facilities licensed by the State of California for residential care.

### **17.60.030 Public and semipublic use classifications.**

- A. Assembly use(s). Interior or exterior spaces intended for the assembly and gathering of persons for civic, social, or religious functions.
- B. Cemetery. Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.
- C. Clinic. A facility where patients are admitted for examinations and treatment by one or more physicians, usually on a "walk-in" basis. Patients are treated on an outpatient basis and are not admitted for overnight treatment or observation.
- D. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests, including residential accommodations that are available to members or guests on a temporary basis for periods of less than thirty consecutive days, but excluding residential hotels. This classification includes union halls, social clubs, and youth centers.
- E. Colleges and Trade Schools, Public or Private. Institutions of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical, and trade schools, but excludes personal instructional services.
- F. Commercial Support Services. Retail, service, and other for-profit commercial activities that support, enhance, and/or contribute to the basic function and economic success of a public use. Such uses shall be allowed only in conjunction with a public use or facility operated by, or on land owned or controlled by, a public agency. Such uses are not permissible in areas that would otherwise be designated for residential uses.
- G. Community Centers. Any noncommercial facility established primarily for the benefit and service of the population of the community in which it is located. Examples include neighborhood centers, youth centers, and senior centers.
- H. Community Social Service Facilities. Any noncommercial facility, such as a day center, which may also provide meals, showers, and/or laundry facilities. Specialized programs and services related to the needs of those using the facility may also be provided.
- I. Cultural Institutions. Public or nonprofit institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance, and events; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens.
- L. Day Care facilities (land use). Facilities that provide care and supervision of minor children or adults for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services:

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1. Child or Adult Day Care Center. A commercial or non-profit child or adult day care facility not operated as a small or large family day care home. Includes infant centers, preschools, extended-day care facilities, and facilities for adults who require supervision and care due to advanced age or a disabling condition. These may be operated as part of a business, school, or religious facility, or as an independent land use.
  2. Large Family Day Care. A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for 9 to 14 children. Children under 10 years of age who reside in the home count as children served by the day care facility.
  3. Small Family Day Care. A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight or fewer children. Children under 10 years of age who reside in the home count as children served by the day care facility.
  4. Daycare center (fourteen or more). Establishments providing nonmedical care for one or more persons on a less-than-twenty-four-hour basis. This classification includes nursery schools, preschools, and daycare centers for children or adults and any other daycare facility licensed or certified by the state of California.
- M. Emergency Medical Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.
- N. Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.
- O. Homeless (Emergency) Shelter. A residential facility operated by a provider that provides temporary accommodations, not to exceed one hundred eighty days in any twelve-month period, for homeless individuals and families. For the purpose of this definition, a "provider" shall mean an organization that provides or contracts with recognized community organizations to provide emergency or temporary shelter and that may also provide meals, counseling, and other services, as well as common areas for residents of the facility.
- P. Hospitals (including emergency care). State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, as well as training, research, and administrative services for patients and employees. Emergency care facilities provide emergency medical services on a twenty-four-hour basis, with no provision for continuing care on an inpatient basis.
- Q. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces. This classification also includes community centers, playing fields, courts, gymnasiums, swimming pools, picnic facilities, and public marinas, as well as related food concessions.
- R. Parking, Public. Surface parking or structures used for parking more than four automobiles.
- S. Public Use (facilities). Means and includes the use of land owned or possessed by a public entity for public facilities or services, when the land, facility or service is available to members of the public in common with each other, including, but not limited to, public parks, human cemeteries, schools, fire halls, libraries, hospitals and other public buildings and uses. Facilities providing maintenance and repair services for vehicles and equipment, as well as for materials storage. This classification includes corporation yards, equipment service centers, and similar public facilities. "Public use" includes quasi-public uses such as civic-oriented facilities and hospitals, which are compatible in scale and spatial arrangement with the surrounding community. "Public uses" do not include public utilities, airports, or churches.
- T. Public Safety Facilities. Facilities for public safety and emergency services, including facilities that provide police and fire protection and ambulance services.
- U. Religious Facilities. A facility for religious worship and incidental religious education and offices, but not including private schools. This classification includes churches, temples, and other facilities used primarily for religious services or activities.

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- V. Skilled Nursing Facilities. A facility with shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. They provide twenty-four-hour nonmedical care for fifteen or more persons who need personal services, supervision, protection, or assistance, essential to sustaining the activities of daily living. This classification includes only facilities licensed by the state of California for residential care.
  - W. Transitional Care Facilities, including supportive housing. Housing for stays of at least 31 days, where the units are re-circulated to another program recipient after a set period. The housing is designated for an individual or family transitioning to permanent housing. The housing may take many forms, such as group housing and multi-family units, and may include supportive services to help individuals develop the life skills needed for independent living. This classification includes only facilities licensed by the state of California for residential care.
  - X. Schools, Public or Private. Facilities for primary or secondary education, including elementary, junior high and high schools, and private institutions having curricula comparable to those required in the public schools of the state of California.

#### **17.60.040 Commercial use classifications.**

- A. Adult Business Establishments. Establishments whose preponderant business is the offering of materials, products, and/or services that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme and which are not customarily open to the general public because they exclude minors by virtue of their age as a prevailing business. This classification does not include any establishment offering professional services conducted, operated or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologists, social workers, marriage and family counselors, osteopaths, and persons holding unrevoked licenses or certificates under applicable California state law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.
- B. Animal sales and services. Boarding, grooming, and medical care for small animals on a commercial basis and/or incidental retail sales. This classification does not include dog walking and similar pet care services not carried out at a fixed location.
  - 1. Large Animal Veterinary Services. Office and medical treatment facilities used by veterinarians for large animals.
  - 2. Veterinary Clinics and Animal Hospitals. Office and medical treatment facilities used by veterinarians, with indoor and/or outdoor kennel facilities. This use includes both large- and small-animal veterinary clinics and animal hospitals.
- C. Financial services. Providing financial services such as banking, check cashing services, ATMs and similar or related services.
- D. Bed and Breakfast establishments. Establishments providing guest rooms for lodging on a less-than-weekly basis, in an owner-occupied single-family or converted multiple-family dwelling, with incidental eating and drinking service provided from a single kitchen for lodgers and residents only.
- E. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumberyards and tool and equipment sales or rental establishments, as well as establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include large-scale "warehouse" stores (see Home Improvement Sales and Services) or hardware stores with a sales area of less than 10,000 square feet.
- F. Business Services. Rendering services to business establishments on a fee or contract basis, including printing, copying, blueprint services, advertising and mailing, equipment rental and leasing, commercial research, development and testing, photo finishing, and model building. This classification excludes maintenance, repair, and accounting; advertising; architectural design; city planning; environmental analysis; insurance; interior design; investment; landscape design; law; management consulting; title companies; and real estate offices.

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- G. Commercial Recreation. Provision of participant or spectator recreation. This classification includes sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, golf driving ranges, pool rooms, dance halls, ice/roller skating rinks, golf courses (daily fee), miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, pinball arcades or electronic games centers, card rooms, and fortune telling; it also includes health and fitness clubs, gymnastic facilities, and similar uses within a "GI" General Industry District.
  - H. Commercial Entertainment. Provision of spectator entertainment. This classification includes live and motion picture theaters.
  - I. Convenience Gas Mart. A store that sells groceries and gasoline may also sell fast-food products, but does not include automotive repair shops.
  - J. Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for on-premises consumption.
    - 1. Bars/Nightclubs/Lounges. Businesses that primarily serve beverages for consumption on the premises as a primary use and include on-site service of alcohol, including beer, wine, and mixed drinks. Beverages, such as beer and wine, may be produced on-site.
    - 2. Restaurants, Full Service. Restaurants serving food and beverages for on-premises consumption. Take-out or delivery service may also be provided. Beverages, such as beer and wine, may be produced on-site.
    - 3. With Drive-Through Facilities. Establishments providing food and beverage services to patrons remaining in automobiles. Includes drive-up service.
  - K. Electric Vehicle Charging Station. Any level of electric vehicle supply equipment station that delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
  - L. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include markets, groceries, liquor stores, and retail bakeries. This classification also includes large-scale stores that sell food items and beverages in bulk and may also sell bulk household products.
  - M. Food and Beverage Preparation. Businesses preparing and/or packaging food and beverages for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used and traffic generation. Uses include catering kitchens, bakeries with on-site retail sales and small-scale specialty food and beverage production, such as the manufacture of candy, jams and jellies, beer, wine, and spirits.
  - N. Funeral Home and Mortuaries. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the human dead. Typical uses include crematories, columbaria, mausoleums, or mortuaries.
  - O. Hotels and Motels. Establishments offering lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This classification includes motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming hotels, boarding houses or residential hotels designed or intended to be used for sleeping for a period of thirty consecutive days or longer.
  - P. Hotels, Residential. Establishments offering rooms for rent for semi-transient or permanent residents on a weekly or monthly basis.
  - Q. Laboratories. Establishments providing medical or dental laboratory services or establishments providing photographic, analytical, or testing services.

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- R. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, janitorial services, pest control or building maintenance services. This classification excludes maintenance and repair of vehicles or boats.
  - S. Nursery and Garden Supply. A primary land use or business establishment primarily engaged in the propagation, cultivation, display, and retail sale of plants, along with related materials used for landscaping and horticulture. May include small-scale outdoor growing areas and greenhouses, shade structures, and outdoor display areas.
  - T. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, computer software design, engineering, graphic design, interior design, real estate, insurance, investment, and legal offices. This classification excludes hospitals, banks, and savings and loan associations.
  - U. Offices, Medical and Dental. Offices of firms or organizations providing medical services, such as physicians, dentists, chiropractors, optometrists, and similar medical professionals. This classification includes medical/dental laboratories incidental to office use.
  - V. Parking Facilities, Commercial. Surface lots and structures offering parking to the public for a fee when such use is not incidental to another activity.
  - X. Personal Improvement Services. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, diet centers, gymnastic studios, health clubs, and fitness studios.
  - Y. Personal Services. Provision of recurrently needed services of a personal nature. This classification includes but is not limited to barber and beauty shops; body modification services; seamstresses; tailors; interior decorators; photocopying; and photographic studios. Retail display and sales of products or materials involve less than one hundred square feet of floor area.
  - Z. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, drug stores, clothing stores, furniture stores, pawn shops, pet shops, hardware stores and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machines, computers, electronics, and similar small-item repairs. This classification also includes services such as dry cleaning businesses (excluding large-scale bulk cleaning plants), shoe repair shops, and self-service laundries.
  - AA. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes automobile rental agencies.
  - AB. Vehicle and Equipment Sales and Services.
    - 1. Automobile Rentals. Rental of automobiles, including storage and incidental maintenance.
    - 2. Automobile/Vehicle Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, and recreational vehicles, including the sale, installation and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops and auto glass services, but excludes vehicle dismantling or salvaging and tire retreading or recapping.
    - 3. Automobile/Vehicle Service and Repair, Minor. Establishments engaged in the retail sale of gas or diesel fuel, lubricants, parts and accessories, including gasoline service stations; gas convenience marts; quick-

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service oil, tune-up, brake and muffler shops; and tire sales and installation, where repairs are made, or service provided in enclosed bays and vehicles are not typically stored overnight. This classification excludes establishments that provide engine repair, body and fender work, vehicle painting, towing, or the repair of heavy trucks or construction vehicles.

4. Automobile/Vehicle Sales and Leasing. Sales or leasing of automobiles, motorcycles, trucks and/or lawn and garden-type tractors, including storage and incidental maintenance.
5. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.
6. Heavy Equipment Sales, Service and Rental. Sales, servicing and rental of vans, trailers, tractors, and other equipment used for construction, agricultural or similar activities.
7. Large Vehicle Sales, Service and Rental. Sales, servicing and rental of motor homes, recreational trailers and equipment, boats, and similar vehicles.
8. Vehicle Storage. Storage of operative or inoperative vehicles. This classification includes storage of parking tow-aways; impound yards; and storage lots for automobiles, trucks, buses, and recreational vehicles, but does not include vehicle dismantling.

#### **17.60.050 Heavy commercial and industrial use classifications.**

- A. Contractors' Office and Shop Buildings. Fully enclosed building(s) or structure(s) used for contractors' offices, indoor storage of supplies or equipment, light fabrication (such as trusses, windows, or heating equipment) and repair facilities, but which do not include any exterior storage area.
- B. Contractors' Storage Yards. Outdoor storage yards operated by, or on behalf of, a contractor for storage of equipment, vehicles, machinery, building materials, pipe, or electrical components. This use may include buildings or structures for purposes such as offices, indoor storage of supplies or equipment, light fabrication (such as trusses, windows, or heating equipment), and repair facilities.
- C. Industry, Custom Handicraft. Manufacture of crafts, art, sculpture, stained glass, and similar items. Retail sales of items manufactured on the premises are part of this use classification.
- D. Industry, General. Establishments engaged in any of the following types of activities taking place within enclosed buildings: manufacturing finished parts or products primarily from previously prepared materials; food and beverage manufacturing/distribution; providing industrial services; or conducting industrial or scientific research, including product testing. Ancillary activities customarily associated with these uses, such as industry-related training or conferences, marketing events, and similar activities, are also appropriate. This classification excludes basic industrial processing and recycling cans, bottles, cardboard, and similar consumer materials.
- E. Industry, Heavy. Manufacturing products from extracted or raw materials, recycled or secondary materials, or bulk storage and handling such products and materials. This classification includes tobacco product manufacturing, textile mills, textile product mills, apparel manufacturing, leather and allied product manufacturing, wood product manufacturing, paper manufacturing, chemical manufacturing, plastics and rubber products manufacturing, nonmetallic mineral product manufacturing, primary metal manufacturing, and fabricated metal product manufacturing.
- F. Nurseries (industrial scale). Large-scale establishments exceeding 10,000 square feet, in which the primary merchandise includes plants and plant-growing material, are kept within an enclosed building or a screened outdoor enclosure, and fertilizer of any type is stored and sold in a package form. This classification includes wholesale nurseries and may include greenhouses.

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- G. Salvage/Wrecking. Storage and dismantling of vehicles and equipment for the sale of parts, as well as their collection, storage, exchange, or sale of goods, including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.
  - H. Warehousing and Storage. Storage and distribution facilities without sales to the public on-site or direct public access.
    - 1. Indoor Commercial Storage. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets.
    - 2. Outdoor Storage. Storage of vehicles or commercial goods in open lots.
    - 3. Self-storage Warehouses. Facilities offering storage for individual use, including Mini warehouses.
    - 4. Wholesale, Distribution and Storage. Indoor storage and/or sale of bulk goods, including mail order and Internet sales and wholesale distribution. Sales may be retail or wholesale.

#### **17.60.060 Transportation, communication and utilities use classifications.**

- A. Airports and Heliports. Facilities for the takeoff and landing of airplanes and helicopters, including runways, aircraft storage buildings, public terminal buildings and parking, helicopter pads, and support activities, such as airport operations and air traffic control.
- B. Communication Facilities.
  - 1. Antennae and Transmission Towers. Broadcasting, recording and other communication services are accomplished through electronic or telephonic mechanisms, as well as structures designed to support one or more reception/transmission systems. Examples of transmission towers include, but are not limited to, radio towers, television towers, telephone exchange/microwave relay towers, and cellular telephone transmission/personal communications systems towers.
  - 2. Facilities within Buildings. Includes radio, television or recording studios and telephone switching centers; excludes antennae and transmission towers.
  - 3. Freight/Truck Terminals and Warehouses. Facilities for local or worldwide freight and postal services by truck or rail.
  - 4. Transportation Passenger Terminals. Facilities for passenger transportation operations. This classification includes rail stations, bus terminals, and scenic and sightseeing facilities, but excludes airports and heliports.
  - 5. Utilities, Major. Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery (recycling processing) facilities, solid waste treatment and disposal, water or wastewater treatment plants and similar facilities of public agencies or public utilities.
  - 6. Utilities, Minor. Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, underground water and sewer lines and recycling collection facilities.

#### **17.60.070 Agriculture and extractive use classifications.**

- A. Crop and animal raising. The raising of trees, vines, fields, forage, and other plant crops intended to provide food or fibers, as well as commercial keeping, grazing, or feeding animals for animal products, animal increase, or value increase.
- B. Mining and quarrying. The extraction of nonmetallic minerals, including sand and gravel pit operations. They include surface mining operations as defined by the California Public Resources Code.

- C. Exploration work for minerals. The search for minerals by geological, geophysical, geochemical, or other techniques, including but not limited to sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quality of the minerals present, but does not include "mining" as used in this title.

### ***Chapter 17.61 LIST OF TERMS AND DEFINITIONS***

#### **17.61.010 Definitions and terms – purpose and applicability.**

This chapter provides definitions for terms and phrases used in this title that are technical or specialized, or that may not reflect common usage. Unless otherwise provided herein, whenever the words or terms listed in this chapter are used in this title, they shall have the meanings ascribed to them in this chapter. If any of the definitions in this chapter conflict with definitions in other chapters of the municipal code, these definitions shall prevail for the purposes of this title. If a word is not defined in this chapter, title, or other titles of the municipal code, the most common dictionary definition is assumed to be correct.

#### **17.61.020 General terms and definitions.**

**Accessory Structure.** A structure equal to or exceeding 120 square feet in size that is located on the same parcel of property as the principal structure and is used solely for the parking of cars and/or storage

**Accessory Use.** A use incidental and accessory to the principal use of a lot or a building located on the same lot.

**Agriculture.** "Agriculture" means the for-profit or trade activity of growing and harvesting crops, rearing and managing livestock or bees, and producing plants and animals useful to man. "Agriculture" does not include the processing of agricultural products.

**Airport.** Any area of land or water used or intended to be used for the landing and takeoff of aircraft, and appurtenant areas used or intended to be used for airport buildings, facilities, or rights-of-way.

**Apartment.** A room or suite of rooms occupied or suitable for occupancy as a residence for one family, and contained within a single building of four or more dwelling units.

**Appeal.** A request for a review of the approving authority's interpretation of any provision of this chapter or title.

**Automobile Trailer.** Any building or structure used for living or sleeping purposes and equipped with wheels or other means to facilitate movement from place to place, and vehicles when used for living or sleeping purposes.

**Automobile Trailer Park.** Any lot or parcel of land used for the accommodation of one or more automobile trailers occupied as living quarters.

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

**Balcony.** A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade or parapet.

**Basement.** A space wholly or partly underground and having more than half its height, measuring from its floor to its ceiling, below the average adjoining grade. If the finished floor level directly above a basement is more than six feet above grade at any point, the basement shall be considered a story. Any basement level that has a habitable room shall be counted as a story.

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Base density. The number of dwelling units on a particular parcel of land that is in conformance with the general plan and/or zoning.

Base flood. The flood has a one percent chance of being equaled or exceeded in any given year (i.e., the "one hundred (100) year" flood).

Block. All property fronting upon one side of a street between intersecting and intercepting streets or between a street and waterway, end of a dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street that it intercepts.

Boardinghouse or rooming house. A residential building containing shared living quarters with a single kitchen where food and housing are provided for compensation. Does not include motels, hotels, or bed-and-breakfast establishments.

Breezeway. A roofed, open-sided passageway connecting two structures, such as a house and a garage.

Building. Any structure having a roof supported by columns or walls, and intended for the shelter, housing or enclosure of any animal, person, personal property, use or activity. "Building" does not include any tent, trailer, recreational vehicle or other vehicle.

Building, accessory. A building that is used in support of or accessory to the principal building on a lot.

Building coverage. The sum in square feet of the areas of the horizontal projections of all buildings on a lot, excluding open pergolas, steps, chimneys, eaves, buttresses, cornices, unenclosed and unroofed terraces and minor ornamental features projecting from the walls of the building. The features are not directly supported by the ground.

Building frontage. Those building elevations that face a road or parking area between the building and the road.

Building height. The vertical distance from finished grade to the highest structural point of the building as measured plumb from all points along such grade.

Building principal. A principal building is one in which the principal use of the lot on which it is located is conducted. Also referred to as "main building."

Building site. A lot or parcel of land in single or joint ownership and occupied or to be occupied by a use, main building and accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this title and having its principal frontage on a "street" as defined in this chapter.

Business. The purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for livelihood or profit; or the ownership or management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of offices by professions and trades rendering services.

Campground(s). Land and premises used, let or rented, for occupancy by campers traveling by foot, bicycle, automobile, recreational vehicle, or for occupancy by tents or similar temporary quarters.

"C" District. Means one or more of the following commercial districts: "GC" General Commercial; "HC" Heavy Commercial; "VC" Visitor Commercial.

Caretaker's (night watchman) quarters. An accessory use on the site of a primary commercial, industrial, public or semipublic use, occupied by a guard or caretaker.

Charitable/Philanthropic institution. Any nonprofit organization intended to administer charity, consistent with existing laws, for the benefit of an indefinite number of persons by bringing their minds or hearts under the influence of education or religion; by relieving their bodies from disease, suffering or constraint; by assisting them to establish themselves in life; by erecting or maintaining public buildings or works; or by otherwise lessening the burden of government.

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Church (see also Assembly Use). A building, together with its accessory buildings and uses, where persons regularly assemble for worship. The building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

City Council. The city council of the city.

Club. An association of persons, whether incorporated or unincorporated, for some common purpose, but not including groups organized primarily to render a service carried on as a business.

Cluster development. A development design technique that concentrates buildings and other improvements within suitable portions of a site for land use efficiency and reduced development costs, to preserve open space, and to protect environmentally sensitive lands and resources.

Covered Parking Space. An accessible and usable covered space of not less than ten by twenty feet for storage of automobiles—such covered parking space to be so located on the lot as to meet the requirements of this title for an accessory building or, if attached to the main building, to be so located as to meet all the requirements of this title for a main building.

Deck. A platform, either freestanding or attached to a building, which is supported by pillars or posts (see also Balcony).

Demolition. Any act or process that destroys in whole or in part a cultural resource or other structure within a historic district.

Design Review Manual. A policy document with graphics and text that is used by the city to further clarify the meaning of the regulations and to judge the appearance and acceptability of proposed buildings, structures, signs, and sites, which require design review as part of permit approval.

Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, landscaping, paving, excavation, drilling operations or storing equipment or materials.

Development Agreement. A contract between the city and an applicant for a development project, in compliance with these regulations and state law.

Distribution Line. An electric power line bringing power from a distribution substation to consumers.

District. A designated area within the city where specified land uses and building types are allowed, and development standards or other requirements are applied. The city establishes zoning districts to guide growth, protect community character, and ensure compatible land uses, consistent with general plan policies.

Driveway. A paved or improved area on a lot necessary to provide direct access for vehicles between a street and either:

1. An area on a residential lot containing four or fewer parking spaces.
2. An aisle between spaces in a parking lot.
3. A loading berth.
4. A refuse storage area.

Dwelling. A building designed exclusively for residential occupancy, including single-family, duplex and multiple-family, but not including a hotel, motel, boardinghouse, asylum or jail, where people are housed because of illness or under legal restraint.

Dwelling Unit. One or more habitable rooms designed for occupancy by only one family for living and sleeping purposes and having a kitchen.

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**Dwelling, Multiple Family.** A building, or portion thereof, used and designed as a residence for three or more families living independently of each other with an individual kitchen for each, including apartment houses, apartment hotels and flats, but not including automobile courts.

**Enforcement Officer.** The public employee(s) or officer designated by the development services director of the city to perform the duties imposed by this chapter on the enforcement officer.

**Environmentally sensitive lands.** Areas within the city that possess ecological, hydrological, geological, or scenic value and are essential to protecting natural resources and promoting recreation, preserving biodiversity, and ensuring public safety. These lands may include, but are not limited to, riparian corridors and wetlands, oak woodlands and native grasslands, slopes exceeding 20% or more in a contiguous area, designated wildlife habitat, FEMA-designated 100-year floodplains, and scenic ridgelines. These lands are subject to policies that limit or condition development to ensure long-term environmental sustainability, resilience to hazards, and consistency with general plan policies.

**Erected.** Includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for the building.

**Family.** One or more persons occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, or similar dwelling for group use. "Family" does not include a fraternal, religious, social or business group. "Family" shall be deemed to include domestic servants employed by a family.

**Floor Area, Gross.** The total interior floor area of all stories of a building or structure, including basements as well as aboveground stories. It excludes any crawl space, area used exclusively for vehicle parking or loading, breezeway, attic without a floor and any open porch, deck, balcony or terrace.

**Floor Area, Net.** The total of all portions of interior floor area of each floor, basement, attic or other area under the roof. It excludes portions thereof used solely for corridors, balconies, employee lounges, elevator shafts, stairways, restrooms, basement or attic areas having a height of more than seven feet, closets, vaults, storage areas, climatic control areas, janitorial storage areas, parking or loading areas; in industrial areas, storage sheds with less than one hundred fifty square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters and similar enclosures. The following areas shall be included within the net floor area:

1. Lobbies.
2. Outdoor uncovered retail sales area, excepting plant nurseries and auto-sales lots.
3. Waiting rooms used by the public in connection with offices, professional offices and similar establishments.

**Floor Area Ratio (FAR, also see Ch. 17.62).** The net floor area of a building or buildings on a lot divided by the lot area or site area.

**Garage or Carport.** An accessible and usable covered space of not less than ten by twenty feet for the storage of automobiles.

**General Plan.** The City of Shasta Lake General Plan.

**Grade, Average.** The average level on the surface is defined as the shortest distance between the finished grade at the highest and lowest sides of a structure.

**Grade, Existing.** The level of the ground or pavement at a stated location, as it exists prior to disturbance in preparation for a project regulated by this chapter.

**Grade, Finished.** The point of the elevation of the finished surface of the ground. For purposes of determining building height, finished grade is the grade at the building foundation. In the case of signs, grade is the lowest

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point of elevation of the finished surface of the ground at the base of the sign or, in the case of a double support, the lowest point of elevation of the finished surface of the ground at the supports.

Grade, Street. The top of the curb or the top of the edge of the pavement or traveled way where no curb exists.

Height. See also Rules of Measurement of this title.

Home Occupation. An accessory use of a dwelling unit for lawful business purposes. A home occupation is incidental to the primary use of the building as a residence.

Hospital or Sanitarium. Any institution, place, building or agency that maintains and operates organized facilities for the diagnosis, care or treatment of human illness, including convalescence and including care during and after pregnancy or that maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or longer. "Hospital" includes a nursing home, a maternity home, and an asylum.

Junkyard. "Junk yard" or "wrecking yard" means the use of more than two hundred (200) square feet of the area on any lot or contiguous lots for the storage of junk, including scrap metals or other scrap materials, and/or for the dismantling or wrecking of automobiles or other vehicles or machinery, but not including agricultural machinery or parts thereof. A junk yard or wrecking yard shall be deemed screened if no part thereof is visible from any public street or adjoining land under different ownership. A place where any of the following described materials are collected, stored or placed, except where the use or activity is conducted within a completely enclosed building, including the following:

1. The collection, storage or placing of worn-out, discarded or scrapped goods or materials that may be turned to some use, such as rope, chains, iron, copper, furniture, stoves, enamelware, paper, bottles, used pipes, used machinery, parts of dismantled machinery or vehicles.
2. The collection, storage, or placing of any used material other than gems, precious metal or material containing precious metal, having a value that is determined by the weight thereof.
3. The collection, storage or placing of any used material other than gems, precious metal or material containing precious metal that has no ordinarily practical use in the form in which it exists when so collected, stored or placed.

Kitchen. A room for cooking, storage and preparation of food, and sanitation and dishwashing. Does not include a bar, butler's pantry, or a similar room adjacent to or connected to a kitchen.

Landscape. To plant and maintain some combination of trees, ground cover, shrubs, vines, flowers or lawn. Required landscape features may include natural elements, such as existing or imported rock, and structural elements, including fountains, pools, artwork, plazas, screens, walls, or fences. Plants on rooftops, porches or in boxes attached to buildings are not considered landscape.

Loading Space. An off-street space or berth on the same lot within a building or contiguous to a group of buildings for the temporary parking of a vehicle while loading or unloading merchandise or materials, or people and which abuts on a street, service drive, alley or other appropriate means of access.

Lot. A parcel of real property as shown with a separate and distinct number or letter on a plot recorded or filed with the recorder of the county, or a parcel of real property with street frontage or acreage width of not less than specified by this code and Title 17, Subdivisions.

Lot Frontage (Signs). The length of improved property on a lot that is bordered by an improved public street from which the lot may take vehicle access. For lots without frontage (including frontage limited to driveway access), the net lot area may be used to calculate the maximum sign area.

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**Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mobile home park -** means any area or tract of land where five or more mobile home spaces are rented, leased, or offered for rent or lease.

**Natural Feature.** Any tree, plant life, water feature or rock outcropping.

**Natural Resource Overlay (NRO) and/or subdistricts.** Areas identified on the General Plan and implementing ordinances, and intended for the protection of significant natural resources and environmentally sensitive lands, including but not limited to open space, floodplains, wetlands, habitats, and geologic features.

**Occupancy, Change.** A discontinuance of an existing use and the substitution therefore of a use of a different kind or class.

**Occupied.** Arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

**Off-Street Loading Facilities.** A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

**Open space.** Land in its natural or substantially undeveloped condition, or land retained in such condition in order to preserve or protect natural resources for conservation purposes, to provide for low-intensity recreation, or to maintain community-oriented scenic values.

**Permitted.** Allowed without a requirement for approval of a conditional use permit or temporary use permit.

**Person.** Also includes association, firm, co-partnership or corporation in the context of an application or permit.

**Plan Lines.** Official lines established by law in accordance with the master street and highway plan of the city for the purpose of establishing the alignment and width of public streets in accordance with their projected design as provided in the master street and highway plan of the city. Buildings or other structures erected thereafter must be located outside the lines establishing the width of public streets and alleys.

**Planning Commission.** The city planning commission.

**Porch.** A covered platform, usually having a separate roof, at an entrance to a dwelling or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

**Preexisting.** In existence prior to the effective date of this chapter.

**Preservation.** The act or process of applying measures to sustain the existing form, integrity and material of a building or structure and the existing form and vegetative cover of a site.

**Project.** Any proposal for new or changed use or for new construction, alteration or enlargement of any structure that is subject to the provisions of this chapter.

**Prominent Ridgeline.** A crest or ridgeline that is visible from major transportation corridors or public vantage points and that forms a significant component of the community's scenic backdrop. Prominent ridgelines shall be identified on an official map approved by the city council.

**Public Parking Area.** An open area, other than a street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

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Public Use. The use of land owned or possessed by a public entity for public facilities or services, when the land, facility or service is available to members of the public in common with each other, including, but not limited to, public parks, human cemeteries, schools, fire halls, libraries, hospitals and other public buildings and uses. "Public use" may include quasi-public uses, such as private nonprofit educational facilities, civic-oriented facilities, and hospitals, which are, in each case, compatible in scale and spatial arrangement with the surrounding community.

"R" District. Means one or more of the following residential districts: "RR" rural lands, "RE" residential estate, "SR" residential single-family or "UR" Urban residential.

Real Property Boundary. An imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

Reconstruction. The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

Recreational vehicle. A motorhome, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency purposes, and which may be moved upon a public highway. The vehicle may not exceed three hundred twenty (320) square feet in size.

Recreational vehicle park. An area or tract of land developed and operated with one or more spaces which are rented or leased for parking and utilizing recreational vehicles on a temporary basis. Some spaces may also be used for tent camping.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use, while preserving those portions or features of the property that are significant to its historical, architectural and cultural values.

Remedy a Violation. To bring a structure or other development into compliance with state or local regulations, including FEMA regulations. Where this is not possible, to reduce the impacts of noncompliance and mitigate negative impacts, consistent with that required to protect public health, safety and general welfare.

Residential Lot, Gross Area. The area of a lot excluding slopes that exceed twenty percent and the one-hundred-year floodplain areas recognized by the city.

Residential Lot, Net Area. The area of a lot excluding slopes that exceed twenty percent, one-hundred-year floodplain areas recognized by the city, public and private streets, lands zoned or proposed to be zoned "OS" open-space district or "PF" public facilities district and/or areas required or proposed to be preserved in association with environmental features located on the lot (i.e., wetlands and associated buffer areas).

Roof Line. The top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

Room, Habitable. An unsubdivided portion of the interior of a dwelling unit, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, garages and similar spaces.

School, Elementary or High. An institution of learning that offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the state. High schools include junior and senior.

Setback Line. A line within a lot parallel to a corresponding lot line that is the boundary of any specified front, side, corner side or rear yard, or a line otherwise established to govern the location of buildings, structures or uses. Where no minimum front, side, corner side, or rear yard is specified, the setback line shall be coterminous with the corresponding lot line.

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Shopping Center. A unified group of retail businesses and service uses on a single site with common parking facilities. A shopping center may include pads for future buildings.

Site (project site). A lot, or group of contiguous lots, which is proposed for development in accordance with the provisions of this title and is in a single ownership or under unified control.

Story (building). That part of any building included between the surface of any floor and the surface of the next floor or of the roof above. A half story is a story with at least two of its opposite sides, the floor area of which does not exceed two-thirds of the floor area immediately below it.

Street. A public thoroughfare that affords the principal means of access to a block and to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley as defined in this chapter.

Structure. A walled and roofed building with two (2) or more outside rigid walls from floor to roof and a fully secured roof that is permanently affixed to and principally above the ground. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground or under the ground.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Substantial Area. A portion of a parcel of land, tract, or zoning district that is sufficiently large, in its physical extent or functional importance, that its regulation, restriction, or use materially affects the parcel's reasonable use, development potential, or integration with surrounding land uses. In determining whether an area is substantial, consideration shall be given to: (1) the physical characteristics of the land, including size, contiguity, and topography; (2) the treatment of the land under applicable state and local law; and (3) whether a reasonable person would anticipate that the affected land would function as a distinct unit or as part of a larger unified parcel. A substantial area does not include minor, incidental, or de minimis portions of land whose regulation or limitation does not materially impair permitted uses or development rights.

Substantial Development. Any construction activity, land disturbance, structural alteration, installation, or improvement that materially changes the use, intensity, or appearance of land or structures, and that requires a permit, approval, or regulatory review under this title. Substantial development includes activities such as grading, excavation, filling, installation of utilities or infrastructure, construction of buildings or structures, expansion of existing structures beyond routine maintenance, or any other improvement or modification that has the potential to significantly affect drainage, traffic, public services, environmental conditions, or neighboring properties. Substantial development does not include ordinary repair, routine maintenance, minor landscaping, or other activities expressly exempted under this title and code.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other proposed modification of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term encompasses structures that have incurred "substantial damage," regardless of the actual repair work that has been performed. Market value will be estimated based on the tax-assessed value of the structure, excluding land value. If the improvement or repair cost (as determined by the valuation of the building permit application) is less than or equal to forty percent of the market value estimate, then the improvement/repair is not a substantial improvement. If the improvement or repair cost exceeds 50% of the market value estimate, the improvement/repair is considered a potential substantial improvement, and a certified appraisal must be submitted; otherwise, it shall be considered a substantial improvement. The appraisal shall determine the value of the structure being improved, separate from the value of the land. Substantial improvement also includes any addition that increases the floor area of a building by twenty-five percent or more. The term "substantial improvement" does not include:

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1. Any project or improvement of a structure to correct existing violations of state or local health, sanitary or safety codes, which have been identified by the director, building official, fire marshal, code enforcement official, or other responsible authority, which is the minimum necessary to ensure public health, safety, and general welfare.
  2. Any alteration of a structure listed on the National Register of Historic Places or a state or local adopted historic inventory of places, people, or structures, provided that the alteration will not preclude its continued designation on such inventory.
  3. Any project or improvement made necessary by a declared emergency or an event caused solely by natural forces, without human intervention, which could not have been prevented by reasonable foresight or care.

Targeted Housing Units. Residential units intended to be affordable to lower- and very low-income households.

Temporary use: A short-term land use or activity that does not establish a permanent land use, entitlement, or precedent, and that does not result in a change to the underlying zoning designation or allowed uses of a site. Factors that determine whether a use is temporary or permanent include location, duration, the type of permit required, and the purpose of the zoning district where the use or activity occurs.

Transmission Line. An electric power line bringing power to a receiving or distribution substation.

Undeveloped Property. Property that does not contain a structure, building or other physical improvements, vacant land.

Variance. A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

Visible. Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.

Violation. The failure of a structure, development, or permitted activity to be fully compliant with the city's regulations.

Yard. An area between a lot line and a setback line, unobstructed and unoccupied from the ground upward, except for projections permitted by these regulations. An open area on the same site as a structure, unoccupied and unobstructed by structures from the ground upward, including a front yard, side yard, corner side yard or rear yard, and buffer yard.

Yard, Corner Side. An area extending across the full width of the lot between the corner side lot line and the nearest line of the building.

Yard, Front. An area extending across the full width of the lot between the front lot line and the nearest line of the building. The front yard may face either street frontage of a corner lot as determined by the building official upon issuance of a building permit. For double frontage lots, the front yard faces each street frontage from which access is permitted.

Yard, Rear. An area extending the full width of the lot between a rear lot line and the nearest line of the building.

Yard, Side. An area extending from the front yard to the rear yard between the nearest side lot line and the nearest line of the building.

### **17.61.030 Regulation-specific terms and definitions**

#### **Adult Entertainment Terms. (See Section 17.43.040)**

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Adult bookstore. An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by an emphasis on matter depicting "specified sexual activities" or "specified anatomical areas."

Adult mini-motion picture theater. An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult motion picture arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting "specified sexual activities" or "specified anatomical areas."

Adult motion picture theater. Means an enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depiction, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Cabaret. A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on matter depicting "specified sexual activities" or "specified anatomical areas."

Massage parlor. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments or any other treatment or manipulation of the human body occurs as part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation or service related thereto exposes "specified anatomical areas."

Model studio. Any business where, for any form of consideration or gratuity, figure models who display "specific anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity.

Sexual encounter center. Means any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons may congregate, assemble or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas."

**Animal-related terms.**

Animals. Horses, ponies, mules, burros, jacks, jennies, cows, bulls, calves, heifers, sheep, goats, swine, llamas, rabbits and all other domestic or domesticated animals other than household pets.

Animal (Exotic or Wild). An animal, including, but not limited to, a monkey, fox, lion, poisonous snake, raccoon or other similar animal, including predatory or poisonous animals.

Animal (Household Pet). Any animal customarily permitted and kept in a dwelling and kept only for the company or pleasure provided to the occupants of the dwelling, such as a dog, cat, parakeet, tropical fish, hamster, rabbit, nonpoisonous snake, or Vietnamese pot-bellied pig.

Animal (Large). Any equine or bovine animal or other animal similar in size, weight or appearance, including, but not limited to, a horse, pony, mule, donkey, cow, llama, pigs, hogs, goats, sheep or ox.

Animal (Small). Poultry, rabbits and those other such comparably sized animals are distinguished from those described as large animals.

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Fowl (Large). Any ostrich, emu, rheas or similar flightless large birds.

Poultry. Pigeons, chickens, ducks, geese, turkeys and all other domestic or domesticated fowl other than household pets.

**Floodplain Terms** (see also Section 15.04.050 of the municipal code).

Area of Shallow Flooding. A designated AO or AH Zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. See "Special Flood Hazard Area."

Base Flood. A flood having a one percent chance of being equaled or exceeded in any given year. Same as the one-hundred-year flood.

Base Flood Elevation. The elevation for which there is a one percent or greater chance in any given year that flood levels will equal or exceed it.

Base Floodplain. The area covered by a base flood, which is defined by FEMA as Zone A, AO, A1-30 and AE on the flood insurance rate map or the base flood area or elevation shown on any drainage study approved or adopted by the city.

Contiguous To. Property bordering the base floodplain that would have a finished lot level of less than one foot above the base flood elevation, unless otherwise protected.

Design Flood. The flood against which protection is to be provided by means of land-use regulation or flood-protective or flood-control works. The design flood shall be the base flood recurrence interval (see "Base Flood" definition).

Encroachment. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

Equal Conveyance. An equal amount of encroachment on both sides of a channel and an equal displacement of water or narrowing of the natural channel.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of floodwaters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

Flood Fringe. The area between the one-hundred-year flood boundary and the floodway shown on the flood insurance rate maps incorporated in the flood insurance study or on a citywide storm drain master plan, whichever is highest.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated the "floodway," the "floodplain," and "risk-premium" zones applicable to the city.

Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

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Floodplain. This means the floodway, flood fringe, and "base floodplain" are the same as "area of special flood hazard." "Floodplain" or "floodplain area" means any land area susceptible to being inundated by water from any source. (See definition of "Flooding.") The elevations and boundaries of flooding within the floodplain are defined by Zones A, AO, A1-30, and AE on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, or by any drainage study approved or adopted by the city, whichever is higher. For creeks where floodplain elevations have not been established through a detailed study by FEMA or other acceptable source, the elevations shall be determined by a registered civil engineer and approved by the planning commission. Backwater areas along creeks that rise or fall with the level of water in the adjacent stream are considered to be within the floodplain, unless proven by a licensed hydrologist/engineer that those water levels are different from the floodplain of the adjacent stream and have a floodplain of their own.

Floodplain Administrator. The development services director, or their designee, is appointed to administer and enforce the city's floodplain management regulations.

Floodplain Area. An area having flood, mud slide (i.e., mud flow) and/or flood-related erosion hazards as shown on a FIRM or flood boundary and floodway map and also that area shown on any drainage study approved or adopted by the city, whichever is highest.

Floodplain District (FP). A zoning district that is combined with other zoning designations of lots that are either wholly or partially within the FEMA floodplain.

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, preserving, and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood-control works, floodplain-management regulations, and open-space plans.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

Flood Protection. An action taken to protect property and structures from inundation by the base flood or greater event.

Flood Protection Elevation. An elevation expressed in feet that the city or FEMA requires for elevation of the lowest floor above the one-hundred-year floodplain. The city's required flood protection elevation is a minimum of one foot. The one-hundred-year floodplain is defined by the flood insurance rate maps prepared by FEMA or a citywide storm drain master plan, whichever is highest.

Flood-Related Erosion. The collapse or subsidence of land along the shore of a river, creek or other body of water as a result of erosion or undermining caused by currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. "Floodway" also includes those areas established by any drainage study approved or adopted by the city.

Freeboard. A factor of safety expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for unknown factors that could contribute to flood heights exceeding the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effects of urbanization in the watershed.

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**Highest Adjacent Grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Lowest Floor.** The lowest floor of the lowest enclosed area, including a basement. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that it conforms to applicable non-elevation design requirements. For residential structures, all subgrade enclosed areas are prohibited because they are considered to be basements. This prohibition includes below-grade garages and storage areas.

**New Construction.** For floodplain-management purposes, this means structures for which the "start of construction" commenced on or after the effective date of floodplain-management regulations adopted by this community and includes any subsequent improvements to such structures.

**No-Rise Floodway and Flood Fringe.** This refers to maintaining the city's floodway and floodplain fringe without raising floodplain elevations that would adversely affect other properties.

**One-Hundred-Year Flood.** The same as "base flood."

**Scenic or Riparian Corridor.** Includes areas that border segments of seasonal creeks, and includes all the floodplains and flood areas that contain vegetation natural to waterways.

**Special Flood Hazard Area (SFHA).** An area having special flood or flood-related erosion hazards and shown on a FIRM as Zone A, AO, A1-30, AE or AH.

**Standard Project Flood.** The largest flood that can be expected from the most severe combination of meteorological and hydrological conditions reasonably characteristic of the geographical region involved. Such a flood provides a reasonable upper limit to be considered in designing flood-control works and in delineating floodplain limits, and shall be applicable where its occurrence would have a high probability of hazard to human life.

**Lighting Terms.**

**Architectural Lighting.** Lighting that is either directed towards a building with the intent of highlighting an architectural or landscape feature, or a light fixture that is architecturally ornamental in purpose.

**Fully Shielded.** A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a ninety-degree horizontal plane from the base of the fixture. Fully shielded fixtures must be installed in the horizontal position as designed; otherwise, the design's purpose is defeated, and glare will result.



**Light Trespass.** Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

**Uplighting.** Any light source that distributes illumination above a ninety-degree horizontal plane.

**Lot and Lot Line Types (also see figure).**

**Lot Line, Front.** The property line dividing a lot from a street. On a corner lot, only one street line shall be considered as a front line, as determined by the building official upon issuance of a building permit or the demarcation made on a final or parcel map.

**Lot Line, Corner.** On a corner lot, the lot line dividing a lot from the street is not considered the front lot line, as determined by the building official.

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Lot Line, Rear. The line or lines parallel with the front lot line. Where no lot line is within forty-five degrees of being parallel to the front lot line, a line ten feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring rear yard depth.

Lot Line, Side. Any lot lines other than front lot lines or rear lot lines.

Lot, Corner. A lot or parcel of land situated at the intersection of two or more streets having an angle or intersection of not more than one hundred thirty-five degrees.

Lot, Double Frontage. A lot having frontage on more than one street. Each frontage from which access is permitted shall be deemed a front lot line.

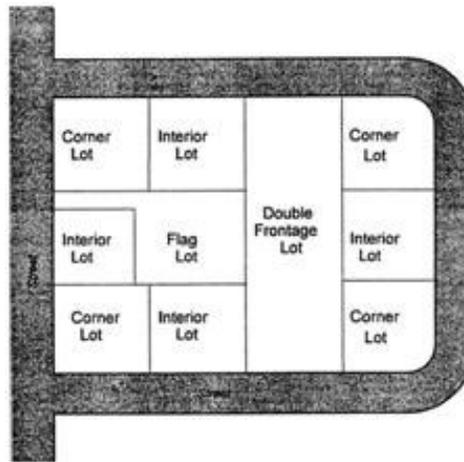
Lot, Flag. A lot having access to a public street by means of a private right-of-way strip that shares fee ownership with the balance of the lot.

Lot, Improved. Any land containing a principal building or otherwise improved to conduct a nonresidential activity.

Lot, Interior. A lot that is not a corner lot.

Lot, Reversed Corner. A corner lot, the side street line of which is a continuation of the front lot line of the first lot to its rear.

Lot, vacant. Land without buildings or other structures.



LOT TYPES

**Mining (surface and subsurface) Terms.**

Expansion. Increase in the intensity of mining or on-site processing operations that have an adverse impact on environmental issues, such as noise, dust creation, traffic flow or water quality or any expansion to the boundaries of the area to be mined.

Exploration or Prospecting. The search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling or any surface or underground works needed to determine the type, extent or quantity of minerals present.

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Idle. To curtail, for a period of one year or more, surface mining operations by more than ninety percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

Mined Lands. Includes the surface, subsurface and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, and land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property that result from, or are used in, surface mining operations are located.

Minerals. Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

Mining Waste. Includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools or other materials or property directly resulting from, or displaced by, surface mining operations.

Operator. Any person who is engaged in surface mining operations himself or herself or who contracts with others to conduct operations on his or her behalf, except a person who is engaged in surface mining operations as an employee with wages as his or her sole compensation.

Overburden. Soil, rock or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal, by surface mining operations.

Reclamation. The process of land treatment that minimizes water degradation, air pollution, damage to aquatic and wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition, which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to the surrounding lands affected by mining and may require backfilling, grading, re-soiling, revegetation, soil compaction, stabilization, or other measures.

State Board. State Mining and Geology Board in the Department of Conservation, State of California.

State Geologist. The individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.

Surface Mining Operations. All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

1. In-place distillation, retortion or leaching.
2. The production and disposal of mining waste.
3. Prospecting and exploration activities.

**Noise Terms.**

A-weighted Sound Level. The sound level in decibels, as measured on a sound level meter using the A-weighting network, which is weighted to the range of human hearing. The level so read is designated dB<sup>A</sup> or dBA.

Ambient Noise. All-encompassing noise associated with a given environment, usually a composite of sounds from many sources near and far. For the purpose of this chapter, the ambient noise level is the level obtained when the noise level is averaged over a period of fifteen minutes without the inclusion of

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noise from isolated, identifiable sources at the location and time of day near that at which a comparison is to be made.

Construction. Any site preparation, assembly, erection, substantial repair, alteration or similar action for or on public or private rights-of-way, structures, utilities or similar property.

Decibel. A unit for measuring the amplitude of a sound equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micro pascals.

Emergency Work or Action. Work or action made necessary to restore property to a safe condition after a public calamity, or work required to protect persons or property from imminent exposure to danger or damage or work by public or private utilities to restore utility service.

Intrusive Noise. That noise that intrudes over the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or informational content, as well as the prevailing ambient noise level.

Noise Disturbance. Any sound which:

1. Endangers or injures the safety or health of human beings or animals.
2. Annoys or disturbs a reasonable person of normal sensitivities.
3. Endangers or injures personal or real property.

Noise Level. A-weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty micro pascals. The unit of measurement shall be designated as dB(A).

Sound Level Meter. An instrument, including a microphone, an amplifier, an output meter and frequency weighting networks for the measurement of sound levels, which meet or exceed the requirements pertinent for type 2232 meters in the American National Standards Institute Specifications for Class 2 sound level meters, or the most recent revision thereof.

#### **Nonconforming Terms (Chapter 17.46 – Nonconforming Uses, Structures, Sites and Parcels.**

Abandoned. A use has ceased, or a structure has been vacated for a time period as specified in this chapter. Abandonment does not include temporary or short-term interruptions to the use or occupancy of a structure during periods of remodeling, maintaining or otherwise improving or rearranging a facility.

Intensity. The measurable impacts that a use has on infrastructure, the environment or nearby property and uses. This includes but is not limited to increased impacts from/to traffic, water and air quality, noise, light and glare, and utilities.

Intensification of Use. Any change in mode or character of operations that is determined by the director likely to result in a significant new or increased impact due to potential traffic generation, noise, smoke, glare, odors, hazardous materials, water use, and/or sewage generation shall be considered an "intensification of use" of a nonconforming use. It may be measured by factors including, but not limited to:

1. Number of occupants or employees.
2. Hours of operation.
3. Traffic generation and parking demand.
4. Noise, light, odor, or other emissions.
5. Changes in the scale of structures or outdoor activity areas.

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6. Changes in the volume of utilities used.
  7. Changes in the frequency of deliveries, number of customers, or related activity.

**Nonconforming Parcel.** A parcel of record that does not comply with the access, area, or width requirements of the zoning district in which the parcel is located.

**Nonconforming Site.** A site which contains a structure that does not comply with the setback, lot coverage, or other site requirements and/or requirements for parking, landscaping, storage and display areas, or other non-use restrictions or requirements established by the zoning ordinance or any amendments thereto, but which complied with the non-use restrictions or regulations in existence at the time of construction of the improvements.

**Nonconforming Structure.** A structure which, by its design and construction (e.g., an industrial building in a residential district) does not conform to structures typically associated with the underlying zoning district established by this title or any amendment thereto, but which complied with the non-use restrictions or regulations in existence at the time of the construction of the building or structure.

**Nonconforming Use.** Any use, whether of a building, structure, parcel (lot or tract of land), which does not conform to the land-use regulations of this title for the zone in which the use is located, either on the effective date of this title, or as a result of subsequent amendments which may be made to this title or by reason of annexation of territory to the city. Use of land operating pursuant to a use permit issued by the City of Shasta Lake is considered a conforming use until such time that the use(s) authorized by the permit cease for a period of twelve months.

#### **Open-Space Terms.**

**Open-Space Land.** Open-space land is any parcel or area of land or water which is essentially unimproved and devoted to open-space use as follows:

1. Creeks, rivers, ponds and areas within the one-hundred-year floodplain of a stream, creek or river as established by the Federal Emergency Management Agency and/or hydrology study accepted by the city.
2. Areas with steep slopes exceeding twenty percent and other unstable soil areas.
3. Areas having scenic, historic, archaeological and/or cultural value.
4. Other open-space land-uses as described by the conservation and open-space element of the general plan or as defined by the state in Government Code Section 65560(b), incorporated by reference in this title and as amended from time to time.

**Open-Space Easement.** As defined in Government Code Section 51075(D), an open-space easement is any right or interest in open-space land acquired by the city by map or separate instrument that imposes restrictions that effectively preserve for public and/or private use or enjoyment the unimproved, natural or scenic character of such open-space land.

**Public Open-Space Easement.** An open-space easement upon land over which the public has obtained an easement for open-space purposes, whereupon the public has the right to use the property.

**Private Open-Space Easement.** An open-space easement upon an area of private property that is set aside for open-space purposes, whereupon the public does not have the right to access or use the property.

**Public Open-Space.** Land owned by the city in fee, which has been set aside for open-space purposes, whereupon the public has the right to access and use the property.

#### **Open Space: private or common.**

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Private Open Space. An open area outside a building adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Common Open Space. An open area within a residential development reserved for the exclusive use of residents of a development and their guests.

Open space, Usable. An outdoor or fenced area on the ground or on a roof, balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscape, but excluding parking facilities, driveways, utility or service areas, or any required front or corner side yard and excluding any space with a dimension of less than six feet in any direction or an area of less than thirty-six square feet.

### **Recycling Terms.**

Processing Facility. A building or enclosed space used for the collection and processing of recyclable material and/or used motor oil by such means as flattening, mechanical sorting, compacting, baling, Shasta Lake, grinding, crushing and cleaning.

1. A light-processing facility occupies less than forty-five thousand square feet and includes equipment for baling, briquetting, crushing, compacting, grinding, Shasta Lake and sorting of source-separated recyclable materials, except ferrous metals other than food and beverage containers, and repairing of reusable materials.
2. A heavy-processing facility is any processing facility other than a light-processing facility.

Recyclable Material. Reusable material, including, but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form.

Recyclable material does not include refuse or hazardous materials, but may include used motor oil.

Recycling Facility. A center for the collection and/or processing of recyclable materials.

Reverse Vending Machine. An automated mechanical device that accepts at least one or more types of empty beverage containers, including aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine.

1. A single-feed revenue vending machine is designed to accept individual containers one at a time.
2. A bulk reverse vending machine is designed to accept more than one container at a time and to compute the refund or credit due on the basis of weight.

### **Residential Density Bonus Terms.**

Affordability. The economic feasibility of constructing lower-income housing in the proposed development.

Affordable Housing. Housing costs as defined in Section 5005.2 of the Health and Safety Code or rents at qualifying levels for lower-income or very low-income households.

Density Bonus. An increased density of at least twenty-five percent over the maximum authorized density, which is granted to a developer/property owner of a housing project agreeing to construct a prescribed percentage of lower-income units as defined by the state of California Government Code Section 65915, et seq.

Equivalent Financial Value. The cost to the developer/property owner based on the land cost per dwelling unit. This is determined by the difference in land value with and without the density bonus.

Lower- and Very Low-income Households. Income limits published by the State Department of Housing and Community Development. This applies to both for-rent and for-sale housing.

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## Sign Terms.

**Abandoned Sign.** Advertising display that was lawfully erected, but whose use has ceased, or the structure upon which the sign was displayed has been abandoned by its owner for a period of not less than thirty days.

**Accessory Sign.** A secondary-in-purpose sign that provides on-site information concerning the business that is not indicated on the primary identification sign(s), such as store hours, accepted credit cards, quality ratings or affiliations, vacancies, parking and traffic direction.

**Advertising.** Any promotion primarily intended to attract attention to goods or services rendered upon property where the advertising is occurring.

**Aggregate Sign Area.** The total area of all signs on a lot, including temporary promotional signs.

**Animated Sign.** Any sign that has mechanical movement, rotation or change of lighting to depict action or create a special effect or scene.

**Approved Combustible Materials.** Wood or materials not more combustible than wood.

**Appurtenant Sign.** A sign pertaining to the business or activity carried on at the premises (lot) upon which the sign is located, constructed or erected.

**Architectural Feature.** A prominent or characteristic part of a building. Examples of architectural features are windows, columns, awnings, marquees and fascias.

**Awning Sign.** A sign incorporated into or attached to an awning or canopy.

**Banner.** A sign of temporary construction made of vinyl, canvas or equally similar flexible material.

**Beacon or Searchlight.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

**Billboard.** A freestanding, off-site sign made available for lease or rent and/or governed by the Outdoor Advertising Act.

**Canopy.** A permanent roof-like shelter, either freestanding or supported by a building.

**Canopy Sign.** Any advertising of any nature that is painted, printed, sewn or otherwise attached to a canopy.

**Changeable Copy Sign.** A sign on which the copy changes manually or automatically, using, but not limited to, a lamp bank or through mechanical means. This includes, but is not limited to, electronic message boards, large television or projector screens (e.g., Sony Jumbotron and similar devices), or electronic or electrical time-and-temperature units.

**Conforming Sign.** A sign shall be said to conform when it meets all the standards and regulations established by this chapter and the Uniform Building Code as adopted by the city.

**Collection Building.** Buildings with a gross floor area of two hundred twenty-five square feet or less used for the deposit and storage of recyclables.

**Copy.** Any graphic, letter, numeral, symbol, insignia, text, sample, model, device or combination thereof, which relates to advertising, identification or notification.

**Detached Sign.** A pole, monument or shopping center identification sign.

**Directional Sign.** An on-site accessory sign designed to guide or direct pedestrian or vehicular traffic.

**Double Frontage Lot.** A parcel having lot frontage on two or more streets.

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Electrical Code. The electrical code of the city and state.

Electronic Message Board. A sign that uses lighting to advertise goods and services and has the capability of changing the advertising message several times during a single hour (refer to Changeable Copy Sign).

Flag or Patriotic Symbol. Any fabric, banner or bunting containing distinctive colors or patterns recognized by the Congress of the United States as an American or state flag, also government and flags of state-recognized political subdivisions.

Freeway. A restricted-access highway with no at-grade intersections. Freeways within the City limits are Interstate 5.

Freeway Sign. A freestanding sign oriented to and designed to be viewed from a freeway.

Freeway Travel Lane. Any freeway through lane, any lane providing a direct connection from one freeway to another, and any freeway on-ramp or off-ramp.

Ground Sign. See monument sign and pole sign.

Illegal Sign. A sign that (1) was erected without first complying with all ordinances and regulations in effect at the time of its construction; (2) was legally erected but whose use has ceased or has been abandoned, has not been maintained, or is not used to identify or advertise a business operating on the site; (3) was legally erected but that later became illegal as a result of the completion of an amortization period; or (4) is a sign that is a danger to the public, is unsafe, or is a traffic hazard.

Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purposes of illuminating the sign.

Logo. A graphic symbol, picture, image or lettering used separately by a business in connection with other advertising to promote the sale of goods and services by the owner of the logo.

Marquee. A permanent roofed structure attached to and wholly supported by a building that may project beyond the building.

Marquee Sign. Any advertising matter of any nature that is attached to a marquee.

Monument Sign. A detached sign with a solid base or pedestal not exceeding 3 feet in height that is generally equal to or greater than the length of the sign copy and connected solidly to and arising from the ground.

Nameplate. A sign that displays only the name, address and occupation of the occupant of the premises, is illuminated, and does not exceed four square feet.

Nonconforming Sign. An existing sign that does not meet the requirements of this chapter but was erected in conformance with the regulations of a previous sign ordinance and has been in continual use since its establishment.

Off-Site Sign. A sign located off the premises indicated by such sign. This includes billboards. Any sign that advertises a business no longer on the lot where the sign is located and where the business has relocated elsewhere in the city or county shall be considered an off-site sign and must meet the requirements of this title.

On-Site Sign. A sign that designates the activities and uses of the premises on which it is located. An on-site sign is also known as an appurtenant sign.

Pennant. Any all-weather lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

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**Pole Sign.** A detached sign that is supported by one or more uprights, poles or braces in or upon the ground or by a structure other than a building that meets the height, size, landscape, location and illumination requirements of this code. To qualify as a pole sign, the cabinet or frame (or equivalent) bottom shall be elevated at least seven feet above grade. A pole with an advertising flag having sign copy or logo shall be considered a pole sign.

**Portable Sign.** A sign other than a temporary approved sign not permanently attached to the ground or building and used for on- or off-site advertisement purposes. Portable signs include, but are not limited to, signs displayed on vehicles, trailers, and A-frame signs.

**Projecting Sign.** A sign that is suspended from or supported by any building or structure and that projects outward from the supporting structure. An extended wing wall may be considered a projecting sign if it has advertising and does not serve a structural purpose.

**Promotional Temporary Signs.** Signs that may be constructed of all-weather material, including vinyl, canvas or similar material, and are intended for, but are not limited to, the intended uses of a contractor, builder, realtor, political group and retail store owners, including grand openings, going-out-of-business and special promotional sales, and public service promotions.

**Public Service, Seasonal or Special Community Event Signs.** Temporary signs used for special occasions that are installed for a specific, limited period of time established by this chapter.

**Real Estate Development Sign.** A temporary off-site sign advertising the sale or lease of newly developed residential subdivisions, residential condominiums and residential planned developments containing at least five lots or at least ten dwelling units. A sign advertising projects with fewer lots or units than the number noted above is defined as a real estate sign.

**Real Estate Sign.** A temporary sign advertising the sale or lease of a lot or parcel of land or any portion thereof upon which the sign is located.

**Roof Sign.** Any sign erected, constructed and placed on or over the roof of a building or of any architectural feature which visually appears to be the roof.

**Sign.** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, identify the purpose of a person or entity or communicate information of any kind to the public. "Sign" does not include such devices visible only from within a building, nor does it include official notices issued by a court, public body, or officer, or directional, warning, or information signs required by or authorized by a federal, state, county, or city authority.

**Sign Area.** Sign area shall be computed by measuring the entire area contained within the frame cabinet, including all ornamentation or decoration used to attract attention. In computing the maximum permissible sign area or display surface, standard mathematical formulas for known or commonly used shapes will be employed. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used. The structure or structure cover supporting a sign shall not be included in determining the sign area unless the structure or structure cover contains advertising copy. The area of double-faced signs shall be computed by using both sides, and multi-faced signs shall be the total sum of all display surfaces. For balloons and dirigibles, the advertising area shall be based on the largest cross-sectional area of grouped or individual (ungrouped) balloons.

**Sign Height.** The vertical distance measured from the base of the sign at normal grade to the top of the highest attached component of the sign or sign structure.

**Sniping.** Advertising by the pasting, posting, sticking, tacking, hanging, affixing or placing on cloth, paper or cardboard bills, cards or posters, or metal signs, to or upon fences, posts, trees, buildings, structures or surfaces other than outdoor advertising structures. Sniping is unlawful within the city. This definition shall

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not be held to include any sign or notice issued by any court or public office or posted by any public officer in performance of a public duty or by a private person in giving a legal notice, or any sign advertising for sale or lease the property upon which it stands, or any type of sign permitted elsewhere by this title.

State-of-the-Art Sign Design. A sign technology that includes, but is not limited to, electronic message boards or sign projectors, or other technologies, used for visual advertising, and which develops or occurs following the adoption of the sign ordinance.

Supergraphic Wall Sign. A wall advertising with large lettering, business logos and/or murals that include any advertising message relating to the goods and services sold by the owner of the sign. This type of wall sign sometimes includes a single contrasting band of color, or bright bands of color, or lines that are connected to the wall graphics, physically or visually; and if the bands of color and/or lettering, business logos, and murals extend onto the surface of another wall or side of the building, the bands of color or lines may be considered part of the supergraphic wall sign for the purpose of sign measurement. Where there is a separation of at least 2 feet between the advertising and the graphics, the graphics are not considered supergraphics.

Temporary Sign. A sign not constructed or intended for long-term use. The maximum frequency and length of display shall be as set forth in this title. Temporary signs include, but are not limited to, banners, displays for public-service promotions, on-site or off-site real estate signs and construction signs, balloons and dirigibles, beacons and searchlights, political signs, and window-painted signs.

Time and Temperature Signs. A sign that provides information about time and temperature in the public interest without transmitting any advertising message.

Wall Mural. A mural applies to representative or nonrepresentative art. Murals usually depict a well-known local landscape scene or person, are not used as a logo, and do not contain any lettering or numbering related to the goods or services sold by the mural's owner, unless they are calculated as signage. A wall mural may occupy the same wall surface as any sign, company name or logo, but shall have its own field and shall not be calculated as signage unless it contains advertising. When a mural lacks a border, the entire contrasting color surface of the wall may be considered the wall area.

Wall Sign. A sign that is attached to or placed directly onto a parapet or wall of a building. This includes, but is not limited to, wall-supported signs, painted signs, supergraphics, advertising murals, etc.

Window Sign. Any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, which is placed inside a window or within twelve inches of the window surface or upon the windowpanes or glass and is visible from the exterior of the window.

#### **Stream Buffer Terms.**

Riparian Vegetation. An association of plant species growing adjacent to, and dependent upon, freshwater courses, including perennial and intermittent streams, lakes and other bodies of freshwater.

Top of Bank. That area associated with a stream that contains the normal winter stream flows. In cases where the top of the bank is not obvious or is in dispute, it shall be determined based on the area containing a ten-year flood event. For streams with multiple channels, the top of the bank shall be the outermost bank. In no case, however, shall the top of bank exceed the defined limits of the one-hundred-year flood event as determined under the procedures of this code.

#### **Swimming Pool and Hot Tub Terms.**

Swimming Pool or Pool. Any structure intended for swimming or recreational bathing that contains water over eighteen inches deep. Swimming pool includes in-ground and aboveground/on-ground structures, including, but not limited to, hot tubs, spas, portable spas, and permanent wading pools.

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Swimming Pool, Indoor. A swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of such structure.

Swimming Pool, Outdoor. Any swimming pool that is not an indoor pool.

**Telecommunication Terms.**

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or receiving of electromagnetic radio frequency waves.

Building-Mounted. An antenna that is affixed to or supported by the roof or exterior wall of a building or other structure.

Ground-Mounted. An antenna that is fully or partially supported by a platform, framework, pole or other structural system that is affixed to or placed directly on or in the ground.

Collocation. The location of two or more wireless communication facilities on a single support structure or otherwise sharing a common location. For the purposes of this chapter, collocation shall also include the location of wireless communication facilities with other facilities such as water tanks, light standards and other utility facilities and structures.

Communication Tower. Any structure that is used to transmit or receive electromagnetic radio frequency waves or that supports such a device.

Electromagnetic Radio Frequency Waves. Waves of electric and magnetic energy radiate away from a transmission source to be picked up by a receiving antenna for the purpose of communicating information.

Wireless Communication Facility. A facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves.

## ***Chapter 17.62 RULES OF MEASUREMENT***

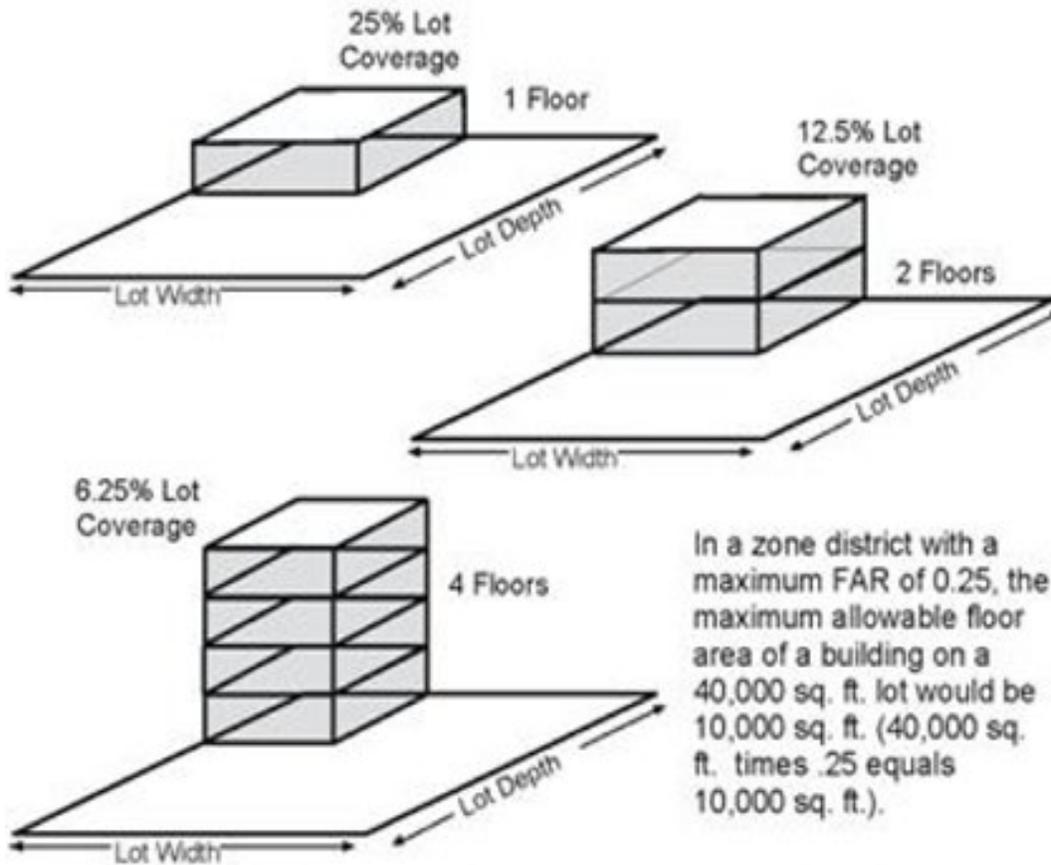
### **17.62.010 Purpose.**

This section explains how the various measurements referenced in this title are to be calculated.

### **17.62.020 Determining floor area ratio.**

The floor area ratio shall be measured as the proportion of allowable building floor area per area of the parcel of land upon which the building rests. For purposes of calculating the floor area ratio, gross floor area associated with the following is excluded: (a) attic space having a headroom of seven feet or less, (b) space devoted exclusively to enclosed parking and loading, (c) a utility room or furnace room, and (d) basement space.

## Possible Building Configurations for 0.25 FAR



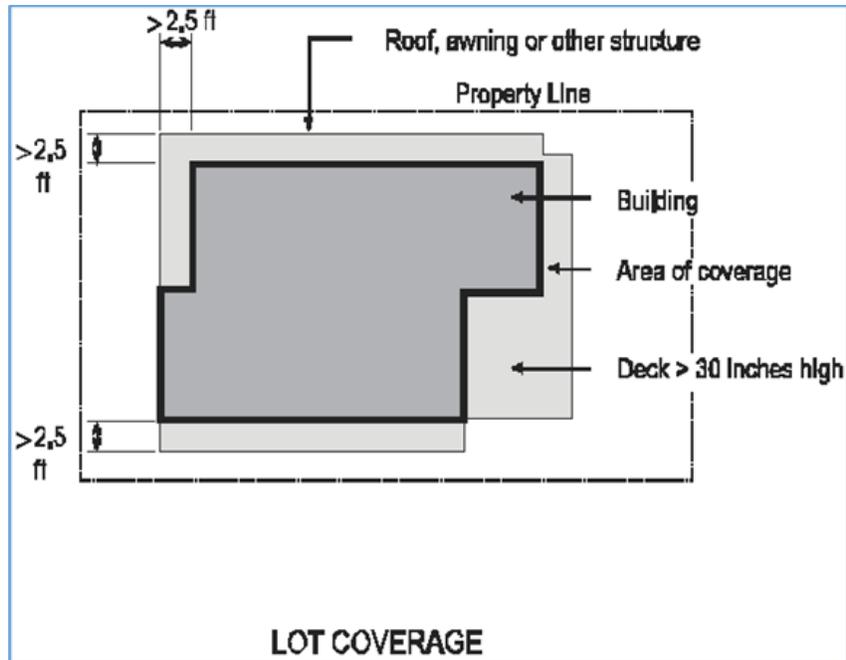
NOTE: Variations may occur if upper floors are stepped back from ground level lot coverage.

$$\text{Floor Area Ratio (FAR)} = \frac{\text{Gross Building Area (All Floors)}}{\text{Lot Area}}$$

### 17.62.030 Determining lot coverage.

The total land area covered by all principal and accessory structures on a site, including projections, shall be considered in determining lot coverage, except the following:

- A. Eaves projecting less than two and one-half feet from a building.
- B. Trellises and similar structures that do not have solid roofs.
- C. Uncovered and unenclosed swimming pools, spas, patios, sport courts, decks, porches, landings, balconies and exterior stairways.



#### 17.62.040 Fractions.

When calculations result in fractions, the results will be rounded as follows:

- A. Minimum Requirements. When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded to the next whole number unless otherwise stipulated. For example, if a minimum requirement of one tree for every thirty feet is applied to a fifty-foot strip, the resulting fraction of 1.37 is rounded up to two required trees.
- B. Maximum Limits. When a regulation is expressed in terms of maximum limits, any fractional result of one-tenth or above will be rounded to the next whole number (fractions shall be truncated at the first decimal place). For example, if a maximum limit of one dwelling unit for every twenty thousand square feet in the "RE" district is applied to a fifty-six thousand square-foot site, the resulting fraction of 2.8 is rounded up to three allowed dwelling units. However, the maximum density permitted within the range established by the general plan cannot be exceeded.

#### 17.62.050 Measuring distances.

- A. Distances are Measured Horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area or other object. These distances are not measured by following the land's topography. See Figure 17.62.050.

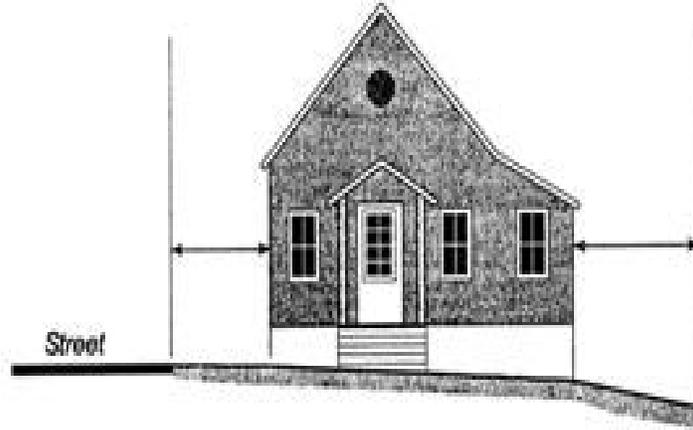
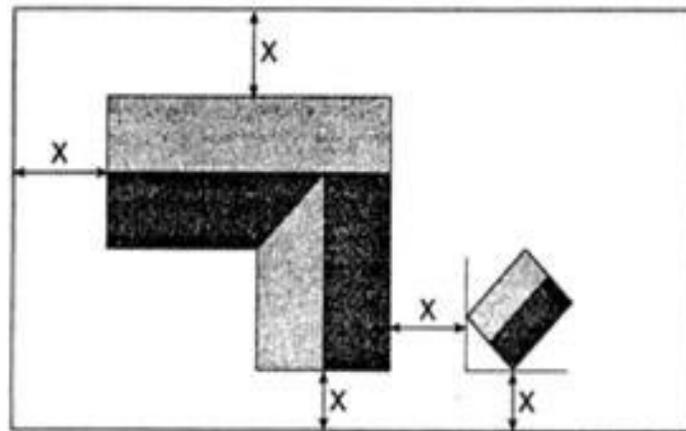


Figure 17.62.050-A and D

Measuring Distances

- B. Measurements are of the Shortest Distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is taken at the closest point between the two objects. See Figure 17.62.060-B. Exceptions are stated in subsections C, D, and E of this chapter.



("X" is measured to the foundation)

Figure 17.62.060-B

Measuring Shortest Distance

- C. Measurement of Vehicle Stacking or Travel Areas. The minimum travel distance for vehicles, such as garage-entrance setbacks and stacking-lane distances, is measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along their arcs.
- D. Measurements Involving a Structure. Measurements involving a structure are made to the closest wall of the structure. Chimneys, eaves, and bay windows are not included in the measurement. Other features, such as covered porches and entrances, are included in the measurement.
- E. Underground Structures. Structures or portions of structures that are entirely underground are not included in the measurement of required distances.

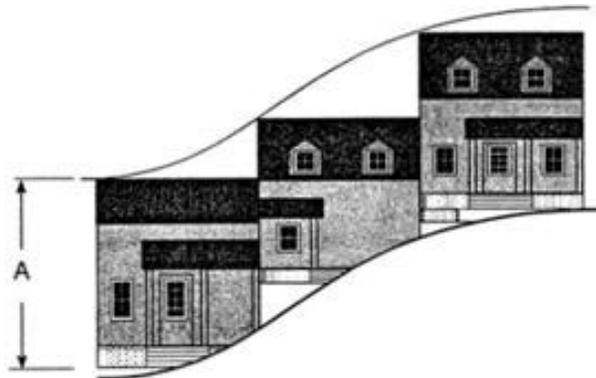
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### 17.62.060 Measuring distances on maps.

Zone boundaries that are shown crossing lots are usually based on a topographic feature, floodplain limits, a certain distance from a stream corridor or a right-of-way line. When zone boundaries cross properties with no clear indication of the basis for the line, exact distances are to be determined by scaling the distances from the zoning map using the center of the zoning line on the map.

### 17.62.070 Measuring height.

- A. Measuring Building Height. The height of buildings is measured as provided in this code. The height of a building is the vertical distance from the finished grade adjacent to the structure to the highest point on the roof. For a flat roof, the measurement is made to the top of the parapet or, if there is no parapet, to the highest point of the roof. The measurement is made to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. For other roof shapes, such as domed, vaulted, or pyramidal shapes, the measurement is to the highest point. See Figure 17.62.080-A and -B.



A = HEIGHT OF BUILDING AT ANY POINT ALONG SLOPE

Figure 17.62.070-A

Measuring Height - Sloping Lots



Figure 17.62.070-B

Measuring Height - Roof Types

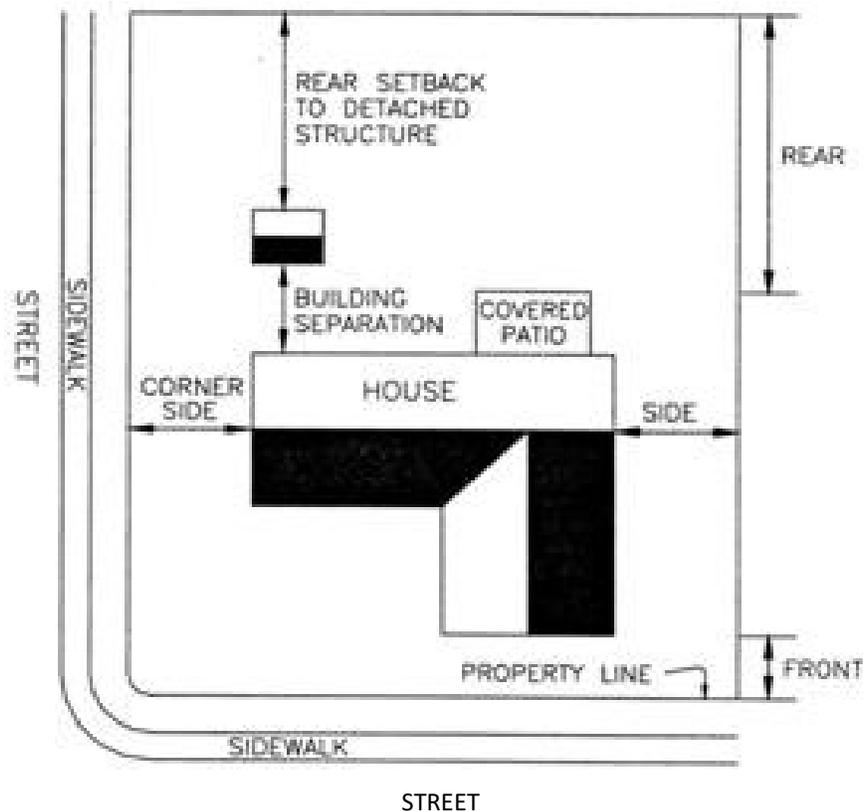
- B. Measuring Height of Other Structures. The height of other structures, such as fences, is the vertical distance from the ground level immediately under the structure to the top of the structure. Special measurement provisions are also provided below.
1. Measuring Height of Retaining Walls and Fences. Retaining walls and fences are measured from the ground level on the higher side of the retaining wall or fence.
  2. Measuring Height of Decks. Deck height is determined by measuring from the ground to the top of the floor of the deck if there is no rail or from the ground to the top of the rails for all other situations.

**17.62.080 Measuring lot widths and depths.**

- A. Lot Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line.
- B. Lot Width. The horizontal distance between the side lot lines may be measured at the front property line or at the front building setback line to establish the lot width.

**17.62.090 Setbacks.**

Setbacks shall be measured as depicted in the following figure. Building setbacks are measured from the foundation line.



STREET  
 Figure 17.62.090  
 Setbacks

17.62.100 Setback averaging.

Certain regulations allow for setbacks to be averaged. In these situations, the required setback may be reduced to the average of the existing setbacks of the lots that are on both sides of the site. See Figure 17.62.100. The following rules apply in calculating the average:

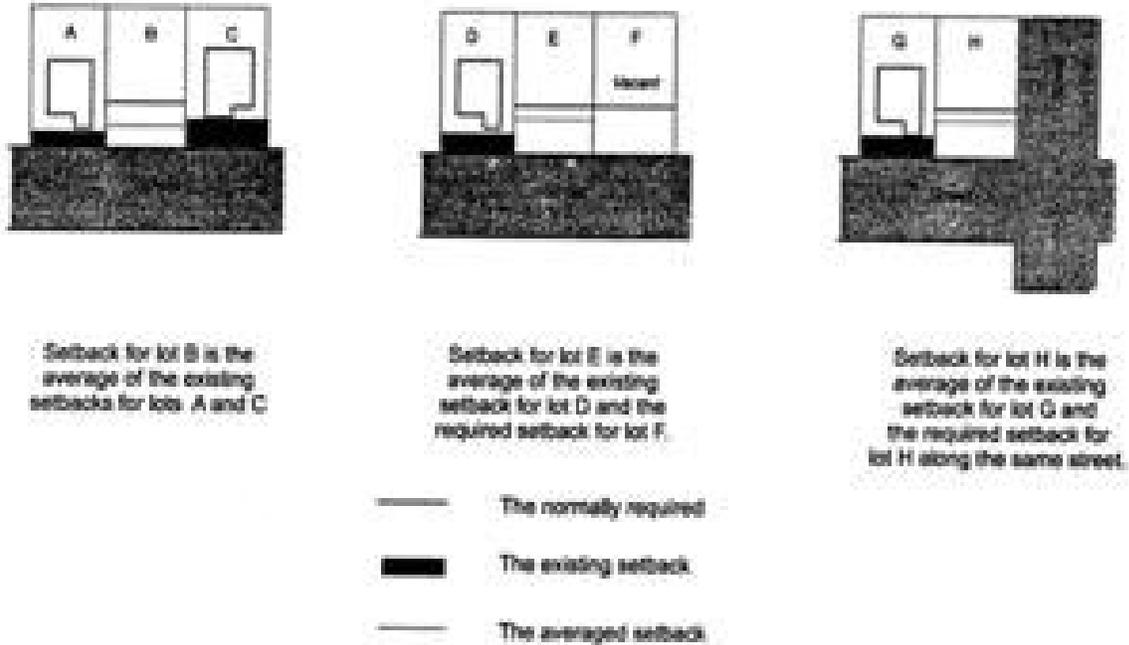


Figure 17.62.100 (to be replaced)

Setback Averaging

- A. The setbacks used for the calculations must be the same type of setback that is being averaged. For example, only garage-entrance setbacks can be used to average a garage-entrance setback.
- B. Only the setbacks on the lots that are on the same street side may be used. Setbacks across the street or along a different street may not be used.
- C. When one abutting lot is vacant or if the lot is a corner lot, then the average of the setback of the abutting nonvacant lot and the required setback for the vacant lot.

17.62.110 Measuring a radius.

Whenever this zoning ordinance refers to a distance other than a "walking distance," the measured distance from a particular project shall be determined by a straight-line measurement from all points along the lot line of the subject project.

17.62.120 Measuring sign area.

- A. Sign Area. The sign area shall be measured as the area within the smallest perimeter that will enclose all the letters, figures or symbols which comprise the sign, but excluding essential supports. For double-faced signs, the area is the total of both sides. For multi-faced signs, the area is the sum of all faces.

- B. Sign Height. The sign height shall be measured as the dimension determined by measuring the distance between the highest point of the actual sign face and the finished grade directly below it. Sign height shall be measured in feet.

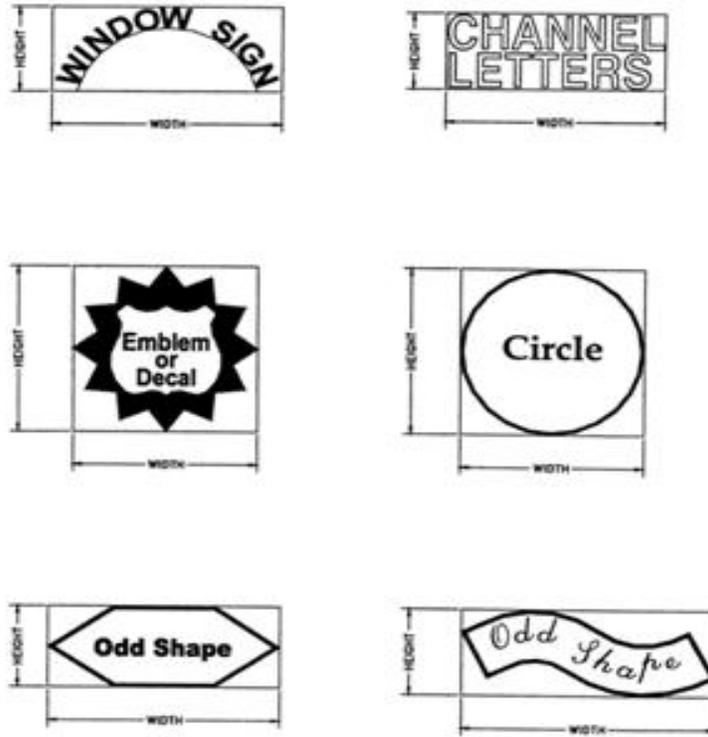


Figure 17.62.120  
Sign Area