Chapter 17.40 - DEVELOPMENT AND SITE REGULATIONS

17.40.001 Purpose and applicability.

The standards and requirements of this chapter are applicable to both new and existing development. The purposes of this chapter are as follows:

A. To protect areas having unique environmental, physical, historical or scenic features.

B. To promote development that features amenities and design features consistent with community standards and expectations.

C. To encourage creative approaches to the use of land and related physical development.

D. To obtain the advantages of coordinated, flexible, and comprehensive land use planning, which is necessary to achieve the goals and policies of the city's general plan.

E. To ensure compatibility between land uses through suitable project design.

F. To protect the public's health and safety through suitable project design and mitigation of potentially adverse operational or property conditions.

G. To ensure consistency with adopted plans, architectural guidelines, and/or special development standards.

H. To ensure that necessary on-site and off-site improvements are provided to support new development and modified uses of property, particularly in areas of the city that have minimal public improvements.

17.40.005 Yards (REORGANIZED)

A. General. The regulations for yards shall apply in all districts unless different yards are shown on a recorded parcel map or final map, or are reflected in an applicable discretionary entitlement. Except as otherwise provided for in this code, no permanent building or structure shall be permitted within any required yard area.

B. Measurement from roads. Yards shall be measured from existing property lines, or road right-of-way lines if the property lines are within a road right-of-way, except that lots fronting on roads, including future roads, designated in the city general plan to serve as a collector or arterial shall meet one of the following ultimate right-of-way criteria:

1. If a plan line has been established and adopted for any street, required yards shall be measured from such right-of-way line.

2. If no plan line has been adopted, the yard shall extend from the centerline of the road and shall extend a distance equal to one-half the distance of the ultimate right-of-way, as designated in the general plan, plus the yard required by the appropriate district.

C. Preexisting development. Buildings or other permanent development located in a required yard, and which existed before the effective date of this title, that do not comply with the yard requirements of the district in which they are located may be enlarged or modified, provided the modification or expansion conforms to the current development standards of the applicable district or applicable discretionary approval. Nonconforming uses, structures, or sites are also subject to the provisions of Chapter 17.46 of this title.

D. Dwellings facing side yards. A dwelling which is to be located with the main entrance facing any side property line shall have a minimum ten-foot side yard on the main entrance side.

E. Corner/Key lots. For corner/key lot situations, the required street-side yard of the corner lot shall be as follows:

1. Within twenty-five (25) feet of the side property line of the key lot, the side yard shall be equal to the front yard required on the key lot by the applicable district standards.

2. Beyond twenty-five (25) feet on the side property line of the key lot, the side yard shall be fifty (50) percent of the front yard required on the key lot by the applicable district standards.

F. Flag lots. Front yards on flag lots shall be located on either the side on which the property line is a continuation of the driveway lot line, or at the lot line nearest and perpendicular to the driveway.

H. Agricultural buildings. Except as otherwise authorized by this title, barns, stables, chicken houses and similar accessory buildings that house animals shall not be closer than fifty (50) feet from the road right-of-way line, and shall not be constructed closer to a dwelling unit on an adjacent property than permitted as set forth in Section 17.43.050 - Animals.

I. Residential accessory buildings - general. Except as otherwise provided for in this title, accessory buildings shall be located as follows (see also Figure 17.40.005-A):

1. Garages facing street sideyards. If an attached or detached garage faces a street-side yard, the minimum street-side yard shall be twenty (20) feet.

2. General – Except as provided for in Section 17.43.030- Accessory dwelling units, accessory buildings and structures larger than 120 square feet in size shall be located at least five feet from the interior side lot line on the front half of the lot and no closer than four (4) feet from an interior side lot line on the rear half of the lot. Where a twelve-foot or wider side yard is required by the applicable zoning district, no accessory buildings or structures subject to issuance of a building permit shall be permitted within a twelve-foot side yard for the front half of the lot, and shall be located at least ten feet from the rear property line. On corner lots, accessory buildings and structures, except garages, shall be located at least ten feet from the streetside lot lines.

3. Distance from main buildings. Detached accessory buildings shall be located at least six feet from the main buildings.

4. Front yard. Detached accessory buildings shall not encroach into a required yard, unless otherwise provided for in this title, or as authorized by separate discretionary entitlement.

5. Exception—topography. Notwithstanding any other provisions of this chapter, if the elevation of the front half of a lot at fifty (50) feet from the centerline of the traveled roadway is seven feet above or below the grade of the centerline, a private garage, attached or detached, may be built to a minimum of five feet from the front line of the lot, if the lot is smaller than two acres, and safe ingress/egress to the garage can be provided as determined by the city engineer. At a minimum, such ingress/egress shall comply with the unobstructed vision standards of Section 17.40.140

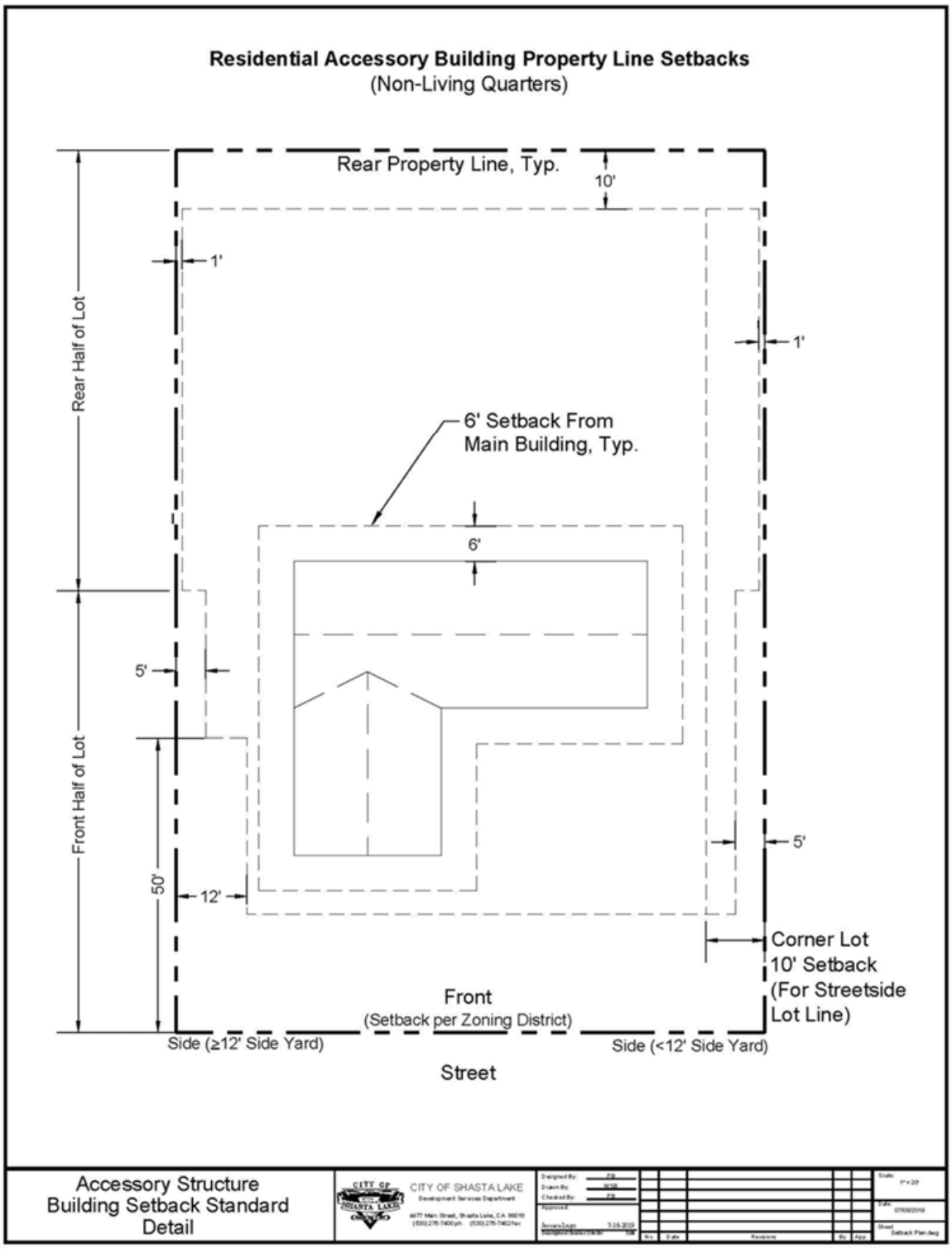


Figure 17.40.005-A (TO BE REVISED)

17.40.010 Buffer yards and second-story setbacks for land use compatibility. (NEW)

A. Purpose and intent. The purposes of the regulations in this section are to:

1. Establish screening requirements and other appropriate controls designed to ensure an orderly relationship between neighboring developments.
2. To enable different uses to be located near one another in a compatible manner.
3. Improve the appearance of individual properties, neighborhoods, and the city.
4. To achieve compliance with general plan polices requiring compatibility between residential land uses and commercial, industrial, and public service uses.

These requirements do not apply when residential uses are constructed within the boundary of a mixed-use or commercial district.

B. Applicability.

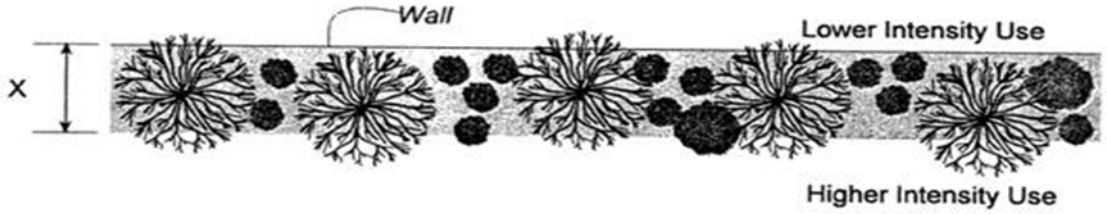
1. A buffer yard is required to be provided by new development only. Buffer yards are not in addition to the setback requirements established in this title. Required yards and structure setbacks that are consistent with this section may be used to satisfy the buffer yard requirement. Where a buffer yard is required pursuant to Schedule 17.40.010-A, and the adjacent property has been fully developed, buffer yard requirements are not applicable.
2. Sky plane standards per subsection 17.040.010.J, are applied to new or modified buildings only. Where sky plane compliance is achieved by project design, topography, or compliance with other development standards, no additional conformance is necessary. The sky plan applies only to properties where the vertical topographic difference between structures on adjacent properties is no more than 5 feet from finished grade, and all affected buildings are located outside required setbacks.

C. Standards. Schedule 17.40.010-A summarizes buffer yard widths and wall height requirements for each type of buffer yard. The buffer yard shall incorporate the following:

1. Planting of trees and shrubs of suitable type, size and spacing to achieve year-round screening.
2. Construction of a wall made of decorative block, concrete panel or other equivalent material between the applicable land uses. The approving authority may increase allowable wall heights by up to 20% when necessary to address land-use impacts caused by differences in topography between adjacent properties.
4. Where a solid fence or wall exists between different land use districts, it need not be replaced if the approving authority determines that the residential uses are or will be adequately buffered, given the topographic and other conditions of the site.

Schedule 17.40.010-A: Buffer Yard Standards

Adjacent Zoning Districts	Minimum Buffer Yard Width (X)	Wall Height
Commercial or mixed-use district adjacent to a residential district.	15 feet	7 feet
Light industrial district adjacent to a residential district.	20 feet	7 feet
General industrial district adjacent to a residential district.	30 feet	7 feet



X = Buffer Yard width. See Schedule 17.40.010-A Buffer Yard

D. Buffer plan required. A buffer plan must be submitted to the director with a building permit, or any site development permit or discretionary permit application involving new commercial or industrial development which abuts a residential district. The buffer plan may be combined with the project site plan or landscaping plan. The plan shall identify the buffer yard location, plant locations and types, a plant list and key, location of utility easements, roads, emergency access, walkways, proposed mechanical equipment, proposed trash enclosures, proposed loading areas, and existing and proposed structures on the site.

E. Alternative buffer yard design. Alternative buffer yard designs may be approved when the alternative design meets the purposes of this section. Alternative buffer yard designs may be considered when the site size, shape, topography, easements or existing buildings on the property make the application of the buffer yard standards unnecessary or infeasible.

F. Replacement of vegetation. All buffer yard vegetation shall be properly maintained in a healthy condition. Dying, damaged or removed vegetation shall be replaced within 90 days, in a manner that complies with the approved site and landscaping plan and the requirements of this section.

G. Uses of buffer yards. Buffer yards shall not be used for parking, driveways, trash enclosures, or as a building area, except that surface parking is permitted in buffer yards provided such parking is set back ten (10) feet from the property line. Required utility infrastructure may be located within a buffer yard.

H. Exceptions. Where a new use is separated from existing or planned development by a developed public street or alley, rail right-of-way, utility easement, or designated floodplain or open space that meets the required buffer width, no buffer yard shall be required.

I. Access. Pedestrian and/or vehicular openings in a buffer yard that are necessary to facilitate property access are allowed.

J. Sky plane standards. The sky plane establishes transitional building heights in mixed-use, commercial and industrial districts that directly abut a RE, SR, or UR district. The sky plane is represented by a line drawn at forty-five degrees, originating at the common property line at ground level, extending for a horizontal distance of forty-five feet. The approving authority shall apply this standard if determined necessary to buffer adjacent residential properties from the potential impacts of nonresidential uses (see figure).

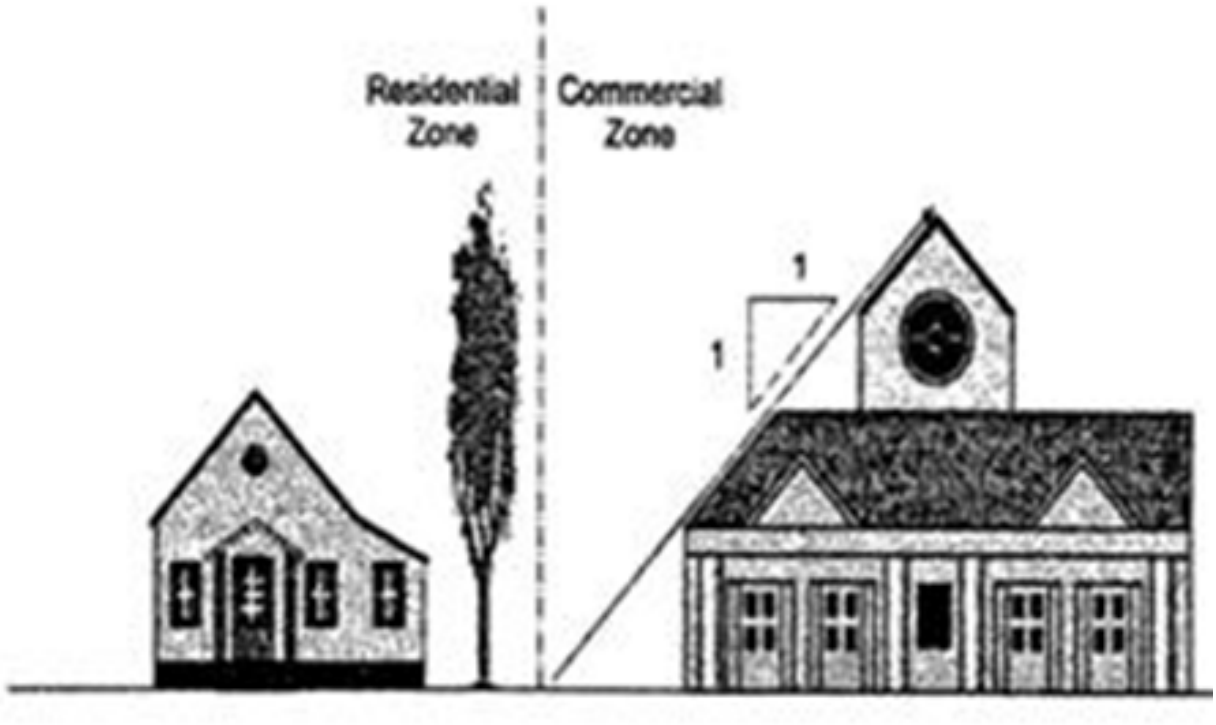


Illustration of sky plane for commercial and industrial development. (To be revised)

K. Multi-story residential development setback. In order to limit impacts to the privacy of residents of adjacent residential developments, and to ensure adequate building bulk and height transitions between single-family and multiple-family districts, the following multistory setback requirements are established:

1. The property line setback for a second or higher story of a project within a UR-2, UR-3, or mixed use district that abuts an RE, SR, or UR-1 district shall be a minimum of twenty feet.

2. The minimum side yard shall be increased two feet per story for each story over two in a multiple-family building, unless the second story and above is set back ten feet from the ground level building face.

17.40.020 Permitted encroachments into required yards.

The following building and equipment projections are allowed within required yard setbacks without a minor exception or variance, unless otherwise restricted by this code. Encroachment into a public service or utility easement is not permitted.

A. Fireplaces and chimneys may project up to 18 inches into a required yard.

B. Architectural features such as cornices, eaves, canopies, and awnings may project up to 2 feet.

C. Uncovered decks and raised patios up to 18 inches in height may be located no closer than 18 inches to any side or rear property line and may project up to five feet into a front yard setback. Uncovered decks and raised patios 18 inches or more in height are subject to the setback requirements for accessory structures in the applicable district.

D. Living area over a garage may project up to five feet into the required front yard setback.

E. Bay windows may encroach up to two feet into a required yard. In a five-foot-wide side yard, the projection shall occupy no more than 20% of the wall plane.

F. Mechanical equipment may project up to three feet into a side yard, for no more than 20% of an adjacent wall planes. Pool equipment is subject to the setback requirements of Section 17.40.150 of this chapter.

G. Ramps and other structures necessary to accommodate the needs of a disabled person may encroach into a required setback, where the encroachment will provide a reasonable accommodation consistent with the Americans with Disabilities Act and state law.

17.40.030 Compliance with conditions of approval. (NEW)

A. Purpose and Intent. The purpose of this section is to recognize any special development conditions, limitations or environmental mitigation requirements established by a subdivision approval so that such requirements will be of record and binding to future development, following the recordation of a final map or parcel map. This section is intended to acknowledge that project conditions of approval shall be recognized as enforceable when the approval authority finds it necessary to apply such development conditions to subsequent development following map recordation.

B. Applicability. This section shall apply to all lots of record created by either a parcel map or final map, where certain conditions of approval were determined necessary and adopted with approval of said map, and which are intended to control subsequent development on parcels created by the map. This section shall not be construed as limiting the type of land uses allowed by the base zoning district unless the project also includes a planned development approval.

C. Effect of map conditions. Conditions of approval established for a tentative map, including a parcel map, shall apply on an ongoing basis under the following circumstances:

1. Special development needs (e.g., utility infrastructure and capacity limitations, adequate emergency access, etc.), conditions or environmental mitigation requirements were identified during the project approval process that must apply to development within the subdivision after lots are formally created. Such requirements may include, but are not limited to:

    a. Structure setbacks from open space easements.

    b. Requiring the use of nonflammable building materials, residential sprinkler systems or other public-safety measures.

    c. Maintenance responsibility of landscape, parking areas, open-space/fire-break management easements, and other required or specified improvements on the property.

    d. Limitations on lot grading activities.

    e. Location of driveways, main buildings and accessory structures.

    f. The preservation of significant trees, scenic resources, or other natural features.

2. A statement of special conditions has been established as a matter of record on the property title as provided in subsection D of this section.

D. Recordation of conditions of approval. When determined necessary by the approving authority, conditions may be recorded so that they will appear in the title of the affected properties by either: (1) a statement of conditions placed on the parcel map or final map as permitted by the Subdivision Map Act; or (2) the recording of a statement of conditions as a separate instrument. To fulfill the intent of this section, the content and method of the notice shall be determined by the director in consultation with the city attorney.

E. Modification of conditions.

1. A recorded statement of conditions may be modified or removed from affected properties with the consent of the approving authority. A public notice shall be required when considering the request. All property owners within the affected subdivision shall be notified of the public hearing.

2. Modifications to the statement of conditions shall be recorded in the manner necessary to document any approved changes to special conditions which were previously established by the approving authority.

4. Decisions by the approving authority may be appealed in accordance with the requirements of Chapter 17.11 (Common Procedures) of this title.

17.40.040 Design criteria and objective standards for new development. (NEW/MODIFIED/REORGANIZED)

A. Purpose. These design criteria are intended as a reference to assist project designers and applicants in understanding and responding to the city's goals and objectives for high-quality residential, commercial, and industrial development. The criteria below shall complement the development regulations contained in this code by providing examples of potential design solutions and by providing appropriate design interpretations. These project design criteria are intended to:

1. Encourage originality, flexibility, and innovation in site planning and development, including the architecture, landscaping, and design of proposed developments in relation to the city as a whole and/or surrounding areas and uses.

2. Discourage monotonous, drab, unsightly, dreary and inharmonious developments, minimize discordant and unsightly surroundings and visual blight, and avoid inappropriate and poor-quality design that conflicts with community goals and general plan policy direction.

3. Aid in assuring that structures, signs and other improvements are properly related to their sites and the surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping.

4. Ensure that proper attention is given to the exterior appearances of multiple-family residential, commercial, and industrial structures, signs and other improvements.

B. Applicability. Except where specifically identified as a mandatory requirement within a zoning district, these criteria are considered advisory for uses that do not require a discretionary land use entitlement. These criteria shall be used in conjunction with discretionary land use entitlements to encourage appropriate design quality, while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. Discretionary permits include non-ministerial site development permits (SDP-D), administrative permits (AP), use permits (UP), variances, and planned development districts (PD).

C. Criteria formulation and adoption. The director shall develop specific design criteria for application to new development. Such criteria shall be adopted by resolution of the city council, following a recommendation by the planning commission.

D. Alternatives. Applicants may submit alternative design solutions for consideration, and the approving authority may authorize such modifications when they result in equal or superior design. Adopted design criteria shall address the following topics :

1. Multiple-family housing development, including transitions between uses, building design, massing and location, interior and exterior circulation, recreation/common facility needs, and the preservation of natural resources.

2. Office, commercial and industrial development, including site design, parking layout/location, building location, building massing, appropriate use of signage, use of architectural features, landscape features and public use areas.

3. Mixed-use development including site design, parking layout/location, building location and orientation, building massing, appropriate use of signage, architectural features, landscape features and required public and residential space.

D. Design objectives. New development shall comply with the intent and direction set forth in the general plan, this section, and any related design criteria and policies adopted by council action. The following objectives shall be reflected in new or modified development that requires a land use entitlement. These objectives are to be used in conjunction with other applicable development standards, ordinances, and special development requirements. If a design objective conflicts with a specific standard in another ordinance or code, the specific standard shall prevail. The approving authority, at its discretion, may approve alternative site and/or building designs that are determined to meet the intent of this section.

1. Mixed Use, commercial and industrial site design.

a. Sites shall be developed in a coordinated manner and shall complement adjacent structures through building placement and orientation, architecture, colors and building size and mass.

b. Multiple buildings on the same project site shall incorporate pedestrian plazas, courtyards, pocket parks, or other pedestrian use areas.

c. Sites shall be designed to reduce the appearance of domination by vehicles. Methods to achieve this include:

1) Orienting buildings to the front of the property or on adjacent streets, and placing parking at the rear and/or sides of the buildings.

2) Designing the required parking area into smaller connected lots rather than large, single-use lots.

3) Providing well-defined pedestrian walkways through parking areas and from public sidewalks into the site. Well-defined walkways may use pavers, changes in pavement color, texture and composition of paving materials and vertical plantings such as trees and shrubs. The minimum width of pedestrian walkways shall be 48 inches.

4) Parking areas shall be designed to be partially screened from view from adjacent streets and buildings. Screening can be accomplished through a number of methods, including:

i. Orienting buildings away from parking areas.

ii. Placing buildings between adjacent streets and parking lots.

iii. Using landscape screening, architecturally treated walls, landscaped trellis, and similar methods.

5) Sites located on collector or arterial streets shall incorporate transit-compatible designs. Transit compatibility means designs that are pedestrian-oriented, provide safe and convenient access to transit facilities, and foster efficient transit service.

6) Where feasible, commercial sites shall be designed to provide vehicle and/or pedestrian connections to adjacent commercial sites and residential neighborhoods.

7) Bicycle parking and storage areas shall be provided as set forth in Chapter 17.41 – Off-Street Parking and Loading.

8) All new or relocated on-site electric utility lines shall be placed underground. Utility lines located along project adjacent street frontages shall be placed underground where such street frontage is being modified in a manner that requires relocation of the lines.

9) Phased projects shall be designed so that each project phase is complete in all its functional aspects, including but not limited to traffic circulation, parking, pedestrian access, visual character, and drainage and landscaping improvements.

E. Building design objectives.

1. No specific architectural style is required. Design themes that reflect the city's small-town atmosphere, natural resources and recreation-based heritage are preferred. Such themes may include the use of stone, heavy timbers, metal or natural-appearing materials and colors in the building design. Building accents that relate to the community's historic origins are also encouraged. Reliance on or use of standardized "corporate or franchise" design prototypes that are not representative of local development styles is strongly discouraged.

2. Buildings shall reflect a design that has considered the building location, site conditions, and surrounding development. Building design should provide a sense of permanence and timelessness. Quality construction and materials shall be used.

3. A consistent visual identity and architectural treatment shall be applied to all sides of buildings visible to the public. All building sides shall have equivalent levels of high-quality materials, building detailing, and adequate window placement.

4. Long blank walls are to be avoided. Positive methods to achieve this objective include changes in colors and materials, window placement, the use of awnings and canopies, and architectural details and features such as corners, wall setbacks, and offsets. Windows at ground level may be tinted; however, mirrored windows are not allowed. Reflective roofing is not allowed.

5. Buildings facing streets shall incorporate pedestrian-scaled entrances. Pedestrian-scaled entrances are those that appropriately express human activity or use in relation to the building's size.

6. Modulation (defined as a measured setback or offset in a building face) shall be incorporated to reduce the overall bulk and mass of buildings. The planes of exterior walls should not run in one continuous direction more than fifty (50) to sixty (60) feet without an offset or setback.

7. Large buildings should have height variations to give the appearance of distinct elements.

8. Building design and/or facade shall incorporate traditional building materials such as masonry, stone, heavy timbers, brick and other natural appearing materials.

9. Building colors and roof materials should accent, blend with, or complement surroundings. Bright or brilliant colors should be reserved for building trim and accents.

10. Existing buildings that have faded exterior color(s), and/or that have generally a worn or weathered appearance, should be repainted prior to the establishment of new uses.

11. Landscape areas or planting beds should be provided around perimeters to separate buildings from surrounding pavement areas.

12. Outdoor storage areas, mechanical equipment, utility vaults, and trash receptacles must not be visible from adjacent streets and pedestrian walkways.

13. Outdoor mechanical equipment shall be appropriately screened from view and to minimize noise. The method of screening shall be architecturally integrated with the building with respect to materials, color, shape and size.

14. Utility and other site services should be located on the least visible side of a building or site or within interior building spaces.

15. Ground-level outdoor trash and recycling enclosures shall utilize construction materials and colors compatible with the main structure.

16. Materials used for site features such as fences, screen walls, and signs should be appropriate to the district where the development is located and should complement building design through materials, color, shape, and size.

17. Developments should provide a transition with adjacent uses regarding building location, size and scale as required by this code. No single building or development should dominate adjacent uses in terms of size, bulk, view blockage, or shading.

F. Sign objectives.

1. Building signs.

a. Individual letters rather than cabinet signs are preferred.

b. Backlit individual letters are a preferred alternative.

c. Signs should be compatible in scale and proportion with building design and other signs.

d. A specific sign program or concept should be designed for multiple tenant buildings or complexes. Color and letter style shall be coordinated when businesses share the same building, and consistent sign patterns (placement on buildings) shall be utilized.

e. Exposed neon tubes are acceptable for non-letter sign elements but are discouraged for letters.

2. Freestanding signs.

a. Freestanding signs should provide only the name and address of the building and/or building tenants.

b. Project landscaping should be designed to incorporate freestanding signs as required by Chapter 17.42-Signs.

G. Landscaping objectives.

1. Provide unity of design through repetition of plants and coordination with adjacent developments.

2. Landscape materials should be hardy species that are adaptable to local conditions, easily maintained, and drought-tolerant. Use of native plants is strongly encouraged.

3. The design for parking areas shall include local climate-adapted tree species that, at maturity, shade parking lots and pedestrian travel ways.

4. Landscape islands or medians shall have no dimension narrower than four to five feet.

5. Interior landscaping is required for parking lots with ten or more spaces, at a ratio of twenty (20) square feet of landscape area per 100 square feet of parking area. All landscaped areas should be protected by wheelstops or curbing, or be sufficiently wide to prevent damage to plants by overhanging vehicles.

6. Existing vegetation should be incorporated into the overall site design, with a particular focus on the preservation of native trees.

7. Landscaped areas shall be irrigated by mechanical sprinkler systems. Reclaimed water should be used in the irrigation system if practicable.

8. Required perimeter setback areas shall be densely landscaped with a combination of trees and shrubs, which form a ninety (90) percent ground cover within three years of planting.

9. Interior site landscaping is required to define pedestrian ways, enclose outdoor gathering and seating areas, and reduce building mass.

10. Architectural features such as low walls, fountains and sculptures may be used in places where planting areas are limited or restricted.

11. Project entrances should be enhanced through changes in paving materials, such as brick pavers and textured and colored concrete, providing entry structures and unity in planting trees and shrubs.

12. Individual trees along walkways and along sidewalks in the internal portions of projects should be planted in tree wells or planter boxes.

13. Stormwater detention facilities shall be incorporated into project landscaping and open space areas where feasible.

14. Stormwater detention facilities shall be landscaped. Where facilities do not include landscaping, they shall be visually screened from streets and surrounding properties.

F. Exterior lighting. Lighting shall comply with the requirements of Section 17.40.080 and the following:

1. Moving and flashing lights not required for public safety are prohibited.

2. Use cut-off lenses or hoods to prevent glare and light spill off the project site onto adjacent properties, buildings and roadways.

3. Lighting standards shall be designed and sized to be compatible with the character of the development.

4. Lighting shall comply with building code requirements, including BUG standards as reflected in the Green Building code.

G. Design criteria for multi-family development of 4 or more units. The following design standards apply to residential development with 4 or more units in a single or multiple buildings on the same site.

1. Private and common outdoor living area. Each multiple-family residential development shall provide private and common areas for its tenants. Private areas consist of covered or uncovered balconies, decks, patios, porches, fenced yards, and similar areas outside the residence. A minimum of eighty square feet with a minimum depth of ten feet shall be provided with each dwelling unit. The minimum depth may be reduced to six feet for upper-story units.

   Common outdoor-activity areas typically include landscape areas, walks, patios, swimming pools, barbecue areas, shade elements, playgrounds, turf, or other improvements as are appropriate to enhance the outdoor environment of the development. All areas not improved with buildings, parking, vehicular access ways, trash enclosures, and similar items shall be developed as common areas with the attributes described above. Common areas in developments of twenty or more dwelling units must be of sufficient size and arrangement to provide adequate space for gathering, play, and other outdoor activities for tenants and guests.

2. Garage frontage limitations. Where garage doors face a street, garage fronts (in linear feet) shall not exceed forty-five percent of the width of the lot as measured at the proposed building setback line. This limitation may be exceeded by an additional ten percent of the lot frontage where the garage is setback beyond the front door of the residence and is separated from the front of the unit by a minimum depth of five (5) feet, measured from a line extended parallel to the plane of the front door or wall. For garages designed to accommodate three or more vehicles, at least one garage front must be offset from the remaining garage fronts by at least 2 feet.

H. Adoption or amendment of design guidelines and objective development standards. The city council may adopt or amend design guidelines and/or objective development standards applicable to one or more zoning districts, overlay zones, planned development districts, or specific land uses. Guidelines and standards may be adopted by resolution or ordinance. Once adopted, such standards or guidelines shall apply to all new development, substantial expansions or exterior alterations, and changes of use. In the event of a conflict between other provisions of this code and adopted design standards or guidelines, the more restrictive provision shall apply to the extent specified in the adopting action.

17.40.045 Objective design and development criteria for residential development. (NEW)

The purpose of this section is to provide the public, building and design professionals, and decision-makers with objective design and development standards (collectively ODS) for application to new or expanded multi-family residential and residential mixed-use developments in the city.

17.40.045.010 Applicability.

These standards shall be used during the design and review of all new multiple-family and mixed-use residential development proposals seeking ministerial or streamlined approval pursuant to state law. They shall be applied consistent with the direction of the general plan and the applicable requirements of state law, and in conjunction with applicable zoning district development standards and any special development requirements affecting a property based on its location within the city. In the event that an ODS criteria conflicts with a specific development standard of this code, the specific standard shall prevail.

A. Application of this section shall apply to all new multiple-family residential or residential mixed use projects that meet the following criteria:

1. Multi-family residential projects: A project consisting of multi-family residential uses with four or more dwelling units at a density equal to or greater than twenty (20) units per acre, including detached and attached condominiums.

2. Residential and commercial mixed use projects: A project featuring a combination of residential and other uses where at least two-thirds of the square footage of the development is designated for residential uses at a density equal to or greater than twenty (20) units per acre.

3. Exterior building modifications, and any interior modifications that increase the number of residential units or the commercial floor area for a development by 10% or more, are subject to the adopted objective design standards established herein.

17.40.045.020 Incorporation objective design standards manual(s) by reference.

The following listed objective design standards manuals of the City of Shasta Lake are incorporated by reference into this section and title, and are applicable as if contained within and as part of the municipal code.

A. City of Shasta Lake Multifamily and Mixed Use Residential Objective Design Standards manual. (Adopted by city council resolution/ordinance: number and date - TBD)

B. Shasta Lake Village Mixed Use District Multiple-family Residential and Mixed Use Objective Design Standards manual. (Adopted by city council resolution/ordinance: number and date – TBD)

17.40.045.030 Additional standards.

A. Eligible projects must comply with all other objective standards in this title and code for topics or requirements on which this chapter is silent.

B. The city maintains regulatory documents or guidance that may affect the design standards applicable to multi-family residential and residential mixed-use development projects. These documents include the general plan, the municipal code and zoning ordinance, and site-specific zoning designations (i.e., planned development). In the event of a conflict between an objective design standard and another development standard, the most restrictive provision shall prevail unless prohibited by state law.

17.40.045.040 Exceptions to ODS requirement.

All projects are required to comply with the ODS outlined in the applicable ODS checklist, manual or ordinance. An applicant for ministerial approval may request up to three (3) minor exceptions from such standards if they are unable to meet the requirement. This provision allows the director to exercise limited discretionary review to provide flexibility for projects with a site constraint and an alternative design solution to a specific standard(s).

A. Requests shall be made by the applicant in writing to the director as part of the permit or entitlement application. The applicant shall acknowledge that such requests will toll the mandatory project review timeline otherwise required by state law until a decision on the request has been made.

B. The written justification for each exception request must identify the ODS provision that is requested to be waived, and how the request meets the findings listed below. The director shall consider the request and related information and make findings to approve or deny the request. The decision of the director may be appealed to the planning commission in accordance with the appeal procedures established in this title.

1. Exceptions – required findings. An exception/exemption(s) shall be granted only if both of the following findings are made:

   a. The project design otherwise meets the intent of the applicable ODS manual and the general plan.

   b. With the granting of the exception or waiver, the project will meet or exceed the minimum density (20 dwelling units/acre) required by affordable housing law, or the general plan land use designation, as applicable.

2. Application of state density bonus law. Density bonus law allows for increased density and reductions in required development standards (i.e., concessions, incentives, and waivers) for residential projects that meet applicable affordability standards. The exception process set forth in this section is allowed in conjunction with the concessions, incentives and waiver process permitted under state density bonus law (Government Code Section 65915). If an applicant requests a concession, incentive, and/or exemption from an ODS requirement, it shall also be counted as one (1) affordable housing incentive pursuant to this title and applicable state law.

17.40.045.050 Modification of objective design standards.

A. Tracking requirement. Each modification to the ODS manual or checklist shall be tracked. The tracking shall include the approval body, the approval date, and the approval record number (i.e., resolution or project title).

B. Minor modification. Minor modifications include modifications to 1) comply with changes in state law; 2) ensure consistency with policies, goals, and objectives of the general plan or those that may be established by the city council; and 3) revisions to existing standards necessary to clarify the standard or its application. Such minor modifications shall not result in a significant change to any ODS provision without the planning commission's approval.

C. Major modification. Major modifications include permanent changes that add or remove standards and shall be reviewed by the planning commission. Any approved major modifications shall be approved via resolution at a noticed public meeting.

17.40.050 Development on substandard lots.

A legally created lot having a width, depth, or area, which is less than required by the base district in which it is located, may be occupied by any permitted or conditional use allowable in the district. Except where otherwise permitted by this title, a substandard lot shall remain subject to the same yard and density requirements as a standard lot.

A legally created lot that contains less area than is required by the applicable district and is not merged pursuant to the state Subdivision Map Act and/or local ordinance shall be considered a building site if one of the following criteria is met:

A. All other development standards of the district in which the lot is located and all other applicable city development standards, except the district-applicable lot standards, are met; or

B. A variance is approved by the planning commission.

17.40.055 Building sites.

The following general development standards apply to determining the adequacy of building sites.

A. Gross versus net acreage. Building sites of two acres or more shall be determined by reference to gross acreage. Building sites of less than two acres shall be determined by reference to net acreage.

B. Exception—public uses. The minimum building site required in any district shall not apply to lots or sites created for a public use or public utility when the lot or site is owned or operated by the city or other public utility or service.

C. Exception – approving authority. Based on site- or use-specific considerations, the approving authority for a project may grant exceptions of up to 10% of the otherwise required building site standards set forth in 17.40.055.A when necessary to satisfy state law requirements or the goals and policies of the general plan.

17.40.060 Development on lots divided by district boundaries.

The regulations applicable to each district shall be applied to the lot area within that district, and except as otherwise authorized by this title, no use other than parking that serves a principal use on a site shall be located in a district in which it is not an allowable use.

17.40.070 Height limits. (MODIFIED)

The following general height regulations apply to all properties:

A. Towers, spires, cupolas, chimneys, elevator penthouses, water tanks, monuments, similar structures and necessary mechanical appurtenances, covering not more than twenty percent of the top floor roof area to which they are accessory, the approving authority may approve the exceedance of the maximum permitted height of a district by ten feet. Except as otherwise allowed in this title, approval of a use permit is required to exceed the maximum permitted height by more than ten feet.

B. Fences. The following shall apply, unless otherwise provided by this title:

1. The height of any fence, wall, hedge, screen, planting, or other dividing structure placed, grown or maintained in any residential or commercial district shall not exceed three feet within any required front yard or within any side yard on the street side of a corner lot.

2. The height of any fence, wall or other dividing structure placed in any residential district shall not exceed seven feet in any rear or interior side yard, except as provided in subsection C.4, below.

C. Height exceptions. The following exceptions apply to height regulations in this title:

1. Roof Structure. Roof structures for the housing of elevators, stairways, tanks, ventilating fans, solar equipment or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, radio and television antennas or similar structures may be erected above the height limits specified in this title, but no roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space.

2. Slope. Where the average grade under any structure exceeds fifteen (15) percent, the maximum height limit may be increased by fifteen (15) feet on the downhill side of the building.

3. Transmission lines. The height limitations provided in this title do not apply to electric transmission lines or towers.

4. Use permit. Except as otherwise provided in this section, any structure, building or fence in any district may be erected to a greater height or number of stories than the limit established for the district, provided that a use permit is issued.

D. Fire safety. Whenever the lowest portion of the roof is greater than twenty (20) feet from the ground, roof access for fire safety shall be provided as required by the local fire authority.

17.40.080 Lighting.

Exterior lighting of existing and new development is regulated to eliminate light spillover and glare on vehicle operators, pedestrians and residential or sensitive land uses. These regulations protect against both nuisance and hazard aspects of excess light and glare. Therefore, all lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lit.

No lighting shall be of a type or shall be operated in a location or manner such that it constitutes a hazard to vehicular traffic, either on private property or on abutting streets. Such determinations shall be the responsibility of the city engineer, and the director may require information from the responsible party or property owner when necessary to make the required determination(s). All new or modified development that involves the construction or placement of new lighting, or the replacement of existing lighting, shall comply with the following:

A. Plans required. For new multifamily (4 or more units), mixed-use, commercial, or industrial development involving the installation or modification of lighting, submit a plan detailing the locations, sizes, heights, orientations, and designs of all outdoor lighting prior to installation. A detailed drawing or other information acceptable to the director shall be provided, identifying the type and design of light fixtures and the wattage level.

B. Lighting standards.

1. All exterior lights shall be designed, located, installed, directed, shielded, and operated to prevent objectionable light at and glare across property lines. Exterior lighting shall be directed downward and away from adjacent properties and the public right-of-way. Shielded means that the light rays are directed onto the site and that the light source is not directly visible from an adjacent property or the public right-of-way.

2. All parking area lighting, including building- and pole-mounted lighting, shall be shielded so as to prevent light spillover at property lines to the degree feasible.

3. All building lighting, other than architectural lighting, shall be fully shielded, not allowing any upward distribution of light. Floodlighting, if used, must be shielded to prevent light trespass across the property line and light element above a ninety-degree, horizontal plane.

17.40.090 Loading spaces and docks.

In all zoning districts except industrial districts, where a new loading space or dock will be visible from an adjacent public street or residential or mixed use district boundary it shall be screened with a solid wall or fence a minimum of six feet in height, or by an equivalent screening device or technique approved by the director, unless a minor exception pursuant to Chapter 17.15, is granted by the approving authority based on site-specific circumstances.

17.40.100 Noise standards. (NEW)

A. Purpose. The purposes of this chapter are to:

1. Control unnecessary, excessive and nuisance noise.

2. Protect the public health, safety and general welfare.

3. Declare that creating, maintaining or causing noise in excess of the limits prescribed by this section is a public nuisance and shall be treated as such for determining a violation and achieving correction.

B. General noise regulations. Notwithstanding any other provision of this title and in addition thereto, it is unlawful for any person to willfully or negligently make or continue or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any residential area or which causes any discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.

C. Factors of determination. The factors which will be considered in determining whether a violation of this ordinance exists shall include, but are not limited to, the following:

1. The sound level of the alleged objectionable noise.

2. The sound level of the ambient noise.

3. The use and zoning of the area from which the noise emanates.

4. The time of day or night the noise occurs.

5. Whether the noise is continuous, recurrent or intermittent.

D. Noise measurement. Noise shall be measured using the hourly energy-equivalent noise level (L eq).

E. Noise limits. The ambient noise level varies throughout the community, depending upon proximity to streets, topography, time of day and the specific type of land use. The provisions of this section address noise intrusions over and above the noise normally associated with a given location (intrusions over the ambient level). Schedule 17.40.100-A describes the noise standard for emanations from any source as measured on adjacent properties. Maximum sound levels shall be determined as follows:

1. Exterior noise limits.

a. The noise standards for the various categories of land use as set forth in Schedule 17.40.100-A, unless otherwise specifically indicated, shall apply to all such property within a designated zone. No person shall operate or cause to be operated any source of sound at any location within the incorporated city or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person which causes the noise level when measured on any other property to exceed the noise standard for that land use specified in Schedule 17.40.100-A.

b. If the measured ambient level is above that permissible, the allowable noise exposure standard shall be increased to reflect the actual ambient noise level.

Schedule 17.40.100-A: Exterior Noise Standards

Receiving Land Use Category	Time Period	Noise Level (Hourly L_{eq}/dB)
Residential	10 p.m. to 7 a.m.	45
	7 a.m. to 10 p.m.	60
Commercial and Mixed-Use	10 p.m. to 7 a.m.	55
	7 a.m. to 10 p.m.	65
Industrial	10 p.m. to 7 a.m.	N/A[1]
	7 a.m. to 10 p.m.	N/A[1]

[1] Industrial noise shall be measured at the property line of the adjacent nonindustrial district boundary. The noise level of industrial activities at the property boundary shall not exceed the standards for the receiving district.

F. Prohibited acts. The following acts are prohibited where they result in noise levels exceeding the standards in Schedule 17.40.100-A.

1. Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, materials or similar objects between the hours of ten p.m. and seven a.m. in such a manner as to cause a noise disturbance across a residential real property line;

2. Construction or demolition.

a. Operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work in or within 300 feet of a residential district such that the sound creates a noise disturbance across a residential property line during the following times:

i. May 15 through September 15: Between the weekday hours of ten p.m. and six a.m., and weekends and holidays between eight (8) p.m. and nine (9) a.m.

ii. September 16 through May 14: Between the weekday hours of seven p.m. and seven a.m. and weekends and holidays between eight (8) p.m. and eight (8) a.m.

3. Domestic power tools and equipment. Operation of any mechanically powered saw, lawn or garden tool or similar outdoor tool between ten p.m. and seven a.m. on weekdays (or nine p.m. and eight a.m. on weekends and legal holidays) so as to create a noise disturbance across a residential real property line.

G. Emergency exemptions. The provisions of this chapter shall not apply to:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency.

2. The emission of sound in the performance of emergency work.

H. Miscellaneous exemptions.

1. Warning devices. Warning devices necessary for the protection of public safety, such as police, fire and ambulance sirens, are exempted from the provisions of this chapter.

2. Outdoor activities. The provisions of this chapter shall not apply to occasional outdoor gatherings, public dances, shows, sporting or entertainment events, provided that such events are conducted pursuant to a permit or license issued by the city relative to the staging of such events.

3. Churches and public service organizations. Churches or public service organizations that use unamplified bells, chimes or other similar devices are exempt from the provisions of this chapter so long as the noise-causing activity is conducted between seven a.m. and ten p.m. and the

playing period does not exceed thirty minutes in any one day. Amplified noise shall comply with the provisions of this ordinance.

4. Municipal solid waste collection. The collection of solid waste, vegetative waste, and recyclable materials by the city or an authorized vendor shall be exempt from the provisions of this chapter.

5. Public Works construction projects. Street, utility, and similar public works projects undertaken by or under contract to the city, county, state or a public utility regulated by the California Public Utilities Commission are exempt from this ordinance when conducting emergency or otherwise permitted repair work.

6. Public utility facilities. The operation of facilities, including, but not limited to, electric power transformers and related equipment, sewer lift stations and related equipment, municipal wells and pumping stations, is exempt from this ordinance.

I. Federal and State activities. Any state or federal activity is exempt from the provisions of this chapter to the extent regulation thereof has been preempted by state or federal laws.

J. Applicability to pre-existing facilities or uses. This ordinance shall not apply to a commercial or industrial facility in existence prior to the effective date of this ordinance. As used in this section, “industrial facility” means any legally established building, structure, factory, plant, premises, use, activity or portion of facility used for manufacturing or industrial purposes, and “commercial facility” means any legally established building, structure, use, activity, premise, or portion thereof used for commercial purposes.

K. Special event - temporary waiver from noise standards. Notwithstanding any provision of this chapter, the director may grant a temporary waiver of the applicable noise standards for a period not exceeding three consecutive days, subject to the findings in section 17.40.100.L, below. The director may authorize such a waiver, subject to the issuance of an administrative or temporary use permit.

L. Discretionary approval for modification of noise standards. The operator of any outdoor activity may seek approval to deviate from any of the following: (a) the maximum sound limits, (b) the time limits, or (c) the requirement for sound measurement as set forth in this ordinance, on the grounds that due to the nature or design of the operator’s facility or the location of the activity, a higher sound level, or amplified sound ending at a later time, will not substantially increase the likelihood that violations of the standards set forth in this ordinance will result in a public nuisance. As part of the application, the director may require the submittal of an analysis of the sound-related characteristics of the facility or activity, prepared by an acoustic engineer, which identifies the potential impacts of the project and recommends specific mitigations if available. A temporary use permit may be granted for periods exceeding three days, subject to the findings below.

1. A temporary exception to exceed the sound limit or modify the time restrictions of the noise ordinance may be granted by the approving authority upon a showing that a facility or use, because of its design, location, or other characteristics, is capable of handling higher sound levels or later activity without substantially increasing the likelihood that violations of the noise ordinance's purposes will occur.

2. The activity for which the permit is requested will not result in a public nuisance because the nature or design of the operator’s facility or the location of the activity, or the specific conditions or mitigations required by the approval, will permit a higher sound level, or the ending of the noise event at a later time than established by the ordinance.

17.40.110 Performance standards—citywide and I-5 adjacent. (NEW)

The following performance standards shall apply to all uses in all zoning districts. Temporary construction activities that comply with approved construction hours and mitigation plans, emergency operations by public agencies, and any activities conducted under a permit that includes approved mitigation measures specifically addressing the standards of this section, are exempt from these performance standards.

A “reasonable person” for the purposes of applying these performance standards refers to a typical individual who evaluates the condition(s) in question with an ordinary degree of care, prudence, and intelligence, and is not based on the subjective beliefs or intentions of any particular individual. This ensures predictability in enforcement by focusing on whether the performance standard would be met from the perspective of a reasonable observer, and not the unique viewpoint of a property owner or city official.

A. Noise. No use shall create noise levels which exceed the standards of Section 17.40.100 of this chapter, except where exempted or otherwise permitted by this title.

1. Acoustic Study Required. For permanent new or modified uses that the director determines may not meet the standards of the noise ordinance or general plan, the director may require that an acoustic analysis be prepared. The analysis shall, at a minimum, conform to the following standards:

a. The analysis shall be prepared by a qualified person experienced in environmental noise assessment and architectural acoustics.

b. Noise levels shall be documented with sufficient sampling periods and locations to adequately describe local noise conditions and noise sources.

c. Existing and projected noise levels shall be estimated in terms of L_{eq} and L_{dn} or CNEL, and noise levels shall be compared to the existing ambient noise levels.

d. Appropriate mitigation shall be identified, and when feasible, preference shall be given to site planning and building design rather than noise barriers.

e. Noise exposure after the application of prescribed mitigation measures shall be estimated or measured.

2. Noise Attenuation Measures. The approving authority may require the incorporation of any noise-attenuation measures deemed necessary to ensure that applicable noise standards are not exceeded, including, but not limited to, noise walls that exceed the maximum height and minimum setback limits of the applicable zoning district.

B. Vibration. No use, activity, or process shall generate vibration that is perceptible by a reasonable person without instruments at any point along the property line of the lot from which the vibration originates.

C. Odors. No use, process or activity shall produce objectionable odors on a permanent basis, which are detectable by a reasonable person, and which are perceptible without instruments at the property lines of any residential district.

D. Hazardous materials. The use, handling, storage, and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations, the California Fire and Building Codes, and other applicable laws.

E. Heat and humidity. Uses, activities and processes shall not produce emissions of heat or humidity at the property line that cause material distress, discomfort, or injury to a reasonable person.

F. Electromagnetic Interference. Uses, activities and processes shall not cause electromagnetic interference with normal radio, television, or telephone reception in "R" districts or with the function of other electronic equipment beyond the property line of the site on which they are situated.

G. Air quality and residential development within 500 feet of Interstate 5. Pursuant to general plan policy, and the direction of the state of California, residential development is prohibited within 500 feet of a freeway without inclusion of specified mitigation measures as outlined in the California Air Resources

Board Technical Advisory "*Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways.*" Such mitigation measures shall reduce air quality impacts on residents to a less than significant level.

17.40.120 Solid waste containers and enclosures. (REORGANIZED/MODIFIED)

A. Purpose. The purposes and intent of this ordinance are to:

1. Establish criteria for the construction of trash- and recycling-container enclosures in conjunction with multiple-family residential, mixed-use, commercial and industrial developments. The approving authority is authorized to require that a trash container enclosure meeting the standards of this section be constructed as a condition of obtaining a site development permit, administrative permit, use permit or building permit on any site that does not have an enclosure meeting the standards of this section.
2. Ensure that enclosures are functional, serviceable, durable, unobtrusive and architecturally compatible with adjacent buildings and development.
3. Ensure adequate areas for the storage of recyclable materials as required by the state of California.
4. To ensure compliance with Chapter 8.04 – Refuse Collection, of the municipal code.

B. Applicability.

1. Trash and recycling container enclosures are required for all new multiple-family developments consisting of five or more dwelling units, and for all commercial and industrial developments. Alterations (including cumulative alterations) resulting in an increase in floor area of 20% or more, or 5,000 square feet, whichever is less, require the installation of a recyclable-materials enclosure.
2. Trash and recycling enclosures may be functionally combined into a single unit or established at separate locations on a parcel, subject to the design criteria established in this section, with the director or designee's approval.
3. The director is authorized to require that a trash-container enclosure meeting the standards of this section be constructed as a condition of obtaining a building permit on any site that does not have such an enclosure and is otherwise required to have one by this code or state law.

Schedule 17.40.120-A:

Applicability of Recycling and Solid Waste Enclosure Regulations

Zoning District(s)	Applicability
SR and UR districts.	5 or more dwelling units
LI, I, and PS districts	All development
C, MU, VMU, and PD districts	All development [1]

[1] Also applies to residential development with four or more dwelling units in commercial, mixed-use, and planned development districts.

C. Location and orientation. All enclosures shall comply with the California Fire Code and meet the following requirements, unless the director determines they are infeasible. A building permit shall not be issued for new development requiring an enclosure until the director or designee approves the enclosure location and design.

1. No enclosure shall be located within a required front yard or street-side yard setback area unless it can be demonstrated that, due to the originality of design, architectural treatments or lack of visibility to the public right-of-way, the location meets the intent of this section.

2. Trash enclosures shall be located so that front-load equipment having a seventeen-and-a-half-foot wheelbase and an outside turning radius of forty-five feet has sufficient maneuvering area and, where feasible, so that the collection equipment can avoid backing. The enclosure pad with an apron area ten feet in width and twelve feet in length shall not have a slope, including cross slope, exceeding two percent. The pad shall not be elevated above the apron.

3. The enclosure openings shall be oriented so that front-load disposal equipment can access the container directly through the enclosure opening without removing it from the enclosure.

4. Trash and recycling enclosures shall be located so that front-load collection equipment can enter and exit the property using driveways and avoid backing maneuvers where feasible. If the use of through driveways is not practical, sufficient maneuvering area shall be provided to allow collection equipment to enter the public right-of-way in a forward direction. Enclosures shall not be placed in areas where collection equipment will have to back into the street to exit the property. The director or other approving authority may approve alternate locations when acceptable to the city's waste hauler and when considered appropriate based on site constraints and traffic conditions on abutting streets.

5. Recycling enclosures shall be located within ten feet of a driveway aisle or parking area. A minimum four-foot-wide pedestrian walkway shall be provided between the enclosure entrance and the driveway or parking area.

6. All container types shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the buildings they serve.

7. The area in front of trash enclosures shall be kept clear of obstructions, and painted, striped and marked "No Parking."

D. Materials, construction and design. Container enclosures shall be constructed and maintained as follows:

1. Minimum size. The minimum size of trash and/or recycling container enclosures shall be determined by the solid waste hauler and the city, and will be based on the container sizes required to adequately serve the residence or business entity.

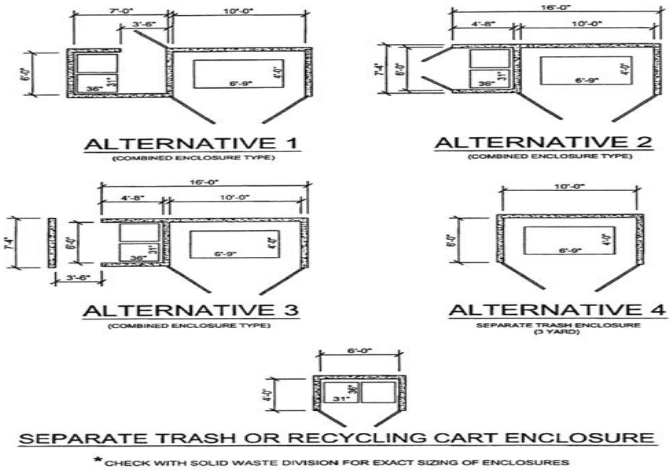


Figure I - Trash enclosure design alternatives

RECYCLING AND TRASH CONTAINER ENCLOSURES - EXAMPLES

3. Minimum Height. Six feet for trash and recycling enclosures.

4. Accessibility. Accessibility requirements apply to enclosures that must be accessible as required by the California Building Code Chapter 11B and the Americans with Disabilities Act. For applicable enclosures, there must be an accessible path of travel from the building to the enclosure.

3. Enclosure material. Solid masonry or concrete tilt-up with a decorated exterior-surface finish compatible with the main structure(s). If the enclosure is not visible from a public walkway, commercial parking lot, street or residential area, the enclosure may be constructed of chain-link fencing with wood or plastic inserts with the approval of the director.

4. Gate material. Decorative, solid, heavy-gauge metal or a heavy-gauge metal frame with a view-obscuring material covering is required. If not directly visible from a public street or residential area, the enclosure gates may be constructed of chain link with wood or plastic inserts with the director's approval.

5. Gate construction. Gates shall be hung so that they do not reduce the minimum width of the enclosure opening. Gates are to be secured in the closed position by steel cane bolts or similar. Holes are to be drilled to secure the cane bolts and hold the enclosure gates in the open position during collection.

6. Enclosure pad. Four-inch-thick minimum concrete pad.

7. Bumpers. To protect the trash enclosure walls, bumpers measuring at least 2 inches high by 6 inches wide shall be affixed to the interior floor at the base of the walls. The bumpers should be made of concrete, steel or other suitable material and anchored to the concrete pad.

8. Protection for enclosures. Concrete curbs or equivalent shall protect enclosures from adjacent vehicle parking and travelways.

9. Travelways and area in front of enclosure. An adequate base to support the collection truck's weight, as operated by the waste hauler, is required.

10. Signs. A sign identifying the recycling collection area(s) and the materials accepted shall be posted adjacent to the recycling container enclosure.

E. Combined container enclosures. Enclosures shall utilize separate collection areas, and entrances may be served by a common gate. The enclosure(s) shall be designed such that the recycling and composting bins can be serviced without removal of the trash bins.

17.40.130 Screening of mechanical equipment. (MODIFIED/REORGANIZED)

Ground- and roof-mounted mechanical and utility equipment located on a property shall be screened from view of public streets, public gathering areas, and residential districts, as required below. Such equipment includes, but is not limited to, heating and air conditioning equipment, refrigeration equipment, utility equipment (i.e., transformers, cross-connection control devices, exhaust fans and vents, and similar equipment). The location and screening proposed for this equipment shall be depicted on building and site plans submitted to the city for approval of a building permit, site development permit, or use permit.

The location and method of screening shall be approved prior to issuance of building permits. Modification of these requirements may be approved by the director upon request from the utility provider to meet code or operational requirements. This section shall not prohibit roof-mounted equipment installed prior to the adoption of this code from being repaired or replaced, and shall not require the installation of screening for such replacement equipment if it is equivalent to the equipment being replaced and is in the same location.

A. Multi-family residential uses. Roof-mounted heating and air-conditioning equipment is prohibited unless a zoning exception is granted pursuant to Chapter 17.15. Ground-mounted equipment shall be screened from adjacent public rights-of-way.

B. Commercial uses.

1. Ground-mounted HVAC units and utility equipment such as electric and gas meters, panels, junction boxes, and similar equipment shall be screened from view of public streets, parks, plazas, etc., using architecturally compatible walls and/or landscape.

2. Utility transformers, cross-connection control devices and similar equipment shall be located to minimize their visibility from public streets to the extent practicable. In commercial developments, these devices shall be located adjacent to service alleys or other locations that are not immediately adjacent to public streets or public dedicated public event and gathering spaces. When visible from these areas, the equipment shall be oriented so that it can be screened with berms, walls, landscape or a combination thereof, while maintaining access as required by the utility.

3. Roof-mounted mechanical equipment shall be screened with building elements that are designed for that purpose as an integral part of the building design.

4. Wall-mounted mechanical equipment that protrudes more than twelve inches from the outer building wall shall be designed to blend with the color, design and materials of the building, except when otherwise required for code compliance.

C. Industrial uses.

1. Ground-mounted HVAC units and utility equipment shall be screened from view from public streets and adjacent residential districts.

2. Recognizing the unique nature of industrial operations, alternative screening measures for roof- and wall-mounted equipment are permissible for buildings exceeding ten thousand square feet in size. Acceptable methods include, but are not limited to, increased setbacks, increased landscape screening, grouping of equipment on specific portions of the building or site, painting, or other measures that result in camouflaging the equipment from public view.

17.40.140 Sight obstructions at intersections.

Visibility at street intersections and at locations of property ingress/egress shall not be inhibited above a height of three feet by vegetation or structures, signs, fences and walls, or other obstructions. This restriction shall apply to all land within a triangular area bound by the curb line or edge of pavement, and a diagonal line joining points on the curb lines thirty feet back from the point of their intersection (see also Clear Sight Triangle figure).

In the case of a rounded corner, the triangular area is measured between the tangents to the curve of the curb line and a diagonal line joining points on the tangents thirty feet back from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve of the line at the corner.

Private driveways and alleys shall maintain a minimum clear vision triangle distance of 10 feet at their intersection with a public street. These standards are minimums and may be increased by the city engineer when necessary to establish safe vehicle operations or to comply with state law. In circumstances where state standards are applicable, such standards shall govern.

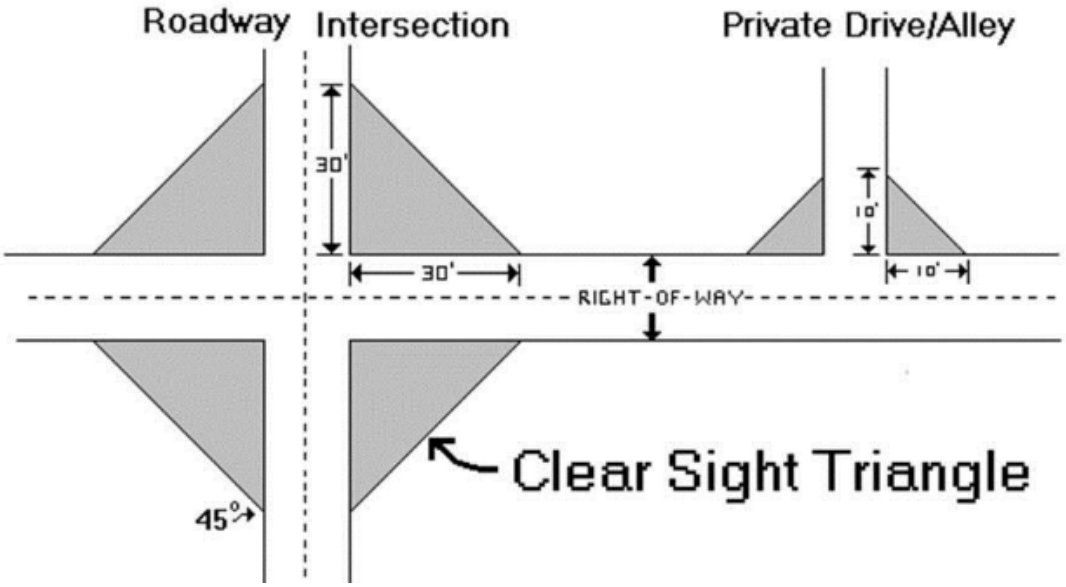


Figure II - Clear Vision areas

17.40.145 Street improvement requirements. (REORGANIZED/MODIFIED)

All new construction of residential, commercial or industrial buildings shall have primary access from a new or existing paved street. The city engineer shall establish the standards for street construction, subject to approval by the city council.

A. General Requirements.

1. If an existing street provides access, it shall meet fire safety standards for load and accessibility, or shall be modified to meet such standards prior to occupancy or commencement of the applicable property use. Street improvements include sidewalks, drainage and other related improvements.

2. If the street is constructed with the project, it shall be constructed to city development standards for paved streets, including sidewalks, drainage, and other related improvements.

B. Exceptions. Where determined necessary to ensure reasonable use of property given site-specific constraints and public safety needs, the director or other approving authority, in consultation with the city engineer, may approve an exception to the requirements of this section, subject to the following standards, and compliance with the provisions of Chapter 17.46 – Nonconforming Uses, Structures, and Sites.

1. The property owner shall sign a deferred improvement agreement by which the owner agrees to participate without protest in an assessment district formed to provide required street improvements. Said agreement shall be recorded and shall run with the land, and shall obligate any owner, heirs, successors, or assigns to such requirement. When sixty (60) percent or more of the owners within a block have signed a deferred improvement agreement, the city council shall call up said agreements and require the improvement of said street.

2. In lieu of improvements or a deferred improvement agreement, the city council may authorize collection of a specified mitigation fee for the pro-rata share of a project's required street improvements, and/or for mitigation of any air or water quality impacts which may result from a lack of such improvements. The amount of the mitigation fee shall be determined based on standard technical analysis and approved by the city council. A fund shall be established in the city treasury, and all such mitigation fees shall be deposited in said fund. Policies and procedures for expenditure of money in the fund shall be established by the city council. The funds shall be used only for street improvements, including the necessary design and assessment work required for the improvements, or for mitigation projects that offset the impacts for which the fee is collected.

3. Existing conforming or nonconforming residential structures, including accessory structures, which do not have frontage on a paved street, may be replaced or modified, provided the new structure is not more than ten percent larger than the existing floor area, and the property owner signs a deferred improvement agreement or pays the required mitigation fee as set forth in this section.

17.40.150 Swimming pool – setbacks and requirements. (REORGANIZED/MODIFIED)

A. Purpose. The purpose of this section is to establish property-line setback and pool safety requirements for swimming pools.

B. Applicability. The provisions of this section apply to all outdoor swimming pools.

C. Construction Locations.

1. Outdoor swimming pools in residential zoning districts.

a. Swimming pools shall not be constructed within twenty feet of a front property line; within ten (10) feet of the street-side property line of a corner lot; within five feet on an interior side-yard property line; and within five feet of a rear property line. On interior residential lots in which a twelve-foot or wider side yard is required, no accessory structures that are subject to issuance of a building permit, including swimming pools, shall be permitted within the twelve-foot side yard for the front fifty (50) feet of that side yard. All setbacks shall be measured from the inside face of the pool wall.

Exceptions: Exceptions to these setback requirements may be approved by the director as set forth in Chapter 17.15- Minor Exceptions.

b. Aboveground or on-ground pools shall be located on the rear half of the lot and are subject to the same setback standards as referenced in 1.a, above. Associated decking and ladders over eighteen inches above grade shall not be located within five feet of a property line.

c. No portion of an in-ground pool shall encroach into the area created by an imaginary line traversing at a forty-five degree angle away from the bottom of the foundation of a residential or accessory structure located within five (5) feet of the pool, and under no circumstance shall a swimming pool be placed so near any property line that the vertical or lateral support of adjacent properties or buildings would be affected.

d. Swimming pools, pool decking, and mechanical or utility appurtenances for the pool shall not encroach into open-space easements. Such structures may encroach on a public utility easement only upon approval from the city engineer. If approval is granted, an encroachment permit must be issued in conjunction with the swimming pool permit.

2. Outdoor swimming pools in mixed-use or commercial districts. Pools intended for multiple-family or commercial uses shall not be located closer than fifteen feet to any public right-of-way, and shall otherwise meet the setbacks for structures. Exceptions to these setback requirements may be approved by the director as set forth in Chapter 17.15 - Minor Exceptions.

3. Indoor swimming pools in all districts. Indoor swimming pools shall be considered as part of a structure, and shall meet all applicable setback requirements appurtenant to the structure in which the pool is enclosed.

D. Required safety standards. All swimming pools not constructed within a secure building shall be completely surrounded by a secure physical enclosure as required by the building code. The building official may require modifications or alternative measures to these standards when it is determined necessary to protect public safety or to allow for the reasonable use of property, and the building official determines that such modifications will not result in a safety hazard.

17.40.160 Underground utilities.

All electrical, telephone, cable television and similar distribution lines providing direct service to a development site shall be installed underground within the site. The director or other approving authority may waive this requirement upon determining that the installation is infeasible or unnecessary due to site-specific development constraints or infrastructure conditions.

17.40.170 Walls, fences and dividing structures. (REORGANIZED/MODIFIED)

A. Residential Districts.

1. Height. Fences or walls in required front-yard setbacks or within a required street-side yard setback shall not exceed three feet. All other fences shall not exceed seven feet in height, with any attachments to the fence of similar/compatible architecture and materials as the fence to which it is attached. Legal, nonconforming fences may be repaired or replaced, but shall meet the height standards established for fences in the applicable district. Fence or wall heights between sloped or terraced lots are measured from the grade of the "uphill" side of the fence. Walls and fences required by a permit, parcel map, or subdivision approval may exceed the zoning district's height limits and minimum setbacks if consistent with the conditions of approval for the project.
A fence may exceed this height limit if a use permit is first secured. The following shall apply, except as otherwise provided for by this title:

a. The height of any fence, wall, hedge, screen, planting, or other dividing structure placed, grown or maintained in any residential or commercial district shall not exceed three feet within any required front yard or within any side yard on the street side of a corner lot.

b. The height of any fence, wall or other dividing structure placed in any residential district shall not exceed seven feet in any rear yard, or in any required side yard.

2. Design. In commercial and multiple-family zoning districts, fencing shall be treated as an integral part of the architecture, with materials, colors, and detailing drawn from the building they surround or adjoin. Fences or walls adjacent to freeways, highways, or arterial or collector streets that are required as a condition of development by the city shall be constructed of decorative masonry, concrete-block, concrete-panel, or other material approved by the director. Solid fences or walls shall not be placed within a Federal Emergency Management Agency (FEMA) established floodplain without proper openings to pass floodwaters in accordance with the requirements of FEMA.

3. Barbed wire, razor wire, and electric fencing are prohibited in all residential districts unless the director determines that said fencing is necessary for security, animal containment, or other reasonable purpose, and would not be detrimental to the neighborhood in which the property is located. In no case shall such security fences be located within five (5) feet of a public sidewalk or right-of-way.

B. Nonresidential Districts.

1. Location. Fences or walls exceeding 36 inches in height shall not be constructed within a required street front or street side setback area unless a site development permit (SDP-D) is approved by the director.

2. Height. Fences or walls shall not exceed six feet in height unless the director determines that additional height is necessary for screening or security purposes due to the site's topography and adjacent properties, and a zoning exception has been approved. Walls and fences required by the city as a condition of approval for development may exceed the height limits and minimum setbacks of the zoning district, as required by the conditions of approval for the project.

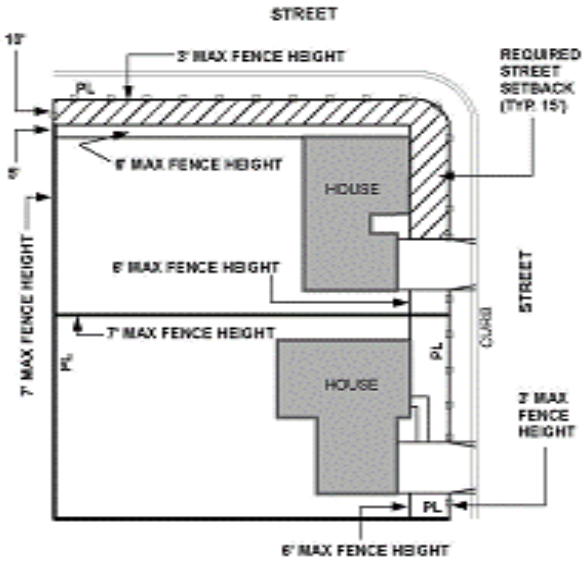


Figure III to be modified.

3. Monitored electrified security fence systems (NEW). "Monitored perimeter security fence system" means a perimeter alarm system with an assembly of powered equipment, including but not limited to a monitored alarm device and an electric energizer which is intended to periodically deliver pulses to a security fence, a battery charging device used exclusively to charge the system's battery, and other integrated components. The design, construction, and use of monitored perimeter security fence systems shall be allowed, subject to issuance of a use permit and the following requirements:

    a. IEC Standard No. 60335-2-76. Unless otherwise specified herein, monitored perimeter security fence systems shall be constructed and operated in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76, current edition.

    b. Power source. The energizer for monitored perimeter security fence systems must be driven by a commercial storage battery not exceeding 12 volts DC. The storage battery is charged primarily by a solar panel. The solar panel may be augmented by a commercial trickle charger.

    c. Perimeter barrier. Monitored perimeter security fence systems shall be installed behind a non-electrified fence or wall that complies with Section 17.40.170. B.

    d. Emergency gate access/system shutoff. Before a monitored perimeter security system is activated, the fire district shall locate and approve a Knox device. The Knox device will be installed at the main entry gate and must be fully functional at all times when the monitored perimeter security fence system is operational.

    e. Setback. The perimeter security fence shall be set back a minimum of 6 inches from a non-electrified fence or wall to prevent inadvertent access to the battery-charged fence.

    f. Design/Height. The monitored perimeter security fence shall be visually transparent and comprised of twenty twelve and one-half gauge galvanized steel wires, which are run horizontally to a height of ten feet, or two feet higher than the perimeter barrier fence, whichever is greater.

    g. Warning Signs. Monitored perimeter security fence systems shall be clearly identified with warning signs identifying the electrified fence hazard at intervals of not less than 30 feet.

    h. Location. Monitored perimeter security fence systems shall only be permitted on commercial and industrial zoned properties.

    i. Alarm requirements. All monitored perimeter security fence systems shall be permitted in accordance with the requirements of Chapter 9.16 (Commercial and Residential Alarms), and shall be subject to the fees and other requirements of Chapter 9.16.

    j. It shall be unlawful for any person to install, maintain or operate a monitored perimeter security fence system in violation of this chapter or Chapter 9.38 (Burglary and Robbery Alarm System).

    k. The monitored perimeter security fence system shall transmit a signal to an alarm monitoring business and shall not directly connect to or call law enforcement. The business or permittee must first verify the alarm event before requesting law enforcement deployment.

4. Fence design and locations. Fencing visible from a street shall be treated as an integral part of the architecture, with materials, colors, and detailing drawn from the building they surround or adjoin. Barbed wire shall not be erected and maintained within twenty-five feet of any public right-of-way. The use of razor wire or similar materials must be set back at least 50 feet from the right-of-way. Barbed, razor, and similar wires may extend eighteen inches above the height limits established by

this section. Fences or walls shall not be placed within an area of a one-hundred-year floodplain without proper openings to pass floodwaters in accordance with the requirements of the Federal Emergency Management Agency.

5. Exceptions. The director may approve minor modifications to these provisions with the issuance of a site development permit (SDP-D).

17.40.190 Landscaping standards. (CONSOLIDATED)

The following general landscaping standards apply to new development, and to expansions or significant modifications of existing development exceeding 10% of floor area, and to modifications of landscaping required by previous approvals.

A. Areas requiring landscaping.

1. Parking areas. Parking areas, including setback areas containing vehicle spaces that abut a public street, shall be landscaped to a depth of ten feet, measured from the abutting street right-of-way line. May contain openings for walkways and/or driveways, in accordance with city standards.

2. Large parking areas. Open parking areas that contain twenty (20) or more spaces shall be landscaped with a minimum of five percent of the gross lot area used for off-street parking and access thereto, exclusive of any landscaped setbacks abutting the street right-of-way or area used for walkways or driveways. The required landscaping shall include one tree for every eight parking spaces, and using a species suited to the local climate zone.

3. Parking next to residential areas. A minimum 10-foot-wide landscaped buffer strip shall be planted and maintained along the edge of parking areas that abut residential districts. This shall be counted as a part of the five percent landscaped area described in subsection (A)(2) of this section, if applicable.

4. Commercial, industrial, and multi-family yard areas. For commercial, industrial or multifamily residential uses, required yards adjoining public streets shall be landscaped to a minimum depth of ten feet.

5. Adjacent to freeways. A use in a commercial or industrial district whose side or rear yard abuts a freeway right-of-way shall have a ten-foot-wide screened landscaped area and shall include trees planted forty (40) feet on center, with a minimum of three trees in each applicable planting area.

6. Landscaping materials. Required landscaping may consist of a combination of plant and non-plant material, provided no less than fifty (50) percent of the required landscaped area shall be living plant material, based on mature plant size.

7. Watering. All required planted areas shall be served by permanent watering systems, except where native plants that do not require watering systems are used. All plants shall be maintained in a living condition.

8. Border materials. Except where abutting a sidewalk, all required landscaped areas shall be enclosed by either a concrete curb having a minimum height of six inches or a wooden frame constructed from materials such as railroad ties or other heavy lumber materials that measure no less than six inches in diameter.

9. Maintenance. All required landscaped areas shall be maintained in a neat and clean condition.

10. Sight distance. In order to provide safe sight distance at driveways and street intersections, all plant material within a thirty (30) foot triangle at the intersection of streets, and a fifteen (15) foot triangle at the intersection of driveways and streets, shall be no more than two feet in height above the curb level, except for trees which are trimmed so that no branches extend lower than six feet above curb level.

Standards in this section, except tree replacement requirements (Ch. 12.36 – Tree Conservation), may be modified if a minor exception is first obtained. To grant an exception, the approving authority must find that site-specific conditions or project-specific operational conditions other than cost require such modification, and that no feasible alternative, including redesign of the project, can reasonably address the specific requirement.

B. Landscaping plan required. All landscaping required by this section shall be installed and maintained in good condition and in accordance with the approved landscaping plan. The plan shall be submitted to and approved by the development services director or his or her designee prior to issuance of a building permit or use permit, and shall show the location, size and variety of all plantings, water supply and other pertinent improvements.

C. Water-efficient landscaping. All landscaping plans and installations shall comply with the requirements of Chapter 15.10 -Water Efficient Landscaping.

D. Tree conservation. All new or modified landscaping shall comply with the requirements of Chapter 12.36 – Tree Conservation.

17.40.200 Combining uses.

More than one allowable use authorized by the applicable zoning district may be permitted on a lot, provided there is no conflict between the uses, and further provided that all applicable requirements and city development standards are met. Each use must meet the lot or building area requirements without using the lot or building area requirements of another use, except when otherwise allowed by this code. For lots for which a use permit or planned development has been approved, the permissible uses are those identified by the approval.

17.40.210 Solar energy and shade control.

Pursuant to California Public Resources Code Section 25985, the city declares itself exempt from the provisions of Chapter 12 (commencing with Section 25908) of Division 15 of the Public Resources Code (Solar Shade Control Act) relating to solar energy and shade control. (See Ord. 97-99 § 1 (part))

17.40.220 Calculating residential density. (NEW)

The base number of dwelling units allowed in a district shall be computed as set forth in this section. Schedule 17.40.220-A below establishes the maximum density in a district, and Schedule 17.40.220-B establishes the minimum density allowed in a district. These ranges are based on the applicable general plan land-use district and state law requirements. Project density may be adjusted within the allowable density ranges, subject to the provisions below and the permitting requirements of this title.

Schedule 17.40.220-A: Maximum Permissible Density

Districts	Maximum Density
RR-5	1 unit/5 acres
RR-2	1 unit/2 acres
RE	2 units/acre
RS-1	3 units/acre
RS-2	6 units/acre
UR-1	12 units/acre
UR-2	20 units/acre
UR-3	30 units/acre
VMU	30 units/acre
MU	30 units/acre

Schedule 17.40.220-B: Minimum Permissible Density

Districts	Minimum Density
RR-5	None
RR-2	None
RE	None
RS-1	None
RS-2	None
UR-1	6 units/acre
UR-2	20 units/acre
UR-3	20 units/acre
VMU	6 units/acre
MU	1 units/acre

A. Calculating density. Density is expressed as the number of dwelling units per acre permitted on the lot or project area, minus slope areas exceeding 20%, FEMA-designated 100-year flood areas and other environmentally sensitive land or previously dedicated open spaces. Density credit shall not be given for lands encumbered by a public or quasi-public agency for utility easements or rights-of-way for which compensation for said easement or right-of-way has been paid. Allowable density for steep slope areas is established in Chapter 17.51.

B. Minimum housing density required in specified zoning districts. To ensure that multiple-family zoning districts support state housing law, including the city's Regional Housing Needs Allocation (RHNA) requirements, new residential development in the UR-2 and UR-3 zoning districts shall be consistent with the state-established minimum density requirements for suburban jurisdictions (see Gov. Code § 65583.2(h)(2)). Developments using the state density bonus law shall calculate the project's unit count as established in this section, and then may apply allowable density bonus thresholds.

C. Net vs gross developable acreage – definitions and use. The purpose of this section is to refine project-level density calculations by shifting from gross to net residential density when necessary and appropriate, to allow equitable use of land that is otherwise constrained by environmental, infrastructure, or site limitations.

1. Maximum or minimum residential density may be based on either "gross developable acres" or "net developable acres," as defined below, and utilizing whichever method results in density within the applicable general plan land use designation's density range for dwelling units.

    a. Gross residential density: The total number of dwelling units divided by the total land area of the parcel or development site, including all rights-of-way, open spaces, easements, and otherwise unbuildable land.

    b. Net Residential Density: The total number of dwelling units divided by the net development area. Net development area is the gross parcel area minus exclusions, including wetlands, riparian buffers, steep slopes (20% or greater), public parks, open space, roads, stormwater facilities, and easements.

D. Subdivision of pre-city incorporation lots containing two or more legal units. Where existing parcels of land within a residential district contain two or more detached, legally constructed residences, development may be allowed to exceed the applicable General Plan land use density, provided that:

1. All such residences were constructed before July 2, 1993.
2. At least one residence occupies each newly created lot.
3. Each newly created lot and other improvements meet applicable development standards.
4. The project site is not located within an environmentally sensitive area, on slopes exceeding 20%, or within the VHFHSZ or a FEMA-designated flood zone.

E. Density increases. Increases in density beyond those identified in this section may be permitted under certain specified circumstances. Increases over the maximum density may be allowed in the UR-2, UR-3, and MU districts under the following circumstances:

1. The planning commission determines that the applicable design standards and guidelines required by this code and state law are in evidence, and the project meets the goals and policies of the general plan; and

2. The planning commission determines that the increase in density is acceptable considering the following factors: site topography, available public street access, availability of utilities, existing neighborhood characteristics, including the average density of surrounding development, location in high fire hazard areas; or

3. A density bonus consistent with Government Code Section 65915, et seq., is approved.

Section 17.40.230 Application of floor area ratio (FAR). (NEW)

Floor area ratio (FAR) standards control the intensity of development to ensure that the scale of development is compatible with the purposes of the applicable zoning district and the availability of necessary infrastructure. This standard applies to all development located on a lot within a mixed use, commercial, and industrial district.

A. FAR definition and limitations.

1. The allowable FAR for a property in a specific zoning district is identified in Division 3 of this title. The floor area ratio of a site is defined as the ratio of the total floor area of all buildings on the lot or building site, excluding applicable exceptions and adjustments, to the total area of the lot or building site. Non-habitable spaces are excluded from the FAR calculation. Accessory structures, such as garages and sheds, are included in the FAR calculation for a property.

2. Calculation of FAR:

a. FAR = Total Floor Area of the Building(s) / Total Lot Area. Example: For a lot with an area of 10,000 square feet that is located in the VMU district, if the FAR standard is 1.0, the maximum total floor area of all buildings is 10,000 square feet.

B. Exceptions and adjustments. The approving authority may grant a modification to a FAR standard in a district, provided that the proposed development is consistent with the goals and policies of the general plan, and the required findings in Section 17.40.240 are made in the affirmative. When the application of a floor area ratio standard conflicts with state law, the requirements of state law shall govern.

C. Compliance required. All permit applications for new or expanded development shall include FAR calculations to determine compliance with this code. The director or designee shall verify compliance prior to approving the applicable entitlement or issuing building permits.

17.40.240 Entitlements for projects exceeding district density or intensity standards. (NEW)

Where a property is zoned that seeks to exceed the floor area or density standards provided for in this title, the project applicant may seek approval to supersede the standards of the applicable district up to the maximum allowed by the general plan. Any such modification is subject to the approval of a use permit or planned development zoning, as applicable.

A. The approving authority may approve a development plan that deviates from the floor area or density limitations established for the applicable zoning district, provided the findings below are made in the affirmative.

1. The approved development plan, as conditioned, is consistent with the zoning district's purposes as established in this title.

2. The site for the proposed development is adequate in size and shape to accommodate such uses, densities and intensities, and the design of all structures, yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscape and other features can be accommodated.

3. The proposed development, as designed or conditioned, will not have a substantial adverse effect on the surrounding property or the permitted use thereof and will be compatible with the surrounding area's planned land use character.

4. The public services and facilities, including circulation improvements, required to service the project site will be provided by existing infrastructure or will be constructed.

5. The proposed development carries out the intent of the general plan by providing a more efficient use of the land, and it includes an excellence of architecture and site design, including the provision of public amenities, which is greater than that which could be achieved through the application of the base district regulations. Where development is reserved on a long-term basis for affordable housing, the approving authority may modify FAR limits as required by state law.

Chapter 17.41 OFF-STREET PARKING AND LOADING

17.41.010 Purpose.

This chapter specifies off-street parking and loading spaces for all land uses. The following standards are intended to minimize street congestion and traffic hazards; provide safe and convenient access; and make the appearance of parking areas aesthetically pleasing and compatible with surrounding land uses. Its purpose is to establish context-sensitive requirements and standards for off-street parking, loading, and curbside access that:

A. Ensure safe and convenient access for people and goods.

B. Create an appropriate level of parking supply based on demand and local context.

C. Support infill, mixed-use and transit-supportive development.

D. Support reduction in vehicle miles traveled (VMT) and heat-island effects by limiting unnecessary levels of parking; and

E. Improve access for all users including pedestrians, bicycling, transit, and those needing accessible parking.

17.41.020 Application.

All uses shall be provided with well-maintained off-street parking and loading facilities in accordance with the provisions of this chapter. Terms are defined in Chapter 17.61 – List of Terms and Definitions

Required parking shall be determined using the standards and adjustment factors of this chapter. The approving authority may authorize appropriate alternatives—including shared parking, in-lieu fees, transportation demand management (TDM), car-share, unbundled parking, bicycle/micromobility facilities, and on-street credits—when the project applicant demonstrates the alternative standard or method will result in equal or better performance relative to safety, access, and the purposes of this ordinance, Parking requirements shall rely on current best-available data and practices, including the Institute of Transportation Engineers (ITE) Parking Generation Manual, applicable state law, and the standards of this ordinance.

17.41.030 When required.

Every building constructed, enlarged, or structurally altered, and every use of property, shall provide off-street parking and loading facilities, as specified by this chapter. Required spaces shall be improved and installed prior to final building inspection or occupancy. When determined appropriate by the approving authority, a deferral of the required parking improvements may be allowed for a period not to exceed 90 days, All required off-street parking and loading spaces shall be maintained in good condition for the duration of the use that they are intended to serve.

17.41.040 Parking facilities location.

Required parking shall be located on the same lot or parcel as the use which the spaces serve, except as otherwise provided in this chapter.

17.41.050 Shared use.

The shared use of off-street parking areas may be authorized by the approving authority, subject to compliance with the following standards and the required permit findings:

A. The shared use of off-street parking for "nighttime" or off-peak uses, such as theaters, bowling alleys, bars or restaurants, may be supplied by the parking area provided for "daytime" uses, such as banks, offices, retail, and personal service establishments.

B. Up to fifty (50) percent of the off-street parking for "daytime" uses may be supplied by the parking area provided by "nighttime" uses.

C. Up to fifty (50) percent of the parking for churches or auditoriums may be supplied by the parking facilities provided by "daytime" uses.

D. Parking in mixed use, commercial or industrial zones shall be located within three hundred (300) feet of the use which it serves. Parking for residential uses shall be located onsite.

E. An administrative permit application for shared use of off-street parking shall contain information which demonstrates that there will be no conflict between the principal operating hours of the buildings or uses for which shared parking is proposed, and that all other requirements of this chapter will be met.

To effectuate this provision, a legal conveyance or agreement shall be signed by all affected landowners or their duly authorized agents guaranteeing that shared parking or off-street parking will be available for the use or building which it serves, unless an alternative standard or method is approved by the city. The agreement or conveyance shall be approved as to form by the city attorney, recorded with the county recorder and a copy submitted to the director, prior to issuance of the permit or other approval.

17.41.060 Compact vehicle parking.

Compact vehicle parking may be provided at the following rates in **Schedule 17.41.060 - A**, except within the Village Mixed Use (VMU) District. Compact spaces in the VMU are not permitted except when authorized pursuant to Section 17.41.150.

Schedule 17.41.060 - A

Total Parking Spaces	Maximum Compact Spaces
1 to 10 spaces	None allowed
11 to 30 spaces	10 percent of all spaces
31 to 100 spaces	30 percent of all spaces
101 or more spaces	30 spaces, and 40 percent of all spaces in excess of 100

17.41.070 Parking within front and street side yards.

Except as authorized by this title or state law, required off-street parking spaces shall not be located in front or street side yard areas.

17.41.080 Parking in interior side and rear yards.

Interior side and rear yards may only be used for vehicle parking and access for residential uses, or as otherwise permitted by this code. Required landscape areas are specifically excluded from use for parking.

17.41.090 Tandem parking.

Except where otherwise approved by administrative permit and designed consistent with the standards of this section, each car must be able to enter and exit the parking space independently of the movement of any other vehicle. Tandem parking - parking where a car must be moved to allow a car to back from a parking space - may also be considered by the director or designee when necessary to accommodate development of an accessory dwelling unit.

A. Standards: Tandem spaces must serve the same dwelling unit, each space must meet standard stall dimensions of 10 feet wide × 20 feet long per space, be located so that the vehicles can enter and exit a space without encroaching into the public right of way. Minimum driveway access width is 12 feet for one-way, 20 feet for two-way access.

17.41.100 Surfacing.

Required parking spaces and driveways with direct access from an improved public street, shall be surfaced for their entire length with asphalt, concrete, or director approved alternative. For residential driveways more than fifty (50) feet in length, or for driveways which do not gain access from a paved public street, the director may waive the requirement for paving with approval of a site development permit (SDP-D).

All driveways and private road access shall be minimally surfaced with a 4-inch-thick road base with dust palliative to support emergency-service vehicles and reduce particulate matter. Exceptions to the surfacing requirements for temporary uses may be allowed by the director.

17.41.110 Controlled access.

Except for a one-family or two-family residence and residential accessory uses, access to required parking spaces shall be designed in such a manner that vehicles leaving a parking space do not back directly onto any public street. Parking lots shall be designed and improved to prevent entrance or exit at any point other than designated driveways.

17.41.120 Off-street loading spaces.

Loading space requirements are as follows:

A. No building or part thereof , which will be occupied by an institution, hotel, commercial or industrial use or other similar uses as determined by the director, shall be erected, structurally altered by more than 1000 square feet of new floor area, or allowed to house a significant change in use, unless the required off-street parking spaces, plus one additional loading space for each additional ten thousand (10,000) square feet of floor area, is provided. On-site driveways and maneuvering areas may be used in lieu of providing off-street loading space if adequate maneuvering areas for delivery vehicles is provided.

B. Each off-street loading space shall not be less than twelve (12) feet in width, thirty (30) feet long (exclusive of driveways and maneuvering areas), and if covered, a minimum of fifteen (15) feet high.

C. A loading space which does not adjoin a street, or alley, shall have a minimum twenty (20) foot wide access.

D. Loading space(s) shall be improved to the same standard as required for parking areas.

E. Except in the VMU district, no off-street loading space for commercial or industrial uses shall be closer than fifty (50) feet to any lot in a residential district, unless the space is wholly within a building, or it is enclosed on three sides by a wall not less than eight feet in height.

17.41.130 Parking plan required.

All parking required by this section shall be installed and maintained in accordance with a parking plan. The plan shall be submitted to and approved by the director or his or her designee prior to issuance of a building permit or use permit, and shall show the layout of the parking spaces, required access, interior aisles and other pertinent improvements including required areas for landscaping.

17.41.140 Off-street parking standards.

The following parking standards apply in all districts as specified. The required parking spaces are in addition to any spaces necessary for business-operated vehicles. Parking requirements shall rely on Section 17.41.140. D, applicable state law, or current best-available data and practices as identified in the Institute of Transportation Engineers (ITE) Parking Generation Manual, and the standards of this ordinance.

When computing the required number of off-street parking or loading spaces, a fraction of one-half or more shall be deemed a whole unit of measurement; a fraction of less than one-half will be disregarded.

A. Method. Determine baseline parking using the most representative ITE land use code, setting, and independent variable as approved by the director and applying the 85th percentile as the maximum parking value. The approving authority may adjust within the 50th–85th percentile for the applicable ITE land use code based on use and the site-specific context. Alternatively, the approving authority may apply the default parking standards of section 17.41.140.D.

B. Reductions and Credits. The following reductions and credits may be combined, subject to administrative or use permit approval: shared parking per §17.41.050; on-street frontage parking credit of 25% of a space per available on street space (e.g., 4 on-street spaces equal 1 required on-site space); transit proximity (within 0.25 mi of fixed-route stop) 10% space credit for multifamily or mixed use development; approved car-share or TDM program up to 20%. In no case shall the combination of these credits or reductions result in parking below fifty (50%) percent of the spaces established for the land use by the ITE Parking Generation Manual or section 17.41.140.D, whichever results in more spaces.

C. Maximum Parking. Off-street parking supply for a proposed use shall not exceed the 85th-percentile ITE demand, or the standard for a use in section 17.41.140.D, whichever results in more spaces, without an approved study that demonstrates operational necessity. Modification of this standard is permissible with approval of a use permit, or when associated with the conversion or reuse of existing structures.

D. Administrative Default Parking Standards. For ministerial review and approval, the following default parking standards shall apply. Project specific parking studies may justify lower or higher parking requirements. The following default standards are to be calibrated with local data and ITE Parking Generation Manual data every 3 years following adoption of this ordinance, unless waived by action of the city council.

1. Detached single family residence: two (2) covered spaces meeting the surfacing requirements of this chapter.

2. Multiple-family or group residence, condominiums, or townhouses: 1.5 parking spaces per unit; two (2) parking spaces per unit for three or more bedroom units; plus 1 guest parking space for each 5 units.

3. General commercial services, including retail and service uses: 3.0 spaces per 1,000 sf GFA.

4. Office: 2.5 spaces per 1,000 sf GFA.

5. Restaurant (without drive through): 6.0 spaces per 1,000 sf GFA, or 1 space per 4 seats whichever is greater.

6. Restaurant (drive-in, fast food, or self-service): 1 parking space for each 75 square feet of GFA.

7. Hotel, motel, boarding-house, or bed and breakfast guest facility: 1 parking space per guest room, plus 1 space per two employees, plus parking for accessory uses when determined necessary by the approving authority.

8. Heavy commercial and industrial uses: 1 parking space for each 1,000 square feet of manufacturing or warehousing area, or 1 parking space for each employee on a major shift, plus 1 parking space for each 300 square feet of office area, plus 1 parking space for each 300 square feet of retail floor area if present

9. Mixed use development - Per tenant mix and use type. Where residential use represents 80% or more of the parking requirement, a 10% shared parking credit may be applied.

10. Place of public assembly (e.g.: church, social hall, club, lodge, community center, theater, or other similar uses): 1 parking space for each 4 seats in the principal seating area, or 1 parking space for every 40 square feet in the principal seating area, whichever is greater, plus 1 passenger loading space.

E. Drive-through facilities. In addition to required off-street parking, drive-through facilities shall provide vehicle reservoir spaces as set forth in Schedule 17.41.140–A. Vehicle reservoir space is a clear area measuring at least ten (10) feet by twenty (20) feet within a drive-through lane, allowing forward movement to the point of service. Drive-through lanes shall be a minimum of twelve (12) feet wide. The drive isle entry point shall commence no closer than fifty (50) feet from the point of primary public street ingress that serves as access to the drive through lane.

Schedule 17.41.140 -A. Drive-through space requirements.

Use	Space Requirements
Car wash (customer operated)	2 stacking spaces per rack.
Car wash (automatic)	4 stacking spaces per bay, not counting the vehicle in the bay.
Drive-in bank or financial services	4 stacking spaces for a single teller/ATM lane; 3 spaces per lane when two or more lanes are provided.
Drive-through restaurant	8 stacking spaces per service lane, including at least 6 spaces prior to the order point.
Service station	2 stacking spaces per aisle/lane.
Pharmacy	3 stacking spaces per service lane.

F. Bicycle parking – required. Bicycle parking shall be provided for all new buildings, additions or other modifications exceeding 25 percent of the existing building area, and for changes of use that increase floor area or employees by 25 percent. Single-family dwellings and related accessory uses are exempt

from this requirement. In the VMU and MU Districts, up to 10 percent of required automobile parking spaces may be substituted with bicycle parking spaces, subject to permitting authority approval.

1. General Standards.
   i. Dimensions: Each bicycle space shall be at least 2 ft. × 6 ft.
   ii. Rack Design: Must allow frame and one wheel to be locked with a U-lock; racks shall be securely anchored.
   iii. Location: Short-term spaces within 50 ft of primary entrance, visible and well-lit. Long-term spaces in secure, weather-protected areas (e.g., bike rooms, lockers).
2. Quantity Requirements. Provide short-term and long-term bicycle parking as follows:

Land Use Type	Short-term Spaces	Long -term Spaces
Multi-family residential (5 or more units)	1 per 10 units	1 per unit. Not required for units with garages.
Commercial (retail and service uses)	2 total, or 1 per 5,000 sq. ft. (whichever greater)	1 per 10,000 sq. ft.
Office and Institutional	2 or 1 per 10,000 sq. ft.	1 per 5,000 sq. ft.
Heavy Commercial and Industrial	1 per 20,000 sq. ft.	1 per 20,000 sq. ft. or 25 employees, whichever is more.
Public / Civic / Parks	4 minimum	2 minimum

3. Design. Bicycle parking shall comply with the design standards of the APBP Bicycle Parking Guidelines and/or California Green Building Standards Code (CalGreen).
4. Plans. Show bicycle parking location and quantity on project site plan or landscaping plan. Indicate rack type and dimensions. Include lighting and signage details, and e-bike charging accommodations if provided.

17.41.150 Parking exceptions.

Because of circumstances unique to a property, such as size, shape, topography, location of easements or existing improvements, or for preservation of desirable trees, the approving authority may authorize by zoning exception a ten (10) percent reduction in space or aisle width dimensions, and the number of on-site parking spaces required for commercial and industrial uses, and for multiple family residential uses with four or more units. Such exception is permissible when it is shown that the reduction will not result in a traffic hazard or negatively impact on the available parking of adjacent development. The approving authority must find that the proposed modification will meet the purposes of these parking regulations and will provide adequate parking or loading for the intended use(s).

In approving an exception, the approving authority may condition the permit on compliance with other applicable provisions of this chapter, in addition to other measures that are necessary to achieve the purposes of this chapter.

A. Parking exceptions in specified zone districts. To preserve the historical and/or architectural character of certain areas of the city, the following parking exceptions may apply in specified geographical areas. The approving authority may condition application of the exception to include participation in an established parking district, and/or payment of a parking in-lieu fee established by the city council.

1. VMU District. An off-street parking exception may be approved in the Village Mixed Use District for projects involving the conversion or reuse of existing structures, subject to compliance with applicable city design or development standards. Such projects shall use the baseline parking standards of Section 17.41.140 for determining required parking.

   Subject to issuance of a minor exception pursuant to Chapter 17.15, the approving authority may apply the most representative ITE land use code and those independent variables (e.g., site context, physical constraints, shared use, etc.) as determined appropriate by the director, to establish the required parking ratio. At a minimum, the exception shall authorize a parking ratio equal to, or greater than, the 50th percentile of the ITE rate.

17.41.160 Parking lot design and striping standards.

Parking lot design and striping standards are identified in Figures 17.41.150 A and B, below:

FIGURE 17.86.150 A
STANDARD VEHICLE PARKING

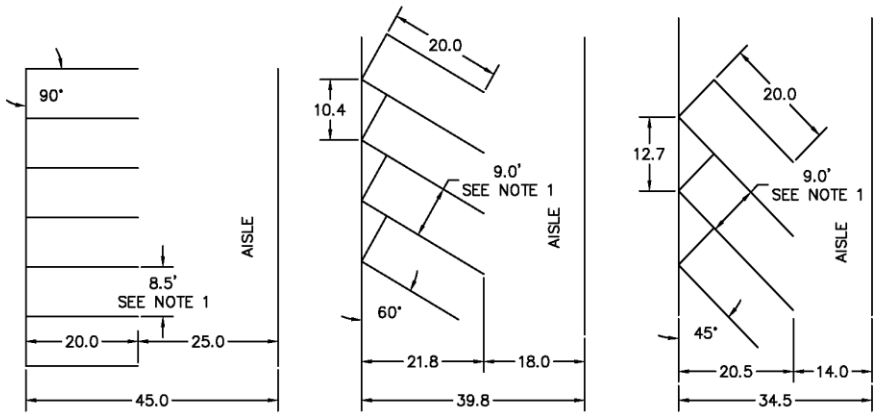


FIG. A
90° PARKING

FIG. B
60° PARKING

FIG. C
45° PARKING

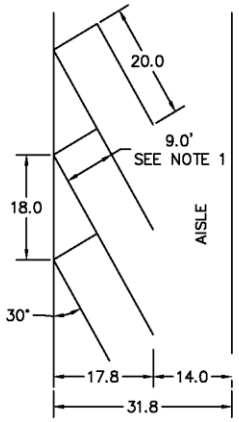


FIG. D
30° PARKING

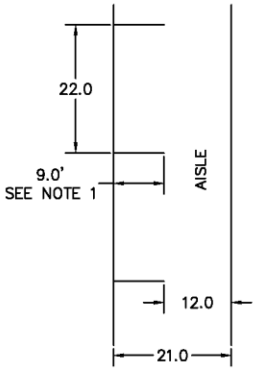


FIG. E
PARALLEL
PARKING

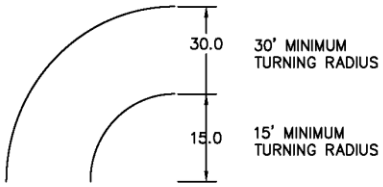


FIG. F
MINIMUM TURNING RADIUS

NOTE 1: Minimum 8.5-foot width except when located alongside a structure, pole, post, wall, or fence, in which case a minimum ten-foot width is required. A parking space may be reduced in length from twenty (20) feet to eighteen (18) feet if it abuts a six-foot wide landscaped area and is separated from the landscaped area by a six-inch curb or bumper stop; or if it abuts a nonpublic six-foot wide sidewalk and is separated from the sidewalk by a six-inch curb or bumper stop.

NOTE 2: Locations of required parking spaces, garage spaces, garages and carports, are also governed by yard and other regulations of this section.

NOTE 3: Any aisle that provides primary access to a building shall be a minimum of sixteen (16) feet wide.

FIGURE 17.86.150 B
COMPACT VEHICLE PARKING

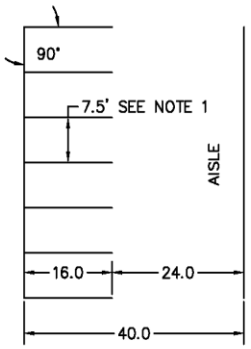


FIG. A
90° PARKING

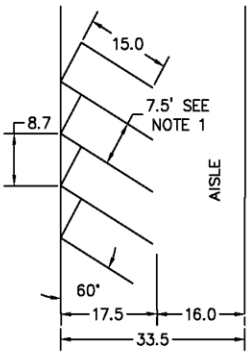


FIG. B
60° PARKING

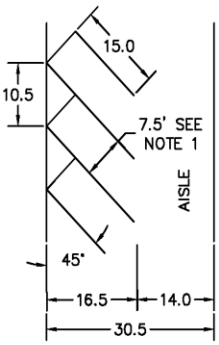


FIG. C
45° PARKING

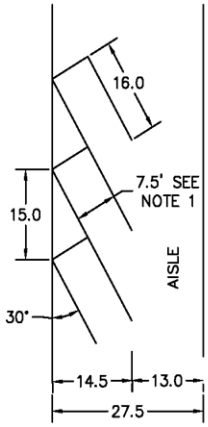


FIG. D
30° PARKING

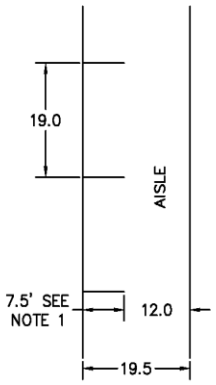


FIG. E
PARALLEL PARKING

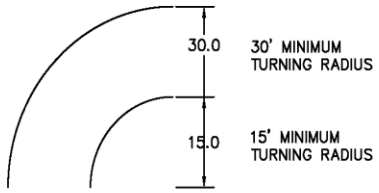


FIG. F
MINIMUM TURNING RADIUS

NOTE 1: Minimum 7.5-foot width is required except when located alongside a structure, pole, post, wall, or fence, in which case a 9.0-foot width is required.

NOTE 2: Locations or required parking spaces, garage spaces, garages, and carports are also governed by yard and other regulations of this section.

NOTE 3: Compact car spaces must be identified by signage or other designation and must be differentiated from standard car spaces.

NOTE 4: The arrangement of standard and compact spaces shall be approved by the development services director or his or her designee.

NOTE 5: Any aisle that provides primary access to a building shall be a minimum sixteen (16) feet wide.

Chapter 17.42 SIGNS

17.42.010 Purpose.

These content-neutral, time, place, and manner regulations to advance substantial governmental interests in traffic and pedestrian safety including visibility at intersections, protection of public property, and community aesthetics, while preserving ample alternative channels for expression. The specific purposes of these sign regulations are:

A. To encourage the effective use of signs as a means of communication, while avoiding unnecessary signs and sign clutter.
B. To maintain and enhance the aesthetic environment of the community and the ability to attract sources of economic development and desirable community growth.
C. To maintain and improve pedestrian and traffic safety.
D. To minimize the possible adverse effect of signs on nearby public and private property.
E. To enable the fair and consistent enforcement of sign regulations.
F. To establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance.
G. To prohibit signs not expressly allowed by the municipal code.
H. To enforce the provisions of this ordinance and reasonably regulate the size, type, and location of signs.
I. To require a permit when necessary to ensure the proper application of this ordinance.
J. To require plans and elevation(s) that illustrate and explain the requested signage and its proposed location.
K. To address aesthetic concerns and encourage advertising signs to complement the architectural features of the buildings and uses with which they are associated.
L. To protect public health, safety, and welfare by prohibiting signs that may contribute to blight where the overt sexual nature or message of a sign has a deleterious effect on surrounding properties.

17.42.020 Applicability and permitting process.

A sign may be erected, placed, established, painted, created, or maintained in the city when in conformance with the standards, procedures, and other requirements of this ordinance. This chapter does not authorize signs on public property or within public rights-of-way unless expressly permitted in the Municipal Code.

A. Permit required. No sign shall be erected, placed, displayed, enlarged, or altered within the city except as provided for by this chapter and title, and the building code.

B. Properties within the boundaries of a Specific Plan. Refer to the applicable specific plan for additional sign specifications and regulations, if any. When no such standard exists, this ordinance shall apply.

C. Zoning clearance. At a minimum, a zoning clearance shall be issued for any sign that is not exempt from this ordinance. The director, or designee, shall review and approve or disapprove zoning clearances for all signs, including those subject to the issuance of a building permit.

D. Permits (Signs). This section establishes the procedures for the application and approval of sign permits as required for certain signs described herein.

1. Authority of the director. The director, or designee, shall review and approve or disapprove applications for sign approvals. The director may refer approval of such applications to the planning commission when there is doubt as to the compliance of signage with the requirements of this title, or the findings necessary for approval.

2. Application. An application for the applicable sign permit, accompanied by the required fee, shall be filed with the director in the prescribed form and shall be accompanied by a site plan, sign elevations, sign copy, lighting plan (if appropriate), landscape plan (for pole and monument signs only), and any other information deemed necessary to evaluate the request.

3. Required findings. The director shall approve the application as it was applied for or in modified form if, on the basis of the application and review of the site and surrounding circumstances, the director finds:

    a. The sign will not be injurious or detrimental to the property or to public improvements in the neighborhood.

    b. The sign will not be injurious or detrimental to the general welfare of the city and its residents as established by the purposes of this ordinance.

    c. The proposed sign is not, and will not, following placement, be inconsistent with the goals and policies established by the General Plan.

E. Conditions of approval. In granting a sign permit or other approval, the director or designee may impose conditions or require modification of the request when necessary to: achieve consistency with this title and code; ensure compatibility with surrounding properties; reduce or eliminate signage that does not conform with this chapter; and preserve the public health, safety, and welfare.

F. Determination by director. Within 10 working days of receiving a complete application, the director shall make a determination to deny, approve, or conditionally approve the administrative sign permit, or to refer it to the planning commission for consideration.

G. Appeals. A discretionary sign approval or permit shall become effective at the end of the 10-day appeal period unless appealed to the planning commission. Appeals shall be processed in accordance with the provisions established in Chapter 17.11, Common Procedures.

H. Revocation. Revocation of a permit shall be in accordance with procedures established in Chapter 17.11, Common Procedures.

17.42.030 General sign standards.

In addition to the specific sign requirements in this chapter, the following general standards shall also apply where applicable given the type or location of a sign:

A. Sign area measurement. Sign area shall include the sum of the area enclosed within a geometric form or forms drawn around all writing, representations, emblems or designs on all surfaces which contain or are designed to contain advertising.

B. Color and lighting.

1. No blinking, flashing, rotating or animated signs, or signs that change color or intensity or emit odors, fluids, noise, smoke, etc., shall be permitted on the exterior of any building, except to display time, date or weather information.

2. Lights used to illuminate signs or advertising structures shall be installed so as to concentrate the illumination on the sign or advertising structure and minimize glare or direct illumination upon a public street or adjacent property.

3. No red, green or amber lights or illuminated signs may be placed in such positions that they could reasonably be expected to interfere with or be confused with an official traffic control device or traffic signal or official directional guide signs.

C. Monument (ground) signs.

1. Design. Monument signs shall be constructed with a solid decorative base that is flush with the ground. The amount of opaque area framing the sign copy shall not exceed 100 percent (100%) of the area of the sign copy. An alternative design, excluding exceptions to the allowed sign height or size, may be approved by the director by an administrative sign permit.

2. Setbacks. Signs shall be set back a minimum of five feet (5') from the property line, and in no case shall a sign placement violate the clear vision requirements of the municipal code for street corners or driveways.

3. Landscape. Monument signs require an automatic irrigated landscape at the base equivalent to a minimum size of one-half the total sign area of the freestanding sign. Alternatives to this standard may be approved with issuance of an administrative permit as set forth in Chapter 17.14 of this title.

D. Pole signs.

1. Freestanding pole signs shall be erected within an automatic irrigated landscape area equivalent to a minimum size of the total sign area of the sign. Alternatives to this standard may be approved with issuance of an administrative permit as set forth in Chapter 17.14 of this title.

2. Setbacks. Signs shall be set back a minimum of five feet (5') from the property line, and in no case shall a sign placement violate the unobstructed vision requirements of the municipal code for street corners or driveways. Alternatives to this standard may be approved with issuance of an administrative permit as set forth in Chapter 17.14 of this title.

E. Placement on a building.

1. Roof signs shall not be permitted in any zone. Mansard signs shall not project above the top line of the mansard or parapet.

2. Roof, mansard, and building signs shall not project above roof peak or parapet wall lines or hide major building architectural features.

2. All building signs projecting more than twelve (12) inches from a building face, wall or canopy upon which it is displayed shall have at least eight feet of clearance between the sign and the ground.

F. General locational requirements for all signs.

1. There shall be no lighted, freestanding sign permitted within fifty (50) feet of a residential district.

2. Except as is otherwise permitted herein, no sign shall be permitted in or over a public right-of-way or any driveway or walkway, except signs constructed on the face of a building that is located on the property and is parallel to such a right-of-way. The sign may project over such right-of-way a maximum of twelve (12) inches. Any such sign shall have a minimum vertical clearance of eight feet above such right-of-way, driveway or walkway. Such signs shall be set back a minimum of five (5) feet from the property line, and in no case shall such signs violate the setback or clear vision provisions for street corners or driveways established by this code.

G. Exceptions. Exceptions may be made to the size, height, location and number of signs as specified in any district, or in this chapter, subject to approval of a use permit. The burden to justify such an exception shall be on the applicant. Justifications shall identify or demonstrate the practical difficulties or hardships that would otherwise be caused by compliance with this code. The exception request shall demonstrate that it is the most suitable and effective in relation to the location or terrain of the site or from the standpoint of the intended viewer. Exceptions granted by the planning commission for a deviation from the sign standards herein are limited to the minimum necessary deviation to satisfy the purposes of this ordinance.

17.42.040 Standards for certain types of signs.

A. Electronic readerboard signs. The purpose of the electronic readerboard sign is to provide information on events, convey essential messages including emergency information, and communicate other noncommercial information to the public.

1. Definitions. For purposes of this section, the following words and phrases shall have the following meanings:

   a. City shall mean the city of Shasta Lake.
   b. Electronic readerboard shall mean a sign structure which can be electronically changed without altering the face or the surface of the sign and intended to accommodate changeable short-term messages.
   c. Non-profit organization shall mean a corporation organized to provide religious, charitable, literary, educational, scientific, social, or other forms of public service that are exempt from federal income taxation under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code.
   d. Sign shall mean the electronic readerboard sign.

2. Permit requirements. An electronic readerboard shall only be allowed pursuant to this section if an administrative permit is issued by the development services director or his/her designee in accordance with Chapter 17.14. The administrative permit shall include the terms and conditions under which the permit is issued.

3. Allowable Locations. Notwithstanding the sign regulations specified for an individual zone district, one readerboard sign may be located within the commercial or mixed-use zone districts on property abutting State Route 151 between the Union Pacific Railroad trestle and Cascade Boulevard.

4. Use Limitations. The sign shall be used only to publicize the following activities. The sign shall not be used to advertise any commercial business or for-profit event, endorse any specific candidate for political office, or support or oppose any ballot measure or proposition.

   a. City events and activities sponsored by non-profit organizations or local service clubs.

b. Candidates' night forums and general public announcements regarding voting dates and locations.
c. School events such as football games, graduations and reunions.
d. Major community events that are co-sponsored (officially recognized, approved and/or subsidized) by the city or that require downtown street closures, or are held in city parks or facilities.
e. Messages regarding youth sports league sign-ups occurring within the city.
f. Messages regarding free meetings and events of general public interest sponsored by public agencies or legislators serving the city.
g. Messages and alerts related to the city's emergency response system.
h. Other messages found to be similar in nature as determined by the director, or other approving authority.

5. Development Standards.

a. Maximum height shall be no more than fifteen (15) feet above grade.
b. Maximum size of the entire sign face shall be no more than forty-eight (48) square feet per side.
c. The sign may have no more than two faces.
d. The sign shall be located in a landscaped area not less than twice the total area of the sign face.
e. The sign shall not imitate or resemble any official traffic sign, signal or device.
f. The sign shall be placed in a manner that will not adversely interfere with the visibility or functioning of traffic signs, signals or devices, or interfere with official signs, taking into consideration physical elements of the sign in relation to the surrounding area, such as physical obstruction, line of sight, brightness and visual obstruction or impairment issues.
g. The sign shall be placed no closer than three hundred fifty (350) feet from a crosswalk across State Route 151.
h. The sign shall display only static text in each of its display messages. No sign shall display animated text, graphics or video, including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement.
i. Each message shall be displayed for a minimum of four seconds unless a greater amount of time is set forth as recommended by the development services director in consultation with the California Department of Transportation (Caltrans).
j. The transition or blank screen time between one display message and the next shall not exceed one second.
k. Transition from one message to another shall appear instantaneous as perceived by the human eye.
l. To the extent feasible, each message shall be complete in itself and shall not continue on a subsequent sign message.
m. Font size shall be determined by the development services director based on sight distance and the speed limit of the adjacent right-of-way.
n. The sign shall be designed and placed to prevent light and glare from being visible to adjacent residential properties.
o. The sign shall not emit light that could obstruct or impair the vision of any driver.
p. The sign shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light.

q. The sign shall be turned off between 10:00 p.m. and 6:00 a.m. unless an exception is granted by the development services director or his/her designee for extraordinary circumstances, such as, but not limited to, providing emergency notifications or announcing early morning or late evening events.
r. The sign shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
s. The sign shall comply with all state requirements governing such uses, including but not limited to the California Vehicle Code.
t. More restrictive requirements or additional conditions of approval shall be included in the administrative permit as determined necessary by the development services director based on specific site conditions and consultation with applicable city departments and outside agencies.
u. The development services director may make minor exceptions to the development standards included in this section if it is determined that the revised standard meets the intent and purposes of this section.
v. Maintenance requirements. The administrative permit shall include the terms and required conditions for the ongoing operation and maintenance of the electronic readerboard.

B. Gasoline price signs. Gasoline price signs are allowed if made integral with the design of the freestanding or building sign, when the size and location comply with the minimum requirements of the California Business and Professions Code (BPC) §§13470–13540 and California Code of Regulations (CCR) Title 4, Division 9, Chapter 7. Gasoline price signs wishing to exceed the minimum required size and proportion requirements of state law, or the overall sign size, location or height standards of this title, require approval of a use permit by the planning commission.

C. Real estate signs. Property for sale or lease signs are permitted in all districts without a permit or zoning clearance, provided that there are not more than two signs per lot separated by a minimum of 100 feet, and each sign does not exceed six square feet in size or six (6) feet in height in a residential district, or thirty-two (32) square feet in area in a commercial or industrial area.

D. Menu boards. The height and orientation of menu boards shall be designed to ensure they are not located with the purpose of creating visibility to a public street. No more than two (2) detached menu boards shall be permitted per drive-through lane.

E. Flags. Any flag of the United States exceeding sixty (60) square feet in size, and thirty feet (30') in height, as measured from grade to the top of the flag, shall require an administrative sign permit. No flags or banners with advertising copy shall be displayed on the same flagpole that displays a flag of the United States. Flags of the United States flown in conjunction with a commercial or industrial use shall be displayed in accordance with the protocol established by the Congress of the United States as set for the Stars and Stripes (Public Law 94-344 and 90-831), which includes the provision for night lighting. Any flag not meeting these standards noted above shall be considered a banner and shall be subject to regulation as such.

F. Accessory commercial signs. Accessory signs indicating prices, products, or services offered or signs with changeable copy (i.e., gas price) shall be incorporated into the design of approved wall or detached monument or pole signs. Each lot is allowed two (2) detached accessory signs, separated by a minimum of 100 feet, and no more than six (6) square feet in size each. On-site directional and information signs that are no more than six (6) square feet in size and less than 42 inches in height are exempt.

G. Balloons and dirigibles. Balloons, dirigibles, or other inflatable devices are considered temporary signs and shall require an SDP-D permit when the straight-line distance across the inflated object exceeds three (3) feet at any point, or the number of inflated objects exceeds five (5), or the height of the aerial display exceeds twenty (20) feet, whichever is most restrictive. The display shall be limited to no more than fourteen (14) calendar days per year.

H. Subdivision and planned development permanent project identifier signs. The following standards apply:

1. Applicability. Project identifier signs are permissible for residential development(s).
2. Design. On-site project-identifier signs shall be monument-type signs incorporated into the entry gates or the project wall. Where this is not feasible, a freestanding monument sign may be considered.
3. Sign height. Shall not exceed six (6) feet from finished grade.
4. Site location and number. One identifier sign may be located at each project entry from an arterial or collector street.
5. Size. Shall not exceed twelve (12) square feet in size per sign.
6. Permit required. The director shall have the authority to approve identifier signs with an administrative sign permit if such a sign is not approved with the tentative map, planned development, or use permit approval.
7. Lighting. Project identifier signs may only be externally illuminated and shall comply with all applicable lighting standards and requirements of this title.

I. Temporary public promotion signs

1. Number of signs. For each nonprofit public organization, a maximum of four (4) temporary off-site promotion signs may be displayed on private property with the approval of the property owner. Placement in the public right-of-way is prohibited, and such signs may be summarily removed at the discretion of the director.
2. Time limit. Signs for an event may be displayed for a maximum of thirty (30) calendar days per year.
3. City-sponsored events. The standards of this subsection may be waived for events or activities jointly sponsored or approved by the city council.

J. Temporary commercial signs - banners, pennants, and similar.

1. Up to four (4) temporary signs may be placed on private property for special commercial or other events with approval of a zoning clearance. Temporary signs shall not extend above the roof, parapet, fascia, or roof gutter and shall not be attached to the roof. Banners exceeding twenty-four (24) square feet in size shall require an administrative sign permit, and no sign shall exceed fifty (50) square feet. Such signs shall not be displayed for more than fourteen (14) consecutive days up to two times per year. Banners and other building signs shall be placed flat against the facade of the building and shall not project above the roofline of the building. No sign shall be affixed to public light poles, fences, trees, or similar objects.

K. Wall murals and super-graphic signs. Wall murals and super graphic wall signs containing non-commercial speech are permitted in all districts, subject to the lighting and locational standards outlined in this ordinance. Such signs require approval of an administrative sign permit.

L. Offsite outdoor advertising signs (billboards). Such signs and structures require issuance of a use permit and shall be separated by a minimum of one thousand (1,000) feet when on the same side of a public road, and at least five hundred (500) feet apart when on opposite sides of a public road. All such signs are only permitted on private property that immediately abuts the right-of-way of Interstate 5 within 300 feet of the right-of-way.

M. Joint use pole/monument signs. Two or more contiguous parcels, not located within a shopping center or planned development, may share a common pole or monument sign, provided that an administrative sign permit is obtained. The sign may exceed the allowable size indicated for the district by up to fifteen percent. In such instances, the off-site parcel(s) shall not be permitted a freestanding sign.

N. Under-canopy signs. An under-canopy sign may be permitted for each business, provided it shall not exceed five feet in length or one foot in height. Under-canopy signs shall be located perpendicular to the face of the building under the canopy, and there shall be an eight-foot clearance between the bottom of the sign and the sidewalk or other pedestrian way.

17.42.050 Zoning Districts - Sign Standards

The following standards govern the size and other specifications related to the placement of signage in the city. The standards specified in Section 17.42.030 and 17.42.040 shall apply as applicable. The most restrictive of the building sites' frontage on a public street shall determine the maximum sign area. Where a conflict exists between a zoning district standard and those standards referenced above, the more restrictive standard shall govern. Signs that obstruct traffic visibility or pose a safety hazard are prohibited in all cases.

A. Residential Districts (RR and SR). Standards for non-commercial signs in all residential districts are as reflected in Schedule 17.42.050-A. Commercial signage is prohibited.

Schedule 17.42.050-A

Manner/Place/Time and Sign Type	Standard(s)
Freestanding signs	One sign, no more than 6 square feet in size, with a maximum height of 6 feet. One additional sign is allowable for a corner property when located on the second street frontage and the signs are separated by a minimum of 100 feet.
Window signs.	20% of the window area facing a public right of way.
Materials	Wood, metal, paper, glass, cardboard, cloth, plastic, fabric.
Illumination	Indirectly lit.
Placement	Located on private property. Shall not be placed in the public right-of-way or within a public easement. Signs shall be set back a minimum of 5 feet from the public right-of-way and from any driveway access to a public right-of-way. Signs that obstruct traffic visibility or pose a safety hazard are prohibited.
Maintenance	Signage shall be kept in good repair.
Permitting	Exempt.

B. Urban Residential Districts (UR-1, UR-2, UR-3). Standards for signs located in common or communal areas as reflected in Schedule 17.42.050-B.

Schedule 17.42.050-B

Manner/Place/Time and Sign Type	Standard(s)
Freestanding signs	One monument sign per street frontage with a maximum height of six feet. Signs shall be separated by a minimum of 100 feet. Signs are limited to two faces and shall not exceed twenty-five (25) square feet in size per face.
Temporary signs.	One sign per street frontage, no more than 20 square feet in size and six feet in height. Such signs may be displayed for a maximum of 30 days per year.
Window signs.	20% of the window area facing a public right of way.
Building-mounted signs.	One sign, no more than 15 square feet in size.
Materials	Wood, metal, paper, glass, cardboard, cloth, plastic, or fabric, or approved alternative.
Illumination	Indirectly lit. Internally illuminated signs with approval of a use permit.
Placement	Located on private property with established primary use (placement on a vacant property is prohibited); not placed in the public right-of-way or public easement. Signs shall be set back a minimum of 5 feet from the public right-of-way and property access points. Signs that obstruct traffic visibility or pose a safety hazard are prohibited.
Maintenance	Signage shall be kept in good repair.
Permitting	1. Individual residence - exempt, subject to compliance with the standards in Schedule 17.42.050-A. 2. Common areas – zoning clearance and/or building permit.

C. Commercial districts (GC, VC, HC). Standards and other requirements for signs are as reflected in Schedule 17.42.050-C.

Schedule 17.42.050-C

Manner/Place/Time and Sign Type	Standard(s)
Freestanding signs – poles	1. If there is a minimum of one hundred (100) lineal feet of street frontage, one freestanding sign per building site that abuts a public street, not to exceed one hundred (100) square feet in size and thirty (30) feet in height, is permitted. For a double-faced sign, each face shall not exceed fifty (50) square feet. 2. If there is a minimum of three hundred (300) lineal feet of street frontage, one freestanding sign per building site that abuts a public street, not to exceed two hundred (200) square feet in size and thirty (30) feet in height, is permitted. For a double-faced sign, each face shall not exceed one hundred (100) square feet.
Freestanding signs – monument.	3. If there is less than one hundred (100) linear feet of street frontage, one ground sign not to exceed fifty (50) square feet in size (twenty-five (25) square feet per face if double-faced) and forty-two (42) inches in

Manner/Place/Time and Sign Type	Standard(s)
	height is permitted. The sign height may be six feet if located thirty-five (35) feet or more from the center of a driveway, the adjacent right-of-way line, or a curb return at a street intersection. 4. A monument sign may substitute for an allowable pole sign. The allowable pole sign area shall be reduced by twenty-five percent (25%).
Building-mounted signs.	5. Signs shall not exceed a combined size of one square foot in area for each lineal foot of building frontage.
Window signs.	20% of the window area facing a public right-of-way.
Temporary signs.	Two signs per street frontage, no more than 30 square feet in size total. Such signs may be displayed for a maximum of 30 days per year.
Materials	Wood, stone, metal, plastic, or approved alternative.
Illumination	Internally or externally illuminated signs, subject to compliance with Section 17.42.030.
Placement	Located on private property with established primary use (placement of commercial signage on a vacant property is prohibited) and not placed in the public right-of-way or public easement. Signs shall be set back a minimum of 12 feet from the public right-of-way and driveway access points. Signs that obstruct traffic visibility or pose a safety hazard are prohibited.
Maintenance	Signage shall be kept in good repair.
Permitting	Zoning clearance and/or building permit, except where otherwise noted.

D. Industrial districts (LI and I). Standards and requirements for signs are as reflected in Schedule 17.42.050-D.

Schedule 17.42.050-D

Manner/Place/Time and Sign Type	Standard(s)
Freestanding signs – poles	If there is a minimum of one hundred (100) lineal feet of street frontage, one freestanding sign per building site that abuts a public street, not to exceed two hundred (200) square feet in size and thirty (30) feet in height, is permitted. For a double-faced sign, each face shall not exceed one hundred (100) square feet.
Freestanding signs – monument.	1. If there is less than one hundred (100) linear feet of street frontage, one ground sign not to exceed fifty (50) square feet in size (twenty-five (25) square feet per face if double-faced) and forty-two (42) inches in height shall be permitted. The sign may be six feet in height if located thirty-five (35) feet or more from the center of a driveway, the adjacent right-of-way, and a curb return at a street intersection.

Manner/Place/Time and Sign Type	Standard(s)
Building-mounted signs.	Building signs shall not exceed a combined size of one square foot in area for each lineal foot of building frontage facing a street or public right-of-way.
Window signs.	20% of the window area facing a public right-of-way.
Temporary signs.	Two signs per street frontage, no more than 30 square feet in size total. Temporary signs may be displayed for a maximum of 30 days per year.
Materials	Wood, stone, metal, plastic, glass, or approved alternative.
Illumination	Internally or externally illuminated, subject to compliance with this chapter.
Placement	Located on private property with established primary use (placement on a vacant property is prohibited) and not placed in the public right-of-way or public easement. Signs shall be set back a minimum of twelve (12) feet from the public right-of-way and driveways access points. Signs that obstruct traffic visibility or pose a safety hazard are prohibited.
Maintenance	Signage shall be kept in good repair.
Permitting	Zoning clearance and/or building permit, except where otherwise noted.

E. Mixed Use District (MU). Standards and requirements for signs are as reflected in Schedule 17.42.050-E.

Schedule 17.42.050-E

Manner/Place/Time and Sign Type	Standard(s)
Freestanding signs – poles	If there is one hundred (100) lineal feet or more of street frontage, one freestanding sign per building site, not to exceed one hundred (100) square feet in size and twenty-five (25) feet in height, is permitted. For a double-faced sign, each face shall not exceed fifty (50) square feet.
Freestanding signs – monument.	1. If there is less than one hundred (100) linear feet of street frontage, one ground sign not to exceed fifty (50) square feet in size (twenty-five (25) square feet per face if double-faced) and forty-two (42) inches in height shall be permitted, except the sign height may be six feet in height if located thirty-five (35) feet from the center of a driveway, an adjacent right-of-way, or a curb return at a street intersection. 2. A monument sign may substitute for an allowable pole sign, subject to compliance with the standards of Section 17.42.030.E. The allowable pole sign area shall be reduced by twenty-five percent (25%).
Building-mounted signs.	Building signs shall not exceed a combined total size of one square foot in area for each lineal foot of building frontage.
Window signs.	20% of the window area facing a public right-of-way.
Temporary signs.	Two signs per street frontage, with a total size of no more than 30 square feet. Temporary signs may be displayed for a maximum of 30 days per year.

Manner/Place/Time and Sign Type	Standard(s)
Materials	Wood, stone, metal, plastic, glass, or approved alternative.
Illumination	Internally or externally illuminated signs, subject to compliance with Section 17.42.030.
Placement	Located on private property with an established use (placement on a vacant property is prohibited) and not placed in the public right-of-way or public easement. Signs shall be set back a minimum of 12 feet from the public right-of-way and driveway access points. Signs that obstruct traffic visibility or pose a safety hazard are prohibited.
Maintenance	Signage shall be kept in good repair.
Permitting	Zoning clearance and/or building permit, except where otherwise noted.

F. Village Mixed Use District (MU). Standards and requirements for signs are as reflected in Schedule 17.42.050-F.

Schedule 17.42.050-F

Manner/Place/Time and Sign Type	Standard(s)
Freestanding signs – poles	(TBD)
Freestanding signs – monument.	(TBD)
Building-mounted signs.	Building signs shall not exceed a combined total size of ___square foot in area for each lineal foot of building frontage. For a double-faced sign, each face shall not exceed fifty percent of the allowable sign area.
Window signs.	A maximum of 20% of the window area facing a public right-of-way.
Temporary signs.	(TBD)_____ signs per street frontage, with a total size of no more than (TBD) ____ square feet. Temporary signs may be displayed for a maximum of 30 days per year.
Materials	Wood, stone, metal, glass, plastic or approved alternative.
Illumination	Internally or externally illuminated signs, subject to compliance with Section 17.42.030.
Placement	Located on private property with an established primary use (placement on a vacant property is prohibited); Shall not be placed in the public right-of-way or a public easement. Signs shall be set back a minimum of (TBD)____ feet from the public right-of-way and property access points. Signs that obstruct traffic visibility or pose a safety hazard are prohibited.
Maintenance	Signage shall be kept in good repair.
Permitting	Zoning clearance and/or building permit, except where otherwise noted.

17.42.060 Comprehensive Sign Plan – required.

A. A comprehensive sign plan shall be submitted for all proposed commercial centers with 3 or more tenant lease areas, delineating the distribution of sign area for project. Sign plans shall complement the architectural features of the buildings or center.

B. Where a nonresidential parcel does not have public street frontage and an off-site sign is not permitted by this chapter, the property owner may, with participation of abutting property(s) with street frontage, submit a comprehensive sign plan for the combined building site and parcels. The comprehensive sign plan shall include proposed signage for the non-frontage parcel. The total sign area allowed shall be based on the applicable zoning district schedule for all the parcels included in the comprehensive sign plan. To accommodate the needs of all parcels, the director is authorized to allow up to a 20 percent increase in freestanding sign area with approval of an administrative sign permit.

C. All comprehensive sign plans shall require an administrative sign permit unless the comprehensive sign plan is submitted as part of a discretionary development entitlement for the project. Plans shall contain all sign information determined by the director to be necessary to understand what is being proposed within the sign program.

17.42.070 Nonconforming signs.

All legally constructed signs and sign structures in existence prior to the adoption of this chapter, which were in compliance with all applicable provisions in effect at the time they were established by the city, but which no longer comply with the regulations herein, are considered nonconforming signs. Nonconforming signs shall be permitted to remain in existence, provided that such signs cannot be modified to increase any nonconforming aspect of the sign, including, but not limited to, sign area, height, and location. Modifications to support and frame components of the sign shall not be permitted, except when necessary to protect the public or make the sign conform to standards. Any other modifications to the sign and/or sign structure, except for changing sign copy within the existing frame or support, shall require approval of an administrative sign permit.

17.42.080 Unpermitted Signs and issuance of permits.

The director is authorized to withhold issuance of a building permit for any new on-premises sign if there is an illegal on-premises sign related to the business or property. This prohibition only applies if both conditions below exist:

A. The illegal sign and proposed new sign are located within the same commercial complex or on the same property for which the permit or license is sought.

B. The illegal sign is owned or controlled by the permit applicant, and the permit applicant would own or control the proposed sign.

17.42.090 Prohibited signs.

The following specific types of signs are prohibited, unless otherwise permitted as required by this chapter and title.

A. Abandoned signs. A sign, including its support structure, which does not identify the current activity on the premises for greater than 90 consecutive days shall be considered an abandoned sign. A temporary change in ownership or management, or during marketing for sale of the business or property shall not

be considered an abandoned sign unless the premises remains vacant for a period of at least one (1) year.

C. Conflict with traffic Information. It is unlawful to erect, construct, or maintain any outdoor advertising structure or sign for the purpose of advertising the goods, wares, merchandise, or business of any person when the sign displays or makes use of the words "stop," "danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic on an adjacent public street.

D. Electronic message signs. Electronic message board signs are prohibited, except for signs authorized pursuant to Section 17.42.040.A, and those erected by a local, state, or federal government entity.

F. Immoral or unlawful advertising prohibited. It is unlawful to exhibit, post, or display upon any outdoor advertising structure or sign, upon or in any window, upon any building in public view, any sign, picture, or illustration that is characterized by emphasis on depicting or describing sexual activities or specified anatomical areas as defined by this code.

G. Moving, flashing, and windblown signs. Signs within this classification include, but are not limited to, moving, rotating, flashing, and windblown signs. Flashing signs shall include signs with rapid and repetitive changes of color intensity and includes strings of light bulbs. Windblown signs include handbills and posters.

H. Non-appurtenant and off-site signs. Non-appurtenant and off-site signs are prohibited except as allowed by this chapter.

I. Portable signs. Except as otherwise authorized by this code, any signs that are capable of movement, such as, but not limited to, A-frame signs and signs that are attached to devices capable of movement are prohibited without approval of a sign permit.

J. Signs mounted on vehicles. No person shall park any vehicle, equipment (cranes or boom trucks), or trailer on a public right-of-way, on public property, or on private property without permit so as to be visible from a public right-of-way that has attached thereon any sign or advertising device for the purpose of providing advertisement of products and services or directing people to a business or activity, located on the property. This section does not apply to standard advertising or identification practices where such signs or advertising are painted on or permanently attached to a moving or parked vehicle.

17.42.100 Unsafe and unpermitted signs – notice, abatement, and removal.

If the director, or designee, finds that any sign regulated by this chapter is unsafe or insecure or is a menace to the public, he shall give written notice to the sign owner and to the property owner. If the sign owner fails to remove or alter the sign so as to comply with the standards set forth in this chapter within 30 days after such notice, the director may cause the sign to be removed or altered to comply at the expense of the sign owner or owner of the property upon which it is located. The building official or city engineer may cause any sign that is an immediate danger to people or property to be removed summarily and without notice, as set forth in the municipal code. No sign regulated by this chapter and code shall be erected at any location where, because of its position, it will obstruct the view of any authorized traffic sign, signal, or device.

The **d**irector or other authorized city employee may order the immediate removal of any unauthorized or unpermitted sign placed in the public right-of-way or on public property after documenting the sign location and attempting to contact the sign owner to request the owner to remove the sign. Signs that are placed on a public structure or street tree may be immediately removed. Signs placed on such structures or street trees without necessary approval may immediately be disposed of without notification or compensation to the owner. The

placement of such signs is a violation of the municipal code, and such violations shall be subject to the penalties of this title or code.

Chapter 17.43 – STANDARDS FOR SPECIFIC LAND USES

17.43.010 Purpose and applicability.

There are certain activities and uses of property that, because of their nature, must necessarily be reviewed or addressed on a case-by-case basis. The uses and activities identified in this chapter may be located in most or all districts, subject to the specified limitations and requirements of this chapter and title.

Specified uses set forth herein must comply with the standards of this chapter and title in order to obtain approval. Uses that are permitted with limitations or permitted upon approval of a discretionary permit in a zoning district must comply with the regulations and standards of this chapter. Where a conflict exists between the standards and requirements of this chapter and those of the applicable zoning district, the most restrictive standard or requirement shall govern.

17.43.020 Accessory uses and structures. (MODIFIED/REORGANIZED)

An accessory use, structure or building shall be allowed only in conjunction with a principal use or building to which it relates when located on the same parcel, lot, or building site area, and under the same regulations as an allowable principal use in a zoning district. Accessory structures, buildings, and uses shall be constructed of similar and compatible architecture and materials as the main structures. Accessory uses are subject to the following standards and limitations.

A. Residential accessory uses. Certain land uses, because of their characteristics or purpose, are permitted in residential areas, provided they meet applicable standards. The uses described in this section may be permitted in conjunction with residential uses, subject to the criteria and limitations herein. Accessory dwelling units (ADUs) and buildings intended for human habitation are also subject to the requirements of Section 17.43.030.

   1. An attached or detached two-car garage or carport not exceeding five hundred fifty (550) square feet of floor area is allowable. In addition, one thousand (1,000) square feet of floor area in the same or separate accessory building(s) is permitted with approval of an administrative permit by the director. Any detached building under one hundred twenty (120) square feet of roof area is not considered a part of the total. Additional floor area that exceeds these standards may be permitted with approval of a use permit.

      a. Property that meets the allowable use and permit criteria established for agricultural uses by this title, on a lot or building site larger than one acre, shall be exempt from the residential accessory building size criteria described in subsection A.1 of this section. Buildings exceeding these standards and designed and intended for agricultural use are subject to approval of an administrative permit.

   2. Non-residential accessory uses. Non-residential accessory uses and structures located in commercial, industrial, mixed-use, and public facilities districts are subject to the permitting, location, and development standards of the primary use, including, but not limited to, floor area ratio, design guidelines, and parking requirements.

17.43.030 Accessory dwelling units. (MODIFIED/REORGANIZED)

A. Purpose and application. The purpose of this section is to comply with the state law and the city's general plan direction pertaining to the development of accessory dwelling units as a means to increase

the supply of housing. This section also establishes standards for the development of accessory dwellings to ensure that they remain compatible with the purposes of state law and the general plan.

Any application that meets the requirements of this section for an accessory dwelling unit shall be approved as a ministerial act, without a public hearing, if the project is exempt from the California Environmental Quality Act (CEQA) and complies with the requirements for development. The city will ministerially review applications for accessory dwelling units in conformance with this code and Section 65852.2 of the Government Code. Prior to the city accepting an application for an accessory dwelling, all plans, required application materials, and fees necessary for such a review shall be submitted, reviewed, and accepted as complete, as set forth below.

1. Initial project screening. The materials to be submitted shall include a site plan, roof plan, floor plan, and elevations that have been confirmed by the city to comply with the applicable objective design standards as established or referenced by the municipal code. The pre-building permit application screening review shall be completed through the ministerial review procedure established in Section 17.13.030.B. When plans do not comply with the established objective standards for the project, they shall be returned to the applicant, accompanied by written comments listing the items that are defective or deficient, and a description of how the application may be remedied.

2. Selection of alternative permit process. At any time, an applicant may voluntarily apply for non-ministerial project review via the administrative permit process. In so doing, the applicant is acknowledging that the ministerial review processes established in this code and state law are being waived.

Failure to provide required materials in a proper and accurate manner shall result in the application being returned as incomplete. A failure by the applicant to respond in a reasonable and timely manner before the lapse of the 60-day review period by submitting corrected plans in compliance with this code, or by requesting a time extension, shall be grounds for denial of the project.

B. Definitions.

1. Accessory Dwelling Unit (ADU). An ADU is a residential dwelling unit, attached or detached, located on the same lot as a proposed or existing primary residence. It provides complete independent living facilities for one or more persons, including: Permanent provisions for living, sleeping, eating, cooking, and sanitation. May include an efficiency unit or a manufactured home. Can be created by new construction, addition, or conversion of existing space.

2. Junior Accessory Dwelling Unit (JADU). A JADU is a smaller accessory residential unit that is no more than 500 square feet in size and is contained entirely within an existing or proposed single-family residence. It must have a cooking facility (sink and appliances) and may share a bathroom with the main home. It also requires a separate entrance to the outside and may have an interior connection to the main dwelling.

C. Location. Subject to compliance with the requirements of this title and code, an accessory dwelling unit shall be considered a permitted use of property in any zoning district that allows single-family and/or multiple-family residences.

D. Development standards. Accessory dwelling units (ADUs) shall be approved when the application complies with the following development standards, as applicable:

1. Number of units. Accessory dwelling units shall be allowed as follows:

a. Single-family residential development. Following pre-application screening, the city shall review and, if appropriate, approve, through an application for a building permit, accessory dwelling unit(s) within any zoning district that allows residential development or where there is an existing non-conforming single-family residence. Such units shall comply with the applicable standards of this title and the requirements of state law.

b. Accessory dwelling units located within a Very High Fire Hazard Severity Zone (VHFHSZ) shall be subject to objective building and safety standards, including but not limited to requirements for fire-resistant construction, defensible space, and access. The city shall not deny a ministerial application for an accessory dwelling unit in the VHFHSZ solely based on its location within the zone, unless the city makes specific written findings, based on substantial evidence that the ADU would have a specific, adverse impact on public health and safety or the physical environment that cannot be mitigated through the imposition of objective standards.

c. Multiple-family residential development. In any zoning district that allows multifamily dwellings, there shall be an existing or proposed primary multifamily residential dwelling unit complex with two or more attached units in order to allow an accessory dwelling unit to be constructed in compliance with state-mandated multifamily ADU standards. The City shall ministerially approve through an application for a building permit ADUs/JADUs within an existing or proposed multifamily complex, as follows:

i. No more than two external fully detached ADUs within an existing or proposed multifamily complex with two or more attached units on a lot zoned for either multiple-family residential uses or mixed uses.

ii. In addition, at least one more internal attached ADU is allowed to be created from existing or proposed non-habitable space within the existing or proposed multifamily dwelling unit or mixed-use residential building, including their attached garages.

iii. In addition to the three allowed ADUs within a multifamily dwelling complex or mixed-use complex, additional internal ADUs are allowed to be created from existing or proposed non-habitable residential space, provided the total number of such internal ADUs does not exceed twenty-five percent (25%) of the number of the existing or proposed primary multifamily dwelling units permitted on the property. Any percentage resulting in a partial unit shall be rounded down to the next full unit.

2. Location. An accessory dwelling unit shall have the following minimum setbacks:

a. Side Yard. Minimum of four (4) feet.

b. Rear Yard. Minimum of four (4) feet.

c. Front Yard. Minimum of twenty (20) feet, unless otherwise authorized by this title. As allowed by state law and this title, a proposed accessory dwelling or a portion of an accessory dwelling that is no more than eight hundred (800) square feet in area may project into the front yard a maximum of five (5) feet.

d. Eave to Eave. Minimum 4-foot setback between eaves of any new construction on a lot.

e. Existing Structures. No additional setback shall be required for an accessory dwelling, which involves conversion of either an existing living area or an existing accessory structure, or for construction that replaces an existing building in the same location with the same dimensions as it was prior to demolition. An addition of up to 150 square feet is permissible for required ingress and egress.

f. An accessory dwelling may be attached or detached from the existing primary dwelling unit. If detached, it shall be separated from the primary dwelling unit by a minimum of six feet unless it involves the conversion of an existing structure.

g. Property line setbacks shall not apply to the conversion of existing, detached, legally constructed accessory buildings. If attached, the ADU must meet all building setbacks required for the primary dwelling, except when the conversion involves existing floor area.

h. Where a property is located within the mapped Very High Fire Hazard Severity Zone (VHFHSZ) it shall be subject to the objective development standards as established by this code for development in the VHFHSZ. When a conflict exists between the provisions of this code and the requirements of state law regarding development within the VHFHSZ, the more restrictive provision shall apply.

3. Dwelling size:

a. The floor area of a detached ADU shall not be less than two hundred twenty (220) square feet, as described in California Building Code Chapter 12, Section 1208.4. The floor area of an attached JADU shall not be less than one hundred fifty (150) square feet nor more than five hundred (500) square feet.

b. The total area of floor space of an attached accessory dwelling unit shall not exceed fifty (50) percent of the proposed or existing primary dwelling living area or one thousand two hundred (1,200) square feet, whichever is smaller.

c. The total area of floor space for a detached accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet.

d. The minimum floor space of a detached “manufactured” accessory dwelling unit as defined in Section 18007 of the Health and Safety Code, shall not be less than three hundred and twenty (320) square feet, and shall not exceed one thousand two hundred (1,200) square feet.

4. Architectural compatibility. An attached or detached accessory dwelling unit shall incorporate the same or similar architectural features, building materials, and colors as the primary dwelling unit.

5. Off-Street parking. One off-street parking space shall be provided for every newly constructed, detached ADU. No additional parking shall be required if the unit is, or will be, part of a primary residence or existing accessory structure. The required parking may be covered or uncovered. Pursuant to state law, the additional space may be a tandem space within a driveway or may be located in the front yard setback immediately adjacent to the driveway, unless specific health and safety findings are made that use of the setback areas or tandem parking is not feasible based upon site or topographical conditions, or fire and life safety requirements. Required parking shall not conflict with parking required for the primary dwelling.

6. Utilities. An accessory dwelling may share existing utilities with the primary residence. Alternatively, separate electric, water, and gas meters may be allowed on the property for each primary dwelling unit and each accessory unit. Both the primary dwelling and accessory unit shall be connected to the city's sewer system if available. Where sewer service is not available, the primary dwelling unit and accessory unit shall be connected to a septic system approved by the Shasta County Department of Environmental Health. If public sewer service is available within one hundred (100) feet of the property line within a public right-of-way or easement, it shall be extended to provide sewer service to the property if the septic system fails or is inadequate per Shasta County Environmental Health requirements.

   Utility connection and capacity fees shall apply when associated with newly installed separate services for a detached accessory dwelling unit. For newly constructed ADUs or those that expand by 150 square feet or more, the city shall charge a proportional utility connection fee or capacity charge. These fees shall be based on the proportional impact of the ADU or JADU to the utility system.

7. Adequacy of utility infrastructure or emergency access. The city council may determine that there exist areas in the city that have inadequate utility services or access for new development when necessary to protect public safety or when located within the very high fire hazard severity zone. The city council may determine that such areas of the city have inadequate utility capacities for potable water sources, storage, distribution/collection, and/or treatment, or for adequate fire flows, sewer services, electricity distribution, or emergency access. The director or building official may deny an application for a new residential dwelling unit in such areas, subject to making the required findings for such denial.

8. Permanent foundation. A permanent foundation is required for all accessory dwelling units.

9. Other applicable standards. Except as modified by this section, the development standards for accessory dwellings shall be the same as those established for the primary use in the zoning district in which it is located.

10. Accessory dwellings shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling is situated.

11. A mobile/manufactured accessory residential unit must be certified by the California Department of Housing and Community Development.

12. Design standards.

a. When an accessory unit entry is constructed to face the same street as the primary unit, it shall be designed to appear that there is one unit on the lot. On a corner lot, the entrance for the primary dwelling unit may face one street, and the entrance of the accessory unit may face the other street. An exception to this requirement may be approved by the director or designee if the exception improves the architectural compatibility of the unit with the primary residence.

b. Windows located on a side yard are permitted only on the top third of the second story for the unit to allow for light transmission (includes clerestory windows). Alternatively, permanently opaque windows may be installed at any height with the director's or designee's approval. An exception to this requirement may be approved by the director if the modification improves the unit's architectural compatibility with the primary residence.

13. Height. A detached accessory dwelling unit shall not exceed the following heights:

a. New construction. The maximum height limit of an accessory unit shall not exceed the allowable building height for an accessory building established in the applicable zoning district, or 22 feet, whichever is more. When the unit involves a horizontal expansion of an existing building, it shall match and maintain the height and style of the roof to which it is attached.

b. Conversion. The height limit of an ADU that is a conversion of an existing properly permitted structure shall be the height of that structure.

14. Neither the primary dwelling nor the accessory unit may be sold separately. The term of the rental of the accessory dwelling unit shall not be less than thirty-one (31) days.

15. Parking. One additional parking space shall be required for an accessory dwelling, unless one of the following applies:

a. The unit will be located in a conversion of an existing garage, carport or other covered parking structure, or a replacement structure thereof, in which case no additional space is required.

b. The unit is part of the existing primary residence or of an existing accessory structure, in which case no additional space is required.

E. California Building Code requirements, which apply to additions to existing single-family dwellings, and construction of new dwelling units, shall also apply to ADUs.

F. Approval by the Shasta County Environmental Health Department is required where an on-site waste treatment system is being used.

G. Preexisting units. An accessory residential unit existing prior to the adoption of this section, the use of which is nonconforming in the zoning district in which it is located, may be considered conforming if the director or designee determines that the unit complies with all applicable requirements of this section.

H. Temporary emergency unit. A mobile or modular home, no older than ten years with a current license from the state department of housing and community development, may be occupied on a temporary period not to exceed one (1) year pursuant to approval of a site development permit (SDP-M) by the

development services director or designee, The use of the temporary unit shall not be considered a permanent unit. Such use is subject to the following requirements and limitations.

1. A recreational vehicle may be occupied for emergency temporary use if it satisfies the following criteria:
   a. It is certified by the American National Standards Institute (ANSI).
   b. It has a National Highway Traffic Safety Administration (NHTSA) seal.
   c. It is no older than ten years.

2. The temporary use is limited to primary family members to include parents, siblings, children, grandparents, and grandchildren.

3. The unit can utilize existing on-site water and wastewater services.

4. The temporary unit location shall meet the minimum setback requirements of the zoning district in which it is located and shall be placed on the rear one-half of the lot or alternatively screened with wood or block fencing seven (7) feet in height.

5. The maximum period for use of a temporary unit is six months in order for the property owner to add to the primary dwelling or complete a permanent accessory unit. No more than one six-month extension of time may be granted by the development services director or designee.

6. The temporary unit must be removed from the site at the end of the emergency period. No permanent storage of a mobile home is permitted on-site. A notice of violation will be recorded with the county recorder if the mobile home is not removed after the emergency period ends, and abatement proceedings will be initiated through the city's abatement process.

I. Residency. The accessory unit or another permitted dwelling unit on the same lot shall be occupied by the property owner, as their “primary legal residence” or in the instance where the property owner does not reside on the same lot or the property owner is a legal entity other than a human being, then the accessory unit shall not be rented, leased or sublet separate from the tenant occupying the primary single family dwelling unit that is host to the accessory unit.

17.43.040 Adult entertainment businesses.

A. Purpose. The city council finds that "adult entertainment" businesses, because of their very nature, are recognized as having objectionable operational characteristics, particularly when several are concentrated within close proximity, thereby having a deleterious effect upon the adjacent properties. Special regulation of these businesses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of the regulation is to prevent concentration or clustering of these businesses in any one area. For the purposes of this section, the definitions set out in subsections B through D of this section apply.

B. Definitions. Applicable definitions for adult entertainment businesses are set forth in Chapter 17.61. – List of Terms and Definitions of this title.

C. Specified sexual activities. "Specified sexual activities" include the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship.
2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.
3. Use of human or animal masturbation, sodomy, oral copulation, coitus or ejaculation.
4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast.
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain.
6. Erotic or lewd touching, fondling or other contact with an animal by a human being.
7. Human excretion, urination, menstruation or vaginal or anal irrigation.

D. Specified anatomical areas. "Specified anatomical areas" includes less than completely and opaquely covered:

1. Mature human genitals.
2. Mature human buttocks.
3. Mature human female breast below a point immediately above the top of the areola.
4. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

E. Regulation of location.

1. In those land use districts where the "adult entertainment" businesses regulated by this section would otherwise be permitted uses, it shall be unlawful to establish any such "adult entertainment" business if the location is:
   a. Within five hundred (500) feet of any area zoned for residential use, or
   b. Within one thousand (1,000) feet of any other "adult entertainment" business, or
   c. Within one thousand (1,000) feet of any public or private school, park, playground, public building, church, any noncommercial establishment operated by a bona fide religious organization or any establishment likely to be used by minors.
2. The "establishment" of any "adult entertainment" business shall include the opening of such a business as a new business, the relocation of such business or the conversion of an existing business location to any "adult entertainment" business use.

F. Waiver of locational provisions.

1. Any property owner or authorized agent may apply to the planning commission for a waiver of any locational provisions contained in this chapter. The planning commission, after a hearing, may waive any locational provision if all of the following findings are made:
   a. The proposed use will not be contrary to the public interest, and the intent and purpose of this chapter will be observed; and
   b. The proposed use will not enlarge or encourage the development of a "skid row" area; and
   c. The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation; and

d. All applicable regulations of this code will be observed.

2. The procedure for this hearing shall be the same as that provided in Chapter 17.11 of this title, with, among other matters, the same notice requirements, the same right of appeal to the city council and the same fees payable by the applicant.

17.43.050 Animals. (NEW)

The purpose of this ordinance is to appropriately regulate the keeping of poultry, farm and other animals consistent with the lifestyle emphasized in zoning districts that include residential development. To permit the keeping of such animals and to ensure that their presence does not create an undue burden on residents, the following standards will apply, unless otherwise provided for in the applicable zoning district. It is also appropriate that hen chickens and bees be allowed within a city environment to the extent that they do not constitute a nuisance or hazard to neighboring properties.

A. The keeping of cats, dogs, and other household pets for non-commercial purposes, and the keeping of bees for non-commercial purposes, is permitted in accordance with Title 6 of the municipal code.

B. For noncommercial purposes, the keeping of animals shall be permitted, subject to compliance with the standards of this section. The minimum site area for the keeping of the specified animals and the required permit approval shall be as identified in the table below, and the number of animals allowed is subject to the requirements of this section.

Table 17.43.050 -1 Area Requirements

Animal Type	Minimum Area	Approval Required
1. Large animals	One (1) acre	Permitted in the RR districts. AP in the RE and SR districts.
2. Small animals	20,000 square feet	Permitted in the RR districts. SDP-D in the SR and UR districts.
3. Hen chickens. Roosters older than 3 months are prohibited.	No minimum site area.	Permitted in the RR and SR districts. SDP-D in UR and Mixed Use districts. Prohibited in the VMU district,

C. All animal enclosures, including corrals, pens, feed areas, paddocks, uncovered stables, and similar enclosures, are subject to the following setback requirements:

1. Enclosures shall not be located within fifteen feet of a side or rear property line, or within fifty feet of a front property line, and enclosures shall not be constructed closer to a residence on an adjoining property than the distance specified below:

a. Large animals:

1. Horses, mules, donkeys, jennies, and similar.	100 feet
2. Cattle	100 feet
3. Pigs, hogs[1]	500 feet
4. Goats	100 feet
5. Sheep	100 feet
6. Large fowl (including geese, turkeys, and similar)	75 feet

[1] The maximum number allowed is three sows and one boar.

b. Small animals:

1. a. Poultry[1]	40 feet
2. b. Rabbits	40 feet

[1]Exception - Hen Chickens. The side and rear property line setbacks may be reduced to five feet, and the setbacks from a residence on an adjoining property may be reduced to thirty feet for the keeping of small animals if the resident(s)/property owner(s) on abutting property or properties provide written permission in a form acceptable to the director, that reduced setbacks are acceptable to them. Permission granted in accordance with this section is revocable by the person residing on or owning an abutting property by notifying the development services department in writing. The zoning clearance provisions of this title shall be used to document this permission. Upon revocation, the setbacks established by this section shall be applicable.

D. Animals are described in terms of "units" in this section to further define the relationships among animals of differing sizes and to determine the number of animals permitted on a given parcel.

1. Large animals: Each large animal is equal to one animal unit.

2. Small animals:

a. Ten poultry equals one animal unit.

b. Ten rabbits equal one animal unit.

c. Five turkeys or other similar-sized large fowl equal one animal unit.

d. Specific standards for the keeping of the following animals:

i. Poultry: All poultry shall be contained within coops or pens and shall not be allowed to run free on any property. Rooster chickens over three months in age are prohibited. The maximum number of poultry allowed on a residential or mixed-use zoned property is twenty (or two animal units). In the RR-2 and RR-5 districts, a larger number may be allowed for a non-commercial use with approval of an administrative permit.

ii. Rabbits: All rabbits shall be contained in coops or pens and not be allowed to run free on any property. The maximum number of rabbits allowed is twenty (two animal units). In the RR-2 and RR-5 districts, a larger number may be allowed for a non-commercial use with approval of an SDP-D permit.

iii. Turkeys, geese, and large fowl: All large fowl shall be contained within coops or pens and shall not be allowed to run free on any property. The maximum number of large fowl allowed on any property is ten (two animal units). In the RR-2 and RR-5 districts, a larger number may be allowed for non-commercial use upon issuance of an administrative permit.

E. The maximum animal density on a site is determined by the following lot sizes, provided that a residence is located on the lot.

1. Lots up to nineteen thousand nine hundred ninety-nine square feet in area: Up to six hen chickens over three months old.

2. Lots twenty thousand to thirty-nine thousand, nine hundred ninety-nine square feet in area: Small animals at a density equal to one animal unit.

3. Lots forty thousand square feet or larger in area: Large animals at a density equal to one animal unit per 40,000 square feet. Small animals at a density equal to one animal unit. One additional small animal unit is allowed for each additional twenty thousand square feet of lot size.

Fractional animal units may be combined to equal a full unit. For example, five poultry and five rabbits equal one animal unit.

F. Animal needs. Every person who keeps an animal that normally resides outside, or that is kept outside unsupervised for extended periods of time, shall ensure that the animal is provided with an enclosure and treatment that complies with this chapter and Chapter 6.08 – Animals, of the municipal code.

G. Private stables. In districts that do not list livestock as a permitted use, horses and private stables may be permitted, subject to the approval of an administrative permit, if the following criteria are met:

1. The minimum lot area upon which a horse may be kept is one acre, and one horse may be kept for each additional acre.

2. Stables and paddocks shall be located not less than twenty (20) feet from the side or rear property lines, not less than fifty (50) feet from the front property line and not less than forty (40) feet from any dwelling on the same or adjacent property.

H. Unsanitary conditions prohibited. No person shall keep an animal in an unsanitary condition within the city. Conditions shall be considered unsanitary where the keeping of the animal results in an accumulation of fecal matter, an odor, insect infestation, or rodent attractants which endanger the health of the animal or any person, or which disturb or are likely to disturb the enjoyment, comfort, or enjoyment of property of any person in or about any dwelling, office, hospital, or commercial establishment pursuant to Chapter 6 – Animals, of this code.

I. Questions regarding the classification of animals not specifically identified are to be referred to the director for a determination as to their appropriate category (household pet, small animal, large animal, or exotic or wild animal).

17.43.060 Reserved.

17.43.070 Automotive and vehicle repair uses (minor and major). (NEW)

Automobile repair and heavy vehicle service uses shall be located, developed, and operated in compliance with the following standards. In all cases, an administrative permit is required when the use is adjacent to the boundary of any residential district. An exception to the standards of this section may be allowed by the approving authority based on site-specific conditions and satisfaction of the required findings in Section 17.15.040.

A. Minimum lot or building site size. Ten (10) thousand square feet, or as specified in the applicable zoning district.

B. Buffer yards. A commercial buffer yard shall be provided when adjacent to any residential districts, consistent with Section 17.40.010 of this title.

C. Noise mitigation. All automobile repair uses performing body and fender work or similar noise-generating activity, and located within three hundred (300) feet of a residential district boundary, shall be enclosed in a building with sound-attenuating construction to absorb noise.

D. Litter. The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment, or permanently disabled, junked, or wrecked vehicles may be stored outside the main building in a manner making it directly visible from a public street.

E. Work areas. All repair work shall be performed within the building, including disassembly and assembly activities.

F. Work bay doors. Bay doors should not directly face a residential district boundary. The intent of this section is that noise is eliminated to the maximum extent practicable, given the circumstances of the particular site.

17.43.080 Bed and breakfast inns.

A bed and breakfast guest facility may utilize a portion of a one-family residence in any residential, mixed-use or commercial district, provided that:

A. If the lot is less than one acre, there shall be no more than two guest rooms. On lots over one acre, there shall not be more than four guest rooms.

B. There shall be no more than two adults per guest room.

C. The guest rooms may be in a detached accessory building if located in a district that permits guest houses. Such building shall be located behind the primary residence, shall not exceed twenty (20) feet in height (unless it is an existing building), and shall be architecturally compatible with the principal residence.

D. Neither the principal residence nor the guest rooms shall be a mobile home.

E. The owner shall occupy the primary residence.

F. The guest rooms shall not have individual kitchen facilities.

G. Meals shall be limited to overnight guests.

H. One sign, not to exceed six square feet, shall be permitted.

I. Separate bed and breakfast guest facilities shall not be located within one thousand five hundred (1,500) feet driving distance of each other when located within a residential district.

J. Off-street parking shall be provided, as specified by Chapter 17.86 of this title. The parking area shall be located in an inconspicuous area and shall be surfaced as required by Chapter 17.41 (Parking and Loading).

K. The facility shall not interfere with or adversely impact surrounding residential uses as determined by the director or other approving authority.

L. No employees are permitted other than those residing in the residential unit.

M. The requirements of the Division of Environmental Health shall be met.

N. Permit review and revocation. This use is subject to compliance review at any time and can be revoked after a hearing and finding by the planning commission that the use is detrimental to the neighborhood. Revocation proceedings shall be conducted in accordance with this title.

17.43.090 Reserved.

17.43.100 Daycare center – 14 or more. (NEW)

The purpose of this section is to establish minimum standards for daycare centers serving 14 or more clients. The intent is to ensure that the operation of such facilities meets clients' needs while also being compatible

with adjacent uses. The approving authority may place conditions on such facilities as necessary to ensure compatibility with adjacent uses.

A. Development Standards.

1. Minimum Lot Size. Ten (10) thousand square feet.
2. Minimum Lot Frontage. Eighty feet.
3. Maximum Building Height. Per district standard, not to exceed 35 feet.
5. Buffer Yards. Apply at all interior property lines based on the standards established in Section 17.40.010 of this title.
6. Minimum building and parking setbacks. Front and street side—fifteen feet; interior side—ten feet.
7. Outdoor activity area. A minimum 200 square foot on-site outdoor activity area (e.g., playground) appropriate to the needs of those under care is required.
8. Compatibility of appearance. When located within a residential district, the building and grounds shall maintain a residential design. The approving authority shall have the right to condition the approval as necessary to ensure conformance with this provision.
9. Off-Street parking and loading. To ensure sufficient on-site parking, the following requirements shall apply: one parking space for every ten children or clients, plus one space for each teacher/employee, plus a clearly marked loading space.
10. Hours of Operation. When located within a residential district, normal hours of operation shall be limited to 7 a.m. to 7 p.m. The director may authorize other operating hours with the approval of an administrative permit.
11. License and Permit. The facility shall be state-licensed and inspected as required by state law. In addition to the permit required by this title, a state license or permit to operate shall be provided to the city prior to the commencement of the use. Facilities operated by a religious or public education entity are exempt from the city permit requirement.
12. Exceptions. Exceptions to the standards are subject to approval by the planning commission.

17.43.110 Reserved.

17.43.120 Electric vehicle charging facilities. (NEW)

The purpose of this section is to support the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations, while promoting protection of public health and safety and preventing specific adverse land use impacts that are inconsistent with the general plan and may result from the installation and use of such charging stations.

17.43.120.010 Applicability.

This section applies to the permitting of electric vehicle charging systems in the city. Electric vehicle charging systems legally established or permitted prior to the effective date of this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of the charging system in such a way as to require new permitting. Routine operation and maintenance shall not require a permit.

17.43.120.020 Electric vehicle charging system requirements.

A. All electric vehicle charging systems shall meet the requirements of the City of Shasta Lake Electric Service System Rules and Regulations, California Green Building Code, California Electrical Code, and other rules of the Public Utilities Commission regarding safety and reliability.

B. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code, and those of the City of Shasta Lake Electric Service System Rules and Regulations. In evaluation for necessary approvals, electric vehicle charging equipment shall be considered a continuous load on the public utility system.

C. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy type, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect or interfere with the function and purpose of planned or existing building elements and structures.

17.43.120.030 Duties of the building official.

A. All documents required for submission of an electric vehicle charging system application shall be made publicly available on the city's website.

B. The director or designee, in consultation with the electric utility director, shall provide a checklist of all requirements with which electric vehicle charging systems must comply to be eligible for expedited review.

C. The electric vehicle charging system permit process and checklist shall substantially conform to recommendations contained in the most current version of the Plug-In Electric Vehicle Infrastructure Permitting Checklist contained in the Zero-Emission Vehicles in California: Community Readiness Guidebook adopted by the Governor's Office of Planning and Research.

D. The city shall allow the electronic submittal of the electric vehicle charging station application and related materials.

17.43.120.040 Permit review.

A. As set forth in municipal code Chapter 15.02 – Process for State Mandated Building Permit Expediting, review of the permit application shall be limited to the review of whether the application meets local, state and federal health and safety requirements. The application shall be administratively reviewed by the building official or designee, as a nondiscretionary ministerial permit. No ministerial permit shall be issued without the concurrence of the electric utility director or designee.

C. An application for an electric vehicle charging station shall be deemed complete and the permit available for issuance when the building official determines that the application satisfies all the requirements found in the application checklist and this subsection.

D. If an application is deemed incomplete, a written plan check correction notice will be provided within the legally applicable time frame, detailing the deficiencies in the application and any additional information or documentation required.

E. The building official or designee, in consultation with the director, may require an applicant to apply for a use permit if the building official finds, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health and safety. The applicant may

appeal the building official's decision to require a use permit to the planning commission pursuant to Chapter 17.11 – Common Procedures of this title.

F. If a use permit is required, the application for the permit may be denied if the planning commission makes written findings, based upon substantial evidence in the record, that the use 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. Such findings shall include the basis for rejecting potentially feasible alternatives for preventing the specified adverse impact.

17.43.120.050 Parking adjustment.

A. EV Parking standards—all vehicles and uses.

1. Minimum parking requirements. A parking space equipped with electric vehicle supply equipment (EVSE) or, when designated for future EV charging, shall count as one standard automobile parking space toward the minimum of off-street parking requirements of Chapter 17.41. [*California Vehicle Code § 22511.2]*

2. Accessible charging spaces**.** An accessible EV charging space that includes an access aisle shall count as two standard parking spaces toward minimum parking requirements. *[California Vehicle Code § 22511.2(b)]*

3. Reduction of required parking spaces. Where the installation of EVSE and associated equipment reduces the number of parking spaces otherwise required for a use, the minimum parking requirement shall also be reduced by the amount necessary to accommodate the EV charging station installation. No discretionary approval shall be required for such reduction. *[Gov. Code §§ 65850.7 & 65850.71]*

4. No additional parking is required. The city shall not require additional parking spaces beyond those otherwise required by this title solely because EV charging stations are installed to serve a parking space. In cases where electric vehicle charging reduces the otherwise required spaces for a use, there shall be no exclusive-use right for electric vehicle charging, and all spaces shall be available to users regardless of vehicle type.

17.43.130 Gas stations and convenience gas marts. (NEW)

When allowed by Division III - Base Zoning District Regulations, approval for a gas station or convenience gas mart shall meet the following performance and design standards:

A. New Facilities. New facilities shall comply with the following standards:

1. Minimum site area: thirty thousand square feet.

2. Minimum frontage: one hundred feet on each street.

3. The following pump island setbacks shall apply:

a. Parallel to a street. No portion of a pump island shall be located closer than thirty-five feet to the adjacent street right-of-way. A canopy or roof structure over a pump island and access aisles may encroach into the pump setback, but no closer than allowed by the district's required property line setback for structures.

b. Perpendicular to a street. No portion of a pump island-oriented perpendicular to a street shall be located closer than fifty feet from the street property line. A larger

distance may be required to meet on-site circulation requirements for parking and emergency-vehicle access.

4. Design. The roof and any pump island canopy within a multi-tenant development shall incorporate the architectural elements of the main buildings.

5. Landscape shall be provided and maintained in compliance with the following regulations, as well as those outlined in Chapter 15.10 - Water Efficient Landscaping.

   a. A minimum twenty-foot-wide inside dimension and six-inch-high curbed landscaped planter area shall be provided along the front and street side property lines, except for openings required for vehicular circulation.

   b. An on-site planter area of not less than three hundred square feet shall be provided at the corner of two intersecting streets. Landscape shall not exceed a height of thirty inches at this location.

6. Exterior light sources shall be energy-efficient, stationary, and shielded or recessed within the roof canopy to ensure that all light is directed away from or shielded from adjacent properties and public rights-of-way. Lighting shall not be of an intensity so as to cause a traffic hazard on adjacent streets, or be used as an advertising element, or adversely affect adjacent properties in compliance with this title.

7. All commercial activities shall be conducted entirely within an enclosed structure, except as follows:

   a. The dispensing of petroleum and related products, water, and air from pump islands.

   b. The provision of emergency services.

8. No vehicle may be parked on the premises for the purpose of vehicular sales without the required city approvals.

9. No used or discarded vehicle parts or equipment, or disabled, junked, or wrecked vehicles shall be located outside where visible from adjacent streets, except as provided by Section 17.43.160.

10. Modifications to these requirements may be approved by the planning commission on a case-by-case basis.

17.43.140 Home occupations including food preparation. (MODIFIED)

Purpose. Residents may wish to use their residences for limited business activities, and the city supports such efforts. Commercial activities are allowed in residential districts or dwellings to the extent that, to all outward appearances, a passerby will not be aware of the activity. Home occupations are allowed in all zoning districts, subject to obtaining a business license and, if required, zoning clearance. At a minimum, home occupations shall meet the following standards.

A. Standards.

1. There shall be no exterior evidence of the conduct of a home occupation except as allowed herein, including, but not limited to, outside storage, electrical interference, dust, smoke, vibration, odors, fumes, or advertising signs of any kind.

2. The floor space occupied by a home occupation shall not exceed twenty-five percent of the floor space of the dwelling unit if located within the dwelling unit, or four hundred square feet if in an attached garage or residential accessory building.

3. Business activity which creates noise not normally associated with a residential use or which creates a noise nuisance as established by this title is prohibited.

4. No equipment or process shall be used in home occupations that create uncustomary noise, vibration, glare, or odors such that they are detectable to the normal senses of a reasonable person.

5. Except for a cottage food operation, only the residents of the dwelling unit shall engage in the home occupation; no employees shall be permitted on the premises in connection with the home occupation except those who are residents of the property. Pursuant to Section 113758 of the Health and Safety Code, a cottage food operation may employ one non-household member as an employee.

6. Customers or clients shall not be permitted at the residence except to receive educational, therapeutic, or counseling services, where not more than two clients shall receive service at any one time. Pursuant to Section 113758 of the Health and Safety Code, direct sales may occur from a cottage food operation.

7. The conduct of any home occupation shall not reduce or render unusable areas provided for the required off-street parking or prevent the number of cars designated to be parked in a garage from parking on the site.

8. A home occupation shall not create vehicle or pedestrian traffic beyond that which is customary in a residential district, nor in any case shall it require the parking of more than one additional vehicle at any one time. The number of customer vehicle trips generated by the home occupation and the timing of such trips are limited as follows. If the home occupation generates more customer vehicle trips than allowed by this subsection, a use permit must be secured.

    a. If the lot is one acre or less in size, up to four customer vehicle trips may be permitted daily.

    b. If the lot is larger than one acre in size, up to eight customer vehicle trips may be permitted daily.

    c. Customer vehicle trips shall be limited to 7:00 A.M. to 8:00 P.M. Monday through Saturday, and 8:00 A.M. to 5:00 P.M. Sundays.

9. No items may be displayed or sold on the exterior of the residence or accessory building.

10. On-site storage or parking of oversized or specialized commercial vehicles and the storage of materials in excess of the space limitation provided herein is prohibited.

B. Reasonable accommodation for disabled individuals. Persons with demonstrated physical handicaps may be permitted special review by the director. A resident may request waiving one or more, or a portion thereof, of the requirements of subsections of this section by seeking a zoning exception pursuant to this title. Notification of the request shall be made to property owners within one hundred feet of the subject property. In reviewing the request, the director shall consider the applicant's physical inability to function within the requirements of this section, given the purposes of this section. Determinations made by the director may be appealed as provided for in this code.

C. Inspections. Applicants for home occupations shall permit a reasonable inspection of the premises by appropriate city staff upon written request by the director, if necessary to determine compliance with this section and title. Such inspection shall be granted within a reasonable period of time, but no later than fourteen days after such request.

D. Home Occupation Affidavit. Prior to issuance of a business license, the applicant shall attest that he/she understands the requirements of this section by signing the home occupation affidavit.

E. Cottage Food Operation. A cottage food operation, as defined and as limited in Section 113758 of the Health and Safety Code, is an allowable home occupation subject to the standards set forth in this section.

17.43.150 Manufactured homes in a residential district.

Manufactured homes, including mobile homes, are allowed in all zoning districts that permit one-family residences, subject to the following development standards. A "manufactured home" also means a “mobile home” as defined in this title or state law.

A. All manufactured homes shall be placed on a permanent foundation system of state-approved design, or a permanent foundation system designed by a licensed architect or structural engineer as required by Section 65852.3 of the State of California Government Code.

B. The manufactured home shall be certified under the National Mobile Home Construction and Safety Standards Act of 1974.

C. Manufactured homes placed on a foundation system shall not be older than ten years of age measured from the date of manufacture of the unit to the date of building permit application except that manufactured homes lawfully installed prior to the effective date of this ordinance which have been certified under the National Manufactured Home Construction and Safety Act of 1974 shall be exempt from the ten-year age standard.

D. Manufactured homes shall provide parking in accordance with Chapter 17.41. The exterior wall covering and roof material of any garage, carport or accessory building shall be the same as those of the manufactured home.

E. Requirements for building height, lot coverage, side yard setbacks, front yard setbacks, rear yard setbacks, and usable open space shall be the same requirements as those for a single-family residence in the zone district in which the manufactured home is located.

F. Exterior wall covering materials and roofing materials shall conform to the requirements of the State of California Department of Housing and Community Development (HCD) and the Uniform Building Code for frame-constructed dwellings. Exterior wall coverings shall extend (at a minimum) to the top of the perimeter foundation.

G. A foundation enclosure shall be installed between the finished grade and the siding material. Add-on siding is needed to extend the exterior siding to the foundation enclosure point shall consist of materials similar to the main exterior siding. Venting per the Uniform Building Code is required.

H. All roof and gable overhangs shall extend not less than six inches when measured horizontally from the wall. Roof and gable overhangs shall be manufactured or engineered and designed to appear as an integral part of the manufactured home.

I. The roof of the manufactured home shall have a minimum pitch of not less than a nominal three inches of vertical rise for each twelve (12) inches of horizontal run.

J. Roof design shall meet the snow load requirements of the city of Shasta Lake, and roofing materials shall meet the requirements of a Class A or B fire rating as defined by the currently adopted uniform building code.

K. A ramada or other free-standing structure shall not be allowed to be constructed over a manufactured home without approval of a use permit.

17.43.155 Mobile food service vehicles (food trucks). (REORGANIZED)

Commercial food service vehicles parked on private or public property from which operators sell or prepare food and beverages for sale to the public shall comply with the following conditions and requirements. The specific use must be in conformance with conditions of approval, approved site plans, County health permits, or other required approvals. Modifications to the following criteria may be approved by the director where the modification(s) will not result in a public nuisance or an adverse impact on the public health, safety, or general welfare.

A. Definition. A mobile food service vehicle is defined as a movable conveyance or vehicle from which food or drinks are distributed directly to the consumer, and which is operating at a stationary location. This includes but is not limited to food preparation trucks (typically referred to as food trucks or catering trucks), food preparation trailers (sometimes called catering wagons or concession trailers), tow-behind carts, carts on caster wheels, and any other motorized or non-motorized mobile conveyance used to distribute food to customers.

B. Mobile food vendors shall comply with the following standards and requirements.

1. Shall be registered with the California Department of Motor Vehicles and shall be permitted by the Shasta County Environmental Health Division, and operators shall possess a valid City of Shasta Lake business license.

2. Mobile food service vehicle(s) are allowed in industrial districts, commercial districts, and the commercial areas of mixed-use and planned (PD) development districts, subject to issuance of a site development permit (SDP-D). The use may not be operated on any property without the written consent of the property owner. The permit approval must be kept on-site during the vending activity. Mobile food service vendors are not allowed to operate in public parks or other public facilities without separate written approval from the City of Shasta Lake.

3. Mobile food service vehicle shall be permitted only on developed sites with an established primary use, which is permitted for commercial, industrial or public and semipublic uses.

4. Mobile food service vehicle may park on approved sites for up to one hour prior to operating and up to one hour after ceasing daily operations.

5. Mobile food service vehicle, including seating areas but excluding customer parking, shall not utilize more than ten percent of on-site parking spaces.

6. Mobile food service vehicle(s) shall only operate between 7:00 a.m. and 10:00 p.m., except on sites adjacent to a residential district, in which case they shall only operate between 8:00 a.m. and 9:00 p.m.

7. Subject to issuance of the necessary approvals, a maximum of three food service vehicles may be permitted at a location. Additional food service vehicle(s) are allowable, in conjunction with a permitted special event(s).

8. Food service vehicle(s) shall not be located in any fire lane, travel lane, entrance/exit, or on any parking space that is determined by the director to be required for the operation of the commercial or industrial activity on the property. Food service vehicle(s) may not occupy more than 10 percent of the required site parking. Exceptions to this limitation may be granted when it can be demonstrated that adequate parking for the primary use(s) will be available during the operation of the food truck.

9. Food trucks shall maintain trash receptacles on-site within 25 feet of the location of the vehicle and shall pick up any trash left on-site prior to ceasing daily operations.

10. Food service vehicles may not operate within 150 feet of the primary entrance of a licensed restaurant or similar food service during the hours the food service is open for business unless the vendor has received the written consent of the food service provider. Operating within 500 ft. of the outside perimeter of public-school property is prohibited during the hours school is in session, or within one hour before or after the first and last school sessions.

11. Food service vehicle(s) may not be operated in any residential (R) district or residential area of a planned development district, except when associated with an approved temporary use or activity. Roaming mobile vendors selling ice cream may operate in any residential district only between 11:00 a.m. and 7:00 p.m.

12. Use of outdoor speakers is prohibited without permit approval. Limited temporary signage is permitted but may not obstruct any pedestrian path of travel or required clear vision area at a driveway ingress, egress, or street intersection.

17.43.160 Outdoor retail sales and storage. (NEW)

A. Permanent outdoor storage or sales is allowed in conjunction with a permitted commercial or industrial use, provided a site development (SDP-D) permit is issued, and subject to the following standards. Temporary outdoor sales and temporary seasonal sales are subject to the requirements of Chapter 17.47 – Temporary Uses. Outdoor sales or outdoor storage areas in excess of the limits established in this title require approval of an administrative permit, except when otherwise modified by the base zoning district requirements.

1. Storage shall be located on the rear portion of the lot.

3. No material shall be stored to a height greater than that of the wall or fence enclosing the storage area.

4. Screening required. All outdoor storage areas shall be screened from adjacent public rights-of-way and residential districts by decorative solid walls, solid fences, or landscaped berms. Storage shall be screened by a solid wall or fence (with solid gates when necessary), not less than seven (7) feet in height. If the storage or sales area abuts a residential or mixed-use district, the screening shall include a zone wall or fence, a minimum of seven (7) feet in height, with a landscaped buffer area, a minimum of ten (10) feet in width, separating the storage or sales area from the adjacent residential district boundary.

5. Location on private property required. Outdoor sales or storage areas shall be located entirely on private property outside any required setback, fire lane, fire access way, or landscaped planter. In zoning districts that do not have required setbacks, or the setbacks are less than fifteen (15) feet, a minimum setback of fifteen (15) feet from any public right-of-way is required.

6. Location of merchandise. Displayed merchandise shall occupy a fixed, specifically identified location that does not disrupt the normal function of the site or its circulation, and does not encroach upon required parking spaces, driveways, pedestrian walkways, or required landscaped areas. Outdoor display and storage shall not obstruct sight distance or otherwise create hazards for vehicle or pedestrian traffic.

7. Sales of autos, boats, motorcycles, mobile homes, agricultural equipment, nursery or garden supplies, and other permanent outdoor sales and storage uses require approval of a use permit, or as otherwise required by the applicable base zoning district.

17.43.165 Public uses and facilities.

A. Public uses and public utilities are subject to the permitting standards set forth in the applicable base zoning district. Such uses are allowable in all districts, provided a permit is first issued. Public utility transmission lines, towers, distribution poles and lines, regardless of height, and gas pipelines are permitted uses within public rights of way, and in easements dedicated for such purpose.

B. A permit or other entitlement shall not be issued for a public use or utility located within a natural resource overlay district if there is an alternative site outside of such overlay district, unless the impacts from the project on the resource have been adequately mitigated.

17.43.168 Recycling centers (small). (NEW)

The recycling of glass, plastic, aluminum and other materials is important to the community and the sustainability of resources. Allowing for and appropriately regulating small collection and recycling facilities in appropriate locations will support the goals of the general plan and the requirements of state law. The specific purposes of this section include:

A. Providing convenient access to residents to encourage recycling activities.

B. Regulating the operations and locations of recycling centers, including small collection facilities or container redemption centers, is necessary to ensure the compatibility of such uses with surrounding uses and properties by avoiding potentially negative impacts such as noise, traffic circulation, and litter associated with recycling activities.

C. Regulation of such facilities will help ensure that these facilities provide a safe customer environment while limiting potential adverse effects on surrounding properties.

17.43.168.010 Definitions

Applicable definitions for this section are set forth in Division 6, General Terms and Definitions of this title.

17.43.168.020 Permit and location requirements.

A. The location of a proposed facility on any site shall be subject to the approval of an administrative use permit in accordance with this title.

1. A small collection recycling center or a small beverage container recycling center is an allowable use in the Heavy Commercial (HC) and Industrial zoning districts of the city.

2. A small beverage container recycling facility may be allowed as an allowable accessory use to an approved heavy commercial or industrial use. For purposes of this section, any mixed-use zoning district, including any mixed-use district of a specific plan, shall be considered a commercial

district for purposes of this section. Such use shall be located a minimum of 100 feet from residential development in such districts.

B. Recycling centers and facilities are prohibited in all residential zoning districts in the City, and within 100 feet of a residential district boundary, including any residential district of a specific plan or planned development district.

17.43.168.030 Development and operating standards.

A. A minimum of one hundred (100) linear feet of separation shall be provided between a proposed recycling facility and any residential property, as measured from the nearest residential property line.

B. An operational plan for a continuing cleaning and maintenance program, as well as the control of noise, odor, dust, and litter, shall be submitted for review and approval with the required application.

C. Conditions of approval may be imposed to protect the public health, safety, convenience, and welfare, including, but not limited to, days and hours of operation, odor and dust control requirements, cleaning and maintenance of the facility and surrounding area, design and appearance of related structures, or any other conditions necessary to avoid or mitigate any potential nuisance effects of such facilities.

17.43.170 Residential condominiums. (NEW)

This section provides standards for the creation of residential "air space" condominium projects, including common-interest developments and community apartment projects, when permitted in accordance with applicable zoning, the general plan, the municipal code, and the Subdivision Map Act.

A. Required approvals. The following discretionary approvals are required to support the development of a new residential condominium project:

1. An application processed and approved in accordance with the Shasta Lake Municipal Code (SLMC).
2. A preliminary condominium plan to be considered for approval by the planning commission, and processed in accordance with Title 16 – Subdivisions, and this section.

B. Project size. The minimum area for a residential condominium project shall be one acre, unless the planning commission determines, based on the merits of a particular development, that the project is viable on a smaller site, consistent with the other requirements of this section and title.

C. Building and site design. Residential condominium projects shall comply with the adopted design criteria for multiple-family development as specified under Section 17.40.040, Design standards, and requirements. Residential condominium projects shall also comply with the building height, setbacks, and other development standards applicable to multiple-family development in the applicable zoning district(s).

D. Common ownership and maintenance association. Residential condominium projects shall have and maintain a functional property-owners' association established in accordance with the California Civil Code, which shall:

1. Own all common property within the development.
2. Provide administration and management for the maintenance of common improvements, lands, and facilities, including, but not limited to private driveways; sidewalks; pathways; common areas; on-site and abutting right-of-way landscape and irrigation systems; common laundry facilities; fencing; private streetlights; exterior of all buildings; swimming pool and other

recreational facilities; and any other private common facility, utility, improvement, or natural area.

3. Pay public utilities not billed separately to each unit.

4. Enforce standards within the development. The articles of incorporation and covenants, conditions, and restrictions (CC&Rs) for the property owners' association shall be reviewed and approved by the city prior to recording the applicable subdivision map.

E. Private and common open space.

1. Each dwelling unit in a residential condominium project shall include a private open-space area, consistent with the standards applicable to multiple-family development in the UR-2 district.

2. All residential condominium projects shall include common open space, consisting of landscape areas, walks, patios, swimming pools, barbecue areas, shade elements, playgrounds, turf, or other such improvements and amenities which are necessary to enhance the living environment for residents. Except for approved natural open-space areas, areas not improved with buildings, parking, walkways, driveways, trash enclosures, and similar features may be developed as common areas with the type of attributes described above. The minimum amount of common open space required shall be determined based on the applicable general plan classification as follows:

Schedule 17.43.170 – A Common Open Space Requirement

Residential Density (units/acre)	Minimum Common Open Space (square feet/unit)
3-6	500
7-20	300
21 and above	200, or as otherwise determined necessary by the planning commission

3. The covenants, conditions, and restrictions or homeowners' association documents shall require the continued maintenance of all common open-space areas.

F. Off-Street parking. Off-street parking shall be provided in accordance with Chapter 17.41. The ongoing parking of recreational vehicles on-site shall be limited to approved outdoor large-vehicle storage and parking areas only.

G. Private storage space. Each unit shall have at least 100 cubic feet of enclosed, weatherproofed, and lockable private storage space, with a minimum horizontal surface area of 25 square feet, in addition to guest, linen, pantry, and clothes closets customarily provided within a residential unit. Such space shall be provided in any location as approved by the planning commission at the time of approval.

H. Laundry facilities. A laundry area shall be provided in each unit for a washer and dryer, or, if common laundry areas are provided, such facilities shall consist of not less than one automatic washer for every five units or fraction thereof and one automatic dryer for every eight units or fraction thereof.

I. Utilities. All units within a residential condominium project shall be served by separate public water, sewer, gas and electric connections and meters. Each unit shall have access to its own meter(s) and heating and cooling system, which shall not require entry through another unit to

service. Each unit shall have its own electrical panel, or access thereto, for all electrical circuits which serve the unit. All new or expanded electrical service lines shall be located underground.

17.43.180 Self-storage facilities. (NEW)

All self-storage warehouses shall comply with the property development standards for the district in which they are located, and with the standards listed below. Where there is a conflict between the provisions of this section and the base district standards, the more restrictive shall apply. The provisions of this section shall apply to new self-storage warehouse uses and to any new construction of facilities to expand an existing facility.

A. Business activity. No retail, repair, or other commercial use shall be conducted outside the individual rental storage units without the necessary city approval.

B. Outside storage. No boats, trailers, or other vehicles shall be parked or otherwise stored outside the storage units except in areas approved for such uses.

C. Hazardous materials. Conditions restricting storage of hazardous materials, limitations on the use of the storage units, and restrictions on vehicle maneuvering may be required by the approving authority when determined necessary to comply with local and state requirements, and to satisfy the required findings for approval of such use(s).

D. Setbacks. Buildings shall be set back a minimum of 20 feet from the public right-of-way or as required by the base zoning district, whichever is more restrictive. The setback area shall be landscaped in accordance with this code. Developments abutting a residential district shall meet the buffer yard requirements of Section 17.40.010 of this title.

E. Wall design. Where exterior walls are required or proposed, they shall be constructed of decorative block, concrete panel, stucco, or similar durable material. The walls shall include architectural relief through variations in height, the use of architectural "caps," decorative posts or pilasters, or similar measures. Gate(s) shall be set back a minimum of 20 feet from the public right of way.

F. Building design and materials. The following requirements apply to building elements that are adjacent to a public street (including state and federal highways), or a residential or mixed-use district:

1. Building walls. Building walls shall be constructed of split-face block, stucco, or similar durable material. A change in wall plane of at least twelve inches in depth shall be used at least every sixty feet in horizontal building or wall length.

2. Roofs. Metal roofs shall have a flat finish to reduce reflective glare.

G. Additional criteria. Where this code requires a site development permit, an administrative permit, or a use permit, the approving authority may apply conditions as necessary to ensure compliance with the general plan and the municipal code.

17.43.190 Shelters for the homeless and emergency shelters. (MODIFIED)

A. Purpose. California Government Code Section 65583(a)(4) requires that each jurisdiction provide for at least one zoning district in which an emergency shelter is a permissible use. The Government Code also permits jurisdictions to adopt specified development and operational standards for emergency shelters. The purposes of this section are to establish such standards to ensure that the development of homeless shelters (shelters) is allowed, and such use does not adversely impact the use of adjacent properties, or the surrounding neighborhood, and that they

are developed in a manner that protects the health, safety, and general welfare of residents and businesses.

B. Applicability and approval. The objective performance and development standards of this title shall apply to all shelters, and all shelters shall obtain a ministerial approval (SDP-M) as set forth in Chapter 17.13 – Site Development Permits.

. A use permit is required to establish a shelter that does not meet the location, development, and/or operational standards of this section, or that would provide more beds than allowed by this section. Except as otherwise established, the planning commission may approve modifications to the following standards when necessary to support the purposes of this ordinance or the requirements of state law. In all cases, the emergency shelter must be an allowable use in the district where it is located.

C. Zone. Emergency homeless shelters shall be allowed in the Heavy Commercial (GC) zoning district as a permitted by right use provided that the property boundaries are located more than five hundred feet from a residential or mixed use district boundary, a public park, or a school, and at least three hundred feet from any other shelter (measured from property line to property line) except when it is separated by a federal highway or railroad right-of-way, and subject to these standards, or as otherwise required by California Government Code Section 65583, which is incorporated in this section by reference.

D. Number of Beds. The maximum number of beds or persons permitted to be served nightly by the facility shall be fifteen (15). The number of beds may be increased if an administrative permit is issued by the development services director or his/her designee, subject to the following findings:

1. The city has been declared a disaster area by either the Governor or the President; or

2. The annual homeless count exceeds fifteen (15) homeless people within the city.

E. Parking. One uncovered parking space per bed shall be required. A reduced number of spaces may be permitted if an administrative permit is issued by the development services director or their designee to justify the reduction.

F. Waiting Space. Exterior waiting space shall be provided that is covered and handicapped accessible, with an uncluttered area of twenty-five (25) square feet per bed. Interior waiting space shall be provided to accommodate 15 persons, be handicapped accessible, and be approved by the fire department for exiting.

G. Onsite management shall be provided for all hours the shelter is open for occupancy and shall include a period of one hour before opening and one hour after closing should the facility be open for less than twenty-four (24) hours.

H. Emergency shelters may be immediately adjacent to each other on the same site if they are operated by one management operator, such that the management of the facilities is coordinated. In no case shall facilities with more than thirty (30) beds total be located closer than three hundred (300) feet.

I. The maximum length of stay for each person shall be as allowed by state law.

J. Outside security lighting shall be provided for all entrances and exits, parking and storage areas. Lighting will meet California Energy Commission lighting standards for night lighting and will not expose adjacent properties to excessive light or glare.

K. On-site security shall be provided for the hours during which the shelter is in operation and open to provide services. Emergency contact information shall be provided to the city for 24-hour access to management staff, and response staff must be located within 15 minutes.

L. Accessory uses and activities. Shelters may provide one or more of the following common facilities within a building for the exclusive use of residents: a central cooking and dining room(s), a recreation room, a counseling center, child-care facilities, and other necessary support services.

M. Shelter Provider. The provider shall demonstrate, to the satisfaction of the director, that it currently operates a shelter within the State of California, or has done so within the past two years, or that it has management staff available that has a minimum of two years' experience in the operation of a homeless shelter. Modifications to the operational plan may be requested at any time and shall be subject to the director's review and written approval. The service provider shall ensure ongoing compliance with the following:

1. Staff and other services shall be made available to assist residents in obtaining permanent shelter.

2. An operational plan (plan) shall be provided for the review and approval of the approving authority. The approved plan shall remain active throughout the facility's operational life, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, said plan shall contain provisions addressing the following:

   a. Security and safety-addressing both on- and off-site needs, including provisions to ensure the security and separation of male and female sleeping areas, as well as any family areas within the facility.

   b. Loitering/trespass/noise control measures regarding operational controls to minimize trespass on private property or the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site and/or when services are not being provided.

   c. Management of client areas-including a system that will minimize negative impacts to adjacent property for daily admittance and discharge and monitoring of interior or exterior waiting areas.

   d. Staff training to provide adequate knowledge and skills to assist clients in obtaining permanent shelter.

   e. Communication standards to maintain ongoing communication and response to operational issues which may arise, as may be identified by the general public or city staff.

   f. Litter control providing for the regular daily removal of litter attributable to clients within the vicinity of the facility.

N. Inspections and correction of violations. Pursuant to state law, the city shall inspect emergency shelters annually and respond to all violations or complaints in a timely manner. Inspections, notice of violations and correction of violations shall proceed as set forth in subsection 17.43.195.040**.**

17.43.195 Low-barrier navigation centers. (NEW)

The purpose of this chapter is to establish development standards for low-barrier navigation centers and to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with California Government Code Section 65660.

17.43.195.010 Applicability

The provisions of this chapter apply to all low-barrier navigation center projects. An applicant shall provide all information as requested by the director or designee to determine compliance with the requirements of law and this code.

17.43.195.020 Definitions.

"Low-Barrier Navigation Centers": A housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and permanent housing. "Low barrier" means operating in accordance with industry-accepted best practices to reduce barriers to entry. Application for the required permit shall demonstrate the following, and shall include other necessary information or assurances required to confirm the following:

1. The presence of partners, if it is not a population-specific site intended for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

"Use by Right": Use by right has the meaning defined in subdivision (i) of Section 65583.2. Division 13 (commencing with Section 21000) of the California Public Resources Code shall not apply to actions taken by a public agency to lease, convey, or encumber land owned by a public agency, or to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low-Barrier Navigation Center constructed or allowed by this section.

17.43.195.030 Ministerial approval requirements.

A ministerial site development approval (SDP-M) is required before establishing a low-barrier navigation center in the VMU and MU zoning districts. The permit shall be issued as a ministerial action without discretionary review, public notice or a public hearing. Pursuant to California Government Code Section 65943, the director, or designee, shall, within 30 days of submittal, approve the application upon a determination that the project complies with the requirements of state law.

17.43.195.040 Development and operational standards.

A low-barrier navigation center development is a use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, if the director determines the application meets all of the following application requirements:

A. Connected services. It offers services to connect people to permanent housing through a service plan that identifies the staffing required.

B. Coordinated entry system. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

C. Code compliant. It complies with the applicable chapters of the California Welfare and Institutions Code.

D. Homeless management information system. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

17.43.195.040 Inspections and violations. (NEW)

A. Annual inspection required. Pursuant to Health and Safety Code (HSC) section 17974.1(b), the city or county shall conduct, and the operator shall allow an annual inspection of any low barrier navigation center or emergency shelter that is permitted to operate within the city limits. If, during the annual inspection, the city or county determines that such a facility is substandard, it shall be treated as a violation of applicable city codes and HSC sections 17974-17974.6. Such violation shall be subject to those remedies permitted by law.

B. Complaints. The city or county shall evaluate all complaints received from the public or users regarding substandard conditions at emergency shelters or navigation centers operating within the city limits and shall conduct any inspection required to determine if a violation exists. Such inspections shall be conducted in a timely manner and may be announced or unannounced. Any identified substandard conditions shall be resolved as required by this code and state law (Health and Safety Code sections 17974-17974.6).

C. Correction of violations. The owner or operator of the emergency shelter or low-barrier navigation center shall be responsible for correcting any violations for which a notice of violation has been issued. The owner or operator of the facility shall correct each violation within 30 days of receipt of a notice of violation or citation. The responsible authority, in its sole discretion, may grant the owner or operator a 30-day extension to correct a violation. A failure to correct a violation within the timeframes established in this code or state law is subject to any and all penalties established in this code and/or state law.

17.43.200 Single room occupancies (SRO).

A. Purpose. This section provides for the development of single-room occupancies (SROs).

B. Kitchen and Bathroom Facilities. SROs without kitchen or bathroom facilities shall be provided with on-site congregate facilities sufficient for the number of SROs, as required by the California Building Code. Congregate bathrooms with showers must have individual stalls that can be locked.

C. Laundry. For all SRO buildings, congregate laundry facilities shall include one washer or dryer for every five units.

D. Unit Size. The minimum size for a unit shall be two hundred (200) square feet, and the maximum shall be four hundred (400) square feet. Units of two hundred (200) square feet shall house no more than one person. No unit shall house more than two people.

E. Community Room. Buildings with over ten units shall provide a common community area that is at least fifty (50) square feet per 5 rooms.

F. Building and Development Standards. SRO buildings shall meet all state and local building and development standards, including parking, in accordance with the zoning district in which they are located.

G. Management Plan. All SRO buildings with seven or more units shall provide a management plan that includes the placement of congregate facilities (laundry, bathrooms, and kitchens), the number of units and beds, and provision for twenty-four-hour on-site management. If the units are for transitional or supportive housing, the management plan must designate and meet the requirements for transitional or supportive housing, including length of stay and the designation and contracting for supportive services. Verification of the services to be provided by the contract must be provided. For emergency and security purposes, the management plan must provide the names, titles, and contact information for the management and responsible staff.

H. Zoning Districts. SRO buildings are permitted in the mixed-use (VMU and MU) and the GC and VC zoning districts with an administrative permit. SRO buildings are permitted in mixed-use zoning districts as second-floor uses only, where residential and commercial uses are combined on the first floor. An exception may be made and approved by the development services director or his/her designee for disabled-accessible units, provided a site plan defines which units are accessible.

17.43.210 Short-term rentals.

A. Purpose. The purpose of this section is to establish an appropriate permitting process and standards for short-term rental of single-family dwellings and dwelling units located in the City of Shasta Lake; to provide a visitor experience and accommodation as an alternative to the typical hotel, motel, and bed and breakfast accommodations customarily permitted in the city; to minimize potential negative secondary effects of short-term rental use on surrounding residents and neighborhoods; to retain the residential character of the neighborhoods in which any such use occurs; and to ensure the payment of required transient occupancy taxes.

B. Definitions. For purposes of this section, the following short-term rental facilities are established:

1. “Hosted Homestay.” An owner (or the primary occupant with the owner's written permission) occupied a single-family dwelling unit in which, for compensation, individual overnight room accommodations are provided for a period of less than thirty (30) days. Hosted homestays do not include meals prepared by the hosts for on-site consumption by guests.

2. “Vacation Rental.” An entire dwelling unit where, for compensation, overnight accommodations are provided for a period of thirty (30) days or less, and the owner (or the primary occupant with the written permission of the owner) may or may not reside within the dwelling unit for the term of the rental.

C. ”Short-Term Rental Permit” requirements. No person shall use, advertise, or market for use any dwelling unit on any parcel in any zoning district for short-term rental purposes without first obtaining approval as required by this section. The provisions of this section apply to all existing and future short-term rentals as defined in this section. Existing short-term rental facilities shall

either apply for, or obtain authority to operate, within sixty (60) days of the effective date of the ordinance from which this section is derived. The following approval process is established:

1. Hosted Homestay and Vacation Rentals. Permitted within all zoning districts, subject to obtaining an administrative approval from the development services director or designee. Applicants shall be required to provide information determined necessary by the director, or designee, to establish compliance with this section and shall pay an application fee as may be established by resolution of the city council. Administrative permits for short-term rentals issued by the director or designee in accordance with the provisions governing administrative permits shall expire twelve (12) months from issuance unless renewed annually.

D. Permitted locations. The regulations of this section apply to legal short-term rentals within a legally established single-family dwelling in all zoning districts.

E. General requirements—Hosted Homestays and Vacation Rentals.

1. No more than one dwelling unit on a lot may be used at any one time for rental purposes.

2. A maximum of two rooms may be available for rent at any time within a hosted homestay.

3. Occupancy shall be limited to a maximum of two adults plus one child per rented room.

4. The property owner or the primary occupant, with the written permission of the owner, must always occupy the residence when rooms are being provided for rent within a hosted homestay.

5. A minimum of one on-site parking space shall be provided for each room that is rented beyond three rooms. Guest parking spaces shall be within the primary driveway or other on-site location. External changes to a property, including converting significant areas of the front yard landscape for the purpose of meeting parking requirements, are not allowed.

6. Short-term rentals shall comply with applicable building, health, fire and safety codes, including provision of working smoke and carbon monoxide detectors.

7. The owner shall post emergency evacuation instructions and "house policies" inside the home in a common area accessible to all tenants. The house policies shall be included in the rental agreement and shall be enforced by the owner. At a minimum, the house policies must:

   a. Establish outdoor "quiet hours" between 10:00 p.m. and 7:00 a.m. to minimize disturbance to neighboring residents. Outdoor activities shall be prohibited during "quiet hours."

   b. Require that guest vehicles be parked on the premises and further direct that on-street parking for periods in excess of four hours is prohibited.

   c. Provide notice that the property shall not be used to host non-property-owner-related weddings or other events involving the assembly of more than ten people.

8. On-site advertising signs or other displays indicating that the residence is being utilized as a short-term rental is prohibited.

9. A city business license shall be obtained, and transient occupancy taxes paid in accordance with chapter(s) 3.20 and 5.04 as applicable. All advertising for any short-term rental shall include the City of Shasta Lake transient occupancy tax number and the business license number assigned to the owner-applicant. With the submittal of transient occupancy taxes, the operator shall also submit a statement indicating the number of daily guest stays and the number of guests for the reporting period.

10. The short-term rental permit is not transferable to a subsequent property owner or to another property.

11. This section shall not be construed as waiving or otherwise impacting on the rights and obligations of any individual, group, or the members of any homeowner's association, as defined, to comply with or enforce CC&Rs.

F. General requirements for vacation rentals.

1. With the exception of items 2 and 4 listed in section 17.43.210.E. above, the general requirements for hosted homestays shall apply to all vacation rentals as defined herein.

2. The following additional provisions shall be applicable to vacation rentals. These provisions may be supplemented by additional requirements established by the development services director or designee when necessary to maintain compatibility of the use with surrounding properties.

a. A vacation rental shall not be rented to multiple unrelated parties concurrently unless the owner (or the primary occupant with the written permission of the owner) is residing on the premises during the rental period, in which case the rental shall be limited to two unrelated parties.

b. The owner/applicant shall keep on file with the city the name, telephone number, and email address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the vacation rental. This information shall be posted in a conspicuous location within the vacation rental dwelling. The local contact person shall be available twenty-four (24) hours a day to accept telephone calls and to respond in person to the vacation rental within sixty (60) minutes. The name and contact information of the local contact person will be made available to the public.

c. Depending on the physical nature of the property and surrounding properties, where full city street improvements exist, the director, or designee, may allow on-street guest parking not to exceed one credit for a parking space as required by this section.

G. Application Requirements. Applicants for a short-term rental use shall apply for an administrative permit and shall pay the application fee established by resolution of the city council. In making a determination to approve, conditionally approve, or deny an application, the director or designee may consider factors, including but not limited to, proximity of the property to other vacation rentals, bed and breakfast establishments, and neighborhood and site characteristics including but not limited to availability of adequate parking, potential for traffic impacts, and other factors which may adversely affect the general public and neighborhood welfare and/or safety.

H. Permit Renewal. Holders of an administrative permit allowing short-term rental use shall apply annually for renewal of the permit and shall pay the renewal fee established by resolution of the

city council. In making a determination to approve, conditionally approve, or deny a renewal application, the director or designee may consider factors including but not limited to, prior complaints from neighbors and code enforcement activity, timeliness of business license renewal, timeliness of transient occupancy tax submittals, proximity of the property to other vacation rentals, proximity to bed and breakfast establishments, and other relevant neighborhood and site characteristics.

I. Violations and revocations. Enforcement of the provisions of this section may include the civil and equitable remedies as permitted by state law, and the issuance of a citation and fine or other legal remedy as provided for in this code. Upon notification by the city, any short-term rental operating in violation of this section's requirements must immediately terminate operations pending final resolution of the violation. Further, a permit issued under the authority of this section may be revoked in accordance with the procedures established in this code.

17.43.220 Supportive housing.

A. Purpose. The purpose of this section is to comply with those California Government Code sections that define supportive housing development and identify supportive housing development as a residential use subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

B. Zoning district. Supportive housing is allowed in zoning districts where other residential uses are permitted, subject to the same development standards and requirements as the applicable district. Supportive housing with six or fewer residents is recognized as single-family residential and shall be allowed in zoning districts where other single-family residential uses are permitted. Supportive housing with seven or more residents shall be recognized as multi-family residences and shall be allowed in zoning districts in which other multi-family residential uses are allowed as permitted uses or as uses requiring a use permit.

C. Supportive services. Supportive housing proposals shall provide evidence that clients and/or residents are participating in a program that provides supportive services on an ongoing basis. Evidence of the required supportive services can be presented through a contract for the services, on-site staff with professional credentials, or appropriate licenses. Upon the director's request, management shall provide evidence of clients and/or residents participating in such services.

D. Compliance plan. For multi-family developments, a plan shall be provided to the director that describes how the development will meet the development standards of the zoning district in which it is located.

17.43.230 Transitional housing.

A. Purpose. The purpose of this section is to comply with those California Government Code Sections that define transitional housing development and identify transitional housing development as a residential use subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

B. Zoning district. Transitional housing is allowed in zoning districts where other residential uses are permitted, subject to the same development standards and requirements as the applicable zoning district. Transitional housing with six or fewer residents is recognized as single-family residential and shall be allowed only in zoning districts where other single-family residential uses are permitted. Transitional housing with seven or more residents shall be recognized as multi-

family residences and shall be allowed only in those zoning districts in which other multi-family residential uses are allowed. Transitional housing located in an existing non-conforming residence may be permitted with approval of a use permit.

C. Transitional units. Transitional units shall be available for a minimum of six months and a maximum of two years. Evidence of the program's transitional nature shall be provided through a management plan that outlines the transition period and the programs and other services that will assist clients and/or residents in transitioning to permanent housing.

17.43.240 Telecommunications and wireless facilities. (MODIFIED)

A. Purpose. The purpose of this section is to provide a uniform and comprehensive set of standards for the development, siting, installation, and operation of wireless telecommunications antennas and related facilities ("wireless telecommunications facilities"). These regulations are intended to protect and promote public safety, community welfare, and the aesthetic quality of the city, while also providing for the necessary development of wireless telecommunications infrastructure in accordance with state and federal law. The city intends to apply these regulations to accomplish the following specific purposes:

1. Foster an appropriate residential environment, prevent visual blight, protect and preserve public safety and the general welfare, and maintain the character of both residential and commercial areas in compliance with applicable state and federal legislation and the general plan.
2. Consider wireless telecommunications facilities a primary commercial use of property and are prohibited in residentially zoned districts unless such location is necessary to provide wireless services to residents and businesses in the city.
3. Establish a process for obtaining necessary permits for wireless telecommunication facilities that provides certainty to applicants and to the public while ensuring compliance with applicable development requirements.
4. Regulate the siting and design of wireless telecommunications facilities in a manner that supports broad public access to wireless services, consistent with applicable federal and state law and the City’s police powers.
5. Manage wireless telecommunications facilities so that their placement and design support residents’ access to modern information resources and services, while protecting public safety, aesthetics, and neighborhood character.
6. Regulate wireless telecommunications facilities in a manner that allows modern communications infrastructure to contribute to the City’s economic vitality, without creating unreasonable impacts on adjacent land uses or the public right-of-way.
7. Establish clear land use standards and permitting procedures that allow for the deployment, modification, and upgrading of advanced wireless telecommunications infrastructure for residents, businesses, industries, and visitors, consistent with applicable law and local design objectives.
8. Establish standards for wireless telecommunications facilities that promote reliable emergency communications and public-safety coordination, and that avoid harmful interference with the City’s and other public-safety emergency communication systems.
9. Ensure all proposed facilities:

a. Are designed, sited, and operated in a manner that protects public safety, preserves community character, and avoids visual blight, consistent with applicable state and federal law.

b. Are located and designed to minimize visual and land-use impacts, including the use of stealth techniques, collocation, and site-specific screening measures.

c. Are treated as commercial land uses and are sited in a hierarchy of preferred locations. Placement in residential districts is prohibited unless an applicant demonstrates that such a location is technically necessary to provide reliable service.

d. Provide reliable wireless services to residents, businesses, and emergency response agencies without interfering with public-safety communication systems.

e. Utilize the least intrusive means of achieving service objectives, considering available technology, feasible collocation opportunities, and site-specific constraints.

f. Are implemented through a predictable permitting process that requires applicants to submit sufficient technical and design information to demonstrate compliance with this section and with all applicable federal and state regulations.

g. Are designed to accommodate future technological improvements, reduce the number of new facilities required over time, and allow for facility modification or removal when improved technologies become feasible.

h. Are removed and the site restored when the facility is abandoned or discontinued.

B. Applicability. The provisions of this chapter shall apply to all new or modified facilities for the transmission and/or reception of wireless radio, television, and other communication signals, including, but not limited to, commercial wireless communications services (personal communication, cellular and paging) including, without limitation, antennae, small cell installations, masts, poles, towers, structures, buildings, additions to existing antennae, masts, poles, towers, structures, or buildings.

C. Locational criteria - amateur radio antennas. An amateur radio antenna may be installed on a lot in any district if it complies with the following criteria:

1. Setbacks. Location in any required front or street side yard, or within ten feet of a side and rear property line is prohibited.

2. Maximum Height. Twenty feet above the district height limit. Additional height may be authorized with a use permit.

3. Surface Materials and Finishes. Highly reflective surfaces are prohibited.

D. Locational criteria - satellite antennas. A satellite antenna exceeding twenty-four inches in diameter may be installed on a lot in any zoning district if it complies with the following criteria. Antennas twenty-four inches or smaller in diameter are exempt from these requirements if they are affixed to the main or accessory structure and are not otherwise exempt under the OTARD

rule. Satellite or other customer-premises antennas that are exempt from local regulation under 47 C.F.R. §1.4000 shall not be regulated under this section to the extent of that exemption.

1. Residential districts.

   a. Setbacks. Shall be located on the rear one-half of the lot; shall be at least ten feet from any rear or side property line; and, in the case of a corner lot, shall not project beyond the front yard setback on the lot or on an adjacent lot.

   b. Screening. A screen, fence, or earth berm shall be constructed to hide the base of the antenna from view from the street and adjoining front yards in cases where the antenna is not in the rear half of the lot.

   c. Maximum Height. Twenty feet, measured from ground level immediately under the antenna to the highest point of the antenna in its highest position.

   d. Abutting Interior Lot. In case of an interior lot abutting upon two streets, it shall not be erected so as to encroach upon the front yard required for either street.

2. Other districts.

   a. Setbacks. Shall not be located closer than fifteen feet to any public street as measured from the edge of the right-of-way.

   b. Maximum Height. Thirty-five feet, measured from ground level immediately under the antenna to the highest point of the antenna in its highest position. If mounted on a roof, the antenna shall not extend more than ten feet above the height limit established for the district.

   c. Screening. The structural base of a satellite antenna, including all bracing and appurtenances, but excluding the dish itself, shall be screened from view from public rights-of-way and any adjoining residential district by walls, fences, buildings, landscape, or combinations thereof of not less than four feet high.

   d. Undergrounding. All wires and/or cables necessary for the operation of the antenna or reception of the signal shall be placed underground, except for wires or cables attached flush with the surface of a building or the structure of the antenna.

   e. Surface Materials and Finishes. Highly reflective surfaces shall not be permitted.

   f. Advertising. Antennas shall not be used for advertising purposes.

E. Locational criteria - microwave receiving and transmitting antennas or relay equipment. Microwave antennas and equipment may be installed with a site development permit on any lot in a commercial or industrial district, except within a required setback area. All wires or cables necessary for the operation of the antenna shall be placed underground, except wires or cables that may be attached flush with the surface of a building or structure. Landscape or solid screening a minimum of six feet in height shall be placed around the base of any tower to screen the tower base from view, and to provide a physical separation between the tower and any pedestrian or vehicular circulation on a site.

F. Compliance with applicable codes and standards. Telecommunication and wireless communication facilities constructed in the city shall comply with all applicable city, state, and federal codes and standards, and with the requirements below.

1. Technical studies requirement. (NEW)

The director may require the applicant to submit technical studies, prepared by qualified professionals, to demonstrate compliance with applicable standards and to support the granting of any permit for wireless telecommunications facilities. Such studies may include, but are not limited to the following:

a. **Radio Frequency (RF) Emissions Compliance Reports** to verify adherence to FCC safety standards.
b. **Structural Analysis** to confirm the integrity of towers, poles, and foundations.
c. **Visual Impact Assessments** or photo simulations to evaluate aesthetic and community compatibility.
d. **Noise Studies** for associated equipment.
e. **Interference Analysis** to ensure no harmful disruption to existing services.

The director may require peer review or third-party verification of a submitted technical study to ensure accuracy and objectivity. All costs associated with the preparation, submission, and review of such studies, including any peer review, shall be borne by the applicant. The director's determination regarding the necessity, scope, and adequacy of such studies or peer review shall be final and not subject to appeal.

G. Permits. The director shall maintain a project application checklist that outlines the minimum requirements to ensure the purposes of this section are met for all projects. All telecommunication and wireless communication facilities shall be subject to the following:

1. Zoning clearance.

a. Applications that qualify as "Eligible Facilities Requests" (EFR) under 47 U.S.C. §1455(a) and 47 C.F.R. §1.6100 shall be processed with zoning clearance and approved in the manner required by federal law. The standards of this section shall not be applied to such requests in a manner inconsistent with such law. Building-mounted facilities and new facilities that collocate on or within an existing approved tower or other facility, and that comply with all relevant standards for the district, may be approved with a zoning clearance, except where this section expressly requires an administrative permit or use permit.

2. Administrative permit. Facilities that require an administrative permit shall include:

a. All ground-mounted facilities, except personal use satellite dishes that are 36 inches or less in size, and that are not collocated with other existing facilities or are within 300 feet of a residential district boundary.

c. Facilities determined to have a significant impact on designated scenic resources. In such a case, the director may require an independent third-party review, at the expense of the applicant, to confirm the radio frequency needs of the applicant.

3. Use permits. Facilities that require a use permit shall include:

a. Multiple communication sites proposed by a single applicant, in which case a use permit will serve as a master land use permit for all sites under a single review.

b. New or expanded facilities that do not otherwise comply with the requirements of this section or federal requirements. These include collocations that involve the installation of new improvements or facilities that constitute a 'substantial change' as defined by 47 C.F.R. §1.6100, or that replace a facility no longer in conformance with the zoning or building codes of the city, and the standards of state or federal law.

4. Permitting timelines. (NEW) The FCC established timeframes for local governments to act on wireless facility applications shall apply to applications, subject to the requirement that all necessary application information and materials required to make the necessary determinations and findings are provided in a timely manner:

a. 60 days for Eligible Facilities Requests (EFRs)

b. 90 days for collocation applications.

c. 150 days for applications for new facilities.

H. Height. All telecommunication and wireless communication facilities shall be limited to the minimum height necessary, as demonstrated by technical evidence, to achieve the applicant's service objectives using the least intrusive means feasible, and, where feasible, shall allow for the future collocation of antenna arrays. Building-mounted facilities shall not exceed fifteen feet above the maximum height permitted for the district within which they are located.

I. Minimum setbacks. Telecommunication and wireless communication facilities, including supports and accessory facilities, shall be set back two times the height of the tower from a residential district boundary. The approving authority may reduce this setback if the applicant demonstrates, through technical and visual impact analysis, that a reduced setback achieves equivalent or superior visual and safety performance, including through the use of stealth design or other mitigation.

J. Preferred locations. Telecommunication and wireless communication facilities shall be collocated with existing facilities where feasible, regardless of zoning district. All facilities shall be designed and located to minimize their visibility, considering technological requirements, through appropriate placement, screening, stealth techniques, and camouflage. The permit shall authorize the least visible antenna(s) feasible to accomplish the coverage objectives. Wireless telecommunications facilities proposed for locations where they would be visible from the public right-of-way or from existing residential development shall incorporate techniques to camouflage the facility to the extent practicable.

K. Prohibited locations. Telecommunication and wireless communication facilities shall not be located:

1. On the site of any designated federal, state, or local historic landmark. unless the applicant demonstrates that no feasible alternative exists and the approving authority determines that the facility is designed to minimize impacts on historic resources to the maximum extent feasible.

2. Within 1,500 feet of an existing tower, unless collocated on an approved facility or multiple-user site, or the applicant demonstrates, through objective technical evidence,

that collocation or use of an existing site is not feasible and that the proposed site represents the least intrusive means of providing reliable service. The approving authority may approve a facility that does not meet this standard if the facility is determined, based on substantial evidence, to be technologically required or visually preferable compared to feasible alternatives.

3. Within a residential zoning district, unless building-mounted in a stealth manner, satisfactorily disguised in a stealth structure, or totally enclosed within a building.

Where a provider can demonstrate the need for a wireless telecommunication facility in an otherwise prohibited location, the planning commission may consider such a request by use permit. Approval of the permit is subject to those conditions of approval that are determined necessary to satisfy the requirements and findings of this section and title.

L. Visual compatibility. The approving authority will review applications to ensure compliance with stealth technology requirements, as necessary, and may require facility modifications to achieve better concealment. The following standards of visual compatibility and screening shall apply:

1. All antennas, towers, or related equipment shall be coated with a non-reflective finish or paint consistent with the visual background as viewed from public rights-of-way where the facility is to be located.

2. Acceptable screening for ground-mounted equipment shall include existing vegetation and/or new landscaping, which is designed and located pursuant to the requirements of Section 17.40.190.

3. Building-mounted equipment shall be located, painted, and/or architecturally designed so as to be compatible with adjacent buildings and/or uses.

4. All wireless telecommunications facilities must employ stealth technology and concealment methods to minimize the visual impact of new or expanded facilities, when required to do so by the approving authority. Such measures include, but are not limited to, camouflaged monopoles, flagpole disguises, or stealth structures designed as integral building elements.

5. In designated scenic corridors or view-sheds identified in the general plan or by separate city council action. Facilities shall be designed and sited to avoid breaking the skyline or dominating public views to the maximum extent feasible.

M. Interference. Interference with a public-safety radio system is prohibited. Prior to receiving approval, applicants shall submit engineering reports that evaluate and document compliance with this requirement. Nothing in this section shall be interpreted to regulate radio-frequency emissions in a manner inconsistent with federal law.

N. Technology and design efficiency. When feasible and economically reasonable, applicants shall use available technologies that reduce facility size, height, or visibility. This requirement shall not compel modification or removal in a manner inconsistent with federal law, including 47 U.S.C. §1455(a).

O. Discontinuance of use. The service provider shall notify the city of any intent to discontinue operations at least 30 days prior to the discontinuation. Upon discontinuance of use, all equipment shall be removed and the property restored to its preconstruction condition within 90 days, unless the facility is actively marketed for sale or lease. In such cases, the use of the facility must be re-established within one (1) year of its discontinuation.

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.

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.

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, 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.

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.

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.

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.

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-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 SLFPD 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.

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:

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.
        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.

    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.

l. 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 non-conforming 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.

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

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.

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.

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.

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.

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.

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

Waterway	**Corridor Setback Buffer [1]**
Churn Creek and related named and unnamed tributaries.	25 feet top of bank or riparian boundary; or no closer than FEMA floodplain boundary[2]
Moody Creek and related named and unnamed tributaries.	25 feet top of bank or riparian boundary; or no closer than FEMA floodplain boundary[2]
Nelson Creek and related named and unnamed tributaries	25 feet top of bank or riparian boundary; or no closer than FEMA floodplain boundary[2]

Notes:

[1] 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.

[2] 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.

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.

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.

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.

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.

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.

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

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.

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.

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.

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.).

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.