

City of Loyalton
MUNICIPAL CODE
Chapter 12 – Zoning



DRAFT AMENDMENT SHOWN IN RED LINES



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SUMMARY OF CHANGES:

1. Chapter 12.08.2, Definitions; Pages 4-34, several changes and added words.
2. Chapter 12.08.4, General Use Design and Open Space Requirements;
 - A. New Accessory Dwelling Units Section 4-11, Pages 43 to 50
 - B. Fiscal Impact Change, Section 4-12; Page 50
 - C. Employee Housing Development, New Section 4-18, Page 54
 - D. Residential Care Facilities, New Section 4-19, Pages 55 to 57
 - E. Transitional and Supportive Housing, New Section 4-20, Page 58
 - F. Flood Protection, New Section 4-22, Page 59
3. Added new allowed and conditional use permit uses and revised standards to various zoning districts starting with Chapter 12.08.5, Single Family Residential District, Page 59 through Chapter 12.08.11, Heavy Industrial District Page 108
4. Amend Chapter 12.08.27, Density Bonus regulations to comply with new housing laws, Pages 177 through 184
5. Changes to parking requirements and standards in Chapter 12.08.12, Parking, Pages 114 to 126
6. Revised objective design standards to remove discretion throughout.
7. Omitted Chapter 12.08.14 regarding Floodway Fringe Overlay Zone, Page 137
8. Added Section 4-22, Flood Protection, Page 59
9. Replaced Zoning Map to remove reference to Floodway Fringe Overlay Zone, Page 2

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CHAPTER 12 – ZONING OF THE CITY OF LOYALTON MUNICIPAL CODE

CHAPTER 12.08.1

GENERAL PROVISIONS

1-1. Principal Zone Districts

Zones into which the City may be divided, are established as follows:

Zone Abbreviation	Intended Land Use Designation
R-1 Single-Family Residential	Low Density Residential
R-2 Multiple Family Residential	Medium Density Residential
C-1 Commercial	Commercial, General
C-2 Highway Commercial	Commercial
C-3 Heavy Commercial	Commercial
M-1 Light Industrial	Industrial
M-2 Heavy Industrial	Industrial
P-D Planned Development	Low and Medium Density Residential
O-S Open Space	Open Space/Resource Conservation
P-F Public Facility	Public Facility
H Historic Combining	Historic Preservation
FF Floodway Fringe Overlay	Flood Mitigation
B Combining (or Special Residential Use)	For Allowing Residential Uses

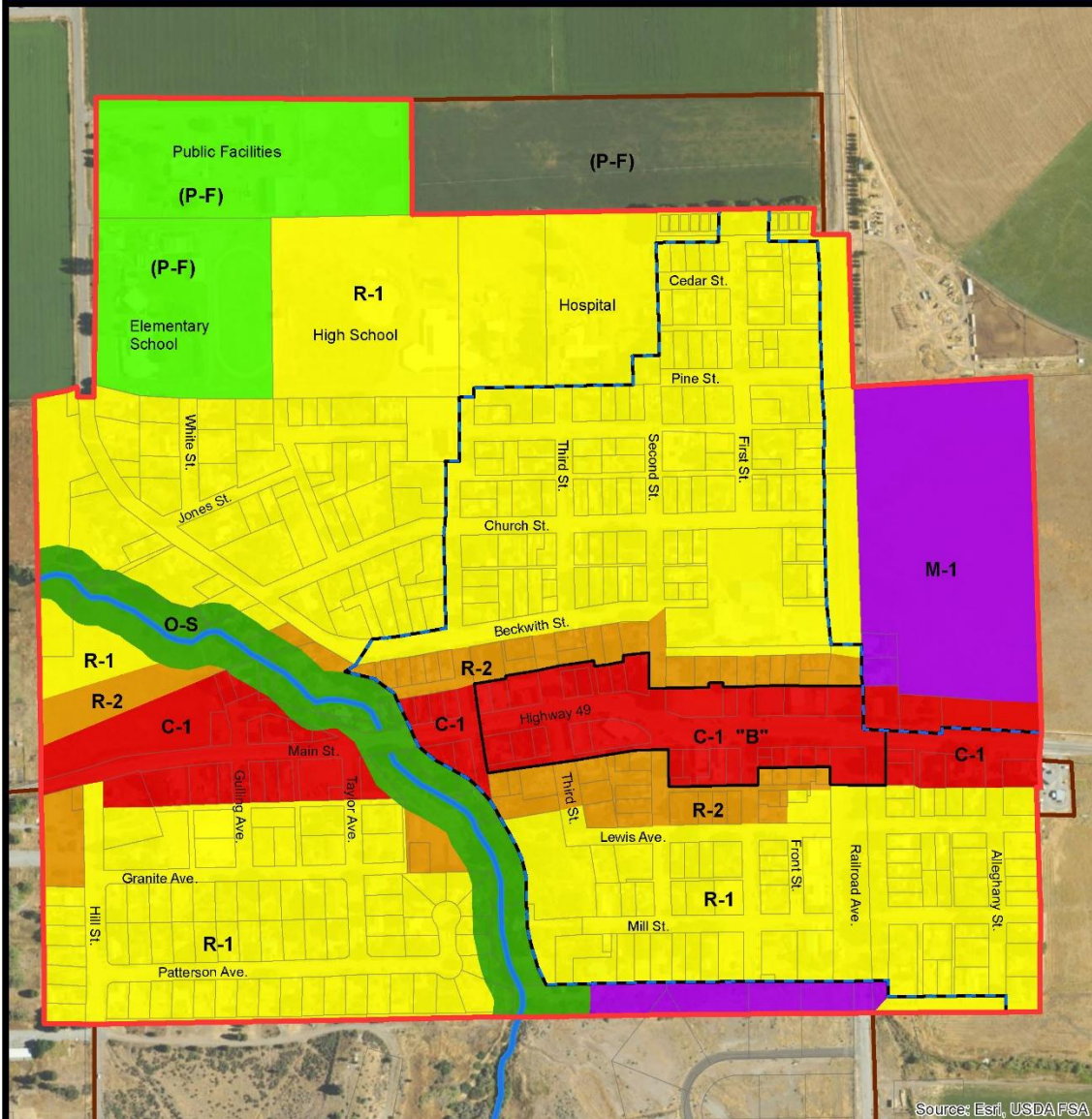
1-2. Location and Boundaries of Zones

The designation, location and boundaries of the aforementioned zone districts, shall be delineated on the Zoning Map (or Zoning Plan) of the City of Loyaltan, which shall be adopted by an ordinance of the City Council. Such Zoning Map and all notations, references, dates and other information shown thereon shall be a part of these regulations and subject thereto, and such Zoning Map as adopted and/or amended from time to time by ordinance of the City Council constitutes Part 1-3 of this Chapter.

1-3. Zoning Map

This Part consists of the Zoning Map of the City of Loyaltan referenced in Part 1-2 of this Chapter. (REPLACED WITH NEW ZONING MAP THAT OMITTS FLOOD FRINGE COMBINING DISTRICT-See new Section 4-22 from Chapter 12.08.3)

CITY OF LOYALTON ZONING PLAN



ZONING		(O-S) Open Space	Legend		City Boundary	 Map Created 11/30/2026
		(P-F) Public Facilities			"B" Combining District	
		C-1 Commercial		Historic Combining District H		
		M-1 Light Industrial M-2 Heavy Industrial				
		R-1 Residential Single Family				
		R-2 Residential Multiple Family				

Sierra County

City of Loyalton

1-4. Determination of Uncertain Boundaries

Where uncertainty exists with respect to the boundaries of the various zones, the following rules shall apply:

- A. Streets or alleys. Where the indicated zoning boundaries are approximately street or alley lines, the centerlines of such streets or alleys shall be construed to be such boundaries.
- B. Lot lines. Where the zoning boundaries are not shown to be streets or alleys, and where the indicated boundaries are approximately lot lines, the lot lines shall be construed to be the boundaries of such zone, unless such boundaries are otherwise indicated.
- C. Scale on Zoning Map – Determination by City Council. Where property is indicated on the Zoning Map as acreage and not subdivided into lots and blocks, or where the zone boundary lines are not approximately street, alley or lot lines, the zone boundary line shall be determined by the City Council.

1-5. Classification Applies to All Incorporated Territory

All incorporated territory of the City shall be classified as specified by the Zoning Map as adopted in this Part.

1-6. Prezones

Property shall be prezoned prior to annexation. Property hereafter annexed to the City shall be classified in accordance with the provision of California Government Code § 65859. Prezoning will be accomplished in the same manner as zoning within the City and the application fee shall be set by resolution of the City Council.

1-7. Split Zoning

Parcels with split zoning may be developed in conformance with the applicable zone district as long as each zoned area meets the minimum parcel size requirement for the zone. If the zoned area does not have sufficient area to meet the minimum parcel size requirement for the zone district, such area may only be used for purposes permitted in the applicable zone district upon approval of a conditional use permit.

1-8. Zoning Ordinance Adopted

There is adopted a zoning ordinance for the City of Loyalton, State of California, as provided by Title 7 of the California Government Code. This ordinance constitutes a specific plan for the use of land and structures.

1-9. Zoning Ordinance Purpose

This Part is adopted to promote and protect the public health, safety and general welfare, to provide a plan for sound and orderly development, to ensure social and economic stability within the various zones established in this Part, to provide for consistency of land use regulations with the adopted general plan.

1-10. Interpretation Authority

- A. Additionally, under direction of the City Council, City staff is responsible for administering this ordinance and may interpret the provisions of all zones. City staff interpretations shall not circumvent other available established procedures such as conditional use permits and variances, and findings shall clearly be set forth by City staff documenting the interpretation. The City Council shall review and make a determination with respect to any appeals of a staff interpretation.
- B. The City Council, by written findings, may interpret any of the provisions of this Part and may determine what additional uses may be permitted with or without use permits in any zone district because of similarity and compatibility with listed uses. Said findings shall clearly set forth the justification for the interpretation. Such interpretations shall not be used to circumvent other available established procedures such as conditional use permits and variances.

1-11. Limitations on Land Use and Structures (except as otherwise provided in this Part)

- A. Use requirements. No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than is included among the uses listed in this Part as permitted in the zone district in which such building, land or premises is located.
- B. Height requirements. No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this Part for the zone district in which such building is located except as provided in this Part.
- C. Area requirements. No building or part thereof or structure shall be erected nor shall any existing building be altered, enlarged or rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations designated in this Part for the zone district in which such building or open space is located.
- D. Duplicate use of open space and yards. No yard or other spaces provided about any buildings for the purpose of complying with provisions of this Part shall be considered as providing a yard or open space for a building on any other building site unless specifically permitted elsewhere in this Part.

- E. No building other than residential shall be used, occupied, or business license issued to/for without City approval and a safety inspection performed by the building department.

1-12. General Plan Amendments

The City's General Plan may be amended pursuant to California Government Code § 65358. The fee for any application for amendment shall be set by resolution of the City Council.

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CHAPTER 12.08.2

DEFINITIONS

2-1. Definitions Generally

Unless the context otherwise requires, the definitions set forth or otherwise provided for in this Chapter shall be used in the interpretation and construction of this Part. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word “buildings” shall include the word “structure”, and word “used” shall include the words “arranged, designed, constructed, altered, converted, rented, leased or intended to be used,” and the word “shall” is mandatory and not discretionary.

2-2. Abut, abutting, adjoining

“Abut”, “abutting”, or “adjoining” all mean contiguous to or touching.

2-3. Access, Vehicular

“Access” means the physical means by which an individual in a vehicle is able to enter upon public or private property from a street. “Ingress” and “egress” are other words for access.

2-4. Accessory Dwelling Unit

“Accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for 1 or more persons and is located on the same lot as the proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation. An accessory dwelling unit also includes an efficiency unit, as defined in the California Health and Safety Code § 17958.1, and a manufactured home, as defined California Health and Safety Code § 18007 (also refer to § 18.100.010(E)).

2-5. Accessory Use, Accessory Structure, Accessory Building

A. “Accessory use” means a land use that is associated with an existing permitted or conditional use within a zoning district (does not include accessory or junior accessory dwellings).

B. “Accessory structure or accessory building” means a usual and customary building normally associated with a permitted or conditional use (does not include accessory or junior accessory dwellings).

2-6. Acre

“Acre” means a measure of real property equaling 43,560 square feet.

2-7. Affordable Housing Development

“Affordable housing development” means a development project that results in adding residential dwellings or mixed-use projects consisting of at least 2/3rds of the square footage of the buildings devoted to residential uses, which are restricted to lower income families as defined in California Health and Safety Code § 50106. Affordable housing development may also include supportive and transitional housing (also see “Housing development”).

2-8. Agriculture Equipment Sales

“Agriculture equipment sales” means a business, which is primarily engaged in the sale of equipment, vehicles, materials, supplies and tools to serve farming, ranching or timber interests and businesses.

2-9. Agriculture Product Sales

“Agriculture product sales” means the sale of food or fiber commodities from the property where produced, with stands for the purpose of displaying and selling these commodities.

2-10. Airport, Airstrip

“Airport” or “heliport” means a place on land or water, where aircraft may land and take off, receive and disembark passengers or cargo, may take on fuel, purchase accessories or obtain service or repair. “Airstrip” also means airport.

2-11. Alley

“Alley” means a public or private thoroughfare, which affords a secondary means of access to abutting property.

2-12. Apartment

“Apartment” means a dwelling unit located within a structure that contains one or more attached dwelling units in which the units are available for rent or lease. “Apartment” also means an individual unit within a multiple family residential development.

2-13. Apartment Complex

“Apartment complex” means a multiple family residential project or development.

2-14. Area

“Area” means a piece of land that can be definitively described and located with specific boundaries.

2-15. Assisted Living Facility

“Assisted living facility” means a residential facility that makes available, to 3 or more adults, room-and-board and at least the following services: personal services; protective

oversight; social care due to impaired capacity to live independently; and regular supervision that is available on a 24-hour basis, but not to the extent that regular 24-hour medical or nursing care is required. This phrase does not include any facility licensed in this state as a residential care facility.

2-16. Attached Housing

“Attached housing” means dwelling units that are attached to each other on at least one side, possibly divided from one another by firewalls or other physical partitions.

2-17. Automobile Sales

“Automobile sales” means a land use in which the primary business is based upon retail or wholesale transactions involving the transfer of title to motor vehicles including automobiles, light utility vehicles, trucks, motorcycles, recreation vehicles, and all-terrain vehicles.

2-18. Automobile Salvage Yard

“Automobile salvage yard” means an individual or entity engaged in the business of acquiring or buying salvage automobiles (including non-repairable vehicles) for resale in their entirety or as spare parts, or rebuilding, restoration or crushing of such vehicles.

2-19. Automobile Service

“Automobile service” means a land use, which is involved in the business of repairing, modifying and maintaining motor vehicles.

2-20. Automobile Service Station

“Automobile service station” means any place where motor fuel or lubricating oil or grease is offered for sale to the public and deliveries are made directly into vehicles.

2-21. Bar, Club, Lounge

“Bar”, “club” or “lounge” mean a land use in which the primary activity is the sale of alcoholic beverages for onsite consumption. A bar, club, or lounge may also provide entertainment for its patrons.

2-22. Base Zoning District

“Base zoning district” means the underlying zone that dictates land use and primary objective development standards.

2-23. Bed and Breakfast Inn

“Bed and breakfast inn/establishment” means a business which involves accommodations in 5 or fewer guest rooms potentially with breakfast available for guests of the inn.

2-24. Block

“Block” means all property facing one side of the street or between a street and the railroad right-of-way, property along a dead-end street, or un-subdivided land. The intercepting street determines only the boundary of the block on the side of the street that it intercepts.

2-25. Boarding House

“Boarding house” is a structure where lodging and meals for boarders are provided for compensation.

2-26. Bottling Plant

“Bottling plant” means a land use in which beverages, including, water, are processed for sale, resale, or distribution.

2-27. Building

“Building” means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or material of any kind or nature. “Building” shall include “structure.”.

2-28. Building Coverage

“Building coverage” means the percentage of land area covered by the building footprint.

2-29. Building Footprint

“Building footprint” means the land area covered by a building as measured at its perimeter foundation walls including any roofed area that may not have perimeter foundation walls.

2-30. Building Official

“Building Official” means the person in charge of the City’s building permits and other permits as assigned.

2-31. Building Inspector

“Building inspector” means the person performing the City’s building inspections, as appointed by the City Council.

2-32. Building, Residential

“Residential building” means a building designed to be used exclusively for dwelling purposes.

2-33. Building Setback

“Building setback” means the required minimum distance from a property line or edge of a road easement or property right-of-way to the closest point of any building.

2-34. Building Site

“Building site” means the portion of a parcel of land, in a single or joint ownership, and occupied or to be occupied by a building, together with such open spaces as are required by the terms of this Part.

2-35. Business

“Business” means a land use established for the purposes of commerce and as a means of generating revenue or income.

2-36. Business, Wholesale

“Wholesale business” means the selling of commodities in large quantities, as to retailers or jobbers rather than to consumers directly, but not including the storing and/or sale of any material or commodity, and not including the processing or manufacture of any product or substance.

2-37. California Environmental Quality Act (CEQA)

“California Environmental Quality Act” means a state law requiring state and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, an Environmental Impact Report (EIR) must be prepared and certified as to its adequacy before taking action on the proposed project.

2-38. Campground

“Campground” means a parcel of land upon which individuals may occupy locations for overnight accommodations in a recreational vehicle, tent or cabin.

2-39. Carport

“Carport” means a structure which is attached or detached from another building, and which is open on at least two sides with a covering for vehicle storage.

2-40. Cemetery

“Cemetery” means a place for the internment of the remains of the deceased either by burial, cryostorage, mausoleum, or cremation.

2-41. Centerline

“Centerline” means the line located equidistant from the edges of an easement or right-of-way. Centerline of a road right-of-way or easement does not necessarily mean the center of the physical location of the road.

2-42. Church

“Church” means a land use that is used for the purposes of conducting religious services and religious education. Whether or not any reference is made, a church includes all other places of worship for any denomination.

2-43. City

“City” means the City of Loyalton.

2-44. City Council

“City Council” means the City Council of the City of Loyalton.

2-45. Civic Center

“Civic center” means an area developed or to be developed with any of the following public buildings or uses including offices, libraries, playgrounds, parks, assembly halls, police stations and fire stations.

2-46. CEQA Guidelines

“CEQA guidelines” means the procedures and guidelines for implementation of the California Environmental Quality Act (CEQA) including any specific requirements adopted by the City of Loyalton.

2-47. Clinic

“Clinic” means a land use, which is established for the purposes of providing a health or life-style related service for humans and animals.

2-48. Cohousing

“Cohousing” means a group of 7 to 70 residential units (cottages, single-family detached, lot lines or duplex types) that are organized according to a site plan that encourages interaction among residents and which includes a common house and other common facilities (e.g., open space, playground equipment, gardens, etc.). The residential units typically face each other across a pedestrian street or courtyard, with cars parked on the periphery. The common house typically includes a common kitchen, dining area, sitting area, children’s playroom and laundry and also may contain a workshop, library, exercise room, crafts room and/or one or two guest rooms. Transitional or supportive housing that complies with State of California program requirements is also included in this term.

2-49. Combining District, Combining Zone

“Combining district” or “combining zone” means a land use classification that combines with a base zone to add additional planning opportunities to the use of land.

2-50. Commercial

“Commercial” means a use related to commerce and the production of revenue or income.

2-51. Community Care Facility

“Community care facility” means any facility, place or building which is maintained and operated to provide non-medical residential care, emergency shelters, adult day care or home finding agency services for children, adults or children and adults, including, but not limited to, the physically handicapped, mentally impaired or incompetent persons. “Community care facility” shall include residential facility, residential care facility for the elderly, adult day care facility, home finding agency and social rehabilitation facility, as defined in California Health and Safety Code § 1502.

2-52. Conditional Use Permit

“Conditional use permit” means a land use permit issued in a zone for uses which have the potential to be incompatible with neighboring land uses and zoning and are to be permitted following a public hearing in which interested parties have the opportunity to comment. “Use permit” also means conditional use permit.

2-53. Construction

“Construction” means the physical development of a parcel, including site excavation and grading, framing and finishing, up to the point of final inspection, use, or occupancy, whichever occurs first.

2-54. Consumer Service

“Consumer service” means a business, which derives its principal revenue from offering an intangible product for sale, or provides a service.

2-55. Contractor’s Equipment Yard

“Contractor’s equipment yard” means a parcel of land that is used for the temporary or ongoing outside storage of equipment, tools, materials, and vehicles used in the performance of a contractor’s business.

2-56. Corner Lot

“Corner lot” means a lot that has two or more parcel lines contiguous to a public street.

2-57. Date of Decision

“Date of the decision” granting or denying a permit under this Part means the date on which the decision is announced or final vote taken.

2-58. Day Care Center, Family and Adult Day Care Home

- A. “Day care center” means a land use to which children are taken for care and/or educational experience, other than that of a public or private school, while parents or legal guardians are unavailable to watch the children for periods of less than 18 hours with no land-use limit on the number of children within the facility unless otherwise specified in the facility’s permit.
- B. “Small family day care home” means a day care center in the home of the person operating the facility and providing care for no more than 8 children, including children who are members of the provider’s family (California Health and Safety Code § 1597.44).
- C. “Large family day care home” means a day care center in the home of the person operating the facility and providing care for no more than 14 children, including children who are members of the provider’s family (California Health and Safety Code § 1597.46).
- D. “Day health care center” means a land use to which adults, generally those over the age of 60, are taken for care or activities while the children or guardians of the adults are unavailable to watch or care for the adult (California Health and Safety Code § 1570.7). A health care facility must be licensed as a medical institution and provides twenty-four-hour medical care.

2-59. Density

“Density” means either of the following:

- A. For residential use, density means the number of dwelling units per acre.
- B. For non-residential use, density means the percentage of lot coverage.

2-60. Density, Gross

“Gross density” means the total number of units permitted under the property’s general plan designation or zone district before streets or other dedications are provided.

2-61. Density, Net

“Net density” means the total number of units permitted under the property’s general plan designation or zone district excluding street area and other dedications.

2-62. Density Bonus

“Density bonus” means a density increase over the otherwise maximum permitted density for residential dwelling units as specified by the zoning district.

2-63. Development

“Development” means on land, in or under land or water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density of intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with California Government Code § 66410) and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes and timber harvesting operations.

2-64. Development Standard

“Development standard” means a set of regulations contained within each zoning district of this Chapter setting forth minimum requirements or specifications which must be met by all applicants for permits; including but not limited to: lot dimensions, setbacks and height limits; lot coverage; animal densities; parking and signs.

2-65. Discretionary

“Discretionary” means review and/or action by the City which requires the exercise of judgment or deliberation that may include approval or disapprove an activity or project. Discretionary is distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances or regulations that would be considered Nondiscretionary or Ministerial (see definitions herein).

2-66. Disabled Person

A person who has a medical, physical or mental condition that limits a major life activity, as those terms are defined in California Government Code § 12926, anyone who is regarded as having such a condition or anyone who has a record of having such a condition. It includes a person or persons or an authorized representative of a disabled person. The term “disabled person” does not include a person who is currently using illegal substances, unless he or she has a separate disability.

2-67. District

“District” means a portion of the City within which certain uses of lands, buildings or structures are permitted or prohibited, and within which certain yards and other open spaces are required and certain height limits are established for the same as set forth in this Part.

2-68. Drive-In Restaurant/Drive-Up Window

“Drive-in restaurant/drive-up window” means a restaurant where customers are either served outside of the building with a walk-up window, a drive-up window for vehicles, or otherwise served in their vehicle without having to enter the restaurant.

2-69. Dwelling

Dwelling or dwelling unit shall mean a room or group of internally connected rooms that have sleeping, cooking, eating and sanitation facilities, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

2-70. Dwelling Group

“Dwelling group” means a group of two or more dwellings located on a parcel of land in one ownership and having any yard or court in common.

2-71. Dwelling Unit

“Dwelling unit” means a habitable room or group of internally connected or more habitable rooms, designed to be occupied by one family, with facilities for living, sleeping, cooking, eating and sanitation that have permanent sleeping, cooking, eating and sanitation facilities which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

2-72. Dwelling Unit, Accessory Dwelling Unit

~~“Accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on the same lot as the proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code § 17958.1, and a manufactured home, as defined in California Health and Safety Code § 18007.”~~ “Accessory dwelling” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on the same lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code § 17958.1, and a manufactured home, as defined in California Health and Safety Code § 18007 (refer to section 18.100.010(E)).

2-73. Dwelling Unit, Junior Accessory Dwelling Unit

~~“Junior accessory dwelling unit” means a dwelling unit that complies with the requirements of California Government Code § 65852.22, as amended from time to time. “Junior accessory dwelling” means a unit that is no more than 500 square feet of interior livable space in size and contained entirely within a single-family residence.~~

2-74. Dwelling, Duplex

“Duplex” means a dwelling unit that consists of two independent units that are attached.

2-75. Dwelling, Fourplex

“Fourplex” means a single detached building designed for and occupied by four families alone, living independently of each other as separate units and having four kitchens (does not include accessory or junior accessory dwellings).

2-76. Dwelling, Multiple Family or Multi-Family

“Multiple family dwelling” or “multi-family dwelling” means a single detached building designed for and occupied exclusively by two or more families living independently of each other as separate units, including apartment houses, condominiums, duplexes, triplexes and fourplexes.

2-77. Dwelling, Primary and Proposed Unit

~~“Primary dwelling unit” means an existing single-family residential structure that conforms with all zoning regulations in effect, including this Part. Accessory and junior accessory dwelling units may be allowed within a nonconforming use/building. “Primary dwelling” means the single-family dwelling or each multifamily dwelling unit but does not include an accessory or junior accessory units. An attached garage is considered part of the primary dwelling unit. Proposed Dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting~~

2-78. Dwelling, Single-Family

“Single-family dwelling” means a single detached dwelling designed for and occupied exclusively by one family alone. Single-family dwelling includes “factory-built housing” as defined in California Health and Safety Code § 19971.

2-79. Dwelling, Studio Unit

“Studio dwelling unit” means a one room dwelling unit with not more than 450 square feet of gross floor area, designed for occupancy by not more than two people. The floor area in a loft is included as part of the gross floor area calculation.

2-80. Dwelling, Triplex

“Triplex” means a single detached building designed for and occupied by three families alone, living independently of each other as separate units and having three kitchens. “Two-family dwelling” includes duplexes (does not include accessory or junior accessory dwellings).

2-81. Easement

“Easement” means any legal right defined as an easement in California Code of Civil Procedure § 800 et al. Generally, an easement is a right to the use of another’s land.

2-82. Electronic Component Assembly

“Electronic component assembly” means an industrial use in which the manufactured goods are assembled from components manufactured elsewhere.

2-83. Electronic Component Manufacturing

“Electronic component manufacturing” means an industrial use in which components for use in electronic equipment are manufactured from raw materials.

2-84. Emergency Shelter

~~“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of 6 months or less consistent within California Health and Safety Code § 50801(e).~~ “Emergency shelter” means housing with minimal supportive services, for homeless persons that is limited to occupancy of six months or less by a homeless person. Emergency shelters include interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care. No individual or household may be denied emergency shelter because of an inability to pay.

2-85. Employee Housing

~~“Employee housing” means housing as described in California Health and Safety Code § 17008 and shall be subject to the provisions of California Health and Safety Code §§ 17021.5 and 17021.6.~~

“Large. “Employee housing” or “Farmworker housing” means housing consisting of no more than thirty-six beds in a group quarters or twelve units or spaces designed for use by a single family or household is treated as agricultural use as described in California Health and Safety Code 17021.6. This includes housing that complies with California Health and Safety Code Section 17008, including temporary mobile homes and any attached or detached dwelling unit used to house farm or agricultural workers and their family members.

“Small. “Employee housing” or “Farmworker housing” means housing for six or fewer persons is treated as a single-family structure and residential use as described in California

Health and Safety Code Sections 17021.5. This includes housing that complies with California Health and Safety Code Section 17008, including temporary mobile homes and any attached or detached dwelling unit used to house farm or agricultural workers and their family members.

2-86. Explosive

“Explosive” means and includes any chemical compound or mechanical mixture, that is commonly used or intended for the purpose of producing an explosion, and that contains any oxidizing and combustible units, packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing effects on contiguous objects or of destroying life or limb.

2-87. Exterior Side Yard

“Exterior side yard” means the required side yard setback area on any corner lot adjacent to a public street.

2-88. Family

“Family” means 1 or more persons occupying a dwelling and living together as a single housekeeping unit in which each resident has access to all parts of the dwelling and there is a sharing of household activities, expenses, experiences and responsibilities.

2-89. Farmworker Housing

~~“Farmworker Housing” means housing configured to accommodate a maximum of 36 beds in group quarters or up to 12 individual units designed for use by a single family or household, and recognized as employee housing pursuant to California Health and Safety Codes §§ 17021.5 and 17021.6. See 12.08.218.06.363 (2-85) Employee housing.~~

2-90. Fence, Wall

“Fence” or “wall” means a structure constructed of posts, supports, and cross members that serves as an obstruction to mark property lines or delineate or restrict access to a portion of property, Fences for the purpose of this Chapter includes walls, hedges, and screen plantings.

2-91. Fire Chief

“Fire Chief” means the Fire Chief for the City of Loyalton or designee.

2-92. Flea Market

“Flea market” means a temporary land use in which a series of booths, tables, or other temporary display areas are set up in which an individual, persons, vendors, group, organization, or business which offer both new and used merchandise for retail trade.

2-93. Foster Family Home

“Foster family home” in accordance with California Health and Safety Code § 1502, means any residential facility providing 24-hour care for 6 or fewer children which is owned, leased or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed.

2-94. Frontage

“Frontage” means the total distance along a property line that abuts a public street or streets.

2-95. Garage

“Garage” means a structure intended for use for storage of vehicles and other items. This definition does not replace the definition of a garage in the California Building Code. A garage may be incorporated within a building.

2-96. Garage Sale

“Garage sale” means a garage, yard, lawn, patio or similar type sale held anywhere on the premises in any residential zone district for the purpose of disposing of personal property.

2-97. General Plan

“General plan” means the City of Loyalton general plan as currently adopted including all amendments.

2-98. Government Code

“Government Code” means the California Government Code.

2-99. Gross Floor Area

“Gross floor area” means the total square footage of a structure as measured around the exterior perimeter including any non-walled areas under roof and any outside storage or sales areas.

2-100. Gross Land Area

“Gross land area” means the area of the parcel exclusive of any required public dedication.

2-101. Group Care Home

“Group care home” (also see definition of Community Care Facility) means a facility licensed by the state pursuant to California Health and Safety Code § 1502 et seq.

2-102. Guest House

“Guest house means a detached living quarter of permanent construction, without kitchens, which are clearly subordinate and incidental to the use of the main building on the same lot.

2-103. Health and Safety Code

“Health and Safety Code” means the California Health and Safety Code, also written H&S.

2-104. Health Care Facility

“Health care facility” means any facility, place or building which is organized, maintained and operated for the diagnosis, care, prevention and treatment of human illness, physical or mental, including after convalescence and rehabilitation and including care during and after pregnancy or for any one or more of these purposes, for one or more person, to which the persons are admitted for a 24-hour stay or longer. “Health care facility” shall include general acute care hospital, acute psychiatric hospital, skilled nursing facility, intermediate care facility, intermediate care facility/developmentally disabled habilitative, special hospital or intermediate care facility/developmentally disabled.

2-105. Height

“Height” means the vertical distance from the base elevation at the point of measurement to the highest point on the structure, excluding chimneys, antennae, and similar nonstructural elements.

2-106. Heliport

“Heliport” means “airport” as defined herein.

2-107. Highway

“Highway” means a state route as defined by the state of California Department of Transportation, Caltrans.

2-108. Home Occupation

“Home occupation” means a business located in a home that is subservient to the use of the dwelling as a residence.

2-109. Hospital

“Hospital” means a land use in which intensive and general medical care is provided for patients on an emergency in- and out- patient basis.

2-110. Hotel

“Hotel” means a land use in which there are six or more rooms for transient occupancy. Motel and hotel are synonymous.

2-111. Household Pets

“Household pets” means domestic animals or fowl normally kept in the house for company or pleasure and not for profit, such as dogs, cats, canaries, parrots, but not including a sufficient number of dogs to constitute a kennel as defined herein.

2-112. Housing Development

“Housing development means any development project that results in adding residential dwellings or mixed-use projects consisting of at least 2/3^{rds} of the square footage of the buildings devoted to residential uses. Housing development shall also include supportive and transitional housing (also see definition of Affordable Housing Development).

2-113. Indemnification

“Indemnification” means compliance with a request to relieve the City of liability or to accept the costs for defending the City from any action brought as a result of the project.

2-114. Industry

“Industry” means the manufacturing, fabrication, processing, reduction or assembly of any article, substance or commodity, which results in a new product from the original materials.

2-115. Interior Side Yard

“Interior side yard” means the required setback area from any property line between two parcels, neither of which is a public street.

2-116. Junk

“Junk” means, but is not limited to, trash; refuse; paper; glass; cans; bottles; rags; ashes; trimming from lawns, yards, trees, and shrubbery, including plants and leaves; and other solid waste or salvageable materials other than garbage; inoperable appliances, parts, tools; inoperable and unregistered vehicles; vehicle parts; vehicle hulks; discarded furniture; dirt; rocks; and materials from the demolition, alteration or construction of buildings or structures, unless such dirt, rock, or other materials from demolition, alteration or construction are being used for purposes of fill.

2-117. Junkyard

“Junkyard” means a place in which junk, salvaged materials or products, scrap, or other waste materials are stored, broken up, dismantled, sorted, distributed, or sold privately or commercially.

2-118. Kennel

“Kennel” means a land use where 4 or more dogs 4 months or older and/or 4 cats 6 weeks or older are bred, raised, trained or boarded.

2-119. Kitchen

“Kitchen” means any area within any structure including one or more of the following facilities that are capable of being used for the preparation or cooking of food: oven/microwave oven, stove, hotplate, refrigerator exceeding 6 cubic feet, dishwasher, garbage disposal, sink having a drain outlet larger than 1.05 inches in diameter and cabinets, counter space or other areas for storing food.

2-120. Landfill

“Landfill” means a parcel of land that is appropriately licensed for the storage of solid waste.

2-121. Landscaping

“Landscaping” means the replacement of developed or excavated areas of a parcel with introduced new living vegetation, shrubbery, trees, ground cover and combinations thereof.

2-122. Living Area

“Living area” means the interior habitable area for a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

2-123. Living Space

Living space means the improved interior ‘habitable’ area within a dwelling unit conditioned and utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

2-124. Lot

“Lot” means a legally established parcel of land.

- A. “Corner lot” means a lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than one hundred 135°. If the intersection angle is more than 135° degrees, the lot is considered an interior lot.
- B. “Flag lot” means a lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
- C. “Key lot” means an interior lot, the front of which adjoins the side property line of a corner lot.

2-125. Lot Coverage

“Lot coverage” means the percent of lot covered by all building footprints. Means the same as “Site Coverage.”

2-126. Lot Depth

“Lot depth” means the average distance from the property line fronting a road or road easement to the rear or opposite property line.

2-127. Lot Frontage

“Lot frontage” means the width of the lot fronting on a road or private road easement, measured along the property line.

2-128. Lot Line

- A. “Lot line” means any legally described parcel line as follows:
- B. “Front lot line” is the shortest property line along the road or road easement.
- C. “Side lot line” is the property line intersecting with the front lot line and dividing the parcel from other adjacent parcels or another public street.
- D. “Exterior lot line” is the property line intersecting with the front lot line and contiguous with a public street on a corner lot.
- E. “Interior lot line” is any property line dividing the parcel from other adjacent parcels.
- F. “Rear lot line” is the property line opposite the front lot line.

2-129. Lot Width

“Lot width” means the distance from one side property line to the other side property line measured along the front building setback line.

2-130. Low-Barrier Navigation Center

“Low-Barrier Navigation Center” means a housing shelter focused on “housing first, low-barrier, service-enrichment for the purpose of moving people into permanent housing. In accordance with California Government Code §§ 65660 through 65668, this housing shelter use provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelters and housing.

2-131. Manufactured Housing

~~“Manufactured housing” means a structure constructed on or after June 15, 1976, is transportable in one or more parts, is eight body feet or more in width or 40 body feet or more in length, in the traveling mode or when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a dwelling unit when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein and which is placed on a permanent perimeter foundation. “Manufactured home” also includes any structure that meets all the requirements of this paragraph for which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. § 5401 and following).~~ “Manufactured housing” means a structure constructed on or after June 15, 1976, is transportable in one or more parts, is 8 body feet or more in width or 40 body feet or more in length, in the traveling mode or when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. “Manufactured housing” also includes structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974.

2-132. Ministerial

“Ministerial” means an action taken by the City involving little or no personal judgment. Under the Zoning Ordinance, these actions might involve reviewing fixed (objective) standards involving no subjective judgement in deciding whether or how a project or activity should be carried out, such as reviewing a proposed development to comply with building height or building setback requirements of the City’s regulations.

2-133. Mobile Home

~~“Mobile home” means a manufactured structure that was constructed prior to June 15, 1976, is transportable in one or more parts, is eight body feet or more in width or 40 body feet or more in length, in the traveling mode or when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a dwelling with or without a foundation when connected to required utilities and includes plumbing, heating, air conditioning and electrical systems contained therein as set forth in California Health and Safety Code § 18008. Mobile home includes any structure that meets all the requirements of this paragraph and is either certified under the National Mobile Home Construction and Safety Act of 1974 (42 U.S.C. § 85401 and following) or complies with state standards for mobile homes in effect at the time of construction. Mobile home does not include any automobile, trailer, camp trailer, camper, house car, motor vehicle, recreational vehicle or other vehicle defined in the California Vehicle Code, a commercial coach or a manufactured home as defined by state law.~~ “Mobilehome” means a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body

feet or more in width, or 40 body feet or more in length, in the traveling mode, or when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein. as set forth in Health and Safety Code Section 18008. "Mobilehome" includes any structure that meets all the requirements of this paragraph and complies with state standards for mobilehomes in effect at the time of construction. Mobilehome does not include a manufactured home, recreational vehicle, commercial coach, or camper as defined by state law. a commercial modular, as defined in Section 18001.8, factory-built housing, as defined in Section 19971, a manufactured home, as defined in Section 18007, a multifamily manufactured home, as defined in Section 18008.7, or a recreational vehicle, as defined in Section 18010.

2-134. Mobile Home Park

“Mobile home park” means an area of land where two or more mobile home spaces are used, rented, leased or held out for use, rent or lease, to accommodate mobile homes for human habitation. For purposes of this Chapter, “mobile home park” shall not include a mobile home subdivision, stock cooperative or any park where there is any combination of common ownership of the entire park or individual mobile home spaces. This shall not include recreational vehicle parks or portions of parks that include recreational vehicle spaces.

2-135. Modular House

“Modular house” (see definition of Factory-Built Housing).

2-136. Motel

“Motel” means a land use in which there are six or more rooms for transient occupancy. Motel and hotel are synonymous.

2-137. Net Land Area

“Net land area” means the area of land remaining after any required public dedication.

2-138. Nonconforming Building or Use

- A. “Nonconforming building” means a structure that does not conform to present regulations.
- B. “Nonconforming use” means a land use, which does not conform to present regulations.
- C. “Legally existing” means a use that predates present regulations but was legally constructed or established at the time the use or construction first commenced.

2-139. Nondiscretionary

“Nondiscretionary” (see definition of Ministerial).

2-140. Nursery

“Nursery” or “plant nursery” means a business, which is primarily engaged in the raising, propagation, growth, or sales of vegetation, plants and supplies.

2-141. Nursing Home

“Nursing home” means a residential facility that is maintained primarily for the care and treatment of inpatients under the direction of a physician. The patients in such a facility require supportive, therapeutic or compensating services and the availability of a licensed nurse for observation or treatment on a 24-hour basis. Nursing care may include but is not limited to terminal care; extensive assistance or therapy in the activities of daily living; continual direction, supervision or therapy; extensive assistance or therapy for loss of mobility; nursing assessment and services which involve assessment of the total needs of the patient, planning of patient care and observing, monitoring and recording the patient’s response to treatment; and monitoring, observing and evaluating the drug regimen. “Nursing home” includes intermediate nursing facilities for the mentally retarded or developmentally disabled.

2-142. Objective Design Standards

“Objective Standards” means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

2-142-2-143. Occupancy

“Occupancy” means the establishment of a use within a structure or upon a parcel of land, including and not limited to, installing display fixtures in a completed structure, stocking of inventory, or commencing temporary or permanent residency, whether or not a structure has been subject to an approved final inspection or a certificate of occupancy.

2-143-2-144. Off-Site

“Off-site” means an improvement or other reference concerning a proposed project or subject property, which is not located on the parcel under discussion.

2-144-2-145. On-Site

“On-site” means an improvement or other reference concerning the subject property under discussion.

~~2-145-2-146.~~ Open Space

“Open space” means the portion of the lot or parcel from the ground upward that is unoccupied by buildings, structures, parking lots and driveways, except as otherwise permitted by City regulations. Clubhouses, recreation buildings, pools, saunas, interior walkways, paths and similar amenities may be included in open space.

~~2-146-2-147.~~ Parcel, Lot

“Parcel” or “lot” means a described area of land within an ownership. Parcel may also mean a parcel established for tax purposes, sometimes called an assessor’s parcel.

~~2-147-2-148.~~ Park, Playground

“Park” or “playground” means a land use, which is established for the purpose of providing passive or active recreation on a public or private basis.

~~2-148-2-149.~~ Parking Area

“Parking area” means the paved portion of a parcel which is developed for the storage of vehicles.

~~2-149-2-150.~~ Parking Space

“Parking space” means an accessible and usable space on the lot for the parking of automobiles.

~~2-150-2-151.~~ Paved

“Paved” means that the required surface typically used for parking, driveways or other vehicular access is improved with concrete, asphaltic concrete, or other similar material capable of handling the type of vehicular traffic anticipated with the proposed use.

~~2-151-2-152.~~ Permit

“Permit” means an authorization to proceed issued by the City for a specific activity.

~~2-152-2-153.~~ Planned Community

“Planned community” means a large-scale development whose essential features are a definable boundary; a consistent, but not necessarily uniform, character; overall control during the development process by a single development entity; private ownership of recreation amenities; and enforcement of covenants, conditions, and restrictions by a master community association.

~~2-153-2-154.~~ Planned Unit Development

“Planned unit development” means a description of a proposed unified development, consisting at a minimum of a map and adopted ordinance setting forth the regulations

governing, and the location and phasing of all proposed uses and improvements to be included in the development.

2-154.2-155. Planning Department

“Planning Department” means the City-appointed or designated staff or consultant of the City of Loyalton to assist the City with planning-related matters.

2-155.2-156. Planning Director

“Planning director” means the person appointed or designated to assist the City Council with planning-related matters.

2-156.2-157. Pre-Occupancy Inspection

“Pre-occupancy inspection” means a required inspection before any existing building and/or a structure other than residential, is used, occupied or business license is issued to/for.

2-157.2-158. Professional Office

“Professional office” means a non-retail or non-commercial wholesale activity wherein professional service is typically provided to the public, or the office is the headquarters for a commercial or industrial activity.

2-158.2-159. Police Chief

“Police Chief” means the Police Chief for the City of Loyalton as appointed by the City.

2-159.2-160. Property Line

“Property line” is a legal boundary describing a parcel of land.

2-160.2-161. Public Agency

“Public agency” means a political subdivision, federal, state, or local government or its departments, or governmental jurisdictions or districts.

2-161.2-162. Public Resources Code

“Public Resources Code” means the California Public Resources Code, also written PRC.

2-162.2-163. Public Services

“Public services” means services needed for development of a parcel of land. This may include, but is not limited to, electricity, access, water, sewage collection and treatment, and telecommunications.

2-163-2-164. Public Utility Buildings and Uses

“Public utility buildings and uses” means buildings, structures and uses of a public business which provides a general service to the public, such as telecommunications, electricity, water, or other services.

2-164-2-165. Public Works Director

“Public Works Director” means the Public Works Director as appointed or designated by the City.

2-165-2-166. Reasonable Accommodation

“Reasonable accommodation” means provision of disabled persons flexibility in the application of land use and zoning regulations and procedures or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. It may include adjustments to standards such as yard area modifications for ramps, handrails or other such accessibility improvements; hardscape additions, such as widened driveways, parking area or walkways; building additions for accessibility; tree removal; or reduced off-street parking where the disability clearly limits the number of people operating vehicles. Reasonable accommodation does not include an accommodation which would (1) impose an undue financial or administrative burden on the City or (2) require a fundamental alteration in the nature of the City’s land use and zoning program.

2-166-2-167. Recreational Vehicle

“Recreational vehicle” means a motorhome, travel trailer, park trailer, truck camper or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy, with an area of less than 480 square feet and consistent with California Health and Safety Code § 1810. Recreational vehicle shall also include trailered boats.

2-167-2-168. Recreational Vehicle Park

“Recreational Vehicle Park” means any area or tract of land or a separate part within a mobile home park, where two or more lots are rented or leased or held out for rent, or lease to owners or users of recreational vehicles or tents.

2-168-2-169. Recreational Vehicle Storage

“Recreational vehicle storage” means a commercial activity in which recreation vehicles are garaged either within a building, or an open enclosure for payment of a rental fee.

2-169-2-170. Residential Care Facility, ~~Large Licensed and Unlicensed~~

~~“Large residential care facility” means any state licensed family home, group care facility or similar facility family home, group care facility or similar facility providing 24-hour non-medical care for more than six persons in need of personal services, supervision or~~

~~assistance essential for sustaining the activities of daily living or for the protection of the individual. The term includes, but is not limited to, foster care homes.~~

"Licensed Residential care facility" means any state licensed family home, group care facility or similar facility family home, group care facility or similar facility providing 24-hour non-medical care for persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. The term includes, but is not limited to, foster care homes. A small residential care facility provides care for a maximum of six persons, while. A a large residential care facility provides care for seven or more than six persons.

"Unlicensed Residential Care Facility" means any family home, group home, group care facility, or similar facility, not required to be licensed by the state and operated as a single housekeeping unit, maintained and operated to provide twenty-four hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily life or for the protection of the individual. A small residential care facility provides care for a maximum of six persons, while a large residential care facility provides care for seven or more persons.

~~2-170. Residential Care Facility, Small~~

~~"Small residential care facility means any state licensed family home, group care facility or similar facility family home, group care facility or similar facility providing 24-hour non-medical care for up to six persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. The term includes, but is not limited to, foster care homes.~~

2-171. Rest Home

"Rest home" (see definition of Nursing Home).

2-172. Right-of-Way, Public

"Public right-of-way" is a strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public uses.

2-173. Rooming House

"Rooming house" means the same as "boarding house" as set forth herein.

2-174. School

"School" means an institution, public or private, established for the purpose of educating a class of students at any grade level, either for profit or nonprofit purposes.

2-175. Second Dwelling Unit

“Second dwelling unit” (see definition of Accessory and Junior Accessory Dwelling Unit).

2-176. Shopping Center

“Shopping center” means a commercial center, or group of commercial establishments, planned, developed, managed and maintained as a unit, with common off-street parking provided to serve all uses on the property.

2-177. Side and Front on Corner Lots

The front yard (of a corner lot) may face either street frontage of a corner lot, at the option of the owner.

2-178. Sign

“Sign” means any device capable of visual communications or attraction, including declarations, announcements, demonstrations, displays, insignias, trademarks, or symbols, used for the purpose of informing, advertising, or promoting any business, place, or event.

2-179. Single Room Occupancy

“Single room occupancy” means a structure with a small residential room or more rooms designed to provide living facilities for 1 person, often with cooking facilities and with private or shared bathroom facilities.

2-180. Streamlined housing: A housing development project that meets the qualifications of Government Code Section 65913.4 and therefore is eligible for a ministerial and streamlined approval process.

2-180-2-181. Street

“Street” means a public thoroughfare accepted by the City which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, except an “alley” as defined herein.

2-181-2-182. Structure

“Structure” means anything constructed or erected, the use of which requires location on or above the ground or the attachment to something having location on or above the ground, including swimming pools and patio covers.

2-182-2-183. Structure Alteration

“Structure alteration” means any change in supporting members of a structure or building.

2-183-2-184. Supportive Housing

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

2-185. Tandum Parking Space

“Tandum Parking Spact” means parking spaces for two or more automobiles when they are parked on a driveway or in any other location on a lot, lined up behind one another.

2-184-2-186. Target Population

Target Population means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, or substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Services Act (Division 4.5 (commencing with § 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individual exiting from institutional settings, veterans, and homeless people.

2-185-2-187. Temporary Use

“Temporary use” means a land use, which may occur on a parcel of land for a limited time as may be authorized herein.

2-186-2-188. Townhouse

“Townhouse” means a single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire-resistant walls.

2-187-2-189. Transitional Housing

~~“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than 6 months from the beginning of the assistance.~~

“Transitional housing” means a development with buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months.

2-188:2-190. Use

“Use” means the activity that takes place on a parcel of land.

2-189:2-191. Variance

“Variance” means a discretionary entitlement, which permits the departure from the strict application of the development standards contained in this zoning ordinance.

2-190:2-192. Yard

“Yard” means the area between a property line and required setback line within any lot.

2-191:2-193. Yard, Front

“Front yard” means a yard extending across the full width of the front portion of the lot measured from the front line of the lot to the nearest line of a building or structure wall or required front setback line, whichever is closer to the property line.

2-192:2-194. Yard, Rear

“Rear yard” means a yard extending across the full width of the rear portion of the lot measured between the rear line of the lot and the nearest line of the building or structure wall or required rear yard setback line, whichever is closer to the property line.

2-193:2-195. Yard, Side

“Side yard” means a yard between the side line of the lot and nearest structure setback or required side yard setback line, whichever is closer to the property line and extending from the front yard of the lot to the rear yard.

CHAPTER 12.08.3

ADMINISTRATION AND ENFORCEMENT

3-1. Zone Change – Notification of County Assessor and Owner of Record

Whenever a zone change or zoning variance is granted on a property, the City Clerk acting for the City Council shall, within 30 days, notify the county assessor of such action. Whenever the request for a zone change or a zoning variance is made by other than the owner of record, the City Clerk shall simultaneously notify the owner of such property that a notice has been sent to the county assessor regarding the zone change or zoning variance.

3-2. Permit Issued in Conflict with Provisions Prohibited

All departments, officers and public employees vested with the duty or authority to issue permits, certificates or licenses shall issue no permit, certificate or license for uses, buildings or purposes within the City in conflict with the provisions of these regulations, and any such permit, certificate or license issued in conflict with the provisions of these regulations shall be null and void.

3-3. Public Nuisance Declared

Any building or use operated or maintained contrary to the provisions of these regulations shall be, and the same is declared to be a public nuisance and shall be subject to injunction and abatement as such.

3-4. Remedies Nonexclusive

The remedies provided in this Part shall be cumulative to all others provided by law and not exclusive.

3-5. Violation – Penalty

Any person, whether principal, agent, employee or otherwise, who violates or causes or permits a violation of any of the provisions of this Part shall be punished pursuant to the provisions of this code.

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CHAPTER 12.08.4

GENERAL USE DESIGN AND OPEN SPACE REQUIREMENTS

4-1. Purpose and Applicability

In addition to the regulations specified in this Part for each of the principal zone districts, the general regulations set forth in this Chapter shall be applicable to each and every such zone, including combining zones. In the event of conflict between the particular regulations set forth in this Chapter, the more restrictive regulations shall apply.

4-2. Accessory Uses

Accessory uses, as defined in this Part, shall be permitted as appurtenant to any permitted use unless otherwise provided in this Part, provided that no accessory use shall be conducted on any property in any residential zone district unless and until the main building is erected and occupied, or until a use permit is secured.

4-3. Assemblages of Persons and Vehicles

No circus, carnival, open-air or drive-in theater, automobile racetrack, religious revival tent, outdoor concerts or similar assemblage of people and automobiles shall be permitted in any zone district unless a conditional use permit is approved by the City Council.

4-4. Convalescence of Immediate Family Members

- A. The use of a temporary dwelling to support the convalescence of immediate family members as permitted in this Part is subject to the following requirements:
1. Such usage contemplates and will permit only short-term use of a mobile home or recreational vehicles as temporary dwellings.
 2. Size of the temporary dwelling not to exceed 40 feet in length.
 3. The convalescent person must be a member of the immediate family of the application, or the convalescent person is the applicant and the temporary dwelling will be occupied by an immediate family member to assist the convalescent person.
 4. Applicant must validate the application with a certificate from the physician as to the health condition of the applicant's immediate family member.
 5. Applicant must certify as to inadequate housing arrangement in the main structure.
 6. Each permit shall only be for one year, there shall be no extensions granted, however, re-issuance is possible.

7. The temporary dwelling must be removed within 30 days after the convalescing person no longer needs aid.
 8. The director of public works and/or the building inspector must approve the water and sewer hookups.
 9. The applicant is responsible for and must seek approval of the county health department as to the living quarters.
 10. Each conditional use application must be concurrently with an agreement to pay additional current base rate sewer and water charges.
 11. All electrical and telephone wiring and plumbing must be a type allowed by the California Building Code for outside wiring, plumbing and must be approved by the building official subject to limitations by any local utility company requirements. Such services must be approved and permits obtained from the building department prior to occupancy.
- B. Any variations of the above requirements can only be altered by processing and receiving approval of a conditional use permit.

4-5. Height limitations and Modifications

- A. Height of buildings and structures shall be measured vertically from the average ground level of the ground covered by the building to the highest point of the roof, but chimneys, stacks, vents, flagpoles, conventional television reception antennas, elevator, ventilating and air-conditioning equipment and similar architectural and mechanical appurtenances shall be excluded in making such measurements. Height limitations provided in this Part shall not apply to electric transmission lines and towers, except as provided in Part 12.08.37.
- B. Exceptions to height restrictions required within this Part may be granted by processing a use permit.

4-6. Home Occupations

- A. A “home occupation use permit” which allows the operation of a business in a home located in a residential zone district, may be issued by the Building Official or Building Official’s nominee, without the necessity of public notice, a public hearing, or City Council action, upon a finding that the following conditions exist:
1. The proposed business activity involves only the use of telephone, internet and mail at the subject premises;
 2. The business does not involve shipping, receiving, repacking, or the storage of any materials on the subject premises;

3. The business will not employ any persons at the subject premises who do not occupy the same as their residence;
 4. One unlit sign of 1 foot x 1 foot, attached to the building;
 5. No customers, clients, patients, salespersons, or other persons will be visiting the subject premises in connection with the business;
 6. There will be no other indications of business activity visible to neighbors or to the public, at the subject site, resulting from the use; and
 7. There will not be any other significant negative impact upon the environment, public safety, or public welfare.
 8. Require issuance of a business license.
- B. Any person who is denied a home occupation use permit by the Building Official pursuant to Part A above may apply to the City Council for the same.

4-7. Child and Adult Day Care

- A. Purpose and intent. The provisions set forth in this Part are intended to enable child and adult day care opportunities throughout the City, to ensure that day care facilities will be compatible with residential uses and to comply with applicable sections of the California Health and Safety Code.
- B. Permits required.
1. Adult day care facilities serving six or fewer clients on-site at one time and small family day care homes for eight or fewer children are considered residential uses for the purposes of zoning regulation. They may be established in all zones where dwellings are allowed. No conditional use permit is required.
 2. Adult day care facilities serving seven to 12 clients on site at one time and large family day care homes for children may be established in any zone where dwellings are allowed, subject to performance standards listed below. These facilities require written approval by the Planning Director, consistent with the following review procedures:
 - a. Public notice. Mailed notice of the proposed use shall be given to all property owners within no more than a 100-foot radius of the exterior boundaries of the proposed facility site, no fewer than ten days prior to the Planning Director's action to approve or deny an application for a day care facility serving seven to 12 adults or nine to 14 children. If no written request for hearing is received by the City within 10 days from the mailing of these notices, the Planning Director may approve the requested use upon submission

of all required information and without further notice or public hearing.

- b. Public hearing. A public hearing shall be required if requested in writing by the applicant or any others.
 - c. Approval. The Planning Director is authorized to approve day care facilities serving seven to 12 adults or seven to 14 children. In accordance with applicable sections of the California Health and Safety Code, the Planning Director shall approve the use when the Planning Director determines that the proposed facility:
 - i. Complies with all applicable provisions of the Fire Code regarding health and safety; and
 - ii. Has been issued a day care license from the State of California, Department of Social Services; and
 - iii. Will satisfy performance standards of this Part relating to noise, traffic and parking.
 - d. City regulatory authority for family day care homes. In accordance with the California Health and Safety Code, the City cannot deny an application for a large family day care home, but can apply standards of conditions of approval to address concentrations of these types of uses within a neighborhood, traffic control and parking and noise control. Also, in accordance with State law, the City may not impose fees for small or large family day care home applications or business licenses.
3. Day care facilities serving more than 12 adults or more than 14 children require approval by the Planning Director where not otherwise allowed or prohibited.
- C. Performance standards for day care facilities serving more than six adults or more than 14 children.
- 1. Noise. Where the day care facility is adjacent to housing in a residential zone, outdoor play and activities shall be prohibited prior to 9:00 a.m.
 - 2. Traffic. Designated delivery and pick-up areas shall not pose any traffic or safety hazards. Operators of day care facilities shall provide carpool-matching services to all clients.
 - 3. Parking:
 - a. Day care facilities with seven to 12 adults or nine to 14 children, 1 on-site parking space is required, in addition to parking required

for the residence, except when the Planning Director finds that adequate on-street parking exists for dropping off and picking up clients.

- b. Day care centers with more than 12 adults or more than 14 children must provide 2 spaces per facility and one space for each 12-day care clients (based on the facility's license), rounded to the nearest whole number, in addition to any spaces required for the residential use.
- D. Day care as an accessory use. When day care facilities are accessory to another use requiring an approval, only one application need be filed and acted on. As accessory uses to schools and churches and where an employer provides on-site childcare to 14 or fewer children for the exclusive use of employees, day care is allowed by right, providing the primary use meets City parking standards.
- E. Exceptions. Nothing in this Part shall prohibit applicants from requesting exceptions or variances from the strict interpretation of the Zoning Regulations to the extent allowed by said regulations. The Planning Director may authorize minor exceptions to performance standards upon finding that the modification is in accordance with the intent and purpose of the Zoning Regulations and consistent with the City's day care policy.
- F. Nonconforming status. All day care facilities licensed by the State at the time of ordinance adoption (2021) shall be considered legal nonconforming uses, consistent with Chapter 12.8.22, except that nonconforming day care facilities may not be changed to another nonconforming use.

4-8. Mining and Removal of Natural Materials

Mining and removal of minerals and natural materials, including materials to be used for commercial purposes, may be allowed in any zone, with the exception of removal of materials for normal construction or underground facilities, or where such removal is primarily for building site grading and land leveling.

4-9. Manufactured Home Park Standards

All manufactured home parks shall be subject to the following requirements, plus other requirements that may be made conditions of use permit approval:

- A. Minimum lot area: 5 acres
- B. Minimum recreation space: 10% of the total project site. The minimum size of any single outdoor recreation space shall be 2,500 square feet.
- C. Minimum yards around the perimeter of the park:
 - 1. Front (abutting any street): 20 feet (landscaped)

2. Side and rear: 10 feet suitably landscaped to provide effective screening. Fences or wall may be required as condition of approval of use permit as a means to achieve neighborhood compatibility.
- D. All areas not used for access, parking circulation, recreation or services shall be completely and permanently landscaped, and the entire site shall be maintained in a neat, clean and sanitary condition.
 - E. All circulation roads shall be at least 25 feet from curb to curb and shall be increased in width by 10 feet for curb parking space on each side of the street on which such curb parking is permitted. All roads and parking spaces shall be permanently paved. Two parking spaces or the equivalent thereof shall be provided for each mobile home site, plus one guest parking space for each 10 mobile home sites. The manufactured home spaces may be provided as tandem parking.
 - F. Each home site shall have a minimum area of 3,500 square feet. In no instance shall the density of the site exceed the density permitted in the base zoning district.
 - G. The minimum distance between any manufactured homes is 10 feet. The minimum distance between an accessory structure on one site and a manufactured home on an adjacent site shall be 10 feet.
 - H. The City Council may modify the above requirements for an existing substandard park proposed to be enlarged or extended; provided, that the modifications are limited to the extent that the overall improvements in the design or standards of such existing park will result.

4-10. Manufactured Structures

Manufactured structures, including mobile homes, may be located on individual lots for residential (and treated the same as other residential development) or office use, in accordance with state law.

- A. Structures. Only structures certified by the Department of Housing and Urban Development as meeting the requirements of the National Manufactured Housing Construction and Safety Act of 1974, or meeting all requirements of the California Building Code, will be allowed.
- B. Permanent residential use:
 1. Manufactured housing shall be allowed in all zones where single-family residential houses are allowed subject to the same development standards for conventional single-family residential dwellings limited to roof overhang, roofing and siding material restrictions (refer to residential development standards in the base zoning district).
 2. Manufactured structures for residential use shall be subject to the same development standards as other residential buildings referenced within the

Zoning Code, and may be located only in residential zones. As with all other residential buildings, manufactured structures shall be installed on a solid concrete or masonry foundation, extending a minimum of 12 inches below grade, and the structure, foundation and anchorage system shall conform to the requirements of the California Building Code.

3. The under-floor area of the structure shall be enclosed with permanent materials conforming to California Building Code requirements for contact with, or separation from, the soil.
4. Roofing and exterior siding materials shall be of types customarily used on conventional dwellings.

C. Temporary office use:

1. A manufactured structure may be used as a temporary office, in commercial or industrial zones, for a period not exceeding 1 year, during reconstruction of a damaged structure, or alteration of an existing structure. The City Council may extend the temporary use for an additional 6-month period, provided substantial progress has been made in the permanent construction.
2. Temporary installations may be made with temporary masonry or steel foundations. Adequate anchorage shall be constructed to conform to the California Building Code.

4-11. Accessory and Junior Accessory Dwelling Units

~~In accordance with California Government Code § 65852.2, to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods, accessory and junior accessory dwellings are encouraged to be produced. Upon meeting the requirements of this Part, accessory and junior accessory dwelling units may be established in all locations by zone that allow single family and multiple family residential uses.~~

~~A. Approvals. The following approvals apply to ADUs and JADUs under this Part:~~

- ~~1. Building permit only. If an ADU or JADU complies with each of the general requirements listed below, it is allowed with only a building permit.~~
- ~~2. Converted on single family lot. One ADU or JADU on a lot with a proposed or existing single family dwelling on it, where the ADU or JADU:
 - ~~a. Is within the space of a proposed single family dwelling; within the existing space of an existing single family dwelling; or within the existing space of an accessory structure, plus up to 150 additional square feet, if the expansion is limited to accommodating ingress and egress;~~~~

- ~~b. Has exterior access that is independent of that for the single-family dwelling; and~~
 - ~~c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.~~
- ~~3. Limited detached on single family lot. One detached, new construction ADU on a lot with a proposed or existing single family dwelling (in addition to any JADU that might otherwise be established on the lot under this Part, if the detached ADU satisfies the following limitations:~~
 - ~~a. The side and rear yard setbacks are at least 4 feet.~~
 - ~~b. The total floor area is 800 square feet or smaller.~~
 - ~~c. The peak roof height above grade is 16 feet or less.~~
- ~~4. Converted on multifamily lot. Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited, to storage rooms, boiler rooms, passageways, attics, basements or garages, if each converted ADU complies with state building standards for dwellings. At least 1 converted ADU is allowed within an existing multifamily dwelling, and up to 25% of the existing multifamily dwelling units may each have a converted ADU under this paragraph.~~
- ~~5. Limited detached on multifamily lot. No more than 2 detached ADUs on a lot that has an existing multifamily dwelling, if each detached ADU satisfies the following limitations:~~
 - ~~a. The side and rear yard setbacks are at least 4 feet.~~
 - ~~b. The total floor area is 800 square feet or smaller.~~
- ~~6. ADU permit:~~
 - ~~a. No ADU may be created without a building permit.~~
 - ~~b. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The ADU permit processing fee is determined by the City Council by resolution.~~
- ~~7. Process and timing:~~
 - ~~a. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.~~

- b. ~~The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:~~
 - i. ~~The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or~~
 - ii. ~~In the case of a JADU and the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot. The City may delay acting on the permit application for the JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the JADU will still be considered ministerially without discretionary review or a hearing.~~

8. ~~Zoning:~~

- a. ~~An ADU or JADU subject only to a building permit under Part 6 above may be created on a lot in a residential or mixed-use zone (C-1, C-2 and C-3 zones).~~
- b. ~~An ADU or JADU subject to an ADU permit under Part 6 above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.~~

9. ~~Fire sprinklers. Fire sprinklers are required in an ADU, if sprinklers are required in the primary residence.~~

10. ~~Rental term. No ADU or JADU may be rented for a term that is shorter than 30 days.~~

11. ~~No separate conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).~~

12. ~~Owner occupancy:~~

- a. ~~All ADUs created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.~~
- b. ~~An ADU that is created after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.~~
- c. ~~All ADUs that are created on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or~~

~~equitable title to the property must reside on the property as the person's legal domicile and permanent residence.~~

~~d. All JADUs are subject to an owner occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner occupancy requirement of this Part does not apply if the property is entirely owned by another governmental agency, land trust or housing organization.~~

~~B. Other ADU requirements. The following requirements apply only to ADUs that require an ADU permit under Part A.6 above.~~

~~1. Maximum size:~~

~~a. The maximum size of a detached or attached ADU subject to Part A.6 is 850 square feet for a studio or 1 bedroom unit and 1,000 square feet for a unit with 2 bedrooms. No more than 2 bedrooms are allowed.~~

~~b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to a maximum 50% of the floor area of the existing primary dwelling.~~

~~c. Application of other development standards in this Part, such as lot coverage, might further limit the size of the ADU, but no application of lot coverage or open space requirements may be required if the ADU is less than 800 square feet.~~

~~2. Lot coverage. No ADU subject to this Part may cause the total lot coverage of the lot to exceed 50%, subject to Part B.1.c above.~~

~~3. Minimum open space. No ADU subject to this Part may cause the total percentage of open space of the lot to fall below 50%, subject to Part B.1.c above.~~

~~4. Height:~~

~~a. A single story attached or detached ADU may not exceed 16 feet in height above grade, measured to the peak of the structure.~~

~~b. A second story or 2-story attached ADU may not exceed the height of the primary dwelling.~~

~~c. A detached ADU may not exceed 1-story in height.~~

~~5. Passageway. No passageway shall be required for an ADU.~~

~~6. Parking:~~

- ~~a. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as a tandem parking space.~~
- ~~b. Exceptions. No parking shall be required in the following situations:
 - ~~i. The ADU is located within one-half mile walking distance of public transit.~~
 - ~~ii. The ADU is located within an architecturally and historically significant historic district.~~
 - ~~iii. The ADU is part of the proposed or existing primary residence or an accessory structure.~~
 - ~~iv. When on-street parking permits are required but not offered to the occupant of the ADU.~~
 - ~~v. When there is an established car share vehicle stop located within one block of the ADU.~~~~
- ~~c. No replacement. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.~~

~~C. Fees:~~

~~1. Impact fees:~~

- ~~a. In the event the City establishes development impact fees, no development impact fee will be required for an ADU that is less than 750 square feet in size.~~
- ~~b. Any impact fee, if ever assessed by the City, that is required for an ADU that is 750 square feet or larger in size, must be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling). "Impact fees" here does not include any connection fee or capacity charge for water or sewer service.~~

~~2. Utility fees:~~

~~a. Converted ADUs and JADUs on a single-family lot, created under Part A.4 above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new single-family home.~~

~~b. All ADUs and JADUs not covered by Part C.2.a above require a new, separate utility connection directly between the ADU or JADU and the utility. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the floor area or the number of drainage fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.~~

~~D. Nonconforming ADUs and Discretionary Approval. Any proposed ADU or JADU that does not conform to the objective standards set forth in this Part may be allowed by the City with a conditional use permit.~~

~~E. Acts to Eliminate ADU Entrance or Permanent Provisions for Eating, Cooking and Sanitation. Acts to remove accessory or junior accessory units and/or permanently remove eating, cooking and sanitation facilities shall require separate City approval as follows:~~

~~1. A building permit shall be required to remove the separate entrance or permanent provisions for eating, cooking and sanitation in an accessory dwelling unit.~~

~~2. No building permit shall be issued to remove permanent provisions for eating, cooking and sanitation or the separate entrance for an accessory dwelling unit created by converting or demolishing a garage, carport or covered parking structure in conjunction with the construction of an accessory dwelling unit unless either:~~

~~a. The project includes restoring the garage for vehicle parking prior to the first inspection on the permit; or~~

~~b. The site has the required number of on-site parking spaces as required by the City's parking regulations (Chapter 12.08.12).~~

Accessory and junior accessory dwellings (ADU) shall be allowed and created in all zones, including mixed use zones, that allow single-family and multiple family residential uses in accordance with California Government Code Sections 66310 through 66342 as may be amended from time to time. The following are limited local regulations applicable to ADUs.

A. No ADU may be created without a building permit.

B. Process and timing:

1. Any application for an accessory dwelling unit that meets the location and development standards contained in this section shall be reviewed and approved ministerially, without discretionary review or a public hearing.

2. The city must determine whether an application to create or serve an accessory dwelling unit is complete and provide written notice of this determination to the applicant not later than 15 business days after the county received the application.

3. The city must either approve or deny the application to create or serve an ADU within 60 days from the date that the city receives a completed application, unless either:

a. The applicant requests a delay, in which case the principal 60-day time period is tolled for the period of the requested delay, or

b. The permit application to create an ADU is submitted concurrently with a permit application to create a new single-family dwelling or multifamily dwelling on the lot. The city may delay approving or denying on the permit application for the ADU until the county approves or denies the permit application to create the new single-family dwelling or multifamily dwelling, but the application to create and serve the ADU will still be considered ministerially without discretionary review or a hearing.

c. If the city denies an application for the ADU, the county will provide in writing a full set of comments within 60 days to the applicant from the date they received a completed application with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

d. When an ADU is constructed within a county subject to a Governor-declared state of emergency issued on or after February 1, 2025, the city shall issue a certificate of occupancy for the ADU, even if the primary dwelling has not yet received a certificate of occupancy, provided all applicable requirements are met, including verification that the primary dwelling was substantially damaged or

destroyed by the declared emergency, consistent with Government Code Section 66328.

4-12. Fiscal Impact

The City Council at its discretion may require a fiscal impact analysis for new development (except for Streamline Housing Development as defined under California Government Code Section 65913.4) to ensure the City has adequate financial resources to support new development. This potential requirement of the City Council shall not be applicable to nondiscretionary projects, such as streamline housing projects, as provided under California Government Code § 65913.4 and/or other nondiscretionary activities referenced by state law. A Fiscal Analysis report shall enumerate and describe the fiscal impacts of a development. A Fiscal Analysis shall provide fiscal impacts on the City's general fund, transportation and/or City's enterprise funds, as applicable; the ability of the City including the fire department. The City will not normally approve a development proposal or zone change where it is reasonably likely that existing City ratepayers and/or taxpayers will have to subsidize services provided to the proposed new development.

4-13. Transmission and Distribution Lines

Transmission and distribution lines both overhead and underground, shall be permitted in all districts without limitation as to height, without the necessity of obtaining a use permit; provided, however, that the routes of all proposed gas, telephone, television cable and electric transmission lines shall be submitted to the City Council for review and approval prior to the acquisition of rights-of-way or application to the Public Utility Commission.

4-14. Agriculture and Open Space Lands

A. The City shall require an appropriate agricultural buffer (on lands within a development project) from the boundary of an adjacent agricultural use containing Classes I through IV agricultural lands. Alternatively, the City may require an agricultural easement through the purchase of permanent recorded agricultural easements with a 1 acre of development land to 2 acres of conservation easement ratio on lands having equal agricultural value and at risk of conversion as the lands proposed to be converted from agricultural to urban uses on lands within the Loyalton Planning Area.

B. The City Council may pursue public use opportunities by enhancing public access to Smithneck Creek during the review of development proposals and flood prevention projects.

4-15. Emergency Shelters and Low-Barrier Navigation Centers

Emergency shelters and low-barrier navigation centers shall comply with all objective standards identified in California Government Code § 65583(a)(4), that include, but may not be limited to the following:

- A. Shall not be located within 300 feet of any other emergency shelter, unless such social service is located within the same building or on the same lot.
- B. There shall be adequate space inside the structure such that prospective and current residents are not required to wait on sidewalks or any other public rights-of-way.
- C. There shall be a gated and fenced outdoor area.
- D. Lighting shall be provided for appropriate surveillance subject to approval of the Police Department.
- E. A management plan is required for all to address management experience, good neighbor issues, transportation, client supervision, client services and food services. Such plan shall be submitted to and approved by the City. Minimum standards and practices in the plan shall be as follows:
 - 1. The facility shall be operated by a responsible agency or organization, with experience in managing or providing social services.
 - 2. The facility shall have an identified administrator and representative to address community concerns.
 - 3. The facility shall provide at least one responsible onsite supervisor at all times for every ten occupants.
 - 4. Residents shall be regularly evaluated by persons experienced in shelter placement and/or management.
 - 5. The program shall identify a transportation system that will provide its clients with a reasonable level of mobility including, but not limited to, access to social services and employment opportunities.
 - 6. Medical assistance, training, counseling and personal services essential to enable homeless persons to make the transition to permanent housing may be provided, with or without meals, as an incident to the operation of such a facility.
 - 7. Referral services shall be provided to assist residents in obtaining permanent housing and income. Such services shall be available at no cost to residents of a shelter.
- F. The facility shall be maintained in a safe and clean manner and free from refuse or discarded goods.
- G. Low-barrier navigation center applications shall be processed in accordance with California Government Code § 65664 timelines for action; the City must notify the developer within 30 days if the application is complete under California

Government Code § 65493 and then must act on the application within 60 days from the date the application has been deemed complete.

4-16. Single Room Occupancies

All the following performance standards must be met for single room occupancies:

- A. Minimum size shall be 250 square feet and maximum size shall be 400 square feet in size.
- B. A minimum of 10 square feet for each unit or 250 square feet, whichever is greater, shall be provided for a common area.
- C. All common area shall be within the structure. Dining rooms, meeting rooms, recreational rooms, or other similar areas approved by the Planning Director may be considered common areas. Shared bathrooms and kitchens shall not be considered as common areas.
- D. A single room occupancy management plan shall be submitted to, reviewed, approved and enforced by the Planning Director and shall be approved before issuance of a Certificate of Occupancy. The management plan shall be comprehensive and contain management policies and operations, rental procedures and rates, maintenance plans, residency and guest rules and procedures, security procedures and staffing needs including job descriptions. The approved management plan shall be in recordable form as approved by the City Attorney and recorded before issuance of a Certificate of Occupancy.
- E. A 24-hour resident manager shall be provided for any single room occupancy use with 12 or more units.
- F. Each unit shall be provided a kitchen sink serviced with hot and cold water with a garbage disposal and a counter top measuring a minimum of 18 inches wide by 24 inches deep. A complete kitchen facility available for residents shall be provided on each floor of the structure, if each individual unit is not provided with a minimum of a refrigerator and a microwave oven.
- G. For each unit a private toilet in an enclosed compartment with a door shall be provided. This compartment shall be a minimum of 15 square feet. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided at a ratio of one for every seven units or fraction thereof. The shared shower or bathtub facility shall be on the same floor as the units it is intended to serve and shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.

4-17. Development Review

- A. Purpose, intent and applicability. The purpose of this Part is to establish procedures for the City's review process for new development within the City. Purpose and

intent. Projects which are subject to development review shall require submittal of a complete application, in accordance with information requirements checklists maintained by the City. Application review and process shall be subject to payment of fees in accordance with the City's Fee Schedule to defray the City's cost to process applications.

- B. Projects subject to development review. Projects subject to development review consist of any development that requires a building permit that involves construction that results in physical changes to property except of signs which are subject to review in accordance with Chapter 12.08.25. Projects that involve construction of a new house on an existing lot, increased floor area to a house, accessory dwelling units, streamline housing and other ministerial review provided for under state law requires preliminary review by the Building Official for compliance with the Zoning Ordinance. Other small projects, including multiple family housing (less than 5 units), affordable housing in accordance with California Health and Safety Codes § 50106, and other projects are subject to ministerial review. Also projects involving construction of less than 500 square feet of non-residential shall be subject to ministerial review for Zoning Ordinance compliance by the Planning Director and Building Official. Other projects involving larger development shall be subject to discretionary review by the City Council, which includes review for compliance with the Zoning Ordinance and other review.
- C. Streamline housing development. Certain qualifying housing projects shall be processed in a manner in accordance with California Government Code §§ 65903, 65913, 65943 and 65950. This provision shall remain in effect for the terms prescribed by the California Government Code.
- D. Conditions of approval. Decisions pertaining to projects that are subject to development review may include conditions to assure that they are designed to be in compliance with the Zoning Ordinance.
- E. Requirements for and compliance with conditional use permits and/or variances. Conditional use permits and/or variances that involve appearance impacts on the City may also be subject to development review.
- F. Ministerial review of projects subject to ministerial review shall comply with all development standards outlined in this Code. Exceptions to objective design standards referenced within each zoning district may be approved as a discretionary project subject to consideration of the City Council.

~~4-18.4-1. No Net Loss of Lower Income Housing Units~~

~~In accordance with the California Government Code § 65915(e)(3), the City shall require replacement housing units on sites identified in the site inventory when any new development (residential, mixed use or non-residential) occurs on a site that has been occupied by or restricted for the use of lower income households any time during the previous five years (generally as a condition of project approval). This requirement shall~~

~~apply to non-vacant sites and vacant sites with previous residential uses that have been vacated or demolished. To comply with California Government Code § 65583.2(c), to allow residential uses by right for housing developments (which at least 20% of the units are affordable to lower income households on vacant sites that were identified in the two previous housing elements), the vacant sites identified for residential high density development (which are more than 0.5 acres and less than 10 acres) may not be re-zoned or built at less than 13 units per acre, unless replacement sites of equivalent size, zoning and development capacity are established by the City.~~

4-18. Employee Housing Development

A. Purpose, intent and applicability: The purpose of this section is to establish procedures and standards for the approval and creation of employee housing for farmworkers.

B. Six or Fewer Employees. Employee housing providing accommodations for six or fewer employees shall be deemed to be a single-unit structure with a residential land use and shall be treated the same as a single unit dwelling of the same type in the same zoning district.

C. Districts Where Agriculture Uses are Allowed. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located and may consist of no more than thirty-six beds in a group quarters or twelve units or spaces designed for use by a single family or household on land zoned for agricultural uses. Such employee housing shall be considered to be an activity that in no way differs from an agricultural use.

D. Streamlined Approval for Agricultural Employee Housing Developments. To be eligible for streamlined approval under this section in accordance with the provisions of California Health and Safety Code Section 17021.8, an agricultural employee housing development must meet all of the following requirements:

1. The development must be located on land designated as agricultural in the General Plan.

2. The development must be twelve units or less.

3. The development must not be located in any of the following areas:

a. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

b. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code.

c. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356.

d. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist.

e. A flood plain as determined by maps promulgated by the Federal Emergency Management Agency.

4. The development must meet all applicable requirements of the Municipal Code, including but not limited to the following:

- a. The development must have adequate water and wastewater facilities;
- b. The development must comply with all applicable zoning and land use regulations; and
- c. The development must comply with all applicable building and safety codes.

4-19 Residential Care Facilities

A. Purpose, intent, and applicability: It is the purpose of this section to implement the applicable state regulations in a manner that allows for the establishment of residential care facilities while preserving the character of the zone in which the uses are located. To protect the public health, safety and welfare, to preserve and protect the integrity of residential neighborhoods, and to ensure this code does not act as a disincentive to or unreasonably restrict the development of residential care facilities shall be assessed, allowed and developed in accordance with the standards set forth in this section.

B. Permitted Zones.

- 1. Large Licensed Residential Care Facilities shall be considered a residential use of property and shall be permitted with a Conditional Use Permit in all zones permitting residential uses in the City, subject to the requirements of Chapter 12.08.19.
- 2. A large licensed residential care facility that also qualifies as Supportive Housing or Transitional Housing shall be subject only to those restrictions and development standards that apply to other residential dwellings of the same type (e.g., single-family or multifamily) in the same zone. Notwithstanding the previous sentence, if the facility qualifies as “supportive housing” as defined in Government Code Section 65650 (which has a different definition of “target population” than the definition in Chapter 12.08.2 (Definitions), then the facility shall be a use by-right in all zones where multifamily and mixed uses are permitted and shall be processed as required by Government Code Sections 65650, et seq.
- 3. Small Licensed Residential Care Facilities and Unlicensed Residential Care Facilities shall be considered a residential use of property. Small Residential Care Facilities, Licensed, and Unlicensed Residential Care Facilities are permitted uses in all zones permitting residential uses in the County of Modoc, subject to compliance with the restrictions and development standards for other residential dwellings of the same type (e.g., single-family or multifamily) in the same zone.

C. Development Standards. The following development standards shall apply to a large licensed residential care facility:

- 1. Development Standards. Unless otherwise indicated below, the large licensed residential care facility must conform to the development standards for the zoning classification in which it is located.
- 2. Accessory Dwelling Units. The large licensed residential care facility shall not be located in an Accessory Dwelling Unit unless the primary dwelling unit is used for the same purpose.
- 3. Kitchens. The large licensed residential care facility must provide either of the following:
 - a. Congregate dining facilities; or
 - b. Kitchens in individual units.
- 4. Landscaping. The large licensed residential care facility shall provide minimum landscaped areas in accordance with the landscaping standards for the zoning classification in which it is located.

5. Signs. The large licensed residential care facility shall comply with section 18.110.070 (Signs).
 6. Lighting. The large licensed residential care facility shall comply with the provisions of the lighting standards for the zoning classification in which it is located. Security night lighting must be shielded so that the light source cannot be seen from adjacent residential properties.
 7. Parking. The large licensed residential care facility shall provide off-street parking as set forth in Section 18.110.040 (Off-Street Parking and Loading).
 8. Common Areas and Open Space. The large licensed residential care facilities shall include at least three-hundred fifty square feet of indoor or outdoor common areas or open space, plus five square feet per resident. The common area(s) or open space shall be furnished. Appropriate furnishings for indoor spaces include, but are not limited to, such items as lounge chairs, couches, tables with chairs, writing desks, and televisions. Outdoor furnishings include but are not limited to such items as outdoor benches, tables with chairs, barbeques, and shade coverings like arbors, patio covers, garden shelters or trellises. A central dining room shall be provided. The size of the room shall be sufficient to accommodate all of the residents. The minimum room size shall be the product of the proposed maximum number of residents in the facility multiplied by five square feet per resident; however, in no instance shall the central dining room be less than three-hundred fifty square feet.
 9. Management. The large licensed residential care facilities shall have either:
 - a. A manager who resides on-site; or
 - b. A number of persons acting as a manager who are either present at the facility on a twenty-four hours basis or who will be available twenty-four hours a day, seven days a week to physically respond within forty-five minutes notice and who are responsible for the day-to-day operation of the facility. The provisions of this Section shall be superseded by any management requirements imposed on the large licensed residential care facilities pursuant to state law.
 10. Security. A designated area for on-site personnel shall be located at the main entrance to the facility for the purpose of controlling admittance to the facility and providing security. Emergency contact information shall be posted on the exterior of the facility adjacent to the main entrance, as well as on the interior in a location accessible to all residents.
 11. Personal Storage. Each resident of the large licensed residential care facility shall be provided with at least one private storage area or private closet, with a lock or other security mechanism, in which to store their personal belongings.
- D. Application Procedures. The application for a large licensed residential care facility shall be submitted and processed in accordance with the requirements for residential developments in the zone in which the large Licensed residential care facility is proposed, and with the requirements outlined in Chapter 18.128 (Use Permits). In addition, the application for a large licensed residential care facility shall include the following:
1. Applicant Information. The name and address of the applicant, including the name and address of the lessee, if the property is to be leased by someone other than the applicant; and the name and address of the owner of the property for which the Conditional Use Permit is requested. If the applicant and/or lessee or owner is a partnership, corporation, firm, or association, then the applicant/lessee shall provide the additional names and addresses as follows and such persons shall also sign the application:
 - a. Every general partners of the partnership;
 - b. Every owner with a controlling interest in the corporation; or
 - c. The person designated by the officers of the corporation as set forth in a resolution of the corporation that is to be designated as the permit holder for the use permit.
 2. Owner Authorization. If the operator of the large Licensed residential care facility is not the legal owner of the property, the operator shall provide written documentation evidencing the owner's authorization and approval to operate the large Licensed residential care facility at the property.

3. Parcel Information. The zoning and general plan designations and assessor's parcel number(s) of the site on which the large licensed residential care facility is proposed.
4. Project Description. A narrative project description of the large licensed residential care facility that summarizes the proposed use and its purpose.
5. Plan, Building Diagram, and Floor Plan. A preliminary site plan, drawn to scale, showing the facility's building footprint and property lines as well a diagram intended to show:
 - a. All building(s) to be occupied, including a floor plan for all rooms intended for residents' use indicating the number of residents per bedroom, the location and number of beds for all residents; and
 - b. On-site parking, including designations of staff and visitor parking.
6. Facility Users. The projected number and types of users of the facility, including but not limited to, residents, staff, clients, visitors, and students.
7. Transportation and Parking. Expected parking demand and vehicular use and the availability of and proximity to public transportation or other means to transport facility users.
8. Management Plan. A comprehensive Management Plan, which shall include, at a minimum, the following:
 - a. Detailed information on property management policies and operations, including information regarding maintenance and repairs;
 - b. An explanation of how the large licensed residential care facility, intends to meet the requirements of subsection B.9.
 - c. An explanation of how the Large Licensed residential care facility, intends to meet the requirements of subsection B.9.
 - d. A copy of the large licensed residential care facility's written resident intake procedures, including rental procedures and rates;
 - e. A copy of the large licensed residential care facility's written termination and eviction procedures;
 - f. A copy of the large licensed residential care facility's resident and guest rules; and
 - g. If applicable, the large licensed residential care facility's plan for disposing of medical waste or other bio-waste.
9. Licensing. Proof of all required licensing from the California Department of Social Services, the California Department of Health and Human Services, the California Department of Health Care Services, or other applicable regulatory agency, along with a license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefore.
10. Similar Facilities. A list of addresses of all other licensed facilities for which a Conditional Use Permit is requested in the State of California owned or operated by the applicant(s) within the past five years and whether such facilities have been found by state or local authorities to be operating in violation of state or local law.
11. Project Review. The City Council shall review an application for the large licensed residential care facility and shall approve, conditionally approve, or disapprove of the application for the large licensed residential care facility.
12. Findings and Decision. The City Council shall only approve an application for a large licensed residential care facility if the Council makes all of the findings required pursuant to Chapter 12.08.19 (Conditional Use Permits) and conforms with all provisions of this section.

4-20 Transitional and Supportive Housing

- A. Purpose, intent, and applicability: This section establishes the development standards for transitional and supportive housing required by state law.
- B. Development Standards for Transitional and Supportive Housing. Transitional and supportive housing, as defined in Health and Safety Code §§ 50675.2 and 50675.14, respectively, constitutes a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.
- C. Development Standards for Supportive Housing, up to fifty units. Pursuant to Government Code § 65651, supportive housing development with up to fifty supportive housing units shall be permitted by-right in all zones where multi-family and mixed-use residential development are permitted provided the development satisfies all of the following requirements:
1. All supportive housing units within the development are subject to a recorded affordability restriction for fifty-five years.
 2. One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower-income households" has the same meaning as defined in Health and Safety Code § 50079.5
 3. At least twenty-five percent of the units in the development or twelve units, whichever is greater, are restricted to residents in supportive housing who meet the criteria of the target population. If the development consists of fewer than twelve units, then one hundred percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
 4. The developer shall provide the information required by Government Code § 65652 to the Planning Department.
 5. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
 - a. For a development with twenty or fewer total units, at least ninety square feet shall be provided for onsite supportive services.
 - b. For a development with more than twenty units, at least three percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
 6. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in Government Code § 65915(c)(3).
 7. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
 8. Notwithstanding any other provision of this Section to the contrary, the city shall, at the request of the project owner, reduce the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a supportive housing project is terminated through no fault of the project owner, but only if all of the following conditions have been met:
 - a. The owner demonstrates that it has made good faith efforts to find other sources of financial support.
 - b. Any change in the number of supportive service units is restricted to the minimum necessary to maintain project's financial feasibility.
 - c. Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of any supportive housing units.

4-21 No Net Loss of Lower Income Housing Units

In accordance with the California Government Code § 65915(c)(3), the City shall require replacement housing units on sites identified in the site inventory when any new development (residential, mixed-use or non-residential) occurs on a site that has been occupied by or restricted for the use of lower-income households any time during the previous five years (generally as a condition of project approval). This requirement shall apply to non-vacant sites and vacant sites with previous residential uses that have been vacated or demolished. To comply with California Government Code § 65583.2(c), to allow residential uses by right for housing developments (which at least 20% of the units are affordable to lower income households on vacant sites that were identified in the two previous housing elements), the vacant sites identified for residential high density development (which are more than 0.5 acres and less than 10 acres) may not be re-zoned or built at less than 13 units per acre, unless replacement sites of equivalent size, zoning and development capacity are established by the City.

4-22 Flood Protection

Areas within the City that are located within the 100-year floodplain (as referenced by the Federal Emergency Management Agency (FEMA) require special consideration for use and development in accordance with the City's Floodplain Management regulations; Chapter 14 of the City of Loyalton, as may be amended from time to time.

CHAPTER 12.08.5

R-1 – SINGLE-FAMILY RESIDENTIAL ZONE DISTRICT

REGULATIONS

5-1. Purpose and Applicability

The R-1 zone is intended to apply to areas of the City designated for low density residential single-family uses in the General Plan. Any new development is subject to development review in accordance with this Part.

5-2. Permitted Uses

The following uses are permitted:

- A. Single-family dwelling and typical ancillary structures such as a detached garage, including manufactured housing subject to the same development standards as single-family dwellings.

- B. Accessory uses normally incidental to single-family residences where there is a single-family residence on the lot provided that the following conditions are met:
- C. Except as modified in this Chapter, accessory structures may be located outside any required setback.
 - 1. No accessory structure shall be permitted outside any required setbacks excepting outside 5 feet of the rear property line. Setbacks for accessory structures on existing substandard lots shall not exceed the average existing setbacks for existing accessory structures located on other substandard lots on the same side of the street where the proposed accessory structure is located.
 - 2. The appearance of accessory structures should be compatible with the main structure, particularly where visible from the street.
- D. Home occupations.
- E. Accessory and junior accessory dwelling units.
- F. ~~Small~~ Residential care facilities, small and/or unlicensed.
- G. Employee housing, small (subject to occupancy limitation of the California Health and Safety Code).
- H. Foster care homes.
- I. Supportive and transitional housing.
- J. Gardening, horticulture and family pets.
- K. Tract sales offices, in conjunction with sale of lots in a subdivision.
- L. Yard sales.

No provision is to be construed as permitting any commercial use.

5-3. Permitted Uses Subject to a Conditional Use Permit

Conditional uses requiring use permits in the R-1 zone are as follows:

- A. Public parks, public schools and public playgrounds.
- B. Churches, private schools, public buildings and utility substations.
- C. Golf courses, country clubs and private residential recreation centers.
- D. Large licensed residential care facilities

E. Health care facilities.

F. Co-housing.

~~F.G.~~ Mobilehome parks.

5-4. Design Standards Purpose

Purpose of R-1 design standards/guidelines are as follows:

- A. To create variety along local streets;
- B. To provide variety in building placement and street scenes;
- C. To provide visual interest and aesthetic diversity; and
- D. To create a sense of neighborhood uniqueness.

5-5. Design Standards

The following objective design standards apply to all new residential development in the R-1 zone and shall be subject to development review.

New residential development in the City of Loyaltan shall be in compliance with the following standards:

- A. Minimum and average lot widths. For new subdivision design, minimum lot width must be 60 feet measured at the front yard setback line with a minimum lot depth of 100 feet (see Figure 1). The average lot width shall be 65 feet as measured at the front yard setback line for each block. The City Council may grant a 10% exception to this standard without a variance.
- B. Yards. Minimum yards, that are not applicable to new subdivision design shall comply with Figure 3, which shows a minimum 15-foot front yard (except for front of garages, which shall be 20 feet), 10-foot rear yard, 5-foot interior side yard, and 10-foot corner lot side yard fronting the street.
- C. Varied lot widths (applied only to new subdivisions):
 - 1. Vary lot widths to provide different amounts of open areas between structures (see Figure 2).
 - 2. Vary placement, shapes and sizes of homes.

Figure 1. Minimum Lot Width

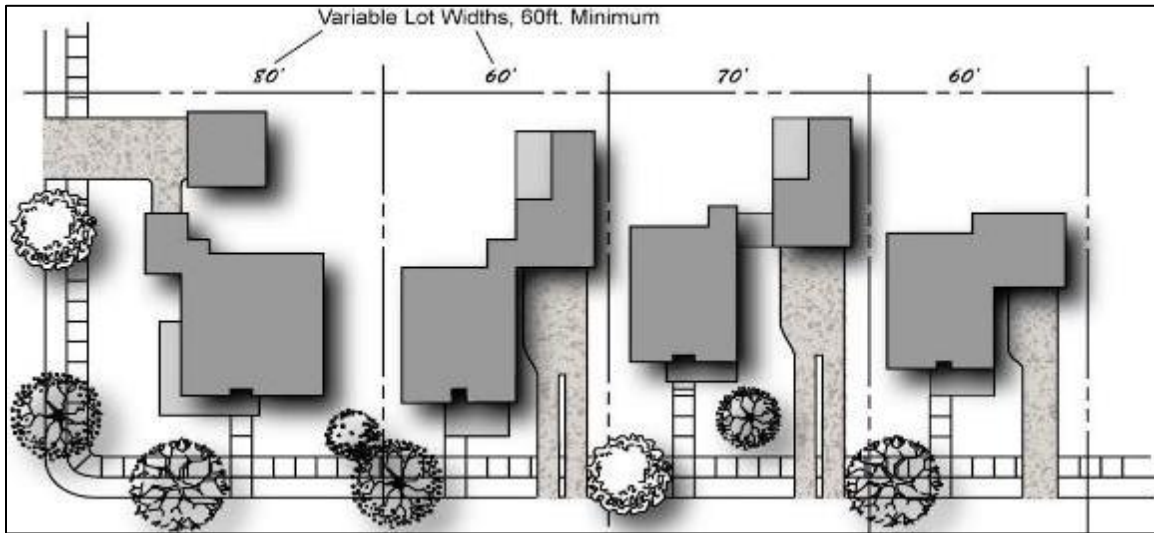
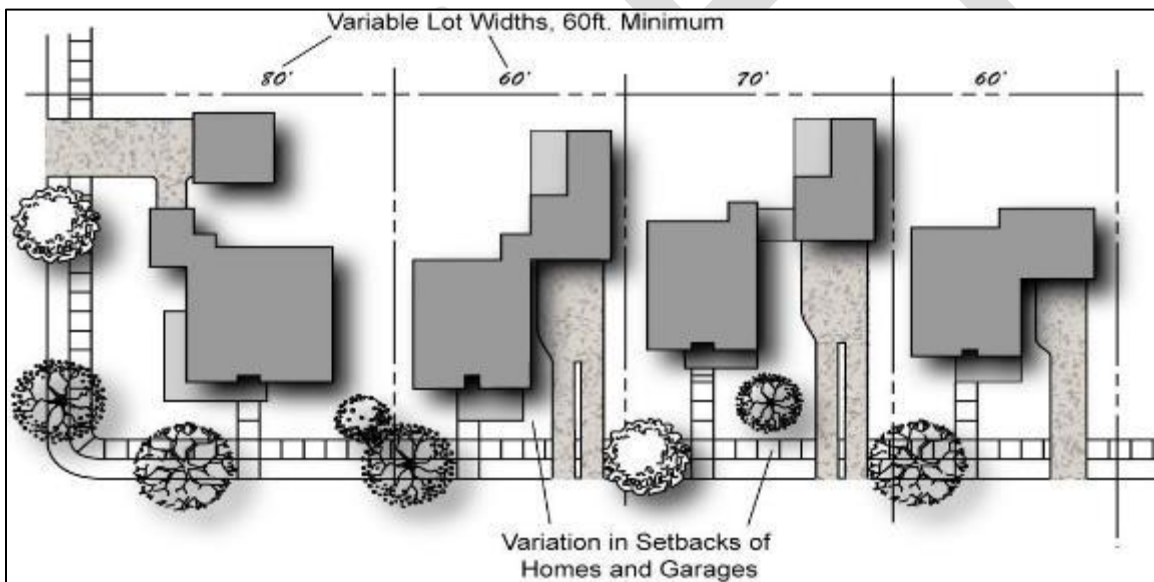


Figure 2. Variations in Lot Widths, Setbacks and Garage Placement



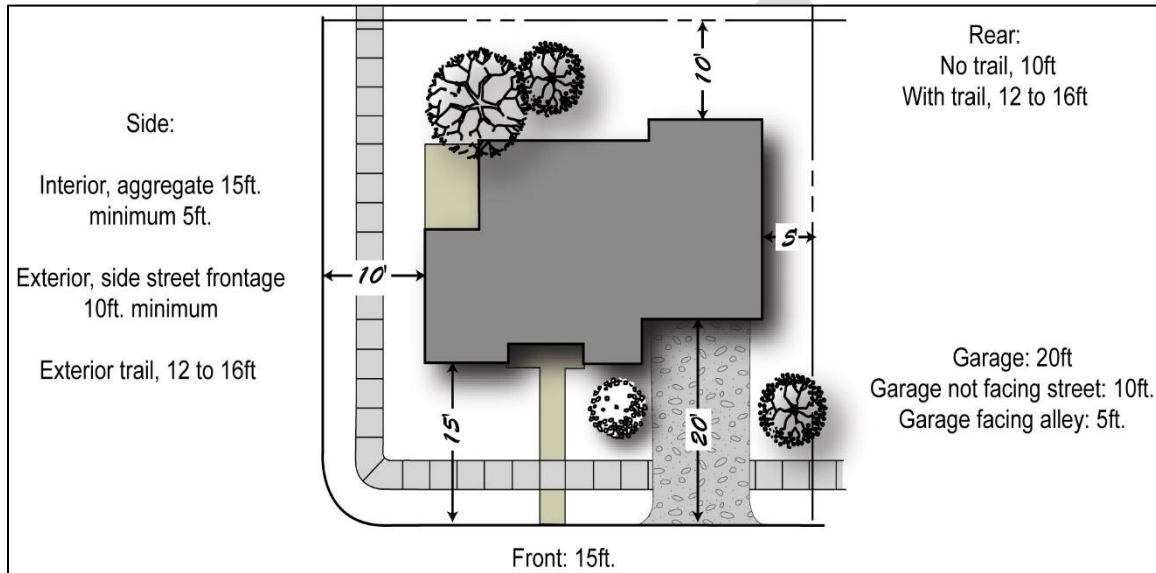
- D. Maximum building height is 30 feet for 2-story homes; 20 feet for accessory buildings.
- E. Maximum building coverage is 5%.
- F. Minimum square footage for primary housing unit. 1,200 square feet of enclosed living area except that 20% of the units in any phase may be a minimum of 1,000 square feet.
- G. Off-street parking shall be provided and maintained in accordance with Chapter 12.08.12.

5-6. Building Design Standards/Guidelines

The following objective design standards apply to new development that is subject to development review:

- A. Varied setbacks (applied only to new subdivisions). Distance between adjoining homes, garages, or between homes and fences, shall be varied to create a pattern of open space and landscaping (see Figure 3).

Figure 3. Required Yards (Building Setbacks)



- B. Varied garage placement and orientation (see Figure 5):

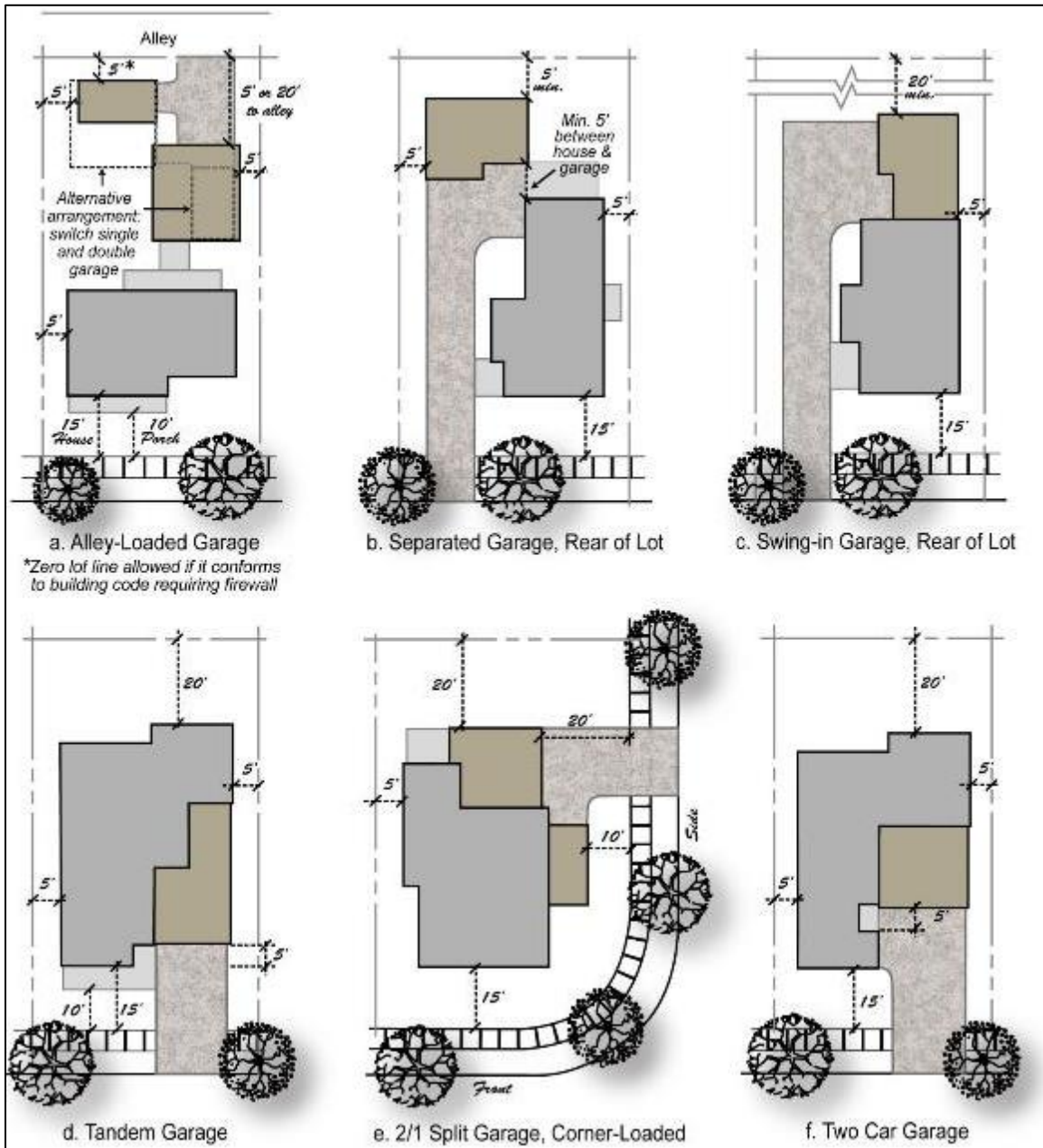
1. Garages that are accessed by alleys or shared driveways shall be set back behind the front facade of the residence and shall be integrated with matching materials and colors of the main house (see Figure 4) (Applied only to new subdivisions).
2. The garage shall not be larger than 33% of the living area.

Figure 4. Garages on Alley



- C. Garage doors (applied only to new subdivisions):
1. Garage doors shall be recessed into the walls, a minimum of 6 inches, and not be built flush with the exterior wall of the garage.
 2. The garage door shall incorporate matching colors and materials of the main house.
 3. For garage doors that face the street, the garage façade shall be recessed back or forward from the main housing unit a minimum of 5 feet.
- D. Driveways and walkways (applied only to new subdivisions):
1. Direct access shall be provided from the driveway to the main housing unit and to any other separate living areas, ~~such as accessory dwelling units.~~
 2. Front building setback walkways, driveways or other impervious surfaces shall not exceed 25% of this setback area.

Figure 5. Garage Access and Configuration



E. Façade design elements (applied only to new subdivisions):

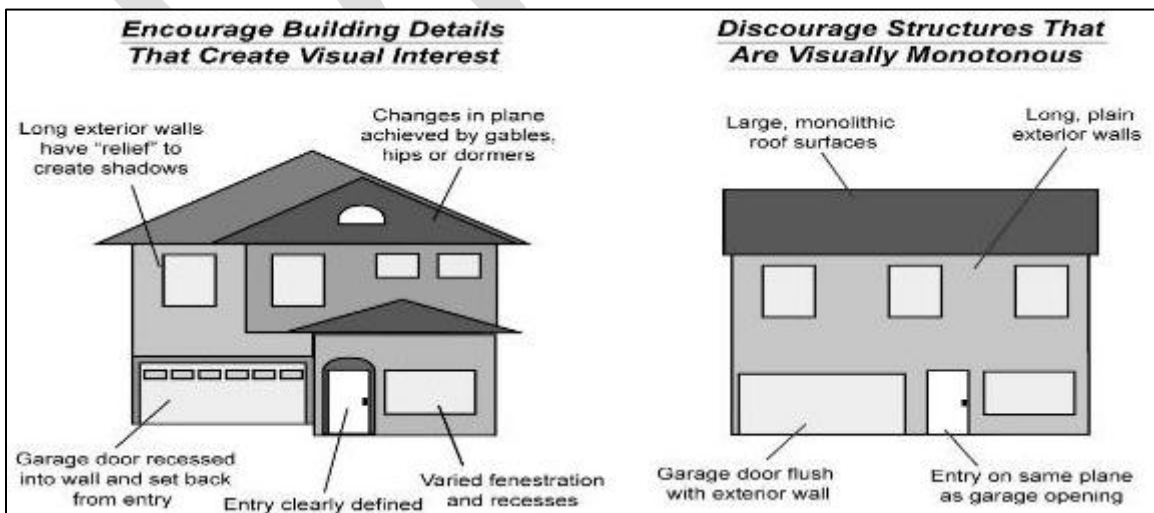
1. Long exterior house walls shall be varied with a change in wall plane (pop-outs, projections, etc.) for buildings that exceed 24 feet in length.
2. Each house shall have a defined entry (see Figure 6).

Figure 6. Varied Residence Designs and Defined Entryways



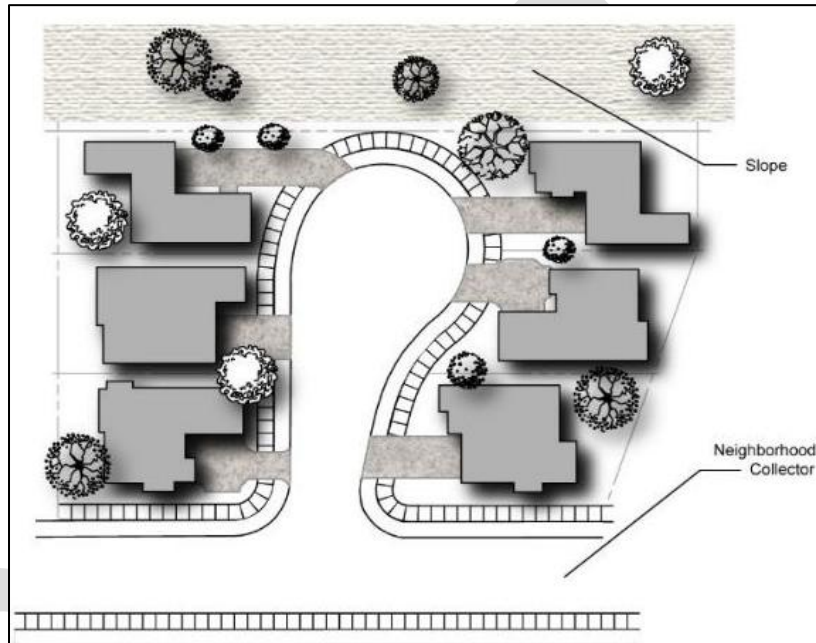
- F. Roof Design Objectives (see Figure 7)-(applied only to new subdivisions)
1. Flat roofs are not permitted.
 2. Roof-mounted heating and air-conditioning is not allowed.
 3. All roofing materials shall be composition roofing, tile, shakes, shingles, or architectural metal roof sheathing with factory applied color coatings.
 4. The slope of the main roof shall not be less than 3 inches vertical rise for each 12 inches of horizontal run.
 5. All buildings shall have a perimeter roof overhang on all sides extending not less than 12 inches measured from the vertical side of the home, not including rain gutters.

Figure 7. Roof and Façade Design Elements



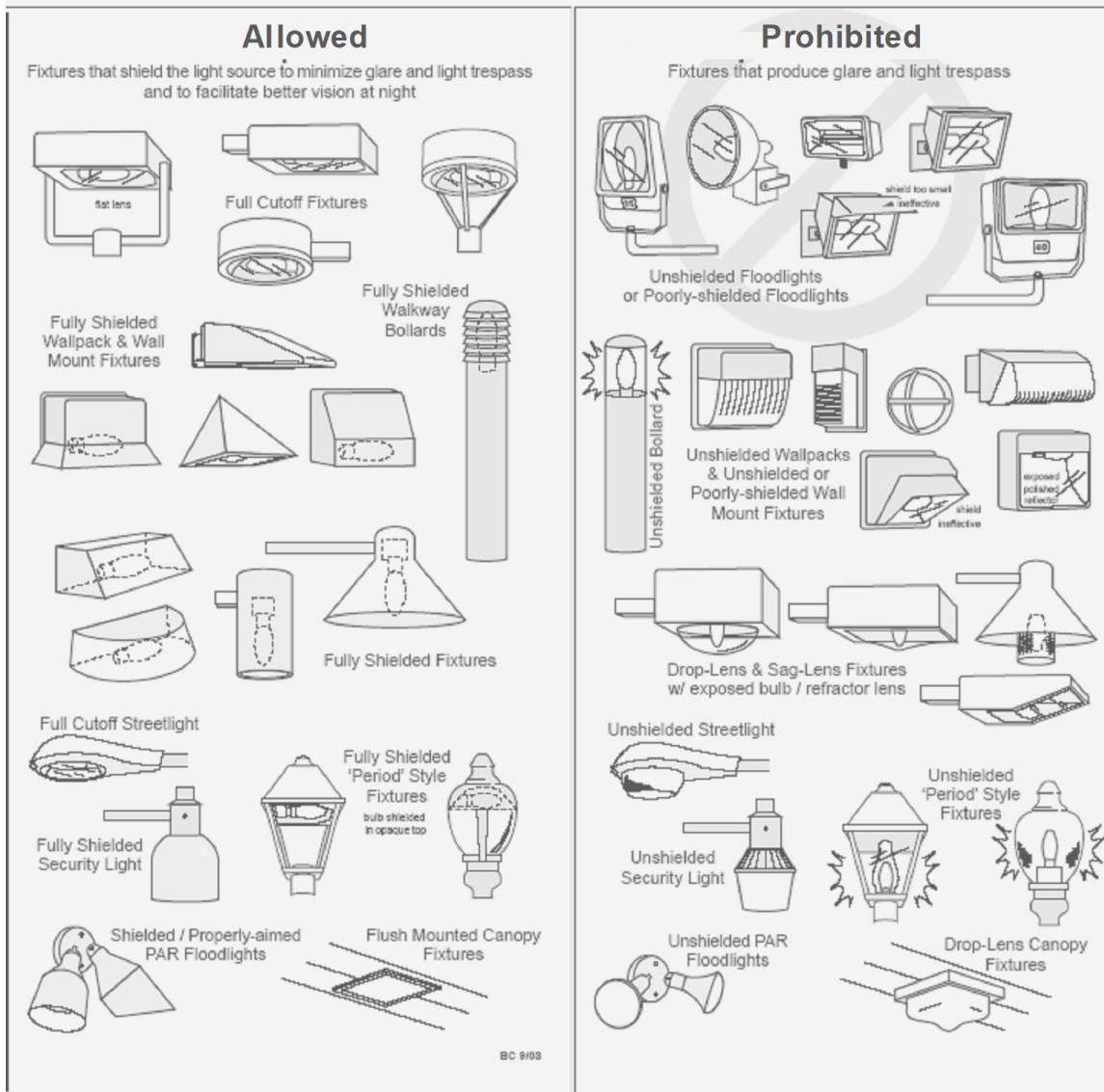
- G. Varied structure design (see Figure 8)-(applied only to new subdivisions):
1. The design of residences shall be varied with no adjoining house design having the same design, colors and material.
 2. All buildings shall be designed so that exterior walls are wood, stucco, or masonry. Siding shall extend to the ground level (wood excluded) except that when a solid concrete or masonry perimeter foundation or curb wall is used, then siding need only extend 1.5 inches below the top of the foundation or curb wall.

Figure 8. Varied Residence Design on Cul-De-Sac



- H. Exterior lighting:
1. Lighting placement, intensity and potential glare shall be provided or described on all building plans. Outdoor lighting fixtures, including lighting shall be cutoff fixtures designed and installed so that no emitted light will break a horizontal plane passing through the lowest point of the fixture (see Figure 9). Cutoff fixtures must be installed using a horizontal lamp position.
 2. Outdoor lighting shall be positioned so no direct light extends onto neighboring properties.
 3. Lighting fixtures shall be appropriate in height, intensity and scale to the use they are serving. Parking lot lights shall not exceed a height of 21 feet and wall-mounted lights shall not exceed a height of 15 feet, from the adjacent grade to the bottom of the fixture.

Figure 9. Allowed and Not Allowed Outdoor Lighting Fixtures



I. Walls, fences, hedges and pools:

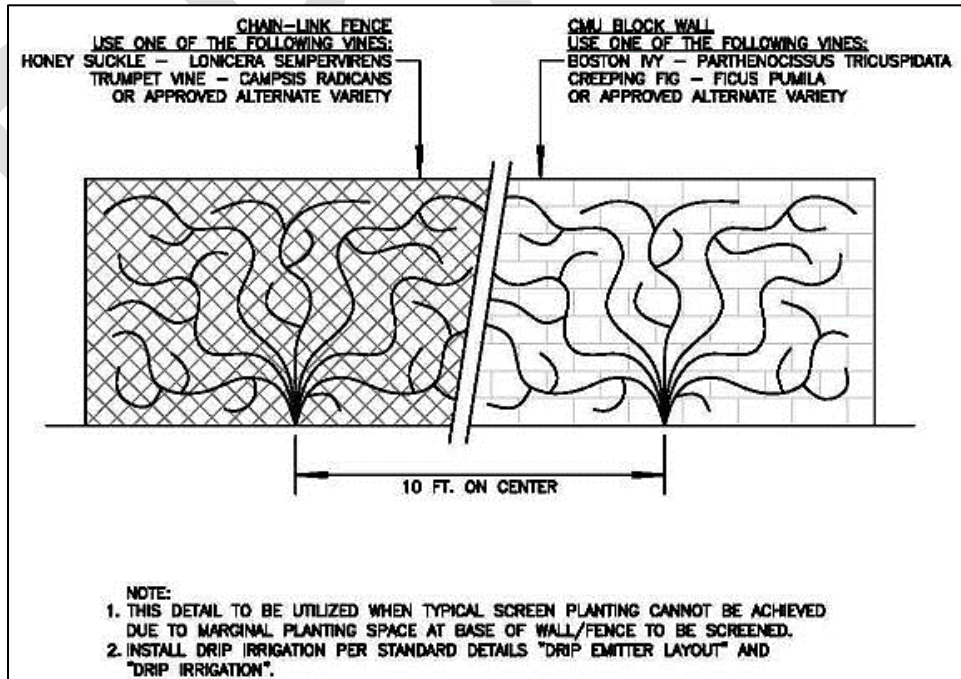
1. Within public view areas (where visible from the public street), fencing shall incorporate wrought iron or higher appearance design as shown in Figure 10. ~~The use of bamboo, paper, plastic, vinyl blind, mesh and plywood fence materials in public view area is not allowed without approval from the Planning Director.~~
2. If wood fencing (~~discouraged for use in public view areas~~) is used it shall be painted, stained or water sealed and have the front side facing out toward public view.

- Chain link material may be used along sides and rear of properties where they are not in direct view of public streets. If chain link materials are used in public view areas, it shall be vinyl coated. Where chain link fencing is used for property boundary separation or screening landscaping and irrigation shall be incorporated into the design in accordance with Figure 11.

Figure 10. Wrought Iron Fencing



Figure 11. Chain Link Living Fence



4. Fences, hedges and shrubs shall not be permitted more than 4 feet in height within the front yards as shown in Figure 3.
5. All fences within a front yard setback area, or side yard setback area of a corner lot, shall not exceed four feet in height. All fences not within such setback areas shall not exceed 6 feet in height.
6. Outdoor swimming pools and spas located within 10 feet of any side yard, rear yard or structure, shall be set back from said side yard, rear yard or structure a distance equal to the depth of the pool within said 10-foot area, but in no instance shall the setback be less than 5 feet. Pools and spas shall not be located in a required front yard.

J. Open space areas (see Figure 12)-(only applied to new subdivisions):

1. Access through narrow-fenced connections of less than 4 feet wide is not allowed.

Figure 12. Residential Connection to Open Space

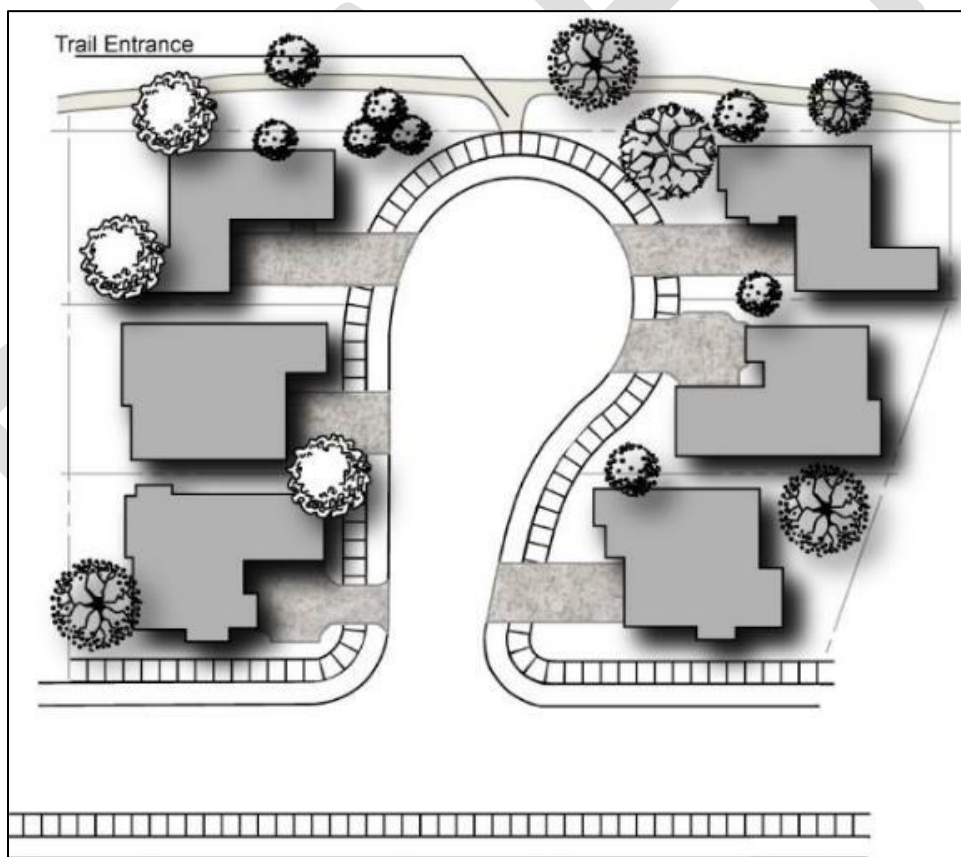


Figure 13. Trail Connection to Cul-De-Sac



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CHAPTER 12.08.6

R-2 – MULTIPLE FAMILY RESIDENTIAL ZONE DISTRICT

REGULATIONS

6-1. Purpose and Applicability

The following uses are permitted in areas designated for Medium Density Residential single-family uses in the General Plan. Any new development is subject to development review in accordance with this Part.

6-2. Principal Permitted Uses

- A. Single-family dwellings, including manufactured housing subject to the same development standards as single-family dwellings.
- B. Multiple family dwellings including, but not limited to duplex, triplex, fourplex or townhouse housing. Streamline housing and other affordable housing development in accordance with state law, which typically consists of multiple family housing is subject to ministerial review (see Part 12.08.4-18).
- C. Accessory and junior accessory dwelling units (see Part 12.08.4-11).
- D. ~~Small~~ Residential care facilities small and/or unlicensed (see Part 12.08.4-7).
- E. Employee housing (subject to occupancy limitation of the California Health and Safety Code).
- F. Foster care homes.
- G. Rooming and boarding houses.
- H. Supportive and transitional housing.
- I. Emergency shelter and low-barrier navigation centers (see Part 12.08.4-16).
- J. Single room occupancy units (see Part 12.08.4-17).
- K. One detached storage building or shop per lot.
- L. Patio covers and shade structures.
- M. Tract sales offices, in conjunction with the sale of lots in a subdivision.
- N. Public and quasi-public uses of an administrative, recreational, public service or cultural nature including city, county, state or federal administrative centers, courts, libraries, museums, police and fire stations, schools and other public buildings and structures (fairgrounds and civic centers); parks and recreation, public playgrounds,

cemeteries, reservoir, historical sites and monuments, wastewater treatment, airport and corporation yard.

O. Home occupations.

P. Yard sales.

6-3. Conditional Uses Requiring Use Permits

Conditional uses requiring use permits in the R-2 zone are as follows:

A. Hotels and motels.

B. Private institutions, including day care centers, rest homes, sanitariums, convalescent homes, homes for the elderly and similar operations.

C. Guest houses.

D. Public and private noncommercial recreation facilities.

E. Public and private schools, churches, public parks, public buildings and golf courses.

F. Temporary dwelling, for the convalescence of immediate family members (see Part 12.08.4-4).

G. Bed and breakfasts,

H. Public utility buildings and uses.

I. Home occupations, not consistent with the provisions of Part 12.08.4-6.

J. Communication towers and support facilities.

K. ~~Mobile home parks. Manufactured home parks or subdivisions, subject to a minimum of 3,000 square feet for each space or lot.~~

L. Social halls, fraternal and social organizations.

M. Mortuaries.

N. Small animal hospitals, completely enclosed within a building.

O. Large residential care facilities (see Part 12.08.4-7).

P. Health care facilities.

Q. Co-housing.

6-4. Purpose of R-2 Design Standards

- A. To create variety along local streets.
- B. To provide variety in building placement and street scenes.
- C. To provide visual interest and aesthetic diversity.
- D. To create a sense of neighborhood uniqueness.

6-5. Design Standards

These objective design standards apply to new residential development subject to development review.

~~New Residential development in the City of Loyaltan shall be in compliance with the following objective design standards:~~

- A. Minimum lot area: 6,000 square feet, and 7,000 square feet for corner lots, but not less than 2,000 square feet of lot area for 4 or less units; 2,500 square feet of lot area for 5 or more units.
- B. Minimum lot width: 60 feet and 70 feet for corner lots
- C. Maximum lot depth: 3 times lot width

6-6. Height

- A. Maximum building height in the R-2 zone is 45 feet, except where otherwise restricted herein for specified accessory buildings.

6-7. Setbacks (yards)

- A. Minimum yard requirements in the R-2 zone are as follows:
 - 1. Main building:
 - a. Front: 20 feet
 - b. Rear: 15 feet or 25 feet if adjacent to an R-1 zone
 - c. Side: 5 feet or 15 feet if adjacent to an R-1 zone. Side setback on a corner lot facing the street shall not be less than 20 feet.
 - 2. Accessory building (does not include accessory or junior accessory dwelling):
 - a. Front: 35 feet

- b. Rear: 15 feet, unless otherwise specified herein
 - c. Side: 5 feet, unless otherwise specified herein. Side setback on a corner lot facing a street shall not be less than 20 feet.
- B. Special yards for dwelling groups. The distance between separate buildings of a dwelling group shall be not less than 12 feet. The distance between the front of any dwelling unit in the group and any side lot line shall be not less than 15 feet.
- C. Exceptions to the minimum yards established above follow:
- 1. Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of 2.5 feet into such yards. Uncovered porches or stairways, fire escapes or landings may extend a maximum of 6 feet into front or rear yards and 3 feet into side yards.
 - 2. Detached accessory buildings shall not be located within 5 feet of any main building, nor within 5 feet of a side lot line, nor encroach on any easement. Accessory buildings attached to main buildings shall be structurally a part thereof and shall comply with main building yard requirements.
 - 3. The rear setback for a detached garage that meets the following requirements shall be as detailed in this Chapter:
 - a. The height shall not exceed 15 feet.
 - b. The roof pitch and construction materials of the garage shall match that of the dwelling unit.
 - c. The garage walls shall be parallel and/or perpendicular to the property lines. ~~Any garage wall which is both parallel to and within 20 feet from the property line(s) shall be approved by the City building official.~~
 - 4. Where more than one-half of the block is occupied with buildings, the required front yard may be reduced to the average of those of the improved sites, but in no case shall be less than 12 feet.
 - 5. If any building is so located on a lot that the front or rear thereof faces any side lot line, it shall be at least 20 feet from such side lot line.

6-8. Lot Coverage

- A. Maximum building coverage: 70%

6-9. Parking

- A. Off-street parking shall be provided and maintained in accordance with Chapter 12.08.12.

6-10. Other Objective Design Standards

- A. Minimum building width: 20 feet
- B. Minimum roof slope: 3:12
- C. Minimum roof eave overhang: 12 inches
- D. A single detached storage or shop building shall meet the following criteria:
 - 1. The storage or shop building shall conform to the maximum building coverage requirement.
 - 2. The height of the storage building shall not exceed 15 feet.
 - 3. The roof pitch and construction materials of the building shall match that of the dwelling unit.
 - 4. Shall not be located in any required front yard (closest to the front property line) or in front of the primary structure, whichever distance is greater.
 - 5. Consistent with setbacks for the R-2 zone.
- E. Patio covers and shade structures shall meet the following criteria. Those not meeting these criteria shall meet the yard, height and design criteria for main buildings:
 - 1. Set back a minimum of 10 feet from the rear and side yard property line.
 - 2. Open on at least 2 sides.
 - 3. Maximum height: 12 feet
 - 4. Minimum 6 foot spacing on support posts shall be provided.
- E. Heating and air conditioning units may be located in the side yard of those lots where a dwelling exists.
- F. At a minimum, the following landscaping is required:
 - 1. The required front yard shall be landscaped and not used for parking. The only area not landscaped within the required front yard is the driveway access to the required parking area, which shall not exceed 25 feet in width.

2. Landscaping within the front setback area shall include one 15-gallon-sized tree for each 50 feet of frontage, and at least one 5-gallon-sized shrub for each 5 feet of frontage.
3. In addition to the required trees and shrubs, the landscaped area may also be planted with lawn or ground cover plants. Other decorative, non-plant ground covers may be used as long as they do not exceed 25% of this landscaped area.
4. Where landscaping is provided, adequate irrigation and maintenance thereof shall be provided, including replacement of dead trees, shrubs, vines or other ground cover required pursuant to this Part.

G. Recreation areas:

Any multi-family project of 15 or more units (exclusive of Senior Housing complexes) shall provide the following recreation area:

1. A defined and fenced play area which may include fixed play equipment, ball courts, swimming or wading pools and similar child play facilities.
2. The play area shall not be less than 500 square feet or 25 square feet for each apartment unit, whichever is greater.

H. Fences and hedges:

1. Hedges and shrubs shall not be permitted more than 3 feet in height within 20 feet of the front street corner of corner lots.
2. All fences within a front yard setback area, or side yard setback area of a corner lot, shall not exceed 3 feet in height. All fences not within such setback areas shall not exceed 6 feet in height.
3. Outdoor swimming pools and spas located within 10 feet of any side yard, rear yard or structure, shall be set back from said side yard, rear yard or structure a distance equal to the depth of the pool within said 10-foot area, but in no instance shall the setback be less than 5 feet. Pools and spas shall not be located in a required front yard.

CHAPTER 12.08.7

C-1 – COMMERCIAL ZONE DISTRICT

REGULATIONS

7-1. Purpose and Applicability

The C-1 zone is established for the following purposes:

- A. To retain the community's existing rural and historic character by allowing for a mixture of compatible commercial and residential uses in the community, as well as promote the most desirable use of land and direction of building development in accordance with the General Plan.
- B. To strengthen the community's economic base.
- C. To protect both retail and commercial development and residential against congestion, particularly in areas where the historic established pattern is mixed-use.
- D. To set forth regulations for mixed-use development.
- E. To provide buffer standards for from commercial uses.

7-2. Permitted Uses

The following uses and structures shall be permitted in the C-1 zone:

- A. Retail trade establishments similar to the following:
 - 1. General merchandise stores
 - 2. Food stores
 - 3. Apparel stores
 - 4. Drug stores
 - 5. Liquor stores
 - 6. Eating and drinking places
 - 7. Automotive supplies
 - 8. Automobile dealers (new and used) located not closer than 500 feet to an R-1 zone.
 - 9. Mobilehome and auto sales and services

10. Automotive service stations, repair garages and tire sales (excluding painting and body work), provided that repairs are conducted within a building.
11. Pawnbrokers and secondhand dealers provided that the business is completely enclosed within a building and that no material shall be kept outside the building for storage, advertising or any other purpose.
12. Single-family residential, supportive and transitional housing, and single room occupancy.
13. Mixed commercial with residential uses, not to exceed a maximum of 2 residential units.

14. Bed and breakfast establishments.

14.15. Accessory and junior accessory dwelling units.¹

15.16. Supportive housing (less than 50 units).

16.17. Low barrier navigation centers

B. Other commercial and recreational uses as follows:

1. Hotels and motels.
2. Bed and breakfasts.
3. Athletic clubs.

C. Residential and mixed-uses as follows:

1. Single-family residential, supportive and transitional housing.
2. Single room occupancy (see Part 12.08.4-17).
3. Accessory and junior accessory dwellings units (see Part 12.08.4-11), when a single-family or other type of residential use is the primary dwelling unit.
4. Mixed commercial, with residential uses not to exceed a maximum of 2 residential units (not including accessory or junior accessory dwelling units).

D. Wholesale trade establishments, excluding warehouses, when conducted solely within a building.

¹ Permitted with existing or permitted single or multifamily dwelling.

- E. Financial, insurance and real estate establishments.
- F. Service establishments similar to the following:
 - 1. Personal service, barber shop, beauty shop, laundry, dry cleaner and shoe repair.
 - 2. Business services.
 - 3. Professional services.
 - 4. General offices, including government offices.
 - 5. Legal services.
 - 6. Medical and health services.
 - 7. Hotels and motels.
 - 8. Churches and religious institutions.
- G. Underground public utility facilities.
- H. Public utility transmission and distribution lines.
- I. Similar uses to the above, upon receiving a determination of the City Council.

7-3. Permitted Uses Subject to a Conditional Use Permit

The following uses and structures may be allowed in areas designated for industrial uses in the General Plan, subject to acquisition of a conditional use permit approved by the City Council:

- A. Automotive paint and body shops.
- B. Ambulance services.
- C. Animal hospitals without outdoor kennels.
- D. Bottled gas sale and related storage.
- E. Cabinet shops.
- F. Hospitals (acute care).
- G. Household moving and storage services.
- H. Pest control services.

- I. Building supply stores and yards, and contractor yards.
- J. Bus depots.
- K. Equipment sales and rental, involving outdoor storage.
- L. Drive-in theaters.
- M. Public and private nursery schools, elementary schools, junior high schools, high schools and colleges.
- N. Private clubs and lodges, and fraternal organizations.
- O. Public playgrounds and parks.
- P. Private or public golf courses.
- Q. Public utility facilities, accessory structures and service yards.
- R. Truck service stations, including truck terminals.
- S. Planned mobilehome parks and R.V. parks.
- T. Injection wells.
- U. Commercial storage (storage for resale) of inflammable fluid or gas fuels in a quantity greater than 500 gallons in any container less than 2.5 feet below the surface of the ground.
- V. Transitional housing.
- W. Supportive housing (more than 50 units).
- U.X. Residential care facility, small and/or unlicensed.
- V.Y. Residential care facility, large licensed.
- Z. Employee housing, small.
- W-AA. Health care facility

7-4. Development Standards Subject to Development review

- A. Commercial site area and configuration:
 - 1. The minimum area of any newly created lot or parcel of land shall be 6,000 square feet except in a Planned Unit Development project.

2. The minimum lot width and public street frontage of any newly created lot or parcel shall be 60 feet provided the lot width ratio is met, except in a Planned Unit Development project.

B. Commercial minimum yard requirements:

1. Front yard. No front yard shall be required, except where the frontage in a block is partially in a residential district, in which case the front yard shall be the same as required in such residential district. Where a public street does not provide for a sidewalk within the right-of-way, a 10-foot setback shall be provided.
2. Side yard. No side yard shall be required, except where the side yard of a lot abuts the side of a lot in a residential district, in which case the side yard shall be not less than 5 feet.
3. Rear yard. No rear yard shall be required, except where the rear of a lot abuts a residential district, in which case the rear yard shall be not less than 20 feet.
4. Accessory structures. The above-yard requirements shall apply.

C. Maximum building height. No building or structure in this zone shall exceed 60 feet in height, except as otherwise permitted with a conditional use permit.

D. Parking. Off-street parking shall be provided in compliance with Chapter 12.08.12.

7-5. Minimum Yard Requirements

- A. Front yard. No front yard shall be required, except where the frontage in a block is partially in a residential district, in which case the front yard shall be the same as required in such residential district. Where a public street does not provide for a sidewalk within the right-of-way, a 10-foot setback shall be provided.
- B. Side yard. No side yard shall be required, except where the side yard of a lot abuts the side of a lot in a residential district, in which case the side yard shall be not less than 5 feet.
- C. Rear yard. No rear yard shall be required, except where the rear of a lot abuts a residential district, in which case the rear yard shall be not less than 20 feet.
- D. Accessory structures. The above-yard requirements shall apply.

7-6. Maximum Building Height

No building or structure in the C-1 zone shall exceed 60 feet in height, except as otherwise permitted with a conditional use permit.

7-7. Business Signs

- A. Only one single or double-faced freestanding sign designating the use of the premises, facing or adjacent to each street abutting the property.
- B. The height of any freestanding sign shall not exceed 12 feet measured vertically from the base at ground level to the apex of the sign.
- C. Signs may be lighted, provided, however, that no sign shall contain visibly moving parts or be illuminated by flashing lights.
- D. No outdoor advertising signs or structures shall be permitted, except such signs or structures which pertain directly to permitted commercial uses and which are located on or immediately adjacent to such uses.

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CHAPTER 12.08.8

C-2 – HIGHWAY COMMERCIAL ZONE DISTRICT

REGULATIONS

8-1. Purpose and Applicability

The C-2 zone is established to provide for the location of the facilities and services needed by the traveling public along the County's major collectors, at intersection with state highways and where they can be reached conveniently and safely. This designation is for future growth. The following regulations shall apply in all C-2 zones:

8-2. Permitted Uses

The following highway commercial uses are permitted when serving the needs of the traveling public; when conducted within a completely enclosed building; and when not exceeding a maximum of 3,000 square feet of gross floor area per use or 6,000 square feet of total gross floor area:

- A. Food services, such as restaurants, cafes, coffee shops and delicatessens, including drive-in or drive-thru fast-food services and outdoor dining areas.
- B. Bus stations.
- C. Commercial and residential accessory uses and accessory structures.
- D. Real estate sales offices.
- E. Retail sales of groceries, off-sale beer and wine, sporting goods, bait and tackle, souvenirs, antiques and curios.
- F. Hotels and motels, designed not to exceed 15 units.
- G. Other highway commercial uses, when of a similar character to those listed above.
- H. Mixed commercial with residential uses not to exceed a maximum of 2 residential units. However, each primary residential unit may include accessory and junior accessory dwelling units.
- I. ~~Residential uses as primary use.~~ Accessory and junior accessory dwellings units.²
- J. Single room occupancy.
- K. Supportive ~~and transitional~~ housing (up to 50 units).

² Permitted with existing or permitted single or multifamily dwelling.

L. Low barrier navigation centers.

8-3. Permitted Uses Subject to a Conditional Use Permit ~~Permitted Uses Subject to First Obtaining a Use Permit in Each Case~~

The following highway commercial uses are permitted when serving the needs of the traveling public; when conducted within a completely enclosed building; when outdoor storage, sales or display does not exceed 15% of the gross floor area; and when not exceeding 6,000 square feet of gross floor area per use or 12,000 square feet of total gross floor area:

- A. Uses permitted in Part 12.08.14-2 with outdoor storage, sales or display; or when exceeding 3,000 square feet of gross floor area per use or 6,000 square feet of total gross floor area.
- B. Uses permitted in Part 12.08.14-2, which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration or unusual traffic, or involve the handling of explosives or dangerous materials.
- C. Food services, which offer on-sale beer and wine, incidental and accessory to food services, without separate bar area; and off-sale liquor.
- D. Fruit and produce stands exceeding 400 square feet in size.
- E. Hotels and motels, designed to exceed 15 units.
- F. Park and ride facilities.
- G. Retail fuel sales, minor auto repair and car washes.
- H. Uses which are minor additions or alterations to existing uses or structures permitted by Part 12.08.14-2, limited to an increase of 20% of the use area or gross floor area of the structure(s).
- I. Bars, taverns or cocktail lounges, with or without live entertainment.
- J. Truck stops, auto/truck service stations and incidental minor auto/truck repair.
- K. Public and private campgrounds, R.V. parks.
- L. Transitional housing.
- M. Supportive housing (more than 50 units).
- N. Residential care facility, small and/or unlicensed.
- O. Residential care facility, large licensed.

P. Employee housing, small.

K-Q. Health care facility.

8-4. Development Standards Subject to Development review

- A. Minimum lot size: 8,000 square feet
- B. Minimum average lot widths:
 - 1. Interior lots: 80 feet
 - 2. Corner lots: 100 feet
- C. Maximum length to width ratio: 3:1
- D. Maximum lot coverage: 100%
- E. Minimum yards:
 - 1. Front yard. None excepting when abutting a residential district where 10 feet from the lot line, or 45 feet from centerline of roadway, whichever is greater shall be required. Yards abutting streets are front yards.
 - 2. Rear yard. None, excepting when abutting a residential district, then 20 feet from the lot line shall be required.
 - 3. Side yard. None excepting when abutting a residential district, then 5 feet from lot line shall be required.
 - 4. Accessory structures. the above-yards shall apply.
- F. Maximum height. 2-stories or 30 feet maximum, whichever is less.
- G. Parking. Off-street parking shall be provided in compliance with Chapter 12.08.12.
- H. Signs. As provided in Chapter 12.08.25.

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CHAPTER 12.08.9

C-3 – HEAVY COMMERCIAL ZONE DISTRICT

REGULATIONS

9-1. Purpose and Applicability

The C-3 zone is established to provide areas suitable for heavy retail and service commercial uses, which do not specialize in pedestrian traffic and are more appropriately located away from the central business district. This designation is for future growth. The following regulations shall apply in all C-3 zones:

9-2. Permitted Uses

The following service (heavy) commercial uses are permitted when conducted within a completely enclosed building; when outdoor storage does not exceed 50% of the gross floor area per use and when within a completely screened area on the same lot; and when not exceeding a maximum of 6,000 square feet of gross floor area per use or 12,000 square feet of total gross floor area:

- A. Retail sales of large and bulky household items, such as appliances, carpet and floor covering, furniture, and fireplaces or woodstoves.
- B. Installation of auto parts and accessories, such as tire or battery stores, muffler shops and tune-up shops, including incidental retail sales of auto parts and accessories.
- C. Commercial trade services with or without incidental retail sales, such as cleaning and dyeing agencies and plants, bottling works, funeral homes, cabinet and carpentry shops, blacksmith, welding and machine shops, and furniture repair and upholstery shops.
- D. Construction related sales and services, such as building supply stores with incidental lumber storage yards, general and specialty contractors offices, electrical, plumbing and heating shops, and light equipment rental shops.
- E. Mixed commercial with residential uses not to exceed a maximum of 2 residential units, supportive and transitional housing and single room occupancies.
- F. Sales and services to the agricultural sector, such as farm supply stores, farm implement sales and service shops, agricultural supply cooperatives and commercial irrigation services.
- G. Professional construction support services, such as blueprinting, duplicating, printing, drafting, engineering, surveying, planning or architecture services.
- H. Laundry, janitorial or facility maintenance services.

- I. Entertainment and recreational facilities, such as, but not limited to, indoor theaters, bowling alleys, pool halls, game rooms and amusement enterprises, health clubs, spas, saunas and hot-tub establishments.
- J. Other service commercial uses, when of similar character to those uses listed above.
- K. Commercial and residential accessory uses and accessory structures.
- L. ~~Residential uses (accessory and junior accessory dwellings, per Part 12.08.4-11, if primary dwellings have been established).~~ Accessory and junior accessory dwellings.³
- M. Supportive housing (up to 50 units).
- N. Low barrier navigation centers.

9-3 Permitted Uses Subject to a Conditional Use Permit ~~Permitted Uses Subject to First Obtaining a Use Permit in Each Case~~

The following service commercial uses are permitted when conducted within a completely enclosed building (excepting auto sales); and when not exceeding a maximum of 12,000 square feet of gross floor area per use or 24,000 square feet of total gross floor area:

- A. Uses permitted in Part 12.08.15-2 when outdoor storage exceeds 50% of the gross floor area per use or when not contained within a completely screened area; or when exceeding a maximum of 6,000 square feet of gross floor area per use or a maximum of 12,000 square feet of total gross floor area.
- B. Uses permitted in Part 12.08.15-2, which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration or unusual traffic, or involve the handling of explosives or dangerous materials.
- C. Businesses providing retail sales of new or used automobiles with incidental minor and major repair services, and carwashes.
- D. Automobile, truck and vehicle service and repair shops and garages providing minor and major repairs, body work and painting; and temporary storage of 10 or fewer vehicles with no repair or dismantling services.
- E. Commercial parking lots and taxicab companies, including outdoor storage.
- F. Rental or leasing of trucks, trailers and recreational vehicles.

³ Permitted with existing or permitted single or multifamily dwelling.

- G. Uses which are minor additions or alterations to existing uses or structures permitted by Part 12.08.15-2, limited to an increase of 20% of the use area or gross floor area.
- H. Uses permitted in Part 12.08.15-2, which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration or unusual traffic, or involve the handling of explosives or dangerous materials.
- I. Open-air retail sales of boats, recreational vehicles, mobile homes, modular homes, factory-built homes, swimming pools, storage tanks, satellite dish antennas and other large and bulky items.
- J. Contractors' heavy equipment storage yards or heavy equipment rental yards.
- K. Fuel tank farms, wholesale fuel sales or distributors, including natural gas or propane distributors or wholesalers.

L. Mini storage.

M. Transitional housing.

N. Supportive housing (more than 50 units).

O. Residential care facility, small and/or unlicensed.

P. Residential care facility, large licensed.

Q. Employee housing, small.

~~L-R.~~ Health care facility.

9-3. Development Standards Subject to Development review

- A. Minimum lot size: 12,500 square feet
- B. Minimum average lot widths:
 - 1. Interior lots: 100 feet
 - 2. Corner lots: 125 feet
- C. Maximum length to width ratio: 3:1
- D. Maximum lot coverage: 75%
- E. Minimum yards:

1. Front yard. 10 feet from lot line, or 35 feet from the centerline of roadway, whichever is greater. Yards abutting streets are front yards.
 2. Rear yard. None, or 20 feet from the lot line when contiguous to any residential district.
 3. Side yard. None, or 5 feet from the lot line when contiguous to any residential district.
 4. Accessory structures. The above-yards shall apply.
- F. Maximum height:
1. Principal structures: 35 feet
 2. Accessory structures: 20 feet
- G. Parking. Off-street parking shall be provided in compliance with Chapter 12.08.12.
- H. Signs. As provided in Chapter 12.08.25.

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CHAPTER 12.08.10

M-1 – LIGHT INDUSTRIAL ZONE DISTRICT

REGULATIONS

10-1. Purpose and Applicability

The M-1 zone is intended to apply to areas in which manufacturing, heavy commercial uses and large administrative facilities are the desirable predominant uses. The regulations of this Chapter shall apply in all M-1 zones.

10-2. Principal Permitted Uses

A. Principal permitted uses in the M-1 zone are as follows:

1. Administrative, business and professional offices.
2. Agricultural product processing.
3. Agricultural supplies and equipment sales.
4. Alcoholic beverage sales, on-site.
5. Automotive repair.
6. Automobile service stations.
7. Bottling plants.
8. Carpentry and cabinet making shops.
9. Clothing manufactures.
10. Contractor's yards.
11. Electric component assembly and manufacturing.
12. Equipment rental yards.
13. Fabrication of wood, metal and fiber products.
14. Fire stations.
15. Government vehicle repair/storage yards.
16. Handicraft manufacture.

17. Light industrial uses within an enclosed building with no noticeable noise, odors or vibrations at the property line.
18. Manufacturing within enclosed buildings of electrical and electronic equipment and of household effects and appliances; and metal working shops.
19. Motor repair.
20. Paint booths.
21. Plumbing shops.
22. Propane sales.
23. Public utility buildings.
24. Pump sales and repair.
25. Research and development facilities.
26. Recycling facilities.
27. Recreational vehicle storage.
28. Restaurants and outdoor eating areas.
29. Storage warehouses.
30. Towing services.
31. Tractor sales equipment yards.
32. Truck storage, repair and distribution centers.
33. Produce stands.
34. Uses which the City Council determines by written findings are similar to the above.

35. Accessory and junior accessory dwelling units.⁴

36. Low barrier navigation centers.

37. Employee housing, large Supportive housing (up to 50 units).

⁴ Permitted with existing or permitted single or multifamily dwelling.

35.38. Residential care facility, small and/or unlicensed;

36.39. Residential care facility, large licensed.

10-3. Permitted Uses Subject to a Conditional Use Permit

A. Conditional uses requiring use permits in the M-1 zone are as follows:

1. Airports, heliports and landing strips.
2. Animal hospitals and kennels.
3. Bowling alleys.
4. Catering trucks/food trucks.
5. Churches.
6. Day care.
7. Dry cleaning plants.
8. Dwellings, motels and mobile home parks.
9. Explosives, sale and storage.
10. Flea markets.
11. Health clubs.
12. Manufacturing uses not within an enclosed building.
13. Mini storage.
14. Printing and lithography.

15. Surplus sales.

16. Supportive housing (more than 50 units).

17. Transitional housing.

18. Residential care facility, small and/or unlicensed.

19. Residential care facility, large licensed.

B. Special regulations. All manufacturing and fabricating areas shall be enclosed in buildings, and all equipment and materials storage areas adjacent to residential

zones shall be screened by walls, fences or adequate plantings to a height of not less than 6 feet.

- C. Storage of gasoline and other petroleum products emitting a flammable vapor at less than 100°F.
- D. Uses which the Building Official determines by written findings are similar to the above.

10-4. Lot Requirements

- A. Minimum lot width: 100 feet, except those parcels existing at the adoption of this ordinance with a width less than 100 feet shall not be reduced to less than 60 feet.

10-5. Design Requirements

Design requirements for structures in the M-1 zone are as follows:

- A. Compliance with parking and landscaping requirements of Chapter 12.08.17.
- B. Maximum building coverage of 60% and up to 100% coverage by parking/paved areas in the downtown area.
- C. The required front yard shall be landscaped and not used for parking. The only area not landscaped within the required front yard is the driveway access to the required parking area, which shall not exceed 25 feet in width.
- D. When the subject site is immediately adjacent to Residential zones, the following standards shall apply:
 - 1. A solid 6-foot masonry wall shall be placed on the property line, reduced to 3 feet within the required adjacent residential zone front setback area.
 - 2. All exterior lighting shall be designed to reflect away from the adjacent residential area, or down to the ground within the commercial site.
- E. All manufacturing and fabricating areas shall be enclosed in buildings, and all equipment and materials storage areas adjacent to residential zones shall be screened by walls, fences or adequate plantings to a height of not less than 6 feet.
- F. Required rear and side yards may be used for parking or for outdoor storage when adjacent to a residential zone, as long as such storage does not exceed the height of the required 6-foot wall.

10-6. Site Design

New projects shall be compatible with their surrounding development in intensity, setbacks, building forms, material, color and landscaping as follows:

- A. Site design shall respect existing roadway patterns and driveways. New curb cuts shall be aligned with existing driveways and streets, when applicable.
- B. Develop transition between projects with different uses and intensities to provide a cohesive visual and functional shift. Create transition by using appropriate setbacks, gradual building height, bulk and landscaping.
- C. Integrate perimeter landscaping with the landscaping of adjacent developments.
- D. Minimize paved areas for curb cuts and parking on the street frontage of projects to maintain a continuous and attractive streetscape.
- E. Preserve natural site features, such as mature trees, views, etc., and incorporate into the site design of the new project.
- F. Site design of projects shall be compatible with and protect existing nearby heritage structures and trees.
- G. Link on-site walkways to the public sidewalk system outside the project site for ease of pedestrian access.
- H. Provide pedestrian links between residential developments and nearby employment and shopping center, schools and parks to encourage pedestrian activities.

10-7. Site Organization

- A. Locate site components, such as structures, parking driveways, walkways, landscaping and open spaces to maximize visual appeal and functional efficiency. Security kiosks and gates shall be located to allow queuing for at least 3 cars.
- B. Emphasize the pleasant components of the project such as existing trees and views, and disguise its less-desirable scenes, such as parking areas, loading and service areas through placement and design of structures and landscaping.
- C. Siting of noise and odor generating functions on a site shall not create a nuisance for the adjacent properties.
- D. Orientation of buildings on a site shall relate to each other and to buildings on adjacent sites for aesthetic organization. The front of one building shall not face the back of another. In these instances, an increased setback between buildings may be required to meet the standards of the California Building Code.
- E. Street frontages shall not be dominated by surface parking to encourage pedestrian orientation and a continuous streetscape. Limit paved areas on street frontages to one double row of parking and locate the rest of the parking elsewhere on the site.
- F. Where half or more of the parking is located at the rear of a retail/office building, provide main entries in the front and rear of buildings for convenient access.

- G. Site design of projects shall have external orientation for a positive street experience. Orient buildings toward public streets and provide view corridors into the project site. View corridors may be provided by controlling the spacing and angles of building on the site and by providing open vistas and plazas.
- H. Building façades shall be lively and include windows and main entries which face public streets for a pedestrian friendly environment.
- I. Provide convenient and safe pedestrian and automobile access to the site from adjacent streets.
- J. Define site boundaries by landscaping and bands of decorative paving to announce entry into the site.
- K. Every project shall have a main entry, defined by landscaping and other decorative features. Main entrances to all buildings shall be well defined.
- L. Design and locate a project's internal circulation pattern for maximum ease of movement and a minimum of safety hazards.
- M. Consider energy efficiency in the siting of buildings. Shading of structures and parking areas is recommended.

10-8. Open Space

- A. Design each project site for maximum utility of open space for ventilation, sunlight, recreation and views for both new and existing buildings.
- B. In business parks and strip shopping centers, open space areas are recommended.
- C. Open space areas may include benches, art, landscape, water and hardscape features, as approved by the City.
- D. Provide direct access to common useable open space from all buildings. Common open spaces shall be useable for recreational purposes (landscaping strips of less than 50 feet in width between buildings does not constitute useable common open space).

10-9. Scale and Character

- A. Break up large buildings into groups of smaller segments whenever possible, to appear smaller in mass and bulk. This may require increasing setbacks to comply with the standards of the California Building Code.
- B. Adjacent buildings shall be compatible in height and scale.
- C. Buildings and additions shall not shade more than 10% of the structures or open space areas on adjacent properties for proper solar access.

- D. Buildings shall maintain similar horizontal and vertical proportions with the adjacent façades to maintain architectural unity.
- E. Step back upper stories of buildings three stories or taller from public roads and adjacent low scale development to reduce the bulk impact.
- F. Maintain the dominant existing scale of an area.
- G. Placement of windows and openings on second story additions shall not create a direct line of sight into the living space or the back yard of adjacent properties to maintain privacy.
- H. Buildings shall maintain visually interesting activities at the street level by placing active façades with windows and openings on the street side to promote pedestrian activities.
- I. Interrupt front façades on large structures by various architectural elements such as trellises, balconies, steps, openings, etc., about every 30 feet to appear smaller in scale.
- J. Choose inset, multi-pane windows over a continuous band of single pane windows, to create a sense of scale.
- K. Maintain the scale and character of the existing main structure in building additions by retaining similar proportions and rhythm present on the main structures.

10-10. Architecture and Design

- A. Maintain diversity and individuality in style but be compatible with the character of the neighborhood.
- B. In areas where no prevailing architectural style exists, maintain the general neighborhood character by the use of similar scale, forms and materials providing that it enhances the neighborhood. The scale, forms and materials shall be approved by the City.
- C. Develop a comprehensive architectural theme for multi-building complexes. Unify various site components through the use of similar designs, material, and colors. The designs, material and colors shall be approved by the City.
- D. “Corporate architecture” and generic designs are not recommended. Design each project specifically with respect to its own surrounding environment.
- E. Buildings shall have three distinct components: base, middle and top. Define each component by horizontal and vertical articulation.
- F. Link buildings and sites together by proper building orientation, landscaping and similarly designed building and site components.

- G. Buildings on corner lots shall demonstrate a strong tie to the public streets. Enhance street corners by special design features, such as celebrated main entrances or landscape features.
- H. Include decorative building elements in the design of all buildings. Add more interest to buildings by incorporating changes in wall plane and height, arcades, porticos, trellises, porches, balconies, dormers, windows, openings, etc.
- I. Repeat design and decorative building elements in all elevations and the roof as well as the front façade.
- J. Windows and openings shall be consistent with the architectural style of buildings and maintain similar proportions and rhythm with those on adjacent buildings.
- K. Provide clear windows on street level on retail buildings to create interest for pedestrians.
- L. Define building entries by use of human scale architectural elements such as arches, posts, awnings, etc. Orient main entries toward public streets.
- M. Awnings and canopies shall be compatible with the building design and shall conform to Chapter 12.08.04.
- N. Awnings shall not cover or replace façade articulation by wrapping around buildings in continuous bands. Place awning only on top of doors, windows, and other openings.
- O. Design fire escapes and exterior stairs, elevator shafts, and balconies as part of the building, not as separate elements.
- P. Exterior remodeling of older buildings being occupied by new tenants is strongly encouraged.

10-11. Accessory Utility Buildings

- A. The style, material and color of accessory buildings visible from public streets shall be the same as those of the main building.
- B. Accessory buildings shall be proportional to the main structures in size and bulk. Accessory buildings may not dominate any site areas.

10-12. Roofs

- A. New roofs shall be consistent in form and shape with the dominant roof form in the neighborhood.
- B. Buildings in, or adjacent to, residential neighborhoods, with predominately gabled roofs, shall have gabled roofs to create a residential scale and character.

- C. Long horizontal roof lines are not allowed. Interrupt roof line by architectural treatment and features. The maximum allowable unbroken roof line is 30 feet.
- D. Vary roof levels and forms on a large building to create diversity and to decrease the apparent scale of the building.
- E. Include roofs on all elevations, not just on the front façades of buildings. Roof forms shall express entrances to buildings.
- F. Roofs shall be an integral part of building design. False mansard roofs are not allowed.
- G. Include architectural elements such as projecting cornices in design of flat roofs to define the edge of the roof.
- H. Parapets and roof screens shall be integrated architecturally into building designs. Placement, material and color of roof screens shall not impact the building architecture or roof form.

10-13. Material and Color

- A. Develop a comprehensive material and color scheme for each project to tie in the various parts of the project. Choose variety of colors and materials to add interest to buildings. Colors and materials shall be approved by the City.
- B. Avoid large expanses of smooth surfaces such as concrete or glass. Use materials with a sense of scale and texture.
- C. Avoid large expanses of highly reflective surfaces and mirror glass exterior walls to prevent heat and glare impacts on the adjacent public streets and properties.
- D. Choose high quality materials and paint to prevent degradation and for ease of maintenance.
- E. Use wrought iron, cast iron or high-quality wood for decorative features and trims. Vertical sliding panels (i.e., T-111) are prohibited.
- F. Coordinate exterior colors of adjacent structures on the same or adjacent sites.
- G. Strong, bright contrasting colors shall be used for ornaments and accent only.
- H. Coordinate color and material of building additions with those of the principal structure.
- I. Wall and ground sign design material and color shall be compatible with the principal building on the site.

10-14. Service Facilities

- A. Locate service areas and drives away from public streets and nearby residential uses. Place service facilities in the least visible areas.
- B. Provide convenient access for all service and emergency vehicles. Separate service drives from other on-site circulation patterns when possible.
- C. Fully screen all service facilities from the public street and adjoining properties. Doors for service facilities shall be recessed and integrated into the overall design of the building.
- D. Screening devices shall have a similar design and material to the main structures on the site, and shall be incorporated into the site design of the project.
- E. Fences, walls, dense landscaping, berms or any combination of the above, may be used to screen service areas and facilities.
- F. In multi-building complexes, service areas shall be combined or located next to each other to minimize the visual and noise impact on the surrounding uses.
- G. Service facilities shall be easily accessible for service vehicles and tenants. Service yards shall be located so as to minimize interaction between service vehicles and automobiles.
- H. Service facilities shall be separated from pedestrian walkways to increase safety.

10-15. Mechanical Equipment

- A. Mechanical equipment shall not be located in any front setback area between the public street and the building.
- B. Mechanical equipment shall be located far enough from adjacent properties to not cause noise impacts. Noise level at property line may not exceed 50 dBA in or adjacent to residential areas and 75 dBA in all commercial and industrial zones.
- C. Fully screened roof top equipment by parapet walls or a roof well on all 4 sides.
- D. Avoid individual screening of a group of equipment on a single roof. Contain all equipment within same roof screen.

10-16. Lighting

- A. Light fixture design shall be compatible with the design and the use of the principal structure on the site. Light fixtures shall be equipped with appropriate reflectors and shielded to prevent illumination of the adjacent properties.
- B. Incorporate placement of light fixtures into the landscape scheme of the project. Show location and type of all exterior lights on the landscape plans.

- C. Height of any light poles shall be appropriate for the project and surrounding environment. Height of the light poles shall not exceed that of the main building.
- D. Use bollard type luminaries, maximum of 8 feet high for pedestrian areas.
- E. Shield light sources to prevent any glare or direct illumination on public streets, adjacent properties or highways.
- F. All area lights shall be energy efficient type (High Pressure Sodium or equivalent).
- G. All on-site pedestrian and automobile traffic areas shall be well lit for safety and security.

10-17. Trash Enclosures

- A. All development in this zone district shall provide for adequate storage of trash and recyclable materials in containers in enclosed areas.
- B. Trash enclosures shall be conveniently accessible by collection trucks. Access driveways shall be a minimum of 16 feet in width.
- C. Enclosures shall not be located in setback, landscaped, or parking areas.
- D. Adequate turn around areas for collection trucks shall be provided.
- E. A concrete pad in front of and within enclosures to prevent damage to pavement is required.
- F. Trash enclosures shall screen trash containers on all four sides. The height of enclosures shall fully screen the containers.
- G. A roof shall be provided for trash enclosures when visible from any upper story.
- H. The style, material, and color of enclosures shall be similar to those of the main structure.
- I. Enclosures shall be made of masonry or wood and match the main building in finish and color. Enclosures may be masonry or wood, painted to match the main building.
- J. Steel enclosure gates are required as a minimum standard.
- K. When visible from public rights-of-way, redwood slatted cyclone fencing may be acceptable, but depending on the design of the main buildings, wood, concrete or stucco is encouraged.

10-18. Professional Offices and Buildings

- A. Professional office buildings shall have the highest quality architecture and be oriented toward streets.
- B. For office buildings, a combination of hardscape such as textured paving, water fountains, and landscaping shall be used to provide strong emphasis to focal points and entrances to the buildings.
- C. In multi-building complexes, buildings and offices shall be most visible from a public right-of-way.
- D. When there are two or more buildings located on site, buildings shall be oriented toward public streets and provide view corridors into the project site. View corridors may be provided by controlling the spacing and angles of buildings on the site and by providing vistas and plazas.
- E. The site boundaries and main entrances shall be defined by both landscaping and decorative paving.

10-19. Fences and Walls

- A. All fences and fencing materials require a Fencing Permit approved by the City of Loyalton Planning Department prior to installation. Ty-Vek or like materials, corrugated materials, tin, aluminum, bamboo, hay and other like materials deemed by the City to be unacceptable are prohibited. All fencing material and fence construction shall be approved by the City in accordance with the Loyalton Municipal Code and the California Building Code, prior to construction of the fence.
- B. Any masonry and stucco walls require a Building Permit if greater than 3 feet in height.
- C. Fences and walls shall be compatible in style and material with the main structures on a site.
- D. To avoid the monotony of long, solid walls and fences around the perimeter of projects, variation in height, texture and color is recommended with approval by the City.
- E. Signs, lights and other street furniture incorporated into the design of fences and walls are encouraged.
- F. Barbed wire fencing may be used for security purposes only. All chain link fencing requires slats.
- G. Screening devices shall be made of opaque (solid) materials such as wood or masonry blocks.

- H. Fences and walls used for noise control shall be made of materials most suited for noise reduction, and which minimize reflective sound.
- I. Security fencing and gates shall be of an open type to allow for maximum visibility of the secured area. Wrought iron and cast-iron fences are recommended for security fences and gates for all uses.
- J. Fencing shall be a maximum of 6 feet in height. Fencing over 6 feet in height, excepting fences listed in Part B above, shall require a Building Permit. All corner lots, including corners on alleys, shall be a maximum of 3 feet in height within the front and exterior side yard setback areas.
- K. All fences shall be made of durable and weather resistant materials as approved by the City.

10-20. Setbacks

Minimum yards in the M-1 zone are as follows:

- A. Front: 15 feet
- B. Rear: none, except that where a rear yard abuts a Residential zone, such rear yard shall be not less than 25 feet or a distance equal to the height of the building immediately abutting the required yard, whichever is greater.
- C. Side: none, except that where a side yard abuts a Residential zone, such side yard shall be not less than 25 feet or a distance equal to the height of the building immediately abutting the required yard, whichever is greater.
- D. Adjacent buildings shall have compatible front setbacks to maintain visual continuity of the streetscape. Setback infill projects in areas with different front setbacks at a distance equal to the average setbacks of buildings on either side not to exceed 50% of the minimum setback requirements of this Municipal Code.

10-21. Height

Maximum building height in the M-1 zone is 50 feet.

10-22. Site Plan Review

Prior to application for a building permit, the applicant shall submit to the City of Loyaltan a complete Site Plan application including signage and parking with all applicable fees and all other documents necessary for review by the City Council to ensure compliance with all requirements of this Municipal Code.

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CHAPTER 12.08.11

M-2 – HEAVY INDUSTRIAL ZONE DISTRICT

REGULATIONS

11-1. Purpose and Applicability

The M-2 zone is intended to provide areas for heavy industrial and manufacturing uses which can locate and operate away from the restrictive influences of non-industrial uses, while maintaining an environment free from offensive or objectionable noise, dust or other nuisances. The following regulations shall apply in all M-2 zones.

11-2. Permitted Uses

The following heavy industrial and manufacturing uses are permitted when conducted within a completely enclosed building, with up to 100% of the gross floor area for outdoor storage of products or materials, within a completely screened area on the same lot; and when not exceeding 6,000 square feet of gross floor area per use or 12,000 square feet of total gross floor area:

- A. Uses permitted in the M-1 and C-3 zones.
- B. Wholesale sales, storage and distribution centers when including incidental retail sales on-site.
- C. Truck terminals and truck repair.
- D. Contractors' equipment storage yards, and equipment rental yards.
- E. Boat manufacturing and repair.
- F. Sale of pre-sized rock for ornamental, monument or other uses, when not involving on-site excavation, crushing or sorting of soils or parent material.
- G. Industrial and residential accessory uses and accessory structures.
- H. One security guard or night watchman quarters when incidental to a commercial or manufacturing use; or an accessory dwelling subject to the requirements of this Part.
- I. One administrative office when incidental to a commercial or manufacturing use.
- J. Other heavy commercial uses when of a similar character to those uses listed above.
- J.K. Accessory dwelling unit.⁵

⁵ Permitted with existing or permitted single or multifamily dwelling.

K.L. Low barrier navigation centers.

L.M. Employee housing, large.

M.N. Supportive housing (up to 50 units).

11-3. Permitted Uses Subject to a Conditional Use Permit

The following heavy industrial and manufacturing uses are permitted when conducted within a completely enclosed building; with up to 100% of the gross floor area for outdoor storage of products of materials, when within a completely screened area on the same lot; and when not exceeding 12,000 square feet of gross floor area per use or 24,000 square feet of gross floor area:

- A. Uses permitted in Part 12.08.11-2 when exceeding 6,000 square feet of gross floor area per use or 12,000 square feet of total gross floor area.
- B. Uses permitted in Part 12.08.11-2 which may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration or unusual traffic, or involve the handling of explosives or dangerous materials.
- C. Uses which are minor additions or alterations to existing uses, limited to an increase of 20% of the use area or gross floor area of the structure(s).
- D. Uses permitted in Parts 12.08.11.02 and 12.08.11.03 when not conducted within a completely enclosed building; when outdoor storage exceeds 100% of the gross floor area; or when exceeding 12,000 square feet of gross floor area.
- E. Food services, such as cafes and diners when open to the public between the hours of 6:00 a.m. and 6:00 p.m.
- F. Auto wrecking yards, salvage and dismantling yards, and junk yards.
- G. Lumber mills/re-saw mills.
- H. Concrete or asphalt batch plants, rock crushing and stone product yards, sand and gravel plants.
- I. Commercial excavation of stone or earth materials such as quarries, gravel pits, or topsoil yards.
- J. Processing, slaughtering, or packaging of beast, fish, or fowl such as fish canneries, meat packing plants or slaughterhouses, offal or dead animal disposal, reduction or incineration plants, or tanneries, including incidental commercial feedlots or fat rendering plants.

- K. Manufacturing, mixing or processing of chemicals including, but not limited to, acetylene gas, acid, ammonia, asbestos or explosives.
- L. Electroplating establishments.
- M. Hazardous or toxic waste disposal operations.
- N. Manufacturing, assembly, packaging or processing of materials which incorporates processes involving the pulverization of clays, use of kilns fired by fuels other than electricity or gas, or the refining or rendering of oils or fats.
- O. Fuel tank farms, wholesale fuel sales or distributors, including natural gas or propane distributors or wholesalers.
- P. Other heavy industrial uses when of similar character to those uses listed in this Part.
- Q. Uses expressly prohibited: unless otherwise listed in Parts 12.08.9-02, 12.08.10-2 and 12.08.11-2, uses permitted in any commercial district, or commercial/manufacturing district are expressly prohibited within the M-2 zone.

~~Q-R.~~ Supportive housing (more than 50 units).

~~R-S.~~ Transitional housing.

~~T.~~ Residential care facility, small and/or unlicensed.

~~U.~~ Residential care facility, large licensed.

11-4. Development Standards

- A. Minimum lot size: 12,500 square feet
- B. Minimum average lot widths:
 - 1. Interior lots: 100 feet
 - 2. Corner lots: 125 feet
- C. Maximum length to width ratio: 3:1
- D. Maximum lot coverage: 75%
- E. Minimum yards:
 - 1. Front yard. 10 feet from lot line, or 35 feet from the centerline of roadway, whichever is greater. Yards abutting streets are front yards.

2. Rear yard. None, or 30 feet from the lot line when contiguous to any residential district.
3. Side yard. None, or 30 feet from the lot line when contiguous to any residential district.
4. Accessory structures. The above-setbacks shall apply.

F. Maximum height: 45 feet

G. Parking. Off-street parking shall be provided in compliance with Chapter 12.08.12.

11-5. Site Plan Review

Prior to application for a building permit, the applicant shall submit to the City a complete site plan application including parking and signage with all applicable fees and all other documents for review.

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CHAPTER 12.08.12

PARKING

REGULATIONS

12-1. Parking Purpose and Applicability

In order to prevent traffic congestion, off-street parking facilities shall be provided incidental to any new building or structure and major alterations and enlargements of existing uses. Off-street parking spaces or areas required shall be in proportion to the need for such facilities created by the particular type of land use. Off-street parking facilities shall also be laid out in such a manner that the facilities will protect the public safety and insulate surrounding land uses from their impact.

12-2. Parking Definitions

For purposes of this Chapter or Part, the following words are defined:

- A. “Parking area, off-street” – An area, building or space, exclusive of street or alley rights-of-way, used for the parking of automobiles.
- B. “Parking area, public” – An off-street parking area publicly or privately owned available for public use whether free, for compensation or as an accommodation for clients or customers.
- C. “Parking space” – Space in the open, within a structure on private property or in a public parking area designed for the parking of one automobile.
- D. “Net floor area” – The total floor area excluding public areas, such as hallways, stairs, lobbies and storage or service area.
- E. “Gross floor area” – The total floor area including public areas such as hallways, lobbies, washrooms, related storage areas, and service rooms or areas but excluding unfinished dead storage and mechanical areas.
- F. “Seats or seating capacity” – Shall refer to the actual seating capacity or an area based upon the number of seats or one seat per 18 inches of bench or pew length.
- G. “Shopping center” – A group of contiguous retail stores, service facilities and related uses utilizing common facilities such as parking, landscaping, signing and loading areas. This group does not have to be in a single ownership.
- H. “Place of public assembly” – A location, auditorium, hall or similar facility, publicly or privately owned, developed for the principal purpose of accommodating groups of persons for meetings, exhibitions, shows and other public interest events.

12-3. Parking Space Requirements

To ensure provision of adequate off-street parking, considering the demands likely to result from various uses, combinations of uses and settings, off-street parking shall be provided for new development from added square footage. It is the City’s intent, where possible, to consolidate parking and to minimize the area devoted exclusively to parking and driveways when typical demands may be satisfied more efficiently by shared facilities. For uses not listed, the Planning Director shall determine the parking requirement for uses which are not listed.

- A. Number of parking spaces required:
 - 1. Off-street parking spaces shall be provided for new development in accordance with the requirements presented in Tables 1 through 6.

Table 1. Residential Uses	
Use	Required Parking Spaces
Accessory and Junior Accessory Dwelling Units	Refer to Part 12.08.4-11. Detached accessory dwelling units: A maximum of one parking space may be required per detached accessory dwelling unit. Required parking may be provided as tandem parking on a driveway, or within front or rear setback areas. No parking shall be required for an attached accessory dwelling unit or a junior accessory dwelling unit, including replacement parking.
Single-Family Detached	2 covered spaces/dwelling unit. Relaxation of this requirement is provided for accessory and junior accessory dwellings, senior and affordable housing in accordance with State law. *
Single-Family Attached	2 spaces/dwelling unit. * Relaxation of this requirement is provided for accessory and junior accessory dwellings. Refer to Part 12.08.4-11.
Multiple Family	Spaces per the bedroom configuration: * 1.5 spaces-1 space for studio, 1- and 2-bedroom units 1.52 spaces for 3- and above to 4-bedroom units 2.5 spaces for 4 plus bedroom units In addition to the following: 0.5 spaces for Guest space/dwelling unit 1 space for Recreation vehicle space per 5 dwelling units as may be required by Planning Director. Parking requirements of no more than one space per dwelling for multi-family development that comply with low-income criteria of the State’s housing code.

Table 1. Residential Uses	
Use	Required Parking Spaces
	Additional relaxation of this standard is provided for accessory and junior accessory units. Refer to Part 12.08.4-11. Low-income housing occupied exclusively by very low- or low-income households, as defined by the State, may provide for reduced parking requirements of one car and one bicycle space per dwelling unit.
Manufactured Home (outside manufactured home park or subdivision)	Same as for Single-Family Detached. *
Manufactured Home (inside manufactured home park or subdivision)	2 spaces per dwelling unit + 1 guest space per 4 dwelling units. Relaxation of this standard is provided for accessory and junior accessory dwelling units. Refer to Part 12.08.4-11.
<u>Residential Care Facilities</u>	<u>For (seven or more clients): A large licensed residential care facility shall provide one off-street parking per the greatest number of employees on duty at any one time, as well as a minimum of one off-street parking space for every ten residents for visitors. For smaller care facilities one space per dwelling unit or one space per three beds.</u>
Senior housing (not independent living center)	Housing occupied exclusively by persons aged 62 or older may provide one half space per dwelling unit or one space per four occupants of a group quarters.
Senior Independent Living Center	1 space per dwelling unit.
Emergency Shelters, Low-Barrier Navigation Centers and Warming Shelters	1.5 spaces per employee during maximum occupancy at shelter. <u>One off-street parking space per the greatest number of employee on duty, provided that standards do not require more parking spaces than other residential or commercial uses within the same zone.</u>
* Residential Development Parking Design Standards.	

2. A carport or enclosed garage for each dwelling unit shall be provided for all new construction as follows:
 - a. Single-family: 2 on-site “covered” spaces.
 - b. Duplex, triplex or fourplex: 1 covered and 1 uncovered on-site spaces (except for affordable housing projects as referenced in Table 1),

- c. Other multi-family except as provided for affordable housing projects referenced in Table 1 (use of “covered” spaces is optional).
- d. Studio or 1-bedroom units: one and one-half on-site spaces per unit.
- e. Driveway access from street to all on-site parking spaces shall be paved.

Table 2. Institutional Uses	
Use	Required Parking Spaces
Cemetery	Greater of: Sum of 1 space per 100 sf of indoor assembly space + 3 spaces per 1,000 sf of office floor area; or 20 spaces per acre of grave sites.
College / University / Vocational Technical schools	1 space per 200 sf of floor area (except auditoriums, theaters, gymnasiums and stadiums) + 1/3 space per person times the capacity (persons) of auditoriums, theaters, gymnasiums and stadiums.
Hospitals	1 space per 2 beds + parking required for medical offices for out-patient serving areas.
Institutional Residential	1 space per 3 beds.
Place of Public Assembly: Adult Day care	1 space per 300 sf.
Places of Public Assembly including Day care / Preschool	1 space per 100 sf or Special Parking Study by Licensed Traffic Engineer or as required by Planning Director.
Places of Public Assembly: Elementary School	3 spaces per classroom.
Places of Public Assembly: Middle School	4 spaces per classroom.
Places of Public Assembly: High School	Special Study by Licensed Traffic Engineer or as required by Planning Director.
Places of Public Assembly: Library or Museum	1/3 space per person times building capacity (in persons).
Places of Public Assembly: Other	Greater of: 1 space per 6 seats in auditorium; or 1 space per 250 sf of floor area.
Private Club: No Food Service	1 space per 250 sf of floor area used for assembly.

Table 2. Institutional Uses	
Use	Required Parking Spaces
Private Club: With Food Service	1 space per 100 sf of floor area used for assembly.
Protective Care: Jail or Prison	1 per 5 cells.
Protective Care: Other	1 space per 2 beds.
Public Service: Fire Station	4 spaces per emergency vehicle bay.
Public Service: Police Station	1 space per 250 sf.
Public Service: Post Office	1 space per 200 sf + 1 space per postal vehicle stored on-site.
Public Service: Other	1 space per 300 sf.
Residential Eldercare Facilities: Assisted Living	1 space per dwelling unit + 1 space per 3 beds in shared living facilities.
Residential Eldercare Facilities: Congregate Care	1 space per dwelling unit.
Residential Eldercare Facilities: Nursing Home	1 space per 3 beds.

Table 3. Commercial Uses	
Use	Required Parking Spaces
Agricultural Support / Other Rural Services: Equipment Dealers and Feed Stores	1 space per 300 sf of office + 1 space per 750 sf of other use.
Agricultural Support / Other Rural Services: Crop Storage / Packing	1 space per 500 sf of floor area.
Alcoholic Beverage Sales: Package	1 space per 200 sf.
Alcoholic Beverage Sales: Other, See Restaurants and Bars, below	See Restaurants and Bars, below.

Table 3. Commercial Uses	
Use	Required Parking Spaces
Boarding or Rooming House	1 space per 12 beds.
Car Wash	3 spaces + 2 spaces per bay or stall.
Commercial Lodging: Full-Service Hotel	1 space per guest room + 2 spaces per 10 guest rooms + 1 space per 100 sf. of meeting space + 1/2 of required parking for accessory retail, restaurant and alcoholic beverage sales uses.
Commercial Lodging: Other	1 space per guest room + 2 spaces per 10 guest rooms.
Commercial Retail: 0 to 2,000 structure's square feet of floor area	1 space per 250 sf.
Commercial Retail: 2,001 to 5,000 structure's square feet of floor area – greater of minimum requirement or space per floor area	8 spaces minimum requirement or 1/300.
Commercial Retail: 5,000 plus structure's square feet of floor area greater of minimum requirement or space per floor area.	17 spaces minimum requirement or 1/400.
Gas Stations with Convenient Store	1 space per 200 sf.
Heavy Retail: Home Center	1 space per 500 sf of floor area.
Heavy Retail: Lumberyard	1 space per 500 sf of office + 1 space per 1,000 sf yard space.
Kennel	1 space per 250 sf.
Light Automobile Service	4 spaces + 1 space per service bay (pump stations are not counted).
Mixed-Use	As approved by Special Study.
Office: Financial Institutions	1 space per 300 sf.
Office: Medical	1 space per 250 sf.
Office: Call Center	7 spaces per 1,000 sf.
Office: Other	3 spaces per 1,000 sf.

Table 3. Commercial Uses	
Use	Required Parking Spaces
Restaurant: Drive-In or Drive-Through	1 space per 60 sf.
Restaurants and Bars, with or without Dancing	1 space per 60 sf of dining space + 1 space per 100 sf of kitchen space + 1 space per 100 sf of outdoor dining.
Services: Beauty or Nail Salon, Barber Shop, Spa	4 spaces per 1,000 sf.
Services: Dry Cleaner	3 spaces per 1,000 sf.
Services: Other	3 spaces per 1,000 sf + 1 space per stored company vehicle.
Vehicle Sales, Rental and Service	1 space per 400 sf of office + 1 space per 600 sf of showroom + 1 space per 500 sf of service area.
Veterinarian	1 space per 250 sf.
Warehousing, Mini-Storage	1 space per 300 sf of office; but in no case less than 2 spaces visitor parking + 1 space per caretaker unit.

Table 4. Recreational and Amusement Uses	
Use	Required Parking Spaces
Adult Entertainment Uses	Greater of 4 spaces per 5 seats; or 1 space per 150 sf of floor area.
Campgrounds	1 space per camp site + 1 space per 20 camp sites.
Indoor Commercial Amusement: Bowling Alley	5 spaces per lane.
Indoor Commercial Amusement: Movie Theaters	1 space per 3 seats + 3 spaces per screen.
Indoor Commercial Amusement: Skating Rinks	1 space per 100 sf of rink surface.
Indoor Commercial Amusement: Other	6 spaces per 1,000 sf.
Outdoor Commercial Amusement: Outdoor Arenas	1 space per 3 seats.
Outdoor Commercial Amusement: Other	Per approved parking study.

Table 4. Recreational and Amusement Uses	
Use	Required Parking Spaces
Indoor Recreation: Swimming Pool	1 space per 2 persons capacity.
Indoor Recreation: Tennis, Racquetball; Handball	2 spaces + 1 space per court + 1 space per 5 courts.
Indoor Recreation: Community Recreation Center	1 space per 400 sf.
Indoor Recreation: Other	1 space per 400 sf.
Outdoor Recreation: Athletic Fields	Greater of: 1 space per 4 seats (spectator); or 30 spaces per athletic field.
Outdoor Recreation: Day Camp	1 space per 4 campers.
Outdoor Recreation: Driving Range	3 spaces per 4 stations.
Outdoor Recreation: Mini Golf	4 spaces per hole.
Outdoor Recreation: Golf Course	4 spaces per hole.
Outdoor Recreation: Playgrounds	12 spaces per acre.
Outdoor Recreation: Swimming Pool	1 space per 250 sf of pool.
Outdoor Recreation: Tennis Courts	2 spaces per court + 1 space per 250 sf of clubhouse or pro shop.
Outdoor Recreation: Other Active Recreation	12 spaces per acre.
Outdoor Recreation: Passive Recreation	2 spaces per acre.
Areas for use by or for patrons, including tasting rooms and reception areas and office or administration areas	1 space per 300 sf.

Table 4. Recreational and Amusement Uses	
Use	Required Parking Spaces
Production, storage or warehousing areas	1 space per 1,500 sf.
Promotional event parking	1 space per 2.5 persons

Table 5. Industrial Uses	
Use	Required Parking Spaces
Disposal	5 spaces per 4 disposal vehicles
Heavy Industry	Per approved parking study
Light Industry: Laboratories, Research and Development, Testing	1 space per 300 sf.
Light Industry: Other	1 space per 750 sf. or in accordance with a Special Study prepared by a licensed traffic engineer or as required by the Planning Director
Recycling/Salvage	Per approved parking study
Utilities, Community	Per approved parking study
Utilities, Neighborhood	1 space (may be grass)
Warehousing and Transportation	1 space per 300 sf. of office + 1 space per 1,000 sf. of warehouse + 1 space per loading dock

Table 6. Agricultural Uses	
Use	Required Parking Spaces
Agriculture or Forestry	2 spaces per dwelling unit used as a farm residence.
Commercial Stables	1 space per 6 stalls.
Nursery or Greenhouse: Wholesale	3 spaces per 1,000 sf of office or sales floor area + 10 spaces per acre of outdoor nursery area.
Nursery or Greenhouse: Retail	1 space per 250 sf. of enclosed floor area + 15 spaces per acre of outdoor nursery area.

Table 6. Agricultural Uses	
Use	Required Parking Spaces
Wineries (as follows:)	
Areas for use by or for patrons, including tasting rooms and reception areas and office or administration areas	1 space per 300 sf.
Production, storage or warehousing areas	1 space per 1,500 sf.
Promotional event parking	1 space per 2.5 persons.

B. Parking calculations:

1. The parking requirement is based on the gross floor area of the entire use, unless stated otherwise.
2. When the calculation of required parking results in a fractional number, it shall be rounded to the next highest whole number if the fraction is one half or more; otherwise, it shall be rounded down to the next lowest whole number.
3. Where there has been a reduction in required parking, all resulting spaces must be available for common use and not exclusively assigned to any individual use. In mixed-use projects, required residential parking may be reserved, but commercial parking must be made available for guests or overflow from residences.

12-4. Objective Design Standards for Off-Street Parking Facilities

A. Surfacing and marketing:

- ~~1. The parking area shall be maintained in good condition at all times and shall be surfaced in a manner to be consistent with the type and level of use so as to provide safe and convenient use, in accordance with the following guidelines:~~
- ~~2. Parking areas used the year around shall be surfaced with asphaltic concrete or its equivalent, except that less intensive uses may be surfaced with gravel or its equivalent.~~
- ~~3.1. Parking areas used only periodically shall be surfaced with gravel or its equivalent, except under special circumstances when approved by the Public Works Director.~~

4.2. Parking spaces, entrances, exits and circulation directions shall be marked and shall remain discernible at all times.

- B. Parking dimensions and driveways. The minimum dimensions for off-street parking are provided in Table 7 and illustrated by Figures 11 and 12.
- C. Compact cars. For any development, a maximum of 40% of all parking provided may be compact car parking. Such spaces shall be signed or otherwise designated for smaller compact cars.
- D. Tandem spaced. Tandem spaces may be used for accessory and junior accessory dwelling units in compliance with State law when parking spaces are identified for the exclusive use of occupants of a designated dwelling, required spaces may be arranged in tandem (that is, one space behind the other) ~~subject to approval of the Planning Director. Tandem parking is intended to allow for needed flexibility on constrained lots or where tandem parking is consistent with the existing neighborhood pattern. Tandem parking shall not be used to provide for the conversion of garage spaces. However, tandem parking is allowed by right for accessory and junior accessory units which may not be denied by the City.~~
- E. Landscaping:
 - 1. For parking lots abutting public roads, a minimum 5-foot landscape planter shall be installed abutting the right-of-way, except where driveways are installed.
 - 2. In addition to the street side planter required in Part 1 above, an additional 5% of all parking lot areas shall be landscaped.
 - 3. All landscape areas shall be planted and continuously maintained by the owner. A minimum of one tree shall be planted for each twenty parking spaces.
- ~~F. Grading and drainage. Parking and driveway facilities shall be prepared, graded and paved in such a manner that all surface waters will drain into a street gutter or storm drainage facility. No more than 700 square feet of paved area may sheet drain across a driveway. Drainage across a public sidewalk is prohibited. Parking spaces shall slope no more than 7% in any direction and no less than 0.5% in the direction of drainage. A maximum of 12% slope in aisle and turn-around areas may be allowed. Swales of less than 1% slope shall be concrete, or shall be engineered to provide stormwater infiltration.~~
- ~~G.F. Spaces that back into streets. Parking spaces shall not back directly onto the public street except as specifically approved by the Public Works Director. Such spaces shall be set back a minimum of five feet from the property line.~~
- H.G. Parking for disabled. All parking spaces reserved for the disabled shall be constructed and signed in accordance with applicable state and federal laws.

Table 7. Parking Space and Drive Aisle Dimensions			
Angle of Parking	Minimum Dimensions		
	Parking Space Depth	Parking Space Width ⁽²⁾	Aisle Width ⁽¹⁾
0° (e.g., tandem or parallel parking)	24 ft	8.6 ft	12 ft
30° to 45°	19 ft	9 ft	13 ft
46° to 60°	21 ft	9 ft	18 ft
61° to 90°	18 ft	9 ft	24 ft

Notes:

(1) After consulting the Public Works Director may require greater aisle widths where slopes or other obstructions are encountered.

(2) Each parking space that is adjoined on either side of its longer dimension by a fence, wall, partition, column, post, or similar obstruction, and the obstruction is located less than 14 feet from the access aisle measured along the length of the stall, shall have its minimum width increased by at least 10 inches on the side of the obstruction.

Figure 14. General Dimensions

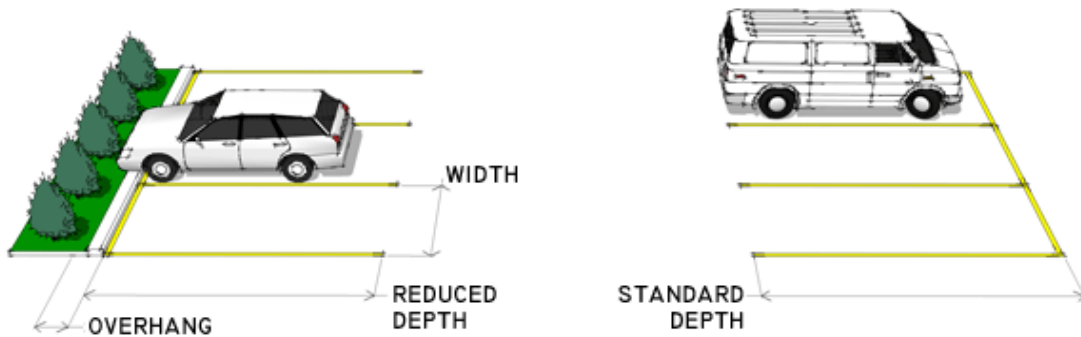
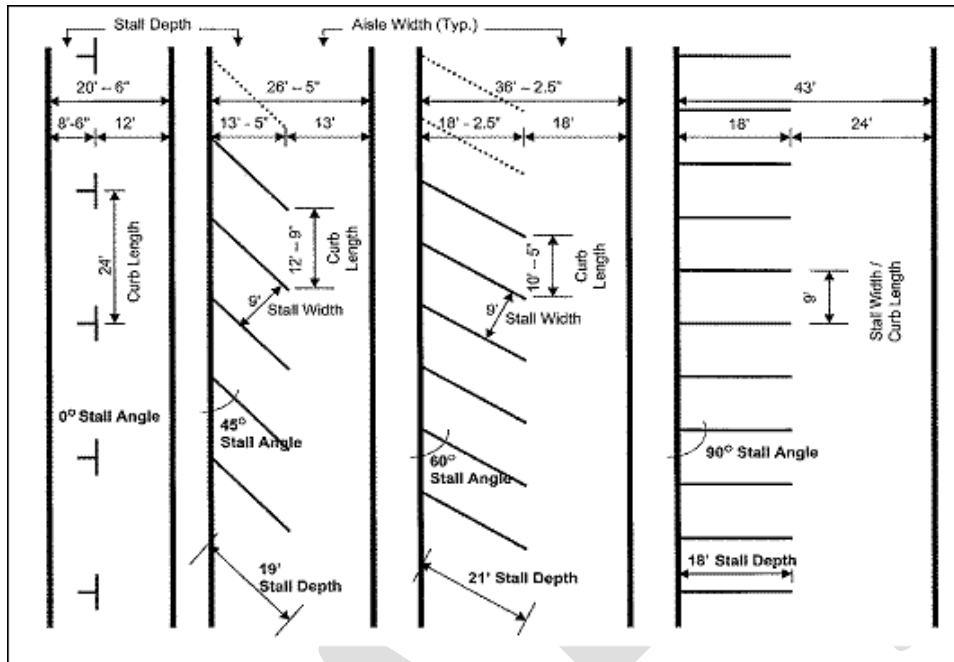


Figure 15. Specific Dimensions



12-5. Exceptions to Parking Standards

The standards presented in this document are minimum City requirements. Exceptions to parking design may be granted by the Planning Director or City Council in the following instances: Unless otherwise specified, or otherwise required by the Zoning Ordinance, the Planning Director may allow variations to these standards due to existing conditions, physical constraints to the property such as topography, lot configuration or design limitations, provided that public safety and convenience concerns have been met.

- Variations due to existing site conditions, such as challenging topography, lot configuration, or other reasons as long as public safety and convenience has been met.
- Parking areas used for periodic uses, such as overflow or event parking may be surfaced with gravel or its equivalent.
- Spaces shall not back directly onto the public street except as by the City Council. Such spaces shall be set back a minimum of five feet from the property line.

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CHAPTER 12.08.13

P-D – PLANNED DEVELOPMENT ZONE DISICT

REGULATIONS

13-1. Purpose and Applicability

The planned development or P-D zone is intended to apply to parcels of undeveloped land, which are suitable for, and of sufficient size to contain, a completely planned development. Planned developments involving the careful application of design are encouraged to achieve a more functional, aesthetically pleasing and harmonious living and working environment within the City which might not be otherwise possible by strict adherence to the regulations of this Part. A planned development may include a combination of different dwelling types and/or a variety of land uses which are made to complement each other and harmonize with existing and proposed land uses in the vicinity, by design. The P-D designation must meet the required densities in the low and medium density residential designations in the City's General Plan. The following regulations shall apply in all P-D zones:

13-2. Establishment Master Plan and Conditional Use Permit

- A. A planned development is approved through the following process:
1. Submittal of a planned development master plan to the City Council following the hearing and notification requirements for use permits.
 2. The detail provided shall be sufficient to show the intended use, density, intensity and plan concepts proposed within the project.
 3. Within one year of approval of the planned development master plan and prior to any development, an application shall be submitted to rezone the site (or a portion thereof) of to P-D. The P-D zone change request is submitted with a use permit application for the phase(s) of the project included in the requested P-D zone change area. If the site has been previously zoned P-D, a rezone application is not necessary.
 4. Where lots/parcels are to be sold as part of the planned development, a tentative subdivision or parcel map application shall also accompany the use permit and zone change request.
 5. If the project is small and the master plan is sufficiently detailed, the use permit approving the master plan may be all that is necessary to authorize project implementation along with a P-D zone change and tentative map application, if applicable.
 6. If the project is larger and/or the master plan is general in nature, implementation will require a detailed use permit application along with the

P-D zone change request and tentative map if necessary. As noted in Part A.4 above, implementation of the planned development occurs through the submittal and approval only of the detailed use permit and a tentative subdivision map if lots/parcels are to be sold.

- B. The City Council shall provide a recommendation on the planned development applications to the City Council, by forwarding their recommendation to the City Clerk within 10 days of their action. The City Council shall follow the notification, hearing and action requirements for use permits, zone changes and tentative maps as provided in this Part.
- C. Approval of the planned development shall only occur when such plan is consistent with the general plan, and any deviation from normal zoning standards is found to not have any negative effect on the neighborhood and will benefit the future residents and users of the project site.
- D. To qualify for a planned development, the minimum size of the project shall be 2 acres.
- E. The average population density per net acre shall not exceed the maximum population density prescribed by the general plan for the area (20 dwelling units per acre) unless the applicant can demonstrate, by the design proposal and such additional evidence as may be submitted, that the objectives of this Part will be achieved. However, an increase in density may be authorized by the City Council upon receipt of a recommendation from the City Council, of up to, but not exceeding, 25% of the amount prescribed by the general plan.

13-3. Use Permit Application Plan of Detailed Development

Application for use permits for the development of land in existing or proposed P-D zones shall be accomplished by a plan of detailed development. Such plan shall include a map or maps and such written material as may be required to show:

- A. Topography of land and contour intervals.
- B. Proposed access, traffic and pedestrian ways.
- C. Lot design and easements.
- D. Areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings and other such uses.
- E. Areas proposed for commercial or industrial uses, off-street parking, multiple and single-family dwellings, and all other uses proposed to be established within the P-D zone.
- F. Proposed location of buildings on the land, including all dimensions necessary to indicate size of structure, setback and yard areas.

- G. Proposed landscaping, fencing and screening.
- H. Such other detailed elevations, plans and other information as may be required by the City Council to enable it to evaluate adequately the proposed development.

13-4. Deviation from Regulations

- A. All uses shall conform to the height, area, width, depth, ground coverage and yard regulations normally required for such uses except where the overall development will be improved by a deviation from such regulations. In all cases each structure shall conform to the precise development plan, which shall be made a part of the approved conditional use permit.
- B. The standards (setbacks, building height, design requirements, etc.) to be applied to a project shall be clearly delineated within the application and included in the project development plan. Where specific deviations from required standards have not been approved, and if project standards are not clear within the approved project, the zoning standards most applicable to the project shall be applied.
- C. Minor modifications to the approved plan, not exceeding 10% of the most applicable standard, may be approved by the planning director when it can be determined that such modification is consistent with the intent of the approved plan and will have no detrimental effect on adjacent uses and property.

13-5. Delineation on the Zoning Map – Supplemental Regulations

Planned development zones shall be delineated on the Zoning Map by the P-D designation followed by consecutive numbers to indicate the consecutive order of establishment of each such zone, and the approved plans and use permits shall constitute supplemental regulations for such zones.

13-6. Use Permits – Additional Information

Use permits may specify development completion dates and provide authorization for City-initiation of reversion to prior zoning classification, should the project not proceed within a timely manner, or otherwise be inconsistent with the conditions of use permit approval.

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CHAPTER 12.08.14

O-S – OPEN SPACE ZONE DISICT

REGULATIONS

14-1. Purpose and Applicability

The O-S zone is intended to be applied to properties which are found most properly to be preserved in a natural state and/or to provide open space buffer areas in which uses are restricted to recreational, conservation or light agricultural types, and including accessory and public service uses. The following regulations shall apply in all O-S zones.

14-2. Principal Permitted Uses

Principal permitted uses in the O-S zone are as follows:

- A. Measures to promote conservation or natural terrain and vegetation, and to reduce fire and erosion hazards.
- B. Riding and hiking trails, picnic sites.
- C. Public and private nonprofit riding stables, parks, golf courses, and tennis and swimming clubs.
- D. Farming and grazing.
- E. Uses which the City Council determines, by written findings, are similar to the above.

14-3. Permitted Uses Subject to a Conditional Use Permit

Conditional uses requiring use permits in the O-S zone are as follows:

- A. Farm dwellings on parcels of 10 acres or more.
- B. Living quarters for caretakers or watchmen.

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CHAPTER 12.08.15

P-F – PUBLIC FACILITY ZONE DISTRICT

REGULATIONS

15-1. Purpose and Applicability

The P-F zone shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable environment devoted to publicly owned government buildings and facilities, public community centers, libraries and museums, public educational facilities, public school districts facilities, public transit stations, public parking lots and structures, and other such uses directly or indirectly serving the general public.

15-2. Permitted Uses

- A. The following uses, or uses determined to be similar by the Planning Director, are permitted in the P-F zone:
1. Public agency facilities.
 2. Public educational facilities.
 3. Public parking lots and structures.
 4. Public school districts facilities.
 5. Public transit stations.
- B. Secondary uses: the following uses are permitted as secondary or subordinate uses to the uses permitted in the P-F zone:
1. Accessory buildings and uses.
 2. Cafeterias, concession stands and information kiosks located inside a public agency building.
 3. Public agency equipment and storage yards.
 4. Concession stands located outside a public agency building.

15-3. Lot Requirements

- A. Minimum lot size: none
- B. Minimum lot frontage: 35 feet
- C. Minimum average lot width: 50 feet

D. Maximum lot coverage: 90%

15-4. Yard Requirements

A. Minimum front yard: 20 feet

B. Minimum side yard: 5 feet

C. Minimum side street yard: 10 feet

D. Minimum rear yard: 20 feet

15-5. Height Limit

A. Maximum building height: none

B. Maximum accessory building height: 26 feet

C. Maximum height for fences/hedges/walls:

1. Front and side street yard: 4 feet

2. Side and rear yard: 6 feet

15-6. Site Plan Review

Where the City has jurisdiction, Site Plan Review approval may be required before issuance of any building or construction permit within this district if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines. This may include fences (i.e., such as anodized gray chain link fences in certain circumstances).

15-7. Minimum Design and Performance Standards

This Part establishes design and performance standards that shall apply to the construction of open space/park and recreation buildings and uses in the PF District.

CHAPTER 12.08.16

H – HISTORIC COMBINING ZONE DISTRICT

REGULATIONS

16-1. Purpose and Applicability

The H zone is intended to provide special conditions or regulations for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, and other objects having special character or special historical value, and to protect cultural and archeological sites with potential for listing on the National Register of Historic Places and/or designation as a State or Local Historic Landmark. Such sites may be of local or statewide significance and may have anthropological, cultural, military, political, architectural, economic, scientific, religious or other values.

Within the H zone, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the H zone. All uses not otherwise in compliance with any standard, regulation, guideline or setback requirement the base zoning district and this Part shall be subject to administrative review by the City Council prior to any development or issuance of any permit pursuant to this Part.

The H zone shall include the historic area of the City of Loyalton, as shown as “Historic Combining District H” on the Zoning Map and shall also include:

- A. Sites, structures or buildings or having special character as determined by the City Council which have been officially designated as significant by local, state or federal agencies not otherwise specifically shown on the Zoning Map shall also be subject to the H zone and City Council Review, as appropriate.
- B. Other sites, buildings or structures having a special character or special historic value.

16-2. Permitted Uses

All uses permitted in the base zoning district shall be permitted in the H zone.

16-3. Permitted Uses Subject to a Conditional Use Permit

The alteration of any City cultural resource or site within the H zone shall require a conditional use permit. No feature of any property in the H zone, which gives the property its special historical, archaeological or architectural character, shall be altered or demolished except in accordance with the provisions of such a conditional use permit.

16-4. Exceptions

The City Council may waive the submission of or the requirement for a use permit, if the City Council finds that:

- A. All the purposes of this Chapter have been fulfilled by the approval of any other permit required by this Part; or
- B. The project involves only interior alterations not materially changing the character of the property; or
- C. The project involves only minor exterior alterations not materially changing the character of the property; or
- D. The project is a residential accessory use or structure that, in the opinion of the City Council, will not be inconsistent with the purpose of this Chapter.

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CHAPTER 12.08.14

(RESERVED)-Please see new Section 12.08.4-22 regarding Flood Protection

CHAPTER 12.08.17

FF—FLOODWAY FRINGE OVERLAY ZONE DISTRICT

REGULATIONS

17-1.—Purpose and Applicability

~~The FF zone is intended to provide land use regulations for properties and their improvements situated in the floodplain to ensure protection from hazards and damage which may result from flood waters.~~

~~Within the FF zone, no development shall take place except in accordance with the regulations of the base zoning district, with the regulations of this Chapter, and the regulations contained in City of Loyaltan (Ordinance 14.01, Floodplain Management). Where the FF zone imposes a greater restriction upon the use of buildings, structures or premises than are required by the base zoning district, the provisions of the FF zone shall control. All uses shall be reviewed by the City Council for compliance with Ordinance 14.01 prior to any development or issuance of any permit pursuant to this Municipal Code. Only those uses permitted in both the base zoning district and the FF zone are permitted uses.~~

~~The FF zone is intended to be applied to properties which lie within a floodway fringe, as determined by the Federal Insurance Administration's Flood Insurance Study (FIS) for the City of Loyaltan, dated September 1, 1988, as amended and incorporated herein. The FF zone may also be applied to other areas subject to inundation.~~

17-2.—Permitted Uses

~~—Those uses permitted in the base zoning district.~~

17-3.—Permitted Uses Subject to First Obtaining a Use Permit in Each Case

~~A.—Those uses permitted in the base zoning district when not in compliance with any performance standard set forth in Ordinance 14.01 of the Municipal Code.~~

~~B.—Floor level: all habitable floor levels shall have an elevation of 3 feet above the water surface elevation of the 100-year floodplain, as determined by the FIS.~~

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CHAPTER 12.08.18

B – COMING (OR SPECIAL RESIDENTIAL USE) ZONE DISTRICT

REGULATIONS

18-1. Purpose and Applicability

The B zone is intended to provide for specified maximum number of residential dwellings in the C-1 zone. Within the B zone, all uses of land shall comply with the regulations of the C-1 zone and with the additional regulations of the B zone. In no case shall the B zone allow a reduction of a minimum lot size below that required or increase the maximum permitted density above that required in the development standards of the C-1 zone with which it is combined. For the purpose of this Chapter, density shall mean the maximum number of dwelling units permitted per lot. In accordance with state law, an accessory and junior accessory dwelling unit that conforms to Part 12.08.4-11 shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot.

18-2. Permitted Uses

Residential uses not to exceed one single-family residential use per lot. In accordance with state law, an accessory and junior accessory dwelling unit that conforms to Part 12.08.4-11 shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot.

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CHAPTER 12.08.19

CONDITONAL USE PERMITS

REGULATIONS

19-1. Conditional Use Permits – City Council Authority

A request for a “conditional use permit” may be granted, granted subject to conditions or denied by the City Council for any use for which a conditional use permit is permitted or required by these regulations, or for any use which, while not specifically enumerated in these regulations, is, in the opinion of the City Council, similar to and compatible with the conditional uses permitted in the zone district in which the subject property is situated.

19-2. Conditional Use Permit – Application

Application for a conditional use permit shall be filed with the City upon a form provided, and shall be accompanied by such information as may be required to fully describe the proposed use for which the permit is sought, and shall be accompanied by a filing fee established by the City Council.

19-3. Conditional Use Permit – Public Hearing

- A. Upon receipt of such application and determination of completeness, the City Clerk shall set the matter for public hearing as directed by the City Council within 45 days of filing of the application.
- B. Notice of the time and place of the hearing shall be given at least 10 calendar days before the hearing to owners of property within 300 feet of the petitioner’s property, using addresses from the last assessment roll, and by publication once in a newspaper of general circulation in the City.
- C. The notice shall include the date, time and place of the public hearing, identify the hearing body and give a general explanation of the matter to be considered and a general description of the area affected.

19-4. Conditional Use Permit – City Council Action

- A. Within 60 days of the conclusion of the hearing, the City Council shall act on the matter unless this time period is waived by the applicant.
- B. Approval of an application for a conditional use permit shall be based upon a written finding that the establishment, maintenance or operation of the use of building applied for will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the City.

- C. The granting of any conditional use permit may be made subject to terms and conditions as deemed necessary to ensure compliance with the intent and purposes of the entire City Code.
- D. Failure of the City Council to act within the time set out in this Chapter shall be deemed to be denial of the application on that date.

19-5. Conditional Use Permit – Revocation

In any case where the terms and conditions to the granting the use permit are not being complied with, the City Council shall give notice to the holder of the use permit of its intention to revoke the use permit. Proceedings for the revocation of the use permit shall be conducted in the same manner as the required proceedings for a new application.

19-6. Conditional Use Permit – Expiration and Revision

- A. Construction of the conditional use shall be commenced within 1 year from the date the approved conditional use permit is approved by the City Council or the conditional use permit shall expire and become void, unless a written request for extension is received by the City Clerk or designee at least 30 days prior to such expiration or abandonment. Upon receipt of written request for extension with application and fee set by City Council, the City Clerk or designee shall set the matter for public hearing before the City Council for determination.
- B. Any changes to an approved conditional use permit shall be subject to review by the City Council with application and fee set by the City Council.

CHAPTER 12.08.20

VARIANCES

REGULATIONS

20-1. Variances

Variances may be granted in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this Part. A practical difficulty or unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity. A variance shall not be granted to permit a use not permitted in the zone district by this Part. All variances are to be processed as set forth below.

20-2. Variance Application and Fee

Application for a variance shall be made to the City in writing on a form prescribed by the City. Said application shall be accompanied by a fee set by resolution adopted by the City Council.

20-3. Variance Public Hearing

A public hearing and a 10-calendar day notice thereof shall be required on an application for a variance in the manner specified in the California Government Code.

20-4. Variance Findings

Approval or conditional approval of a variance shall be granted only when the City Council makes the following findings:

- A. Due to special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- B. The adjustment authorized by the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone district in which such property is situated. The City Council shall impose such conditions as will assure continued compliance with this finding.
- C. The variance does not authorize a use or activity, which is not otherwise expressly authorized by the zone district regulation governing the parcel of real property.

20-5. Variance Limitation on Filing Identical Application

After denial of any variance application, reapplication for the same request shall not be accepted for filing within 6 months after the effective date of the denial.

20-6. Variance Revocation/Modification

- A. Whenever in the opinion of the City Council the conditions of any variance issued have not been complied with, the City Council shall give the property owner and lessee of the subject property a 10-calendar day written notice to comply.
- B. If, at the end of the 10-calendar day period, the property owner and lessee still fail to comply with the conditions of approval of the variance, the City Council shall immediately set a hearing before the City Council to determine why the variance should not be revoked/modified. Notice of the hearing shall only be mailed to the property owner and lessee of the subject property involved 10 calendar days prior to the hearing. The notice shall state the violations and shall request appearance of the owner and lessee at the time and place specified for the hearing to show cause why the variance should not be revoked or modified. At the conclusion of the hearing, if the City Council determines that any condition of the variance has not been complied with, the City Council shall have the right to revoke or modify the variance. Such revocation or modification shall be subject to the right of appeal in the same manner as set forth in Chapter 12.08.24.

CHAPTER 12.08.21

AMENDMENTS

REGULATIONS

21-1. Amendments

This Part may be amended as other ordinances are adopted or amended whenever it is found that the public convenience, necessity and general welfare require such amendment to accomplish the purpose hereof, except that whenever any such amendment will change any zone boundary, change the zoning of any property, impose new regulations, or remove or modify any adopted regulations, the procedures of this Chapter shall apply.

21-2. Amendment Initiation

An amendment may be initiated by one or more owners of property affected by the proposed amendment, or by action of the City Council.

21-3. Amendment Application

The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, and shall be accompanied by a filing fee as established by resolution of the City Council, and by plans and other information as may be required to describe fully the proposed amendment.

21-4. Amendment Hearing

- A. Upon receipt of such application (or Notice of Intent) to the City or City Council, the City Clerk shall set the matter for public hearing.
- B. The Notice of Public Hearing shall include the following:
 1. Time, date and place of the hearing.
 2. Type and magnitude of the proposed changes.
 3. Place where copies of the proposed changes may be obtained.
 4. A general description of the affected areas.
 5. The right to appear and be heard.
- C. The Notice of Public Hearing shall be given at least 10 calendar days prior to the hearing date as follows:
 1. By publication at least once in a newspaper of general circulation, published and circulated in the City; and

2. By mail or delivery to all persons, including businesses, corporations or other public or private entities shown on the last equalized assessment roll as owning real property within 300 feet of the property, which is the subject of the proposed zoning change.
- D. In the event the number of owners is greater than 1,000, alternative notice to that required by Part C.2 above may be given at least 10 days prior to the hearing by either of the following procedures:
1. By placing a display advertisement of at least one-fourth page in the newspaper having the greatest circulation within the area affected by the proposed amendment, and in at least 1 additional newspaper having general circulation within such area, if such additional newspaper is available; or
 2. By placing an insert with any generalized mailing sent by the City to property owners in the area affected by the proposed ordinance or amendment, such as billings for City services.

21-5. Proposed Changes to Amendments

The City Council may approve, modify or deny the application after conclusion of the public hearing. The City Council is not required to conduct another public hearing on the modified proposal.

21-6. City Council Action

The public hearing may be continued from time-to-time, except that the City Council shall act on the matter within 60 days of the original date of the public hearing. Failure of the City Council to act within such period shall constitute disapproval of the proposal.

CHAPTER 12.08.22

NONCONFORMING USES AND PROPERTY

REGULATIONS

22-1. Nonconforming Uses

- A. Use of land. Any lawful use of land existing at the time of the adoption of this Part or any zoning ordinances or amendment thereto may be continued, although such use does not conform to the regulation specified in such enactment chapter for the zone district in which such land is located. A conditional use permit shall first be obtained for any enlargement or expansion of such non-conforming use by 50% or more in size or area.
- B. Use of building. Any lawful use of a building existing at the time of the adoption of any zoning ordinance, may be continued, although such use does not conform to the regulations specified for the zone district in which such building is located. A conditional use permit shall first be obtained for any enlargement or expansion of such non-conforming use by 50% or more in size or area. However, except as otherwise provided by law, nothing in this Part shall prevent the restoring to a safe condition of any part of a building or structure declared unsafe by proper authority.
- C. Reconstruction of nonconforming building. A nonconforming building or structure damaged or destroyed by fire, explosion, flood, earthquake or other act, may be restored only if made to conform to all regulations, other than use restrictions, specified by this Part, provided, that such building may be restored to a total floor area not exceeding that of the former building.
- D. Abandonment. If the actual operation of a nonconforming use ceases for a continuous period of three years, the nonconforming use shall be considered abandoned; unless the legal owner can establish valid proof to the contrary, then without further action by the City Council, the use of such land or building shall be subject to all the regulations specified by this Part.

22-2. Nonconforming Uses

The lawful use of lands or buildings existing at the time they become subject to any regulations of this Part to which they do not conform, may be continued, except that the following provisions shall apply unless a use permit allowing such modification and/or expansion is approved:

- A. No such use shall be enlarged, increased or structurally altered, nor be extended to occupy a greater area than that existing on the effective date of the application of these regulations to the subject property. This includes converting enclosed garage space.

- B. Any use for which a use permit is required by these regulations shall be considered a nonconforming use until a use permit is obtained.
- C. Any interruption of a nonconforming use, or the use of a nonconforming building, which continues for 36 months or more, shall be deemed to be an abandonment of such use, and subsequent use of buildings shall be in accordance with the regulations applicable to the subject property.
- D. Ordinary maintenance and repair may be made to any nonconforming use or building, provided that such maintenance and repair does not exceed 50% of the actual value in any one year.
- E. Except as otherwise provided by law, nonconforming uses may be expanded, under the following terms and conditions:
 - 1. Approval shall be by use permit on a case-by-case basis by the City Council;
 - 2. Approval of the City Council must be accompanied by specific findings as follows:
 - a. Only increase in size of existing structures.
 - b. In the case of structures there shall be no change in basic use, unless other necessary permits are obtained.
 - c. Under no circumstances shall any development exceed the permissible lot versus structure square footage ratio as described in this code and/or the City's General Plan standards.
 - 3. The nonconforming use of land or buildings may only be modified or enlarged without a conditional use permit approval when such modification or enlargement brings the entire parcel into conformity with this Part.

22-3. Nonconforming Property

Except as otherwise provided in this Part, a lot having an area, frontage, width or depth less than the minimum prescribed for the zone district in which the lot is located, as depicted on a subdivision map duly approved and recorded prior to the adoption of this Part, may be used for any use permitted in the zone, but shall be subject to all other standards for the zone district in which the lot is located.

22-4. Nonconforming Lot Area and Width

Use of lots with areas or widths which do not conform to the minimum specifications of the zone district in which they are allocated will be permitted where the lot in question was delineated on a recorded subdivision or parcel map or was under one ownership on the effective date of these regulations and owner thereof has not subsequently acquired adjoining property.

CHAPTER 12.08.23

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REGULATIONS

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CHAPTER 12.08.24

APPEALS

REGULATIONS

24-1. Allowable Appeals

- A. Determinations and actions that may be appealed, and the authority to act upon an appeal shall be as follows:
 - 1. Decisions by the Building Official, Planning Director or any other City employee. Any decision by the Building Official or designee, including zoning clearances, may be appealed to the City Council.
 - 2. City Council review/appeal.
 - a. Any member of the City Council within 10 days from the date of the review authority's action may request the opportunity to review/discuss any decision rendered by the Building Official or his designee.
 - b. The City Council may appeal any decision by the Building Official or designee, at the next available City Council meeting, if a member of the City Council has requested the opportunity to review the decision within 10 calendar days from the date of the review authority's action.
- B. Majority vote of the City Council is required to initiate the appeal.
- C. Statute of limitations. The decision of the City Council shall be final on all matters unless an appeal is filed with the Superior Court of the County of Sierra within 30 days after the decision of the City Council.

24-2. Filing and Processing of Appeals

- A. Timing and form of appeal:
 - 1. Appeals shall be submitted in writing, and filed with City Clerk, on an application form, within 10 days from the date of the review authority's action.
 - 2. The appeal shall state the pertinent facts of the case and the basis for the appeal.
 - 3. Appeals shall be accompanied by the filing fee set by the City Council.
 - 4. The City Clerk shall schedule the matter for consideration by the City Council and prepare a report on the matter. If the matter originally required

a noticed public hearing, the City Clerk shall give notice in the same manner followed for the original hearing.

B. Review by City Clerk:

1. The City Clerk shall determine if the appeal was filed within the applicable time limits and shall summarily reject any appeal which was filed beyond the time limits. Further, the City Clerk shall determine if the appeal contains sufficient information as required by Part A above.
2. If the City Clerk determines that the information in the appeal is incomplete, the City Clerk shall immediately notify the appellant of the insufficiency and allow the appellant an additional 7 days in which to correct the deficiency.
3. If upon the expiration of any additional time, the City Clerk determines that the statement on appeal is still insufficient, the City Clerk shall summarily reject the appeal.

C. City Attorney's authority to summarily reject appeal. Upon presentation of the notice of appeal, together with the required statement on appeal, the City Clerk may summarily reject the appeal if the City Attorney finds that the matter being appealed is a requirement of law.

D. Action. At the hearing, the appeal body may consider any issue involving the matter being appealed, in addition to the specific grounds for the appeal.

1. The appeal body may, by resolution, affirm, affirm in part, or reverse the action, the decision, or determination of the original review authority.
2. When reviewing an appeal, the appeal body may:
 - a. Deny the permit or entitlement, even though the appeal only requested relaxation or elimination of one or more of the conditions imposed on the permit or entitlement; or
 - b. Impose additional conditions that may address other issues or concerns than the original subject of the appeal.
3. The appellant shall present all available evidence and testimony at the appeal hearing unless the appellant can demonstrate, to the satisfaction of the appeal body, that new information:
 - a. Was not available to the appellant; or
 - b. The appellant could not have participated in the review process because they could not have known about the review process.

24-3. Appeals from Administrative Action

All interpretation and decision of the administrative staff authorized by this Part are subject to appeal as follows:

- A. Appeals of any administrative interpretation or decision shall be made by filing a written appeal with the City Clerk. The City Council shall hear and decide on the appeal within 45 days of filing the appeal, and shall make findings supporting their decision on the matter.
- B. All such appeals shall be filed with the City Clerk within 10 calendar days of the final action by the Building Official.
- C. The City Council will conduct the appeal as a de novo hearing and may approve, deny or modify conditions of approval.

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CHAPTER 12.08.25

SIGNS

REGULATIONS

25-1. Sign Definition

As used in this Part, the following words and phrases shall have the meanings respectively ascribed to them by this Chapter. Explanatory diagrams of some of the sign definitions set forth herein are provided at the end of this Chapter.

- A. “Advertising surface (facing)” – The entire surface on which any type of letter, figure, emblem, trademark, logo, picture, or other advertising material is placed, or may be placed.
- B. “Appurtenant sign” – A sign pertaining to the business or activity carried on at the premises upon which the sign is located, constructed or erected.
- C. “Awning or canopy” – Any structure made of cloth, metal or other suitable material with a metal frame attached to a building and projecting over a public or private pedestrian walk and supported by the ground or building sidewall.
- D. “Awning/canopy sign” – Any advertising of any nature, which is painted, printed, sewed or otherwise attached to an awning or canopy.
- E. “Building” – Any structure having a roof supported by columns or by walls and designed for the shelter and housing of any person, animal or chattel, including any underground shelter, swimming pool, or any commercial or industrial structure designed for the sale, storage, or manufacture of anything of value.
- F. “Bulletin boards” – A place where people can leave public messages, for example, to advertise things to buy or sell, announce events, or provide information.
- G. “Corner lot” – A lot located and being at the junction to two or more intersecting streets with a boundary line thereof bordering on each of such streets and where such streets intersect at an interior angle of not more than 135°. If the intersection angle is more than 135° the lot is considered an interior lot. The shortest such street frontage shall constitute the front of a rectangular lot for purposes of determining front, side and rear yards. Where the front of a lot differs by the reason of the prevailing custom of the other buildings on the block, the planning director may determine the front lot line consistent with the orientation of other structures in the area.
- H. “Curb line” –The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the Director of Public Works.
- I. “Electrical code” – The electrical code of the City of Loyaltan.

- J. “Electrical sign” – Any sign which is wired to provide current employed in illuminating or animating any part of the sign, except flood lighting.
- K. “Embellishments” – That portion of any sign structure or sign which contains no moving parts, is not animated, nor illuminated, and which contains no advertising copy, nor conveys any portion or all of any advertising message, and is generally located above the message portion of any sign and is constructed for aesthetic purposes as part of the decorative trim of the design of the overall sign structure.
- L. “Erect” – To build, construct, attach, hang, place, suspend or affix to or upon any surface.
- M. “Face of building” –The general outer surface of a structure or wall of a building facing a street.
- N. “Facing or surface” – The surface of the sign upon, against, or through which the copy or message is displayed or illustrated on the sign.
- O. “Frontage” – The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts.
- P. “Hanging sign” – A sign that is hanging from a permanent building canopy or marquee existing over a pedestrian walkway and is sized and located in a manner to service pedestrians using the walkway, advising them of the adjacent use.
- Q. “Marquee” – A permanent roofed structure, attached to and supported wholly by the building and projecting over a pedestrian walkway.
- R. “Monument sign” – A freestanding ground mounted sign not exceeding 8 feet above ground level.
- S. “Multiple tenant sign” – A sign that includes as copy, only the names of 2 or more businesses, places, organizations, buildings or persons it identifies.
- T. “Noncommercial sign” – Any sign not advertising or promoting a business entity, commercial activity or product for sale and sets forth the ideas or beliefs of the owner or occupant of the property upon which such sign is placed regarding political, sociological, religious or economic subjects of public interest or general concern.
- U. “Off-site sign” – A sign identifying a use, facility, service or product that is not located, sold or manufactured on the same premise as the sign. Off-site signs require City-approval to assure setbacks are met.
- V. “On-site sign” – A sign identifying a use, facility, service, or product that is located, sold, and/or manufactured on the same premise as the sign.

- W. “Pole or post sign” – Any advertising of any nature which is wholly supported by 1 or more pole or posts set in or attached to the ground.
- X. “Portable sign” – Any sign or sign device which is designed to be set on the ground without any substantial attachment thereto. Sandwich sign boards are considered a portable sign.
- Y. “Projecting sign” – Any sign other than a wall sign, which is suspended from or supported by any building, pole, post or structure, which projects outward there from.
- Z. “Real estate sign” – Any sign advertising for sale or lease of the lot or parcel of land upon which it is erected or maintained.
- AA. “Roof sign” – Any sign of any nature, together with all its parts and supports, which is erected, constructed, or maintained on or above the roof or parapet of any building including wall signs which extend above the roof or parapet of any building. Roof signs are prohibited within the Loyalton City Limits.
- BB. “Sign” – Any medium sign, including its structure and component parts, which is erected out of doors and which is used or intended to be used to attract attention of the general public to the subject matter for advertising purposes together with window signs as defined in this code.
- CC. “Sign business” – The business of selling, offering for sale, leasing or renting, electric and non-electric signs and includes the business of painting, construction, erection, maintenance or repair of signs upon buildings, fences, windows, posts, structures and surfaces.
- DD. “Sniping” – Advertising by the pasting, posting, sticking, tacking, hanging, affixing or placing of cloth, paper or cardboard bills, cards or posters, or metal signs, to or upon fences, posts, trees, buildings, structures or surfaces other than outdoor advertising structures. This definition does not include any sign or notice issued by any court or public office or posted by any public officer in performance of a public duty or by a private person in giving a legal notice, or any cloth, paper or cardboard sign advertising for sale or lease the property upon which it stands or any type of sign permitted elsewhere in this Part.
- EE. “Street” – A public or private thoroughfare which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined herein.
- FF. “Structure” – Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground or underground.

- GG. “Structural trim” – The molding, battens, nailing strips, latticing, platforms and letters, figures, characters or representations in cut out or irregular form which are attached to the sign structure.
- HH. “Temporary sign” – As regulated by this Part includes any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board, or other light materials, with or without frames, intended to be displayed for 3 months or less only. City Council approval will be required for all temporary signs to ensure compliance with setbacks.
- II. “Use permits or conditional use permits” – Are conditional use permits as provided in the Zoning Ordinance, and shall comply with all procedures and requirements as provided therein.
- JJ. “Wall” – Any exterior surface of a building or any part thereof excluding the roof.
- KK. “Wall sign” – Any sign of any nature which is attached to or supported by a wall of a building or painted directly on the wall, and shall include all parts and supports of such sign. A sign hanging from a porch or canopy and parallel to the face of the building shall be considered a wall sign.
- LL. “Window sign” – A sign that is applied or attached to a window or located within 2.5 feet of the inside of a window, and intended for view by a pedestrian or vehicular traffic.

25-2. General Sign Guidelines

A conditional use permit approved by the City Council shall be required if the following sign guidelines are not met:

- A. Total advertising surface limitations. The maximum total exterior advertising surface permitted for any one lot or parcel shall be 100 square feet for a single use and 250 square feet for multiple uses. A use permit may be granted by the City Council to exceed the maximum sign area as provided in Chapter 12.08.27.
- B. Advertising surface calculation. The “advertising surface (facing)” of a sign shall be either the area of the entire sign face, or where individual sign letters and/or other components are mounted individually on a building surface, the area calculated by enclosing the extreme limits of all writing, logo, representation, emblem, or other display within no more than 3 parallelograms or triangles.
- C. Sphere calculations. In the case of a sphere of any type, only one-half thereof shall be considered the “advertising surface (facing)” unless the sphere may be observed on all sides by the public, in which event the entire surface area of said sphere shall be considered the “advertising surface (facing).”

- D. Sign height. No sign shall exceed the building height limits as set forth in each zone district as specified in this code unless the proposed sign qualifies for an exception by use permit pursuant to this code.
- E. Sign height above public property. Signs projecting over public property, if permitted, shall comply with the minimum standard set forth in the latest edition of the California Building Code and the California Electrical Code. In no event shall the clearance be less than 8 feet unless a use permit is obtained.
- F. Illumination of signs. Illumination of signs shall be permitted, provided, however, when reflectors, flood lights or spotlights are used, they shall be installed, focused and maintained as to concentrate their illumination upon the sign face or outdoor advertising structure face and shall not cause glare upon the street or adjacent private property or cause sky-reflected glare. City Council approval shall be required for all illumination signs to ensure compliance with the Loyalton Municipal Code.
- G. Electric signs and outline lighting. All electric signs and outline lighting shall comply with Article 600 of the current edition of the California Building Code. A building permit and approval by the Building Official is required prior to the installation of any such electrical sign or outline lighting.
- H. Quasi-public uses identification. In addition to any other allowed signing, churches, schools, hospitals and other uses of a quasi-public nature, as determined by the Planning Director, shall be allowed 1 monument sign and 1 wall sign. However, the sign permit and the review and approval process shall be required. Said monument sign shall not exceed 8 feet in height and the advertising surface shall not exceed 24 square feet per side; the wall sign shall not exceed 12 square feet in area. Both types of signs maybe internally or externally illuminated.
- I. Visibility triangles. Signs shall maintain a minimum 75-foot visibility triangle at street intersections, a minimum 33-foot visibility triangle at driveways, shall not be located less than 10 feet behind the edge of pavement and shall not be located so as to create a traffic hazard as determined by City Staff.
- J. Engineering plans required. The following signs shall require engineered plans, and the building permit application shall include complete plans and calculations sealed by an engineer or architect registered in the State of California:
 - 1. Canopy and marquee signs, when the area of the face of one sign or the aggregate area of all signs exceeds 25 square feet.
 - 2. Wall signs exceeding 50 square feet in area, except:
 - a. Wall signs constructed of cut-out letters and insignia attached directly to the building and for which no individual letter exceeds 50 square feet in area.

- b. Any signs painted directly upon the wall of a building.
- 3. Ground or pole signs when the area of the face of one sign or the aggregate area of all signs on the sign structure exceeds 35 square feet and the structure exceeds 6 feet in height.
- 4. As otherwise required by the City Building Official.
- K. Building code compliance. All signs shall be required to meet all stipulations of the Building Code.
- L. Sign permits. All signs, except those exempted by this code, shall be processed by the Building Official, with appeal to the City Council, on forms as approved by the City of Loyaltan.
- M. Permit fee. A sign permit fee, to be established by resolution, shall be paid by the applicant upon application for a sign permit.
- N. Flashing signs. All electrical signs intended to attract attention by any flashing on and off, or simulating any motion through a series of rapid light changes shall require City Council approval. These signs shall be appropriate to the surrounding environment and shall not cause potential safety issues and shall not have a negative effect on traffic safety or otherwise negatively affect the neighborhood.
- O. Moving signs. Signs with movement or moving parts which is generated by electronic means shall be allowed upon approval by the City Council and engineered plans shall be required. Moving signs shall be evaluated prior to approval to ensure that they will not create a safety hazard.
- P. Marquee signs. Marquee signs shall be prohibited except for theaters, religious facilities, schools, gasoline pricing signs, restaurants, and hotels/motels. These signs shall be allowed and shall not be larger than 25 square feet unless approved by the City Council.

25-3. Hanging Signs

- A. Hanging signs permitting. Permits for a hanging sign shall be approved by the City Council.
- B. Hanging signs standards. A hanging sign is a sign hanging over a covered pedestrian walkway. It shall be at least 8 feet above the walkway. Such sign shall not be internally lighted and shall not exceed 8 square feet in area per face. No more than 1 such sign shall be allowed per use per frontage. Such sign shall only identify the name and/or logo of the adjacent use.

25-4. Projecting Signs

- A. Projecting signs permitting. Permits for a projecting sign shall be approved by the City Council.
- B. Projecting signs general standards:
 - 1. Projecting signs shall be permitted as secondary identification signs (in addition to wall signs) for sites with a high degree of pedestrian traffic and where the view of the primary sign by pedestrians is limited.
 - 2. Projecting signs may be used as primary signs for buildings that do not possess adequate areas with proper visibility for the location of other types of identification signs.
 - 3. Projecting signs shall be placed perpendicular to the building frontage and shall not extend above the level of the building eave of a sloped roof or highest point on a flat roof.
- C. Projecting signs area limitations. Projecting signs shall not exceed 6 square feet each side. Only 1 such sign shall be allowed per each street frontage.
- D. Projection over public property. Signs projecting over public property shall comply with the minimum standard set forth in the latest edition of the California Building Code and California Electrical Code. In no event shall the clearance be less than 8 feet unless a use permit is obtained.
- E. Extension from pole, wall or buildings. No projecting sign shall be erected with the nearest portion of the sign face extending a greater distance than 18 inches from the pole or wall or building to which it is attached.
- F. Projecting signs wind pressure requirements. All projecting signs shall be constructed in accordance with wind pressure requirements set forth by the Building Code.

25-5. Awning and Canopy Signs

- A. Awning and canopy signs permitting. Permits for an awning or canopy sign shall be approved by the City Council. Engineering plans may be required.
- B. Awning signs. Awning signs shall be placed upon the hanging border of an awning. The advertising surface of an awning sign shall not extend above or below the hanging border of the awning. The allowable area of the awning sign shall be limited to 10% of the awning surface or 25 square feet, whichever is less. In no case shall an awning project beyond the back edge of a curb.

- C. Canopy signs. The advertising surface of a canopy sign shall not extend above or below the canopy border. The area of the canopy sign shall be limited to 10% of the canopy surface or 25 square feet, whichever is less.

25-6. Pole Signs

- A. Pole signs permitting. Permits for a pole sign shall be approved by the City Council, if the land is to be developed simultaneously with the pole sign, or is already developed. A conditional use permit shall be required for all pole signs that are to be located on land with no development.
- B. Pole signs design and construction:
 - 1. Maximum total sign area for pole or post signs shall be 100 square feet for a single (one use) sign and 250 square feet for a multi-use sign.
 - 2. Maximum height of the pole or post for the sign shall not exceed 70 feet above the finished grade, not including the sign. The sign area shall be limited to 100 square feet for a single use and 250 square feet for multi-use.
 - 3. Pole signs shall only be allowed in the commercial and planned development zone districts, only if the proposed use has been permitted by the City, subject to City Council review.
 - 4. No pole sign(s) shall be allowed to be constructed within 330 feet of any existing pole sign.
 - 5. No pole or post sign shall project over any public right-of-way or sidewalk. Pole signs erected over a private vehicular drive shall be erected so as to provide not less than 15 feet vertical clearance.
 - 6. All such signs shall be required to provide an architecturally enhanced treatment for the sign base, pole and supports compatible with the individual business or the complex/center. Pole covers and sign base shall be a minimum of 25% of the full sign width.
 - 7. Engineering plans shall be required for all pole signs.
 - 8. The ground area surrounding the pole base shall be clear of all brush, vegetation, weeds and debris within a 15-foot perimeter at all times.
 - 9. Multiple tenant signs may be added to and are allowed on existing pole signs as part of the permit process. Added multiple tenant signs may not exceed 250 square feet per side. All requirements of the Loyaltan Municipal Code shall apply.

25-7. Monument Signs

- A. Monument signs permitting. Monument signs shall be considered and approved by the City Council.
- B. Monument signs standards:
 - 1. Monument signs shall not exceed a height of 8 feet, including the base. The advertising surface of any sign face shall not exceed 24 square feet per side. When practical, landscaping shall be provided around the base of the sign. Only 1 such sign is permitted for each street frontage. Provided that parcels with frontage exceeding 200 feet may have a maximum of 2 monument signs. The distance between monument signs on any one parcel shall not be less than 50 feet.
 - 2. All such signs shall have monument-type bases of masonry construction. A comparable alternate basic material may be used upon approval by the City.

25-8. Multiple Tenant Signs

- A. Multiple tenant signs permitting. Permits for commercial center signs pursuant to this Chapter or Part shall be approved by the City Council.
- B. Multiple tenant identification signs. A multiple tenant identification sign, which may include tenant directional signs, are permitted upon obtaining approval of the City Council pursuant to the following standards:
 - 1. Multiple tenant signs shall not be more than 12 square feet in total area.
 - 2. Multiple tenant signs shall not exceed 6 feet in height above the finished grade.

25-9. Wall Signs

- A. Wall signs permitting. Wall signs shall be considered and approved by the City Council.
- B. Wall signs location and height. Wall signs shall not project more than 15 inches from the surface of the building to which it is attached. The face of any wall sign which extends over public property must be 8 feet or more above the surface of the adjoining ground, sidewalk or pavement. Wall signs shall not extend above the roof line.
- C. Wall signs area limit. Surface of a wall sign or a combination of wall signs shall not exceed 100 square feet. Signs painted directly on the wall shall be included in the calculation of the 100-square foot maximum area. This includes any existing

signs painted on the wall. In no event shall the area of the sign exceed 20% of the area of the building wall upon which the sign is to be placed.

25-10. Exceptions

- A. Signs urgently needed. Any sign deemed by the Building Official to be urgently needed due to undue economic hardship upon the applicant may be allowed temporarily by the Building Official, upon approval of the City Council for the sign, until such time as the appropriate approving authority approves or denies the application. In the event such application is ultimately denied, any such sign erected pursuant to this Part shall be removed within 15 days from the date of such denial.
- B. Additional signing allowed by a conditional use permit:
 - 1. The City Council, by way of a conditional use permit, may allow additional sign types, number of signs, size of signs, and number of locations. The applicant must submit a statement with the application supporting the request for the additional signing. Criteria for additional signing may include large parcel size, unusual configuration or location, size of buildings, multiple street frontages, number of independent businesses, location of the buildings on the parcel or unique qualities of the use of the parcel, any of which must relate to the finding which shall be required of the City Council that the additional signing will not be contrary to the intent of this Chapter or the public interest, safety, health and welfare.
 - 2. Under such conditional use permit sign request, the City Council may increase each allowed sign area by up to 15% for any such sign.
- C. Height and size exceptions-conditions for granting. The City Council, through a conditional use permit, may grant exceptions upon the verified application of any property owner as to the maximum overall height of any sign above natural ground level or as to the maximum square feet of advertising surface, whenever one or more of the conditions hereinafter set forth exist:
 - 1. The proposed sign identifies a retail shopping center or industrial park or similar complex, involving a total of at least 100,000 square feet of gross floor area, or an individual business with a gross floor area exceeding 50,000 square feet.
 - 2. The grade of the nearest adjacent street or highway, excluding the interstate freeway, to the proposed sign location is of an elevation 10 feet or more above the natural ground level of the sign site.
 - 3. In the exercise of the power herein delegated, the City Council shall impose such conditions upon exceptions so granted as in its judgment may be necessary to assure compliance with the spirit and purpose of this Part.

4. As to the existence of any of the herein above set forth conditions and the necessity for exception from the provisions of this Part, the burden of proof shall be upon the applicant.

D. Public service or directional signs. Permits for public services or directional signs shall be considered and approved by the City Council. Any such sign will provide only directional information as to the location of services or goods and shall contain no advertising content identifying a particular brand name or product or a particular business.

Public service or traffic signs erected by the City are exempt from the provisions of this Part.

25-11. Federal and State Law Provisions

A. Federal law. Nothing in this Part, either by inclusion or omission, shall be deemed to be in conflict with Public Law 89-285, 89th Congress, S. 2084, October 22, 1965, known as the Highway Beautification Act of 1965, 79 Statute 1028, or the State Scenic Highway Act of 1963, as such laws apply or may apply to the portions of the interstate system and the primary system of the Federal and state highways now within or which may come within the limits of the City.

B. State law. Nothing in this Part, either by inclusion or omission, shall be deemed to be in conflict with any of the laws of the state of California, as such laws apply or may apply to the portions of the interstate system and the primary system of federal and state highways now within or which may come within the limits of the City.

25-12. Noncommercial Signs

Noncommercial signs shall be allowed under the same conditions in which a commercial sign is allowed pursuant to this Part. The City shall have the right to review, approve or disapprove the contents or copy of any such signs. The permit procedures shall otherwise be the same as for commercial signs.

25-13. Sign Maintenance and Materials

A. Sign materials. All signs shall be comprised of materials that are not considered hazardous to public safety, as approved by the Planning Department.

B. Prohibited sign materials. Signs of the following materials shall be prohibited within the City of Loyalton:

1. Cardboard
2. Roof tin
3. Spray paint

- C. Sign maintenance. All signage within the City of Loyalton shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to all conditions stated in this Municipal Code.
 - 1. Any damaged sign or sign base shall be repaired within thirty (30) days of notice to repair, issued by the Building Department.
 - 2. Any metal pole covers and sign cabinets shall be kept free of rust and rust stains.
 - 3. Any internally-illuminated sign cabinets or sign panels which have been damaged shall remain un-illuminated until repaired.
 - 4. All signs erected within the City limits shall be kept weed free.

25-14. Comprehensive Sign Plan

- A. Comprehensive Sign Plan purpose. A Comprehensive Sign Plan shall be provided for groups of businesses or for the whole of a shopping center development. Such a plan shall regulate the location, size, height, color, orientation, lighting and types of signs included in the area.
- B. Comprehensive Sign Plan contents. The comprehensive sign plan:
 - 1. Shall propose signage which in height and area is no more than 20% greater than is permitted in the zone district in which the use is located.
 - 2. Shall not propose signage of a type that is otherwise prohibited by this Code.
 - 3. Shall be limited to those projects which individually or collectively exceed 10 gross acres in size for non-residential and 100 gross acres in size for residential.
- C. Comprehensive Sign Plan submittal. The applicant shall submit all of the documents, information, data and other requirements for Comprehensive Sign Plan approval to the City at the time of application. The applicant shall be responsible for furnishing any additional information and materials relevant to the application that the City may require.
- D. Comprehensive Sign Plan review:
 - 1. Application for the review and approval of a Comprehensive Sign Plan shall be submitted and reviewed concurrently with a site plan or preliminary subdivision plat and shall be acted upon by the City Council.
 - 2. Applications submitted for existing developments shall be submitted to and reviewed by the City and acted upon by the City Council. The City Council

may approve the Comprehensive Sign Plan subject to any modifications, conditions, requirements, or standards that may be appropriate.

3. Fees for the submittal and review of Comprehensive Sign Plans shall be as set forth by the City Council.

E. Comprehensive Sign Plan evaluation criteria:

1. Size and height. All proposed signage shall be no larger than allowed in that zone district. Factors to be considered in determining appropriate size and height include topography, traffic volumes, traffic speeds, visibility ranges, impact on adjacent properties, and copy size.
2. Location and orientation. All proposed signage shall respect both the developed and undeveloped surrounding environment. Signs shall be located and oriented appropriately to allow sufficient visibility and legibility. Factors that may be considered in reviewing the appropriateness of the sign location and orientation may include: location relative to the surrounding streets, traffic volumes and access points, visibility angles and topographic features.
3. Color, materials and types of illumination. Signs proposed under the Comprehensive Sign Plan shall be compatible with the architecture and theme of the specific development in which the signs are located. Compatibility with the specific development shall include color, materials and architectural style. Signage shall complement and enhance the character of the project.

F. Comprehensive Sign Plan amendments. All amendments to an approved Comprehensive Sign Plan shall be processed in accordance with the following procedures. Fees for the submittal and review of Comprehensive Sign Plan amendments shall be as set forth by the City Council.

1. Minor amendments. Minor Amendments shall include any change which does not increase the number of signs nor increase the size or height of any sign beyond what was approved under the original Comprehensive Sign Plan Approval. All changes processed under the Minor Amendment procedures shall comply with all provisions of this Chapter and shall not deviate from the information provided in the original approval. Minor amendments may be approved administratively by staff.
2. Major amendments. Major Amendments shall be defined as those amendments not meeting the criteria set forth above to qualify as a Minor Comprehensive Sign Plan Amendment. Major Amendments shall be processed and approved in the same manner as the initial Comprehensive Sign Plan submittal.

25-15. Prohibited Signs

A. Nonconforming signs:

1. Any existing sign which was in compliance with all signage requirements when erected, but no longer complies with the provisions of this Part shall not be substantially altered or reconstructed unless the sign, when so reconstructed or altered, complies with the applicable requirements of this Part.
2. Reasonable repairs and alterations may be made to nonconforming signs. However, in the event any such sign is hereafter damaged exceeding 50% of the reproduction cost, according to appraisal thereof by competent appraisers, or is removed by any means whatsoever, including an act of God, such sign may be restored, reconstructed, altered, or repaired only to conform with the provisions set forth in this Municipal Code.
3. Whenever the business conducted on premises changes, the subsequent sign modifications to reflect that change, whether it is in copy, size or shape of signage, must bring the sign into conformance with regulations set forth in this Municipal Code.
4. Any nonconforming sign cannot be expanded or enlarged.

B. Signs which may confuse traffic:

1. No sign shall be erected, constructed or maintained if such 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.
2. Signs having red, green or amber lights that could be confused with traffic signals shall not be permitted if designed or located to be seen primarily by vehicular traffic. Such colors are not prohibited where, by the design of the sign or lights used, it is extremely unlikely that such lights could be confused with traffic signals by the driving public.

C. Roof signs. Roof signs are prohibited.

D. Portable signs. Portable Signs are permitted in all commercial and industrial zone districts. Portable Signs are prohibited in public right of way, except in downtown district. Portable Signs may not exceed 16 square feet in size.

E. Obscene signs. Obscene signs containing statements, words, pictures or other representations, which are obscene as defined in Penal Code § 311 are prohibited.

F. Parking of advertising vehicles prohibited. No person shall park any vehicle or trailer in a public right-of-way, or on private property so as to be visible from a

public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business. This Chapter is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle and are used in conjunction with the business that it identifies or advertises including vehicles utilized for the delivery of business products.

- G. Unsafe signs. The owner of any sign as defined and regulated by this Part, including supporting structures, shall keep the same in a safe condition at all times. If the Building Official finds that any sign regulated herein is unsafe or insecure, or is a menace to the public, he or she may give written notice to the sign owner and to the property owner. If such sign owner fails to remove or alter the sign so as to comply with the standards herein set forth within thirty (30) days after such notice, the Building Official may cause such 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 may cause any sign, which is an immediate danger to persons or property to be removed summarily and without notice.

- H. Clearance from electric power and communication lines. No sign shall be constructed, installed or erected, which has less horizontal or vertical clearance from energized electric power lines and communication lines than prescribed by California Penal Code § 385, the regulations of the California Public Utilities Commission, and the orders of the Division of Industrial Safety, State of California.

- I. Obstruction of fire escapes, stairways, or exterior doors:

1. No portion of any sign, or the supports thereof, shall be placed so as to obstruct any fire escape, stairway, exterior door or standpipe, nor shall any such outdoor advertising structure or sign or any of the supports thereof, be attached to or supported by any fire escape.
2. No portion of any sign or the supports thereof shall be placed so as to interfere with human exit through any window of any room.

- J. Removal of certain advertising. Any advertising copy or message now or hereafter existing which advertises a business no longer in operation under the same name, a product or service which is no longer available, a public or private event which has already occurred, or a candidate for public office, the election for which has already taken place, shall be removed by the owner, agent or person having the beneficial use of the building, or structure or premises upon which such copy or message may be found, within 30 days after written notice from Planning Director. Upon failure to comply with such notice within the time specified in such order, the Planning Director is authorized to cause the removal of the advertising copy or message, and the expense incident to such removal shall be the obligation of the owner of the

building, or structure or premises on which the advertising copy or message is displayed.

- K. Obstruction to traffic signs. No sign shall be erected at any location where, by reason of its position, it will obstruct or interfere with the view of any authorized traffic sign, signal or device.
- L. Liability for damages. The provision of this Part shall not be construed as relieving, or limiting in any way, the responsibility or liability of any person erecting or owning any sign from person injury or property damage resulting from the placing of such sign, or resulting from the negligence or willful acts of such person, his agents, employees or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor shall this Part be construed as imposing upon the City, or its officers or employees, any responsibility or liability by reason of the approval of any signs, materials, or devices under the provisions of Part.

25-16. Exempt Signs

- A. Exempt signs general compliance requirements. All signs not expressly exempted below shall be subject to the provisions of this Code and shall comply with all applicable provisions thereof.
- B. Exempt signs. The provisions and regulations of this Part shall not apply to the following signs:
 - 1. One real estate sign, which advertises the sale, rental or lease of the premises, is permitted on each parcel frontage as follows:
 - a. Single-family residential zoned parcels: 6 square feet maximum area per sign
 - b. Multiple family residential zoned parcels: 12 square feet maximum area per sign
 - c. Non-residential zoned parcels: 8 square feet maximum area per sign
 - d. The residential signs shall not exceed 6 feet in height above the ground, and the non-residential signs 8 feet above the ground.
 - 2. Window signs, the combined total of which do not exceed 20% of the window area.
 - 3. Bulletin boards not over 12 square feet in area for public, charitable or religious institutions when the same are located on the premises of such institutions, as part of an approved monument sign.

4. Signs denoting the architect, engineer contractor, or financing institution when placed upon work under construction, and not exceeding 12 square feet in area.
 5. Signs placed flat against the façade of a building that identify the history and name of a building or an historic event not exceeding 3 square feet in area and constructed of bronze, brass or other like incombustible material.
 6. Traffic or other municipal signs, legal notices or railroad crossing signs.
 7. Signs of public service companies indicating danger, and aids to service or safety.
 8. Signs placed on the interior of a property and not seen from the public right of way.
 9. Gasoline price signs not exceeding 20 square feet per side. with no more than 2 separate signs per parcel.
 10. California and United States flags.
 11. Signs placed in parking lots to direct traffic and inform users of parking requirements.
 12. Warning signs to indicate danger or to serve as an aid to public safety or to show the location of public utilities' underground facilities.
 13. Political signs shall be removed within the time frame allowed by State and Federal law.
 14. Yard sale/Rummage sale signs shall be removed 48 hours after the sale.
- C. Ordinary maintenance and repair of an existing conforming advertising structure provided there is no structural modification including repainting with the same colors.
- D. Informational window signs shall be exempt as follows:
1. Small non-illuminated informational signs related to the operation of the business located on the windows or glass doors are exempt from these provisions and are not included in the total allowed sign area. Examples of such signs are "open/closed" signs, credit card signs, rating or professional signs, and signs of a similar nature. Only one of each type of sign is allowed, not to exceed 1-square foot in area per sign with no more than 4 in number at any individual business.
 2. One neon or other "open" sign is permitted in the window per each street frontage as a sign exempt from the provisions of this Part and shall not

exceed 4 square feet in area. The area of the open sign is not included in the total allowed window sign area.

- E. Temporary signs promoting short-term retail sales programs, special products, activities, or events are exempt provided they comply with the following standards:
1. The sign shall not be displayed for more than 90 days.
 2. No more than 1 such sign is allowed for each street frontage.
 3. Maximum sign area not to exceed 50 square feet. The area of an inflatable device shall be measured like a sphere and shall not exceed 100 square feet with an aggregate maximum of 200 square feet.
 4. If temporary signs are placed in windows, they shall not exceed 50 square feet or 20% of the total window and glass door area, whichever is the most restrictive requirement.
 5. Portable signs are not permitted as a temporary sign.
- F. Fee exempt signs. All temporary signs and signs erected by nonprofit or volunteer organizations are exempt from the requirement of paying application and sign permit fees. An application and sign permit for any such sign is required in the same manner as otherwise provided in this Part. These signs shall not be displayed for more than 90 days. An extension may be granted upon authorization by the City of Loyaltan City Council.
- G. Exempt parking and directional signs. Parking directional signs not exceeding 8 square feet per side located in close proximity to driveway entrances are exempt.
- Directional signs located within a non-residentially zoned parcel for the purpose of directing vehicular traffic or pedestrians to specific entrances or services at the business facility shall be exempt provided that the face of any such sign shall not exceed 8 square feet.

CHAPTER 12.08.26

REASONABLE ACCOMMODATION

REGULATIONS

26-1. Purpose

The purpose of this Part is to establish reasonable and necessary standards for the City of Loyalton, pursuant to the Federal Fair Housing Amendments Act of 1988 and California Fair Employment and Housing Act, California Government Code § 12901 et seq., to provide people with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing. The purpose of this Part is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the various land use, zoning or building laws, rules, policies, practices and/or procedures of the City.

26-2. Requests for Reasonable Accommodation

In order to make specific housing available to an individual with a disability, a disabled person and/or their authorized representative may request reasonable accommodation relating to the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City. A request for reasonable accommodation in laws, rules, policies, practices and/or procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If an individual needs assistance in making the request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the Planning Department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant shall be entitled to be represented at all stages of the proceeding by a person designated by the applicant. If the project for which the request is being made also requires some other planning or building permit or approval, then the applicant shall file the request together with the application for such permit or approval.

26-3. Required Information

All requests for reasonable accommodation shall include the following information:

- A. Applicant's name, address and telephone number.
- B. Assessor's Parcel Number (APN) and physical address of the property for which the request is being made.
- C. The current actual use of the property.
- D. The code provision, regulation or policy from which accommodation is being requested.

- E. The basis for the claim (including documentation) that the individual is considered disabled under the state and federal fair housing acts and why the accommodation is necessary to make the specific housing available to the individual.
- F. Plans showing the details of the proposed use to be made of the land or building, and any other pertinent supporting documentation as required by the Planning Department.

26-4. Jurisdiction

The Planning Director or designee shall have the authority to consider and act on request for reasonable accommodation. When a request for reasonable accommodation is filed with the City, it will be referred to the Planning Director for review and consideration. The Planning Director shall issue a written decision within 30 days of the date of receipt of a completed application and may (1) approve the accommodation request, (2) approve the accommodation request subject to specified nondiscriminatory conditions, or (3) deny the request. All written decisions shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The notice of decision shall be sent to the applicant or any other person requesting notice by certified mail, return receipt requested. If necessary, to reach a determination on the request for reasonable accommodation, the Planning Director or Building Official may request further information from the applicant consistent with this Chapter, specifying in detail what information is required. In the event a request for further information is made, the 30-day period to issue a written determination shall be stayed until the applicant responds to the request. Accommodation approval shall not have any force and effect until applicant acknowledges receipt thereof and agrees in writing to each and every term and condition thereof.

26-5. Grounds for Accommodation

In making a determination regarding the reasonableness of a requested accommodation, the following factors shall be considered:

- A. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual protected under the Acts.
- B. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.

26-6. Appeals

Within 30 days of the date the Planning Director issues a written decision, the applicant requesting the accommodation may appeal an adverse determination or any conditions or limitations imposed in the written determination. Any other interested person not satisfied with the decision of the Planning Director, may file an appeal within 7 calendar days of the date on which the decision being appealed was rendered. All appeals shall contain a statement of the grounds for the appeal. Appeals shall be to the City Council who shall hear the matter and render a determination as soon as reasonably practicable, but in no

event later than 60 days after an appeal has been filed. Following the filing of an appeal, the City Council shall hold a public hearing on the matter. All determinations on an appeal shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

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CHAPTER 12.08.27

DENSITY BONUS ORDINANCE

REGULATIONS

27-1. Purpose

The purpose of this Part is to implement State law requirements under California Government Code §§ 65915 through 65918, as they may be amended from time to time, or the current equivalent to encourage the development of residential development that offers a percentage of its units to be made available to families of low or moderate income.

27-2. Bonus Requirements for Residential Projects

Pursuant to California Government Code §§ 65915 and 65917, the City must grant to an applicant of a qualifying housing development who seeks a density bonus (“Developer”) either (1) a density bonus or (2) a density bonus with an additional incentive(s) as set forth in this Part. A density bonus housing agreement shall be made a condition of any density bonus approved pursuant to this Part, and may be prepared as part of the Development Agreement (“DA”) process. The agreement shall be recorded as a covenant on the property on which the designated affordable dwelling units will be constructed, which covenant shall run with the land.

27-3. Eligibility for Density Bonus, Incentives or Concessions

The following are eligibility requirements for a density bonus, incentives or concessions applicable to this Part:

A. Affordability. A Developer entering into an agreement pursuant to California Government Code § 65915 to construct a housing development may qualify for a density bonus, if the proposed housing development of 5 or more residential units includes;

~~A. A minimum of 55% of the total units made available to very low income households, as defined by the most recent version of the applicable section of the California Health and Safety Code; or~~

~~B. A minimum of 10% of the total units made available to lower income households, as defined by the most recent version of the applicable sections of the California Health and Safety Code; or~~

~~C. A minimum of 10% of the total units in a common interest development made available to moderate income households, as defined by the most recent version of the California Health and Safety Code, provided that all units in the development are offered to the public for purchase; or~~

~~D.A. A senior housing development or senior restricted mobile home parks, as defined by the most recent version of the applicable in sections of the California Government Code.~~

~~E.B. California Government Code § 65915.5 shall govern the availability of bonus incentives for projects which convert apartments to condominium projects which include at least 33% of the total units of the proposed condominium project to persons and families of low or moderate income as defined in California Health and Safety Code § 50093, or 15% of the total units to lower income households as defined in California Health and Safety Code § 50079.5.~~

- ~~1. A minimum of five percent of the total units made available to very low-income households, as defined by the most recent version of the applicable section of the California Health and Safety Code; or~~
- ~~2. A minimum of ten percent of the total units are made available to low-income households, as defined by the most recent version of the applicable sections of the California Health and Safety Code; or~~
- ~~3. A minimum of ten percent of the total units in a common interest development, made available to moderate-income households, as defined by the most recent version of the California Health and Safety Code, provided that all units in the development are offered to the public for purchase; or~~
- ~~4. A senior housing development or senior restricted mobile home parks, as defined by the most recent version of the applicable in Section 65915 of the California Government Code;~~
- ~~5. A minimum of ten percent of the total units are reserved for transitional foster youth, disabled veterans, or homeless persons, consistent with the definitions in Education Code Section 66025.9, Military and Veterans Code Section 18541, and the federal McKinney-Vento Homeless Assistance Act. These units must be subject to a 55-year recorded affordability restriction and provided at the same affordability level as very low-income units;~~
- ~~6. A minimum of twenty percent of the total units are reserved for lower-income students in a qualifying student housing development; or~~
- ~~7. Any additional qualifying project allowable under California Government Code Section 65915 as amended from time to time.~~

~~California Government Code Section 65915.5 shall govern the availability of bonus incentives for projects which convert apartments to condominium projects which include at least thirty-three percent of the total units of the proposed condominium project to persons and families of low- or moderate income as defined in California Health and Safety Code Section 50093, or fifteen percent of the total units to low-~~

income households as defined in California Health and Safety Code Section 50079.5.

- B. Allowed density bonus. For the purposes of calculating the density bonus below, the Developer shall select which qualifying density listed in Part A above under which the Developer wishes the bonus to be awarded. Qualifying developments are eligible for a density bonus and one or more additional incentives or concessions as follows:
1. Lower income households. A housing development eligible for a bonus in compliance with criteria of Part A.1 above (10% of lower income households) shall be entitled to a density bonus calculated pursuant to California Government Code § 65915(f)(1).
 2. Very low-income households. A housing development eligible for a bonus in compliance with criteria of Part A.2 above (5% of very low-income households) shall be entitled to a density bonus calculated pursuant to California Government Code § 65915(f)(2).
 3. Common interest development. A housing development eligible in compliance with criteria of Part A.3 above (10% for moderate income households) shall be entitled to a density bonus calculated pursuant to California Government Code § 65915(f)(4).
 4. Senior citizen development. A housing development eligible for a bonus in compliance with criteria of Part A.4 above (senior citizen development or mobile home park) shall be entitled to a density bonus calculated pursuant to California Government Code § 65915(f)(3).
 5. Density bonus for land donation. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City, the maximum allowable residential development under the applicable zoning ordinance and general plan, as permitted by California Government Code § 65915(g)(1). This increase shall be in addition to any other density bonus. The applicant shall meet the conditions in California Government Code § 65915(h) in order to qualify for the additional development.
 6. Density bonus for housing with child care facilities. The City shall grant a housing development that includes a child care facility in compliance with California Government Code § 65915(h).
 7. Transitional foster youth, disabled veterans, or homeless persons. A housing development eligible for a bonus in compliance with Subsection (Aa)(5) (a minimum of ten percent of the total units reserved for transitional foster youth, disabled veterans, or homeless persons, consistent with Education Code Section 66025.9, Military and Veterans Code Section 18541, and the federal McKinney-Vento Homeless Assistance Act) shall be entitled to the

density bonus assigned to this category, and such units shall be subject to a 55-year affordability restriction at the very low-income level.

8. Student housing development. A housing development eligible for a bonus in compliance with Subsection (Aa)(6) (a minimum of twenty percent of the total units reserved for lower-income students in a qualifying student housing development) shall be entitled to the density bonus applicable to student housing developments pursuant to Government Code Section 65915.

6.9. One-hundred-percent affordable housing developments. A housing development in which all units, except manager's units, are restricted to lower-income households, with up to twenty percent of the total units permitted for moderate-income households, is eligible for the density bonus provisions applicable to one hundred percent affordable projects pursuant to Government Code Section 65915, including circumstances where maximum density controls do not apply.

10. Any additional qualifying project allowable under California Government Code § 65915 as amended from time to time.

11. Additional Density Bonus

In addition to a Density Bonus set forth in Part B (Allowed Density Bonuses), the City will allow projects to potentially obtain a total density bonus of up to one hundred percent by providing the initial percentage of affordable units to secure an initial fifty percent density bonus and then a secondary percentage of affordable units in order to obtain an additional density bonus of up to fifty percent. Where a housing development is seeking an additional bonus, the application shall identify the subparagraph of Government Code Section 65915(v)(1) under which the development qualifies and provide reasonable documentation demonstrating eligibility for the additional bonus under that subparagraph. The additional density bonus will be available to projects that meet the following minimum set-asides:

a. Rental or for-sale housing developments that provide fifteen percent of the total units to Very Low-Income households.

b. Rental or for-sale housing developments that provide twenty-four percent of the total units to Lower Income households.

c. For sale housing developments that provide forty-four percent of the total units to Moderate Income households.

d. Calculation of Additional Density Bonus: Rental or for-sale housing development that meets the requirements specified in subsection A, an additional density bonus shall be entitled to a density bonus calculated in accordance with Government Code Section 65915(v)(2).

F.C. Development standards. Projects qualifying under this Part shall comply with the following development standards:

1. Designated affordable units shall be reasonably dispersed throughout the project where feasible, shall contain on average the same number of bedrooms as the non-designated units in the project, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and finished quality.
2. If the project is phased, the density bonus units shall be phased in in the same proportion as the non-density bonus units, or phased in another sequence acceptable to the City.

27-4. Inclusionary Housing

At the time of adoption of this Density Bonus ordinance, the City does not have an inclusionary housing policy in place. However, if an inclusionary housing policy is adopted, designated affordable units shall count towards the requirements of the City's inclusionary housing requirements.

27-5. Allowed Incentives or Concessions

The following are allowed incentives or concessions that can be made for projects qualifying under this Part:

- A. Applicant request and City approval. An applicant for a density bonus may submit to the City a proposal for the specific incentives or concessions listed that the applicant requests, and may request a meeting with the City staff prior to submitting the development application. The City Council shall grant an incentive or concession request that complies with the requirements of this Part and state law, unless the City Council makes in writing, based on substantial evidence, the findings established in California Government Code §§ 65915(d)(1)(A), 65195(d)(1)(B) or 65915(d)(1)(C).
- B. Number of incentives. The applicant shall receive other concessions or incentives, as listed in Part C below, that result in identifiable and actual cost reductions for the construction of the qualifying development project. which significantly contribute to the economic feasibility of construction or the qualifying development project. The number of concessions or incentives will be determined by California Government Code § 65915(d)(2).

C. Types of incentives. For the purposes of this Part, bonus concessions or incentives which the City may provide include, but are not limited to, any of the following, as established in California Government Code § 65915(k).

~~1. A reduction in site development standards or a modification of zoning code requirements of architectural design requirements that exceed the minimum, including, but not limited to, reductions in setback requirements, square footage requirements, or vehicular parking ratios, that result in identifiable and actual cost reductions State of California Building Standard, pursuant to California Government Code § 65915(k);~~

~~2.1. A modification of zoning ordinance requirements or design standards requirements that result in identifiable financially sufficient and actual cost reductions that exceed the minimum State of California Building Standards pursuant to California Government Code § 65915(k), including but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required;~~

~~3.2. Approval of mixed-use zoning in conjunction with the housing project, if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located pursuant to California Government Code Section 65915(k)(2) will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project; and~~

~~4.3. Any other incentive or concession proposed by the Developer or the City that results in an identifiable, and actual cost reductions to provide for affordable housing cost pursuant to California Government Code Section 65915(k)(3). financially sufficient and actual cost reductions.~~

~~5.4. Any additional qualifying density bonus, incentive or concession allowable under California Government Code § 65915, as amended from time to time.~~

27-6. Processing of Bonus Requests

The following is required for processing a bonus request:

A. Permit requirement. ~~An application for a density bonus or other incentive under this section for a housing development shall be submitted in writing to the Planning Department to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this chapter and applicable State law. A request for a density bonus and other incentives and concessions shall be evaluated and decided through the permit process in as though it were a use permit application to the City Council for approval.~~

- ~~1. Finding for approval. Approval of incentives or concessions. Finding for Approval. The Planning Commission or the Board of Supervisors shall grant an incentive requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following. The approval of a density bonus and other incentives and concessions shall require that the review authority first make all the following findings:~~
- ~~2. The residential development will be consistent with the General Plan and concessions.~~
- ~~3. The approved number of dwellings can be accommodated by existing and planned infrastructure capacities.~~
- ~~4. Adequate evidence exists to indicate that the project will provide affordable housing in a manner consistent with the purpose and intent of this Chapter.~~
- ~~5. There are sufficient provisions to guarantee that the units will remain affordable for the required time period.~~

- ~~1. The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5; or for affordable rents, as defined in Health and Safety Code Section 50053; or~~
- ~~2. The proposed incentive would be contrary to state or federal law; or~~
- ~~3. The proposed incentive would have a specific, adverse impact upon the public health or safety or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, "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 that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.~~

~~B. Approval waivers. The City Council shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:~~

- ~~1. The proposed waiver would be contrary to state or federal law; or~~
- ~~2. The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources; or~~

3. The proposed waiver 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 housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, “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 that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.

D. Continued Affordability. The application shall be considered by the City Council concurrently with the project for which the request is being made is considered. If the project is not to be otherwise considered by the City Council, the request being made under this section shall be considered by the planning director. The request shall be approved if the applicant complies with Government Code Section 65915 et seq.

27-7. Density Bonus Agreement

The following is required for a density bonus agreement:

- A. Agreement required and provisions. An applicant requesting a density bonus agreement shall agree to enter into a recordable density bonus agreement (“agreement”) with the City in a form approved by the City Attorney. The executed agreement shall be recorded on the property designated for the construction of the designated affordable units. The approval and recordation shall take place prior to final map approval, or where a map is not being process, prior to issuance of building permits for such properties.
- B. Project information. The agreement shall include at least the following information about the project:
1. The total number of units approved for the housing development, including the number of designated affordable units and any student housing units and/or senior housing units, if provided.
 - ~~2. A description of the household income group to be accommodated by the housing development, and the standards for determining the corresponding Affordable Rent or Affordable Housing Cost, standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with U.S. Department of Housing and Urban Development (“HUD”) Guidelines.~~
 - ~~3.2. The marketing plan for the affordable units.~~

- ~~4.3.~~ The location, unit sizes (square feet), and number of bedrooms of the designated affordable dwelling units, student housing units, and/or senior housing units.
- ~~5.4.~~ The required affordability term shall be consistent with Government Code Section 65915(c). ~~Tenure of the use restrictions for designated affordable dwelling units of the time periods required by this Part and California Government Code § 65915.~~
- ~~6.5.~~ A schedule for completion and occupancy of the designated affordable dwelling units.
- ~~7.6.~~ A description of the additional incentives being provided by the City.
- ~~8.7.~~ A description of the remedies for breach of the agreement by the owners.
- ~~9.8.~~ Other provisions to ensure successful implementation and compliance with California Government Code § 65915.

27-8. Minimum Requirements of the Agreement

~~The agreement shall provide, at a minimum, that:~~

- ~~A. The Developer shall give the City the continuing right of first refusal to lease or purchase any or all the designated affordable dwelling units at the appraised value.~~
- ~~B. The deeds to the designated affordable dwelling units shall contain a covenant stating that the developer or successors in interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interest for designated affordable dwelling units without the written approval of the City.~~
- ~~C. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated affordable dwelling unit is consistent with the limits established for low and very low income households, as published by HUD.~~
- ~~D. The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated affordable dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households.~~
- ~~E. Applicable deed restrictions, in the form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the Certificate of Occupancy.~~
- ~~F. In any action taken to enforce compliance with deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services.~~

- ~~G. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.~~
- ~~H. The designated affordable dwelling units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable units in compliance with the requirements of California Government Code § 65915(e).~~
- ~~I. For-sale housing conditions. In the case of for-sale housing developments, the agreement shall provide for the following conditions governing the initial sale and use of designated affordable dwelling units during the applicable restriction period:~~
- ~~1. A requirement that designated affordable dwelling units shall be owner-occupied by eligible households, or by qualified residents in the case of senior housing.~~
 - ~~2. Provisions as the City may require ensuring continued compliance with maintaining affordable dwelling units in compliance with this Part and state law.~~
 - ~~3. Terms for future sales and recapture of any equity to ensure continued affordability of dwelling units for the requisite time period, as prescribed by California Government Code § 65915(e).~~
- ~~J. Rental housing conditions. In the case of rental housing development, the agreement shall provide for the following conditions governing the use of designated affordable dwelling units during the restriction period:~~
- ~~1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated affordable dwelling units for qualified tenants.~~
 - ~~2. Provisions requiring owners to annually verify to the City tenant incomes and maintain books and record to demonstrate compliance with this Part.~~
 - ~~3. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the designated affordable dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit.~~
 - ~~4. The applicable use restriction shall comply with the time limits for continued availability in compliance with this Part.~~
- ~~K. Execution of agreement. Following City Council approval of the agreement and execution of the agreement by all parties, the City shall record the completed agreement on the parcels designated for the construction of designated affordable dwelling units, at the County Recorder's Office.~~

The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of Building Permits for the project.

The following is required for a density bonus agreement:

A. Agreement Required and Provisions. An applicant requesting a density bonus agreement shall agree to enter into a recordable density bonus agreement ("agreement") with the county in a form approved by the city attorney. The approval and recordation of the agreement shall take place prior to final map approval, or where a map is not being processed, prior to issuance of building permits for such properties.

B. Project Information. The agreement shall include at least the following information about the project:

1. The total number of units approved for the housing development, including the number of designated low income or affordable units and any student housing units and/or senior housing units, if provided.

2. A description of the household income group to be accommodated by the housing development, and standards for determining the corresponding Affordable Rent or Affordable Housing Cost, the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing costs consistent with U.S. Department of Housing and Urban Development ("HUD") Guidelines..

3. The location, unit sizes (square feet), and number of bedrooms of the designated affordable dwelling units, student housing units, and/or senior housing units.

4. The required affordability term shall be consistent with Government Code Section 65915(c).

5. A schedule for completion and occupancy of the designated affordable dwelling units.

6. A description of the additional incentives being provided by the city.

7. A description of the remedies for breach of the agreement by the owners.

9. Other provisions to ensure successful implementation and compliance with this section and Government Code Section 65915.

C. For-Sale Housing Conditions. In the case of for-sale housing developments, the agreement shall provide for the following conditions governing the initial sale and use of designated low income or affordable dwelling units during the applicable restriction period:

1. A requirement that designated affordable dwelling units shall be owner-occupied by eligible households, or by qualified residents in the case of senior housing.
2. Provisions of the city may require ensuring continued compliance with maintaining low income or affordable dwelling units through a recorded equity sharing agreement in compliance with this section and state density bonus law.
3. Terms for future sales and recapture of any equity pursuant to a recorded equity sharing agreement consistent with Government Code Section 65915(c)(2).
4. The agreement shall be binding on all future owners, developer and/or successors-in-interest.

D. Rental Housing Conditions. In the case of rental housing development, the agreement shall provide for the following conditions governing the use of designated low income or affordable dwelling units during the restriction period:

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated affordable dwelling units for qualified tenants.
2. Provisions requiring owners to annually verify to the county tenant incomes and maintain books and records to demonstrate compliance with this section.
3. Provisions requiring owners to submit an annual report to the city, which includes the occupancy status, affordability level, bedroom size, and monthly rent for each designated affordable dwelling unit.
4. A requirement that the designated affordable rental dwelling units shall remain affordable to the qualified income group for a minimum of fifty-five (55) years, or longer if required by applicable financing, consistent with state density bonus law.
5. The agreement shall be binding on all future owners, developer and/or successors-in-interest.

The foregoing Ordinance was introduced and adopted before the City Council of the City of Loyalton, County of Sierra, State of California, at the regular meeting of the 18th day of May, 2021, by the following vote:

Introduced at a Regular Meeting of the City Council of the City of Loyalton on May 18, 2021 by the following vote:

AYES: Gerow, Jackson, Markum, Reide and Rogers
NOES: None
ABSENT: None
ABSTAIN: None

JOY MARKUM, MAYOR

Passed and Adopted at a Regular Meeting of the City Council of the City of Loyalton on _____, 2026, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JOY MARKUM, MAYOR

WITNESSED by my hand seal of the organization.