

CITY OF LOYALTON

ORDINANCE NO. 424

AN ORDINANCE OF THE CITY OF LOYALTON REPEALING AND REPLACING TITLE 17, ZONING, OF THE
LOYALTON MUNICIPAL CODE

The City Council of the City of Loyalton does ordain as follows:

SECTION 1. Part 12, Chapter 8, Zoning of the Loyalton Municipal Code is hereby repealed and replaced to read in its entirety as referenced in Exhibit A, attached hereto, and made a part thereof.

Introduced at a Regular Meeting of the City Council of the City of Loyalton on September 21, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

SARAH JACKSON, MAYOR

Passed and Adopted at a Regular Meeting of the City Council of the City of Loyalton on September 21, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

SARAH JACKSON, MAYOR

WITNESSED by my hand seal of the organization.

Exhibit A

City of Loyalton
MUNICIPAL CODE
Chapter 12 – Zoning



Ordinance No. 424, Adopted October 1, 2021



City of Loyalton
605 School Street
Loyalton, CA 96118
Phone: (530) 993-6750

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CHAPTER 12 – ZONING OF THE CITY OF LOYALTON MUNICIPAL CODE

CHAPTER 12.08.1

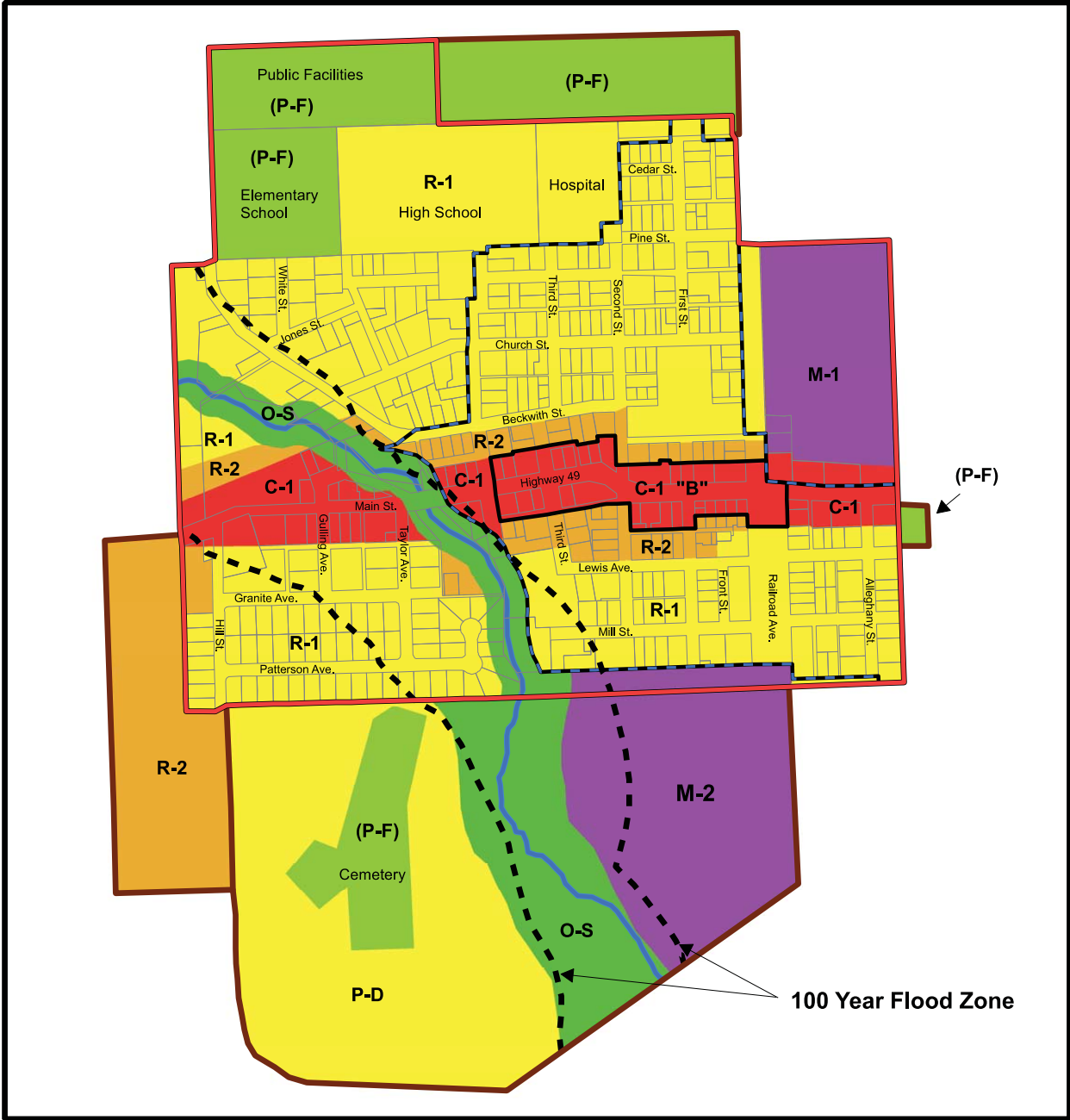
GENERAL PROVISIONS

- 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.

City of Loyalton Zoning Plan



Z O N I N G	 (O-S) Open Space	 "B" Combining District
	 (P-F) Public Facilities	 Flood Fringe Combining District (FF)
	 C-1 Commercial	 Historic Combining District H
	 M-1 Light Industrial	 Planning Areas
	 M-2 Heavy Industrial	
	 R-1 Residential Single Family	
	 R-2 Residential Duplex	

Legend

- City Boundary
- Parcels
- Smithneck Creek

Map Modified 4/29/2014

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).

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.
- 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.
- 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 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.
- 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).

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.

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.

- 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 2/3rds 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).

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.

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. 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. 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. On-Site

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

2-145. 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. 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. 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. Parking Area

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

2-149. Parking Space

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

- 2-150. 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. Permit
“Permit” means an authorization to proceed issued by the City for a specific activity.
- 2-152. 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. 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. 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. Planning Director
“Planning director” means the person appointed or designated to assist the City Council with planning-related matters.
- 2-156. 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. 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. Police Chief
“Police Chief” means the Police Chief for the City of Loyalton as appointed by the City.
- 2-159. Property Line
“Property line” is a legal boundary describing a parcel of land.
- 2-160. Public Agency
“Public agency” means a political subdivision, federal, state, or local government or its departments, or governmental jurisdictions or districts.

- 2-161. Public Resources Code
“Public Resources Code” means the California Public Resources Code, also written PRC.
- 2-162. 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. 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. Public Works Director
“Public Works Director” means the Public Works Director as appointed or designated by the City.
- 2-165. 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. 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. 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. 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. Residential Care Facility, Large
“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.

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. 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. 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. Structure Alteration
“Structure alteration” means any change in supporting members of a structure or building.
- 2-183. 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.
- 2-184. 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. 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. 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. 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.
- 2-188. Use
“Use” means the activity that takes place on a parcel of land.

2-189. 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. Yard

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

2-191. 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. 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. 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 applicant, 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, manufactures 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. Manufactured Structures~~

~~Manufactured structures, including mobilehomes, may be located on individual lots for residential or office use only under the following regulations as stated by California Government Code § 65852.3:~~

~~A. Structures. Only structures certified by the Department of Housing and Urban Development as meeting the requirements of the National Mobile Home Construction and Safety Standards Act of 1974, the National Manufactured Home Construction and Safety Standards Act of 1974, or meeting all requirements of the California Building Code, will be allowed.~~

~~B. Permanent residential use:~~

~~1. Manufactured structures for residential use may be located only in residential zones. Such 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.~~

~~1. 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.~~

2. ~~Roofing and exterior siding materials shall be of types customarily used on conventional dwellings. The City Council shall adopt, and revise as appropriate, a list of materials, which are approved.~~
3. ~~Manufactured single family residential structures shall be of an integral unit design. Two or more structures, each of which is designed for use separately, shall not be installed on a single lot.~~
4. ~~The finished floor elevation of the pre-manufactured home shall be equal to or less than the immediately adjacent neighboring homes on either side of the pre-manufactured home fronting on the same street.~~
5. ~~A building permit shall be obtained for installation of a pre-manufactured residential structure. The application for a building permit shall include a site plan showing structure placement, sufficient foundation drawings and details to verify compliance with the foundation requirements of this chapter, and descriptive information and certification of the structure.~~

~~C. Temporary office use:~~

2. ~~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.~~
3. ~~Temporary installations may be made with temporary masonry or steel foundations. Adequate anchorage shall be constructed to conform to the California Building Code.~~
4. ~~Manufactured Structures~~
5. ~~Manufactured structures, including mobilehomes, may be located on individual lots for residential or office use only under the following regulations as stated by California Government Code § 65852.3:~~
6. ~~Structures. Only structures certified by the Department of Housing and Urban Development as meeting the requirements of the National Mobile Home Construction and Safety Standards Act of 1974, the National Manufactured Home Construction and Safety Standards Act of 1974, or meeting all requirements of the California Building Code, will be allowed.~~

~~7. Permanent residential use:~~

8. ~~Manufactured structures for residential use may be located only in residential zones. Such 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.~~

- ~~9. 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.~~
- ~~10. Roofing and exterior siding materials shall be of types customarily used on conventional dwellings. The City Council shall adopt, and revise as appropriate, a list of materials, which are approved.~~
- ~~11. Manufactured single family residential structures shall be of an integral unit design. Two or more structures, each of which is designed for use separately, shall not be installed on a single lot.~~
- ~~12. The finished floor elevation of the pre-manufactured home shall be equal to or less than the immediately adjacent neighboring homes on either side of the pre-manufactured home fronting on the same street.~~
- ~~13. A building permit shall be obtained for installation of a pre-manufactured residential structure. The application for a building permit shall include a site plan showing structure placement, sufficient foundation drawings and details to verify compliance with the foundation requirements of this chapter, and descriptive information and certification of the structure.~~
- ~~14. Temporary office use:~~
- ~~15. 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.~~
- ~~16. 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

4-11 Accessory and Junior Accessory Dwelling Units

Accessory and Junior Accessory Dwellings 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 65852.1 and 65852.22 as may be amended from time to time 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.~~

- e. ~~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.~~
 - e. ~~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 ADO 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:~~

~~The project includes restoring the garage for vehicle parking prior to the first inspection on the permit; or The site has the required number of on-site parking spaces as required by the City's parking regulations (Chapter 12.08.12).~~

11-12 Fiscal Impact

The City Council at its discretion may require a fiscal impact analysis for new development 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.

11-13 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.

11-14 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.

11-15 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.

11-16 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.

11-17 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.

11-18 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.