

PART 3
GENERAL REGULATIONS

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Sections:

- 24-45 – Purpose
- 24-46 – Height Measurement
- 24-47 – Maximum Height of Structures
- 24-48 – Height Limit Exceptions

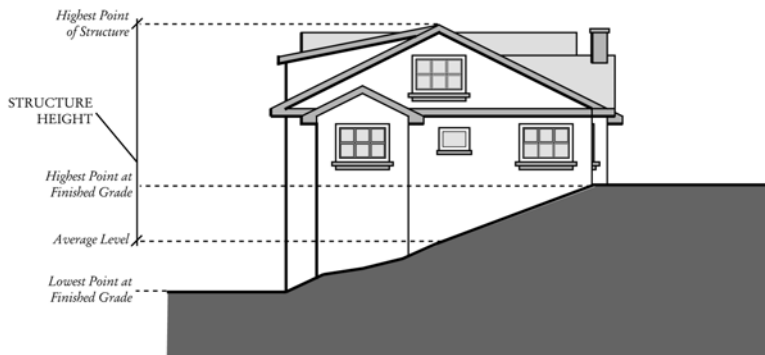
24-45 Purpose

This article establishes rules for the measurement of structure height and identifies permitted exceptions to the maximum allowed structure height.

24-46 Height Measurement

The height of a structure shall be measured as the vertical distance from the average level of the highest and lowest point of the portion of finished grade covered by the structure to the highest point of the structure. See Figure 24-46-1 (Structure Height).

FIGURE 24-46-1 STRUCTURE HEIGHT



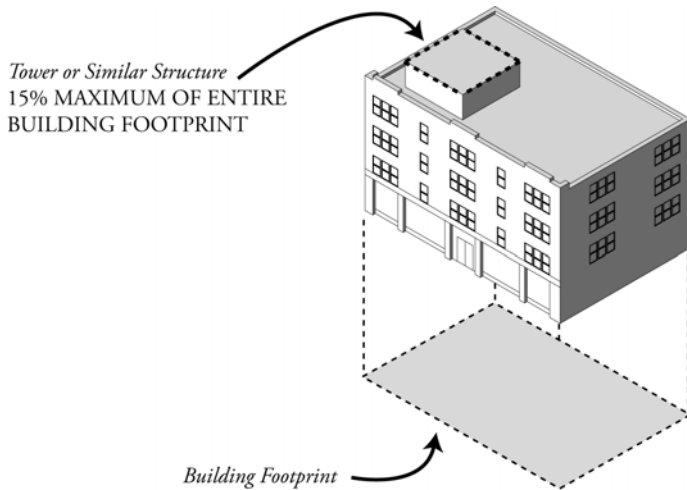
24-47 Maximum Height of Structures

A structure shall not exceed the maximum permitted height for the zone in which it is located, except as allowed by Section 24-48 (Height Limit Exceptions).

24-48 Height Limit Exceptions

- A. **Telecommunication Facilities.** Wireless telecommunications facilities may exceed the maximum permitted structure height only as allowed by Article 26 (Telecommunication Facilities).
- B. **Allowed Exceptions.** Towers, gables, spires, cupolas, water tanks, windmills, and similar structures, including mechanical appurtenances, may exceed the maximum permitted structure height if all of the following apply:
 1. The tower or similar structure covers an area 15 percent or less of the total structure footprint area;
 2. The tower or similar structure is not used for sleeping or eating quarters; and
 3. The tower or similar structure is used only for purposes incidental to the primary use of the habitable space. See Figure 24-48-1 (Exceptions to Height Limit).

FIGURE 24-48-1 EXCEPTIONS TO HEIGHT LIMIT



- C. **Permit Required.** Allowed exceptions to the maximum permitted structure height identified in Subsection B (Allowed Exceptions) require the approval of:
 1. A Minor Use Permit if the structure exceeds the height limit by 10 feet or less; or
 2. A Conditional Use Permit if the structure exceeds the height limit by more than 10 feet.



Sections:

- 24-49 – Purpose
- 24-50 – Setback Measurement
- 24-51 – Allowed Projections
- 24-52 – Projections over Property Lines

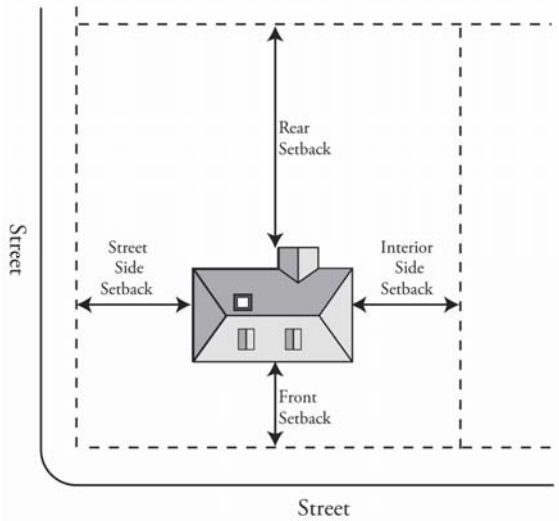
24-49 Purpose

This article establishes rules for the measurement of setbacks and identifies permitted exceptions to the minimum required setbacks of structures from property lines.

24-50 Setback Measurement

Setbacks shall be measured at right angles from the nearest point on the property line to the nearest point of the structure. On odd-shaped and corner lots, the Zoning Administrator shall determine the location of front, rear, and side property lines. See Figure 24-50-1 (Setback Measurement).

FIGURE 24-50-1 SETBACK MEASUREMENT



24-51 Allowed Projections

Projections into required setback areas shall be permitted only as shown in Table 24-51-1 (Allowed Projections into Setback Areas).

TABLE 24-51-1 ALLOWED PROJECTIONS INTO SETBACK AREAS

Projecting Feature	Allowed Projection into Setback Area		
	Front and Street Side	Interior Side	Rear
Eaves, canopies, and similar roof projections	4 ft.	2½ ft.	4 ft.
Cornices, fireplaces, sills, bay windows, and similar architectural features	2 ft.	2 ft., but no closer than 2½ feet from the property line	
Open, unenclosed stairways and balconies, not covered by a roof or canopy	4 ft.		
Residential accessory structures	See Section 24-150 (Accessory Uses and Structures)		
Walls and fences	See Article 13 (Walls and Fences)		
Signs	See Article 20 (Signs)		

24-52 Projections over Property Lines

Structures may not extend beyond a property line or into the public right-of-way.



Sections:

- 24-53 – Purpose
- 24-54 – Measurement of Fence or Wall Height
- 24-55 – Height Limits
- 24-56 – Design
- 24-57 – Amortization of Nonconforming Fences

24-53 Purpose

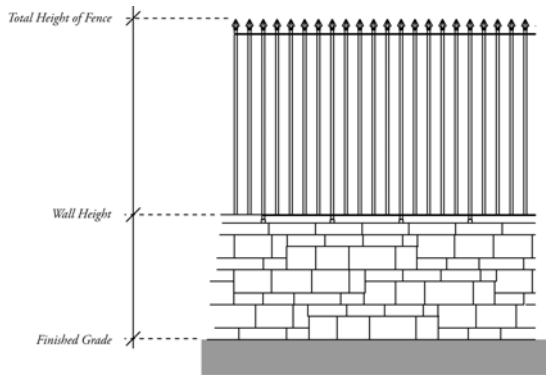
This article establishes rules for the measurement of walls and fences and identifies the maximum permitted height and design standards for walls and fences.

24-54 Measurement of Fence or Wall Height

- A. The height of a fence or wall shall be measured from the finished grade at the base of the fence or wall to the top edge of the fence or wall. Ornamental features that provide a screening function and are 50 percent or more opaque shall be included in the height measurement of a fence or wall.
- B. If a fence is atop a wall, the total height shall be measured from the base of the wall. See Figure 24-54-1 (Fence and Wall Height).
- C. If the finished grade is different on opposite sides of the fence or wall, the height shall be measured from the side with the highest finished grade to the highest point on the fence.

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FIGURE 24-54-1 FENCE AND WALL HEIGHT



24-55 Height Limits

- A. A fence or wall shall not exceed the maximum permitted height as shown in Table 24-55-1 (Maximum Height of Fences and Walls).

TABLE 24-55-1 MAXIMUM HEIGHT OF FENCES AND WALLS

Fence or Wall Location	Agricultural, Industrial and Airport Zones	All Other Zones
Within front setback area	8 ft.	42 in.
Within street side setback area	8 ft.	42 in.
All other areas on parcel	8 ft.	6ft.

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- B. Two feet of additional fence or wall height beyond that shown in Table 24-55-1 is permitted with the approval of a Minor Use Permit. To approve additional height, the Zoning Administrator shall make all of the following findings in addition to the findings provided in Article 31 (Conditional Use and Minor Use Permits):
 1. The additional height is necessary for the reasonable use and enjoyment of the property;
 2. The additional height is compatible with the design character of the subject property and immediate area; and
 3. The additional height will not adversely impact other properties within the immediate area.
- C. Within residential zones, an additional two feet of height is permitted without a Minor Use Permit for ornamental features that do not provide a screening function, such as an archway over a gate or ornamental figures intermittently situated along the top of a fence or wall.

24-56 Design

- A. **Standards that Apply in all Zones.** The following design standards for fences and walls shall apply in all zones.
 1. Fences and walls shall not be constructed of inappropriate materials such as sheet metal, vehicles, underground/above-ground tanks, garage doors, aluminum siding, corrugated tin, and other similar materials not specifically designed for use as fencing.
 2. Fence and wall design shall conform to the California Building Code and all development standards required for safety.
 3. The use of barbed wire, razor wire, and other similar materials is permitted only in industrial and agriculture zones.
- B. **Standards that Apply in Urban Zones.** The following design standards for fences and walls shall apply only in urban zones.

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1. Fences and walls on a single parcel shall be constructed with a consistent palette of materials.
2. Fences and walls shall be constructed of decorative masonry, ornamental steel or iron, or wood. Other materials may be considered if the Zoning Administrator determines the design to be compatible with adjacent structures and its surrounding neighborhood.
3. Fences and walls shall be constructed so that no hazards, such as nails, spikes, wires or other sharp or pointed objects, protrude from or exist upon the fence.

24-57 Amortization of Nonconforming Fences

Any wall or fence that does not comply with the design requirements specified in Section 24-56 (Design) of this article, but which was constructed, operated, and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use that may be continued until 5 years after the effective date of the Zoning Ordinance. At the conclusion of the amortization period, fences shall be removed or replaced in conformance with this article.

Deleted: <#>The use of barbed wire, razor wire, and other similar materials is permitted only in industrial and agriculture zones.¶

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Sections:

- 24-58 – Purpose
- 24-59 – Applicability
- 24-60 – New Development
- 24-61 – Time Limitations for Compliance
- 24-62 – Compliance with Lighting Standards
- 24-63 – Standards
- 24-64 – Exemptions
- 24-65 – Security Lighting
- 24-66 – Prohibited Lighting

24-58 Purpose

This article establishes minimum requirements for outdoor lighting in residential areas in order to reduce light trespass and glare, and to protect the health, property, and well being of Butte County residents and visitors.

24-59 Applicability

The requirements of this article shall apply to all outdoor lighting in all residential zones. This article does not apply to lighting at publicly owned facilities, including public rights-of-way.

24-60 New Development

All residential outdoor lighting installed after the initial effective date of the standards in this article (Enter Lighting Standards initial effective date).

Deleted: Zoning Ordinance shall be in conformance with the requirements of this article.

24-61 Time Limitations for Compliance

- A.** Outdoor lighting existing at the time of the effective date of the Zoning Ordinance that does not meet the requirements of this article shall be brought into compliance or removed as follows:
 - 1. Within three months of the effective date of the Zoning Ordinance, where re-direction of the light fixture is feasible and will bring the light fixture into compliance; or
 - 2. Within six months of the effective date of the Zoning Ordinance, in all other cases.
- B.** Lighting in non-residential zoning districts that exists at the time of the effective date of this Zoning Ordinance is exempt from this article.

24-62 Compliance with Lighting Standards

Light fixtures not meeting the standards of this article shall be brought into compliance in any of the following ways:

- A. Re-direction of the light fixture;
- B. Shielding of the lamp;
- C. Redesign or relocation of the light fixture;
- D. Replacement of the light fixture with a conforming fixture; or
- E. Removal of the light fixture.

24-63 Standards

All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way as illustrated in Figure 24-63-1 (Inadequate and Adequate Shielding) and Figure 24-63-2 (Light Source Not Directly Visible Outside Property Perimeter).

24-64 Exemptions

The following types of lighting are exempt from the requirements of this article:

- A. Holiday and temporary lighting (less than 30 days in any one year); and
- B. Temporary lighting used by law enforcement or emergency personnel to protect life or property.

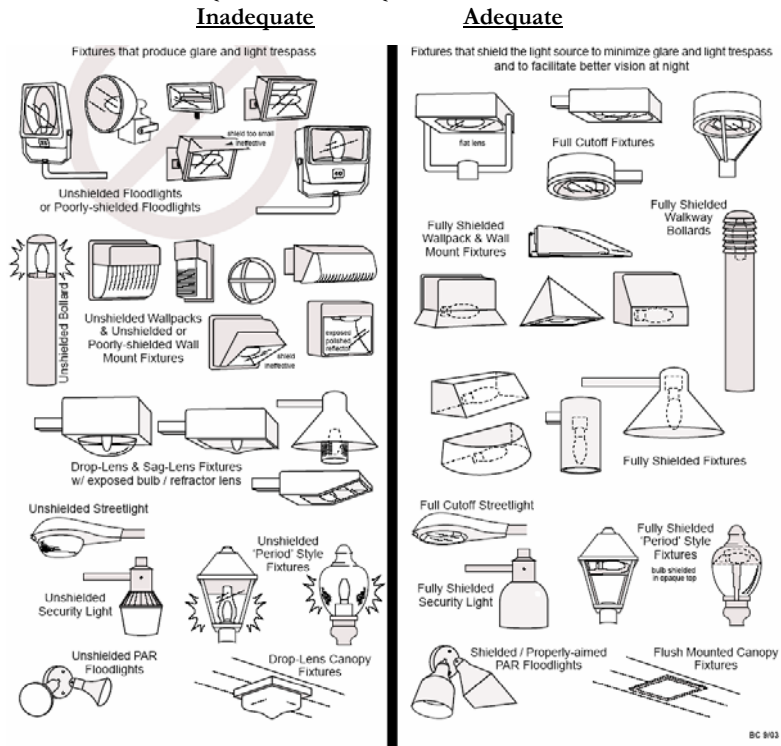
24-65 Security Lighting

Security lighting triggered by motion or noise shall be permitted subject to all of the provisions of this article. Sensors for such lighting shall not be triggered by activity located outside the subject property.

24-66 Prohibited Lighting

Flashing, flickering, or other lighting that is distracting or may be confused with traffic or emergency signals shall be prohibited.

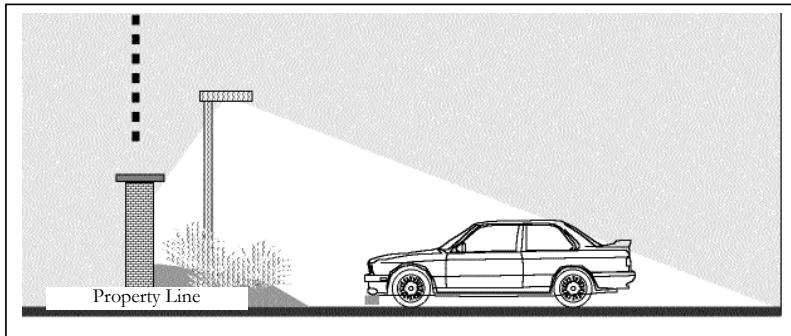
FIGURE 24-63-1 INADEQUATE AND ADEQUATE SHIELDING



Source: Dark Sky Society

FIGURE 24-63-2 LIGHT SOURCE NOT DIRECTLY VISIBLE OUTSIDE PROPERTY PERIMETER

Source: Dark Sky Society





Sections:

- 24-67 – Purpose
- 24-68 – Permanent Residences
- 24-69 – Parking and Storage
- 24-70 – Camping

24-67 Purpose

This article establishes standards for the parking and outdoor storage of recreation vehicles and camping activities.

24-68 Permanent Residences

Recreational Vehicles, including travel trailers, motor homes, and campers used as permanent residences may be located only in officially-designated mobile home parks, except as provided for under Section 24-168.D (Travel Trailers as Temporary Residences).

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24-69 Parking and Storage in Residential Zones (any other zones????)

- A. Recreational vehicles may not be stored within any required front or street side setback area unless they are parked on a driveway or paved surface, are parked perpendicular to the street, and do not encroach over a sidewalk or other part of the public right-of-way. Vehicles may be stored within an interior side yard without screening if the vehicle is placed upon a paved surface. For the purposes of these provisions, the term “stored” means continuously parked in the same location for more than 72 hours.
- B. As otherwise allowed in A. above, all stored recreational vehicles shall be screened from public view by building walls, decorative screen walls or fences, and landscaping to the greatest extent possible.
- C. A stored recreational vehicle shall bear current vehicle registration or a legal non operation registration as required by State law.
- D. Recreational vehicles shall not be stored in a wrecked, dismantled, or inoperative condition.
- E. Recreational vehicles shall not be parked within a public or private right-of-way for longer than nine days.

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24-70 Camping

Camping outside of a lawfully established outdoor recreational facility, campground, recreational vehicle park, or hunting/fishing camp shall comply with the following standards:

- A. No person shall allow the placing of a trailer coach, recreational vehicle, tent trailer, or tent on a parcel for the purpose of camping for a period in excess of nine days in any one calendar year.

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- B. No person shall allow the placing of more than two trailer coaches, recreational vehicles, tent trailers, or tents on a parcel at any one time for the purpose of camping.
- C. No more than two families may occupy a parcel for the purpose of camping at any one time.



Sections:

- 24-71 – Purpose
- 24-72 – Applicability
- 24-73 – Use Regulations
- 24-74 – Performance Standards
- 24-75 – Coordination with Other Regulatory Agencies

24-71 Purpose

This article establishes standards for riparian areas to:

- A. Reduce risks to property owners and the public from erosion and flooding;
- B. Protect and enhance the chemical, physical, and biological integrity of water resources in the County;
- C. Minimize pollutants entering water bodies from urban stormwater runoff; and
- D. Preserve riparian vegetation and protect wildlife habitat and wildlife corridors along natural drainage ways.

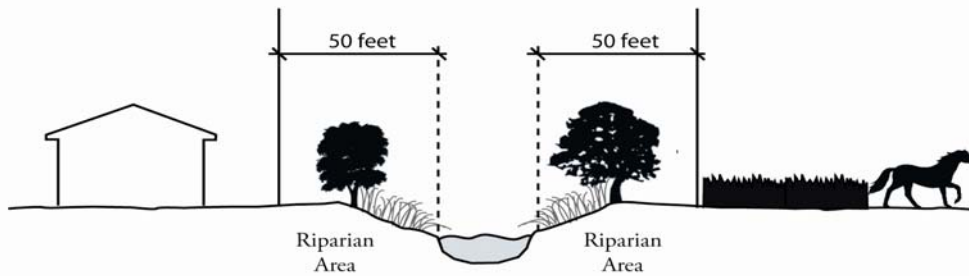
24-72 Applicability

- A. The standards in this article apply to all riparian areas within the County. As shown in Figure 24-72-1 (Riparian Areas), riparian areas are defined as areas between the banks and 50 feet in width measured from the top bank of any intermittent or perennial stream or river landward. Excluded from this definition are culverted creeks [NEED TO WORK ON THIS SECTION](#) and engineered systems developed by a public agency for collection of storm or flood waters, or systems other than natural creeks designed to deliver irrigation or water supplies.

24-73 Use Regulations

- A. **Permitted Activities.** The following activities are permitted as-of-right in riparian areas:
 - 1. Native landscaping;
 - 2. Fencing that does not interfere with the flow of flood waters or wildlife migration corridors, consistent with Article 13 (Walls and Fences);
 - 3. Roads used primarily for the maintenance of a property;

FIGURE 24-72-1 RIPARIAN AREAS



4. Utilities;
5. Storm drains into riparian areas and creeks;
6. Trails and passive recreational activities not involving the establishment of any structures;
7. Construction and maintenance of County-owned culverts, rip-rap, and other drainage facilities; and
8. Construction and maintenance of County-owned bridges.

9. [Livestock Grazing \(Talk to F&G, Richard Price, Glen Nader\)](#)

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B. Conditionally Permitted Uses.

1. Uses, structures, and activities permitted in the applicable zone are permitted within riparian areas only with approval of a Minor Use Permit.
2. To approve a Minor Use Permit for riparian area development, the Zoning Administrator shall make all of the following findings in addition to the findings in Article 31 (Conditional Use and Minor Use Permits):
 - a. The proposed use, structure, or encroachment cannot be feasibly located outside the riparian area ~~because~~ such location would have a more adverse effect on the stream environment.
 - b. Measures are included that provide adequate protection of wildlife habitat, water quality and in-stream habitat, and capacity for flood management.

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24-74 Performance Standards

A. Construction. Construction is prohibited in riparian areas unless the necessary permits have been obtained from other responsible governmental agencies and plans have been approved by the Director of Public Works and the Zoning Administrator.

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No more than 50 percent of the portion of a parcel occupied by a riparian area may be covered with impervious surfaces.¶

B. Grading or Alterations to Riparian Vegetation. Grading, alteration of the natural contours of the land, or cutting or alteration of natural vegetation that protects a riparian habitat is prohibited within riparian areas except when such action is:

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1. Required for the construction of an approved structure;
2. Necessary to protect public health and safety; or
3. Associated with a creek restoration and enhancement project intended to improve the health and environmental integrity of the waterway.

C. Streambed Alteration. Filling, grading, excavating, or obstructing streambeds is prohibited except in the following circumstances:

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1. Placement of County-approved storm drain and irrigation outflow structures shall be designed so as to eliminate or minimize increases in the rate and amount of storm or irrigation water discharge;
2. Placement of public and nonpublic utility lines;
3. Construction of bridges and their connecting roadways;
4. Maintenance activities necessary to protect public health and safety; and
5. Creek restoration and improvement projects.

24-75 Coordination with Other Regulatory Agencies

All required permits from the California Department of Fish and Game, the U.S. Army Corps of Engineers, the California State Water Resources Control Board, the Central Valley Flood Protection Board, or other applicable agencies, including any permit from an approved Habitat Conservation Plan, shall be obtained prior to, or concurrently with, the approval of any County permits for development within riparian areas. Evidence of approval or pending approval of any such permit shall be submitted to the County, including all appropriate supporting materials, environmental documentation, and studies. (NOTE: Review how we coordinate with other agencies today and do we envision any changes?)



Sections:

- 24-76 – Purpose
- 24-77 – Applicability
- 24-78 – Agriculture Buffer Setbacks
- 24-79 – Exceptions to Agricultural Buffer Setback

24-76 Purpose

This article establishes a means to conserve and stabilize agricultural land uses in order to protect agricultural lands from encroachment and conversion to residential uses. This article advances this purpose by:

- A. Requiring development to provide land use transitions, setbacks, and buffers between residential development and agricultural uses, in order to reduce interference and conflict;
- B. Creating development and performance standards designed to protect agricultural uses from residential encroachment conflicts; and
- C. Providing a clear delineation between long-term agricultural production lands and residential areas.

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24-77 Applicability

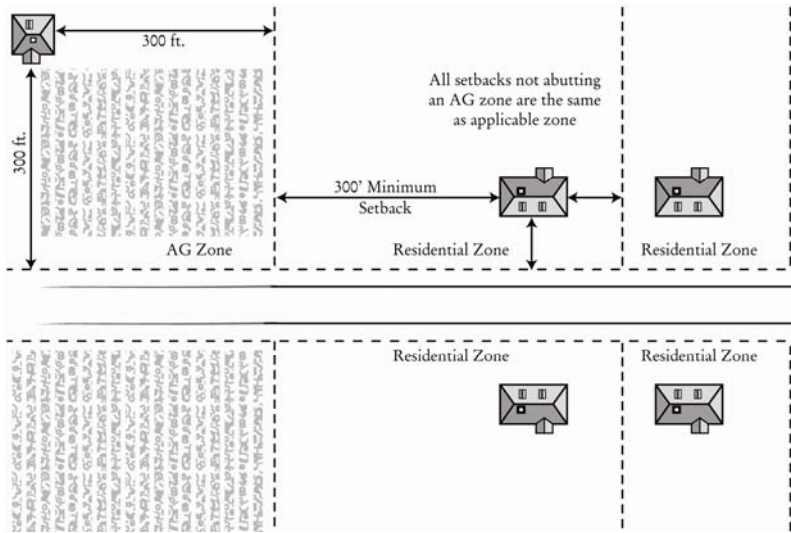
- A. This article applies to residential structures in all agricultural buffer areas. The agricultural buffer is applied to the following areas of the county:
 1. All lands zoned Agriculture;
 2. Other zones within 300 feet of the boundary of Agriculture zones; and
 3. Areas inside and within 300 feet of sphere of influence boundaries for incorporated cities, where the boundary abuts parcels zoned Agriculture.
- B. The agricultural buffer requirement shall apply to the parcel where residential development is proposed.

24-78 Agricultural Buffer Setbacks

As shown in Figure 24-78-1 (Agricultural Buffer Setbacks), the setback distance for dwellings within an agricultural buffer area shall be 300 feet from any property line that abuts an Agriculture zone. This distance may be adjusted based upon the Agricultural Buffer Guidelines as adopted by the Board of Supervisors on December 16, 2008, (and as amended) or an Unusual Circumstance Review in Section 24-79 (Exceptions to Agricultural Buffer Setback).

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FIGURE 24-78-1 AGRICULTURAL BUFFER SETBACKS



24-79 Exceptions to Agricultural Buffer Setback

- A. **Eligibility.** Any project applicant may request an adjustment to the 300-foot agricultural buffer setback requirement through an Unusual Circumstances Review, as described below.
- B. **Review Authority.**
 1. A request for Unusual Circumstance Review submitted for concurrent review with a ministerial permit application shall be reviewed by the Zoning Administrator.
 2. A request for Unusual Circumstance Review submitted for concurrent review with a discretionary permit application shall be reviewed by the authority reviewing the discretionary permit application.
- C. **Application Submittal.** An application for an Unusual Circumstances Review shall be filed and reviewed in compliance with Article 27 (Permit Application and Review). The application shall include the information and materials specified in the Department of Development Services Buffer Guidelines for Unusual Circumstances Review applications, together with the fee in compliance with the Planning Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F (Criteria for Decision).
- D. **Consultation with Agricultural Commissioner.** The Zoning Administrator shall consult with the Agricultural Commissioner prior to taking action on an Unusual Circumstances Review or prior to forwarding a recommendation on an Unusual Circumstances Review to the Planning Commission or Board of Supervisors.
- E. **Public Hearing.**

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1. Public notice and hearing for an Unusual Circumstances Review associated with discretionary permits and approvals shall be provided in compliance with Article 37 (Public Notice and Hearing).
2. No public notice or hearing is required for Unusual Circumstances Reviews associated with ministerial permits.

F. Criteria for Decision. The review authority may approve an adjustment to the required setback only if the following findings can be made:

1. The adjustment will not result in a modification to adjacent agricultural practices.
2. Unusual circumstances are present on the subject properties or surrounding properties that render the 300-foot setback requirement infeasible or unnecessary. Unusual circumstances include, but are not limited to, parcel size and shape, the location of existing residences, infrastructure and other existing uses, and natural physical features and topography.
3. The proposed dwelling is placed the greatest distance possible from all property lines abutting an agriculture zone or other location that presents the least detriment to agricultural practices on adjacent properties.
4. The location of the proposed residence does not interfere with easements, septic systems, or prior conditions of approval applicable to the subject property.

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G. Buffer Guidelines. Agricultural Buffer Guidelines as adopted by the Board of Supervisors on December 16, 2008 (Butte County Resolution # 08-166 and as amended) shall be utilized as a guide in evaluating the proper agricultural buffer and in rendering determinations on requested adjustments to the required setback.

H. Post-Decision Procedures. The procedures and requirements relating to notices of decision, appeals, effective dates, permit expiration, permit revocation, and changed plans shall apply to Unusual Circumstance Reviews as provided in Article 35 (Post- Decision Procedures).



Sections:

- 24-80 – Purpose
- 24-81 – Applicability
- 24-82 – Application Requirements
- 24-83 – Development Standards
- 24-84 – Permitted Uses
- 24-85 – Clustered Development Open Space Requirements

24-80 Purpose

This article establishes provisions for clustered development in order to facilitate the retention of natural resources, open space, and wildlife habitat; avoid hazardous areas; and further implement the goals and policies of the General Plan. Specific objectives of these provisions are to:

- A. Provide an incentive to create quality residential developments, particularly where special conditions exist that prevent the attainment of the maximum permitted density of a property that could otherwise be attained through conventional subdivision design;
- B. Require the preservation of environmentally sensitive areas (e.g., wetlands and special-status species habitat), productive agricultural and timber lands, and important cultural and scenic resources;
- C. Facilitate innovative development concepts that achieve greater consistency with the Butte County General Plan;
- D. Provide permanent open space for a variety of natural resource purposes;
- E. Preclude additional development that may conflict with neighborhood quality of life;
- F. Provide increased open space which may include active and passive recreation features that reduce demand for public park land; and
- G. Reduce infrastructure requirements by reducing the length of streets and water and sewer lines and by potentially reducing street width requirements.

24-81 Applicability

- A. **Allowed As-Of-Right.** Clustered development shall be allowed as-of-right in all rural zones. A Conditional Use Permit, Planned Development (PD), or other rezoning application is not required to utilize these provisions.
- B. **Optional Use.** The use of clustered development provisions is optional. Persons wishing to subdivide and develop land may utilize these provisions or proceed under the otherwise applicable Zoning Ordinance requirements without use of these provisions.

24-83 Development Standards

Clustered development projects shall adhere to the development standards for the zone applicable to the property, except as modified below.

A. Density Incentives.

1. As an incentive for development projects to conserve open space and protect natural resources, maximum permitted residential densities for projects utilizing clustered development provisions shall be, at a minimum, 15 percent greater than allowed by the zone applicable to the property.
2. An additional residential density incentive shall be granted for projects that provide additional dedicated open space beyond the minimum 50 percent required by Section 24-85 (Clustered Development Open Space Requirements). Additional residential density incentive beyond the 15 percent specified in Subsection 1 above shall be granted as specified in Table 24-83-1 (Additional Density Incentive for Dedicated Open Space). In no event shall the maximum density incentive for a clustered development project be greater than 30 percent.

TABLE 24-83-1 ADDITIONAL DENSITY INCENTIVE FOR DEDICATED OPEN SPACE

Percentage of Project Area Provided as Dedicated Open Space	Maximum Density Incentive (Percentage of Residential Density Allowed by Base Zone)
50%	15%
51	15.5
52	16
53	16.5
54	17
55	17.5
56	18
57	18.5
58	19
59	19.5
60	20
61	20.5
62	21
63	21.5
64	22
65	22.5
66	23
67	23.5
68	24
69	24.5
70	25
71	25.5

2. Each application for a clustered development project shall obtain tentative clearance from the Butte County Health Department, Environmental Health Division for the proposed parcel sizes. Soil tests, drilling of test wells, or geologic reports may be required to provide evidence of sewage disposal capacity and domestic water availability.

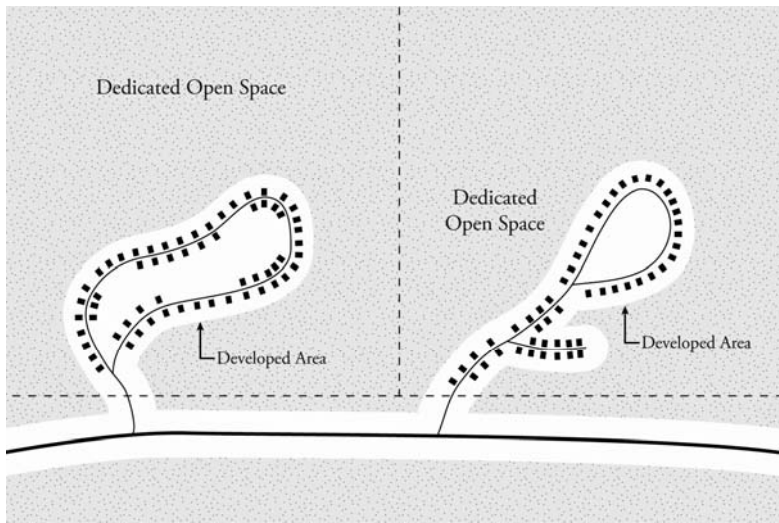
F. Flood Zones. Clustered development projects shall be prohibited within flood zones unless one or more of the following apply:

1. Fewer dwelling units are located within the flood zone as part of a clustered development than would be allowed by conventional development;
2. The clustered development will be developed in an area of the flood zone that has a higher average elevation as compared to what would be allowed by conventional development, and thus would be subject to less flooding and associated impacts; or
3. Clustered development allows the preservation of natural vegetation and topography on the site that reduces flood-related hazards.

G. Final Subdivision and Parcel Maps. Final subdivision and parcel maps shall include a notation that stipulates that the parcels created as part of a clustered development project cannot be further divided.

H. Adjacent Clustered Developments. As shown in Figure 24-83-1 (Clustered Development), developed areas within adjacent clustered developed projects shall be separated by dedicated open space as required by this article.

FIGURE 24-83-1 CLUSTERED DEVELOPMENT



24-84 Permitted Uses

- A. Applicable Zone.** All land uses permitted in the zone applicable to the property shall be permitted for clustered development projects.
- B. Multiple Housing Types.** As an incentive for clustered development projects, and to encourage creativity and innovation in design, housing types other than detached single family homes shall be permitted within clustered development projects. Permitted housing types include duplex homes, bungalow courts, multi-family dwellings, and other housing types consisting of more than one unit per parcel. Regardless of housing types included in a project, a clustered development project shall not exceed the maximum residential density as specified in Section 24-83 (Development Standards).
- C. Permit Required for Multiple Housing Types.** Attached or multiple-family housing types located within a zone that permits only detached single family homes shall require Planning Commission approval of a Conditional Use Permit.
- D. Open Space Areas.** Uses allowed in dedicated open space shall only be as described in Section 24-85 (Clustered Development Open Space Requirements).

24-85 Clustered Development Open Space Requirements

Dedicated open space areas within a clustered development project shall comply with the following standards:

- A. Primary Areas Not Suitable for Development.** Primary areas shall be avoided and reserved as permanent open space in all instances. Primary areas shall include the following:
 1. 100-year flood zones unless allowed by Section 24-83 (Development Standards);
 2. Wetlands, riparian areas and other sensitive biological habitats;
 3. Unstable slopes; and
 4. Sensitive archaeological sites.
- B. Secondary Areas Not Suitable for Development.** The review authority may require that secondary areas or portions of secondary areas be avoided and reserved as permanent open space. Secondary areas shall include the following:
 1. Timber areas;
 2. Scenic areas;
 3. Historic areas;
 4. Deer migration, established fawning and winter range areas;
 5. Areas with a slope of 30 percent or greater; and
 6. Viable/important grazing lands.
- C. Other Areas Not Suitable for Development.** Portions of a site that do not qualify as Primary or Secondary Areas Not Suitable for Development, as defined in Subsection A and B above, may be



Sections:

- 24-86 – Purpose
- 24-87 – Applicability
- 24-88 – On-Site Parking Requirements
- 24-89 – General Requirements
- 24-90 – Parking Design Standards
- 24-91 – Bicycle Facilities
- 24-92 – Off-Street Loading

24-86 Purpose

This article establishes standards for vehicle parking facilities, freight loading areas, and related transportation infrastructure. These standards are intended to:

- A. Ensure a sufficient supply of on-site parking and loading facilities for all land uses;
- B. Provide parking design standards appropriate for both urban and rural areas;
- C. Promote the use of alternative forms of transportation;
- D. Protect neighborhoods from vehicular noise and traffic associated with adjacent non-residential land uses; and
- E. Ensure the maneuverability of emergency vehicles.

24-87 Applicability

- A. **New Structures and Uses.** All new structures and uses proposed or established after the effective date of the Zoning Ordinance shall comply with the standards in this article.
- B. **Existing Structures and Uses.** When an existing structure or use is expanded, on-site parking as required by this article shall be provided only as needed to accommodate the expanded portion of the structure or use.

24-88 On-Site Parking Requirements

- A. **Number of Spaces.** All land uses shall provide on-site parking as required in Table 24-88-1 (On-Site Parking Requirements).

TABLE 24-88-1 ON-SITE PARKING REQUIREMENTS

Uses, Activities, and Facilities	Number of Required Parking Spaces
<i>Agricultural Uses</i>	
Agricultural Processing	1 per 1,000 sq. ft. of floor area for all habitable buildings associated with the use
Animal Grazing	
Animal Processing	
Animal Processing, Custom	
Crop Cultivation	
Intensive Animal Operations	
Stables, Commercial	1 per 4 stalls
Stables, Private	None required
<i>Natural Resource Uses</i>	
Forestry and Logging	1 per 1,000 sq. ft. of floor area for all habitable buildings associated with the use
Mining	
Oil and Gas Extraction	
Timber Processing	
<i>Residential Uses</i>	
Agricultural Worker Housing Center	Group quarters: 1 per 4 beds Dwelling units: 2 per dwelling
Agricultural Worker Housing Unit	1 per bedroom
Caretaker Quarters	1 per dwelling
Duplex Home	2 per dwelling
Live/Work Unit	1 per unit
Mobile Home Parks	1 per dwelling plus 1 guest space for every 5 dwellings and 1 recreational vehicle parking space for every 5 dwellings
Multiple Family Dwellings	Studio Units: 1 per dwelling One-Bedroom Units: 1.5 per dwelling Two-or-more-Bedroom Units: 2 per dwelling
Residential Care Homes	1 per 4 beds plus 1 per 300 sq. ft. of office and other non-residential areas
Second Units	1 per dwelling
Single Family Home	2 per dwelling
<i>Community Uses</i>	
Cemeteries	1 per 6 seats in a chapel or other assembly area
Child Care Center	1 per 400 sq. ft. of floor area

Uses, Activities, and Facilities	Number of Required Parking Spaces
Child Day Care, Large	2 in addition to the spaces required for the primary use
Child Day Care, Small	1 in addition to the spaces required for the primary use
Clubs, Lodges and Private Meeting Halls	1 per 200 sq. ft. of floor area
Community Centers	1 per 300 sq. ft. of floor area
Correctional Institutions and Facilities	1 per 2,000 sq. ft. of floor area
Cultural Institutions	Theatres and auditoriums: 1 per 4 seats Other areas accessible to the public: 1 per 300 sq. ft.
Emergency Shelters	1 per 8 beds plus 1 per 300 sq. ft. of office or other non-residential area
Golf Courses and Country Clubs	1 per hole plus 1 per 300 sq. ft. of floor area
Hospital	1 per 400 sq. ft. of floor area or as determined by a parking demand analysis and specified in the Conditional Use Permit
Medical Offices and Clinics	1 per 300 sq. ft. of floor area
Office, Governmental	1 per 300 sq. ft. of floor area
Parks and Recreational Facilities	As determined by a parking demand analysis and specified in the Conditional Use Permit
Public Safety Facility	
Religious Facilities	1 per 6 seats plus 1 per 300 sq. ft. of classroom or office area
Schools, Public and Private	As determined by a parking demand analysis and specified in the Conditional Use Permit
Water Ski Lakes	As determined by a parking demand analysis and specified in the Conditional Use Permit
Commercial Uses	
Adult Businesses	1 per 350 sq. ft. of floor area
Agricultural Product Sales	1 per 300 sq. ft. of display and sales area
Agricultural Support Services, General	1 per 1,000 sq. ft. of floor area for all habitable buildings associated with the use
Agricultural Support Services, Light	
Animal Services	1 space per 350 sq. ft. of floor area
Bars, Nightclubs and Lounges	1 per 3 seats or 1 per 200 sq. ft. of floor area, whichever is greater
Bed and Breakfast	1 per guestroom, plus 2 for resident manager
Commercial Recreation, Indoor	1 per 350 sq. ft. of floor area
Commercial Recreation, Outdoor	1 per 4 seats or 4-person capacity or 1 per 200 sq. ft. of floor area used by customers, whichever is greater
Construction, Maintenance and Repair Services	1 per 300 sq. ft. of floor area
Drive-thru Facilities	1 per 350 sq. ft. of floor area

Uses, Activities, and Facilities	Number of Required Parking Spaces
Equipment Sales and Rental	1 per 400 sq. ft. of floor area
Gas and Service Stations	1 per 300 sq. ft. of floor area plus 1 per 4 pump stations
Hotels and Motels	1 per room plus 1 per 300 sq. ft. of office area
Hunting and Fishing Clubs	1 per 400 sq. ft. of lodge or meeting space floor area
Nurseries, Retail	1 per 300 sq. ft. of floor area
Offices, Professional	1 per 300 sq. ft. of gross floor area
Personal Services	
Personal Services, Restricted	
Public/Mini Storage	1 space per 100 storage units or 5 spaces, whichever is greater
Restaurant	1 per 4 seats or 1 per 300 sq. ft. of floor area, whichever is greater
Recreational Vehicle Parks	1 per 300 sq. ft. of floor area
Retail, General	
Retail, Restricted	
Shopping Center	
Vehicle Repair	1 per 400 sq. ft. of floor area, but in no case less than 6 spaces
Vehicle Sales and Rental	
Vehicle Service and Maintenance	
Wineries and Olive Oil Operations	1 per 300 sq. ft. of floor area
<i>Industrial Uses</i>	
Manufacturing and Processing, Light	1 per 1,000 sq. ft. of floor area
Manufacturing and Processing, General	
Manufacturing and Processing, Heavy	
Research and Development	1 per 1,000 sq. ft. of laboratory or manufacturing area and 1 per 300 sq. ft. of the remaining area
Warehouse, Wholesaling and Distribution	1 space for each 2,000 sq. ft. of floor area
<i>Transportation, Communications and Utility Uses</i>	
Airport Related Use	1 space for each 2,000 sq. ft. of floor area, or as determined by a parking demand analysis and specified in the Conditional Use Permit
Airport Related Use, Restricted	
Composting Facility	1 per 1,000 sq. ft. of floor area
Freight and Truck Terminals and Yards	1 per 2,000 sq. ft. of floor area
Recycling Facilities	1 per 1,000 sq. ft. of floor area

Uses, Activities, and Facilities	Number of Required Parking Spaces
Runways and Heliports	As determined by a parking demand analysis and specified in the Conditional Use Permit
Telecommunications Facilities	1 per 350 sq. ft. of floor area for habitable buildings
Utilities	As determined by a parking needs assessment and specified in the Conditional Use Permit

B. Unlisted Uses.

1. The Zoning Administrator shall determine on-site parking requirements for uses not listed in Table 24-88-1 (On-Site Parking Requirements).
2. On-site parking requirements for unlisted uses shall be based on the parking requirements of similar uses in Table 24-88-1(On-Site Parking Requirements).
3. The Zoning Administrator may require the preparation of a parking demand study to determine the parking requirement for unlisted uses.

C. Multiple Uses. When more than one land use is conducted on a parcel, the required number of parking spaces shall be the sum of the number of parking spaces required for each individual use.

D. Unknown Uses.

1. The Zoning Administrator shall determine on-site parking requirements for non-residential “shell” structures with no identified tenants.
2. Parking requirements shall be based on anticipated tenants for the structures, as determined by the Zoning Administrator.

E. Fractional Spaces. If the number of required parking spaces does not result in a whole number, the number shall be rounded down to the nearest whole number.

F. Replaced Uses. A new use that replaces an existing use shall provide parking only for the additional parking required for the new use beyond that which was required by the existing use.

G. Availability and Use of Spaces.

1. Required parking spaces shall be permanently available and maintained for parking purposes for the use they are intended to serve.
2. Owners, lessees, tenants, or persons having control of the operation of a use for which parking spaces are required shall not prevent or restrict authorized persons from using these spaces.
3. Required parking spaces shall be used exclusively for the temporary parking of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the Zoning Ordinance.

24-89 General Requirements

A. Use and Availability.

1. All off-street parking facilities shall be designed and maintained to be fully usable for the duration of the use.
2. Areas required to meet applicable parking requirements may not be used for any other purpose.

B. Parking for Persons with Disabilities.

1. Parking facilities shall be properly designed, constructed, and maintained to provide for access by the physically disabled from public rights-of-way, across intervening parking spaces, and into structures.
2. The number of parking spaces for the disabled shall be as required by the Uniform Building Code, the Federal Accessibility Guidelines, and the California Code of Regulations (Title 24, Part 2, Chapter 2-71).
3. Parking spaces required for the disabled shall count toward compliance with the number of parking spaces required by Table 24-88-1 (On-Site Parking Requirements).

C. Parking for Motorcycles.

1. The minimum number of motorcycle parking areas shall be provided as shown in Table 24-89-1 (Motorcycle Parking Requirements).

TABLE 24-89-1 MOTORCYCLE PARKING REQUIREMENTS

Number of Automobile Spaces Required	Number of Motorcycle Parking Areas Required
1 — 25 spaces	None required
26 — 100 spaces	One area
Over 100 spaces	One area for each additional 100 automobile spaces or portion thereof

2. One motorcycle parking area may count towards fulfilling the requirement for one automobile parking space.
3. A motorcycle parking space shall be a minimum of 56 square feet in area and a minimum 8 feet wide in one dimension.
4. All motorcycle spaces shall have bollards installed and appropriately spaced to prevent automobile usage. Motorcycle spaces shall be clearly marked.
5. Motorcycle parking areas shall be paved with concrete to prevent damage from motorcycle kick and center stands.

D. Compact Parking Stalls.

1. Parking facilities may provide compact parking stalls for no more than 25 percent of the total required parking spaces.

2. The dimensions and design of compact parking stalls shall be a minimum 8 feet wide by 16 feet long.
3. All parking spaces for compact cars shall be clearly marked with the word "Compact" either on the wheel stop or curb, or on the pavement at the opening of the space.
4. Compact parking stalls shall be reasonably dispersed throughout the parking area.

E. Off-Site Parking.

1. The County may approve required parking off-site if a covenant for the maintenance and continued use of such parking facilities is approved by County Counsel and filed with the County Recorder. The covenant shall state that the off-site parking spaces will remain available for the duration of the use that it is to serve.
2. Off-site parking shall be located no more than 200 feet from the site of the use that it is intended to serve.

F. Reductions to the Required Number. Required on-site parking as specified in Table 24-88-1 (On-Site Parking Requirements) may be reduced with Planning Commission approval of a Conditional Use Permit. The Planning Commission may grant a reduction in required parking when one or more of the following conditions exist:

1. **Shared Parking.** Multiple uses may use joint parking facilities when operations for the uses are not normally conducted during the same hours, or when hours of peak use differ. Requests for the use of shared parking may be approved if:
 - a. A parking demand study approved by the Zoning Administrator demonstrates that there will be no substantial conflicts between the uses' principal hours of operation and periods of peak parking demand;
 - b. The total number of parking spaces required for the uses does not exceed the number of parking spaces anticipated at periods of maximum use; and
 - c. The proposed joint parking facility is not located farther than 400 feet from the uses which it serves.
2. **Low Demand.** The number of parking spaces may be reduced if the use will not utilize the required number of spaces due to the nature of the specific use, as demonstrated by a parking demand study approved by the Zoning Administrator.
3. **Transportation Management Plan.** The number of required parking spaces may be decreased, subject to Planning Commission approval of an alternate commute mode awareness plan.
4. **Bus Stop/Transportation Facility Credit.** Required parking spaces may be reduced by up to 5 percent for commercial or multiple family development project within 1,500 feet of a bus stop. If a commercial or multiple family development project is located within 1,500 feet of a bus stop transportation facility, the project may reduce parking spaces by up to 10 percent.
5. **Mixed-Use Projects.** A mixed-use project with commercial and residential units may reduce parking requirements up to 50 percent for either the commercial or residential use, whichever parking requirement is smaller. A mixed-use project with both office and commercial uses may

reduce parking requirements up to 75 percent for either the office or commercial uses, whichever parking requirement is smaller.

24-90 Parking Design Standards

A. Standards that Apply in All Zones. The following parking design standards shall apply in all zones.

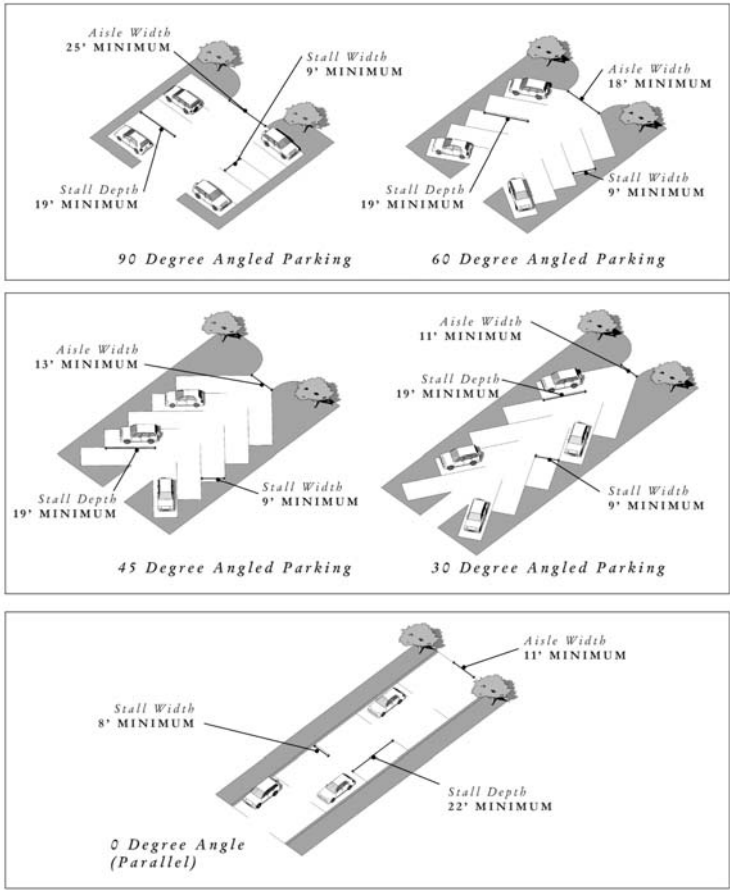
1. **Dimensions.**

- a. Standard parking spaces shall be 9 feet wide by 20 feet long.
- b. Angled and parallel parking spaces and parking lot aisles shall comply with the dimensions in Table 24-90-1 (Minimum Angled and Parallel Parking Stall Dimensions) and Figure 24-90-1 (Parking Dimension Standards).

TABLE 24-90-1 MINIMUM ANGLED AND PARALLEL PARKING STALL DIMENSIONS

Angle	Stall Width	Stall Depth	Aisle Width
90°	9 feet	19 feet	25 feet
60°	9 feet	19 feet	18 feet
45°	9 feet	19 feet	13 feet
30°	9 feet	19 feet	11 feet
0° (parallel)	8 feet	22 feet	11 feet

FIGURE 24-90-1 PARKING DIMENSION STANDARDS



2. **Surfacing.**
 - a. All parking areas shall be surfaced with a dust-minimizing treatment or paved with asphalt, concrete or other all weather surface.
 - b. Permeable paving materials such as porous concrete/asphalt, open-jointed pavers, and turf/gravel grids are permitted surface material.
 - c. The use of light colored materials to help reduce surface temperatures is encouraged.
3. **Road Access.** All parking areas shall provide suitable maneuvering room so that all vehicles may enter and exit an abutting street in a forward direction.
4. **Drainage.** Drainage for all parking areas shall comply with the requirements of the Department of Public Works.
5. **Maintenance.** All parking facilities shall be permanently maintained free of weeds, litter and debris.
6. **Lighting.** All outdoor lighting used to illuminate parking areas shall comply with the requirements of Section 24-63 (Standards) in Article 14 (Outdoor Lighting).
7. **Driveways.** A residential parcel with vehicular access from a major or secondary arterial shall provide a circular driveway or turnaround so that vehicles may enter and exit the street in a forward motion.

B. Urban Zone Standards. The following standards shall apply only in urban zones.

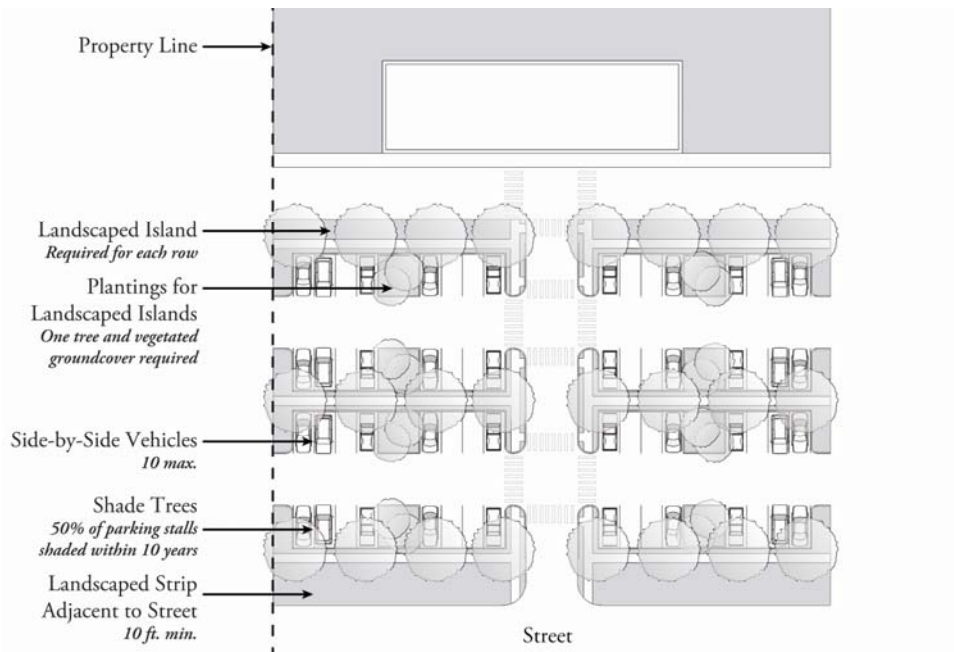
1. **Labels and Markings.**
 - a. All spaces reserved for carpools and vanpools shall be clearly marked with the words “Carpool Only” or “Vanpool Only” on either the wheel stop or curb at the back of each space, or on the pavement at the opening of the space.
 - b. Within multiple-family residential developments, required guest parking spaces shall be clearly marked with the word “Guest” either on the wheel stop or curb at the back of each space, or the pavement at the opening of the space.
2. **Pedestrian Access.**
 - a. Commercial and office developments with more than 100 parking spaces shall include pedestrian walkways at a minimum width of 4 feet connecting the furthest distance of the parking area to the building which it serves.
 - b. Pedestrian walkways shall be clearly visible and distinguished from parking spaces and areas for vehicle circulation through striping, use of alternative paving materials, or other method as approved by the Zoning Administrator.
3. **Wheel Stops and Curbs.**
 - a. Drive aisles and parking surfaces contiguous with planter areas shall have a six-inch raised curb separation.
 - b. All parking spaces located adjacent to buildings or walls shall have concrete wheel stops located at least 2 feet from the building or wall.
4. **Passenger Loading Areas.**

- a. Passenger loading areas shall be provided for any building or building complex that will generate 100 or more employees at maximum occupancy. Such areas shall be located convenient to the primary employee entrances, and shall be designated either by signs or painted pavement.
 - b. Passenger loading areas shall be designed so that vehicles can safely stop and discharge passengers.
5. **Lighting.** All employee and visitor parking areas shall include lighting capable of providing adequate illumination for security and safety. Lighting fixtures shall be placed to avoid interference with mature trees and other required landscaping.
6. **Landscaping.** Parking areas shall comply with the following landscaping standards, as illustrated in Figure 24-90-2 (Parking Lot Landscaping Standards).
- a. Street Frontage Landscaping.
 - 1) When a parking lot is located adjacent to a public or private street, or a main drive aisle that functions as a street, an 8-foot landscaped strip shall be provided between the parking area and the street or drive aisle.
 - 2) The landscape strip may not contain any paved surfaces, except for pedestrian walkways or vehicular drives that cross the strip.
 - b. Landscaping Adjacent to a Residential Use.
 - 1) When a parking lot is located opposite a residential zone, an 8-foot landscaped strip shall be provided between the parking area and the street or drive aisle.
 - 2) The landscape strip may not contain any paved surfaces, excepting pedestrian walkways or vehicular drives that cross the strip.
 - c. Parking Lot Landscaping. Within parking lots, landscaping shall be provided as specified by Table 24-90-2 (Residential/Commercial Interior Parking Lot Landscape Requirements). For the purposes of this section, parking lot landscaping is defined as any landscaped area surrounded on at least two sides by parking spaces or drive aisles, excluding those areas around the site or structure perimeter.

TABLE 24-90-2 RESIDENTIAL/COMMERCIAL INTERIOR PARKING LOT LANDSCAPE REQUIREMENTS

Total Area of Site (Project)	Percent of Surface Parking Lot to be Landscaped
Less than 1 acre	5%
1 to 3 acres	10%
More than 3 acres	15%

FIGURE 24-90-2 PARKING LOT LANDSCAPING STANDARDS



Comment [DCB1]: We need to have this graphic improved to show walking paths, and proper shading to meet requirements, something a bit more richly illustrative.

d. Landscape Islands.

- 1) All rows of parking spaces shall feature landscape islands at each row terminus to protect parked vehicles, ensure visibility, confine moving traffic to drive aisles and driveways, and provide space for landscaping.
- 2) Landscape islands shall be provided within each row of parking spaces so as to prevent more than ten vehicles from being parked side-by-side in an abutting configuration.
- 3) An island for a single row of parking spaces shall contain at least one tree and vegetative groundcover or turf.

- 4) An island for a double row of parking spaces shall contain at least two trees and vegetative groundcover or turf.
- e. Concrete Curbs.
 - 1) All landscape areas within parking lots shall be separated from parking spaces, drive aisles, and driveways by a continuous, raised concrete curb to protect landscaped areas from encroachment by vehicular traffic.
 - 2) The concrete curb shall be a minimum of 6 inches high by 6 inches wide, except where a landscape area is parallel and adjacent to a parking stall, the curb shall be a minimum of 6 inches high by 12 inches wide to provide an area for persons to step when entering or exiting a motor vehicle.
- f. Shade Trees.
 - 1) Shade trees shall be provided within parking lots so that within 10 years of planting 50 percent of the parking area is shaded at the summer solstice (June 21).
 - 2) At least one tree shall be provided for every four parking spaces, with the maximum spacing between trees or clusters of trees not to exceed 30 feet.
- g. Permanent Landscaped Areas. All areas not used for driveways, maneuvering areas, parking spaces, or walks within a parking area shall be permanently landscaped with suitable materials and permanently maintained.
- h. Rainwater Management. Rainwater shall be managed on-site with designs that encourage infiltration, evapotranspiration, and water re-use by:
 - 1) Utilizing permeable paving for parking spaces, drive aisles, overflow parking, and other hard surfaces in the parking lot;
 - 2) Planting trees, shrubs, and other permeable landscaping throughout the parking lot to provide shade and places for water infiltration;
 - 3) Creating bio-retention areas, such as swales, vegetated islands and overflow ponds; and
 - 4) Incorporating opportunities to harvest rainwater (active or passive) from rooftops and other hard surfaces for landscape irrigation.
- 7. **Screening.** Within commercial and industrial zones, parking areas that abut residentially zoned property shall be screened by a row of densely planted evergreen trees or similar landscaping.
- 8. **Access to Right-of-Way.** Any parking lot or loading facility with vehicular access to or across a public right-of-way shall meet the following standards:
 - a. Joint access ways serving adjacent uses shall be provided wherever possible as a means to minimize curb cuts and avoid breaks in the continuity of street frontages.
 - b. The maximum allowed width for a residential curb cut shall be 24 feet. The maximum allowed width for a non-residential curb cut shall be 35 feet.
- 9. **Driveways.**
 - a. Driveways for single-family residences shall be at least 10 feet wide.
 - b. All other driveways or aisles shall be at least 12 feet wide for one-way traffic and 20 feet wide for two-way traffic.

24-91 Bicycle Facilities

A. Applicability. The following bicycle facility standards shall apply only in urban zones.

B. Parking for Bicycles.

1. For non-residential uses, bicycle parking spaces shall be provided at a rate equal to 5 percent of the total required parking spaces. Spaces may be in the form of racks (for more transient use) or lockers (for long-term use by employees).
2. For multiple-family housing, bicycle parking spaces shall be provided at a rate equal to ten percent of the total required parking spaces.
3. Bicycle parking shall be located in highly visible locations and weather protected areas.
4. Bicycle and automobile parking areas shall be separated from one another by a physical barrier or sufficient distance to protect bicycles and their riders from damage.
5. All bicycle parking and storage areas shall be paved with asphalt, concrete or other all weather surface.

C. Shower Facilities.

1. Employee shower facilities and dressing areas shall be provided in new and rehabilitated buildings that result in a total floor area as identified in Table 24-91-1 (Shower Facilities Required for Employees).

TABLE 24-91-1 SHOWER FACILITIES REQUIRED FOR EMPLOYEES

Use	1 Shower per Gender	1 Additional Shower per Gender
Commercial	100,000 sq. ft. to 300,000 sq. ft.	At 300,001 sq. ft. and every 200,000 sq. ft. over 300,000 sq. ft.
Office	50,000 sq. ft. to 150,000 sq. ft.	At 150,001 sq. ft. and every 100,000 sq. ft. over 150,000 sq. ft.
Industrial	50,000 sq. ft. to 200,000 sq. ft.	At 200,001 sq. ft. and every 200,000 sq. ft. over 200,000 sq. ft.

24-92 Off-Street Loading

A. General Requirements.

1. Off-street freight and equipment loading spaces shall be provided for all commercial, office, and industrial land uses.
2. The minimum numbers of loading spaces are shown in Table 24-92-1 (Required Loading Spaces).

TABLE 24-92-1 REQUIRED LOADING SPACES

Land Use	Total Gross Floor Area	Required Loading Spaces
Office	Less than 5,000 sq. ft.	n/a
	More than 5,000 sq. ft.	1
Commercial	Less than 10,000 sq. ft.	n/a
	10,000 sq. ft. to 30,000 sq. ft.	1
	30,000 sq. ft. to 50,000 sq. ft.	2
	50,000 sq. ft. to 75,000 sq. ft.	3
	More than 75,000 sq. ft.	4
Industrial	Less than 20,000 sq. ft.	1
	More than 20,000 sq. ft.	2

3. Industrial developments with two or more dock-high loading spaces shall provide one trailer parking/waiting space, 12 feet wide by 45 feet long minimum, for each two loading spaces.

B. Dimensions.

1. Each loading space shall have minimum dimensions of 12 feet wide, 40 feet long and 14 feet in vertical clearance.
2. Deviations from the minimum maneuvering standards may be approved by the Zoning Administrator if the spatial needs are less than the minimum required due to the truck size and type that will be utilized in the operation of a specific business.



C. Location.

1. Loading areas shall be designed to ensure that loading and unloading takes place on-site and in no case within adjacent public rights-of way.
2. Loading and maneuvering areas shall not encroach into required employee or visitor parking areas or other areas on-site required for vehicle circulation.
3. Loading and maneuvering areas shall not encroach into required front yard setback.
4. Where loading docks or doors face a private street or main drive aisle serving three or more units, loading doors and openings shall be positioned such that they do not face the private street or drive aisle.

D. Striping and Identification. Loading areas shall be striped and clearly identified as for loading purposes only.

E. Wheel Stops and Curbs. Loading areas contiguous with planter areas shall have a six-inch raised curb separation.

**Sections:**

- 24-93 – Purpose
- 24-94 – Applicability
- 24-95 – Signs Allowed Without Permits
- 24-96 – Permit Requirements
- 24-97 – Prohibited Signs
- 24-98 – General Standards
- 24-99 – Allowed Signage by Zone
- 24-100 – Standards for Specific Types of Signs
- 24-101 – Master Sign Program
- 24-102 – Temporary Signs
- 24-103 – Nonconforming Signs

24-93 Purpose

This article establishes regulations relating to the permitted type, size, height, placement, and design of signs. The intent of these regulations is to:

- A. Support economically viable businesses serving county residents, workers and visitors;
- B. Preserve and enhance the scenic qualities of rural and open space areas;
- C. Promote high quality design and attractive communities within urban areas;
- D. Minimize hazards to pedestrians and motorists caused by distracting sign displays; and
- E. Provide standards for signs that safeguard life, health, property, and the public welfare.

24-94 Applicability

The standards in this article apply to signs within all zones.

24-95 Signs Allowed Without Permits

- A. **Types of Signs.** The following signs are allowed without a permit and do not count towards the allowable area or number of signs on a site.
 1. Signs no greater than eight square feet that are consistent with all applicable standards in this article.
 2. Temporary signs. See Section 24-102 (Temporary Signs).
 3. Directional signs.
 4. On-site directional or informational signs that provide information for the convenience or safety of the public, with a maximum area of five square feet. This type of sign includes directional

signs in parking lots, signs listing hours of business, and signs identifying the locations of telephones or restrooms.

5. Official flags of any municipality, state, nation, or fraternal or religious organization, if the pole height is 25 feet or less and the flag's longest dimension is 25 percent or less of the pole's length.
6. One commemorative plaque that is cut into a permanent building material or made of a noncombustible material, with a maximum area of four square feet.
7. One construction sign, with a maximum area of 32 square feet.
8. One professional name plate, with a maximum area of two square feet.
9. One bulletin board on the premises of a meeting facility or public building, with a maximum area of 12 square feet.
10. One garage sale sign at the residence where the garage sale is taking place, with a maximum area of four square feet.
11. Signs within a building, or on the premises of a building, that are not visible from a public street.
12. Murals on the exterior of a building that do not advertise a product, business, or service.
13. Temporary exterior decorations that are associated with a cultural, religious, or national holiday, and that are not used to advertise a product, business or service.
14. Signs that are required by local, State, or federal law or by court order.
15. Signs that are posted by a government agency, or a public utility or service, that are essential to protect the public health, safety and welfare, including official signs for traffic control, official public notices, and warnings of potential hazards.

B. Changes to Sign Face. Changes to an on-premise sign face that do not structurally alter the sign or its size are allowed without a permit.

24-96 Permit Requirements

A. Administrative Permit Required. All signs not specifically identified in Section 24-95 (Signs Allowed Without Permits) require Zoning Administrator approval of an Administrative Permit.

B. Submittal Requirements. An Administrative Permit application for a sign shall include all information and materials required by Article 29 (Administrative Permits). Applications shall also include:

1. The name and address of the property owner and the sign contractor;
2. Site plans showing the location of the proposed sign;
3. Scale drawings showing the sign design and materials;
4. An inventory of the location, sign area, and sign type of all existing signs on the site, excluding signs that are allowed without a permit; and

5. Any additional information required by the Zoning Administrator to verify compliance with this article.

24-97 Prohibited Signs

The following signs shall be prohibited:

- A. Signs that identify a use, facility, or service which is not located on the parcel or premise where the sign is located, except for temporary real estate signs consistent with Section 24-102 (Temporary Signs) and off-site billboards in industrial zones consistent with Section 24-99 (Allowed Signage by Zone).
- B. Any sign that projects above the building wall or roof to which it is affixed.
- C. Temporary signs mounted or attached to a parked vehicle for the purpose of calling attention to or advertising a business establishment.
- D. Signs that have become a public nuisance due to inadequate maintenance, dilapidation, or abandonment.
- E. Signs that obstruct a door, window, fire escape, or other required access way.
- F. Signs that encroach into any right-of-way or easement, except as specifically allowed by this article.
- G. Signs containing obscene matter.
- H. Signs that were unlawfully installed, erected or maintained.
- I. Signs that include any part that appears to flash, blink, move, change color, or change intensity, excluding standard barber poles and time and temperature signs that are located in commercial and industrial zones.
- J. Signs that emit sound.
- K. Signs that interfere with visibility for drivers at an intersection, public right-of-way, or driveway.
- L. Signs adversely affecting traffic control or safety.
- M. Signs located on public property, excluding official signs that are posted or required by a government agency, public utility, or public service.
- N. Signs attached to a tree.
- O. Signs that have less horizontal or vertical clearance from overhead utilities than required by State agencies.

24-98 General Standards

A. Measurement of Sign Area.

1. The area of each face of a sign is measured as the area of the smallest rectangle or circle that encloses all of the words, characters, images, and symbols on the sign face.

2. The area of a sign also includes any border or frame around the information on the sign face and any background color on the sign face.
 3. The area of a sign that has two parallel and back-to-back faces is counted only once if the two sign faces are 12 inches or less apart. For such a sign, the area shall be measured as the area of the largest face.
 4. The area of a three-dimensional sign is measured as the area of the smallest rectangle that encloses the projection of that sign onto a vertical plane.
 5. Structural elements that are clearly incidental to the display of a sign are not counted as part of a sign's area.
 6. The total sign area on a site is calculated as the sum of the sign areas of all types of signs on the site, excluding signs that are exempt from obtaining an Administrative Permit.
- B. Maintenance.** Signs shall be maintained in a state of good repair at all times. Damage to signs, including cracked sign faces, frayed or weathered fabric, and broken lighting, shall be repaired.
- C. Illumination.** All signs may be illuminated from an internal or external light source. Illuminated signs in residential zones shall comply with the provisions of Article 14 (Outdoor Lighting). Signs with individual, three-dimensional letters may also use rear "halo" illumination for each letter.
- D. Setbacks.** Freestanding, monument, and off-site signs taller than 4 feet shall not be located within 15 feet of any parcel line or within 14 feet of any driveway or alley. There shall be no setback requirements for all other types of signs.
- E. Removal.** If an establishment ceases to operate for a period of one year, all signs and their structures associated with the establishment shall be removed.

24-99 Allowed Signage by Zone

A. Residential Zones.

1. A dwelling unit may display one wall or window sign, with a maximum area of five square feet. The sign may not be illuminated and does not require approval of an Administrative Permit.
2. In a multiple-family residential development that contains at least 4 dwelling units, each frontage may include one wall or monument or freestanding sign, with a maximum area of 10 square feet, and one window, awning, or canopy sign, with a maximum area of 5 square feet.
3. For residential subdivisions of 15 or more units, a maximum of 2 monument or freestanding signs may be displayed at each entrance to the subdivision. Each sign shall have a maximum area of 18 square feet and a maximum height of 6 feet. The signs shall be located on a privately-owned parcel, and a requirement for permanent maintenance by a homeowners' association or similar entity shall be recorded on the parcel.

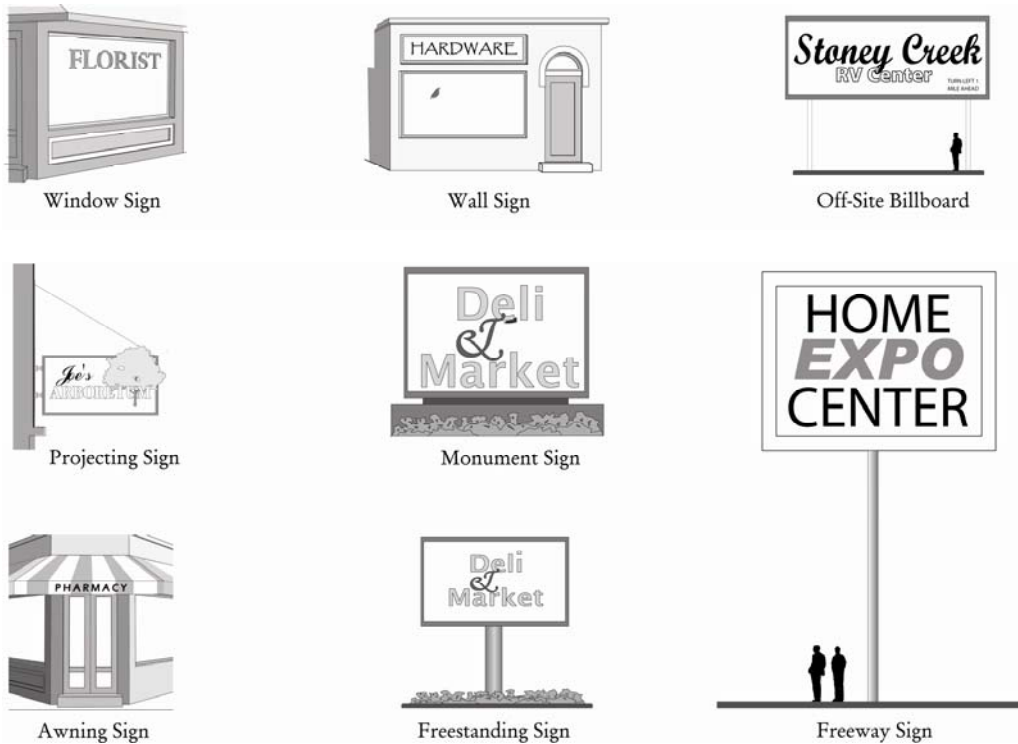
B. Commercial, Mixed Use and Public Zones.

1. In all commercial and mixed use zones, signs shall be permitted as specified in Table 24-99-1 (Allowed Signs in Commercial, Mixed Use, and Public Zones). Types of signs are illustrated in Figure 24-99-1 (Sign Types).

TABLE 24-99-1 ALLOWED SIGNS IN COMMERCIAL, MIXED USE, AND PUBLIC ZONES

Permitted Sign Types	Maximum Number of Signs	Maximum Area Per Sign	Maximum Height
Awning signs	1 sign per tenant on each building frontage	50 percent of awning area, or 25 sq. ft., whichever is less	Not to exceed the eaves of the building to which it is affixed
Freestanding signs	1 sign per 300 lineal ft. of building frontage, with no more than 2 signs per building frontage and 3 signs per site	48 sq. ft.	12 ft.
Monument signs		32 sq. ft.	6 ft.
Freeway signs	1 per parcel	100 sq. ft. for one face; 200 sq. ft. for two or more faces	40 ft.
Projecting signs	1 sign per tenant on each building frontage	½ sq. ft. per lineal foot of building frontage	Not to exceed the eaves of the building to which it is affixed
Wall signs		¾ sq. ft. per lineal foot of building frontage	
Window signs	No maximum	½ sq. ft. per lineal foot of building frontage	

FIGURE 24-99-1 SIGN TYPES



2. The maximum total area for all signs on a commercial or mixed use parcel shall be 1 square foot per lineal foot of building frontage, or 200 square feet, whichever is less, but never less than 25 square feet.
3. Signs associated with a residential use or parcel within a commercial or mixed use zone shall comply with Subsection A (Residential Zones) above.

C. Industrial Zones. In all industrial zones and the Airport (AIR) zone, signs are permitted as specified in Table 24-99-2 (Allowed Signs in Industrial and Airport (AIR) Zones).

TABLE 24-99-2 ALLOWED SIGNS IN INDUSTRIAL AND AIRPORT (AIR) ZONES

Permitted Sign Types	Maximum Number of Signs	Maximum Area Per Sign	Maximum Height
Awning signs	None	50 percent of awning area, or 25 sq. ft., whichever is less	Not to exceed the eaves of the building to which it is affixed
Freestanding signs	1 sign per 300 lineal ft. of building frontage, with no more than 2 signs per building frontage and 3 signs per site	64 sq. ft.	12 ft.
Monument signs		48 sq. ft.	6 ft.
Off-site billboards [1] [2]	1	300 sq. ft.	40 ft.
Freeway signs	1 per parcel	100 sq. ft. for one face; 200 sq. ft. for two or more faces	40 ft.
Projecting signs	1 sign per tenant on each frontage	½ sq. ft. per lineal foot of building frontage	Not to exceed the eaves of the building to which it is affixed.
Wall signs	No maximum	¾ sq. ft. per lineal foot of building frontage	
Window signs		½ sq. ft. per lineal foot of building frontage	

Notes:

[1] Off-site billboards shall be located a minimum distance of 1,000 feet from another off-site billboard on same side of street and 500 feet from another off-site billboard on the opposite side of the street.

[2] Off-site billboards are permitted in industrial zoning districts only.

D. Agriculture and Natural Resource Zones.

1. In all agriculture and natural resource zones, signs shall be permitted as specified in Table 24-99-3 (Allowed Signs in Agriculture and Natural Resource Zones).
2. The maximum total area for all signs on an agricultural parcel shall be 1 square foot per lineal foot of building frontage, or 200 square feet, whichever is less, but never less than 25 square feet.

TABLE 24-99-3 ALLOWED SIGNS IN AGRICULTURE AND NATURAL RESOURCE ZONES

Permitted Sign Types	Maximum Number of Signs	Maximum Area Per Sign	Maximum Height
Freestanding signs	1 sign per street frontage, with no more than 3 signs per parcel	24 sq. ft.	6 ft.
Monument signs			Not to exceed the eaves of the building to which it is affixed
Projecting signs	1 sign per tenant on each building frontage		
Wall signs			No maximum
Window signs	1 sign per farm	5 sq. ft.	6 ft.
Farm trail signs	1 sign per location	300 sq. ft.	20 ft.
Community identification signs			

3. Signs associated with a residential use or parcel within an agriculture zone shall comply with Subsection A (Residential Zones) above.

E. Planned Development (PD) and Research Business Park (RBP) Zone. Signage within Planned Development (PD) and Research Business Park (RBP) zones shall comply with the standards and specifications contained within an approved Master Sign Program.

24-100 Standards for Specific Types of Signs

- A. Freeway Signs.** Freeway signs shall be permitted only if all of the following criteria are met:
 1. The sign is located on the same parcel as the business being advertised;
 2. The sign is located on a parcel that is located a maximum distance of 800 feet from the centerline of State Route 99 and State Route 70 at its closest point; and
 3. The sign advertises a business that provides a service primarily for the freeway-motoring public, such as gas, food, or lodging.
- B. Awning Signs.** Awning signs that are suspended beneath an awning shall provide at least 8 feet of clearance above the ground. See Figure 24-100-1 (Awning Signs).
- C. Projecting Signs.** Projecting signs shall provide at least 8 feet of clearance above the ground, shall not extend more than 5 feet into the public right-of-way, and shall provide a minimum 2-foot horizontal clearance from the street curb face. See Figure 24-100-2 (Projecting Signs).

FIGURE 24-100-1 AWNING SIGNS

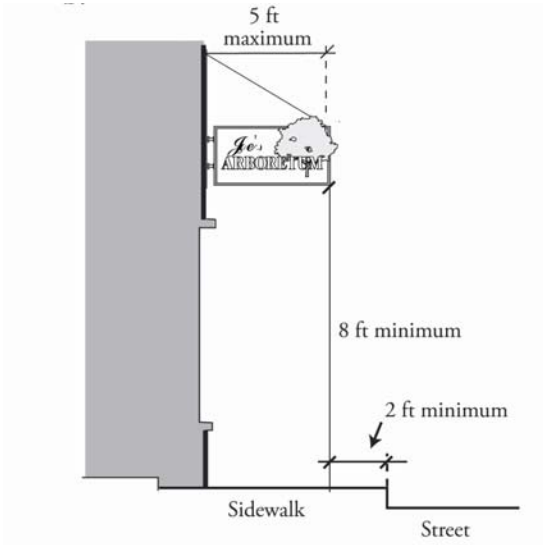
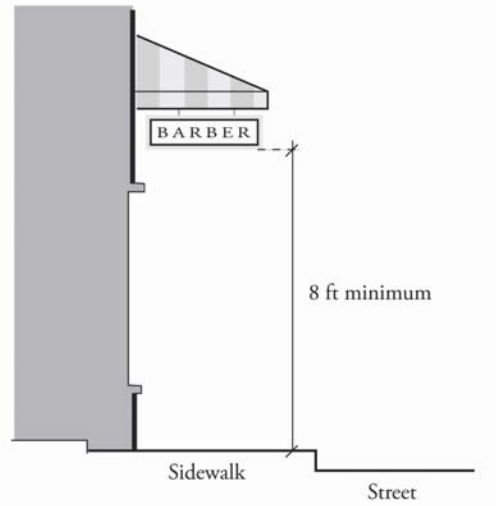


FIGURE 24-100-2 PROJECTING SIGNS



D. **Window Signs.** Window signs shall not cover more than 25 percent of any window. If a window has multiple panes, the window's total area shall be measured as the framed area of all panes.

24-101 Master Sign Program

A. **Purpose.** The purpose of these Master Sign Program provisions is to provide a coordinated approach to signage for multi-family development and multi-tenant commercial developments.

B. **Applicability.**

1. A Master Sign Program shall be prepared for multi-family use with more than one permanent sign proposed, and any non-residential development with six or more tenants.
2. As Master Sign Program shall be required for any proposed development project within a Planned Development (PD) and Research Business Park (RBP) zone.

C. **Permit Required.** A Master Sign Program shall require the approval of an Administrative Permit.

D. **Application.** An Administrative Permit application for a Master Sign Program shall include all information and materials specified in Section 24-96 (Permit Requirements). In addition, an application shall include a written statement identifying how the proposal will modify any of the regulations or standards of this article, if applicable, and explaining how these modifications would contribute to a superior project design than would otherwise result from the standards contained in this article.

E. **Design Standards.**

1. A Master Sign Program may deviate from standards contained in this article relating to permitted sign height, number of signs, sign area, and type of sign.
2. Master Sign Programs shall feature a unified and coordinated approach to the materials, color, size, type, placement, and general design of signs proposed for a project or property.

F. Effect of Master Sign Program.

1. All subsequent signs proposed for a development or property subject to an approved Master Sign Program shall comply with the standards and specifications included in the Master Sign Program.
2. Approval of a Master Sign Program shall supersede the regulations of this article. Any aspect of the proposed signs not addressed by the Master Sign Program shall be in compliance with this article.

24-102 Temporary Signs

Temporary signs that comply with the following standards shall be permitted without an Administrative Permit.

A. Real Estate Signs, On-Site.

1. Residential properties.
 - a. One sign no more than six square feet in area and six feet in height shall be permitted on an individual parcel.
 - b. Two signs no more than 32 square feet in area and 6 feet in height shall be permitted for residential subdivisions with four or more parcels with less than 80 percent of parcels sold.
2. Non-residential properties. One sign no more than 32 square feet in area and 6 feet in height shall be permitted for each street frontage.
3. All temporary on-site real estate signs shall be removed seven days after property is no longer offered for lease, rent or sale.

B. Real Estate Signs, Off-Site

1. Portable "open house" A-frame real estate signs shall be no more than 3 feet in height and 6 square feet in area. Signs shall be prohibited within the public right-of-way and shall remain in place for a maximum duration of 48 hours.
2. Non-portable real estate, subdivision, or development signs secured in place at a specific off-site location shall be no more than 32 square feet in area and 6 feet in height. Signs may be displayed for a maximum duration of 2 years or the duration of development activity, whichever is less. No more than two signs may be displayed for a single property, subdivision, or development project.

C. Political Signs.

1. Within residential zones, six political signs no more than four square feet in area and four feet in height shall be permitted per parcel.
2. Within non-residential zones, one sign no more than 32 square feet in area and 8 feet in height shall be permitted per property street frontage.

3. Signs shall be installed no earlier than 90 days prior to the election and removed no later than 7 days following the election.
4. Signs shall be prohibited within the public right-of-way.

D. Special Events.

1. Temporary signs for special functions, such as sales and grand openings, shall be allowed only in non-residential zones.
2. One sign no more than 24 square feet in area and 12 feet in height as measured from the top of the sign to the ground below it shall be permitted for each street frontage.
3. Signs may be displayed for a maximum duration of 14 consecutive days at a frequency of no greater than once each calendar quarter.

E. Business Identification.

1. Temporary business identification signs, either freestanding or mounted on a building, shall be permitted prior to installation of permanent signs for a newly established business.
2. One sign no more than 24 square feet in area and 12 feet in height as measured from the top of the sign to the ground below it shall be permitted for each street frontage.
3. Signs may be displayed for a maximum duration of 90 consecutive days.

24-103 Nonconforming Signs

- A. Any sign that does not comply with the requirements of this article but which was constructed, operated, and maintained in compliance with all previous regulations, shall be regarded as nonconforming use that may be continued a maximum five years after the effective date of this Zoning Ordinance.
- B. A nonconforming sign that has been abandoned, or whose advertised use has ceased to function for a period of 90 days or more, shall be brought into conformity.
- C. Nonconforming signs shall not be structurally altered, reconstructed, or moved without being brought into conformity.
- D. The following exceptions apply to the above requirements for nonconforming signs:
 1. Lawfully erected billboards may be amortized and removed without compensation only in accordance with the requirements of the California Outdoor Advertising Act.
 2. A sign that is part of a designated historic resource may be deemed nonconforming only if at least one of the following conditions applies:
 - a. The sign does not contribute to the historic significance of the historic landmark.
 - b. The sign poses an immediate threat to public safety. If the sign is deemed nonconforming solely because it threatens public safety, it shall be repaired or modified, if possible, rather than removed.



Sections:

- 24-104 – Purpose
- 24-105 – Applicability
- 24-106 – Model Water Efficient Landscaping Ordinance
- 24-107 – Parking Lot Landscaping
- 24-108 – Landscape Plans
- 24-109 – Landscape Standards
- 24-110 – Irrigation and Water Efficiency
- 24-111 – Timing of Installation
- 24-112 – Maintenance

24-104 Purpose

This article establishes landscaping standards to enhance the aesthetic appearance of developed areas within the county and to promote the efficient use of water resources.

24-105 Applicability

- A. The requirements contained in this article shall apply only to properties located within urban zones.
- B. The following development projects within urban zones shall install and maintain landscaping in compliance with the requirements of this article:
 1. The construction of new primary structures, both residential and non-residential;
 2. Additions and remodels which increase the floor area of a primary structure by more than 20 percent; and
 3. The construction of a new parking lot or the reconstruction of an existing parking lot.

24-106 Model Water Efficient Landscaping Ordinance

In addition to the standards contained in this article, all development in Butte County shall also comply with the Model Water Efficient Landscaping Ordinance prepared by the California Department of Water Resources (DWR), when required by the California Water Conservation in Landscaping Act (Government Code Section 65591 et seq.) If conflicts occurs between the Model Water Efficient Landscaping Ordinance and the Zoning Ordinance, the more restrictive shall control.

24-107 Parking Lot Landscaping

See Subsection B.6 (Landscaping) in Section 24-90 (Parking Design Standards).

24-108 Landscape Plans

- A. Landscape Plan Required.** Projects subject to the requirements of this article shall submit a landscape plan as part of applications for all permits as required by the Zoning Ordinance and as part of subsequent Building Permit applications.
- B. Required Contents.** Landscape plans shall include the following features and information:
1. Site boundaries of the subject property;
 2. Existing structures on the subject property;
 3. Structures immediately adjacent to the subject property;
 4. All new structures and improvements proposed as part of the development project;
 5. Existing landscaping, trees, and vegetation to be retained;
 6. All new landscaping proposed as part of the development project; and
 7. Any additional information as determined by the Zoning Administrator to demonstrate compliance with the requirements of this article.
- C. Review and Approval.** The Department of Development Services shall review all landscape plans to verify compliance with the requirements of this article. Landscape plans shall be approved by the review authority acting upon the permit application for the proposed new development (e.g., Planning Commission for Site Development Permits, Zoning Administrator for Administrative Permits).
- D. Changes to Approved Landscape Plans.**
1. Substantial modifications to an approved landscape plan shall be made only by the review authority which approved the landscape plan.
 2. The Zoning Administrator may approve minor modifications to a landscape plan previously approved by the Planning Commission or Board of Supervisors. Minor modifications are defined as changes to a landscape plan that do not decrease the total amount of landscaped area, alter the general design character of the landscaped area, or alter a feature of the landscaped area specifically required by the decision-making authority.

24-109 Landscape Standards

- A. General Standards.** The following standards apply within all urban zones.
1. **Plant Selection.** Plants shall be selected from a County-approved list of native, water-conserving and non-invasive species. Plant species that require extensive shearing shall be avoided unless a sheared appearance is desired or no other suitable plant species exists.
 2. **Turf lawns.**
 - a. Water-intensive turf shall be limited to 20 percent of the total landscaped area of a site.
 - b. Turf shall be prohibited on slopes 10 percent or greater.
 - c. A minimum 24-inch buffer shall be provided between turf and impervious hardscape.

3. **Plant Groupings.** Where irrigation is proposed, plants shall be grouped in separate hydrozones (i.e., plants within each irrigation valve area shall have the same watering requirements).
4. **Water Features.** Decorative water features (e.g., fountains, ponds, waterfalls) shall have recirculating water systems.
5. **Public Safety.** Plant species shall be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation and do not conflict with overhead lights, or utility lines.

B. Residential Zones. The following standards shall apply within all urban residential zones:

1. No more than 50 percent of required front and side setbacks may be covered with paving or other impervious surfaces. The review authority may grant exceptions to this requirement for small or irregularly-shaped parcels if compliance would result in inadequate vehicular or pedestrian access to the site.
2. Front yard landscaping shall not obscure views of the street and adjoining neighbors.
3. Unpaved areas shall be landscaped with any combination of living plants such as trees, shrubs and grass or related natural features such as rock, stone or bark chips. Decorative hardscape featuring pervious materials are permitted within required unpaved areas.
4. For multi-family residential dwellings, all front setbacks that are not occupied by a structure or used for required parking shall be landscaped or maintained as open space.

C. Commercial, Mixed Use, and Industrial Zones. The following standards shall apply to projects within commercial, mixed use, and industrial zones.

1. The minimum landscaped area on a site shall be as shown in Table 24-108-1 (Minimum Landscaped Areas in Non-Residential Zones). This minimum area is based upon the applicable zone and the gross floor area of all structures within the site.

TABLE 24-108-1 MINIMUM LANDSCAPED AREA IN NON-RESIDENTIAL ZONES

Zones	Minimum Landscaped Area [1]
MU	15%
GC, NC, VC, REC, SE	10%
RC	5%
LI, M-1, M-2	5%
RBP	10%

Note:

[1] Based on gross floor area of structures located on-site.

2. All front setbacks that are not occupied by a structure or used for required parking shall be landscaped or maintained as open space. Impervious surfaces are prohibited within setbacks,

except for driveways, emergency access lanes, pedestrian walkways, bicycle paths, and similar improvements as determined by the Zoning Administrator.

3. Xeriscape landscaping may be used to satisfy minimum landscaped area requirements.

24-110 Irrigation and Water Efficiency

Landscaped areas shall comply with the following irrigation and water efficiency standards.

- A. Irrigation System.** Water-efficient irrigation systems (e.g. bubbler type, drip, mini-spray) shall be required. Irrigation systems shall include check valves to prevent low head drainage, appropriate nozzles to prevent overspray and automatic and self-adjusting irrigation controllers that include moisture and/or rain sensor shutoff.
- B. Irrigation Schedule.** Landscape irrigation shall be scheduled between the hours of 2:00 a.m. and 10:00 a.m. to avoid irrigating during times of high wind, high temperature and high water usage.

24-111 Timing of Installation

Landscaping systems shall be installed prior to final building permit inspection or certification of occupancy.

24-112 Maintenance

- A. General.** Landscape areas shall be maintained in a neat and healthful condition at all times.
- B. Replacement of Dead or Dying Plants.** Within 90-days of a determination by the Zoning Administrator that a plant is dead or severely damaged or diseased, the plant shall be replaced by the property owner in accordance with the standards specified in this article.
- C. Removal of Landscaping.** Any removed mature landscaping shall be replaced such with landscaping of similar size and maturity as that which was removed.
- D. Irrigation Systems.** Irrigation systems shall be maintained in a fully functional manner as approved by the County and required by this article.



Sections:

- 24-113 – Purpose
- 24-114 – Applicability
- 24-115 – General Provisions
- 24-116 – Nonconforming Uses
- 24-117 – Nonconforming Structures
- 24-118 – Loss of Legal Status
- 24-119 – Findings
- 24-120 – Appeals

24-113 Purpose

This article establishes regulations for nonconforming uses and structures. In addition, this article is intended to:

- A. Ensure that nonconforming uses and structures do not adversely impact neighboring properties;
- B. Provide for a process to allow for the minor expansion of nonconforming uses and structures;
- C. Allow for repairs and maintenance to nonconforming structures; and
- D. Provide for the elimination of nonconforming uses as appropriate due to abandonment, obsolescence, and destruction.

24-114 Applicability

This article applies to existing uses and structures which do not conform to the regulations of the zone in which they are located.

24-115 General Provisions

- A. A nonconforming use or structure may be continued if it was legally established in compliance with all applicable regulations in effect at the time it was established.
- B. To be considered legally established, a legal nonconforming use or structure shall have been physically constructed or in existence, not merely contemplated. Conditional Use Permits, Variances, Building Permits, or other permits not exercised within the required time do not establish the right to a legal nonconformity.
- C. Any person asserting a right to a nonconforming use or structure has the burden of proof to demonstrate the legal status of the nonconformity.
- D. When approving a Minor Use Permit or an other permit associated with a nonconforming use or structure, the review authority may at its own discretion establish a date for either the termination of the use or review of the Minor Use Permit.

24-116 Nonconforming Uses

- A. Change in Ownership, Tenancy or Management.** A change in ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status provided that the intensity of use does not increase.
- B. Resuming a Nonconforming Use.** A nonconforming use changed to a conforming use shall not return to a nonconforming use.
- C. Replacement of a Nonconforming Use.** A nonconforming use may not be replaced by another nonconforming use.
- D. Intensification of Use.**
 - 1. The enlargement of a structure or site occupied by a nonconforming use, or the intensification in any way of the operation of a nonconforming use, shall require the approval of a Minor Use Permit.
 - 2. To approve a proposed intensification to a nonconforming use, the Zoning Administrator shall make all Minor Use Permit findings (Article 31) in addition to the findings in Section 24-217 (Findings).

24-117 Nonconforming Structures

- A. Enlargements to Nonconforming Structures.**
 - 1. The enlargement of a nonconforming structure shall require the approval of a Minor Use Permit.
 - 2. To approve a proposed enlargement, the Zoning Administrator shall make all Minor Use Permit findings (Article 31) in addition to the findings in Section 24-217 (Findings).
- B. Reconstruction**
 - 1. Reconstruction of a legal nonconforming structure that has been demolished or destroyed shall begin within one-year and shall be completed within three-years.
 - 2. The reconstructed structure shall not exceed the original structure in regards to maximum height, floor area, encroachment into setbacks and other property characteristics as determined by the Zoning Administrator.
 - 3. The Zoning Administrator may approve an extension of two additional years to complete reconstruction of the demolished structure.
 - 4. If reconstruction is not completed by the specified time limit, the property shall be deemed abandoned.

24-118 Loss of Legal Status

- A.** A nonconforming use or structure shall lose its legal nonconforming status if:
 - 1. A nonconforming use has been discontinued for a period of 12 or more consecutive months;

- 2. A nonconforming structure has been vacant for a period of 12 months; or
 - 3. The continuation of a non-conforming use beyond 12 months may be approved through a Minor Use Permit.
- B.** The Zoning Administrator may determine that a nonconforming use or structure has lost its legal status and shall mail a notice to the property owner and occupant.
- C.** The property owner or occupant may appeal the determination of the Zoning Administrator to the Planning Commission within 15 days of the mailing of the notice. The appeal shall be filed and heard as provided in Article 38 (Appeals and Calls for Review).

24-119 Findings

The Zoning Administrator may approve a Minor Use Permit for a nonconforming use or structure if all of the following findings can be made in addition to the findings in Article 31 (Conditional Use and Minor Use Permits):

- A.** Available evidence indicates that the nonconforming use was legally established.
- B.** The nonconforming use has not resulted in a notable negative impact or nuisance to the surrounding area.
- C.** The nonconforming use is compatible with the general character of the surrounding area.
- D.** The proposed action is consistent with the purpose and intent of the applicable zone.

24-120 Appeals

Any decision on a requested modification to a nonconforming use or structure may be appealed as allowed by Article 38 (Appeals and Calls for Review).

**Sections:**

- 24-121 – Purpose
- 24-122 – Definitions
- 24-123 – Eligibility
- 24-124 – Amount of Density Bonus
- 24-125 – Standards for Affordable Units
- 24-126 – Donations of Land
- 24-127 – Incentives
- 24-128 – Waivers or Reductions of Development Standards
- 24-129 – Reduced Parking Requirement
- 24-130 – Housing with Child Care Facilities
- 24-131 – Application and Review
- 24-132 – Continued Affordability
- 24-133 – Density Bonus Housing Agreement

24-121 Purpose

This article implements Government Code Section 65915, which requires the County to provide incentives for affordable housing, senior housing, and child care facilities. In the event of any conflict between this article and Section 65915 of the Government Code, the provisions of the Government Code shall apply.

24-122 Definitions

- A. “Affordable Housing Project” means a Housing Project which will be made available to and reserved for very low-income households, low-income households, or moderate-income households at a monthly rent or payment not to exceed 30 percent of the total combined monthly income of the targeted income group.
- B. “Density Bonus” means a density increase over the otherwise maximum allowable residential density as permitted by the applicable zone in the Zoning Ordinance.
- C. “Common-Interest Development” means a community apartment project, a condominium project, a planned development, or a stock cooperative.
- D. “Child Care Facility,” means an establishment providing child day care services, other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.
- E. “Housing Project” means a development project for five or more residential units, a subdivision or common interest development of five or more unimproved residential parcels, a development project to substantially rehabilitate and convert an existing commercial building to contain five or more residential units, or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in five or more residential units.

- F. “Incentive” means the waiver or reduction of a County standard, regulation, or requirement as necessary to render an Affordable Housing Project financially feasible.
- G. “Low-Income Households” means a household with a total combined income not exceeding 80 percent of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.
- H. “Maximum Allowable Residential Density” means the maximum residential density permitted by the applicable zone as established in the Zoning Ordinance.
- I. “Moderate Income Household” means a household with a total combined income not exceeding 120 percent of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.
- J. “Senior Housing” means a development project of at least 35 dwelling units reserved for households headed by a person 62 years of age or older.
- K. “Very Low Income Household” means a household with a total combined income not exceeding 50 percent of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.

24-123 Eligibility

The following types of development projects are eligible for a density bonus and incentives as identified in this article.

- A. **Affordable Housing Projects.** Affordable housing projects including one or more of the following:
 - 1. At least ten percent of the units affordable for low-income households.
 - 2. At least five percent of the units affordable for very low-income households.
 - 3. At least ten percent of the total dwelling units in a common-interest development affordable to moderate-income households, provided that all units are offered to the public for purchase.
- B. **Senior Housing.** A senior housing development or a mobile home park that limits residency based on age requirements for housing for older persons, in compliance with Civil Code Section 798.76 or 799.5.
- C. **Donation of Land.** A donation of land for the purpose of constructing housing for very low-income households.
- D. **Condominium Conversions.** The conversion of apartments to condominiums that provides either of the following:
 - 1. At least 33 percent of the units affordable to low- or moderate-income households.
 - 2. At least 15 percent of the units affordable to very low-income households.

24-124 Amount of Density Bonus

If requested by the applicant, the County shall grant density bonuses in the amounts identified below.

- A. Very Low-Income Projects.** Housing projects with at least five percent of units affordable to very low-income households are entitled to a density bonus as shown in Table 24-124-1 (Amount of Density Bonus for Very Low-Income Projects).

TABLE 24-124-1 AMOUNT OF DENSITY BONUS FOR VERY LOW-INCOME PROJECTS

Percent of Very Low-Income Units	Amount of Density Bonus
5%	20%
6%	22.5%
7%	25%
8%	27.5%
9%	30%
10%	32.5%
11%	35%

- B. Low-Income Projects.** Housing projects with at least ten percent of units affordable to low income households are entitled to a density bonus as shown in Table 24.121-2 (Amount of Density Bonus for Low-Income Projects).

TABLE 24-124-2 AMOUNT OF DENSITY BONUS FOR LOW-INCOME PROJECTS

Percent of Low-Income Units	Amount of Density Bonus
10%	20%
11%	21.5%
12%	23%
13%	24.5%
14%	26%
15%	27.5%
16%	29%
17%	30.5%
18%	32%
19%	33.5%
20%	35%

C. **Moderate-Income Projects.** Common interest development projects with at least ten percent of units affordable to moderate-income households are entitled to a density bonus as shown in Table 24-124-3 (Amount of Density Bonus for Moderate-Income Projects).

TABLE 24-124-3 AMOUNT OF DENSITY BONUS FOR MODERATE-INCOME PROJECTS

Percent of Moderate-Income Units	Amount of Density Bonus
10%	5%
11%	6%
12%	7%
13%	8%
14%	9%
15%	10%
16%	11%
17%	12%
18%	13%
19%	14%

Percent of Moderate-Income Units	Amount of Density Bonus
20%	15%
21%	16%
22%	17%
23%	18%
24%	19%
25%	20%
26%	21%
27%	22%
28%	23%
29%	24%
30%	25%
31%	26%
32%	27%
33%	28%
34%	29%
35%	30%
36%	31%
37%	32%
38%	32%
39%	34%
40%	35%

- D. **Senior Housing.** Senior housing projects are entitled to a density bonus of 20 percent of the number of senior housing units.
- E. **Donations of Land.** Projects that donate land for very low-income housing consistent with Section 24-126 (Donations of Land) are entitled to a density bonus as shown in Table 24-124-4 (Amount of Density Bonus for Donations of Land).

TABLE 24-124-4 AMOUNT OF DENSITY BONUS FOR DONATIONS OF LAND

Percent of Very Low-Income Units	Amount of Density Bonus
10%	15%
11%	16%
12%	17%
13%	18%
14%	19%
15%	20%
16%	21%
17%	22%
18%	23%
19%	24%
20%	25%
21%	26%
22%	27%
23%	28%
24%	29%
25%	30%
26%	31%
27%	32%
28%	33%
29%	34%
30%	35%

F. Condominium Conversions

1. Condominium conversion projects meeting affordability requirements identified in Section 24-123 (Eligibility) are entitled to a density bonus of 25 percent of the number of apartments within the structure to be converted.
2. As an alternative to the 25 percent density bonus, the County may provide an incentive of equivalent value.

3. Condominium conversions are ineligible for a density bonus if the rental units to be converted received a density bonus when they were originally constructed.

G. Calculation of Density Bonus

1. All density calculations resulting in fractional units shall be rounded up to the next whole number.
2. Affordable housing projects shall choose a density bonus from only one affordability category (e.g., very low-income) and may not combine categories.
3. A density bonus for a senior housing project may not be combined with a density bonus for an affordable housing project.
4. A density bonus for the donation of land may be combined with density bonuses for affordable and senior housing. However, in no case may a total density bonus exceed 35 percent.

24-125 Standards for Affordable Units

All affordable units built under the provisions of this article shall meet the following requirements:

- A. Concurrence.** Affordable units shall be built concurrently with market rate units unless the County and the applicant agree within the density bonus housing agreement to an alternative schedule for development.
- B. Location.** Affordable units shall be built on-site wherever possible and, where practical, shall be dispersed within the housing development.
- C. Unit Size.** The average number of bedrooms of the affordable units shall be equivalent or greater to the bedroom mix of the housing development's other units.
- D. Design.** The design and appearance of the affordable units shall be compatible with the design of the housing development as a whole.
- E. Development Standards.** Housing developments shall comply with all applicable development standards, except those that may be modified as permitted by this article.
- F. Linked Sites.** Circumstances may arise in which the public interest would be served by allowing some or all of the affordable units associated with one housing development to be produced and operated at an alternative development site. If the developer and the County agree to allow the production and operation of affordable units at an alternative site, the resulting linked developments shall be considered a single housing development for the purposes of this article.

24-126 Donations of Land

All land donated for the purpose of constructing affordable housing shall meet the following requirements:

- A. Date of Transfer.** The applicant shall donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

- B. Developable Acreage.** The developable acreage of the land being transferred shall be sufficient to permit construction of units affordable to very low-income households in an amount not less than ten percent of the number of residential units in the proposed development.
- C. Minimum Size.** The transferred land shall have an area sufficient to permit development of at least 40 units.
- D. Appropriate Regulations and Infrastructure.** The transferred land shall have the appropriate General Plan land use designation, zoning and development standards to make the development of affordable units feasible, and it shall have existing or planned public facilities and infrastructure that are adequate to support the development.
- E. Entitlements.** No later than the date of approval of the final subdivision map, parcel map, or residential development application, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land.
- F. Deed Restriction.** The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this article. The restriction shall be recorded on the property at the time of dedication.
- G. Recipient.** The land shall be transferred to the County or to a housing developer approved by the County. The County may require the applicant to identify and transfer the land to the developer.
- H. Location.** The transferred land shall be within the boundary of the proposed development or, if the County agrees, within ¼-mile of the boundary of the proposed development.

24-127 Incentives

- A. Eligibility.** An applicant who applies for a density bonus may also request one to three incentives, as identified in Subsection D (Available Incentives), as needed to contribute to a development project's financial feasibility.
- B. Number of Incentives.** An applicant may request the following number of incentives:
 - 1. One incentive for projects that include at least 10 percent of the total units for low-income households, at least 5 percent for very low-income households, or at least 10 percent for persons and families of moderate income in a common-interest development.
 - 2. Two incentives for projects that include at least 20 percent of the total units for low-income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common-interest development.
 - 3. Three incentives for projects that include at least 30 percent of the total units for low-income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families of moderate income in a common-interest development.
- C. Additional Incentives.** The County may, at its discretion, grant additional incentives to increase the number of affordable units provided or to increase the affordability of the affordable units.

D. Available Incentives. Each development incentive may include one and only one of the following types of regulatory relief or change:

1. Reduced minimum parcel sizes or dimensions.
2. Reduced minimum setbacks.
3. Reduced minimum building separation requirements.
4. Increased maximum floor area ratio.
5. Increased maximum building height.
6. Reduced on-site parking requirements.
7. The waiver, reduction or deferral of planning, plan check, construction permit and/or development impact fees.
8. Approval of mixed-use zoning for the project site in conjunction with the housing development, if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing development and the existing or planned development in the area where the proposed development will be located.
9. Direct financial aid, such as a redevelopment set-aside or community development block grant funding, in the form of a loan or grant to subsidize or provide low-interest financing for on-site or off-site improvements, land or construction costs.
10. Other similar regulatory incentives or concessions that result in identifiable and financially sufficient cost reductions.

E. Justification for Incentives. An applicant requesting an incentive shall show, using one of the following methods, that the incentive is necessary to make the affordable units economically feasible:

1. A development pro forma showing the capital costs, operating expenses, return on investment, loan-to-value ratio, debt coverage ratio, the contributions provided by any applicable subsidy programs, the economic effect created by the minimum 30 year use and income restrictions on the affordable housing units, and the benefit created by the density bonus and the requested incentives.
2. An appraisal report indicating the value of the density bonus and of the incentives.
3. A funds statement identifying the projected financing gap for the project. The analysis shall show how much of the funding gap is covered by the density bonus and how much by the incentives/concessions.

F. Provision of Incentives. The County shall provide the specific incentive or incentives requested by an applicant, unless the County makes a written finding, based upon substantial evidence, of any of the following:

1. The incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in this section.
2. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low-income, low-income and moderate-income households.
3. The incentive is contrary to State or federal law.

24-128 Waivers or Reductions of Development Standards

- A. Eligibility.** An applicant who applies for a density bonus may also request a waiver or reduction of any development standard that would physically prevent the construction of the development project.
- B. Development Standards Defined.**
1. Development standards include any adopted County standard or regulation related to the physical location or type of construction, including but not limited to, structure height, setbacks, parking, floor area ratio, and the placement of public works improvements.
 2. As defined in this section, development standards do not include land use regulations, permitting procedures, inclusionary housing requirements, or development impact fees.
- C. Number of Waivers or Reductions.**
1. There shall be no limit to the number of waivers or reductions available to an applicant.
 2. The approval of waivers or reductions shall neither reduce nor increase the number of incentives available to a project pursuant to Section 24-127 (Incentives).
- D. Justification for Approval.** The County shall approve the requested waiver or reduction if the applicant can demonstrate that it is physically impossible to construct the project without the waiver or reduction.
- E. Provision of Waivers or Reductions.** The County shall approve the requested waiver or reduction, unless the County makes a written finding, based upon substantial evidence, of either of the following:
1. The waiver or reduction would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households.
 2. The waiver or reduction is contrary to State or federal law.

24-129 Reduced Parking Requirement

Development projects entitled to a density bonus and incentives are also entitled to a reduced on-site parking requirement as described below.

- A. **Number of Spaces.** Upon the request of the applicant, the County shall reduce the required on-site parking requirement to one parking space for a zero to one bedroom dwelling unit.
- B. **Calculation of Required Parking.** If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
- C. **Configuration and Location of Parking.** A development project may provide on-site parking through tandem parking, but not through on-street parking.
- D. **Additional Parking Incentives.** An applicant may request parking incentives beyond those provided in this section pursuant to Section 24-127 (Incentives).

24-130 Housing with Child Care Facilities

- A. **Additional Bonus or Incentive.** A development project eligible for a density bonus or incentive that includes a child care facility as part of the project is entitled to one of the following:
 - 1. An additional density bonus equal to the amount of square footage of the facility; or
 - 2. One additional incentive that contributes significantly to the economic feasibility of the child care facility.
- B. **Conditions.** The County shall require, as a condition of approving a housing development with a child care facility, that the following occur:
 - 1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
 - 2. Of the children who attend the child care facility, the percentage of children who reside in affordable units shall equal or exceed the percentage of dwelling units that are available for very low-income, low-income, or moderate-income households.
- C. **Basis for Denial.** The County is not required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the vicinity of the proposed project is adequately served by existing child care facilities.

24-131 Application and Review

- A. **Application.** A developer seeking approval of a density bonus and an additional incentive or incentives shall file an application with the Development Services Department. The Department shall process the application concurrently with any other application required for the development project. The form and content of the application shall be as specified by the Department and subject to a fee established by resolution of the Board of Supervisors.

- B. Hearing Process.** The application shall be heard and decided by the Planning Commission, unless the applicant is requesting incentives requiring Board of Supervisors approval, as set forth in subsection C.2 below, in which case the application shall be approved by the Board of Supervisors with a recommendation from the Planning Commission. The procedure for giving notice of the application shall be as specified in Article 37 (Public Notices and Hearings), except that the notice shall also identify the density bonus and additional incentive or incentives requested for the project. The Planning Commission's decision may be appealed as provided in Article 38 (Appeals and Calls for Review).
- C. Approval of Incentives.** The Planning Commission and Board of Supervisors shall be authorized to approve incentives as follows:
1. The Planning Commission shall be authorized to approve development incentives that include the modification of site development standards, or the modification of zoning.
 2. Approval by the Board of Supervisors shall be required for all other development incentives.

24-132 Continued Affordability

The following requirements apply to all affordable units that qualify for a density bonus or other incentive.

A. Duration of Affordability.

1. All units shall remain affordable for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
2. Rents shall be set at affordable levels as defined in Health and Safety Code Section 50053.
3. Owner-occupied units shall be available at an affordable cost as defined in Health and Safety Code Section 50052.5.

B. Equity Sharing Agreement. The County shall enforce an equity sharing agreement for the resale of all common interest moderate-income units. The following apply to the equity sharing agreement:

1. Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation.
2. The County shall recapture any initial subsidy, and its proportionate share of appreciation, which shall be used by the County within five years for the purpose of promoting home ownership as described in Health and Safety Code Section 33334.2(e).
3. The County's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
4. The County's proportionate share of appreciation shall be equal to the ratio of the County's initial subsidy to the fair market value of the home at the time of initial sale.

24-133 Density Bonus Housing Agreement

- A. Agreement Required.** As a condition for the approval of a density bonus and additional incentives, the applicant shall agree to enter into a density bonus housing agreement with the County. The executed density bonus housing agreement shall be recorded on the parcel or parcels designated for the construction of affordable units, or donated for the purpose of constructing housing units as specified in this section. The approval and recordation shall occur prior to final map approval or, where a map is not being processed, prior to the issuance of building permits for the parcels or units. The density bonus housing agreement shall be binding upon all future owners and successors in interest.
- B. Content of Agreement.** The density bonus housing agreement shall, at a minimum, include all of the following:
1. The total number of units approved for the housing development, including the number of affordable units.
 2. A description of the household income groups to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.
 3. The location, unit size in square feet, and number of bedrooms of each affordable unit.
 4. The location and square footage of any land being donated for the purpose of constructing housing units that are affordable to very low-income households.
 5. The location and square footage of any child day care facility for which a density bonus or additional incentive is being granted.
 6. Tenure of use restrictions for affordable units and units built on donated land.
 7. A schedule for the completion and occupancy of affordable units.
 8. A description of the additional incentives, waivers, or reductions being provided by the County.
 9. A description of remedies for breach of the agreement by either party, including the provision that tenants or qualified purchasers are third-party beneficiaries under the agreement.
 10. Other provisions as appropriate to ensure implementation and compliance with this articles's requirements for density bonuses and additional incentives.
- C. For-Sale Requirements.** In the case of for-sale housing developments, excluding affordable units for moderate-income households, the density bonus housing agreement shall provide for the following requirements during the use restriction period:
1. The initial sale of each affordable unit shall be to a household that meets the income requirement for the affordable unit or, for senior citizen housing, to a senior citizen.
 2. The initial occupant of each affordable unit shall be a household that meets the income requirement for the affordable unit or, for senior citizen housing, a senior citizen.
 3. The initial purchaser of each affordable unit shall execute an instrument or agreement approved by the County restricting the sale of the affordable unit during the duration of affordability period

as set forth in Section 24-132.A (Continued Affordability). The instrument or agreement shall be recorded against the parcel containing the affordable unit and shall contain provisions as required by the County to ensure continued compliance with this chapter and with State law.

- D. Moderate-Income Requirements.** In the case of affordable units for moderate-income households, the density bonus housing agreement shall provide for the following requirements:
1. The initial sale of each affordable unit shall be to a household that meets the income requirement for the affordable unit.
 2. When the initial purchaser sells the unit, the initial purchaser shall retain the value of any improvements, the down payment and the value of the unit's appreciation, less the County's share of the appreciation.
 3. When the initial purchaser sells the unit, the County shall receive a share of the unit's appreciation equal to the percentage by which the initial sale price to the moderate income household was less than the fair market value of the home at the time of initial sale. The County shall use this share of appreciation for any of the purposes that promote homeownership described in subdivision of Health and Safety Code Section 33334.2(e).
- E. Rental Requirements.** In the case of rental housing developments, the density bonus housing agreement shall provide for the following requirements during the use restriction period:
1. Rules and procedures for qualifying each tenant, determining affordable rents, filling vacancies and retaining affordable units for qualified tenants.
 2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this section.
 3. Provisions requiring owners to submit an annual report to the County, including the name, address and income of each person occupying an affordable unit and the bedroom size and monthly rent or cost of each affordable unit.
- F. Day Care Facility Requirements.** In the case of child day care facilities for which a density bonus or additional incentive is being granted, the density bonus housing agreement shall provide for the following requirements:
1. Operating duration requirements for the child day care facility, such that the child day care facility shall remain in operation for as long as or longer than the period of time during which the density bonus units are required to remain affordable.
 2. Provisions requiring that for children who attend the child day care facility, the percentage of children from the income group associated with the development's affordable units shall be equal to or greater than the minimum percentage of affordable units that shall be provided for that income group in order to receive a density to the requirements of this section.



Sections:

- 24-134 – Purpose
- 24-135 – Applicability
- 24-136 – Compliance Procedures
- 24-137 – Exceptions
- 24-138 – Air Quality
- 24-139 – Electromagnetic Interference
- 24-140 – Erosion Control
- 24-141 – Fire and Explosion Hazards
- 24-142 – Heat
- 24-143 – Light and Glare
- 24-144 – Radioactivity
- 24-145 – Vibrations
- 24-146 – Liquid, Solid, and Hazardous Materials
- 24-147 – Noise
- 24-148 – Enforcement

24-134 Purpose

This article establishes performance standards to minimize various negative impacts resulting from land uses and development within Butte County. The intent of these standards is to:

- A. Promote compatibility among various land uses;
- B. Protect and enhance the rural character of Butte County;
- C. Protect the general health, safety, or welfare of the community; and
- D. Control noise, dust, odor, smoke, vibration, danger to life and property, or similar causes likely to create a public nuisance.

24-135 Applicability

- A. The standards in this article shall apply to all new and existing land uses in unincorporated Butte County.
- B. The standards in this article are the required minimum and shall not be construed as preventing the County from requiring more restrictive standards as deemed necessary.

24-136 Compliance Procedures

- A. The Zoning Administrator may require pertinent information demonstrating that the proposed land use complies or will comply with all applicable performance standards. This information may consist of a report prepared by a qualified technical consultant.

- B. When technical information is required, accurate and representative measurements shall be made according to accepted engineering or scientific practice. All measurements shall be made at the exterior property lines.

24-137 Exceptions

Land uses which are not in compliance with all applicable performance shall be permitted only with the approval of a Conditional Use Permit.

24-138 Air Quality

All uses shall comply with applicable local, State, and federal laws and regulations regarding contaminants and pollutants. This requirement includes, but is not limited to, emissions of suspended particles, carbon monoxide, hydrocarbons, odors, toxic or obnoxious gases and fumes.

24-139 Electromagnetic Interference

Devices which generate electromagnetic interference shall not cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Public utilities shall comply with all applicable State and federal regulations.

24-140 Erosion Control

The following erosion control standards shall apply to all development projects in all urban zones:

- A. The smallest area practical of land shall be exposed at any one time during development;
- B. When land is exposed during development, the exposure shall be kept to the shortest practical period of time;
- C. Natural features such as trees, groves, natural terrain, waterways, and other similar resources shall be preserved where feasible;
- D. Temporary vegetation or mulching shall be used to protect critical areas exposed during development;
- E. The permanent final vegetation and structures shall be installed as soon as practical in the development;
- F. Wherever feasible the development shall be fitted to the topography and soils to create the least erosion potential;
- G. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development; and
- H. Sediment basins (debris basins, desalting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development where needed.

24-141 Fire and Explosion Hazards

All uses involving the use or storage of combustible, explosive, caustic, or otherwise hazardous materials shall comply with all applicable local, State, and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment.

24-142 Heat

No use shall generate heat so that increased ambient air temperature or radiant heat is measurable at any exterior lot line.

24-143 Light and Glare

Outdoor lighting in residential zones shall comply with the requirements of Article 14 (Outdoor Lighting).

24-144 Radioactivity

No radiation of any kind shall be emitted in quantities which is dangerous to humans.

24-145 Vibrations

No use shall generate ground vibration which is perceptible without instruments beyond the property line. Ground vibration caused by motor vehicles, aircraft, temporary construction work or agricultural equipment are exempt from these standards.

24-146 Liquid, Solid and Hazardous Wastes

- A.** All uses are prohibited from discharging liquid, solid, toxic, or hazardous wastes onto or into the ground and into streams, lakes or rivers. Discharge into a public or private waste disposal system in compliance with applicable local, State, and federal laws and regulations is permitted.
- B.** Wastes detrimental to a public sewer system or a sewage treatment plant shall not be discharged to a public sewer system unless they have been pretreated to the degree required by the authority having jurisdiction over the sewerage system.
- C.** The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water, and the disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, State and federal regulations.
- D.** All burning of waste materials accessory to any use shall comply with the Butte County Air Quality Management District rules and regulations.
- E.** The disposal or dumping of solid wastes accessory to any use, including, but not limited to, slag, paper and fiber wastes or other industrial wastes, shall be in compliance with applicable local, State, and federal laws and regulations.

24-147 Noise

- A. Maximum Sound Emissions.** Maximum sound emissions for any use shall not exceed equivalent sound pressure levels in decibels, A-weighted scale, for any one hour as stipulated in Table 24-144.1 (Maximum Allowable Noise Exposure). These maximums are applicable beyond any property lines of the property containing the noise.
- B. Exemptions.** Local noise standards set forth in this section do not apply to the following situations and sources of noise provided standard, reasonable practices are being followed:
1. Emergency equipment operated on an irregular or unscheduled basis;
 2. Warning devices operated continuously for no more than five minutes;
 3. Bells, chimes or carillons;
 4. Nonelectronically amplified sounds at sporting, amusement and entertainment events;
 5. Construction site sounds between 7:00 a.m. and 7:00 p.m.;
 6. Lawn and plant care machinery fitted with correctly functioning sound suppression equipment and operated between 7:00 a.m. and 8:00 p.m.;
 7. Aircraft when subject to federal or state regulations; and
 8. Agricultural equipment when operated on property zoned for agricultural activities.

TABLE 24-144.1 MAXIMUM ALLOWABLE NOISE EXPOSURE

Noise Level Description	Daytime 7 a.m. – 7 p.m.		Evening 7 p.m. – 10 p.m.		Night 10 p.m. – 7 a.m.	
	Zone					
	Urban	Rural	Urban	Rural	Urban	Rural
Hourly L_{eq} , dB	55	50	50	45	45	40
Maximum Level, dB	70	60	60	55	55	50

Notes:

[1] Each of the noise levels specified above shall be lowered by 5 dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g. caretaker dwellings).

[2] The County can impose noise level standards which are up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.

[3] In urban zones, the exterior noise level standard shall be applied to the property line of the receiving property. In rural zones, the exterior noise level standard shall be applied at a point 100 feet away from the residence. The above standards shall be measured only on property containing a noise sensitive land use. This measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement between all affected property owners and approved by the County.

C. Exceptions. Upon written application from the owner or operator of an industrial or commercial noise source, the review authority, as part of a permit approval, may conditionally authorize exceptions to local noise emission standards in the following situations:

1. Infrequent noise;
2. Noise levels at or anywhere beyond the property lines of the property of origin when exceeded by an exempt noise in the same location; and
3. If, after applying best available control technology, a use existing prior to the effective date of this Zoning Ordinance is unable to conform to the standards established by this section.

24-148 Enforcement

The County may revoke the permit for or abate any use that violates the standards contained within this article in a manner consistent with County Code Chapter 41 (Code Enforcement Policies and Procedures), Chapter 32A (Property Maintenance and Abatement of Nuisances) and all other applicable sections of the County Code.