

PART 4

Supplemental Use Regulations

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Article 25. SUPPLEMENTAL USE REGULATIONS

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24-155 Purpose

This article establishes development and operating standards for specific land uses to minimize negative impacts on neighboring properties, implement State and federal law, and ensure the orderly development of a diversity of land uses within the county.

24-156 Accessory Uses and Structures

A. General Requirements.

1. Relationship to Primary Use.

- a. An accessory use or structure is permitted only when it is subordinate and incidental to the primary structure or zone to which it is related.
- b. An accessory use or structure shall not alter the character of the site from that created by the primary use, structure, or zone.
- c. An accessory use or structure shall be permitted only when it is compatible with the structures or uses permitted in the zone in which it is located.

2. **Permitted Accessory Uses and Structures.** Table 24-156-1 (Permitted Accessory Uses and Structures) identifies permitted accessory uses in Rural, Urban, Commercial, Industrial, and Special Purpose zones.

TABLE 24-156-1 PERMITTED ACCESSORY USES AND STRUCTURES

Rural Zones (AG, TM, TPZ, FR, FCR, RR, RCR)	
Accessory Structures	
Accessory to Single-Family Homes	Pool, Pool House, Spa, Dressing Room, Domestic Pet Shelter, Game Room, Garages, Sunroom, Tennis Courts, Gazebo, Playground Equipment, Hobby Room, Trash Enclosure, Workshop, Shed, Storage Building, Barn, Greenhouse, Well House
Accessory to Zone (No Single-Family Home)	Workshop, Shed, Storage Building, Barn, Greenhouse, Well House, Garage, Gazebo
Accessory Uses	
Accessory to Single-Family Homes	Keeping of Domestic Pets, Composting Bins, Private Parking, Gardens, Planter Boxes, Vegetation Management, Irrigation, Landscaping, Heavy Equipment Storage (in FCR and RCR zones refer to Section 24-173.2)
Accessory to Zone (No Single-Family Home)	Gardens, Planter Boxes, Vegetation Management, Irrigation, Landscaping, Composting Bins, Private Parking, Heavy Equipment Storage (except in the FCR and RCR zones)
Urban Zones (VLDR, VLDCR, LDR, MDR, MHDR, HDR, VHDR, MU)	
Accessory Structures	
Accessory to Single-Family Homes or Multiple-Family Dwellings	Pool, Pool House, Spa, Dressing Room, Domestic Pet Shelter, Game Room, Garages, Sunroom, Tennis Courts, Gazebo, Playground Equipment, Hobby Room, Trash Enclosure, Workshop, Shed, Storage Building, Barn (on parcels 1-acre or larger), Greenhouse, Well House
Accessory to Zone (No Single-Family Home or Multiple-Family Dwellings)	None
Accessory Uses	
Accessory to Single-Family Homes or Multiple-Family Dwellings	Keeping of Domestic Pets, Composting Bins, Private Parking, Gardens, Planter Boxes, Vegetation Management, Irrigation, Landscaping, Heavy Equipment Storage in the VLDR zone only subject to Section 24-173.1
Accessory to Zone (No Single-Family Home or Multiple-Family Dwellings)	Gardens, Planter Boxes, Vegetation Management, Irrigation, Landscaping, Composting Bins, Private Parking
Commercial, Industrial, and Special Purpose Zones	
Accessory Structures	
Accessory to Development	Accessory structures related to any permitted use
Accessory to Zone (No Development)	Accessory structures related to any permitted use
Accessory Uses	
Accessory to Development	Accessory uses related to any permitted use, Vegetation Management, Landscaping, Irrigation
Accessory to Zone (No Development)	Vegetation Management, Landscaping, Irrigation

3. **Location.** An accessory use or structure shall be located only on the same parcel as the primary structure or zone to which it is related, except as otherwise noted in this chapter.
 4. **Permits.** Accessory structures are subject to a ministerial building permit process; no discretionary permit is required.
 5. **Establishment.**
 - a. **Accessory to Single-Family Home.** Uses or structures that are accessory to a single-family home shall only be established or constructed on a parcel developed with a single-family home. Accessory uses and structures may be established or constructed concurrently with the development of a single-family home (refer to Table 24-156-1, Permitted Accessory Uses and Structures).
 - b. **Accessory to Zone.** Uses or structures that are accessory to a zone's allowed uses shall not be established or constructed until said uses are established (refer to Table 24-156-1, Permitted Accessory Uses and Structures).
 6. **Attached Structures.** Accessory structures attached to a primary structure shall be considered a part of the primary structure and shall comply with all standards and regulations applicable to the primary structure.
- B. Uses Accessory to a Single-Family Home or Multiple-Family Dwelling.** Activities typically associated with residential uses are permitted on all parcels occupied by a single-family home or multiple-family dwelling. Examples of such residential accessory uses include keeping of domestic pets, composting bins, private parking, gardens, planter boxes, vegetation management, irrigation, landscaping, and other similar activities.
- C. Structures Accessory to a Single-Family Home in Urban Zones.** The following standards apply to structures accessory to a single-family home in urban zones. Examples of such residential accessory structures include a pool, pool house, spa, dressing room, domestic pet shelter, game room, garages, sunroom, tennis courts, gazebo, playground equipment, hobby room, trash enclosure, workshop, shed, storage building, barn (on parcels 1-acre or larger), greenhouse, well house, and other similar structures.
1. **Size.** Accessory structures shall not exceed a cumulative total of 25 percent of parcel size per parcel, unless otherwise specified in this section.
 2. **Height.** The height of an accessory structure shall not exceed 25 feet.
 3. **Setbacks.**
 - a. The required setback from the front, side, and street side property line shall be the same as the primary structure.
 - b. The required setback from the rear property line for accessory structures greater than 15 feet in height shall be the same as the primary structure. For structures 15 feet or less in height, the required setback from the rear property line shall be 5 feet.
 - c. There shall be no required setbacks from property lines for trash enclosures, planter boxes with a maximum height of 42 inches, domestic pet shelters, playground equipment, small sheds, well houses, composting bins, rain water cisterns, and other similar objects not attached to a permanent foundation. Such structures shall not require a building permit.

- D. Structures Accessory to a Residence in Rural Zones.** Structures accessory to a residence in rural zones are subject to the same size, height, and setback standards as required for primary structures. Examples of such residential accessory structures include a pool, pool house, spa, dressing room, domestic pet shelter, game room, garages, sunroom, tennis courts, gazebo, playground equipment, hobby room, trash enclosure, workshop, shed, storage building, barn, greenhouse, well house, and other similar structures.
- E. Structures Accessory to Zones in Rural Zones.** Structures accessory to a zone in rural zones are subject to the same size, height, and setback standards as required for primary structures. Examples of structures accessory to a zone in rural zones include a workshop, shed, storage building, barn, greenhouse, well house, garage, gazebo, heavy equipment storage, (except in the RCR and FCR zones) and similar structures. In addition the following standards apply (except in the AG, TM, and TPZ zones, where these standards do not apply):
1. The parcel where the structure is to be located must be 1-acre or more in size. Two or more adjacent parcels that are less than 1 acre in size but collectively exceed 1 acre in size, managed as a single use, may be developed with accessory structures.
- F. Structures Accessory to Development and Accessory to Zones in Commercial, Industrial, and Special Purpose Zones.** Structures accessory to development and accessory to a zone in Commercial, Industrial, and Special Purpose zones are subject to the same size, height, and setback standards as required for primary structures.
- G. Guest Houses.** Guest houses that comply with the following standards are permitted in all residential zones.
1. The floor area of a guest house shall not exceed 500 square feet.
 2. Guest houses may include a small wet bar with a counter surface area less than 10 square feet (including sink), small sink (not to exceed 15 inches by 15 inches), and refrigerator with a volume of less than 5 cubic feet.
- H. Accessory Kitchen.** An accessory kitchen, no larger in size than 25 percent of the primary dwelling, is permitted in all zones allowing residences, with the approval of a Minor Use Permit. If an accessory kitchen is used for commercial purposes it must be permitted as a home occupation and be developed to commercial standards.
- I. Heavy Equipment Storage.** Heavy equipment storage pertains to the storage of heavy equipment (with a manufacturer's gross weight of 10,000 pounds or more) used by individual contractors/drivers for off-site commercial jobs.

24-157 Alternative Energy Structures

- A. Location and Permit Process, Solar and Wind Energy Systems.** Solar and Wind Energy Systems are permitted in accordance with Part 2 (Zoning Districts, Land Uses, and Development Standards) under four different Utility land use types depending on their size and application: Utility, Minor; Utility, Accessory; Utility, Intermediate; and Utility, Major. Table 24-157-1 provides a summary of Solar Energy and Wind Energy Systems.

TABLE 24-157-1 SOLAR ENERGY AND WIND ENERGY SYSTEMS

Category	Solar Energy Systems	Wind Energy Systems
Solar Energy Systems Allowed in Agriculture Zones		
Utility, Minor	Tier 1, Roof-mount/ground up to ½ acre	Rooftop/Micro
Utility, Accessory	Tier 2, <15 percent of parcel size up to 5 acres, whichever is less	Agricultural
Solar Energy Systems Only Allowed on Grazing Land [1] in Agriculture Zones [2]		
Utility, Intermediate	Tier 3, <30 percent of parcel size up to 20 acres, whichever is less	Small
Utility, Major	Tier 4, Ground-mounted system for power generation	Large

[1] Grazing Land or “Other Land” as defined under the latest mapping under the California Department of Conservation Division of Land Resource Protection Farmland Mapping and Monitoring Program, and as shown under General Plan Agriculture Element, Figure AG-1.

[2] Only allowed on parcels not subject to a Williamson Act Contract, or if the landowner has rescinded the Williamson Act Contract and entered into a solar-use easement pursuant to State law for marginally productive or physically impaired farmland.

B. Definitions, Solar Energy Systems.

1. **Tier 1.** A roof-mounted Solar Electric System used to power on-site primary or accessory uses located on structures or placed over parking lots or a ground mounted Solar Electric System up to one-half acre in size. Tier 1 includes building-integrated photovoltaic systems where the Solar Electric System is part of the building materials used in the construction of on-site primary or accessory structures.
2. **Tier 2.** A ground-mounted Solar Electric System used to power on-site primary or accessory uses, limited to less than 15 percent of the parcel’s size up to 5-acres, whichever is less, with less than 50 percent of the power generated being used off-site.
3. **Tier 3.** A ground-mounted Solar Energy System, limited in Agriculture zones to “Grazing Land” and “Other Land” as defined under the latest mapping under the California Department of Conservation Division of Land Resource Protection Farmland Mapping and Monitoring Program, not subject to a Williamson Act Contract, and limited to less than 30 percent of a parcel’s size up to 20 acres maximum with 50 percent or more of the power generated for on-site primary and accessory uses, with the remainder of the power delivered off-site.
4. **Tier 4.** A ground-mounted Solar Energy System limited in Agriculture zones to “Grazing Land” and “Other Land” as defined under the latest mapping under the California Department of Conservation Division of Land Resource Protection Farmland Mapping and Monitoring Program, and not subject to a Williamson Act Contract, where most or all power generated is delivered off-site with little or no on-site use.

C. Standards, Solar Energy Systems. Solar Energy Systems are subject to the following additional standards:

1. Photovoltaic panel systems shall meet all applicable performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and the Public Utilities Commission regarding safety and reliability.
2. Ground-mounted photovoltaic panel systems shall be required to meet all setback areas of the applicable zone.
3. Height, Parcel Size and Setback for ground-mounted photovoltaic panel systems shall be in accordance with Table 24-157-2, except where a minor use permit has been approved allowing different standards.

TABLE 24-157-2 GROUND-MOUNTED PHOTOVOLTAIC PANEL SYSTEMS, HEIGHT, PARCEL SIZE AND SETBACK STANDARDS

Parcel Size	Maximum Height	Setback
<2 acres	8 feet	As required by zone
2-10 acres	10 feet	As required by zone + 10 additional feet in or adjacent to Residential Zones
>10 acres	15 feet	As required by zone + 15 additional feet in or adjacent to Residential Zones

4. Photovoltaic panel systems attached to the roof of a structure shall not project more than 6 feet above the maximum elevation of the roof. Projections greater than 6 feet but no more than 12 feet above the maximum elevation of the roof may be permitted with the approval of a minor use permit.
5. If the Solar Energy Facility is located on or adjacent to an agricultural zone, the applicant must acknowledge the County's Right to Farm Ordinance and shall be required to record a Right to Farm Notice on their parcel prior to issuance of any Building Permits. This shall be included as a recommended condition of approval of the land use entitlement.
6. For Solar Energy Facilities in Scenic areas, as designated in the General Plan (Figures COS-7, and COS-9, Conservation and Open Space Element), efforts shall be made by the owner/installer of the Solar Energy Facility, to the maximum extent practicable, to shield the Solar Energy Facility from public view. On-site transmission and power lines shall, to the maximum extent practicable, be placed out of sight or underground.
7. A Solar Energy Facility, other than a minor utility system, that ceases to produce electricity on a continuous basis for 24 months shall be considered abandoned unless the property owner/developer demonstrates by substantial evidence satisfactory to the Development Services Department that there is no intent to abandon the facility. Parcel owners are required to remove all equipment and facilities and restore the site to original condition.

D. Definitions, Wind Energy Systems

1. **Wind Energy System, Auxiliary Rooftop Structure.** A roof-mounted wind energy conversion structure that is:
 - a. Seven feet or less in diameter,
 - b. Projects less than 10 feet above the highest point of the roofline on which it is installed,
 - c. Produces energy which is used primarily on the parcel on which it is located, or on adjacent parcels in common ownership with the subject parcel, and
 - d. Produces less than 6 decibels of noise above ambient levels, as demonstrated by product specifications to the satisfaction of the Director of Development Services.
2. **Wind Energy System, Micro.** A micro wind system is a very small wind system producing less than 1 kW that is:
 - a. Ten feet or less in diameter;
 - b. May be installed on a pole, 10 feet or more above the highest point on the roof, or other structural supports as allowed by applicable building codes;
 - c. Produces energy which is used primarily on the parcel on which it is located, or on adjacent parcels in common ownership with the subject parcel; and
 - d. Produces less than 6 decibels of noise above ambient levels, as demonstrated by product specifications to the satisfaction of the Director of Development Services.
3. **Wind Energy System, Agricultural.** Any wind energy conversion system rated 50 kW or less and located in an Agricultural, Rural Residential, Foothill Residential, or Timber Mountain zone, excluding Auxiliary Rooftop Structures.
4. **Wind Energy System, Small.** Any wind energy conversion system that is rated 30kW or less that will be used primarily to reduce on-site consumption of utility power, excluding Auxiliary Rooftop Structures and Micro Wind Energy Systems.
5. **Wind Energy System, Large.** Any wind energy conversion system that is larger than 50 kW in an Agricultural, Rural Residential, Foothill Residential, or Timber Mountain zone or larger than 30kW in other zones.

E. Standards, Wind Energy Systems. Wind Energy Systems are subject to the following additional standards:

1. Small, large, and agricultural wind energy systems shall not be permitted on land within the following locations:
 - a. City Spheres of Influence, unless permitted by the City.
 - b. Airport Land Use Compatibility Zones.
 - c. Conservation, open space easements, or agriculture easements which do not allow wind energy systems.
 - d. Alquist-Priolo Earthquake Fault Zones.
2. Wind energy systems shall not be permitted within 1,000 feet of the following:
 - a. A residence, excepting residences on the same parcel and residences owned by the applicant.
 - b. The VLDR, VLDCR, LDR, MDR, MHDR, HDR zones.

- c. A property listed on the National Register of Historic Places or the California Register of Historical Resources.
 - d. Designated scenic resources.
3. The following requirements shall apply to Large and Small Wind Energy Systems not located within the Agricultural zone:
- a. Wind energy systems shall be painted a neutral, non-reflective color, except when obstruction marking is required for aviation purposes.
 - b. Power lines shall be placed underground when feasible.
 - c. Setbacks for all new facilities shall be located so that the distance from the base of the facility to the parcel boundary is equal to or greater than the height of the facility
 - d. Appropriate warning signs, no larger than 4 square feet, shall be placed on or near wind energy systems. Wind energy systems and related equipment will not be used to advertise or promote any product or service other than the manufacturer's identification up to a size not to exceed 32 square feet.
 - e. Noise levels resulting from normal operation of wind energy systems shall comply with Butte County Code Section 41A. Noise Control. Applications for wind energy systems shall submit noise specifications and/or noise studies demonstrating consistency with Butte County Code Section 41A. Noise Control.
 - f. Wind energy systems shall be placed and oriented to avoid casting a shadow or causing 'flicker' on any off-site structure.
 - g. Wind energy systems shall be removed if they remain inoperable for 24 consecutive months. After 24 months of nonuse, wind energy systems are subject to code enforcement actions.
 - h. Wind energy systems shall not be placed on parcels less than 1-acre in size.
4. Agricultural wind energy systems and large wind energy systems located within the agricultural zone shall meet the following minimum setbacks and requirements:
- a. Where facilities are located in the Agricultural, Foothill Residential, Rural Residential and Timber Mountain zones and one of the following circumstances apply, the facility shall demonstrate the minimum setback distance required by the zone:
 - 1. The wind system is adjacent to an existing structure such as a barn, rice dryer, or other facility such that the facility will blend with the surrounding area; or
 - 2. The adjacent property owner(s) consent in writing to a lesser distance.
 - b. Towers shall be obstruction marked and lighted in accordance with recommendations of the U.S. Department of Transportation Federal Aviation Administration's Advisory Circular AC 70/7460-1K. Where feasible, steady burn lighting shall be used in place of flashing or strobe lighting.
5. Small wind energy systems shall comply with Wind Energy systems-General Requirements as set forth under this chapter, as well as the following:
- a. Small wind energy systems shall be designed and appropriately sized to serve the needs of the use on the site.
 - b. The maximum height of any small wind energy system tower shall be:
 - 1. 60 feet on parcels less than 5 acres in size.
 - 2. 80 feet on parcels 5 acres or greater

3. "Tower height" means the height above grade of the fixed portion of the tower, excluding the wind turbine/blade.

24-158 Animal Keeping

- A. Purpose.** It is the intent of the following regulations to allow persons to keep and maintain livestock on their private property in a manner that will protect the health, safety, and welfare of nearby residents, and to protect the health, safety, and welfare of animals.
- B. Applicability.**
1. The standards in this section apply only to residential zones that allow for animal keeping, including the Foothill Residential (FR), Foothill Country Residential (FCR), Rural Residential (RR), Rural Country Residential (RCR), Very Low Density Residential (VLDR), and Very Low Density Country Residential (VLDCR) zones. Animal keeping is not permitted in the Low Density Residential, Medium Density Residential, Medium High Density Residential, High Density Residential, or Very High Density Residential zones. These standards do not apply to the keeping of animals in the Agriculture (AG), Timber Mountain (TM), or Timber Production (TPZ) zones.
 2. The standards in this section do not apply to the keeping of household pets. Refer to Butte County Code Section 24-165 (Kennels) for personal and commercial kennels and Butte County Code Chapter 4 (Animals) for the keeping of cats and dogs.
- C. Animal Density.**
1. For parcels located within the Rural Residential (RR), Rural Country Residential (RCR), Foothill Residential (FR) Foothill Country Residential (FCR), Very Low Density Residential (VLDR), and Very Low Density Country Residential (VLDCR) zones, the following area requirements shall be allotted to each animal unit, and shall be required for each animal unit kept on the premises:
 - a. Animal Unit Defined.
 1. An animal unit (AU) is equal to one mature horse, or one mature cow, or three mature swine (lactating), or five mature sheep, or five mature goats, or five mature alpacas. Exotic animals, including, but not limited to, llamas and camels, shall be equal to one animal unit.
 2. Immature animals are not subject to the animal density requirements under this section.
 - b. Mature Animal Defined. Table 24-158-1 (Mature Animals by Weight) provides a guide for defining a mature animal by weight.
 - c. Companion Animal Allowance. If the parcel size permits only one animal, an additional one animal shall be allowed.
 - d. Animal Units Allowed by Zone and Parcel Size. Table 24-158-2 (Permitted Animal Units) identifies the maximum permitted number of animal units allowed by zone and parcel size.

TABLE 24-158-1 MATURE ANIMALS BY WEIGHT

Animal	Weight Range (lbs)
Cows	1,000 to 1,400
Ewes / Sheep	110 to 198
Swine (lactating)	320 to 410
Horses	880 to 1,980
Alpaca	150 to 352
Goats	22 to 110

Source: National Research Council.

TABLE 24-158-2 PERMITTED ANIMAL UNITS

Zone	Parcel Size	
	1 to less than 20 acres	20 acres or more
Very Low Density Residential / Very Low Density Country Residential	1 au / acre (see note [1])	See note [2]
Rural Residential/ Rural Country Residential	1 au / acre (see note [1])	See note [2]
Foothill Residential / Foothill Country Residential	1 au / acre (see note [1])	See note [2]

Notes:

[1] Supplemental feed will be required during specific times of the year to maintain the normal health and Body Condition Score (BCS) that does not violate any section of the State of California Penal Code or Chapter 4 of the Butte County Code. The total acreage of two or more adjacent parcels managed as a single agricultural operation shall be used to calculate the number of permitted animal units.

[2] An au/acre measurement is not imposed for parcels 20 acres in size or more. Supplemental feed may be required during specific times of the year to maintain the normal health and Body Condition Score (BCS) that does not violate any section of the State of California Penal Code or Chapter 4 of the Butte County Code. Two or more adjacent parcels that are less than 20 acres in size but collectively exceed 20 acres or more in size, managed as a single agricultural operation shall be subject to the 20 acres or more standard set forth under this table.

D. Exceptions.

1. Educational Project Exemption.

- a. Temporary education projects, including, but not limited to FFA, 4-H, and school projects, conducted by students through the twelfth grade and under the direct supervision of a qualified, responsible adult advisor or instructor, shall be exempt from the requirements of subsection (C) above. The current animal husbandry standards for keeping animals must be followed.
- b. The animal units shall be maintained in a healthy and sanitary manner that does not violate any section of the State of California Penal Code or Chapter 4 of the Butte County Code.

2. Rotational Grazing.

- a. Area requirements do not apply to rotationally-grazed parcels of 20 acres or more in size so long as the animal units are maintained in a healthy and sanitary manner that does not violate any section of the State of California Penal Code or Chapter 4 of the Butte County Code.

E. Minor Use Permits Required. On all parcels of property less than 20 acres in size, a Minor Use Permit shall be required for:

1. The keeping of such animals (horses, cattle, swine, sheep, goats, and alpacas) at greater densities than allowed pursuant to subsection (C) above.
2. The keeping of poultry and rabbits for the purpose of sale of said animals or their products on a continuing basis.

Minor Use Permits approved pursuant to this section shall specify that animals are maintained in a healthy and sanitary manner that does not violate any section of the State of California Penal Code or Chapter 4 of the Butte County Code.

F. Penalties. Violations of this section may be charged as either an infraction or misdemeanor.

G. Setbacks. Corrals and other animal containment structures shall be setback a minimum of 25 feet from any dwelling either on- or off-site.

H. Keeping of Hens and Roosters. This section only applies to the Very Low Density Residential (VLDR), Very Low Density Country Residential (VLDCR), Low Density Residential (LDR), Medium Density Residential (MDR), and Medium High Density Residential (MHDR) zones notwithstanding Section 24-158.B (Applicability). These standards do not apply to the keeping of animals in the Agriculture (AG), Timber Mountain (TM), Timber Production (TPZ), Foothill Residential (FR), Foothill Country Residential (FCR) or Rural Residential (RR) Rural Country Residential (RCR) zones. The following standards are applicable to the keeping of hens and roosters:

1. Roosters shall not be permitted on any parcel less than 5 acres in size.
2. Hens are limited to 15 maximum per 5,000 square feet of fenced yard area or pen not covered by buildings. This limit may be calculated on a pro rata basis.
3. Setbacks for structures related to the keeping of hens and roosters shall be pursuant to Section 24-156, Accessory Uses and Structures.

24-159 Child Care Facilities

A. Applicability. The standards in this section apply to Child Day Care, Small; Child Day Care, Large; and Child Care Centers as defined in Article 42 (Glossary).

B. Location. Child care facilities shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards).

C. General Standards. The following standards apply to all types of child care facilities.

1. All required State licenses and permits shall be obtained or applied for prior to applying for a permit to operate a child care facility. No County permit shall be effective until satisfactory evidence has been provided to the County demonstrating that all necessary State licenses and permits have been obtained.
2. All areas designated for active play shall only be located in a street side yard or rear yard, and shall be located at least 10 feet from any public street.

D. Child Day Care Facilities. The following standards apply to small and large child day care facilities.

1. Hours of operation shall not exceed 12 hours per day.
2. The facility shall be located in a dwelling unit that is the principal residence of the provider and the use shall be clearly incidental and secondary to the use of the property for residential purposes.
3. All play areas shall be enclosed by a 6-foot high fence or wall.
4. Any interior expansion, modification, or alteration of a residential unit necessary for the operation of a child day care facility shall be reviewed and approved by the Zoning Administrator pursuant to the California Building Code for residential occupancies, prior to the approval of child care center.

E. Large Child Day Care Facility. The following standards apply only to large child day care facilities.

1. No new large child day care facility may be located within 500 feet of an existing large child day care facility or child day care center.
2. Large child day care facilities located on principal or minor arterial roads as designated by the Department of Public Works shall provide drop-off and pick-up areas which prevent vehicles from backing onto such roads.
3. Properties proposed for large child day care facilities shall have frontage on and access off a paved road. Roads that are constructed for the purpose of meeting this requirement shall be in conformance with the Butte County Improvement Standards.
4. All play areas shall be enclosed by a 6-foot high fence or wall.

F. Child Care Centers. The following standards apply only to child care centers.

1. If the child care center cares for 15 or more children in the facility at one time, the operator shall notify the parents of all children.
2. The operator shall obtain the written consent of the property owner where the child care center is located.
3. Outside play areas shall be a minimum of 75 square feet per child, excluding infants.
4. Child care centers located on principal or minor arterial roads as designated by the Department of Public Works shall provide drop-off and pick-up areas which prevent vehicles from backing onto such roads.
5. Properties proposed for child care centers shall have frontage on and access off a paved road. Roads that are constructed for the purpose of meeting this requirement shall be in conformance with the Butte County Improvement Standards.

24-160 Drive-Through Facilities

- A. Location.** Drive-through facilities shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards).

- B. Drive-Through Aisles.** Drive-through aisles in drive-through facilities shall:
1. Provide a minimum width of 11 feet on straight sections and 12 feet on curved sections;
 2. Be screened by landscape berms or low garden walls; and
 3. Provide a queuing lane sufficient to accommodate five vehicles within the facilities parking lot
- C. Landscape Buffer.** A minimum 25-foot-wide landscaped buffer shall be provided between drive-through aisles in a drive-through facility and any abutting residentially-zoned property.
- D. Point of Exit.** No drive-through aisle shall exit directly onto a public street or alley.
- E. Location of Queuing Area.** For drive-through facilities serving eating establishments, the queuing area shall occur before the point of food ordering.
- F. Noise.**
1. Drive-through facilities that utilize speaker or microphone stations for the placing or receiving of customer orders shall locate the station a minimum of 50 feet from any residentially-zoned property.
 2. Noise emanating from a speaker or microphone station shall not be audible beyond the property line.

24-161 Emergency Shelters – Permanent

- A. Applicability.** The standards in this section apply to emergency shelters as defined in Article 42 (Glossary).
- B. Number of beds.** The number of beds in an emergency shelter shall not exceed 60.
- C. Proximity to other emergency shelters.** No emergency shelter may be located within 300 feet of another emergency shelter.
- D. Length of Stay.** Temporary shelter may be provided for no more than six months per calendar year for each resident.
- E. Management Plan.** The shelter operator shall prepare and submit to County staff a written management plan describing provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs, and a 24-hour on-site caretaker for residents.
- F. Services.** Staff and services shall be provided to assist residents to obtain permanent shelter.
- G. Laundry Facilities.** Emergency shelters shall provide laundry facilities or services for residents.
- H. Lighting.** All exterior lighting associated with an emergency shelter shall be located, adequately shielded, and directed such that no direct light falls outside the property perimeter, or into the public right-of-way.

24-162 Home Occupations

A. Types of Home Occupations.

1. **Home Office.** A business limited to the use of a home computer, phone, desk, and related office equipment. Home offices do not involve client visits or employees and deliveries would be no more than what is typical of a residential use.
2. **Cottage Food Operation, Limited.** A business, pursuant to the California Health and Safety Code, where a cottage food operator resides and where cottage food products (identified on the list of approved cottage food categories established and maintained by the California Department of Public Health) are prepared or packaged, and registered or permitted by the Environmental Health Division of the Butte County Public Health Department for sale to a consumer or third-party retailer. The Cottage Food Operations, Limited, use does not allow customers to purchase cottage food directly from a residence.
3. **Minor Home Occupations.** Types of minor home occupations include professional offices for accountants, architects, one-on-one instruction such as tutoring and music lessons, computer programmers, engineers and other similar professions; art studios; telephone sales and surveys; and domestic services, , laundry, ironing, and sewing, and the uses described under Cottage Food Operation, Limited but allowing for direct sales of cottage food products to customers from a residence,.
4. **Major Home Occupations.** Types of major home occupations include, equipment repair, contractor's office, dog grooming, hairdressing, light assembly and shipping, catering, food processing, home professional offices, and the uses described under Cottage Food Operation, Limited but allowing for direct sales of cottage food products to customers from a residence.

B. Permit Required.

1. **Home Office.** The establishment of a Home Office use and a Cottage Food Operation, Limited use are permitted uses in all zones allowing residences.
2. **Minor Home Occupations.** The establishment of a minor home occupation requires the approval of an Administrative Permit.
3. **Major Home Occupations.** The establishment of a major home occupation requires the approval of a Minor Use Permit.
4. **Cottage Foods.** Cottage Food Operations must be approved by the Butte County Environmental Health Division of the Butte County Public Health Department pursuant to the California Health and Safety Code.

C. Standards. Minor Home Occupations and Major Home Occupations shall comply with the following standards:

1. **Relationship to Dwelling Unit.** The home occupation shall be clearly incidental and subordinate to the primary residential use of the dwelling unit.

2. **Outdoor Storage Prohibited.** Goods and materials associated with a home occupation shall be stored within an enclosed structure. The storage of flammable, combustible, or explosive materials shall be prohibited.
 3. **Vehicles.** No additional vehicles, except for those that would ordinarily be located at a place of residence, shall be permitted in conjunction with the home occupation.
 4. **Performance Standards.** Home occupations shall not generate dust, odors, noise, vibration, or electrical interference or fluctuation that is perceptible beyond the property line.
 5. **Deliveries.** Deliveries and pick-ups for home occupations shall not exceed the volume normally associated with residential uses, shall not interfere with vehicle circulation, and shall occur only between 8:00 a.m. and 8:00 p.m., Monday through Saturday.
 6. **Size.** Home occupations shall be located within the dwelling unit, attached garage, or detached garage or accessory structure, and shall not occupy more than 25 percent of the gross floor area of the dwelling unit.
 7. **Employees.** Employees of a home office and a minor home occupation shall be limited to the persons residing in the dwelling unit. Major home occupations are allowed two additional persons in addition to those residing in the dwelling unit.
 8. **Clients.** No clients are permitted to visit a home office. Not more than six clients per day are permitted to visit a minor home occupation. Not more than 12 clients per day are allowed to visit a major home occupation. Hours for visits shall be between 8:00 a.m. and 8:00 p.m.
 9. **Signs.** One single, non-illuminated wall-mounted sign of not more than 6 square feet in area is permitted.
 10. **Building Code.** Minor and major home occupations shall comply with accessibility requirements of the California Building Code, including parking and path of travel into the dwelling.
- D. Suspension of Permit.** The Zoning Administrator may suspend the approval of a home occupation if any of the following applies:
1. The home occupation has become detrimental to public health, safety, welfare, or character of a neighborhood, or constitutes a hazard or nuisance to pedestrian or vehicular circulation or parking;
 2. The home occupation does not commence within one year of approval; or
 3. The home occupation ceases for a period greater than one year.

24-163 Large Retail Projects

- A. Applicability.** The standards in this section apply to any new large retail project. Large retail projects are defined as any development project with 50,000 square feet or more of floor area occupied by a retail use.
- B. Location:** Large retail projects shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards).

- C. Permit Required.** A large retail project requires Planning Commission approval of a Conditional Use Permit.
- D. Submittal Requirements.** In addition to the materials required by Article 27 (Permit Application and Review), all applications for approval of a large retail project shall provide the following information and materials:
1. A site plan identifying the exact location of each proposed building, all traffic and parking areas, designated service areas, pedestrian walkways and sidewalks, and designated outdoor display and sales areas. The design of all traffic and parking areas shall show all adjacent public and private streets and roads, traffic signals, traffic lanes, entry ways, fire lanes and all parking areas, including, but not limited to, a depiction of each required fire lane and parking space.
 2. A complete landscaping plan depicting vegetation, location, species, and size.
 3. A complete lighting plan, showing location and type of all lighting, including, but not limited to, building, signage and parking illumination, including specifications on height, intensity or brightness, radiation pattern, and required light shielding.
 4. A complete signage plan, identifying the location, height, lighting, and content for all proposed signs.
 5. A colored facade rendering for each building.
- E. Location.** Large retail projects are permitted only within the General Commercial (GC) zone.
- F. Design Standards.** The following standards shall be required for all large retail projects.
1. **Facades.**
 - a. No uninterrupted or unadorned length of any portion of a building shall exceed 20 feet in length. The following features may be used to interrupt or adorn facades: changes in plane, pilasters, column, canopies, porticos, arcades, colonnades, and or parapets.
 - b. When a single building contains multiple stores that are each less than 50,000 square feet of floor area with separate exterior customer entrances, the street level facade of each store shall provide fenestration along the horizontal length of the building facade of each store.
 - c. Fenestration shall be provided along the horizontal length of the building facade.
 2. **Materials.** Predominant exterior building materials shall include architectural or split face block, brick, glass, wood, stucco, artificial stucco, stone, or concrete with architectural finish.
 3. **Entryways.** Customer entrances shall be clearly defined and shall include at least two of the following features: canopies, porticos, overhangs, recesses, projections, arcades, raised above-the-doorway cornice parapets, peaked roof forms, arches, outdoor patios, display windows, integrated architectural details such as tile work, moldings, planters or wing walls, or landscaped sitting areas.
 4. **Roofs.** Flat roof lengths longer than 100 feet in length, rooftop equipment, and heating, ventilating and air conditioning (HVAC) units shall be concealed from any facade view of adjacent residential land uses and public rights-of-way.

5. **Signage.** All signage shall be designed as part of an integrated project design and shall be compatible with the primary building design.
 6. **Lighting.** All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls onto any neighboring residential property.
 7. **Pedestrians.** Encourage pedestrian-oriented design, increasing safety between pedestrians and motorists, and providing interconnectivity between buildings, parking areas and other internal/external components
- G. Conflicts with California Building Code.** In case of any conflict between this section and the California Building Code, the California Building Code shall prevail.
- H. Violations.** Notwithstanding any provision of the Zoning Ordinance to the contrary, including, but not limited to, the definitions of Public Nuisance set forth in Butte County Code Section 32A-2, any violation of any provision of this section is a public nuisance, and the Director of Development Services may utilize the nuisance abatement procedure and provisions of Butte County Code Chapter 32A, as well as all other remedies now or hereafter available, to abate or otherwise regulate or prevent violations of this section.

24-164 Live/Work Units

- A. Location:** Live/Work Units shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards). Live/Work Units are defined as buildings or spaces within buildings that are used jointly for commercial and residential purposes.
- B. Limitations on Use.**
1. Non-residential uses within a live/work unit shall be only those uses allowed by the zone in which the live/work unit is located.
 2. The owner or operator of the non-residential use within a live/work unit shall reside within the live/work unit.
 3. The exclusive residential use of a live/work unit shall be prohibited.
- C. Prohibited Uses.** The following uses are not permitted as part of a live/work unit:
1. Adult-oriented businesses.
 2. Vehicle sales, service, maintenance or repair.
 3. Welding, machining or open-flame work, unless confined to a separate building from any live/work unit.
 4. Any use that might affect the health or safety of nearby residents or tenants because of its potential to create dust, noise, vibration, noxious gases, odors, smoke, or any other negative impacts.

D. Design Standards.

1. **Compatibility.** Live/work units shall be designed to be compatible with neighboring structures and uses.
2. **Amenities.** Live/work units shall be equipped with a kitchen space and sanitary facilities.
3. **Commercial or Industrial Use.** Live/work units shall be designed to accommodate commercial or industrial work through appropriate ventilation, flooring, and storage spaces similar to the types of finishes commonly found in comparable commercial or industrial facilities.

E. Operating Standards.

1. **Live/Work Space.** Living space within a live/work unit shall not be separately sold or rented for persons not working within the unit. Likewise, working space shall not be separately sold or rented for persons not living within the unit.
2. **Employees.** Employment within a live/work unit shall be limited to persons residing in the unit and two additional persons.
3. **Vehicles.** No truck or van with a payload rating of more than 2 tons shall be parked on or in front of a parcel occupied by a live/work unit.
4. **Deliveries.** Deliveries to and pick-ups from a live/work unit shall not interfere with vehicle circulation and shall occur only between 8:00 a.m. and 8:00 p.m., Monday through Saturday.
5. **Fire Hazards.** Welding, machining, or open-flame work shall be completely enclosed in a separate building during work activities so as to restrict light and glare from welding and other uses from impacting the surrounding neighborhood.
6. **Occupancy Separations.** Non-residential uses located in a separate building from a live-work unit shall comply with all applicable County regulations for that use. Proper occupancy separations shall be provided between live/work units and non-residential uses in separate buildings as determined by the Chief Building Official.
7. **Hazardous Materials Business Plan.** For uses that involve the handling or storage of hazardous materials, the applicant shall submit a Hazardous Materials Business Plan to the Butte County Environmental Health Division as required by Chapter 6.95 of Division 20 of the California Health and Safety Code (Section 2550 et seq.).
8. **Noise.** Notwithstanding the standards contained in Chapter 41A, Noise Control, noise levels shall be maintained at or below 65 decibels as measured at the closest property line at all times. No fabrication or construction shall take place outside that would create a noise level exceeding 65 decibels at the property line.
9. **Outdoor Storage.** Outside storage is prohibited. All supplies and storage materials shall be stored inside of buildings at all times.
10. **Garbage enclosures.** Garbage/recycling bins shall be stored in a manner that is screened from public view at all times.

24-165 Kennels**A. Types of Kennels.****1. Commercial Kennels**

- a. Kennels that do not meet the definition of a personal kennel or a personal hardship kennel are classified as an Animal Services land use.
- b. Commercial kennels are subject to all land use regulations and permit requirements that apply to the Animal Services land use classification under the Use Regulation Tables.

2. Personal Kennels

- a. Kennels accessory to an on-site residential use (“personal kennels”) require the approval of a Minor Use Permit.
- b. A personal kennel is permitted on any parcel occupied by a residential use provided that all standards in this section are met.

3. Personal Hardship Kennels

- a. The Zoning Administrator may approve a personal hardship kennel for a one-year period due to death, hardship, illness, or military deployment of a family member. An additional one-year extension may be approved by the Zoning Administrator if the conditions initially necessitating a personal hardship kennel remain present upon the completion of the one-year period.
- b. A personal hardship kennel requires the approval of an Administrative Permit.
- c. Personal hardship kennels shall allow no more dogs than specified under the permit, not to exceed 10 dogs. Confinement shall be adequate to prevent dogs from running at large. No breeding of dogs or boarding of new dogs shall be allowed. The use shall cease upon resolution of the hardship.

B. Standards Applying to All Kennels.

1. **Parcel Size.** The minimum parcel size for a kennel shall be 2 acres, except for personal hardship kennels which shall be 1 acre.
2. **Outdoor Kennels.** All areas where dogs are housed outdoors shall have roofing as required by Butte County Animal Control.
3. **Indoor Kennels.** All areas where dogs are housed indoors shall have ventilation as required by Butte County Animal Control.
4. **Outside Flooring.** Exercise areas that are separate from housing kennels may have flooring other than cement (e.g. grass, gravel) and shall be free of standing water or mud.
5. **Identification.** Individual kennels shall be clearly labeled with:
 - a. Photo of dog;
 - b. Dog name;
 - c. Dog description;
 - d. Rabies vaccination information;
 - e. Microchip numbers (if applicable);
 - f. Dog owner’s name and contact information; and

- g. Other distinguishing information.
- 6. **Setbacks.** All kennel structures and facilities shall be setback a minimum of 150 feet from any property line, except for personal hardship kennels, which shall be in accordance with Section 24-156 (Accessory Uses and Structures).
- 7. **Screening.** Kennel enclosures shall be screened by an opaque fence of a minimum of 6 feet in height.
- 8. **Outdoor Uses.** Outdoor exercise areas, runs, or yards may be used only during daylight hours.
- 9. **Sanitation.** Kennels shall be kept in a clean and sanitary manner by the daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease, or offensive odor.
- 10. **Odors.** Animal odors shall not be detectable beyond the property lines of the property where the kennel is located.
- 11. **Dust and Drainage.** Dust and drainage from the kennel enclosure shall not create a nuisance or a hazard to adjoining property or uses.
- 12. **Breeding.** Breeders shall obtain a commercial kennel permit issued by Butte County Animal Control.
- 13. **Treatment of Dogs.** All dogs shall be maintained in compliance with Health and Safety Code Section 122065 requirements for the treatment of dogs.
- 14. **Noise Standards.** Noise standards shall be regulated pursuant to Butte County Code Chapter 41A. Noise Control, Section 41A-7 Exterior Noise Standards and Section 41A-8 Interior Noise Standards. The County may conduct field testing to verify noise levels, or the County may require the operator to hire an acoustical consultant to conduct field testing. If the operator is required to verify noise levels, a test report showing compliance shall be provided by the operator and submitted to the Director of Development Services at the operator's expense. For the purpose of evaluating conformance with the standards of this section, noise levels shall be measured in accordance with Butte County Code Chapter 41A. Noise Control.

24-166 Marijuana Dispensaries

Marijuana dispensaries shall be a prohibited use within Butte County.

24-167 Mobile Home Parks

A. Use Regulations.

- 1. **Location.** Mobile home parks shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards).
- 2. **Primary Use.** Mobile homes with a minimum of 320 square feet of floor area (8 x 40 feet) are permitted as the primary use within mobile home parks.

3. **Accessory Uses.** The following accessory uses shall also be permitted within mobile home parks:
 - a. Management office and maintenance equipment storage.
 - b. Coin-operated laundry and dry cleaning facilities, for residents only.
 - c. Vending machines, for residents only.
 - d. Noncommercial recreation, meeting halls, clubhouses, and swimming pools.
 - e. Storage facilities, for residents only.
 - f. Chapels and other religious buildings.
 - g. Car washing facilities, for residents only.
 - h. Other uses which are clearly incidental and subordinate to the primary use.

B. Property Standards.

1. **Minimum Site Area.** The minimum site area for a mobile home park shall be 10 contiguous acres.
2. **Minimum and Maximum Density.** The minimum and maximum residential density for a mobile home park shall be as established by the zone in which the mobile home park is located.
3. **Parking.**
 - a. The number of parking spaces shall be provided as required in Section 24-93 (On-Site Parking Requirements).
4. **Setbacks.**
 - a. All structures within a mobile home park shall be setback a minimum of 25 feet from any public road.
5. **Utilities.** All utilities shall be installed underground.
6. **Population Density.** Not more than one single-family mobile home may be placed on a mobile home site.

C. Walls and Fences.

1. The Zoning Administrator may require walls or fences around the perimeter of a mobile home park that abuts a public road. The height, construction, and type of material for such perimeter walls or fences shall be as specified by the Zoning Administrator (Article 13 (Walls and Fences)).

D. Mobile Home Park Streets. Mobile home park streets shall be provided in such a pattern as to provide convenient traffic circulation within the mobile home park and to surrounding county roads. Streets shall be constructed to the following standards:

1. Mobile home park streets shall be paved in accordance with State of California standards.
2. Drainage facilities and encroachments to public roads shall be in conformity with Department of Public Works standards.

E. Mobile Home Park Amenities.

1. **Storage Areas.** Areas used for storage of travel trailers, boats, and other such items may be established in a mobile home park for residents only provided they are adequately screened from public view and occupy no more than 20 percent of the mobile home park site.

- F. Dogs and Animals.** Dogs and other household pets shall not be permitted to run at large in any mobile home park.
- G. Transient Spaces.** Sites reserved for transient mobile homes shall be so designated on an approved mobile home park master development plan. The site development standards of this section shall apply to sites reserved for transient mobile homes.

24-168 Outdoor Displays and Sales

- A. Zones Permitted** Outdoor display of retail goods is permitted as an accessory use to a permitted commercial use in the General Commercial (GC), Neighborhood Commercial (NC), Community Commercial (CC), and Mixed Use (MU) zones.
- B. Permit Required.** Permanent outdoor display areas require the approval of an Administrative Permit. Permit applications shall include a site plan that identifies the location, area, and boundaries of the outdoor display. The Zoning Administrator may also request addition information deemed necessary to demonstrate compliance with the standards in this section.
- C. Height.** Displayed items shall not exceed 6 feet in height.
- D. Goods Permitted.** Displayed items shall be of the same type that are lawfully displayed and sold inside the building occupied by the primary commercial use. Only the business or entity occupying the building may display and sell merchandise in an outdoor display area.
- E. Hours.** Items shall be displayed only during operating hours of the primary commercial use. Items shall be removed from display and moved into a permanently enclosed structure upon close of business.
- F. Screening.** The Zoning Administrator may require that sales areas and activities be screened from view from adjacent streets with a solid wall, fence, or landscaped berm.
- G. Location.**
 1. All outdoor displays shall be located on the same parcel as the associated primary use.
 2. Display areas shall not be placed within any permanent landscaped area, required parking space, or loading area.
 3. No items shall be displayed within the public right-of-way.
 4. Display areas shall not be placed in a location that would cause a safety hazard, obstruct the entrance to a building, encroach upon driveways, or otherwise create hazards for pedestrian or vehicle traffic.

24-169 Public/Mini Storage

- A. Location.** Public/mini storage facilities shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards).

- B. Prohibited Uses.** Public/mini storage facilities shall be used exclusively for the storage of goods. The following uses shall be prohibited in public/mini storage facilities:
1. Automotive repair.
 2. Practice facilities for musical bands.
 3. Living quarters for human habitation.
 4. The keeping of live animals.
 5. Storage of hazardous materials.
 6. Metal, wood, or other working shops, whether as a business or hobby.
 7. Any business activity.
- C. Enclosure of Stored Materials.** Outdoor storage within a public/mini storage facility shall be prohibited, except that boats and recreational vehicles may be stored outside if screened from public view.
- D. Setbacks.**
1. Public/mini storage structures shall be setback a minimum of 20 feet from any public street.
 2. Public/mini storage structures over one story shall be setback a minimum of 30 feet from any property line.
- E. Utilities.** Individual personal storage units in a public/mini storage facility shall not have separate water, sewer, or electrical services, except to serve needed lighting and security purposes.
- F. Walls and Screening.**
1. Landscaping shall be provided continuously along any frontage of a public/mini storage facility on public streets, excepting authorized entry points.
 2. A major corner landscape feature, consisting of a combination of undulating berms, low garden or rock garden, walls, trees, flowering shrubs, ground cover, shall be provided at the corner of a parcel in cases where a property occupied by a public/mini storage facility is located at the intersection of two or more streets.
 3. Exterior walls shall be constructed of decorative block, concrete panel, stucco, or similar material. Exterior walls shall include architectural relief through height variations, the use of architectural caps, attractive posts, or similar measures. Gates through exterior walls shall be decorative iron or similar material. Chain-link or wood fencing or gating is prohibited.
 4. All mechanical equipment (e.g., ventilation systems, HVAC units) shall be screened by roofs, fences, or by other means so that it is not visible from public roads or by users of adjacent properties.
- G. Lighting.**
1. Wall-mounted lights shall be located below the roofline of the buildings and shall be shielded and downward facing.

2. Freestanding lighting in a public/mini storage facility shall be no greater than 16 feet in height and shall be setback a minimum of 50 feet from property lines adjacent to residential uses.

H. Structure and Site Design.

1. Entrance doors to storage compartments shall not front onto any public street.
2. Structure walls shall be constructed of tinted or face block, stucco, brick, stone, architectural concrete masonry units, or other similar material.
3. A change in structure wall plane of at least 12 inches shall be used at least every 60 feet. Additionally, structure walls adjacent to or visible from a public street or abutting public property and 60 feet or more in length shall have offset areas of at least 4 feet in depth.
4. Roofs shall have a minimum pitch of 4 to 1. Metal roofs shall have a flat finish to reduce reflective glare. A change in roof plane of at least 12 inches shall occur at least every 60 feet.
5. Prefabricated shipping containers shall not be used for mini-storage facilities.
6. Drive aisles servicing metal frame mini-storage buildings shall be a minimum width of 24 feet.
7. Boats and recreational vehicle spaces shall have a 12-foot minimum width to ensure adequate access and maneuvering space.
8. Trash collection areas shall be provided as part of a public/mini storage facility. Collection areas shall be screened by either a minimum 6-foot-high solid masonry wall, an attractive wall of similar opaque material, or by the facility's buildings. Collection areas shall provide for easy access by mini-storage unit users.
9. The primary entrance to a public/mini storage facility sales office shall be clearly identifiable. The sales office may be recessed or framed by a sheltering element such as an awning, arcade, or portico.

24-170 Recycling Collection Facilities

- A. Applicability.** The standards in this section apply to recycling collection facilities as defined in Article 42 (Glossary).
- B. Location.** Recycling collection facilities shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards).
- C. Reverse Vending Machines.**
 1. **Accessory Use Only.** Reverse vending machines are allowed only as an accessory use to a commercial, industrial, or public use permitted in the applicable zone.
 2. **Location.**
 - a. If located outside of a structure, reverse vending machines shall be located within 50 feet of the entrance to the primary structure on the parcel and shall not obstruct pedestrian or vehicular circulation.
 - b. Reverse vending machines shall not occupy required on-site parking spaces.

3. **Size.** Reverse vending machines shall occupy no more than 50 square feet of floor space per unit, including any protective enclosure, and shall be no more than 8 feet in height.
4. **Signs.** The maximum sign area shall be 4 square feet per unit, exclusive of operating instructions, and shall be located on the unit.

D. Small Collection Facilities.

1. **Location.**
 - a. Small collection facilities shall not be located within 50 feet of a residential zone.
 - b. Small collection facilities shall be set back at least 10 feet from any public right-of-way and shall not interrupt pedestrian or vehicular traffic.
2. **Size.** A small collection facility shall occupy no more than 500 square feet of area.
3. **Screening.** Small collection facilities adjacent to a residential zone shall be enclosed in a structure or screened from view by an opaque fence or wall at least 6 feet in height.
4. **Operating Standards.** Small collection facilities shall not use power-driven processing equipment and shall only accept glass, metal, plastic containers, paper, and reusable items.

E. Large Collection Facilities.

1. **Location.** A large collection facility shall be located at least 250 feet from a residential zone.
2. **Screening.** Large collection facilities shall be enclosed in a structure or screened from view by an opaque fence or wall at least 6 feet in height.
3. **Operating Standards.** Power-driven processing shall not produce dust, fumes, odor, smoke, or vibration in excess of ambient levels.

F. Processing Facilities.

1. **Location.** Parcels occupied by a processing facility shall not abut a residential zone.
2. **Allowed Activities.** Baling, compacting, crushing, grinding, shredding, sorting, and repairing are allowed. Only beverage and food containers may be baled, compacted, or shredded.
3. **Size.** Processing facilities shall not exceed 45,000 square feet of floor area.
4. **Exterior Storage.** Exterior storage of material shall be located in sturdy storage containers, or be enclosed.
5. **Screening.** Processing facilities shall be enclosed in a structure or screened from view by an opaque fence or wall at least 8 feet in height.
6. **Operating Standards.** Dust, fumes, odor, smoke, or vibration shall not exceed ambient levels.

24-171 Residential Generator Noise

- A. Purpose.** This section establishes minimum requirements for the operation of residential generators. These requirements are intended to reduce noise levels in residential areas and protect the health, property, and well-being of Butte County residents and visitors.

- B. Applicability.** This section shall apply to the operation of residential generators. This section does not apply to Limited Density Owner-Built Rural Dwellings as defined in the California Building Code. Allowable noise levels for Limited Density Owner-Built Rural Dwellings are defined under Article VI, Chapter 26 of the Butte County Code.
- C. Standards.**
1. **Noise Levels.** Noise shall be regulated pursuant to Butte County Code Chapter 41A. Noise Control.
 2. **Installation.** Permanent generators shall be permanently secured on a minimum 3½ -inch thick concrete slab extending a minimum of 2 feet beyond the generator on all sides, or shall be anchored as required in the manufacturer's installation instructions to prevent vibration.
 3. **Compliance with Noise Standard.** Residential generators not meeting the standards set forth under Chapter 41A. Noise Control shall be brought into compliance in any of the following ways:
 - a. Cessation of operation;
 - b. Retrofitting of the generator with a manufacturer-approved muffler or exhaust silencer;
 - c. Repair of the generator;
 - d. Replacement of the generator with a conforming generator; or
 - e. Enclosure of the generator in conformance with Subsection (D) of this section.
- D. Enclosure.** If needed to comply with the maximum or hourly decibel level, generators shall be enclosed in a sound reduction enclosure approved by the Building Official. This enclosure shall be constructed consistent with published County guidelines for generator noise reduction, or may be a commercially manufactured enclosure. Generator enclosures shall reduce noise to the level required by this section. Enclosures shall be constructed to meet current California Building Code standards, shall provide a minimum of 30 inches of interior structural clearance to allow access on all sides of the generator, and shall be adequately ventilated and vented. The Department of Development Services shall publish and maintain guidelines for the construction of effective generator noise reduction enclosures.
- E. Exceptions.** The standards of this section are not applicable to generator noise from the following sources:
1. The use of any generator related to or connected with an emergency, in order to protect life or property; or during a temporary power outage; and
 2. The operation of any generator for commercial agricultural use.

24-172 Second Units

- A. Purpose.** This section establishes standards for the location and construction of second units in conformance with Section 65852.2 of the California Government Code. These standards are intended to allow for second units as an important form of affordable housing while preserving the character and integrity of residential areas within the county.

- B. Location.** Second units shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards). Second units are not allowed in the North Chico Specific Plan area, Timber Production (TPZ) zones, or on Williamson Act contracted property. Second units proposed within the Airport Compatibility (-AC) overlay zone must comply with the allowed residential dwelling units/acre specified by the Butte County Airport Land Use Compatibility Plan.
- C. Site Requirements.**
1. Second units shall be permitted only on legally-created parcels.
 2. In Agricultural Zones, Second Units shall be located in close proximity to the primary dwelling unit.
- D. Guest Houses.**
1. Guest houses shall be excluded from the requirements of this section and shall be regulated pursuant to Section 24-156(g) (Accessory Uses and Structures).
 2. Second units that comply with all requirements of this section are permitted on a parcel containing a guest house.
- E. Size.** There shall be no maximum floor area requirement for second units, provided that the second unit complies with all applicable County regulations, including height and setback standards, Building Code regulations, and water supply, sewage disposal, and driveway/road access requirements.
- F. Maximum Number Permitted.**
1. Only one second unit shall be allowed on a parcel.
 2. A second unit is not permitted on parcels already containing two or more dwelling units. Agricultural Worker Housing approved by the State of California and Butte County shall not be counted as a dwelling unit pursuant to this section.
- G. Relationship to Primary Dwelling.**
1. A second unit may be within, attached to, or detached from the primary dwelling. Attachment to the primary dwelling shall be by sharing a common interior wall or common roof.
 2. A second unit shall have its own kitchen, bathroom facilities, and entrance separate from the primary dwelling.
- H. Occupancy.** The owner of a parcel developed with a second unit shall reside in either the primary dwelling or the second unit.
- I. Parking.** On-site parking shall be provided consistent with the parking requirements in Section 24-93 (On-Site Parking Requirements).
- J. Development Standards.** A second unit shall comply with all development and design standards of the Zoning Ordinance that are applicable to the primary dwelling, including, but not limited to, building setbacks, parcel coverage, and building height.

- K. Utilities.** Second units shall have adequate sewage disposal facilities and potable water facilities, as determined by the Butte County Environmental Health Division.
- L. Site Improvements.**
1. As a condition for the issuance of a building permit for a second unit, the existing driveway or road serving the parcel shall be improved, if necessary, to meet Public Resources Code Section 4290 (Fire Safe Regulations).
 2. Construction of the second dwelling unit may require drainage improvements that are customary for a building permit. The extent and timing of the improvements shall be determined by the Department of Public Works and shall conform to the technical standards and specifications for drainage improvements as adopted by the Board of Supervisors.
- M. Deed Restrictions.** Prior to the issuance of a building permit for a second unit, a covenant of restriction to run with the land shall be recorded which specifies that the second unit cannot be sold separately, that the property owner shall reside in either the primary or second unit, and that these restrictions shall be binding on successors in ownership.

24-173.1 Heavy Equipment Storage in the VLDR (Very Low Density Residential) Zone

- A. Purpose.** This section establishes minimum standards and permit requirements for the storage of heavy equipment used by individual contractors/drivers for off-site commercial jobs.
- B. Location/Applicability.** This section applies to the Very Low Density Residential Zones as shown under Part 2 (Zoning Districts, Land Uses, and Development Standards). The allowance of Heavy Equipment Storage for all other zones is set forth under Section 24-156 (Accessory Uses and Structures) and 24-173.2 (Heavy Equipment Storage in the RCR (Rural Country Residential) and FCR (Foothill Country Residential) Zones).
- C. Definition.** Heavy Equipment Storage includes the storage of all heavy equipment with a manufacturer's gross weight of 10,000 pounds or more.
- D. Permits Required.**
1. The storage of one piece of heavy equipment in conjunction with a residence is a permitted use.
 2. The storage of two to six pieces of heavy equipment in conjunction with a residence requires the approval of an Administrative Permit.
 3. The storage of more than six pieces of heavy equipment in conjunction with a residence requires the approval of a Minor Use Permit.
- E. Standards.** All Heavy Equipment Storage sites shall comply with the following standards:
1. The heavy equipment and vehicle storage area may not exceed one-half-acre in size where all vehicles shall be stored.
 2. The storage area shall be setback from property lines in accordance with the setbacks required for structures in the applicable zone.

3. Heavy equipment may be stored and removed on a daily basis, subject to the hours of operation of 6:00 am to 6:00 pm, Monday-Friday, and 8:00 am to 6:00 pm Saturdays, Sundays and Holidays
4. All vehicles shall be screened from direct view through vegetation, or approved fencing/walls or other approved means.
5. All vehicles must be operational and have a current license.
6. No heavy mechanical work is allowed. Light maintenance such as fluid changes, tire changes, and other minor repairs are permitted.
7. Inoperative vehicles are not permitted to be stored at the site.
8. Vehicles shall not idle longer than 5 minutes at the site prior to leaving or upon return.
9. Access roads shall be sufficient to carry the equipment without sustaining undue damage to the roads.
10. Mud, run-off, erosion, and drainage, shall be controlled at all times and contained on-site.
11. Dust shall be mitigated during dry conditions.
12. Storage of oil, gas, or other fluids/materials associated with the maintenance of heavy vehicles must comply with state law regulating the storage of hazardous materials.
13. Storage of construction related material such as aggregate, sand, soil or debris is prohibited.
14. Measures shall be taken to prevent leaks and spills. Any leaks and spills shall be immediately addressed.

24-173.2 Heavy Equipment Storage in the RCR (Rural Country Residential) and FCR (Foothill Country Residential) Zones

- A. Purpose.** This section establishes minimum standards and permit requirements for the storage of heavy equipment used by individual contractors/drivers for off-site commercial jobs in conjunction with their primary residence. This section does not apply to heavy equipment and vehicles used primarily for on-site maintenance and/or on-site agricultural activities or heavy duty vehicles with an un-laden weight of less than 10,000 lbs. that are used for primary transportation to and from a property either for private or commercial purposes. This section additionally does not apply to recreational vehicles or horse trailers.
- B. Location/Applicability.** This section applies to the RCR (Rural Country Residential) and FCR (Foothill Country Residential) Zones as shown under Part 2 (Zoning Districts, Land Uses, and Development Standards). The allowance of Heavy Equipment Storage for all other zones is set forth under Section 24-173.1 (Heavy Equipment Storage in the VLDR (Very Low Density Residential) Zone and Section 24-156 (Accessory Uses and Structures).
- C. Definition.** Heavy Equipment Storage as it applies to the RCR and FCR zones includes the storage of all heavy equipment such as graders, excavators, bulldozers, backhoes and similar equipment; heavy vehicles such as dump trucks, semi-tractor trailers, and similar vehicles. Configurations are defined as follows:

1. One piece of heavy equipment may be configured as one truck without a trailer, one truck and a single trailer (loaded or unloaded), or one truck and two trailers (loaded or unloaded).
2. If heavy equipment that is intended for transportation on a trailer (s) is in an unloaded configuration (e.g. a backhoe parked on the ground), it is still counted as one piece along with its related truck and trailer (s).

D. Permits Required.

1. For parcels less than or equal to 10 acres, the storage of up to two pieces of heavy equipment in conjunction with a primary residence is a permitted use. The storage of greater than two pieces of heavy equipment requires the approval of a Minor Use Permit.
2. For parcels greater than 10 acres the storage of up to four pieces of heavy equipment in conjunction with a primary residence is a permitted use. The storage of greater than four pieces of heavy equipment requires the approval of a Minor Use Permit.

E. Standards. All Heavy Equipment Storage sites shall comply with the following standards:

1. The heavy equipment and vehicle storage area may not exceed ½ acre in size where all vehicles shall be stored.
2. The storage area shall be setback from property lines in accordance with the setbacks required for structures in the applicable zone.
3. All heavy equipment vehicles shall be screened from direct view from any adjacent public or private right-of-way or private easement through vegetation, or approved fencing/walls or other approved means.
4. No heavy mechanical work is allowed. Light maintenance such as fluid changes, tire changes, and other minor repairs are permitted.
5. Inoperative vehicles are not permitted to be stored at the site.
6. Heavy equipment vehicles shall not idle longer than 5 minutes at the site prior to leaving or upon return.
7. The Minor Use Permit shall require that all access roads are sufficient to carry the equipment without sustaining undue damage to the roads.
8. The Minor Use Permit shall require that mud, run-off, erosion, and drainage, to be controlled at all times and contained on-site.
9. Dust shall be mitigated during dry conditions.
10. Storage of oil, gas, or other fluids/materials associated with the maintenance of heavy vehicles must comply with State law regulating the storage of hazardous materials.
11. Commercial storage of construction related material such as aggregate, sand, soil or debris is prohibited.

12. Measures shall be taken to prevent leaks and spills. Any leaks and spills shall be immediately addressed.
- F. Amortization of Heavy Equipment Storage Uses.** All existing Heavy Equipment Storage uses that do not comply with the provisions of this chapter taking place in the RCR and FCR zones shall be amortized over a one-year period initiated upon adoption of this section. At the conclusion of the one-year period all non-complying Heavy Equipment Storage uses shall cease and desist and shall be removed, or a permit shall be obtained.

24-174 Temporary Uses

- A. Permit Required.** Except as specified in Subsection B (Temporary Uses Exempt from Permits), the establishment and operation of a temporary use shall require the approval of an Administrative Permit.
- B. Temporary Uses Exempt from Permits.** The following temporary uses are permitted without the approval of an Administrative Permit:
1. Garage sales in residential zones.
 2. Public emergency facilities established for the purposes of health and public safety during a declared emergency.
 3. Car washes when sponsored by a religious, educational, fraternal, or service organization directly engaged in civic or charitable efforts. Car washes shall be limited to two days each month for each sponsoring organization.
 4. Public events and activities when conducted on public property as approved by the Board of Supervisors or its designees.
 5. Temporary construction yards that are located on-site, less than 1 acre in size, and established in conjunction with an approved project or development permit. The construction yard shall be immediately removed within 10 days of completion of the construction project or expiration of the building permit.
- C. Temporary Uses Requiring Administrative Permits.** The following temporary uses are permitted subject to issuance of an Administrative Permit upon a determination by the Zoning Administrator that the use is compatible with the applicable zone and surrounding uses:
1. Seasonal sales (e.g., Christmas trees, pumpkins, strawberries, citrus crops) for a maximum of 30 consecutive calendar days, no more than 3 times per year on a single property. Seasonal sales shall not be permitted on any residentially-zoned property.
 2. Construction yards located off-site, or more than 1 acre in size on-site, in conjunction with an approved project or development permit. The construction yard shall be immediately removed within 10 days of completion of the construction project or expiration of the building permit.
 3. A trailer or commercial modular unit used as a work site for employees of a business, for a maximum of 12 months.
 4. A trailer or similar structure used as a classroom or office, for a maximum of 12 months.

5. A real estate office used exclusively for the sale of homes or other real estate for a maximum of three years.
6. Similar temporary activities determined by the Zoning Administrator to be compatible with the applicable zoning district and surrounding uses.

D. Temporary Uses Requiring Minor Use Permits The following temporary uses are permitted subject to issuance of a Minor Use Permit upon a determination by the Zoning Administrator that the use is compatible with the applicable zone and surrounding uses:

1. Farmer's markets, for a maximum of three days per week.
2. Community gardens where neighbors share a portion of an undeveloped parcel for the growing and harvesting of fruits and vegetables for personal use, not involving sales.
3. Similar temporary activities determined by the Zoning Administrator to be compatible with the applicable zoning district and surrounding uses.

E. Recreational Vehicle as Temporary Residences. Use of a recreational vehicle as a temporary dwelling unit shall be permitted during construction of a single-family residence or due to the rehabilitation of a single-family residence that has been damaged by fire, earthquake, tornado, other acts of nature, or that has been deemed condemned or uninhabitable by the County. The establishment of a temporary recreational vehicle as allowed by this section requires the approval of an Administrative Permit and shall comply with the following requirements:

1. The applicant shall obtain the necessary permits from the Butte County Environmental Health Division for the recreational vehicle installation.
2. The recreational vehicle may be placed for up to one year from the date of issuance of the Administrative Permit. However, the Zoning Administrator may extend the Administrative Permit for a one-year period upon a demonstration of physical or financial hardship by the applicant.
3. The occupant shall obtain a building permit for a residence.
4. The occupant shall obtain a sewerage disposal permit from the Butte County Environmental Health Division, or proof of sewage service by a service provider.
5. Within six months of the date of the issuance of the building permit, the occupant shall complete the foundation, rough plumbing, framing, and the roof of the proposed residence.
6. The house shall be completed within the two-year period and the use of the recreational vehicle as a temporary residence shall be discontinued after this period.

F. Temporary Mobile Homes.

1. **Applicability.** A mobile home certified under the 1974 National Mobile Home Construction and Safety Standards Act may be placed on any legal parcel in any residential zone.
2. **Permit Required.** Temporary mobile homes require the approval of an administrative permit.
3. **Standards.** All temporary mobile homes shall comply with the following standards:

- a. Occupancy of the mobile home shall be limited to a close friend or a relative by blood or marriage. An affidavit attesting to the relationship of the involved parties shall be submitted with the permit application.
- b. Rent shall not be charged.
- c. The mobile home may be owned by either the owner of the parcel on which it is placed, or the person residing therein.
- d. The mobile home shall be served by adequate sewer and water facilities, as determined by the Butte County Environmental Health Division.
- e. The siting of the mobile home shall conform to the California Residential Code.
- f. The mobile home is declared to be a temporary use on the property, accessory to the primary unit and shall not be placed on a permanent foundation. Additionally, a temporary mobile home shall not be permitted on a parcel where there is an approved second unit.
- g. The permit shall be granted for a term of 2 years. Extensions of the term for the permit, not exceeding 1 year for each extension, may be granted if the application for the extension is filed within 60 calendar days prior to the date of expiration.
- h. The mobile home shall be vacated upon expiration of the permit and removed within 120 days after the expiration of the permit. If it is not removed within 120 days, the County shall remove said mobile home and store it at the owner's expense.
- i. A deposit or bond sufficient to cover the removal expense shall be posted prior to the issuance of the Administrative Permit. The applicant shall grant Butte County the right to enter the property, to remove the mobile home, and to store it at the sole cost and expense of the applicant.
- j. The permit may be revoked if any of the terms or conditions of the permit is violated or if any acts or omissions of the permittee in connection with the use authorized by said permit constitute a public nuisance.

G. Additional Requirements. Temporary uses shall comply with the following additional requirements:

1. Upon, or prior to, the expiration of temporary use approval, any temporary structures, and all appurtenances thereto, shall be removed from the property.
2. The site shall be cleared of debris, litter, and other trash upon expiration of temporary use approval.

H. Extensions. Extensions of the time period for the temporary use shall not be permitted, unless otherwise permitted under this chapter.

24-175 Winery, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery Production Facilities

A. Purpose. This section establishes standards for the development and operation of winery and olive oil, fruit and nut, Micro-Brewery, and micro-distillery production facilities. The goals of this section are to:

1. Encourage the establishment of winery, olive oil, fruit and nut, micro-brewery and micro-distillery production facilities as a viable economic activity in Butte County.

2. Encourage the activities associated with winery, olive oil, fruit and nut, micro-brewery and micro-distillery production facilities that enable these operations to prosper, including providing tasting facilities for visitors and special events on-site.
 3. Encourage the tourism industry in Butte County by providing an additional destination activity.
 4. Establish standards for the operation of winery, olive oil, fruit and nut, micro-brewery and micro-distillery production facilities that will protect neighboring properties and the environment in general, and are appropriate based on the size and character of the operation under review.
 5. Encourage agricultural activities associated with the wine, olive oil, fruit and nut, micro-brewery and micro-distillery industries.
- B. Applicability.** This section applies to all winery, olive oil, fruit and nut, micro-brewery and micro-distillery production facilities as defined in Article 42 (Glossary).
- C. Types of Wine, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-distillery Production Facilities.** Types of wine, olive oil, fruit and nut, micro-brewery and micro-distillery production facilities permitted in Butte County and the permits they require are described in Table 24-175-1 (Permits Required for Wine, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery Production Facilities).

TABLE 24-175-1 PERMITS REQUIRED FOR WINE, OLIVE OIL, FRUIT AND NUT, MICRO-BREWERY AND MICRO-DISTILLERY PRODUCTION FACILITIES

Type	Size	Permit Required
Small Facility	7,500 or fewer cases of wine, beer, spirits, fruit or nut extracts, or bottles of olive oil per year	Administrative Permit
Large Facility	Less than 15,000 cases, and more than 7,500 cases of wine, beer, spirits, fruit or nut extracts, or olive oil per year	Minor Use Permit
Very Large Facility [1]	15,000 or more cases of wine, fruit or nut extracts, or olive oil per year	Conditional Use Permit
Industrial Facility	No active on-site wine grape or olive production	Conditional Use Permit

Notes:

[1] Very large micro-breweries and micro-distillers are not permitted. Micro-breweries and micro-distilleries subject to the requirements of this section shall produce less than 15,000 cases of beer or spirits per year.

D. Use Regulations.

1. **Permitted Uses for All Facilities.** The following uses shall be permitted as part of all types of facilities.
 - a. Growing and harvesting grapes, olives, fruit and nuts, and other products suitable for wine, olive processing and other products.
 - b. Milling, pressing, and bottling of grapes, olives, grape products, and olive products produced on and off the premises.
 - c. Micro-distillation of products grown on and off-site.

- d. Sale of wine, beer, spirits, olive oil, fruit and nut products for consumption off premises whether grown or produced on premises or off.
- e. Sale of merchandise related to wine, olive oil, or the facility.
- f. Wine, olive oil, fruit and nut tasting involving serving wine, olive oil, fruit and nut products to the public for the purpose of sampling.

2. **Additional Use Regulations.**

- a. Restaurants shall be permitted as an accessory use with the approval of a Conditional Use Permit for large, very large, and industrial facilities.
- b. Processing and bottling of grapes, grape products, fruit and nuts, olives, and olive products produced off the facility premises are permitted for industrial facilities.

E. Development Standards.

1. **Parcel Size.**

- a. The minimum parcel size for small, large, and very large facilities shall be 3 acres.
- b. There shall be no minimum parcel size for industrial facilities.

2. **Signage.** All signage associated with a winery shall be consistent with the requirements provided in Article 20 (Signs).

3. **Parking and Access.** On-site parking will be provided for in accordance with the “Wineries and Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery” category under Article 19 (Parking and Loading).

F. Operational Standards.

1. **License Required.**

- a. Small, large, and very large facilities producing wine shall be licensed by State of California Department of Alcohol Beverage Control, license “Type 02, Winegrower.”
- b. Industrial facilities producing wine shall be licensed by State of California Department of Alcohol Beverage Control.
- c. Micro-breweries producing beer shall be licensed by the State of California Department of Alcohol Beverage Control, license “Type 23, Small Beer Manufacturer.”
- d. Micro-distilleries producing distilled spirits shall be licensed by State of California Department of Alcohol Beverage Control, license “Type 04, Distilled Spirits Manufacturer.”

2. **Wine Production Reports.** The operator or land owner of a winery shall provide the Department of Development Services with copies of its wine production reports submitted to the Bureau of Alcohol, Tobacco, and Firearms or other similar agency.

3. **Beer Production Reports.** The operator or land owner of a micro-brewery shall provide the Department of Development Services with copies of its beer production reports submitted to the Bureau of Alcohol, Tobacco, and Firearms or other similar agency.

4. **Alcoholic Beverage Production Reports.** The operator or land owner of a micro-distillery shall provide the Department of Development Services with copies of its distilled beverage production reports submitted to the Alcohol and Tobacco Tax and Trade Bureau (TTB) or any other similar federal agency.

5. **Tour Buses and Vans.** Tour buses are allowed to visit large, very large, and industrial facilities. Tour buses are prohibited from visiting small facilities, unless a Minor Use Permit is approved to tour bus visits. Tour vans are permitted to visit small facilities. Tour buses and vans shall not idle more than 10 minutes per hour on-site, so as to minimize noise and air quality impacts to the area. Tour buses and vans shall be provided with adequate off-street parking and turn-around areas.
6. **Frequency of Wine and Olive Oil Tasting.** Wine and olive oil tasting shall be limited to three days per week for small facilities. More frequent tasting may be allowed at small facilities with the approval of a Minor Use Permit. There shall be no limit to the frequency of tasting for all other types of facilities.
7. **Outdoor Amplified Music.** Outdoor Amplified music used in conjunction with special events shall only be permitted with the approval of a Minor Use Permit. The Minor Use Permit will include a specific event time, duration, and shall not allow exceeding 60 decibels (maximum) as measured at the nearest property line. Amplified music shall only be allowed between the hours of 10:00 am to 7:00 pm.
8. **Special Events.**
 - a. Special events, such as weddings, dances, assemblies and craft fairs, are permitted in all facilities subject to the permit standards contained in Table 24-175-1 and all other operational and development standards in this section.
 - b. All special events shall require a separate Minor Use Permit for the first event and an Administrative Permit for each subsequent similar event. The permit for the special event shall specify the date of the event, the hours of operation, the maximum permitted number of guests and shall include any other conditions of approval determined necessary by the approving authority.
 - c. Hours of operation shall not exceed a maximum of 12 hours per day.
 - d. No more than 100 people may be present at any one time at small facilities. No more than 200 people may be present at any one time as part of a special event at large, very large, or industrial facilities.
 - e. No more than six special events per calendar year are allowed at small facilities. No more than 12 special events per calendar year are allowed at large facilities. There shall be no limit to the frequency of special events at very large facilities and industrial facilities.
9. **Parking.** On-site parking will be provided for in accordance with the “Special Events” category under Article 19 (Parking and Loading). The required parking shall be regulated under the Minor Use Permit or Administrative Permit.

Article 26. TELECOMMUNICATION FACILITIES

Sections:

- 24-176 – Purpose
- 24-177 – Applicability
- 24-178 – Exemptions
- 24-179 – Permits Required
- 24-180 – Application Submittal and Review
- 24-181 – General Requirements
- 24-182 – Standards for Zones
- 24-183 – Standards for Types of Facilities
- 24-184 – Co-Location Facilities
- 24-185 – Terms of Approval
- 24-186 – Performance Securities
- 24-187 – Facility Removal

24-176 Purpose

This article establishes standards for the placement and design of wireless telecommunication facilities. These standards are intended to:

- A. Allow reasonable opportunities for wireless communication providers to provide such services to the community in a safe, effective, and efficient manner.
- B. Encourage the location of new monopoles, towers, and antennas in non-residential areas, thereby discouraging the need for such facilities in residential areas.
- C. Minimize the total number of antennas throughout the county.
- D. Encourage co-location of facilities at appropriate new and existing monopoles, towers, and antenna sites.
- E. Encourage wireless telecommunication providers to locate new monopoles, towers, and antennas in areas that minimize adverse impact on agriculture and air navigation.
- F. Require wireless communication providers to design and configure wireless communication facilities in a way that minimizes adverse visual impacts.
- G. Protect the public's interest in the safe operation of emergency services such as air ambulance, medical and emergency evacuation, firefighting, law enforcement, search and rescue, vector control, and resource management.

24-177 Applicability

- A. This article applies to all commercial wireless telecommunications facilities for the transmission or reception of wireless telephone, radio, television, and other telecommunication signals.

- B.** Facilities subject to these standards include all equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems that are integral to providing wireless telecommunications services.

24-178 Exemptions

The following facilities are exempt from the standards in this article, and may be permitted if all identified standards are met:

- A.** Two-way radio communications systems operated only as an internal business or household communications system that are not made available to third parties, subject to the maximum height requirements as set forth in Section 24-181.B (General Requirements) or no greater than 50 feet in height.
- B.** Privately operated noncommercial facilities attendant to a residential, noncommercial use, including amateur radio facilities no greater than 65 feet in height.
- C.** Noncommercial television receiving antennas, subject to the maximum height requirements for the zone, as set forth in Section 24-181.B (General Requirements) or no greater than 50 feet in height.
- D.** Satellite dish (television receive only) antennas no greater than two meters in diameter which are used for noncommercial purposes by the user, providing all such facilities are exempt from demonstrating radio-frequency emission compliance from Federal Communications Commission (FCC) regulation. This exemption only applies to facilities categorically exempt from FCC regulation, and does not apply to facilities operated, leased to, or used by common carriers, or wireless communications providers, or personal communications systems (PCS) providers, or cellular communications providers or specialized mobile radio (SMR) communications providers, or television and radio broadcast facilities.
- E.** Temporary wireless telecommunication facilities providing public information coverage of a news event. Mobile facilities providing public information coverage of news events may be set up on public or private property for a duration of up to 72 hours.
- F.** Government-owned communications facilities utilized for a public purpose.
- G.** Facilities exempted under federal or State law.
- H.** Facilities erected and operated for emergency situations which are approved in writing in advance of installation by the Zoning Administrator. Uses of such facilities shall not exceed two weeks, unless an extension is granted in writing by the Zoning Administrator.
- I.** Personal wireless Internet equipment, such as a wireless router, that complies with all applicable FCC regulations.
- J.** Personal handheld and portable wireless devices, such as mobile phones, smart phones, computer tablets and readers, cordless phones, personal digital assistants (PDAs), and wireless headphones that comply with all applicable FCC regulations.

- K.** Repair or replacement of a lawfully established existing facility, so long as the repair or replacement does not involve modifications to the facility which add height, change the appearance in a visually or physically obtrusive manner, or increase its effective radiated power.

24-179 Permits Required

- A.** Permits required for telecommunication facilities shall be as specified in Table 24-179-1 (Permits Required for Telecommunication Facilities).

TABLE 24-179-1 PERMITS REQUIRED FOR TELECOMMUNICATION FACILITIES

Key A Administrative Permit required M Minor Use Permit required C Conditional Use Permit required - Use not allowed	Type of Telecommunication Facility			
	Co-Location Facilities	Building Mounted	Utility Pole Mounted	New Tower or Pole
Agriculture Zones				
Agriculture (AG)	A	M	M	C
Agriculture Services (AS)	A	M	M	C
Natural Resource Zones				
Timber Mountain (TM)	A	M	A	M
Timber Production (TPZ)	A	M	A	M
Resource Conservation (RC)	A	M	A	M
Residential Zones				
Foothill Residential (FR)	A	C	C	C
Foothill Country Residential (FCR)	A	C	C	C
Rural Residential (RR)	A	C	C	C
Rural Country Residential (RCR)	A	C	C	C
Very Low Density Residential (VLDR)	A	C	C	C
Very Low Density Country Residential (VLDCR)	A	C	C	C
Low Density Residential (LDR)	A	C	C	C
Medium Density Residential (MDR)	A	C	C	C
Medium High Density Residential (MHD)	A	C	C	C
High Density Residential (HDR)	A	C	C	C
Very High Density Residential (VHDR)	A	C	C	C
Commercial and Mixed Use Zones				
General Commercial (GC)	A	M	A	M

Key A Administrative Permit required M Minor Use Permit required C Conditional Use Permit required - Use not allowed	Type of Telecommunication Facility			
	Co-Location Facilities	Building Mounted	Utility Pole Mounted	New Tower or Pole
Neighborhood Commercial (NC)	A	M	A	M
Community Commercial (CC)	A	M	A	M
Recreation Commercial (RE)	A	M	A	M
Sports and Entertainment (SE)	A	M	A	M
Mixed Use (MU)	A	M	A	M
Industrial Zones				
Light Industrial (LI)	A	M	A	M
General Industrial (GI)	A	M	A	M
Heavy Industrial (HI)	A	M	A	M
Special Purpose Zones				
Public (PB)	A	M	A	M
Airport (AIR)	A	C	C	C
Research and Business Park (RBP)	A	M	A	M
Planned Development (PD)	A	M	A	M

B. Special Permit Requirements.

1. Excluding collocated facilities that comply with the standards in Section 24-184 (Co-Location Facilities), a Conditional Use Permit shall be required for telecommunication facilities located within a residential zone, within 1,000 feet of a residential zone, or within the Airport (AIR) zone. To approve the Conditional Use Permit, the Planning Commission shall make the following findings in addition to the findings in Article 31 (Conditional Use and Minor Use Permits) to approve the permit:
 - a. No feasible alternative site exists; and
 - b. A denial would constitute a prohibition on the provision of the affected wireless communications service in violation of federal or State law.
2. The burden of proof shall be on the applicant to establish the findings in Subsection 1 above.

24-180 Application Submittal and Review

- A. Applications for approval of a telecommunication facility shall include all materials and information required for the permit (e.g., Conditional Use Permit) plus the following information:
 1. A narrative description of the proposed facility, including the type of facility being requested.

2. A description of the type of technology and consumer services the provider will provide to its customers.
3. A description of the number, size, material, and color of antennas.
4. A statement specifying facility height from natural grade to the top of the proposed facility.
5. A description of any proposed support equipment, including towers or other structures necessary to support or house the facility.
6. A description of the types, quantities, and locations of hazardous materials to be handled on-site.
7. Landscaping and painting plans for the proposed facility.
8. A site location map, including horizontal and vertical location coordinates.
9. Elevations of the facility and any accessory buildings, including building height and other physical dimensions, drawn to graphic scale.
10. A visual impact assessment, photomontages, or mock-ups as required by the Zoning Administrator or Planning Commission. The assessment shall identify any proposed trimming of vegetation that will be required for the normal operation of the facility.
11. For facilities within a residential zone, within 1,000 feet of a residential zone, or within the AIR zone, a discussion of and supporting information regarding the alternative site selection of at least three alternative sites, if available, including co-location opportunities, and a statement as to why these alternative sites or co-location opportunities were rejected.
12. A complete service area map showing the entire wireless communications network of the providers 20 miles in all directions from the proposed site for the time period from the filing of the application to 12 months from the filing of the application, for the purpose of visually aiding cumulative environmental analysis, with and without the proposed facility or facilities, showing all hand-off sites within the specified area.
13. RFR/EMF and wattage output data, including the number of channels.
14. A graphic depiction of the search ring and all other technical criteria used in determining the proposed facility location.
15. Documentation which identifies failure characteristics of the facility structure or tower and demonstrates that the site and setbacks are of adequate size to contain falling debris.
16. Written evidence demonstrating that the selected facility structure or tower design is as visually unobtrusive as possible, given technical and engineering considerations. Submitted evidence shall indicate what type of facility is required to provide reasonably effective service and also the best technology and construction available to maximally achieve visual unobtrusiveness.
17. Applicants which operate common carrier facilities (specifically, but not limited to cellular, PCS, SMR, and paging service licensees of the FCC) shall provide written evidence that the applicant has provided notice to all FCC licensed wireless communications service carriers operating within the County of Butte of the plans to develop the site.

18. Evidence of a valid, current operating license or construction permit from the FCC or, if the applicant is not a wireless communications service provider, a user operating agreement for each and every such provider to which the applicant intends to rent space on the proposed facility.
 19. A report, signed by a qualified radio frequency engineer licensed by the FCC, prepared pursuant to FCC OET 65, stating whether the maximum radio frequency radiation/electromagnetic frequency radiation (RF/EMF) to be emitted by the proposed facility, taking into account all other facilities, both existing and known future facilities, at the proposed site and adjacent properties, conforms to safety standards adopted by the FCC, if applicable. The reports prepared for facilities shall conform to the reporting requirements set by the County and FCC OET 65 human exposure standards. The report shall also analyze the evidence provided in support of the proposed facility location, height and radiated power, frequency, the number of channels, and all other related data and present alternatives for the location, height, and radiated power, pursuant to the requirements of this section. If the proposed facility exceeds FCC OET 65 human exposure standards, the applicant shall also provide additional comprehensive technical and planning information regarding how the applicant shall protect all persons from excessive exposure consistent with all federal and State requirements, and any additional County requirements.
- B.** Projects in agriculture zones shall, prior to submitting an application for a proposed facility, submit a site plan of the proposed facility to the Butte County Agricultural Commissioner for comment and send a notification letter to all aerial agricultural applicators registered in the county informing them of the proposed site location and tower height. No hearing on an application for a proposed facility in any agriculture zone will be scheduled, nor shall any permit for any such facility be issued without proof that the Butte County Agricultural Commissioner and all aerial agricultural applicators registered in the county have been notified, as specified above.
- C.** All applications for facilities that are proposed to be located within the boundaries of any comprehensive airport land use plan or airport area of influence, as adopted or designated by the Butte County Airport Land Use Commission, shall be submitted to the Department of Development Services, and a copy submitted to the Butte County Airport Land Use Commission for review regarding consistency with adopted comprehensive airport land use plans and for recommendations addressing potential impacts to air navigation within the airport area of influence.
- D.** The County may, at its sole discretion and at the applicant's sole expense, retain an independent consultant to review either individual elements of or the entire application and advise the County.

24-181 General Requirements

A. Setbacks.

1. Except when specifically allowed below, all new telecommunication facilities shall be located on a parcel so that the distance from the base of the facility to the parcel boundary is equal to or greater than the height of the facility.
2. In the agriculture zones (AG, AS), the Zoning Administrator (for Administrative and Minor Use Permits), and the Planning Commission (for Conditional Use Permits, and appeals) may approve a reduced setback requirement if:

- a. The facility is located adjacent to an existing structure such as a barn, rice dryer, or other existing facility such that the facility will blend with the surrounding area; or
 - b. Adjacent property owners consent in writing to a reduced distance, no less than the minimum setback required by the applicable zone. Additional setback modifications may be permitted, as described in Subsection 3 below.
3. Minimum setbacks for telecommunication facilities that are within a non-residential zone and located more than 1,000 feet from any residential zone or existing legally established residential dwellings may be reduced with approval of a Minor Use Permit or Conditional Use Permit in the case of the Airport (AIR) zone. To approve the reduced setback, the review authority shall find that:
 - a. Setback distances for the facility are greater than or equal to setbacks for primary structures in the applicable district, or a minimum of 20 feet, whichever is greater;
 - b. The facility is not located within the Scenic Highway (-SH) overlay zone;
 - c. The facility is not located within 500 feet of any building or feature located on a local or State historic or cultural significance list;
 - d. The facility is compatible and consistent with any applicable adopted airport land use plan, and the facility would not interfere with agricultural aircraft operations;
 - e. The facility does not create a hazardous condition to the general health, safety, or welfare; and
 - f. Modifications of setback standards would not interfere with other standards or requirements addressed within the Zoning Ordinance.
4. Minimum setbacks for telecommunication facilities that are within a non-residential zone and located between 300 and 1,000 feet from any residential zone or existing legally established residential dwellings may be reduced with approval of a Minor Use Permit or Conditional Use Permit in the case of the Airport (AIR) zone. To approve the reduced setback, the review authority shall find that:
 - a. All findings specified in Subsection 3 above can be made;
 - b. All lighting on the proposed facility, including identification or warning lights required by the FAA or other public agency, is oriented so as to not directly illuminate any residential use on the ground, providing that such orientation/shielding complies with FAA or other federal or state agency requirements;
 - c. The facility is aesthetically and architecturally compatible with the surrounding environment. The new pole facility shall incorporate slim-line technology, stealth camouflaging features, or neutral colors;
 - d. Associated support buildings are designed to architecturally match the exterior of buildings in the surrounding area.

B. Height.

1. The maximum height for telecommunication facilities in all zones shall be 100 feet, except in Commercial and Industrial zones where it shall be 150 feet. The review authority may approve additional height based upon justifiable need. The height of a telecommunication facility shall be measured from the natural, undisturbed ground surface below the center of the base of the

monopole or tower to the top of the monopole or tower itself or, if higher, the tip of the highest antenna or piece of equipment attached thereto.

2. Facilities shall use the best available technology and construction to achieve maximal visual unobtrusiveness.
3. Telecommunication facilities may exceed the allowed height for the applicable zone in accordance with Section 1 above.
4. A roof-mounted wireless telecommunication facility shall be no more than 15 feet taller than the roof of the structure on which it is mounted.

C. Building and Electrical Codes.

1. Telecommunication facilities shall comply with all applicable building and electrical codes.
2. All facility operators shall submit certification from a registered structural engineer to the building division that all associated monopoles and towers in excess of 30 feet in height will withstand sustained winds as required by the California Building Code.

D. Utility Pole Mounted or Power Transmission Tower Mounted Facilities.

1. Facilities mounted on an existing utility pole or transmission tower are not subject to setbacks.
2. Facilities mounted on an existing utility pole or transmission tower may increase overall height by up to 20 percent of the existing facility's total height through the approval of a Minor Use Permit.

E. Advertising. No advertising or commercial display is permitted on any telecommunication facility.

F. Sewage Disposal. The placement of any antenna shall not adversely affect any on-site sewage disposal system or its repair area without written approval from the Division of Environmental Health.

G. Deed Restrictions. The installation of a facility shall not violate any existing deed restrictions.

H. Vehicle Access. All facilities shall have a 12-foot-wide all-weather access to a publicly maintained road capable of supporting a 40,000-pound fire apparatus with 15 feet of vertical clearance.

I. Outdoor Storage. There shall be no outdoor vehicle or equipment storage except for emergency purposes.

J. Federal and State Regulations.

1. All facilities shall fall within current regulations of the FAA, the FCC, and any other State and federal agency with the authority to regulate such facilities.
2. If federal or State regulations are changed, the property owner or responsible party shall bring such facilities into compliance with revised regulations within 90 days of the effective date of such regulations, unless a more stringent compliance schedule is mandated by the controlling agency.

K. Emissions. No facility or combination of facilities shall generate, at any time, electromagnetic frequency radiation (EMF) or radio frequency radiation (RF) in excess of the FCC adopted standards for human exposure.

L. Hazardous Facilities.

1. Any facility determined by the County to be detrimental to the health, safety, or welfare of persons working or residing near such facility, shall be removed, adjusted or replaced by the property owner or service provider.
2. In no case shall a facility remain in operation if it is found to create a hazard to the public health, safety, and welfare.
3. A facility shall not be found to create a hazard to health, safety, or welfare as a result of EMF or RF emissions from the facility so long as it meets all current standards established by the FCC, pursuant to FCC OET 65.

M. Abandoned Facilities. Facilities that are not in use for a period of six months shall be considered abandoned and shall be removed. Abandoned facilities shall be designated as unlawful and as public nuisances, requiring no amortization period

N. Distance Between Facilities.

1. A facility shall not be located within 1,000 feet of any other existing facility.
2. The minimum required distance between facilities may be reduced with approval of a Minor Use Permit. To approve the reduced separation, the review authority shall find that one or more of the following apply:
 - a. Visual impacts are negligible; or
 - b. The applicant can demonstrate that the site is a technical necessity to meet the demands of the geographic service area and the applicant's network.

O. Impacts on Cultural Resources.

1. Locating facilities in areas of historical, cultural or aesthetic importance to the County is prohibited, except when:
 - a. No feasible alternative site exists; and
 - b. A denial would prohibit wireless communications service in violation of federal or State law.
2. The burden of proof shall be on the applicant to establish both conditions above.
3. The County shall submit all applications for facilities in areas of historical, cultural, or aesthetic importance to the Northeast Information Center, CSU Chico, and the Butte County Historical Society for review and comment prior to acting upon the application.

P. Ground Level Support Facilities.

1. All ground level support facilities shall be painted or screened from view with adequate landscaping appropriate to the surrounding environment.
2. All aesthetic treatments, including landscaping, shall be maintained as approved for the life of the facility.

- Q. Encroachment Permit Required.** Facilities may not encroach into, under, over, above, or upon any public street in the unincorporated area of the county in the absence of a valid encroachment permit from the County.
- R. Annual Emissions Verification.**
1. The owner or operator of a facility shall annually submit written verification that the radio frequency radiation/electromagnetic frequency radiation (RF/EMF) emitted by a facility conforms to safety standards in FCC OET 65.
 2. The reports prepared for facilities shall conform to reporting requirements set by the FCC and the County.
- S. Development Schedule.** Applicants may be required to submit a development schedule if the Zoning Administrator determines that nearby property owners may be inconvenienced during the construction of a telecommunication facility.
- T. Security.** Facilities shall be secured at all times to prevent access by the public.

24-182 Standards for Zones

- A. Agriculture Zones.** All facilities in AG and AS zones shall comply with the following standards.
1. The review authority may require that tower or pole facilities be painted from a height of 10 feet above the ground to the top of the facility with alternating aviation orange and white stripes and have a flashing or steady burning light installed on the top that is shielded from the ground to prevent visual impacts, unless the applicant can demonstrate that such measures are not required to ensure compatibility with established air navigation practices in the immediate area.
 2. All obstruction lighting shall be visually inspected on a regular basis to ensure proper operation. Any lighting failure or malfunction that affects a top light or flashing light regardless of its position on the tower shall be reported immediately to the Department of Development Services and remedied in a timely manner.
 3. Facilities are encouraged to be located to ensure compatibility with established or anticipated future air navigation practices in the immediate area, as well as to minimize the disruption of agricultural land, provided all other applicable site development standards are met.
- B. Residential Zones.** All facilities in residential zones shall comply with the following standards.
1. All lighting on a facility, including identification or warning lights required by the FAA or other public agency, shall be oriented not to directly illuminate any area on the ground within a radius of 500 feet of the tower or monopole horizontally beyond the facility site, providing that such orientation/shielding complies with FAA or other federal or state agency requirements.
 2. All facilities shall be aesthetically and architecturally compatible with the surrounding environment. Residentially compatible materials and veneers such as wood, brick, or stucco shall be used for associated support buildings, which shall be designed to architecturally match the exterior of residential structures in the area.

3. Only one monopole or tower is permitted per parcel. Multiple facilities may be placed on the single monopole or tower to facilitate co-location in zones where permitted.
- C. Commercial and Industrial Zones.** All facilities located within an existing office or business park shall be constructed to be architecturally compatible with existing nearby structures or architectural styles including color schemes, textures, and ornamentation.

24-183 Standards for Types of Facilities

A. Building Facade Mounted Facilities.

1. All portions of facilities projecting above the roof parapet or roof line shall be screened or hidden from view.
2. The total area of all facility panels shall not exceed the greater of 10 percent of the square footage of the facade of the building or 25 square feet per facade, whichever is less.
3. All equipment shelters, cabinets, or other structures utilized or built in connection with the facility shall be located within the building being utilized for the facility, or on the ground outside of any setback area or required vehicle parking space, or on the roof, if screened.
4. The lowest portion of all facilities shall be located a minimum of 20 feet above grade level.
5. No portion of the facility shall project out in any direction more than 18 inches from the facade of the building.
6. Facilities shall be constructed or mounted and painted to blend with the predominant architecture of the building or shall appear to be part of the building to which the facility is attached.

B. Roof Mounted Facilities.

1. All equipment shelters, cabinets, or structures utilized or built in connection with the facilities shall be located within the building being utilized for the antenna, or on the ground outside of any setback area or required vehicle parking space, or on the roof, if visually screened.
2. Facilities affixed to towers located on the roof of buildings shall be located as close to the center of the roof as feasibly and aesthetically possible, and the height of the tower shall not exceed 20 feet above the roof top.

C. Monopoles or Towers.

1. New monopoles or towers proposed in or within 1,000 feet of agriculture and residential zones require written notice, in a manner approved by the Zoning Administrator, to be given to owners of parcels located within a minimum radius of 1,000 feet of the parcel on which the proposed monopole or tower will be located. No structures shall exceed the maximum permitted height in areas as specified in Section 24-51 (Height Limit Exceptions).
2. Monopoles or towers in agriculture or residential zones shall not exceed 30 feet in height except when:
 - a. No feasible alternative site exists; and

- b. A denial would constitute a prohibition on the provision of the affected wireless communications service in violation of federal or State law.
3. The burden of proof shall be on the applicant to establish both conditions described in Subsection 2 above.

24-184 Co-Location Facilities

- A. Co-Location Facility.** The placement or installation of wireless facilities, including antennas, and related equipment, on, or immediately adjacent to, a Wireless Telecommunications Co-Location Facility. However, "Co-location Facility" shall not include the placement or installation of any facilities on a Wireless Telecommunications Co-Location Facility which would add height to a Wireless Telecommunications Facility, the placement or installation of any new monopole or tower immediately adjacent to a Wireless Telecommunications Co-Location Facility, or the placement or installation of any facilities on a Wireless Telecommunications Co-Location Facility in a zone in which such a facility is prohibited by this section.
- B.** A co-location facility is permitted as-of-right with the approval of an Administrative Permit if it complies with the following requirements:
 1. The existing wireless telecommunications co-location facility which the co-location facility is proposed on or immediately adjacent to was subject to a discretionary permit and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunications co-location facility in compliance with the California Environmental Quality Act (Division 13, commencing with Section 21000, of the Public Resources Code), the requirements of Section 21166 do not apply, and the co-location facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.
 2. The co-location facility is consistent with all requirements, including but not limited to Use Permit conditions, applicable to the existing wireless telecommunications co-location facility for which the co-location facility is proposed on, or immediately adjacent.
 3. The co-location facility shall be subject to all of the development and performance standards set forth in this article.
- C.** If a co-location facility is proposed on, or immediately adjacent to an existing co-location facility which has not been subject to a County discretionary permit, the wireless telecommunications co-location facility shall require the approval of a Minor Use Permit or a Conditional Use Permit, and shall comply with all of the following:
 1. The California Environmental Quality Act through certification of an environmental impact report, or adoption of a negative declaration or mitigated negative declaration.
 2. Applicable State and County requirements, including the Butte County General Plan, any applicable community plan or specific plan, and the Zoning Ordinance.

3. County requirements for a wireless telecommunications co-location facility that specifies types of wireless telecommunications facilities that are allowed to include a co-location facility, or types of wireless telecommunications facilities that are allowed to include certain types of co-location facilities; height, location, bulk, and size of the wireless telecommunications co-location facility; percentage of the wireless telecommunications co-location facility that may be occupied by co-location facilities; and aesthetic or design requirements for the wireless telecommunications co-location facility, including but not limited to applicable requirements of this section.
 4. County requirements for a proposed co-location facility, including any types of co-location facilities that may be allowed on a wireless telecommunications co-location facility; height, location, bulk, and size of allowed co-location facilities; and aesthetic or design requirements for a co-location facility.
 5. The County shall hold at least one public hearing on the discretionary permit and notice shall be given pursuant to Article 36 (Public Notice and Hearings).
- D.** Co-location facilities shall be permitted subject to the issuance of an Administrative and building permit and shall comply with the following development and performance standards.
1. The installation of co-location facilities allowed by this subsection requires the issuance of a building permit from the Building Division. The Building Division, based upon engineered calculations submitted by the applicant, may determine that the wireless telecommunications facility cannot safely physically support the requested co-location facility. If this is the case, the co-location facility allowed on the wireless telecommunications facility shall only be commensurate with what can be safely physically supported by the wireless telecommunications facility, as determined by the Building Division.
 2. All equipment shelters, cabinets, or structures utilized or built in connection with the facilities shall be located within the building being utilized for the facility, or on the ground outside of any setback area or required vehicle parking space, or on the roof, if visually screened.
 3. Additional facilities shall not extend out horizontally from the pole more than the widest existing projection. The use of proximity designs is encouraged.
 4. The antennas and pole shall be painted to match the color of the existing antennas and pole or tower, and shall be painted and constructed to blend with the prevalent architecture and natural features existing on the subject site, as determined by the Zoning Administrator.

24-185 Terms of Approval

- A.** Permits for telecommunication facilities issued under this article shall be valid 10 years, unless this term is changed through the permitting process.
- B.** A permit granted under this article becomes invalid if an operator of a telecommunication facility ceases to operate the facility under the terms of this article or under the specific conditions of approval for the facility. If the facility becomes non-compliant, the owner shall cease to operate the facility and remove it from its location within 90 days of being informed that the permit has become invalid.

- C. All permits for telecommunication facilities, regardless of the method by which they were originally issued, may be extended administratively by the Zoning Administrator upon verification of the permit-holder's continued compliance with the findings and conditions of approval under which the application was originally approved. The Zoning Administrator may require a public hearing for renewal of a Conditional Use Permit for a telecommunication facility.
- D. As part of the permit renewal process, the Zoning Administrator may require submittal of a certification by a licensed professional that the facility is being operated in accordance with all applicable FCC standards for RF emissions.

24-186 Performance Securities

A. Emissions Testing.

1. Prior to issuance of the building permit for the installation of a telecommunications facility, the applicant shall post a performance security in an amount and form determined by the Zoning Administrator that is sufficient to cover the cost of a one-time test by a radio frequency consultant selected by the County, sufficient to determine whether the facility's RF/EMF emissions comply with FCC standards
2. If the facility's emissions are determined to exceed FCC standards, the applicant shall pay for such other tests and other corrective measures as are necessary to establish compliance with FCC OET 65 and its successors. Continued noncompliance constitutes sufficient grounds to commence a permit revocation hearing which may lead to permit revocation.
3. The applicant shall cooperate in all respects with the County's consultant to assist the consultant to reach a conclusion.

- B. Facility Removal.** Prior to issuance of the building permit for the installation of a facility, the applicant shall post a performance security in an amount and form determined by the Zoning Administrator that is sufficient to cover the cost of removal of the facility in the event that such facility is abandoned or subject to a revoked permit.

24-187 Facility Removal

- A. Within 30 days of the service provider's intention of leaving the site, documentation of the intention to remove the facility shall be provided to the County. The removal requirement set forth in this section shall be included in the terms of lease for facilities on the property.
- B. Within 60 days of abandonment, or discontinuance of use, of a telecommunications facility, the operator shall secure a Demolition Permit from the County and the facility shall be removed and the site restored to its pre-construction condition.
- C. If an abandoned or discontinued facility is not removed within 60 days, the County may remove the facility at the applicant's or land owner's expense.