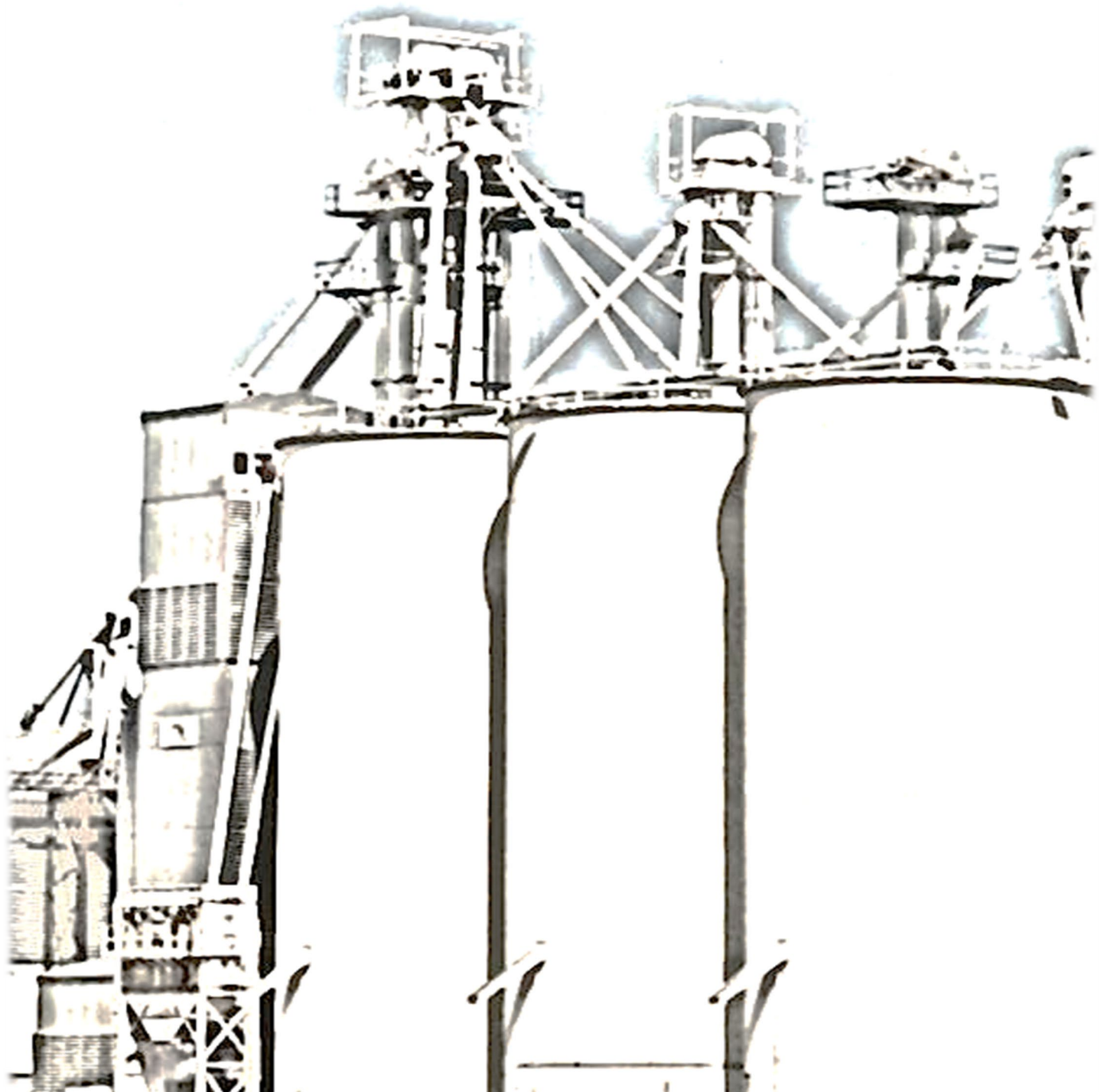


SUTTER COUNTY

# Zoning Code



As of March 22, 2022

# Sutter County Zoning Code

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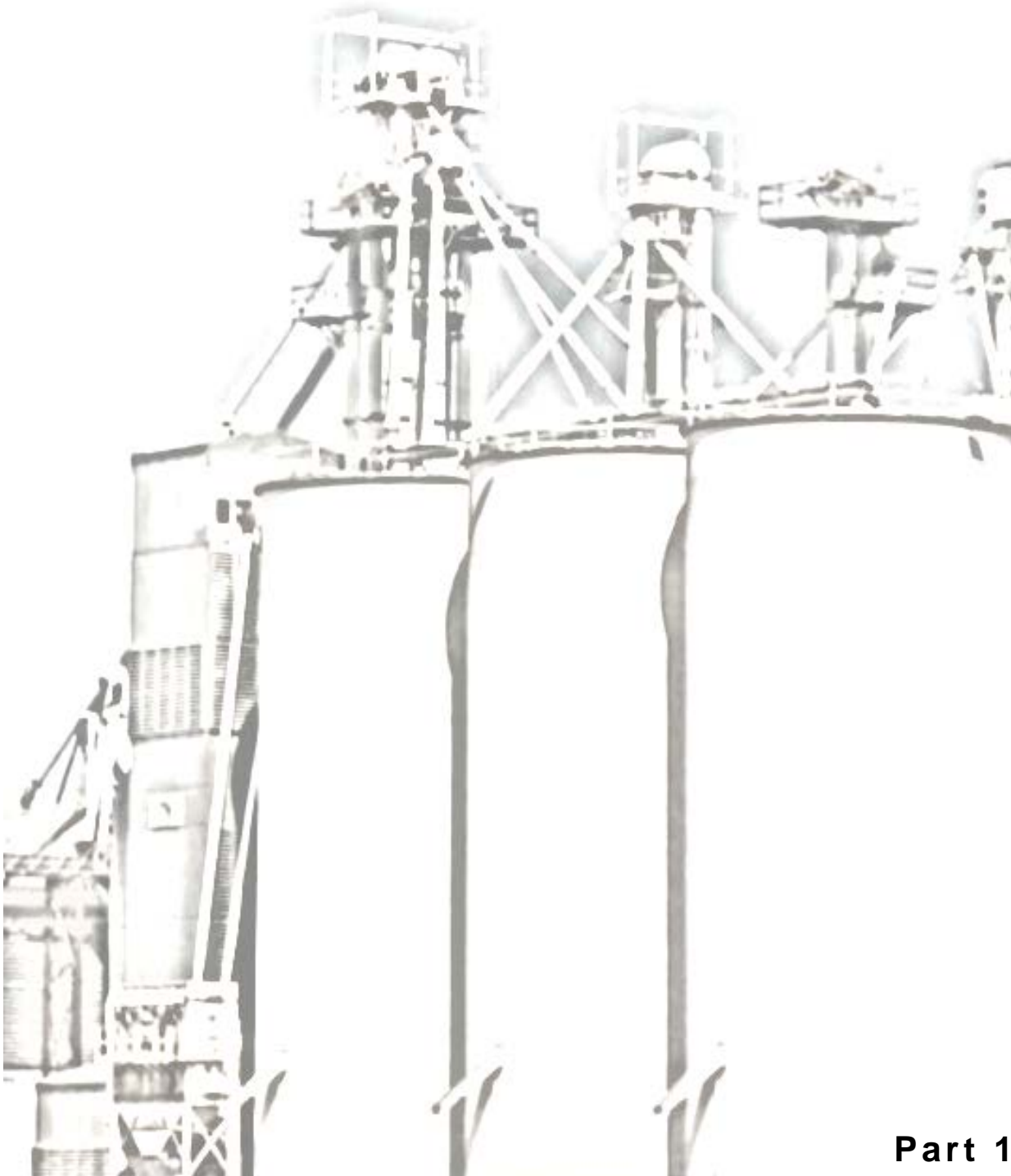
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**Part 1**

**Enactment, Rules & Use Classifications**

Part 1

**Enactment, Rules & Use Classifications**

**Article 1: Zoning Code Enactment**

- 1500-01-010: Title and Authority
- 1500-01-020: Purpose
- 1500-01-030: Applicability

**Article 2: Interpretations and Rules**

- 1500-02-010: Purpose
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- 1500-03-090: Commercial Use Types
- 1500-03-100: Industrial Use Types
- 1500-03-110: Transportation, Communication, and Utilities Use Types
- 1500-03-120: Resource Extraction Use Types

# Article 1

## Zoning Code Enactment

### CHAPTER 1500-01

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#### Sections:

**1500-01-010: Title and Authority**

**1500-01-020: Purpose**

**1500-01-030: Applicability**

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#### **1500-01-010 Title and Authority**

- A. **Title.** Chapter 1500 of the Sutter County Ordinance Code shall be known and cited as the “Sutter County Zoning Code”.
- B. **Authority** This Zoning Code is enacted based upon the authority vested in Sutter County by the State of California including, but not limited to, Article XI, Section 7 of the Constitution of the State of California and the State Planning and Zoning Law (Government Code 65000 et. seq.).

#### **1500-01-020 Purpose**

The purpose of this Zoning Code is to implement the Sutter County General Plan, and to protect and promote the health, safety, peace, comfort, convenience, prosperity and general welfare of those living, working and visiting the County. The Zoning Code is intended to:

- A. Classify, designate, and regulate the use of buildings, structures and the land within the County pursuant to the vision, goals, policies and programs of the General Plan;
- B. Preserve and enhance the appearance, character, and rural lifestyle of the County and ensure compatible, orderly, efficient, high quality and beneficial growth;
- C. Protect valuable agricultural lands and maintain a viable agricultural industry;
- D. Support appropriate and vibrant economic development and diversification;
- E. Conserve the County’s environmental and non-renewable resources;
- F. Protect and enhance the social and economic stability and value of land uses in the County that conform with the General Plan;
- G. Provide an appropriate balance of regulatory certainty and flexibility; and
- H. Facilitate efficient review of development proposals and other requests that are consistent with the General Plan and this Zoning Code.

### 1500-01-030 Applicability

This Zoning Code applies to all property, uses, structures and regulated activities within unincorporated areas under Sutter County's jurisdiction. Any governmental agency may be exempt from the provisions of this Zoning Code only to the extent such agency, property or activity may not be lawfully regulated by the County.

- A. **Compliance with Zoning Code.** No land shall be used and no structure constructed, altered, reconstructed, occupied, demolished or moved other than as allowed by this Zoning Code.
- B. **Minimum Requirements.** Unless otherwise stated, the provisions of this Zoning Code shall be the minimum requirements for the promotion and protection of the public health, safety, peace, comfort, convenience, prosperity and general welfare.
- C. **Discretionary Approval.** Where the Zoning Code provides for discretion on the part of the County review authority, the discretion may be exercised to impose additional or more flexible requirements than required by this Zoning Code in order to promote orderly land use and development, environmental resource protection, or other purposes of this Zoning Code.
- D. **Relationship to Other Regulations.**
  - 1. **General Plan.** If a conflict occurs between the requirements of this Zoning Code and the Sutter County General Plan, the requirements of the General Plan shall prevail.
  - 2. **Other County Regulations.** In the event of an inconsistency between this Zoning Code and any other duly adopted County regulation, the more restrictive of such provisions shall prevail.
  - 3. **Development Agreements and Specific Plans:** If a conflict occurs between the requirements of this Zoning Code and standards adopted as part of a development agreement or specific plan, the requirements of the development agreement or specific plan shall prevail.
  - 4. **Private Agreements.** This Zoning Code shall not interfere with, abrogate, annul, or repeal any easement, covenant (e.g., CC&Rs), deed restriction or other agreements in effect between private parties. However, where this Zoning Code imposes greater restrictions than are imposed or required by a private covenant or agreement, the provisions of this Zoning Code shall prevail. Sutter County shall not be responsible for enforcing or monitoring any private covenant or agreement, unless it is party to the covenant or agreement.
- E. **Other Permits and Requirements.** Nothing in this Zoning Code eliminates the need to obtain any other permit, license, approval or entitlement required by the County; regulations of a special district or agency; or regulation of a state or federal agency.
- F. **Prior Rights and Violations.** The enactment of this Zoning Code shall not terminate or otherwise effect vested land use development permits, approvals or agreements authorized under the provisions of any ordinance, nor shall violation of a prior ordinance be excused by the adoption of this Zoning Code
- G. **Pending and Approved Applications.**
  - 1. **Pending Applications.** Applications submitted to the County that have been deemed complete pursuant to Government Code Section 65943 before the effective date of this Zoning Code, or any amendment hereto, shall comply with the provision of the Zoning Code in effect on the date that the application was deemed complete.

2. **Approved Applications.** Applications approved prior to the effective date of this Zoning Code, or any amendment hereto, may be constructed or used in accordance with the adopted plans and conditions of approval.
  3. **Time Extensions.** An approval of an extension of time for an application approved prior to the effective date of this Zoning Code, or any amendment hereto, may be conditioned to comply with the provisions of the Zoning Code in effect on the date when the application for time extension was deemed complete pursuant to Government Code Section 65943.
- H. **Severability.** If any portion of this Zoning Code is for any reason held by a court of competent jurisdiction to be invalid, unconstitutional, or unenforceable, such decision shall not affect the validity of the remaining portions of this Zoning Code. The Sutter County Board of Supervisors hereby declares that this Zoning Code and each article, chapter, section, paragraph, subparagraph, sentence, clause, phrase and portion thereof, is adopted irrespective of the fact that one or more portions of this Zoning Code may be declared invalid, unconstitutional, or unenforceable.

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## Article 2

# Interpretations and Rules

### CHAPTER 1500-02

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#### Sections:

- 1500-02-010: Purpose
  - 1500-02-020: Authority for Interpretations
  - 1500-02-030: Procedures for Interpretations
  - 1500-02-040: Construction of Language
  - 1500-02-050: Common Measurements and Lot Lines
  - 1500-02-060: Zoning District Boundaries
- 

#### 1500-02-010 Purpose

This Chapter specifies the authority, procedures and rules for clarification of any ambiguity of this Zoning Code to ensure consistent interpretation and application.

#### 1500-02-020 Authority for Interpretations

The Director shall have the authority to make formal interpretations of the meaning and applicability of all provisions of this Zoning Code when, in the opinion of the Director, an interpretation would substantially clarify an ambiguity which interferes with the effective administration of the Zoning Code.

#### 1500-02-030 Procedures for Interpretation

- A. **Request for Interpretation.** A request for an interpretation of the Zoning Code shall be filed with the Planning Division on an official County application form. The application shall be filed with all required fees, materials, and other information deemed necessary by the Director to assist in the review.
- B. **Response:** The Director shall respond to a request for an interpretation within 30 days of receiving the request and any associated information deemed necessary.
- C. **Record of Interpretation.** Official interpretations prepared by the Director shall be in writing, shall cite the provision being interpreted, and shall describe the meaning or applicability of the provision as well as the circumstances that caused the need for the interpretation. The issuance of an interpretation shall also include a finding of consistency with the General Plan. The Planning Division shall maintain a complete record of all official interpretations available for public review.
- D. **Referral to the Planning Commission.** The Director may refer any interpretation of the Zoning Code to the Planning Commission for review and determination.
- E. **Appeal.** All actions of the Director and Planning Commission may be appealed pursuant to Section 1500-23-080.

### 1500-02-040 Construction of Language

The following rules shall apply to the construction of language except where the context indicates a different meaning:

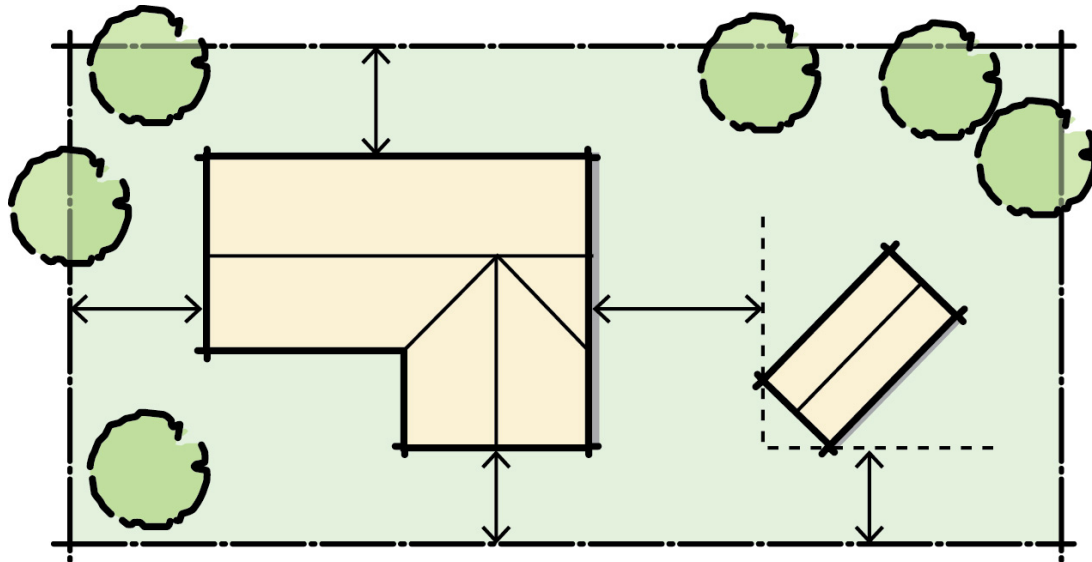
- A. **Shall, Should and May.** The words “shall”, “will”, “must”, “are to” and “is to” are always mandatory. “Should” and “encouraged” are highly recommended and discretionary. “May” is advisory.
- B. **Includes.** The word “includes” shall not limit connected words or provisions to the specified example, but is intended to extend the meaning to all other instances or circumstances of like kind or character.
- C. **And, Or and Either.** The conjunction “and” indicates that all connected words or provisions shall apply. “and/or” and “or” indicate that the connected words or provisions may apply singularly or in any combination. “Either...or” indicates that the connected words or provisions shall apply singularly but not in combination.
- D. **Tense.** Words used in the present tense include the past and future tenses, and words used in the future tense include the past.
- E. **Singular and Plural.** Words used in the singular include the plural, and words used in the plural include the singular.
- F. **Officials and Agencies.** All references to public officials, departments, committees, commissions, boards or other public agencies are those of Sutter County, unless otherwise indicated.
- G. **Headings.** Article, chapter and section headings do not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision.
- H. **Illustrations.** In the case of any conflict of meaning or implication between text and an illustration or caption, the text shall prevail.
- I. **Calendar Days.** All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when County offices are closed, it shall extend to the next working day. The end of a time period shall be the close of business on the last day of the period.

### 1500-02-050 Common Measurements and Lot Lines

The following rules shall apply to the calculation of common measurements unless otherwise specified:

- A. **General Rules**
  - 1. **Rounding of Fractions.** Whenever the Zoning Code specifies distances, parking spaces, dwelling units, square feet, or other requirements in numerical quantities, the results of calculations containing a fraction of 0.5 or greater shall be rounded up to the nearest whole number, and fractions less than 0.5 shall be rounded down to the nearest whole number. Rounding provisions do not apply to minimum lot sizes, setbacks, building heights and other prescriptive development standards.

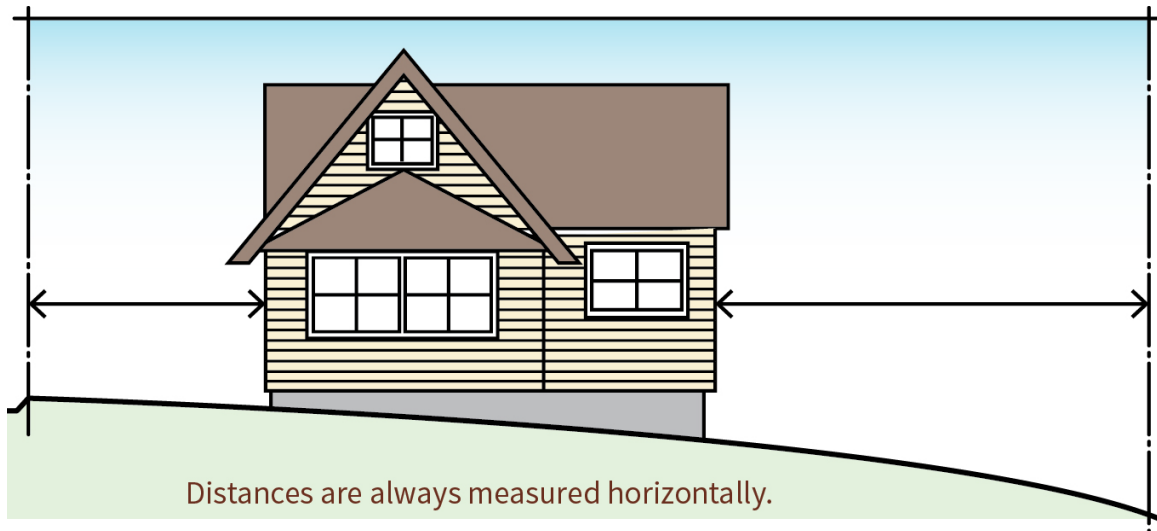
- 2. **Minimum Distance.** When measuring a minimum distance, the measurement is made at the closest or shortest distance between the two specified locations (see Figure 1500-02-1).



Measurement is taken from the shortest distance between two points.

Figure 1500-02-1: Minimum Distance

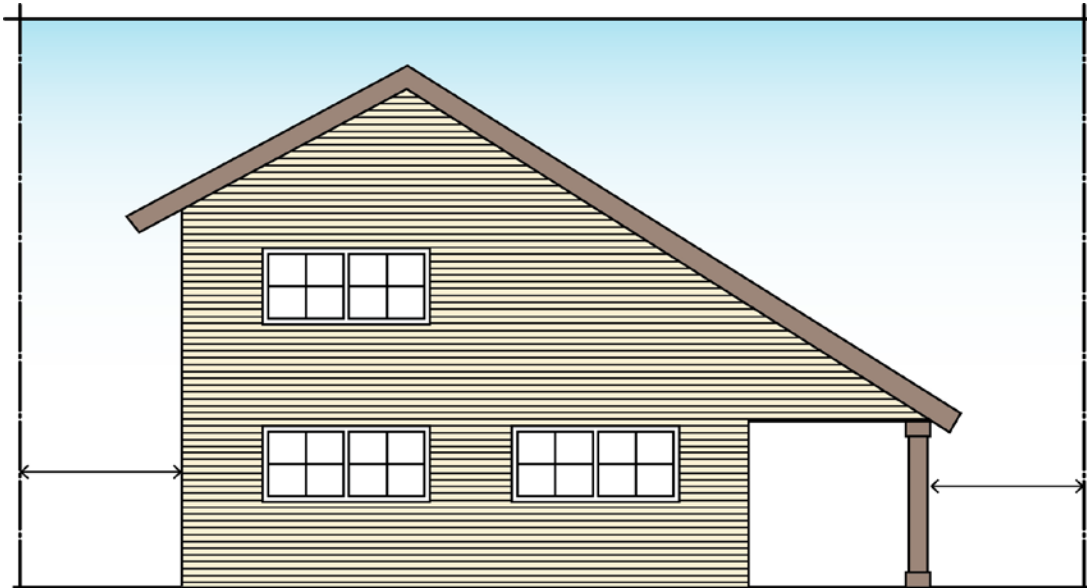
- 3. **Horizontal Measurements.** All horizontal distances are measured along a horizontal plane, and not measured following the topography of the land or other grade differentials (See Figure 1500-02-2).



Distances are always measured horizontally.

Figure 1500-02-2: Horizontal Distance

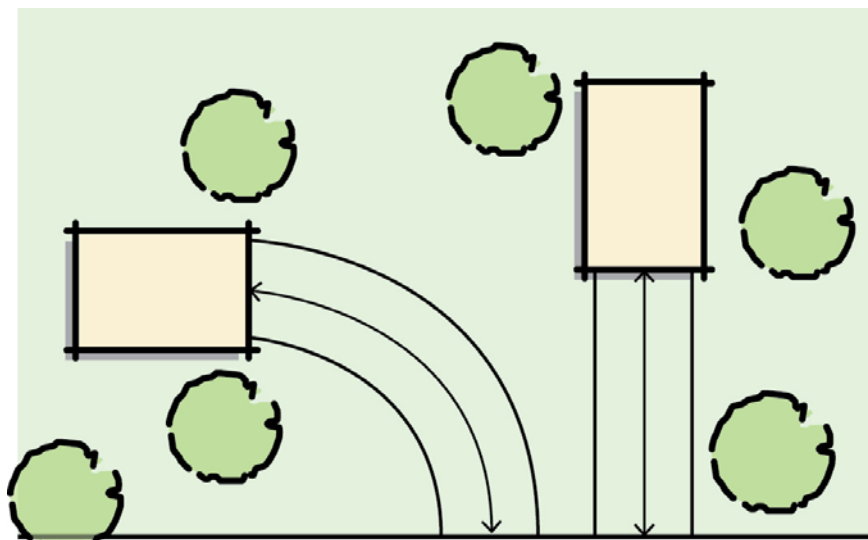
4. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest support element of the structure (See Figure 1500-02-3).



Measurement is taken to the closest support structure

**Figure 1500-02-3: Measurements Involving a Structure**

5. **Vehicle Stacking and Travel Areas.** Measurements for vehicle travel distances, such as stacking lanes, are measured at the centerline of the vehicle travel area (See Figure 1500-02-4).



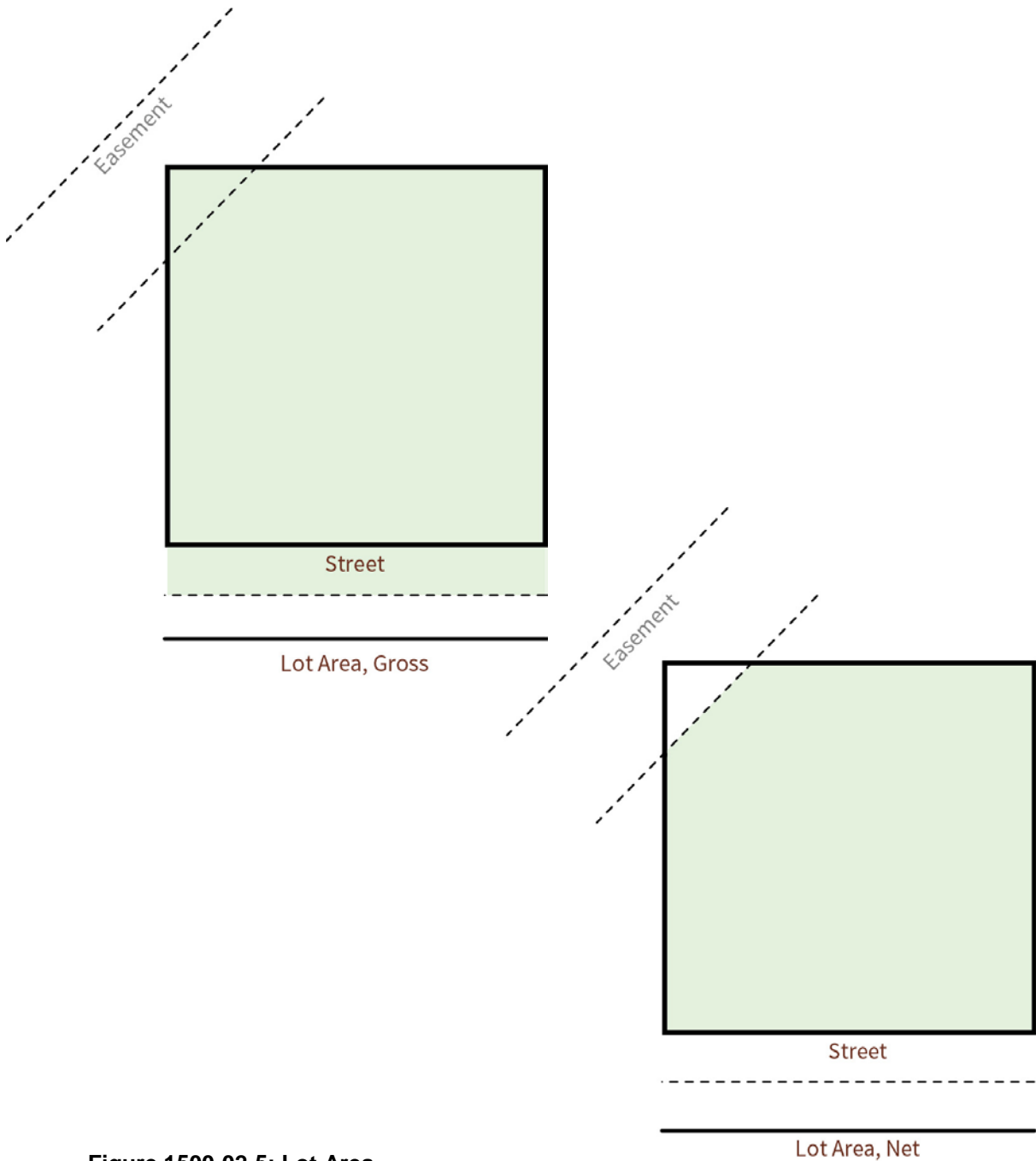
Street

Measure down the middle of the vehicle travel area.

**Figure 1500-02-4: Vehicle Stacking Distance**

**B. Determining Specific Measurements**

1. **Density.** Is the number of dwelling units per gross acre. Allowed densities are assigned by the General Plan.
2. **Lot Area, Gross.** Is the area contained within the property lines of a lot, including up to the centerline of the street (See Figure 1500-02-5).
3. **Lot Area, Net.** Is the area contained within the property lines of a lot, exclusive of public rights-of-way, canals, levees or other easements (See Figure 1500-02-5).



**Figure 1500-02-5: Lot Area**

- 4. **Lot Width.** Is the horizontal distance between side property lines, measured at the front setback line (See Figure 1500-02-6).

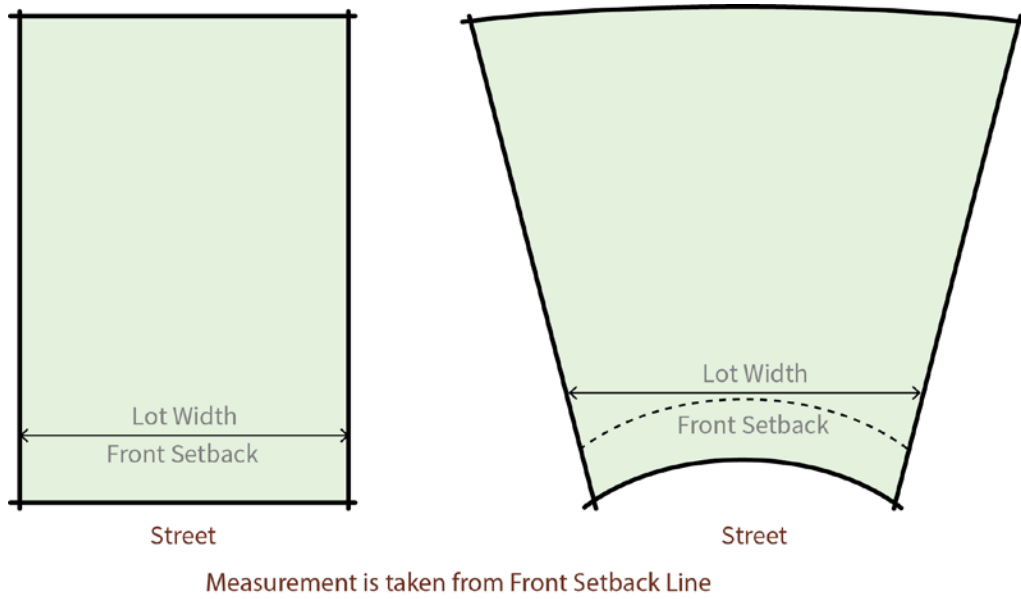


Figure 1500-02-6: Lot Width

- 5. **Lot Coverage.** Is the ratio of the total footprint area of all structures on a lot to the lot area, typically expressed as a percentage (See Figure 1500-02-7).

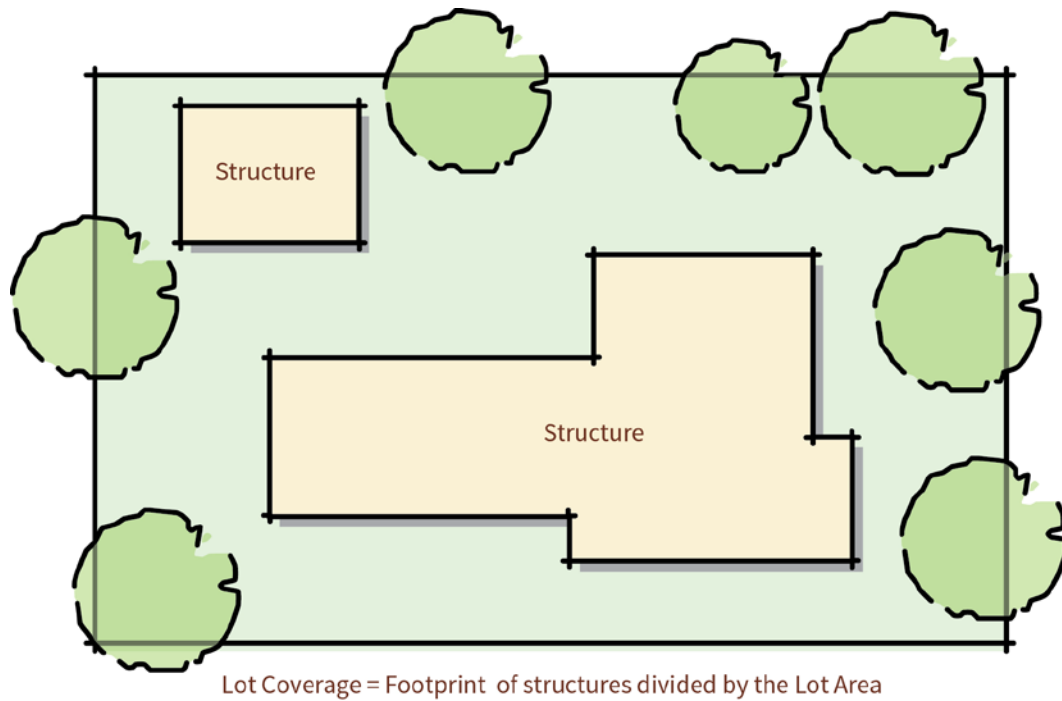
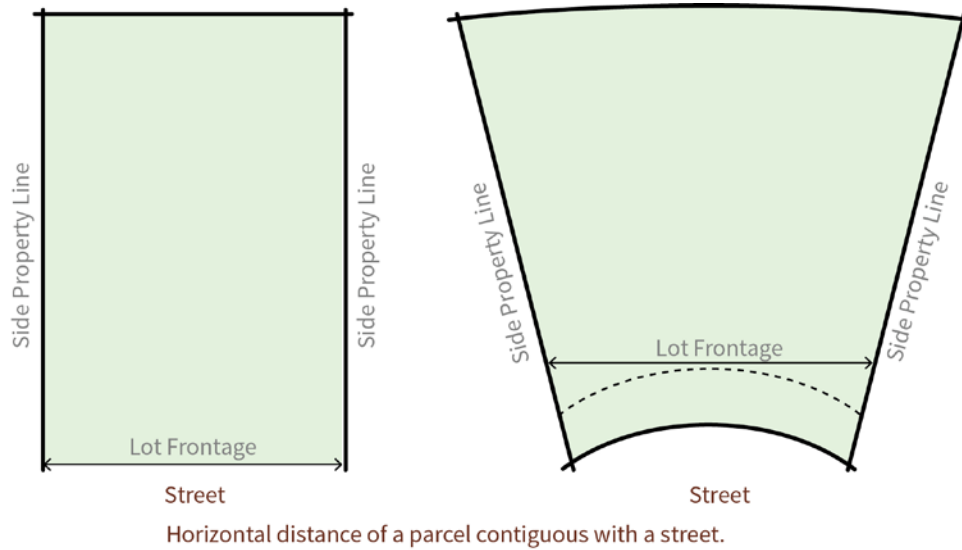


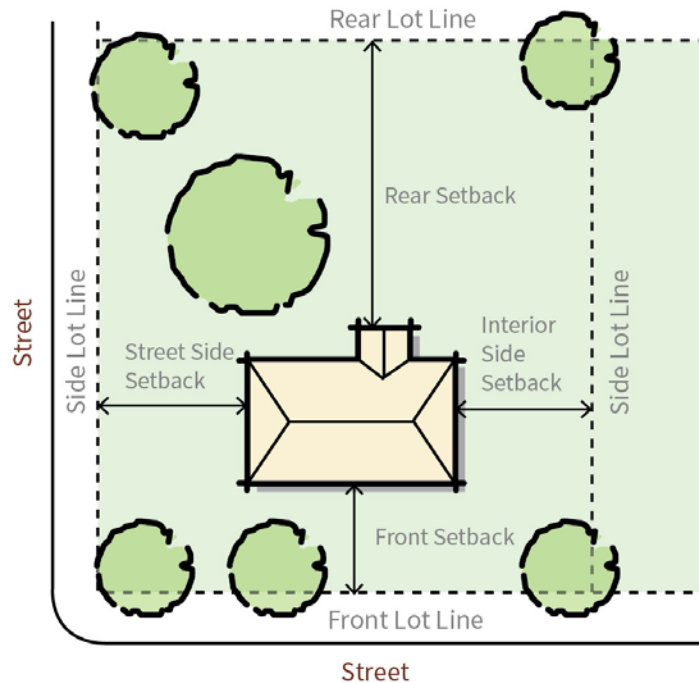
Figure 1500-02-7: Lot Coverage

- 6. **Lot Frontage.** Is the horizontal distance of a parcel contiguous with a street or street right-of-way, measured between side property lines. If a parcel has frontage on more than one street, the distance along one of the streets only may be used to calculate lot frontage. For lots located on the turnaround of a cul-de-sac, frontage is measured at the front setback line (See Figure 1500-02-8).



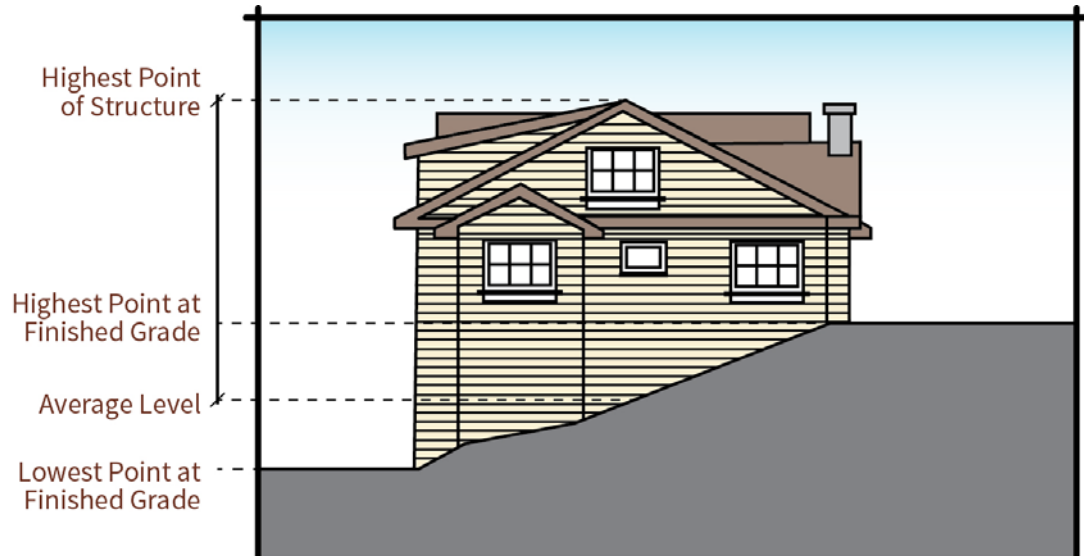
**Figure 1500-02-8: Lot Frontage**

- 7. **Setback.** Is the required distance that a building, structure, parking lot, or other designated feature must be located from the lot lines. Setbacks are measured as the horizontal distance between the nearest lot line and the closest point of the building, structure, parking lot or feature. Setback areas are also commonly referred to as ‘yards’ (See Figure 1500-02-9).



**Figure 1500-02-9: Setback**

8. **Building Height.** Is the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building, to the highest point of the building roof, ridge, or parapet wall (See Figure 1500-02-10).



**Figure 1500-02-10: Building Height**

### C. Determining Lot Lines

1. **Front Lot Line.** Is the lot line separating a lot from a street right-of-way. The front lot line of a corner lot may face either street frontage, provided that the required rear yard setback is obtainable opposite from the designated front lot line (See Figure 1500-02-9). In cases where a lot does not have direct frontage on a street, the front lot line shall generally be the lot line that the primary facade of the building faces on, as determined by the Director.
2. **Rear Lot Line.** Is that lot line, not intersecting a front lot line, which is most distant from and most closely parallel to the front lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten (10) foot line parallel to the front lot line, lying wholly within the lot for the purposes of establishing the required minimum rear yard setback (See Figure 1500-02-9).
3. **Side Lot Line.** Is any lot line that is not a front or rear lot line (See Figure 1500-02-9).

### 1500-02-060 Zoning District Boundaries

The following rules shall apply to the determination of zoning district boundaries unless otherwise specified:

- A. **Uncertainty in Boundaries.** Where there is uncertainty about the location of any zoning district boundary shown on the Zoning Map, the following shall apply:
  1. Zone boundaries shown approximately following the property line of a parcel shall be construed to follow the property line.

2. Zone boundaries shown as following a street, alley or other right-of-way shall be construed to follow the centerline of the road or right-of-way.
  3. Where a public street or alley, or portion thereof, is officially abandoned, the property that was formally in the street or alley shall be included within the zoning district of the adjoining property on either side of the centerline of the abandoned street or alley.
  4. Zone boundaries that divide a parcel shall be determined by use of the scale appearing on the Zoning Map or adopted ordinance.
- B. Parcels with Multiple Zoning Districts.** Where a parcel is covered by two or more zoning districts, the regulations of the parcel shall be consistent with the zoning district as shown on the subject portion of the parcel. If both zoning districts permit a single family residence, only one residence shall be permitted per legal parcel.

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# Article 3

## Use Classifications

### CHAPTER 1500-03

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#### Sections:

- 1500-03-010: Purpose
  - 1500-03-020: Classification of Uses
  - 1500-03-030: Authority
  - 1500-03-040: Agricultural Use Types
  - 1500-03-050: Open Space and Recreational Use Types
  - 1500-03-060: Assembly and Educational Use Types
  - 1500-03-070: Residential Use Types
  - 1500-03-080: Community Care and Assistance Use Types
  - 1500-03-090: Commercial Use Types
  - 1500-03-100: Industrial Use Types
  - 1500-03-110: Transportation, Communication, and Utilities Use Types
  - 1500-03-120: Resource Extraction Use Types
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#### 1500-03-010 Purpose

This Chapter establishes use types applied in this Zoning Code, providing a basis for the orderly regulation of uses in accordance with the public health, safety, and general welfare.

#### 1500-03-020 Classification of Uses

- A. **Use Types.** Use types describe groups of uses that have common functional, product, compatibility, or other characteristics, and therefore can be regulated in a similar manner. The use type descriptions often contain typical uses and activities appropriate within the use types, but do not attempt to list every individual use that may be appropriate.
- B. **Primary Uses.** All new and continuing primary uses shall be classified under one of the use types set forth in this Chapter. If a primary use resembles two or more individual use types, it shall be classified in the use type whose description most closely portrays the nature of the use. Accessory uses are regulated by Article 10.
- C. **Multiple Primary Uses.** If an individual establishment or business conducts more than one primary use which fits under more than one use type, each primary use shall be considered separate and distinct. Similarly, if two or more individual establishments or businesses conduct separate primary uses on a single parcel, each use shall be considered separate and distinct.
- D. **New Use Types.** The creation of new use types shall require amendment to this Zoning Code pursuant to Section 1500-25-070.

### 1500-03-030 Authority

The Director shall have the authority to:

- A. **Classify Unlisted Uses:** Classify an unlisted use as permitted if such use is substantially similar in nature and intensity to other uses identified for a use type and is consistent with the General Plan. If an unlisted use is determined to be permitted, such use shall be subject to the same regulations as the assigned use type;
- B. **Establish Accessory Uses:** Establish whether a use is primary, accessory or incidental, and determine that an accessory or incidental use is permitted if such use is accessory to and generally compatible with the primary use; and,
- C. **Determine Prohibited Uses.** Determine whether a use does not fit under any use type and is therefore not permitted.

The Director may refer any of the above determinations to the Planning Commission for interpretation pursuant to Section 1500-02-030. All actions of the Director and Planning Commission may be appealed pursuant to Chapter 1500-23-080.

### 1500-03-040 Agricultural Use Types

- A. **Agricultural Education and Entertainment.** Includes agricultural themed exhibitions, art shows, craft fairs, educational seminars, farm tours, hay rides, interpretive trails, livestock shows, on-site fruit and vegetable picking, outdoor mazes, petting farms, picnic areas, seasonal festivals, and similar uses that are conducted in conjunction with on-site agricultural uses. Does not include uses defined under “Temporary Uses” (Article 16). Shall be classified into one of the following categories:
  - 1. **Small.** Includes Agricultural Education and Entertainment occurring on a temporary or intermittent basis that can accommodate less than 100 guests on-site at a given time.
  - 2. **Large.** Includes Agricultural Education and Entertainment occurring on a temporary, intermittent or permanent basis that can accommodate 100 or more guests on-site at a given time.
- B. **Agricultural Homestays.** Includes bedrooms made available for rent on a working farm in a farm house or detached structure which meets all of the following requirements: (a) has no more than 6 guestrooms or can accommodate no more than 15 guests (Health and Safety Code Section 113870); (b) provides overnight transient accommodations; (c) serves food only to its registered guests and serves meals at any time, and includes the price of the food in the price of the lodging; (d) lodging and meals are incidental and not the primary function of the facility; and, (e) the facility is located on, and is part of, a farm, as defined in the Food and Agricultural Code (Section 52262), that produces agricultural products as its primary source of income.
- C. **Agricultural Manufacturing.** Includes the commercial manufacturing, assembly, salvage or storage of agricultural related goods from finished products or raw materials. Typical uses include agricultural chemical storage and repacking; agricultural pesticide and herbicide blending and distribution; agricultural services laboratories; animal waste processing; biomass energy conversion; composting, processing and recycling of crop wastes; farm machinery equipment assembly; food and beverage packaging and services; food storage; indoor bulk product storage; meat and fish cutting and packing provided no slaughtering; soil blending and distribution; and similar uses. Does not include uses defined under “Agricultural Processing” (1500-03-040(D) or “Animal Processing” (1500-03-040(I)).

- D. **Agricultural Processing.** Includes facilities for the canning, drying and dehydrating, handling, packaging, packing, sorting, processing, shipping and storing of agricultural commodities. Does not include uses defined under “Animal Processing” (1500-03-040(I)).
- E. **Agricultural Product Sales.** Includes facilities for the retail sales of agricultural commodities. Shall be classified into one of the following categories:
1. **Wayside Stand.** A stand or similar structure of up to 600 square feet of floor area. May include up to 50 square feet of floor area for the sale of prepackaged food and/or drinks.
  2. **Agricultural Store.** A stand, enclosed building or similar sales structure of up to 1,500 square feet. May include food preparation, bakery and up to 150 square feet of floor area for limited retail sales.
- F. **Agricultural Supplies and Services.** Includes uses primarily supportive of nearby agricultural operations. Shall be classified into one of the following categories:
1. **Light.** Includes agricultural organizations and services; agricultural research and development; agricultural management, and maintenance services; animal or equipment auctions; farm supplies; feed, grain and fertilizer sales; and similar uses.
  2. **Heavy.** Includes composting, processing and recycling of crop wastes; farm machinery and equipment sales, rental, repair and storage; fertilizer processing; land leveling and contract harvesting services; propane storage and distribution for the agricultural community; and similar uses.
- G. **Agricultural Truck Yards.** Includes yards and terminals exclusively for the transportation of bulk raw agricultural products directly from the harvest location to a processing or storage location by appropriate commodity transporters such as grain trailers with tarps and flat bed/portable bin trailers. Allows for maintenance, storage, repair and servicing of transport vehicles. Does not include uses defined under “General Truck Yards” (1500-03-100(B)). Shall be classified into one of the following categories:
1. **Small.** Includes Agricultural Truck Yards accommodating five or fewer trucks.
  2. **Large.** Includes Agricultural Truck Yards accommodating more than five trucks.
- H. **Agriculture.** Includes the raising of crops and animals, as well as uses and structures accessory to and supporting agricultural operations, including non-commercial agricultural equipment repair, barns, composting, corrals, greenhouses, offices and farming headquarters, stables, storage, and similar uses. Shall be classified into one of the following categories:
1. **Agriculture, Animal Husbandry.** Includes aviaries, bee keeping, fish farms, grazing, livestock pasturing, and similar uses, does not include uses defined under “Intensive Animal Operations” (1500-03-040(J)).
  2. **Agriculture, Crops and Tree Farms.** Includes field crops, floriculture, horticulture, greenhouse growing, row crops, seeds, tree crops, viticulture, and other similar uses.
- I. **Animal Processing.** Includes the slaughtering, processing, and packaging of animals, poultry and fish for commercial purposes, such as rendering plants, slaughterhouses, and similar uses.
- J. **Intensive Animal Operations.** Includes the raising of animals or poultry in a manner that produces potentially adverse environmental impacts or impacts to neighboring properties. Typical uses include dairies, feed lots, hog farms, poultry and egg farms, and similar uses.
- K. **Commercial Stables.** Includes facilities for the boarding, care, riding and exercising of horses. Shall be classified into one of the following categories:

1. **Small.** Boarding and training services for ten or less horses, including those owned by the property owner, on a parcel with a minimum size of three acres. Typical uses include boarding stables, horse arenas to serve boarded horses, and similar uses.
  2. **Large.** Boarding, exercise, and training services for more than ten horses, including those owned by the property owner, on a parcel with a minimum size of three acres. Typical uses include commercial stables, horse arenas, riding academies and clubs, specialized training, and similar uses.
- L. **Wineries, Breweries, Distilleries and Mills.** Includes facilities for the production, storage, bottling and distribution of wine, beer, spirits, olive oil and other products with related administrative offices and functions such as on-site tasting, sales, accessory food service and retail sales, picnic areas, and special event facilities. Facilities that do not include tasting and other public activities are defined under "Agricultural Processing" (1500-03-040(D)). Shall be classified into one of the following categories:
1. **Small.** Includes Wineries, Breweries, Distilleries and Mills that can accommodate less than 100 guests on-site at a given time.
  2. **Large.** Includes Wineries, Breweries, Distilleries and Mills that can accommodate 100 or more guests on-site at a given time.

#### 1500-03-050 Open Space and Recreational Use Types

- A. **Community Garden.** Includes a plot of land cultivated by a public or non-profit organization or a group of individuals to grow and harvest plants for personal consumption or donation. Does not include growth and harvesting of plants in compliance with the County's Marijuana Cultivation Ordinance.
- B. **Campgrounds and Recreational Vehicle Parks.** Includes facilities that provide for the use of recreational vehicles, tents or trailers as temporary living quarters for recreational use. Allows for accessory services such as bathrooms, caretakers unit and office, cooking areas, limited retail sales, recreation facilities, water and sanitary hookups, and similar services. Does not include uses defined under "Recreational Vehicle Storage" (1500-03-090(T)).
- C. **Camps and Retreats.** Includes outdoor-oriented recreational facilities, meeting, lodging, and associated facilities. Typical uses include educational and group retreats, guest ranches, hostels, lodges, and similar uses. Does not include uses defined under "Lodging, Hotels and Motels" (1500-03-090(J)).
- D. **Conversion of Agricultural Land to Habitat.** Includes the conversion of land designated for agricultural use to permanent wildlife or other habitat. An Open Space Easement Agreement shall be approved by the Board of Supervisors prior to the conversion of agricultural land to habitat.
- E. **Golf Courses and Country Clubs.** Includes land used for playing golf, consisting of at least nine holes, and improved with tees, fairways and hazards. Allows for accessory uses such as driving ranges, locker rooms, pro shops, restaurants, bars and similar uses.
- F. **Marinas and Boat Launching.** Includes facilities to accommodate recreational boats and watercraft. Shall be classified into one of the following categories:
  1. **Boat Launching.** Includes recreational boat launching ramps, with auto and trailer parking, picnic, restroom, and other limited facilities.
  2. **Marinas.** Includes recreational boat docking, launching, storage, rental, repair, accessory retail and food services, and similar uses.

- G. **Parks and Recreation.** Includes publically and privately owned and operated parks, playgrounds, and open space accommodating both passive and active recreational activities. Typical uses include athletic fields and courts, picnic areas, specialized recreation facilities, swimming pools, trails, and similar uses. Allows for accessory services such as food carts, snack booths, and similar vendor facilities.
- H. **Residential Recreation Facilities.** Includes private recreational uses provided by and integrated as part of a residential or mixed use community such as a community center, health and fitness facility, swimming pool, racquet club/tennis courts, and similar uses. Typically operated by a homeowner's association.
- I. **Resource Protection and Restoration.** Includes activities commonly undertaken to preserve, restore, recreate, enhance, and manage natural, cultural and scenic resource values such as fish and wildlife habitat, rare and endangered plants, wetlands, archeological sites, and viewing areas.
- J. **Resource Related Recreation.** Includes facilities related to passive recreational use of open space areas such as bike and pedestrian trails, interpretive centers, picnic areas, and similar uses.
- K. **Shooting Ranges, Indoor.** Includes fully enclosed and soundproof buildings where firearms are discharged at targets.
- L. **Shooting Ranges, Outdoor.** Includes outdoor designated areas where firearms are discharged at targets.
- M. **Sports Clubs.** Includes sports clubs using open space or agricultural land for hunting, shooting, or fishing purposes. Typical uses include archery clubs, duck clubs, hunting clubs, skeet clubs, and similar uses. Lodge and other accessory structures may be permitted outside of a designated floodway.

#### **1500-03-060 Assembly and Educational Use Types**

- A. **Community Assembly and Cultural Facilities.** Includes group gatherings and events conducted primarily indoors. Typical uses include banquet facilities, bingo halls, community centers, convention and conference centers, fraternal organizations, lodges, museums, non-profit community service groups, philanthropic and charitable organizations, private clubs, private libraries, and similar uses. May include accessory food and beverage services, multi-purpose rooms, sports and other similar accessory facilities.
- B. **Religious Institutions.** Includes sites or buildings used by a religious group for services and activities. Typical uses include churches, mosques, synagogues, temples and other similar places of worship. Also, includes accessory uses on the same site including living quarters for staff, schools, food preparation, temporary resident shelters to provide humanitarian assistance, and day care.
- C. **Schools and Educational Services.** Includes public, private or parochial facilities for primary, secondary, or higher education and professional training. Shall be classified into one of the following categories:
  - 1. **Elementary and Secondary Schools, Public.** Includes preschools, elementary schools, middle schools, high schools, special education, and similar uses operated by a public-school district.

2. **Elementary and Secondary Schools, Private.** Includes preschools, elementary schools, middle schools, high schools, special education, and similar uses operated by a private or non-profit institution other than a public-school district.
  3. **Colleges and Universities.** Includes community colleges, colleges, universities and similar uses.
  4. **Specialized Education and Training.** Includes business schools, hair styling schools, music schools, occupational safety training, technical and trade schools, vocational schools, and similar uses.
- D. **Special Event Facilities.** Includes indoor or outdoor facilities to accommodate special events such as birthday parties, group picnics, weddings, and other similar uses. Shall be classified into one of the following categories:
1. **Small.** Includes Special Event Facilities that can accommodate less than 100 guests on-site at a given time.
  2. **Large.** Includes Special Event Facilities that can accommodate 100 or more guests on-site at a given time.

#### 1500-03-070 Residential Use Types

- A. **Agricultural Employee Housing.** Includes living accommodations for agricultural and farm employees and their families. Shall be classified into one of the following categories:
1. **Dwelling Unit.** Includes a dwelling unit accommodating up to six agricultural employees which complies with Health and Safety Code Section 17021.5. An agricultural employee dwelling unit shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.
  2. **Complex.** Includes a housing complex for agricultural employees of up to 36 beds in group quarters or 12 dwelling units designated for use by a single family or household which complies with Health and Safety Code Section 17021.6. Agricultural employee housing complexes shall be treated as an agricultural use, and are not required to be located on the same property where the agricultural employee is employed.
  3. **Labor Camp.** Includes seasonal, temporary or permanent housing projects of between 50 and 200 units consisting of two-, three-, and four-bedrooms on agricultural land as defined by Section 610 of Title 25, California Code of regulations.
- B. **Caretaker Housing.** Includes a residence that is provided as an accessory use occupied by a caretaker on the same lot as the primary use that requires the caretaker. Shall be classified into one of the following categories:
1. **Agricultural.** A dwelling unit used to house a caretaker of agricultural property, improvements, or equipment.
  2. **Residential.** A dwelling unit used to house caregiver and/or family member in need of living assistance.
  3. **Commercial/Industrial.** A dwelling unit used to house an owner, operator, guard or caretaker, and his or her family, to provide 24-hour service, security or monitoring of the commercial or industrial use and/or site.
  4. **Marina/Boat Launch Facilities.** A recreational vehicle used to house an owner, operator, guard or caretaker on a seasonal basis, to provide 24-hour service, security or monitoring of a marina or boat launch facility.

- C. **Dwelling Units.** Includes a building or portion of a building containing one or more dwelling units used or designed for occupancy by one family for living and sleeping purposes. Each unit shall be independent, containing bathroom facilities and a single kitchen. Also, includes residential accessory structures and facilities such as detached storage buildings, game/pool rooms, and swimming pools. Shall be classified into one of the following categories:
1. **Single Family.** Includes a detached independent dwelling unit on a single lot occupied by a household. Includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.
  2. **Accessory Dwelling Unit (ADU).** An attached or detached residential dwelling unit that provides complete independent facilities for one or more persons and is proposed on a lot with a proposed or existing primary residence. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multifamily dwelling is or will be situated. An ADU may be an efficiency unit, as defined at Government Code Section 65852.2; or a manufactured home, as defined at Government Code Section 65852.2.
  3. **Junior Accessory Dwelling Unit (JADU).** A dwelling unit that is not more than 500 square feet in size and contained entirely within a single-family unit. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.
  4. **Two Family.** Includes two detached units on a single lot, or an attached building occupied by two independent dwelling units located on either a single lot (duplex) or separate lots (halfplex).
  5. **Multi Family.** Includes a building or complex occupied by three or more independent dwelling units, owned individually or by a single landlord. Includes apartments, townhomes, row houses, condominiums, triplexes, fourplexes, and similar uses.
- D. **Group Quarters.** Includes shared living quarters for ten or more unrelated persons without separate kitchen or bathroom facilities for each room. May include renting of individual bedrooms. Typical uses include boarding houses, efficiency units, retirement homes, single-room occupancy (SRO) units, and similar types of organized housing. Does not include uses defined under "Community Care and Assistance Use Types" (1500-03-080).
- E. **Guest Cottage.** Includes a detached habitable structure without kitchen facilities and of no more than 500 square feet of floor area, accessory to the primary dwelling.
- F. **Live-Work Residential.** Includes an integrated housing unit and work space designed to accommodate joint residential occupancy and work/business activity. The "live" component must be a permitted dwelling unit, and the "work" component conducted by a person or persons making the dwelling unit their principal residence.
- G. **Manufactured Home Park.** Includes a development occupied by two or more manufactured homes, including facilities and amenities used by common occupants who rent, lease, or own spaces for manufactured homes through a subdivision, cooperative, condominium, or other form of resident ownership.

### 1500-03-080 Community Care and Assistance Use Types

- A. **Cold Weather Shelter.** Includes facilities and centers such as armories, recreation centers, and religious institutions that are opened for brief intervals during cold and inclement weather to shelter homeless persons from the elements. May provide overnight accommodations.
- B. **Day Care.** Includes state licensed facilities supplying care and supervision of children or adults for periods of less than 24 hours. Shall be classified into one of the following categories:

1. **Day Care Center.** Commercial or non-profit day care located in a building other than the providers own home.
  2. **Family Day Care, Small:** Day care located in the providers own home accommodating eight or fewer children under the age of 10, or six or fewer adults.
  3. **Family Day Care, Large:** Day care located in the provider's own home accommodating nine to 14 children under the age of 10, or up to 14 adults.
- C. **Emergency Shelter.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (California Health and Safety Code Section 50801). Does not include temporary residential shelters as may be provided following a natural disaster or during a state emergency.
- D. **Extended Care Facility.** Includes a state licensed facility providing nursing and health care as a primary use for 24 or more consecutive hours with inpatient beds. Typical uses include assisted living facilities, convalescent and rest homes, hospices, intermediate care facilities, skilled nursing facilities, and similar uses.
- E. **Residential Care Facility.** Includes a state licensed facility providing 24 hour residential, social and personal care for children, the elderly and/or people with limited ability for self-care, but where medical care is not a major element. Typical uses include children's homes, orphanages, rehabilitation centers, self-help group homes, and similar uses. Shall be classified into one of the following categories:
1. **Small:** Accommodating six or fewer persons.
  2. **Large:** Accommodating seven or more persons.
- F. **Social Services Facility.** Includes a facility providing training, counseling, and other services which help people become more self-sufficient, prevent dependency, strengthen family relationships, and promote successful social functioning and may include housing with no limit on length of stay. Typical uses include food and clothing distribution, life skills training, recovery centers, substance abuse counseling, housing for those served, and similar uses.
- G. **Supportive Housing.** Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (California Health and Safety Code Section 50675.14)
- H. **Transitional Housing.** Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (California Health and Safety Code Section 50675.2).

### 1500-03-090 Commercial Use Types

- A. **Adult Oriented Businesses.** Includes any adult bookstore, motion picture theater, hotel or motel, arcade, cabaret, modeling studio or other use as defined and regulated by Chapter 465 of the Sutter County Ordinance Code.
- B. **Animal Sales and Services.** Includes establishments primarily engaged in animal-related services. Does not include grooming and pet stores (Retail Sales General 1500-03-090(V)). Shall be classified into one of the following categories:

1. **Kennels.** Includes any establishment in which five or more dogs, cats, or similar small animals of at least 4 months of age are kept. Typical uses include boarding kennels, dog training centers, pet day care facilities, pet rescue facilities, shelters, and similar uses. Shall be classified into one of the following categories:
    - a. **Indoor.** A kennel fully enclosed within a building or structure.
    - b. **Outdoor.** A kennel that includes outside pens, runs or yard areas.
  2. **Veterinary Clinic or Hospital, Small Animal.** Includes a fully enclosed veterinary facility containing only enough cage arrangements as necessary to provide services for small animals requiring medical or surgical care, boarding, and grooming.
  3. **Veterinary Clinic or Hospital, Large Animal.** Includes a veterinary facility conducted in and/or outside of an enclosed building, which provides medical and surgical care, boarding and grooming for large animals and livestock.
- C. **Banks and Credit Unions.** Includes financial institutions providing retail banking services and similar uses. Does not include stand-alone ATM's defined under "Personal Services" (1500-03-090(Q)).
- D. **Business Support Services.** Includes establishments providing goods and services to other businesses. Typical uses include advertising services, blueprint services, commercial art and design production, custodial services, equipment rental and repair, mailbox services, office security, printing and copying, window cleaning, and similar uses.
- E. **Commercial Entertainment and Recreation.** Includes participant or spectator entertainment. May include accessory food and beverage services. Does not include uses defined under "Open Space and Recreational Use Types" (1500-03-050). Shall be classified into one of the following categories:
  1. **Indoor.** Includes establishments primarily engaged in the provision of indoor entertainment, sports and recreation. Typical uses include amusement centers, arcades, athletic clubs, bowling alleys, gyms, indoor paintball, health and fitness clubs, sports courts and fields, movie theaters, performing arts theaters, skating rinks, swimming pools, and similar uses.
  2. **Outdoor.** Includes establishments primarily engaged in the provision of outdoor sports and recreation. Typical uses include amphitheaters, amusement centers, BMX tracks, drive-in theaters, driving ranges, miniature golf courses, paintball, radio-controlled model aircraft facilities, recreational and water ski lakes, rodeo grounds, skateboard parks, sports arenas, swimming and wave pools, tennis courts, water slides, and similar uses.
- F. **Communication Services.** Includes commercial and public communications uses including radio, telephone, and television broadcasting stations and studios; television production and sound recording studios; and similar uses with facilities entirely within buildings. Antenna, dishes and towers are included under the definition of "Wireless Telecommunication Facilities" (1500-03-110(H)).
- G. **Eating and Drinking Establishments.** Includes establishments primarily engaged in the sale of food prepared on-premises for on-site or off-site consumption. Shall be classified into one of the following categories:
  1. **Bars and Drinking Places.** Includes establishments where alcoholic beverages are sold for on-premises consumption as a primary use. Typical uses include bars and pubs, brew pubs, taverns, wine bars, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Does not include uses defined under "Nightclubs" (1500-03-090(O)).

2. **Restaurant, Fast Food.** Includes establishments primarily engaged in the preparation and retail sale of food and beverages at a walk up counter and/or at a drive-through window. May or may not include seating. Typical uses include drive-through restaurants, take-out only food services, and similar uses.
  3. **Restaurant, Full Service.** Includes establishments primarily engaged in the preparation and retail sale of food and beverages, where food is ordered and served at a table, and which may include sales of alcoholic beverages, to-go food, and live entertainment as an accessory use. Typical uses include full or partial service restaurants with indoor and/or outdoor seating.
  4. **Mobile Food Truck.** Includes licensed, motorized vehicles where food or beverages are sold on a temporary basis to walk up customers, with at least some of the food preparation done in the vehicle.
- H. **Funeral and Internment Services.** Includes establishments primarily engaged in the care, preparation, or disposition of human or pet remains and conducting memorial services. Typical uses include crematories, mausoleums, mortuaries, or similar uses. Does not include "Cemeteries" (Community Facilities and Services, Major 1500-03-110(B)).
- I. **Hospitals.** Includes state licensed facilities providing medical, surgical, psychiatric, or emergency services primarily on an in-patient basis. May include accessory facilities for administration, diagnostic and out-patient services, research, training, and similar uses.
- J. **Lodging.** Includes establishments primarily engaged in the provision of temporary commercial lodging on a less than monthly basis to transient patrons. Does not include uses defined under "Group Quarters" (1500-03-070(D)). Shall be classified into one of the following categories:
1. **Bed and Breakfast Inn.** A residential structure with one or more owner or manager in permanent residence, that provides five or less guest rooms for overnight lodging without individual cooking facilities. Meals may be provided.
  2. **Hotels and Motels.** Includes a building or series of buildings under common ownership which provide interrelated overnight lodging services, with or without individual cooking facilities. May include accessory convention and banquet facilities, meeting rooms, recreation, restaurant, retail, spa and personal service, and similar uses.
- K. **Maintenance, Repair and Rental Services.** Includes uses that provide maintenance, repair, and rental of light equipment (i.e., bicycles, furniture, garden equipment, home electronics, home repair equipment, household appliances, light construction equipment, and similar uses). Does not include the sales, rental and service of heavy equipment as defined under "Vehicle Rentals, Sales and Leasing, Heavy" and "Vehicle Repairs, Heavy" (1500-03-090(W)).
- L. **Manufactured Home Sales and Rentals.** Includes establishments for the sale or rental of prefabricated manufactured housing.
- M. **Medical Marijuana Dispensary.** Includes any facility or location where medical marijuana is made available to and/or distributed by or to three or more of the following: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A "Medical Marijuana Dispensary" shall not include the following uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and

Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.

- N. **Medical Offices and Clinics.** Includes medical, dental, psychiatric, surgical, diagnostic, treatment, therapeutic or other health related services that see patients. Typical uses include blood banks, dental clinics, immediate care facilities, medical and dental laboratories, medical offices, medical clinics, mental health clinics, substance abuse clinics, and offices for acupuncturists, chiropractors, physical therapists, and similar uses. Does not include uses defined under "Hospitals" (1500-03-909(I)).
- O. **Nightclubs.** Includes establishments within a building, offering entertainment (e.g., live or recorded music, comedy) open primarily at night, and providing a stage or floor show with space for spectators either standing, sitting, and/or dancing. May serve alcohol, meals or snacks. Does not include uses defined under "Eating or Drinking Establishments" (1500-03-090(G)), "Commercial Entertainment and Recreation" (1500-03-090(E)), or "Adult Entertainment Businesses" (1500-03-090(A)).
- P. **Nursery.** Includes businesses that grow, propagate, and sell plants and plant materials grown on- or off site, as well as garden supplies and related equipment. Shall be classified into one of the following categories:
1. **Wholesale.** Includes nurseries where plants are sold in bulk form for the purposes of retail resale, for purchase by landscape contractors or to agricultural operations.
  2. **Retail.** Includes nurseries where a majority of the plants are grown off-site and sold to the public for personal or household consumption.
- Q. **Personal Services.** Includes establishments providing services to individuals as a primary use, and may provide accessory retail sales of products related to the services provided. Typical uses include ATM's, barber and beauty shops, day spas, dry cleaning, massage therapists, pedicurists and manicurists, photocopying and photo finishing, self-service laundries, shoe repair, tailors and seamstresses, tanning salons, tattoo studios, travel agencies, taxidermy, and similar uses. Includes massage establishments as defined and regulated by Chapter 467 of the Sutter County Ordinance Code.
- R. **Personal Storage.** A structure or group of structures containing individual stalls or lockers rented as individual storage spaces. No activities other than rental of storage units, pick-up and deposit of storage, sale of packing supplies or rental of moving equipment shall be allowed on the premises. Does not include uses defined under "Recreational Vehicle Storage" (1500-03-090(T)).
- S. **Professional Offices.** Includes offices for business and professional uses which may or may not provide direct services to consumers. Typical uses include offices for accountants, architects, attorneys, brokers, call centers, computer programming, consulting, engineers, financial services and investments, graphic design, insurance, interior design, public relations, real estate, word processing, and similar uses. Does not include uses defined under "Medical Offices and Clinics" (1500-03-090(N)).
- T. **Recreational Vehicle Storage.** Includes indoor and outdoor facilities for the storage of recreational vehicles including boats, boat trailers, recreational vehicles, travel trailers, and similar vehicles.
- U. **Recycling Collection Facilities.** Includes centers for the acceptance, donation, redemption or purchase of recyclable materials from the public. Does not include recycling processing as defined under "Manufacturing, General" and "Manufacturing, Heavy" (1500-03-100(C)). Shall be classified into one of the following categories:

1. **Small.** Includes collection facilities occupying 500 square feet of area or less. May include mobile units, kiosks, containers, reverse vending machines, and similar uses.
  2. **Large.** Includes collection centers which occupy over 500 square feet and may include permanent structures.
- V. **Retail Sales.** Includes establishments primarily engaged in the sales of a wide variety of goods and merchandise to the public, and not defined under other use types. Shall be classified into one of the following categories:
1. **General.** Includes retail sales where a majority of the display and sales occur indoors. Typical uses include antiques shops, auto parts stores, bakeries, bicycle shops, clothing and accessories stores, cameras and photography supplies, convenience stores, department stores, drug stores, electronic equipment stores, firearms sales, floor covering stores, florists, galleries, grocery stores, grooming and pet stores, home furnishing & appliance stores, home improvement stores, hardware stores, jewelry stores, liquor stores, medical supplies, office supplies, paint and wallpaper stores, pawn shops, pet supplies, pharmacies, specialty shops, sporting goods, thrift stores, toy and hobby stores, and similar uses.
  2. **Outdoor.** Includes retail sales where the use is conducted primarily outdoors. Typical uses include the sale of landscaping materials, building materials, sand and rock, lumberyards, and similar uses. Does not include uses defined under "Nursery" (1500-03-090(P)).
  3. **Superstore.** A single large format retail sales establishment whose total sales floor area exceeds 90,000 square feet. Also, commonly referred to as "big-box retail" or "large-scale retail".
- W. **Vehicle and Equipment Sales and Service.** Includes establishments primarily engaged in automotive, truck or heavy equipment sales or services. Shall be classified into one of the following categories:
1. **Fuel Stations.** Includes establishments primarily engaged in the retail sale of vehicle fuels. May include accessory car washes, minor repair services, as well as the sale of replacement items, limited retail goods, and similar uses. Typical uses include automobile service stations, co-branded fuel sales and fast food restaurants, mini-marts with gas sales, and similar uses.
  2. **Vehicle Rentals, Sales and Leasing, Light.** Includes the retail or wholesale sales, rental, or leasing of new or used automobiles, light trucks, boats, recreational vehicles and, motorcycles together with associated enclosed repair services and parts sales. Typical uses include automobile dealers, car rental agencies, recreational vehicle sales agencies, and similar uses.
  3. **Vehicle Rentals, Sales and Leasing, Heavy.** Includes the retail or wholesale sales, rental, or leasing of new or used tractor-trailer, semi-trucks and heavy construction equipment with associated repair services and parts sales. Typical uses include heavy equipment rental agencies, semi-truck dealers, and similar uses.
  4. **Vehicle Repairs, Light.** Includes repair, servicing, alteration or restoration of automobiles, light trucks, boats, recreational vehicles and motorcycles and the sale, installation, and servicing of associated equipment and parts completely within an enclosed building. Does not include body repair and painting (Vehicle Repairs, Heavy). Typical uses include automobile glass shops, automobile repair garages, oil change, muffler shops, stereo and car accessory installation, tire installation, tune-up/lube shops, upholstery shops, and similar uses.
  5. **Vehicle Repairs, Heavy.** Includes body repair and painting shops, as well as repair, servicing, alteration or restoration of tractor-trailer, semi-trucks and heavy equipment. Typical uses include collision centers, semi-truck or trailer repair, and similar uses.

6. **Vehicle Washing.** Includes washing, polishing and detailing of vehicles as the principal use of a site. Typical uses include full and self-service automobile car washes, detailing services, truck washing facilities, and similar services.

### 1500-03-100 Industrial Use Types

- A. **Equipment and Materials Storage Yards.** Includes the outdoor storage of construction equipment or machinery, company vehicles and fleets, or large quantities of other materials for use off-site. May include office and limited facilities for maintenance of equipment owned and operated by the business owner. Typical uses include contractor's storage yards, as well as yards and facilities for appliance service, building maintenance, janitorial, heating and air conditioning, landscaping, moving and storage, painting, pest control, plumbing, roofing, septic tank service, tree removal, and similar uses.
- B. **General Truck Yards.** Includes freight terminals and yards for goods transported by truck or truck/trailer storage yards. Allows for maintenance, storage, repair and servicing of transport vehicles when maintenance occurs within a building. Does not include "Agricultural Truck Yards" (1500-03-040(G)). General truck yards shall be classified into one of the following categories:
  1. **Small.** Includes General Truck Yards accommodating five (5) or fewer trucks and/or trailer combinations.
  2. **Large.** Includes General Truck Yards accommodating six (6) or more trucks and/or trailer combinations.
- C. **Impound and Towing Yards.** Includes the storage of inoperable vehicles for limited periods of time, within a secured enclosure. Does not include "Wrecking, Junk, Dismantling, Recycling, Pick-and-Pull, and Salvage" (Manufacturing, Heavy 1500-03-100(D)(3)).
- D. **Manufacturing.** Includes manufacturing, assembly, processing, or salvage of goods from finished products or raw materials. Shall be classified into one of the following categories:
  1. **Light.** Includes the manufacturing and assembly of finished products or parts, primarily taking place indoors using previously prepared materials, where such uses produce minimal impacts to surrounding land uses. Typical uses include clothing and fabric product manufacturing; commercial kitchens and bakeries; commercial laundry, dry-cleaning plants, and carpet cleaning plants; electronics, software, equipment, and appliance manufacturing; food and beverage packaging and services; ice making and food storage; indoor bulk product storage; manufacturing and assembling of small products primarily by hand, including jewelry, pottery and other ceramics; manufacturing and repair of small mechanical components and hardware; meat and fish cutting and packing provided no slaughtering; printing, publishing and lithography; photo processing labs; and similar uses. Accessory retail sales areas of products produced on-site are allowed. Does not include businesses primarily engaged in the sale of consumer products produced off-site.
  2. **General.** Includes indoor or outdoor manufacturing, assembly or processing where the intensity or scale of operations is greater than those classified under "Manufacturing, Light", but where impacts on surrounding land uses can typically be mitigated to acceptable levels. Typical uses include cutting, shaping, and finishing of marble, granite, slate, and other stone; indoor recycling collection, sorting, storage and processing; metal products fabrication, including machine, sheet metal and welding shops; production of clay and pottery products; production of glass products from manufactured glass; tire recapping; woodworking, cabinet making and furniture manufacturing; and similar uses.
  3. **Heavy.** Includes indoor or outdoor manufacturing, assembly or processing operations that necessitates the handling or storage of large volumes of hazardous, explosive or unsightly

materials, or which produce dust, smoke, fumes, odors, light, noise, or vibrations at levels that would affect surrounding uses. Typical uses include automotive and heavy equipment manufacturing; cement or asphalt batch plants; composting and bio-mass facilities; gravel crushing and processing; hazardous material processing and disposal; manufacturing of chemical products and fertilizers; medical waste processing/incineration; paint removal and sandblasting; paving and roofing materials manufacturing; petroleum, natural gas, propane and other fuel refining and bulk storage or distribution; plastics, other synthetics, and rubber product manufacturing; primary metal industries including the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; pulp and pulp product manufacturing, including paper mills; sawmills and planing mills; wrecking, junk, dismantling, recycling, pick-and-pull, and salvage yards; and similar uses.

- E. **Research and Development.** Includes facilities for scientific research, design, development, and testing of chemical, biotechnology, electrical, electronic, magnetic, medical, optical, and pharmaceutical components in advance of product manufacturing. May include assembly of related products from parts produced off-site where the manufacturing activity is secondary to the research and development. Typical uses include electronics research firms, pharmaceutical research laboratories, soils and materials testing laboratories, and similar uses.
- F. **Warehousing, Wholesaling, and Distribution.** Includes establishments used primarily for the storage, selling or distribution of goods to retailers, contractors, commercial purchasers, or to retail outlets of the same firm. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders.

### 1500-03-110 Transportation, Communication, and Utilities Use Types

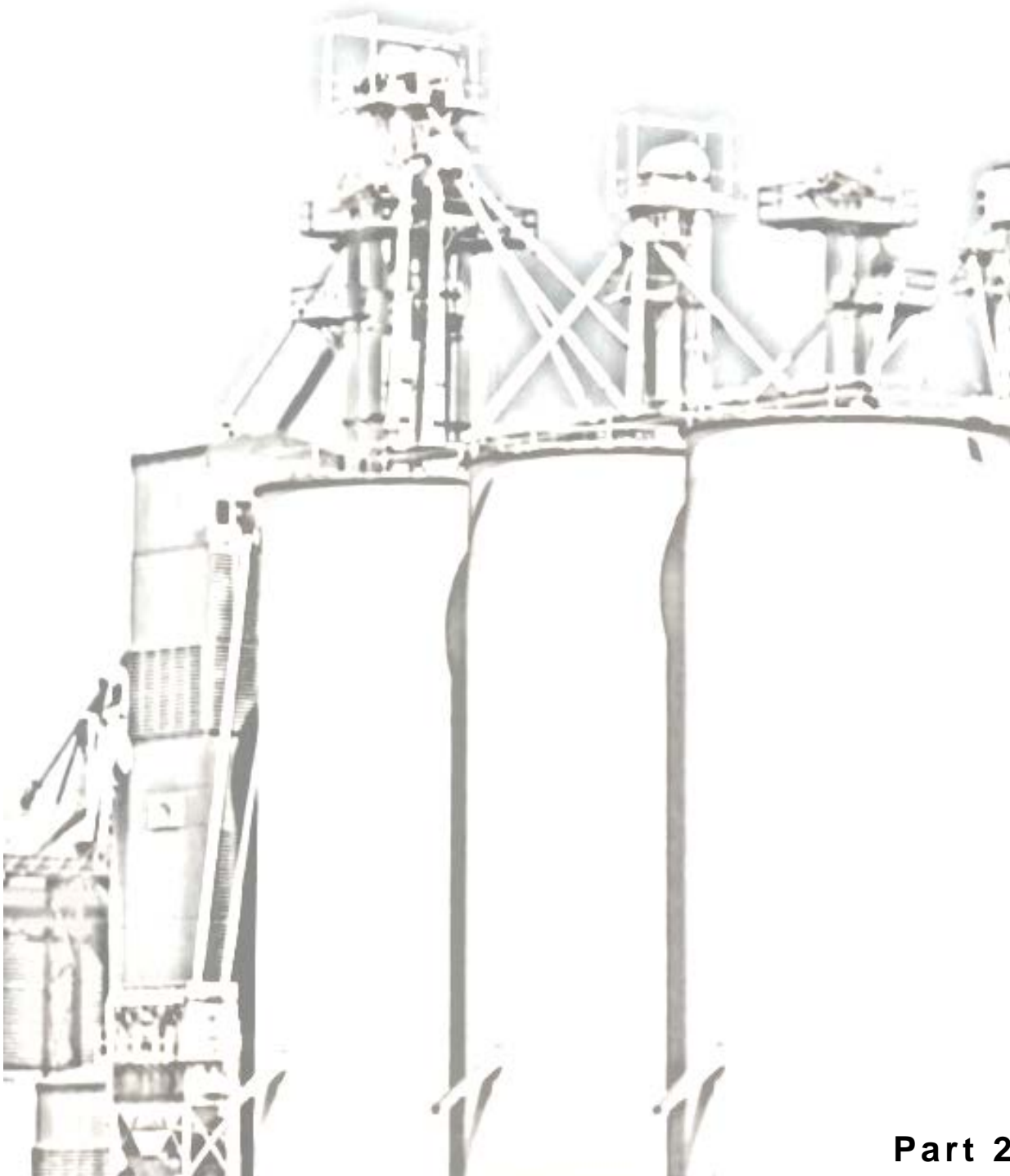
- A. **Aerial Services.** Includes aerial services provided to agricultural operations or other businesses. Shall be classified into one of the following categories:
  - 1. **Airports and Landing Strips.** Includes facilities for the takeoff, landing and storage of small planes including those providing services to agricultural uses, such as aerial spraying and crop dusting.
  - 2. **Heliports.** Includes facilities providing for the takeoff and landing of helicopters serving agricultural, business, and commercial uses, or for life safety. Typical uses include business specific helipads, hospital helipads, and helicopter charter heliports.
- B. **Community Facilities and Services.** Includes public services, utilities and other facilities involving major structures or land areas required to support the community. Does not include uses defined under "Wireless Telecommunication Facilities" (1500-03-110(F)). Shall be classified into one of the following categories:
  - 1. **Major.** Includes public facilities generally determined to be compatible with surrounding uses. Typical uses include ambulance services, court houses, electric substations, governmental office centers, human or pet cemeteries, sheriff and fire stations, post offices, public libraries, regional power transmission lines, roads, sewer pump stations, water storage tanks/towers and reservoirs, transformers, and similar uses.
  - 2. **Intensive.** Includes public facilities that may have an objectionable effect on the surrounding uses due to dust, smoke, fumes, odors, light, noise, vibrations, storage of hazardous materials, or aesthetics. Typical uses include correctional institutions, corporation yards, electric receiving stations, fairgrounds, major flood control improvements, natural gas storage and pumping stations, power generating facilities, refuse transfer facilities, regional detention/retention basins, sanitary landfills, training facilities, water and wastewater treatment plants, and similar uses.

- C. **Intermodal Transportation Services.** Includes facilities primarily engaged in the transportation of persons. Typical uses include depots, dispatch centers, stations, yards, and other facilities for bus, train, taxi and/or other transportation modes.
- D. **Parking Facilities.** Includes publically or privately owned and operated parking lots, garages, park-and-ride facilities, and similar uses.
- E. **Solar Energy Facilities, Commercial.** Includes photovoltaic panels and other facilities used for the conversion of solar energy for the commercial sale of electricity. Does not include accessory systems that are primarily to supply energy to an on-site residential, agricultural, industrial or other permitted use.
- F. **Wireless Telecommunications Facilities.** Includes electromagnetic and photoelectric transmission, broadcast, repeater, and receiving stations for radio, television, telephone, cellular telephones, microwave communications, data network communications, and satellite based communications, such as antennas, dishes, towers, and monopoles. Does not include accessory home television and radio receiving equipment, satellite dishes, HAM radio antennas, or any wireless communication facility operated exclusively as part of a public safety network or specifically exempt from local regulation by state or federal law. Shall be classified into one of the following categories:
  - 1. **Co-located.** Includes the placement or installation of any wireless telecommunications facility on, or immediately adjacent to, an existing legally established wireless telecommunication facility.
  - 2. **Integrated.** Includes any wireless telecommunications facility directly affixed to a primary building, provided that all components of the facility are designed in a manner to be architecturally consistent with the building and meet all other Zoning Code requirements.
  - 3. **Freestanding.** Includes any freestanding wireless telecommunication facility including associated equipment buildings.

### 1500-03-120 Resource Extraction Use Types

- A. **Mining Operations.** Includes the extraction of rock, sand, gravel and other materials from the earth. Typical uses include quarrying, storing, and preparing of materials for shipment from the producing site.
- B. **Oil and Gas Extraction and Injection Wells.** Includes the extraction of oil and natural gas from the ground or the injection of saline water that is a natural by-product of well drilling operations. Typical uses include oil, gas and injection wells, on-site storage, and activities to prepare raw materials for shipment from the producing property or storage and activities to return saline water into the ground.

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**Part 2**

**District Specific Regulations**

Part 2

## **District Specific Regulations**

### **Article 4: Establishment of Zoning Districts**

- 1500-04-010: Zoning Districts**
- 1500-04-020: Zoning Map**

### **Article 5: Agricultural, Recreation and Open Space Districts**

- 1500-05-010: Purpose**
- 1500-05-020: Allowed Use Types**
- 1500-05-030: Supplemental Use Regulations**
- 1500-05-040: Development Standards**

### **Article 6: Residential Districts**

- 1500-06-010: Purpose**
- 1500-06-020: Allowed Use Types**
- 1500-06-030: Supplemental Use Regulations**
- 1500-06-040: Development Standards**
- 1500-06-050: Residential Landscaping Design Criteria**
- 1500-06-060: Multi-Family Residential Design Checklist**

### **Article 7: Commercial and Employment Districts**

- 1500-07-010: Purpose**
- 1500-07-020: Allowed Use Types**
- 1500-07-030: Supplemental Use Regulations**
- 1500-07-040: Development Standards**
- 1500-07-050: Commercial and Employment Design Checklist**

### **Article 8: Overlay and Combining Districts**

- 1500-08-010: Purpose**
- 1500-08-020: Sutter Buttes Overlay District**
- 1500-08-030: Commercial Recreation Overlay District**
- 1500-08-040: Agricultural Combining District**
- 1500-08-050: Historic Preservation Combining District**
- 1500-08-060: Planned Development Combining District**

### **Article 9: Special Purpose Districts**

- 1500-09-010: Purpose**
- 1500-09-020: Food Processing, Agricultural and Recreation Combining District**
- 1500-09-030: Sutter Pointe Specific Plan**

# Article 4 Establishment of Zoning Districts

## CHAPTER 1500-04

**Sections:**

- 1500-04-010: Establishment of Zoning Districts**
- 1500-04-020: Zoning Map Adopted**

### 1500-04-010 Establishment of Zoning Districts

The County is divided into zoning districts as established by this Zoning Code. The districts, symbols, and General Plan land uses implemented by the districts are indicated on Table 1500-04-1.

Table 1500-04-1: ZONING DISTRICTS AND GENERAL PLAN LAND USE DESIGNATIONS			
Zoning District		General Plan Land Use Designation Implemented	
Agricultural, Recreation and Public Districts			
AG	Agriculture	AG-20, -40 & -80 OS AG-RC	Agriculture 20, 40 and 80 Open Space Agriculture Rural Community
REC	Recreation	PR OS	Park and Recreation Open Space
P	Public	P AP	Public Airport
Residential Districts			
RAN	Ranchette	RAN AG-20, -40 & -80	Ranchette Agriculture 20, 40 and 80
ER	Estate Residential	ER LDR	Estate Residential Low Density Residential
R-1	Single-Family	LDR ER	Low Density Residential Estate Residential
R-2	Two-Family	LDR	Low Density Residential
R-3	Neighborhood Apartment	MDR	Medium Density Residential
R-4	General Apartment	HDR	High Density Residential
Commercial and Employment Districts			
GC	General Commercial	COM	Commercial
CM	Commercial-Industrial	I/C COM IND	Industrial/Commercial Commercial Industrial

<b>Table 1500-04-1: ZONING DISTRICTS AND GENERAL PLAN LAND USE DESIGNATIONS</b>			
<b>Zoning District</b>		<b>General Plan Land Use Designation Implemented</b>	
EC	Employment Corridor	EC	Employment Corridor
M-1	Light Industrial	IND I/C EC	Industrial Industrial/Commercial Employment Corridor
M-2	General Industrial	IND I/C EC	Industrial Industrial/Commercial Employment Corridor
<b>Overlay and Combining Districts</b>			
-SB	Sutter Buttes Overlay	AG-80	Agriculture 80
-CR	Commercial Recreation Overlay	OS AG-20, -40 & -80	Open Space Agriculture 20, 40 and 80
-SPSP	Sutter Pointe Specific Plan Overlay	Multiple Designations - Refer to Sutter Pointe Specific Plan	
-A	Agricultural Combining	ER LDR	Estate Residential Low Density Residential
-PD	Planned Development Combining	Multiple Designations	
-HP	Historic Preservation Combining	Multiple Designations	
FPARC	Food Processing, Agricultural & Recreation Combining	FPARC	

### **1500-04-020 Zoning Map Incorporated**

The boundaries of the zoning districts established by this Zoning Code are shown on the Sutter County Zoning Map, maintained by the Planning Division. The Zoning Map, together with all legends, symbols, notations, and other information shown on the map, is incorporated by reference and, along with any amendments adopted hereafter, made part of the Zoning Code.

# Article 5

## Agricultural, Recreation and Public Districts

### CHAPTER 1500-05

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#### Sections:

- 1500-05-010: Purpose
  - 1500-05-020: Allowed Use Types
  - 1500-05-030: Supplemental Use Regulations
  - 1500-05-040: Development Standards
- 

#### 1500-05-010 Purpose

- A. **Agriculture (AG).** The AG District is intended to protect and promote the long-term viability and productivity of Sutter County's agricultural resources, uses and economy. This district provides for parcel sizes to sustain a wide variety of agricultural and farming activities, low intensity rural uses and open space. Agricultural support services and industries that are compatible with adjacent uses and operations are encouraged. The AG District implements the General Plan Agricultural (AG-20, AG-40, and AG-80) and Open Space (OS) land use designations.
- B. **Recreation (REC).** The REC District is intended to be applied to lands identified as having active or passive recreation, natural, scenic or open space value for use as public or private parks or outdoor recreational facilities. Agriculture is an allowed secondary use. The REC District implements the General Plan Park and Recreation (PR) and Open Space (OS) land use designations.
- C. **Public (P).** The P District is intended to be applied to lands and facilities that are owned and operated by public agencies including schools, libraries, emergency service facilities, airports, major utilities, corporation yards, and governmental offices and property. Additional public uses, and facilities are provided for in other zoning districts. The P District implements the General Plan Public (P) and Airport (AP) land use designations but may be applied with most of the land use designations.

#### 1500-05-020 Allowed Use Types

Table 1500-05-1 identifies the allowed use types for Agricultural, Recreation, and Public Districts. Use types are defined in Article 3. Uses not specifically listed may be permitted by the Director pursuant to Section 1500-03-030. For findings relating to flood standards, see Article 25.

**Table 1500-05-1: ALLOWED USE TYPES**

Use Types	AG	REC	P	Supplemental Regulations
<b>P Permitted</b>	<b>ZC Zoning Clearance</b>	<b>AP Administrative Permit</b>	<b>UP Use Permit</b>	<b>- Not Permitted</b>
<b>Agricultural Use Types</b>				
Agricultural Education and Entertainment				
Small	AP	AP	-	See Section 1500-05-030(A) - Visitor Serving Uses and Section 1500-05-030(B) – Special Events
Large	UP	UP	-	See Section 1500-05-030(A) - Visitor Serving Uses and Section 1500-05-030(B) – Special Events
Agricultural Homestays	AP	-	-	See Section 1500-05-030(A) - Visitor Serving Uses
Agricultural Manufacturing	UP	-	-	
Agricultural Processing	P	-	-	
Agricultural Product Sales				
Wayside Stand	P	-	-	See Section 1500-05-030(A) - Visitor Serving Uses and Section 1500-04-030(C) – Wayside Stands and Agricultural Stores
Agricultural Store	ZC	-	-	See Section 1500-05-030(A) - Visitor Serving Uses and Section 1500-04-030(C) – Wayside Stands and Agricultural Store
Agricultural Supplies and Services				
Light	ZC	-	-	See Section 1500-05-030(D) – Animal and Equipment Auctions
Heavy	UP	-	-	
Agricultural Truck Yards				
Small	ZC	-	-	See Section 1500-05-030(E) – Agricultural and General Truck Yards
Large	UP	-	-	See Section 1500-05-030(E) – Agricultural and General Truck Yards
Agriculture				
Agriculture, Animal Husbandry	P	P	P	
Agriculture, Crops and Tree Farms	P	P	P	
Animal Processing	UP	-	-	See Section 1500-05-030(F) – Animal Processing and Intensive Animal Operations
Intensive Animal Operations	UP	-	-	See Section 1500-05-030(F) – Animal Processing and Intensive Animal Operations
Commercial Stables				
Small	AP	-	-	See Section 1500-05-030(G) – Commercial Stables
Large	UP	-	-	See Section 1500-05-030(G) – Commercial Stables

**Table 1500-05-1: ALLOWED USE TYPES**

Use Types	AG	REC	P	Supplemental Regulations
<b>P Permitted</b>	<b>ZC Zoning Clearance</b>	<b>AP Administrative Permit</b>	<b>UP Use Permit</b>	<b>- Not Permitted</b>
<b>Wineries, Breweries, Distilleries and Mills</b>				
Small	AP	-	-	See Section 1500-05-030(B) – Special Events
Large	UP	-	-	See Section 1500-05-030(B) – Special Events
<b>Open Space and Recreational Use Types</b>				
Community Garden	P	P	P	
Campgrounds and Recreational Vehicle Parks	-	UP	-	
Camps and Retreats	-	UP	-	
Conversion of Agricultural Land to Habitat	P	-	-	See Section 1500-05-030(V) - Open Space Easement Agreement
Golf Courses and Country Clubs	-	AP	-	
<b>Marinas and Boat Launching</b>				
Boat Launching	P	P	P	
Marina	-	AP	AP	
Parks and Recreation	-	P	P	
Residential Recreation Facilities	-	P	-	
Resource Protection and Restoration	P	P	P	See Section 1500-05-030(H) – Resource Protection and Restoration
Resource Related Recreation	P	P	P	
Shooting Ranges, Indoor	-	AP	-	
Shooting Ranges, Outdoor	UP	UP	UP	
Sports Clubs	ZC	ZC	ZC	See Section 1500-05-030(I) – Sports Clubs
<b>Assembly and Educational Use Types</b>				
Community Assembly and Cultural Facilities	-	UP	UP	
Religious Institutions	UP	-	-	
<b>Schools and Educational Services</b>				
Elementary and Secondary Schools, Public	P	-	P	
Elementary and Secondary Schools, Private	UP	-	-	
Colleges and Universities	-	-	UP	
Specialized Education and Training	ZC	ZC	ZC	See Section 1500-05-030(J) – Agricultural Related Facilities
<b>Special Event Facilities</b>				
Small	AP	AP	AP	See Section 1500-05-030(A) – Visitor Serving Uses and Section 1500-05-030(B) – Special Events
Large	UP	UP	UP	See Section 1500-05-030(A) – Visitor Serving Uses and Section 1500-05-030(B) – Special Events

**Table 1500-05-1: ALLOWED USE TYPES**

Use Types	AG	REC	P	Supplemental Regulations
<b>P Permitted</b>	<b>ZC Zoning Clearance</b>	<b>AP Administrative Permit</b>	<b>UP Use Permit</b>	<b>- Not Permitted</b>
<b>Residential Use Types</b>				
Agricultural Employee Housing				
Dwelling Unit	P	-	-	See Section 1500-05-030(K) – Agricultural Employee Housing
Complex	P	-	-	See Section 1500-05-030(K) – Agricultural Employee Housing
Labor Camp	UP	-	-	See Section 1500-05-030(K) – Agricultural Employee Housing
Caretaker Housing				
Agricultural	UP	UP	-	See Section 1500-05-030(L) – Manufactured Homes in the Agricultural District and 1500-05-030 (M) – Temporary Manufactured Homes for Caretaker Housing (Agricultural and Residential)
Residential	UP	-	-	See Section 1500-05-030(L) – Manufactured Homes in the Agricultural District and 1500-05-030 (M) – Temporary Manufactured Homes for Caretaker Housing (Agricultural and Residential)
Commercial/Industrial	UP	UP	-	
Marina/Boat Launch Facilities	ZC	ZC	ZC	See Section 1500-05-030(O) – Recreational Vehicle – Seasonal Security at Marinas and Boat Launch Facilities
Dwelling Units				
Single Family	P	-	-	
Accessory Dwelling Unit	ZC	-	-	See Article 10 (Section 1500-10-040)
Junior Accessory Dwelling Unit	ZC	-	-	See Article 10 (Section 1500-10-050)
Two Family	-	-	-	
Multi Family	-	-	-	
Group Quarters	-	-	-	
Guest Cottage	-	-	-	
Live-Work Residential	-	-	-	
Manufactured Home Park	-	-	-	
<b>Community Care and Assistance Use Types</b>				
Cold Weather Shelter	ZC	-	ZC	See Article 11 – Cold Weather and Emergency Shelters (Use Specific Regulations)
Day Care				
Day Care Center	-	-	ZC	
Family Day Care, Small	P	-	-	
Family Day Care, Large	ZC	-	-	See Section 1500-05-030(P) – Family

**Table 1500-05-1: ALLOWED USE TYPES**

Use Types	AG	REC	P	Supplemental Regulations
<b>P Permitted</b>	<b>ZC Zoning Clearance</b>	<b>AP Administrative Permit</b>	<b>UP Use Permit</b>	<b>- Not Permitted</b>
				Day Care, Large
Emergency Shelter	-	-	P	See Section 1500-05-030(Q) – Emergency Shelters and Article 11 – Cold Weather and Emergency Shelters (Use Specific Regulations)
Extended Care Facility	-	-	-	
Residential Care Facility				
Small	P	-	-	
Large	AP	-	-	
Social Services Facility	-	-	ZC	
Supportive Housing	-	-	-	
Transitional Housing	-	-	-	
<b>Commercial Use Types</b>				
Adult Oriented Businesses	-	-	-	
Animal Sales and Services				
Kennels Indoor Outdoor	AP UP	- -	- -	See Section 1500-05-030 (R) – Kennels
Veterinary Clinic or Hospital, Small Animal	ZC	-	-	
Veterinary Clinic or Hospital, Large Animal	AP	-	-	
Banks and Credit Unions	-	-	-	
Business Support Services	-	-	-	
Commercial Entertainment and Recreation				
Indoor	-	UP	-	
Outdoor	-	UP	-	
Communication Services	-	-	-	
Funeral and Internment Services	-	-	-	
Eating and Drinking Establishments				
Bars and Drinking Places	-	-	-	
Restaurant, Fast Food	-	-	-	
Restaurant, Full Service	-	-	-	
Mobile Food Truck	P	-	-	
Funeral and Internment Services	-	-	-	
Hospitals	-	-	-	
Lodging				
Bed and Breakfast Inn	AP	-	-	See Section 1500-05-030(A) – Visitor Serving Uses
Hotels and Motels	-	-	-	
Maintenance, Repair and Rental Services	-	-	-	
Manufactured Home Sales and Rentals	-	-	-	

<b>Table 1500-05-1: ALLOWED USE TYPES</b>				
Use Types	AG	REC	P	Supplemental Regulations
P Permitted      ZC Zoning Clearance	AP Administrative Permit		UP Use Permit	- Not Permitted
Medical Marijuana Dispensary	-	-	-	
Medical Offices and Clinics	-	-	-	
Nightclubs	-	-	-	
<b>Nursery</b>				
Wholesale	P	-	-	
Retail	UP	-	-	
Personal Services	-	-	-	
Personal Storage	-	-	-	
Professional Offices	-	-	-	
Recreational Vehicle Storage	-	-	-	
<b>Recycling Collection Facilities</b>				
Small	P	P	P	See Article 14 – Recycling Collection Facilities (Use Specific Regulations)
Large	-	-	-	
<b>Retail Sales</b>				
General	-	-	-	
Outdoor	-	-	-	
Superstore				
<b>Vehicle and Equipment Sales and Services</b>				
Fuel Stations	-	-	-	
Vehicle Rentals, Sales and Leasing, Light	-	-	-	
Vehicle Rentals, Sales and Leasing, Heavy	-	-	-	
Vehicle Repairs, Light	-	-	-	
Vehicle Repairs, Heavy	-	-	-	
Vehicle Washing	-	-	-	
<b>Industrial Use Types</b>				
Equipment and Materials Storage Yards	-	-	-	
<b>General Truck Yards</b>				
Small	AP			See Section 1500-05-030(E) – Agricultural and General Truck Yards
Large	UP			See Section 1500-05-030(E) – Agricultural and General Truck Yards
Impound and Towing Yards	-	-	-	
<b>Manufacturing</b>				
Light	-	-	-	
General	-	-	-	
Heavy	-	-	-	
Research and Development	-	-	-	
Warehousing, Wholesaling, and Distribution,	UP	-	-	See Section 1500-05-030(J) –

Table 1500-05-1: ALLOWED USE TYPES				
Use Types	AG	REC	P	Supplemental Regulations
<b>P</b> Permitted	<b>ZC</b> Zoning Clearance	<b>AP</b> Administrative Permit	<b>UP</b> Use Permit	- Not Permitted
				Agricultural Related Facilities
<b>Transportation, Communication, and Utilities Use Types</b>				
Aerial Services				
Airports and Landing Strips	UP	-	P	See Section 1500-05-030(S) – Public Facilities
Heliports	UP	-	P	See Section 1500-05-030(S) – Public Facilities
Community Facilities and Services				
Major	UP	UP	P	See Section 1500-05-030(W) – Regional transmission line Projects
Intensive	UP	-	UP	
Intermodal Transportation Services	-	-	P	
Parking Facilities	-	-	P	
Solar Energy Facilities, Commercial	UP	-	-	See Section 1500-05-030(T) – Solar Energy Facilities, Commercial
Wireless Telecommunication Facilities				
Co-located	ZC	ZC	ZC	See Article 18 –Wireless Telecommunication Facilities (Use Specific Regulations)
Integrated	ZC	ZC	ZC	See Article 18 –Wireless Telecommunication Facilities (Use Specific Regulations)
Freestanding	UP	UP	UP	See Article 18 –Telecommunication Facilities (Use Specific Regulations)
<b>Resource Extraction Use Types</b>				
Mining Operations	UP	-	-	See Chapter 290 Sutter County Ordinance Code
Oil and Gas Extraction and Injection Wells	ZC/UP			See Section 1500-05-030(U) – Oil and Gas Extraction and Injection Wells

### 1500-05-030 Supplemental Use Regulations

- A. **Visitor Serving Uses.** Visitor serving uses in the AG District may be permitted if all of the following findings can be made:
1. The use will help to directly or indirectly promote agriculture in Sutter County.
  2. The use is compatible with and incidental to agricultural production activities in the area.
  3. The use is compatible with existing adjacent uses in the area.
- B. **Special Events.** Special events such as weddings, dances, assemblies, picnics, dinners, craft fairs, and similar events are allowed at Agricultural Education and Entertainment; Wineries, Breweries, Distilleries and Mills; and Special Event Facilities use types on parcels of sufficient

size to not impact adjoining agricultural operations. These use types require approval of either a Use Permit or Administrative Permit as indicated on Table 1500-05-1. The permit shall specify the frequency of allowed events, hours of operations, maximum number of permitted guests, and any other conditions of approval deemed necessary by the approving authority.

**C. Wayside Stands and Agricultural Stores.**

1. One Wayside Stand or Agricultural Store shall be permitted per parcel.
2. A Wayside Stand shall not exceed 600 square feet of floor area and may include up to 50 square feet of floor area for the sale of prepackaged food and/or drinks. An Agricultural Store shall not exceed 1,500 square feet, and may include food preparation, bakery and area for limited retail sales.
3. Adequate provision shall be made for off-street parking and safe ingress and egress to the adjacent street.
4. Parking spaces for Wayside Stands and Agricultural Stores need not be paved or striped but shall be improved in accordance with the surfacing requirements for parking within the AG district.
5. All structures and off-street parking shall not be located in any required front or side yard setback.

**D. Animal and Equipment Auctions.**

1. The sale/auction shall be held on property owned by one of the participants. Sales/auctions shall not be held on properties currently under a Williamson Act contract.
2. The actual sale/auction event shall be held for a time period not to exceed 3 days (72 hours) per event, nor more frequently than 3 events per year per property. The sale/auction event shall be conducted between the hours of 7:00 am and 10:00 pm.
3. Items being brought to the property for the sale/auction from off-site participants shall arrive no more than ten (10) calendar days prior to the start of the sale/auction event and shall be removed no later than seven calendar days after the end of the event. The applicant shall indicate the number of participants that will be bringing items to the property for the event.
4. Sales of any food at the sale/auction shall be subject to approval by the Environmental Health Division.
5. Signage - On-site signage shall be permitted subject to the existing sign requirements for agricultural zones contained in the Zoning Code. Off-site signage for sale/auction events shall be limited to the provisions contained in Section 1500-21.

**E. Agricultural and General Truck Yards.**

1. Agricultural Truck Yards.
  - a. Parking – Driveways, parking, storage, and maneuvering areas for agricultural trucks shall be surfaced with aggregate, paving or other materials which adequately prevent dust from becoming airborne and prevent the tracking of dirt and/or mud onto public roadways. Adequate provision shall be made for safe ingress and egress to the adjacent street.
  - b. Screening – Agricultural truck yards may be conditioned to be screened from view from public roadways through walls, chain link fencing with privacy slats, and/or landscaping.
  - c. Maintenance – Agricultural truck yard maintenance, repair, and proper handling and disposal of hazardous materials shall comply with the requirements of the Development Services Department, Environmental Health Division.

## 2. General Truck Yards, Small

- a. In addition to other noticing requirements, upon receipt of an application for a new or modified General Truck Yard, Small, notice shall be provided to all property owners of record, within one-half (1/2) mile of the proposed project property boundaries advising an application has been received, providing a summary of the application and the location where project documents can be reviewed.
- b. Prior to approving a General Truck Yard, Small, a Notice to Approve shall be provided in accordance with Article 23.
- c. General Truck Yards, Small, when proposed in an AG District, shall not be subject to Table 1500-07-3 (Commercial and Employment Design Checklist) unless as otherwise noted in this section.
- d. Lighting shall be provided consistent with Table 1500-07-3 (Commercial and Employment Design Checklist). Light pole and fixture height shall not exceed twenty-five (25) feet. Truck parking areas shall incorporate motion activated lighting that shall not spill onto adjoining properties. A photometric plan, prepared by an appropriately licensed design professional, shall be submitted demonstrating compliance with this section prior to project approval. The requirement for a photometric plan may be waived by the Director if it is determined the General Truck Yard, Small, is a sufficient distance from adjacent parcels or that, due existing vegetation or structures, site lighting will not spill onto adjacent properties.
- e. Driveways shall be a minimum of twenty-five (25) feet in width, measured at the public right of way, or as determined necessary by the Road Commissioner.
- f. When proposed, access gates shall be setback a minimum of sixty-five (65) feet from the public right-of-way to allow trucks with trailers to completely exit the roadway.
- g. All maneuvering and parking areas for automobiles, trucks and trailers shall be located onsite and shall be graveled consistent with Article 20. No parking or maneuvering for parking shall occur in a public road right-of-way. Parking and circulation areas shall be maintained and shall not deteriorate to allow mud or dirt to be tracked onto the public right-of-way. At their discretion, the Director may require the installation of wheel washing facilities or other measures deemed necessary to eliminate impacts to the County road system.
- h.
  1. When located outside a designated floodplain, permanent bathroom facilities (not portable toilets) shall be established onsite and shall be accessible during hours of operation and shall not be visible from the public right of way. Bathroom facilities shall include, at a minimum, a flushing toilet and a handwashing station and shall be serviced, as needed, on a regular basis. Bathrooms shall be provided at a minimum ratio of one (1) restroom per twenty-five (25) trucks or as otherwise determined by the Director."
  2. When located in a designated floodplain, portable trailer mounted bathroom facilities may be established onsite and shall be accessible during hours of operation and shall not be visible from the public right of way. Bathroom facilities shall include, at a minimum, a toilet and handwashing station. Facilities shall be serviced, as needed, on a regular basis. The County may require an operator to document through a contract, or other means deemed sufficient, that bathroom facilities are being properly maintained. Bathrooms shall be provided at a minimum ratio of one (1) restroom per twenty-five (25) trucks or as otherwise determined by the Director.

- i. The minimum usable sewage disposal area shall be barricaded or have access physically restricted to prevent vehicles from driving or parking over it to the satisfaction of the Development Services Environmental Health Division. This requirement may be eliminated if it is determined that existing agricultural operations or other permitted onsite uses provide sufficient protection for sewage disposal areas.
  - j. A drainage plan, prepared consistent with the County Improvement Standards, shall be submitted demonstrating runoff resulting from site development will not adversely impact surrounding property owners or public rights-of-way. This requirement may be waived by the Director if it is determined the project site is of sufficient size to not result in drainage impacts to surrounding property owners or public rights-of-way.
  - k. There shall be no outdoor storage of loose materials onsite, including but not limited to, truck parts, tires and/or related items.
  - l. General Truck Yards, Small, shall be located a sufficient distance from adjacent properties to screen their location by existing onsite agricultural operations or structures or shall be screened from public rights of way and adjoining parcels by walls, or chain-link fencing with privacy slats, having a minimum privacy rating of 90 percent or greater, and landscaping. All walls, fencing and landscaping shall be continuously maintained, and the Director may require replacement to damaged items.
  - m. A minimum of one (1) fifty-five (55) gallon trash waste receptacle, or equivalent, shall be conveniently located in the truck parking area. The County may allow other means of trash collection and control as appropriate.
  - n. Truck engine idling shall occur consistent with State law and compliance with this requirement shall be included as a project condition.
  - o. The operation of Transportation refrigeration units shall occur consistent with California Code of Regulations, Title 13, Division 3, Chapter 9, Article 8 commencing at Section 2477 or as amended.
3. General Truck Yards, Large
- a. In addition to other noticing requirements, upon receipt of an application for a new or modified General Truck Yard, Large, notice shall be provided to all property owners of record, within one-half (1/2) mile of the proposed project property boundaries advising an application has been received, providing a summary of the application and the location where project documents can be reviewed.
  - b. General Truck Yards, Large, shall comply with the applicable requirements of Table 1500 07-3 (Commercial and Employment Design Checklist).
  - c. General truck Yards, Large, may only be established in the Agriculture District when located immediately adjacent to a State Highway or a designated T or S-route (STAA).
  - d. Lighting shall be provided consistent with Table 1500-07-3 (Commercial and Employment Design Checklist). Light pole and fixture height shall not exceed twenty-five (25) feet. Truck parking areas shall incorporate motion activated lighting that shall not spill onto adjoining properties. A photometric plan, prepared by an appropriately licensed design

professional, shall be submitted at the time of application demonstrating compliance with this requirement.

- e. Facility access shall incorporate acceleration and deceleration lanes, the criteria for which is determined by completion of a traffic study prepared to recognized engineering standards, including County Improvement Standards that shall also determine any additional needed traffic related improvements. No vehicle shall be permitted to obstruct or back onto a public roadway. Facilities shall be designed so that trucks entering and exiting yards are not required to cross the road center line into opposing traffic. The traffic study shall be submitted at the time application is made to the Development Services Planning Division for the proposed use.
- f. Facilities located along a State Highway shall comply with the California Department of Transportation standards for roads, freeway entrances, sight distance and turning radius.
- g. Driveways shall be a minimum of forty (40) feet in width measured at the public right-of-way or as deemed necessary by the Road Commissioner. Driveways shall be designed to allow trucks to enter and exit a facility without entering into opposing lanes of traffic.
- h. When proposed, access gates shall be setback a minimum of sixty-five (65) feet, or a sufficient distance, from the public right-of-way to allow trucks with trailers to completely exit the roadway when gates are closed.
- i. All maneuvering and parking areas for automobiles, trucks and trailers shall be located onsite and shall be paved and maintained consistent with Article 20. No parking or maneuvering for parking shall occur in a public road right-of-way. Wheel stops shall be provided for both automobile and truck parking areas to protect fencing, landscaping, structures and adjacent properties. The County may require operators to re-surface deteriorated asphalt areas and such work shall be completed within 180-days of the County making a request or by a mutually agreed time as approved by the Director. At his or her discretion, the Director may require the installation of wheel washing facilities or other measures necessary to eliminate impacts to the County road system.
- j.
  1. When located outside a designated floodplain, permanent bathroom facilities (not portable toilets) shall be established onsite and shall be accessible during hours of operation and shall not be visible from the public right of way. Bathroom facilities shall include, at a minimum, a flushing toilet and a handwashing station and shall be serviced, as needed, on a regular basis. Bathrooms shall be provided at a minimum ratio of one (1) restroom per twenty-five (25) trucks or as otherwise determined by the Director."
  2. When located in a designated floodplain, portable trailer mounted bathroom facilities may be established onsite and shall be accessible during hours of operation and shall not be visible from the public right of way. Bathroom facilities shall include, at a minimum, a toilet and handwashing station. Facilities shall be serviced, as needed, on a regular basis. The County may require an operator to document through a contract, or other means deemed sufficient, that bathroom facilities are being properly maintained. Bathrooms shall be provided at a minimum ratio of one (1) restroom per twenty-five (25) trucks or as otherwise determined by the Director.
- k. The minimum usable sewage disposal area shall be barricaded or have access physically restricted to prevent vehicles from driving or parking over it.
- l. A drainage plan, consistent with the County Improvement Standards, shall be submitted at the time application is made, demonstrating runoff resulting from site development will not adversely impact surrounding property owners, or public rights-of-way. Drainage from

parking areas shall utilize best available technology to minimize pollution and shall comply with State law.

- m. Materials including truck parts, tires and related items, shall be contained inside a building, and in accordance with applicable State law. If a General Truck Yard, Large, proposes to conduct onsite repairs, such work shall occur within a building approved for said work. This requirement shall not apply to windshield, wiper, or truck headlight replacement work. A maximum of two inoperable trucks may be kept onsite for rebuilding or parts and shall be contained in a designated area, surfaced with concrete and designed to contain spilled fluids, and shall be located so as not to be visible from a public right of way or neighboring properties.
- n. Truck and/or trailer maintenance, repair, and proper handling and disposal of hazardous materials shall comply with the requirements of the Development Services Department and applicable State law.
- o. Facilities shall be screened from public view, roadways and adjoining, non-employment zoned, land through concrete masonry unit walls or chain-link fencing with privacy slats, having a minimum privacy rating of 90 percent or greater, and landscaping. All walls, fencing and landscaping shall be continuously maintained, and the Director may require replacement to damaged items.
- p. Fifty-five (55) gallon trash waste receptacles, or equivalent, shall be provided at a minimum ratio of one (1) receptacle per five (5) trucks and shall be conveniently located in the truck/trailer parking area to facilitate their use. The County may allow other means of trash collection and control as appropriate.
- q. Truck engine idling shall occur consistent with State law and compliance with this requirement shall be included as a project condition.
- r. The operation of Transportation refrigeration units shall occur consistent with California Code of Regulations, Title 13, Division 3, Chapter 9, Article 8 commencing at Section 2477 or as amended.
- s. At the time application is made, a plan shall be submitted demonstrating how undeveloped areas shall be maintained to prevent the creation of dust, erosion and shall not become a health hazard or create a public nuisance.
- t. The County will consider as part of its review, indirect sources of traffic, noise and pollution, such as service trucks and passenger vehicles visiting facilities.
- u. The County will consider requiring permanent onsite landscape setback buffers from existing adjacent residences, to be maintained by the property owner, to the extent feasible, for new or expanded facilities.

#### **F. Animal Processing and Intensive Animal Operations.**

1. All barns, corrals, feed and manure storage areas, lagoons, processing facilities and structures not used as dwelling units, labor quarters, or administration, shall be located a minimum of one mile from any existing residential district, Rural Community boundary, or city sphere of influence line.
2. Storage of manure, silage and animal matter shall occur in a manner which minimizes odors and vector nuisances to the greatest extent practicable, based on current industry practices.

3. Incorporate measures to protect pollutants from entering into creeks, streams, drainage ditches or groundwater supplies.
4. Incorporate measures to control odor, dust, noise, and waste disposal so as not to constitute a nuisance or a hazard.

**G. Commercial Stables.**

1. Storage of manure, silage and animal matter shall occur in a manner which minimizes odors and vector nuisances to the greatest extent practicable, based on current industry practices.
2. Incorporate measures to protect pollutants from entering into creeks, streams, drainage ditches or groundwater supplies.
3. Incorporate measures to control odor, dust, noise, and waste disposal so as not to constitute a nuisance or a hazard.

**H. Resource Protection and Restoration.** Lands within the AG District may be used for habitat conservation, protection, restoration and/or mitigation with approval of a conservation easement and/or acquisition, provided such use does not substantially interfere or adversely affect existing or planned agricultural uses or impact County flood control operations. Such activities should be consistent with an adopted Habitat Conservation Plan and/or Natural Communities Conservation Plan.

**I. Sports Clubs.**

1. Shall not be located within a city's Sphere of Influence or Rural Community identified in the General Plan.
2. Living quarters shall be permitted for hunting season use only. Permanent occupancy of residential unit(s) for property owner(s) and/or caretaker are permitted consistent with the base district and shall not exceed General Plan density.

**J. Agricultural Related Facilities.** Within the AG District, all Specialized Education and Training use types and all Warehousing, Wholesaling, and Distribution use types shall be agriculturally related.

**K. Agricultural Employee Housing.**

1. All permanent agricultural employee housing shall be constructed and maintained to conform to the State Department of Housing and Community Development regulations for employee housing.
2. All manufactured homes used specifically for agricultural employee housing shall be maintained in compliance with the applicable requirements of the Manufactured Housing Act (Health and Safety Code Section 18000, et seq.).

**L. Manufactured Homes in the Agricultural District**

1. **Eligibility.** A manufactured home may be used as a permanent residence in the AG district subject to the following eligibility requirements:
  - a. The manufactured home is certified under the National Manufactured Housing Construction and Safety Act of 1974.
  - b. The density on the parcel on which the manufactured home is located does not exceed that permitted by the General Plan.
  - c. The manufactured home is placed upon a permanent or non-permanent foundation approved by the Building Division.

- d. The manufactured home complies with all development standards and other requirements of the AG zoning district.
  - e. All necessary permits and approvals have been obtained from Sutter County including the Environmental Health Division.
2. **Performance Standards.** A manufactured home within the AG district shall comply with the following performance standards:
- a. Prior to the issuance of any necessary permit(s), the applicant shall acknowledge, by signature, receipt of the performance standards as set forth in this section and agreement to meet such standards.
  - b. The area between the bottom of the manufactured home and the ground shall be fully enclosed on all sides with solid, nontransparent skirting that is of similar compatible material to the manufactured home. No storage of materials under the manufactured home is permitted except for appurtenances removed from the manufactured home and permitted to be stored under the manufactured home in accordance with the laws of the State of California.
  - c. The manufactured home shall carry a current state license if not located upon a permanent foundation.
  - d. The manufactured home shall bear the tag or shield of approval of the California State Department of Housing and Community Development in accordance with the Health and Safety Code.
  - e. Standards of this section shall be completed prior to issuance of an occupancy permit for the manufactured home.

**M. Temporary Manufactured Homes for Caretaker Housing (Agricultural and Residential).**

- 1. Use Permit applications for manufactured homes for caretakers of agricultural property, improvements or equipment shall include a written explanation of the need for the caretaker in sufficient detail to allow the Planning Commission to evaluate the degree of need.
- 2. Use Permit applications for manufactured homes for caregivers/family members in need of living assistance shall include a certification from a licensed doctor that a medical condition exists that necessitates the provision of on-site living assistance. Such a certification shall not have been prepared more than 60 days prior to the date of application and shall specify the nature of the condition in terms that will allow the Planning Commission to evaluate the degree of need.
- 3. Approval of temporary secondary manufactured homes for caretaker housing (Agricultural and Residential) shall be subject to the following conditions:
  - a. The Use Permit shall be issued for a term not to exceed five years, subject to extension, or shall expire at such time as the use or need for which the permit was granted ceases, whichever occurs first. An application for a Use Permit extension shall include a written explanation of the continuing need for the caretaker housing. Upon expiration or cessation of the use, the manufactured home shall be removed from the property within 6 months.
  - b. The manufactured home shall be placed upon a non-permanent conventional manufactured home support system (e.g., soft set, blocking or piers). A manufactured home proposed in a designated floodplain may be elevated with a foundation system on piers that can be unbolted or disconnected to remove the home when needed.
  - c. Rental of the manufactured home or manufactured home space is not permitted.

- d. The manufactured home shall be served by an approved on-site sewage disposal system.
- 4. A temporary secondary manufactured home for caretaker housing (Agricultural and Residential) shall comply with the following performance standards:
  - a. Prior to the issuance of any necessary permit(s), the applicant shall acknowledge, by signature, receipt of the performance standards as set forth in this section and agreement to meet such standards.
  - b. The area between the bottom of the manufactured home and the ground shall be fully enclosed on all sides with solid, nontransparent skirting that is of similar compatible material to the manufactured home. No storage of materials under the manufactured home is permitted except for appurtenances removed from the manufactured home and permitted to be stored under the manufactured home in accordance with the laws of the State of California.
  - c. The manufactured home shall carry a current state license if not located upon a permanent foundation.

The manufactured home shall bear the tag or shield of approval of the California State Department of Housing and Community Development in accordance with the Health and Safety Code. Standards of this section shall be completed prior to issuance of an occupancy permit for the manufactured home.

**N. Recreational Vehicle – Seasonal Security at Marinas and Boat Launch Facilities.** A single recreational vehicle for use to provide seasonal security at existing permitted marinas and boat launch facilities may be permitted annually through a zoning clearance if determined to be consistent with the following performance standards:

- 1. A recreational vehicle may be located in a designated floodplain or floodway from April 25<sup>th</sup> of a given year and shall be annually removed by October 20<sup>th</sup> to be onsite fewer than 180 consecutive days consistent with Section 1780-550 of the Floodplain Management Ordinance.
- 2. The recreational vehicle is licensed and ready for highway use per Section 1780-550 of the Floodplain Management Ordinance.
- 3. Quick disconnect utility connections to electricity, water, and a wastewater system shall be provided and approved by the Development Services Department. As an alternative to providing a connection to a wastewater system, a contract with an authorized wastewater pumping provider may be submitted demonstrating the recreational vehicle's wastewater tanks will be routinely serviced during the time period authorized by the zoning clearance.
- 4. Evidence demonstrating garbage service will be provided shall be submitted to the satisfaction of the Development Services Department.
- 5. A minimum of one onsite parking space is provided consistent with Table 1500-20-2 and is surfaced at a minimum consistent with Section 1500-20-080 B. 2.
- 6. The recreational vehicle shall comply with the setback requirements of the zone district it is located in.
- 7. The area surrounding the recreational vehicle shall be kept free of debris, waste materials, and refuse.

**O. Family Day Care, Large.** Large Family Day Care Facilities are subject to the following standards:

- 1. Written consent of the property owner is required when the property is leased or rented.
- 2. One off-street parking space located outside the front and street side yard setback shall be provided in addition to the number required for the existing use.

3. The operator shall provide evidence of a valid license to operate issued by the Department of Social Services.
  4. Written approval shall be provided by the Sutter County Environmental Health Division, Sutter County Building Division, and the appropriate fire service agency.
- P. Emergency Shelters.** All emergency shelters shall comply with the Development Standards specified for the R-4 District, as well as Section 1500-11 – Cold Weather and Emergency Shelters (Use Specific Regulations).
- Q. Kennels.** 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. Animal odors shall not be detectable beyond the property lines of the property where the kennel is located.
- R. Public Facilities.** Airports, landing strips, heliports and similar facilities within the P District are limited to public use only. Private facilities are not permitted.
- S. Solar Energy Facilities, Commercial.** Commercial solar energy facilities are not allowed within the Sutter Buttes Overlay Zone and/or on prime farmland.
- T. Oil and Gas Extraction and Injection Wells.** Exploratory and/or production gas or oil well drilling and injection wells in the AG District meeting the following criteria shall be permitted by issuance of a Zoning Clearance:
1. Wells shall be located a minimum of 500 feet from any existing residence and not on lands controlled by any State or Federal agency.
  2. The location of the well, access road, pipelines and other appurtenances have been coordinated with the surface rights operator, manager or tenant as well as the owner of the surface rights to the property to be used as a well site.
  3. All drilling equipment except that required for well operation and maintenance shall be removed and the site restored to its original condition within a time period as arranged with the surface owner, but in no event longer than 90 days after completion of the drilling process.
  4. The Director shall be notified of completion or abandonment of the well within 10 days of cessation of drilling operations.
  5. The applicant shall comply with all applicable local and State regulations including but not limited to, requirements of the County Environmental Health Program and California Division of Oil and Gas for on-site sanitary facilities and waste disposal, the County Development Services Engineering Division for necessary encroachment permits of driveway connections with the County roads, and the California Division of Oil and Gas for all necessary permits.

Before the issuance of a Zoning Clearance for gas or oil well drilling or an injection well, a Notice of Intent to approve shall be mailed or delivered at least 10 days prior to action on the application to the applicant, the property owner, the owners as shown on the most recent secured assessor's roll of property within 400 feet of the property involved in the application, and all other persons who have requested notice in accordance with Section 1500-23-060(B). Such other notice as the County deems appropriate may also be given. All Zoning Clearances shall be processed in accordance with Section 1500-25-030.

Exploratory and/or production gas or oil well drilling and injection wells that do not comply with the above criteria may be permitted by approval of a Use Permit. Oil and Gas Drilling and injection well Zoning Clearances and Use Permits shall be valid for a one (1) year term period. If an approved permit has not been used within one (1) year after permit issuance, it shall become null and void without further action.

**U. Open Space Easement Agreement.** Prior to the conversion of land designated for agricultural use to permanent wildlife or other habitat, an Open Space Easement Agreement shall be approved by the Board of Supervisors.

**V. Regional Power Transmission line Projects.** Prior to development, a use permit shall be obtained for all regional power transmission line projects and said applications shall comply with the requirements of this section.

1. **Applications.** At a minimum, each use permit application for a regional transmission line shall include the following:
  - a. A completed application form and filing fee.
  - b. A description of a reasonable range of alternatives to the proposed project, including alternatives that use or expand existing rights-of-way.
  - c. All application materials (maps, site plans, etc.) necessary to illustrate the proposed location of the proposed facilities and all alternative locations, together with all other materials required for a conditional use permit.
  - d. A photo simulation of the proposed project and each alternative from at least six locations along its route in the County. Each location shall include simulated views of project facilities from four directions (north, south, east, and west).
  - e. A narrative explanation of the route of the proposed project and each alternative, together with a discussion of any alternative locations and project alternatives considered by the applicant but not formally included for County consideration.
  - f. For the proposed project and each alternative, all of the following shall be provided:
    - i. Estimated cost, including construction, land acquisition, and other development costs;
    - ii. A description of the type of vegetation and soils that will be removed or impacted by construction;
    - iii. A map showing the number, types, uses, and distances of buildings, public and private airports, dedicated open space, and parklands located within a 1,000-foot distance of proposed project infrastructure;
    - iv. An analysis of the audible noise and lighting impacts of the proposal, together with any other studies reasonably necessary for the County to perform its duties as a lead or responsible agency in connection with the environmental review of the project; and
    - v. An analysis of the potential adverse human health effects of the project on those present in residential areas, schools, licensed day-care facilities, playgrounds, and other developed areas in reasonable proximity to the project. The analysis shall use the best available scientific information at the time it is conducted.
2. **Coordination and Documentation.** Within 30 days of filing an application for a use permit in connection with a regional transmission line project, the applicant shall provide the County with copies of all applications for state, federal, and other permits and licenses in connection with the proposed project. Promptly following the issuance of any state or federal permits or licenses, biological opinions, records of decision, memoranda of understanding, exemptions,

variances, or similar authorizations or approvals related to the proposed project, the applicant shall provide copies of those documents to the County.

3. **Public Outreach.** For all regional transmission line projects that traverse a significant portion of the County, and whose impacts are not likely to be isolated to a small geographical area, the Director, or his or her designee, may require the applicant to present the application to interested members of the public at one or more public meetings to be arranged by the applicant. Such meetings shall be in addition to any hearings on the permit application held by the Planning Commission or the Board of Supervisors, and in addition to any meetings of local general plan advisory committees to which the application is referred. The Director, or his/her designee, and the applicant shall, if requested by the Director or his/her designee, develop a mutually acceptable public outreach program that includes such meeting(s) and any similar public outreach efforts to be undertaken by the applicant.
4. **Review Criteria.** The purpose of this subdivision is to establish a use permit criterion for major electrical power distribution and transmission projects in the unincorporated area of the County and shall apply to all such projects that require a use permit. A use permit for such projects may only be approved if all of the following findings are made based on substantial evidence in the record:
  - a. The proposed project is consistent with any applicable policies in the General Plan and any applicable specific plan(s);
  - b. There is a demonstrated need for the proposed project;
  - c. To the greatest feasible (as that term is defined in Public Utilities Code § 12808.5) extent, the project utilizes existing infrastructure and rights-of-way or, alternatively, expands existing rights-of-way, in that order of preference;
  - d. There are no feasible alternatives that are superior to the proposed project, particularly with respect to individuals present in residential areas, schools, licensed day-care facilities, playgrounds, and other developed areas in reasonable proximity to the project;
  - e. To the greatest feasible extent, the proposed project does not have a significant adverse effect on the environment, agriculture, existing land uses and activities, areas with significant scenic qualities, or other relevant considerations of public health, safety, or welfare;
  - f. To the greatest feasible extent, the proposed project avoids lands preserved by the County for public park purposes;
  - g. To the greatest feasible extent, the proposed project avoids lands preserved by a conservation easement or similar deed restriction for agricultural, habitat, or other purposes. The Board of Supervisors may waive this requirement if the applicant provides documentation that the project does not conflict with the conservation easement or deed restriction, or that the conservation easement or deed restriction will be amended or extinguished prior to implementation of the project. If the conservation easement or deed restriction was provided as mitigation for the impacts of a prior development project, however, it shall only be amended or extinguished if adequate substitute mitigation is provided by the applicant;
  - h. The proposed project complies with all laws, regulations, and rules regarding airport safety conditions and similar matters, and would not require a significant change in the operations of a public or private airport in the County, create an undue hazard for aircraft, or substantially hinder aerial spraying operations;

- i. To the greatest feasible extent, operation of the proposed project would not create conditions that unduly reduce or interfere with public or private television, radio, telemetry, or other electromagnetic communication signals; and
  - j. The applicant has agreed to conduct all roadwork and other site development work in compliance with all laws, regulations, and rules relating to dust control, air quality, erosion, and sediment control, as well as any permits issued pursuant thereto.
5. **Scope.** The requirements of 1500-05-030(V) shall apply to all regional transmission line projects that have not received all required federal, state, and local agency approvals prior to the effective date of this ordinance.
6. **Costs.** The project applicant shall reimburse all County costs associated with reviewing an application for a major electrical power transmission and distribution project. In addition, if the County is required to review a proposed transmission corridor zone pursuant to California Government Code section 25334 or other provisions of law, such costs shall also be reimbursed by the project applicant.

**1500-05-040 Development Standards and Exceptions**

Table 1500-05-2 identifies the development standards and allowed exceptions to those standards for Agricultural, Recreation, and Public Districts. Allowed use types and associated structures shall comply with the following in addition to any other applicable requirements of this Zoning Code:

<b>Table 1500-05-2: DEVELOPMENT STANDARDS AND EXCEPTIONS</b>			
	<b>AG</b>	<b>REC</b>	<b>P</b>
<b>Lot Size</b>			
<b>Minimum Lot Size</b>			
Lot Area <sup>5</sup>	20, 40 or 80 acres Per General Plan Density	None	None
Lot Width	75 feet	None	None
Lot Depth	None	None	None
<b>Lot Size Exceptions</b>			
Homesites	One homesite parcel may be created for each legal parcel within the AG District that existed as of adoption of the General Plan (March 29, 2011), subject to all of the following criteria: <ol style="list-style-type: none"> <li>1. Homesite parcels shall be the minimum size necessary to comply with Sutter County Environmental Health Division and agricultural buffering requirements and shall not exceed 3 acres unless the Sutter County Environmental Health Division grants a waiver for sewage disposal, in which case a parcel of up to 5 acres may be allowed.</li> <li>2. The remaining agricultural parcel shall meet the minimum parcel size of the underlying General Plan land use designation (20, 40 or 80 acres).</li> <li>3. The landowner shall grant development rights for the remaining agricultural parcel or an eligible agricultural parcel having the same land use designation and an available development right to Sutter County or its designee. Residential densities shall be limited to those permitted by the underlying agricultural land use designation.</li> <li>4. Parcels that are nonconforming with the minimum parcel size required by the underlying agricultural land use designation may not</li> </ol>		

**Table 1500-05-2: DEVELOPMENT STANDARDS AND EXCEPTIONS**

	AG	REC	P
	apply for the creation of a homesite parcel.  5. Homesite parcels may not be further subdivided but may be combined by lot line adjustment or parcel merger to establish a larger agricultural parcel consistent with the residential densities permitted by the underlying land use designation. If a homesite parcel is merged with the parcel it was originally separated from, the established development rights agreement may be rescinded by action of the Board of Supervisors.		
Agricultural Processing Parcel	Allow a landowner to create an agricultural processing parcel, subject to the following: <ol style="list-style-type: none"> <li>1. Only one agricultural processing parcel may be created for each legal parcel that existed as of March 29, 2011 (date of adoption of the 2030 General Plan).</li> <li>2. An agricultural processing parcel shall be the minimum size necessary to accommodate an existing or proposed agricultural processing facility, onsite circulation, support infrastructure, and comply with Environmental Health requirements. Sufficient detail shall be provided demonstrating this.</li> <li>3. The remainder parcel shall meet the minimum parcel size of the underlying agricultural land use designation (20, 40, or 80 acres).</li> <li>4. The landowner shall grant development rights to limit residential densities as permitted by the underlying agricultural land use designation; however, these densities shall not be applicable to the establishment of a temporary secondary agricultural caretaker unit.</li> <li>5. Existing parcels that do not meet the minimum parcel size requirement of the underlying agricultural land use designation do not qualify to apply for the creation of an agricultural processing parcel.</li> <li>6. Agricultural processing parcels may not be further subdivided but may be combined by lot line adjustment or parcel merger to establish a larger agricultural parcel consistent with residential densities permitted by the underlying agricultural land use designation. If an agricultural processing parcel is merged with the parcel it was originally separated from, the established development rights agreement may be rescinded by action of the Board of Supervisors.</li> </ol>		
Lot Line Adjustment	A Lot Line Adjustment is an adjustment between no more than four adjoining lots, improved or capable of being improved for residential use pursuant to County ordinances, provided that all necessary rights-of-way, street and drainage improvements are provided as required by the Public Works Division. If adjusting between conforming and non-conforming parcels, the larger parcels shall maintain conformance with the General Plan parcel size requirements and the smaller parcels shall become larger.		

**Setbacks**

<b>Minimum Setbacks</b>			
Front <sup>1</sup>	25 feet	25 feet	25 feet
Side, Interior <sup>2</sup>	10 feet	10 feet	10 feet
Side, Street <sup>1</sup>	10 feet	10 feet	10 feet
Rear <sup>2</sup>	25 feet	25 feet	25 feet
North side of Pease Road Adjacent	55 feet	55 feet	55 feet

**Table 1500-05-2: DEVELOPMENT STANDARDS AND EXCEPTIONS**

	AG	REC	P
to Yuba City Sphere of Influence <sup>3</sup>			
Accessory Structures	Per Article 10		
Separation Between Buildings	As Required by County Building Code		
<b>Setback Exceptions</b>			
Architectural features such as cornices, eaves, awnings, fireplaces, bay windows and similar	May encroach into any required setback a maximum of 3 feet, except that such projections shall not be nearer than 3 feet from any property line.		
Mechanical units such as air conditionings, heat pumps and power generating units	May encroach into any required side or rear setback a maximum of 3 feet, except that such projections shall not be nearer than 3 feet from any property line.		
Unenclosed porches, stoops, entry courts, balconies, stairwells, and similar	May encroach into any required front, street side, or rear setback a maximum of 10 feet, except that such projections shall not be nearer than 10 feet from any property line.		
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act see Section 1500-25-110.		
<b>Agricultural Buffers</b>			
Buffering Standards	Per Article 19		
<b>Maximum Building Coverage</b>			
Building Coverage	None	None	None
<b>Building Height</b>			
<b>Maximum Building Height<sup>4</sup></b>			
Agricultural Use Type	50 feet	50 feet	50 feet
All other Use Types	35 feet	35 feet	35 feet
Accessory Structures	Per Article 10		
<b>Building Height Exceptions</b>			
Chimneys, towers, cupolas, and other architectural features	Not to exceed 10 feet above the applicable height limit.		
Approved FAA communication facilities (i.e. ham radio antennas)	Not to exceed 60 feet unless a use permit for a greater height limit is approved.		
Flag Poles	Not to exceed the maximum height for the primary structure permitted and shall maintain a minimum 5-foot setback from any property line.		
Water tanks, silos, granaries, and similar structures associated with agricultural use types and operations	Not to exceed the maximum height necessary to perform the intended function of the structure		
Wireless Telecommunication Facilities	See Article 18		
<b>Walls and Fences</b>			
Within front or street side yard setbacks	Maximum height of 3 feet 6 inches		
Outside of front or street side yard setbacks	Maximum Height of 7 feet exempt from building permit approval or 9 feet subject to building permit approval.		
Front Fence Exception	Within the Agricultural (AG) district, solid fences which do not exceed 7 feet in height may be located in the front yard setback providing that said solid fence is located outside of any future maximum right-of-way, as specified by the Sutter County General Plan. The solid fence shall meet the minimum		

**Table 1500-05-2: DEVELOPMENT STANDARDS AND EXCEPTIONS**

	AG	REC	P
	street side and side yard setbacks. Any gate providing access through a solid fence shall be set back a minimum of 20 feet from any future maximum road right-of-way.		
Open Fencing Exception	Within the Agricultural (AG) district, open fences which do not exceed 7 feet in height may be located in the front or street side yard setback providing that said open fence is located outside of any future maximum right-of-way, as specified by the Sutter County General Plan. Any gate providing access through an open fence shall be set back a minimum of 20 feet from any future maximum road right-of-way.		
Traffic Site Distance	Walls and fences shall be designed and constructed so as not to restrict vehicular traffic sight distance as determined by the Director.		

NOTES:

1. Measured from edge of adopted right-of-way. Where right-of-way is not recorded, the setback shall be measured 25 feet from edge of planned right-of-way per the adopted County Design Standards for the roadway as determined by the Director.
2. Measured from property line.
3. Measured from the edge of adopted right-of-way for Pease Road where adjacent to Yuba City’s incorporated boundaries or adopted sphere of influence, in accordance with the Buttes Vista Neighborhood Plan Settlement Agreement (December 7, 1999).
4. Measured as the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building, to the highest point of the building roof, ridge, or parapet wall. See Article 2 for additional detail.
5. Property designated Agriculture Rural Community (AG-RC) by the General Plan may be allowed a 2.5-acre minimum parcel size.

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# Article 6

## Residential Districts

### CHAPTER 1500-06

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#### Sections:

- 1500-06-010: Purpose
  - 1500-06-020: Allowed Use Types
  - 1500-06-030: Supplemental Regulations
  - 1500-06-040: Development Standards
  - 1500-06-050: Residential Landscaping Design Criteria
  - 1500-06-060: Multi-Family Residential Design Checklist
- 

#### 1500-06-010 Purpose

- A. **Ranchette (RAN).** The RAN District is intended to provide for large lot residential uses and small farms within rural portions of Sutter County outside of the Yuba City and Live Oak spheres of influence. Given potential impacts to agricultural lands and operations, as well as a General Plan Land Use policy, new allocations of this district are not permitted. Undeveloped areas with existing RAN zoning may develop in accordance with the regulations established herein, however, no future allocation of RAN zoning will be permitted. Lot line adjustments between existing Ranchette lots are allowed consistent with existing development standards, however, no further subdivision of existing Ranchette lots is permitted. The RAN District allows 0.1 to 0.3 dwelling units per gross acre (3 to 10-acre parcel size).
- B. **Estate Residential (ER).** The ER District is intended to provide for large lot single family homes and related uses. This district is to be applied to areas located within existing rural communities, new Rural Planned Communities, and unincorporated areas within the Live Oak sphere of influence and both the existing or possible future Yuba City sphere of influence. To avoid the premature conversion of agricultural lands and inefficient land use patterns, the amount of Estate Residential land use allocated within the County is limited in accordance with the General Plan and Section 1500-06-030(A), Estate Residential Rezoning. The ER District implements the General Plan Estates Residential (ER) land use designation, allowing 0.3 to 2 dwelling units per gross acre (0.5 to 3-acre parcel size).
- C. **Single-Family Residential (R-1).** The R-1 District is intended to provide for single-family residential neighborhoods and related uses within suburban and urban areas with adequate services and amenities to support a desirable and stable living environment. The R-1 District implements the General Plan Low Density Residential (LDR) land use designation, allowing 2 to 8 dwelling units per gross acre.
- D. **Two-Family Residential (R-2).** The R-2 District is intended to provide for a variety of small lot single-family and two family (duplex or halfplex) residential neighborhoods and related uses within suburban and urban areas with adequate services and amenities to support a desirable and stable living environment. The R-2 District implements the General Plan Low Density Residential (LDR) land use designation, allowing 2 to 8 dwelling units per gross acre.

- E. **Neighborhood Apartment (R-3).** The R-3 District is intended to provide for a variety of medium density attached and detached residential housing types, potential mixed use development, and related uses within suburban and urban areas with adequate services, transportation options, and amenities to support a desirable and stable living environment. The R-3 District implements the General Plan Medium Density Residential (MDR) land use designation, allowing 8.1 to 20 dwelling units per gross acre.
  
- F. **General Apartment (R-4).** The R-4 District is intended to provide for a variety of high density multiple-family housing types, potential mixed use development, and related uses within urban areas with high levels of services, amenities, multi-modal access, and proximity to jobs and services to support a desirable and stable living environment. The R-4 District implements the General Plan High Density Residential (HDR) land use designation, allowing 20.1 and above dwelling units per gross acre.

**1500-06-020 Allowed Use Types**

Table 1500-06-1 identifies the allowed use types for Residential Districts. Use types are defined in Article 3. Uses not specifically listed may be permitted by the Director pursuant to Section 1500-03-030. For findings relating to flood standards, see Article 25.

**Table 1500-06-1: ALLOWED USE TYPES – RESIDENTIAL DISTRICTS**

Use Types	RAN	ER	R-1	R-2	R-3	R-4	Supplemental Regulations
<b>P Permitted   ZC Zoning Clearance Required   AP Administrative Permit   UP Use Permit Required   - Not Permitted</b>							
<b>Agricultural Use Types</b>							
Agricultural Education and Entertainment							
Small							
Large	-	-	-	-	-	-	
Agricultural Homestays	-	-	-	-	-	-	
Agricultural Manufacturing	-	-	-	-	-	-	
Agricultural Processing	-	-	-	-	-	-	
Agricultural Product Sales							
Wayside Stand	P	P	ZC	-	-	-	See Section 1500-06-030(B) - Wayside Stands
Agricultural Store	-	-	-	-	-	-	
Agricultural Supplies and Services							
Light	-	-	-	-	-	-	
Heavy	-	-	-	-	-	-	
Agricultural Truck Yards							
Small	-	-	-	-	-	-	
Large	-	-	-	-	-	-	
Agriculture							
Agriculture, Animal Husbandry	P	P	-	-	-	-	
Agriculture, Crops and Tree Farms	P	P	P	P	P	P	
Animal Processing	-	-	-	-	-	-	
Intensive Animal Operations	-	-	-	-	-	-	

**Table 1500-06-1: ALLOWED USE TYPES – RESIDENTIAL DISTRICTS**

Use Types	RAN	ER	R-1	R-2	R-3	R-4	Supplemental Regulations
<b>P Permitted ZC Zoning Clearance Required AP Administrative Permit UP Use Permit Required - Not Permitted</b>							
<b>Commercial Stables</b>							
Small	AP	-	-	-	-	-	See Section 1500-06-030 (C) – Commercial Stables
Large	UP	-	-	-	-	-	See Section 1500-06-030 (C) – Commercial Stables
<b>Wineries, Breweries, Distilleries and Mills</b>							
Small	UP	-	-	-	-	-	
Large	-	-	-	-	-	-	
<b>Open Space and Recreational Use Types</b>							
Community Garden	AP	AP	AP	AP	AP	AP	
Campgrounds and Recreational Vehicle Parks	-	-	-	-	-	-	
Camps and Retreats	-	-	-	-	-	-	
Conversion of Agricultural Land to Habitat	-	-	-	-	-	-	
Golf Courses and Country Clubs	-	-	-	-	-	-	
<b>Marinas and Boat Launching</b>							
Boat Launching	-	-	-	-	-	-	
Marinas	-	-	-	-	-	-	
Parks and Recreation	-	-	-	-	-	-	
Residential Recreation Facilities	-	AP	AP	AP	P	P	
Resource Protection and Restoration	-	-	-	-	-	-	
Resource Related Recreation	-	AP	AP	AP	P	P	
Shooting Ranges, Indoor	-	-	-	-	-	-	
Shooting Ranges, Outdoor	-	-	-	-	-	-	
Sports Clubs	-	-	-	-	-	-	
<b>Assembly and Educational Use Types</b>							
Community Assembly and Cultural Facilities	-	-	-	-	UP	UP	
Religious Institutions	-	-	UP	UP	AP	AP	
<b>Schools and Educational Services</b>							
Elementary and Secondary Schools, Public	UP	UP	UP	UP	AP	AP	
Elementary and Secondary Schools, Private	UP	UP	UP	UP	AP	AP	
Colleges and Universities	-	-	-	-	-	-	
Specialized Education and Training	ZC	ZC	ZC	ZC	ZC	ZC	
<b>Special Event Facilities</b>							
Small	-	-	-	-	-	-	
Large	-	-	-	-	-	-	
<b>Residential Use Types</b>							
<b>Agricultural Employee Housing</b>							
Dwelling Unit	-	-	-	-	-	-	

**Table 1500-06-1: ALLOWED USE TYPES – RESIDENTIAL DISTRICTS**

Use Types	RAN	ER	R-1	R-2	R-3	R-4	Supplemental Regulations
<b>P Permitted</b>	<b>ZC Zoning Clearance Required</b>		<b>AP Administrative Permit</b>		<b>UP Use Permit Required</b>		<b>- Not Permitted</b>
Complex	-	-	-	-	-	-	
Labor Camp	-	-	-	-	-	-	
<b>Caretaker Housing</b>							
Agricultural	UP	-	-	-	-	-	
Residential	UP	-	-	-	-	-	
Commercial/Industrial	-	-	-	-	-	-	
Marina/Boat Launch Facilities	-	-	-	-	-	-	
<b>Dwelling Units</b>							
Single Family	P	P	P	P	-	-	See Section 1500-06-030 (D) – Manufactured Homes in Residential Districts, 1500-06-030 (E) – Clustered Residential, Section 1500-06-030 (F) – Truck-Tractor Parking, and Section 1500-06-030 (G) – Animal Keeping.
Accessory Dwelling Unit	ZC	ZC	ZC	ZC	ZC	ZC	See Article 10 (Section 1500-10-040)
Junior Accessory Dwelling Unit	ZC	ZC	ZC	ZC	ZC	ZC	See Article 10 (Section 1500-10-050)
Two Family	-	-	-	P	P	-	
Multi Family	-	-	-	-	P	P	
Group Quarters					P	P	
Guest Cottage	P	P	P	-	-	-	See Section 1500-06-030 (I) – Guest Cottages
Live-Work Residential	-	-	-	-	P	P	
Manufactured Home Park	-	-	UP	UP	AP	AP	See Section 1500-06 -030 (J) – Manufactured Home Parks
<b>Community Care and Assistance Use Types</b>							
Cold Weather Shelter	-	-	AP	AP	ZC	ZC	See Article 11 – Cold Weather and Emergency Shelters
<b>Day Care</b>							
Day Care Center	UP	-	UP	UP	ZC	ZC	
Family Day Care, Small	P	P	P	P	P	P	
Family Day Care, Large	ZC	ZC	ZC	ZC	P	P	See Section 1500-06-030 (K) – Family Day Care, Large
Emergency Shelter	-	-	-	-	-	P	See Article 11 – Cold Weather and Emergency Shelters
Extended Care Facility	UP	-	-	-	ZC	ZC	

**Table 1500-06-1: ALLOWED USE TYPES – RESIDENTIAL DISTRICTS**

Use Types	RAN	ER	R-1	R-2	R-3	R-4	Supplemental Regulations
<b>P Permitted   ZC Zoning Clearance Required   AP Administrative Permit   UP Use Permit Required   - Not Permitted</b>							
<b>Residential Care Facility</b>							
Small	P	P	P	P	P	P	
Large	AP	AP	ZC	ZC	P	P	
Social Services Facility	-	-	-	-	P	P	
Supportive Housing	P	P	P	P	P	P	
Transitional Housing	P	P	P	P	P	P	
<b>Commercial Use Types</b>							
Adult Oriented Businesses	-	-	-	-	-	-	
<b>Animal Sales and Services</b>							
Kennels Indoor Outdoor	-	-	-	-	-	-	
Veterinary Clinic or Hospital, Small Animal	-	-	-	-	-	-	
Veterinary Clinic or Hospital, Large Animal	-	-	-	-	-	-	
Banks and Credit Unions	-	-	-	-	UP	UP	
Business Support Services	-	-	-	-	UP	UP	
<b>Commercial Entertainment and Recreation</b>							
Indoor	-	-	-	-	-	-	
Outdoor	-	-	-	-	-	-	
Communication Services	-	-	-	-	-	-	
<b>Eating and Drinking Establishments</b>							
Bars and Drinking Places	-	-	-	-	UP	UP	
Restaurant, Fast Food	-	-	-	-	UP	UP	
Restaurant, Full Service	-	-	-	-	UP	UP	
Mobile Food Truck	-	-	-	-	-	-	
Funeral and Internment Services	-	-	-	-	-	-	
Hospitals	-	-	-	-	-	-	
<b>Lodging</b>							
Bed and Breakfast Inn	UP	UP	UP	UP	-	-	
Hotels and Motels	-	-	-	-	-	-	
Maintenance, Repair and Rental Services	-	-	-	-	-	-	
Manufactured Home Sales and Rentals	-	-	-	-	-	-	
Medical Marijuana Dispensary	-	-	-	-	-	-	
Medical Offices and Clinics	-	-	-	-	UP	UP	
Nightclubs	-	-	-	-	-	-	
<b>Nursery</b>							
Wholesale	-	-	-	-	-	-	

**Table 1500-06-1: ALLOWED USE TYPES – RESIDENTIAL DISTRICTS**

Use Types	RAN	ER	R-1	R-2	R-3	R-4	Supplemental Regulations
<b>P Permitted</b>	<b>ZC Zoning Clearance Required</b>		<b>AP Administrative Permit</b>		<b>UP Use Permit Required</b>		<b>- Not Permitted</b>
Retail	-	-	-	-	-	-	
Personal Services	-	-	-	-	UP	UP	
Personal Storage	-	-	-	-	-	-	
Professional Offices	-	-	-	-	UP	UP	
Recreational Vehicle Storage	-	-	-	-	-	-	
Recycling Collection Facilities							
Small	-	-	-	-	-	-	
Large	-	-	-	-	-	-	
Retail Sales							
General	-	-	-	-	UP	UP	
Outdoor	-	-	-	-	-	-	
Superstore	-	-	-	-	-	-	
Vehicle and Equipment Sales and Service							
Fuel Stations	-	-	-	-	-	-	
Vehicle Rentals, Sales and Leasing, Light	-	-	-	-	-	-	
Vehicle Rentals, Sales and Leasing, Heavy	-	-	-	-	-	-	
Vehicle Repairs, Light	-	-	-	-	-	-	
Vehicle Repairs, Heavy	-	-	-	-	-	-	
Vehicle Washing	-	-	-	-	-	-	
<b>Industrial Use Types</b>							
Equipment and Materials Storage Yards	-	-	-	-	-	-	
General Truck Yards							
Small	-	-	-	-	-	-	
Large	-	-	-	-	-	-	
Impound and Towing Yards	-	-	-	-	-	-	
Manufacturing							
Light	-	-	-	-	-	-	
General	-	-	-	-	-	-	
Heavy	-	-	-	-	-	-	
Research and Development	-	-	-	-	-	-	
Warehousing, Wholesaling, and Distribution	-	-	-	-	-	-	
<b>Transportation, Communication, and Utilities Use Types</b>							
Aerial Services							
Airports and Landing Strips	-	-	-	-	-	-	
Heliports	-	-	-	-	-	-	
Community Facilities and Services							
Major	-	-	-	-	-	-	
Intensive	-	-	-	-	-	-	

Table 1500-06-1: ALLOWED USE TYPES – RESIDENTIAL DISTRICTS							
Use Types	RAN	ER	R-1	R-2	R-3	R-4	Supplemental Regulations
<b>P</b> Permitted <b>ZC</b> Zoning Clearance Required <b>AP</b> Administrative Permit <b>UP</b> Use Permit Required    - Not Permitted							
Intermodal Transportation Services	-	-	-	-	-	-	
Parking Facilities	-	-	-	-	AP	AP	
Solar Energy Facilities, Commercial	-	-	-	-	-	-	
Wireless Telecommunications Facilities							
Co-located	-	-	-	-	-	-	
Integrated	-	-	-	-	ZC	ZC	See Article 18 –Wireless Telecommunication Facilities (Use Specific Regulations)
Freestanding	-	-	-	-	-	-	
<b>Resource Extraction Use Types</b>							
Mining Operations	-	-	-	-	-	-	
Oil and Gas Extraction and Injection Wells	-	-	-	-	-	-	

**1500-06-030 Supplemental Regulations**

- A. **Estate Residential Rezoning.** Prior to rezoning new ER District lands, the Board of Supervisors shall find consistent with applicable General Plan policies that:
  - 1. There is a market demand for the use;
  - 2. Existing ER Districts have been substantially built out;
  - 3. The use can be adequately served by services and infrastructure available at the time of project approval (either community or individual water and wastewater systems); and
  - 4. The use is compatible with adjacent and nearby uses.
  
- B. **Wayside Stands.** A Wayside Stand is subject to the following conditions:
  - 1. One Wayside Stand shall be permitted per parcel.
  - 2. A Wayside Stand shall not exceed 400 square feet of floor area, and may include up to 50 square feet of floor area for the sale of prepackaged food and/or drinks.
  - 3. Adequate provision shall be made for off-street parking and safe ingress and egress to the adjacent street.
  - 4. Parking spaces for Wayside Stands need not be paved, striped or otherwise improved, but shall be treated to minimize dust and the tracking of mud onto public roadways.
  - 5. All structures and off-street parking shall not be located in any required front or side yard setback, and shall not obstruct visibility for motorists.
  
- C. **Commercial Stables.** Commercial Stables are subject to the following conditions:
  - 1. Storage or stockpiling of manure, silage and animal matter shall occur in a manner which minimizes odor and vector nuisances to the greatest extent practicable, based on current industry practices.

2. Measures shall be incorporated to protect pollutants from entering in creeks, streams, drainage ditches or groundwater supplies.
3. All other feasible measures shall be incorporated to control odor, dust, noise, and waste disposal so as not to constitute a nuisance or a hazard;

#### **Manufactured Homes in Residential Districts**

1. **Eligibility.** A manufactured home may be used as a permanent residence in any Residential district subject to the following eligibility requirements:
    - a. The manufactured home is certified under the National Manufactured Housing Construction and Safety Act of 1974.
    - b. The density on the lot on which the manufactured home is located does not exceed that permitted by the General Plan.
    - c. The manufactured home is placed upon a permanent foundation approved by the Building Division.
    - d. The manufactured home is less than 10 years old from the date of manufacture to the date of installation.
    - e. The manufactured home complies with all development standards and other requirements of the corresponding Residential zoning district.
    - f. All necessary licenses, tags, permits and approvals have been obtained from the State of California and Sutter County.
  2. **Performance Standards.** A manufactured home within a Residential district shall comply with the following performance standards:
    - a. Prior to the issuance of any necessary permit(s), the applicant shall acknowledge, by signature, receipt of the performance standards as set forth in this section and agreement to meet such standards.
    - b. The area between the bottom of the manufactured home and the ground shall be fully enclosed on all sides with solid, non-transparent skirting. A solid concrete or masonry perimeter foundation, solid skirting materials similar to the exterior material covering of the structure, or other solid skirting materials customarily found on conventional residential structures shall be used.
    - c. The manufactured home shall bear the tag or shield of approval of the California State Department of Housing and Community Development in accordance with the Health and Safety Code.
    - d. Standards of this section shall be completed prior to issuance of an occupancy permit for the manufactured home.
- E. **Clustered Residential.** On lots smaller than the base minimum parcel size, the clustering of residential units in the ER and R-1 Districts may be permitted with approval of a use permit as an alternative to conventional subdivision design in order to facilitate the preservation of environmentally sensitive areas (e.g., wetlands and special-status species habitat), productive agricultural lands, and important cultural and scenic resources; facilitate innovative development concepts; provide increased open space which may include active and passive recreation features; reduce infrastructure requirements by reducing the length of streets and water and sewer lines; and further implement the goals and policies of the General Plan. Clustered residential developments shall include a minimum of 50 percent of the project area preserved in open space. Gross residential density shall be in compliance with the adopted General Plan land use designation for the property. The County may consider allocation of increased residential

units to a clustered residential project to encourage the preservations of unique environmental and open space resources.

- F. **Truck-Tractor Parking.** The parking of one truck-tractor on a lot in the ER, RAN and R-1 Districts is subject to approval of a Use Permit and the following standards:
1. The truck-tractor shall be owned by the resident of the property who resides in the dwelling.
  2. Only minor truck-tractor maintenance, such as oil/air filter changes, lubrications, detailing, is permitted on the property.
  3. The truck-tractor shall be parked entirely on private property; parking in the public right-of-way, or front yard setback shall not be permitted. The driveway and parking area for the truck-tractor shall be paved or an alternative all weather surface.
  4. The truck-tractor shall not enter the property after 11:00 p.m. and shall not leave the property before 6:00 am on weekdays and 7:00 am on weekends.
  5. The parking of inoperable truck-tractors on-site is prohibited.
  6. An application filed for a Use Permit under this subsection shall include the specific routes to be used, which minimize travel on non-truck routes, a detailed reason/purpose for the request and any hardship that prevent parking the truck-tractor elsewhere.
  7. Trailers for truck-tractors shall not be parked on the property or the street.
- G. **Animal Keeping.** Animal husbandry including the keeping of animals such as cattle, horses, goats, sheep, hogs, chickens, rabbits, birds, etc. is permitted in the RAN, ER, and where the Agriculture Combining District has been applied. Within the Agriculture Combining District, the keeping of large animals such as cattle, horses and hogs shall be permitted at a density of two such animals per 10,000 square feet of lot area. The area of any lot used for the keeping of large animals shall be located outside those areas utilized for sewage disposal. The keeping of smaller animals is subject to the following standards:
1. **Domestic Pets.** In the ER, R-1, R-2, R-3, and R-4 Districts, up to any total combination of four dogs, cats or other similar and common household pets are allowed. No limitation on the number of domestic pets is applied to the RAN District. Except for in the ER and RAN districts, no hooved animals are permitted in the Residential Districts, except up to two pot bellied pigs are allowed as pets.
  2. **Hens and Similar Animals.** Up to 10 hens (no roosters), rabbits, guinea pigs or similar small animals for home enjoyment or consumption are allowed in the R-1, R-2, R-3, and R-4 districts, subject to item 3 below.
  3. **Maintenance and Operations.** All keeping of domestic pets and hens shall comply with all of the following maintenance and operational standards:
    - a. **Odor and Vector Control** – All outdoor animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of fecal matter, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Each property shall be maintained in a sanitary manner.
    - b. **Containment** – All animals shall be effectively contained on the property, and shall not be allowed to run free on any parcel in a separate ownership or in a public right-of-way.
- H. **Guest Cottages.** Guest Cottages are subject to the following standards:
1. One detached guest cottage is permitted per lot. Both the primary unit and guest cottage shall comply with requirements of the Environmental Health Division for septic systems as those requirements exist at the time of the addition of the guest cottage.

2. A guest cottage shall maintain the setback and coverage requirements of the zoning district in which it is located.
3. The design and exterior finish of a guest cottage shall be reasonably similar to and compatible with the existing primary residence in height, form, architectural style, color, exterior materials, and roofing color, pitch, eaves, materials and design.
4. The floor area of a guest cottage shall not exceed 500 square feet.

#### **I. Manufactured Home Parks**

All manufactured home parks shall meet all of the following requirements:

1. **Manufactured Home Park Area.** The minimum site area for a manufactured home park is 10 contiguous acres.
2. **Exterior Boundary Treatment.**
  - a. **Setbacks:** All structures within a manufactured home park shall be setback a minimum of 20 feet from adjacent property lines and 25 feet from any public street or road right-of-way adjoining the property.
  - b. **Landscaping.** The required setback areas shall be maintained with landscaping.
  - c. **Walls and Screening.** The County may require walls, fencing, landscaping or other elements to provide a buffer for adjacent properties. Walls, fencing and other screening elements shall typically be a minimum of 6 feet in height. The specific height, location, construction and type of materials for such elements shall be conditioned as part of the Use Permit or Administrative Permit required for Manufactured Home Parks per Table 1500-06-1.
3. **Individual Manufactured Home Space Development Standards.**
  - a. **Space Area.** Average of 3,000 square feet, and in no case less than 2,500 square feet.
  - b. **Minimum Space Setbacks.** Minimum setbacks shall be measured from the edge of space lines and internal streets as follows:
    - i. **Front.** 10 feet
    - ii. **Side, Interior.** 5 feet
    - iii. **Side, Corner.** 10 feet
    - iv. **Rear.** 5 feet
  - c. **Projections into Setbacks.** Eaves, stairways, awnings, hitches, necessary appurtenances for utility services and similar elements may project into any required setback a maximum of 2 feet.
  - d. **Separation between Manufactured Homes.** No portion of a manufactured home or attached accessory structure shall be closer than 10 feet to another manufactured home or attached accessory structure.
  - e. **Maximum Site Coverage.** The manufactured home and accessory structures shall not cover more than 75 percent of the manufactured home space.
  - f. **Number of Homes per Site.** Not more than one single-family manufactured home may be placed on a manufactured home space.
4. **Skirting.** The area between the bottom of the manufactured home and the ground shall be fully enclosed on all sides with solid, non-transparent skirting. A solid concrete or masonry perimeter foundation, solid skirting materials similar to the exterior material covering of the structure, or other solid skirting materials customarily found on conventional residential structures shall be used.

5. **Materials.** The exterior and roofing of the manufactured home and any associated garage or carport shall be of similar materials customarily used in conventional residential structures.
6. **Roof Overhang.** The roof of the manufactured home shall have eave and gable overhangs (measured from the vertical side of the structure) not less than that customarily found on conventional residential structures.
7. **Parking.** On-site parking shall be provided as required in Article 20 (Parking and Loading).
8. **Manufactured Home Park Streets.**
  - a. **Required Access.** All manufactured home spaces shall have direct access to an internal private street located within the manufactured home park. There shall be no direct access from a manufactured home space to a public street or alley.
  - b. **Street Width.** All internal streets shall be a minimum of 25 feet in width, exclusive of required parking areas.
  - c. **Paving.** All internal streets shall be paved in conformity to County standards.
  - d. **Curb and Gutter.** Installation of curb and gutter may be required if deemed necessary for drainage purposes.
9. **Adjacent Public Streets.** Encroachments to public streets shall be in conformity with County Standards. Concrete curbs and gutters may be required adjacent to all public streets or highways.
10. **Utilities.** All manufactured home spaces shall be served by water (including fire flow and hydrants), sewer, drainage, and electric services in accordance with the requirements and standards of the County and/or applicable service providers.
11. **Landscaping.** All common open space shall be maintained with landscaping.
12. **Common Recreation Areas.** Common recreation areas and facilities shall be provided for use by tenants and their invited guests. The size of such areas shall be at least 5,000 square feet, plus 100 square feet for each manufactured home space. Such required space may be divided into several locations, but no single location shall contain less than 1,000 square feet. The recreation areas may contain community club houses, swimming pools, tot lots, picnic areas, barbeque areas, game courts, dog run areas and similar facilities.
13. **Other Common Facilities.** Manufactured home parks may include an office, laundry rooms, meeting rooms, screened storage facilities, resident car washing areas and other facilities which are clearly incidental and subordinate to the primary use.
14. **Transient Spaces.** Not more than 10 percent of the manufactured home spaces in a manufactured home park may be used for transient use. Spaces reserved for transient manufactured homes shall be so designated as part of the Use Permit or Administrative Permit required for Manufactured Home Parks per Table 1500-06-1. The development standards of this section shall fully apply to sites reserved for transient manufactured homes. Manufactured homes may occupy designated transient manufactured home space for a period of not more than 90 days.
15. **State Tag.** All manufactured homes shall bear the tag or shield of approval of the California State Department of Housing and Community Development in accordance with the Health and Safety Code.
16. **Conditions of Approval.** As part of the Use Permit or Administrative Permit required for Manufactured Home Parks per Table 1500-06-1, the approving authority may prescribe additional conditions of approval when it is determined that such conditions are reasonably necessary to insure the protection of the character of neighboring properties, compatibility with neighboring land uses, and protection of the health, safety, and general welfare of persons living within and adjacent to the manufactured home park.

**J. Family Day Care, Large.** Large Family Day Care Facilities are subject to the following standards:

1. Written consent of the property owner is required when the property is leased or rented.
2. One off-street parking space located outside the front and street side yard setback shall be provided in addition to the number required for the existing use.
3. The operator shall provide evidence of a valid license to operate issued by the Department of Social Services.
4. Written approval shall be provided by the Sutter County Environmental Health Division, Sutter County Building Division, and the appropriate fire service agency.

**1500-06-040 Development Standards**

Table 1500-06-2 identifies the development standards and allowed exceptions to those standards for Residential Districts. Allowed use types and associated structures shall comply with the following in addition to any other applicable requirements of this Zoning Code:

<b>Table: 1500-06-2 DEVELOPMENT STANDARDS AND EXCEPTIONS</b>						
	<b>RAN</b>	<b>ER</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>Residential Density</b>						
Maximum Dwelling Units Per Lot	1 dwelling 1 second unit	1 dwelling 1 second unit	1 dwelling 1 second unit	2 dwellings	Per General Plan	Per General Plan
<b>Lot Size</b>						
Minimum Lot Area, Interior	3 acres	0.5 acres	6,000 s.f.	4,500 s.f.	Variable	Variable
Minimum Lot Area, Corner	3 acres	0.5 acres	7,500 s.f.	6,000 s.f.	Variable	Variable
Maximum Lot Area	10 acres	3 acres	None	None	Variable	Variable
Minimum Lot Width <sup>1</sup>	75 feet	75 feet	50 feet	40 feet	Variable	Variable
Lot Depth to Width Ratio	Not to exceed 3:1 for lots less than 5 acres in size.					
<b>Lot Size Exceptions</b>						
R-3 and R-4 Lots	To maximize flexibility to accommodate unique and evolving housing types, the minimum lot sizes for R-3 and R-4 District lots are variable and shall be as determined by the County based upon approved product types.					
Individual Water and Sewer Systems	For all Residential District lots that are served by individual water (well) and sewer (septic) systems, versus public or community systems, the lot size shall be as required by the Environmental Health Division.					
<b>Setbacks</b>						
<b>Minimum Setbacks</b>						
Front <sup>2</sup>	30 feet	30 feet	15 feet, except garage entrances facing a public roadway must be 20 feet.	15 feet, except garage entrances facing a public roadway must be 20 feet.	12 feet, except garage entrances facing a public roadway must be 20 feet.	12 feet, except garage entrances facing a public roadway must be 20 feet.

**Table: 1500-06-2 DEVELOPMENT STANDARDS AND EXCEPTIONS**

	RAN	ER	R-1	R-2	R-3	R-4
Side, Interior <sup>3</sup>	10 feet	10 feet	5 feet except any public building, religious institution, school or similar permitted use must be a minimum of 15 feet from any adjoining lot containing or potentially containing a single-family residence.	5 feet except any public building, religious institution, school or similar permitted use must be a minimum of 15 feet from any adjoining lot containing or potentially containing a single-family residence.	5 feet	5 feet
Side, Street <sup>2</sup>	20 feet	20 feet	10 feet, except garage entrances facing a public roadway must be 20 feet.	10 feet, except garage entrances facing a public roadway must be 20 feet.	10 feet, except garage entrances facing a public roadway must be 20 feet.	12 feet, except garage entrances facing a public roadway must be 20 feet.
Rear <sup>4</sup>	30 feet	30 feet	20 feet or 20% of lot depth, whichever is less.	20 feet or 20% of lot depth, whichever is less.	15 feet	12 feet
Accessory Structures	Per Article 10					
Separation Between Buildings	As required by County Building Code					
<b>Setback Exceptions</b>						
R-3 and R-4 Districts	A minimum setback of 30 feet shall be maintained from any adjacent RAN, ER, R-1 or R-2 District for structures that are greater than 35 feet in height.					
Irregular Shaped and Corner Lots	For irregular shaped and corner lots, the Director shall determine the location of the front, rear, and side property setbacks. The minimum rear setback may be determined by using an average of three measurements taken at the ends of the structure and a point midway between the ends of the structure. The measurements shall be made perpendicular to the rear property line.					
Front Yard Setbacks in Developed Neighborhoods	Where 40 percent or more of the lots on the same block have been improved with buildings that have front setbacks less than the required minimum, the minimum setback for any remaining buildings shall be the average of the actual front setback of all improved lots on such block.					
Architectural features such as cornices, eaves, awnings, fireplaces,	May encroach into any required setback a maximum of 3 feet, except that such projections shall not be nearer than 3 feet from any property line.					

<b>Table: 1500-06-2 DEVELOPMENT STANDARDS AND EXCEPTIONS</b>						
	<b>RAN</b>	<b>ER</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
bay windows and similar						
Mechanical units such as air conditionings, heat pumps and power generating units	May encroach into any required side or rear setback a maximum of 3 feet, except that such projections shall not be nearer than 3 feet from any property line.					
Unenclosed porches, stoops, entry courts, balconies, stairwells, and similar features	May encroach into any required front, street side, or rear setback a maximum of 5 feet.					
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act see Section 1500-25-110.					
<b>Agricultural Buffers</b>						
Buffering Standards	Per Article 19					
<b>Maximum Building Coverage</b>						
Building Coverage	25%	30%	40%	50%	None	None
<b>Building Height</b>						
<b>Maximum Building Height<sup>5</sup></b>						
Primary Structures	35 feet	35 feet	35 feet	35 feet	45 feet	45 Feet
Accessory Structures	Per Article 10					
<b>Building Height Exceptions</b>						
Corner Lot Clear Vision Triangle	On a corner lot, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over 30 inches in height above the top of the existing or planned curb elevation shall be erected, placed, planted, or allowed to grow within a residential clear vision triangle (see Article 27, Definitions). Trees shall maintain a minimum canopy clearance of 6 feet above curb elevation.					
Chimneys, towers, spires, domes, scenery lofts, cupolas, and other architectural features	Not to exceed 10 feet above the applicable height limit.					
Approved FAA communication facilities (i.e. ham radio antennas)	Not to exceed 60 feet unless a use permit for a greater height limit is approved.					
Flag Poles	Not to exceed the maximum height of the primary structure permitted, and shall maintain a minimum 5-foot setback from any property line.					
Telecommunication Facilities	See Article 18					
Other Laws and Regulations	In addition to the above, all height limitations shall be subject to laws and regulations of the State and Federal Governments.					
<b>Walls and Fences</b>						
Within front or street side yard setbacks	Maximum height of 3 feet 6 inches					
Outside of front or street side yard setbacks	Maximum Height of 7 feet					
Traffic Site Distance	Walls and fences shall be designed and constructed so as not to restrict vehicular traffic sight distance as determined by the Director.					

**NOTES:**

1. Measured at the front property line except for lots located on the turnaround of a cul-de-sac where measured at the front yard setback line.

2. Measured from edge of adopted right-of-way. Where right-of-way is not recorded, setback shall be measured from edge of right-of-way assuming adopted County Design Standards for functional classification of the roadway and existing centerline of road.
3. Measured from property line. Does not apply the zero-lot-line or common wall housing types.
4. Measured from property line.
5. Measured as the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building, to the highest point of the building roof, ridge, or parapet wall. Where the building has been elevated above the defined flood elevation for purposes of providing for flood protection, the building height shall be measured from the lowest habitable floor elevation.

### 1500-06-050 Residential Landscaping Design Criteria

The following landscaping criteria shall be required of all residential development unless otherwise determined by the County as not applicable or appropriate based on a particular project's use, scale, location or other distinct circumstance:

- A. **R-2, R-3, and R-4 Districts.** A minimum of one tree for each 30 feet of street frontage shall be planted within each required front and street side irrigated landscape setback. A variety of tree and plant species shall be incorporated as selected from the Landscape Plant Materials List maintained by the Development Services Department. Not more than 25 percent of any planter or landscaped area may be covered with hard surfaces such as gravel, landscaping rock, artificial turf, decorative concrete or other impervious materials. Bus shelters are excluded from this limitation.
- B. **All Residential Districts.** Required trees shall be a minimum 15-gallon size at time of planting and planted in accordance with County standards. Trees and shrubs shall be planted so as to minimize impacts to sidewalks or individual driveways and away from leach lines as specified on the Landscape Plant Materials List maintained by the Development Services Department.
- C. **Water Efficiency.** All applicable development in the County shall comply with the current Model Water Efficient Landscaping Ordinance prepared by the California Department of Water Resources (DWR), as required by the California Water Conservation in Landscaping Act (Government Code Section 65591 et seq.). If conflicts occur between the Model Water Efficient Landscaping Ordinance and this Zoning Code or other County regulations, the more restrictive shall apply.
- D. **Completion of Landscape Requirements.** All landscaping shall be installed consistent with approved plans and specifications, in a manner designed to promote and maintain healthy plant growth. Landscaping shall be deemed to have satisfied the requirements of this Chapter upon the following:
  1. All of the required landscaping is installed in conformance with the requirements and standards; or
  2. An agreement is on file with the County which may include a financial deposit which guarantees that the required landscaping shall be installed within a reasonable period of time after issuance of a temporary certificate of occupancy. At such time as the landscaping is completed a final certificate of occupancy may be issued.
- E. **Maintenance.** All plant materials shall be maintained by the property owner in good growing condition and shall be free from physical damage or injury arising from lack of water, chemical damage, insects, and diseases. Plant materials showing such damage shall be replaced with the same or similar species from the Landscape Plant Materials List maintained by the Development Services Department. Planting areas shall be kept free from weeds, debris, and undesirable materials that may be detrimental to safety, drainage or appearance. Any shrubs, trees, or other

foliage which, in the opinion of the Director, obscures safe sight distance from driveways and corners shall be trimmed by the property owner to a condition satisfactory to the Director.

**1500-06-060 Multi-family Residential Design Checklist**

- A. **Intent.** The Design Checklist (Table 1500-06-3) specifies the County’s requirements for the design of new multi-family residential development projects. The Checklist is not intended to dictate a specific style or look for a particular project, but rather define the general elements of project design appropriate to the type and character of development anticipated within Sutter County. The intent is to ensure consistency and fairness in the design review process; promote high quality and functional design; ensure compatibility between adjacent uses; and create an aesthetically pleasing living environment.
- B. **Design Review Required.** Approval of a Minor Design Review application for multi-family uses of less than 20 units and a Design Review application for multi-family uses of 20 units or more is required in accordance with Section 1500-25-040. All of the individual design criteria included on Table 1500-06-3 shall be required of projects subject to Design Review approval, unless otherwise determined by the County as not applicable or appropriate based on a particular project’s use, scale, location or other distinct circumstance. Additions to existing residences and new or the expansion of existing residential accessory buildings shall not require Design Review.
- C. **Sphere of Influence.** In addition to Table 1500-06-3, multi-family residential development proposed within a City’s Sphere of Influence shall comply with the adopted multi-family design criteria, landscape requirements and development standards of the adjacent City, to the extent determined applicable and appropriate by the County.
- D. **Flexibility in Implementation.** The Design Checklist is intended to be flexible in its implementation. Alternatives to the Design Checklist may be considered by the Director if it is determined to provide an equivalent design approach. Given the wide range of circumstances and potential design solutions, creativity is encouraged to satisfy the intent of the individual criteria incorporated.
- E. **Design Checklist.**

**Table 1500-06-3: MULTI-FAMILY RESIDENTIAL DESIGN CHECKLIST**

Y Yes, Project Complies    N No, Project Does Not Comply    NA Criteria Not Applicable or Appropriate to Project	
1. Building Design and Architecture	Plan Complies (Y/N/NA)
a. Buildings provide for variation of materials, colors, and articulation. Particular attention is given to the design of buildings that are located in close proximity to highways and arterial roadways.	
b. Building design incorporates architectural treatments to break up uninterrupted expanses of wall. Examples of appropriate architectural enhancements include offsetting or varying building setbacks, wall planes, and rooflines; varied building materials and colors; covered porches, balconies, entries, windows, and building projections; or other features.	
c. All building elevations that are publically visible are designed with a complementary level of architectural detail and quality of materials. Building walls that face or that are highly visible from highways and arterial roadways have received special consideration in their architectural treatment.	
d. Main entries to buildings are emphasized through distinctive building forms and materials, architectural detailing, lighting and other similar features.	
e. Building designs, architecture, materials and colors are coordinated within defined complexes to create unified, harmonious, and identifiable projects.	

**Table 1500-06-3: MULTI-FAMILY RESIDENTIAL DESIGN CHECKLIST**

**Y** Yes, Project Complies    **N** No, Project Does Not Comply    **NA** Criteria Not Applicable or Appropriate to Project

f. The design of accessory or utility buildings is complementary to the primary building(s). In situations where the accessory or utility building is determined to not be visible from the public right-of-way or from adjacent properties, the County may consider a “relaxation” of this design criterion.	
g. Except for alternative energy systems such as solar and wind, all roof and ground mounted mechanical equipment is screened from view from adjacent properties, adjacent roadways and public right-of-way, and parking areas. The required screening is provided as an integral aspect of the building’s design.	
h. Trash enclosures are located in low profile locations away from streets, project entries, and pedestrian activity areas. Trash enclosures are 6 feet in height, consistent with the design of the building(s), and constructed of decorative masonry block with metal gates.	
i. Building designs, materials, and other methods are incorporated as appropriate to minimize consumption of non-renewable resources in compliance with Sutter County’s Climate Action Plan.	
<b>2. Landscaping</b>	<b>Plan Complies (Y/N/NA)</b>
a. A minimum 15-foot-wide landscape planter, excluding curbing and sidewalk, is provided along all highways and arterial roadways. A minimum 10-foot-wide landscape planter is provided along all other road frontages where development is proposed.	
b. A minimum 10-foot-wide landscape planter, excluding curbing, is provided where development is proposed adjacent to non-multifamily residentially zoned properties. Within this planter, screen trees from the Landscape Plant Materials List maintained by the Development Services Department are planted in combination with other plant materials to provide a dense visual screen.	
c. Shrubs and/or vegetative groundcover are planted to achieve 50% ground coverage of the planter area within 5 years. All trees, shrubs and groundcover are from the Sutter County Preferred Landscape Plant Materials List maintained by the Development Services Department.	
d. All landscaping is within planters separated from required parking and driveways with six-inch concrete curbing. No planter is smaller than 25 square feet, excluding curbing. Each planter includes an irrigation system.	
e. Not more than 25 percent of any planter or landscaped area is covered with hard surfaces such as gravel, landscaping rock, artificial turf, concrete or other impervious materials. Bus shelters are excluded from this limitation.	
f. A minimum of 1 tree per 4 spaces within a planter adjacent to a double row or single row of uncovered parking is provided. As an alternative, the applicant has provided a shading plan prepared by a certified landscape architect or arborist (applying commonly accepted methodology), that 50 percent shading of paved uncovered parking surfaces (stalls, aisles & maneuvering areas) will be achieved based upon the canopy spread of trees within 15 years of planting. All required parking lot shading trees have large canopies, produce low litter and are deep rooted.	
g. Landscape planter “islands” are provided within parking lots to meet the shading requirements and to break up large expanses of parking spaces. All landscape planter islands contain a tree, are planted with shrubs and ground cover, and are similar in size to the adjacent parking stalls.	
h. Deciduous trees are planted on the west and south sides of buildings where possible to help reduce cooling loads during summer months and permit solar gain during winter months.	
i. Landscaping and lighting plans have been coordinated to assure that vegetation growth will not interfere with intended illumination of security and parking lot lighting.	
j. Pervious paved surfaces, vegetative groundcover, natural bio-swales, and other practices may be incorporated where possible to increase filtration and reduce project run-off.	

**Table 1500-06-3: MULTI-FAMILY RESIDENTIAL DESIGN CHECKLIST**

**Y** Yes, Project Complies    **N** No, Project Does Not Comply    **NA** Criteria Not Applicable or Appropriate to Project

<b>3. Vehicular Circulation and Parking</b>		<b>Plan Complies (Y/N/NA)</b>
a.	Parking areas are generally located to the rear or side of the property rather than along street frontages in order to minimize visual impacts. When adjacent to a street frontage, parking areas are screened to the extent practical through the use of berms, low screen walls, and/or landscaping.	
b.	Internal vehicular circulation is designed to promote efficiency and convenience, and provides adequate areas for maneuvering, stacking, loading, and emergency access.	
c.	Driveways are minimized and located as far as possible from intersections. Sight distances are maximized at all intersections and driveways. All crossings, driveways, intersections and other transportation facilities are located and designed so that easy access is provided with a minimum of conflicts with other uses.	
d.	Where a transit stop exists or is planned adjacent to the project, connections are provided from the transit stop to the project.	
e.	Guest parking is distributed evenly throughout the project site.	
f.	Signage and highly visible building numbering are provided to facilitate interior circulation and wayfinding for emergency services and visitors.	
g.	The project is in compliance with all other requirements of Article 20 (Parking and Loading).	
<b>4. Pedestrian and Bicycle Facilities</b>		<b>Plan Complies (Y/N/NA)</b>
a.	Facilities for pedestrian and bicycle circulation are physically separated from vehicular circulation to the extent feasible. Primary pedestrian routes and access points are specially treated and include shade trees, adequate lighting, paving, and/or other elements that distinguishes pedestrian from automobile areas.	
b.	Pedestrian crossings of vehicular routes are emphasized with a change in grade, materials, textures, colors and/or other elements to improve visibility and safety.	
c.	Bicycle racks and lockers, where provided, are located in highly visible and well lighted areas.	
d.	Pedestrian and bicycle access between adjacent projects and uses is provided as appropriate.	
<b>5. Walls</b>		<b>Plan Complies (Y/N/NA)</b>
a.	Walls that are either proposed by the applicant or that are required (i.e. for screening purposes, to attenuate noise impacts, etc.) along highways and arterial roadways are solid, located outside of any required landscape planter, and are constructed of either decorative masonry block (i.e. split face block, masonry block with stucco coat), or solid wood frame with stucco coat that complements the design of the building(s).	
b.	If a wall is required due to noise impacts, it has been clearly demonstrated that the proposed materials and construction will adequately attenuate noise to acceptable levels.	
c.	Changes in wall planes, materials, and surface textures as well as the placement of pilasters, trim caps, landscape massing's, vines and similar elements are incorporated as appropriate to break up long sections of walls along highways and arterial roadways.	
d.	Projects that abut non-multifamily residentially zoned parcels include a minimum 6-foot-high solid wall (i.e. decorative masonry block such as split face or masonry block with stucco coat, solid wood frame with stucco coat, or similar alternative as approved by the Director) along the shared property boundary. The height of the wall may be reduced to a minimum of 4.5 feet high along a shared property boundary that abuts a parking area.	
e.	Wall openings are provided as appropriate to allow pedestrian and bicycle access between uses.	
<b>6. Lighting</b>		<b>Plan Complies</b>

**Table 1500-06-3: MULTI-FAMILY RESIDENTIAL DESIGN CHECKLIST**

**Y** Yes, Project Complies    **N** No, Project Does Not Comply    **NA** Criteria Not Applicable or Appropriate to Project

	(Y/N/NA)
a. Parking lot lighting does not exceed 20 feet in total height, is oriented and shielded to direct the light downward onto the subject property and not spill onto adjacent properties or road rights-of-way. Lower lighting standards may be required adjacent to single-family development in order to minimize light spillage.	
b. Full cutoff lighting fixtures, diffusers and other “dark-sky” and low glare technologies are used to reduce light pollution and glare.	
c. Energy efficient lighting fixtures, sources and practices are incorporated as appropriate.	
d. Conditions are incorporated satisfactory to the County to ensure that, prior to issuance of a building permit, a point-by-point exterior lighting (photometric) plan will be submitted which demonstrates compliance with the following illumination requirements: <ul style="list-style-type: none"> <li>i. Parking lots, driveways and trash enclosures are illuminated with a minimum maintained 1 foot-candle of light, a uniform ration (maximum to minimum) of 4:1, and an average not to exceed 4 foot-candles of light.</li> <li>ii. Pedestrian walkways are illuminated with a minimum maintained 0.5 foot-candle of light and an average not to exceed 2 foot-candles of light.</li> <li>iii. Exterior doors are illuminated with a minimum maintained 1 foot-candle of light, measured within a five-foot radius on each side of the door at ground level.</li> </ul>	
<b>7. Signs</b>	<b>Plan Complies (Y/N/NA)</b>
a. The design of signs integrates with the architectural style, materials, and other design features of the building(s) or complex they identify.	
b. Sign design within complexes is coordinated and complementary.	
c. All signage complies with the requirements of Article 21 (Signs).	
<b>8. Open Space and Common Facilities</b>	<b>Plan Complies (Y/N/NA)</b>
a. Each unit provides some form of usable private open space, such as a patio, porch, deck, balcony, yard, or shared entry porches or balconies.	
b. Functional common open space is included for passive and active recreational uses. Common open space areas have minimum dimensions of 15 feet in width, and are centrally located and conveniently accessible.	
c. Recreational amenities are incorporated into common open space areas such as a swimming pool, gym, clubhouse, tot lot, picnic/barbecue area, game court, daycare and other facilities.	
<b>9. Natural Features</b>	<b>Plan Complies (Y/N/NA)</b>
a. Existing significant natural features such as mature trees 6-inches in diameter or greater at breast height), other native vegetation, natural ground forms, rock outcroppings, water features, drainage courses, and scenic views are retained to the extent practical.	

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## Article 7

# Commercial and Employment Districts

### CHAPTER 1500-07

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#### Sections:

- 1500-07-010: Purpose
  - 1500-07-020: Allowed Use Types
  - 1500-07-030: Supplemental Use Regulations
  - 1500-07-040: Development Standards
  - 1500-07-050: Commercial and Employment Design Checklist
- 

#### 1500-07-010 Purpose

- A. **General Commercial (GC).** The GC District is intended to provide for a full range of neighborhood, community, highway, and regional retail, as well as office, service, and related uses to serve residents, employees, and visitors. The GC District implements the General Plan Commercial (COM) land use designation.
- B. **Commercial Industrial (CM).** The CM District is intended to provide for a mix of industrial and commercial uses. This includes uses that are often considered potentially incompatible in primary retail areas due to operational or compatibility characteristics. The type and intensity of CM uses may be limited by the County based upon the availability of infrastructure and services. The CM District implements the General Plan Industrial/Commercial (I/C) land use designation.
- C. **Employment Corridor (EC).** The EC District is intended to provide for a variety of employment and revenue generating land uses along the Highway 99 corridor north and south of Yuba City, and adjacent to the east side of Highway 70 in East Nicolaus. While the potential exists that public services and infrastructure may be extended to these areas, the type and intensity of development may be limited by the County based upon the availability of such services. The EC District implements the General Plan Employment Corridor (EC) land use designation.
- D. **Light Industrial (M-1).** The M-1 District is intended to provide for a full range of lower intensity manufacturing, assembly, processing, fabrication, bulk handling of products, storage, warehousing, and other similar uses conducted in a fashion that minimizes visual and operational impacts on adjoining uses. M-1 uses are to be compatible operating in relatively close proximity to residential and commercial uses. The M-1 District implements the General Plan Industrial (IND) land use designation.
- E. **General Industrial (M-2).** The M-2 District is intended to provide for a variety of intensive manufacturing, assembly, processing, fabrication, bulk handling of products, storage, warehousing, heavy trucking and other similar uses conducted in a manner that may affect surrounding uses. This district should be located away from residential neighborhoods and other

potentially sensitive uses. The M-2 District implements the General Plan Industrial (IND) land use designation.

**1500-07-020 Allowed Use Types**

Table 1500-07-1 identifies the allowed use types for Commercial and Employment Districts. Use types are defined in Article 3. Uses not specifically listed may be permitted by the Director pursuant to Section 1500-03-030. For findings relating to flood standards, see Article 25.

<b>Table 1500-07-1: ALLOWED USE TYPES – COMMERCIAL AND EMPLOYMENT DISTRICTS</b>						
<b>Use Types</b>	<b>GC</b>	<b>CM</b>	<b>EC</b>	<b>M-1</b>	<b>M-2</b>	<b>Supplemental Regulations</b>
<b>P Permitted ZC Zoning Clearance Required AP Administrative Permit UP Use Permit Required - Not Permitted</b>						
<b>Agricultural Use Types</b>						
Agricultural Education and Entertainment						
Small	-	-	-	-	-	
Large	-	-	-	-	-	
Agricultural Homestays	-	-	-	-	-	
Agricultural Manufacturing	-	P	P	P	P	
Agricultural Processing	-	P	P	P	P	
Agricultural Product Sales						
Wayside Stand	P	P	P	P	P	See Section 1500-07-030(A) - Wayside Stands
Agricultural Store	P	P	P	P	P	
Agricultural Supplies and Services						
Light	P	P	P	P	P	
Heavy	-	P	P	P	P	
Agricultural Truck Yards						
Small	-	P	P	P	P	See Section 1500-07-030(B) – Agricultural and General Truck Yards
Large	-	UP	UP	P	P	See Section 1500-07-030(B) – Agricultural and General Truck Yards
Agriculture						
Agriculture, Animal Husbandry	-	-	-	P	P	
Agriculture, Crops and Tree Farms	P	P	P	P	P	
Animal Processing	-	-	-	-	UP	See Section 1500-07-030(C) – Animal Processing
Intensive Animal Operations	-	-	-	-	-	
Commercial Stables						
Small	-	-	-	-	-	
Large	-	-	-	-	-	

**Table 1500-07-1: ALLOWED USE TYPES – COMMERCIAL AND EMPLOYMENT DISTRICTS**

Use Types	GC	CM	EC	M-1	M-2	Supplemental Regulations
<b>P Permitted ZC Zoning Clearance Required AP Administrative Permit UP Use Permit Required - Not Permitted</b>						
<b>Wineries, Breweries, Distilleries and Mills</b>						
Small	AP	AP	AP	AP	AP	See Section 1500-07-030(D) – Special Events
Large	-	AP	AP	AP	AP	See Section 1500-07-030(D) – Special Events
<b>Open Space and Recreational Use Types</b>						
Community Garden	-	-	-	-	-	
Campgrounds and Recreational Vehicle Parks	-	-	-	-	-	
Camps and Retreats	-	-	-	-	-	
Conversion of Agricultural Land to Habitat	-	-	-	-	-	
Golf Courses and Country Clubs	-	-	-	-	-	
<b>Marinas and Boat Launching</b>						
Boat Launching	-	-	-	-	-	
Marinas	-	-	-	-	-	
Parks and Recreation	-	-	-	-	-	
Residential Recreation Facilities	-	-	-	-	-	
Resource Protection and Restoration	-	-	-	-	-	
Resource Related Recreation	-	-	-	-	-	
Shooting Ranges, Indoor	-	-	P	P	P	
Shooting Ranges, Outdoor	-	-	-	-	-	
Sports Clubs	-	-	-	-	-	
<b>Assembly and Educational Use Types</b>						
Community Assembly and Cultural Facilities	P	P	AP	UP	UP	
Religious Institutions	P	P	AP	UP	UP	
<b>Schools and Educational Services</b>						
Elementary and Secondary Schools, Public	-	-	-	-	-	
Elementary and Secondary Schools, Private	UP	-	-	-	-	
Colleges and Universities	UP	UP	UP	UP	-	
Specialized Education and Training	ZC	ZC	ZC	ZC	-	
<b>Special Event Facilities</b>						
Small	AP	AP	-	-	-	See Section 1500-07-030(D) – Special Events
Large	UP	UP	-	-	-	See Section 1500-07-030(D) – Special Events
<b>Residential Use Types</b>						
<b>Agricultural Employee Housing</b>						
Dwelling Unit	-	-	-	-	-	
Complex	-	-	-	-	-	

**Table 1500-07-1: ALLOWED USE TYPES – COMMERCIAL AND EMPLOYMENT DISTRICTS**

Use Types	GC	CM	EC	M-1	M-2	Supplemental Regulations
<b>P Permitted</b>	<b>ZC Zoning Clearance Required</b>	<b>AP Administrative Permit</b>	<b>UP Use Permit Required</b>	<b>- Not Permitted</b>		
Labor Camp	-	-	-	-	-	
Caretaker Housing						
Agricultural	-	-	-	-	-	
Residential	-	-	-	-	-	
Commercial/Industrial	P	P	P	P	P	
Marina/Boat Launch Facilities	-	-	-	-	-	
<b>Dwelling Units</b>						
Single Family	-	-	-	-	-	
Accessory Dwelling Unit	ZC-	ZC	ZC	ZC	ZC	See Article 10 (Section 1500-10-040)
Junior Accessory Dwelling Unit	ZC	ZC	ZC	ZC	ZC	See Article 10 (Section 1500-10-050)
Two Family	-	-	-	-	-	
Multi Family	UP	-	-	-	-	
Group Quarters	UP	-	-	-	-	
Guest Cottage	-	-	-	-	-	
Live-Work Residential	P	-	-	-	-	
Manufactured Home Park	-	-	-	-	-	
<b>Community Care and Assistance Use Types</b>						
Cold Weather Shelter	ZC	ZC	ZC	ZC	ZC	See Article 11 – Cold Weather and Emergency Shelters (Use Specific Regulations)
<b>Day Care</b>						
Day Care Center	P	P	AP	-	-	
Family Day Care, Small	-	-	-	-	-	
Family Day Care, Large	-	-	-	-	-	
Emergency Shelter	P	-	-	-	-	See Article 11 – Cold Weather and Emergency Shelters (Use Specific Regulations)
Extended Care Facility	P	-	-	-	-	
<b>Residential Care Facility</b>						
Small	-	-	-	-	-	
Large	-	-	-	-	-	
Social Services Facility	P	P	-	-	-	
Supportive Housing	-	-	-	-	-	
Transitional Housing	-	-	-	-	-	
<b>Commercial Use Types</b>						
Adult Oriented Businesses	-	P	-	-	-	See Chapter 465 Sutter Co. Code

**Table 1500-07-1: ALLOWED USE TYPES – COMMERCIAL AND EMPLOYMENT DISTRICTS**

Use Types	GC	CM	EC	M-1	M-2	Supplemental Regulations
<b>P Permitted    ZC Zoning Clearance Required    AP Administrative Permit    UP Use Permit Required    - Not Permitted</b>						
<b>Animal Sales and Services</b>						
Kennels Indoor Outdoor	- -	P UP	P UP	P UP	P P	See Section 1500-07-030(E) – Kennels
Veterinary Clinic or Hospital, Small Animal	P	P	P	P	P	
Veterinary Clinic or Hospital, Large Animal	-	UP	UP	UP	P	
Banks and Credit Unions	P	P	P	-	-	
Business Support Services	P	P	P	P	-	
<b>Commercial Entertainment and Recreation</b>						
Indoor	P	P	P	P	-	
Outdoor	UP	UP	UP	UP	UP	
Communication Services	ZC	P	P	P	P	
<b>Eating and Drinking Establishments</b>						
Bars and Drinking Places	P	P	P	-	-	
Restaurant, Fast Food	P	P	ZC	-	-	
Restaurant, Full Service	P	P	P	-	-	
Mobile Food Truck	P	P	P	P	P	
Funeral and Internment Services	P	P	P	P	-	
Hospitals	P	UP	-	-	-	
<b>Lodging</b>						
Bed and Breakfast Inn	-	-	-	-	-	
Hotels and Motels	P	P	P	-	-	
Maintenance, Repair and Rental Services	P	P	P	P	-	
Manufactured Home Sales and Rentals	-	P	P	P	P	
Medical Marijuana Dispensary	-	-	-	-	-	
Medical Offices and Clinics	P	P	P	-	-	
Nightclubs	UP	UP	UP	UP	-	
<b>Nursery</b>						
Wholesale	P	P	P	P	P	
Retail	P	P	P	-	-	
Personal Services	P	P	P	-	-	
Personal Storage	-	P	P	P	-	
Professional Offices	P	P	P	P	-	
Recreational Vehicle Storage	-	P	P	P	P	
<b>Recycling Collection Facilities</b>						
Small	P	P	P	P	P	See Article 14 – Recycling Collection Facilities (Use Specific

**Table 1500-07-1: ALLOWED USE TYPES – COMMERCIAL AND EMPLOYMENT DISTRICTS**

Use Types	GC	CM	EC	M-1	M-2	Supplemental Regulations
<b>P Permitted</b>	<b>ZC Zoning Clearance Required</b>	<b>AP Administrative Permit</b>	<b>UP Use Permit Required</b>	<b>- Not Permitted</b>		
						Regulations)
Large	-	P	P	P	P	See Article 14 – Recycling Collection Facilities (Use Specific Regulations)
<b>Retail Sales</b>						
General	P	P	P	ZC	ZC	See Section 1500-07-030(F) – Retail Use Limitation in M-1 and M-2 Districts.
Outdoor	ZC	P	P	-	-	
Superstore	-	UP	UP	-	-	
<b>Vehicle and Equipment Sales and Services</b>						
Fuel Stations	ZC	P	P	P	P	
Vehicle Rentals, Sales and Leasing, Light	P	P	P	P	P	See Section 1500-07-030(G) – Vehicle Rental, Sales and Leasing; Equipment and Material Storage Yards; and Impound and Towing Yards
Vehicle Rentals, Sales and Leasing, Heavy	-	P	P	P	P	See Section 1500-07-030(G) – Vehicle Rental, Sales and Leasing; Equipment and Material Storage Yards; and Impound and Towing Yards
Vehicle Repairs, Light	-	P	P	P	P	
Vehicle Repairs, Heavy	-	UP	UP	P	P	
Vehicle Washing	AP	P	P	P	P	
<b>Industrial Use Types</b>						
Equipment and Materials Storage Yards	-	P	P	P	P	See Section 1500-07-030(G) – Vehicle Rental, Sales and Leasing; Equipment and Material Storage Yards; and Impound and Towing Yards
<b>General Truck Yards</b>						
Small	-	AP	AP	AP	AP	See Section 1500-07-030(B) – Agricultural and General Truck Yards
Large	-	UP	UP	UP	UP	See Section 1500-07-030(B) – Agricultural and General Truck Yards
Impound and Towing Yards	-	P	P	P	P	See Section 1500-07-

**Table 1500-07-1: ALLOWED USE TYPES – COMMERCIAL AND EMPLOYMENT DISTRICTS**

Use Types	GC	CM	EC	M-1	M-2	Supplemental Regulations
<b>P Permitted    ZC Zoning Clearance Required    AP Administrative Permit    UP Use Permit Required    - Not Permitted</b>						
						030(G) – Vehicle Rental, Sales and Leasing; Equipment and Material Storage Yards; and Impound and Towing Yards
<b>Manufacturing</b>						
Light	-	P	P	P	P	See Section 1500-07-030 (F) – Retail use limitation
General	-	UP	UP	P	P	See Section 1500-07-030 (F) – Retail use limitation
Heavy	-	-	-	-	P	See Section 1500-07-030 (F) – Retail use limitation
Research and Development	-	P	P	P	P	
Warehousing, Wholesaling, and Distribution	-	AP	AP	P	P	
<b>Transportation, Communication, and Utilities Use Types</b>						
<b>Aerial Services</b>						
Airports and Landing Strips	-	-	-	UP	UP	
Heliports	UP	UP	UP	UP	UP	
<b>Community Facilities and Services</b>						
Major	-	P	P	P	P	
Intensive	-	UP	UP	UP	UP	
Intermodal Transportation Services	P	P	P	P	P	
Parking Facilities	P	P	P	P	P	
Solar Energy Facilities, Commercial	UP	UP	UP	UP	UP	
<b>Wireless Telecommunications Facilities</b>						
Co-located	ZC	ZC	ZC	ZC	ZC	See Article 18 – Wireless Telecommunication Facilities (Use Specific Regulations)
Integrated	ZC	ZC	ZC	ZC	ZC	See Article 18 – Wireless Telecommunication Facilities (Use Specific Regulations)
Freestanding	UP	UP	UP	UP	UP	See Article 18 – Wireless Telecommunication Facilities (Use Specific Regulations)
<b>Resource Extraction Use Types</b>						
Mining Operations	-	-	-	UP	UP	See Chapter 290 Sutter County Ordinance Code

**Table 1500-07-1: ALLOWED USE TYPES – COMMERCIAL AND EMPLOYMENT DISTRICTS**

Use Types	GC	CM	EC	M-1	M-2	Supplemental Regulations
<b>P Permitted</b>	<b>ZC Zoning Clearance Required</b>	<b>AP Administrative Permit</b>	<b>UP Use Permit Required</b>	<b>- Not Permitted</b>		
Oil and Gas Extraction and Injection Wells	-	ZC	ZC	ZC	ZC	See Section 1500-07-030(H) – Oil and Gas Extraction and Injection Wells

**1500-07-030 Supplemental Use Regulations**

**A. Wayside Stands.**

1. One Wayside Stand shall be permitted per parcel.
2. A Wayside Stand shall not exceed 400 square feet of floor area and may include up to 50 square feet of floor area for the sale of prepackaged food and/or drinks.
3. Adequate provision shall be made for off-street parking and safe ingress and egress to the adjacent street.
4. Parking spaces for Wayside Stands shall be paved and striped to County standards.
5. All structures and off-street parking shall not be located in any required front or side yard setback.

**B. Agricultural and General Truck Yards.**

1. Agricultural Truck Yards.
  - a. Parking – Driveways, parking, storage, and maneuvering areas for agricultural trucks shall be surfaced with aggregate, paving or other materials which adequately prevent dust from becoming airborne and prevent the tracking of dirt and/or mud onto public roadways. Adequate provision shall be made for safe ingress and egress to the adjacent street.
  - b. Screening – Agricultural truck yards may be conditioned to be screened from view from public roadways through walls, chain link fencing with privacy slats, and/or landscaping.
  - c. Maintenance – Agricultural truck yard maintenance, repair, and proper handling and disposal of hazardous materials shall comply with the requirements of the Development Services Department, Environmental Health Division.
2. General Truck Yards, Small
  - a. In addition to other noticing requirements, upon receipt of an application for a new or modified General Truck Yard, Small, notice shall be provided to all property owners of record, within one-half (1/2) mile of the proposed project property boundaries advising an application has been received, providing a summary of the application and the location where project documents can be reviewed.
  - b. Prior to approving a General Truck Yard, Small, a Notice to Approve shall be provided in accordance with Article 23.
  - c. General Truck Yards, Small, shall be subject to Table 1500-07-3 (Commercial and Employment Design Checklist) unless as otherwise noted in this section.

- d. Lighting shall be provided consistent with Table 1500-07-3 (Commercial and Employment Design Checklist). Light pole and fixture height shall not exceed twenty-five (25) feet. Truck parking areas shall incorporate motion activated lighting that shall not spill onto adjoining properties. A photometric plan, prepared by an appropriately licensed design professional, shall be submitted demonstrating compliance with this section prior to project approval. The requirement for a photometric plan may be waived by the Director if it is determined the General Truck Yard, Small, is a sufficient distance from adjacent parcels or that, due existing vegetation or structures, site lighting will not spill onto adjacent properties.
- e. Driveways shall be a minimum of twenty-five (25) feet in width, measured at the public right of way, or as determined necessary by the Road Commissioner.
- f. When proposed, access gates shall be setback a minimum of sixty-five (65) feet from the public right-of-way to allow trucks with trailers to completely exit the roadway.
- g. All maneuvering and parking areas for automobiles, trucks and trailers shall be located onsite and shall be graveled consistent with Article 20. No parking or maneuvering for parking shall occur in a public road right-of-way. Parking and circulation areas shall be maintained and shall not deteriorate to allow mud or dirt to be tracked onto the public right-of-way. At their discretion, the Director may require the installation of wheel washing facilities or other measures deemed necessary to eliminate impacts to the County road system.
- h.
  1. When located outside a designated floodplain, permanent bathroom facilities (not portable toilets) shall be established onsite and shall be accessible during hours of operation and shall not be visible from the public right of way. Bathroom facilities shall include, at a minimum, a flushing toilet and a handwashing station and shall be serviced, as needed, on a regular basis. Bathrooms shall be provided at a minimum ratio of one (1) restroom per twenty-five (25) trucks or as otherwise determined by the Director.
  2. When located in a designated floodplain, portable trailer mounted bathroom facilities may be established onsite and shall be accessible during hours of operation and shall not be visible from the public right of way. Bathroom facilities shall include, at a minimum, a toilet and handwashing station. Facilities shall be serviced, as needed, on a regular basis. The County may require an operator to document through a contract, or other means deemed sufficient, that bathroom facilities are being properly maintained. Bathrooms shall be provided at a minimum ratio of one (1) restroom per twenty-five (25) trucks or as otherwise determined by the Director.
- i. The minimum usable sewage disposal area shall be barricaded or have access physically restricted to prevent vehicles from driving or parking over it to the satisfaction of the Development Services Environmental Health Division. This requirement may be eliminated if it is determined that existing agricultural operations or other permitted onsite uses provide sufficient protection for sewage disposal areas.
- j. A drainage plan, prepared consistent with the County Improvement Standards, shall be submitted demonstrating runoff resulting from site development will not adversely impact surrounding property owners or public rights-of-way. This requirement may be waived by the Director if it is determined the project site is of sufficient size to not result in drainage impacts to surrounding property owners or public rights-of-way.
- k. There shall be no outdoor storage of loose materials onsite, including but not limited to, truck parts, tires and/or related items.

- l. General Truck Yards, Small, shall be located a sufficient distance from adjacent properties to screen their location by existing onsite agricultural operations or structures or shall be screened from public rights of way and adjoining parcels by walls, or chain-link fencing with privacy slats, having a minimum privacy rating of 90 percent or greater, and landscaping. All walls, fencing and landscaping shall be continuously maintained, and the Director may require replacement to damaged items.
- m. A minimum of one (1) fifty-five (55) gallon trash waste receptacle, or equivalent, shall be conveniently located in the truck parking area. The County may allow other means of trash collection and control as appropriate.
- n. Truck engine idling shall occur consistent with State law and compliance with this requirement shall be included as a project condition.
- o. The operation of Transportation refrigeration units shall occur consistent with California Code of Regulations, Title 13, Division 3, Chapter 9, Article 8 commencing at Section 2477 or as amended.

3. General Truck Yards, Large

- a. In addition to other noticing requirements, upon receipt of an application for a new or modified General Truck Yard, Large, notice shall be provided to all property owners of record, within one-half (1/2) mile of the proposed project property boundaries advising an application has been received, provides a summary of the application and the location where project documents can be reviewed.
- b. General Truck Yards, Large, shall comply with the applicable requirements of Table 1500-07-3 (Commercial and Employment Design Checklist) or as modified in this section.
- c. General truck Yards, Large, may only be established when located immediately adjacent to a State Highway or a designated T or S-route (STAA).
- d. Light pole and fixture height shall not exceed twenty-five (25) feet. Truck parking areas shall incorporate motion activated lighting that shall not spill onto adjoining properties. A photometric plan, prepared by an appropriately licensed design professional, shall be submitted at the time of application demonstrating compliance with this requirement.
- e. Facility access shall incorporate acceleration and deceleration lanes, the criteria for which is determined by the completion of a traffic study prepared to recognized engineering standards, including County Improvement Standards that shall also determine any additional needed traffic related improvements. No vehicle shall be permitted to obstruct or back onto a public roadway. Facilities shall be designed so that trucks entering and exiting yards do not need to cross the road center line into opposing traffic. The traffic study shall be submitted at the time application is made to the Development Services Planning Division.
- f. Facilities located along a State Highway shall comply with the California Department of Transportation standards for roads, freeway entrances, sight distance and turning radius.
- g. Driveways shall be a minimum of forty (40) feet in width measured at the public right-of-way or as deemed necessary by the Road Commissioner. Driveways shall be designed to allow trucks to enter and exit a facility without entering into opposing lanes of traffic.

- h. When proposed, access gates shall be setback a minimum of sixty-five (65) feet, or a sufficient distance, from the public right-of-way to allow trucks with trailers to completely exit the roadway when the gates are closed.
- i. All maneuvering and parking areas for automobiles, trucks and trailers shall be located onsite and shall be paved and maintained consistent with Article 20. No parking or maneuvering for parking shall occur in a public road right-of-way. Wheel stops shall be provided for both automobile and truck parking areas to protect fencing, landscaping, structures and adjacent properties. The County may require operators to re-surface deteriorated asphalt areas and such work shall be completed within 180-days of the County making a request or by a mutually agreed time as approved by the Director. At his or her discretion, the Director may require the installation of wheel washing facilities or other measures necessary to eliminate impacts to the County road system.
- j.
  - 1. When located outside a designated floodplain, permanent bathroom facilities (not portable toilets) shall be established onsite and shall be accessible during hours of operation and shall not be visible from the public right of way. Bathroom facilities shall include, at a minimum, a flushing toilet and a handwashing station and shall be serviced, as needed, on a regular basis. Bathrooms shall be provided at a minimum ratio of one (1) restroom per twenty-five (25) trucks or as otherwise determined by the Director.
  - 2. When located in a designated floodplain, portable trailer mounted bathroom facilities may be established onsite and shall be accessible during hours of operation and shall not be visible from the public right of way. Bathroom facilities shall include, at a minimum, a toilet and handwashing station. Facilities shall be serviced, as needed, on a regular basis. The County may require an operator to document through a contract, or other means deemed sufficient, that bathroom facilities are being properly maintained. Bathrooms shall be provided at a minimum ratio of one (1) restroom per twenty-five (25) trucks or as otherwise determined by the Director.
- k. The minimum usable sewage disposal area shall be barricaded or have access physically restricted to prevent vehicles from driving or parking over it.
- l. A drainage plan, consistent with the County Improvement Standards, shall be submitted at the time application is made, demonstrating runoff resulting from site development will not adversely impact surrounding property owners, or public rights-of-way. Drainage from parking areas shall utilize best available technology to minimize pollution and shall comply with State law.
- m. Materials including truck parts, tires and related items, shall be contained inside a building, and in accordance with applicable State law. If a General Truck Yard, Large, proposes to conduct onsite repairs, such work shall occur within a building approved for said work. This requirement shall not apply to windshield, wiper, or truck headlight replacement work. A maximum of two inoperable trucks may be kept onsite for rebuilding or parts and shall be contained in a designated area, surfaced with concrete and designed to contain spilled fluids, and shall be located so as not to be visible from a public right of way or neighboring properties.
- n. Truck and/or trailer maintenance, repair, and proper handling and disposal of hazardous materials shall comply with the requirements of the Development Services Department and applicable State law.
- o. Facilities shall be screened from public view, roadways and adjoining, non-employment zoned, land through concrete masonry unit walls or chain-link fencing with privacy slats, having a minimum privacy rating of 90 percent or greater, and landscaping. All walls,

fencing and landscaping shall be continuously maintained, and the Director may require replacement to damaged items.

- p. Fifty-five (55) gallon trash waste receptacles, or equivalent, shall be provided at a minimum ratio of one (1) receptacle per five (5) trucks and shall be conveniently located in the truck/trailer parking area to facilitate their use. The County may allow other means of trash collection and control as appropriate.
- q. Truck engine idling shall occur consistent with State law and compliance with this requirement shall be included as a project condition.
- r. The operation of Transportation refrigeration units shall occur consistent with California Code of Regulations, Title 13, Division 3, Chapter 9, Article 8 commencing at Section 2477 or as amended.
- s. At the time application is made, a plan shall be submitted demonstrating how undeveloped areas shall be maintained to prevent the creation of dust, erosion and shall not become a health hazard or create a public nuisance.
- t. The County will consider as part of its review, indirect sources of traffic, noise and pollution, such as service trucks and passenger vehicles visiting facilities.
- u. The County will consider requiring permanent onsite landscape setback buffers from existing adjacent residences, to be maintained by the property owner, to the extent feasible, for new or expanded facilities.

**C. Animal Processing.**

- 1. All barns, corrals, feed and manure storage areas, lagoons, processing facilities and structures not used as dwelling units, labor quarters, or administration, shall be located a minimum of one mile from any existing residential district, Rural Community boundary, or city sphere of influence line.
- 2. Storage of manure, silage and animal matter shall occur in a manner which minimizes odors and vector nuisances to the greatest extent practicable, based on current industry practices.
- 3. Incorporate measures to protect pollutants from entering into creeks, streams, drainage ditches or groundwater supplies.
- 4. Incorporate measures to control odor, dust, noise, and waste disposal so as not to constitute a nuisance or a hazard.

**D. Special Events.** Special events such as weddings, dances, assemblies, picnics, dinners, craft fairs, and similar are allowed at Wineries, Breweries and Mills and Special Event Facilities use types on parcels of sufficient size to not impact adjoining agricultural operations. These use types require approval of an Administrative Permit as indicated on Table 1500-07-1. The permit shall specify the frequency of allowed events, hours of operations, maximum number of permitted guests, and any other conditions of approval deemed necessary by the approving authority.

**E. Kennels.** 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. Animal odors shall not be detectable beyond the property lines of the property where the kennel is located.

- F. **Retail Use Limitation in M-1 and M-2 Districts.** Retail uses shall not exceed 15 percent of the total square footage of any lot or building complex within the M-1 and M-2 Districts.
- G. **Vehicle Rental, Sales and Leasing; Equipment and Material Storage Yards; and Impound and Towing Yards.**
1. All equipment, materials and inoperable vehicles (those vehicles not capable of being driven on a public road), and equipment under repair because of damage, missing parts, or any other condition that precludes its use, shall be separated and screened from the public right-of-way and/or adjacent properties with a 6-foot-tall solid fence. A solid hedge of landscaping may be required to be used in conjunction with the fencing if the surrounding circumstances warrant a higher screen. None of the above items shall be stored, racked, or stacked above the height of the fence. Individual equipment or vehicles which exceed 6 feet in height shall be stored at a distance from the fence/landscape screen so said equipment or vehicles will not be visible from the public right-of-way.
  2. Sales lots shall be paved, and all vehicles displayed for sale shall be separated from adjacent right-of-ways by an improved landscape area.
- H. **Oil and Gas Extraction and Injection Wells.** Exploratory and/or production gas or oil well drilling and injection wells meeting the following criteria shall be permitted by issuance of a Zoning Clearance:
1. Wells shall be located a minimum of 500 feet from any existing residence and not on lands controlled by any State or Federal agency.
  2. The location of the well, access road, pipelines and other appurtenances have been coordinated with the surface rights operator, manager or tenant as well as the owner of the surface rights to the property to be used as a well site.
  3. All drilling equipment except that required for well operation and maintenance shall be removed and the site restored to its original condition within a time period as arranged with the surface owner, but in no event longer than 90 days after completion of the drilling process.
  4. Within 10 days of cessation of drilling operations, the Director shall be notified of completion or abandonment of the well.
  5. The applicant shall comply with all applicable local and State regulations including but not limited to, requirements of the County Environmental Health Program and California Division of Oil and Gas for on-site sanitary facilities and waste disposal, the County Development Services Engineering Division for necessary encroachment permits of driveway connections with the County roads, and the California Division of Oil and Gas for all necessary permits.

Before the issuance of a Zoning Clearance for gas or oil well drilling or an injection well, a Notice of Intent to approve shall be mailed or delivered at least 10 days prior to action on the application to the applicant, the property owner, the owners as shown on the most recent secured assessor's roll of property within 400 feet of the property involved in the application, and all other persons who have requested notice in accordance with Section 1500-23-060(B). Such other notice as the County deems appropriate may also be given. All Zoning Clearances shall be processed in accordance with Section 1500-25-030.

Oil and Gas Drilling and injection well Zoning Clearances shall be valid for a one-year term period. If an approved permit has not been used within one year after permit issuance, it shall become null and void without further action.

## 1500-07-040 Development Standards

Table 1500-07-2 identifies the development standards and allowed exceptions to those standards for Commercial and Employment Districts. Allowed use types and associated structures shall comply with the following in addition to any other applicable requirements of this Zoning Code:

<b>Table 1500-07-2: DEVELOPMENT STANDARDS AND EXCEPTIONS</b>					
<b>P Permitted ZC Zoning Clearance Required AP Administrative Permit UP Use Permit Required - Not Permitted</b>					
	<b>GC</b>	<b>CM</b>	<b>EC</b>	<b>M-1</b>	<b>M-2</b>
<b>Floor Area Ratio</b>					
Maximum, FAR	.35	.35 Commercial use types; .50 Industrial use types	35 Commercial use types; .50 Industrial use types	.50	.50
<b>Lot Size</b>					
Minimum Lot Area	Variable, as determined by the County based upon approved project type, design, and infrastructure needs. For all Commercial and Employment District lots that are served by individual water (well) and sewer (septic) systems, versus public or community systems, the minimum lot size shall be as required by the Environmental Health Division.				
<b>Minimum Setbacks</b>					
Front <sup>1</sup>	15 feet	15 feet	15 feet	15 feet,	15 feet,
Side, Interior <sup>2</sup>	None, except 20 feet adjacent to a Residential District	None, except 20 feet adjacent to a Residential District	None, except 20 feet adjacent to a Residential District	None, except 20 feet adjacent to a Residential District	None, except 50 feet adjacent to a Residential District
Side, Street <sup>1</sup>	15 feet	15 feet	15 feet	15 feet,	15 feet,
Rear <sup>3</sup>	None, except 20 feet adjacent to a Residential District	None, except 20 feet adjacent to a Residential District	None, except 20 feet adjacent to a Residential District	None, except 20 feet adjacent to a Residential District	None, except 50 feet adjacent to a Residential District
Accessory Structures	Per Article 10				
Separation Between Buildings	As required by County Building Code				
<b>Setback Exceptions</b>					
Architectural features such as cornices, eaves, awnings, fireplaces, bay windows and similar	May encroach into any required setback a maximum of 3 feet, except that such projections shall not be nearer than 3 feet from any property line.				
Mechanical units such as air conditionings, heat pumps and power generating units	May encroach into any required side or rear setback a maximum of 3 feet, except that such projections shall not be nearer than 3 feet from any property line.				
Unenclosed porches, stoops, entry courts, balconies, stairwells, and similar	May encroach into any required front, street side, or rear setback a maximum of 10 feet, except that such projections shall not be nearer than 10 feet from any property line.				
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act see Section 1500-25-110.				
<b>Agricultural Buffers</b>					

**Table 1500-07-2: DEVELOPMENT STANDARDS AND EXCEPTIONS**

**P** Permitted    **ZC** Zoning Clearance Required    **AP** Administrative Permit    **UP** Use Permit Required    - Not Permitted

	<b>GC</b>	<b>CM</b>	<b>EC</b>	<b>M-1</b>	<b>M-2</b>
Buffering Standards	Per Article 19				
<b>Building Coverage</b>					
Maximum Building Coverage <sup>5</sup>	None	None	None	None	None
<b>Building Height</b>					
<b>Maximum Building Height<sup>5</sup></b>					
Primary Structures	45 feet	45 feet	45 feet	50 feet	50 feet
Accessory Structures	Per Article 10				
<b>Building Height Exceptions</b>					
Corner Lot Clear Vision Triangle	On a corner lot, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over 30 inches in height above the top of the existing or planned curb elevation shall be erected, placed, planted, or allowed to grow within a clear vision triangle (see Article 27, Definitions). Trees shall maintain a minimum canopy clearance of 6 feet above curb elevation,				
Chimneys, towers, spires, domes, cupolas, and other architectural features	Not to exceed 15 feet above the applicable height limit				
Water tanks, silos, granaries, cooling towers, and similar structures necessary to perform the intended function of the structure	Not to exceed 25 feet above the applicable height limit				
Flag Poles	Not to exceed the maximum height for the primary structure permitted and shall maintain a minimum 5-foot setback from any property line.				
Wireless Telecommunication Facilities	See Article 18				
Other Laws and Regulations	In addition to the above, all height limitations shall be subject to laws and regulations of the State and Federal Governments.				
<b>Walls and Fences</b>					
Within front or street side yard setbacks	Maximum height of 3 feet 6 inches				
Outside of front or street side yard setbacks	Maximum Height of 7 feet exempt from building permit approval or 9 feet subject to building permit approval.				
When adjoining Residential Districts	Subject to Table 1500-7-3 (Commercial and Employment Design Checklist)				
Traffic Site Distance	Walls and fences shall be designed and constructed so as not to restrict vehicular traffic sight distance as determined by the Director.				

**NOTES:**

1. Measured from edge of adopted right-of-way. Where right-of-way is not recorded, the setback shall be measured 25 feet from edge of planned right-of-way per the adopted County Design Standards for the roadway as determined by the Director.
2. Measured from property line. Does not apply to common wall product types.
3. Measured from property line.

4. Measured as the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building, to the highest point of the building roof, ridge, or parapet wall. See Article 2 for additional detail.
5. May not exceed FAR for associated General Plan Land Use designation.

**1500-07-050 Commercial and Employment Design Checklist**

**A. Intent.**

The Design Checklist (Table 1500-07-3) specifies the County’s requirements for the design of new development and revitalization and forms the basis for the review of projects within all Commercial and Employment Districts (GC, CM, EC, M-1 and M-2). The Checklist is not intended to dictate a specific style or look for a particular project, but rather define the general elements of project design appropriate to the type and character of development anticipated within Sutter County. The intent is to ensure consistency and fairness in the design review process; promote high quality and functional design; ensure compatibility between adjacent uses; and attract economic growth by creating an aesthetically pleasing living and working environment.

**B. Design Review Required.**

Approval of a Design Review application is required for all projects located within a Commercial or Employment District, regardless of whether or not a building is proposed (i.e. contractors’ yard, truck yard, etc.). The Design Review application shall be reviewed in accordance with Section 1500-25-040. All of the individual design criteria included on Table 1500-07-3 shall be required of projects subject to Design Review approval, unless otherwise determined by the County as not applicable or appropriate based on a particular project’s use, scale, location or other distinct circumstance. Additions to existing residences and new or the expansion of existing residential accessory buildings shall not require Design Review.

**C. Supplemental Requirements along Highway 20.**

Table 1500-07-3 includes supplemental design requirements intended to ensure that new development maintains views of the Sutter Buttes from Highway 20. Given their visual prominence and contribution to the overall image of Sutter County, protecting views of the Buttes is a primary objective of the County. The Highway 20 design requirements are in addition to the other design requirements included in Table 1500-07-3 and are applicable to all projects subject to Design Review within Commercial and Employment Districts along Highway 20 that have the potential to impact views of the Sutter Buttes.

**D. Flexibility in Implementation.**

The Design Checklist is intended to be flexible in its implementation. Alternatives to the Design Checklist may be considered by the Director if it is determined to provide an equivalent design approach. Given the wide range of circumstances and potential design solutions, creativity is encouraged to satisfy the intent of the individual criteria incorporated.

**E. Design Checklist.**

Table 1500-07-3: COMMERCIAL AND EMPLOYMENT DESIGN CHECKLIST	
Y Yes, Project Complies    N No, Project Does Not Comply    NA Criteria Not Applicable or Appropriate to Project	
<b>1. Building Design and Architecture</b>	<b>Plan Complies (Y/N/NA)</b>
a. Buildings provide for variation of materials, colors, and articulation. Particular attention is given to the design of buildings that are located in close proximity to highways and arterial roadways.	

**Table 1500-07-3: COMMERCIAL AND EMPLOYMENT DESIGN CHECKLIST**

**Y** Yes, Project Complies    **N** No, Project Does Not Comply    **NA** Criteria Not Applicable or Appropriate to Project

b.	Building design incorporates architectural treatments to break up uninterrupted expanses of wall. Examples of appropriate architectural enhancements include offsetting or varying building setbacks, wall planes, and rooflines; varied building materials and colors; covered porches, balconies, entries, windows, and building projections; or other features.	
c.	All building elevations that are publically visible are designed with a complementary level of architectural detail and quality of materials. Building walls that face or that are highly visible from highways and arterial roadways have received special consideration in their architectural treatment.	
d.	Main entries to buildings are emphasized through distinctive building forms and materials, architectural detailing, lighting and other similar features.	
e.	Commercial and office projects incorporate ground floor architectural detail, transparent windows, awnings, overhangs and/or other similar elements to enhance pedestrian scale and comfort.	
f.	Building designs, architecture, materials and colors are coordinated within defined centers and complexes to create unified, harmonious, and identifiable projects.	
g.	The design of accessory or utility buildings is complementary to the primary building(s). In situations where the accessory or utility building is determined to not be visible from the public right-of-way or from adjacent properties, the County may consider a “relaxation” of this design criteria.	
h.	Except for alternative energy systems such as solar and wind, all roof and ground mounted mechanical equipment is screened from view from adjacent properties, adjacent roadways and public right-of-way, and parking areas. The required screening is provided as an integral aspect of the building’s design.	
i.	Trash enclosures are located in low profile locations away from streets, project entries, and pedestrian activity areas. Trash enclosures are 6 feet in height, consistent with the design of the building(s) and constructed of decorative masonry block with metal gates.	
j.	Loading areas, driveways, trash enclosures, and storage areas are located a minimum of 20 feet from abutting parcels developed with an existing residence(s) or parcels that would permit the construction of a future residence(s).	
k.	Building designs, materials, and other methods are incorporated as appropriate to minimize consumption of non-renewable resources in compliance with Sutter County’s Climate Action Plan.	
<b>2. Landscaping</b>		<b>Plan Complies (Y/N/NA)</b>
a.	A minimum 15-foot-wide landscape planter, excluding curbing and sidewalk, is provided along all highways and arterial roadways. A minimum 10-foot-wide landscape planter is provided along all other road frontages where development is proposed.	
b.	A minimum 10-foot-wide landscape planter, excluding curbing, is provided where development is proposed adjacent to residentially zoned properties. Within this planter, screen trees from the Landscape Plant Materials List maintained by the Development Services Department are planted in combination with other plant materials to provide a dense visual screen.	
c.	Trees within required landscape planters are a minimum 15-gallon size and shrubs a minimum five-gallon size at time of planting and are planted in accordance with County standards. Selected trees are planted at an equivalent rate of one per 30 feet of frontage. Shrubs and/or vegetative groundcover are planted to achieve 50% ground coverage of the planter area within 5 years. All trees, shrubs and groundcover are from the Sutter County Preferred Landscape Plant Materials List maintained by the Development Services Department.	
d.	Trees and shrubs are planted so as to minimize impacts to sidewalks or individual driveways and away from leach lines as specified on the Landscape Plant Materials List maintained by the Development Services Department.	

**Table 1500-07-3: COMMERCIAL AND EMPLOYMENT DESIGN CHECKLIST**

<b>Y</b> Yes, Project Complies <b>N</b> No, Project Does Not Comply <b>NA</b> Criteria Not Applicable or Appropriate to Project	
e.	All landscaping is within planters separated from required parking and driveways with six-inch concrete curbing. No planter is smaller than 25 square feet, excluding curbing. Each planter includes an irrigation system.
f.	Not more than 25 percent of any planter or landscaped area is covered with hard surfaces such as gravel, landscaping rock, artificial turf, decorative concrete or other impervious materials. Bus shelters are excluded from this limitation.
g.	A minimum of 1 tree per 4 spaces within a planter adjacent to a double row or single row parking is provided. As an alternative, the applicant has provided a shading plan prepared by a certified landscape architect or arborist (applying commonly accepted methodology), that 50 percent shading of paved parking surfaces (stalls, aisles & maneuvering areas) will be achieved based upon the canopy spread of trees within 15 years of planting. All required parking lot shading trees have large canopies, produce low liter and are deep rooted.
h.	Landscape planter "islands" are provided within parking lots to meet the shading requirements and to break up large expanses of parking spaces. All landscape planter islands contain a tree, are planted with shrubs and ground cover, and are similar in size to the adjacent parking stalls.
i.	Deciduous trees are planted on the west and south sides of buildings where possible to help reduce cooling loads during summer months and permit solar gain during winter months.
j.	Landscaping and lighting plans have been coordinated to assure that vegetation growth will not interfere with intended illumination of security and parking lot lighting.
k.	All landscaped areas comply with the current Model Water Efficient Landscaping Ordinance prepared by the California Department of Water Resources (DWR), as required by the California Water Conservation in Landscaping Act (Government Code Section 65591 et seq.). If conflicts occur between the Model Water Efficient Landscaping Ordinance and this Zoning Code or other County regulations, the more restrictive shall apply.
l.	Pervious paved surfaces, vegetative groundcover, natural bio-swales, and other practices may be incorporated where possible to increase filtration and reduce project run-off.
m.	Conditions are incorporated satisfactory to the County to ensure that all landscaping will be installed consistent with approved plans and specifications, in a manner designed to promote and maintain healthy plant growth. Landscaping shall be deemed to have met this requirement upon the following: <ul style="list-style-type: none"> <li>i. All of the required landscaping is installed in conformance with the requirements and standards; or</li> <li>ii. An agreement is on file with the County which may include a financial deposit which guarantees that the required landscaping shall be installed within a reasonable period of time after issuance of a temporary certificate of occupancy. At such time as the landscaping is completed a final certificate of occupancy may be issued.</li> </ul>
n.	Conditions are incorporated satisfactory to the County to ensure that: (1) trees will be maintained in good growing condition by property owners and shall be free from physical damage or injury arising from lack of water, chemical damage, insects, and diseases; (2) trees showing such damage will be replaced by the same species or similar tree from the Landscape Plant Materials List maintained by the Development Services Department; and (3) planting areas will be kept free from weeds, debris, and undesirable materials which may be detrimental to safety, drainage, or appearance.
o.	Conditions are incorporated satisfactory to the County to ensure that trees, shrubs, hedges, and other plant materials will be maintained so as not to create a sight hazard from driveways and corners as determined by the Development Services Department. Within 15 feet of any driveway opening, all mature trees shall have a 6-foot foliage clearance and other plant materials will not exceed 30 inches in height.
<b>3.</b>	<b>Vehicular Circulation and Parking</b>
a.	Parking areas are generally located to the rear or side of the property rather than along street

**Plan Complies  
(Y/N/NA)**

**Table 1500-07-3: COMMERCIAL AND EMPLOYMENT DESIGN CHECKLIST**

**Y** Yes, Project Complies    **N** No, Project Does Not Comply    **NA** Criteria Not Applicable or Appropriate to Project

frontages in order to minimize visual impacts. When adjacent to a street frontage, parking areas are screened to the extent practical through the use of berms, low screen walls, and/or landscaping.	
b. Site design has been coordinated between adjacent projects to maximize opportunities for reciprocal access and parking between parcels thereby enhancing connectivity, minimizing driveway cuts along public streets, and maximizing the efficiency of parking areas.	
c. Internal vehicular circulation is designed to promote efficiency and convenience, and provides adequate areas for maneuvering, stacking, loading, truck staging, and emergency access.	
d. All loading areas are generally located to the sides or rear of buildings or other areas where they can be concealed by architectural features and/or landscaping.	
e. Driveways are minimized and located as far as possible from intersections. Sight distances are maximized at all intersections and driveways. All crossings, driveways, intersections and other transportation facilities (loading bays, bus turnouts, bike racks, loading zones, etc.) are located and designed so that easy access is provided with a minimum of conflicts with other uses.	
f. Where a transit stop exists or is planned adjacent to the project, connections are provided from the transit stop to the place of business.	
g. Required public and employee parking spaces, accessways, and display areas are paved in accordance with the improvement standards of Zoning Code Section 1500-20-080. Storage or parking areas that are separated from required parking areas, gated, and adequately screened may be gravel surfaced in accordance with Zoning Code Section 1500-20-080.	
h. Drive-through stacking lanes are located to not overflow onto a public street or major internal aisle. A minimum stacking distance of 8 cars or 160 feet is provided for drive-throughs for eating and drinking establishments, and a minimum stacking distance of 4 cars or 80 feet for other uses with a drive-through.	
i. The project is in compliance with all other requirements of Article 20 (Parking and Loading).	
<b>4. Pedestrian and Bicycle Facilities</b>	<b>Plan Complies (Y/N/NA)</b>
a. Facilities for pedestrian and bicycle circulation are physically separated from vehicular circulation to the extent feasible. Primary pedestrian routes and access points are specially treated and include shade trees, adequate lighting, paving, and/or other elements that distinguishes pedestrian from automobile areas.	
b. Pedestrian crossings of vehicular routes are emphasized with a change in grade, materials, textures, colors and/or other elements to improve visibility and safety.	
c. Bicycle racks and lockers, where provided, are located near building entries in highly visible and well lighted areas.	
d. Pedestrian and bicycle access between adjacent projects and use is provided as appropriate.	
<b>5. Walls</b>	<b>Plan Complies (Y/N/NA)</b>
a. Walls that are either proposed by the applicant or that are required (i.e. for screening purposes, to attenuate noise impacts, etc.) along highways and arterial roadways are solid, located outside of any required landscape planter, and are constructed of either decorative masonry block (i.e. split face block, masonry block with stucco coat), or solid wood frame with stucco coat that complements the design of the building(s).	
b. If a wall is required due to noise impacts, it has been clearly demonstrated that the proposed materials and construction will adequately attenuate noise to acceptable levels.	
c. Changes in wall planes, materials, and surface textures as well as the placement of pilasters, trim caps, landscape massing's, vines and similar elements are incorporated as appropriate to break up long sections of walls along highways and arterial roadways.	
d. Projects that abut residentially zoned parcels include a minimum 6-foot-high solid wall (i.e.	

**Table 1500-07-3: COMMERCIAL AND EMPLOYMENT DESIGN CHECKLIST**

**Y** Yes, Project Complies    **N** No, Project Does Not Comply    **NA** Criteria Not Applicable or Appropriate to Project

decorative masonry block such as split face or masonry block with stucco coat, solid wood frame with stucco coat, or similar alternative as approved by the Director) along the shared property boundary. The height of the wall may be reduced to a minimum of 4.5 feet high along a shared property boundary that abuts a parking area.	
e. Wall openings are provided as appropriate to allow pedestrian and bicycle access between uses.	
<b>6. Lighting</b>	<b>Plan Complies (Y/N/NA)</b>
a. Parking lot lighting does not exceed 20 feet in total height (25 feet for General Truck Yards), is oriented and shielded to direct the light downward onto the subject property and not spill onto adjacent properties or road rights-of-way. Lower lighting standards may be required adjacent to single-family development in order to minimize light spillage.	
b. Full cutoff lighting fixtures, diffusers and other “dark-sky” and low glare technologies are used to reduce light pollution and glare.	
c. Energy efficient lighting fixtures, sources and practices are incorporated as appropriate.	
d. Conditions are incorporated satisfactory to the County to ensure that, prior to issuance of a building permit, a point-by-point exterior lighting (photometric) plan will be submitted which demonstrates compliance with the following illumination requirements: <ul style="list-style-type: none"> <li>i. Parking lots, driveways and trash enclosures are illuminated with a minimum maintained 1 foot-candle of light, a uniform ration (maximum to minimum) of 4:1, and an average not to exceed 4 foot-candles of light.</li> <li>ii. Pedestrian walkways are illuminated with a minimum maintained 0.5 foot-candle of light and an average not to exceed 2 foot-candles of light.</li> <li>iii. Exterior doors are illuminated with a minimum maintained 1 foot-candle of light, measured within a five-foot radius on each side of the door at ground level.</li> </ul>	
<b>7. Signs</b>	<b>Plan Complies (Y/N/NA)</b>
a. The design of signs integrates with the architectural style, materials, and other design features of the building(s) or complex they identify.	
b. Sign design within defined centers and complexes is coordinated and complementary.	
c. All signage complies with the requirements of Article 21 (Signs).	
<b>8. Screening</b>	<b>Plan Complies (Y/N/NA)</b>
a. To the extent possible, outdoor storage areas are located behind buildings and to the rear of the property.	
b. Storage areas are screened with solid fencing with moderate to fast growing screening trees, shrubs and/or vines selected from the Preferred Landscape Plant Materials List (maintained by the Development Services Department) provided on all sides of the designated storage area to create a dense visual screen. A landscape plan to provide for screening of these areas has been provided to the Planning Division for review and approval.	
c. The 15-foot or 10-foot wide required landscape planter referenced in 2(a), if used for screening of outdoor storage areas on one or more sides, provides solid fencing adjacent to the planter and the planting of trees and/or shrubs within the planter area is sufficiently supplemented to provide a dense visual screen of the storage area.	
<b>9. Natural Features</b>	<b>Plan Complies (Y/N/NA)</b>
a. Existing significant natural features such as mature trees (6-inches in diameter or greater at breast height), other native vegetation, natural ground forms, rock outcroppings, water	

**Table 1500-07-3: COMMERCIAL AND EMPLOYMENT DESIGN CHECKLIST**

**Y** Yes, Project Complies    **N** No, Project Does Not Comply    **NA** Criteria Not Applicable or Appropriate to Project

features, drainage courses, and scenic views are retained to the extent practical.	
<b>10. Highway 20 Supplemental Design Requirements</b>	<b>Plan Complies (Y/N/NA)</b>
a. A minimum 30-foot-wide landscape planter, excluding curbing and sidewalk, is provided on all Highway 20 frontages. Lower growing trees and shrubs are used within the required landscape planter to maintain views of the Sutter Buttes.	
b. When viewed from Highway 20, the heights of buildings, structures and other constructed elements do not obstruct views to the ridgeline of the Sutter Buttes, defined as the areas above the 1,200-foot elevations line. Minor exceptions may be permitted for towers, spires, domes, cupolas, and other limited architectural features; as well as water tanks, silos, granaries, cooling towers, and similar structures necessary to perform the intended function of the use, provided such features and structures do not substantively impact views of the Buttes and are in compliance with the building height standards for the applicable zoning district.	
c. Visual “corridors” are provided between adjacent on-site and off-site structures and landscaping to maintain views of the Sutter Buttes.	

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# Article 8

## Overlay and Combining Districts

### CHAPTER 1500-08

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#### Sections:

- 1500-08-010: Purpose**
  - 1500-08-020: Sutter Buttes Overlay District**
  - 1500-08-030: Commercial Recreation Overlay District**
  - 1500-08-040: Agricultural Combining District**
  - 1500-08-050: Historic Preservation Combining District**
  - 1500-08-060: Planned Development Combining District**
- 

#### **1500-08-010 Purpose**

Overlay and combining districts are added to a base zoning district to supplement regulations or allow for variations to standard provisions in order to address specific issues or concerns such as resource preservation, historic buildings, or unique development opportunities. Allowed uses, development standards and other requirements of the base zoning district still apply, except as otherwise modified by the applicable overlay or combining district. In some cases, a property may have more than one overlay or combining district in addition to its base zoning district. Where the requirements of two or more overlay or combining districts conflict, the Director shall determine the appropriate requirements. Each overlay district shall be shown on the Zoning Map with a hatched pattern imposed over the base districts. Each combining district shall be shown on the Zoning Map following the base zoning district designation.

#### **1500-08-020 Sutter Buttes Overlay District**

##### **A. Purpose**

The Sutter Buttes Overlay District (SB) is intended to preserve the cultural, historic, geologic, and visual values of the Sutter Buttes which contribute to the overall image of Sutter County. Referred to as “the smallest mountain range in the world,” the Sutter Buttes rise to over 2,100 feet above sea level and provide the only geographic relief in the otherwise level Sacramento Valley, and are considered by the Maidu people as the spiritual center from which life originated. Structures within the SB Overlay District that are visible from public roads or adjacent residences are subject to specified performance standards addressing siting and design. The SB Overlay District is combined with the AG zoning district and applied to the area defined as the Sutter Buttes.

##### **B. Applicability**

The regulations in this Section apply to the building of any structure within the SB Overlay District for which a building permit is required. Exceptions include:

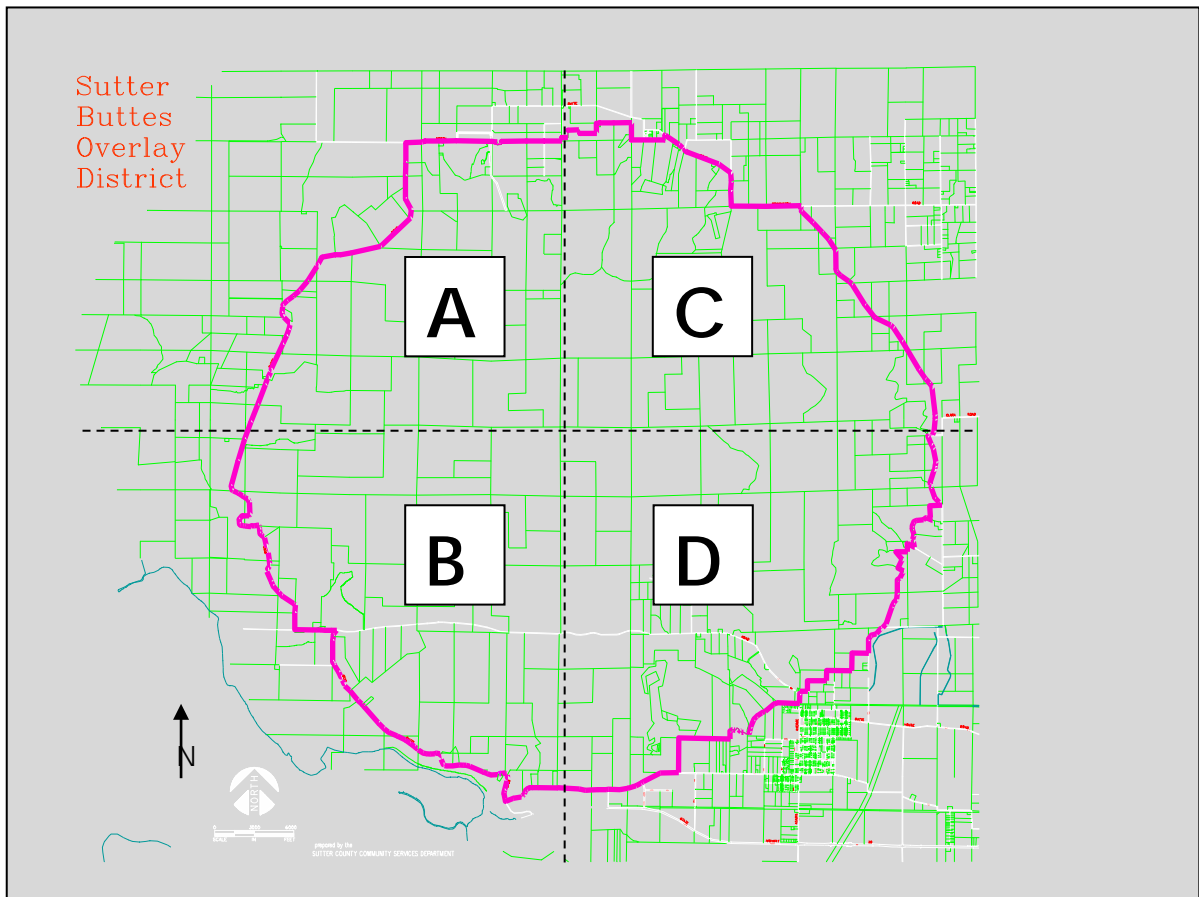
1. Expansions, replacements, or modifications to existing agricultural buildings and other existing structures, such as the cross on the north side of Pass Road, provided that such modifications do not increase the existing height of these buildings and other structures.

- 2. Expansions, replacements, or modifications to existing residences provided that such modifications do not increase the existing building height of the residence.
- 3. Buildings and structures within the FPARC District (Section 1500-09-020).
- 4. Ground-mount or roof-mounted solar energy systems.

**C. District Specific Definitions**

- 1. **Sutter Buttes.** For purposes of this section, the “Sutter Buttes” means any point within the area shown on Figure 1500-08-1, Sutter Buttes Sectional District Map, adopted by the Board of Supervisors.

**Figure 1500-08-1: Map of Sutter Buttes Overlay District**



2. **Ridgeline.** For the purposes of this section, a ridgeline is the crest of a ridge formed by hillsides, otherwise referred to as the drainage divide.
3. **Hillside.** For the purposes of this section, a hillside is any area either between a ridgeline and a valley floor or between ridgelines. The line of demarcation between the valley floor and a hillside is the edge of the alluvial fan.
4. **Valley Floor.** For the purposes of this section, the valley floor consists of nearly level to gently sloping areas on alluvial fans.

**D. Performance Standards.**

The performance standards in this section apply to all structures constructed within the established boundary of the Sutter Buttes as defined in Section 1500-08-020 C above. For areas defined as Ridgelines, the performance standards apply to any portion of a structure which extends above the elevation of the nearest ridgeline as defined by this section. This section does not apply to structures that are not visible from public roads or from adjacent residences.

Site plans shall be to an engineer’s scale and shall include in reasonable detail the proposed structure location, topography, existing vegetation, any proposed landscaping, proposed driveway and parking layout, and proposed grading.

<b>Table 1500-08-1: PERFORMANCE STANDARDS – SUTTER BUTTES OVERLAY DISTRICT</b>			
<b>Performance Standards</b>	<b>Ridgelines</b>	<b>Hillsides</b>	<b>Valley Floor</b>
<b>R</b> Applies to Residences <b>W</b> Applies to Wireless Communication Facilities	<b>AG</b> Applies to Agricultural Buildings and Other Structures - Not Applicable		
1. <b>Landscape Plan.</b> A detailed landscape plan shall be submitted that must clearly demonstrate that the structure can be blended into the natural terrain.	R	–	-
2. <b>Natural Terrain.</b> Structures shall be designed to blend with the natural terrain to preserve the character and profile of the natural slope. Some techniques that may be utilized include split pads, stepped footings, and grade separations to permit structures to step-up the natural slope.	R, AG	R, AG	-
3. <b>Roof Pitch.</b> A majority of the roof area visible from public roads or adjacent residences shall be designed to conform to the angle of the slope. If the slope is less than 33.3%, the roof pitch will not be regulated by this section.	R	R	-
4. <b>Grading.</b> Structures shall be located and sited so as to minimize grading from common public viewing areas.	R, AG	R, AG	-
5. <b>Tree Removal.</b> Structures shall be located and sited so as to minimize tree removal and visibility from common public viewing areas.	R, AG	R, AG	R, AG
6. <b>Building Colors.</b> Colors of buildings shall be selected to blend with the natural colors and hues of the surrounding hillsides, such as off-white, browns, greens, or other earth tones.	R, AG	R, AG	R, AG
7. <b>Roof Materials and Colors.</b> Roof materials shall be of non-reflective, fire-retardant material. Roof colors should be of darker tones. Bright colors shall be avoided.	R, AG	R, AG	R, AG
8. <b>Road and Driveway Visibility.</b> New roads and driveways shall be sited to reduce visibility from public views by incorporating existing and/or proposed vegetation and	R, AG	R, AG	-

<b>Table 1500-08-1: PERFORMANCE STANDARDS – SUTTER BUTTES OVERLAY DISTRICT</b>			
<b>Performance Standards</b>	<b>Ridgelines</b>	<b>Hillside</b>	<b>Valley Floor</b>
<b>R</b> Applies to Residences <b>W</b> Applies to Wireless Communication Facilities		<b>AG</b> Applies to Agricultural Buildings and Other Structures - Not Applicable	
topography.			
9. <b>Road Grading.</b> Roads shall be designed to minimize grading, erosion, and scarring by siting roads to conform to natural topography and by incorporating proper erosion and drainage controls.	R, AG	R, AG	-
10. <b>Lighting.</b> All exterior lighting, except that designed for temporary emergency use, shall be shielded so as to direct lighting downward and to limit glare onto adjacent properties.	R, AG	R, AG	R, AG
11. <b>Cut-and-Fill Slopes and Landscaping.</b> All cut-and-fill slopes more than three feet in vertical elevation shall be landscaped. Proposed plants shall be selected from the Sutter County Design Guidelines' <i>Preferred Plant Materials List for the Sutter Buttes</i> . All landscaped areas shall be irrigated, until such time the proposed vegetation becomes established. Landscaped areas on cut-and-fill slopes shall be maintained.	R, AG	R, AG	-
12. <b>Fire Safety.</b> Notwithstanding provisions in this chapter for preserving, landscaping or screening with native trees and vegetation, building sites shall be maintained at all times for fire safety in accordance with the standards contained in Public Resources Code 4291.	R, AG	R, AG	R, AG
13. <b>Wireless Communication Facilities.</b> In addition to the development and siting standards required in Article 18 of the Zoning Code, wireless telecommunication facilities shall utilize camouflaging techniques to blend the tower and equipment into the natural setting of the Sutter Buttes.	W	W	W

**E. Review and Approval Process**

A Zoning Clearance shall be obtained prior to the issuance of a building permit for any structure in the Sutter Buttes that is subject to the Sutter Buttes Overlay District regulations. All Zoning Clearance applications shall include visual analysis documentation as required by the Director to determine compliance with the performance standards established in Section 1500-08-020 D. Such documentation shall include photographs, and one of the following: (1) sketches, (2) renderings, or (3) photo simulations. Before the issuance of a Zoning Clearance within the Sutter Buttes Overlay District, a Notice of Intent to approve shall be mailed or delivered at least 10 days prior to action on the application to the applicant, the property owner, the owners as shown on the most recent secured assessor's roll of property within 400 feet of the property involved in the application, and all other persons who have requested notice in accordance with Section 1500-23-060(B). Such other notice as the County deems appropriate may also be given. All Zoning Clearances shall be processed in accordance with Section 1500-25-030.

**1500-08-030 Commercial Recreation Overlay District**

**A. Purpose**

The Commercial Recreation Overlay District (CR) is intended to provide opportunities for limited intensity river focused commercial and recreational uses along and adjacent to the Sacramento, Feather, and Bear River corridors. All uses are to be compatible with, and minimize impacts upon, adjacent agricultural operations and natural resources. Areas within the river levees are the primary

locations for consideration of the CR Overlay District, however, adjacent areas outside the levees may also be considered when determined to be necessary for the proposed use. The CR Overlay District implements the General Plan Commercial Recreation Overlay (CR) land use designation, and may be combined with any base zoning district applied to that land use designation.

**B. Applicability**

The regulations in this Section apply to all uses within the CR Overlay District identified in Section 1500-08-030C (Table 1500-08-2).

**C. Allowed Use Types**

Table 1500-08-2 identifies the allowed use types for the CR Overlay District. These uses are in addition to those allowed by the base zoning district. Use types are defined in Article 3.

<b>Table 1500-08-2: ALLOWED USE TYPES – COMMERCIAL RECREATION OVERLAY DISTRICT</b>			
<b>Use Types</b>	<b>Process</b>	<b>Supplemental Regulations</b>	
<b>P</b> Permitted	<b>ZC</b> Zoning Clearance Required	<b>UP</b> Use Permit Required	- Not Permitted
<b>Agricultural Use Types</b>			
Agricultural Product Sales			
Wayside Stand	ZC	See Section 1500-08-030(D)(1) – Wayside Stands	
Commercial Stables			
Small	AP	See Section 1500-08-030(D)(2) – Commercial Stables	
Large	UP	See Section 1500-08-030(D)(2) – Commercial Stables	
Wineries, Breweries, Distilleries and Mills			
Small	AP	See Section 1500-08-030(D)(3) – Special Events	
Large	UP	See Section 1500-08-030(D)(3) – Special Events	
<b>Open Space and Recreational Use Types</b>			
Campgrounds and Recreational Vehicle Parks	UP		
Camps and Retreats	UP		
Golf Courses and Country Clubs	UP		
Marinas and Boat Launching			
Boat Launching	P		
Marinas	UP		
Parks and Recreation	AP		
Resource Related Recreation	AP		
<b>Assembly and Educational Use Types</b>			
Community Assembly and Cultural Facilities, River Related	UP	See Section 1500-08-030(D)(4) – Community Assembly and Cultural Facilities, River Related	
Special Event Facilities			
Small	AP	See Section 1500-08-030(D)(3) – Special Events	
Large	UP	See Section 1500-08-030(D)(3) – Special Events	
<b>Commercial Use Types</b>			
Eating and Drinking Establishments			
Bars and Drinking Places	UP		

**Table 1500-08-2: ALLOWED USE TYPES – COMMERCIAL RECREATION OVERLAY DISTRICT**

Use Types	Process	Supplemental Regulations
<b>P</b> Permitted	<b>ZC</b> Zoning Clearance Required	<b>UP</b> Use Permit Required - Not Permitted
Restaurant, Full Service	UP	
Lodging		
Bed and Breakfast Inn	UP	
Hotels and Motels	UP	
Retail Sales		
River Related	UP	See Section 1500-08-030(D)(5) – Retail Sales, River Related
Vehicle and Equipment Sales and Services		
Vehicle Rentals, River Related	UP	See Section 1500-08-030(D)(6) – Vehicle Rentals, River Related

#### D. Supplemental Regulations

##### 1. Wayside Stands.

- a. One Wayside Stand shall be permitted per parcel.
- b. A Wayside Stand shall not exceed 600 square feet of floor area, and may include up to 50 square feet of floor area for the sale of prepackaged food and/or drinks.
- c. Adequate provision shall be made for off-street parking and safe ingress and egress to the adjacent street.
- d. Parking spaces for Wayside Stands need not be paved or striped, but shall be improved in accordance with the surfacing requirements for parking within the AG zone.
- e. All structures and off-street parking shall not be located in any required front or side yard setback.

##### 2. Commercial Stables.

- a. Storage of manure, silage and animal matter shall occur in a manner which minimizes odors and vector nuisances to the greatest extent practicable, based on current industry practices.
- b. Incorporate measures to protect pollutants from entering into creeks, streams, drainage ditches or groundwater supplies.
- c. Incorporate measures to control odor, dust, noise, and waste disposal so as not to constitute a nuisance or a hazard.

3. **Special Events.** Special events such as weddings, dances, assemblies, picnics, dinners, craft fairs, and similar events are allowed at Wineries, Breweries, Distilleries and Mills and at Special Event Facilities use types. These use types require approval of either a Use Permit or Administrative Permit as indicated on Table 1500-08-2. The permit shall specify the frequency of allowed events, hours of operations, maximum number of permitted guests, and any other conditions of approval deemed necessary by the approving authority.

4. **Community Assembly and Cultural Facilities, River Related.** Limited to river related, natural history museums or interpretive centers only.

5. **Retail Sales, River Related.** Limited to bait and tackle shops, bicycle rental, camping supplies, canoe/kayak outfitters, accessory galleries, general stores, rafting outfitters, specialty shops and other similar uses directly serving river related recreational users.

6. **Vehicle Rentals, River Related.** Limited to boat and recreational vehicle rentals only.

#### E. Performance Standards

The performance standards in this section apply to all uses within the CR Overlay District identified in Section 1500-08-030 C (Table 1500-08-2) above. The intent is to ensure visual and operational compatibility of the uses and associated development with the character of the surrounding area, in particular adjacent agricultural operations and natural resources:

1. **Significant Effects.** Projects shall be determined to have no significant adverse effects, or shall mitigate such effects, upon adjacent agricultural operations, rural uses, and natural resources.
2. **Existing Trees and Resources.** Existing trees, vegetation, and other natural resources shall be maintained to the extent feasible.
3. **Floodway.** No permanent structures shall be allowed on or within the levee or any designated floodway, unless required flood protection measures have been incorporated into construction.
4. **Flood Protection.** Projects shall demonstrate compliance with all flood protection requirements.
5. **River Views and Access.** Projects shall be designed to maximize views and public access to the adjacent river corridors and associated resources to the extent feasible.
6. **Building Colors and Design.** Building colors, textures, scale, massing, architectural style and materials shall be selected to be compatible with the surrounding environment.
7. **Roof Materials and Colors.** Roof materials shall be of non-reflective, fire-retardant material. Roof colors should be of darker tones. Bright colors shall be avoided.
8. **Roads, Parking and Service Areas.** New roads, driveways, parking lots, utilities, trash enclosures and service areas shall be sited, screened, and landscaped to reduce visibility from adjacent roadways, properties, and river(s).
9. **Grading.** Final grading contours shall generally reflect existing landforms and be compatible with existing grades on adjoining properties.
10. **Native Landscaping.** Native and drought tolerant plant materials, including native tree species, shall be incorporated into project landscaping.
11. **Lighting.** All exterior lighting, except that designed for temporary emergency use, shall be shielded so as to direct lighting downward, limit spillage and glare onto adjacent properties, and protect the rural night sky.
12. **Services and Infrastructure.** Projects shall be determined to have adequate services and infrastructure (either community or individual water and wastewater systems) to support the proposed uses.

#### F. Review and Approval Process

A Zoning Clearance, Administrative Permit, or Use Permit shall be obtained for all uses as identified in Section 1500-08-030 C (Table 1500-08-2). In addition, concurrent Design Review shall be required for all uses to ensure high quality design as well as visual and operational compatibility with the surrounding uses and character of the area. All required permit applications shall be accompanied by documentation as required by the Director to determine compliance with the performance standards established in Section 1500-08-030 E. Such documentation shall include analysis of potential impacts to agricultural operations in the project's vicinity, mitigation of environmental impacts, and availability of adequate infrastructure and services to support the proposed uses. All Zoning Clearances, Use Permits and Design Review shall be processed in accordance with Article 25.

**1500-08-040 Agricultural Combining District**

**A. Purpose**

The Agricultural Combining District (-A) is intended to provide for agricultural related and other additional uses common to lower density residential areas located in the rural portions of Sutter County. The –A Combining District may be applied with the Single-Family Residential (R-1) zoning district.

**B. Applicability**

The regulations in this Section apply to all uses within the –A Combining District identified in Section 1500-08-040 C (Table1500-08-3).

**C. Allowed Use Types**

Table 1500-08-3 identifies the allowed use types for the –A Combining District. These uses are in addition to those allowed by the base zoning district. Use types are defined in Article 3.

<b>Table 1500-08-3: ALLOWED USE TYPES – AGRICULTURAL COMBINING DISTRICT</b>			
<b>Use Types</b>		<b>Process</b>	<b>Supplemental Regulations</b>
<b>P Permitted</b>	<b>ZC Zoning Clearance Required</b>		<b>UP Use Permit Required - Not Permitted</b>
Agricultural Product Sales		P	Limited to products produced on site, with no commercial structure for such purpose, other than a temporary wayside stand, permitted
Animal husbandry including large animals such as cattle, horses and hogs		P	Only on lots not less than 10,000 square feet in area, maximum density of two large animals per 10,000 square feet of lot area <sup>1</sup>
Nursery, Retail		UP	Limited to retail sales of products grown on premises, only on lots not less than 20,000 square feet in area

1. The keeping of animals is subject to all Environmental Health Program requirements, as well as compliance with all of the following maintenance and operational standards:
  - a. Odor and Vector Control – All outdoor animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of fecal matter, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Each property shall be maintained in a sanitary manner.
  - b. Containment – All animals shall be effectively contained on the property, and shall not be allowed to run free on any parcel in a separate ownership or in a public right-of-way.

**1500-08-050 Historic Preservation Combining District****A. Purpose**

The Historic Preservation Combining District (-HP) is intended to implement the Cultural Resource policies of the General Plan; to promote the preservation, rehabilitation, restoration, reconstruction, and protection of historic and cultural resources; to encourage and promote public knowledge, understanding, appreciation of the County's history; to promote appreciation and use of historic resources; to encourage preservation of resources, which may potentially be considered eligible for historic preservation zoning; to promote public awareness of the benefits of preservation; and to encourage public participation in identifying and preserving historic resources, thereby increasing community pride and awareness of the County's cultural and historical heritage.

**B. District Specific Definitions**

For the purposes of this section, the following definitions apply:

1. **Historic Building or Structure.** A building or structure that is located on property that has been recognized by the Board of Supervisors by being rezoned to the -HP Combining District.
2. **Qualified Historical Property.**
  - a. A property listed in the National Register of Historic Places or located in a registered historic district, as defined in Section 1.191-2(b) of Title 26 of the Code of Federal Regulations; or
  - b. A property listed in any state, city, county, or city and county official register of historical or architecturally significant sites, places, or landmarks.
3. **Qualified Professional.** An individual meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61 Appendix A) in history, architectural history, and historic architecture or an individual determined by the Director to have the necessary qualifications equivalent to the above standards based on demonstrated experience in history, architectural history, and historic architecture.

**C. Establishment of Historic Preservation Designation**

The -HP Combining District may be combined with any other zoning district and can be applied to land to satisfy the purposes of this Section pursuant to approval of a rezoning application. Requests to establish a -HP Combining District designation on a property shall be accomplished by submitting a rezone application to the Planning Division together with the following information:

1. Property owner(s) proposing to designate a property Historic Preservation but who do not wish to participate in the Mills Act shall submit the following information together with a rezone application to the Planning Division:
  - a. A statement of the current and proposed usage of the property or site.
  - b. A site plan, drawn to an engineer's scale, showing:
    - i. The boundaries of the property; and
    - ii. The location of all improvements on the site.
  - c. A statement explaining why the property should be designated for historic preservation and how it is intended to preserve the building or site.
  - d. Photograph(s) depicting the historic building or structure.
  - e. Application shall be accompanied by a fee as established by resolution of the Board of Supervisors.

2. Following the submittal of an application to rezone property to the –HP Combining District, the proposal shall be forwarded to the Historic Preservation Review Committee for review, consistent with Article 23, to determine if the historic resource is a candidate for the –HP Combining District designation and what character defining features exist on the structure that should be preserved.
3. Property owner(s) proposing to designate a property -HP Combining District and who propose to participate in the Mills Act shall submit the following information together with a rezone application to the Planning Division:
  - a. A statement of the current and proposed usage of the property or site.
  - b. A site plan, drawn to an engineer’s scale, showing:
    - i. The boundaries of the property; and
    - ii. The location of all improvements on the site.
  - c. A report, prepared by a qualified professional, detailing the cultural, architectural or historical significance of the site to the history of Sutter County. If the subject property is listed in the National Register of Historic Places or listed in any state official register of historical or architecturally significant sites, places or landmarks, information regarding such registration shall be submitted together with the report.
  - d. A plan for preservation of the site including a schedule of maintenance work to be conducted. If there is a plan for restoration or rehabilitation, cost estimates and a time-line for the completion of each item of work shall be included. All work must conform to the United States Secretary of the Interior’s Standards for Rehabilitation and the State Historical Building Code.
  - e. Photograph(s) depicting the historic building or structure.
  - f. Application shall be accompanied by a fee as established by resolution of the Board of Supervisors.
4. In order to qualify for a Mills Act contract, the subject property shall meet the definition of a qualified historical property and shall conform to the County’s Mills Act Historic Resource Preservation Rules of Procedure. Property that is rezoned to the -HP Combining District is considered to have met the definition of a qualified historic property.

Rezone applications shall be processed in accordance with Section 1500-25-070.

#### **D. Disestablishment of a Historic Preservation Combining District**

1. If the subject property is encumbered by a Mills Act Contract, the property owner shall first either obtain a cancellation of the contract by approval of the Board of Supervisors and pay a penalty fee as required by the Government Code, or shall file a Notice of Non-renewal and the contract shall have expired before an application to rezone the property from the -HP Combining District can be submitted to the Planning Division.
2. Requests to rezone property from the -HP Combining District designation shall be accomplished by submitting a rezone application to the Planning Division along with the following items:
  - a. A statement of the current and proposed usage of the property or site.
  - b. A site plan, drawn to an engineer’s scale, showing:
    - i. The boundaries of the property; and
    - ii. The location of all improvements on the site.
  - c. A report prepared by a qualified professional, detailing why the site, building or structure is not or is no longer of cultural or historical significance to the history of Sutter County.
  - d. Photograph(s) depicting the historic building or structure.

- e. Application shall be accompanied by a fee as established by resolution of the Board of Supervisors.

Rezone application shall be processed in accordance with Section 1500-25-070.

#### **E. Development Standards**

1. All uses and development standards which are permitted and applicable in the base district to which the -HP Combining District is applied, including uses which are only allowed by Use Permit, shall be permitted providing it is demonstrated that those uses do not adversely affect the historic or cultural site or building involved.
2. Towers, spires, chimneys, machinery penthouses, cupolas, water tanks, and similar architectural structures may be built and used to a height not more than twenty-five (25) feet above the height limit established for the district in which the historic building or structure is located, provided, however, photographs or other documentation, acceptable to the Director, is submitted demonstrating that the architectural feature or structure in question was originally a part of the historic building or structure. The above height limitations shall be subject to laws and regulations of the State and Federal Government.

#### **F. Historic Preservation Incentive Program**

The Board of Supervisors may provide incentives to properties designated -HP Combining District. The incentives shall be identified, and made available through a resolution approved by the Board of Supervisors and modified from time to time as the Board deems appropriate.

#### **G. Removal and Relocation Permitting Requirements**

1. A Removal and Relocation permit shall be approved prior to the removal of a historic building or structure on property which is designated -HP Combining District, together with an appropriate environmental document by the Planning Commission.
2. A property owner shall first rezone the property where the historic building will be relocated to the -HP Combining District, prior to relocating a historic building located on land designated Historic Preservation . In addition, the property owner shall secure all required permits necessary to transport the building on local roads and State Highways.
3. At the time the County considers rezoning a property to the -HP Combining District for the purposes of relocating a historic building to it, the Board of Supervisors may consider removing the Historic Preservation designation from the property where the historic building will be relocated from. This action may be accomplished by filing a single rezone application to the Planning Division that includes both properties that are to be considered.

#### **H. Historic Preservation Design Review Requirements**

##### **1. Applicability**

Exterior modifications that require a building permit to a recognized historic building within the -HP Combining District shall be subject to an Administrative Permit design review. Applications for Administrative Permit design reviews shall be accompanied by a fee as established by resolution of the Board of Supervisors.

##### **2. Administrative Permit Process**

Applicants requesting a building permit on property that is designated -HP Combining District shall provide elevation views for all portions of the recognized historic structure that is subject to alteration. The views shall clearly depict all proposed changes to the exterior of the historic building or structure.

Staff shall review the proposed alterations to a historic building or structure against the report prepared by a qualified professional at the time the historic building was rezoned to the -HP Combining District. In addition, the proposed alterations shall be reviewed against the Secretary of the Interior's Standards for the Rehabilitation of Historic buildings. Implementation of the Secretary of the Interior's Standards for the Rehabilitation of historic buildings shall not conflict with the permitted uses specified in the underlying zoning of the property. If architectural features identified as historically significant are proposed to be altered, all proposed changes shall maintain the character defining features as discussed or depicted in the report that has been previously prepared for the historic structure.

If after reviewing a proposal, staff determines that proposed changes to a historic building or structure, located on property that is zoned -HP Combining District, will maintain the character defining features of the historic building or structure, the Director, or their designee, may approve or conditionally approve an Administrative Permit for the proposal.

If after reviewing a proposal, staff determines that proposed changes to a historic building or structure may not maintain the character defining features of the historic building or structure, the proposal shall be forwarded to the Historic Preservation Review Committee for review and determination.

#### **I. Historic Preservation Review Committee**

The Historic Preservation Review Committee shall consist of three persons, appointed by and serve at the pleasure of the Board of Supervisors. In addition, three alternate Committee members shall be appointed by the Board of Supervisors and serve in the absence of a regular Committee member. Committee members shall have knowledge of architecture, historic preservation, history or a combination of knowledge determined by the Board of Supervisors as acceptable for providing recommendations regarding historic preservation issues. A quorum shall consist of three Committee members being present. This Committee is subject to the Brown Act.

##### **1. Committee Action Regarding Historic Structure Modifications**

If a quorum of Committee or alternate Committee members cannot be convened within a two week period from the time a meeting is determined to be necessary, the Director may convene the meeting with those available Committee members. After reviewing the information and receiving input from the Committee members present, the Director shall determine proposed actions the applicant can take in order to maintain the character defining features of a historic structure consistent with the County's historic structure database and may approve or conditionally approve an Administrative Permit for the proposal.

The Committee shall meet as necessary to review and provide determinations to applicants and staff regarding proposed changes to historic structures.

All pertinent information deemed necessary by the Director, or their designee, shall be supplied by the building permit applicant and forwarded to the Committee members by staff for review prior to Committee meetings.

The Committee shall review and discuss with the applicant and staff the issues associated with modifying a recognized historic structure. The Committee shall determine proposed actions the applicant can take in order to maintain the character defining features of a historic structure consistent with the County's historic structure database.

All determinations made by the Committee shall be transmitted to the property owner in writing. Any determination made by the Historic Preservation Review Committee, or the Director shall be subject to appeal to the Board of Supervisors pursuant to Section 1500-23-080.

## 2. **Committee Action for Application to the Historic Preservation Combining District**

Prior to the submittal of an application to rezone property to the -HP Combining District by applicants who do not wish to participate in the Mills Act, the proposal shall first be reviewed by the Historic Preservation Review Committee and a report shall be prepared by the Planning Division based upon the Committee's determinations.

The Committee shall meet as necessary to review and provide determinations detailing why a potential historic building or structure is a candidate for the Historic Preservation Combining District designation and what the character defining features are of the historic building or structure that should be preserved.

A quorum of the Committee shall consist of three members being present and all Committee determinations shall be made by at least two of three Committee members.

Based upon the Committee's determination regarding why a historic resource is a candidate for the -HP Combining District designation and what the character defining features are of the building that should be preserved, Planning Division staff shall prepare a report of this information.

The report shall be transmitted to the property owner in writing within 20 days of the date the Committee makes its determinations. Any determination made by the Historic Preservation Review Committee shall be subject to appeal to the Board of Supervisors pursuant to Section 1500-23-080.

## J. **Historic Identification Plaques**

Regardless of any other provision of this Section to the contrary, non-illuminated historic identification plaques as approved by the Board of Supervisors are permitted to be installed on structures located on property that have been zoned to have the -HP Combining District. Such plaques shall not exceed two square feet in size.

## 1500-08-060 **Planned Development Combining District**

### A. **Purpose**

The Planned Development Combining District (-PD) is intended to encourage creative, diverse and efficient approaches to land use and development that are not readily accommodated by base zoning districts. The -PD Combining District enhances flexibility to customize allowed uses and associated development standards to reflect unique site conditions and project development objectives, economic development and housing diversification, efficient provision of infrastructure and services, protection of agricultural and natural resources, compatibility with adjacent uses, and compliance with General Plan policies. The -PD Combining District may implement any General Plan land use designation, and may be combined with any base zoning district.

### B. **Applicability**

The regulations in this Section apply to all -PD Combining Districts, and may be applied to parcels of any size that are deemed suitable by the Board of Supervisors for proposed development. Adoption of a -PD Combining District shall be accompanied by a Development Plan, and shall be noted on the Zoning Map followed by the ordinance number adopting the district

### C. **Allowed Use Types**

All use types that are permitted or require conditional approval of a Zoning Clearance, Administrative Permit or Use Permit by the base zoning district(s) may be permitted by a -PD Combining District. In

establishing the District, the Board of Supervisors may: delete a permitted or conditionally permitted use type, may designate a conditional use type as permitted, or may require conditional approval for permitted use types.

**D. Development Standards**

In order to allow maximum flexibility in designing a project compatible with the purpose of this section, the Board of Supervisors may, in establishing a –PD Combining District, modify the following development standards:

- 1. Minimum lot size, depth and width
- 2. Minimum setbacks and yards
- 3. Maximum lot coverage
- 4. Maximum building and structure heights
- 5. Maximum wall and fence heights
- 6. Minimum landscaping requirements
- 7. Minimum off-street parking ratios
- 8. Sign standards
- 9. Other standards as determined by the Board of Supervisors.

If a development standard is not specifically addressed in the -PD Combining District, it shall be governed by the requirements of the base zoning district.

**E. Development Plan**

Adoption of a –PD Combining District shall be processed as a Rezone in accordance with Section 1500-25-070, and shall be accompanied by a Development Plan establishing the zoning requirements for all properties within the proposed District. The Development Plan shall be in addition to other concurrent or future entitlements required for project approval as established in Article 25. The Development Plan shall include:

- 1. **Purpose.** A statement regarding the purpose of the zone, its intended use and design character, how it will meet the purpose of the -PD Combining District (1500-08-060 A), and how it will comply with the General Plan;
- 2. **Site Conditions.** Map(s) and accompanying studies depicting existing topography, existing on-site structures and natural features, mature trees, wetlands, other significant vegetation and drainage patterns, agricultural resources, and adjacent uses.
- 3. **Allowed Uses.** A list of proposed use types, and their location on the property.
- 4. **Development Standards.** A list of development standards for main and accessory buildings, including: setbacks and yards, coverage, density and/or intensity, building and structure height, wall and fence height, landscaping, off-street parking, and signs;
- 5. **Design Requirements.** Graphic and written materials depicting conceptual site layout, architectural, landscaping, screening and other design provisions;
- 6. **Circulation Plan.** A map and narrative of the major circulation features within the site, including vehicular, bicycle, pedestrian, and transit facilities, as applicable;
- 7. **Infrastructure Plan.** A description of the infrastructure necessary to serve all properties within the -PD Combining District. If the area will not be adequately served by existing public infrastructure and facilities or through the adopted countywide impact fee program, the application

shall include a public facilities financing plan that identifies the needed public improvements and establishes a plan to pay for and develop the required improvements; and.

8. **Additional Information.** Other information deemed necessary by the Director.

The Director may waive any of the information required by this section provided sufficient regulation is specified in the Development Plan to accomplish the purpose set forth in this Section. All proposed entitlements, development, improvements and uses within a -PD Combining District shall comply with the approved Development Plan.

#### **F. Required Findings**

The Board of Supervisors may approve an application for a -PD Combining District rezoning with the accompanying Development Plan considering the recommendations of the Planning Commission and subject to the following findings:

1. The proposed -PD Combining District and Development Plan are consistent with the goals, policies, and programs of the General Plan and any applicable specific plan.
2. The size and shape of the proposed -PD Combining District and Development Plan are adequate to accommodate proposed use types.
3. The proposed -PD Combining District and Development Plan have adequate existing or planned and funded access, infrastructure and utilities to accommodate the proposed use types.
4. The proposed -PD Combining District and Development Plan will not have a substantial adverse effect on surrounding property and will be compatible with the existing and planned land use character of the surrounding area.
5. The proposed -PD Combining District and Development Plan carry out the purpose of the Planned Development Combining Zoning District zone by providing for more creative, diverse and efficient approaches to land use and development.

#### **G. Approval by Ordinance**

If the Board of Supervisors approves the establishment of a -PD Combining Zone, it shall do so by adoption of an ordinance including reference to the Development Plan. The ordinance shall also include any other provisions that the Board of Supervisors finds to be necessary to constitute the regulations for use, maintenance, and improvements in the -PD Combining District.

#### **H. Amendments to Development Plans**

Amendments to or adoption of a new Development Plan may be made by the submission of a Development Plan pursuant to this section to the Planning Commission and shall be approved as specified in Article 23. If the proposed amendment is determined to be minor in nature, consistent with the character of the existing Development Plan and not a significant increase in intensity of the use of the site (e.g. expansion of the approved Development Plan with a less than 20 percent increase in floor area or parking demand), the amendment may be reviewed and approved with conditions, or denied by the Director through an Administrative Permit.

#### **I. Expiration of Development Plan:**

1. If construction of the project or use of the land as approved in the Development Plan, or the amended Development Plan, has not commenced within five years after the adoption of the Development Plan, or as otherwise provided in the Development Plan, the Development Plan shall expire and be null and void without further action of the County. Prior to expiration of a Development Plan, the property owner may request an extension of the initial time period for up to an additional five years. Such an extension may be made at the discretion of the Director, based upon a determination that no substantial changes have occurred since the original approval that would change the basis of the approval or associated project conditions.

Where a use, or a portion of a use, allowed by a Development Plan has been abandoned or discontinued for a period of six (6) months or more, then, without further action of the County, the use, or the portion of the use, which has been abandoned or discontinued shall expire and be null and void. The property owner may request reinstatement of the abandoned or discontinued use which shall be at the discretion of the Director to determine the appropriateness of such reinstatement. The Director may reinstate the use subject to the previously approved standards and conditions or direct the property owner to apply for an amendment to the development plan as provided for in Section 1500-08-060(H).

# Article 9

## Special Purpose Districts

### CHAPTER 1500-09

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#### Sections:

**1501-09-010: Purpose**

**1501-09-020: Food Processing, Agricultural and Recreation Combining District**

**1501-09-030: Sutter Pointe Specific Plan**

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#### **1500-09-010 Purpose**

The Special Purpose Districts are applied to defined geographic areas of Sutter County where unique regulations have been established to address specific development objectives.

#### **1500-09-020 Food Processing, Agricultural and Recreation Combining District**

##### **A. Purpose and Intent**

1. The FPARC District is established to implement the goals and policies of the General Plan Amendment adopted concurrently herewith and is to be applied to those lands within the County of Sutter as described on the map below.
2. This FPARC District provides an area where food processing and associated industries, together with appurtenant functions thereof, may locate outside the urban centers, and in close proximity to recreation and open space areas in a manner which minimizes adverse environmental impacts and protects and enhances agricultural productivity.
3. The following use specific regulations as set forth in Articles 10 through 16, inclusive, shall apply in the FPARC District.

##### **B. Uses Permitted**

1. Food and fiber processing plants and facilities, including food canneries, dehydrators, hulling operations, cleaning and processing operations, grain elevators, weighing and grading stations, feed processing operations, warehouses and other structures for the storage of agricultural products, seed processing facilities, animal and fiber processing operations, dairy processing operations, apiaries and honey extraction plants, fruit and vegetable processing and packing facilities, and any other or similar activity involving the storage, curing, processing, manufacturing, packaging, handling, packing, secondary reprocessing, conversion, compounding, shipping, and selling of agricultural products or by-products, as well as all facilities appurtenant and incidental thereto.
2. Facilities for the generation of energy from processing, agricultural, or other wastes and by-products, as well as all appurtenances thereof.
3. Disposal of liquid or solid wastes or by-products produced in conjunction with the operations permitted by this section. Such disposal may include irrigation of lands with process wastewaters,

animal feeding or soil incorporation of process waste or by-products, and other disposal or reclamation processes or techniques.

4. Publicly-owned parks and recreational areas and appurtenances thereto.
5. Golf courses and country clubs, privately-operated parks, riding clubs and stables, gun clubs, resorts and recreational facilities.
6. Structures and facilities appurtenant to recreational facilities.
7. Private farm buildings, accessory and ancillary recreational buildings and uses.
8. General farming, including all types of crop and tree farming commercial livestock, animal husbandry (not including a commercial kennel) and similar types of farming.
9. One-family dwellings and accessory farm buildings of all kinds when occupied or used by the owner, tenant, or persons employed on the premises.
10. Land leveling contracting, contract harvesting and agricultural services where the occupation is incidental and secondary to the use of the land for farming purposes.
11. The use, storage, repair and maintenance of tractors, scrapers, land leveling and development equipment devoted primarily to agricultural uses where such activity is carried on in conjunction with a bona fide agricultural operation.
12. Underground utility installations and above ground utility installations for local service, including communication equipment buildings, except that locations for communication equipment buildings, substations, generation plants, and gas holders must be approved by the Planning Commission prior to construction; the route of any proposed transmission line, other than any communication line, must be discussed in detail with the Planning Commission prior to acquisition.
13. Gun clubs and accessory structures, including mobilehomes used in conjunction therewith, subject to the securing of a mobilehome permit and other permits required by the Building Inspector and Health Division. Mobilehomes shall also be subject to the Performance Standards and Zoning Clearance required by Section 1500-05-030(L) and Section 1500-25-030 of this Zoning Code.
14. Nurseries.
15. Rail and other transportation facilities.
16. Other such uses as the Planning Commission may deem to be similar and not more obnoxious or detrimental to the public health, safety, and general welfare.

### **C. Uses Requiring Use Permits**

1. The sale, repair, servicing and storage of agricultural machinery, implements and equipment.
2. The storage or sale of farm supplies of all kinds, including, but not limited to, fertilizers, agricultural minerals and insecticides.
3. Commercial stock feeding yards, feed lots.
4. Community auction and sales yards for sale of farm animals, products, implements, supplies and equipment.
5. The development of natural resources together with the necessary building apparatuses and appurtenances incidental thereto.
6. Churches, schools, day care centers.
7. Truck yards, terminals or facilities engaged in the transportation of agricultural products, supplies and equipment including necessary maintenance, storage, repair and servicing of equipment.

8. Retail, commercial and service establishments including restaurants, sporting goods stores, gasoline stations, and other similar retail and service establishments so long as such uses are necessary to serve the public in the food processing and recreation areas.
9. Municipal or community wastewater or water treatment plants and facilities.
10. Construction and material yards (except gravel, rock and cement material yards).
11. Indoor assembly, processing, fabricating, treatment, manufacturing, repairing or packaging of goods that do not create noise, dust, odor, smoke, bright light, involve the handling of explosives or inflammable materials as a primary use, or otherwise creates offensive conditions at the property line and associated sales of these products.
12. Outdoor assembly, processing, fabricating, treatment, manufacturing, repairing or packaging of goods that do not create noise, dust, odor, smoke, bright light, involve the handling of explosives or inflammable materials as a primary use, or otherwise creates offensive conditions at the property line and associated sales of these products.
13. Offices and other ancillary facilities that are part of and clearly subordinate to the principal use as listed herein and located on the same site.
14. Any permitted use referred to in Section 1500-09-20(B) which does not conform to the Special Restrictions set forth in Sections 1500-09-020(D) and 1500-09-020(E).

#### D. Special Restrictions

1. **Location of Plant Facilities.** No plant or processing facility identified under Sections 1500-09-020(B)(1), (2), or 1500-09-020(C)(1), (2), (7), or (9) shall be located on any portions of the FPARC District which are situated north of South Butte Road or south of Highway 20; provided, however, that this restriction shall not prevent wastewater or solid waste disposal facilities, groundwater extraction plants, energy transmission facilities, or other facilities or activities ancillary to those uses from being located in said portions of the District.
2. **Proximity to Residences.** No use described and restricted in Section 1500-09-020 D(1) above shall be established closer than two hundred feet from any residence.
3. **Minimum Lot Area.** 1 acre.
4. **Maximum Lot Coverage.** 50%.
5. **Process Wastewater and Solid Waste.** Process wastewater and solid waste disposal shall comply with all Federal, State, and County water discharge, pollution control and health requirements.
6. **Processing Activities.** All industrial agricultural processing, and energy generation facilities allowed by the FPARC District shall comply with Federal, State, and local air pollution and public health requirements.
7. **Access.** Access shall be provided from the state highway or county roads and shall be subject to the state and local requirements.
8. **Minimum Front Yard.** 100 feet.
9. **Minimum Side Yard.** 50 feet.
10. **Minimum Rear Yard.** 25 feet.
11. **Maximum Building Height.** 150 feet

All of the foregoing standards shall be subject to variation or waiver pursuant to conditions established by use permit to be applied for and obtained where any such variation or waiver is desired.

### E. Special Restrictions Upon Open Space and Recreational Area

The following special restrictions shall be applicable to open space and recreational areas which are defined as those lands within the FPARC District situated north of South Butte Road and south of Highway 20:

1. **Structural Coverage.** Improvements such as golf course clubhouses, recreational buildings, parking area and impervious surface shall not exceed 5% of the surface area of any recreational and open space parcel.
2. **Use of Area Not Covered by Structures.** Area outside the 5% permitted pursuant to subsection 1 above shall not be improved with any structure other than temporary shelters, golf course cart paths, pumps, culverts and drains.
3. **Type of Uses.** Uses shall be restricted to open space uses such as golf courses and recreational uses, agricultural uses, and undeveloped open space.
4. **Reclamation and Conservation.** Permitted uses shall include disposal through irrigation and other disposal means of process wastewater generated by food processing uses, buffering of food processing uses and other ancillary uses which mitigate, screen or buffer the impacts and incidents of a food processing use.
5. **Maximum Building Height.** 45 feet

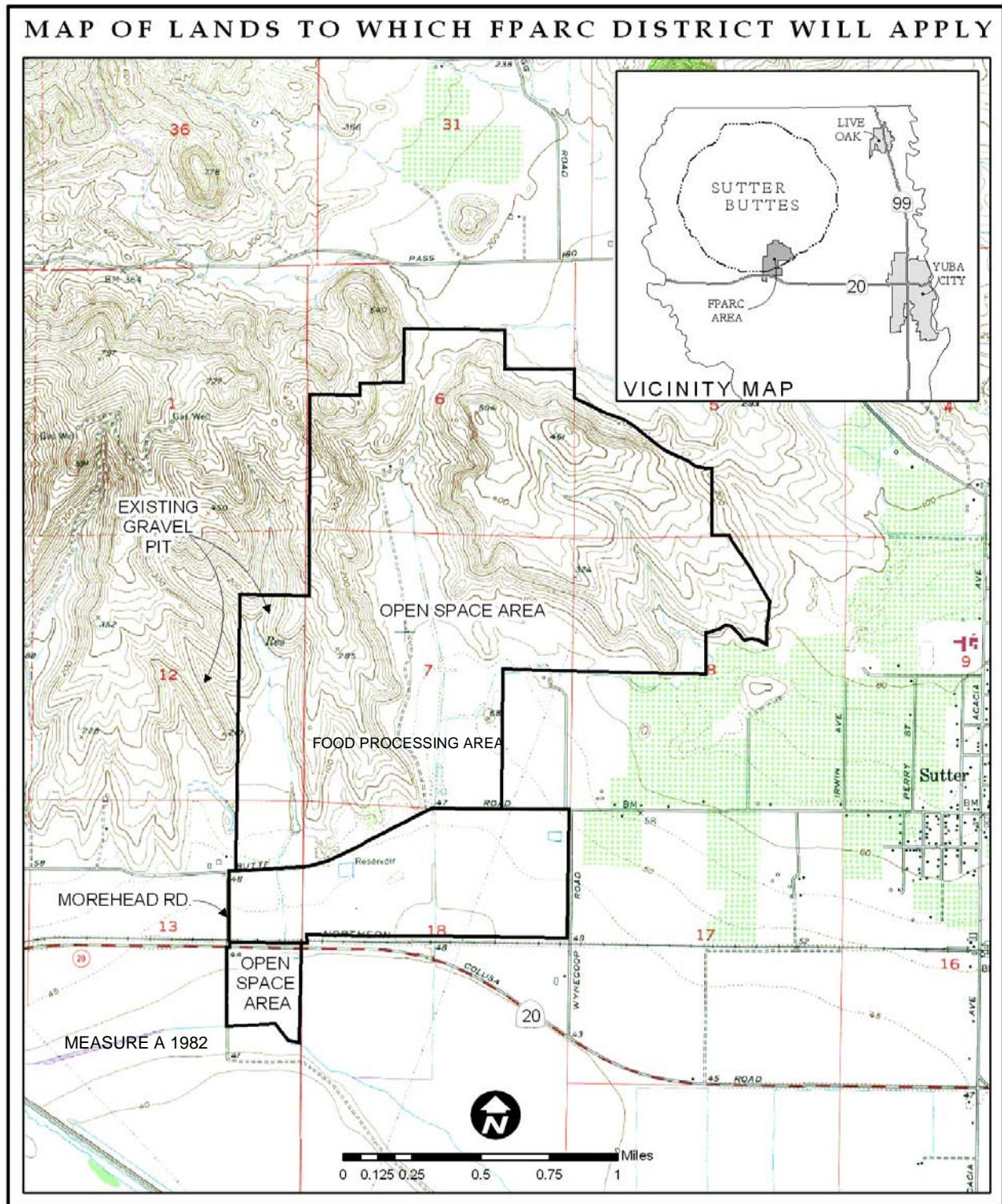
All of the foregoing standards shall be subject to variation or waiver pursuant to conditions established by use permit to be applied for and obtained where any such variation or waiver is required.

Note: Section III of the Initiative Measure enacted by the voters of Sutter County at the November 2, 1982 general election provides the following:

#### III Repeal or Amendment

This Ordinance may not be amended or repealed except by a vote of the people; provided, however, that this Ordinance may be amended by the Board of Supervisors to authorize additional uses in the Food Processing, Agriculture, and Recreation Combining District provided for herein, and to make such changes in the General Plan and Zoning Code as may be necessary and appropriate in connection with such authorization of additional uses.

Figure 1500-09-1: FPARC District



**1500-09-030 Sutter Pointe Specific Plan**

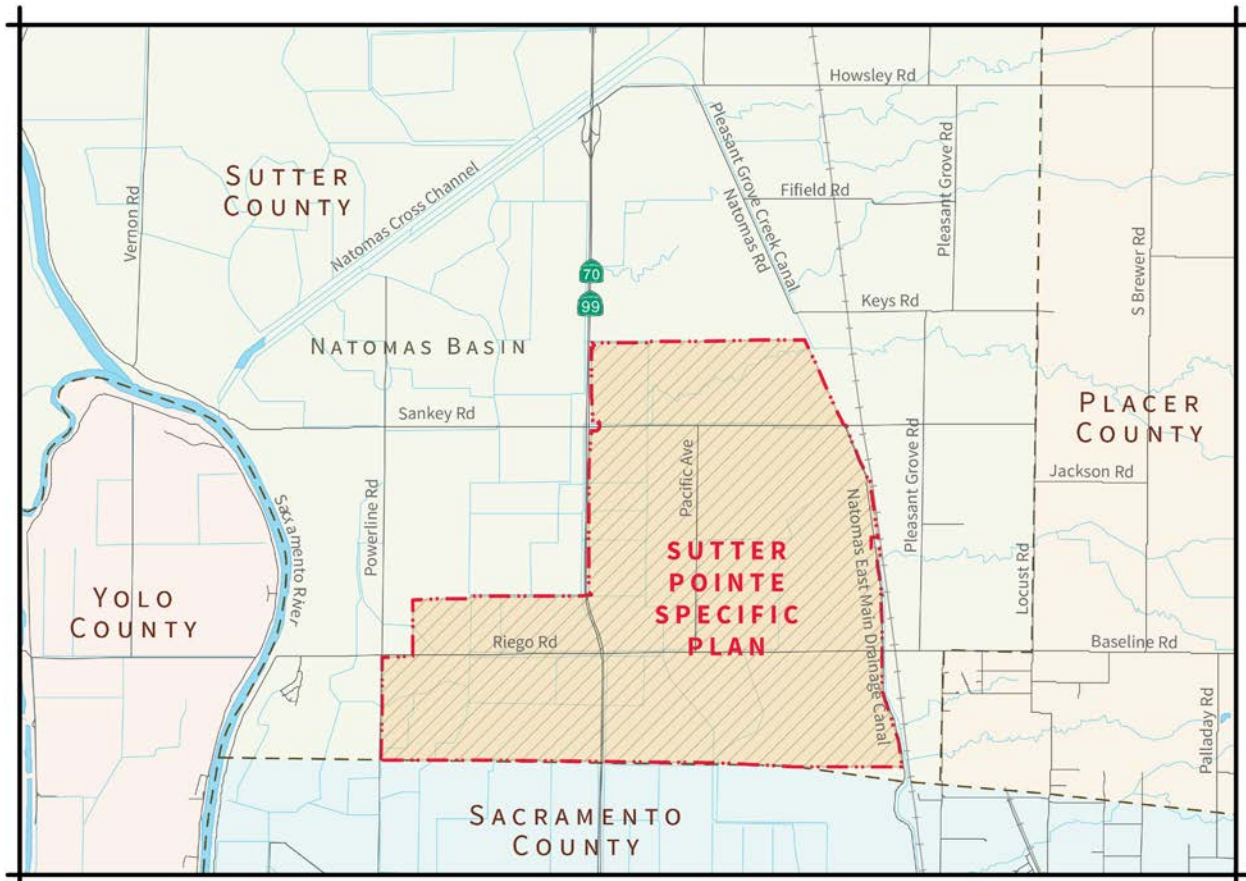
**A. Purpose**

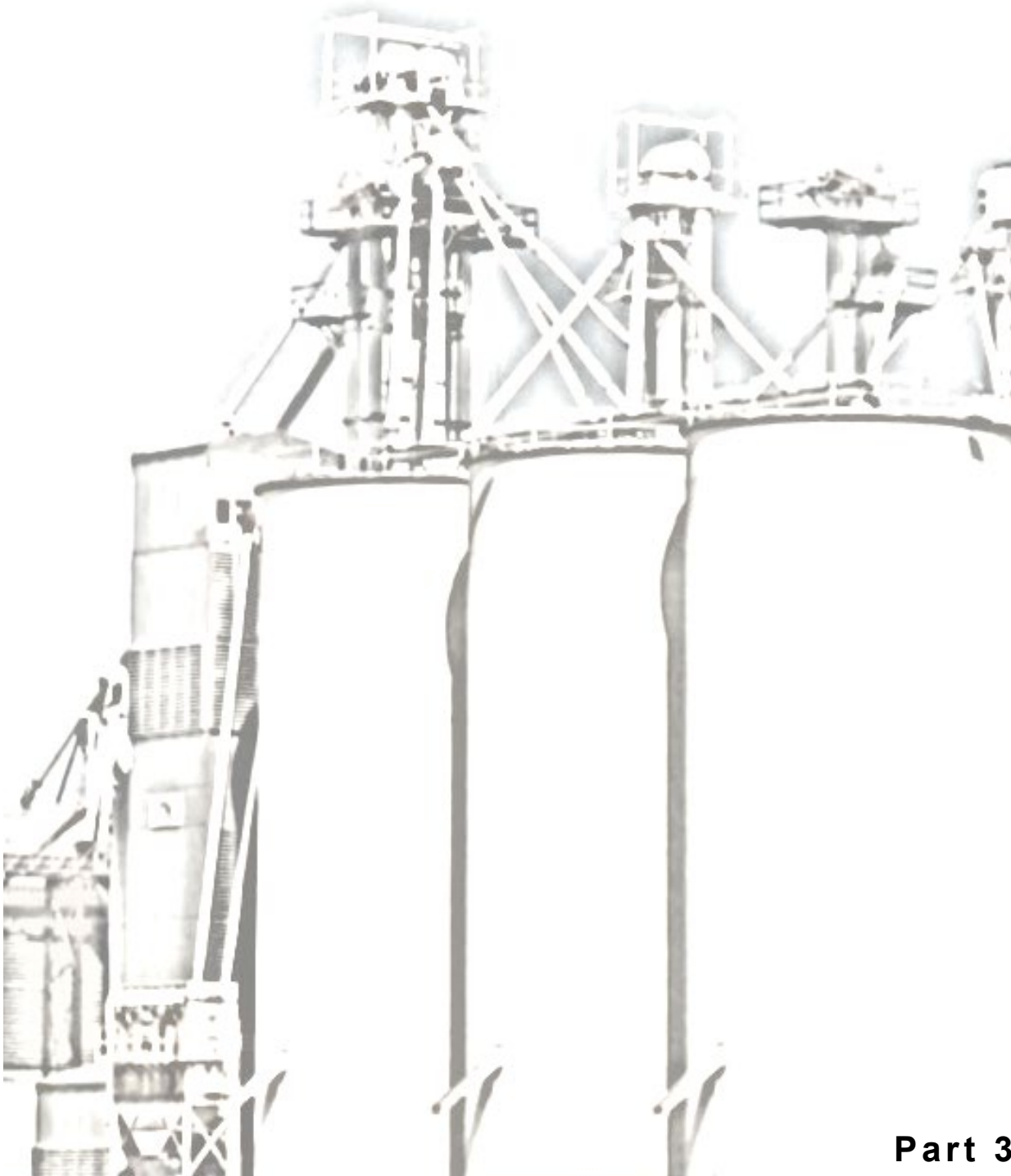
The Sutter Pointe Specific Plan (SPSP) applies to all uses within the Sutter Pointe Specific Plan area located in the southeastern portion of the County (see Figure 1500-09-2). The Sutter Pointe Specific Plan is intended to guide the creation of a new master planned community with residential, mixed use, commercial, employment, recreation, and open space opportunities guided by the principles of advisory Measure M approved by the residents of Sutter County in 2004. The ultimate plan is for the Sutter Pointe area to be incorporated as a full service city in the future.

**B. Applicability, Allowed Uses, Development Standards, and Review Process**

Please refer to the Sutter Pointe Specific Plan Land Use and Development Code (LUDC), a separate stand-alone Zoning Code regulating this plan area.

**Figure 1500-09-2: Sutter Pointe Specific Plan Area**





**Part 3**

**Use Specific Regulations**

Part 3

## Use Specific Regulations

### Article 10: Accessory Uses, Structures, Accessory Dwelling Units

- 1500-10-010: General Requirements
- 1500-10-020: Accessory Uses
- 1500-10-030: Accessory Structures
- 1500-10-040: Accessory Dwelling Units
- 1500-10-050: Junior Accessory Dwelling Units

### Article 11: Cold Weather and Emergency Shelters

- 1500-11-010: Cold Weather Shelters
- 1500-11-020: Emergency Shelters

### Article 12: Home Occupations

- 1500-12-010: Types of Home Occupations
- 1500-12-020: Permit Required
- 1500-12-030: Operational and Performance Standards
- 1500-12-040: Prohibited Home Occupations
- 1500-12-050: Revocation

### Article 13: Nonconforming Uses and Structures

- 1500-13-010: Purpose
- 1500-13-020: Right to Continue
- 1500-13-030: Nonconforming Uses
- 1500-13-040: Nonconforming Structures
- 1500-13-050: Nonconforming Lots
- 1500-13-060: Loss of Legal Status

### Article 14: Recycling Collection Facilities

- 1500-14-010: Collection Facility Criteria
- 1500-14-020: Scavenging Prohibited

### Article 15: Storage of Inoperable Vehicles

- 1500-15-010: Intent
- 1500-14-030: Standards

### Article 16: Temporary Uses

- 1500-16-010: Purpose
- 1500-16-020: Temporary Uses Exempt from Planning Permit
- 1500-16-030: Temporary Uses Requiring a Permit
- 1500-16-040: Conditions of Approval
- 1500-16-050: Application Materials
- 1500-16-060: Removal of Temporary Facilities

### Article 17: Wind and Energy Facilities

- 1500-17-010: Purpose
- 1500-17-020: Applicability
- 1500-17-030: Definitions
- 1500-17-040: Review and Approval Process
- 1500-17-050: Abandonment and Removal of Facilities

### Article 18: Wireless Telecommunications Facilities

- 1500-18-010: Purpose
- 1500-18-020: Applicability
- 1500-18-030: Definitions
- 1500-18-040: Exemption
- 1500-18-050: Development and Siting Standards
- 1500-18-060: Review and Approval Process

- 1500-18-070: Application Materials**
- 1500-18-080: Removal of Facilities**
- 1500-18-090: Financial Assurance Requirements**

# Article 10

## Accessory Uses, Structures, Dwelling Units

### CHAPTER 1500-10

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#### Sections:

**1500-10-010: General Requirements**

**1500-10-020: Accessory Uses**

**1500-10-030: Accessory Structures**

**1500-10-040: Accessory Dwelling Units**

**1500-10-050 Junior Accessory Dwelling Units**

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#### **1500-10-010 General Requirements**

- A. An accessory use or structure is permitted only when it is subordinate and incidental to the primary structure or use 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 or structure.
- C. An accessory use or structure shall be located only on the same parcel as the primary use or structure to which it is related.
- D. An accessory use or structure shall not be constructed or established until construction of the primary structure is completed or the primary use is established.
- E. An accessory structure 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.

#### **1500-10-020 Accessory Uses**

The Director shall determine if a proposed accessory use is necessarily and customarily associated with, and incidental and subordinate to the primary use of the base zoning district.

#### **1500-10-030 Accessory Structures**

The following standards apply to residential accessory buildings and structures without living quarters. Examples of such residential accessory structures include detached garages, storage sheds, private workshops, guest cottages, pool houses, hobby rooms, game rooms, gazebos, shade structures, covered patios, outdoor kitchens, ground mounted solar arrays that serve the residence, and other similar structures.

The following standards also apply to nonresidential accessory structures. Examples of nonresidential accessory structures include barns, animal enclosures, shade structures, private recreational facilities,

storage buildings, ground mounted solar arrays that serve private agricultural uses, and other similar structures.

**A. Buildings and Structures**

1. Accessory buildings or structures located within a required rear yard shall cumulatively occupy no more than 50 percent of the required rear yard area, up to a maximum of 1,000 square feet in total floor area.
2. Accessory buildings or structures not exceeding 15 feet in height and located more than 70 feet from the street corresponding to the designated front yard, shall maintain a minimum setback of 3 feet from any interior side or rear property line. For such structures located less than 70 feet from the street corresponding to the designated front yard, a minimum setback of 6 feet shall be maintained from any interior side or rear property line.
3. Accessory buildings or structures exceeding 15 feet in height shall be subject to the same setback standards as primary structures in the base zoning district.
4. A required minimum separation shall be maintained from any other building or structure located on the same lot in accordance with the requirements of the Building Division.

**1500-10-040 Accessory Dwelling Units (ADU)**

Accessory Dwelling Units (ADUs) shall be ministerially permitted by Zoning Clearance in all zone districts that allow single family or multifamily dwellings, in compliance with Government Code § 65852.2, the requirements of this section, and all other requirements of the applicable zone district in which an ADU is permitted and shall comply with the following standards:

- A. **Permit Requirements.** A zoning clearance shall be obtained prior to or concurrently with applying for a building permit to establish an ADU. ADUs shall comply with applicable building and fire codes, and demonstrate consistency with the County's adopted septic, well and floodplain ordinances.
- B. **Density.** As provided by Government Code § 65852.2, ADUs are exempt from the General Plan land use density limitations for the lot on which the ADU is located and is consistent with the General Plan and zoning for the lot.
- C. **Timing.** An ADU may be established on a lot with an existing or proposed primary residence. On employment zoned land, a property must first have a primary business use occurring in compliance with the Zoning Code. A certificate of occupancy for an ADU shall not be issued prior to a certificate of occupancy for a primary residence or primary business use on employment zoned land. An existing dwelling, complying with the requirements of an ADU, may be redesignated as an ADU, when a new primary residence is proposed, and with the approval of a zoning clearance.
- D. **Number of Units.** The number of ADUs allowed on a single lot shall be:
  1. One ADU on a lot having an existing or proposed single-family dwelling unit.
  2. One ADU may be established on a lot that contains an existing or proposed multifamily dwelling unit,
- E. **Unit Size.** Accessory dwelling units shall be limited in size as follows:
  1. On lots with an existing or proposed single-family or multifamily dwelling, the maximum floor area for a detached accessory dwelling unit shall be 1,200 square feet.

2. On lots where an ADU will be attached to a primary residence, the increased floor area of an attached ADU shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.
  3. On lots where an ADU will be established by converting existing space in a primary residence or an accessory structure, the maximum size of an ADU created through the conversion of existing space shall be the dimensions of the structure plus an addition of no more than 150 square feet to accommodate ingress and egress. An expansion greater than 150 square feet may be permitted up to a maximum unit size of 1,200 square feet.
- F. **Lot Coverage.** The maximum lot coverage limitation of the base zone district shall be applied unless it would not permit an ADU of 800 square feet, 16 feet in height, meeting four-foot side and rear yard setbacks.
- G. **Lot Size.** No minimum lot size shall be required; however, compliance with the County's septic and well ordinance may determine a minimum lot size necessary to accommodate an ADU.
- H. **Height.** ADUs shall be subject to the same height standards of the base zone district provided that the limit is not less than 16 feet.
- I. **Setbacks.** ADUs shall be subject to the same front yard setback requirements as the base zone district and shall observe a minimum 4 feet side and rear yard setback requirement. Further, no additional setback shall be required for an ADU established from the conversion of existing space within the primary residence or an accessory structure, or for an ADU constructed in the same location and to the same dimensions as an existing accessory structure.
- J. Accessory dwelling units shall not be sold separately from the existing dwelling unit located on the property but may be rented on a month-to-month basis.
- K. No passageway shall be required in conjunction with the construction of an ADU.
- L. An ADU shall not be subject to parking requirements.
- M. Attached ADUs are not considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.
- N. If an ADU proposed is the result of the conversion of existing space within an existing single-family residence or accessory structure, it shall not be required to install new or separate utility connections directly between the ADU and the utility or impose a related connection fee or capacity charge.
- O. For an ADU that is not described in subsection N, the County may require a new or separate utility connection directly between the ADU and the utility and the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU based upon either its size or the number of its plumbing fixtures upon the water or sewer system. This fee shall not exceed the reasonable cost of providing this service.
- P. The development impact fee for an ADU shall be 50 percent of the adopted fee established for a dwelling unit in the area proposed; however, no development impact fee shall be collected on an ADU that is less than 750 square feet in size.

### 1500-10-050 Junior Accessory Dwelling Units (JADU)

Junior accessory Dwelling Units (JADUs) shall be ministerially permitted by Zoning Clearance in all zone districts that allow single family or multifamily dwellings, in compliance with Government Code § 65852.22, the requirements of this section, and all other requirements of the applicable zone district in which a JADU is permitted and shall comply with the following standards:

- A. **Permit Requirements.** A zoning clearance shall be obtained prior to or concurrently with applying for a building permit to establish a JADU. JADUs shall comply with applicable building and fire codes, and demonstrate consistency with the County's adopted septic, well and floodplain ordinances. The Department shall act on an application to create a JADU within 60-days from the date it receives a completed application if there is an existing single-family dwelling on the lot.
- B. **Permit Fees.** Construction permits (building, well, septic) shall be required to establish a JADU. A JADU shall not be considered a separate or new dwelling unit for purposes of applying building codes, fire codes, well and septic requirements. Additionally, there shall be no development impact fee collected for the establishment of a JADU.
- C. **Timing.** A JADU may be established after or concurrently with a single-family residence.
- D. **Development Standards.**
  1. **Number of Units.** One JADU is allowed per lot, within a single-family residence.
  2. **Unit Size.** The floor area of a JADU shall not exceed 500 square feet. If a bathroom is shared with the single-family residence, it shall not be included in the floor area.
  3. **Location.** A JADU shall be established from space in an existing, fully permitted, or proposed single-family dwelling or garage attached to the single-family residence.
  4. **Access.** A separate, exterior entrance to a JADU shall be provided.
  5. **Bathroom.** A JADU may include separate sanitation facilities or may share sanitation facilities with the single-family residence.
  6. **Kitchen.** A JADU shall include an efficiency kitchen which is a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the dwelling unit.
- E. **Use Restrictions.**
  1. A JADU may be rented but shall not be sold separately from the single-family residence.
  2. A JADU shall not be rented for periods of less than 30 days.
  3. The owner of the property must reside in either the single-family residence or the newly created JADU.
- F. **Deed Restriction.** Prior to issuance of a certificate of occupancy for a JADU, the property owner shall record a deed restriction containing the following elements:
  1. Prohibits the sale of the JADU separate from the single-family residence.
  2. Specifies the deed restriction runs with the land and is enforceable against future property owners.
  3. Restricts the size and attributes of the JADU to those established by this section and Government Code § 65852.22.
  4. Makes the County a third-party beneficiary of the deed restriction with the right to enforce the provision of the deed restriction.

# Article 11

## Cold Weather and Emergency Shelters

### CHAPTER 1500-11

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#### Sections:

- 1500-11-010: Cold Weather Shelters
  - 1500-11-020: Emergency Shelters
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#### 1500-11-010 Cold Weather Shelters

A cold weather shelter shall be permitted by approval of a Zoning Clearance on a rotational basis at an existing, permitted religious institution, recreation center, or similar facility, subject to the following standards:

- A. **Number of Participants.** The maximum number of participants that can stay at a single facility is 30 people.
- B. **Length of Stay.** The maximum length of stay by an eligible participant is 7 days.
- C. **Hours of Operation.** Eligible participants shall be brought to the participating facility not before 6:00 p.m. and shall depart the facility by 7:30 a.m.
- D. **Operations Plan.** The participating facility shall prepare and submit to the Director an operations plan describing provisions for: staffing; screening of eligible participants; occupancy schedule; security and no loitering policies; and a transportation plan.

#### 1500-11-020 Emergency Shelters

Emergency Shelters shall be located, developed, and operated according to the following standards:

- A. **Number of Beds.** The number of beds in an emergency shelter shall be in compliance with applicable building and fire codes.
- B. **Proximity to Other Emergency Shelters.** No emergency shelter may be located within 300 feet of another emergency shelter.
- C. **Length of Stay.** Occupancy for any one individual in the Emergency Shelter shall be limited to 6 months within any 12-month period.
- D. **On-site Waiting and Intake Areas.** The Emergency Shelter shall provide on-site waiting and intake areas, such areas shall be located either inside the facility or fully screened from view of the public right-of-way and neighboring properties.
- E. **Hours of Operation.** Each Emergency Shelter shall establish and maintain set hours of operation for client intake and discharge. These hours shall be clearly displayed at the entrance

to the shelter at all times. The shelter operator shall discourage loitering of clients in the vicinity of the shelter during non-intake hours of operation.

- F. **Staffing.** On-site management shall be provided 24 hours a day seven days a week and accompanied by support staff.
- G. **Operations Plan.** The shelter operator shall prepare and submit to the Director a written operations plan describing provisions for: staff training; neighborhood outreach; security; screening of residents; resident training, counseling, and treatment programs; and total number of staff by shift.

# Article 12

## Home Occupations

### CHAPTER 1500-12

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#### Sections:

- 1500-12-010: Types of Home Occupations
  - 1500-12-020: Permit Required
  - 1500-12-030: Operational and Performance Standards
  - 1500-12-040: Prohibited Home Occupations
  - 1500-12-050: Revocation
- 

#### 1500-12-010 Types of Home Occupations

- A. **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.
- B. **Cottage Food Operation.** 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 for sale to a consumer or third-party retailer.
- C. **Minor Home Occupation.** A business that includes no outside employees and limited client visits. Types of minor home occupations may include professional offices, one-on-one instruction such as tutoring and music lessons, computer programming; art studios, telephone sales and surveys, domestic services and similar uses.
- D. **Major Home Occupation.** A business that may include one outside employee and more extensive client visits. Types of major home occupations may include, equipment repair, contractor's office, dog grooming, hairdressing, nail salons, light assembly and shipping, catering, food processing, professional offices and similar uses.

#### 1500-12-020 Permit Required

- A. **Home Office and Cottage Food Operation.** The establishment of a Home Office or a Cottage Food Operation is permitted in all zones allowing residences. Cottage Food Operations must also be approved by the Sutter County Environmental Health Division pursuant to the California Health and Safety Code.
- B. **Minor Home Occupations.** The establishment of a Minor Home Occupation may be permitted in all zones allowing residences subject to the approval of a Zoning Clearance.
- C. **Major Home Occupations.** The establishment of a Major Home Occupation may be permitted in all zones allowing residences subject to the approval of a Use Permit.

**1500-12-030 Operational and Performance Standards**

Home Occupations shall comply with the following standards:

- A. **Relationship to Dwelling Unit.** The home occupation shall be clearly incidental and subordinate to the primary residential use of the dwelling unit.
- B. **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.
- C. **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.
- D. **Performance Standards.** Home occupations shall not generate dust, odors, noise, vibration, glare or electrical fluctuation or interference of radio and television reception that is perceptible beyond the property line.
- E. **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.
- F. **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.
- G. **Employees.** Employees of a Home Office and a Minor Home Occupation shall be limited to the persons residing in the dwelling unit. Cottage Food Operations and Major Home Occupations are allowed one additional person in addition to those residing in the dwelling unit.
- H. **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 10 clients per day are allowed to visit a Major Home Occupation. Hours for visits shall be between 8:00 a.m. and 6:00 p.m.
- I. **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.
- J. **Parking.** Major and Minor Home Occupations shall provide one additional off-street parking space beyond that required for the primary residential use, if a Major or Minor Home Occupation includes an outside employee, a second additional off-street parking space shall also be provided.
- K. **Signage.** Signage for home occupations shall be subject to Article 21.

**1500-12-040 Prohibited Home Occupations**

Any use or activity that affects the character of the surrounding residential neighborhood by generating more noise, odors, vehicles, storage, or traffic than would be normally expected in a residential zone is prohibited as a home occupation.

**1500-12-050 Revocation**

The Director may revoke the approval of a home occupation if any of the following applies:

- A. 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.
- B. The home occupation does not commence within one year of approval.
- C. The home occupation ceases for a period greater than one year.
- D. The home occupation does not comply with the requirements of this Chapter or any applicable conditions of approval.

# Article 13

## Nonconforming Uses and Structures

### CHAPTER 1500-13

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#### Sections:

- 1500-13-010: Purpose
  - 1500-13-020: Right to Continue
  - 1500-13-030: Nonconforming Uses
  - 1500-13-040: Nonconforming Structures
  - 1500-13-050: Nonconforming Lots
  - 1500-13-060: Loss of Legal Status
- 

#### 1500-13-010 Purpose

This Chapter establishes standards for nonconforming uses and structures. It is the County's intent to allow for the continuation of nonconforming uses and occupancy, maintenance and repair of nonconforming structures, provided that such uses and structures do not impair public health, safety, or general welfare; are compatible with adjacent uses; and do not conflict with implementation of the General Plan.

#### 1500-13-020 Right to Continue

- A. **Nonconforming Use.** A nonconforming use is defined as an existing use that is not currently permitted by the existing zoning and/or General Plan designation of the subject property. A nonconforming use may be continued if consistent with the following:
  - 1. The use was legally established in compliance with all applicable regulations in effect at the time it was established, or pre-exists applicable regulations;
  - 2. There has been no expansion or intensification of the use except as otherwise provided in this Chapter; and
  - 3. The use has not been discontinued for a period of 24 consecutive months or more.
- B. **Nonconforming Structure.** A nonconforming structure is defined as a structure that does not meet the current property development standards of the applicable zoning district such as minimum setbacks, maximum height requirements, etc. Use of the nonconforming structure may be continued and maintained if consistent with the following:
  - 1. The structure was legally established in compliance with all applicable regulations in effect at the time it was established, or pre-exists applicable regulations;
  - 2. There has been no alteration, enlargement, or addition to the structure except as otherwise provided in this chapter; and
  - 3. The structure has not been vacant for a period of 24 consecutive months or more.

- C. **Run with the Land.** The right to continue a nonconforming use or structure shall run with the land.
- D. **Burden of Proof.** Any person asserting a right to a nonconforming use or structure has the burden of proof to demonstrate the existence of the use or structure prior to the establishment of the applicable zone or regulation for which it is nonconforming.

### 1500-13-030 Nonconforming Uses

- A. **Change to Permitted Use.** Any nonconforming use may be changed to a use that is principally permitted in the zone district in which it is located provided the use complies with all applicable standards for such use. A nonconforming use changed to a conforming use shall not return to a nonconforming use.
- B. **Expansion of Nonconforming Use.** The expansion or intensification of a nonconforming use shall require approval of a Use Permit and consistency with the following:
  - 1. The nonconforming use in a structure that does not conform to the Building Code may not expand the area it occupies until and unless the structure is brought into conformance with all applicable Building Code requirements;
  - 2. The nonconforming use shall not be expanded or extended onto adjoining property;
  - 3. The nonconforming use shall be brought into compliance with the parking and loading, fencing and other appropriate sections of this Zoning Code as determined through the Use Permits approval process; and
  - 4. The expansion of the nonconforming use will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the surrounding area because of noise, odors, dust, glare, vibrations, or other effects.
- C. **Re-establishment of Nonconforming Use.** The nonconforming use of a building may be re-established in a structure which cannot be used for a conforming use because of the design and construction of the building subject to approval of a Use Permit and consistency with the following:
  - 1. The nonconforming use has not ceased for a period of 10 years or more;
  - 2. Notwithstanding other provisions of this Chapter, the approving authority shall not be required to find that the re-established use is consistent with the General Plan; however, the approving authority shall make the finding that the structure can be reasonably expected to remain in active use for a period of 20 years without requiring repairs or maintenance in excess of 50 percent of the structure's value within any 5 year period. This requirement may be satisfied through submittal of a report prepared by an engineer/architect; and
  - 3. The re-established use will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the surrounding area because of noise, odors, dust, glare, vibrations, or other effects.

### 1500-13-040 Nonconforming Structures

- A. **Maintenance.** Maintenance, non-structural repairs and non-structural interior alterations are permitted to a nonconforming structure as long as the changes and improvements do not enlarge or expand the structure.
- B. **Expansion of Nonconforming Structure.** The alteration, enlargement or expansion of a nonconforming structure shall require approval of a Use Permit subject to the determination that

the altered, enlarged or expanded structure will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the surrounding area.

- C. **Damaged and Destroyed Nonconforming Structure.** A structure that is damaged or partially destroyed by fire, explosion, natural disaster or other calamity may be restored or rebuilt subject to consistency with the following:
1. The cost of repairs or reconstruction shall not exceed 50 percent of structure's value at the time of damage as determined by the Building Division;
  2. The repaired or reconstructed structure shall not increase the degree of nonconformity in regards to height, floor area, encroachment into setbacks and other property characteristics;
  3. The repairs or reconstruction shall conform to all applicable Building Code requirements; and
  4. A building permit shall be obtained for the repairs or reconstruction within two years after the date of the damage or destruction.

If the cost of repairs or reconstruction exceeds 50 percent of the structure's value at the time of damage, the structure may be rebuilt/restored subject to approval of a Use Permit.

### **1500-13-050 Nonconforming Lots**

A non-conforming lot that does not comply with the minimum requirements of the zone district in which it is located (i.e. lot width, lot size) may be used for new development if determined consistent with the following:

- A. The new development is in compliance with all applicable development standards of the zone district in which it is located. Deviations to development standards or development of a lot not having public road frontage and no permitted structure(s) shall not be allowed unless a Variance to such standards is approved as provided for in this Zoning Code; and
- B. The new development shall not alter any existing non-conforming structure or increase the degree of non-conformity.

### **1500-13-060 Loss of Legal Status**

Any nonconforming use, structure or lot shall lose its legal nonconforming status if determined by the Director to not be in compliance with this Chapter. Without further action by the County, further use of the lot or structure shall comply with all the regulations of the zone district in which the lot or structure is located, and all other applicable County requirements.

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# Article 14

## Recycling Collection Facilities

### CHAPTER 1500-14

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#### Sections:

**1500-14-010: Collection Facility Criteria**

**1500-14-020: Scavenging Prohibited**

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#### 1500-14-010 Collection Facility Criteria

In the zone districts within which they are permitted, Large and Small Recycling Collection Facilities as defined in Section 1500-03-090(U) shall comply with the following criteria:

- A. **Location.** Collection Facilities including mobile units, kiosks, containers, vending machines, permanent structures and similar uses shall not be located within 100 feet of a property zoned or occupied for residential use.
- B. **Setback.** Collection Facilities shall be set back a minimum of 10 feet from any street right-of-way and shall not obstruct pedestrian or vehicular circulation.
- C. **Equipment.** Collection Facilities shall not use power-driven processing equipment except for reverse vending machines.
- D. **Storage.** Collection Facilities shall store all recyclable materials in containers or in a mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present.
- E. **Containers.** All containers shall be constructed of durable waterproof and rustproof material(s), shall be secured from unauthorized removal of material, and shall be of sufficient capacity to accommodate materials collected on the collection schedule. In no event shall material be allowed to overflow the containers.
- F. **Information.** All containers shall be clearly marked to identify the type of materials that may be deposited, the name and telephone number of the facility operator, the hours of operation, and a notice stating that no material shall be left outside of the recycling enclosure or containers.
- G. **Signage.** Collection Facilities may have identification signs complying with the requirements of Article 21 (Signs).
- H. **Landscaping.** Collection Facilities shall not be located within or impair required landscaping for any use.
- I. **Parking.** Parking spaces occupied by a Collection Facility and attendant shall not reduce available parking spaces below the minimum number required for any other use on the property unless a parking study shows available capacity during recycling facility operation.

- J. **Site Maintenance.** Collection Facility sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials.

**1500-14-020 Scavenging Prohibited**

It is unlawful for any person to scavenge in or remove materials from any collection container at a Recycling Collection Facility without prior authorization from the operator of the facility.

# Article 15

## Storage of Inoperable Vehicles

### CHAPTER 1500-15

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#### Sections:

**1500-15-010: Intent**

**1500-14-030: Standards**

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#### **1500-15-010 Intent**

It is the County's intent to allow automotive vehicle hobbyists the right to pursue their hobby at their homes, providing such pursuit does not have a detrimental effect upon neighboring properties or upon the general public's health, safety, and welfare.

#### **1500-15-020 Standards**

The outdoor storage of inoperable vehicles as defined in Article 27 shall be allowed in any zoning district, provided that the following standards are complied with:

- A. The storage of such vehicles shall be accessory and incidental to an established and occupied single-family residence.
- B. The number of inoperable vehicles allowed shall not exceed two vehicles on lots of 10,000 square feet net area or less, with one additional vehicle being allowed for each additional 10,000 square feet of net lot area to a maximum of six vehicles.
- C. In Residential districts, vehicles shall be kept in the rear yard, and behind the residence, and shall be completely surrounded by a solid fence or masonry wall a minimum of 6 feet in height which screens the vehicles from view by neighboring properties and the general public.
- D. In all other districts, vehicles shall be kept outside required setback areas and shall be completely surrounded by a solid fence or masonry wall a minimum of 6 feet in height which screens the vehicles from view by neighboring properties and the general public.
- E. No parts, tires, repair equipment, or any related material or supplies shall be stored outside the fenced or walled area.
- F. The vehicles, parts, supplies, or repair equipment shall not be stacked or arranged such that they exceed the height of the 6 foot fence or wall.
- G. No commercial dismantling, repair, or sales activities shall be allowed in conjunction with the stored vehicles or parts, including the development or preparation of racing cars.

- H. The vehicles shall be owned by the real property owner, tenant, or other person having the right to possession of the real property, and proof of ownership of the inoperable vehicles shall be demonstrated by valid registration or Certificate of Ownership issued by the Department of Motor Vehicles.
- I. There shall be no limit on the number of vehicles kept inside a totally enclosed garage or building, and vehicles stored inside shall not count against the maximum number of cars allowed to be stored outside.
- J. Oils, fuels, solvents, and other hazardous or toxic materials and wastes shall be stored, handled, and disposed of in accordance with all applicable state and local laws and regulations.
- K. The area within the fenced or wall enclosure must be maintained so as to prevent the establishment of rodent harborage.
- L. The keeping of inoperable vehicles shall comply with all appropriate state and federal regulations pertaining to motor vehicles.
- M. Any deviation from the above standards shall be allowed only by first securing a use permit in accordance with Article 25 of this Zoning Code. However, no such use permit shall be granted which would allow commercial activity.

Failure to comply with the above standards shall be deemed to be a violation of this Zoning Code.

# Article 16

## Temporary Uses

### CHAPTER 1500-16

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#### Sections:

**1500-16-010: Purpose**

**1500-16-020: Temporary Uses Exempt from Planning Permit**

**1500-16-030: Temporary Uses Requiring a Permit**

**1500-16-040: Conditions of Approval**

**1500-16-050: Application Materials**

**1500-16-060: Removal of Temporary Facilities**

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#### **1500-16-010 Purpose**

This chapter establishes standards for temporary uses that will not permanently alter the character or physical facilities of the site on which they occur.

#### **1500-16-020 Temporary Uses Exempt from Planning Permit**

The following types of temporary uses may be conducted without approval of a Zoning Clearance or Use Permit:

- A. **Nonprofit Fund Raising.** Fund raising events and/or sales operated by a nonprofit organization subject to the following standards:
  1. Location. Within any non-residential zoning district.
  2. Duration and Frequency. No single event shall exceed 3 consecutive days, nor occur more frequently than 4 times per year at any one location.
- B. **Garage/Yard Sales.** Garage/yard sales associated with a residence subject to the following standards:
  1. Location. Within any zoning district that permits a residence.
  2. Duration and Frequency. No single event shall exceed 3 consecutive days, nor occur more frequently than 4 times per year per residence.
  3. Sales of Goods. Limited to common household items primarily owned by the resident.
- C. **Seasonal Sales.** Sales of seasonal goods (e.g., Christmas trees, pumpkins, fireworks etc..) subject to the following standards:
  1. Location. Within any non-residential zoning district, and within any residential zoning district at a permitted religious institution, school or community assembly facility.
  2. Duration. Christmas tree sales are allowed from Thanksgiving Day through December 31st. All other seasonal sales shall not exceed 30 consecutive days.

3. Frequency. Seasonal sales shall not occur more frequently than 3 times per year on a single property.
- D. **Temporary Construction Offices.** On-site temporary construction offices established in conjunction with an approved project or development permit. Such temporary construction offices shall be removed prior to final inspections/issuance of certification of occupancy for the project being constructed.
  - E. **Temporary Construction Yards.** In Agriculture and Recreation districts, on-site temporary constructions yards, less than 1 acre in size, may be established in conjunction with an approved project or development permit. Such temporary construction yards shall be removed prior to final inspections/issuance of certification of occupancy for the project being constructed.
  - F. **Model Home Complexes.** Model home complexes within an approved subdivision for sale of residential units within that same subdivision. May include a real estate sales office within one of the models.
  - G. **Temporary Occupancy of Recreational Vehicles.** The temporary occupancy of recreational vehicles is permitted for not more than (14) fourteen days per calendar year unless the recreational vehicles is located within a legally established recreational vehicle park operating under a permit by the State of California.

### 1500-16-030 Temporary Uses Requiring a Permit

The following types of temporary uses may be conducted subject to approval of a Zoning Clearance, Administrative Permit or Use Permit as specified below:

- A. **Carnivals, Fairs, Festival, and Other Special Events.** Carnivals, fairs, festival, and other similar events may be conducted subject to approval of an Administrative Permit and shall be consistent with the following standards:
  1. Location. Within any non-residential zoning district or property owned by a school.
  2. Duration and Frequency. No single event shall exceed 3 consecutive days, nor occur more frequently than 2 times per year per property. A Use Permit shall be required for events exceeding 2 times per year.
  3. Hours of Operation. 7:00 a.m. to 10 p.m.
  4. Agency/Department Approvals. Letters of approval shall be secured from the Sheriff's Department, Environmental Health, Fire and Emergency Services and any other agency or department whose approval may be needed based upon the type of function being proposed.
- B. **Temporary Outdoor Sales and Promotional Events.** Outdoor sales, displays and promotional events associated with a permanently established business may be conducted subject to approval of a Zoning Clearance and shall be consistent with the following standards:
  1. Location. Within any commercial and employment zoning district.
  2. Duration and Frequency. No single event shall exceed 7 consecutive days.
  3. Sale of Goods. Sales, displays and promotions shall be limited to merchandise which is normally displayed and sold by the business.
  4. Paved or Concrete Area. Sales, displays and promotions shall be located on a paved or concrete area on the same lot as the structures containing the business.

5. Accessibility and Parking. The events shall be conducted solely on private property, shall not encroach within the public right-of-way or occupy needed parking at the time of the event, and shall not impede site accessibility or emergency accessibility/services.
  6. Hours of Operation. 7:00 a.m. to 10 p.m.
- C. **Temporary Construction Yards.** Temporary construction yards may be permitted in conjunction with an approved project or development permit consistent with the following standards.
1. Location. Within any commercial and employment zoning district.
  2. Onsite, Small. Less than 1 acre in size shall require approval of an Administrative Permit.
  3. Onsite, Large. More than 1 acre in size shall require approval of a Use Permit.
  4. Offsite. Any offsite construction yard shall require approval of a Use Permit.
- D. **Temporary Occupancy of a Recreational Vehicle.** The temporary occupancy of a recreational vehicle may be permitted by Zoning Clearance for a term of eighteen (18) months consistent with the following standards.
1. The recreational vehicle is located in a zone permitted to have a dwelling and complies with the setback requirements of the zone district it is located in.
  2. A building permit for a residence has been issued, is active and in good standing.
  3. Quick disconnect utility connections to electricity, water, and a wastewater system shall be provided and approved by the Development Services Department. As an alternative to providing a connection to a wastewater system, a contract with an authorized wastewater pumping provider may be submitted demonstrating the recreational vehicle's wastewater tanks will be routinely serviced during the time period authorized.
  4. Evidence demonstrating garbage service will be provided shall be submitted to the satisfaction of the Development Services Department.
  5. If the recreational vehicle will be located in a designated floodplain, compliance with the County's Floodplain Management Ordinance shall be demonstrated.
  6. The County may impose conditions necessary to ensure compliance with the Sutter County Ordinance Code to protect public health, safety and welfare.
- E. **Similar Temporary Uses.** Temporary activities similar to the above determined by the Director to be compatible with the applicable zoning district and surrounding uses may be conducted subject to approval of an Administrative Permit.
- F. **Other Temporary Uses.** If a temporary use is proposed that is determined by the Director to not be in compliance with Sections 1500-16-020 or 1500-16-030, it may be permitted through approval of a Use Permit.

### 1500-16-040 Conditions of Approval

In approving a permit for a temporary use, the approving authority may impose conditions deemed necessary to ensure that the temporary use will be compatible with the applicable zone district and surrounding uses. These conditions may include but are not limited to:

- A. Requirements for improved parking facilities, including vehicular ingress and egress;

- B. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, and odors;
- C. Regulation of temporary structures and facilities, including placement, height and size, and location of equipment;
- D. Provision for sanitary and medical facilities;
- E. Provision for solid and hazardous waste collection and disposal;
- F. Provision for security and safety;
- G. Submission of a performance bond or other surety devices, satisfactory to the Director, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition; and
- H. Any other conditions which will ensure the operation of the proposed temporary use will protect public health and safety and in accordance with the intent and purpose of this Chapter.

#### **1500-16-050 Application Materials**

Applications for approval of a temporary use shall include all materials and information required for the permit plus the following information:

- A. A letter from the property owner(s) granting permission for the temporary event/activity to be held on their property (if applicable).
- B. A written description of the event, including the event proponent, location, days and hours of operation, and plan for removal of temporary facilities.
- C. Letters of approval from the Sheriff's Department, Environmental Health, Fire and Emergency Services and any other agency or department whose approval may be needed based upon the type of function being proposed.
- D. A site plan drawn to an engineer's scale that accurately depicts the subject property where the temporary use will be held including the location of existing buildings, parking areas, sewage disposal areas, etc. The site plan shall illustrate how the proposed temporary use complies with all applicable requirements of this Chapter.

#### **1500-16-060 Removal of Temporary Facilities**

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

# Article 17

## Wind Energy Facilities

### CHAPTER 1500-17

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#### Sections:

- 1500-17-010: Purpose**
  - 1500-17-020: Applicability**
  - 1500-17-030: Definitions**
  - 1500-17-040: Review and Approval Process**
  - 1500-17-050: Abandonment and Removal of Facilities**
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#### 1500-17-010 Purpose

This Chapter supports the development of wind energy resources primarily for on-site use to reduce the consumption of electricity supplied by utility companies consistent with the General Plan. It is the goal of this Chapter to minimize potential adverse impacts associated with wind energy systems on area residents and aesthetic quality through careful siting and design and to minimize public safety risks by providing standards for the placement, design, construction, modification and removal of such systems.

#### 1500-17-020 Applicability

- A. Mini-wind energy systems are permitted in all zoning districts.
- B. Small wind energy systems are permitted, subject to the provisions of this Chapter, in the Agriculture (AG), Ranchette (RAN), Estate Residential (ER), General Commercial (GC), Commercial Industrial (CM), Light Industrial (M-1), General Industrial (M-2) and Public (P) zoning districts.

#### 1500-17-030 Definitions

The words, phrases and terms as used in this Chapter shall have the following meanings:

- A. **Mini-wind Energy System.** A wind energy conversion system consisting of a wind turbine attached to permitted structure or tower together with associated control or conversion electronics that has a rated capacity of not more than 7 kilowatts per lot, and is used primarily to reduce onsite consumption of utility power.
- B. **Small Wind Energy System.** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more than 50 kilowatts per lot, consistent with the requirements of paragraph (3) of subdivision (b) of Section 25744 of the Public Resources Code, and that will be used primarily to reduce onsite consumption of utility power.
- C. **System Height.** The height of the tower and the system measured to the top of the blade at the

highest point of the system extended above the existing grade when being operated.

- D. **Tower Height.** The height above grade of the fixed portion of the tower, excluding the wind turbine.

**1500-17-040 Review and Approval Process**

A. **Mini-wind Energy Systems.** Mini-wind energy systems which are consistent with the standards below shall be permitted upon the issuance of a Zoning Clearance pursuant to Section 1500-25-030. Applications for a zoning clearance shall be accompanied by such plans, elevations and technical documentation necessary to demonstrate the details of the proposed system and compliance with the following criteria:

1. The system shall be consistent with the setback and height limitations of the zoning district proposed.
2. A mini-wind energy system shall not exceed 55 decibels (dba) as measured at the nearest property line except during short-term events such as utility outages and severe wind storms. Manufacturer’s specifications or other information as approved by the Director shall be submitted demonstrating compliance with this section.
3. Any proposed towers shall be of a mono-pole type.
4. Climbing apparatus shall be located at least 12 feet above the ground, and the tower shall be designed to prevent climbing within twelve 12 feet of the ground.
5. Tower structures shall not include lighting unless required by another code or regulation.
6. Towers and blades shall be painted a non-reflective neutral color or have a non-reflective neutral colored surface.
7. In all Residential Districts mini-wind energy systems shall be limited to one unit per lot. In all other cases, multiple systems may be located on a lot if the combined systems have a rated capacity of not more than 7 kilowatts per lot.

B. **Small Wind Energy Systems.** Small wind energy systems which are consistent with the standards below shall be permitted upon the issuance of a zoning clearance pursuant to Section 1500-25-030. Applications for a zoning clearance shall be accompanied by such plans, elevations and technical documentation necessary to demonstrate the details of the proposed system and compliance with the following criteria:

1. The lot where the system is proposed to be located shall not be within the Sutter Buttes Overlay Zone.
2. The lot where the system is located shall be a minimum of 2 acres in size.
3. System height and property line setbacks shall be consistent with Table 1500-17-1 below.

<b>Table 1500-17-1: HEIGHT and PROPERTY LINE SETBACKS</b>			
<b>Lot Size</b>	<b>Maximum Permitted Tower Height</b>	<b>Maximum Permitted System Height</b>	<b>Minimum Required Setback from Property Line</b>
2-5 acres	80 feet	100 feet	System height plus 5 feet
6-19 acres	100 feet	120 feet	System height plus 5 feet

<b>Table 1500-17-1: HEIGHT and PROPERTY LINE SETBACKS</b>			
<b>Lot Size</b>	<b>Maximum Permitted Tower Height</b>	<b>Maximum Permitted System Height</b>	<b>Minimum Required Setback from Property Line</b>
20 acres and larger	120 feet	150 feet	System height plus 5 feet

Note: Table 1500-17-1 is intended to be restrictive rather than permissive, therefore tenths of a lot are rounded down to the next whole number, i.e. 5 acres = 5.1 up to 5.99 acres.

4. A small wind energy system shall not exceed 60 decibels (dba) as measured at the nearest property line except during short-term events such as utility outages and severe wind storms. Manufacturer’s specifications or other information as approved by the Director shall be submitted demonstrating compliance with this section.
5. Lattice and/or guyed towers shall not be allowed within 500 feet of any Residential District.
6. Climbing apparatus shall be located at least 12 feet above the ground, and the tower shall be designed to prevent climbing within 12 feet of the ground.
7. Tower structure lighting shall be prohibited unless required by another code or regulation.
8. Towers and blades shall be painted a non-reflective neutral color or have a non-reflective neutral colored surface.
9. The system shall be used primarily to reduce onsite consumption of electricity.
10. Small wind systems shall be located a distance not greater than the height of the proposed system from existing buildings or home sites.
11. On lots sized 20-acres or greater, a small wind system may be located away from existing buildings or homesites if the system will serve a well or similar infrastructure in support of an agricultural use.
12. Multiple systems may be located on lots sized 20-acres and larger if the combined systems have a rated capacity of not more than 50 kilowatts per lot.

Before the issuance of a Zoning Clearance for a small wind energy system, a Notice of Intent to approve shall be mailed or delivered at least 10 days prior to action on the application to the applicant, the property owner, the owners as shown on the most recent secured assessor’s roll of property within 400 feet of the property involved in the application, all established agricultural aerial spraying operators of record, and all other persons who have requested notice in accordance with Section 1500-23-060(B). Such other notice as the County deems appropriate may also be given. All Zoning Clearances shall be processed in accordance with Section 1500-25-030.

Small wind energy systems which are determined not to be consistent with the above criteria may be permitted upon approval of a Use Permit pursuant to Section 1500-25-050. Modifications to previously approved small wind energy systems shall obtain a Zoning Clearance pursuant to Section 1500-25-030 and demonstrate the proposed modification’s consistency with the above criteria.

**1500-17-050 Abandonment and Removal of Facilities**

- A. A mini-wind or small wind energy system that ceases to produce electricity on a continuous basis for 18 months shall be considered abandoned. The Director may request documentation and/or affidavits from the property owner regarding the system’s usage in order to make a determination as to the date of abandonment or the date on which other violation(s) occurred.

- B. Upon a determination of abandonment or other violation(s), the County shall send a notice to the property owner indicating the property owner shall remove the mini-wind or small wind energy system and all associated facilities, and remediate the site to its approximate original condition within 90 days of notice by the County, unless the County determines the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means short of removing the small wind energy system and restoring of the site, the County may advise the property owner of such alternative means of resolving the violation(s).

# Article 18

## Wireless Telecommunication Facilities

### CHAPTER 1500-18

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#### Sections:

- 1500-18-010: Purpose
  - 1500-18-020: Applicability
  - 1500-18-030: Definitions
  - 1500-18-040: Exemption
  - 1500-18-050: Development and Siting Standards
  - 1500-18-060: Review and Approval Process
  - 1500-18-070: Application Materials
  - 1500-18-080: Removal of Facilities
  - 1500-18-090: Financial Assurance Requirements
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#### 1500-18-010 Purpose

This chapter establishes standards for the review, siting, design and development of wireless telecommunication facilities consistent with the applicable requirements of federal law. The regulations are intended to provide for the appropriate development of wireless telecommunication facilities within the County to meet the needs of residents, business-owners, and visitors while preventing visual blight and protecting public health, safety and welfare.

#### 1500-18-020 Applicability

- A. This chapter 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 mono-poles, towers, utility poles, transmitters, base stations, equipment shelters and cabinets, and emergency power systems that are integral to providing wireless telecommunications services.

#### 1500-18-030 Definitions

- A. **Antenna.** Any system of poles, panels, rods, dishes or similar devices that transmit or receive electromagnetic waves.
- B. **Building/Structure Mounted Wireless Telecommunication Facility.** A wireless telecommunication facility, and its associated support structure, mounted to the side of a building or to another structure such as a water tank, billboard, church steeple, freestanding sign, etc.
- C. **Camouflaged.** Designed to mask or blend with the surrounding environment in such a manner to

render it unnoticeable to the casual observer.

- D. **Co-location.** Locating of wireless telecommunications equipment from more than one provider on a single building mounted, roof mounted, or freestanding wireless telecommunication facility.
- E. **Equipment Shelter or Cabinet.** An ancillary building used to house the telecommunications equipment at a wireless telecommunication facility.
- F. **Freestanding Wireless Telecommunication Facility.** A structure such as a monopole or tower, constructed or existing specifically for the purposes of supporting antenna(s) and/or equipment used in conjunction with the operation of one or more wireless telecommunications facilities.
- G. **Mono-pole.** A single free-standing pole type structure supporting one or more antenna. Not the same as a tower.
- H. **Radio Propagation Model.** A radio frequency engineering plot that illustrates the radius of coverage for a wireless telecommunication network or an individual antenna site.
- I. **Roof-Mounted Wireless Telecommunication Facility.** A wireless telecommunication facility, and its associated support structure, attached to a roof of a building or similar structure.
- J. **Tower.** A multi-member structure supporting one or more antenna.
- K. **Wireless Telecommunication Facility.** Any unmanned facility established for the purpose of providing wireless transmission of voice data, images, or other information including, but not limited to, cellular telephone service, personal communication services, and paging services.

### 1500-18-040 Exemptions

The following types of non-commercial wireless telecommunications facilities shall be exempt from the provisions of this chapter:

- A. Telecommunication facilities accessory to a residential use subject to the height requirements for the applicable zoning district.
- B. Licensed amateur (ham) radio and citizen band operations subject to the height requirements for the applicable zoning district.
- C. Telecommunication facilities used for emergency and/or public safety services.
- D. Government-owned telecommunications facilities used for a public purpose.
- E. Telecommunication facilities exempted from local regulation under federal or State law.

### 1500-18-050 Development and Siting Standards

All wireless telecommunication facilities subject to the chapter shall be located, developed, and operated in compliance with all of the following standards and with the applicable standards of the zoning district in which they are located:

**A. Co-location**

1. Unless determined infeasible, providers of wireless services shall co-locate facilities in order to reduce adverse visual impacts. The approving authority may require co-location or multiple-user wireless telecommunication facilities.
2. Unless determined infeasible, the approving authority may require the applicant to make unused space available for future co-location of other wireless telecommunication facilities, including space for different operators providing similar, competing services.
3. When an applicant indicates that co-location is not feasible, technical evidence shall be provided to the satisfaction of the Director explaining why co-location cannot be achieved.

**B. Siting**

1. No new freestanding wireless telecommunication facility shall be located within 1,000 feet of another existing/approved freestanding facility. The approving authority may allow a reduced distance between facilities if:
  - a. It is determined that the visual impacts are negligible; or
  - b. It is demonstrated that the site is necessary to meet the demands of the geographic service area of the applicant's network, or will facilitate co-location.
2. All new wireless telecommunication 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. The approving authority may allow a reduced setback requirement if:
  - a. The reduced setback is not adjacent to a parcel within a residential zoning district; and
  - b. The adjacent property owners consent in writing to a reduced distance, no less than the minimum building setback required by the applicable zone.
3. Wireless telecommunication facilities mounted on an existing utility pole, lighting standard, water tower, flag pole or other similar structure are not subject to setback requirements.
4. When feasible, freestanding wireless telecommunication facilities on an agricultural parcel shall be located adjacent to existing structures such as a barn, rice dryer, or home site, as opposed to remote locations which have the potential to impact aerial spraying operations. Such facilities shall be set back as far as possible from existing legally established residential dwellings located on adjacent properties.
5. The preferred location of a mono-pole or tower on an agricultural parcel shall be adjacent to existing buildings or homesites, as opposed to remote locations which have the potential to impact aerial spraying operations. To the extent feasible, new mono-poles or towers shall be setback as far as possible from residences located on adjacent properties. All applications for wireless communication facilities shall identify any airstrip or airport within a 10 mile radius of the proposed site.

**C. Height**

1. The maximum height for freestanding wireless telecommunication facilities shall be 100 feet. The review authority may approve additional height based upon justifiable need or if it can be demonstrated that a higher facility will facilitate co-location. The height shall be the minimum necessary to meet the technical requirements of the proposed telecommunication system.
2. The maximum height for roof-mounted wireless telecommunication facilities shall be no more than 10 feet above the roof line of the building with an additional foot in height for each 10 feet the antenna is set back from the edge of the building. Antennas mounted on the side of a building shall not extend above the building parapet. Ancillary roof-mounted equipment shall be screened from public view.

3. The maximum height for wireless telecommunication facilities mounted on an existing utility pole, lighting standard, water tower, flag pole or other similar structure shall be no more than 10 feet above existing height of the structure.

**D. Design and Screening**

1. Freestanding wireless telecommunication facilities shall incorporate state of the art camouflage technology as appropriate to the site and type of facility. Where no camouflage technology is proposed for the site, a detailed analysis as to why camouflage technology is physically and technically infeasible for the project shall be submitted with the application.
2. Wireless telecommunication facilities that are mounted on buildings or structures shall be incorporated in building design elements, camouflaged, or otherwise screened to minimize their appearance in a manner that is compatible with the architectural design of the building or structure.
3. The equipment shelter or cabinet must be concealed to the extent possible from public view with at a minimum chain link fencing and slats or other acceptable materials and shall be made compatible with the architecture of surrounding structures. The equipment shelter or cabinet shall be regularly maintained.
4. The shelter or cabinet shall meet the building setback standards established in the zoning district in which the facility is to be located.
5. Landscaping may be required to be incorporated into the site to screen any ground structures or equipment.
6. Lighting of a wireless telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration.
7. No advertising shall be placed on wireless telecommunication facilities, equipment cabinets, or associated structures.
8. All wireless telecommunication facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in a hazardous situation, visual blight, or attractive nuisances.
9. Wireless telecommunication facilities and all other equipment, such as emergency generators and air conditioners, must be designed to be consistent with the County’s noise standards when in proximity to sensitive receptors.

**1500-18-060 Review and Approval Process**

- A. **Permits Required.** Permits required for wireless telecommunication facilities shall be as specified in Table 1500-18-1 below:

<b>Table 1500-18-1: WIRELESS TELECOMMUNICATION FACILITIES PERMIT REQUIREMENTS</b>				
	<b>Co-located at an existing facility</b>	<b>Integrated on an existing building or structure</b>	<b>New freestanding facility</b>	
<b>P</b> Permitted	<b>ZC</b> Zoning Clearance	<b>AP</b> Administrative Permit	<b>UP</b> Use Permit	- Not Permitted
<b>Agricultural, Recreation and Public Districts</b>				
Agriculture (AG)	ZC	ZC		UP
Recreation (REC)	ZC	ZC		UP
Public (P)	ZC	ZC		UP

**Table 1500-18-1: WIRELESS TELECOMMUNICATION FACILITIES PERMIT REQUIREMENTS**

	Co-located at an existing facility	Integrated on an existing building or structure	New freestanding facility	
P Permitted	ZC Zoning Clearance	AP Administrative Permit	UP Use Permit	
- Not Permitted				
<b>Residential Districts</b>				
Ranchette (RAN)	-	-	-	
Estate Residential (ER)	-	-	-	
Single-Family Residential (R-1)	-	-	-	
Two-Family Residential (R-2)	-	-	-	
Neighborhood Apartment (R-3)	-	ZC	-	
General Apartment (R-4)	-	ZC	-	
<b>Commercial and Employment Districts</b>				
General Commercial (GC)	ZC	ZC	UP	
Commercial Industrial (CM)	ZC	ZC	UP	
Employment Corridor (EC)	ZC	ZC	UP	
Light Industrial (M-1)	ZC	ZC	UP	
General Industrial (M-2)	ZC	ZC	UP	

- B. **Modifications.** Modifications and additions to approved wireless telecommunication facilities may be allowed subject to approval of a Zoning Clearance, provided such modification or additions do not increase the approved height of the facilities and are consistent with all provisions of this chapter.
- C. **Multiple Facilities.** For service providers who plan to establish multiple wireless telecommunication facilities within the County, the service provider is encouraged to apply for approval of all facilities at one time.
- D. **ALUCP Review.** All applications for wireless telecommunication facilities that are proposed to be located within the boundaries of any comprehensive airport land use compatibility plan or airport area of influence, as adopted or designated by the Airport Land Use Commission (ALUC), shall be forwarded to the ALUC 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.
- E. **Review Period.** All application for wireless telecommunication facilities shall be processed within the timelines specified by the Federal Communications Commission (FCC).
- F. **Technical Assistance.** 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.
- G. **Findings and Conditions.** In addition to other findings as may be required by this chapter, the approving authority shall make the following findings when considering a use permit for a wireless telecommunication facility:
  - 1. The height of the tower is the minimum necessary to meet the technical requirements of the proposed wireless telecommunication system.

2. The facility has been screened and/or camouflaged to the extent reasonably feasible.
3. The proposed tower, if located in an agricultural district, will not interfere with any established aerial spraying operations.
4. The applicant has agreed to accept proposals from future applicants to co-locate at the approved site.
5. The project as proposed is necessary for the provision of an efficient wireless telecommunication system.

The applicant shall be required, as a condition of approval, to allow future applicants to co-locate their antennas at the approved facility. The Planning Commission may allow an exception to this requirement if the applicant provides evidence that such co-location would adversely affect the facility's capability of providing necessary telecommunication services.

### **1500-18-070 Application Materials**

Applications for approval of a wireless telecommunication facility shall include all materials and information required for the permit plus the following information:

- A. A narrative description of the proposed facility, including the type of facility being requested.
- B. A description of the type of technology and consumer services the provider will provide to its customers.
- C. A description of the number, height, size, material, and color of mono-poles/towers.
- D. A description of any proposed support buildings or equipment necessary to support or house the facility.
- E. A site plan drawn to an engineer's scale that accurately shows the location of all towers and other structures within the proposed facility.
- F. Elevations showing all sides of the facility and any accessory buildings, including tower/building heights and other physical dimensions, drawn to graphic scale.
- G. Landscaping and painting/screening/camouflage plans for the proposed facility. Such plans shall be accompanied by written evidence demonstrating that the selected facility structure or mono-pole/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.
- H. All applications for new mono-poles/towers shall provide an alternative site analysis detailing the specific steps undertaken to determine the applicant's selection of a particular project site and its relationship to the location preferences prescribed in this chapter. The analysis shall include a radio propagation model for each carrier or carriers if the mono-pole/towers are for multiple users. The alternative analysis shall include the following information.
  1. A topographical map of the proposed local service area and which identifies the local network facilities with which the proposed site will interconnect;
  2. Identification of all other existing structures which might provide an opportunity for attached antenna facilities;
  3. Identification of service gaps in the proposed service area, or areas of high usage requiring in-fill of existing service areas; and

4. A technical report discussing why alternatives would not be feasible for use as a telecommunications site. This may include construction, interconnect, utility or other factors precluding development of the property or facility as a suitable site.
- I. Evidence of a valid, current operating license or construction permit from the FCC or, if the applicant is not a wireless telecommunications service provider, a user operating agreement for each and every such provider to which the applicant intends to rent space on the proposed facility.

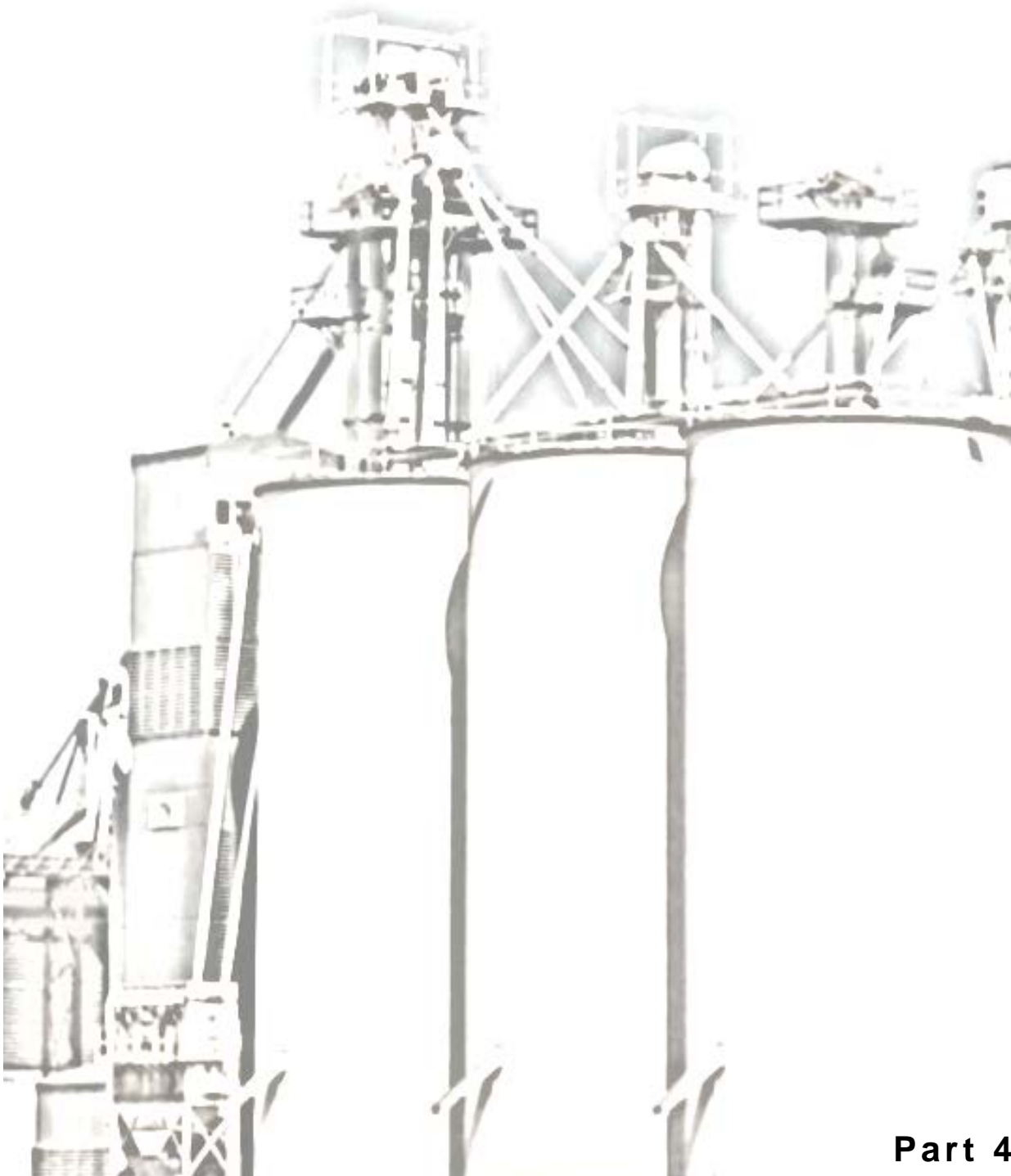
#### **1500-18-080 Removal of Facilities**

The operator of a wireless telecommunication facility shall be required to remove all unused or abandoned equipment, antennas, poles, or towers within 30 days of abandonment. The facility shall be deemed abandoned if it has not been operational for a consecutive 6 month period.

#### **1500-18-090 Financial Assurance Requirements**

The carrier and/or successor in interest shall properly maintain and ultimately remove if required, the approved wireless telecommunication facilities according to the provisions of this chapter and any conditions of permit approval. The carrier shall post a financial security, such as a bond or Certificate of Deposit, acceptable to the County to ensure that the approved facilities are properly maintained and to guarantee that the facility is dismantled and removed from the premises and the site reclaimed if it has been inoperative for a one-year period, or upon expiration of the permit. Financial assurance shall be an amount determined by a California licensed engineer, and approved by the approving authority, and shall cover the costs associated with the demolition, removal, and reclamation of the facility site in the event the carrier abandons operations.

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**Part 4**

**General Regulations**

Part 4

## **General Regulations**

### **Article 19: Agricultural Buffers**

- 1500-19-010: Purpose
- 1500-19-020: Applicability
- 1500-19-030: Buffer Design
- 1500-19-040: Buffer Setbacks
- 1500-19-050: Reductions in Buffer Widths
- 1500-19-060: Maintenance
- 1500-19-070: Waiver and Termination

### **Article 20: Parking, Loading and Improvements**

- 1500-20-010: Purpose
- 1500-20-020: Applicability
- 1500-20-030: Location and Use of Parking
- 1500-20-040: Calculation of Parking Requirements
- 1500-20-050: Number of Spaces Required by Use Type
- 1500-20-060: Special Parking Provisions and Substitutions
- 1500-20-070: Parking Reductions
- 1500-20-080: Design of Parking Lots and Spaces
- 1500-20-090: Bicycle Parking
- 1500-20-100: Loading Requirements
- 1500-20-110: Improvements

### **Article 21: Signs**

- 1500-21-010: Purpose
- 1500-21-020: Applicability
- 1500-21-030: Sign Measurements
- 1500-21-040: General Sign Standards
- 1500-21-050: Signs Allowed Without a Permit
- 1500-21-060: Permit Requirements
- 1500-21-070: Signs Requiring a Permit
- 1500-21-080: Prohibited Signs
- 1500-21-090: Nonconforming and Abandoned Signs
- 1500-21-100: Sign Maintenance
- 1500-21-110: Sign Removal

### **Article 21.5: Noise Control**

- 1500-21.5-010: Purpose
- 1500-21.5-020: Definitions
- 1500-21.5-030: General Noise Regulations
- 1500-21.5-040: Noise Level Measurement
- 1500-21.5-050: Exterior Noise Standards
- 1500-21.5-060: Unique Noise Standards
- 1500-21.5-070: Exceptions to Noise Standards
- 1500-21.5-080: Noise Exception Requests
- 1500-21.5-090: Violations

# Article 19

## Agricultural Buffers

### CHAPTER 1500-19

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#### Sections:

- 1500-19-010: Purpose**
  - 1500-19-020: Applicability**
  - 1500-19-030: Buffer Design**
  - 1500-19-040: Buffer Setbacks**
  - 1500-19-050: Reductions in Buffer Widths**
  - 1500-19-060: Maintenance**
  - 1500-19-070: Waiver and Termination**
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#### **1500-19-010 Purpose**

The purpose of agricultural buffers and setbacks is to provide for the long-term viability of agricultural operations and to minimize potential conflicts between adjacent agricultural and new, non-agricultural development and uses.

#### **1500-19-020 Applicability**

Permanent agricultural buffers are required for any new or expanded non-agricultural use or development such as the subdivision of Estate Residential properties or other residential subdivisions, or development of commercial or industrial projects that are:

- A. Located on land that is not zoned AG;
- B. Located outside established City sphere of influence boundaries or rural communities boundaries. Projects located within but adjacent to these boundaries shall buffer from adjacent properties located outside the boundaries; and
- C. Require discretionary approval from the County.

#### **1500-19-030 Buffer Design**

- A. Where agricultural buffers are required they shall be located on the non-agricultural property.
- B. Agricultural buffers should be designed to ensure that the buffer does not provide a host environment for pests or carriers of disease which could potentially impact adjacent agricultural operations.
- C. Agricultural buffers should be designed to accommodate drainage, trails, roads, parks, greenbelts, infrastructure, community gardens, native landscaping, and other uses that are compatible with ongoing agricultural operations and provide multiple use opportunities.

- D. Hedgerows, berms, walls, or other types of barriers may be incorporated into the buffer design to reduce impacts between adjacent agricultural operations and non-agricultural uses.

### 1500-19-040 Buffer Setbacks

Table 1500-19-1 identifies recommended minimum agricultural buffer setbacks which are required to be provided on the property on which the new or expanded non-agricultural use or development (i.e. new residential subdivision, commercial or industrial use) is proposed. The minimum agricultural buffer setback shall be measured from the proposed non-agricultural project site to the property line of the adjacent agricultural property and may include the width of adjacent road right-of-ways, canals, or other similar features. These buffers shall not apply to accessory uses and structures such as shops, barns, ground mounted solar facilities, and other similar uses and structures.

<b>Crop/Type/Agricultural Use</b>	<b>Minimum Buffer</b>
Rangeland/Grazing	50 feet
Rice, field crops, orchards and vineyards	300 feet
Wholesale Nurseries	300 feet
Animal Husbandry	200 feet
Dairies	500 feet
Feed Lots	800 feet
Slaughterhouses	1,000 feet

### 1500-19-050 Reductions in Buffer Widths

Agricultural buffers may be reduced with approval of a Use Permit where the approving authority determines that:

- A. Specific site characteristics exist such as topography, prevailing winds, vegetation, and other site features that provide adequate buffering such that the required setback is not necessary to promote and protect agriculture and protect public health and safety; or
- B. Site constraints such as parcel size and configuration are such that the required setback is infeasible and the reduced setback provides the maximum feasible buffer from the Agricultural District or use.

### 1500-19-060 Maintenance

All buffers shall provide an ongoing maintenance program for the buffer area.

### 1500-19-070 Waiver and Termination

Buffer requirements may be waived or subsequently terminated if determined by the Director, in consultation with the Agricultural Commissioner, that all adjacent parcels zoned AG have been irreversibly converted to non-agricultural uses.

# Article 20

## Parking, Loading and Improvements

### CHAPTER 1500-20

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#### Sections:

- 1500-20-010: Purpose
  - 1500-20-020: Applicability
  - 1500-20-030: Location and Use of Parking
  - 1500-20-040: Calculation of Parking Requirements
  - 1500-20-050: Number of Spaces Required by Use Type
  - 1500-20-060: Special Parking Provisions and Substitutions
  - 1500-20-070: Parking Reductions
  - 1500-20-080: Design of Parking Lots and Spaces
  - 1500-20-090: Bicycle Parking
  - 1500-20-100: Loading Requirements
  - 1500-20-110: Improvements
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#### 1500-20-010 Purpose

The purpose of this Chapter is to:

- A. Ensure sufficient off-street parking and loading facilities for all use types;
- B. Provide safe, accessible, attractive, secure, and well-designed off-street parking and loading facilities;
- C. Encourage the use of alternative modes of transportation where feasible; and
- D. Ensure access and maneuverability for emergency and service vehicles.

#### 1500-20-020 Applicability

Off-street parking and loading provisions of this Chapter shall apply as follows:

- A. **New Development.** For all buildings or structures erected and all uses of land established after the effective date of this Chapter, parking and loading facilities shall be provided as required herein. Except as otherwise specifically conditioned, projects with unexpired land use and development approvals on the effective date of this Chapter have the option of meeting the parking requirements the Sutter County Zoning Code in effect on the project approval date or being subject to the provisions required herein.
- B. **Change in Use or Structure.** Whenever an existing structure is modified, or whenever the use of any structure changed, whereby the modification or change creates an increase of more than 10% in the number of required off-street parking spaces, additional off-street parking spaces shall be provided to meet the additional demand.

**1500-20-030 Location and Use of Parking**

- A. **Use and Availability.** All required off-street parking spaces shall be designed, located, constructed and maintained so as to be fully usable and accessible at all times:
  - 1. Required off-street parking spaces shall not be used for any purpose that would prevent vehicles from parking in required spaces, except as permitted by Article 16 (Temporary Uses).
  - 2. Required parking spaces shall not be used for the parking of fleet vehicles or equipment, or for the sale, lease, display, storage or repair of vehicles, trailers, boats, campers, mobile homes, merchandise or equipment.
  - 3. Driveways and aisle ways shall not be used for any purpose that would prevent vehicle access to parking spaces, or inhibit circulation or emergency service response.
  
- B. **Location Requirements for Parking Spaces.**
  - 1. Except as otherwise permitted herein, all required off-street parking spaces shall be accessible to and located on the same lot as the use and/or development requiring such spaces.
  - 2. Parking spaces may be located as needed on a single-family residential parcel, provided that no required parking space shall be located within a front or street side setback, unless otherwise allowed in this Chapter. A driveway providing access to a street may be located within a front or street side setback.
  
- C. **Parking on Multiple Parcels.** Where parking is provided in a building complex or other project on multiple contiguous parcels, reciprocal parking and access agreements shall be recorded to provide equal use and access to parking for all users within the complex or project.
  
- D. **Off-site Parking.** The County may grant an Administrative Permit for off-site parking provided the following conditions are met:
  - 1. The site on which the parking is located is within a reasonable distance of the use it is serving and is not separated from the use by any feature which would make pedestrian access inconvenient or hazardous.
  - 2. The site on which the parking is located is owned, leased, or otherwise controlled by the party controlling the use it is serving, and a covenant or other binding instrument for the maintenance and continued use of such parking for the duration of the use is recorded.
  - 3. The site is designed and improved as required by this Chapter.
  - 4. The parking requirements for existing use(s) at the off-site location are not compromised.
  
- E. **Tandem Parking.** Tandem parking shall not be permitted to satisfy off-street parking requirements, except within mobile home parks and for single-family residential use when located outside required front and street side yard setback areas with spaces and access surfaced in accordance with requirements of this Chapter.

**1500-20-040 Calculation of Parking Requirements**

- A. **Minimum Parking Requirements.** Unless off-street parking reductions are permitted pursuant to Section 1500-20-070, the number of off-street parking spaces required in Table 1500-20-1 shall be considered the minimum necessary for each use.

- B. **Rounding of Quantities.** When the calculation of the required number of off-street parking spaces results in a fraction of a space, the total number of spaces shall be rounded to the nearest whole number (0.49 and below round down, 0.50 and above round up).
- C. **Mixed-use/Multiple Tenant Building Complex.** When more than one use type is conducted on a parcel or within a building complex, the required number of parking spaces shall be the sum of the number of parking spaces required for each individual use type.
- D. **Developments with Unknown Tenants.** When the type of tenants that will occupy a project are not known at the time of the development entitlement, the amount of parking provided shall be the minimum number of spaces required by Table 1500-20-1 for the most intense use type allowed within the underlying zoning district that can reasonably be accommodated within the entire structure/project, as determined by the Director. The Director may grant exceptions to this rule where the use or other restrictions ensure adequate parking is provided, or where a parking reduction is approved pursuant to Section 1500-20-070.
- E. **Tenants/Uses with Multiple Functions.** When an individual tenant has several functions, the amount of parking for the tenant shall be calculated for the primary use type.
- F. **Tenants/Uses with Accessory Storage.** When a tenant has enclosed accessory storage in excess of 2,000 square feet, the required parking for that portion of the tenant space dedicated to storage shall be calculated as specified in Table 1500-20-1 for the Warehousing, Wholesaling and Distribution use type (in addition to the parking requirements for the primary use of the building).
- G. **Use Types Not Listed.** When a use type is not listed in Table 1500-20-1, the parking requirement shall be determined based on the parking requirements for use types with similar functional characteristics.
- H. **Parking Study.** The Director may require preparation of a parking demand study to determine appropriate parking requirements in any of the above or other circumstances where the standards in Table 1500-20-1 do not readily apply to a proposed project or use type(s).

#### **1500-20-050 Number of Spaces Required by Use Type**

Where used to determine required parking in Table 1500-20-1, the following terms shall be defined as:

- A. **Square Feet.** The gross square feet of building floor area unless otherwise specified.
- B. **Employee.** The total number of employees on the largest working shift.
- C. **Guest.** The maximum number of guests permitted at one time.
- D. **Bedroom.** Any designated bedroom as well as dens, studies, or other similar rooms that may be used as a bedroom.
- E. **Number of Seats.** The total number of fixed seats. Where fixed seats provided are either benches or bleachers, such seats shall be construed to be not more than 20 linear inches wide (24 inches wide for dining), but in no case, shall seating be less than determined as required by the International Building Code.

**Table 1500-20-1: OFF-STREET PARKING REQUIRED BY USE TYPE**

Use Types	Number of Required Parking Spaces
<b>Agricultural Use Types</b>	
Agricultural Education and Entertainment	
Small	1 space per every 2.5 guests (or as determined by Administrative Permit). In addition, 1 space per employee.
Large	1 space per every 2.5 guests (or as determined by use permit). In addition, 1 space per employee.
Agricultural Homestays	1 space per guestroom. In addition, 2 spaces for resident managers.
Agricultural Manufacturing	1 space per employee based on the shift having the most employees.
Agricultural Processing	
Private	1 space per employee based on the shift having the most employees.
Commercial	1 space per employee based on the shift having the most employees.
Agricultural Product Sales	
Wayside Stand	1 space per 300 sf. of display and sales area, minimum of 2 spaces.
Agricultural Store	1 space per 300 sf. of display and sales area. Minimum of 2 spaces.
Agricultural Supplies and Services	
Light	1 space per 1,000 sf. of floor area.
Heavy	1 space per 1,000 sf. of floor area.
Agricultural Truck Yards	
Small	1 space per 1.5 trucks/fleet vehicles parked. In addition, 2 spaces per 1,000 square feet of building area.
Large	1 space per 1.5 trucks/fleet vehicles parked. In addition, 2 spaces per 1,000 square feet of building area.
Agriculture	
Agriculture, Animal Husbandry	Improved off-street parking spaces are not required, as long as sufficient usable area is provided to meet the parking needs of all employees, visitors, and loading activities entirely on the site of the use.
Agriculture, Crops and Tree Farms	Improved off-street parking spaces are not required, as long as sufficient usable area is provided to meet the parking needs of all employees, visitors, and loading activities entirely on the site of the use.
Animal Processing	1 space per employee based on the shift having the most employees.
Intensive Animal Operations	Improved off-street parking spaces are not required, as long as sufficient usable area is provided to meet the parking needs of all employees, visitors, and loading activities entirely on the site of the use.
Commercial Stables	
Small	1 space per 2 stalls.
Large	1 space per 2 stalls. 1 space per 2.5 guests for special events (or as approved by Use Permit).

**Table 1500-20-1: OFF-STREET PARKING REQUIRED BY USE TYPE**

Use Types	Number of Required Parking Spaces
<b>Wineries, Breweries, Distilleries and Mills</b>	
Small	1 space per 300 sf. of tasting rooms, reception and office floor area. In addition, 1 space per 1,500 sf. of production, storage and warehousing floor area. 1 space per 2.5 guests for special events (or as approved by Administrative Permit).
Large	1 space per 300 sf. of tasting rooms, reception and office floor area. In addition, 1 space per 1,500 sf. of production, storage and warehousing floor area. 1 space per 2.5 guests for special events (or as approved by Use Permit).
<b>Open Space and Recreational Use Types</b>	
Community Garden	Improved off-street parking spaces are not required.
Campgrounds and Recreational Vehicle Parks	As determined by Use Permit.
Camps and Retreats	As determined by Use Permit.
Conversion of Agricultural Land to Habitat	As determined by the Director based upon proposed uses, location and frequency of use.
Golf Courses and Country Clubs	2 spaces per hole. 1 space per tee for driving range. In addition, 1 space per 300 sf. of building area.
<b>Marinas and Boat Launching</b>	
Boat Launching	1 space per 3 day users. In addition, 1 space per 300 sf. of building area.
Marina	1 space per boat slip or mooring. In addition, 1 space per 300 sf. of building area.
Parks and Recreation	As determined by the Director based upon proposed uses, location and frequency of use.
Residential Recreation Facilities	As determined by the Director based upon proposed uses, location and frequency of use.
Resource Protection and Restoration	Improved off-street parking spaces are not required, as long as sufficient usable area is provided to meet the parking needs of all employees, visitors, and loading activities entirely on the site of the use.
Resource Related Recreation	As determined by the Director based upon proposed uses, location and frequency of use.
Shooting Ranges, Indoor	1 space for every 4 persons of the facilities allowed maximum attendance.
Shooting Range, Outdoor	1 space for every 4 persons of the facilities allowed maximum attendance.
Sports Clubs	1 space for every 4 persons of the facilities allowed maximum attendance.
<b>Assembly and Educational Use Types</b>	
Community Assembly and Cultural Facilities	1 space per 4 fixed seats or 1 space per 40 square feet of assembly seating area when not fixed seats. Where no assembly seating, 1 space per 300 square feet of floor area.
Religious Institutions	1 space per 4 fixed seats or 1 space per 40 square feet of assembly seating area when not fixed seats.

**Table 1500-20-1: OFF-STREET PARKING REQUIRED BY USE TYPE**

Use Types	Number of Required Parking Spaces
	In addition, 1 space per 300 sf. of classroom and office.
<b>Schools and Educational Services</b>	
Elementary and Secondary Schools, Public	Nursery/Pre-school: 1 space per staff member plus 1 space per 10 children. Elementary/Junior High: 1 space per staff member plus 2 spaces per classroom. High School: 1 space per staff member plus 7 spaces per classroom.
Elementary and Secondary Schools, Private	Nursery/Pre-school: 1 space per staff member plus 1 space per 10 children. Elementary/Junior High: 1 space per staff member plus 2 spaces per classroom. High School: 1 space per staff member plus 7 spaces per classroom.
Colleges and Universities	10 spaces per classroom.
Specialized Education and Training	1 space per staff member, plus 1 space per 2 students.
<b>Special Event Facilities</b>	
Small	1 space per 2.5 guests (or as determined by Administrative Permit). In addition, 1 space per employee.
Large	1 space per 2.5 guests (or as determined by use permit). In addition, 1 space per employee.
<b>Residential Use Types</b>	
<b>Agricultural Employee Housing</b>	
Dwelling Unit	2 spaces per unit.
Complex	1 space per four beds.
Labor Camp	1 space per four beds.
<b>Caretaker Housing</b>	
Agricultural	1 space per unit.
Residential	1 space per unit.
Commercial/Industrial	1 space per unit.
Marina/Boat Launch Facilities	1 space per unit.
<b>Dwelling Units</b>	
Single Family	2 spaces per unit (may be tandem).
Accessory Dwelling Unit	No additional spaces required beyond those required for the primary dwelling on the property.
Two Family	2 spaces per unit.
Multi Family	1 space per studio apartment or unit containing one bedroom. 1.5 spaces per unit containing two bedrooms. 2 spaces per unit containing three or more bedrooms. In addition, 1 guest space for each 10 units.
Group Quarters	1 space per guest room.
Guest Cottage	1 space per unit.
Live-Work Residential	2 spaces per unit (may be tandem).
Mobile Home Park	2 spaces per unit. In addition, 1 guest space per each 5 units. Mobile home park spaces set aside for overnight use only shall be excluded from guest parking requirements.

**Table 1500-20-1: OFF-STREET PARKING REQUIRED BY USE TYPE**

Use Types	Number of Required Parking Spaces
<b>Community Care and Assistance Use Types</b>	
Cold Weather Shelter	As determined by the Director based upon location.
Day Care	
Day Care Center	1 space per 400 sf. of floor area. In addition, 1 space per teacher.
Family Day Care, Small	No requirement beyond spaces required for the single-family unit.
Family Day Care, Large	1 additional space per employee not residing in the home beyond spaces required for the single-family unit.
Emergency Shelter	1 space per 8 beds. In addition, 1 space per 300 sf. of office and non-residential floor area.
Extended Care Facility	1 space per every 2 beds.
Residential Care Facility	
Small	2 spaces per unit.
Large	2 spaces per facility, plus 1 space for each 2 beds.
Social Services Facility	1 space per 500 sf. of floor area.
Supportive Housing	Parking per type of residential unit.
Transitional Housing	Parking per type of residential unit.
<b>Commercial Use Types</b>	
Adult Oriented Businesses	1 space per 300 sf. of floor area.
Animal Sales and Services	
Kennels Indoor Outdoor	1 space per 5 kennel spaces. In addition, 1 space per employee.
Veterinary Clinic or Hospital, Small Animal	1 space per 300 sf. of floor area.
Veterinary Clinic or Hospital, Large Animal	1 space per 300 sf. of floor area.
Banks and Credit Unions	1 space per 300 sf. of floor area.
Business Support Services	1 space per 300 sf. of floor area.
Commercial Entertainment and Recreation	
Indoor	1 space for every 4 persons of the facilities allowed maximum attendance.
Outdoor	As determined by Use Permit.
Communication Services	1 space per 500 sf. of floor area.
Eating and Drinking Establishments	
Bars and Drinking Places	1 space per 3 fixed seats, plus 1 space per 50 sq. ft. of assembly area.
Restaurant, Fast Food	1 space per 75 sq. ft. of floor area.
Restaurant, Full Service	1 space per 100 sq. ft. of floor area.
Mobile Food Truck	Improved off-street parking spaces are not required.
Funeral and Internment Services	1 space per 40 sf. of floor area of assembly rooms used for services, but in no case less than 10 spaces.
Hospitals	1 space per each bed.

<b>Table 1500-20-1: OFF-STREET PARKING REQUIRED BY USE TYPE</b>	
<b>Use Types</b>	<b>Number of Required Parking Spaces</b>
	In addition, 1 space per 300 sf. of area used for office, clinics, testing, research administration, etc.
<b>Lodging</b>	
Bed and Breakfast Inn	1 space per guestroom. In addition, 2 spaces for resident managers.
Hotels and Motels	1 space per room. In addition, 1 space per 2 employees.
Maintenance, Repair and Rental Services	1 space per 300 sf. of floor area.
Manufactured Home Sales and Rentals	4 spaces for customer parking. In addition, 1 space per employee.
Medical Marijuana Dispensary	Use type not permitted.
Medical Offices and Clinics	1 space per 300 sf. of floor area.
Nightclubs	As determined by Use Permit.
<b>Nursery</b>	
Wholesale	1 space per 1,000 feet of storage/display area.
Retail	1 space per 300 sf. of indoor retail sales area, office etc. In addition, 1 space per 1,000 sf. of outdoor display area.
Personal Services	1 space per 300 sf. of floor area.
Personal Storage	4 spaces for customer parking. In addition, 2 spaces if manager's residential unit provided.
Professional Offices	1 space per 300 sf. of floor area.
Recreational Vehicle Storage	4 spaces for customer parking. In addition, 2 spaces if manager's residential unit provided.
<b>Recycling Collection Facilities</b>	
Small	Improved off-street parking spaces are not required, as long as sufficient usable area is provided to meet the parking needs of all employees, visitors, and loading activities entirely on the site of the use.
Large	1 space per employee based on the shift having the most employees. In addition, 1 space per 1,000 sf. of indoor/outdoor use area.
<b>Retail Sales</b>	
General	1 space per 300 square feet of floor area. Large appliance/furniture stores, 1 space per 500 sf. of floor area.
Outdoor	1 space per 1,000 sq. ft. of outdoor display/storage area.
Superstore	As determined by Use Permit.
<b>Vehicle and Equipment Sales and Services</b>	
Fuel Stations	1 space per 300 sf. of floor area and 1 space per 4 pump stations. Co-branded uses, such as eating and drinking establishments, shall provide additional spaces as required for each use.
Vehicle Rentals, Sales and Leasing, Light	1 space per 1,000 sq. ft. of indoor and outdoor display area.
Vehicle Rentals, Sales and Leasing, Heavy	1 space per 1,000 sq. ft. of indoor and outdoor display area.
Vehicle Repairs, Light	1 space per 400 sq. ft. of office/sales/waiting space. In addition, 1 space per service bay.
Vehicle Repairs, Heavy	1 space per 400 sq. ft. of office/sales/waiting space. In addition, 1 space per service bay.

**Table 1500-20-1: OFF-STREET PARKING REQUIRED BY USE TYPE**

<b>Use Types</b>	<b>Number of Required Parking Spaces</b>
Vehicle Washing	Full Service: 10 spaces or 3 times the internal washing capacity, whichever is greater. Additional space required for drying or vacuum areas and 100 lineal feet for stacking. Self-Service: 4 spaces. Additional space required for drying or vacuum areas and 20 lineal feet in front of each bay for stacking. Automatic Car Wash Service: No parking spaces required. Space required for drying, vacuum and 100 linear feet in front of car wash for stacking.
<b>Industrial Use Types</b>	
Equipment and Materials Storage Yards	1 space per 300 sq. ft. of floor area. In addition, 1 space per 10,000 sq. ft. of yard area.
General Truck Yards	
Small	1 space per 1.5 trucks/fleet vehicles parked. In addition, 2 spaces per 1,000 square feet of building area.
Large	1 space per 1.5 trucks/fleet vehicles parked. In addition, 2 spaces per 1,000 square feet of building area.
Impound and Towing Yards	1 per 300 sq. ft. of office area.
<b>Manufacturing</b>	
Light	1 space per employee based on the shift having the most employees.
General	1 space per employee based on the shift having the most employees.
Heavy	1 space per employee based on the shift having the most employees.
Research and Development	1 space per employee based on the shift having the most employees.
Warehousing, Wholesaling, and Distribution,	1 space per 2,000 sf of floor area.
<b>Transportation, Communication, and Utilities Use Types</b>	
<b>Aerial Services</b>	
Airports and Landing Strips	1 space per hanger/tie-down space.
Heliports	1 space per hanger space/landing pad.
<b>Community Facilities and Services</b>	
Major	As determined by the Director based upon proposed uses, location and frequency of use.
Intensive	As determined by Use Permit.
Intermodal Transportation Services	As determined by the Director based upon proposed uses, location and frequency of use.
Parking Facilities	None beyond parking facility itself.
Solar Energy Facilities, Commercial	As determined by Use Permit.
<b>Wireless Telecommunication Facilities</b>	
Co-located	Improved off-street parking spaces are not required.
Integrated	Improved off-street parking spaces are not required.
Freestanding	Improved off-street parking spaces are not required.
<b>Resource Extraction Use Types</b>	
Mining Operations	1 space per employee based on the shift having the most employees.
Oil and Gas Extraction	1 space per employee based on the shift having the most employees.

**1500-20-060 Special Parking Provisions and Substitutions**

**A. Disabled Accessible Parking.**

For multi-family, residential, commercial, industrial, institutional, and public uses, California law establishes the required number of disabled accessible parking spaces. Accessible parking spaces shall be provided, located, labeled, striped and signed as required by the California Building Code, Federal Accessibility Guidelines, and the California Code of Regulations (Title 24, Part 2, Chapter 2-71). Such parking spaces shall count toward compliance with the number of parking spaces required on Table 1500-20-1.

**B. Compact Parking Substitution.**

- 1. Parking lots with a minimum of 20 parking spaces may substitute standard spaces with compact spaces for up to 25 percent of the total parking spaces required.
- 2. Each compact space shall be clearly labeled as "Compact" or "C".
- 3. Compact parking spaces shall be reasonably distributed throughout the parking lot and shall be designed consistent with Table 1500-20-2.

**C. Motorcycle Parking Substitution.**

- 1. Parking lots with a minimum of 50 parking spaces may substitute standard spaces with Motorcycle spaces for up to two percent of the total parking spaces required.
- 2. Each motorcycle space shall be clearly labeled as "Motorcycle".
- 3. Motorcycle parking spaces shall be reasonably distributed throughout the parking lot and shall be designed consistent with Table 1500-20-2.

**D. Alternative Fuel Vehicle Parking Substitution.**

- 1. Parking lots may substitute standard parking spaces with spaces designated exclusively for alternative fuel vehicle parking and/or charging. The amount and location of alternative fuel vehicle parking shall be as approved by the Director, but shall typically not exceed five percent of the total parking spaces required.
- 2. Each alternative vehicle parking space shall be clearly identified.
- 3. Alternative fuel vehicle parking spaces shall be designed as standard parking spaces consistent with Table 1500-20-2.

**E. Company vehicles.** Non-residential uses shall provide one parking space for each company vehicle which is parked on the site during normal business hours, in addition to the regular parking requirement. Such space may be located within a building.

**F. Vehicles, Trailers, and Boats within Residential Districts.**

- 1. **Inoperable/unregistered Vehicles, Trailers, and Boats.** Any vehicle, trailer, or boat which is inoperable and/or without current registration shall be stored behind a 6-foot-high fence or entirely within an enclosed structure and shall not be parked or stored in any required front or street side yard within a residential zoning district.
- 2. **Commercial Vehicle Parking.** Commercial truck tractors or trailers weighing five tons or more are prohibited on any street or parcel within a residential zoning district. Exceptions may be made for Truck-Tractor Parking in ER, RAN and R-1 districts subject to approval of a Use Permit in accordance with Section 1500-06-030.
- 3. **Recreational Vehicle or Boat Parking/Storage.** Recreational vehicle or boat parking/storage shall occur consistent with the following standards:

- a. Within a city sphere of influence, Rural Community or Rural Planned Community as designated by the General Plan, recreational vehicle or boat parking/storage is prohibited in required front and street side yards. However, recreational vehicle or boat parking/storage is permitted outside of required front and street side yard setback areas and within interior side and rear yards when screened by a solid 6-foot minimum tall fence, wall, and/or landscape barrier.
- b. On any parcel zoned AG, RAN, ER, R-1 and located outside a city sphere of influence, Rural Community or Rural Planned Community as designated by the General Plan, the parking/storage of one licensed recreational vehicle or boat may occur in an unscreened and unfenced front or street side yard setback in a designated parking area surfaced consistent with Section 1500-20-080 B and located outside of a public right-of-way or public utility easement.

### 1500-20-070 Parking Reductions

The County may grant an Administrative Permit for a reduction in the required minimum number of parking spaces specified on Table 1500-20-1 when one or more of the following conditions exist:

- A. **Mixed-use/Joint Use Projects.** Where mixed-use and/or joint use projects utilize shared parking facilities, a reduction in the required number of parking spaces may be granted subject to approval of a parking demand study that demonstrates:
  1. The application of the parking requirements in Table 1500-20-1, which is the sum of all the users within the project, will generate more parking stalls than are needed;
  2. The principal hours of operation and peak parking demands of the different tenants/uses within the project do not conflict and will effectively allow for dual use of parking spaces;
  3. The shared parking facility is within 500 feet from the uses which it serves; and
  4. That covenants, deed restrictions, or other agreements will be recorded to assure that the required parking spaces are maintained for shared use for the life of the project.
- B. **Individual Use.** For any use type where the required number of parking spaces seems unreasonable given the characteristics of the specific use, a reduction in the required number of parking spaces may be granted subject to approval of a parking demand study that, based upon field data of the same use elsewhere, demonstrates:
  1. The proposed use functions differently than the standard use type and associated parking standards established in this Chapter; and
  2. The appropriate number of required parking spaces for the use accounting for peak parking usage.
- C. **Facilities and Programs.** For any non-residential use type or project where facilities or programs are implemented which serve to reduce parking demand, a reduction in the required number of parking spaces may be granted subject to approval of a parking demand study that demonstrates:
  1. The proposed facilities and programs will result in a reduction in parking demand. Such facilities and programs may include, but are not limited to: shower/locker facilities for bicycle commuting employees; secure bicycle parking facilities over and above the minimum requirement; preferred parking spaces for employees who participate regularly in a carpool or vanpool; and/or proximity to an active transit facility.
  2. The appropriate reduction in required parking spaces based upon field data of the same use, facilities and programs elsewhere; and

3. That covenants, deed restrictions, or other agreements will be recorded to assure that the facilities and programs resulting in the reduction in required parking demand are maintained for the life of the project.

**1500-20-080 Design of Parking Lots and Spaces**

**A. Parking Space and Drive Aisle Dimensions.**

1. All parking areas shall be designed so that the parking spaces are permanently maintained and have suitable maneuvering space and access to and from a public street or alley. The dimensions of parking spaces and drive aisles shall be consistent with the design standards in Table 1500-20-2, as illustrated on Figure 1500-20-1.
2. **Truck aisles.** Access aisles for multiple-axle trucks in commercial and industrial use types shall be a minimum of 40 feet. Truck movement templates shall be included with any discretionary approval to indicate turning conditions.
3. **Enclosed parking spaces.** Enclosed parking spaces (i.e. residential garages) shall be at least ten feet in width and twenty feet in length (10' x 20') for a single vehicle. The width shall increase by ten (10) feet for each additional vehicle.

<b>Table 1500-20-2: PARKING SPACE AND DRIVE AISLE DIMENSIONS</b>				
<b>Parking Space Type</b>	<b>Minimum Stall Dimensions</b>		<b>Minimum Width Drive Aisle With Parking</b>	
	<b>Width</b>	<b>Length</b>	<b>One-Way</b>	<b>Two-Way</b>
Parallel	10 ft.	24 ft.	12 ft.	20 ft.
45-Degree	9 ft.	18 ft.	16 ft.	20 ft.
60-Degree	9 ft.	18 ft.	19 ft.	20 ft.
90-Degree	9 ft.	18 ft.	20 ft.	27 ft.
Compact	8 ft.	16 ft.	20 ft.	25 ft.
Motorcycle	4 ft.	8 ft.	Same as vehicle aisle	Same as vehicle aisle

**B. Surfacing and Striping.**

1. **Within a City Sphere of Influence, Rural Community, and all Industrial and Commercial Districts including the Employment Corridor and Non-agricultural Uses within FPARC.**
  - a. **Surfacing of Residential Use Types.** Required parking and circulation areas for residential use types shall be surfaced with either 4 inches of Class 2 aggregate base or 7 inches of Butte Rock base with a 3/4-inch maximum grading requirement and such areas shall be paved with 2 inches of asphalt concrete with 1/2-inch grade requirement. Equivalent base rock and paving materials may be approved by the Director and may require evaluation of soil capabilities (R value) and anticipated traffic loading (traffic index).
  - b. **Surfacing of Commercial and Industrial Use Types.** Required parking and circulation areas for commercial and industrial use types shall have paved surfacing based upon the recommendations of a geotechnical analysis for pavement thickness. At a minimum, these use types shall have 3½ inches of asphalt concrete over 8 inches of class 2 aggregate base over 6 inches of aggregate subbase.

Outdoor storage areas shall be graveled with a minimum of four (4) inches of Class 2 aggregate base or as determined necessary by the Director based on the operational impacts of the use type proposed.

- c. **Striping.** All parking spaces shall be delineated and separated by a painted divider.

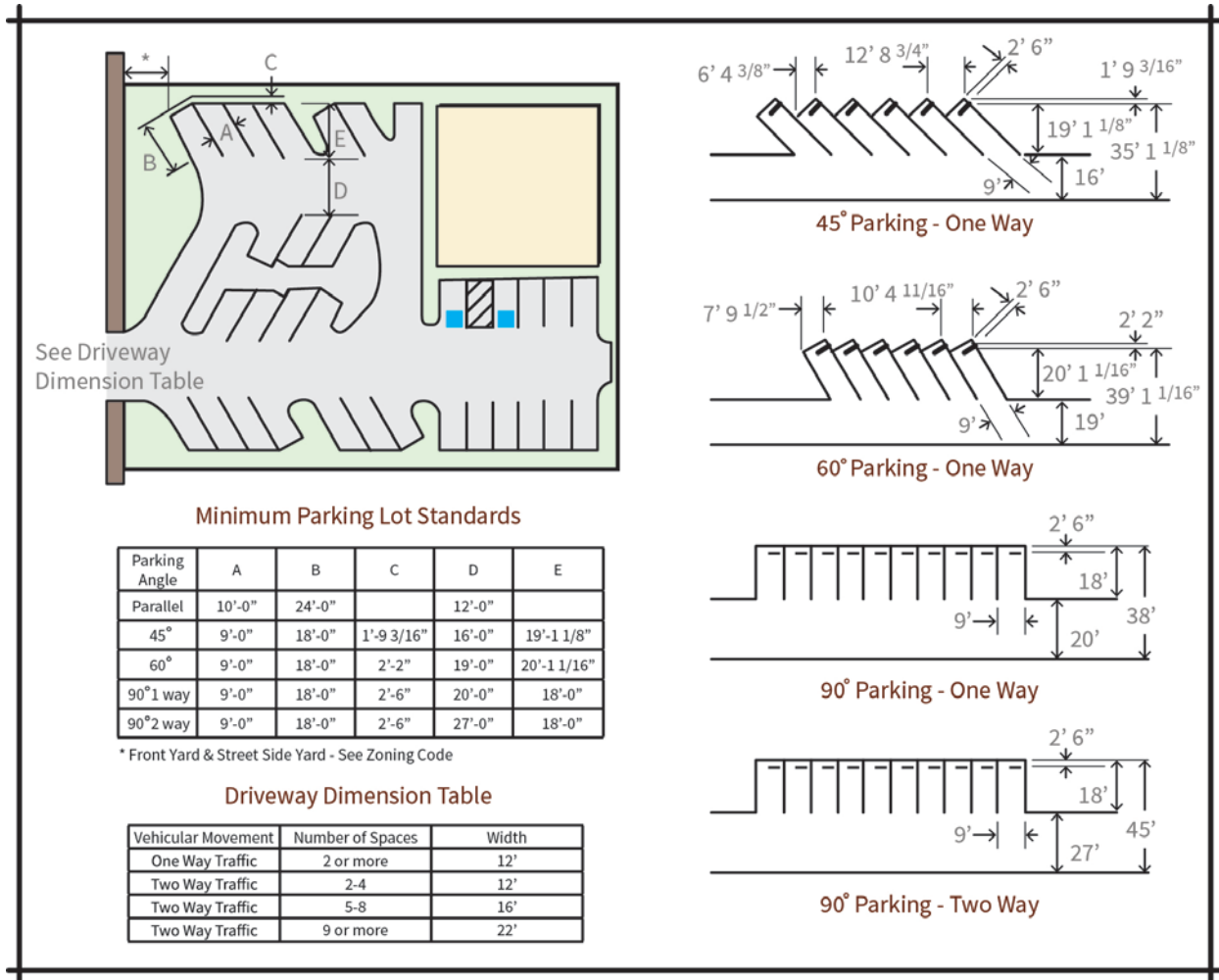
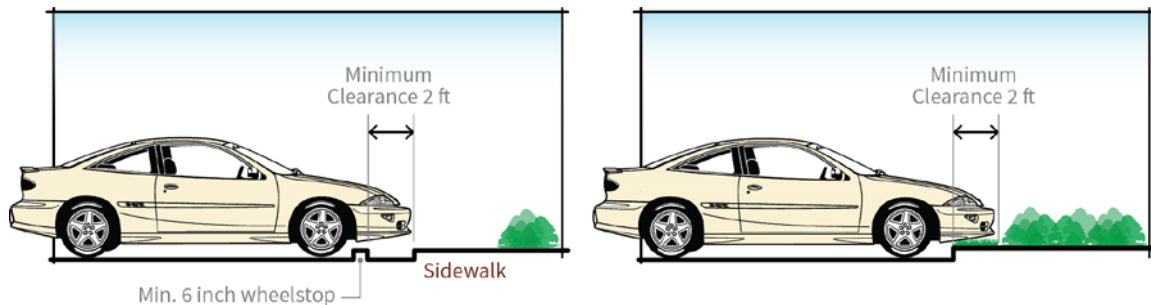


Figure 1500-20-1: Parking Dimension Standards

2. **Agricultural, Open Space and Recreation, Special Event, and Resource Extraction or Residential use types located outside a City sphere of influence or Rural Community.**
  - a. **Surfacing.** Required parking and circulation areas shall be all-weather and usable for the purpose for which they are provided, but are not required to be paved, unless as conditioned as part of a discretionary approval. Non-paved surfacing materials and improvement requirements shall, at a minimum, be four (4) inches of either Class 2 aggregate base or Butte Rock. All such parking spaces and accessways shall have a 1/2 inch grading requirement.
3. **All Other Use Types and Areas within the County.**
  - a. **Surfacing.** Required parking and circulation areas shall generally be paved with asphalt, concrete or another approved all-weather, hard, non-eroding surface. Non-paved surfacing materials may be used when approved by the Director or as part of a discretionary approval, based upon the nature of the use, frequency of parking and vehicle traffic, level of heavy vehicle use, and fire access requirements. Non-paved

surfacing materials and improvement requirements must be durable and dustless, as approved by the Director.

- b. **Striping.** All parking spaces shall be delineated and separated by a painted divider. The striping requirement for non-paved surfaces may be waived by the Director or as part of a discretionary approval.
- C. **Drainage.** Required parking and circulation areas shall be graded and drained so as to dispose of all surface water accumulated within the area in accordance with County standards as determined by the Director. Best management practices to reduce runoff pollutants shall be incorporated.
- D. **Access and Traffic Flow.** Access to parking areas and curb cuts for driveways shall be approved by the Director to ensure an efficient and safe traffic flow into the parking areas and along public streets. Parking areas for commercial, industrial, and multiple family residential uses, not including duplexes and single family residences, shall be designed so that vehicles are not permitted to back out of the parking area onto a public street.
- E. **Dead-end Aisles.** Parking lot design should avoid use of dead-end aisles unless warranted in special circumstances where other design alternatives cannot be reasonably accommodated. When used, 90-degree angle stalls are required and the aisle shall have a minimum five-foot backing area at its terminus.
- F. **Curb Stops.** A permanent curb, bumper, wheel stop or similar device at least six inches in height shall be installed in all paved parking areas adjacent to sidewalks, planters and other landscaping areas, parking lot fixtures and buildings and walls to protect these improvements from vehicular damage. The stopping edge of such protected bumper shall be placed no closer than two feet from the above noted improvement.



**Figure 1500-20-2: Curb Stops and Clearance**

- G. **Vehicle Overhang.** Vehicular overhang is permitted, provided no vehicle shall overhang into a sidewalk which would reduce the unencumbered width of a sidewalk to less than four feet. A vehicle is permitted to overhang into a landscaped area by two feet, provided that the required landscaped area is extended by the amount of the overhang.
- H. **Lighting, Landscaping and Screening.** All parking areas and associated landscaping, lighting and screening shall comply with the design criteria for the applicable zoning district.
- I. **Maintenance.** All parking areas shall be permanently maintained free of weeds, litter and debris.

### 1500-20-090 Bicycle Parking

Within a City Sphere of Influence or a Rural Community the following bicycle parking requirements shall apply:

- A. **Bicycle Parking.** Bicycle Parking shall be provided in addition to vehicle parking as follows:
  - 1. Multi-family residential use types. One bicycle parking space per every 3 units.
  - 2. Schools and educational services use types. One bicycle parking space per every vehicle parking space required.
  - 3. All other use types. One bicycle parking space per every 20 vehicle parking spaces required.
  - 4. Required bicycle parking shall be provided in the form of racks or lockers.
- B. **Bicycle Parking Requirements:**
  - 1. Bicycle parking areas shall be accessible to and located on the same lot as the use and/or development requiring such spaces, or on an adjacent, contiguous lot.
  - 2. Bicycle parking shall be located near building entries in highly visible and well lighted locations.
  - 3. Bicycle and vehicle parking areas shall be separated from one another by a physical barrier or sufficient distance to protect bicycles and riders.
  - 4. All bicycle parking shall be paved with asphalt, concrete, or other all-weather surface.
  - 5. Bicycle racks and lockers shall be anchored so that they cannot be easily removed.
  - 6. All required bicycle parking shall be maintained for the duration of the use requiring such spaces.

### 1500-20-100 Loading Requirements

- A. **Loading Spaces Required.** A minimum of one loading space (dock or parking space) shall be provided for all commercial and industrial use types in excess of 10,000 square feet that require a loading space, plus one additional space for every additional 20,000 square feet of floor area, up to a maximum of four loading spaces required.
- B. **Dimensions.** Each required loading space shall be not less than 12 feet wide, 40 feet long and with 14 feet of vertical clearance.
- C. **Location.**
  - 1. Loading spaces shall be separate from other required parking and maneuvering areas.
  - 2. Where feasible, loading spaces and docks shall be located to the rear of properties.
  - 3. No loading space or dock shall be permitted to face a residential use within 500 feet of such facility.
- D. **Screening.** All loading spaces, docks and truck parking areas shall be screened from view from adjacent roadways and residential uses by a minimum of a 6-foot-high hedge, 6-foot-high chain link fence with privacy slats and landscaping, or a solid 6-foot-high wall and landscaping.
- E. **Striping.** All loading areas shall be striped and clearly identified for loading purposes only.

#### F. Passenger Loading Areas.

1. Passenger loading areas shall be provided for any commercial and industrial use types or complexes with greater than 50,000 square feet gross floor area.
2. Passenger loading areas shall be located at the point(s) of primary pedestrian access from the parking area to the adjacent building, or buildings, and shall be designed in such a manner that vehicles waiting in the loading area do not impede vehicular circulation in the parking area.

### 1500-20-110 Improvements

#### A. Public Right-Of-Way Dedication and Improvements

Within all Commercial and Employment Districts and all proposed development in the Sutter Pointe Specific Plan Area, no building permit shall be issued for new construction, construction resulting in an increase in occupancy load by 10% or more, or an increase in parking demand by 10% or more unless the owner of the property has dedicated necessary rights-of-way and easements required for street and utility purposes and provisions have been made for their improvement. The public improvements shall be made for that portion of streets which such lot fronts and adjoins. Such dedications and public improvements shall be at no cost to the county.

For land zoned other than Commercial and Employment Districts within the Rural and Rural Planned Communities identified in the General Plan, no building permit shall be issued for new construction, construction resulting in an increase in occupancy load of 10% or more, or an increase in parking demand of 10% or more unless the owner of the property offers for dedication, only, necessary rights-of-way and easements required for street and utility purposes.

Single-family residences shall be exempt for any additions or alterations. All Agricultural Districts shall be exempt from the requirements of this section. Reconstruction after a fire or natural disaster, including flood or earthquake shall also be exempt.

For the purposes of this section, the words "provisions have been made for their improvement" shall mean all the required public improvements are in place in conformity with the requirements of the County's adopted improvement standards.

For the purposes of this section, the word "public improvement" shall mean the installation of curbs, gutters, sidewalks, and street paving in the public right of way as are required by the Development Services Department on that side of the centerline of the street which adjoins such lot. Public improvement shall also mean the installation of, and/or the extension of, water and sewer lines as provided for in the General Plan. Such public improvement shall be constructed under permits issued by and to standards established by the Development Services Department. The existence of scenic, historic, or cultural resources on site may require the approval of an alternative improvement plan on a case by case basis. If public improvements are required as a condition of a building permit, the work to complete the public improvement shall be subject to the plan check and inspection fees as established by the Board of Supervisors. Also, the term "new construction" shall not include replacement of, additions to or alterations to existing structures. Further, the term "occupancy load" shall be as defined within the Uniform Building Code.

Road widths and utility easements are established in the General Plan to adequately protect the traveling public and property owners entering and exiting public thoroughfares as well as

providing sufficient paving width to appropriately accommodate emergency vehicles which may be called upon to respond to calls for service to properties that are improved with structures of sufficient value to make likely the owner's desire to protect their worth. Utility easements are required and sized in order to facilitate appropriate service to those same properties consistent with having sufficient and appropriate services available to the land and public improvements situated thereon. Additional right-of-way appropriate to maintain the paved portions and afford adequate parking are also established in the General Plan. Installation of curbs, gutters, sidewalks, and water and sewer services similarly implement related General Plan policies and enhance various protections available to the land and structures subject of the referenced building permit as well as those persons who will use them by affording safe pedestrian access, drainage, protection from errant vehicles, fire safety, and appropriate sanitary and public health provisions.

**B. Privately-owned improvements**

For any proposed private road, drainage facility, hydrant, or other facility as may be proposed in an industrial zone (M-1 or M-2) or the Employment Corridor (EC) zone only, the applicant shall submit and obtain County approval of plans and specifications for the construction of private road improvements. Private roads shall be designed to meet the Sutter County Design/ Improvement Standards for industrial/commercial roads, in effect at the time of improvement plan approval, or such standards included as a condition of approval for the parcel or subdivision map. The privately-owned road shall be located in accordance with the approved plans. Intersections with the public right-of-way shall be improved as required by the Director of Public Works to provide safe and efficient access to and egress from the private road. Private roads shall include signage as required by County standards identifying the road as not publicly owned or publicly maintained.

New private roads shall provide access to the frontage of all parcels and structures in the development and shall meet the requirements of California Fire Code. Any restrictions, posts, gates, or other physical barriers or constrictions shall be approved by the County prior to installation.

The applicant shall be responsible for constructing private improvements in accordance with the plans and specifications approved by the County.

If any proposed private improvements will be shared among more than one parcel, a maintenance agreement for such improvements shall be recorded and shall be binding upon all heirs, assigns or successors in interest.

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# Article 21

## Signs

### CHAPTER 1500-21

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#### Sections:

- 1500-21-010: Purpose
  - 1500-21-020: Applicability
  - 1500-21-030: Sign Measurements
  - 1500-21-040: General Sign Standards
  - 1500-21-050: Signs Allowed Without a Permit
  - 1500-21-060: Permit Requirements
  - 1500-21-070: Signs Requiring a Permit
  - 1500-21-080: Prohibited Signs
  - 1500-21-090: Nonconforming and Abandoned Signs
  - 1500-21-100: Sign Maintenance
  - 1500-21-110: Sign Removal
- 

#### **1500-21-010 Purpose**

The purpose of this Chapter is to establish sign regulations that:

- A. Support economically viable businesses;
- B. Provide fair and equitable treatment of sign users;
- C. Preserve and enhance the visual quality of Sutter County;
- D. Prevent excessive and confusing sign displays;
- E. Control signs in a constitutional manner;
- F. Minimize hazards to pedestrians and motorists; and
- G. Safeguard life, health, property, and the public welfare.

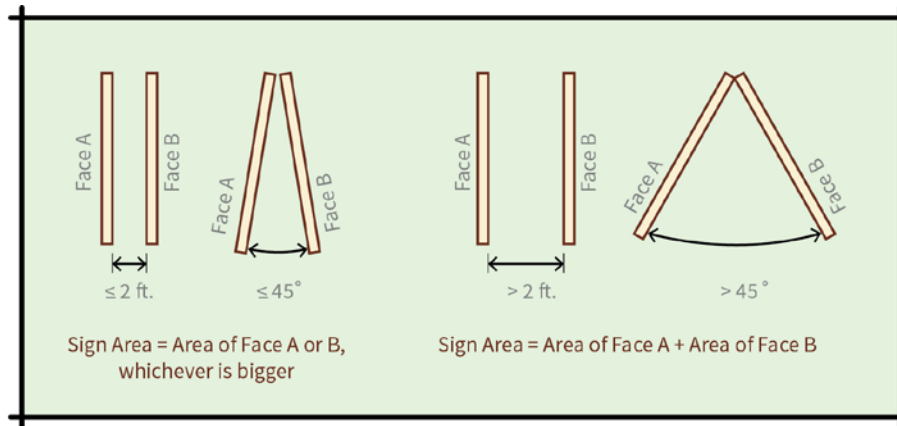
#### **1500-21-020 Applicability**

The standards in this Chapter apply to signs within all zones and are intended to be maximum standards.

**1500-21-030 Sign Measurements**

**A. Sign Area.**

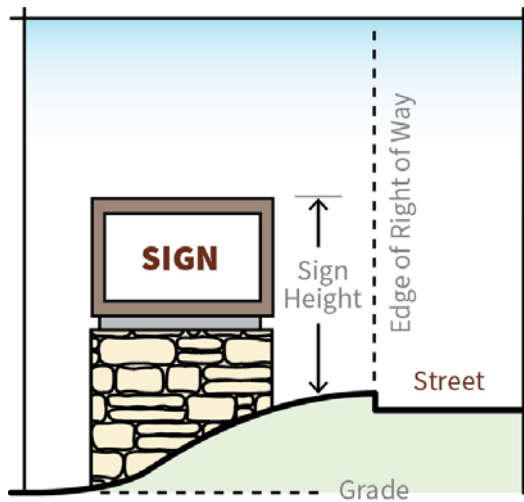
1. **Freestanding Signs.** The area of the display face and other communicative elements of the sign. Does not include embellishments such as the monument base, framing or decorative roofing, provided there is not advertising copy on such embellishments.
2. **Wall Signs.** The entire face of the sign, including all structures framing the sign. Where individual letters or logos are used, the sign area shall consist of the area within a rectangle or square drawn completely around the letters or logo.
3. **Double Faced Signs.** If a sign is double faced, only one face (the bigger if applicable) shall be used to calculate area as long as there is less than 24 inches between faces. Otherwise, each face shall be used to calculate area.



**Figure 1500-21-1: Sign Area – Double Faced Signs**

**B. Freestanding Sign Height.**

1. **Height Measurement.** The distance from the grade adjacent to the sign to the highest point of the sign, or any structural or architectural components of the sign.
2. **Grade Differential.** When the grade at the edge of the adjacent right-of-way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of right-of-way shall not be included in determining the sign’s overall height.



**Figure 1500-21-2: Sign Height**

### 1500-21-040 General Sign Standards

The following criteria shall be utilized for permanent advertising displays and signs:

- A. **Architectural Style.** Each sign shall be designed to be compatible with and relate to the architectural style of the main building or buildings upon the site where such sign is located.
- B. **Relationship to Other Signs.** Where there is more than one sign on a site or building, all permanent signs displaying a commercial message shall have designs that are similar and compatible in type, design and treatment.
- C. **Sign Illumination.** All signs may be illuminated from an internal or external light source. The illumination of signs shall be designed to minimize negative impacts on surrounding rights-of-way and properties. The following standards shall apply to all illuminated signs:
  1. External light sources shall be directed and shielded to limit direct illumination to the sign area only;
  2. The light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impacts on residential properties in direct line of sight to the sign.
- D. **Wall Sign Design.** All wall signs shall be attached flat against or pinned away (peg mounted or similar) from a building wall, but shall not extend or protrude more than one foot from the wall, except for allowed projecting signs. Exposed raceways are permitted only when the raceway is an integral design component of the sign.
- E. **Freestanding Sign Design.** All freestanding signs shall be monument style and incorporate a base (masonry, stone, brick, stucco, decorative metal or other similar material).
- F. **Freestanding Sign Setbacks.** Freestanding signs shall maintain a setback, measured from that part of the sign that is closest to the nearest property line of the parcel or lot on which it is placed, equal to at least one-half the height of the sign. No freestanding sign shall be located closer than 6 feet from any property line, closer than 3 feet from any building, within any right-of-way or public utility easement, or within the corner lot clear vision triangle pursuant to Section 1500-02-050.
- G. **Awning, Canopy and Under Canopy Signs.** Awning, canopy and under canopy signs shall provide a minimum of 8 feet of clearance above the ground.
- H. **Projecting Signs.** Projecting signs shall provide a minimum of 8 feet of clearance above the ground, and shall not extend more than 4 feet from the wall upon which they are attached.
- I. **Changeable Copy Signs.** The text on changeable copy signs shall be limited to activities and events offered by the use associated with the sign.

### 1500-21-050 Signs Allowed Without a Permit

The following signs are allowed without a permit and do not count towards the allowable area or number of signs on a site:

- A. **Standard Signs.**
  1. **Address Signs.** Address, building, unit and suite numbers.
  2. **Civic Signs.** Memorial signs and plaques installed by a civic organization recognized by resolution of the County Board of Supervisors.
  3. **County/City Entrance Signs.** Signs erected in or near the County or a city boundary, the contents of which are limited to the name of the County or city and the name of or other

- information regarding civic, fraternal, or religious organizations located within the County or city. Such signs shall not exceed 200 square feet in area, and 15 feet in height.
4. **Directional and Informational Signs.** On-site directional or informational signs of no more than 4 square feet in area each, and 3 feet in height. Such signs shall provide information for the convenience or safety of the public, and may include directional signs in parking lots and building complexes, signs listing hours of business, and signs identifying the locations of restrooms or other facilities. Such signs may be increased to 12 square feet in area, and 6 feet in height when their primary purpose is to direct truck traffic.
  5. **Directory Signs – Project Entry.** On-site freestanding directory signs of no more than 12 square in area each, and 6 feet in height. One such sign may be located at each project entry along a street frontage, and may include a map and directory of buildings or users. Such signs shall not be oriented to or readable from the public right-of-way.
  6. **Directory Signs – Building.** One wall mounted or freestanding directory sign for each building with two or more tenants. Signs shall be no more than 12 square feet in area, and freestanding signs no more than 6 feet in height.
  7. **Entry Portal Signs.** One freestanding entry portal sign not exceeding 32 square feet in area and 20 feet in height may be placed across a property's entry accessway within the AG district only. The entry portal sign may list only the name of the property owner or business located thereon and the property address.
  8. **Flags.** Official flags, emblems and historical markers. This exemption does not apply to flags or pennants bearing corporate emblems, logos or commercial copy.
  9. **Floor Treatments.** Exterior floor treatments, such as paint or decorative tile, indicating the name of the business and/or a business logo, provided such floor treatments are flush with the surrounding surface and is completely horizontal.
  10. **Gasoline Price Signs.** That portion of the area of a gasoline price sign necessary to comply with the minimum sign requirements of the California Business and Professions Code Section 13531, as it may be amended.
  11. **Governmental Signs.** Signs that are posted or required by a government agency or a public utility or service, including official signs for traffic control and warnings of potential hazards.
  12. **Lottery Signs.** Signs and advertising for the California State Lottery as authorized by California Government Code, Section 8880 et seq.
  13. **Menu/Order Boards.** No more than two menu/order board signs per each establishment with a drive through facility. Signs shall not exceed 32 square feet in area, and 6 feet in height.
  14. **Murals.** Murals on the exterior of a building that do not advertise a product, business, or service.
  15. **Notices.** Signs that are required by local, State, or federal law or by court order.
  16. **Non-viewable signs.** Signs within a building, or on the premises of a building, that are not visible from a public street.
  17. **Wayside Stand Signs.** On-site signs for wayside stands subject to the following:
    - a. A combination of 2 freestanding or wall signs within the AG district not exceeding 32 square feet each in area, with freestanding signs not over 6 feet in height.
    - b. A combination of 2 freestanding or wall signs within the RAN, ER or R1 districts not exceeding 9 square feet each in area, with freestanding signs not over 6 feet in height.
  18. **Informational Window Signs.** Signs hanging on the interior of the window or stenciled on the inside or outside of the window not exceeding 3 square feet in area and limited to

business identification, hours of operation, "open/closed", address, and emergency information.

## B. Temporary Signs.

1. **Business Identification.** Temporary business identification signs subject to the following:
  - a. Either 1 freestanding or 1 building mounted sign no more than 24 square feet in area per each street frontage. Freestanding signs shall be no more than 8 feet in height.
  - b. Signs may be displayed for a maximum duration of 90 consecutive days, and shall be removed upon installation of permanent signage.
2. **Development/Contractor Signs.** On-site development, construction and contractor's sign(s) subject to the following:
  - a. One sign no more than 32 square feet in area and 8 feet in height may be erected for every 1,000 lineal feet of property street frontage, or portion thereof.
  - b. All signs shall be removed no later than 7 days after issuance of the last occupancy permit for the project.
3. **Garage/Yard Sale and Short Term Agricultural Sale/Auction Signs, Offsite.** A maximum of 1 on-site and 2 off-site signs no more than 5 square feet in area and 6 feet in height each. All signs shall be removed no later than 24 hours after the conclusion of the sale. Such signs shall not be affixed to any utility pole or street sign pole.
4. **Political Signs.**

Signs shall be installed no earlier than 90 days prior to the election and removed no later than 15 days following the election.
5. **Real Estate Signs, On-Site.**
  - a. **Residential properties.** One sign no more than 6 square feet in area and 6 feet in height shall be permitted for each street frontage. Two signs no more than 32 square feet in area and 8 feet in height shall be permitted for residential subdivisions with four or more parcels.
  - b. **Non-residential properties.** One sign no more than 32 square feet in area and 8 feet in height shall be permitted for each street frontage.
  - c. **Duration.** All temporary on-site real estate signs shall be removed no later than 7 days after the property is no longer offered for lease, rent or sale.
6. **Real Estate Signs, Off-Site.**
  - a. **Portable.** Portable directional signs within the scope of Civil Code 713 (Real estate for sale, etc.) no more than 4 feet in height and 6 square feet in area. Signs shall remain in place for a maximum duration of 48 hours.
  - b. **Non-Portable.** Non-portable real estate, subdivision, or development signs no more than 32 square feet in area and 6 feet in height. Signs may be displayed for the duration of development activity. No more than 2 off-site signs may be displayed for a single property, subdivision, or development project. Signs shall be removed no later than 7 days after the property is no longer offered for lease, rent or sale.
7. **Seasonal Displays.** Temporary exterior decorations and banners that are associated with a seasonal, cultural, religious, or national holidays, and that are not used to advertise a product, business, or service.
8. **Special Event Signs.** On-site, special event signs, including but not limited to banners, pennants, streamers, bunting, wind signs, balloons or flags shall be permitted up to thirty (30) days in any calendar year. The use of special event signs is limited to properties located in

Commercial, Employment, Agricultural, Recreational and Public districts.

9. **Subdivision Flags.** Flags and pennants bearing the name of the developer or development and only when utilized in association with an approved model home sales office for a new residential subdivision. Subdivision flags shall be limited to 2 flags per model home and 4 flags at the subdivision entrance not to exceed a maximum area of 20 square feet each and a pole height of 25 feet. If there are no model homes, then up to 4 flags may be utilized in addition to those at the subdivision entrance. Flags and pennants shall be removed no later than 7 days after property is no longer offered for lease, rent or sale.
- C. **Changes to Sign Face.** Changes or maintenance to a sign face that do not structurally alter the sign, its size or illumination.

### 1500-21-060 Permit Requirements

#### A. Zoning Clearance for On-site Signs.

1. **Zoning Clearance Required.** All on-site signs identified in Section 1500-21-070 (Signs Requiring a Permit) require approval of a Zoning Clearance (Section 1500-25-030) to ensure compliance with the provisions of this Chapter.
2. **Submittal Requirements.** A Zoning Clearance application for an on-site sign shall provide all applicable information and materials required by Article 22. Applications shall also include:
  - a. One reproducible copy of a site plan for the property upon which the sign(s) is to be located depicting the location of existing building(s), and existing and proposed sign(s);
  - b. One reproducible copy of a sign plan depicting the sign(s) including dimensions, colors, materials and type of illumination; and
  - c. One reproducible copy of a scaled building elevation plan indicating the sign location (wall signs only).

#### B. Use Permit for Off-site Signs within Commercial and Employment Districts.

1. **Use Permit.** All off-site signs within Commercial and Employment Districts identified in Section 1500-21-070 (Signs Requiring a Permit) require approval of a Use Permit (Section 1500-25-050) to ensure compliance with the provisions of this Chapter.
2. **Submittal Requirements.** A Use Permit for an off-site sign shall provide all applicable information and materials required by Article 22. Applications shall also include:
  - A. One reproducible copy of a site plan for the property upon which the sign(s) is to be located depicting the location of existing building(s), and existing and proposed sign(s);
  - B. One reproducible copy of a sign plan depicting the sign(s) including dimensions, colors, materials and type of illumination.

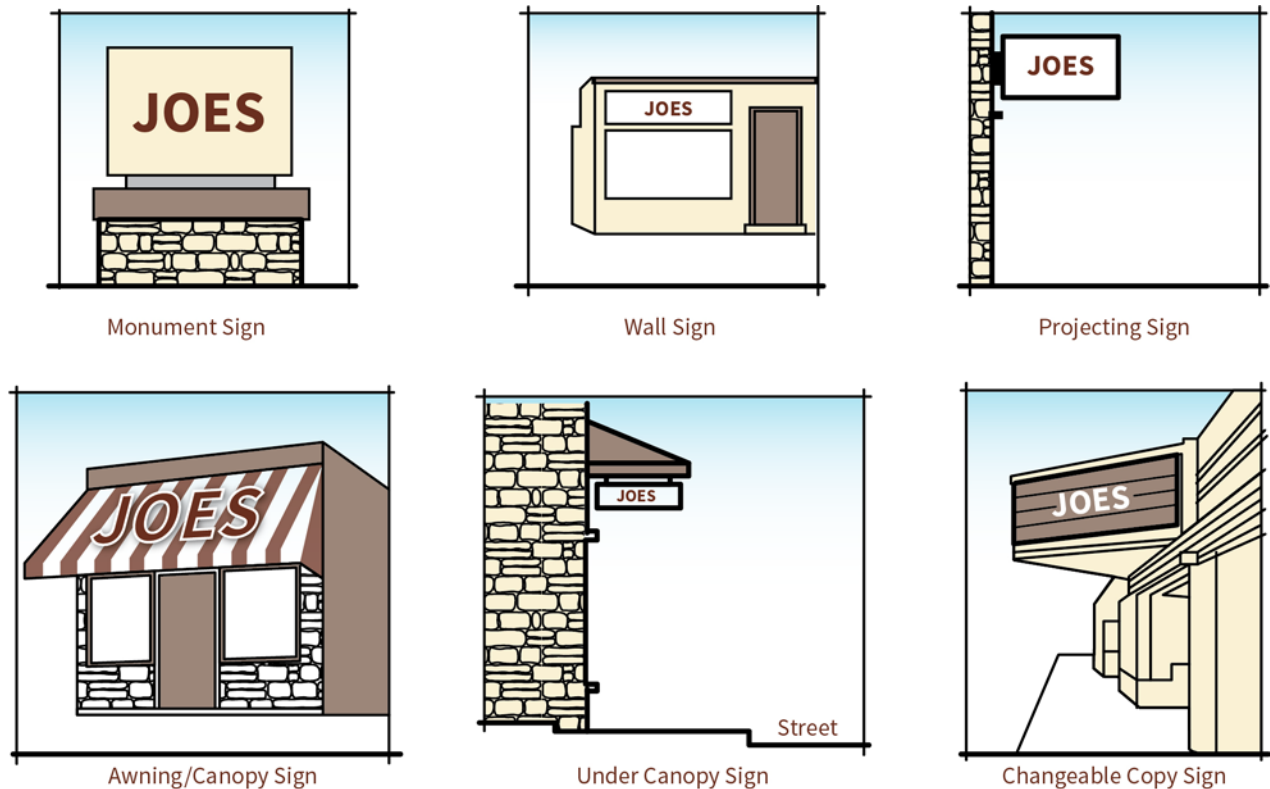
#### C. Planned Sign Program for Building Complexes.

1. **Planned Sign Program Required.** A Planned Sign Program shall be processed as a component of the Design Review application for any projects within Commercial and Employment districts that propose five or more buildings, tenants, or uses, intended to function as a building complex. Characteristics of a building complex may include, but are not limited to, shared parking facilities, reciprocal access, and common building design. Such projects may include multiple tenants or owners, and may be situated on one or more lots or parcels.

The purpose of a Planned Sign Program is to establish criteria to ensure coordinated and consistent signage within building complexes. Upon approval of a Planned Sign Program, all

signs erected in the area governed by the Program shall conform to the Program, and no Zoning Clearance shall be issued for a sign not in conformance with the criteria of the Program. Relief from the criteria of a Planned Sign Program may be granted only through Design Review approval to modify or replace the Program.

2. **Submittal Requirements.** A Design Review application including a Planned Sign Program shall provide all applicable information and materials required by Article 22. Applications shall also include:
  - a. One reproducible copy of a site plan for the property upon which the sign(s) is/are to be located, depicting the location of existing and proposed building(s), and existing and proposed freestanding sign(s);
  - b. One reproducible copy of a sign plan depicting the format for all signs subject to the Planned Sign Program, including the location, dimensions, colors, materials, and type of illumination;
  - c. One reproducible copy of a scaled building elevation plan indicating the sign location (wall signs only); and
  - d. A detailed statement of criteria for the proposed signs including, but not limited to: number, type, location, size, height, materials, letter style, colors, mounting details and illumination.



**Figure 1500-21-3: Common Sign Types**

**1500-21-070 Signs Requiring a Permit**

The following signs are allowed pursuant to the permit requirements specified in Section 1500-21-060:

<b>Table 1500-21-1: AGRICULTURAL, RECREATION and PUBLIC DISTRICTS</b>			
<b>Sign Type</b>	<b>Maximum Number of Signs</b>	<b>Maximum Area Per Sign</b>	<b>Maximum Height</b>
<b>Monument Signs</b>	1 sign per street frontage, with no more than 2 signs per site	48 square feet	10 feet
<b>Wall Signs</b>	1 wall, projecting or awning/ canopy sign per tenant per each building frontage	1 square foot per lineal foot of building frontage, not to exceed 125 sq. ft.	Not to exceed the eaves of the building to which it is affixed. Projecting and awning/canopy signs shall provide a minimum of 8 feet of clearance above the ground.
<b>Projecting Signs</b>		½ square foot per lineal foot of building frontage	
<b>Awning/Canopy Signs</b>		50 percent of awning area, or 25 sq. ft., whichever is less	
<b>Under Canopy Signs</b>	1 double-face sign per business entrance	6 square feet	Must be located under a covered walkway and perpendicular to the walkway, with a minimum of 8 feet of clearance above the ground
<b>Changeable Copy Signs</b>	May be approved as part of an allowed monument, wall or projecting sign	50 percent of the approved sign area	Same as approved sign
<b>Home Occupation Signs in Agricultural and Recreation Districts</b>	1 non-illuminated wall mounted sign; or 1 non-illuminated monument sign	6 square feet	Wall sign - Not to exceed the eaves of the building to which it is affixed. Monument sign – 4 feet.

<b>Table 1500-21-2: RESIDENTIAL DISTRICTS</b>			
<b>Sign Type</b>	<b>Maximum Number of Signs</b>	<b>Maximum Area Per Sign</b>	<b>Maximum Freestanding Sign Height</b>
<b>Subdivision Identification Signs –</b> Subdivisions of 10 units or more	2 monument signs at each entrance to the subdivision; or 2 wall signs mounted to a masonry wall at each entrance to the subdivision	32 square feet	6 feet
<b>Project Identification Signs -</b> Multi-Family Projects of 10 Units or more and allowed non-residential use types	1 monument sign per street frontage; or 1 wall sign per street frontage	32 square feet	6 feet

<b>Table 1500-21-2: RESIDENTIAL DISTRICTS</b>			
<b>Sign Type</b>	<b>Maximum Number of Signs</b>	<b>Maximum Area Per Sign</b>	<b>Maximum Freestanding Sign Height</b>
<b>Home Occupation Signs</b>	1 non-illuminated wall mounted sign	4 square feet	Not to exceed the eaves of the building to which it is affixed. Projecting and awning/canopy signs shall provide a minimum of 8 feet of clearance above the ground.
<b>Non-Residential Use Types Permitted within a Residential District</b>	Per the requirements of Table 1500-21-1	Per the requirements of Table 1500-21-1	Per the requirements of Table 1500-21-1
<b>Changeable Copy Signs</b> - Allowed for assembly and educational use types only	May be approved as part of an allowed Project Identification Sign	50 percent of the approved sign area	6 feet

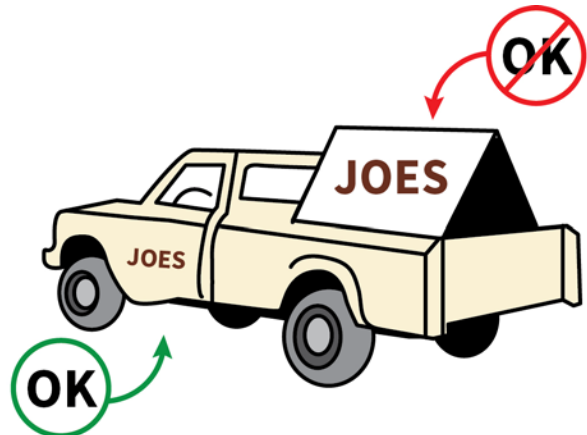
<b>Table 1500-21-3: COMMERCIAL and EMPLOYMENT DISTRICTS</b>			
<b>Sign Type</b>	<b>Maximum Number of Signs</b>	<b>Maximum Area Per Sign</b>	<b>Maximum Height</b>
<b>Monument Signs</b>	1 sign per each 300 feet of lineal street frontage with no more than 2 signs per street and not to exceed 3 signs per site	48 square feet	10 feet
<b>Monument Signs – Building Complexes</b> with five or more buildings, tenants, or uses	1 sign per each 300 feet of lineal street frontage with no more than 2 signs per street and not to exceed 3 signs per site	96 square feet	15 feet
<b>Wall Signs</b>	1 wall, projecting or awning/canopy sign per tenant per each building frontage	1 square foot per lineal foot of building frontage, not to exceed 125 sq. ft.	Not to exceed the eaves of the building to which it is affixed. Projecting and awning/canopy signs shall provide a minimum of 8 feet of clearance above the ground.
<b>Projecting Signs</b>		½ square foot per lineal foot of building frontage	
<b>Awning/Canopy Signs</b>		50 percent of awning area, or 25 sq. ft., whichever is less	
<b>Under Canopy Signs</b>	1 double-face sign per business entrance	6 square feet	Must be located under a covered walkway and perpendicular to the walkway, with

Table 1500-21-3: COMMERCIAL and EMPLOYMENT DISTRICTS			
Sign Type	Maximum Number of Signs	Maximum Area Per Sign	Maximum Height
			a minimum of 8 feet of clearance above the ground
<b>Changeable Copy Signs</b>	May be approved as part of an allowed monument, wall or projecting sign	50 percent of the approved sign area	Same as approved sign
<b>Off-Site Advertising Signs</b>	As approved per Use Permit	48 square feet	10 feet

**1500-21-080 Prohibited Signs**

The following signs shall be prohibited:

- A. Portable, A-frame, banners, inflatable displays, flying signs, searchlights and similar except as provided for under Section 1500-21-050(B) (Temporary Signs).
- B. Signs that include any part that appears to flash, blink, move, change color, or change intensity, excluding flags and pennants, standard barber poles, and date, time and temperature signs.
- C. Signs that emit noise, odor or any visible matter other than light.
- D. Roof signs and any signs that projects above the building wall or parapet to which they are affixed.
- E. Signs that obstruct a door, window, fire escape, or other required building access way.
- F. Pole signs.
- G. Signs that encroach into any public right-of-way or easement, means of ingress or egress, or path of travel.
- H. Signs that interfere with visibility and/or restrict safe sight distances for drivers at any intersection, public or private road, or driveway.
- I. Freestanding signs within the corner lot clear vision triangle pursuant to Section 1500-02-050.
- J. Signs adversely affecting traffic control or safety.
- K. Signs located on public property, excluding official signs that are posted or required by a government agency, public utility, or public service.
- L. Off-site advertising signs, including Billboards, except as otherwise provided by this Chapter.
- M. Signs on vehicles, trailers, boats, storage boxes or other similar objects where such signs are not incidental to the primary use of



the vehicle or other similar object, and where the primary purpose of the sign and vehicle or other similar object upon which the sign is attached is for advertising purposes.

- N. Signs that have become a public nuisance due to inadequate maintenance, dilapidation, or abandonment.
- O. Signs that were unlawfully installed, erected, or maintained.
- P. Signs that have less clearance from overhead lines and other utilities than required by the applicable service providers.

### **1500-26-090 Nonconforming and Abandoned Signs**

#### **A. Nonconforming Signs**

1. **Legal Nonconforming Signs.** Any sign that does not comply with the requirements of this Chapter, but which was constructed, operated, and maintained in compliance with all previous regulations, shall be regarded as a legal nonconforming sign.
2. **Modification.** No legal nonconforming sign shall be structurally altered, remodeled or moved without being made to comply in all respects with the provisions of this Chapter; provided, however, that nothing herein shall prohibit the normal maintenance or repair of any legal nonconforming sign nor the painting or repainting or otherwise changing of its face.

- B. **Abandoned Signs.** Any sign whose advertised use has ceased to function for a period of 6 months or more shall be deemed abandoned. Any re-use of such sign shall require compliance with the appropriate permitting requirements of this Chapter.

### **1500-21-100 Sign Maintenance**

- A. **Maintenance.** Signs, including supports, monuments, and architectural embellishments, shall be maintained in a state of good repair at all times. Damage to signs shall be repaired in a timely manner.
- B. **Remedy.** If after 90 days of written notice from the Director a sign owner has failed to maintain a sign, the sign may be declared abandoned by the Director. Any re-use of such sign shall require compliance with the appropriate permitting requirements of this Chapter.

### **1500-21-110 Sign Removal**

Prohibited, abandoned and other illegal signs shall be removed, at no cost to the County, within 30 days upon written notice from the Director or shall be repaired and/or modified and lawfully permitted in accordance with the provisions of this Chapter.

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# Article 21.5

## Noise Control

### CHAPTER 1500-21.5

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#### Sections:

- 1500-21.5-010: Purpose
  - 1500-21.5-020: Definitions
  - 1500-21.5-030: General Noise Regulations
  - 1500-21.5-040: Noise Level Measurement
  - 1500-21.5-050: Exterior Noise Standards
  - 1500-21.5-060: Unique Noise Standards
  - 1500-21.5-070: Exceptions to Noise Standards
  - 1500-21.5-080: Noise Exception Requests
  - 1500-21.5-090: Violations
- 

#### 1500-21.5-010 Purpose

This Article establishes standards and procedures to protect the health and safety of County residents from the harmful effects of exposure to excessive, unnecessary or offensive noise.

#### 1500-21.5-020 Definitions

The words, phrases and terms as used in this Article shall have the following meanings:

- A. **Ambient Noise Level.** All-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.
- B. **Decibel (dB).** A unit used to express the relative intensity of sound as it is heard by the human ear. The lowest volume a normal ear can detect under laboratory conditions is zero dB, the threshold of human hearing. Since the decibel is logarithmic, 10 decibels are 10 times more intense and 20 decibels are a 100 times more intense than 1 dB.
- C. **Equivalent Sound Level ( $L_{eq}$ ).** The average of sound energy occurring over a specified period. The  $L_{eq}$  is equivalent to the same average acoustical energy as the time-varying sound that actually occurs during a specified period.
- D. **Impulsive Noise.** A noise characterized by sound pressures whose peak levels are very much greater than the ambient noise level resulting in instantaneous sharp sounds, such as might be produced by the impact of a pile driver, hammering, back-up alarm, or gunfire, typically with 1 second or less duration.

- E. **Noise Level.** A-weighted sound pressure level in decibels obtained by using a sound level meter at slow response (1000 milliseconds up and down) with a reference pressure of 20 micropascals. A fast meter response (125 milliseconds up and down) shall be used for impulsive noise. The unit of measurement shall be designated as “dBA.”
- F. **Noise Sensitive Uses.** Land uses considered more sensitive to noise than others due to the amount of noise exposure and types of activities typically involved at the land use location such as residences, schools, motels and hotels, libraries, religious institutions, hospitals and nursing homes.
- G. **Simple Tone Noise or Pure Tone Noise.** A noise characterized by the presence of a predominant frequency or frequencies such as might be produced by whistle, squeal, screech, or hum.
- H. **Sound Level Meter.** An instrument meeting American National Standard Institute (ANSI) Standard S1.4-1971 for Type 2 sound level meters that is calibrated utilizing an acoustical calibrator meeting ANSI Type 2 standard, performed immediately prior to recording any sound data. Calibration equipment shall be certified annually.
- I. **Sound Pressure Level.** A sound pressure level of a sound, in decibels, as defined in ANSI Standards 51.2-1962 and 51.13-1920. It is computed as 10 times the logarithm of the source sound pressure divided by a reference sound pressure.

#### 1500-21.5-030 General Noise Regulations

Notwithstanding any other provisions of this Article, it is unlawful for any person to willfully make or continue or cause to be made or continued any excessive, unnecessary or offensive noise levels, which disturbs the peace and quiet of any noise sensitive use, or which causes discomfort or annoyance to any reasonable person of normal sensitivity.

The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to the following:

- A. The sound level of the objectionable noise;
- B. The proximity of the noise to residential or other noise sensitive uses;
- C. The time of day or night the noise occurs;
- D. The duration of the noise and its tonal informational or musical content;
- E. Whether the noise is continuous, recurrent or intermittent; and
- F. The level and intensity of ambient background noise, if any.

#### 1500-21.5-040 Noise Level Measurement

- A. **Noise Level Measurement.** Any noise level measurements made pursuant to the provisions of this Article shall be performed using a sound level meter as defined in Section 1500-21.5-020.
- B. **Designated Exterior Noise Measurement Location.** The location selected for measuring exterior noise levels shall be within one foot or as close as is practicable inside the property line of the receiving property closest to the noise source or where the noise level is greatest. Where

feasible, the microphone shall be at a height of five feet above ground level and shall be at least four feet from walls or similar reflecting surfaces.

**1500-21.5-050 Exterior Noise Standards**

The noise standards shown in Table 1500-21.5-1, unless otherwise specified in this Article, shall apply to all noise sensitive exterior areas within Sutter County.

Table 1500-21.5-1: EXTERIOR NOISE STANDARDS		
Noise Level Descriptor	Daytime (7:00 a.m. to 10:00 p.m.)	Nighttime (10:00 p.m. to 7:00 a.m.)
Hourly $L_{eq}$ , dBA	55	45
Maximum Level, dBA	70	65

- A. **Exterior Noise Violation.** It is unlawful for any person at any location within the County to create any noise which causes the noise levels on a noise sensitive receiving property, when measured in the designated exterior noise measurement location, to exceed the noise standards specified in Table 1500-21.5-1.
- B. **Impulsive, Simple and Pure Tone Noise.** Each of the noise limits specified in Table 1500-21.5-1 shall be reduced by 5 dBA for recurring impulsive noise, simple or pure tone noise, or for noises consisting of speech or music.
- C. **Ambient Noise Level.** Noise level standards, which are up to five 5 dBA less than those specified in Table 1500-21.5-1 may be imposed, based upon determination of existing low ambient noise levels in the vicinity of the receiving property.
- D. **Application.** The exterior noise level standard shall be applied to the property line of the receiving property (as measured no more than one foot or as close as practicable inside the property line).

**1500-21.5-060 Unique Noise Standards**

- A. **Animals and Birds.** It is unlawful for any person to possess or harbor any animal or bird that howls, barks, meows, squawks, or makes other noises continuously and/or incessantly for an unreasonable period of time so as to create a noise disturbance across a real property line.
- B. **Audio Equipment.** It is unlawful for any person to use or operate audio equipment on private property where said equipment is unreasonably audible beyond the property line. In addition, no person shall operate audio equipment in a vehicle on or within any public street, public park, public parking lot or other public place which is audible to a person of normal hearing sensitivity more than 50 feet from such vehicle.
- C. **Schools, Hospitals and Churches.** It is unlawful for any person to create any noise on any public street, public sidewalk, public park, public parking lot or other public place adjacent to any school, institution of learning, hospital or church while the same is in use, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys the users of such institution.

**1500-21.50-070 Exceptions to Noise Standards**

The following activities shall be exempted from the provisions of this Article:

- A. **Agricultural Activities.** Noise sources associated with agricultural activities in zones permitting agricultural uses, which are carried out in any manner consistent with the practice and within the standards of the agricultural industry. This includes without limitation all mechanical devices, apparatus or equipment utilized for the protection or salvage of agricultural crops during periods of adverse weather conditions or when the use of mobile sources is necessary for pest control.
- B. **Construction.** Noise sources associated with construction, repair, remodeling, demolition, paving or grading of any real property or public works project located within 1,000 feet of noise-sensitive uses (i.e., residential uses, daycares, schools, convalescent homes, and medical care facilities), provided such activities take place between:
  - 1. 7:00 a.m. to 6:00 p.m. on weekdays
  - 2. 8:00 a.m. to 5:00 p.m. on Saturdays
 Construction is prohibited on Sundays and legal holidays unless permission has been applied for and granted by the County.
- C. **Emergency Activities.** Any machinery, equipment, vehicle, manpower or other activity related to or connected with emergency activities or emergency work to protect, maintain, provide or restore safe conditions in the community or for citizenry, or work by private or public utilities when restoring utility service.
- D. **Temporary Activities and Events.** Authorized outdoor or indoor events, gatherings, shows, bands, fairs, festivals, weddings, sporting events entertainment and similar events provided such activities take place between 7:00 am to 10:00 pm and do not exceed an  $L_{eq}$  of 65 dBA when measured at any point on the property line over any 30 minute period.
- E. **Maintenance of Residential Property.** Noise sources associated with maintenance of residential property, provided such activities take place between 7:00 a.m. to sunset. .
- F. **Parks and Schools.** Activities conducted in public parks, public playgrounds and public or private school grounds provided such activities take place between:
  - 1. 7 a.m. to sunset for unlighted facilities.
  - 2. 7 a.m. to 10 p.m. for lighted facilities.
 Such activities include, but are not limited to athletic and entertainment events.
- G. **Private Recreation.** Private recreational activities provided such activities take place between 7:00 am to sunset and do not exceed an  $L_{eq}$  of 65 dBA when measured at any point on the property line over any 30 minute period. Such activities include, but are not limited to off-road vehicles, pleasure motor boats, and gunfire from target practice consistent with all State laws on private property.
- H. **State and Federal Preemption.** Any activity to the extent regulation thereof has been preempted by state or federal law.
- I. **Waste Disposal Activities.** Waste disposal collection activities provided such activities do not take place within 500 feet of any area zoned for residential use earlier than 5:30 a.m. or later than 8:00 p.m., except in an emergency or with the approval of the County.

**J. Legally Established Uses.**

1. Allowed activities generated by a legally established use (e.g. a commercial or employment use) impacting non-conforming uses (e.g. a residential use) that, if legally established, would be considered a noise sensitive use.
2. Any land use for which a valid land use approval, entitlement, or permit has been issued by the county prior to the effective date of the ordinance codified in this chapter.

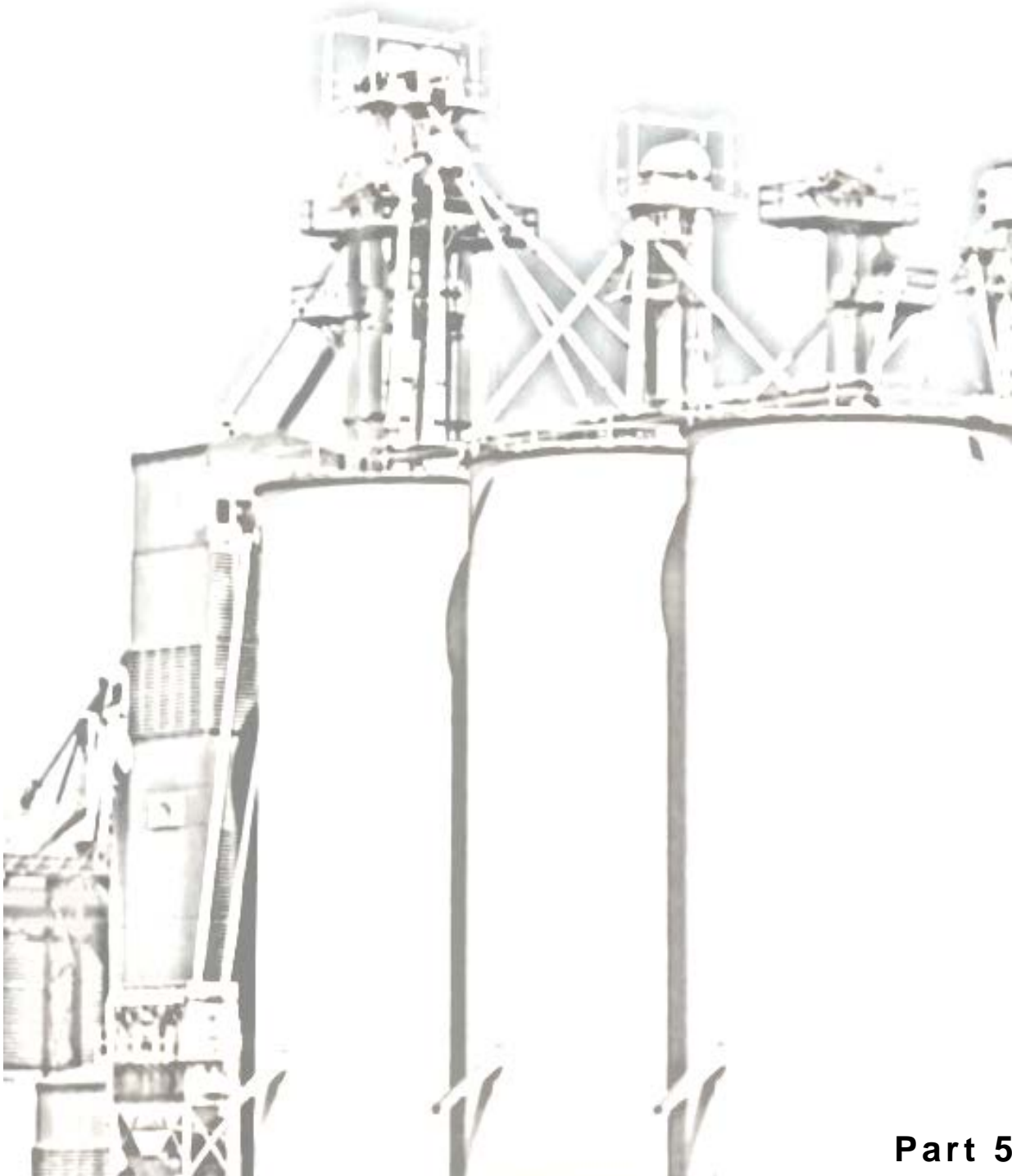
**1500-21.5-080 Noise Exception Requests**

- A. If the owner or operator of a noise source demonstrates to the satisfaction of the Director that immediate compliance with the requirements of this Article would be impractical or unreasonable, the Director may issue Zoning Clearance to allow an exception from the provisions thereof. Such Zoning Clearance shall be processed in accordance with Article 1500-25-030 of this Zoning Code.
  1. A Zoning Clearance application for a noise exception shall set forth all actions taken to comply with this Article, the reasons why immediate compliance cannot be achieved, a proposed method for achieving compliance, and a proposed time schedule for its accomplishment.
  2. Any Zoning Clearance for an exception shall be for an initial term as specified by the Director, not to exceed thirty days. Longer terms up to one hundred twenty days may be granted by the Planning Commission.
  3. In reviewing a Zoning Clearance for a noise exception the approving authority shall consider:
    - a. The level, intensity and duration of the noise;
    - b. The magnitude of nuisance caused by the noise;
    - c. The uses of property within the area affected by the noise;
    - d. The time of day that the noise occurs;
    - e. The design and cost of remedial work; and,
    - f. The general public interest and welfare.
  4. A Zoning Clearance for a noise exception may be subject to any terms, conditions and requirements that the approving authority may deem necessary to achieve maximum compliance with the provisions of this Article. Such terms, conditions and requirements may include, but shall not be limited to, limitations on noise levels and operating hours.
  5. Prior to the Director issuing a Zoning Clearance for a noise exception, a Notice of Intent to Approve shall be issued pursuant to Section 1500-23-060 B.

**1500-21.5-090 Violations**

- A. The violation of any provision contained in this Article shall constitute an infraction and a public nuisance.
- B. It shall be the duty of the Director, County Sheriff and/or other assigned County officials to enforce the provisions of this Article.

- C. To determine whether there is a violation of this Article, the assigned County enforcement official will review a complaint in accordance with Sutter County Ordinance Code and may investigate and assess whether the alleged noise levels exceed the noise standards set forth in this Article.
- D. If the assigned County enforcement official has reason to believe that any provision(s) of this Article has been violated, he/she shall cause written notice to be served upon the alleged violator. Such notice shall specify the provision(s) of this Article alleged to have been violated and the facts alleged to constitute a violation, including dBA readings noted and the time and place of their detection, and shall include an order that corrective action be taken within a specified time. If corrective action is not taken within such specified time or any extension thereof approved by the County enforcement official, he/she shall commence the enforcement process specified in Article 26.
- E. In addition to the penalties for infraction offenses and the procedures for nuisance abatement as set forth in the Sutter County Ordinance Code, any noise level and its source in violation of any of the provisions of this Article may be summarily abated, which may include, but is not limited to, removal, dismantlement and taking into custody the source of such noise, and in this regard, the confiscation of any machine or device used to violate any of the provisions of this Article is hereby authorized to be held for use as evidence in any proceeding that may be brought for such violation.
- F. It is unlawful for any person to refuse to cooperate with or to obstruct any governmental agent, officer or employee in determining the noise level or the ambient noise level. Such cooperation shall include, but is not limited to, the shutting off or quieting of any noise source so that an ambient noise level can be measured or alternatively the turning on or starting of any noise source that is alleged to exceed standards.



**Part 5**

**Process and Enforcement**

Part 5

**Process and Enforcement**

**Article 22: Permit Application and Completeness**

- 1500-22-010: Purpose
- 1500-22-020: Pre-Application Consultation
- 1500-22-030: Application Preparation and Filing
- 1500-22-040: Application Completeness
- 1500-22-050: Referral of Application

**Article 23: Review and Action**

- 1500-23-010: Purpose
- 1500-23-020: Environmental Review
- 1500-23-030: Project Evaluation and Staff Reports
- 1500-23-040: Approving Authority and Public Hearing Requirements
- 1500-23-050: Decisions on Multiple Applications
- 1500-23-060: Public Noticing
- 1500-23-070: Approving Authority Action
- 1500-23-080: Appeals

**Article 24: Post Action Procedures**

- 1500-24-010: Purpose
- 1500-24-020: Effective Date, Expirations and Extensions
- 1500-24-030: Resubmittals
- 1500-24-040: Permit Revocation
- 1500-24-050: Certificate of Occupancy
- 1500-24-060: Permit to Run with the Land

**Article 25: Permit Types and Findings**

- 1500-25-010: Purpose
- 1500-25-020: Process and Procedures
- 1500-25-025: Development in Flood Hazard Areas
- 1500-25-030: Zoning Clearance and Administrative Permit
- 1500-25-040: Design Review and Minor Design Review
- 1500-25-050: Use Permit and Use Permit Amendment
- 1500-25-060: Variance and Minor Variance
- 1500-25-070: Zoning Code Amendment
- 1500-25-080: General Plan Amendment
- 1500-25-090: Specific Plan
- 1500-25-100: Development Agreement
- 1500-25-110: Reasonable Accommodation

**Article 26: Enforcement**

- 1500-26-010: Purpose
- 1500-26-020: Enforcement
- 1500-26-030: Violation
- 1500-26-040: Public Nuisance
- 1500-26-050: Remedies
- 1500-26-060: Penalties

# Article 22

## Permit Application and Completeness

### CHAPTER 1500-22

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**Sections:**

- 1500-22-010: Purpose**
  - 1500-22-020: Pre-Application Consultation**
  - 1500-22-030: Application Preparation and Filing**
  - 1500-22-040: Application Completeness**
  - 1500-22-050: Referral of Application**
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#### 1500-22-010 Purpose

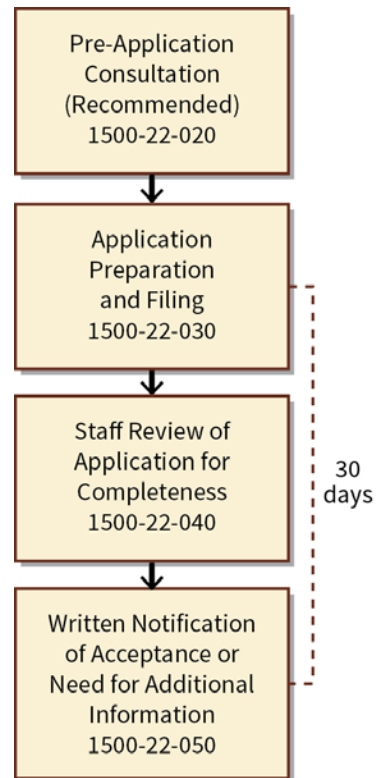
This chapter establishes common requirements for the preparation, filing, and completeness of permit applications required by the Zoning Code.

#### 1500-22-020 Pre-Application Consultation

While optional, the County encourages prospective applicants to consult with the individual divisions of the Development Services Department (i.e., Planning, Environmental Health, Public Works, Fire, and Building) before completing and filing a permit application.

#### 1500-22-030 Application Preparation and Filing

- A. **Application Form.** All applications for a permit or approval required by the Zoning Code shall be filed with the Development Services Department on an official County application form.
- B. **Supporting Information.** The application shall be filed with all required fees, deposits, plans, maps, drawings, renderings, models, studies, and other information and materials as specified by the Development Services Department. Such information and materials shall be adequate to describe existing conditions and the proposed project, and to determine the level of environmental review required pursuant to the California Environmental Quality Act (CEQA).
- C. **Eligibility for Filing.** An application may only be filed by the owner of the subject property or a duly authorized agent of the property owner with the written consent of the owner.



- D. **Concurrent Filing.** An application may be filed and processed concurrently with any other discretionary permit for the subject property. Such permits or approvals shall be reviewed and acted on in a unified process.
- E. **Application Fees.** Fees required for any application shall be paid as required by the fee schedule adopted by the Board of Supervisors. Failure to pay the appropriate fee or subsequent deposit(s) upon request shall be deemed to be a withdrawal of the application and shall result in the file being closed and no further action being taken on the application.
- F. **Rejection of Application.** If the Development Services Department determines that an application requests permission for an action not allowed in the applicable zoning district or that cannot lawfully be approved by the County, the Department shall not accept the application for processing.
- G. **Zoning Code Violations.** An application shall not be accepted if conditions exist on the subject property in violation of this Zoning Code, or other section of the Sutter County Ordinance Code including but not limited to the provisions of Chapter 410, or any permit or other approval granted in compliance with this Code, unless the proposed project includes the correction of the violation(s).
- H. **Availability of Information.** All applications and supporting information shall be made available for public inspection. Upon reasonable request, and during normal business hours, any person may examine an application and supporting information submitted to the Development Services Department. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.

#### 1500-22-040 Application Completeness

- A. **Review.** The Development Services Department shall review each application for completeness and accuracy before it is accepted.
- B. **Acceptance.** Acceptance of the application by the Development Services Department shall be based on the County's list of required application contents and any additional instructions provided to the applicant in a pre-application consultation or during the initial application review period.
- C. **Applicant Notification.** Unless otherwise specified by this Zoning Code, within 30 calendar days of application acceptance, the applicant shall be informed in writing that either the application is complete and has been accepted for processing, or that the application is incomplete and that additional information is required. If determined to be incomplete, the written correspondence shall itemize any information which is necessary to complete the application. The written correspondence shall also address any areas in which the submitted plans are not in compliance with County standards and requirements.
- D. **Time Limit to Make Application Complete.** When the Development Services Department determines that additional information is required and the application is not made complete within 6 months of application submittal, the application shall be deemed withdrawn, the file closed, and no action will be taken on the application.
- E. **Additional Information.** After the County has accepted an application as complete, the Development Services Department may require the applicant to submit additional information for the environmental review of the project in compliance with the CEQA.

#### 1500-22-050 Referral of Application

At the discretion of the Development Services Department, or where otherwise required by this Zoning Code or State or federal law, an application may be referred to any County department, state or federal

agency, or other agency, group or individual that may have relevant authority, expertise or interest in the proposed project.

# Article 23 Review, Actions and Appeals

## CHAPTER 1500-23

**Sections:**

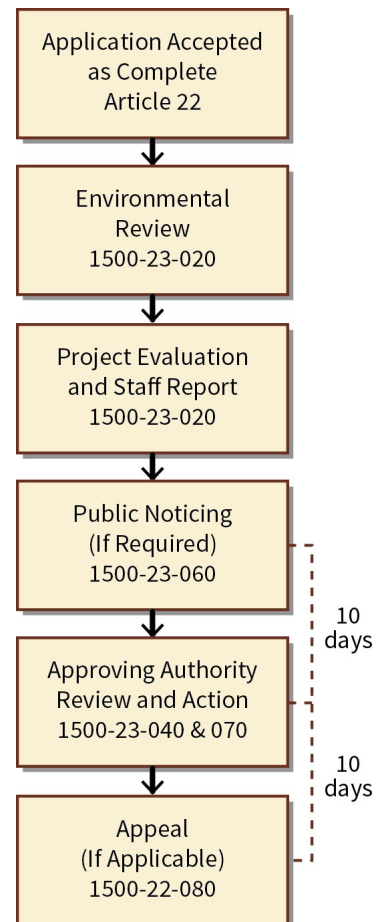
- 1500-23-010: Purpose
- 1500-23-020: Environmental Review
- 1500-23-030: Project Evaluation and Staff Reports
- 1500-23-040: Approving Authority and Public Hearing Requirements
- 1500-23-050: Decisions on Multiple Applications
- 1500-23-060: Public Noticing
- 1500-23-070: Approving Authority Action
- 1500-23-080: Appeals

### 1500-23-010 Purpose

This chapter establishes the approving authorities and common requirements for the review, noticing, action on and appeal of permits required by the Zoning Code.

### 1500-23-020 Environmental Review

- A. **CEQA Review.** After acceptance of a complete application, the Development Services Department shall review the project in compliance with California Environmental Quality Act (CEQA) to determine whether:
  1. The proposed project is not a project as defined by CEQA;
  2. The proposed project is exempt from the requirements of CEQA;
  3. A Negative Declaration may be issued;
  4. A Mitigated Negative Declaration may be issued;
  5. A Subsequent EIR, Supplemental EIR or Addendum may be issued; or
  6. An Environmental Impact Report (EIR) is required.
- B. **Compliance with CEQA.** The above determinations and, where required, the preparation and circulation of appropriate environmental documents, shall be in compliance with CEQA and any environmental guidelines and thresholds that the County has adopted in accordance with CEQA.



- C. **Special Studies.** Special studies, paid for by the applicant, may be required to supplement the County’s CEQA compliance review.

**1500-23-030 Project Evaluation and Staff Reports**

- A. **Staff Evaluation.** The Development Services Department shall review all applications to determine if they comply with all applicable requirements, including the Zoning Code, other applicable provisions of the Sutter County Ordinance Code, the General Plan, applicable specific plan or community plan, and the Sutter County Design Standards as noted in the specified zone district.
- B. **Staff Report.** The Development Services Department shall provide a staff report including a written recommendation to the approving authority as to whether the application should be approved, approved with conditions, or denied.
- C. **Report Distribution.** Each staff report shall be furnished to the applicant at the same time it is provided to the approving authority before action on the application.

**1500-23-040 Approving Authority and Public Hearing Requirements**

Table 1500-23-1 identifies the Approving authority and public hearing requirements for each type of permit and approval provided for by the Zoning Code:

<b>Table 1500-23-1: APPROVING AUTHORITY and PUBLIC HEARING REQUIREMENTS</b>				
Type of Permit/Approval	Article	Role/Hearing Requirement		
		Director	Planning Commission	Board of Supervisors
Interpretations of Zoning Code	2	Decision <i>No Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>
Zoning Clearance	25	Decision <i>No Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>
Zoning Clearance <i>with Notice to Approve</i> <sup>1</sup>	25	Decision <i>Notice of Intent to Approve</i>	Request for Public Hearing Required	Appeal <i>Public Hearing Required</i>
Administrative Permit	25	Decision <sup>2</sup> <i>Notice of Intent to Approve</i>	Request for Public Hearing Required	Appeal <i>Public Hearing Required</i>
Design Review	25	-	Decision <sup>3,4,5</sup> <i>Public Hearing Required</i>	Decision <sup>3,4,5</sup> Appeal <i>Public Hearing Required</i>
Minor Design Review	25	Decision <sup>3, 4, 5</sup> <i>No Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>
Use Permit	25	-	Decision <sup>6</sup> <i>Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>

<b>Table 1500-23-1: APPROVING AUTHORITY and PUBLIC HEARING REQUIREMENTS</b>				
Type of Permit/Approval	Article	Role/Hearing Requirement		
		Director	Planning Commission	Board of Supervisors
Use Permit Amendment	25	Decision <i>No Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>
Variance	25	-	Recommend <i>Public Hearing Required</i>	Decision <i>Public Hearing Required</i>
Minor Variance	25	Decision <i>No Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>
Planned Development Plan	8	-	Recommend <i>Public Hearing Required</i>	Decision <i>Public Hearing Required</i>
Planned Development Plan Amendment	8	-	Decision <i>Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>
Zoning Code Amendment	25	-	Recommend <sup>7</sup> <i>Public Hearing Required</i>	Decision <i>Public Hearing Required</i>
General Plan Amendment	25	-	Recommend <i>Public Hearing Required</i>	Decision <i>Public Hearing Required</i>
Specific Plan	25	-	Recommend <i>Public Hearing Required</i>	Decision <i>Public Hearing Required</i>
Development Agreement	25	-	Recommend <i>Public Hearing Required</i>	Decision <i>Public Hearing Required</i>
Reasonable Accommodation	25 <sup>7</sup>	Decision <i>No Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>
Parcel Map	Subdivision Ordinance <sup>9</sup>	-	Decision <i>Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>
Tentative Subdivision Map	Subdivision Ordinance <sup>9</sup>	-	Decision <i>Public Hearing Required</i>	Appeal <i>Public Hearing Required</i>

1. A Notice of Intent to approve shall be provided in accordance with Section 1500-23-060(B) prior to action on any Zoning Clearance associated with applications for gas and oil wells (Sections 1500-05-030(S) and 1500-07-030(H)), the Sutter Buttes Overlay (Section 1500-08-020(E)), and small wind energy systems (Section 1500-17-040(B)).
2. Within the Historic Preservation (HP) Combining District, the Historic Preservation Review Committee shall approve Administrative Permits.
3. For projects located within the R-3 and R-4 Zoning Districts:

- a. Multi-Family uses of less than 20 units require Minor Design Review.
  - b. Multi-Family uses of 20 units or more units require Design Review.
4. For projects located within the Employment Corridor Zoning District:
    - a. Additions to existing residences, new permitted caretaker housing, new or additions to existing agricultural buildings, accessory buildings, solar arrays and similar use types do not require Design Review.
    - b. Additions to existing commercial and industrial buildings and/or use types require Minor Design Review.
    - c. New commercial and industrial buildings and/or use types require Design Review approval by the Planning Commission and Board of Supervisors.
  5. For projects located within the GC, CM, M-1 and M-2 Zoning Districts:
    - a. Additions to existing residences, new permitted caretaker housing, new or additions to existing agricultural buildings, accessory buildings, solar arrays and similar use types do not require Design Review.
    - b. Additions to existing commercial and industrial buildings and/or use types require Minor Design Review.
    - c. New commercial and industrial buildings and/or use types require Design Review in accordance with the following:
      - i. Building permit applications for projects over 65,000 square feet of area, or a warehouse/outdoor storage use type over 100,000 square feet of area, require Design Review approval by the Board of Supervisors.
      - ii. Building permit applications for projects under 65,000 square feet of area, or a warehouse/outdoor storage use type under 100,000 square feet of gross floor area, require Minor Design Review approval. If the Director denies the Minor Design Review application, the project may be appealed to the Planning Commission for review in accordance with Section 1500-23-080.
  6. The approving authority for a major electrical transmission and distribution project application shall be the Board of Supervisors. The Planning Commission shall review the application and any other relevant documents, hold at least one noticed public hearing, and make a recommendation to the Board of Supervisors thereon. Upon receiving this recommendation, the Board of Supervisors shall consider the application at a noticed public hearing.
  7. Within the Historic Preservation (HP) Combining District, the Historic Preservation Review Committee shall assume the Planning Commission's Role.
  8. Also refer to Chapter 2 of the Sutter County Housing Element.
  9. See the Sutter County Subdivision Ordinance for requirements relating to the processing of parcel maps and tentative subdivision maps.

### **1500-23-050 Decisions and Multiple Applications**

In the case of multiple applications in which one or more project requires the Board of Supervisors action, the Planning Commission shall forward their recommendation only. The Board of Supervisors shall consider and decide all of the applications.

### **1500-23-060 Public Noticing**

Where identified on Table 1500-23-1, noticing for permits and approvals shall be in compliance with the following:

- A. **No Public Hearing Required.** No public notice is required.
- B. **Notice of Intent to Approve.**
  1. **Noticing.** A Notice of an Intent to Approve shall be mailed via first class US Mail or delivered at least 10 calendar days prior to an action to the applicant, the property owner, the owners

as shown on the most recent secured assessor's roll of property within 400 feet of the property involved in the application, and all persons who have requested notice. In addition, for Zoning Clearances associated with small wind energy systems, notice shall also be provided to all established agricultural aerial spraying operators of record.

2. **Content.** A Notice of an Intent to Approve shall include the following information:
  - a. The name of the applicant;
  - b. The file number assigned to the application;
  - c. A general description of the nature of the request;
  - d. A general description, in text or diagram, of the location of property that is subject to the notice;
  - e. The identity of the Approving Authority as the Director and the scheduled date for action;
  - f. A statement that the Director may approve the application without holding a public hearing, unless a public hearing is requested in writing prior to the scheduled approval date;
  - g. Notice that if a decision is challenged in court, the challenge may be limited to raising only those issues which were raised at a public hearing, if a public hearing is requested, or in written correspondence delivered to the Director at, or prior to, the public hearing; and
  - h. A description of the procedure for requesting the scheduling of a public hearing or for filing an appeal.

### C. Public Hearing Required.

1. **Noticing.** Notice of the hearing shall be mailed or delivered at least 10 days prior to the public hearing to the applicant, the property owner, the owners as shown on the most recent secured assessor's roll of property within 500 feet of the property involved in the application, each local agency expected to provide essential facilities or services to the site, and other agencies the application was circulated to for comments as part of the review process. Notice shall also be provided to all persons who have requested notice. In addition:
  - a. If the number of owners to whom notice would be mailed or delivered pursuant to this section is greater than 1,000, the County, in lieu of a mailed or delivered notice, may provide notice by placing a display advertisement at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days prior to the hearing.
  - b. If the notice is mailed or delivered to the owners of property within 500 feet, the notice shall also be published pursuant to in at least one newspaper of general circulation within the County at least 10 days prior to the hearing.

Beyond the noticing required by this section, the County may also give notice of the hearing in any other manner it deems necessary or desirable.

2. **Content.** A notice of a public hearing shall include the following information:
  - a. The name of the applicant;
  - b. The file number assigned to the application;
  - c. A general description of the nature of the request;
  - d. A general description, in text or diagram, of the location of property that is subject to the hearing;
  - e. The date, time, and place of the public hearing;

- f. The identity of the Approving Authority and a brief description of the process and procedure for submitting public comment; and
- g. Notice that if a decision is challenged in court, the challenge may be limited to raising only those issues which were raised at the public hearing described in the notice, or in written correspondence delivered to the Director at, or prior to, the public hearing.

**D. Public Notification Signs for New Development Proposals.** In addition to other noticing requirements, applications having the Planning Commission or Board of Supervisors as the Approving Authority, shall establish public notification sign(s) as required by this section. Sign(s) shall be established within thirty (30) days after submitting an application to the Development Services Department. An application shall not be deemed complete, pursuant to Section 1500-22-040, unless the required sign(s) have been established in compliance with the following standards:

- 1. Signs shall be sized a minimum of four (4) feet tall by four (4) feet wide and shall not exceed four (4) feet tall by eight (8) feet wide and shall be mounted on four (4) inch by four (4) inch posts and shall not be illuminated.
- 2. A sign shall be established adjacent to each public right-of-way street frontage the project abuts in a manner that does not create sight distance obstructions within the public right-of-way.
- 3. All sign text shall be approved by the Development Services Department. Each sign shall include the wording "Sutter County Development Services Department – Planning Division" and "Development Proposal Pending" and shall include contact phone number(s), website information, a brief description of the approvals being sought, and a sleeve that will be used to hold public notices describing project details, public hearing dates, and information to contact the project planner and applicant.
- 4. Applicants shall be responsible for all costs associated with constructing and maintaining the sign(s) in a satisfactory condition and shall remove all sign(s) within thirty (30) days after a final determination by the approving authority has been made.
- 5. Public notification signs shall be considered Governmental signs not requiring a permit consistent with Article 21: Signs, Section 1500-21-050 A. 11.
- 6. These requirements shall not apply to use permits for secondary manufactured homes for caretaker housing (Agricultural and Residential) – 1500-05-030 M.

### **1500-23-070 Approving Authority Action**

- A. **Action.** The Approving Authority, as identified in Section 1500-23-040, shall approve, conditionally approve, or deny the proposed permit in accordance with the requirements of this Zoning Code. In acting on a permit, the Approving Authority shall make the applicable findings set forth in Article 25. An action of the Approving Authority may be appealed in accordance with the appeal procedures set forth in Section 1500-23-080.
- B. **Security.** The County may require an applicant to provide adequate security to guarantee the proper completion of any conditions of approval for an approved permit.
- C. **Notice of Action.** Within five working days of the action by the Approving Authority, a notice of action shall be mailed to the applicant at the address appearing on the application or to such other address designated in writing by the applicant. The notice shall contain the following information:

1. The action taken by the Approving Authority;
2. Any conditions of approval;
3. The permit expiration date and extension or renewal requirements; and
4. Notice of the time for appeal.

### 1500-23-080 Appeals

- A. **Eligibility for Filing.** Decisions of the Director and/or the Planning Commission may be appealed by an applicant, property owner or any other aggrieved person.
- B. **Filing for Appeal of the Director.** Appeal from any finding or action by the Director shall be made in writing to the Planning Commission and filed with the Development Services Department within 10 days of the date of the action by the Director. If the tenth day falls upon a weekend or holiday the appeal period shall be extended to the end of the next available business day.
- C. **Filing for Appeal of the Planning Commission.** Appeal from any finding or action by the Planning Commission or Historic Preservation Review Committee shall be made in writing to the Board of Supervisors and filed with the County Board Clerk within 10 days of the date of the action by the Planning Commission or Historic Preservation Review Committee. If the tenth day falls upon a weekend or holiday the appeal period shall be extended to the end of the next available business day.
- D. **Reason for Appeal.** The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal. If only certain conditions of an approval are being appealed, the specific conditions shall be identified and the specific grounds for appeal of the conditions shall be specified.
- E. **Appeals Fees.** Fees for an appeal shall be paid as required by the Sutter County Planning Fees Schedule.
- F. **Proceedings Stayed by Appeal.** A timely appeal of an action shall stay the effective date of the action, for that portion of the permit being appealed, until the appeal has been acted upon or withdrawn.
- G. **Appeal Hearing.** The appellate body shall hold a public hearing within 60 days after the filing of an appeal unless circumstances beyond the control of the County do not allow such hearing. Each appeal shall be considered to be a de novo hearing on the matter being appealed.
- H. **Public Noticing.** The appellate body's public hearing shall be noticed in accordance with the requirements of Section 1500-23-060(C).

**Action.** At the public hearing, the appellate body may consider the entire action and not just the specific issue appealed. The appellate body may confirm, modify, or reverse the action appealed and any other action or issue involved in the application or proceeding as it deems appropriate, including but not limited to the issuance of a permit. In taking its action on an appeal, the appellate body shall state the basis for the action being taken on the appeal, and may refer the matter back to the original Approving Authority for further action. If the appellate body is the Board of Supervisors, such action shall be final.

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# Article 24

## Post Action Procedures

### CHAPTER 1500-24

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#### Sections:

- 1500-24-010: Purpose
  - 1500-24-020: Effective Date, Expirations and Extensions
  - 1500-24-030: Resubmittals
  - 1500-24-040: Permit Revocation
  - 1500-24-050: Certificate of Occupancy
  - 1500-24-060: Permit to Run with the Land
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#### 1500-24-010 Purpose

This chapter establishes procedures and requirements that apply following County action on permits required by the Zoning Code.

#### 1500-24-020 Effective Date, Expirations and Extensions

##### A. Effective Date.

1. Zoning Clearances shall become effective immediately upon issuance.
2. All other permits required by the Zoning Code shall become effective after the expiration of the 10-day appeal period following the date of final action, unless an appeal is filed in compliance with Section 1500-23-080.
3. Permits processed concurrent with a legislative action (i.e., general plan amendment, zoning text or map amendment, specific plan approval or amendment) shall not become effective until the legislative action becomes effective.

B. **Expiration.** Any permit granted under this Zoning Code is valid for 24 months from its issuance. The approving authority, in the granting of any permit, may specify a different amount of time within which the proposed use must be effectuated, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare.

C. **Effectuation.** A permit shall be considered effectuated when:

1. A certificate of occupancy is issued;
2. A building permit is issued and active, and construction has commenced;
3. If a building permit is not required, the use is formally established and can be documented through business records, tax records or other evidence as determined by the Director; or
4. The applicant has satisfied all applicable development conditions prior to the use of the property.

**D. Extension of a Permit.**

1. **Extension.** Any person holding a permit granted under this Zoning Code may request an extension of that permit. The Director may grant a 12 month extension of a permit and its terms, or may choose to refer a permit extension request to the Planning Commission for review and final decision at a duly noticed public hearing.
2. **Findings.** The Approving Authority shall make all of the following findings to approve an extension of a permit:
  - a. The proposed development complies with all applicable provisions of the Zoning Code in effect as of the date of application for the extension; all project conditions of approval; the General Plan; and any applicable specific plan; and
  - b. No change has occurred in the circumstances or in the factual basis on which the approval was made since the date of original approval, which results in the inability to make findings of approval for the extension consistent with those originally made.

The inability to make one or more of the above findings is grounds for denial of an application.
3. **Application Form.** All applications for an extension of a permit shall be filed with the Development Services Department on an official County application form.
4. **Application Fees.** Fees required for an extension of a permit shall be paid as required by the Sutter County Planning Fees Schedule.
5. **Current Standards.** The permit as extended may be conditioned to comply with any development standards or fees which may have been enacted since the permit was initially approved.
6. **Appeal.** A determination on an extension of a permit may be appealed in compliance with Section 1500-23-080.

**1500-24-030 Resubmittals**

No application for a permit required by the Zoning Code shall be accepted or acted upon, if within the preceding 12 months, an application has been denied or revoked by the Approving Authority which involves substantially the same parcel and permits, unless the Director determines that either of the following applies:

- A. New evidence has become available which was unavailable or unknown at the time of the previous action and which could not have been discovered in the exercise of reasonable diligence by the applicant or County; or
- B. There has been a substantial and permanent change of relevant circumstances since the previous decision, which materially affects the parcel involved in the application.

**1500-24-040 Permit Revocation**

- A. **Grounds for Revocation.** A permit required by the Zoning Code may be revoked by the Board of Supervisors at a duly noticed public hearing upon a finding of any of the following grounds:
  1. The applicant or property owner has altered the circumstances under which the permit was granted to a degree that one or more of the findings required to grant the original permit can no longer be made.

2. Permit issuance was based on misrepresentation by the applicant, either through omission or the making of a false material statement in the application, or in public hearing testimony.
  3. One or more conditions of approval have been violated, or have not been complied with or fulfilled.
  4. The applicant or property owner has failed or refused to allow inspections for compliance.
  5. Improvements authorized by the permit are in violation of the Zoning Code or any applicable law or regulation.
  6. The use has been conducted in a manner detrimental to the public safety, health and welfare, or so as to be a nuisance.
- B. **Noticing.** The Board of Supervisors shall give notice to the permittee of intention to revoke a permit at least 10 days prior to a hearing thereon.

#### **1500-24-050 Certificate of Occupancy**

A final Certificate of Occupancy shall not be issued until the Development Services Department has determined that all applicable standards and conditions of approval have been met.

#### **1500-24-060 Permit to Run with the Land**

Unless otherwise conditioned, a permit granted pursuant to the provisions of this chapter shall be transferable upon a change of ownership of the site, business, service, use or structure, provided that the use and conditions of the original permit are fully complied with and not modified or enlarged.

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# Article 25

## Permit Types and Findings

### CHAPTER 1500-25

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#### Sections:

- 1500-25-010: Purpose**
  - 1500-25-020: Process and Procedures**
  - 1500-25-025: Development in Flood Hazard Areas**
  - 1500-25-030: Zoning Clearance and Administrative Permit**
  - 1500-25-040: Design Review and Minor Design Review**
  - 1500-25-050: Use Permit and Use Permit Amendment**
  - 1500-25-060: Variance and Minor Variance**
  - 1500-25-070: Zoning Code Amendment**
  - 1500-25-080: General Plan Amendment**
  - 1500-25-090: Specific Plan**
  - 1500-25-100: Development Agreement**
  - 1500-25-110: Reasonable Accommodation**
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#### **1500-25-010 Purpose**

This chapter establishes the general requirements and findings for obtaining various permits and approvals as provided for by the Zoning Code.

#### **1500-25-020 Process and Procedures**

All permit applications, public noticing, reviews, appeals, effective dates and other requirements shall be consistent with this chapter; Article 22 Permit Application and Completeness; Article 23, Review, Actions and Appeals; and Article 24 Post Action Procedures.

#### **1500-25-025 Development in Flood Hazard Areas**

All actions involving Zoning Clearance and Administrative Permits, Design Reviews and Minor Design Reviews, Use Permits and Use Permit Amendments, Zoning Code Amendments, General Plan Amendments, Specific Plans, and Development Agreements shall be required to make a flood protection finding in either subsection A or B, depending on location. The inability to make one of the findings is grounds for denial of an application:

- A. **Urban Level of Flood Protection Finding.** A ULOP finding is required when all of the following four location conditions are met:
  1. It is located within an urban area with 10,000 residents or more, or an urbanizing area that is planned or anticipated to have 10,000 residents or more within the next 10 years (as defined in California Government Code section 65007);

2. It is located within a flood hazard zone that is mapped as either a special hazard area or an area of moderate hazard on FEMA's official Flood Insurance Rate Map (FIRM) for the National Flood Insurance Program (NFIP);
3. It is located within an area of potential flooding depth above 3.0 feet from sources of flooding other than local conditions that may occur anywhere in a community; and
4. It is located within a watershed with a contributing area of 10 or fewer square miles, as determined by the County.

If all four of the conditions are met, the Approving Authority shall make one of the following findings related to an urban level of flood protection:

- The facilities of the State Plan of Flood Control or other flood management facilities provide the required urban level of flood protection to the property, development project or subdivision.
- The County has imposed conditions on the property, development project or subdivision that are sufficient to provide the required urban level of flood protection.
- The local flood management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas, to be achieved by 2025.
- The property in an undetermined risk area has met the urban level of flood protection.

**B. National FEMA Standard of Flood Protection Finding.** A national FEMA standard of flood protection finding is required when both of the following location conditions are met:

1. It is located outside of an urban area or urbanizing area; and
2. It is located within a flood hazard zone that is mapped as either a special hazard area or an area of moderate hazard on FEMA's official FIRM for the NFIP.

If both of the conditions are met, the Approving Authority shall make one of the following findings related to the national FEMA standard of flood protection:

- The facilities of the State Plan of Flood Control or other flood management facilities provide the national FEMA standard of flood protection to the property, development project or subdivision.
- The County has imposed conditions on the property, development project or subdivision that are sufficient to provide the national FEMA standard of flood protection.
- The local flood management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood protection system that will result in flood protection equal to or greater than the national FEMA standard of flood protection.

**1500-25-030 Zoning Clearance and Administrative Permit**

- A. **Purpose.** A Zoning Clearance is a ministerial action and an Administrative Permit is a discretionary action that enables the County to ensure that a proposed use or development complies with the Zoning Code and General Plan, and provides for the public's health, safety and general welfare. Neither approval requires a public hearing.
- B. **Applicability.** Approval of a Zoning Clearance or an Administrative Permit is required for uses or developments specifically identified in Part 2, District Specific Regulations, and/or any other section of this Zoning Code that requires a Zoning Clearance or an Administrative Permit.
- C. **Approving Authority.** The Director, or their designee, shall approve or deny an application for a Zoning Clearance or an Administrative Permit consistent with the requirements of Table 1500-23-1. When a Zoning Clearance or an Administrative Permit is submitted in conjunction with an application for another approval, permit, or entitlement under this Zoning Code, it shall be heard and acted upon at the same time as that application.
- D. **Required Findings.** The Approving Authority shall make all of the following findings to approve a Zoning Clearance or an Administrative Permit. The inability to make one or more of the findings is grounds for denial of an application:
1. The Zoning Clearance or Administrative Permit is consistent with the General Plan and any applicable specific plan;
  2. The proposed use or development provided for by the Zoning Clearance or Administrative Permit is allowed within the applicable zoning district and complies with all other relevant provisions of the Zoning Code; and
  3. Approval of the Zoning Clearance or Administrative Permit will not be detrimental to the health, safety, and general welfare of persons residing or working in the area, or be detrimental or injurious to property and improvements in the area or to the general welfare of the County.

**1500-25-040 Design Review and Minor Design Review**

- A. **Purpose.** Design Review and Minor Design Review are discretionary actions that enable the County to consider site design, architecture, parking, circulation, lighting, landscaping, resource conservation and other design-related issues. This review is intended to promote attractive, compatible and coordinated development projects in the interest of public health, safety and general welfare.
- B. **Applicability.** All development projects including those requiring other land use applications that are located within a Commercial or Employment zoning district (GC, CM, EC, M-1 and M-2), and all multi-family development within a Residential District (R-3 and R-4), shall be subject to Design Review as follows:
1. For projects located within the R-3 and R-4 Zoning Districts:
    - a. Multi-Family uses of less than 20 units require Minor Design Review.
    - b. Multi-Family uses of 20 units or more units require Design Review.
  2. For projects located within the Employment Corridor Zoning District:
    - a. Additions to existing residences, new permitted caretaker housing, new or additions to existing agricultural buildings, accessory buildings, solar arrays and similar use types do not require Design Review.

- b. Additions to existing commercial and industrial buildings and/or use types require Minor Design Review.
  - c. New commercial and industrial buildings and/or use types require Design Review approval by the Planning Commission and Board of Supervisors.
3. For projects located within the GC, CM, M-1 and M-2 Zoning Districts:
- a. Additions to existing residences, new permitted caretaker housing, new or additions to existing agricultural buildings, accessory buildings, solar arrays and similar use types do not require Design Review.
  - b. Additions to existing commercial and industrial buildings and/or use types require Minor Design Review.
  - c. New commercial and industrial buildings and/or use types require Design Review in accordance with the following:
    - i. Building permit applications for projects over 65,000 square feet of area, or a warehouse/outdoor storage use type over 100,000 square feet of area, require Design Review approval by the Board of Supervisors.
    - ii. Building permit applications for projects under 65,000 square feet of area, or a warehouse/outdoor storage use type under 100,000 square feet of gross floor area, require Minor Design Review approval. If the Director denies the Minor Design Review application, the project may be appealed to the Planning Commission for review in accordance with Section 1500-23-080.
- C. Amendments or Changes to Existing Plans.** It is at the discretion of the Director to determine whether a proposed amendment or change to a previously approved project is significant requiring formal review. In cases where such amendment or change is determined to be minor in nature, a Minor Design Review shall be required. In cases where such amendment or change is determined to be major in nature, Design Review shall be required.
- D. Approving Authority.**
1. **Design Review.** The Planning Commission shall approve, conditionally approve, or deny an application for Design Review except when:
    - a. The project is located in the EC zoning district; or
    - b. The project also requires another discretionary approval in addition to Design Review.

In the above cases the Planning Commission shall recommend, and the Board of Supervisors shall approve, conditionally approve, or deny an application for a Design Review consistent with the requirements of Table 1500-23-1.
  2. **Minor Design Review.** The Director or their designee, shall approve, conditionally approve, or deny an application for Minor Design Review consistent with the requirements of Table 1500-23-1.
  3. **Multiple Entitlements.** When a Design Review or a Minor Design Review is submitted in conjunction with an application for another approval, permit, or entitlement under this Zoning Code, it shall be heard and acted upon at the same time as that application.
- E. Required Findings.** The Approving Authority shall make all of the following findings to approve a Design Review or Minor Design Review. The inability to make one or more of the findings is grounds for denial of an application:
1. The Design Review or Minor Design Review is consistent with the Zoning Code, General Plan and any applicable specific plan;

2. The overall design of the proposed project provided for by the Design Review or Minor Design Review, including where applicable its site design, vehicle circulation and parking, loading areas, architecture, colors, materials, scale, massing, height, landscaping, shading, hardscapes, screening, walls and fences, trash enclosure, lighting and other design features are attractive, internally integrated, and will enhance the appearance and features of the project site; and
3. Approval of the Design Review or Minor Design Review will not be detrimental to the health, safety, and general welfare of persons residing or working in the area, or be detrimental or injurious to property and improvements in the area or to the general welfare of the County.

In making the above findings, the Approving Authority may attach conditions of approval to ensure compliance with the Zoning Code, other County ordinances and requirements, the General Plan, and any applicable specific plan.

### **1500-25-050 Use Permit and Use Permit Amendment**

- A. **Purpose.** A Use Permit or Use Permit Amendment is a discretionary action that enables the County to ensure that a proposed use or development that may have the potential to negatively impact adjoining properties and uses can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties.
- B. **Applicability.** Approval of a Use Permit or Use Permit Amendment is required for uses or developments specifically identified in Part 2, District Specific Regulations, and/or any other section of this Zoning Code that requires a Use Permit or Use Permit Amendment. A Use Permit Amendment may be processed if it is determined to be minor in nature, consistent with the character of the existing Use Permit, and will not result in a significant increase in intensity of the use of the site (e.g. expansion of the approved Use Permit with a less than 20 percent increase in floor area or parking demand).
- C. **Approving Authority.**
  1. **Use Permit.** The Planning Commission shall approve, conditionally approve, or deny an application for a Use Permit consistent with the requirements of Table 1500-23-1.
  2. **Use Permit Amendment.** The Director or their designee, shall approve, conditionally approve, or deny an application for a Use Permit amendment consistent with the requirements of Table 1500-23-1.
  3. **Multiple Entitlements.** When a Use Permit or a Use Permit Amendment is submitted in conjunction with an application for another approval, permit, or entitlement under this Zoning Code, it shall be heard and acted upon at the same time as that application.
- D. **Required Findings.** The Approving Authority shall make all of the following findings to approve a Use Permit or Use Permit Amendment. The inability to make one or more of the findings is grounds for denial of an application:
  1. The Use Permit or Use Permit Amendment is consistent with the General Plan and any applicable specific plan;
  2. The Use Permit or Use Permit Amendment is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code; and
  3. Approval of the Use Permit or Use Permit Amendment, subject to the recommended conditions of approval, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area, or be detrimental or injurious to property and improvements in the area or to the general welfare of the County.

In making the above findings, the Approving Authority may attach conditions of approval to ensure compliance with the Zoning Code, other County ordinances and requirements, the General Plan, and any applicable specific plan.

- E. **Required Findings for Regional Power Transmission line Projects.** A use permit for regional power transmission line projects may only be approved if all of the following findings are made based on substantial evidence in the record:
1. The proposed project is consistent with any applicable policies in the General Plan and any applicable specific plan(s);
  2. There is a demonstrated need for the proposed project;
  3. To the greatest feasible (as that term is defined in Public Utilities Code § 12808.5) extent, the project utilizes existing infrastructure and rights-of-way or, alternatively, expands existing rights-of-way, in that order of preference;
  4. There are no feasible alternatives that are superior to the proposed project, particularly with respect to individuals present in residential areas, schools, licensed day-care facilities, playgrounds, and other developed areas in reasonable proximity to the project;
  5. To the greatest feasible extent, the proposed project does not have a significant adverse effect on the environment, agriculture, existing land uses and activities, areas with significant scenic qualities, or other relevant considerations of public health, safety, or welfare;
  6. To the greatest feasible extent, the proposed project avoids lands preserved by the County for public park purposes;
  7. To the greatest feasible extent, the proposed project avoids lands preserved by a conservation easement or similar deed restriction for agricultural, habitat, or other purposes. The Board of Supervisors may waive this requirement if the applicant provides documentation that the project does not conflict with the conservation easement or deed restriction, or that the conservation easement or deed restriction will be amended or extinguished prior to implementation of the project. If the conservation easement or deed restriction was provided as mitigation for the impacts of a prior development project, however, it shall only be amended or extinguished if adequate substitute mitigation is provided by the applicant;
  8. The proposed project complies with all laws, regulations, and rules regarding airport safety conditions and similar matters, and would not require a significant change in the operations of a public or private airport in the County, create an undue hazard for aircraft, or substantially hinder aerial spraying operations;
  9. To the greatest feasible extent, operation of the proposed project would not create conditions that unduly reduce or interfere with public or private television, radio, telemetry, or other electromagnetic communication signals; and
  10. The applicant has agreed to conduct all roadwork and other site development work in compliance with all laws, regulations, and rules relating to dust control, air quality, erosion, and sediment control, as well as any permits issued pursuant thereto.
- F. **Expiration.** If the use or structure for which the Use Permit or Use Permit Amendment was granted no longer exists or has been discontinued for a continuous period of at least 24 months, said use shall be considered abandoned and is null and void.

**1500-25-060 Variance and Minor Variance**

- A. **Purpose.** A Variance or Minor Variance is a discretionary action that enables the County to grant relief from certain standards of this Zoning Code where, because of unique circumstances applicable to the property, the strict application of such standards will deprive the property owner of privileges enjoyed by similar properties in the vicinity and in the same zoning district. A Variance or Minor Variance may be granted to waive or modify any requirement of this Zoning Code except: allowed uses; residential density; specific prohibitions (for example, prohibited signs); or procedural requirements.
- B. **Applicability.**
1. **Variance.** Approval of a Variance is required to approve a deviation from a standard by more than 10 percent.
  2. **Minor Variance.** Approval of a Minor Variance is required to approve a deviation from a standard by 10 percent or less.
- C. **Approving Authority.**
1. **Variance.** The Planning Commission shall recommend, and the Board of Supervisors shall approve, conditionally approve, or deny an application for a Variance consistent with the requirements of Table 1500-23-1.
  2. **Minor Variance.** The Director or their designee, shall approve, conditionally approve, or deny an application for a Minor Variance consistent with the requirements of Table 1500-23-1.
  3. **Multiple Entitlements.** When a Variance or a Minor Variance is submitted in conjunction with an application for another approval, permit, or entitlement under this Zoning Code, it shall be heard and acted upon at the same time as that application.
- D. **Required Findings.** The Approving Authority shall make all of the following findings to approve a Variance or Minor Variance. The inability to make one or more of the findings is grounds for denial of an application:
1. Because of special circumstances applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features), the strict application of the Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification;
  2. The Variance or Minor Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district in which the property is located;
  3. The Variance or Minor Variance will not authorize a use or activity which is not otherwise expressly authorized by the zoning district governing the property;
  4. The Variance or Minor Variance complies with the General Plan and any applicable specific plan; and
  5. Approval of the Variance or Minor Variance, subject to the recommended conditions of approval, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area, or be detrimental or injurious to property and improvements in the area or to the general welfare of the County.

In making the above findings, the Approving Authority may attach conditions of approval to ensure compliance with applicable provisions of the Zoning Code, other County ordinances and requirements, the General Plan, and any applicable specific plan.

### 1500-25-070 Zoning Code Amendment

- A. **Purpose.** A Zoning Code Amendment is a discretionary action that enables the County to change the text of this Code and/or the zoning map where required for the public necessity, convenience, and/or general welfare.
- B. **Applicability.** The procedures in this chapter shall apply to all proposed Zoning Code Amendments. A request for Zoning Code Amendment may be made by:
  - 1. A property owner or owners of a parcel proposed to be rezoned or upon which an amendment to the Zoning Code text would apply;
  - 2. Motion of the Board of Supervisors; or
  - 3. Recommendation by the Director.
- C. **Approving Authority.** The Planning Commission shall recommend, and the Board of Supervisors shall approve or deny an application for a Zoning Code Amendment consistent with the requirements of Table 1500-23-1. When a Zoning Code Amendment is submitted in conjunction with an application for another approval, permit, or entitlement under this Zoning Code, it shall be heard and acted upon at the same time as that application. Entitlements approved in conjunction with a Zoning Code Amendment that cannot be approved without the amendment shall not be effective until the amendment is effective.
- D. **Zoning Map.** Amendments to the zoning map may be accomplished by an ordinance for a parcel or parcels of land adopting a map the Board of Supervisors deems appropriate.
- E. **Required Findings.** The Approving Authority shall make all of the following findings to approve a Zoning Code Amendment. The inability to make one or more of the findings is grounds for denial of an application:
  - 1. The Zoning Code Amendment is consistent with the General Plan and any applicable specific plan;
  - 2. The Zoning Code Amendment promotes the growth of the County in an orderly manner; and
  - 3. Approval of the Zoning Code Amendment will not be detrimental to the health, safety, and general welfare of persons residing or working in the area, or be detrimental or injurious to property and improvements in the area or to the general welfare of the County.

### 1500-25-080 General Plan Amendment

- A. **Purpose.** A General Plan Amendment is a discretionary action that enables the County to change the text of the General Plan and/or the Land Use Diagram as provided for by state law and where required for the public necessity, convenience, and/or general welfare.
- B. **Applicability.** The procedures in this chapter shall apply to all proposed General Plan Amendments. A request for General Plan Amendment may be made by:
  - 1. A property owner or owners of a parcel proposed to change land use or upon which an amendment to the General Plan text would apply;
  - 2. Motion of the Board of Supervisors; or
  - 3. Recommendation by the Director.
- C. **Approving Authority.** The Planning Commission shall recommend, and the Board of Supervisors shall approve, or deny an application for a General Plan Amendment consistent with

the requirements of Table 1500-23-1. When a General Plan Amendment is submitted in conjunction with an application for another approval, permit, or entitlement under this Zoning Code, it shall be heard and acted upon at the same time as that application. Entitlements approved in conjunction with a General Plan Amendment that cannot be approved without the amendment shall not be effective until the amendment is effective.

- D. **Annual Limit on Number of General Plan Amendments.** Pursuant to California Government Code Section 65358b, General Plan Amendments are, with specified exceptions, limited to four times per calendar year.
- E. **Required Findings.** The Approving Authority shall make all of the following findings to approve a General Plan Amendment. The inability to make one or more of the findings is grounds for denial of an application:
1. The General Plan Amendment is consistent with the remainder of the General Plan;
  2. The General Plan Amendment promotes the growth of the County in an orderly manner; and
  3. Approval of the General Plan Amendment will not be detrimental to the health, safety, and general welfare of persons residing or working in the area, or be detrimental or injurious to property and improvements in the area or to the general welfare of the County.

### 1500-25-090 Specific Plan

- A. **Purpose.** A Specific Plan is a tool for the systematic and orderly implementation of the General Plan that provides a development framework for land uses, circulation and utility infrastructure, public services, affordable housing, design, and implementation for a defined area of the County. Sutter County is authorized to prepare and adopt Specific Plans pursuant to Sections 65450 through 65457 of the California Government Code.
- B. **Applicability.** The procedures in this chapter shall apply to adoption and amendment of all proposed Specific Plans. A request for Specific Plan or a Specific Plan Amendment may be made by:
1. A property owner or owners of a parcel proposed to be included with a Specific Plan area or where an amendment to a Specific Plan land use diagram or text would apply;
  2. Upon Motion of the Board of Supervisors; or
  3. Upon recommendation by the Director.
- C. **Approving Authority.** The Planning Commission shall recommend, and the Board of Supervisors shall approve, conditionally approve, or deny an application for a Specific Plan or Specific Plan Amendment consistent with the requirements of Table 1500-23-1. When a Specific Plan or Specific Plan Amendment is submitted in conjunction with an application for another approval, permit, or entitlement under this Zoning Code, it shall be heard and acted upon at the same time as that application. Entitlements approved in conjunction with a Specific Plan or Specific Plan Amendment that cannot be approved without the plan or amendment shall not be effective until the plan or amendment is effective.
- D. **Specific Plan Content.** A Specific Plan shall include text and diagrams that specify, at a minimum, all of the following in detail:
1. The distribution, location, and extent of the land uses, including open space, within the area covered by the Specific Plan;

2. The proposed distribution, location, and extent and intensity of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the Specific Plan and needed to support the land uses described in the plan;.
  3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
  4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the above;
  5. A statement of the relationship of the Specific Plan to the general plan; and.
  6. Any other subjects which, in the judgment of the County, are necessary or desirable for implementation of the General Plan.
- E. **Required Findings.** The Approving Authority shall make all of the following findings to approve a Specific Plan or Specific Plan Amendment. The inability to make one or more of the findings is grounds for denial of an application:
1. The Specific Plan or Specific Plan Amendment is consistent with the General Plan;
  2. The Specific Plan or Specific Plan Amendment promotes the growth of the County in an orderly manner; and
  3. Approval of the Specific Plan or Specific Plan Amendment will not be detrimental to the health, safety, and general welfare of persons residing or working in the area, or be detrimental or injurious to property and improvements in the area or to the general welfare of the County.

In making the above findings, the Approving Authority may attach conditions of approval to ensure compliance with the Zoning Code, other County ordinances and requirements and the General Plan.

### 1500-25-100 Development Agreement

- A. **Purpose.** A Development Agreement is a contract between the County and a property owner that vests the property owners' rights to develop the property and sets forth the general obligations of the property owner and County related to the construction and financing of infrastructure for the project. Sutter County is authorized to enter into Development Agreements pursuant to Sections 65864 through 65869.5 of the California Government Code.
- B. **Applicability.** The procedures in this chapter shall apply to adoption and amendment of all proposed Development Agreements. The County may enter into or amend a Development Agreement with any person having controlling, legal, or equitable interest in real property for the development of the property,
- C. **Approving Authority.** The Planning Commission shall recommend, and the Board of Supervisors shall approve, conditionally approve, or deny an application for a Development Agreement or Development Agreement Amendment consistent with the requirements of Table 1500-23-1. When a Development Agreement or Development Agreement Amendment is submitted in conjunction with an application for another approval, permit, or entitlement under this Zoning Code, it shall be heard and acted upon at the same time as that application. Entitlements approved in conjunction with a Development Agreement or Development Agreement Amendment that cannot be approved without the agreement or amendment shall not be effective until the agreement or amendment is effective.

- D. **Development Agreement Content.** A Development Agreement shall, at a minimum, specify all of the following as applicable:
1. The specified duration of the Development Agreement;
  2. The permitted uses of the subject property;
  3. The permitted density or intensity of development of the subject project;
  4. The maximum permitted height and size of proposed structures;
  5. Provisions for the dedication or preservation of land for public purposes;
  6. Affordable housing obligations;
  7. A specific sunset date for the Development Agreement.
  8. The conditions, terms, restrictions, and requirements for subsequent discretionary actions;
  9. Terms and conditions related to applicant construction and financing of necessary on-site and off-site public infrastructure and facilities;
  10. Credits and reimbursements;
  11. Development phasing and sub-phasing; and
  12. Any other topics which, in the judgment of the County, are necessary or desirable for implementation of the subject project, the General Plan or applicable specific plan.
- E. **Required Findings.** The Approving Authority shall make all of the following findings to approve a Development Agreement or Development Agreement Amendment. The inability to make one or more of the findings is grounds for denial of an application:
1. The Development Agreement or Development Agreement Amendment is consistent with the Zoning Code, General Plan and any applicable specific plan;
  2. The Development Agreement or Development Agreement Amendment will not cause adverse effects to the orderly development of property or the preservation of property values in the County;
  3. Approval of the Development Agreement or Development Agreement Amendment will promote the health, safety, and general welfare of persons residing or working in the area, and will not be detrimental or injurious to property and improvements in the area or to the general welfare of the County; and
  4. The Development Agreement or Development Agreement Amendment will provide the County with important, tangible benefits beyond those that may be required by the County through project conditions of approval.
- In making the above findings, the Approving Authority may attach conditions of approval to ensure compliance with the Zoning Code, other County ordinances and requirements and the General Plan and any applicable specific plan.
- F. **Periodic Review.**
1. The County shall perform a periodic review of a Development Agreement at least every 12 months, or at any other time that the County considers to be appropriate, at which time the applicant (or successor in interest) shall demonstrate good faith compliance with the terms and conditions of the Development Agreement. The review shall be limited in scope to compliance with the terms and conditions of the Development Agreement.
  2. The costs of notice and related costs incurred by the County for review shall be borne by the applicant (or successor in interest).

3. Failure of the County to conduct a periodic review shall not constitute a waiver by the County of its rights to enforce the provisions of the Development Agreement. The developer shall not assert any defense to the enforcement of the Development Agreement by reason of the failure of the County to conduct a periodic review.

### 1500-25-110 Reasonable Accommodation

- A. **Purpose.** A Reasonable Accommodation is a discretionary action that enables the County to grant relief from the County's zoning, building code and other land use regulations, policies, practices and/or procedures when necessary to ensure equal access to housing in compliance with the federal Fair Housing Amendments Act of 1988, the Americans with Disabilities Act (ADA) and State Fair Employment and Housing Act (FEHA).
- B. **Applicability.** A request for reasonable accommodation may be made by any person with a disability, their representative, or a developer or provider of housing for individuals with a disability. A reasonable accommodation may be approved only for the benefit of one or more persons with a disability. A "person with a disability" as defined by the ADA is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment. A reasonable accommodation request shall be made in writing and submitted to the Director.
- C. **Approving Authority.** The Director or their designee, shall approve, conditionally approve, or deny an application for Reasonable Accommodation consistent with the requirements of Table 1500-23-1.
- D. **Required Findings.** The Approving Authority shall make all of the following findings to approve a Reasonable Accommodation. The inability to make one or more of the findings is grounds for denial of an application:
  1. The Reasonable Accommodation is requested by or on the behalf of one or more individuals with a disability protected under the Federal and State fair housing laws;
  2. The Reasonable Accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling;
  3. The Reasonable Accommodation does not impose an undue financial or administrative burden on the County; and
  4. The Reasonable Accommodation does not fundamentally alter the nature of the County zoning, development standards, policies or procedures.

In making the above findings, the Approving Authority may approve alternative reasonable accommodations that provide an equivalent level of benefit to the applicant.

# Article 26

## Enforcement

### CHAPTER 1500-26

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#### Sections:

- 1500-26-010: Purpose
  - 1500-26-020: Enforcement
  - 1500-26-030: Violation
  - 1500-26-040: Public Nuisance
  - 1500-26-050: Remedies
  - 1500-26-060: Penalties
- 

#### 1500-26-010 Purpose

This chapter establishes uniform enforcement procedures for the requirements of the Zoning Code.

#### 1500-26-020 Enforcement

It shall be the duty of the Director or their designee to enforce the provisions of this Zoning Code. All departments, officials and public employees vested with the duty or authority to issue permits or licenses shall not issue a permit or license for uses, buildings or purposes in conflict with the provisions of this Zoning Code and any such permit or license issued in conflict with the provisions of this Code shall be null and void.

#### 1500-26-030 Violation

Except for a lawfully existing non-conforming use, it shall be unlawful to use any land or to erect, construct, enlarge, alter, convert, move, use or maintain any structure, except in accordance with the provisions and requirements of this Zoning Code. Any use type not specified as permitted in a particular zoning district is not permitted within that zoning district.

#### 1500-26-040 Public Nuisance

Any of the following activities in violation of this Code shall be declared a public nuisance and may be abated in the manner prescribed by law:

- A. **Activity Inconsistent with the Zoning Code.** Any development, use or other activity of any building, structure, sign or use of any land in contravention of any provision or any regulation of this Code.
- B. **Activity Inconsistent with Permit or Approval.** Any development, use, or other activity in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity, whether issued under or required by this Zoning Code.

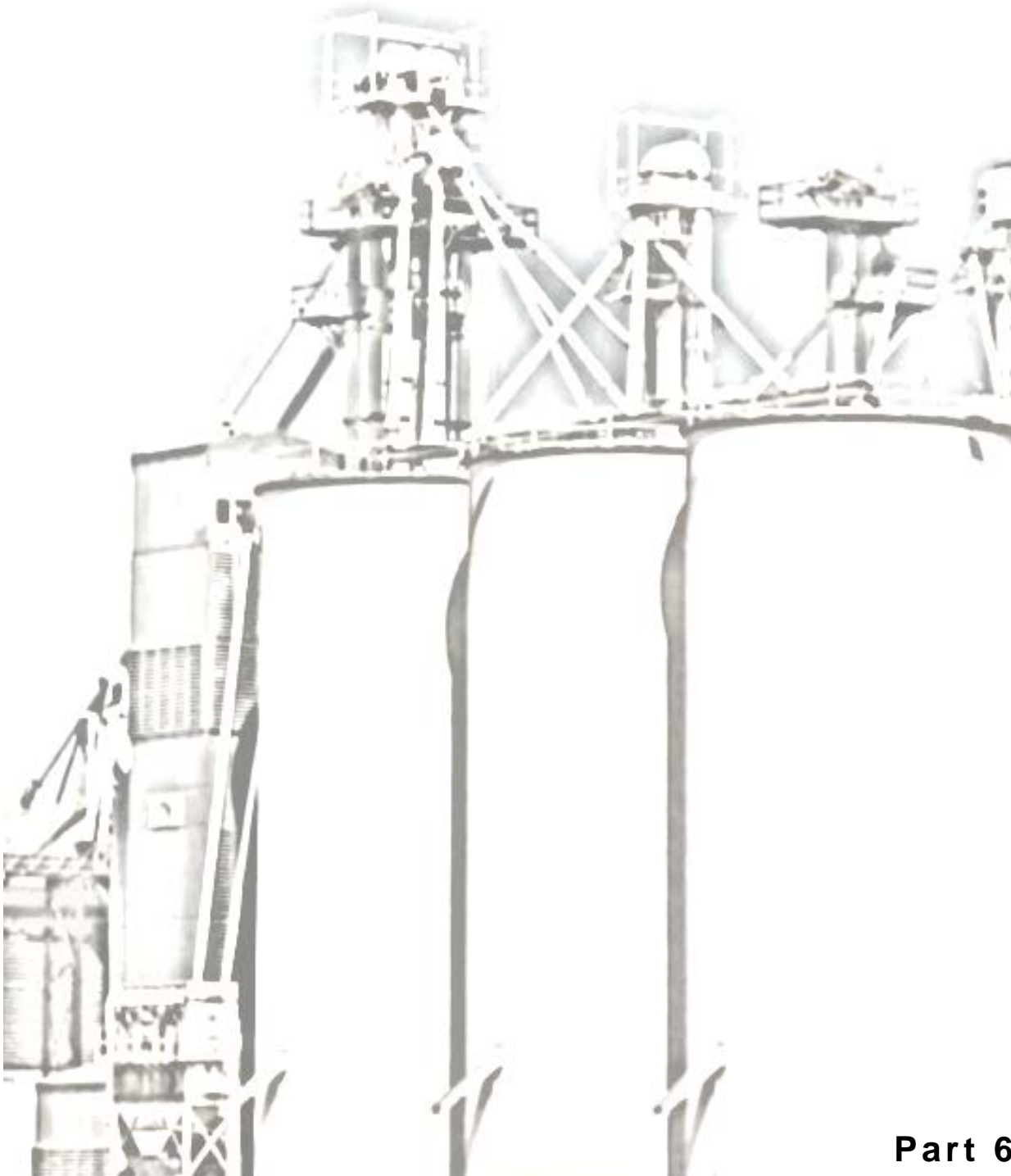
**1500-26-050 Remedies**

The remedies provided for herein shall be cumulative and not exclusive. Upon a finding of violation or nuisance pursuant to this chapter, and after giving the property owner an opportunity to cure the violation or nuisance or apply for and receive approval of the appropriate entitlement for the use as provided by the Zoning Code, and determining that the violation or nuisance still exists; the Director may assess administrative penalties under the provisions of Chapter 87 of the Sutter County Ordinance Code or may forward the matter to the District Attorney's office, who may impose any remedy available at law or in equity, which shall include, but is not limited to, any of the following or combination thereof:

- A. Ordering the cessation of the use in whole or in part;
- B. Imposing reasonable conditions upon any continued operation of the use, including those uses that constitute existing non-conforming uses;
- C. Requiring continuous compliance with any conditions so imposed;
- D. Requiring the user to guarantee that such conditions shall in all respects be complied with;
- E. Imposing additional conditions or ordering the cessation of the use in whole or in part upon a failure of the user to comply with any conditions so imposed;
- F. Impose fees to cover staff time involved in investigating the violation; and/or
- G. Imposing fines and penalties as permitted by law.

**1500-26-060 Penalties**

Any person, firm, corporation, or partnership which willfully violates any of the provisions or fails to comply with any of the mandatory requirements of this Zoning Code is guilty of a misdemeanor or infraction, except that nothing herein shall be deemed to bar any legal, equitable, or summary remedy to which the County of Sutter or other political subdivision or any person, corporation, or partnership may have including, but not limited to, the assessment of administrative penalties under the provisions of Chapter 87 of the Sutter County Ordinance Code.



**Part 6**

**Terms and Definitions**

Part 6

**Terms and Definitions**

**Article 27: Definitions**

# Article 27

## Terms and Definitions

### CHAPTER 1500-27

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#### Sections:

**1500-27-010: Purpose**

**1500-27-020: Definitions**

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#### 1500-27-010 Purpose

This chapter defines terms and phrases used in the Zoning Code. If any of the definitions in this chapter conflict with others in the Sutter County Ordinance Code, these definitions shall control only for the provisions of the Zoning Code. If a word is not defined in this chapter or in other provisions of the Zoning Code, the Director shall determine the appropriate definition.

Use Types are defined in Article 3.

#### 1500-27-020 Definitions

##### A. "A" Definitions

1. **Abutting, Adjoining, or Adjacent.** Having a common property line or separated only by an alley, path, private street, or easement.
2. **Access.** The place, or way through which pedestrians and/or vehicles have safe, adequate and usable ingress and egress to a property or use as required by this Zoning Code.
3. **Accessory Building or Structure.** A detached subordinate building or structure located on the same premises as the main building or buildings, the use of which is customarily incidental to that of the main building or to the use of the land. See Article 10.
4. **Accessory Use.** A use customarily incidental, related, and clearly subordinate to the main use of the lot or building that does not alter the principal use of the subject lot or adversely affect other properties in the zoning district. See Article 10.
5. **Accessway.** That portion of a parking lot that provides access to and between parking areas.
6. **Addendum.** An Addendum as required under the California Environmental Quality Act.
7. **Administrative Permit.** See Article 25.
8. **Agent** A person authorized by a property owner to act on his/her behalf relating to matters arising out of this Zoning Code.
9. **Agricultural Buffer.** See Article 19.
10. **Agricultural Equipment.** Equipment, implements, vehicles and machinery used exclusively for agricultural planting, cultivation, maintenance and harvesting. This definition does not include passenger vehicles and pick-up trucks rated at one ton or less hauling capacity.

11. **Airport.** Any area designated and/or used for take-off and landing of aircraft, together with structures and facilities related to such use, and includes facilities for public and private, commercial and noncommercial aircraft. This definition shall also apply to helicopters and crop dusting operations.
12. **Airport Land Use Compatibility Plan (ALUCP).** A master plan prepared in accordance with Public Utilities Code Section 21670 et seq. which provides for the orderly growth of public airports and provides measures for mitigating the public's exposure to excessive noise and safety hazards within areas around such airports.
13. **Alley.** A right of way dedicated to and accepted by a governmental agency which is less than 40 feet in width and affords a secondary means of access to abutting property.
14. **Alteration.** Any change, addition, or modification in construction or occupancy.
15. **Americans with Disabilities Act (ADA).** The federal law enacted by the U.S. Congress in 1990 that outlaws discrimination against a person with a disability in housing, public accommodations, employment, government services, transportation, and telecommunications.
16. **Animal Husbandry.** For the purposes of this Zoning Code, the raising of farm or game animals such as cattle, horses, goats, sheep, hogs, chickens, rabbits, birds, etc., as a hobby, school, 4-H or Future Farmers of America (FFA) project.
17. **Applicant.** The party applying for a permit or other approval required by this Zoning Code.
18. **Application Fees.** Fees required for any application as required by the Sutter County Planning Fees Schedule.
19. **Application Form.** Official application form for a permit or other approval required by the Zoning Code as provided by the Development Services Department.
20. **Approving Authority.** The County official or County body that is responsible, under the provisions of the Zoning Code, for approving or denying a permit application or other request for official County approval. See Article 23.
21. **Arterial Roadway.** A major street that carries local and through traffic at moderate-to-high speeds as shown in the Circulation Element of the Sutter County General Plan.
22. **Awning.** An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is typically constructed of materials on a supporting framework which projects from and is supported by the exterior wall of a building.

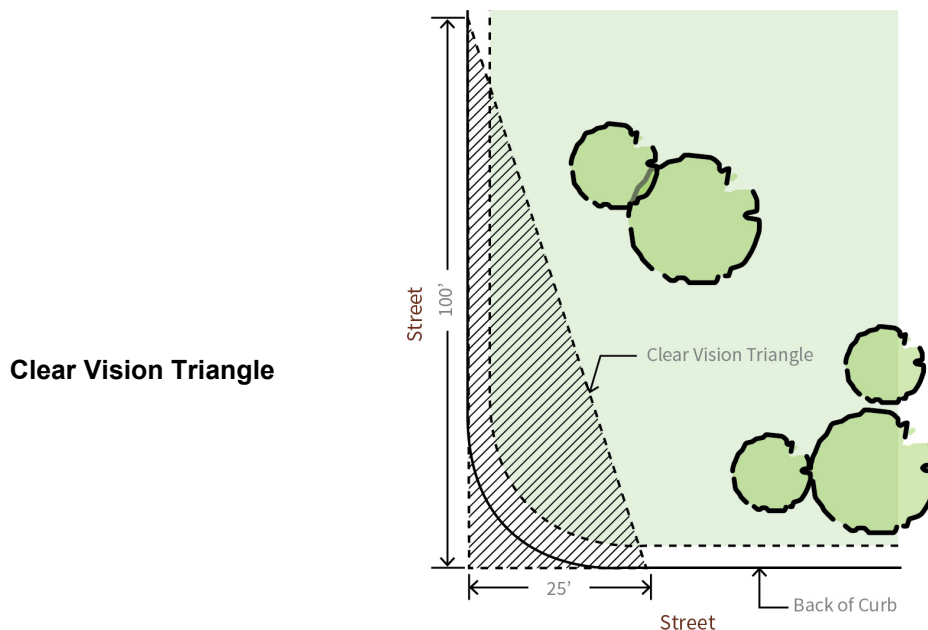
#### B. "B" Definitions

1. **Base Zoning District.** The primary zoning, as distinguished from an overlay zone, that applies to a parcel of land as shown on the Zoning Map.
2. **Bathroom.** A room containing a sink, a toilet, and often also a shower and/or bathtub.
3. **Building.** Any structure having a permanent foundation and a roof supported by columns, or by walls designed, intended and/or used as shelter for the enclosure of persons, animals, property of any kind, or for use in commercial, industrial or other enterprises.
4. **Building Complex.** A development of four or more commercial or industrial buildings, tenants, or uses, intended to function in a joint manner, regardless of sequence of buildout. Characteristics of a building complex may include, but are not limited to, shared parking facilities, reciprocal access, and common building design. A building complex may include multiple tenants or owners, freestanding pad buildings, and may be situated on one or more lots or parcels.
5. **Building Division.** The Building Division of the Development Services Department of Sutter County.

6. **Building Floor Area.** The sum of gross horizontal areas of all floors of a building, or buildings on a lot, measured from the exterior faces of exterior walls, or from the center line of shared walls separating two buildings.
7. **Building Height.** See Article 2.
8. **Building Site.** The land area within a lot of record occupied by or capable of being covered by all structures permissible under this Zoning Code.
9. **Board of Supervisors.** The Board of Supervisors of Sutter County.
10. **Buffer.** Areas of land, or physical barriers that serve to separate and reduce conflicts between inherently or potentially incompatible land uses, such as residential areas and areas of intensive agriculture.

### C. "C" Definitions

1. **California Building Code:** The California Building Code currently in use and adopted by Sutter County.
2. **California Environmental Quality Act (CEQA).** Public Resources Code Section 21000 et seq. and associated guidelines (California Code of Regulations Section 15000 et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.
3. **Canopy.** A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.
4. **Carport.** A permanently roofed structure providing space for parking or temporary storage of vehicles. It may or may not include sides, but will be considered a garage if all four sides are enclosed.
5. **Clear Vision Triangle.** That portion of both private property and public right-of-way located at any corner defined by the triangular area created by the diagonal connection of two points measured 25 feet along the front and 100 feet along the side of a property measured from the back of curb. The third side of the clear vision triangle shall be the hypotenuse of the triangle described connecting the other two sides (see diagram below). The dimensions of the clear vision triangle may be required to be increased if the Director determines that additional area is needed to ensure that a potential traffic hazard is not created.



6. **Clustered Residential Development.** Development in which parcel sizes are reduced below the required parcel size under the applicable zoning district, but with no change to the total number of parcels or dwelling units allowed by the zone. Clustered development results in residential parcels that are denser, and remaining areas conserved and maintained intact as open space in larger parcels.
7. **Conservation Easement.** An agreement between a landowner and a government agency or a qualified land trust organization creating a legally enforceable encumbrance on real property imposing limitations, restrictions, or affirmative obligations, the purposes of which include retaining or protecting agriculture, natural, scenic, or open space values of real property; assuring its availability for agricultural, recreational, or open space use; protecting natural resources; or maintaining air or water quality. Same as Open Space Easement.
8. **Construction.** Construction, erection, enlargement, alteration, conversion or movement of any building, structures, or land.
9. **Construction and Materials Yard.** Yards used to sell or rent construction equipment and materials. All equipment and materials must be capable of being used in the construction trade. Equipment and material that is not capable of being used is prohibited.
10. **Contractors Yard.** A yard used to store functional construction equipment for contractors.
11. **County.** The County of Sutter, California.

#### D. "D" Definitions

1. **Decibel (dB).** A logarithmic unit of sound intensity where 0 dB is the threshold of normal hearing and 130 dB is the threshold of pain.
2. **Density.** See Article 2.
3. **Design Review.** See Article 25.
4. **Development.** Shall be as defined by California Government Code section 65927.
5. **Development Agreement.** An agreement adopted pursuant to Government Code Section 65865. See Article 25.
6. **Development Plan.** A Plan establishing the zoning requirements and/or physical development for all properties within the Planned Development Combining District.
7. **Development Standards.** Regulations that limit the size, bulk or placement of structures or other improvements on a site.
8. **Director.** The Director of the Development Services of Sutter County or his/her designee.
9. **Discretionary Approval.** An action by the County by which individual judgment or deliberation is used as a basis to approve or deny an action.
10. **Domestic Pets.** Dogs, cats or other similar and common household pets.
11. **Driveway.** An accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.
12. **Dwelling unit:** One or more rooms with no more than one kitchen designed for occupancy by one family or single housekeeping unit for living and sleeping purposes, with all rooms (except an attached garage or carport) accessible from the interior of the dwelling unit.

#### E. "E" Definitions

1. **Easement.** A space on a parcel of land, indicated on a subdivision map or in a deed restriction, where the owner has granted one or more property rights to a person, corporation, public agency, or other entity.
2. **Effective Date.** See Article 24.

3. **Environmental Impact Report (EIR).** An Environmental Impact Report as required under CEQA.
4. **Environmental Review.** An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.
5. **Erect.** To build, construct, attach, hang, place, suspend, or affix to or upon any surface.
6. **Expansion, Building or Structure.** An alteration of a building or structure that results in an increase in its size, either in extent or bulk, or an increase in its area or volume.
7. **Expansion, Use.** An alteration of a use that results in an increase in its size, either in extent, intensity or in the nature of the activities conducted.
8. **Expiration.** See Article 24.
9. **Extension.** See Article 24.

#### F. "F" Definitions

1. **Family.** Any group of individuals living together as the functional equivalent of a family where the residents may share living expenses, chores, eat meals together and are a close group with social, economic and psychological commitments to each other. A family includes, for example, the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as dormitories, fraternities, or sororities.
2. **Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.
3. **Fence.** A barrier made of durable material such as wood or masonry, erected to enclose, screen, protect, or separate areas.
4. **Fence, Open.** A barrier made of durable material such as chain link or tubular steel designed to allow visibility when standing perpendicular to the fence.
5. **Fence, Solid.** A barrier made of durable material such as chain-link with slats, wood or masonry designed to obstruct visibility when standing perpendicular to the fence.
6. **Floor Area.** The sum of the horizontal areas of each floor of a structure, measured from the interior faces.
7. **Floor Area Ratio (FAR).** The ratio of the total gross floor area of all buildings on a site, excluding structured parking areas, divided by the total site area.
8. **Food Cannery.** A facility where foods are processed and placed in containers and sealed for preservation.
9. **Foot-Candle.** A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. Equal to one lumen uniformly distributed over an area of one square foot.
10. **Foundation System.** An assembly of materials constructed below, or partially below grade, not intended to be removed from its installation site, which is designed to support a structure and engineered to resist the imposition of external natural forces, as defined by Section 18551 of the Health and Safety Code.

#### G. "G" Definitions

1. **Garage.** A building or portion thereof, containing accessible and usable enclosed space designed, constructed and maintained for the parking or storage of one or more motor vehicles.
2. **General Plan:** The Sutter County General Plan, and all revisions and amendments thereto.

3. **General Plan Amendment.** See Article 25.
4. **Glare.** The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.
5. **Government Code.** The Government Code of the State of California.
6. **Grade.** The location of the ground surface.
7. **Ground Cover.** Plants, other than turf or lawn grass, normally reaching an average maximum height of not more than 2 feet at maturity.

#### H. "H" Definitions

1. **Habitat Conservation Plan.** A plan that outlines ways of maintaining, enhancing, and protecting a given habitat type needed to protect species; usually includes measures to minimize impacts, and may include provisions for permanently protecting land, restoring habitat, and relocating plants or animals to another area. Required before an incidental take permit may be issued.
2. **Hazardous Material.** As defined by the California Health and Safety Code, a material that, because of its quantity, concentration, or physical, chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.
3. **Hazardous Waste.** As defined by the California Health and Safety Code, a waste or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either (a) cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating irreversible, illness, or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.
4. **Hedge.** A boundary or barrier of plant material formed by a row or series of shrubs, bushes, trees, or other similar vegetation that enclose, divide, or protect an area or that prevent a person from passing between any combination of individual shrubs, bushes, trees, or other similar vegetation.
5. **Height, Building.** See Article 2.
6. **Highway.** A major thoroughfare regulated by the State of California that carries local and through traffic at high speeds as shown in the Circulation Element of the Sutter County General Plan.
7. **Hillside.** See Article 8.
8. **Historic Building or Structure.** See Article 8.
9. **Historic Preservation Review Committee.** The Historic Preservation Review Committee of the County of Sutter.
10. **Homeless.** Unsheltered homeless are families and individuals whose primary nighttime residence is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (e.g., the street, sidewalks, cars, vacant and abandoned buildings). Sheltered homeless are families and persons whose primary nighttime residence is a supervised publicly or privately operated shelter (e.g., emergency, transitional, battered women, and homeless youth shelters; and commercial hotels or motels used to house the homeless).

11. **Home Occupation.** See Article 12.
12. **Horizontal Measurement.** See Article 2.
13. **Household.** The US Census Bureau defines a household as all persons living in a housing unit whether or not they are related. A single person living in an apartment as well as a family living in a house is considered a household. Household does not include individuals living in dormitories, prisons, convalescent homes, or other group quarters.
14. **Housing Unit.** A room or group of rooms used by one or more individuals living separately from others in the structure, with direct access to the outside or to a public hall and containing separate toilet and kitchen facilities.

**I. "I" Definitions**

1. **Impervious Surface.** Any surface that does not permit the passage of water.
2. **Incidental Use.** A use which is subordinate and of minor consequence to the primary use on the same site.
3. **Inoperable Vehicle.** Any vehicle in such condition, as a result of mechanical and/or structural defects, however caused, that it cannot be driven under its own power.
4. **Intersection, Street.** The area common to two or more intersecting streets.

**J. "J" Definitions**

1. Reserved.

**K. "K" Definitions**

1. **Kitchen.** Any area of a building intended for or designed to be used or maintained for the cooking and/or preparation of food that includes one or more of the following: cooking appliance(s); a sink larger than 225 square inches (15"x15"); a refrigerator.
2. **Kitchen, Efficiency.** Associated with a Junior Accessory Dwelling Unit and comprises a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the dwelling unit.

**L. "L" Definitions**

1. **Landscaped Area.** An area devoted primarily to lawn, ground cover, trees, or shrubs, and as specified in this Zoning Code.
2. **Landscape Plant Materials List.** Listing of preferred plant materials maintained by the Sutter County Development Services Department.
3. **Landscaping.** The planting and maintenance of living plant material, including the installation, use, and maintenance of any irrigation system for the plant material, as well as nonliving landscape material (such as rocks, pebbles, sand, mulch, or decorative paving materials).
4. **Light Fixture.** A complete lighting unit consisting of one or more lamps, the lamp holder, any reflector or lens, and any other components or accessories.
5. **Light Source.** An electrical bulb, tube, diode, or other device that produces artificial light or illumination.
6. **Living Quarters.** A structure or portion thereof that is used principally for human habitation.
7. **Loading Space.** An off-street space or berth on the same parcel with a building for the temporary parking of a vehicle while loading or unloading of goods. See Article 20.

8. **Lot.** A parcel of land of record in the County under one ownership used or capable of being used under the regulations of this Chapter, and including both the building site and all required yards and other open spaces as defined herein, and having a frontage of not less than 50 feet on a street as defined herein which has been accepted by and maintained by Sutter County, the State of California, or other public agency as a public street. Parcels with an industrial zone designation (M-1 or M2) or the Employment Corridor (EC) designation may elect to provide private roads in accordance with Section 1500-20-110(B). Additionally, an existing parcel developed with a lawful structure pre-dating the County Building Division (March, 1, 1962) or after this date when a development permit has been issued establishing a lawful structure, shall be considered as meeting this definition.
9. **Lot Area, Gross.** See Article 2.
10. **Lot Area, Net.** See Article 2.
11. **Lot, Corner.** A lot located at the junction of two or more intersecting streets, with a boundary line thereof bordering on each of such streets.
12. **Lot Coverage.** See Article 2.
13. **Lot Frontage.** See Article 2.
14. **Lot, Interior:** A lot, other than a corner lot, abutting only one street.
15. **Lot Line, Front.** See Article 2.
16. **Lot Line, Rear.** See Article 2.
17. **Lot Line, Side.** See Article 2.
18. **Lot Width.** See Article 2.

#### M. "M" Definitions

1. **Maintenance and Repair.** The repair or replacement of nonbearing walls, fixtures, wiring, roof or plumbing that restores the character, scope, size or design of a structure to its previously existing, authorized, and undamaged condition.
2. **Manufactured Housing.** Housing that is constructed of manufactured components, assembled partly at the site rather than totally at the site as defined by Health and Safety Code Section 18007. Considered mobile if transportable in one or more sections that are at least 8 feet in width and 32 feet in length, built on a permanent chassis and designed to be used as a dwelling unit when connected to the required utilities, either with or without a permanent foundation.
3. **Medical Marijuana Dispensary.** Any facility or location where medical marijuana is made available to and/or distributed by or to three or more of the following: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A "medical marijuana dispensary" shall not include the following uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.
4. **Minimum Distance.** See Article 2.

5. **Ministerial Action.** Approvals which involve the use of fixed standards or objective measures without requiring the use of personal or professional judgment; e.g. issuance of building permits and licenses, approval of final subdivision or parcel maps, and individual utility service connection sign-offs.
6. **Minor Design Review.** See Article 25.
7. **Minor Variance.** See Article 25.
8. **Mitigated Negative Declaration.** A Mitigated Negative Declaration as required under CEQA.
9. **Mixed-Use Development.** The development of a parcel or building with two or more different land uses such as, but not limited to, a combination of residential, office, manufacturing, retail, public or entertainment in a single or physically integrated group of structures.
10. **Manufactured Home Park.** Any area or tract of land where two or more lots are rented or leased, or held out for rent or lease, to accommodate manufactured homes used for human habitation in accordance with Health and Safety Code Section 18214.
11. **Model Home Complex.** One or more dwellings used for the display and sale of units and lots within a subdivision.

#### N. "N" Definitions

1. **National Federal Emergency Management Agency standard of flood protection.** The level of flood protection that is necessary to withstand flooding that has a 1-in-100 chance of occurring in any given year using criteria developed by the Federal Emergency Management Agency for application in the National Flood Insurance Program.
2. **National Register of Historic Places.** The official list of districts, sites, buildings, structures, and objects significant in national, regional, or local American history, architecture, archaeology, and culture as maintained by the Keeper of the Register, within the Federal Department of the Interior.
3. **Natural Disaster.** A natural occurrence such as an earthquake, flood, tidal wave, hurricane, superstorm, meteor, or tornado which causes substantial damage to buildings or property.
4. **Negative Declaration.** A Negative Declaration as required under CEQA.
5. **Nonconforming Lot.** See Article 13.
6. **Nonconforming Structure.** See Article 13.
7. **Nonconforming Use.** See Article 13.
8. **Non-urban or not urbanizing area.** For floodplain management purposes, a developed area or an area outside a developed area in which there are fewer than 10,000 residents that is not an urbanizing area.

#### O. "O" Definitions

1. **Overlay Zone.** An additional zoning district as shown on the Zoning Map that prescribes special regulations to a parcel in combination with the Base Zone.
2. **Open Space Easement** An agreement between a landowner and a government agency or a qualified land trust organization creating a legally enforceable encumbrance on real property imposing limitations, restrictions, or affirmative obligations, the purposes of which include retaining or protecting agriculture, natural, scenic, or open space values of real property; assuring its availability for agricultural, recreational, or open space use; protecting natural resources; or maintaining air or water quality. Same as Conservation Easement.

#### P. "P" Definitions

1. **Parapet.** A low wall or railing extending above the roof and along its perimeter.
2. **Parcel.** A legally created parcel of land used or capable of being used under the regulations of this Zoning Code. Same as “lot”.
3. **Parcel Map.** A map for the division of land in accordance with the Subdivision Map Act (California Government Code Section 66410 et seq.) and the Sutter County Subdivision Ordinance.
4. **Parking Lot.** An area of land, a yard or other open space on a lot legally used for parking motor vehicles.
5. **Parking, Off-Street.** An area, building, or space exclusive of street or alley rights-of-way, used for the parking of automobiles.
6. **Parking Space.** An unobstructed space or area other than a street or alley which is permanently reserved and maintained for the parking of one (1) motor vehicle.
7. **Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
8. **Paving.** A type of material used over areas of a parcel such as driveways, parking spaces and areas, pathways, and patios used for access by vehicles and pedestrians.
9. **Permit.** The approval by the County authorizing an applicant to undertake certain activities required by the Zoning Code.
10. **Permitted.** Means any use or activity allowed by the provisions of this Zoning Code, and subject to the applicable regulations contained within this Code.
11. **Permitted Use or Use Type.** A Permitted Use or Use Type as set forth in Article 3 as may be allowed as-of- right. Same as “permitted use type”.
12. **Person with a Disability,** A person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
13. **Planning Commission.** The Planning Commission of the County of Sutter.
14. **Planning Division.** The Planning Division of the Development Services Department of Sutter County.
15. **Premises.** A tract of real property in a single ownership or in a building complex which is not divided by a public street or right-of-way.
16. **Primary Building or Structure.** A building or structure that accommodates the primary use of the site.
17. **Primary Use or Use Type.** The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.
18. **Prime Farmland.** Land with the soil quality (Class I or Class II in the Soil Conservation Service land use compatibility classifications), growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed according to current farming methods.
19. **Project.** Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this Zoning Code. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.
20. **Property Line.** Same as lot line. See Article 2.

21. **Property Owner.** A person or persons having a possessory interest in the property, other than a periodic tenancy, estate at will, or sufferance, or a person having a contractual right which will ripen into such a possessory interest in the property.
22. **Public Hearing.** A meeting called by a public body for which public notice has been given and that is held in a place at which the public may attend to hear issues and to express opinions. See Article 23.
23. **Public Nuisance.** See Article 26.
24. **Public Resources Code.** The Public Resources Code of the State of California.
25. **Public Right-of-Way.** An area of land that is dedicated for public use to accommodate a transportation system or necessary public utility infrastructure.

#### Q. "Q" Definitions

1. **Qualified Historical Property.** See Article 8.

#### R. "R" Definitions

1. **Reasonable Accommodations.** Both the federal Fair Housing Act (FHA) and the California Fair Employment and Housing Act (FEHA) impose an affirmative duty on local governments to make reasonable accommodations (i.e., modifications or exceptions) in the zoning laws and other land use regulations and practices when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. See Article 25.
2. **Recreational Vehicle (RV).** A motor home, converted bus, travel trailer, truck camper or camping trailer, designed for human habitation for recreation or emergency occupancy, which, when transported upon a public roadway, measures 8 feet or less in width and 40 feet or less in length and which is either self-propelled, truck-mounted or permanently towable on the highway without a permit.
3. **Recyclable Material.** Reusable material, including without limitation metals, glass, plastic, paper, concrete and organic material which is intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous material.
4. **Regional Power Transmission Line** project shall mean a project that includes a network of transmission lines and related towers and similar facilities with a capacity to convey 200 kilovolts (kV) or greater. It shall also include any project that proposes the designation of a transmission corridor zone to accommodate such facilities.
5. **Rehabilitation.** The upgrading of a building previously in a dilapidated or substandard condition for human habitation or use.
6. **Responsible Agency.** A public agency which proposes to carry out or approve a project for which a Lead Agency has prepared an EIR or Negative Declaration. The term refers to any agency that has discretionary approval authority over any portion of a project not governed by the Lead Agency.
7. **Review Authority.** The County official or County body that is responsible, under the provisions of the Zoning Code, for approving or denying a permit application or other request for official County approval. See Article 23.
8. **Rezone.** A change of zoning. Same as "Zoning Code Amendment". See Article 25.
9. **Ridgeline.** See Article 8.
10. **Right-of-Way.** An area of land that is dedicated for public use to accommodate a transportation system or necessary public utility infrastructure.

11. **Roadway.** The paved portion of the highway for the operation of vehicular and pedestrian traffic.
12. **Roof.** That portion of a building or structure above walls or columns that shelters the floor area or the structure below.
13. **Rural Community.** A small unincorporated community consisting of lower intensity residential, commercial and/or employment uses with varied levels of public services as defined by the Sutter County General Plan.

#### S. "S" Definitions

1. **Screening.** Buffering of a building or activity from neighboring areas or from the street with a wall, fence, hedge, informal planting, or berm.
2. **Secondary Use.** A purpose for which land or a building is or may be intended, occupied, maintained, arranged, or designed, which is less visible, prominent, or important than the primary use(s) on the same lot or parcel.
3. **Setback.** See Article 2.
4. **Setback, Front.** The minimum distance by which a structure must be separated from the front property line. See Article 2.
5. **Setback, Interior Side.** The minimum distance by which a structure must be separated from the interior side property line. See Article 2.
6. **Setback, Rear.** The minimum distance by which a structure must be separated from the rear property line. See Article 2.
7. **Setback, Street Side.** The minimum distance by which a structure must be separated from the street side property line. See Article 2.
8. **Shared Parking.** The management of parking spaces so that they can be used by multiple users. This allows for the more efficient use of parking facilities. Parking may be shared between multiple users on the same parcel, between multiple users on different parcels, or in dedicated shared parking facilities such as public parking lots.
9. **Shrub.** A plant with a compact growth habit and branches coming from the base of the plant.
10. **Sidewalk.** A paved, surfaced, or leveled area, paralleling and separated from the street, used as a pedestrian walkway.
11. **Sign.** Any visual device or representation designed or used for communicating a message, or identifying or attracting attention to a premise, product, service, person, organization, business, or event. Includes, but is not limited to, the following sign types (See Article 21):
  - a. **Address Sign.** A sign with the numeric reference of a structure or property to a street location.
  - b. **Awning/Canopy Sign.** A non-electric sign that is printed on, painted on, or attached to an awning or canopy.
  - c. **Banner, Flag, Pennant, or Balloon.** Any cloth, bunting, plastic, or similar material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing, or vehicle, including captive balloons and inflatable signs.
  - d. **Billboard.** A permanent sign in a fixed location which meets any one or more of the following criteria: (a) it is used, in whole or in part, for the display of off-site commercial messages; (b) it constitutes principal, separate or secondary use, as opposed to an accessory, ancillary or appurtenant use, of the parcel on which it is located; (c) an outdoor sign used as advertising for hire or general advertising, i.e., on which display space is made available to parties other than the owner of the sign or the property on

- which it is placed, or (d) an off-site outdoor advertising sign on which space is leased or rented.
- e. **Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical means including date, time, and temperature. This does not include electrical message signs with moving letters or symbols.
  - f. **Development/Contractor Sign.** A temporary sign erected on a parcel on which construction is taking place, limited to the duration of construction, indicating the name of the project or development, the names of the architects, engineers, landscape architects, contractors, and similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.
  - g. **Directional Sign.** An on-site sign limited to directional messages for pedestrian or vehicle traffic, such as “one-way”, “entrance” and “exit”, etc.
  - h. **Directory Sign.** A sign listing the tenants or occupants and their suite numbers of a building or center.
  - i. **Freestanding Sign.** A sign supported on one or more poles, braces, uprights or similar structural components placed into the ground and not attached to a building.
  - j. **Home Occupation Sign.** A sign located at a residence advertising a business, profession, or occupation conducted in the residence or by persons residing in the residence.
  - k. **Illuminated Sign.** A sign illuminated with artificial light by any means, whether internal or external.
  - l. **Informational Sign.** A sign erected for the safety or convenience of the public that does not promote or advertise a business, property or product or relate to debate on topics of public concern.
  - m. **Memorial Sign.** An informational noncommercial sign erected in remembrance of any historic occasion or occurrence of significance to the general public.
  - n. **Menu/Order Board Sign.** A sign installed in a drive through facility and oriented to be seen primarily by drive through customers.
  - o. **Monument Sign.** A sign, not attached to a building, which is placed upon a solid appearing base or pedestal extending the length of the sign and not visibly supported by poles, braces or uprights and not attached to a building.
  - p. **Mural.** A picture on an exterior surface of a structure.
  - q. **Non-viewable Sign.** A sign that cannot be seen from a public right-of-way.
  - r. **Off-site Sign.** A sign that advertises or informs in any manner, businesses, services, goods, persons, or events at a building site or location other than that upon which the sign is located. Off premise sign and outdoor advertising structure are equivalent terms.
  - s. **On-site Sign.** A sign located on the premises of the business or entity advertised by such sign.
  - t. **Portable Freestanding Sign and/or A-frame Sign.** A free-standing sign that is designed to be movable and is not attached to the ground, a building, a structure or any other sign.
  - u. **Project Identification Sign.** A permanent sign located at the entrance of a multi-family project for the purpose of identifying the project.
  - v. **Projecting Sign.** Any wall sign affixed to a building wall in such a manner that its leading edge extends more than six inches beyond the surface of such building wall.

- w. **Real Estate Sign.** A sign, advertising the property, its use, owner or tenant, the sale or lease of the property, or agents representing the owner or tenant.
  - x. **Residential Identification Sign.** A permanent wall sign which contains only the name of the resident(s) of the residence upon which it is placed. It may also include the street address.
  - y. **Roof Sign.** A sign erected, constructed or placed upon or extending above the eave line or roof of the building to which it is attached.
  - z. **Searchlight.** An apparatus containing a light source and a reflector for projecting a high-intensity beam or beams of light into the sky.
  - aa. **Special Event Sign.** A temporary sign including to promote a new business, the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.
  - bb. **Subdivision/Development Sign.** A temporary off-site sign indicating only the name of the subdivision or development and directions to its location.
  - cc. **Subdivision Identification Sign.** A permanent sign located at the entrance of a subdivision for the purpose of identifying the subdivision.
  - dd. **Temporary Sign.** A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.
  - ee. **Under Canopy Sign.** A sign that is suspended from the underside of a canopy, portico or like structure.
  - ff. **Vehicle Sign.** A sign which is attached to, painted on, or carried on a vehicle, the principal purpose of which is to attract attention to a product or an activity or business.
  - gg. **Wall Sign.** A sign painted or fastened to an exterior building wall and which does not project more than six inches from the wall.
  - hh. **Window Sign.** Any sign painted on, attached to or placed inside a window, which sign is intended to be seen from the exterior of the building.
12. **Sign, Abandoned.** See Article 21.
  13. **Sign Face.** An exterior display surface of a sign including non-structural trim exclusive of the supporting structure.
  14. **Sign Height, Freestanding.** See Article 21.
  15. **Sign, Nonconforming.** See Article 21.
  16. **Sign Raceway.** A channel box that holds sign letters in place and houses the electrical wiring of a sign.
  17. **Site.** A parcel or adjoining parcels that are under single ownership or single control, and that are considered a unit for the purposes of development or other use.
  18. **Site Area.** The total area included within the boundaries of a site.
  19. **Specific Plan.** A detailed policy plan that identifies allowable land uses and infrastructure needs for a specific geographic area. Zoning, subdivision, and public works decisions must be in compliance with specific plans. See Article 25.
  20. **Sphere of Influence.** A plan for the probable physical boundaries and service area of a local government agency as determined by the Local Agency Formation Commission (Government Code Section 56076). Spheres are characterized as planning tools used to provide guidance for individual proposals involving jurisdictional changes, and are intended to encourage efficient provision of organized community services and prevent duplication of service delivery. Territory must be within a city or district's sphere in order to be annexed.

21. **Staff Report.** Report prepared by the Development Services Department including a written recommendation to the approving authority as to whether a permit or other approval required by this Zoning Code should be approved, approved with conditions, or denied.
22. **Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above, if the finished floor level directly above a basement is more than 6 feet above grade at any point, such basement shall be considered a story.
23. **Stream.** A body of water flowing in a natural surface channel.
24. **Street.** A right of way dedicated to, accepted by and maintained by a governmental agency and which has a width of 40 feet or more and affords a primary means of access to property.
25. **Street, Private.** A street owned and maintained by the abutting property owners, or by an association of property owners, excluding off-street parking areas, driveways, and driveways to off-street parking areas.
26. **Street, Public.** A street that has been accepted into a street or road system maintained by the County, adjacent City, or the State.
27. **Structure.** Anything constructed or erected that requires attachment to the ground or attachment to something located on the ground.
28. **Subsequent or Supplemental Environmental Impact Report.** A Subsequent or Supplemental Environmental Impact Report as required under CEQA.
29. **Subdivision.** The division of a lot, tract, or parcel of land in accordance with the Subdivision Map Act (California Government Code Section 66410 et seq.) and the Sutter County Subdivision Ordinance.
30. **Subdivision Map.** A map for the division of land in accordance with the Subdivision Map Act (California Government Code Section 66410 et seq.) and the Sutter County Subdivision Ordinance.
31. **Sutter Buttes.** See Article 8.

#### T. "T" Definitions

1. **Tandem Parking.** Parking spaces that are placed one behind another and where a vehicle needs to be moved to access the desired parking space.
2. **Temporary Use.** See Article 18.

#### U. "U" Definitions

1. **Use.** The purpose of which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.
2. **Use Permit.** See Article 25.
3. **Use Permit Amendment.** See Article 25.
4. **Use Type.** A category or class of land uses which share common functional, product or compatibility characteristics and which have been classified under a discreet use type in this Zoning Code. See Article 3.
5. **Urban Area.** For floodplain management purposes, a developed area in which there are 10,000 residents or more.
6. **Urban Level of Flood Protection (ULOP).** The level of protection needed to withstand flooding that has a 1-in-200 chance of happening during any given year using criteria consistent with, or developed by, the California Department of Water Resources (DWR).

“Urban level of flood protection” shall not signify shallow flooding or flooding originating from local drainage that meets the criteria of the national Federal Emergency Management Agency standard of flood protection.

7. **Urbanizing Area.** For floodplain management purposes, a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years.

#### V. “V” Definitions

1. **Valley Floor.** See Article 8.
2. **Variance.** See Article 25.
3. **Vehicle.** A device by which any person or property may be propelled, moved or drawn, except a device moved by human power or used exclusively upon stationary rails or tracks.

#### W. “W” Definitions

1. **Williamson Act.** Known formally as the California Land Conservation Act of 1965, it was designed as an incentive to retain prime agricultural land and open space in agricultural use, thereby slowing its conversion to urban and suburban development. The program entails a 10-year contract between the city or county and an owner of land whereby the land is taxed on the basis of its agricultural use rather than the market value. The land becomes subject to certain enforceable restrictions, and certain conditions need to be met prior to approval of an agreement.
2. **Wind Energy System, Mini.** See Article 17.
3. **Wind Energy System, Small.** See Article 17.
4. **Wind Energy System, System Height.** See Article 17.
5. **Wind Energy System, Tower Height.** See Article 17.
6. **Wireless Telecommunication Facility.** See Article 18.
7. **Wireless Telecommunication Facility, Antenna.** See Article 18.
8. **Wireless Telecommunication Facility, Building/Structure Mounted.** See Article 18.
9. **Wireless Telecommunication Facility, Camouflaged.** See Article 18.
10. **Wireless Telecommunication Facility, Co-location.** See Article 18.
11. **Wireless Telecommunication Facility, Equipment Shelter or Cabinet.** See Article 18.
12. **Wireless Telecommunication Facility, Freestanding.** See Article 18.
13. **Wireless Telecommunication Facility, Mono-pole.** See Article 18.
14. **Wireless Telecommunication Facility, Radio Propagation Model.** See Article 18.
15. **Wireless Telecommunication Facility, Roof-Mounted.** See Article 18.
16. **Wireless Telecommunication Facility, Tower.** See Article 18.
17. **Wrecking Yard.**
  - a. Any area of more than 200 square feet, not entirely enclosed by a building, which is used for the storage, keeping, dismantling, processing, or wrecking of inoperable vehicles or portions thereof, inoperable machines, scrap metal, discarded tire casings, used lumber, salvaged building and structural steel materials, or similar materials or equipment; or
  - b. Any parcel or lot, or contiguous parcels or lots, which is used for the storage or keeping of more than one inoperable vehicle. Notwithstanding the foregoing, the keeping of

additional inoperable vehicles may be permitted subject to the criteria stated in Article 15. If such criteria are met, the use shall not be considered a wrecking yard.

- c. "Wrecking yard" shall include auto wrecking yards and junk yards, but shall not include noncommercial use of land which is accessory or incidental to the agricultural operation of such land.

#### Y. "Y" Definitions

1. **Yard.** An open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Zoning Code. Same as setback. See Article 2.
2. **Yard, Front.** A yard extending the full width of the lot between the front of the main building and the front lot line. See Article 2.
3. **Yard, Interior Side.** A yard, between a building and the side lot line, extending from the front yard to the rear yard. See Article 2.
4. **Yard, Rear.** A yard extended across the full width of the lot between the most rear main building and the rear lot line. See Article 2.
5. **Yard, Side Street.** A yard, between a building and the side lot line adjacent to the street right-of-way, extending from the front yard to the rear yard. See Article 2.

#### Z. "Z" Definitions

1. **Zero-Lot-Line.** A design which allows a residential structure to be constructed up to one of the interior side property lines of a parcel.
2. **Zoning.** Specific immediate use for land, which is adopted by ordinance and carries the weight as local law. It is the primary instrument for General Plan implementation.
3. **Zoning Clearance.** See Article 25.
4. **Zoning Code.** Chapter 1500 of the Sutter County Ordinance Code adopted to implement the Sutter County General Plan and to protect and promote the health, safety, peace, comfort, convenience, prosperity and general welfare of those living, working and visiting the County.
5. **Zoning Code Amendment.** See Article 25.
6. **Zoning Code Violations.** A violation of this Zoning Code or any permit or other approval granted in compliance with this Code. See Article 26.
7. **Zoning District.** Any of the Zoning Districts specified in Part 2 of this Code. Also, referred to as "zone".
8. **Zoning Map.** The map maintained by the Planning Division showing the boundaries of the zoning districts established by this Zoning Code. See Article 4.

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