



Sutter Pointe Specific Plan

Land Use and Development Code

As amended by the Board of Supervisors, A UFW & C, 202*

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ARTICLE 1 INTRODUCTION

1500-53-110 Scope of Land Use and Development Code

The Sutter Pointe Land Use and Development Code (LUDC) provides a regulatory framework for the implementation of the Sutter Pointe Specific Plan (Specific Plan) and Design Guidelines (Appendix A). Adopted by the Sutter County Board of Supervisors, the LUDC governs development, improvements, and construction within the Specific Plan area.

Unless otherwise specified, the LUDC shall serve as the zoning and use regulations for the Plan area.

For the purposes of this Chapter, the following additional clauses shall apply:

- (a) Following adoption of the Specific Plan, no public works project may be approved, no tentative subdivision map may be approved, and no amendment to this Chapter may be adopted within an area covered by the Specific Plan unless it is consistent with the Specific Plan.
- (b) Standards and criteria identified herewith, by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable; will apply exclusively to the Specific Plan area.
- (c) Where no standards are provided in this Chapter, the standards contained in the Sutter County Zoning Code shall apply.
- (d) 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.
- (e) The LUDC supersedes and replaces the Sutter County Zoning Code for the purposes of the Specific Plan area.
- (f) It is the intent of the County of Sutter that the Sutter Pointe Specific Plan area becomes an incorporated City at the earliest feasible time. Upon incorporation, the LUDC shall continue to function as the Zoning Code for the Specific Plan area, until such time as the newly incorporated City adopts a General Plan and implementing zoning ordinance, as required by State law.
 - (1) For purposes of this Section prior to incorporation of the Specific Plan area, the word "County" shall mean the County of Sutter, State of California; the words "Board of Supervisors" shall mean the Board of Supervisors of the County of Sutter; the words "Planning Commission" shall mean the Planning Commission of the County of Sutter; and the words "Development Services Department Director" shall mean the Development Services Department Director of the County of Sutter or designee.
 - (2) For purposes of this Section following incorporation of the Specific Plan area, the responsibilities of the County, Board of Supervisors, Planning Commission and Development Services Department Director

described within this Section shall be transferred to the City, City Council, Planning Commission and Planning Director of the newly incorporated City.

- (g) The Development Services Department Director or designee shall determine the consistency of development proposals with the Specific Plan.
- (h) If an applicant is not satisfied with the action of the Development Services Department Director, the applicant may submit a written appeal to the County Planning Commission within 10 days, as provided for in Article 3 of this Chapter.

ARTICLE 2

ADOPTION AND INTERPRETATION

1500-53-210 Adoption of the Sutter Pointe Land Use and Development Code - Reference

There is hereby adopted a zoning enabling plan for the Sutter Pointe Specific Plan area consisting of subsections 1500-53-110 to 1500-53-2567, inclusive, which shall be known as and cited as the Sutter Pointe Land Use and Development Code, for the County of Sutter (County).

1500-53-211 Purpose

The LUDC is adopted as part of the County of Sutter Zoning Code for the Sutter Pointe Specific Plan area to provide for the promotion and protection of the public health, safety, peace, morals, comfort, convenience, and general welfare of the residents of Sutter County; and:

- (a) To implement the Sutter County General Plan, its goals, policies and objectives, and to guide the future growth of the County in accordance with said plan; as implemented through the Specific Plan; and
- (b) To protect the character and the social and economic stability of residential, commercial, employment, recreational, and other areas within the Specific Plan area, and to assure the orderly and beneficial development of such areas.

1500-53-212 Interpretations of the Provisions of the Land Use and Development Code

Interpretation requests shall be made by written application in the form provided by the Development Services Department and accompanied by a fee established by resolution of the Board of Supervisors.

The Planning Commission shall hold a public hearing on all written applications for interpretations of the provisions of this Chapter, and notice shall be given 10 days in advance of such hearings by publication in a newspaper of general circulation.

1500-53-213 Entitlements Identified

This Chapter contains provisions regulating applications for the following:

- (a) Change of zoning district
- (b) Zoning district text change
- (c) Planned development amendment
- (d) Use permit
- (e) Variance
- (f) Design Review
- (g) Zoning Clearance
- (h) Development Agreement

ARTICLE 3 AMENDMENT PROCEDURE

Amendment procedures for zoning districts within the Specific Plan are consistent with the amendment procedures incorporated within the provisions of Chapter 10, Implementation of the Specific Plan. For purposes of this Article, the following provisions shall apply.

1500-53-310 Amendment Procedure

Upon receipt of an application by one or more property owners or by action of the Board of Supervisors or Planning Commission, proceedings may be initiated to amend provisions of the LUDC.

A property owner application shall be submitted in writing on a form as prescribed by the Development Services Department, together with a filing fee as established by resolution of the Board of Supervisors, for zoning district changes or for amendments to the text of the Specific Plan, LUDC, zoning district, development agreements, and any required environmental document.

1500-53-311 New Petitions Following Denial

Following the denial of a zoning district change petition or a petition to amend the Specific Plan or LUDC, no petition for the same zoning district change on the same site or the same Specific Plan or LUDC amendment shall be filed within six months from the date of the denial.

1500-53-312 Incomplete Applications

Any application for an amendment pursuant to this Chapter, which application remains incomplete for six months after the date that the applicant was first notified that the application was incomplete, shall be considered void without further action by the County and processing of the application shall be terminated. Fees paid for said terminated applications shall be refunded to the applicant as prescribed by resolution of the Board of Supervisors.

1500-53-313 Notice of Hearing

Notice of all required public hearings shall be given in the manner provided by law. Additional notice may be given when deemed advisable by the Planning Commission or Board of Supervisors.

1500-53-314 Zoning and Rezoning

Zoning and rezoning may be accomplished by an ordinance adopting sectional district maps for a parcel or parcels of land. All such maps and other ordinances effecting zoning or rezoning, adopted before or after the effective date of Division 53, Sutter Pointe Land Use and Development Code of the Sutter County Ordinance Code, are incorporated by reference and made a part hereof. In the event of a conflict between sectional district maps, or a conflict between a sectional district map and any future provisions, the later in time shall prevail.

1500-53-315 Appeals

Decisions of the Development Services Department Director and the Planning Commission may be appealed by an applicant or any aggrieved person. A person includes, but is not limited to, a county officer, as defined by California Government Code Section 24000.

- (a) An appeal of any finding or action by the Development Services Department Director shall be made in writing to the Planning Commission (“appellate body”) and filed with the Development Services Department within 10 days of the date of the action by the Development Services Department Director. If the tenth day falls on a Saturday or Sunday, then Saturday and Sunday will be considered holidays and the appeal may be filed by 5.00 p.m. on the immediately following business day.
- (b) An appeal of any finding or action by the Planning Commission shall be made in writing to the Board of Supervisors (“appellate body”) and filed with the County Clerk within 10 days of the date of the action by the Planning Commission. If the tenth day falls on a Saturday or Sunday, then Saturday and Sunday will be considered holidays and the appeal may be filed by 5.00 p.m. on the immediately following business day.

The request for an appeal shall be accompanied by a fee as established by resolution of the Board of Supervisors.

1500-53-316 General Procedure

- (a) The appellate body shall hold a public hearing within 60 days after the filing of an appeal unless circumstances beyond the control of the local agency do not allow such hearing. Notice shall be given through the United States First Class mail. Notices shall be mailed to the appellant and all affected property owners; and when required by law or ordinance, to the owners of all property within 400 feet of the exterior boundary of the area being considered. The notices mentioned herein shall be mailed at least 10 days prior to the date of such hearing. Notices may also be given by such other means as the appellate body deems necessary.
- (b) If the appeal is from a decision by the Development Services Department Director, the Secretary of the Planning Commission shall, within five days of such filing, give written notice thereof to the Development Services Department Director.
- (c) If the appeal is from a decision by the Planning Commission, the Development Services Department Clerk shall immediately give written notice thereof to the Secretary of the Planning Commission.
- (d) Upon receipt of such notice of appeal, and not less than five days prior to public hearing by the appellate body, the Development Services Department Director or Secretary of the Planning Commission shall submit a written report to the appellate body on the action appealed.
- (e) The appellate body shall hold a duly noticed public hearing on the appealed action. At the hearing the appellate body may consider the entire action and not just the specific issue appealed and the appellate body may consider de novo the record and any additional evidence offered.

- (f) Following such hearing, 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. If the appellate body is the Board of Supervisors, such action shall be final.

ARTICLE 4 DESIGNATION OF DISTRICTS

1500-53-410 Designation of Base Districts

The classes of general or base zoning districts and corresponding map symbols that apply to the Specific Plan area are established and designated in Table 53-1 below. The zoning district is a specific geographic area that is subject to specific land use regulations. The Specific Plan designation expresses the intended land use of that portion of the Sutter Pointe Specific Plan area.

Table 53-1: DESIGNATION OF BASE DISTRICTS

Map Symbol	Zoning District	Specific Plan Designations	Corresponding Consistent General Plan Land Use Designations
LDR	Low Density Residential District	Low Density Residential (LDR), K-8 School (K-8)	Specific Plan (SP)
MDR	Medium Density Residential District	Medium Density Residential (MDR), K-8 School (K-8)	Specific Plan (SP)
HDR	High Density Residential District	High Density Residential (HDR)	Specific Plan (SP)
P	Parks District	Parks (P)	Specific Plan (SP)
OS	Open Space District	Open Space (OS), High School (HS)	Specific Plan (SP)
IDB	Industrial Drainage Basins District	Industrial Drainage Basins (IDB)	Specific Plan (SP)
MU	Mixed-Use District	Mixed Use (MU)	Specific Plan (SP)
RC	Regional Commercial District	Commercial Retail (CR)	Specific Plan (SP)
CC	Community Commercial District	Commercial Retail (CR)	Specific Plan (SP)
NC	Neighborhood Commercial District	Commercial Retail (CR)	Specific Plan (SP)
E1	Employment 1 District	Employment 1 (E1), E1 Interim Flood Zone (E1F)	Specific Plan (SP)
E2	Employment 2 District	Employment 2 (E2)	Specific Plan (SP)

1500-53-411 Combining Districts

In addition to the foregoing classes of zoning districts, certain special combining districts are established to further the goals of the General Plan by adding additional uses or standards to the base districts, and are designated as follows:

PD Planned Development Combining District

FP Flood Plain Combining District

ARTICLE 5

ESTABLISHMENT OF DISTRICTS

1500-53-510 Establishment of Districts

The classes of districts designated in Section 1500-53-410 and 1500-53-411, certain combinations thereof, and the regulations pertaining to them may be applied to land areas by amendment of this Chapter.

1500-53-511 Rules Where Uncertainty as to Boundaries Exists

Where uncertainty exists as to the boundaries of any district shown on the Specific Plan map, the following rules shall apply:

- (a) Where boundaries are shown to approximately follow property, street, or alley lines, such lines shall be construed to be the boundaries.
- (b) In un-subdivided property and where a district boundary intersects a lot, the location of any such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on such sectional district zoning maps.
- (c) In the event the boundaries cannot be established pursuant to subdivisions (a) or (b), the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries.
- (d) A symbol indicating the classification of property on the zoning maps shall in each instance apply to the whole of the area within the district boundaries.
- (e) Where a public street, alley or parcel of land is officially vacated or abandoned, the regulations applicable to abutting properties shall apply equally to such vacated or abandoned street or alley. In cases where a vacated public right of way abuts properties within two or more different districts, the center line of the vacated right of way shall become the new district boundary line separating the districts on each side of the vacated right of way.

1500-53-512 Development Standards are Minimum

Unless otherwise stated, the provisions of this Chapter shall be the minimum (where “minimum” refers broadly to the most restrictive development standards as applicable) requirements for the promotion and protection of the public safety, health, general welfare, peace, and morals.

1500-53-513 Relationship to Other Regulations and to Private Restrictions

- (a) In the event of an inconsistency between this Chapter and any duly adopted building code or other county ordinance, the more restrictive of such provisions shall apply.

- (b) It is not intended that this Chapter shall interfere with, or abrogate or annul, any easements, covenants or other agreements now in effect, provided however, that where this Chapter imposes greater restrictions than are imposed or required by other ordinances, rules or regulations, or by easements, covenants, or agreements, the provisions of this Chapter shall apply.

ARTICLE 6

USE TYPE CLASSIFICATIONS

1500-53-610 Purpose

The purpose of this Article is to classify land uses according to use types on the basis of common functional, product, or compatibility characteristics.

1500-53-611 Principal, Conditional and Administrative Uses

All uses shall be defined as principal, conditional, or administrative uses. A principal use is allowed in a zoning district and subject to the restrictions applicable to that district. A conditionally permitted use is a use permitted in a particular zoning district upon showing that such use will comply with all the conditions and standards as specified in the Land Use and Development Code and authorized by a Conditional Use Permit. An administratively permitted use may be permitted in a zoning district upon administrative approval by the Development Services Department Director.

1500-53-612 Listing of Use Classifications

All uses are classified into the following use types. These use types are more fully described in Sections 1500-53-615 through Section 1500-53-620, inclusive.

(a) **Agricultural and Open Space Use Types**

- Agriculture, Interim
- Open Space Recreation
- Resource Protection and Restoration

(b) **Civic Use Types**

- Community Assembly
- Community Services
- Hospital Services
- Infrastructure and Utilities
- Libraries and Museums
- Power Generating Facilities
- Public Parking Services
- Schools
 - College and University
 - Elementary and Secondary
 - Private Elementary and Secondary
- Social Services
- Temporary Resident Shelter

(c) **Residential Use Types**

- Caretaker and Employee Housing
- Community Care Facility
 - Large
 - Small
- Dwelling
 - Multi-family
 - Single-family
 - Two-family
- Family Day Care Home
 - Large
 - Small
- Home Occupation
- Mobile Home
- Accessory Dwelling Unit
- Junior Accessory Dwelling Unit

(d) **Commercial Use Types**

- Animal Sales and Services
 - Grooming and Pet Stores
 - Kennels
 - Veterinary Clinic
 - Veterinary Hospital
- Automotive and Equipment
 - Automotive Rentals
 - Automotive Repairs
 - Automotive Sales
 - Car Wash and Detailing
 - Commercial Parking
 - Heavy Equipment Rental and Sales
 - Equipment Repair
 - Gasoline Sales
- Banks and Financial Institutions
- Bars and Drinking Places
- Broadcasting and Recording Studios
- Business Support Services
- Cemeteries, Funeral, and Internment Services
- Commercial Recreation
 - Amusement Center

Carnivals, Fairs, and Festival Events

Indoor Entertainment

Indoor Sports and Recreation

Outdoor Entertainment

Outdoor Sports and Recreation

Residential Recreation Facilities

Resort

Day Care Centers

Eating and Drinking Establishments

Fast Food with Drive-Through

Convenience

Full Service

Food and Beverage Retail Sales

Farmer's Market

Lodging Services

Long Term Health Care Facility

Maintenance and Repair

Medical Services

General Medical Services

Sole Source Pharmacy

Neighborhood Commercial

Nightclubs

Nursery, Retail

Offices

Personal Services

Retail Sales and Services

Specialized Education and Training

Vocational Schools

Specialty Schools

Storage, Personal

Temporary Real Estate Office

(e) **Industrial Use Types**

Equipment and Materials Storage Yards

Food Processing and Related Uses

General Industrial

Hazardous Materials Handling

Laundries, Commercial

Light Manufacturing

Recycling, Scrap, and Dismantling

Research Services

Specialized Industrial

Wholesaling and Distribution

Light

Heavy

(f) **Transportation and Communication Use Types**

Heliport

Intermodal Facilities

Wireless Communication

1500-53-613 Classification of Combined Uses

The following rules shall apply where a use of a parcel resembles two or more different use types.

(a) **Separate Classifications of Multiple Establishments** – If two or more individual establishments or businesses conduct separate uses on a single parcel, each use shall be considered a separate and distinct use of that parcel.

(b) **Separate Classification of Different Major Categories of Uses Conducted by Individual Establishment** – If an individual establishment, or business conducts more than one use, which use appears to fit under more than one different use type as described in this Article, each use shall be considered a separate and distinct use; provided, however, when the uses have the characteristics of one of the following listed use types, all such uses shall be classified as one of the use types on the list:

(1) General industrial,

(2) Hazardous materials handling and storage, or

(3) Specialized industrial.

If the uses resemble more than one of the use types on the above list, the uses shall be classified in the most appropriate use type, except that any industrial uses shall be classified within the Hazardous Materials Handling Use Type if they so qualify under Section 1500-53-619(c).

1500-53-614 Classification of Uses Not Specifically Listed

If a proposed use is not specifically listed or identified as a use type in this Article, the use shall not be allowed, except as follows:

(a) The Development Services Department Director may determine that a proposed use not listed is permitted if:

(1) The common functional, product or compatibility characteristics and activities associated with the proposed use are consistent with one of the use types identified in Article 6 listed as a permitted use type within the zoning district;

- (2) The proposed use is compatible with the purpose of the zoning district that applies to the parcel; and
- (3) The proposed use will be consistent with the objectives and policies of the Sutter Pointe Specific Plan.
- (b) If the Development Services Department Director determines that an unlisted proposed use is encompassed within a listed use type, the proposed use shall be subject to the same use regulations as the listed use type.
- (c) The Development Services Department Director may forward questions about permitted uses directly to the Planning Commission for an interpretation at a public hearing. The public hearing shall be scheduled as required in Article 3 for an Appeal. The Planning Commission shall make a determination based on the criteria of Section 1500-53-614(a) as to which use type the proposed use fits into. The decision of the Planning Commission may be appealed to the Board of Supervisors pursuant to Article 3.
- (d) The Development Services Department Director shall maintain a written record of all such determinations.

1500-53-615 Agriculture and Open Space Use Types

Agriculture and open space use types include on-site structures, development, and management activities which are necessary to support interim agricultural operations prior to urban development within the Sutter Pointe Specific Plan area and which are compatible with the permanent protection and enhancement of open space resources. Specific agriculture and open space use types referred to in this Section are:

- (a) **Agriculture, interim** – Includes interim uses commonly associated with a farm or ranch for crop production, processing and grazing and feeding of livestock on parcels 10 acres in size or more.
- (b) **Open Space Recreation** – Includes facilities related to passive recreation of open space areas including bike and pedestrian trails, picnic areas, parking areas, and interpretive centers.
- (c) **Resource Protection and Restoration** – Includes activities and management of an area to preserve, recreate and enhance natural resource values such as fish and wildlife habitat, rare and endangered plants, erosion control, and floodwater conveyance, detention and retention.

1500-53-616 Civic Use Types

Civic use types include governmental and quasi-governmental agencies providing utility, educational, cultural, major medical, protective, administrative and other uses of public or social importance. Specific Civic Use Types referred to in this Section are:

- (a) **Community Assembly** – Includes the activities typically performed by, or at, the following institutions or installations:
 - (1) Churches, temples, synagogues, and other places of worship;
 - (2) Public and private non-profit clubs, lodges, and meeting halls; and
 - (3) Public community recreation facilities including community centers, amphitheaters and museums.

- (b) **Community Services** – Includes uses provided by public agencies which are necessary to support the community’s health, safety and welfare. Typical community services include:
- (1) Community water storage, wells and associated treatment facilities;
 - (2) Corporation yards, including storage, repair and processing of materials and equipment, and vehicles operated by governmental entities;
 - (3) County/City government center and facilities;
 - (4) Electrical substations;
 - (5) Park and ride lots;
 - (6) Post offices, excluding major processing centers;
 - (7) Public libraries;
 - (8) Regional, community and neighborhood parks and golf courses, including recreation, refreshment, and service buildings that are ancillary to the primary use and are located on the site of the principal use;
 - (9) Sheriff substations and fire stations (including holding cells, antennas, antenna towers and communication facilities);
 - (10) Storm water channels and detention and retention basins; and
 - (11) Transit centers.
- (c) **Hospital Services** – Includes medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and includes accessory facilities for out-patient and emergency medical services, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
- (d) **Infrastructure and Utilities** – Includes services which are necessary to support development and involve only minor structures such as bus stops and shelters, gas distribution pipelines, electrical distribution lines, utility poles, transformers, water and sanitary sewer, drainage facilities, and communication facilities for community services provided by a public agency.
- (e) **Libraries and Museums** – Includes permanent, public, private, and quasi-public facilities generally of a non-commercial nature such as libraries, museums, art exhibitions, planetariums, aquariums, botanical gardens, and arboretums.
- (f) **Power Generating Facilities** – Includes temporary support facilities used to supply electrical power on an interim basis when power outages occur, and facilities that are used on a permanent basis to generate a power supply for a single use or multiple users if connected to a power grid. Power generating facilities generally include technologies that produce electricity from fossil fuels, natural gas, solar, wind, hydro-or biomass fuels in order to provide back-up power, augment utility power supplies or if grid-connected, to sell power.
- (g) **Public Parking Services** – Includes parking services involving buildings or lots which are publicly owned or operated.

- (h) **Schools** – Includes the following types of schools, in addition to the operation of ancillary office, food service, and commercial recreation facilities and equipment located on the site of the principal use:
 - (1) **College and University** – Includes community colleges, public or private colleges, universities and professional schools granting associate arts degrees, certificates, undergraduate and graduate degrees and requiring for admission at least a high school diploma or equivalent general academic training.
 - (2) **Elementary and Secondary** – Includes public elementary, middle, junior high and high schools serving grades K through 12.
 - (3) **Private Elementary and Secondary** – Includes private and religious schools. It does not include schools included within the Commercial – Specialized education and training use type.
- (i) **Social Services** – Includes non-governmental services which help people become more self-sufficient, prevent dependency, strengthen family relationships, and restore individuals, families, groups or communities to successful social functioning.
- (j) **Temporary Resident Shelter** – A facility or use which provides temporary housing for individuals on a not for profit basis. The housing may include, but is not limited to, housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person (see California Health and Safety Code Section 50801(e)). This definition does not include such temporary residential shelters as may be provided for relief following a natural disaster or during a state of emergency.

1500-53-617 Residential Use Types

Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis and uses which are typically associated with and provide support to residential areas, but exclude institutional living arrangements providing 24-hour skilled nursing or medical care and those providing forced residence, such as prisons. Specific residential use types referred to in this Section are:

- (a) **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.
- (b) **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.
- (c) **Caretaker and Employee Housing** – Includes permanent or temporary housing that is secondary or accessory to the primary use of the property. Such housing shall be limited to one unit used by caretakers employed on the site of a non-residential use where a caretaker is needed for security or to provide 24-hour care or monitoring of facilities, equipment, or other conditions on the site.
- (d) **Community Care Facility** – A dwelling where primarily non-medical care is provided on a 24-hour basis and which is operated and occupied by the owners. Community Care Facilities shall be licensed by the California

Department of Social Services. Very limited types of medical assistance may be provided. Community care facilities are defined in California Health and Safety Code Section 1502. For purposes of this Section, large and small board and care facilities are separately defined as follows:

- (1) **Large** – Care is provided to no less than seven and no more than 12 persons. Large Community care facilities shall permit no more than two persons per bedroom and shall be designed so as to be compatible with the residential character of the surrounding neighborhood.
 - (2) **Small** - Care is provided to six or fewer persons.
- (e) **Dwelling** – Includes a room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitutes an independent housekeeping unit, occupied by or intended for one household on a long-term basis. Types of dwellings include single-family dwellings, duplexes, multi-family dwellings, mobile homes, condominiums, and townhouses, all of which are separately defined.
- (1) **Multi-family** – Includes a building designed and intended for occupancy by three or more families living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord. Includes apartments, town homes, row houses, triplexes and fourplexes.
 - (2) **Single-family** – Includes a detached building designed exclusively for occupancy by one family. A halfplex is half of an attached residence with two halfplexes per building with each single-family residence being deeded separately and having its own parcel number.
 - (3) **Two-family** – Includes a duplex, or other buildings designed for occupancy by two families living independently of each other, each in a separate dwelling unit. A duplex is two units attached and deeded as one parcel.
- (f) **Family Day Care Home** – As defined in section 1596.78 of the California Health and Safety Code and subject to licensing requirements by the Department of Social Services. Includes a single-family dwelling which provides care, protection and supervision minor children or adults in need of assistance for periods of less than 24-hours per day, typically while parents or family are working. Also includes foster care of children. Types of family day care homes include large and small facilities, which are separately defined.
- (1) **Large** – Care is provided to no less than seven and no more than 14 children. The maximum permitted number includes children under the age of 10 years who reside at the dwelling.
 - (2) **Small** – Care is provided to eight or fewer children. The maximum permitted number includes children under the age of 10 years who reside at the dwelling.
- (g) **Home Occupation** – An occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling and which is carried on wholly or in part within a main building or accessory building by a resident of the premises. Does not include home offices used for telecommuting purposes. Two types of home occupations are defined below:

- (1) **Minor** – Home occupation uses which provide services exclusively outside the premises, except for receipt of communications and minor record keeping.
- (2) **Major** – Home occupation uses which provide services within the premises.
- (h) **Mobile Home** – A structure transportable in one or more sections designed and equipped to contain not more than two residential units to be used with or without a solid perimeter foundation system as defined in Section 18008 of the California Health and Safety Code. Does not include a recreational vehicle as defined in Section 18010.5 of the California Health and Safety Code, commercial coach as defined in section 18012.5 of the California Health and Safety Code, or factory built housing, as defined in Section 19971 of the California Health and Safety Code.
- (i) **Rooming and Boarding Houses** – Includes the renting of individual bedrooms within a dwelling by a property owner or other manager in residence to three or more people, whether or not meals are provided; or a single-family dwelling occupied by six or more unrelated people, living together as a single housekeeping unit; by prearrangement for definite periods, with compensation.

1500-53-618 Commercial Use Types

Commercial use types include the distribution, sale and rental of goods, and the provision of services other than those classified as civic or industrial use types. Specific commercial use types referred to in this Section are:

- (a) **Animal Sales and Services** – includes establishments primarily engaged in animal-related sales and services. The following are animal sales and services use types:
 - (1) **Grooming and Pet Stores** – Includes grooming or selling of dogs, cats, and similar small animals with limited indoor boarding. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores.
 - (2) **Kennels** – Includes any lot, building, structure, enclosure or premises whereon or wherein five or more dogs, cats, or similar small animals are kept. Typical uses include boarding kennels, pet motels, and dog training centers.
 - (3) **Veterinary Clinic** – Includes a fully enclosed veterinary facility containing only enough cage arrangements as necessary to provide services for small animals requiring acute medical or surgical care, as well as boarding and grooming.
 - (4) **Veterinary Hospital** – Includes a veterinary facility conducted in an enclosed building and in the open which provides long-term medical care, boarding and grooming.
- (b) **Automotive and Equipment** – Includes establishments primarily engaged in automotive related or heavy equipment sales or services. The following are automotive and equipment use types:
 - (1) **Automotive Rentals** – Includes rental from the premises of automobiles, light trucks, and recreational vehicles. Typical uses include car rental agencies.

- (2) **Automotive Repairs** – Includes repair of automobiles and the sale, installation, and servicing of automobile equipment and parts completely within an enclosed building, but excluding body repair and painting. Typical uses include muffler shops, automobile repair garages, automobile glass shops, and minor services including oil change, tune-up/lube shops, tire installation, and stereo and car accessory installation.
- (3) **Automotive Sales** – Includes the sale, retail or wholesale, of automobiles, light trucks, boats, recreational vehicles, motorcycles, motor homes, and trailers together with associated enclosed repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies.
- (4) **Car Wash and Detailing** – Includes washing and polishing of automobiles. Typical uses include automobile detailing services and car washes.
- (5) **Commercial Parking** – Includes parking of operable motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots and garages.
- (6) **Heavy Equipment Rental and Sales** – Includes rental and sales of heavy equipment such as aircraft, trucks, tractor-trailer, semi-trucks and heavy construction equipment.
- (7) **Equipment Repair** – Includes repair of equipment such as aircraft, boats, recreational vehicles, and trucks; automobile body repair and painting; and the installation and servicing of tractor-trailer, semi-trucks and heavy construction equipment.
- (8) **Gasoline Sales** – Includes establishments primarily engaged in the retail sale, from the premises, of petroleum products with the incidental sale of tires, batteries, and replacement items, lubricating services, minor repair services and may include drive through car washes, convenience eating places and neighborhood commercial. Typical uses include automobile service stations, filling stations and neighborhood commercial uses with gas sales.
- (c) **Banks and Financial Institutions** – includes financial institutions including: banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding, (but not predominantly operating) companies; and other investment companies.
- (d) **Bars and Drinking Places** – Includes establishments within a building where alcoholic beverages are sold for on-site consumption that are not part of a restaurant. Includes bars, taverns, pubs, brew pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages.
- (e) **Broadcasting and Recording Studios** – Includes commercial and public communications uses including telegraph, telephone, radio and television broadcasting and receiving stations and studios, and television production and sound recording studios, with facilities entirely within buildings.
- (f) **Business Support Services** – Includes establishments within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes:

- (1) Blueprinting;
 - (2) Business equipment repair services (except vehicle repair);
 - (3) Commercial art and design production;
 - (4) Computer rental, repair, and maintenance;
 - (5) Equipment rental businesses within buildings;
 - (6) Film processing laboratories;
 - (7) Mail advertising services (reproduction and shipping);
 - (8) Outdoor advertising services;
 - (9) Photocopying; and
 - (10) Photo-finishing.
- (g) **Cemeteries, Funeral, and Internment Services** – Includes establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human dead.
- (h) **Commercial Recreation** – Includes establishments primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. Each use type includes retail and service uses necessary to serve the public in commercial recreation areas. The following are commercial recreation use types:
- (1) **Amusement Center** – Includes public places of amusement or public places of business in which four or more amusement devices operated upon payment of a fee are installed. Includes any such place open to the public, whether or not the primary use of the premises is devoted to the operation of such devices.
 - (2) **Carnivals, Fairs, and Festival Events** – Includes temporary events or activities typically conducted outdoors that are small enough in nature to fall within the service capabilities of the County. Carnivals or similar type events shall be limited to twice a year between the hours of 8:00 a.m. and 11:00 p.m., not to exceed three consecutive days.
 - (3) **Indoor Entertainment** – Includes predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, live theatre and community assembly.
 - (4) **Indoor Sports and Recreation** - Includes predominantly participant sports and health activities conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, indoor racquetball courts, soccer arenas, athletic clubs, and health clubs.
 - (5) **Outdoor Entertainment** – Includes predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include outdoor amphitheatres, concert halls and sports arenas, rodeos, BMX tracks, racing facilities, drive-in theaters, and zoos.
 - (6) **Outdoor Sports and Recreation** – Includes predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include amusement parks, athletic fields, driving

ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and other privately-operated developed park facilities.

- (7) **Residential Recreation Facilities** – Includes predominantly participant sports which are normally associated with a country club, or are private residential community. Typical uses include country clubs, racquet clubs, golf courses, swimming pools, tennis courts, and other secondary uses including restaurants, and retail sales.
- (8) **Resort** – Includes a building or series of buildings under common ownership which provide interrelated commercial recreation and lodging services. Typical uses include overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, commercial recreation, and restaurant and retail uses.
- (i) **Day Care Centers and Preschools** – Includes commercial or non-profit facilities that provide care, protection and supervision of thirteen or more minor children or adults in need of assistance for periods of less than 24-hours per day, typically while parents or family are working, and/or before or after daily attendance at an elementary school.
- (j) **Eating and Drinking Establishments** – Includes establishments primarily engaged in the sale of prepared food and beverages for on-premise consumption, but excludes those uses classified under bars and drinking places and nightclubs. Eating and drinking establishment use types include:
- (1) **Fast Food with Drive-through** – Includes establishments primarily engaged in the preparation and retail sale of food and beverages at a walk up counter and at a drive-through window, and may include seating.
- (2) **Convenience** – Includes establishments primarily engaged in the preparation and retail sale of food and beverages, at a walk up counter and which does not include a drive through or provide for ordering at the tables, if any. Typical uses include pizza parlors, ice cream parlors, and sandwich shops.
- (3) **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 and to-go food as an accessory or secondary service. Typical uses include full service restaurants.
- (k) **Food and Beverage Retail Sales** – Includes establishments primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include groceries, liquor stores, and delicatessens.
- (l) **Farmer's Market** – Includes occasional or periodic markets held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages distributed from booths located on-site.
- (m) **Lodging Services** – Includes a building or portion of a building or a group of attached or detached buildings containing completely furnished individual guest rooms or suites, occupied on a transient or permanent basis for compensation in which more than 60% of the individual guest rooms and suites are without kitchens or cooking facilities. Includes bed-and-breakfast inns, hotels, motels, motor inns, clubs, and tourist courts.

- (n) **Long Term Health Care Facility** – As defined in Section 1418 of the California Health and Safety Code, Includes an institution or a portion of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours. Typical uses include extended care facilities, intermediate care facilities, skilled nursing facilities, hospices and other facilities licensed by the State Department of Health Services.
- (o) **Maintenance and Repair** – Includes all uses that provide maintenance and repair services for furniture, appliances and equipment normally used within a building. Typical uses include sewing machine and appliance repair.
- (p) **Medical Services** – Includes the following use types:
 - (1) **General Medical Services** – Includes establishments primarily engaged in the provision of personal health services on an outpatient basis ranging from prevention, diagnosis and treatment, or a rehabilitation service provided by physicians, dentists, nurses, and other health practitioners as well as the provision of medical testing and analysis-services, but excludes uses classified under any civic use type. Typical uses include medical offices, dental laboratories, medical laboratories, health maintenance organizations, immediate care facilities and offices for therapists, chiropractors, and acupuncturists.
 - (2) **Sole Source Pharmacy** – A facility where the primary purpose is to dispense or sell a single source of medication that has been recommended by a physician. These facilities have no retail sales component associated with the use and are not engaged in selling multiple goods or merchandise to the general public for personal or household consumption. Typical uses include medical marijuana dispensaries (as defined in Section 1500-9868(d) of the Sutter County Zoning Code), methadone clinics and other similar facilities.
- (q) **Neighborhood Commercial** – Includes establishments primarily engaged in the provision of frequently or recurrently needed small personal items or services for residents within a reasonable walking distance. These uses are compatible with residential development due to low traffic and noise generation and include various retail sales and personal services of an appropriate size and scale to meet the above criteria. Typical uses include neighborhood grocery stores, drug stores, beauty salons, and offices, but do not include bars and drinking places, eating and drinking establishments, or food and beverage retail sales as defined in this Article.
- (r) **Nightclubs** – Includes establishments or places of entertainment within a building, open primarily at night, usually but not necessarily serving alcohol, and providing a stage or floor show or amplified live or recorded music, and space for spectators either standing or sitting, and/or dancing.
- (s) **Nursery, Retail** – Includes establishments primarily engaged in the sale of nursery goods, landscaping materials, chips, rocks, sand, soil and merchandise. This use type is typically conducted primarily outdoors. The sale of nursery goods, landscaping materials, chips, rocks, sand, soil and merchandise indoors is permitted under retail sales and services.
- (t) **Offices** – A room, suite of rooms, or portion of a building used for conducting the affairs of a business, profession, service industry or government. Typical uses include the following:

- (1) Accounting, auditing and bookkeeping services;
- (2) Advertising agencies;
- (3) Architectural, planning, engineering, and surveying services;
- (4) Attorneys;
- (5) Call and telemarketing centers;
- (6) Computer software designers;
- (7) Court reporting services;
- (8) Data processing and computer services;
- (9) Detective agencies and similar services;
- (10) Secretarial and word processing services;
- (11) Government offices including agency and administrative office facilities;
- (12) Insurance agencies;
- (13) Management, public relations and consulting services;
- (14) Real estate agencies; and
- (15) Writers and artists offices outside the home.

- (u) **Personal Services** – Includes establishments primarily engaged in the provision of personal improvement or appearance, and similar non-business related or non-professional services, but excludes services classified under other use types. Typical uses include barber shops, beauty salons, tailors, shoe repair shops, massage therapist, tattoo studios, and dry cleaning pick up stations.
- (v) **Retail Sales and Services** – Includes establishments primarily engaged in the sale of goods and merchandise, but excludes those classified under animal sales and services, automotive and equipment, business support services, neighborhood commercial, and food and beverage retail sales. Typical uses include:

- (1) Auto parts;
- (2) Bakeries, retail;
- (3) Bicycle sales;
- (4) Building materials stores;
- (5) Department stores;
- (6) Drug and discount stores;
- (7) Furniture stores;
- (8) Hardware;

- (9) Orthopedic supplies;
- (10) Photography studios;
- (11) Self service laundries/dry cleaning stores; and
- (12) Sporting goods and equipment.

(w) **Specialized Education and Training** – Includes private establishments providing training or educational programs. Typical uses include:

- (1) **Vocational Schools** – Includes businesses, secretarial schools and vocational schools offering specialized trade and commercial courses and establishments furnishing educational courses by mail or on the internet. Facilities, institutions and conference centers are included that offer specialized programs in personal growth and development (including fitness, environmental awareness, arts, communications, and management, as examples).
- (2) **Specialty Schools** – Includes specialized non-degree granting schools such as: music schools; dramatic schools; language schools; driver education schools; martial arts studios; ballet and other dance studios.

(x) **Storage, Personal** – Includes a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces. This use type does not include the outdoor storage of boats, cars, recreational vehicles, or equipment, and does not include the rental of trucks or other equipment.

(y) **Temporary Real Estate Office** – Includes the temporary use of a dwelling within a residential development project as a sales or rental office for the units on the same site, which is converted to residential use at the conclusion of its office use.

1500-53-619 Industrial Use Types

Industrial use types include the on-site production and storage of goods, equipment and materials, including certain associated accessory uses. Specific industrial use types referred to in this Section are:

- (a) **Equipment and Materials Storage Yards** – Includes all uses related to outdoor storage of large construction equipment or machinery, company vehicles, or large quantities of other materials. It does not include any of the commercial use types identified under automotive and equipment. Typical uses include contractor's storage yards.
- (b) **Food Processing and Related Uses** – Includes the preparation, processing, or canning and packaging of food products.
- (c) **General Industrial** – Includes any manufacturing, processing, assembling, or fabrication of materials and products from raw materials, including wood, paper, metal and chemical products. Includes any industrial use involving an incinerator, blast furnace or other similar industrial process, including any industrial production conducted either wholly or partially outdoors. Typical uses include drum manufacturing and remanufacturing, food processing and manufacturing, batch plants, truss manufacturing, breweries, and canneries. Also includes

co-generation facilities that utilize waste heat to generate electricity to supply some of the energy needs of an individual building or group of buildings.

- (d) **Hazardous Materials Handling and Storage** – Includes all industrial uses engaged in the handling of substances subject to the maintenance of a Risk Management Prevention Program under California Health and Safety Code, Section 25534.
- (e) **Laundries, Commercial** – Includes establishments primarily engaged in high-volume laundry and garment services, including family and commercial laundries, garment pressing and dry cleaning, linen supply, diaper service, industrial laundries, carpet and upholstery cleaners. Does not include coin-operated laundries.
- (f) **Light Manufacturing** – Includes the assembly or packaging of products from previously prepared materials, but does not include basic industrial processing from raw materials. Typical assembly uses include production of clothes, furniture (where wood is milled off-site), pharmaceuticals, hardware, toys, mechanical components, electric components, small vehicle assembly, and computer hardware and software. Typical packaging uses include facilities for bottling beverages, canning and wrapping foods, and boxing electronic components.
- (g) **Recycling, Scrap, and Dismantling** – Includes enclosed or unenclosed uses engaged in the assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials, including the dismantling or wrecking of automobiles or other motor vehicles, or the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.
- (h) **Research Services** – Includes establishments primarily engaged in providing research, testing, or other scientific analysis. Typical uses include soils and materials testing laboratories, electronics research firms and pharmaceutical research laboratories.
- (i) **Specialized Industrial** – Includes establishments engaged in activities that generate noise, vibration, odor, dust, or smoke similar to other industrial uses, but that do not clearly fit within another industrial use classification. This use type involves uses which are appropriately located with other industrial development and are not classified under either a commercial or civic use type. The Development Services Department Director shall determine that a use is classified within this use type as prescribed in Section 1500-53-614. Specialized industrial use types may also include above-ground storage tanks as an accessory use, as indicated below.
 - (1) **Above-Ground Storage Tanks, less than 500 gallons.** An above-ground storage tank for class I or class II liquids as defined by the Uniform Fire Code not exceeding 500 gallons capacity.
 - (2) **Above-Ground Storage Tanks, 500 gallons to 10,000 gallons.** An above-ground storage tank for class I or class II liquids as defined by the Uniform Fire Code exceeding 500 gallon capacity but not exceeding 10,000 gallons capacity may be permitted by use permit.
- (j) **Wholesaling and Distribution** – Includes establishments engaged in wholesaling, storage, warehousing and bulk sale distribution, including, but not limited to open-air handling of materials and equipment other than live animals. Does not include the outdoor storage of material classified under equipment and materials storage yards. Types of wholesaling and distribution include light and heavy uses, which are separately defined.

- (1) **Light** – Includes wholesaling, storage, and warehousing within enclosed structures. Typical uses include wholesale distributors, storage warehouses and moving and storage firms.
- (2) **Heavy** – Includes wholesaling, storage, distribution and handling of materials and equipment. Also includes uses engaged in the outdoor or indoor, long-term or short-term storage of large vehicles, and minor repair and maintenance of vehicles stored on the premises. Typical uses include truck terminal yards.

1500-53-620 Transportation and Communication Use Types

Transportation and communication use types include the transfer of information and people by various means. Specific transportation and communication use types referred to in this Section are:

- (a) **Helipport** – Includes land improved and intended to be used for the landing and taking off of helicopters or vertical take-off and landing (VTOL) aircraft. Includes facilities for private non-emergency landings and take offs, and permanent life safety facilities. It does not include landing of helicopters or VTOL for emergency purposes, pursuant to the California Public Utilities Code, Section 21001, et. seq.
- (b) **Intermodal Facilities** – Includes private establishments engaged in the provision of transportation of persons. Typical uses include bus stations and train depots.
- (c) **Wireless Communication** – Includes commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular telephone, microwave communications and data network communications; including commercial earth stations for satellite-based communications. Includes antennas (dish and satellite), telecommunication towers, monopole, and equipment buildings. Does not include home television and radio receiving antennas, HAM radio antennas, telephone and cable television transmission facilities utilizing hard-wired or direct cable connections, satellite dishes, or communications facilities for community services provided by a public agency.

ARTICLE 7 RESIDENTIAL DISTRICTS

1500-53-710 Purpose

This Article provides regulations applicable to uses in residential districts established by Section 1500-53-510 of this Chapter. Three residential districts are established for the Specific Plan area as follows. The intent of this section is to implement the residential land use designations (Low Density Residential, Medium Density Residential, and High Density Residential) of the Sutter Pointe Specific Plan. Refer to Exhibit 3.5 in the Sutter Pointe Specific Plan for locations of established residential designations.

- (a) **Low Density Residential (LDR) District** – The Low Density Residential (LDR) District is intended for single family residential development and similar compatible uses. The allowed density ranges from two dwelling units per acre to five dwelling units per acre. The LDR District also permits public and quasi-public uses such as schools, parks, and recreation facilities.
- (b) **Medium Density Residential (MDR) District** – The Medium Density Residential (MDR) District is intended to promote a range of housing types, including single-family detached homes, single-family attached homes, and detached and attached multi-family residential development. The allowed density ranges from 5.1 dwelling units per acre to 12 dwelling units per acre. The MDR District also permits public and quasi-public uses such as schools, parks, and recreation facilities.
- (c) **High Density Residential (HDR) Districts** – The High Density Residential (HDR) District allows for detached and attached multi-family housing types with densities ranging between 12.1 dwelling units per acre and 24 dwelling units per acre, including condominiums, apartments, town homes and similar and related compatible uses. The HDR District also permits public and quasi-public uses such as schools, parks, and recreation facilities.

1500-53-711 Residential Use Types

Uses permitted in residential districts are subject to the requirements of this Article as designated below:

- (a) Principal uses are designated as “P.” These uses are allowed in a zoning district and subject to the restrictions applicable to the district.
- (b) Conditional uses that require special use permits are designated as “U.” These uses are permitted in a particular zoning district upon showing that such use will comply with all the conditions and standards specified in the LUDC and authorized in a use permit, as provided for in Article 17 of this Chapter.
- (c) Administrative uses that require a zoning clearance are designated as “Z.” These uses may be permitted in a zoning district upon administrative approval of the Development Services Department Director, as provided for in Article 18 of this Chapter.
- (d) Use types that are not listed in Table 53-2 are not permitted in the residential districts. Use types that are not permitted in one or more particular residential district are designated as “N.”

Table 53-2: RESIDENTIAL – PERMITTED USES

LEGEND:			
N - Not Permitted	P - Permitted		
U - Use Permit	Z - Zoning Clearance		
Use types not listed are not permitted			
Use Types	Residential Districts		
	LDR	MDR	HDR ¹
Agriculture and Open Space Use Types			
Agriculture, interim	P	P	P
Open space recreation	P	P	P
Civic Use Types			
Community assembly	U	U	U
Community services	P	P	P
Infrastructure and utilities	P	P	P
Schools			
Elementary and secondary	P	P	P
Private elementary and secondary	U	U	U
Social services	U	U	U
Temporary resident shelter	N	N	U
Residential Use Types			
Caretaker and employee housing	P	P	P
Community care facility			
Large	U	U	U
Small	P	P	P
Dwelling			
Multi-family	N	P	P
Single-family	P	P	P
Two-family	P	P	P
Family day care home			
Large	Z	Z	Z
Small	P	P	P
Home occupation			
Minor	Z	Z	Z
Major	U	U	U
Mobile home	P	P	P
Rooming and boarding houses	N	P	P
Accessory Dwelling Unit	Z	Z	Z
Junior Accessory Dwelling Unit	Z	Z	Z
Commercial Use Types			
Day care centers and preschools	N	N	U
Lodging services	U	U	U
Long term health care facility	N	N	U
Temporary real estate office	P	P	P
Transportation and Communication Use Types			
Wireless communication	N	N	U/Z (per Section 1500-53-1614)

NOTE:

¹ Permitted uses in the HDR district are subject to the approval of a Design Review permit, as described in Article 20 of this Chapter.

1500-53-712 Residential Development Standards

Permitted uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Article. Development standards for allowed uses not listed below are provided in the appropriate Article for that use. Refer to Exhibit 53-1 for a single family residential lot development standards key.

The County may grant exceptions or reductions to these standards per the Development Services Department Director’s discretion, provided they are substantially consistent with the design intent of these development standards, the Design Guidelines, and Specific Plan policies and as part of the Design Review process described in Article 20 of this Chapter.

Table 53-3: RESIDENTIAL DEVELOPMENT STANDARDS SUMMARY

Land Use Designations / Standards	Residential Zoning Districts ⁽¹⁾					
	LDR	MDR		HDR		
	Low Density Single Family	Medium Density Small Lot Detached	Medium Density Attached Town homes	High Density Attached/ Detached Town homes	High Density Podium-Style Housing	High Density Garden Apartments
Development Intensity						
Density (DU/AC)	2–5	5.1–12	5.1–12	12.1–24	12.1–24	12.1–24
Lot Size						
Minimum Lot Area (SQ.FT)	5,000	2,000	2,000	N/A	N/A	N/A
Setbacks ⁽²⁾						
Front Setback ⁽⁴⁾	15’	10’	10’	10’ ⁽³⁾	10’ ⁽³⁾	10’ ⁽³⁾
Side Setback - Interior Lot ^(5,6,7)	4’	3’	0’	0’	0’	12’
Side Setback – Facing Street	12’	10’	12’	12’	12’	12’
Rear Setback ⁽⁸⁾	15’	12’	12’	12’	12’	12’
Garage Setback ^(8,9)	20’	20’	20’	20’	20’	20’
Allowed Projections into Setbacks (Decks, porches, stoops, bay windows, fireplaces, built-in wall projections etc.)						
Front Setback ⁽⁵⁾	6’	6’	6’	6’	6’	6’
Side Setback - Interior Lot	2’	2’	N/A	3’	0’	6’
Side Setback – Facing Street	6’	6’	6’	6’	6’	6’
Rear Setback	6’	6’	6’	6’	6’	6’
Over Sidewalks ⁽¹⁰⁾	N/A	N/A	N/A	3’	3’	N/A
Building Heights						
Maximum Building Height	35’	35’	35’	55’	55’	55’

NOTES:

- ¹ Alternative, new and innovative design solutions with variations from these development standards may be allowed per the Community Services Director’s discretion, provided they are substantially consistent with the design intent of these development standards, the Design Guidelines, and Specific Plan policies.
- ² For any permitted public or civic use, a minimum setback of 15 feet shall be maintained between the building and adjoining lot containing or potentially containing a single-family residence.
- ³ Front setbacks may be reduced to 0 feet with buildings built to the back of sidewalks for lots within or adjoining commercial activity centers or the Town Center to create a more urban setting.
- ⁴ Front setbacks are measured from back of sidewalks. A maximum of 40% of the front setback may be open parking. A minimum of 50% of the front setback and street side setback area excluding required parking shall be landscaped with green vegetation, grass, groundcover, shrubs, and trees. The total open parking area may be increased if pervious paving materials are used.
- ⁵ Side setbacks are measured from the side property line. Side setbacks may be reduced to 0 feet for zero lot line building types, attached town homes, and duplex/duet building types.
- ⁶ A 9-foot minimum building-to-building separation for LDR residences and 6-foot minimum for MDR detached residences shall be provided.
- ⁷ A 3-foot minimum side setback is allowed for clustered single-family detached and attached buildings when one side of two adjacent buildings has no windows.
- ⁸ Rear setbacks are measured from the rear property line. A zero-foot minimum rear setback is allowed for a detached garage on an alley.

Land Use Designations / Standards	Residential Zoning Districts ⁽¹⁾					
	LDR	MDR		HDR		
	Low Density Single Family	Medium Density Small Lot Detached	Medium Density Attached Town homes	High Density Attached/Detached Town homes	High Density Podium-Style Housing	High Density Garden Apartments
<p>⁹ Garage setbacks are measured from back of sidewalks or from alleys, as applicable. No garage setback requirement applies to alley access provided there is a minimum width of 24 feet back out space.</p> <p>¹⁰ A maximum 20-foot wide entry canopy or porte cochere is permitted over the sidewalk, provided a minimum of 200-foot spacing is maintained between two such structures.</p>						

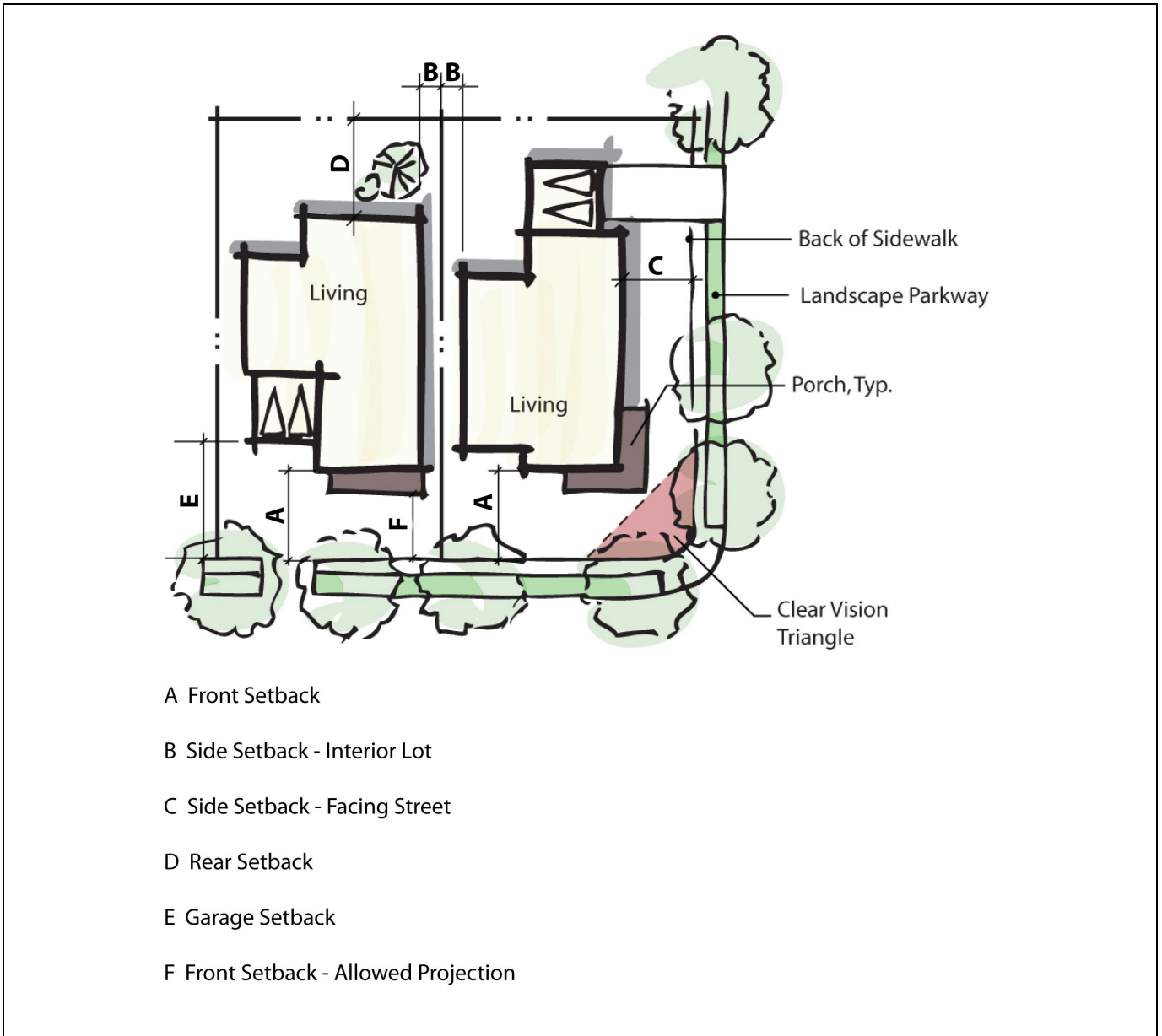


Exhibit 53-1: Sample Single-Family Residential Lot Development Standards Key

1500-53-713 Clear Vision Triangle, Residential

The following standards shall apply to the installation of structures on corner parcels:

- (a) On a corner parcel, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over 36 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 definition).
- (b) The forgoing provision shall not apply to public utility poles; trees trimmed (to the trunk) to a line at least eight feet above the elevation of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave, at all seasons, a clear and unobstructed cross view; and official warning signs or signals.

1500-53-714 Exceptions to Height Limits, Residential

Notwithstanding the requirements of Section 1500-53-712 of this Chapter, the following structures are permitted to exceed the maximum height limits, as follows:

- (a) Architectural features, mechanical equipment: Chimneys, vents, and other architectural or mechanical appurtenances on buildings may be a maximum of 15% higher than the height limit of the applicable zone.
- (b) Flag poles: Flag poles may be a maximum of 20 feet high. Poles must be setback at least 10 feet from the public right-of-way. No flag may be placed within the clear vision triangle.
- (c) Telecommunication towers: Telecommunication towers licensed by the Federal Communications Commission may exceed the height limits of the applicable zone, subject to conditions established in the permits required for such towers.
- (d) The above height limitations shall be subject to laws and regulations of the state and federal government.

1500-53-715 Performance Standards for Residential Structures in Residential Districts

The following provisions shall apply to all residential structures and mobile homes in the LDR, MDR, HDR, and MU zoning districts:

- (a) The exterior and roofing of the structure shall be constructed of material customarily used in conventional residential structures.
- (b) For single-family dwellings, the roof has eave and gable overhangs (measured from the vertical side of the structure) not less than that customarily found on conventional single-family residential structures.
- (c) The area between bottom of the structure and the ground shall be enclosed with materials similar to the exterior material covering of the structure. A solid concrete or masonry perimeter foundation or other skirting materials used with conventional residential structures will be in compliance with this requirement.
- (d) The exterior and roofing of the garage or carport shall be of similar material as utilized in the residential structure.

- (e) The finished floor of the residential structure shall not exceed a height of 32 inches above the finished grade of the lot measured adjacent to the vertical wall of the structure (except for split level structures and structures otherwise required to be elevated for flood protection).

These Performance Standards shall be enforced by the Development Services Department Director and sufficient data, including but not limited to foundation plans and elevations of the structure, shall be reviewed at the time of the issuance of a construction or other building permit. Modifications to these Performance Standards may be permitted by the Planning Commission subject to the issuance of a use permit.

ARTICLE 8 COMMERCIAL DISTRICTS

1500-53-810 Purpose

This Article provides regulations applicable to uses in the areas designated commercial retail (CR) and mixed-use (MU) within the Specific Plan. Three commercial districts are established for the Commercial Retail (CR) Specific Plan designation: Regional Commercial (RC), Community Commercial (CC), and Neighborhood Commercial (NC). A Mixed-use (MU) district has been established to implement the MU designated areas within the Specific Plan. The intent of this section is to implement the commercial land use designations (Commercial Retail and Mixed Use) of the Sutter Pointe Specific Plan. Refer to Exhibit 3.6 in the Sutter Pointe Specific Plan for locations of established commercial designations and the Zoning Map maintained by the Planning Division for commercial zoning districts.

- (a) **Regional Commercial (RC) District** – The Regional Commercial zoning district is intended to serve principal retail shopping needs, such as large-format stores, including home appliance and building materials stores, large office buildings, and other retail and service uses. The RC zoning district is located at the Town Center and West Activity Center.
- (b) **Community Commercial (CC) District** – The Community Commercial zoning district is intended to serve the daily shopping and retail service needs of surrounding neighborhoods. This district contains neighborhood serving retail uses including groceries, drug stores, and professional offices. The CC zoning district is located at the East Activity Center and the North Activity Center.
- (c) **Neighborhood Commercial (NC) District** – The Neighborhood Commercial zoning district is intended to provide for smaller scale retail uses, including convenience stores, gas stations and other neighborhood-serving facilities which serve the immediate neighborhood. The NC zoning district is located at the Mid Riego Neighborhood Center.
- (d) **Mixed-Use (MU) District** – The Mixed-Use zoning district is intended to promote a variety of commercial use types, support residential uses in tandem with commercial uses, provide for civic and government uses, and allow for the flexible siting of other uses that are compatible with commercial and civic development. The MU district promotes a mix of residential, commercial, and public/quasi-public uses both vertically and horizontally. The MU zoning district is located at the Town Center and the West Activity Center. Areas located within the MU district are also subject to requirements of the Combining Planned Development (PD) District, as described in Article 11 of this Chapter.

1500-53-811 Commercial Use Types

Uses permitted in commercial districts are subject to the requirements of this Article as designated below:

- (a) Principal uses are designated as “P.” These uses are allowed in a zoning district and subject to the restrictions applicable to the district.

- (b) Conditional uses that require special use permits are designated as “U.” These uses are permitted in a particular zoning district upon showing that such use will comply with all the conditions and standards specified in the LUDC and authorized in a use permit, as provided for in Article 17 of this Chapter.
- (c) Administrative uses that require zoning clearance are designated as “Z.” These uses may be permitted in a zoning district upon administrative approval of the Development Services Department Director, as provided for in Article 18 of this Chapter.
- (d) Use types that are not listed in Table 53-4 are not permitted in the commercial districts. Use types that are not permitted in one or more particular commercial district are designated as “N.”

Table 53-4: COMMERCIAL - PERMITTED USES

Use Types	Commercial Districts ¹			
	Regional Commercial (RC)	Mixed-Use (MU)	Community Commercial (CC)	Neighborhood Commercial (NC)
LEGEND:				
N - Not Permitted				
U - Use Permit				
P - Permitted				
Z - Zoning Clearance				
Agriculture and Open Space Use Types				
Agriculture, interim	P	P	P	P
Open space recreation	P	P	P	P
Civic Use Types				
Community assembly	N	U	U	U
Community services	P	P	P	P
Infrastructure and utilities	P	P	P	P
Libraries and museums	P	P	P	P
Public parking services	U	P	P	U
Schools				
College and university	N	U	N	N
Private elementary and secondary	N	U	U	U
Social services	N	U	U	N
Temporary resident shelter	N	U	N	N
Residential Use Types				
Accessory Dwelling Unit	Z	Z	Z	Z
Junior Accessory Dwelling Unit	Z	Z	Z	Z
Caretaker and employee housing	P	P	P	P
Dwelling				
Multi-family	N	P	N	N
Home occupation				
Minor	N	Z	N	N
Major	N	U	N	N
Rooming and boarding houses	N	P	N	N
Commercial Use Types				
Animal sales and services				
Grooming and pet stores	P	P	P	P
Kennels	U	U	N	N
Veterinary clinic	P	P	P	P

Use Types	Commercial Districts ¹			
	Regional Commercial (RC)	Mixed-Use (MU)	Community Commercial (CC)	Neighborhood Commercial (NC)
Veterinary hospital	P	U	U	N
Automotive and equipment				
Automotive rentals	P	N	U	N
Automotive repairs	U	N	U	N
Automotive sales	P	N	N	N
Car wash and detailing	P	N	P	N
Commercial parking	P	P	P	U
Gasoline sales	P	U	P	P
Banks and financial institutions	P	P	P	P
Bars and drinking places	P	P	P	U
Broadcasting and recording studios	U	N	U	N
Business support services	P	P	P	P
Commercial recreation				
Carnivals, fairs, and festival events	Z	N	N	N
Indoor entertainment	P	P	U	N
Indoor sports and recreation	P	U	P	N
Outdoor entertainment	N	U	N	N
Residential recreation facilities	N	P	N	N
Day care centers and preschools	N	P	U	U
Eating and drinking establishments				
Fast food with drive-through	P	N	P	N
Convenience	P	P	P	P
Full service	P	P	P	P
Food and beverage retail sales	P	P	P	P
Farmer's market	Z	Z	Z	Z
Lodging services	U	P	P	N
Long term health care facility	N	N	U	N
Maintenance and repair	P	N	P	N
Medical services				
General medical services	P	P	P	P
Sole-source pharmacy	U	N	N	N
Neighborhood commercial	N	P	P	P
Nightclubs	U	U	U	N
Offices	P	P	P	P
Personal services	P	P	P	U
Retail sales and services ≤ 160,000 sf in one store	P	P	P	P
Retail sales and services >160,000 sf in one store	U	N	N	N
Specialized education and training				
Specialty schools	P	U	P	U
Temporary real estate office	N	P	N	N
Transportation and Communication Use Types				
Intermodal facilities	N	P	P	N
Wireless communication	U/Z (per Section 1500-53-1614)	U/Z (per Section 1500-53-1614)	U/Z (per Section 1500-53-1614)	U/Z (per Section 1500-53-1614)

NOTE:

¹ Permitted uses in all Commercial districts are subject to the approval of a Design Review permit, as described in Article 20 of this Chapter.

1500-53-812 Commercial Development Standards

Permitted uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Article. Development standards for allowed uses not listed below are provided in the appropriate article for that use. Additional standards may be created and implemented through the Development Plan process established in Article 11 of this Chapter and/or the Design Review process established in Article 20 of this Chapter.

All development projects within these districts are subject to design review. The County may grant exceptions or reductions to these standards as part of the design review process described in Article 20 of this Chapter.

Table 53-5: COMMERCIAL DEVELOPMENT STANDARDS SUMMARY

Land Use Designations / Standards	Commercial Districts ^(1, 2)			
	Regional Commercial (RC)	Mixed-Use ⁽²⁾ (MU)	Community Commercial (CC)	Neighborhood Commercial (NC)
Development Intensity				
Density (DU/AC)	N/A	12.1-45	N/A	N/A
Intensity (FAR)	0.35 max	1.5 max	0.35 max	0.35 max
Open Space Ratio ⁽¹⁰⁾ (Minimum)	15%	15%	20%	15%
Lot Size				
Maximum Ground Floor Area (individual store or tenant) (SQ.FT)	N/A	65,000	70,000	30,000
Setbacks ⁽³⁾				
Front Setback ^(4,5)	15'	0'	15'	15'
Side Setback – Interior Lot	0'	0'	0'	0'
Side Setback – Facing Street	12'	0'	12'	12'
Rear Setback ^(6,7)	15'	0'	15'	15'
Allowed Projections into Setbacks (Plazas, outdoor eating areas, pergolas, landscape features)				
Front Setback	3'	0'	6'	6'
Side Setback – Interior Lot	0'	0'	0'	0'
Side Setback – Facing Street	3'	0'	6'	6'
Rear Setback	3'	0'	6'	6'
Building Heights				
Maximum Building Height	65'	65'	45'	45'
Landscape Setback Buffer from Adjacent Low Density and Medium Density Residential Uses				
Landscape Buffer	20' min.	15' min.	15' min.	15' min.
Landscape Setback from Parking				
Setback from Public Right-of-Way	10'	10'	5'	5'
Façade Articulation and Wall Surfaces				
Ground-Floor Transparent Façade ⁽⁸⁾	25% min.	40% min.	50% min.	50% min.
Façade Setback Variation Requirement				
Building length ⁽⁹⁾	100'	75'	50'	50'
NOTES:				
¹ Alternative, new and innovative design solutions with variations from these development standards may be allowed per the Community Services Director's discretion as part of the Design Review process, provided they are substantially consistent with the design intent of these standards, the Design Guidelines and Specific Plan policies.				
² Civic and public recreational uses are exempted from maximum ground floor area requirements within the Town Center.				
³ For any permitted public or civic use, a minimum setback of 15 feet shall be maintained between the building and adjoining lot containing or potentially containing a single-family residence.				
⁴ Front setbacks are measured from back of sidewalks. Side setbacks are measured from the side property line. Rear setbacks are measured from the rear property line. Front setbacks may be reduced to 0 feet with buildings built to the back of sidewalks for lots within or adjoining commercial activity centers and the Town Center to create a more urban setting. A maximum of 40% of the front setback may be open parking.				
⁵ A minimum of 50% of the front setback and street side setback area excluding required parking shall be landscaped with green vegetation,				

Land Use Designations / Standards	Commercial Districts ^(1, 2)			Neighborhood Commercial (NC)
	Regional Commercial (RC)	Mixed-Use ⁽²⁾ (MU)	Community Commercial (CC)	
grass, groundcover, shrubs, and trees. The total open parking area may be increased if pervious paving materials are used.				
⁶ A zero feet minimum setback is allowed for a detached structure, and/or garage.				
⁷ No garage setback requirement applies to alley access provided there is a minimum width of 24 feet back out space.				
⁸ The ground-floor façade fronting a primary retail street shall be designed with transparent wall surfaces such as windows, commercial display windows, and/or doorways.				
⁹ No building façade along a primary retail street may extend more than the specified distance in length without variations in the wall surface through setbacks or changes in the wall plane. Changes in the façade wall surface may be accomplished with setbacks or step-backs, arcades, changes in the angle of the facades, and incorporation of pilasters, columns, and other architectural design elements into the building architecture.				
¹⁰ The minimum open space ratio may be met through a combination of green vegetation, grass, groundcover, shrubs, trees, patios, decks, plazas, and paseos.				

1500-53-813 Clear Vision Triangle, Non-residential

The following standards shall apply to the installation of structures on corner parcels:

On a corner parcel, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over 36 inches in height above the top of the existing or planned curb elevation shall be erected, placed, planted, or allowed to grow within a commercial clear vision triangle (see definition).

The forgoing provision shall not apply to public utility poles; trees trimmed (to the trunk) to a line at least eight feet above the elevation of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave, at all seasons, a clear and unobstructed cross view; and official warning signs or signals.

1500-53-814 Exceptions to Height Limits, Commercial

Notwithstanding the requirements of Section 1500-53-812 of this Chapter, the following structures are permitted to exceed the maximum height limits, as follows:

- (a) Architectural features, mechanical equipment: Chimneys, vents, and other architectural or mechanical appurtenances on buildings may be a maximum of 15% higher than the height limit of the applicable zone.
- (b) Flag poles: The maximum height of flag poles shall be equivalent to the height of the highest building on the parcel, or 25 feet, whichever is greater. Poles must be setback from the public right-of-way a distance equal to that of the pole height or 10 feet, whichever is greater. No flag may be placed within the clear vision triangle.
- (c) Telecommunication towers: Telecommunication towers licensed by the Federal Communications Commission may exceed the height limits of the applicable zone, subject to conditions established in the use permits required for such towers.
- (d) The above height limitations shall be subject to laws and regulations of the state and federal government.

ARTICLE 9

EMPLOYMENT DISTRICTS

1500-53-910 Purpose

This Article provides regulations applicable to uses in the employment districts established by Section 1500-53-510 of this Chapter. Two employment districts are established to provide for light industrial and business parks, and include uses such as research and development, office, and light manufacturing. The intent of this section is to implement the Employment land use designations, Employment 1 (E1) and Employment 2 (E2), of the Sutter Pointe Specific Plan. Refer to Exhibit 3.6 in the Sutter Pointe Specific Plan for locations of established employment designations and the Zoning Map maintained by the Planning Division for employment zoning districts.

- (a) **Employment 1 (E1) District** – The Employment 1 District is intended to provide for a variety of land uses such as public and private office, light industrial, educational, medical, office parks, office campuses, commercial services supporting these uses, and light industrial uses.
- (b) **Employment 2 (E2) District** – The Employment 2 district is intended to provide for industrial and office uses such as, research and development space, warehousing, and business parks. The E2 district is also intended to accommodate auto-based service uses such as repair, supplies, sales, maintenance body shops and tire stores. Supporting commercial services are also intended for the E2 district.

1500-53-911 Employment Use Types

Uses permitted in employment districts are subject to the requirements of this Article as designated below:

- (a) Principal uses are designated as “P.” These uses are allowed in a zoning district and subject to the restrictions applicable to the district.
- (b) Conditional uses that require special use permits are designated as “U.” These uses are permitted in a particular zoning district upon showing that such use will comply with all the conditions and standards specified in the LUDC and authorized in a use permit, as provided for in Article 17 of this Chapter.
- (c) Administrative uses that require zoning clearance are designated as “Z.” These uses may be permitted in a zoning district upon administrative approval of the Development Services Department Director, as provided for in Article 18 of this Chapter.
- (d) Use types that are not listed in Table 53-6 are not permitted in the employment districts. Use types that are not permitted in one or more particular employment district are designated as “N.”

Table 53-6: EMPLOYMENT – PERMITTED USES

Use Types	Employment Districts ¹	
	Employment 1 (E1)	Employment 2 (E2)
LEGEND:		
N - Not Permitted	P - Permitted	
U - Use Permit	Z - Zoning Clearance	
Use types not listed are not permitted		
Agriculture and Open Space Use Types		
Agriculture, interim	P	P
Resource protection and restoration	P	N
Civic Use Types		
Community assembly	U	U
Community services	P	P
Hospital services	P	U
Infrastructure and utilities	P	P
Libraries and museums	P	P
Power generating facilities	N	U
Public parking services	P	N
Schools		
College and university	U	U
Private elementary and secondary	U	U
Social services	U	P
Temporary resident shelter	U	P
Residential Use Types		
Accessory Dwelling Unit	Z	Z
Junior Accessory Dwelling Unit	Z	Z
Caretaker and employee housing	P	P
Commercial Use Types		
Animal sales and services		
Grooming and pet stores	P	P
Kennels	U	P
Veterinary clinic	P	P
Veterinary hospital	P	P
Automotive and equipment		
Automotive rentals	P	P
Automotive repairs	P	U
Automotive sales	P	U
Car wash and detailing	P	U
Commercial parking	P	P
Heavy equipment rental and sales	N	P
Equipment repair	P	P
Gasoline sales	P	P
Banks and financial institutions	P	U
Bars and drinking places	P	U
Broadcasting and recording studios	P	U
Business support services	P	U
Cemeteries, funeral, and interment services	U	U
Commercial recreation		
Amusement center	P	N
Carnivals, fairs, and festival events	Z	Z
Indoor entertainment	P	P
Indoor sports and recreation	P	U
Outdoor entertainment	P	U

LEGEND:		
N - Not Permitted	P - Permitted	
U - Use Permit	Z - Zoning Clearance	
Use types not listed are not permitted		
Use Types	Employment Districts ¹	
	Employment 1 (E1)	Employment 2 (E2)
Outdoor sports and recreation	P	U
LEGEND:		
N - Not Permitted	P - Permitted	
U - Use Permit	Z - Zoning Clearance	
Use types not listed are not permitted		
Use Types	Employment Districts ¹	
	Employment 1 (E1)	Employment 2 (E2)
Day care centers and preschools	U	U
Eating and drinking establishments		
Fast food with drive-through	P	N
Convenience	P	P
Full service	P	N
Food and beverage retail sales	P	U
Farmer's market	Z	Z
Lodging services	P	U
Long term health care facility	U	N
Maintenance and repair	P	N
Medical services		
General medical services	P	U
Sole-source pharmacy	P	N
Nightclubs	P	N
Nursery, retail	P	P
Offices	P	P
Personal services	P	U
Retail sales and services ≤ 160,000 sf in one store	P	U
Retail sales and services > 160,000 sf in one store	U	U
Specialized education and training		
Vocational schools	P	P
Specialty schools	P	N
Storage, personal	P	P
Industrial Use Types		
Equipment and materials storage yards	P	P
Food processing and related uses	N	P
General industrial	N	P
Hazardous materials handling and storage	N	P
Laundries, commercial	N	P
Light manufacturing	P	P
Recycling, scrap, and dismantling	U	P
Research services	P	P
Specialized industrial	U	U
Wholesaling and distribution		
Light	P	P
Heavy	N	P
Transportation and Communication Use Types		
Intermodal facilities	P	N
Heliport	U	U
Wireless communication	U/Z (per Section 1500-53-1614)	U/Z (per Section 1500-53-1614)

NOTE:

¹ Permitted uses in all Employment districts are subject to the approval of a Design Review permit, as described in Article 20 of this Chapter.

1500-53-912 Employment Development Standards

Permitted uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Article. Development standards for allowed uses not listed below are provided in the appropriate Article for that use.

The County may grant exceptions or reductions to these standards as part of the design review process. All new development within these districts is subject to design review.

1500-53-913 Clear Vision Triangle, Non-residential

Unless otherwise specified, provisions set forth in Section 1500-53-813 in this Chapter shall apply.

1500-53-914 Exceptions to Height Limits, Employment Uses

Notwithstanding the requirements of Section 1500-53-912 of this Chapter, unless otherwise specified, provisions set forth in Section 1500-53-814 in this Chapter shall apply.

Table 53-7: EMPLOYMENT DEVELOPMENT STANDARDS SUMMARY

Land Use Designations / Standards	Employment Districts ⁽¹⁾	
	Employment 1 (E1)	Employment 2 (E2)
Development Intensity		
Intensity (FAR)	0.50 max	0.60 max
Open Space Ratio ⁽⁸⁾ (Minimum)	15%	15%
Lot Size		
Minimum Lot Area (SQ.FT)	5,000	20,000
Setbacks ^(2,3)		
Front Setback ^(4,5)	20'	20'
Side Setback - Interior Lot	15'	15'
Side Setback – Facing Street	20'	10'
Rear Setback	15'	15'
Allowed Projections into Yard Areas (Loading docks, ramps, entry ways, awnings, etc.)		
Front Setback ⁽⁴⁾	6'	6'
Side Setback - Interior Lot	6'	6'
Side Setback – Facing Street	6'	6'
Rear Setback	6'	6'
Over Sidewalks ⁽⁶⁾	3'	3'
Building Heights		
Maximum Building Height	55'	55'
Landscape Setback Buffer from Adjacent Low Density and Medium Density Residential Uses		
Landscape Buffer	20' min.	20' min.
Loading Spaces ⁽⁷⁾		
Industrial Areas	12' wide X 40' deep	12' wide X 40' deep
Notes		
¹ Alternative, new and innovative design solutions with variations from these development standards may be allowed per the Community		

Land Use Designations / Standards	Employment Districts ⁽¹⁾	
	Employment 1 (E1)	Employment 2 (E2)
<p>Services Director's discretion, provided they are substantially consistent with the design intent of these standards, the Design Guidelines and Specific Plan policies.</p> <p>² Front setbacks are measured from back of sidewalks. Side setbacks are measured from the side property line. Rear setbacks are measured from the rear property line. Setback widths specified herein may be adjusted upward on a case-by-case basis, subject to review by the Sutter County Fire Department, to ensure adequate access for fire protection vehicles.</p> <p>³ For any permitted public or civic use, a minimum setback of 15 feet shall be maintained between the building and adjoining lot containing or potentially containing a single-family residence.</p> <p>⁴ For Employment 1 uses, front yards may be reduced to 0 feet with buildings built to the back of sidewalks for lots within or adjoining village centers or the Town Center to create a more urban setting.</p> <p>⁵ A maximum of 40% of the front yard may be open on-grade parking. A minimum of 50% of the front yard and street side yard area excluding required parking shall be landscaped with green vegetation, grass, groundcover, shrubs, and trees. The total open parking area may be increased if pervious paving materials are used.</p> <p>⁶ A maximum 20-foot wide entry canopy or porte cochere is permitted over the front setback, provided a minimum of 200-foot spacing is maintained between two such structures.</p> <p>⁷ Loading spaces shall be located so that commercial vehicles shall not back onto a public street.</p> <p>⁸ The minimum open space ratio may be met through a combination of green vegetation, grass, groundcover, shrubs, trees, patios, decks, plazas, and paseos.</p>		

ARTICLE 10 OPEN SPACE DISTRICTS

1500-53-1010 Purpose

This Article provides regulations applicable to uses in the Parks, Open Space, and Industrial Drainage Basin designations set forth within the Specific Plan. These districts shall incorporate such uses as parks, recreational areas, on-site drainage ways and stormwater detention areas supporting active and passive recreation. The intent of this section is to implement the open space land use designations of the Sutter Pointe Specific Plan. Refer to Exhibit 4.1 in the Specific Plan for locations of parks and open space designations and to Exhibit 4.2 to show the various types of developed parks. The established open space districts are as follows.

- (a) **Parks (P) District** – The Parks district provides areas for active recreation, consisting of neighborhood, community and regional parks and may be used for school activities through agreement with the school district.
- (b) **Open Space (OS) District** – This district provides for passive recreation amenities, trails, a golf course, landscape buffers and stormwater detention basins and channels along SR 99/70 and parallel to major arterial streets.
- (c) **Industrial Drainage Basin (IDB) District** – The Industrial Drainage Basin district provides for stormwater drainage basins and channels located in employment or industrial portions of the Specific Plan area. These areas may also be used as recreational facilities during periods when not required to convey or retain stormwater.

1500-53-1011 Open Space Use Types

Uses permitted in open space districts are subject to the requirements of this Article as designated below:

- (a) Principal uses are designated as “P.” These uses are allowed in a zoning district and subject to the restrictions applicable to the district.
- (b) Conditional uses that require special use permits are designated as “U.” These uses are permitted in a particular zoning district upon showing that such use will comply with all the conditions and standards specified in the LUDC and authorized in a use permit, as provided for in Article 17 of this Chapter.
- (c) Administrative uses that require zoning clearance are designated as “Z.” These uses may be permitted in a zoning district upon administrative approval of the Development Services Department Director, as provided for in Article 18 of this Chapter.
- (d) Use types that are not listed in Table 53-8 are not permitted in the open space districts. Use types that are not permitted in one or more particular parks and open space district are designated as “N.”

Table 53-8: PARKS AND OPEN SPACE – PERMITTED USES

LEGEND:			
N - Not Permitted	P - Permitted		
U - Use Permit	Z - Zoning Clearance		
Use types not listed are not permitted			
Use Types	Open Space Districts		
	P	OS	IDB
Agriculture and Open Space Use Types			
Agriculture, interim	P	P	P
Open space recreation	P	P	P
Resource protection and restoration	P	P	P
Civic Use Types			
Community assembly	P	U	N
Community services	P	P	P
Infrastructure and utilities	P	P	P
Libraries and museums	P	N	N
Schools			
Elementary and secondary	U	N	N
Residential Use Types			
Accessory Dwelling Unit	Z	Z	Z
Junior Accessory Dwelling Unit	Z	Z	Z
Caretaker and employee housing	P	P	P
Commercial Use Types			
Commercial recreation			
Carnivals, fairs, and festival events	U	U	N
Indoor sports and recreation	U	N	N
Outdoor entertainment	U	U	N
Outdoor sports and recreation	P	U	N
Residential recreation facilities	U	U	N
Resort	N	U	N
Eating and drinking establishments			
Convenience (as an accessory use)	P	P	N
Full service (as an accessory use)	P	P	N
Farmer's market	Z	N	N
Retail sales and services	U	U	N

1500-53-1012 Open Space Development Standards

Permitted uses and associated structures in the P, OS, and IDB districts shall comply with the following development standards, in addition to any other applicable requirements of this Article.

Table 53-9: OPEN SPACE DEVELOPMENT STANDARDS SUMMARY

Minimum Lot Size	5,000 square feet
Minimum Lot Width	60 feet
Maximum Main Building Coverage	35% of lot
Minimum Front Setback (from back of sidewalks)	25 feet
Minimum Side Setback (from side property line)	6 feet
Minimum Rear Setback (from rear property line)	25 feet
Maximum Building Height	35 feet

ARTICLE 11

PLANNED DEVELOPMENT COMBINING DISTRICT (PD)

1500-53-1110 Application of Article Provisions

The specific regulations set forth in this Article shall apply to all Planned Development Combining Districts (PD) within the Specific Plan area.

1500-53-1111 Purpose

The purposes of this Article are:

- (a) To ensure the efficient use of land, shared open space, mixes of land use types and/or densities, establishment of civic and government facilities, variety and innovation in land development patterns, and other means to create integrated environments within the Mixed-Use district; and
- (b) To provide additional future options to facilitate desired mixes of land use types and/or densities within the East, West, and North Activity Centers and Mid Riego Neighborhood Center established within the Specific Plan; and
- (c) To allow development whose type or design responds to the physical, service, and functional consideration of the land in order to assure compatibility with adjacent land uses.

1500-53-1112 Establishment of Planned Development Combining Districts

Planned Development Combining Districts are established as follows:

- (a) Mixed-Use Districts – A Planned Development Combining District (PD) shall be applied to all properties zoned Mixed-Use (MU) upon adoption of this Chapter.
- (b) East, West, and North Activity Centers and Mid Riego Neighborhood Center – If approved by the Board of Supervisors consistent with the purposes of this Article and following a duly noticed public hearing, the PD District may be combined with other base zoning districts identified in Section 1500-53-410 of this Chapter located within the East, West, and/or North Activity Centers, and/or Mid Riego Neighborhood Center as identified on the Specific Plan land use map.

1500-53-1113 Development Plan Required

Development Plans are required within Planned Development Combining Districts as follows:

- (a) Mixed-Use Zoning district – Prior to or concurrent with design review approval or the filing of tentative subdivision maps for properties zoned MU, a Development Plan fulfilling the requirements set forth in Sections 1500-53-1114 through 1500-53-1123 of this Chapter shall be submitted to the Development Services Department and approved by the Planning Commission and Board of Supervisors. One Development Plan shall be submitted for the entire Town Center zoned MU located east of SR 99. A separate Development Plan shall be submitted for the entire parcel (or collection of parcels) zoned MU located west of SR 99.

- (b) East, West, and North Activity Centers and Mid Riego Neighborhood Center – Variations from the planned uses and intensities described within the Specific Plan on individual land use parcels within the East, West, and North Activity Centers and Mid Riego Neighborhood Center shall require a Development Plan indicating that the planned use does not exceed the planned number of units or non-residential square footage identified in the Specific Plan for the Activity Center. Applications for a Planned Development Combining District applicable to the East, West, and/or North Activity Centers, and/or Mid Riego Neighborhood Center shall be accompanied by a Development Plan fulfilling the requirements set forth in Sections 1500-53-1114 through 1500-53-1123 of this Chapter. Uses consistent with the planned uses and intensities described within the Specific Plan on individual land use parcels within the East, West, and North Activity Centers and Mid Riego Neighborhood Center do not require completion of a Development Plan.

1500-53-1114 Development Plan Contents

Development Plans submitted pursuant to Section 1500-53-1113 shall include, at a minimum, the following information to the satisfaction of the Planning Commission:

- (a) A statement of the proposed usage of the area covered, including:
- (1) Consistency of the proposed uses with the objectives, policies, guidelines and development capacity for the Planned Development area contained in the Specific Plan and Design Guidelines;
 - (2) Specific uses to be allowed in the area, including proposed location and intensity of uses;
 - (3) Special design limitations to be imposed on the proposed development of the area; and
 - (4) Landscaping, screening, and aesthetic minimums for the proposed development.
- (b) A site plan, drawn to scale, showing:
- (1) The boundaries of the property;
 - (2) The existing and proposed topography;
 - (3) The width, location, names, and any proposed dedication and improvement of the adjacent streets.
 - (4) The location, dimensions, floor area, and uses of all existing and proposed buildings and structures in the area, including floor plans, as well as identification of all on-site public infrastructure;
 - (5) All proposed landscaping and associated maintenance facilities;
 - (6) Proposed access and external vehicle, pedestrian and bicycle circulation;
 - (7) The layout of the parking facilities and internal vehicle, pedestrian, and bicycle circulation;
 - (8) Any signing for the development, including its location, size, shape, and height;
 - (9) The location, dimensions and composition of any fences or walls;
 - (10) Any other specific information deemed necessary by the Planning Commission for the review of the specific project.

- (c) Planned Development applications consisting of a development of four or more buildings, tenants or uses shall include a Planned Sign Program, as described in Section 1500-53-1321 of this Chapter.
- (d) All Planned Development applications shall include a Design Review process, as described in Section 1500-53-1122 and Article 20 of this Chapter.

Any of the information required by this Section may be waived by the Community Service Director provided sufficient regulation is specified in the development plan to accomplish the purposes set forth in this Article.

After a PD classification has been applied to a parcel of land and a development plan has been adopted by the Board of Supervisors, no development, land improvement, building construction or use of land shall be commenced which is not in conformity with the adopted and currently valid Development Plan for the subject property. Failure to comply with this provision will constitute a violation of the provisions of this Chapter.

1500-53-1115 Uses Permitted

All uses which are permitted in the base district to which the Planned Development Combining District is applied, including uses which are only allowed by use permit, shall be permitted providing those uses are approved and made a part of the Development Plan as provided in Section 1500-53-1114 of this Article. Additional uses which support an approved use which would not otherwise be permitted in the basic district may be approved in a development plan where there is a clear demonstration that the use is intended to serve the development, and the use would be consistent with the Specific Plan.

1500-53-1116 Density

The density of the development shall be limited to the density allowed by the base district and the Specific Plan.

1500-53-1117 Lot Area

The minimum lot area shall be the same as provided in the base zoning district, except where otherwise approved in the Development Plan.

1500-53-1118 Lot Width

The minimum lot width shall be the same as provided in the base zoning district, except where otherwise approved in the Development Plan.

1500-53-1119 Percentage of Lot Coverage

The maximum percentage of lot coverage shall be the same as provided in the zoning district identified in Section 1500-53-510 of this Chapter, except where otherwise approved in the Development Plan.

1500-53-1120 Building Height

The maximum building height shall be the same as provided in the zoning district, except where otherwise approved in the Development Plan.

1500-53-1121 Front, Side and Rear Yards

The minimum front, side, and rear yards shall be the same as provided in the zoning district identified in Section 1500-53-510 of this Chapter, except where otherwise approved in the Development Plan.

1500-53-1122 Design Review Approval Integrated

Design Review submittal requirements and Planning Commission approvals required by Article 20 of this Chapter may be incorporated within the Development Plan and considered as part of the Development Plan review and approval process.

1500-53-1123 Amendments to Development Plans

Amendments to or adoption of a new development plan may be made by the resubmission of a development plan pursuant to this Article to the Planning Commission for approval at a duly noticed public hearing. Any such request for an amendment to or adoption of a new planned development plan shall be accompanied by a fee as established by resolution of the Board of Supervisors.

1500-53-1124 Expiration of Development Plan

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, unless otherwise specified in a Development Agreement.

ARTICLE 12

SPECIAL FLOOD PLAIN COMBINING DISTRICT (FP)

1500-53-1210 Purpose

The purpose of this section is to identify those lands within the E1 zoning district of the Specific Plan area that are required to store or convey Sankey Gap overflows that limit(s) the practical uses of the property otherwise permitted within the primary E1 zoning district. The intent of this section is to implement the E1 Interim Flood Zone (E1F) land use designation of the Sutter Pointe Specific Plan. Refer to Exhibit 3.6 in the Specific Plan for locations of E1F designated lands and the Zoning Map maintained by the Planning Division for the E1-FP zoning district.

In any such district, the regulations of Section 1500-53-1212 shall apply in addition to those specified for such district, provided that if conflict in regulations occurs, the regulations of Section 1500-53-1212 shall govern.

1500-53-1211 Establishment of Special Flood Plain Combining District

A Special Flood Plain Combining District (FP) shall be applied to all properties zoned Employment 1 (E1) as specified in Section 1500-53-910 of this Chapter and designated E1 Interim Flood Zone (E1F) in the Specific Plan. These areas are identified in the Specific Plan as interim on-site storage for the Sankey Gap overflow.

The FP Combining District may be removed from properties upon adoption of an ordinance by the Board of Supervisors or at such time as the lands are no longer needed to convey and store the Sankey Gap overflow. Following such action by the Board of Supervisors, uses of the property otherwise permitted within the E1 zoning district are permitted, as specified in Section 1500-53-910 of this Chapter.

1500-53-1212 Special Provisions

- (a) No residential buildings shall be permitted on ground lower than one (1) foot above the elevation specified on the zoning map of the particular district or on the Federal Emergency Management Agency's Flood Zone Map for 100 year storm protection.
- (b) Recreational, commercial and industrial buildings and structures related directly to the harvesting and storage of agricultural products grown in the district or related to the storage or loading of agricultural or sand and gravel products for transshipment by waterborne conveyance, and heights for such buildings and structures in excess of those allowed by the base zoning district with which the FP District is combined, may be permitted upon the approval of a use permit.

ARTICLE 13 SIGNS

1500-53-1310 Purpose

The purpose of this Article is to provide standards for the regulation of signs in order to

- (a) Safeguard life, health, and public welfare;
- (b) Enhance property values;
- (c) Protect public and private investment in buildings and open spaces;
- (d) Inform nonresidents who come to visit or conduct business;
- (e) Encourage sound signing practices as an aid to business and for the information of the public;
- (f) Prevent excessive and confusing sign displays;
- (g) Reduce hazards to motorists and pedestrians; and
- (h) Ensure the quality of the Specific Plan area's appearance as a place to live and work.

1500-53-1311 Standard Provisions

The policies, rules and regulations stated in this Section apply to all signs within the regulatory scope of this Chapter, and to all provisions of this Chapter, notwithstanding any more specific provisions to the contrary.

- (a) **Message Neutrality** – It is the County's policy to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.
- (b) **Regulatory Interpretations** – All regulatory interpretations of this Chapter are to be exercised in light of the County's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Article, or whenever a sign does not qualify as a "structure" as defined in the California Building Code, then the Development Services Department Director shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this Chapter.
- (c) **Substitution of Messages** – Subject to the land owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

- (d) **Non-communicative Aspects** – All rules and regulations concerning the noncommunicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.
- (e) **Discretionary Approvals** – Whenever any sign permit, exception, or other sign-related decision is made by any exercise of official discretion, such discretion shall be exercised only as to the non-communicative aspects of the sign, such as size, height, orientation, location, setback, illumination, spacing, scale, and mass of the structure, etc.
- (f) **Mixed-Use or Overlay Districts** – In any zoning district where both residential and non-residential uses are allowed, the sign-related rights and responsibilities applicable to any particular use shall be determined as follows: residential uses shall be treated as if they were located in the residential use where that type of use would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zoning district where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.
- (g) **Legal Nature of Sign Rights** – As to all signs attached to real property, the signage rights, duties and obligations arising from this Chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Chapter or other law), or the ownership of sign structures. This provision does not apply to hand held signs or other images which are aspects of personal appearance.

1500-53-1312 Applicability

Only signs specifically described and authorized in this Article shall be erected and/or maintained in any zoning district in the Specific Plan area. The number and dimension of signs outlined in this Article are intended to be maximum standards.

Provisions pertaining to the size, type, height, location and content of signs shall apply to all new signs erected in the Specific Plan area, and to any which were constructed or erected prior to adoption of this Chapter, and which did not comply with provisions set forth in this Chapter at the time of said sign's construction or erection.

If a new zoning district is created after the enactment of this Chapter, no signs shall be allowed within the district until this Chapter is amended to govern the new zoning district.

1500-53-1313 Sign Maintenance

Every sign displayed within the Specific Plan area shall be maintained in good physical condition. All signs, together with supports, braces, anchors, and electrical components, shall be kept in a safe, presentable condition. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, and painted where paint is required.

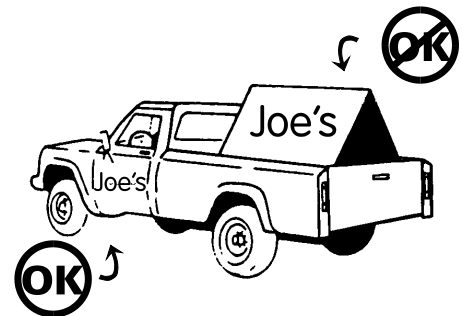
1500-53-1314 Measuring Sign Area

Sign area includes the entire face of the sign, including the surface and any framing, but not including the support structure. Individual letters on a building shall be measured by the area enclosed by a continuous line outlining the perimeter of the words, emblems, and logos. Where a sign has more than one face, each face shall be counted, except for double-faced signs with less than 24 inches between faces, in which case only one side shall be counted as the total area.

1500-53-1315 Prohibited Signs

The following signs are expressly prohibited:

- (a) Portable and/or A frame signs except as provided for under the "Special Event Signs" section of this Article.
- (b) Banners and inflatable displays – No banner, balloon or other inflatable display, canvas sign, pennant, streamer, bunting, wind sign or flag shall be permitted, except as temporarily permitted under the "Special Event Sign" section of this Article.
- (c) Flashing signs – No sign (including window sign, exterior lighting or window lighting) shall be permitted which is animated by means of flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination, except for date, time and temperature signs.
- (d) Signs on County property – No sign shall be located on County property or within the right of way of any County street without the expressed permission of the County.
- (e) Signs that move or show movement – No sign which rotates, spins, moves or shows movement (except for date, time and temperature signs) shall be permitted.
- (f) Noise or smoke – No sign or device which emits audible sound, odor or visible matter shall be permitted.
- (g) Posters – The tacking, painting, pasting or otherwise affixing of signs or posters of a miscellaneous character, visible from a public right of way, located on the walls of a building, bars, shed, on trees, poles, posts, fences, or other structures, or anywhere on public property is prohibited.
- (h) Roof signs.
- (i) Traffic hazard – No sign shall be permitted at or near any street intersection in such a manner as to obstruct free and clear vision of motor vehicle operators or at any location where by reason of its position, intensity of light, shape or color, it may interfere with or be confused with any authorized traffic sign, signal, or device or which makes use of a work symbol, phrase, shape or color in such a manner as to interfere with, mislead, or confuse traffic.



- (j) Vehicle signs – 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 objects and where the primary purpose of the sign and vehicle or other similar object upon which the sign is attached or affixed is for advertising purposes
- (k) Billboards – The County completely prohibits the construction, erection or use of any billboards, other than those which legally exist in the Specific Plan area, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. The County adopts this policy pursuant to California Government Code Section 65850, California Business and Professions Code Sections 5354(a) and 5408.3 (both effective January 1, 2003). No permit shall be issued for any billboard which violates this policy, and the County will take immediate abatement action against any billboard constructed or maintained in violation of this policy. The Board of Supervisors affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Chapter. The Board of Supervisors intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This provision does not prohibit agreements to relocate presently existing, legal billboards, so long as such agreements are not contrary to state or federal law.

1500-53-1316 Exempt Signs

The following signs shall be exempt from the provisions of this Chapter:

- (a) Address signs, including house and business address numbering signs.
- (b) City/County entrance signs – Signs erected in or near the County or a city boundary, 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.
- (c) Civic signs – Memorial signs and plaques installed by a civic organization recognized by resolution of the County Board of Supervisors.
- (d) Civic event signs.
- (e) Developer/Contractor Construction Signs – Development/contractor’s construction sign(s) not to exceed 50 square feet per project exterior street frontage and not to exceed 10 feet in height, with the name of the subdivision, development, building contractor, architect, or real estate firm, which may refer to materials, appliances, supplies, and building trades used in the construction of the development or services provided by the developer, may be allowed, during the period the project remains under construction.
- (f) Directional signs of less than six square feet each.
- (g) Flags – Up to four official governmental flags of a state, nation, or political subdivision, and nationally or internationally recognized organizations.
- (h) Off site garage/yard sale signs – Limited to two such signs, having a maximum of five square feet and not to exceed six feet high each, located on private property with the property owner’s permission. All signs are to be removed within 24 hours of the conclusion of the sale.

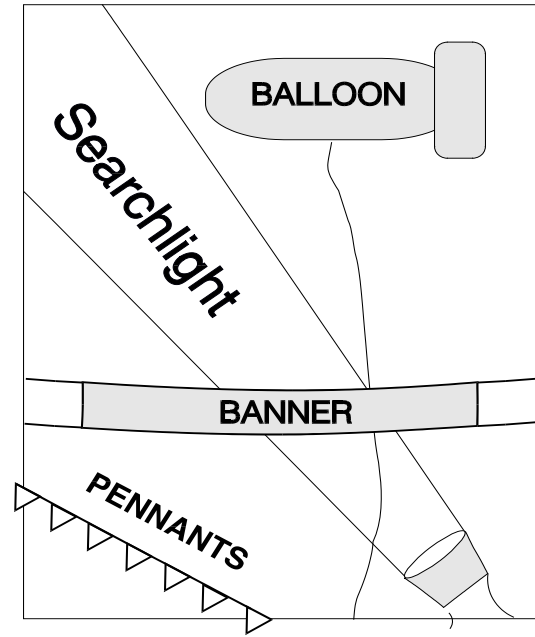
- (l) Gasoline price signs – Only that portion of the area of a gasoline price sign necessary to comply with the minimum State sign requirements.
- (j) Indoor signs – Signs within a structure and not visible from the outside or public right of way.
- (k) Notices – Official and legal notices issued by a court or governmental agency.
- (l) Real estate signs – The following exemptions apply to each for-sale property:
 - (1) Residential zoning districts – One per street frontage not to exceed six square feet in area and not to exceed a height of six feet.
 - (2) Commercial and Employment zoning districts – One per street frontage not to exceed 32 square feet in area and not to exceed a height of eight feet.
 - (3) Such real estate signs shall be removed within seven days after the sale, rental or lease of the property has been accomplished.
 - (4) Up to four off site directional signs, to a maximum of four square feet each and three feet in height, directing traffic to open houses and subdivisions involved in real estate sales may be permitted in any zone providing that:
 - (A) The sign does not obstruct sight clearance,
 - (B) The owner of the property on which such directional sign is posted has agreed to such posting, and
 - (C) Such directional signs are removed at the close of business on each day.
- (m) Repair and change of copy – Includes repair, clean, repaint, or refurbish of any existing sign, or change in the copy of any sign. This provision does not authorize off-site commercial messages or conversion of an existing sign to general advertising use.
- (n) Construction and residential development project signs – Construction signs and development project signs are exempt from the provisions of this Chapter provided, however, that such construction and development project signs shall comply with the following regulations:
 - (1) Not more than one such sign shall be erected for every 1,000 feet of street frontage, or portion thereof, per project.
 - (2) Such signs do not exceed 32 square feet in area. The maximum height of such signs shall be six feet unless the sign is located on an existing sound wall in which case the maximum height shall be the height of the fence or soundwall.
 - (3) Such signs for individual single-family homes do not exceed six square feet in area and four feet in height.
 - (4) No such sign shall be illuminated or contain any moving parts.
 - (5) All such signs shall be removed within 10 days after issuance of the last occupancy permit for the project.

- (o) Subdivision flags – 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 two flags per model home and four 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 four flags may be utilized in addition to those at the subdivision entrance.
- (p) Traffic signs – Traffic, directional, warning, or informational signs required or authorized by a governmental agency.
- (q) Window signs – Signs not exceeding three square feet and limited to business identification, hours of operation, “open/closed”, address, and emergency information and two advertising signs not exceeding four square feet in area each shall be permitted in addition to other permitted signs.
- (r) Permanent building signs which are two square feet or less in any residential zoning district.
- (s) Temporary signs in any Residential zoning district – Temporary non-commercial signs that meet all of the following criteria are exempt.
 - (1) No individual sign shall exceed six square feet.
 - (2) Not more than six square feet of sign shall be maintained at any one time on a single parcel or lot.
 - (3) Notwithstanding the foregoing, 90 days prior to and 10 days following an election no more than an aggregate total of 128 square feet of temporary non-commercial signs may be maintained at any one time on a single parcel or lot, provided that each individual sign shall not exceed six square feet.
 - (4) No sign shall be placed on public property or within any public right of way.
 - (5) No sign shall be placed on private property without the permission of the property owner or tenant.
 - (6) Non-commercial signs which are not temporary, or are otherwise not within the exemptions of this section, are permitted in all zones subject to the provisions of this Chapter pertaining to signs.
- (t) Temporary noncommercial signs located in any Commercial or Employment zoning district for the period commencing forty-five days before a general or special election (as defined in the California Election Code) to be conducted within the Sutter Pointe Specific Plan area, and ending five days after such elections.
- (u) Utility signs – Signs not exceeding two square feet in area which designate the location of a public utility facility available for public use, including telephones.
- (v) Political signs – Signs containing political statements or viewpoints.

1500-53-1317 Special Event Signs

Temporary, 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 subject to securing a zoning clearance for each special event. For purposes of this Section, special events shall include promotion of a new business, sale of new products, new management, new hours of operation, a new service, or promotion of a special sale. The use of special event signs is limited to properties located in Commercial and Employment zoning districts.

- (a) Applications for zoning clearances shall be made with the Development Services Department and shall be accompanied by a filing fee as may be specified by resolution of the Board of Supervisors, a plot plan showing the location of the sign on the parcel, and an elevation showing the height, size, and copy of the sign.
- (b) Applications for zoning clearance for special event signs, regardless of the number or location of such signs, shall be accompanied by a filing fee as may be specified by resolution of the Board of Supervisors and a cash deposit in the amount of \$150.00 to assure the removal of such signs in accordance with the provisions of this Code. If such special event signs are not removed within the required time, the County may remove such signs and the cost of such removal may be charged against the deposit.
- (c) Unless otherwise provided, Zoning Clearances shall be issued pursuant to Article 18 of this Chapter.



1500-53-1318 Seasonal Displays

For developed lots which are commercially zoned, temporary displays may be suspended from the parking lot light standards, such as bunting used to attract attention to a retail property or properties, provided:

- (a) The display does not advertise a company, product or special event associated with an individual business; and
- (b) The display is designed so it does not obstruct traffic, sight distance, parking area lighting or existing directional signs.

1500-53-1319 Modification of Nonconforming Signs

Notwithstanding other provisions of this Chapter, no nonconforming sign shall be in any manner structurally altered, remodeled or moved without being made to comply in all respects with the provisions of this Article; provided, however, that nothing herein shall prohibit the normal maintenance or repair of any nonconforming sign nor the painting or repainting or otherwise changing of the face thereof.

1500-53-1320 Sign Height

When a sign which is not attached to a building is located below the grade of the adjacent right-of-way, the sign's height may be increased so that the bottom of the sign panel is equal to the elevation of the crown of the road. In no case may the sign's height be increased by more than two feet. In all cases, all setback requirements shall be maintained.

1500-53-1321 Planned Sign Programs

A Planned Sign Program may be established by requirement of this Section or voluntarily proposed for specific developments. Upon approval of a Planned Sign Program, the rules stated within this Article as to sign size, height, illumination, spacing, orientation or other non-communicative aspects of signs may be modified, but may not override or modify any of the standard provisions in Section 1500-53-1311. All the provisions of this Section shall automatically apply to and be deemed a part of any Planned Sign Program approved after the date on which this provision is initially adopted.

(a) A Planned Sign Program is required for:

- (1) Sign criteria that establish guidelines for specific signs or future signs in a development of four or more buildings, tenants, or uses, located in the RC, CC, NC, MU, or E1 zoning districts and/or the PD Combining District intended to function in a joint manner, regardless of sequence of build-out. Characteristics of such development may include, but are not limited to, shared parking facilities, reciprocal access, and common building design. Such development may include multiple tenants or owners, freestanding pad buildings, and may be situated on one or more lots or parcels.
- (2) Replacement or significant modification of an existing Planned Sign Program.

(b) A Planned Sign Program is optional for all other signs.

(c) If the provisions of an approved Planned Sign Program conflict with other provisions of this Chapter, whichever provision is more restrictive shall control.

(d) Upon approval of a Planned Sign Program, all future signs erected in the area governed by the Program shall conform to the Program, and no sign permits shall be issued for signs not in conformance with the criteria of the Program. Relief from the provisions or criteria of a Planned Sign Program may be granted only with the approval of a new Planned Sign Program, or modification to the Program.

1500-53-1322 Planned Sign Program Approval Process

Applicants should contact the Development Services Department to schedule a preliminary application meeting to clarify the County approval process for their Planned Sign Program application and to initiate a preliminary design review. Once a Planned Sign Program application is formally submitted and deemed complete, the Development Services Department Director will review the application for compliance with adopted design standards. For Planned Sign Programs submitted as part of a Planned Development approval, the Planned Sign Program must be processed concurrently with the Development Plan, and will be subject to Planning Commission review and action.

- (a) Applications for a Planned Sign Program shall be filed with the Development Services Department upon forms provided for that purpose. The application shall be accompanied by a non-refundable fee as established by Board of Supervisors resolution. The application shall contain:
- (1) The name, address and telephone number of the owner(s) of the property upon which the Planned Sign Program will apply and the owner's signed consent to the application;
 - (2) Names, addresses and telephone number of all other owners of property within the development and their signed consent to the application;
 - (3) Three copies of a site plan for the property upon which the sign(s) is to be located, depicting the location of existing and proposed building(s), and existing and proposed freestanding sign(s);
 - (4) Three copies 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;
 - (5) Three copies of a scaled building elevation plan indicating the sign location (wall signs only);
 - (6) 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;
 - (7) A description of the property to be governed by the Planned Sign Program; and
 - (8) Additional copies of the above listed information if the project requires a public hearing by the Planning Commission.
- (b) Planned Sign Programs filed independently from Planned Development applications may be approved administratively by the Development Services Department Director via the Design Review process established in Article 20 of this Section. Planned Sign Programs filed as part of a Planned Development application may be approved by the Planning Commission via the Planned Development review process established in Article 11 of this Section. An approved Sign Program may be modified by the Development Services Department Director, who shall have the authority to approve, conditionally approve or deny an application to modify a Planned Sign Program. The Development Services Department Director shall not approve the Planned Sign Program unless the following findings are made:
- (1) The Planned Sign Program is consistent with the provisions and intent of this Chapter; and
 - (2) The Planned Sign Program is in harmony with, and visually related to the buildings within the Planned Sign Program and the surrounding development.
- (c) If in the opinion of the Community Services Director, the proposed Planned Sign Program is not substantially in conformance with the requirements of this Chapter, or that because of its location, size, or design that a public hearing is warranted, the Development Services Department Director may deny the project, thus allowing the applicant to appeal the decision to the Planning Commission for consideration.

1500-53-1323 Sign Permit Application Requirements

Unless the sign is exempt from this Chapter pursuant to Section 1500-53-1316, a sign permit must be obtained prior to the erection of any sign. Applications for a Sign Permit shall be filed with the Development Services Department upon forms provided for that purpose. The application shall be accompanied by a non-refundable fee as established by Board of Supervisors resolution. At a minimum, the application shall contain:

- (a) The name, address and telephone number of the owner(s) of the property upon which the sign is to be placed;
- (b) The name, address and telephone number of the person who will erect the sign;
- (c) The signature, name, address and telephone number of the applicant, if other than the owner or sign installer;
- (d) Three copies 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 freestanding sign(s);
- (e) Three copies of a sign plan depicting the sign(s) including dimensions, colors, materials and type of illumination; and
- (f) Three copies of a scaled building elevation plan indicating the sign location (wall signs only).

Applications pursuant to this Article which are subject to Design Review shall be filed with the Development Services Department in conjunction with a Design Review permit application, as described in Section 1500-53-2011.

1500-53-1324 Sign Development Standards

Permanent signs shall be utilized only where necessary, and in an understated manner, emphasizing an image of permanence and quality. Signs shall utilize materials and coatings which are permanent, durable, and vandal resistant. Signs shall be designed as an integral part of the community image and shall blend into the overall setting, subject to the provisions by sign type and zoning district contained in Table 53-10 below.

Table 53-10: SIGN STANDARDS

Sign Type	Maximum Number	Maximum Area Per Sign	Maximum Height	Text	Location Requirements	Lights Allowed
Residential and Open Space Districts (LDR, MDR, HDR, P, OS, IDB)						
Monument Signs	One per building site	40 sq.ft.	8 feet	Name, logo and nature of occupancy of the building to be advertised. For public, quasi-public, churches and similar uses a changeable copy sign is permitted provided it occupies no more than 50% of total sign area.	5 feet from all property lines. Sight distances and yard setback requirements must be maintained.	Yes, externally or internally.
Directory Signs	One per building complex	8 sq.ft.	8 feet	Name and nature of the occupancy to which the sign is directing the public.	As near the main entrance of the complex as possible.	Yes, externally or, if internally only between the hours of 6 a.m. and 10 p.m.

Sign Type	Maximum Number	Maximum Area Per Sign	Maximum Height	Text	Location Requirements	Lights Allowed
Wall Signs	One sign per street frontage	32 sq. ft.	No part of any sign shall be higher than 25 feet from the finished grade of the ground below the sign to the highest elevation of the sign structure.	Name, logo and nature of occupancy of the building to be advertised. For public, quasi-public, churches and similar uses a changeable copy sign is permitted provided it occupies no more than 50% of total sign area.	Attached to building below eaves.	Yes, externally or internally.
Changeable Copy Signs	One attached to a wall or monument sign.	50% or less of total permitted sign area to which it is attached.		Limited to the activities and events to be offered by the use.		Yes, externally or internally.
Commercial and Employment Districts (RC, CC, NC, MU, E1, E2)						
Monument Signs	One sign per each 300 feet of lineal street frontage with no more than two signs per street and not to exceed three signs per site.	See Table 53-11.	See Table 53-11.	Name, logo, and nature of occupancy of the building or business to be advertised.	On or within 5 feet from all property lines. Sight distance and yard setback requirements must be maintained.	Yes, externally or internally.
Directional Signs	One for one-way, two for two-way driveways.	4 sq.ft.	4 feet	Directional and regulatory information, with no more than 20% of the sign area to identify the occupancy.	Outside of public right-of-way.	Yes, during the business hours only.
Directory Signs	One per building frontage	12 sq.ft.	8 feet	Name and nature of the occupancy to which the sign is directing the public.	As near the main entrance of the complex as possible.	Yes, during the business hours only.
Commercial and Employment Districts (RC, CC, NC, MU, E1, E2)						
Wall Signs	None, but total signage limited to maximum sign area	1-1/2 sq.ft. for each one foot of building frontage.	Not to exceed the building eaves of the building to which it is affixed.	Name, logo, and nature of occupancy of the building or business to be advertised. For buildings 100,000 square feet and larger directly abutting a freeway, the combined area of all wall signs for a building shall not exceed 20% of the building façade up to a maximum of 300 square feet per use.	Attached to building below eaves.	Yes, externally or internally.
Changeable Copy Sign	One attached to a wall or monument sign.	50% or less of total permitted sign area to which it is attached.		Traditional or electronic copy limited to the activities and events to be offered by the use.		Yes, externally or internally.

Sign Type	Maximum Number	Maximum Area Per Sign	Maximum Height	Text	Location Requirements	Lights Allowed
Electronic Signs	One per building elevation	30 square feet each, to be included in the cumulative total of wall sign area to which it is attached.		Permitted as part of wall signs for automotive sales and indoor entertainment use types only.	Located within 10 feet of a box office, ticket window, or building entrance. Signs shall be pedestrian oriented and shall not be located for the purpose of being readable from the street. Content shall be limited to noncommercial and on-site commercial messages, in any combination, but shall not include off-site commercial messages.	Yes, externally or internally.
Projecting Wall Signs	See wall signs	Not to exceed area allowed for wall signs.	Not to exceed the building eaves of the building to which it is affixed.	Limited to the name, nature and logo of the occupancy of the building or business to be advertised. May only be attached to the building to which the copy relates.	Lowest portion of sign must be minimum of 8 feet above the average grade or top of the sidewalk. May not project more than 4 feet from the wall to which it is attached.	Yes, externally or internally.
Awning/ Canopy Signs	See wall signs	50% of the total awning/ canopy area. Not to exceed area allowed for wall signs.	Not to exceed the building eaves of the building to which it is affixed.	Limited to the name, nature and logo of the occupancy of the building or business to be advertised.	Lowest portion of sign must be minimum of 8 feet above the average grade or top of the sidewalk.	Yes

Sign Type	Maximum Number	Maximum Area Per Sign	Maximum Height	Text	Location Requirements	Lights Allowed
Suspended Signs	One double-face sign per business entrance. Signs must be uniform in color and design for all tenants identified within the center.	6 sq.ft.	Must be located under a covered walkway and perpendicular to the walkway.	Limited to the name, nature and logo of the occupancy of the building or business to be advertised.	Lowest portion of sign must be minimum of 7 feet above the average grade or top of the sidewalk.	No
General Standards						
<ol style="list-style-type: none"> 1. The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness shall not cause adverse glare to surrounding areas. 2. At street intersections, no sign exceeding thirty inches in height shall be erected within the "clear view zone." 3. Signs placed at or near driveway entries shall not obstruct the view of drivers entering or leaving driveways. 4. Signs shall not be placed on trees, utility poles, benches, and fences. 5. Signs shall not be placed in such a manner as to obstruct a door or fire escape of any building. 6. Freestanding signs shall be set back a minimum of three feet from any property line adjacent to a street or the street right-of-way. 7. Signs shall not be placed and/or designed in such a manner as to create a traffic hazard. Examples of such sign placement and/or design include, but are not limited to, signs which interfere with traffic sight distances, traffic flow or the visual access to a traffic sign; and signs with color, configuration, text, or location which cause them to be mistaken for, or otherwise imitate, a traffic sign or signal. 8. Permanent signs shall be constructed of durable materials. 						

Table 53-11: BUILDING SQUARE FOOTAGE TABLE

Building Square Footage Area	Maximum Area Per Sign	Maximum Height Per Sign
1 to 50,000 sq. ft.	80 sq. ft.	12.5 feet
50,001 to 100,000	96 sq. ft.	15 feet
100,001 to 150,000	112 sq. ft.	17.5 feet
Over 150,000 sq. ft.	128 sq. ft.	35 feet

1500-53-1325 Removal of Prohibited and Non-conforming Signs

- (a) Non-conforming signs in all zoning districts shall comply with the regulations set forth in Article 21, Nonconforming Uses, of this Chapter.
- (b) Prohibited signs installed, or erected, after the date of adoption of this Chapter shall be removed, at no cost to the County, within 30 days upon written notice from the County.

ARTICLE 14

OFF-STREET PARKING AND LOADING

1500-53-1410 Purpose

This Article establishes the requirements for off-street parking and loading areas within the Specific Plan area.

The purpose of this Section is to:

- (a) Provide for general welfare and convenience by ensuring sufficient off-street parking and loading facilities in proportion to meet the needs generated by specific uses;
- (b) Promote vehicular and pedestrian safety by reducing street congestion and traffic hazards;
- (c) Provide and maintain safe, accessible, attractive, secure, and well-designed off-street parking and loading facilities;
- (d) Minimize the appearance of large expanses of paved areas on a site;
- (e) Encourage the use of alternative modes of transportation and other trip reduction methods; and
- (f) Ensure access and maneuverability for emergency vehicles.

1500-53-1411 Applicability

Except as otherwise provided in established Development Agreements or approved Development Plans, 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 of the Sutter County Zoning Code in effect on the project approval date or being subject to the provisions required herein.
- (b) **Change in Use** – When the use of any building, structure, or premises is changed, increasing the intensity such that the change creates an increase of more than 10% in the number of off-street parking spaces required by the change, additional off-street parking spaces shall be provided in accordance with the requirements of this Article.
- (c) **Modification to Existing Structures** – Whenever an existing building or structure is modified such that it creates an increase of more than 10% increase in the number of off-street parking spaces required by the modification, additional off-street parking spaces shall be provided in accordance with the requirements of this Chapter. However, if said building or structure was erected prior to the effective date of this Ordinance, additional parking or loading facilities shall be mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this Ordinance.

1500-53-1412 General Parking Regulations

- (a) Minimum and Maximum Parking Requirements – Unless off-street parking reductions are permitted pursuant to other provisions in this Article, the number of off-street parking spaces required in Table 53-12 shall be considered the minimum necessary for each use. In conjunction with discretionary development permits, the Development Services Department Director may increase these parking requirements if it is determined that these requirements are inadequate for a specific project. The Development Services Department Director may also decrease the required parking for a specific use as specified in Section 1500-53-1417.
- (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 Article. A driveway providing access to a street may be located within a front or street side setback.
 - (3) Parking spaces shall not preclude direct and free access to stairways, walkways, elevators, any pedestrian access way, or fire safety equipment. Such access shall be a clear minimum width of 44 inches, no part of which shall be within a parking space.
- (c) General Use Provisions
- (1) Automobile Parking Only – Parking facilities shall be used for automobile parking only. No sales, dead storage, repair work, dismantling, or servicing of any kind shall be permitted without necessary permits for such use. The only exception to this rule is for temporary use of parking areas when the remaining number of unobstructed parking spaces complies with the minimum parking requirements for the permanent use(s) of the property in accordance with Table 53-12.
 - (2) Residential Guest Parking – For residential tenant and guest parking, the spaces must be marked per the required minimum standards for tenant and guest parking.
 - (3) Park and Ride Spaces – When park and ride spaces are provided in a non-residential center, such spaces may be counted towards the required parking for the project site provided the peak use of the project does not coincide with the park and ride reserved hours. Typically park and ride spaces are reserved for park and ride uses Monday through Friday from 6:30 am to 6:30 p.m.
- (d) Regulations for Vehicles, Trailers, and Vessels
- (1) Inoperable/unregistered Vehicles, Trailers, and Vessels – Any vehicle, trailer, or vessel which is inoperable and/or without current registration shall be stored entirely within an enclosed structure and shall not be parked or stored in any yard within a residential zoning district or neighborhood.
 - (2) Commercial Vehicle Parking – Commercial vehicles weighing five tons or more are prohibited on any street or parcel within a residential zoning district. Additionally, in order to maintain public safety and residential

character, commercial vehicles weighing more than one ton may only park on residential streets and/or lots long enough for typical residential delivery and pickup, moving, and towing. Commercial vehicles weighing less than one ton may be permitted in residential zoning districts and neighborhoods consistent with applicable provisions of this LUDC pertaining to home occupations.

- (3) Recreational Vehicle Parking – Recreational vehicles of an owner, tenant, guest, or visitor may be parked on any highway (street) for a maximum period of 72 hours. Any request to extend this period for guests and visitors shall be submitted in writing to the County Sherriff for consideration and authorization. Recreational vehicle storage is prohibited in required front and street side yards. However, recreational vehicle parking is permitted outside of required front and street side yard setback areas and within interior side and rear yards when screened by a solid six-foot tall fence, wall, and/or landscape barrier.

1500-53-1413 Calculation of Parking Requirements

- (a) Application of Parking Requirements – The following terms are used throughout the parking tables and are defined below:
 - (1) “Square feet” means “gross square feet” and refers to building area unless otherwise specified. “Use area” means the total of gross building/tenant space area plus the gross area of any outdoor/storage/activity.
 - (2) Where parking spaces are required based on a per employee ratio, this shall be construed to be the total number of employees on the largest working shift.
 - (3) For the purpose of calculating residential parking requirements, dens, studies, or other similar rooms that may be used as bedrooms shall be considered bedrooms.
 - (4) Where the number of seats is listed to determine required parking, seats shall be construed to be fixed seats. Where fixed seats provided are either benches or bleachers, such seats shall be construed to be not more than 18 linear inches for pews and 24 inches for dining, but in no case shall seating be less than determined as required by the Uniform Building Code.
- (b) Calculation and 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 Commercial Centers – Except as otherwise provided in this Article, a project shall provide parking in the sum of all users within the project, as specified in Table 53-12, regardless of whether or not the parking is provided on a single or multiple parcels. In addition:
 - (1) Where parking is provided on multiple parcels, reciprocal parking and access agreements shall be recorded to provide equal use and access to parking for all users within the commercial center or building complex.
 - (2) Where a project contains more than one major use classification (such as a residential and a commercial use), the amount of parking to be provided shall be the total of that required for each use, except as otherwise provided within Section 1500-53-1417.

- (d) New Buildings/Developments with Unknown Tenants – If the type of tenants that will occupy a non-residential building(s) or commercial center are not known at the time of the development entitlement or building permit approval, the amount of parking shall be the minimum number of spaces required by Table 53-12 for the most intense land use allowed within the underlying zoning district that can reasonably be accommodated within the entire structure/project, as determined by the Development Services Department Director. The Development Services Department 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 1500-53-1417.
- (e) Tenants/uses with Multiple Functions – When a tenant of a building has several functions, such as retail and office space, the amount of parking for the tenant shall be calculated as required in Table 53-12 for the primary use, using the gross floor area of the building.
- (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 53-12 for the wholesaling and distribution use type (in addition to the parking requirements for the primary use of the building).
- (g) Use Types Not Listed – The number of parking spaces required for use types not listed in Table 53-12 shall be determined by the Development Services Department Director based on common functional, product, or compatibility characteristics and activities, as provided in Section 1500-53-614 (Classification of Uses Not Specifically Listed).

1500-53-1414 Number of Spaces Required by Use Type

The number of off-street parking spaces required for new uses shall be based upon the use types listed in Table XX, below. The following terms are used throughout the table and are defined below:

- ▶ "Square feet" means the total gross building/tenant space area
- ▶ "Use area" means the total of gross building/tenant space area plus the gross area of any outdoor storage or activity.

Table 53-12: OFF-STREET PARKING REQUIRED BY USE TYPE

Use Types	Number of Off-Street Parking Spaces
Civic Use Types	
Community assembly	
Churches, temples, synagogues, and other places of worship	One space per three fixed seats or 1:50 sq. ft. for non-fixed seats in the assembly area, plus one per classroom.
All other community assembly uses	One space per three fixed seats or 1:100 sq. ft. used for assembly.
Hospital services	One space per bed, plus one space per 300 sq. ft. used for office, clinics, testing, research, or administration.
Libraries and museums	One space per 400 sq. ft. of gross floor area.
Public parking services	As determined in Design Review approval.

Use Types	Number of Off-Street Parking Spaces
Schools	
College and university	As determined in Design Review approval.
Elementary and secondary Private elementary and secondary	Elementary/junior high: Two spaces per classroom, plus 60 lineal feet of loading area per 100 students. High School: Seven spaces per classroom, plus 60 lineal feet of loading area per 200 students.
Social services	One space per 500 sq. ft. of floor area.
Temporary resident shelter	One space per 500 sq. ft. of floor area.
Residential Use Types	
Caretaker and employee housing	One space per employee.
Community care facility	
Large	Two spaces per dwelling, plus 0.5 space per sleeping room (a maximum of two spaces may be located within the front setback).
Small	Two spaces per dwelling.
Dwelling	
Multi-family	One space per studio or unit containing one bedroom. 1.5 spaces per unit containing two bedrooms. Two spaces per unit containing three or more bedrooms. Projects with 10 or more units shall provide one additional space per 10 units or portion thereof.
Single-family and Two-family	Two spaces per unit. If five or more bedrooms are provided in one unit, then one additional space shall be provided.
Family day care home	
Large	One additional space per employee not residing in the home.
Small	No requirement beyond single-family dwelling.
Mobile home	Two parking spaces per unit.
Rooming and boarding houses	Two spaces per dwelling, plus 0.5 space per sleeping room (a maximum of two spaces may be located within the front setback).
Accessory Dwelling Unit or Junior Accessory Dwelling Unit	No additional spaces required beyond those required for the primary dwelling on the property.
Commercial Use Types	
Animal sales and services	
Grooming and pet stores Kennels	One space per 300 sq. ft.
Veterinary clinic Veterinary hospital	One space per 250 sq. ft.
Automotive and equipment	
Automotive rentals Automotive repairs Automotive sales	One space per 500 sq. ft. gross floor area for office, showroom, vehicle repair and parts department; plus one space per 10,000 sq. ft. of outdoor display area.
Car wash and detailing	Self-service: Two spaces per wash bay. Full-service: Greater of 10 spaces or three times internal washing capacity. Additional parking required for drying or vacuum areas.

Use Types	Number of Off-Street Parking Spaces
Commercial parking	As determined in Design Review approval.
Heavy equipment rental and sales	One space per 300 sq. ft. of office plus one space per 1,000 sq. ft. of outdoor sales and storage area.
Gasoline sales	With neighborhood commercial: One space per 300 sq. ft. of commercial sales area with a five space minimum. Without neighborhood commercial: Five spaces. With repair: One space per 300 sq. ft. of commercial sales area with a five space minimum, plus two spaces per service bay.
Banks and financial institutions	One space per 300 sq. ft.
Bars and drinking places	One space per three fixed seats, plus one space per 50 sq. ft. of assembly area.
Broadcasting and recording studios	As determined in Design Review approval.
Business support services	One space per 300 sq. ft.
Cemeteries, funeral, and internment services	Cemeteries: As determined by the Development Services Director. All other uses: One parking space per four fixed seats in assembly area.
Commercial recreation	
Amusement center	One space per 200 sq. ft.
Indoor entertainment	Theaters, stadiums, community assembly: One space per four fixed seats, or one space per 50 sq. ft. for non-fixed seating, or as determined in Design Review approval.
Indoor sports and recreation	One space per 200 sq. ft.
Outdoor sports and recreation	Golf course: Six spaces per hole plus additional spaces as required for other uses at the facility. Driving Range 1.5 spaces per tee plus additional spaces as required for other uses at the facility. Tennis Court: Two spaces per court plus additional spaces as required for other uses at the facility. Miniature golf: One space per hole, plus additional spaces as required for other uses at the facility. Swimming pools: One per 100 sq. ft. of pool area. All other uses: As determined by the Development Services Department Director.
Residential recreation facilities	As specified for the sum of all of the uses within the facility by utilizing the parking requirement for each use as outlined throughout this Article.
Day care centers and preschools	One space per employee, plus one space per facility vehicle, plus one space per eight persons at facility capacity.
Eating and drinking establishments	
Fast food with drive-through	One space per 75 sq. ft.
Convenience Full service	One space per 100 sq. ft.
Food and beverage retail sales	One space per 350 sq. ft.
Lodging services	One space per room, plus additional spaces as required for other uses in the facility.
Long term health care facility	One space for each four beds.
Maintenance and repair	One space per 300 sq. ft.

Use Types	Number of Off-Street Parking Spaces
Medical services	
General medical services Sole-source pharmacy	One space per 250 sq. ft.
Neighborhood commercial	One space per 300 sq. ft.
Nursery, retail	One space per 300 sq. ft. of indoor retail space, plus one space per 1,000 sq. ft. of outdoor display/storage area.
Offices	One space per 250 sq. ft. Intensive office uses (e.g. telemarketing centers): As determined in Design Review approval.
Personal services	One space per 300 sq. ft.
Retail sales and services	Large appliance/furniture stores: One space per 500 sq. ft. All others: One space per 300 sq. ft.
Specialized education and training	
Vocational schools Specialty schools	One space per 150 sq. ft., or one space per 1.5 students and staff at design capacity, whichever is greater.
Storage, personal	Four spaces, plus two spaces for management.
Industrial Use Types	
Equipment and materials storage yards Recycling, scrap, and dismantling	One space per 300 sq. ft. of floor area, plus one space per 10,000 sq. ft. of yard area.
General industrial Food processing and related uses Hazardous materials handling and storage Light manufacturing	One space per 1,000 sq. ft., plus one space per company operated vehicle. Where other uses exceed 10% of gross floor area (e.g. office, warehouse) the parking requirement shall be the combined total for each use as outlined in this Article or as determined in Design Review approval.
Laundries, commercial	One space per 750 sq. ft.
Research services	One space per 750 sq. ft. occupied exclusively by laboratory equipment, plus one space per 300 sq. ft. on the balance of the building.
Specialized industrial	As determined in Design Review approval.
Wholesaling and distribution	
Light Heavy	One space per 2,000 sq. ft., plus one space per company operated vehicle. Where other uses exceed 10% of gross floor area (e.g. office, warehouse) the parking requirement shall be the combined total for each use as outlined in this Article or as determined in Design Review approval.
Transportation and Communication Use Types	
Wireless communication	No requirement beyond applicable use type.
Heliport Intermodal facilities	As determined in Design Review approval.
All Other Use Types	
	Determined by the Development Services Department Director based upon requirements for comparable uses; may be based upon standards established by other jurisdictions.

1500-53-1415 Design of Parking Lots and Spaces

(a) Parking Stall and Drive Aisle Dimensions – 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 53-13, as illustrated.

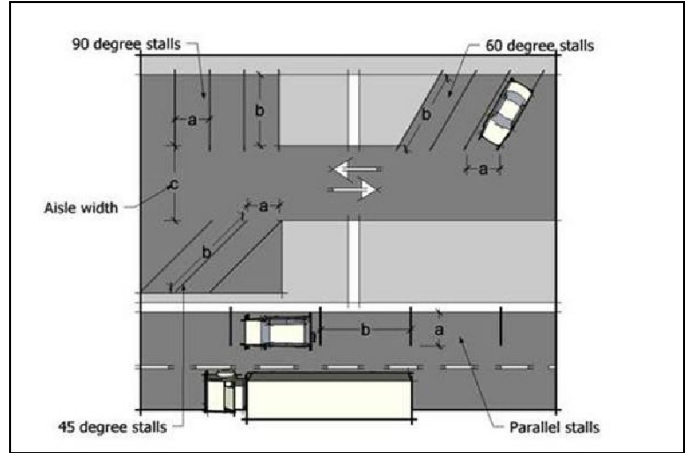


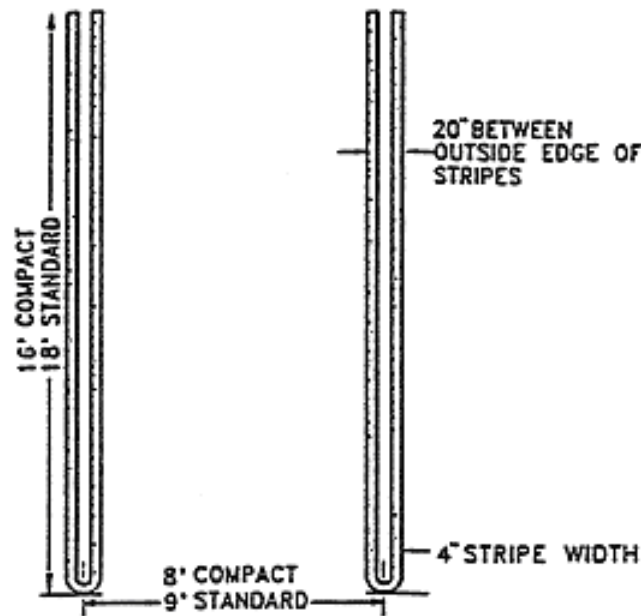
Table 53-13: PARKING SPACE AND DRIVE AISLE DIMENSIONS

Parking Stall Type	Minimum Stall Dimensions		Minimum Width for Drive Aisle With Parking (c)		Minimum Width for Emergency Access Drive Aisles (c)
	Width (a)	Length (b)	One-Way	Two-Way	
Standard Parallel	10 ft.	24 ft.	12 ft.	20 ft.	20 ft.
Standard 45-Degree	9 ft.	18 ft.	16 ft.-4 in.	20 ft.	20 ft.
Standard 60-Degree	9 ft.	18 ft.	19 ft.	20 ft.	20 ft.
Standard 90-Degree	9 ft.	18 ft.	20 ft.	25 ft.	20 ft.
Compact	8 ft.	16 ft.	20 ft.	25 ft.	20 ft.
Handicapped	9 ft.-5 in.	19 ft.	20 ft.	25 ft.	20 ft.

(b) Other Provisions

- (1) Surface Improvements – Required parking and circulation areas shall have paving and adequate drainage facilities as specified by the Public Works Director. Paving shall consist of asphalt concrete or portland cement concrete, or other approved all-weather, hard, non-eroding surface. It shall be the responsibility of the property owner to ensure that the surface is maintained free from significant cracks or holes.
- (2) Access and Traffic Flow – Access to parking areas and curb cuts for driveways shall be approved by the Development Services Department Director and Public Works 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.
- (3) 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.
- (4) Signage – Parking lot improvements shall include clear signage and pavement markings to indicate entrances, exits, aisle directions, and other features required to ensure the safe movement of vehicles.

- (5) 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 two feet.
- (6) Curb Stops – A permanent curb, bumper, wheel stop or similar device at least six inches in height shall be installed 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.
- (7) Striping – All parking spaces shall be delineated and separated by a painted divider (double stripe) as shown on the typical stall illustration below. The striping shall be maintained in a clear and visible manner.



- (8) Parking Lot Screening – For commercial and employment zoning districts, where a parking lot is adjacent to a public right-of-way, or adjacent to or across the street from a residential zoning district, a 15-foot wide landscape planter shall be required adjacent to the parking lot. Landscaping shall have sufficient tree and shrub vegetation to produce a 75% opaque screen within five years of installation. It shall be the responsibility of the owner to maintain such landscaping to ensure adequate sight distance at points of ingress and egress. In addition, where such landscape planters provide a separation between residential and non-residential uses, a minimum 6-foot high masonry wall shall be constructed at the back of the landscape strip, with the design to be approved by the Development Services Department Director.
- (9) Lighting – Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting fixtures shall be energy-efficient. Lighting standards shall be in scale with the height and use of the on-site structure(s). All illumination, including security lighting, shall be directed downward, away

from adjacent properties and public rights-of-way in compliance with applicable Articles of the LUDC pertaining to lighting.

1500-53-1416 Special Parking Provisions

(a) Handicap Accessible Parking Spaces

- (1) Number of spaces, design standards. Parking spaces for the disabled shall be provided in compliance with Uniform Building Code and the Americans with Disabilities Act. Handicap accessible parking spaces provided on each parcel shall be counted toward the minimum parking requirements, as specified for each use in Table 53-12.
- (2) Reservation of spaces required. The number of disabled accessible parking spaces required by this Article shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use.
- (3) Upgrading of markings required. If amendments to State law change standards for the marking, striping, and signing of disabled parking spaces, disabled accessible spaces shall be upgraded in the time and manner required by State law.

(b) Compact Car Substitution – Parking lots with a minimum of 20 parking spaces may substitute standard spaces with compact spaces for up to 30% of the total parking spaces required. Each compact space shall be labeled “COMPACT” or “C.” Compact parking spaces shall be distributed throughout the parking lot and shall be designed consistent with the standards in Table 53-13.

(c) 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 yard setback areas with spaces and access paved in accordance with requirements of this Article to the satisfaction of the Development Services Department Director.

(d) Off-Site Parking – The Planning Commission may grant a use permit for off-site parking provided the following conditions are met:

- (1) The site is within 500 feet (walking distance) of the use 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 shall be owned, leased, or otherwise controlled by the party controlling the use.
- (3) The site is surfaced as required by this article and is landscaped in conformance with this Chapter.
- (4) The parking requirements at the off-site location are not compromised.

(e) Shopping Cart Storage – Where businesses use shopping carts, adequate close-by temporary storage areas shall be provided throughout the parking lots. Shopping cart storage shall be shown on approved development plans and shall be maintained so as not to obstruct minimum required walkways.

1500-53-1417 Parking Reduction Allowances

For commercial, office, industrial, or mixed-use residential projects, a reduction in the required minimum number of parking spaces may be granted, provided that the projects include facilities, programs, or services that reduce the overall parking demand, contingent upon approval by the Development Services Department Director.

- (a) Shared Parking for Mixed/Joint Use Projects – For mixed/joint use projects (residential and/or non-residential mixed use), a reduction in the required number of parking stalls may be granted if it can be demonstrated that:
- ▶ The application of the parking requirements in Table 53-12, which is the sum of all the users within the project, will generate more parking stalls than are needed; and
 - ▶ The hours of operation of different tenants/uses within the project will effectively allow for dual use of parking spaces.

In order to utilize shared parking, a parking analysis shall be prepared that lists project-specific assumptions for the mix of uses, outlines peak parking periods for each use type, and demonstrates that adequate parking will be provided. Through the Design Review process for the project, the applicant shall have the burden of proof to demonstrate that the requested parking reduction is appropriate via a parking analysis submitted to substantiate the request. The Development Services Department Director shall determine that, based on the findings in the shared parking analysis, the entire project will not result in a parking shortfall.

- (b) Transit Oriented Development – A reduction in the required number of parking stalls for a project may be granted if it can be demonstrated that transit opportunities exist which effectively reduce the need for automobile trips. A parking analysis shall be prepared that demonstrates the transit opportunities present and identifies that adequate parking will be provided. Through the Design Review process for the project, the applicant shall have the burden of proof to demonstrate that the requested parking reduction is appropriate. The Development Services Department Director shall determine that, based on the findings in the analysis, the entire project will not result in a parking shortfall.
- (c) Special Circumstances for Individual Use – For any use type in a building where the required number of parking spaces seems unreasonable given the characteristics of the specific use, a parking reduction may be granted by the Development Services Department Director. In order to grant such a reduction, an applicant must demonstrate that the required parking is not appropriate because the proposed use functions differently than the generic use type and associated parking standards established in this Chapter. The applicant requesting the parking reduction shall have the burden of proof of demonstrating, through submitted documentation, the appropriate number of parking spaces needed to serve the proposed use. Such documentation may include, but is not limited to: a parking study of another facility of the same use which is similar in size and operation, calculating the required parking spaces with field data of peak parking usage. Reduced parking shall only be approved by the Development Services Department Director if:

- ▶ Satisfactory evidence is provided describing the nature of the use, the operation and data from other facilities or similar facilities so as to demonstrate that the required parking standards are excessive and the proposed parking standards are appropriate; and
 - ▶ Overflow parking will not impact any adjacent use.
- (d) Facilities and Programs – A proponent of an office, commercial or industrial project may provide alternative facilities or programs which serve to reduce parking demand in return for a reduction in vehicle parking requirements. Vehicle parking requirements may be reduced in accordance with the following provisions:
- (1) Shower/Locker Facilities – Developments with 100 or more employees may reduce their parking requirement by providing shower and clothing locker facilities for bicycle commuting employees. Maximum reduction: 2% of required parking.
 - (2) Secure Bicycle Parking – Developments which provide additional secure bicycle parking facilities over and above the minimum requirement may reduce their parking requirement by one vehicle space for every three additional bicycle spaces provided. Maximum reduction: 2% of required parking.
 - (3) Carpool/Vanpool – Office or industrial developments which guarantee preferred parking spaces (e.g., covered, shaded, or near building entrance) to employees who participate regularly in a carpool or vanpool may reduce their parking requirement by one vehicle space for every one space which is marked and reserved for carpools/vanpools at a preferred location. Maximum reduction: 2% of required parking.

1500-53-1418 Bicycle Parking Requirements

Bicycle parking shall be provided in compliance with this Chapter as follows:

(a) Number of bicycle parking spaces required by use type:

- (1) Multi-Family Dwelling use type: One bicycle parking space is required for every three units.
- (2) Eating and Drinking Establishments, Medical Services, and Retail Sales and Services use types: One bicycle parking space is required for every 50 auto parking spaces provided. 75% of the bicycle parking spaces shall be enclosed lockers. The remaining spaces may be frame locking devices.
- (3) Libraries and Museums and Specialized Education and Training use types: One bicycle parking space is required for every 10 auto parking spaces provided.
- (4) Schools use types: One bicycle parking space shall be provided per automobile space provided.
- (5) All other Civic, Commercial, and Industrial use types: One bicycle parking space is required for every 20 parking spaces provided. 50% of the parking spaces shall be enclosed lockers. The remaining parking spaces may be frame locking devices.

(b) Bicycle parking requirements:

- (1) Bicycle parking facilities shall be located on the same lot or building site as the building or use incurring these requirements, or shall be located on an adjacent, contiguous lot. Bicycle parking shall be located so

as to be at least as convenient as the majority of vehicular parking areas, and as closely oriented to adjacent bikeways as possible.

- (2) Bicycle parking facilities shall include provisions for storage and locking of bicycles. Racks or lockers shall be anchored so that they cannot be easily removed. It is recommended that bicycle facilities be covered and /or located so that they are protected from the elements.
 - (3) Bicycle racks and lockers shall be designed with respect to safety, convenience, and security.
 - (4) Bicycle racks shall be designed and located to insure that they relate well to the remainder of the facilities, are architecturally consistent with the site and structures, and are located in the most appropriate location.
- (c) Bicycle parking facilities as required herein shall be maintained for the duration of the use incurring said requirements and shall not be used for other purposes.

1500-53-1419 Loading Requirements

At a minimum, one loading space (dock or parking space) shall be provided for all commercial and industrial buildings in excess of 10,000 square feet, plus one additional space for every additional 20,000 square feet of floor area. Loading spaces shall be provided as follows;

- (a) Dimensions – Each required loading space shall be not less than 10 feet wide, 35 feet long and with 14 feet of clear height. Loading zones shall be separate from other required parking and maneuvering area.
- (b) Location – Where feasible, loading zones and docks shall be located to the rear of properties. No truck entrance door, loading zone and/or dock serving commercial vehicles shall be permitted to face a residential area within 500 feet.
- (c) Screening – All loading zones and truck parking areas shall be screened from view by a minimum of a six foot high hedge, vine-covered fence or wall plus landscaping.
- (d) Passenger Loading Areas – Public parking areas for commercial and industrial projects greater than 50,000 square feet gross floor area shall designate a passenger loading area or areas for embarking and disembarking passengers from ridesharing vehicles. Such 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. The passenger loading areas shall be designed as a turn out, and shall be large enough to accommodate the number of waiting vehicles equivalent to 0.5% of the required parking for the project.

1500-53-1420 Parking Lot Landscaping Requirements

The landscape requirements of this Section shall be applied so that:

- (a) All new development shall provide landscaping, shading and screening as specified in the applicable zoning district;

- (b) All expansion of floor area or change of use in an existing development on property containing less than five acres which requires additional parking shall provide landscaping, shading and screening for such additional parking area as specified in the applicable zoning district; and
- (c) All expansion of floor area or change of use in an existing development on property containing five acres or more shall provide landscaping, shading and screening as specified in the applicable zoning district.

For properties in the HDR, RC, CC, MU, NC, E1, and E2 zoning districts, planters containing live landscaping shall be provided adjacent to and within parking areas in accordance with provisions set forth in this Chapter, except as modified below:

- (d) Parking lots shall be planted with trees at a rate of one tree per six parking spaces. These trees are in addition to the perimeter area plantings in landscape setback areas.
- (e) In addition to yard landscaping, parking lots of five spaces or more shall provide landscaped areas in the interior of the parking lot covering a percentage of the total parking area as follows:

Parking Spaces Required	% of Total Parking Area to be Landscaped
5 – 24 spaces	5.0% minimum
25 – 49 spaces	7.5% minimum
50 + spaces	10.0% minimum

- (f) Parking lot landscaping shall include shade trees, from the approved list contained in the Sutter Pointe Specific Plan Design Guidelines, placed so as to cover 50 % of the total parking area with tree canopies within 15 years of planting. The percentage of area required to be shaded shall not include the percentage of maneuvering spaces, which may be attributable to covered parking spaces.

Tree coverage shall be determined by the approximate crown diameter of each tree at 15 years as estimated on the approved tree list or other authoritative source. Trees shall be a minimum 15 gallon size at planting. Total parking area, as used for landscaping and shading requirements, shall be measured between lines drawn five feet outside of the paved areas used for parking and maneuvering area, but not including access ways. Shading requirements can partially be met by perimeter or yard trees insofar as such trees actually shade such total parking area.

- (g) For commercial establishments, trees shall be selected that allow adequate visibility beneath the mature tree canopies to the commercial tenants.
- (h) All landscaping shall be within planters bounded by a curb at least six inches high except adjacent to sidewalks, property lines or fences. No planter shall be smaller than 25 square feet, excluding curbing. Each planter shall include an irrigation system.
- (i) Existing healthy trees shall be preserved whenever possible. All landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage or encroachment and a minimum of three feet from the back of the curb or wheel stop where vehicle overhang is permitted.

- (j) All plant materials shall be maintained by property owners to 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 by the same or similar species, or trees from the list of trees. Planting areas shall be kept free from weeds, debris, and undesirable materials which may be detrimental to safety, drainage, or appearance.
- (k) Not more than 25% of the planter or landscaped area may be covered with hard surfaces such as gravel, landscaping rock, artificial turf, concrete, or other impervious material. Bus shelters are excluded from this limitation.
- (l) Varied tree and plant species shall be used throughout the parking lot. No one species shall comprise more than 75% of the plantings within each of the following categories: Shade tree, screen tree, shrub.
- (m) Landscaping at the end of aisles shall not obstruct the driver's vision of vehicle and pedestrian cross traffic. Mature trees shall have a seven foot foliage clearance and other plant materials shall not exceed 30 inches in height.
- (n) Clear vision triangle requirements shall be maintained at parking lot entries.

1500-53-1421 Storage of Inoperable Vehicles on Residentially Used Property

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.

It is not the intent of this subdivision to authorize in any form commercial dismantling, repair, or sales activities in conjunction with stored vehicles or parts, including the development of racing cars.

For purposes of this subdivision, "vehicle" shall mean any motorized vehicle six feet or less in height. "Inoperable vehicles" shall mean a vehicle incapable of being driven under its own power or not licensed to be operated on a public road.

The outdoor storage of a maximum of six inoperable vehicles 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) The vehicles shall be kept in the rear yard, and behind the main building.
- (d) The vehicles shall be completely surrounded by a solid wood fence or masonry wall six feet in height which screens the vehicle 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 six 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; and no commercial activity may be authorized by use permit.
- (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 17 of this Chapter. However, no such use permit shall be granted which would allow commercial activity.
- (n) Failure to comply with these standards shall be deemed to be a violation of the Ordinance Code pursuant to this Chapter.
- (o) Notwithstanding any other provisions of this Chapter, the provisions of State Health and Safety Code Sections 17021.5 and 17021.6 or any successor Sections are applicable in Sutter County and any inconsistency between this Chapter and those Sections shall be resolved by following the provisions of the Health and Safety Code.
- (p) Temporary occupancy of recreational vehicles is permitted for not more than 14 days per calendar year unless the recreational vehicle is located within a legally established Recreational Vehicle Park that has been issued a current and valid permit to operate by the State of California.

ARTICLE 15

GENERAL PROVISIONS AND SPECIAL USE REQUIREMENTS

1500-53-1510 Purpose

The regulations specified in this Chapter shall be subject to the following general provisions and exceptions in order to implement the goals and policies of the Specific Plan and provide for the health, safety, and general welfare of the residents and employees of Sutter Pointe.

1500-53-1511 Utility Installations

Unless otherwise specified, the installation of underground or above ground utilities for local service shall be a permitted use within all zoning districts, subject to standards of the Specific Plan. Communication equipment buildings, substations, generation plants, gas holders, and transmission lines shall require a use permit.

1500-53-1512 Recycling Collection Facilities

In the zoning districts that permit this use, the following provisions for recycling collection facilities shall apply.

- (a) The facility shall be established in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building and fire codes of the County of Sutter;
- (b) The facility shall be set back at least 10 feet from any street line and shall not obstruct pedestrian or vehicular circulation;
- (c) The facility shall accept only glass, metal, plastic containers, paper and reusable items;
- (d) The facility shall use no power-driven processing equipment except for reverse vending machines;
- (e) The facility shall store all recyclable material in containers or in a mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;
- (f) The area of use shall be maintained free of litter and any other undesirable materials, and mobile facilities for which truck or containers are removed at the end of the collection day, shall be swept at the end of the collection day;
- (g) The use shall not exceed levels of 60 decibels as measured at the property line of residentially zoned or occupied property;
- (h) Facilities shall not be located within 100 feet of a property zoned or occupied for residential use;
- (i) Containers shall be clearly marked to identify the type of materials that may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside of the recycling enclosure or containers;
- (j) Recycling facilities may have identification signs comprising a maximum of 16 square feet;

- (k) The facility shall not impair the landscaping required by local ordinance for any concurrent use or any permit issued pursuant thereto;
- (l) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless the facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation.

1500-53-1513 Completion of Landscape Requirements

Provisions of landscaping to meet the requirements of this Chapter shall be deemed to have been satisfied if any one of the following exists:

- (a) All of the required landscaping is installed in conformance with the requirements and standards; or
- (b) An agreement is on file with the County 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.

1500-53-1514 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 consistent with the requirements of 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 that contains 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 accessory dwelling unit will be attached to a primary residence, the increased floor area of an attached accessory dwelling unit 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 accessory dwelling unit will be established by converting existing space in a primary residence or an accessory structure, the maximum size of an accessory dwelling unit 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 needed to accommodate an accessory dwelling unit.
- (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 accessory dwelling unit.
- (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 accessory dwelling unit 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 accessory dwelling unit 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 accessory dwelling unit 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.

1500-53-1514.5 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.

1500-53-1515 Keeping of Animals, Pets and Other Creatures

The following provisions shall apply to the keeping of animals, pets, and other creatures within the Sutter Pointe Specific Plan area.

(a) Regulations – The keeping of animals in residential districts is permitted, subject to the following regulations:

- (1) **Domestic Pets –** Up to any combination of four domestic birds, cats, dogs, rabbits, guinea pigs, or other similar and common household pets, as determined by the Development Services Department Director, is allowed without a permit. Keeping of any combination of five or more animals is considered a kennel for the purposes of this Chapter.
- (2) **Exotic Animals –** Legal exotic animals are permitted, up to, and counted as part of, the limitations established for domestic pets. No hooved animals are permitted, except up to two pot bellied pigs are allowed as pets. All exotic animals shall be kept and maintained a minimum distance of 40 feet from any property line, unless contained within the dwelling.
- (3) **Livestock Animals –** Livestock animals are not permitted, except that fowl (poultry) is permitted, subject to the regulations for poultry animals.

- (4) Poultry Animals – On lots 7,500 square feet or larger, the keeping of chicken hens (no roosters), not exceeding a combined total of 12 in number (excluding the offspring thereof, up to the age of six months, may be kept for home enjoyment or consumption, subject to the provisions of other applicable laws. All poultry animals shall be kept and maintained a minimum distance of 40 feet from any property line.
- (b) Maintenance and Operational Standards – All animal keeping shall comply with all of the following maintenance and operational standards:
 - (1) Odor and Vector Control – All 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 neat and sanitary manner.
 - (2) 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.
 - (3) Noise Control – Animal keeping shall comply with the Sutter County noise ordinance.

1500-53-1516 Accessory Structures

The following provisions shall apply to accessory structures within the Sutter Pointe Specific Plan area.

- (a) Accessory Structures Included With Permitted Uses – In addition to the primary structures associated with permitted uses, each use classification shall be deemed to include such accessory structures which are specifically identified by these regulations, and such other accessory structures which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to, such primary structures. It shall be the responsibility of the Development Services Department Director to determine if a proposed accessory structure is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the primary structure, based on the Director's evaluation of whether the proposed accessory structure is necessary or customarily associated with the use for which the development was constructed. Determinations by the Director shall be subject to appeal pursuant to Section 1500-53-315. All accessory structures shall be located in compliance with all other applicable requirements of the zone district in which they are located and any other permits required (e.g. Design Review Permit).
- (b) Accessory Structures Subject to Regulations – Accessory structures shall be regulated in the same manner as the primary structures within each zoning district, except as otherwise expressly provided by these regulations. Accessory structures may be established concurrently or following the construction of a primary structure.
- (c) Accessory Structures in Residential Zone Districts – The following accessory structures are permitted in all residential districts (LDR, MDR, and HDR), unless otherwise noted:
 - (1) Garages and carports.
 - (2) Decks – Uncovered decks under 30 inches in height are permitted anywhere on a parcel, without respect to required setbacks. Any deck that is 30 inches or taller in height, as measured from the pad grade of the

parcel at the foundation of the house and maintaining a level plane to the highest point of the deck sheathing, shall maintain a minimum five foot setback from any side or rear property line, a 10 foot setback from any front property line, and shall be located consistent with the clear vision triangle requirements of Section 1500-53-713.

- (3) Shade Structures – Attached or detached shade structures, covered patios, or gazebos are permitted, subject to the following requirements:
- (A) The structure shall not enclose any area equal to or greater than 20 percent of the lot on any side not attached to the residence;
 - (B) The structure shall not be constructed of materials which would create a year round livable area;
 - (C) The structure shall not exceed 15 feet in height;
 - (D) The structure shall maintain a 15 foot setback from the front property line;
 - (E) The structure shall maintain a five foot setback from the side and rear property line; and
 - (F) On the street side of a corner lot, the structure shall maintain a 12 foot setback from the side property line, as measured from the back of the sidewalk or right-of-way.
- (4) In LDR districts, buildings or structures less than or equal to 120 square feet of total floor area and:
- (A) Less than or equal to seven feet in height.
 - (1) General – Detached buildings or structures less than or equal to 120 square feet in total floor area and less than or equal to seven feet in height may be located anywhere within a parcel, but shall maintain the required front yard setback.
 - (2) Corner Lot – On the street side of a corner lot, the building or structure shall maintain a five foot setback from the back of the sidewalk, or in the absence of a sidewalk, five feet from the back of the right-of-way.
 - (3) Corner Lot Adjacent to a Key Lot – On the street side of a corner lot adjacent to a key lot, the building or structure shall be setback to maintain a 10 foot setback from the back of sidewalk, or in the absence of a sidewalk, 10 feet from the back of the right-of-way.
 - (B) Greater than seven feet in height.
 - (1) The maximum height is 15 feet and one story;
 - (2) A minimum five foot setback from the rear and side property lines shall be maintained;
 - (3) A minimum of 12 feet from the back of sidewalk or edge of right-of-way on corner lots shall be maintained; and,
 - (4) For each foot in height above 10 feet, the required setback, except for the front yard setback, shall be increased by one foot.

(5) In LDR districts, buildings or structures greater than 120 square feet in total floor area. Accessory buildings or structures located on the same lot that individually or cumulatively are greater than 120 square feet in total floor area are subject to the following requirements:

(A) General:

(1) If the building or structure is located within a required rear yard, the total size of the building or buildings, cumulatively, shall be less than 50 percent of the required rear yard area, up to a maximum of 200 square feet in total floor area.

(2) The required front yard of the applicable residential zone district shall be maintained.

(3) A minimum six foot separation shall be maintained from any other building or structure located on the same lot.

(B) For buildings less than or equal to seven feet in height, the following shall apply:

(1) Buildings or structures may be located anywhere within a parcel, but shall maintain the required front yard setback, except as otherwise noted;

(2) On the street side of a corner lot, the building or structure shall maintain a five foot setback from the back of the sidewalk, or in the absence of a sidewalk, five feet from the back of the right of way; and

(3) On the street side of a corner lot adjacent to a key lot, the building or structure shall be setback to maintain a 10 foot setback from the back of sidewalk, or in the absence of a sidewalk, 10 feet from the back of the right-of-way.

(C) For buildings greater than seven feet in height, the following shall apply:

(1) The maximum height is 15 feet and one story;

(2) A minimum of five foot setback from the rear and side property lines shall be maintained;

(3) A minimum of 12 feet from the back of sidewalk or edge of right-of-way on corner lots shall be maintained; and

(4) For each foot in height above 10 feet, the required setback, except for the front yard setback, shall be increased by one foot.

(6) Fences and Walls – A maximum six foot high fence (including lattice and similar attachments) or wall, may be located anywhere on a parcel, subject to the following requirements:

(A) The maximum height shall be reduced to three feet if located:

(1) Within a residential clear vision triangle (see Definition);

(2) Within a required front yard setback; or

- (3) Within five feet of the back of the sidewalk or in the absence of a sidewalk the back of the right-of-way of a street-side for a corner lot, or within 10 feet of the back of the sidewalk or right-of-way of a street-side for a corner lot adjacent to a key lot.
- (B) When there is a difference in the ground level between two adjoining parcels, the height of any fence or wall constructed along a common property line shall be determined by using the finished grade of the highest contiguous parcel.
- (C) The height of a fence or wall may be increased a maximum of two feet to provide for noise attenuation or buffering of adjacent land uses, subject to approval of a Design Review permit. Fences and walls in excess of eight feet may be permitted subject to the approval of a Use Permit.
- (D) Permitted and Prohibited Fencing Materials – Fences and walls shall be constructed of attractive, long-lasting materials (e.g., masonry, wood, or stone). Unless specifically approved in conjunction with an entitlement, the construction of walls or fences of sheet or corrugated iron, steel, concertina wire or aluminum, is prohibited, except for ornamental fences as consistent with the Sutter Pointe Design Guidelines. Barbed wire fencing shall not be constructed or placed on top of a fence except in agricultural, open space, or industrial areas. A Design Review permit is required for barbed wire fencing abutting residential or commercial uses.
- (E) Special Fence and Wall Requirements –
 - (1) Screening of Outdoor Storage – Outdoor storage (including all dumpsters, commercial items, commercial construction or industrial related materials and equipment within commercial districts) shall be screened in a manner that is attractive and complementary to the principal use and/or structure that it serves. Such screening shall utilize enclosures such as, but not limited to, fences, walls, landscaping, or earthen berms, so that no outdoor storage is visible from any public right-of-way, parks, public trails, and adjacent properties. Screening shall also comply with provisions of the Sutter Pointe Design Guidelines.
 - (2) Special Fencing for Agricultural Use Types – All fences which enclose livestock in agricultural areas shall be designed and constructed at a height adequate to control and contain such livestock at all times.
 - (3) Temporary Fences – Nothing in this Chapter shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the Building Code and other applicable provisions.
- (F) Maintenance – Fences and walls shall be continuously maintained in an orderly and good condition, at no more than their maximum allowed height.
- (G) The provisions of this section shall not apply to any fence or wall required by any law or regulation of the County or State.

- (7) Flag poles – A flag pole shall maintain a minimum of five foot setback from any property line and is subject to the height limitations established for the applicable zoning district.
 - (8) Security Facilities – Including security gates and gate houses at a project entrance.
 - (9) Antennas – Including HAM radio, radio and television receiving antennas subject to requirements of Article 16, “Wireless Communications”.
 - (10) Children's Play Equipment – Including play sets, playhouses and tree houses.
 - (11) Swimming Pools and Spas – A non-commercial swimming pool and associated equipment is permitted in any side or rear yard, provided that no swimming pool or associated equipment shall be located within a required front yard setback or within a utility easement.
 - (12) Satellite Dishes – Satellite dishes as allowed in Article 16, “Wireless Communications”.
 - (13) Entry Arbors – Entry arbors may be located within the required front yard setback provided they do not cover more than 25 square feet in area and do not exceed a height of 10 feet.
 - (14) Exceptions to Accessory Structure Requirements – Unless otherwise noted that a Design Review permit is required, an exception to the requirements of this section may be approved subject to the approval of a Variance.
- (d) Permitted Accessory Structures in Commercial and Employment Zone Districts – The following accessory structures are permitted in all commercial and employment districts (MU, RC, CC, NC, E1, and E2), unless otherwise noted:
- (1) Carports, garages, bicycle lockers, and off-street parking areas and structures.
 - (2) Shade structures, including arbors and gazebos.
 - (3) Detached enclosed storage.
 - (4) Detached unenclosed storage buildings and pole buildings associated with the outdoor display of building materials, nursery stock, or other materials which are typically displayed outdoors or under a canopy.
 - (5) Fences and Walls – Except that no fence or wall in excess of three feet may be located within a clear vision triangle (see Definition);
 - (6) Flag Poles – A flag pole shall maintain a minimum of five foot setback from any property line and is subject to the height limitations established for the applicable zoning district.
 - (7) Security Facilities – Including security gates and gate houses at a project entrance.
 - (8) Antennas – Including HAM radio, radio and television receiving antennas subject to the requirements of Article 16, “Wireless Communications”.
 - (9) Recreation Facilities – Including recreation activity courts and facilities for use by employees.
 - (10) Satellite Dishes – Satellite dishes as allowed in Article 16, “Wireless Communications”.

- (11) Signs, as permitted by Article 13, "Signs".
- (12) Transit Facilities.
- (13) Trash Enclosures and Recycling Facilities.

1500-53-1517 Mobile Homes

The following provisions shall apply to mobile homes within the Sutter Pointe Specific Plan area.

- (a) Eligibility – Mobile homes shall meet the following eligibility requirements:
 - (1) The mobile home shall be certified under the National Mobile Home Construction and Safety Act of 1974;
 - (2) The mobile home shall be placed upon a permanent foundation approved by the Building Official and shall comply with the performance standards specified in Section 1500-53-715 of this Chapter;
 - (3) The mobile home shall comply with all yard, off street parking and density requirements of the zoning district, and
 - (4) Any mobile home installed under this Section shall be less than 10 years old from the date of manufacture to the date of installation.
- (b) Approval Process – No building permit or occupancy permit shall be issued for the establishment of a mobile home on any parcel of land under the provisions of this Chapter, except in a residential zoning district, unless and until a Zoning Clearance has been issued by the Development Services Department and such clearance shall be accompanied by an acknowledgment by the applicant of a receipt of the performance standards set forth in Section 1500-53-715 of this Chapter with regard to individual mobile homes and Section 1500-53-1517(c) of this Chapter with regard to mobile home parks, and such acknowledgment shall include an agreement to meet said standards.
- (c) Height, Bulk, Space Requirements and Development Standards for Mobile Home Parks – The following standards shall apply to mobile home parks within the Sutter Pointe Specific Plan area.
 - (1) All development plans as described herein shall be submitted to the Planning Commission for approval prior to requesting a building permit.
 - (2) Use Permit Required: All mobile home parks shall be subject to approval of a Use Permit, as described in Article 17 of this Chapter.
 - (3) Design Review: All mobile home parks shall be subject to design review by the Planning Commission and shall meet all provisions of this Section.
 - (4) All mobile home lots shall have access to internal private streets located within the mobile home park. There shall be no direct access from a mobile home lot to a public street or alley.
 - (5) Recreation spaces or other open spaces shall be provided for each mobile home park. Such required space shall have an area of at least 5,000 square feet, plus 100 square feet for each mobile home lot. Such required space may be divided into several locations, but no single location shall contain less than 1,000

square feet. Such required space shall be accessible to all of the mobile home lots in the park, and shall not be used for any purpose except recreation.

- (6) Utility connections to each individual mobile home lot shall be placed underground. Electric utility and telephone lead-ins between the transmission pole and the mobile home park shall be subject to the same requirements provided in this Ordinance Code for subdivisions located in the same area, provided that nothing herein shall be deemed to exempt mobile home parks from the requirements applicable to underground utility districts.
- (7) All mobile home lots in a mobile home park shall average at least 3,000 square feet in area, and in no case shall a lot be less than 2,500 square feet.
- (8) The minimum distance required for the separation of a mobile home from any other mobile homes shall be as follows: 10 feet from side to side, eight feet from side to rear, and six feet from rear to rear; provided, however, that each mobile home and each building within the mobile home park shall not be located closer than three feet from any rear or side lot line.
- (9) An ornamental enclosure of six feet in height, consisting of a wall, evergreen hedge, chain link fence with vertical slats, grape stake or other ornamental wood fence or a combination of the foregoing, shall be constructed along the rear lot line and the side lot lines, subject to architectural review and approval by the Planning Commission.
- (10) An ornamental enclosure, as described in paragraph (i), shall also be constructed along the front of the mobile home park site, except for the access way, subject to the following additional provisions and exceptions: Where the street or highway in front of the mobile home park site is a major or secondary highway alignment or a part of the select system of the County or adopted General Plan such enclosure shall be constructed along the proposed right-of-way line. Where mobile home sites are parallel (side-on) to the enclosure or where an interior roadway runs parallel to the enclosure, it shall be 48 inches in height. Where mobile home sites back up to the enclosure, such enclosure shall be at least six feet in height, and shall maintain the required front yard setback for the mobile home park for the particular zone in which the park is situated, unless a more stringent condition is imposed in conjunction with any proposed widening of the highway.
- (11) A landscaping plan showing proposed landscaping of the mobile home park shall be submitted to the Planning Commission for architectural review and approval prior to construction of the park. Such landscaping shall be installed prior to occupancy and continuously maintained. The landscaping plan shall include trees equal in number to the mobile home lots within the park, provided that trees may be grouped for landscaping effect.
- (12) All access roads within the park shall be a minimum of 25 feet in width, exclusive of required parking areas.
- (13) The owner of the proposed site shall offer free of charge to the County of Sutter all necessary rights-of-way adjacent to the site as may be necessary to conform to the requirements of the select system or adopted General Plan.

- (14) A plan shall be filed for on-site drainage facilities, subject to approval by the Development Services Department Director. Drainage facilities shall be installed prior to occupancy and continuously maintained. No drainage shall be permitted to flow from the site to the right-of-way of any public road or highway except as approved by the Development Services Department Director.
 - (15) A plan shall be submitted to the Planning Commission showing water drains, fire hydrants, and fire flow, after consultation with the County Fire Chief and which shall be installed prior to occupancy.
 - (16) Adequate water and sewage disposal facilities shall be supplied in accordance with the requirements of the Department of Health Services, State of California, Department of Housing and Community Development of the State of California and/or the Sutter County Development Services Department Environmental Health Program prior to occupancy and shall be continuously maintained.
 - (17) No mobile home lot or mobile home shall be located in or permitted to occupy any front yard setback, side yard setback, or rear yard setback as required by the zone in which the mobile home park is located.
 - (18) Concrete curbs and gutters may be required adjacent to all public streets or highways.
 - (19) Only independent mobile homes displaying the insignia of approval duly authorized by the Department of Housing and Community Development of the State of California in accordance with the Health and Safety Code will be permitted in mobile home parks which are the subject of this Section.
 - (20) The Planning Commission may, in the exercise of reasonable discretion, prescribe additional conditions and require additional physical facilities as a condition to the issuance of any such permit, when it is determined that such is 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 in the neighborhood of the mobile home park.
 - (21) A request for modification or waiver of conditions and performance standards may be processed according to Article 19, "Variances" of this Chapter.
 - (22) All pertinent State and County regulations concerning the development and operation of mobile home parks shall be observed. Nothing contained in this Section shall be construed to abrogate, void, or minimize such other pertinent regulations.
 - (23) Any decisions made subject to this Section may be appealed according to Section 1500-53-315 "Appeals."
 - (24) Minimum Lot Area for mobile home parks: Five acres
- (b) Temporary Use of Mobile Homes— Temporary use of mobile homes shall be subject to the provisions established in Section 1500-53-2218 of this Chapter.

ARTICLE 16

WIRELESS COMMUNICATION

1500-53-1610 Purpose

The purpose of this Article is to encourage the appropriate location, siting and development of wireless communication facilities. Sutter County has deemed the quality of a community and the physical environment as being necessary to protect the public's health, safety, and general welfare, to which effect Sutter County has enacted this Article to establish a review process for the siting, construction and modification of wireless communication facilities. This Article also pursues additional public benefits by encouraging the leasing of publicly owned properties where feasible for the development of wireless communication facilities.

1500-53-1611 Applicability

Wireless communication facilities are permitted, subject to the provisions of this Section, in the HDR, RC, MU, CC, NC, E1 and E2 districts. Wireless communication facilities are prohibited in all other districts unless determined to be exempt. Impact of such sites will be minimized by encouraging their location on existing structures, co-locating on existing communication structures, locating adjacent to existing large or tall structures within a cluster of development, and by applying appropriate siting standards for stand alone facilities. The following types of antennas shall be exempt from the provisions of this Section if, and to the extent that, a permit issued by the California Public Utilities Commission (CPUC), or other applicable federal or state law specifically provides that the antenna is exempt from local government regulation: non-commercial antennas, including dish antennas, television and radio antennas, and antennas used in amateur radio.

1500-53-1612 Definitions

Unless otherwise specified, the following definitions shall apply.

- (a) Antenna – Any system of poles, panels, rods, reflecting discs or similar devices that transmits or receives radio frequency signals.
- (b) Co-location – A term used when two or more wireless communication providers locate their transmitting equipment on the same tower or mono-pole.
- (c) Equipment shelter or cabinet – An ancillary building used to house the telecommunications equipment at a wireless communication facility.
- (d) Mono-pole – A single free-standing pole used to support wireless communication equipment.
- (e) Radio Propagation Model – A radio frequency engineering plot that illustrates the radius of coverage for a wireless communication network or an individual antenna site.
- (f) Tower – A multi-member structure used to support wireless communication equipment.

- (g) Wireless communication facility – An unstaffed facility used for the transmission and reception of low-power radio signals. These facilities provide wireless telephone, data and paging services like cellular telephone services and personal communications service (PCS).

1500-53-1613 Development and Siting Standards

The evaluation of any wireless communication facility proposal shall be based on the following standards:

- (a) The equipment shelter or cabinet must be concealed to the extent possible from public view and be made compatible with the architecture of surrounding structures. The equipment shelter or cabinet shall be regularly maintained.
- (b) The shelter or cabinet shall meet the building setback standards established in the zoning district in which the facility is to be located.
- (c) The height of a communications tower shall be the minimum necessary to meet the technical requirements of the proposed communication system. A technical report and/or radio propagation model shall be submitted with each application and subject to subsection (i) below.
- (d) Landscaping shall be provided for and maintained to screen any ground structures or equipment, unless the Planning Commission determines it is not necessary due to the isolated location of the site or because the site is not visible from a public right-of-way.
- (e) All equipment, antennas, poles, or towers shall be painted or otherwise treated to minimize visual impact. Antennas mounted on the side of a building shall be painted or otherwise treated to match the exterior of the building or the antenna's background color.
- (f) Roof-mounted antennas may extend 10 feet above a roof line with an additional foot in height for each 10 feet the antenna is setback 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.
- (g) 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.
- (h) Telecommunication providers shall co-locate on existing facilities (e.g., mono-poles, towers, PG&E structures, etc.), unless it is determined not to be feasible. The applicant shall provide technical evidence explaining why co-location cannot be achieved. This evidence may be subject to subsection (i) below. For the siting of new facilities, the applicant shall make provisions on their facility for future co-location opportunities. If it is determined that co-location is not feasible on an existing facility, new mono-poles/towers shall be located in a clustered area of development and adjacent to large or tall structures. Technical evidence explaining why siting on developed property adjacent to, or on, large or tall structures shall also be required if it is determined to be infeasible.

- (i) In the event the Development Services Department Director or designee needs assistance in understanding the technical aspects of a particular proposal, he or she may retain the services of a communications consultant acceptable to the County to determine the engineering requirements of establishing a specific wireless network. This service shall be at the applicant's expense.
- (j) Where feasible, the location of wireless communication facilities shall be considered preferable on publicly owned or controlled property or right-of-way.
- (k) For service providers who plan to establish multiple wireless communication facilities within the County, the service provider is encouraged to apply for approval of all facilities under a master or single application. Under this approach, the County shall act on all proposed facilities as a single application and expedite the processing of the application.
- (l) All applications for new mono-poles/towers shall provide a map showing planned and/or anticipated future needs of wireless communication services within and throughout Sutter County. In addition to the map, the applicant shall explain the basis for the projected service requirements. To the extent feasible, planned and anticipated needs for future wireless communication facilities shall be forecasted for a minimum of two years following the date of application for a new wireless communication facility. Applicants not able to submit planned and/or anticipated needs forecasted for two years shall explain why it is not feasible to do so. Furthermore, applicants shall supply a "search ring" within which their new facility(ies) and associated communication equipment must be sited. In addition to the "search ring," the applicant shall explain the criteria used to establish the "search ring" and the constraints of siting facilities outside of it.
- (m) An alternative site analysis will be required of all applications for the siting of new mono-poles/towers 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 Article 16. This 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;
 - (4) A technical report discussing why alternatives would not be feasible for use as a communications site. This may include construction, interconnect, utility or other factors precluding development of the property or facility as a suitable site.

1500-53-1614 Review and Approval Process

In recognition of its desire and determined policy to co-locate wireless communication facilities, the County provides two different review and approval procedures.

- (a) Use Permit: New wireless communication facilities, except those facilities as specified below under a zoning clearance, shall obtain approval of a use permit from the Planning Commission. The Planning Commission shall review the application and approve, deny or conditionally approve an application based on the standards of this Article and in accordance with Article 17 of this Chapter. Any applicant who includes co-location capabilities as part of their application for a use permit shall be entitled to expedited processing.
- (b) Zoning Clearance: Zoning clearance shall be required for the following activities related to wireless communication facilities:
 - (1) Wireless communication facilities that co-locate at an existing facility.
 - (2) Modifications and additions to approved facilities.
 - (3) Wireless communication facilities that locate on existing buildings or structures.

The Development Services Department Director or designee may approve, deny, or conditionally approve the above activities subject to the standards of this Article. The zoning clearance shall be approved prior to issuance of a building permit. Applications for a zoning clearance permit shall be made in writing on a form prescribed by the Development Services Department and shall be accompanied by such plans, elevations and technical documentation necessary to fully show the details of a wireless communication facility. A zoning clearance fee, as established by resolution of the Board of Supervisors, shall be paid for this review.

- (c) In reviewing applications pursuant to this ordinance, the County shall not unreasonably discriminate among providers of functionally equivalent services.
- (d) Any decision to deny a permit by the Board of Supervisors, the Planning Commission or the Development Services Department Director shall be in writing and supported by substantial evidence contained in a written record.

1500-53-1615 Findings and Conditions

In addition to other findings as may be required by this Chapter, the Planning Commission shall make the following findings when considering a use permit for a wireless communication facility:

- (a) The height of the tower is the minimum necessary to meet the technical requirements of the proposed wireless communication system.
- (b) The applicant has agreed to accept proposals from future applicants to co-locate at the approved site.
- (c) The project as proposed is necessary for the provision of an efficient wireless communication 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 communication services.

1500-53-1616 Removal of Facilities

The operator of a wireless communication 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 six month period.

1500-53-1617 Financial Assurance Requirements

The carrier and/or successor in interest shall properly maintain and ultimately remove if required, the approved wireless communication 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 Planning Commission, and shall cover the costs associated with the demolition, removal, and reclamation of the facility site in the event the carrier abandons operations.

1500-53-1618 Appeals

Appeal from any finding or action by the Planning Commission shall be made pursuant to Article 3 of this Chapter.

ARTICLE 17 USE PERMITS

1500-53-1710 Purpose

The purpose of this Article is to necessitate a comprehensive review and approval procedure, in order to evaluate and minimize any potentially detrimental effects, for certain uses that have operational characteristics that, depending on the location and design, may have the potential to negatively affect adjoining properties and uses. Use permits, which may be revocable, conditional or valid for a term period, may be approved by the Planning Commission for any of the uses or purposes for which such permits are required or permitted by the terms of this Code. Guarantees to ensure compliance with the terms and conditions may be required by the Commission.

1500-53-1711 Application and Fee

Application for use permits shall be made in writing on a form prescribed by the Development Services Department and shall be accompanied by plans and elevations necessary to show details of the proposed use or building(s), and the appropriate environmental documents. Such application shall be accompanied by a fee as established by resolution of the Board of Supervisors.

(a) Submittal Requirements:

1 completed application form

10 sets of plans which include site development plans, landscape plans, architectural elevations, and signs

10 copies of appropriate environmental documentation

Application fee as established by resolution of the Board of Supervisors

1500-53-1712 Public Hearing Notice

A public hearing on the application shall be held in accordance with the following timeframes established in the California Permit Streamlining Act (Government Code Section 65920 et. seq), as applicable:

(a) Within 180 days from the date of certification if an environmental impact report is prepared,

(b) Within 90 days from the date of certification if an environmental impact report is prepared and the project enables affordable housing pursuant to the requirements of Government Code Section 65950(a)(2),

(c) Within 60 days from the date of adoption if a negative declaration is completed and adopted, or

(d) Within 60 days from the determination that the project is exempt from the California Environmental Quality Act.

Notice of the hearing shall be provided in a manner consistent with Government Code Section 65090 et. seq., and as described below:

(e) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.

- (f) Notice of the hearing shall be delivered at least 10 days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.
- (g) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 400 feet of the real property that is the subject of the hearing. In lieu of utilizing the assessment roll, the county may utilize records of the county assessor or tax collector which contain more recent information than the assessment roll. 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 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. If the notice is mailed or delivered to the owners of property within 400 feet, the notice shall also be published pursuant to Government Code Section 6061 in at least one newspaper of general circulation within the county at least 10 days prior to the hearing.
- (h) The notice shall include the information specified in Government Code Section 65094.
- (i) In addition to the notice required by this Section, the county may give notice of the hearing in any other manner it deems necessary or desirable.

1500-53-1713 Action by Planning Commission

Planning Commission actions for single and multiple application decisions shall follow the following procedures.

(a) Single Application Decisions

The Planning Commission may approve or conditionally approve a use permit if it finds that the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Additionally, the Commission shall find that the use or activity approved by the use permit is consistent with the General Plan. The action of the Planning Commission shall become final within 10 days unless an appeal is filed pursuant to Article 3 of this Chapter.

(b) Multiple Application Decisions

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.

1500-53-1714 Activation

A use permit shall be deemed activated if building permits have been issued and the inspection process is considered currently active. If the use does not require a building permit, the use permit shall be deemed activated if the use is formally established and can be documented through business records, tax records or other evidence as

determined by the Development Services Department Director. If the applicant for the use permit does not intend to activate it within one year from the date of approval, it may be extended not more than two times for a term period of one year each time subject to the discretion of the Development Services Department Director. Such request for extension must be received prior to the expiration of the permit and be accompanied by a fee established by resolution of the Board of Supervisors.

Any portion of a use permit that has not been activated within three years of the date of approval shall become null and void without further action unless extended per Section 1500-53-1717 of this Article. Those portions of the use permit that have been activated within the specified time frame shall remain valid.

1500-53-1715 Revocation

- (a) In any case where the conditions of a use permit have not been complied with, the Board of Supervisors shall give notice to the permittee of intention to revoke such permit at least 10 days prior to a hearing thereon. Following such hearing, the Board of Supervisors may revoke such permit.
- (b) In any case where a use permit has not been activated within one year after the date of granting thereof, then, without further action, the use permit granted shall be null and void. Provided, however, that the running of the period within which a use permit must be used shall be suspended during any period when the permittee is prevented from using the use permit due to litigation or other proceedings contesting or affecting the validity thereof. Such suspension shall commence with the date of filing of the complaint or other initial document commencing such litigation or other proceeding and continuing until final judgment therein or other final disposition.
- (c) In any case where an established use allowed by use permit has been abandoned or is discontinued for a period of six months or more, then, without further action the use permit granted shall be null and void.

1500-53-1716 Appeal

Appeal from any finding or action by the Planning Commission shall be made pursuant to Article 3 of this Chapter.

1500-53-1717 Extension of Time - Use Permits

Application for extension of the term period of an activated use permit shall be made to the Development Services Department on a form prescribed by the Department together with evidence of conformance to the Zoning Code and conditions of the use permit approval. The application shall be accompanied by a fee as established by resolution of the Board of Supervisors. The Development Services Department Director may extend such use permit upon finding that the use complies with the Zoning Code and any conditions of approval and that the area has not substantially changed since the use permit was issued.

If the Development Services Department Director does not extend the permit, it shall be placed on the agenda of the Planning Commission after giving notice to the permittee and to adjacent property owners as provided in this Article. The Planning Commission may, after the hearing, extend the use permit with or without modification of original conditions of approval, or may terminate the use permit upon finding violation of the Zoning Code or conditions of

approval or a change in character of the neighborhood which makes the use permit detrimental to that neighborhood.

1500-53-1718 New Applications Following Denial

Following the denial of a use permit application or request for an extension of time of a use permit, revocation of a use permit, or denial of an appeal thereon, no application for a use permit or extension of time of a use permit for the same or substantially the same use permit on the same or substantially the same site shall be filed within six months from the date of the denial, revocation, or denial of the appeal thereon.

1500-53-1719 Amendments to Use Permits

Amendments to Use Permits may be made by the submission of a Use Permit application form clearly identifying the request as a proposed amendment to an existing, valid Use Permit. Any such request shall be accompanied by a fee as established by resolution by the Board of Supervisors. Upon receipt of a completed application, the Development Services Department Director shall determine the degree of review required for the proposal based upon the nature, character and intensity of the proposed change. This determination will result in one of the following courses of action:

- (a) If the proposed change is determined to be minor in nature, consistent with the character of the existing use and not a significant increase in intensity of the use of the site (e.g., expansion of existing use with a less than 10% increase in floor area or parking demand) the amendment may be reviewed and approved, approved with conditions or denied by the Development Services Department Director.
- (b) If the proposed change is determined to be a major change (e.g., change in use or expansion equal to or greater than 10% increase in floor area or parking demand), the proposed amendment will be referred to the Planning Commission for consideration at a duly noticed public hearing as provided in this Article. Additional fees shall be required as established by resolution by the Board of Supervisors.

Any determination by the Development Services Department Director may be appealed to the Planning Commission in the manner set forth in Article 3 of this Chapter.

ARTICLE 18

ZONING CLEARANCES

1500-53-1810 Purpose

The Zoning Clearance process is established to provide for an administrative review process for certain permits that require additional review to ensure that they comply with performance standards or other criteria established for that particular use. The establishment of the Zoning Clearance review process will assist in implementing the Specific Plan and provide for the public's health, safety, and general welfare.

1500-53-1811 Application and Fee

A Zoning Clearance certificate may be issued by the Development Services Department Director or authorized representative. The certificate shall state that the proposed activity is in compliance with the provisions of the district in which such activity is to occur. Such zoning clearance shall be accompanied by an acknowledgment that the applicant has read and understands the appropriate regulations and/or performance standards and further agrees to comply with said regulations and standards. Any request for a zoning clearance that is not associated with a permit for which a fee is collected and any request for an extension thereof, shall be accompanied by a fee as established by resolution of the Board of Supervisors.

(a) Submittal Requirements:

1 completed application form

10 sets of site development plans

Application fee as established by resolution of the Board of Supervisors

1500-53-1812 Review Criteria

The criteria listed below must be satisfied to qualify for approval of zoning clearances for the following use types.

(a) **Carnivals, Fairs and Festival Events** – The following criteria must be met to qualify for approval:

- (1) Written approval from the property owner(s) granting permission for the event to be held on their property.
- (2) The applicant shall provide written notice(s) describing the event, including the event proponent, location, days, and hours of operation, along with addressed and stamped envelopes for all developed properties adjoining the event site. County staff will be responsible for mailing the notices to the adjoining property owners.
- (3) Written approval from the Sheriff's Department, Environmental Health Program, Fire and Emergency Services Program and any other agency or department whose approval may be needed based upon the type of function being proposed.

(b) **Farmer's Market** – The following criteria must be met to qualify for approval:

- (1) A Farmers Market may operate once a week at the same location.
- (2) At inception, the applicant shall provide written notice(s) describing the event, including the event proponent, location, days, and hours of operation, along with addressed and stamped envelopes for all developed properties adjoining the event site. Similar written notice shall be provided to new tenants adjoining the event site at the time of occupancy. County staff will be responsible for mailing the notices to the adjoining property owners.

(c) **Large Family Day Care Home** – The following criteria must be satisfied to qualify for approval:

- (1) Written consent of the property owner is required when the property is leased or rented;
- (2) The operator shall provide evidence of a valid license to operate issued by the California Department of Social Services; and
- (3) Written approval by the Sutter County Environmental Health Division, Sutter County Building Division, and the appropriate fire service agency.

(d) **Minor Home Occupation** – The following criteria must be satisfied to qualify for approval:

- (1) The use shall be confined within the residence and occupy not more than 25 percent of the floor space thereof. No accessory structure or area outside the residence (including the garage) shall be used for the conduct of the home occupation.
- (2) The use shall involve no sales of merchandise other than that produced on the premises or merchandise directly related to and incidental to the same service offered.
- (3) The use shall be carried on by the members of the family occupying the residence with no other person employed.
- (4) The home occupation shall not involve the use of material or equipment not recognized as being part of normal household or hobby uses and requires no structural or mechanical alteration otherwise normal to residential uses. Does not include the repair of autos, trucks, motorcycles, boats, trailers, and similar equipment.
- (5) The home occupation does not alter the external appearance of the residence or produce evidence of its existence beyond the premises (except for nameplates of not more than one square foot), such as noise, smoke, odors, and vibration.
- (6) Home occupations used strictly for telecommuting, telephone sales, and internet services shall be exempt from zoning clearance requirements for home occupations.

(e) **Mobile Homes** – The performance standards set forth in Section 1500-53-715 of this Chapter must be satisfied to qualify for approval.

- (f) **Wayside Stands** – The criteria set forth in Section 1500-53-2214 must be satisfied to qualify for approval.
- (g) **Wireless Communication** – The criteria set forth in Section 1500-53-1613 must be satisfied to qualify for approval.

1500-53-1813 Enforcement

If such regulations and/or standards are not complied with, the Development Services Department Director may revoke said zoning clearance. A notice of intention to revoke the zoning clearance may be sent by U.S. certified mail or such other method as deemed necessary. If an applicant is not satisfied with the action of the Development Services Department Director, the applicant may submit a written appeal to the County Planning Commission within 10 days, as provided for in Article 3 of this Chapter.

ARTICLE 19 VARIANCES

1500-53-1910 Purpose

Under certain circumstances an applicant, while attempting to comply with the provisions of the zoning code as strictly interpreted, may face practical difficulties or undue hardships, which are inconsistent with this Code's purpose. This Article is intended to provide a mechanism whereby the Board of Supervisors may grant relief from the applicable provision of the LUDC, provided that certain criteria are met.

1500-53-1911 Application and Fee

- (a) Application for a variance shall be made in writing on a form prescribed by the Development Services Department and shall be accompanied by a fee as established by resolution of the Board of Supervisors. The application shall be accompanied by plans, elevations, statements, and other evidence showing that:
- (1) Due to special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
 - (2) Granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone district in which the property is located.
 - (3) A variance shall not be granted for a property which authorizes a use or activity which is not otherwise expressly authorized by the zoning classification governing the property.

1500-53-1912 Public Hearing - Notice

Notice for hearing on a variance application shall be provided in a manner consistent with Section 1500-53-1712 of this Chapter.

1500-53-1913 Action by Planning Commission and Board of Supervisors

- (a) Single Application Decisions

Following the public hearing, the Planning Commission shall make finding of facts showing whether the criteria under Section 1500-53-1911 (a) (1) through (3) are met. The Planning Commission shall then forward a recommendation of approval or denial to the Board of Supervisors, which shall hold a public hearing with regard to the application. The Board of Supervisors shall grant the adjustment only if it finds that these criteria do apply and that such variance is consistent with the general purpose of this Chapter. The Board of Supervisor's decision shall be final.

(b) Multiple Application Decisions

In the case of multiple applications concerning the project, the Planning Commission shall forward only its recommendation on all of the applications. The Board of Supervisors shall consider and decide all of the applications.

1500-53-1914 New Applications Following Denial

Following the denial of a variance application or revocation of a variance, no application for a variance for the same or substantially the same variance on the same or substantially the same site shall be filed within six months from the date of the denial or revocation thereon.

1500-53-1915 Revocation

- (a) In any case where the conditions of granting of a variance have not, or are not, complied with, the Board of Supervisors shall give notice to the permittee of its intention to revoke such variance at least 10 days prior to hearing thereon. After conclusion of the hearing, the Board of Supervisors may revoke such variance.
- (b) In any case where a variance has not been used within one year after the date of granting thereof, without further action by the Board of Supervisors, the variance granted shall be null and void.

ARTICLE 20

DESIGN REVIEW

1500-53-2010 Purpose

The purpose of this Article is to permit attractive, compatible, and coordinated development projects. This Article shall implement those portions of the Specific Plan that require the County to consider project features in order to:

- (a) Protect property rights and values;
- (b) Enhance important environmental features of the Plan area;
- (c) Provide proper circulation within parking areas;
- (d) Provide integrated pedestrian and bicycle circulation systems;
- (e) Promote architecture that responds to the needs of the users; and
- (f) Ensure that the general appearance of buildings, signs, and site improvements are consistent with the objectives, policies and design guidelines of the Sutter Pointe Specific Plan.

1500-53-2011 Design Review Process

Development projects located in the HDR, RC, CC, MU, NC, E1, and E2 districts shall be subject to the Design Review Process set forth below.

- (a) Preliminary Plan Review – Applicants should contact the Development Services Department to schedule a preliminary application meeting to clarify the approval process for their particular project and discuss the Sutter Pointe Specific Plan Design Guidelines as adopted by resolution of the Board of Supervisors. There is no fee for this meeting.
- (b) Formal County Review – Based upon the type and scale of the project, different levels of design review will be required. A Design Review determination by the Development Services Department Director shall not be the basis for deeming an application incomplete.
 - (1) Rezoning and Planned Developments – When a project requires a rezoning or planned development approval the Design Review permit will be approved by the Board of Supervisors as part of the overall project review. The Board will consider recommendations from staff and the Planning Commission in its decision. The Sutter Pointe Design Guidelines and any other established standards shall provide the basis for final approvals.
 - (2) Use Permits and Planned Development amendments – When a project requires a Use Permit or an amendment to a Planned Development, the Design Review permit will be considered by the Planning Commission as part of the overall project review. The Sutter Pointe Design Guidelines and any other established standards shall provide the basis for final approvals.

(3) The following applications will require Planning Commission review and recommendations to the Board of Supervisors:

- ▶ Design review permits for projects over 65,000 square feet of gross floor area located in the RC, CC, MU or NC zoning districts;
- ▶ Design review permits for all projects located in the HDR zoning district, or
- ▶ Design review permits for developments of four or more buildings, tenants, or uses intended to function in a joint manner, regardless of floor area, zoning district, or sequence of build-out. Characteristics of such development may include, but are not limited to, shared parking facilities, reciprocal access, and common building design. Such development may include multiple tenants or owners, freestanding pad buildings, and may be situated on one or more lots or parcels.

(4) The following applications will require administrative review and approval by the Development Services Department Director for compliance with the Sutter Pointe Design Guidelines:

- ▶ Design review permits for projects under 65,000 square feet of gross floor area located in the RC, CC, MU or NC zoning districts; or
- ▶ Design review permits for projects in the E1 and E2 zoning districts.

(5) Applications subject to design review shall be deemed complete, approved or denied by the Development Services Department Director and/or Planning Commission in a manner consistent with Government Code Section 65920 et. seq. If the Development Services Department Director denies a Design Review application, the project will automatically be reviewed by the Planning Commission. In each case, the Commission shall make a finding of consistency with the Design Guidelines or provide direction to the applicant to make specific modifications in order to achieve consistency with the Design Guidelines.

(c) Amendments or changes to existing plans – It shall be at the discretion of the Development Services Department Director to make the determination whether the proposed change constitutes a significant change requiring formal review. In cases where such changes are determined to be minor in nature, the proposed changes shall be subject to administrative review and approval by the Development Services Department Director for compliance with the Sutter Pointe Design Guidelines.

(d) Submittal requirements:

(1) Preliminary review –

- 1 preliminary review submittal form
- 1 full-size set of plans (24" x 36")
- 2 reduced sets of plans (8" x 11")

(2) Formal Review – All of the above plus:

- 1 completed application form

10 sets of plans which include site development plans, landscape plans, architectural elevations, sign program, or other information deemed necessary by the Development Services Department Director in order to adequately review the project application

1 materials/color board

1 set of colored elevation plans or artistic renderings

Application fee as established by resolution of the Board of Supervisors

The denial of any development proposal design features shall be made in a form that constitutes recommended modifications to the project in order to clearly provide the applicant an understanding of the desired changes that would obtain an approval from the reviewing body.

1500-53-2012 Approval

Design Review permits shall remain valid for a period of one year after which the approval shall lapse and become null and void. The issuance of a building permit shall constitute an extension of the Design Review permit which shall remain valid during the time period the building permit is considered active.

1500-53-2013 Occupancy

No structure which has received a Design Review permit shall be occupied or used in any manner or receive a certificate of occupancy until the Development Services Department has inspected and determined that the structure(s) and site development comply with the approved Development Review permit.

1500-53-2014 Appeals

Appeal from any finding or action by the Development Services Department Director or the Planning Commission shall be made pursuant to Article 3 of this Chapter.

ARTICLE 21 NONCONFORMING USES

1500-53-2110 Purpose and Applicability

This Chapter provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption, or amendment of this Section, but which would be prohibited, regulated, or restricted differently under the current terms of the Sutter County Zoning Code, this Section, or an amendment that changed the applicable requirements.

It is the intent of this Section to discourage the long-term continuance of nonconformities, providing for their eventual elimination, while allowing them to exist under the limited conditions outlined in this Article.

1500-53-2111 Restrictions on Nonconforming Structures and Uses

A nonconforming land use and the use of a nonconforming structure may be continued, including transfers of ownership, provided that their continuation shall comply with the requirements of this Article. See Section 1500-53-2112, Agricultural and Residential Exemptions, for exceptions regarding certain residential uses and structures.

- (a) Nonconforming Use of Land – A nonconforming use of land may be continued and the land may be transferred or sold, provided that the use shall not be:
 - (1) Enlarged or extended to occupy a greater area of land or building floor area than it lawfully occupied before becoming nonconforming; or
 - (2) Intensified so that its hours of operation are extended, the number of on-site employees is increased, or the volume of traffic or noise levels generated by the use is increased.
- (b) Nonconforming Structure – A nonconforming structure may continue to be used as follows:
 - (1) Changes to, or Expansion of a Structure – A nonconforming structure may be enlarged or extended to occupy a greater area of land or building floor area than it occupied before the effective date of the regulation that made it nonconforming, provided that any expansion or addition complies with all applicable requirements of this Section.
 - (2) Maintenance and Repair – A nonconforming single-family dwelling or duplex may be maintained and repaired at the discretion of the owner. A multi-family or non-residential structure may be maintained and repaired, provided that:
 - (A) No structural alterations occur other than those allowed by subsection (3) below; and
 - (B) The cost of the work done during any 12-month period does not exceed 25 percent of the value of the structure as determined by the Building Official in compliance with the Building Code.

Additional or more extensive changes to a nonconforming multi-family or non-residential structure may be authorized through Use Permit approval, provided that the review authority first finds that the additional work will not prolong the duration of the nonconforming structure.

- (3) Seismic Retrofitting, Building and Fire Code Compliance – Repairs, alterations or reconstruction to reinforce unreinforced masonry structures or to comply with Building Code and Fire Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards, and the Building Code and Fire Code.
- (c) Nonconforming Keeping of Animals – The keeping of animals that was lawfully initiated, but because of the adoption of or subsequent amendments to this Chapter does not comply with the maximum number or type of animals now allowed, may continue, provided that:
- (1) No increase occurs in the number or type of animals existing as of the date they became nonconforming (unweaned offspring may remain on the site only until weaned); and
 - (2) Once the nonconforming animal keeping has ceased on the site for 90 days or longer for any reason, any animal keeping thereafter shall comply with all applicable requirements of this Chapter.
- (d) Nonconforming Parking – A structure with nonconforming off-street parking may be physically changed or undergo a change in use subject to the following provisions:
- (1) Residential Uses – No additional parking spaces shall be required, provided the change does not increase the number of dwelling units, or eliminate the only portion of the site that can be used for the required or existing parking or access.
 - (2) Nonresidential Uses – The number of existing parking spaces shall be maintained on the site and additional parking shall be provided in compliance with this Chapter for any additional floor area. If the use of the structure is changed to one that requires more parking than the previous use, the difference between the parking spaces required for the previous use and the new use shall be provided.
- (e) Nonconforming Signs – A nonconforming sign is any permanent or temporary sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this Chapter.
- (1) General Requirements – A nonconforming sign shall not be:
 - ▶ Changed to another nonconforming sign;
 - ▶ Structurally altered to extend its useful life;
 - ▶ Enlarged;
 - ▶ Re-established after a business is discontinued for 12 months; or
 - ▶ Re-established after damage or destruction to 50 percent or more of the value of the sign, or its components, as determined by the Building Official.

- (2) Maintenance and Changes – Sign copy and face changes, nonstructural modifications, and nonstructural maintenance (e.g., painting, rust removal) are allowed without a sign permit up to a maximum of 25 percent of the existing total area of the sign. Face changes not including copy, and any nonstructural modifications exceeding 25 percent of the existing total area of the sign, and any structural changes shall comply with all applicable standards of this LUDC.

1500-53-2112 Agricultural and Residential Exemptions

- (a) An involuntarily damaged or destroyed nonconforming agricultural structure, or single- or multifamily dwelling may be reconstructed or replaced with a new structure with the same footprint, height, and number of dwelling units, in compliance with current Building and Fire Code requirements.
- (b) A nonconforming mobile home may be replaced with a new or newer and larger mobile home placed in the same location as the former unit, subject to applicable provisions of this Chapter.

1500-53-2113 Loss of Nonconforming Status

The nonconforming status of a land use and/or structure shall terminate in compliance with this Section.

- (a) Termination by Discontinuance –

- (1) If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of 12 months or more, all rights to legal nonconforming status shall terminate.
- (2) The Development Services Department Director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation.
- (3) Any further use of the site or structure shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this Zoning Code.

- (b) Termination by Change of Use – At such time that a non-conforming use or structure is brought into conformance with this Section, it shall remain in conformance with the applicable regulations of this Section, and shall not thereafter be changed to a non-conforming use.

- (c) Termination by Destruction – Nonconforming status shall terminate if a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed; except as provided by Section 1500-53-2112, Agricultural and Residential Exemptions, for dwellings, and except as follows:

- (1) If the cost of repairing or replacing the damaged portion of the structure is 50 percent or less of the assessed value of the structure immediately before damage, the structure may be restored to no more than the same size and use, and the use continued, if the restoration is started within one year of the date of damage and is diligently pursued to completion.

- (2) Use Permit approval shall be required if the cost of repairing or replacing the damaged portion of the structure is more than 50 percent of the assessed value of the structure immediately before damage. Use Permit approval shall require a finding that the benefit to the public health, safety or welfare exceeds the detriment inherent in the restoration and continuance of a nonconformity.

1500-53-2114 Nonconforming Parcels

- (a) Legal Building Site – A nonconforming parcel that does not comply with the applicable area, width, or depth requirements of this Section shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Development Services Department Director by evidence furnished by the applicant:
 - (1) Approved Subdivision – The parcel was created by a recorded subdivision map;
 - (2) Individual Parcel Legally Created by Deed – The parcel is under one ownership and of record, and was legally created by a recorded deed before the effective date of the zoning amendment that made the parcel nonconforming;
 - (3) Variance or Lot Line Adjustment – The parcel was approved through a Variance procedure or resulted from a lot line adjustment; or
 - (4) Partial Government Acquisition – The parcel was created in compliance with the provisions of the Sutter County Zoning Code or this Chapter, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent.
- (b) Subdivision of a Nonconforming Parcel – No subdivision shall be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel.

1500-53-2115 Nonconformity Due to Lack of Use Permit

- (a) Conformity of Uses Requiring Use Permits – A use lawfully existing without the approval of a Use Permit that would be required by this Chapter shall be deemed conforming only to the extent that it previously existed (e.g., as it maintains the same site area boundaries, hours of operation).
- (b) Previous Use Permits in Effect – A use that was authorized by a previous Use Permit but is not allowed by this Chapter in its current location may continue, but only in compliance with the original Use Permit.

ARTICLE 22 TEMPORARY USES

1500-53-2210 Purpose

Temporary uses within the Sutter Pointe Specific Plan area shall be subject to the following provisions and exceptions in order to implement the goals and policies of the Specific Plan and provide for the health, safety, and general welfare of residents and employees.

1500-53-2211 Sidewalk and Parking Lot Display and Sales

Within all Commercial and Employment zoning districts, promotional sales events held outside the confines of the commercial or manufacturing structure(s) in which such business is normally conducted may be conducted by one or more businesses subject to the following criteria:

- (a) Merchandise display areas within 10 feet of the building (provided they are not in the Handicapped parking spaces) are permitted, subject to subsection 3 below.
- (b) Parking lot sales are permitted quarterly for up to one week with the issuance of a zoning clearance and on weekends between noon Friday and noon Monday. Both are subject to subsection 3 below.
- (c) Sidewalk and parking lot display and sales are subject to the following criteria:
 - (1) The outdoor display/sales shall be located on a paved or concrete area on the same lot as the structures containing the business.
 - (2) Sales are limited to merchandise which is normally displayed and sold within the structure(s) containing the business.
 - (3) Sales events shall be conducted solely on private property and not encroach with the public rights-of-way.
 - (4) Location of the displayed merchandise shall be such that fire, safety, and pedestrian access is maintained.

1500-53-2212 Seasonal Sales

Within all Commercial and Employment zoning districts, annual sales of Christmas trees, fireworks, pumpkins, and related items are permitted.

1500-53-2213 Fund Raising Sales

Within all Commercial and Employment zoning districts, fund raising sales are permitted for up to three days per event conducted on a site by a non-profit organization, not to be conducted more frequently than four times per year per site.

1500-53-2214 Wayside Stands

A temporary wayside stand for the display and sale of agricultural products produced on the immediate property on which the stand is located may be permitted by Zoning Clearance in all zoning districts subject to the following conditions:

- (a) The stand shall not exceed 120 square feet of floor area.
- (b) The stand shall not be erected on-site more than 10 calendar days prior to the sale of the agricultural produce and shall be removed within 10 calendar days of the end of the annual sales of the produce.
- (c) The stand shall not be erected on-site for more than 90 days per calendar year, or, upon the documentation of having two or more crops grown on the property with a retail season exceeding 90 days, the Development Services Department may issue the Zoning Clearance with a term period of up to 150 days per year.
- (d) The stand shall not be located in a location that obstructs traffic visibility.
- (e) If the stand or any part thereof exceeds 42 inches height, it shall not be located in any required front or side yard.

1500-53-2215 Garage / Yard Sales

In any district that permits a dwelling, garage/yard sales are allowed when involving the sale of common household goods, primarily owned by the resident, for a duration not to exceed three days, nor more frequently than two times per year per residence. On-site signs are permitted. Off-site signs are permitted pursuant to Article 13 of this Chapter. If illegal off-site signs are in the vicinity of the garage/yard sale, the person or persons operating the garage/yard sale at the location indicated on the sign shall be held responsible for the posting of the prohibited signs.

1500-53-2216 Model Homes

Subject to the securing of a Building Permit to construct a residence, the construction of single-family model homes for display purposes is permitted within Residential zoning districts, subject to the following criteria:

- (a) A tentative subdivision map has been approved for the property;
- (b) The lot corners of the building sites have been set as part of the subdivision construction;
- (c) The finished lot grade of the building sites has been established; and
- (d) The number of model homes permitted shall be determined by the Director of Development Services.

Any such model home so constructed shall not receive a certificate of occupancy for any purpose until the Final Map is recorded and all required subdivision improvements are completed.

1500-53-2217 Temporary Use of a Commercial Coach

A commercial coach to be temporarily used as an office in an RC, MU, CC, NC, E1, or E2 zoning district must meet the following standards, in addition to any other conditions imposed by a use permit.

- (a) The commercial coach shall bear the tag or seal of the state as required by the Health and Safety Code of the State.
- (b) The commercial coach shall carry a current State license.
- (c) The commercial coach shall be kept mobile.
- (d) Skirting shall be provided along all sides of the commercial coach.
- (e) The exterior surface and roofing materials shall be consistent with those materials normally used in the construction of permanent office facilities.
- (f) Parking spaces shall be provided for the occupants of the commercial coach as required by Section 1500-53-1413 of this Chapter.
- (g) The maximum term of the use permit is two years.

1500-53-2218 Temporary Use of Mobile Homes or Other Structures

The Development Services Department Director may issue a special permit to allow the occupancy of a mobile home or other structure as temporary business premises for a period not exceeding six months where existing legally authorized business premises (including non conforming uses) have been severely damaged or destroyed by fire, flood, earthquake, or other disaster, and where such mobile home or other structure occupancy is necessary in order to permit continued operation of such business during repair or reconstruction of the permanent structure or structures on the business property. Sanitation and water service, if required, shall be provided to the mobile home or structure to the satisfaction of the Sutter County Environmental Health Program of the Community Services Department. Immediately following the issuance of any permit hereunder, or any extension thereof, the Building Official shall notify the Chairman of the Board of Supervisors, or in their absence, the County Administrative Officer of the action taken. The special permit may be renewed for one additional period not exceeding six months if substantial progress has been made in the repair or reconstruction of the permanent structure or structures and it reasonably appears that such structure or structures will be completed within the additional six months. Upon completion of such structure or structures, or expiration or voidance of the special permit, any mobile home or temporary structure so permitted shall be removed from the premises. No special permit may be issued under this subsection for a food service establishment where food intended for human consumption is prepared and/or served.

As enabled by California Government Code Section 65900 and as contemplated by subsection (b) of Government Code Section 65901 and solely for the purposes set forth in this subsection, the Sutter County Development Services Department Director is designated the Sutter County Zoning Administrator. The Sutter County Zoning Administrator may grant the kinds of variances and the extent of variation as hereinafter set forth. Notwithstanding the provisions of Article 19 of this Chapter, the Zoning Administrator may grant a variance to facilitate the purposes

of this subsection where practical difficulties, unnecessary hardships or results inconsistent with the purpose and intent of this subsection may result from the strict application of certain area, height, yard, and space requirements. The Zoning Administrator may grant a variance for such area, height, yard and space requirements up to 20 percent of the standard contained within the corresponding Section of this Chapter. Any aggrieved person may appeal the granting of such a variance to the Sutter County Planning Commission by filing a written notice of appeal with the Community Services Department within 10 days of such grant. The determination of the Planning Commission may be appealed by any person within 10 days to the Sutter County Board of Supervisors. As used in this subsection, "Development Services Department Director," "Zoning Administrator" and "Building Official" shall, in the absence of such officials, include those authorized to act in their absence.

ARTICLE 23 ENFORCEMENT

1500-53-2310 Enforcement

Except for a lawfully existing non-conforming use, it shall be unlawful to use any land or to erect, construct, enlarge, alter, move or use any structure, except in accordance with the provisions and requirements of this Chapter. Any use not specified as permitted in a particular zoning district is not permitted within that zoning district. It shall be the duty of the Development Services Department Director or designee to enforce the provisions of this Chapter.

1500-53-2311 Violation a Misdemeanor or Infraction

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 Chapter 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 or other political subdivision or any person, corporation, or partnership may have.

ARTICLE 24 SEVERABILITY

1500-53-2410 Severability

If any Section, subsection, paragraph, sentence, clause or phrase of this Chapter, which is reasonably separable from the remaining portion of this Chapter is, for any reason, held to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Chapter, it being expressly declared that this Chapter and each Section, subsection, paragraph, sentence, clause, and phrase thereof would have been adopted irrespective of the fact that any one or more other Sections, subsections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

ARTICLE 25 DEFINITIONS

1500-53-2510 General Rule

For the purpose of this Chapter certain terms used herein are defined. All words used in the present tense shall include the future tense, all words used in the plural number shall include the singular number, and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot," and the word "shall" is mandatory and not directory. The word "County" as used herein shall mean the County of Sutter, State of California; the words "Board of Supervisors" shall mean the Board of Supervisors of the County of Sutter; the words "Planning Commission" shall mean the Planning Commission of the County of Sutter; and the words "County Boundary" shall mean the boundary of the County of Sutter.

1500-53-2511 "Accessory Building"

A detached subordinate building, the use of which is incidental and related to that of the main building on the same lot, or to the use of the land.

1500-53-2512 "Accessory Use"

The use of a building or land which is incidental, subordinate, and related to the principal use or building located on the same lot.

1500-53-2513 "Access way"

That portion of a parking lot that provides access to and between parking areas.

1500-53-2514 "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.

1500-53-2515 "Alley"

A right of way which is less than 40 feet in width and affords a means of access to abutting property. The right of way of a public alley is dedicated to and accepted by a governmental agency. A private alley may be allowed if it is consistent with an approved subdivision map and shall be maintained by a private organization, such as a homeowners' association (HOA).

1500-53-2516 “Animal Keeping”

Care and maintenance of animals on private property. The listing below provides a distinction between various types of animals related to the special use provisions for Animal Keeping, as outlined in Article 15.

- ▶ Domestic Pets – Small animals (no larger than the largest breed of dogs) customarily kept as pets within a dwelling unit. This classification includes dogs, cats, fish, and birds (excluding large tropical birds and poultry), rabbits, guinea pigs, hamsters, or other similar small animals that are common household pets.
- ▶ Exotic Animals – Wild animals not customarily confined or cultivated by humans for domestic or commercial purposes, but kept as a pet or for display, including, snakes, reptiles and large tropical birds (including peacocks).
- ▶ Livestock Animals – Livestock refers to domesticated animals that may be kept or raised in pens, barns, houses and pastures whether for commercial or private use. Livestock includes, but is not limited to cattle, sheep, swine, goats, equine and fowl.
- ▶ Poultry – Domesticated birds (fowl) customarily kept for eggs or meat. This classification includes chickens, roosters, ducks, geese, turkeys, guinea fowl, and Cornish game hens.

1500-53-2517 “Area of a Lot”

The total area within the property lines of a parcel, excluding any area contained within a dedicated street or other right-of-way.

1500-53-2518 “Basement”

A space partly or wholly underground and having more than one half its height, measured from its floor to its finished ceiling below the average adjoining grade. If the finished floor level directly above a basement is more than six (6) feet above grade at any point, such basement shall be considered a story.

1500-53-2519 “Building”

Any structure having a roof and exceeding 100 square feet of floor area used or intended to be used for the housing or enclosure of persons, animals, chattels, or property of any kind.

1500-53-2520 “Building Coverage”

The land area covered by all buildings on a lot, including all projects except eaves.

1500-53-2521 “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.

1500-53-2522 “Building Frontage”

That portion of a building wall(s) facing the street(s) on which the building is located and measured parallel to the street.

1500-53-2523 “Building Height”

The vertical distance measured 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 roof, ridge, or parapet wall.

1500-53-2524 “Building Line”

See set back lines.

1500-53-2525 “Building Site”

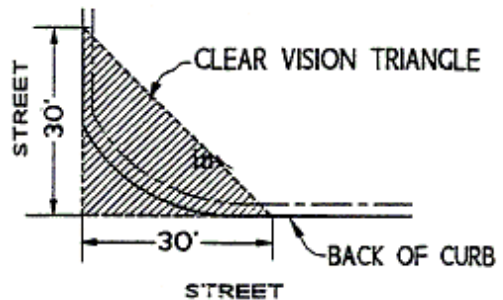
The land area within a lot of record occupied by or capable of being covered by all structures permissible under this Chapter.

1500-53-2526 “Building Official”

The Building Division Chief of the Development Services Department of Sutter County or designee.

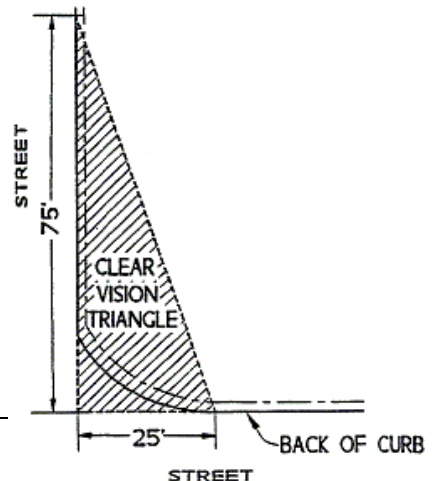
1500-53-2527 “Clear Vision Triangle, Non-Residential”

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 30 feet back from the intersection of the prolongation of points measures along the front and corner street side back of curb (see diagram). The dimensions of the clear vision triangle may be required to be increased if the Development Services Department Director determines that additional area is needed to ensure that a potential traffic hazard is not created.



1500-53-2528 “Clear Vision Triangle, Residential”

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 75 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). The dimensions of the clear vision triangle may be required to be increased if the



Development Services Department Director determines that additional area is needed to ensure that a potential traffic hazard is not created.

1500-53-2529 “Commercial Vehicle”

A motor vehicle used for commercial, industrial or agricultural purposes and rated more than one ton (2,000 lbs.) capacity. Examples of commercial use vehicles include but are not limited to; tow trucks, flat-bed trucks, mobile food preparation vehicles including large trucks converted as food vehicles (e.g. ice cream), street sweepers, buses, utility trucks with hydraulic arms or lifts, and tractors and semi-trailers.

1500-53-2530 “Communication Equipment Buildings”

Buildings housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without necessary personnel.

1500-53-2531 “Development Services Director”

The Development Services Department Director of Sutter County or designee.

1500-53-2531.5 “Driveway”

A type of private road for property access that is owned and maintained by an individual or group and connects a house, garage or other structure to a main street or alley.

1500-53-2532 “Garage, Private”

An accessory building or portion of a building, designed and/or used only for the shelter or storage of vehicles by the occupants of the residence, including covered parking space or carport.

1500-53-2533 “Garage, Commercial”

A building, other than a private garage used for the parking, repair, or servicing of motor vehicles.

1500-53-2534 “Garage, Parking”

A public garage designed and/or used on a commercial basis for the storage only of vehicles.

1500-53-2534.1 “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.

1500-53-2534.2 “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.

1500-53-2535 “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. A residential lot may have frontage of less than 50 feet and/or may have frontage on a private driveway, alley or street if it is consistent with an approved subdivision map.

1500-53-2536 “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.

1500-53-2537 “Lot, Key”

A lot with a side line that abuts the rear line of any one or more adjoining lots.

1500-53-2538 “Lot Width”

The distance between side lot lines measured at the front yard building line.

1500-53-2539 “Lot Area, Net”

The area of a lot lying within established parcel lines and exclusive of public rights-of-way.

1500-53-2540 “Nonconforming Parcel”

A parcel that was legally created prior to the adoption of this Chapter or amendment which does not comply with the current area, width, depth, or other applicable requirements of this Chapter.

1500-53-2541 “Nonconforming Sign”

A sign that lawfully existed prior to the effective date of this Chapter or amendment, but does not comply with the current sign regulations of this Chapter.

1500-53-2542 “Nonconforming Structure”

A structure that was legally constructed prior to the adoption or amendment of this Chapter, but does not comply with the current setback, height limit, off-street parking, and/or other applicable requirements of this Chapter. .

1500-53-2543 “Nonconforming Use”

A use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained prior to the adoption of this Chapter or amendment, but does not conform to the requirements of this Chapter for allowable land uses within the applicable zoning district.

1500-53-2544 “Outdoor Advertising Sign”

Any card, cloth, painted glass, wood, plaster, stone, or other sign of any kind placed for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term “placed” as used in the definitions of “outdoor advertising sign” and “outdoor advertising structure” shall include erecting, constructing, painting, posting, printing, tacking, taping, nailing, gluing, carving, or otherwise fastening, affixing or making visible in any manner whatsoever.

1500-53-2545 “Outdoor Advertising Structure”

Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary.

1500-53-2546 “Parking Lot”

An area of land, a yard or other open space on a lot used for or designated for use by standing motor vehicles.

1500-53-2547 “Recreational Vehicle”

An all-terrain vehicle, camp car, boat, motor home, travel trailer, or tent trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy.

1500-53-2548 “Sales Lot”

A lot used for the sale of new or used automobiles, boats, motorcycle, travel trailers, recreational vehicles, and commercial trucks and trailers. All vehicles displayed for sale must be capable of being driven on a public road and must be registered, or capable of being registered, pursuant to the Department of Motor Vehicles standards for automobile sales.

1500-53-2549 “Service Station”

A retail business establishment supplying gasoline and oil, and minor accessories and services for automobiles, not including auto body repair.

1500-53-2550 “Setback”

An area on a lot where no buildings, structures or additions to them may be located, and which becomes a yard area.

1500-53-2551 “Set Back Line”

A line established by this or other Chapter to govern the placement of buildings with respect to lot lines and/or existing or future right-of-way lines.

1500-53-2552 “Shopping Center”

A minimum of four commercial establishments designed or planned in a coordinated fashion, utilizing such elements as common access and parking.

1500-53-2553 “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.

1500-53-2554 “Sign Types”

- (a) “Address sign” shall mean the numeric reference of a structure or property to a street location.
- (b) “Awning sign” shall mean a non-electric sign that is printed on, painted on, or attached to an awning, canopy, or marquee.
- (c) “Banner, Flag, Pennant, or Balloon” shall mean 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) “Canopy sign” - See “Awning sign.”
- (e) “Changeable copy sign” shall mean 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) “Civic Event sign” shall mean a temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency or similar noncommercial organization.
- (g) “Developer/Contractor sign” shall mean 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.
- (h) “Directional sign” shall mean on-site signs limited to directional messages for pedestrian or vehicle traffic, such as “one-way”, “entrance” and “exit”, etc.
- (i) “Directory sign” shall mean a sign listing the tenants or occupants and their suite numbers of a building or center.

- (j) "Freestanding sign" shall mean a sign supported on one or more poles, braces, uprights or similar structural components placed into the ground and not attached to a building.
- (k) "Monument sign" shall mean 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.
- (l) "Nonconforming sign" shall mean a sign which was lawful when it was erected, but which does not currently conform to this Chapter.
- (m) "Non-viewable sign" shall mean a sign that cannot be seen from a public right-of-way.
- (n) "Off-site sign" shall mean 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, billboard, and outdoor advertising structure are equivalent terms.
- (o) "On-site sign" shall mean a sign located on the premises of the business or entity advertised by such sign.
- (p) "Portable freestanding sign and/or A-frame sign" shall mean 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.
- (q) "Projecting sign" shall mean 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.
- (r) "Residential Identification sign" shall mean a permanent wall sign not exceeding two square feet in size which contains only the name of the resident(s) of the residence upon which it is placed. It may also include the street address.
- (s) "Roof sign" shall mean a sign erected, constructed or placed upon or extending above the eave line or roof of the building to which it is attached.
- (t) "Subdivision/Development sign" shall mean a temporary off-site sign indicating only the name of the subdivision and directions to its location.
- (u) "Subdivision Identification sign" shall mean a permanent sign located at the entrance of a subdivision for the purpose of identifying the subdivision.
- (v) "Special Event sign" shall mean a temporary sign including but not limited to banners, flags, pennants, balloons, etc., 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.
- (w) "Suspended signs" shall mean a sign that is suspended from the underside of a canopy, portico or like structure.
- (x) "Vehicle sign" shall mean 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.
- (y) "Wall sign" shall mean a sign painted or fastened to an exterior building wall and which does not project more than six inches from the wall.

(z) "Window sign" shall mean any sign painted on, attached to or placed inside a window, which sign is intended to be seen from the exterior of the building.

1500-53-2555 "Service and Social Clubs"

Local organizations or local branches of national organizations that exist as non-profit community service groups (e.g., Moose, Kiwanis, etc.).

1500-53-2556 "Setbacks"

Land unoccupied or unobstructed, except for such encroachments as may be permitted by this Chapter, surrounding a building site.

1500-53-2557 "Setback, Front"

A setback extending across the full width of the lot from the lot line or the existing or future street right-of-way line and to a depth required by the zoning district in which said lot is located.

1500-53-2558 "Setback, Interior Side Lot"

A setback on the interior side(s) of a lot extending from the front lot line to the rear lot line, and to a width required by the zoning district in which said lot is located.

1500-53-2559 "Setback, Rear"

A setback extending along the width of the rear lot line, and to a depth required by the zoning district in which said lot is located.

1500-53-2560 "Setback, Side Facing Street"

A setback in a corner lot, extending along the width of a street side lot line or the existing or future right-of-way line, and to a depth required by the zoning district in which said lot is located.

1500-53-2561 "Specific Plan"

For purposes of this Chapter, "Specific Plan" shall refer to the Sutter Pointe Specific Plan, a detailed policy and land use plan, adopted by resolution of the Board of Supervisors, which implements the Sutter County General Plan. The specific plan shows the future physical development to be implemented within the area described in Section 1500-53-315 of this Chapter.

1500-53-2562 "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 six feet above grade at any point, such basement shall be considered a story.

1500-53-2563 “Street”

A right of way which has a width of 40 feet or more and affords a primary means of access to property. The right of way of a public street is dedicated to, accepted by, and maintained by a governmental agency. A private street may be allowed if it is consistent with an approved subdivision map and shall be maintained by a private organization, such as a homeowners’ association (HOA).

1500-53-2564 “Structural Alterations”

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders and floor joists or roof rafters.

1500-53-2565 “Structure”

An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

1500-53-2566 “Transitional Housing”

Housing for the homeless where shelter is provided for an extended period of time (up to 18 months) and generally includes the opportunity for training and counseling to acquire the needed skills (such as home management or job training) to assist in the transition to self-sufficiency through the acquisition of permanent income and housing.

1500-53-2567 “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 Section 1500-8018(j) of the Sutter County Zoning Code. 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 agricultural operation of such land.

1500-53-2568 “Zoning Clearance”

A certificate or letter issued by the Development Services Department Director or designee stating that the activity stated is in compliance with the provisions of the district in which such activity is to occur.