

ORDINANCE NO 373

AN ORDINANCE OF THE CITY OF SUTTER CREEK, AMENDING TITLE 18 (ZONING ORDINANCE) OF THE SUTTER CREEK MUNICIPAL CODE, TO UPDATE ZONING DISTRICTS AND ZONING MAP AND TO REPLACE, ADD, AND AMEND DEFINITIONS AND DEVELOPMENT STANDARDS FOR THE PURPOSE OF MAINTAINING CONFORMITY WITH STATE LAW, INCLUDING PROVISIONS RELATED TO ACCESSORY DWELLING UNITS, DENSITY BONUSES, REASONABLE ACCOMMODATIONS, EMERGENCY SHELTER, SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, AND OTHER STATE-MANDATED PROGRAMS AND REQUIREMENTS

SECTION 1. The City Council finds and declares as follows:

- A. California Constitution Article XI, Section 7, enables the City of Sutter Creek (the “City”) to enact local planning and land use regulations; and
- B. The authority to adopt and enforce zoning regulations is an exercise of the City’s police power to protect the public health, safety, and welfare; and
- C. The City desires to ensure that residential development occurs in a prudently effective manner, in accordance with the goals and objectives of the General Plan and reasonable land use planning principles; and
- D. The Planning Commission held a duly noticed public hearing on May 22, 2023 at which time it considered all evidence presented, both written and oral, and at the end of the hearing, recommended adoption to the City Council; and
- E. The City Council held a duly noticed public hearing on this Ordinance on September 18, 2023, at which time it considered all evidence presented, both written and oral.

SECTION 2. All references to the “Uniform Building Code” shall be replaced with references to the “California Building Code.”

SECTION 3. Section 18.040.030, Federal and State laws, is hereby added as follows:

“18.04.030 – Federal and State laws.

In addition to the provisions established in this zoning ordinance, the City shall comply with relevant Federal and State laws, as they are amended. These laws frequently change over time, and they shall be implemented through the City, as applicable.”

SECTION 4. Chapter 18.08, DEFINITIONS, is hereby deleted in its entirety and replaced with *Attachment 1* (Chapter 18.08 –DEFINITIONS), attached hereto and incorporated herein.

SECTION 5 Chapter 18.10, GENERAL PROVISIONS, shall be amended as follows:

- a. All references to R-4 shall be deleted.
- b. Section 18.10.040, Additional permitted uses, is hereby amended as follows:

“18.10.040 - Additional permitted uses.

- A. Uses other than those specifically listed in this title as uses permitted in each of the zones may be permitted therein, provided such uses are similar to those specifically listed and are in the opinion of the Planning Department or planning commission, as evidenced by a resolution in writing, not more obnoxious or detrimental to the welfare of the community than the permitted uses specifically mentioned in the respective zones.
- B. Public utility distribution and transmission lines, both overhead and underground, shall be allowed in any district without limitation as to height provided, however, that the routes of the proposed transmission lines shall be located within established public utility easements or rights-of-way.

C. Uses shall be consistent with the General Plan.

- c. Section 18.10.045, Site plans, is hereby added as follows:

“18.10.045 – Site Plans.

- A. The proposed site improvements shall be consistent with city improvement standards and all ordinance requirements;
- B. The proposed site development shall not conflict with the various elements of the General Plan, and the purposes of this title; and
- C. Site plans shall depict the site layout or use in two dimension, whereas plans for Design Review shall depict the visual street view and three dimensional layout of the proposed improvement.”

- d. Section 18.10.050, Height of buildings, is hereby amended as follows:

“18.10.050 - Height of buildings.

No penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment, towers, including elevator or stairway towers, steeples, roof signs, chimneys, or other similar structures shall exceed the height limit provided in this title. If specifically permitted within a zoning district, radio and television masts, telecommunication towers, electrical generating towers, flagpoles, and smokestacks may

extend not more than thirty feet above the height limit provided in this title, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances.”

- e. Section 18.10.060, Accessory buildings, is hereby amended as follows:

“18.10.060 - Accessory buildings.

This section does not apply to accessory dwelling units and junior accessory dwellings regulated by Government Code Section 65852.2 and Chapter 18.61 of the Sutter Creek Municipal Code. The following regulations apply to the location of accessory buildings unless otherwise provided in this title.

- A. No detached accessory buildings in residential zones may exceed two stories, or thirty-five feet in height, except in accordance with State height allowances for affordable units.
- B. No detached accessory building or structure in residential zones shall be located within the front yard setback.
- C. ~~On a corner lot, no~~ Detached accessory buildings in residential zones shall be located at a distance no less than ten feet from the side street line
- D. Except for accessory dwelling units, as established by State law, nNo accessory buildings in residential zones, if one story in height shall be located nearer than five feet to the side or rear property line; or if two stories in height, shall be located nearer than eight feet to the side or rear property line.

- f. Section 18.10.070, Additional dwelling units, is hereby deleted in its entirety.

- g. Section 18.10.100, Fences, walls and hedges, is hereby amended at subsection (G) as follows:

“G. Barriers for swimming pools shall meet the requirements of Part 2.5 Appendix V Chapter 4 of the Uniform California Building Code.”

- h. Section 18.10.130, GP Volume II Standards, is hereby added as follows:

“18.10.130 – GP Volume II Standards.

Volume II of the City of Sutter Creek General Plan contains implementing standards, guidelines, and plans that provide additional direction and requirements applicable to development within the City. General Plan Volume II includes standards for specific areas within Sutter Creek, conservation efforts, parks and circulation improvements, and the Sutter Creek Design Standards, Capital Improvement Program, and Improvement Standards. Development projects are expected to comply with these standards, as applicable.”

- i. Section 18.10.131, Improvement standards, is hereby added as follows:

“18.10.131 – Improvement Standards.

The Sutter Creek Improvement Standards establish the minimum standards to be applied to improvements and private development projects to be dedicate to the public and accepted by the City for maintenance or operation, as well as improvements to be installed within existing rights of way and easements. These standards apply to and regulate the design and preparation of plans for construction of streets, highways, drainage, sewerage, street lighting, water system facilities and related public improvements.”

- j. Section 18.10.132, Design standards, is hereby added as follows:

“18.10.132 – Design Standards.

The City’s adopted Design Standards provide specific guidance on new development by type and location of the development to facilitate the City’s architectural regulations. They include standards for site organization, architecture, landscaping, parking, access, screening, fences and walls, lighting, refuse/storage/ and equipment areas, roofs, building materials, colors, entries, and other design components. Specific standards are established for projects within the Historic District and Main Street Historic District, and general standards are established for all projects in the City.”

SECTION 6. Chapter 18.12, ZONES, shall be amended as follows:

- a. All references to “R-4” shall be deleted.
- b. Section 18.12.010, Land use zones—Classes designated, is hereby amended as follows:

“18.12.010 - Land use zones—Classes designated.

In order to classify, regulate, restrict and segregate the uses of land and buildings; to regulate and restrict the height and bulk of buildings; and to regulate the area of yards and other open spaces about buildings; and to regulate the density of population, fifteen classes of land use zones are established to be known as follows:

A	Agriculture zone
<u>RR</u>	<u>Residential Ranchette</u>
RE	Residential estates zone

RL	Residential low density zone
R-1	One-family zone
R-2	Two-family zone
R-3	Limited multiple family dwelling zone
R-4 3	Multiple-family dwelling zone
C-1	Limited commercial zone
C-2	Commercial zone
DTC	Downtown commercial zone
MU	Mixed-use zone
I-1	Light industrial zone
I-2	Heavy industrial zone
OS	Open space zone
R	Recreation zone
<u>PS</u>	<u>Public service zone</u>

c. Section 18.12.020, Zoning Map, is hereby amended as follows:

Figure 1- Sutter Creek Zoning Map attached hereto and incorporated herein

d. Section 18.12.030, Boundaries, is hereby amended as follows:

“(F) All property in the city and all property hereafter annexed and pre-zoned upon annexation, shall be classified consistent with the land use ~~map~~ diagram, Figure 4-1 the General Plan.”

- e. Section 18.12.050, Minimum residential densities, is hereby amended as follows:

“18.12.050 - Minimum residential densities.

In all R-3 zoning districts allowing residential development, the minimum density of residential units allowed for that zoning district shall be required per gross acre and such units shall be constructed as all or part of any proposed project, exclusive of any density bonuses or incentives mandated by state law to encourage affordable housing development, unless findings are made by the planning commission that the minimum density requirement cannot be met. Density ranges between districts shall be consecutive and there shall be no overlaps or gaps between districts.”

- f. Section 18.12.060, Transitional and supportive housing, is hereby added as follows:

“18.12.060 – Transitional and supportive housing.

A. Pursuant to Government Code Section 65583, supportive housing and transitional housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zoning district.

B. Pursuant to Government Code Section 65651, permanent supportive housing shall be allowed, by right, in any mixed use and nonresidential zoning districts permitting multifamily uses.”

- g. Section 18.12.065, Low barrier navigation centers.

“18.12.065 – Low barrier navigation centers.

Pursuant to Government Code Section 65662, low barrier navigation centers shall be allowed by right in any mixed use and nonresidential zoning districts permitting multifamily uses.”

- h. Section 18.12.070, Pets, is hereby added as follows:

“18.12.070 – Pets.

No person shall keep or maintain more than four (4) dogs or cats (a maximum of four [4] animals) over four (4) months of age.”

- i. Section 18.12.080, Airport safety zones, is hereby added as follows: **“18.12.070 – Airport safety zones.**

Development within Safety Zones 5 and 6 identified in the Westover Field Airport Land Use Plan (ALUP) shall be reviewed by the City for compatibility with the ALUP and may be subject to Amador Airport Land Use Committee review.”

SECTION 7. Chapter 18.13, A ZONE – AGRICULTURE, shall be amended as follows:

- a. All references to “A zone” shall be deleted and replaced with references to “RR zone,” and all references to “agriculture zoning district” shall be deleted and replaced with references to “residential ranchette zoning district.”
- b. Section 18.13.015, Purpose, shall be amended to read as follows:

“18.13.015 - Purpose.

~~The agriculture zoning district is designated to support agricultural activities such as the commercial production of animals and plants, grazing, timber, and similar agricultural uses. The residential ranchette zoning district is designated for detached one-family dwellings on a minimum five-acre lots characterized by varying terrain.”~~

- c. Section 18.13.020, Permitted uses, shall be amended to read as follows:

“18.13.020 - Permitted uses.

Uses permitted in the RR zone are:

- A. One detached one-family dwelling per lot or parcel;
- B. The accessory buildings necessary to such use located on the same lot or parcel of land including an attached or detached garage;
- C. Family food production plus the growing of fruits, flowers and vegetables, and related horticultural activities;
- D. Educational animal project;
- E. One horse, or one cow, or two rarities (ostrich or emu), or two llamas, or two sheep, or two goats for each two acres of lot area;
- F. Family daycare homes;
- G. Home occupations upon securing a home occupation use permit;
- H. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 18.61;
- I. Employee housing for six or fewer employees; and
- J. Residential care facilities – small.

~~A. The following agricultural uses:~~

~~1. Animal raising including farms or ranches for the raising of cattle, horses, sheep, goats, llamas and ratites (ostrich and emu);~~

~~2. Small animal raising for breeding purposes or for meat, egg, or fur production, such as chicken farms, turkey farms, duck farms, and rabbit farms;~~

~~3. Crop production including the growing of plant crops for commercial purposes such as field crops, fruit and nut trees, and vineyards;~~

~~4. Educational animal project; and~~

~~5. Home occupations upon securing a home occupation use permit.~~

~~B. One detached one family dwelling per lot or parcel.~~

~~C. A second unit dwelling pursuant to section 18.10.070.~~

~~D. Accessory buildings necessary for such permitted uses and located on the same parcel of land.”~~

d. Section 18.13.070, Area requirements, is hereby amended as follows:

“18.13.070 - Area requirements.

The minimum lot area shall be not less than ~~forty five acres or 217,000 square feet net.~~”

- e. Section 18.13.090, Buildings –Lot Coverage, is hereby amended as follows:

“18.13.090 - Buildings—Lot coverage.

Building lot coverage shall not exceed ~~three~~ fifteen percent of the lot area.”

- f. Section 18.13.110, Residential Density, is hereby added to read as follows:

“18.13.110 Residential density.

Maximum development density shall be up to one (1) unit per five (5) acres.”

SECTION 8. Chapter 18.14, RE ZONE – RESIDENTIAL ESTATE, shall be amended as follows:

- a. Section 18.14.020, Permitted uses, is hereby amended as follows:

“18.14.020 - Permitted uses.

Uses permitted in the RE zone are:

- A. One detached one-family dwelling per lot or parcel;
- B. The accessory buildings necessary to such use located on the same lot or parcel of land including an attached or detached garage;
- C. Family food production plus the growing of fruits, flowers and vegetables, and related horticultural activities;
- D. Educational animal project;
- E. One horse, or one cow, or two ratites (ostrich or emu), or two llamas, or two sheep, or two goats for each two acres of lot area;
- F. Family daycare homes;
- G. Home occupations upon securing a home occupation use permit;
- H. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 18.61; ~~A second unit dwelling pursuant to section 18.10.070~~
- I. Employee housing for six or fewer employees; and
- J. Residential care facilities – small.”

- b. Section 18.14.070, Area requirements, is hereby amended to delete the word “net.”
- c. Section 18.14.100, Residential density, is hereby added as follows:

“18.14.100 – Residential Density.

Maximum development density shall be up to one (1) unit per acre, as established in City of Sutter Creek General Plan Land Use Element Table 4-3, and dependent upon site conditions and constraints.”

SECTION 9. Chapter 18.15, RL ZONE – RESIDENTIAL LOW DENSITY, shall be amended as follows:

- a. Section 18.15.020, Permitted uses, is hereby amended as follows:

“Section 18.15.020 – Permitted uses.

Uses permitted in the RL zone are:

- A. One detached one-family dwelling per lot or parcel;
- B. The accessory buildings necessary to such use located on the same lot or parcel of land including an attached or detached garage;
- C. The non-commercial growing of fruits, flowers and vegetables, and related horticultural activities;
- D. Family daycare homes;
- E. Home occupations upon securing a home occupation use permit;
- F. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 18.61;
~~A second unit dwelling pursuant to section 18.10.070~~
- G. Employee housing for six or fewer employees; and
- H. Residential care facilities –small.”

- b. Section 18.15.090, Building – Lot coverage, is hereby amended as follows for consistency with the General Plan Land Use Element:

“18.15.090 – Building-Lot Coverage.

Building lot coverage shall not exceed 30 percent of the lot area.”

- c. Section 18.15.100, Residential density, is hereby added as follows:

“18.15.100 – Residential Density.

Commented [EV1]: I have a note that says this was changed from 30 to 15% to comply with the GP. I don't see it in the GP

Maximum development density shall be up to two (2) units per acre (one (1) unit per half acre), as established in City of Sutter Creek General Plan Land Use Element Table 4-3, and dependent upon site conditions and constraints.”

SECTION 10. Chapter 18.16, R-1 ZONE – ONE FAMILY DWELLING, shall be amended as follows:

- a. Section 18.16.020 - Permitted uses, is hereby amended as follows:

“Section 18.16.020 – Permitted uses.

Uses permitted in the R-1 zone are:

- A. One detached one-family dwelling per lot;
- B. The accessory buildings necessary to such use located on the same lot including an attached or detached garage;
- C. Horticultural activities for personal use;
- D. Family daycare homes;
- E. Home occupations upon securing a home occupation use permit; and
- F. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 18.61; A second unit dwelling pursuant to section 18.10.070
- G. Employee housing for six or fewer employees; and
- H. Residential care facilities –small.”

- b. Section 18.16.100, Residential density, shall be added as follows:

“18.16.100 – Residential Density.

Maximum development density shall be up to 6.22 units per acre, as established in City of Sutter Creek General Plan Land Use Element Table 4-3, and dependent upon site conditions and constraints.”

SECTION 11. Chapter 20, R-2 ZONE – TWO FAMILY DWELLING, shall be amended as follows:

- a. Section 18.20.020, Permitted Uses, is hereby amended as follows:

“18.20.020 – Permitted uses.

A. Permitted uses in the R-2 zone include:

1. A two-family dwelling on a single lot;
2. A zero-lot line duplex with a half-plex unit on an individual lot;
3. A detached one-family dwelling on a single lot;
4. The accessory buildings necessary to such use, located on the same lot including an attached garage;
5. Family daycare homes;
6. Home occupations upon securing a home occupation use permit;
7. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 18.61; A second unit dwelling pursuant to section 18.10.070
8. Employee housing for six or fewer employees; and
9. Residential care facilities –small.

B. Conditional uses in the R-2 zone shall include:

1. Mobile home parks”

b. Section 18.20.100, Residential density, shall be added as follows:

“18.20.100 – Residential Density

Maximum development density shall be up to 15 units per acre, as established in City of Sutter Creek General Plan Land Use Element Table 4-3, and dependent upon site conditions and constraints.”

SECTION 12. Chapter 18.24, R-3 ZONE, is hereby deleted.

SECTION 13. Chapter 18.28, R-4 ZONE – MULTIPLE FAMILY DWELLING, is hereby amended as follows:

- a. All references to “R-4” shall be replaced with references to “R-3,” and all references to “Limited Multiple Family Dwellings” shall be replaced with references to “Multiple Family Dwellings.”
- b. Section 18.28.020, Permitted uses, is hereby amended as follows:

“18.28.020 - Permitted uses.

A. Uses permitted in the R-3 zone are:

1. ~~Group dwellings,~~ Multiple family dwellings, apartment houses, condominiums, and townhouses;

2. The accessory buildings necessary to such use located on the same lot or parcel of land including garages and carports;
3. Home occupations upon securing a home occupation use permit;
4. Family daycare homes;
5. Farm worker housing;
6. Residential care facilities (small and large);
7. Transient occupancy buildings and board and rooming house;
8. Transitional housing; ~~farm worker housing, single room occupancy (SRO) dwellings~~
9. Permanent supportive housing that meets the criteria set forth in Government Code Section 65651 et seq.;
10. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 18.61; and
11. Single room occupancy (SRO) dwellings.

B. Permanent supportive housing projects that meet specific criteria specified in Article 11 (commencing with Section 65650), within Chapter 3 of Division 1 of Title 7 of the Government Code are allowed by right. All other supportive housing projects not meeting the criteria specified in Government Code Article 11 Section 65650 are subject to a conditional use permit.”

c. Section 18.28.070, Area requirements, is hereby amended as follows:

“18.28.070 - Area requirements.

The minimum lot area shall be not less than 3,500 square feet or one thousand square feet per dwelling unit.”

d. Section 18.28.100, Residential density, is hereby added as follows:

“18.28.100 – Residential density.

Maximum development density shall be 16 to 29 units per acre, as established in City of Sutter Creek General Plan Land Use Element Table 4-3, and dependent upon site conditions and constraints. See 18.62 regarding density bonus allocations.”

SECTION 14. Chapter 18.29, PS ZONE – PUBLIC SERVICE, is hereby added:

“18.29.010 Regulations designated.

The following regulations apply in the PS public service zone unless otherwise provided in this title.

18.29.015 Purpose.

The public service district is designated for public service uses and facilities that are owned and operated by Federal, State, or local government, public utilities, and special districts that provide governmental or public services.

18.29.020 Permitted uses.

Uses permitted in the PS zone shall include:

- A. Government offices;
- B. Schools;
- C. Cemeteries;
- D. Transit centers;
- E. Water or sewer treatment plants, pump station, and other utility buildings or structures;
- F. Fire stations and public safety training facilities; and
- G. Publicly owned and operated community meeting halls, conference halls, or other facilities open to and used by the general public.

18.29.025 Conditional uses.

Accessory facilities and uses that are permitted upon the granting of a conditional use permit in the PS zone shall be:

- A. Waste disposal or transfer sites;
- B. Public utility maintenance facilities and operation yards with outdoor storage of materials and supplies;
- C. Residential caretaker units, one unit per parcel; and
- D. Special large-assembly events.

18.29.030 Buildings--Height limitations.

Commented [EV2]: Do we want to add publicly owned buildings ie: Knights Foundry?

Building height for the PS Zone shall be limited to three (3) stories and shall not exceed ~~thirty five (35)~~ forty feet (40).

18.29.040 Yard--Front.

Buildings shall be located at least ten feet from the front lot line.

18.29.050 Yard--Side.

Five feet or in conformance with the California Building Code.

18.29.060 Yard--Rear.

There shall be a rear yard of not less than ten (10) feet.

18.29.070 Buildings--Required distance between.

None.

18.29.080 Area requirements.

The minimum lot area shall be not less than 7,000 square feet.

18.29.090 Buildings--Lot coverage.

Building lot coverage shall not exceed eighty-five (85) percent of the lot area.”

SECTION 15. Chapter 18.30, MH COMBINING ZONE – MANUFACTURED HOUSING COMBINING, is hereby amended as follows:

a. Section 18.30.030, Permitted use, is hereby amended as follows:

“18.30.020 - Permitted use.

Manufactured homes are permitted within specified residential zones that allow a detached one-family dwelling, and under the following criteria:

- A. Manufactured homes must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 United States Code, Section 5401 et seq.);
- B. Manufactured homes must be placed on permanent foundations pursuant to a building permit issued by the city and pursuant to Section 18551 of the California Health and Safety Code;
- C. Electrical, gas, water and sewer service to the manufactured home must also be installed under a building permit issued by the city;

- D. Manufactured homes must adhere to the snow load, wind pressure, and building setback requirements of the city;
 - E. No manufactured home shall be permitted which exceeds a period of ten years from the date of manufacture to the time of installation; and
 - F. Siding material, roofing material and roof overhangs shall be consistent with similar conventionally constructed homes in the vicinity, with roof eave and gable overhangs of not less than one foot, measured from the vertical side of the structure. Exterior covering material shall extend to the top of the concrete or masonry foundation.”
- b. Section 18.30.030, Restrictions, is hereby amended as follows:

“18.30.030 - Restrictions.

- A. All manufactured homes shall undergo design review before obtaining design clearance; design clearance shall be required before the application(s) may be processed for permitting and/or before the proposed activity is commenced. The design review process is established in the Design Standards.
- B. Manufactured homes shall not be permitted within areas designated as "Historic" or "Historic Corridor" on the general plan land use maps, or in areas which carry the HR (historic residential) combining zone designation as shown on the zoning map.”

SECTION 16. Chapter 18.32, C-1 ZONE – LIMITED COMMERCIAL, is hereby amended as follows:

- a. Section 18.32.015, Purpose, is hereby amended as follows:

“18.32.015 - Purpose.

The limited commercial district is designed to provide office, medical, and convenient services and products to residents on a daily basis.”

- b. Section 18.32.020, Permitted uses, is hereby amended as follows:

“18.32.020 - Permitted uses.

Uses permitted in the C-1 zone are:

- A. Any of the following uses:
 - 1. Bakeries;
 - 2. Day care center - adult (14 or fewer clients);
 - 3. Banks and automatic teller machines;

4. Barber shops;
5. Beauty shops;
6. Book stores;
7. Confectionery stores;
8. Day care center – child (14 or fewer clients);
7. ~~Convenience stores;~~
9. Dental clinics or offices;
10. Dressmaking or millinery shops;
11. Drug stores;
12. Financial service offices;
13. Fire stations and public safety training facilities

14. Dry cleaning, pressing and laundry establishments using non-inflammable and non-explosive cleaning fluid;
15. Fitness/health studios, spas;
16. Dry goods or notions stores;
17. Sales and repair of electric appliances and electronic goods;
18. Florist shops;
19. Gift shops;
20. Grocery, fruit, and vegetable stores;
21. Hardware stores;
22. Jewelry stores;
23. Live-work units;
24. Meat markets or delicatessen stores;
25. Medical clinics;
26. Medical and dental laboratories;

27. Offices, professional;
28. Photographic shops;
29. Restaurants, tea rooms or cafés where all customers are served at a table or counter (excluding dancing, entertainment and sale of intoxicating liquors);
30. Shoe stores or shoe repair shops;
31. Stationery stores; and
32. Tailoring, clothing or wearing apparel shops;
- ~~26. Self service laundries or laundrettes; and”~~
33. Veterinarian clinics.

B. The above specified businesses shall be professional offices or retail establishments permitted only under the following conditions:

1. Such ~~stores, shops, or~~ businesses shall be conducted entirely within an enclosed building. Businesses proposing outdoor uses shall do so only on application to and approval by the planning commission as a conditional use;
2. Products made incidental to a permitted use may be sold at retail on the premises;
3. All public entrances to such ~~stores, shops, or~~ businesses shall be from the principal street upon which the property abuts, except that a rear or side entrance from the building to a public parking area may be provided;
4. Refer to Chapter 15.16 for signage requirements and Chapter 13.12 for obstructions to public way requirements; ~~and~~
5. The accessory buildings necessary to such use located on the same lot or parcel of land, including a storage building for the exclusive use of the patrons of the above stores or businesses;
6. Day care center – adult, with 15 or more clients, requires an application and approval by the planning commission as a conditional use; and
7. Day care center – child, with 15 or more clients, requires an application and approval by the planning commission as a conditional use.

C. Any use conducted within a C-1 zone shall comply with the provisions of Chapter 18.50, site plans.”

c. Section 18.32.020_ Buildings – Height limitations, is hereby amended as follows:

18.32.020_ Buildings – Height limitations

Maximum building height in the C-1 zone shall be limited to ~~two and one half~~ three stories and shall not exceed ~~thirty-five~~ forty feet

d. Section 18.32.100, Residential density, is hereby amended as follows:

“18.32.100 – Residential density.

Maximum development density shall be 16 to 29 units per acre, as established in City of Sutter Creek General Plan Land Use Element Table 4-3, and dependent upon site conditions and constraints. See 18.62 regarding density bonus allocations.”

SECTION 17. Chapter 18.36, C-2 ZONE – COMMERCIAL, is hereby amended as follows:

a. Section 18.36.020, Permitted uses, is hereby amended as follows:

“18.36.020 - Permitted uses.

Uses permitted in the C-2 zone shall be:

A. ~~Multiple family dwellings as permitted in the R-4 zone,~~ Any commercial use permitted in the C-1 zone;

B. Any of the following uses:

1. Retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the retail business conducted on the premises and provided that not more than twenty-five percent of the floor area is used in the manufacture, processing or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes;
2. Antiques and collectibles;
3. ~~Automobile parking areas;~~
3. Automobile, recreation vehicle, boat, and truck parking and storage ;
4. Automobile service stations;
5. Automobile and truck repair and renovation, body and fender works, painting, upholstery, and used parts storage, all when operated or maintained wholly within a building;

Commented [AH3]: Check alphabetization and consistency with matrix - different terms used.

Commented [AH4]: ~~Replaced with parking garage~~
~~and used parts storage~~

5. ~~Public baths, spas and the like;~~
6. Banks and automated teller machines;
7. Bars and cocktail lounges;
8. Billiard or pool halls or bowling centers;
9. Bird stores or pet shops;
10. Blueprinting and photostating shops;
11. Books and media stores;
12. Brewpubs;
13. Cafes and coffee shops;
14. Candy and confectionery stores;
15. Cleaning and pressing establishments using non-inflammable and nonexplosive cleaning fluid;
16. Clothing and apparel stores;
17. Conservatories of ~~music~~ music;
18. Convenience stores;
19. Delicatessens and meat and food markets;
20. Department stores;
21. Drug stores;
22. Dry cleaning, pressing and laundry establishments using non-inflammable and non-explosive cleaning fluid;
23. Electric appliances and electronic goods sales and repair;
24. Electronics store;
25. Emergency shelters operated by a governmental agency or non-profit corporation having all approvals, licenses, and permits required by state or local law for such operations.
26. ~~Wedding chapels~~ Event venues;

27. Fabric and craft supply stores;
28. Fire stations and public safety training facilities;
29. Florist shops;
30. Funeral parlors;
31. Furniture stores;
32. Gas stations;
33. Gift shops;
34. Grocery, fruit, and vegetable stores;
35. Hardware stores;
36. Hospitals;
37. Hotels, motels, motor inns, lodges, ~~and time share units,~~ short-term rental units, and vacation rentals;
38. Housewares and home ~~interior~~ decorating shops;
39. Jewelry stores;
40. Liquor stores;
41. Live-work units;
42. Music ~~Musik~~ and vocal instructions;
43. Music ~~Musik~~ stores;
44. Nurseries, flowers or plants;
45. Parking garages and lots, public or private;
46. ~~Furniture warehouses for storing personal household goods~~ Personal storage warehouses ("mini-storage");
47. Plumbing shops;
48. Printing, lithographing or publishing establishments;
49. Restaurants and restaurants with drive through services, ~~tea rooms, cafés, brewpubs, bars and cocktail lounges;~~
47. ~~Service and convenience stations;~~

50. Self-service laundries or laundrettes;

51. Shoe stores or shoe repair shops;

52. Skating rinks;

53. Stationery stores;

54. Storage garages including repairing and servicing;

55. Studios;

56. Taxidermists;

57. Tea rooms;

58. Telephone public utility buildings;

59. Theaters or auditoriums (except drive-in theaters);

60. Trade schools;

61. Upholstery shops;

62. Used car sale areas, providing that no repair or reconditioning of automobiles shall be permitted, except when enclosed in a building;

~~58. Wedding chapels;~~

C. For any use conducted within a C-2 zone, the following conditions shall apply:

1. Such stores, shops and businesses shall be conducted entirely within an enclosed building. Businesses proposing outdoor uses shall do so only on application to and approval by the planning commission;
2. ~~Those businesses that require outdoor display areas~~ Uses shall comply with the provisions of Chapter 18.50, site plans.
3. Business shall not be conducted from within a residential garage, shed, or temporary structure, without a use permit therefore having been first obtained from the city.
4. Accessory buildings necessary to such use located on the same lot or parcel of land may be permitted.
5. Refer to Chapter 15.16 for signage requirements and Chapter 13.12 for obstructions to public way requirements.

D. Consistent with Government Code Sections 65582, 65583(a), and 65589.5, all California cities are required to identify a minimum of one zone that permits emergency shelters by right.

Emergency shelters shall be allowed by right in the C-2 zone, subject to the following standards:

1. No individual shall be denied emergency shelter because of an inability to pay.
2. Emergency shelters shall be operated under the authority of a governing agency or private organization that provides, or that contracts to provide, emergency shelters and which, when required by law, is properly registered and licensed.
3. Emergency shelters shall comply with applicable California Health and Safety Codes.
4. Emergency shelters shall comply with all property development standards of the zone in which they are located, and, in addition, no emergency shelter shall be located within 300 feet of another such facility, said measurement being defined as the shortest distance between the outside walls of such facilities.
5. Parking shall be as required pursuant to Chapter 18.48, Off-Street Parking.
6. Each emergency shelter shall include, at a minimum, the following:
 - (A) Interior and exterior lighting necessary for security, safety, and operational purposes shall conform to the California Code of Regulations Title 24 Parts 2, 2.5 and 6 or any successor provisions as applicable in effect at the time the application is deemed complete. Exterior lighting shall be stationary, directed away from adjacent properties and public rights-of-way;
 - (B) If client intake is to occur on site, there shall be an indoor client intake/waiting area equal to a minimum of 10 square feet per bed provided at the facility. If an exterior waiting area is also provided, it shall be enclosed or screened from public view and adequate to prevent obstructing of the public right-of-way and required parking and access;
 - (C) Clean, sanitary beds and sanitation facilities, including showers and toiletries; and
 - (D) Segregated sleeping, lavatory, and bathing areas if the emergency shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory, and bathing areas for families.
 - (E) At least one facility manager shall be on site at all hours the facility is open and one hour prior to and after facility operating hours. At least one full-time equivalent employee shall be required to be on site during facility operating hours for every 20 beds in the facility.

7. Emergency shelters may provide one or more of the following types of supportive facilities or services for the exclusive use or benefit of the shelter clients:
- (A) Central cooking and dining room(s);
 - (B) Recreation areas, indoor and/or outdoors;
 - (C) Laundry facilities for clients to wash their clothes;
 - (D) Intake and administrative offices;
 - (E) Counseling and other supportive services; or
 - (F) Secure storage areas for bicycles and other personal possessions.
8. The agency or organization operating the shelter shall have a written Facility Management Plan consisting of, as applicable, provisions for staff training; neighborhood outreach; security; screening of residents to ensure compatibility with services provided at the facility; training, counseling, and treatment programs for residents; and facility information, including the number of persons who can be served nightly, the location of on-site waiting and intake areas, the provision of on-site management, and on-site security during hours of operation, as established in Government Code Section 65583(a)(4)(A).

18.36.100 – Residential Density

Maximum development density shall be 16 to 29 units per acre, as established in City of Sutter Creek General Plan Land Use Element Table 4-3, and dependent upon site conditions and constraints. See 18.62 regarding density bonus allocations.”

SECTION 18. Chapter 18.38, DTC ZONE – DOWNTOWN COMMERCIAL, is hereby amended as follows:

- a. Section 18.38.020, Permitted uses, shall be amended as follows:

“Section 18.38.020 – Permitted uses.

Uses permitted in the DTC zone shall be:

- A. Retail commercial uses which are pedestrian-oriented and conducive to the historic vitality of the downtown area, including the following:
 - 1. Antiques and collectibles;
 - 2. Arts and handmade crafts, ceramics, furniture, glass, and textiles;
 - 3. Assembly, large events;

#. ~~Automobile parking areas;~~

4. Bakeries, employing not more than ten persons on the premises
5. Banks/Automated teller machines;
6. Barber shops;
7. Bars and cocktail lounges;
8. Beauty shops;
9. Books and ~~media shops recordings;~~
10. Brewpubs;
11. Cafes and coffee shops;
12. Candy and confectioneries;
13. Clothing, apparel, hats, and shoes;
14. Delicatessens and meat and food markets;
15. Department stores;
16. Event venues;
17. Fabric and craft supply stores;
18. Fine art and photography;
19. Fitness/Health studios;
20. Florist shops ~~Flowers and plants;~~
21. Gifts, precious metals, and jewelry;
22. Grocery, fruit, and vegetable stores;
23. Hardware stores;
24. Hotel, Motel, Motor Inns, Lodges, Time Share Units, Short-Term Rental Units, and Vacation Rentals;
25. Housewares and home decorating shops;
26. Live-work Units
27. Meeting and gathering halls and rooms;
- #. Music and musical entertainment;

- 28. Music and vocal instruction;
 - 29. Outdoor retail sales;
 - 30. Parking garages and lots, public and private;
 - 31. Restaurants, ~~tea rooms, brewpubs, and cafés;~~
 - 32. Shoe stores or shoe repair shops;
 - 33. Specialty foods, beer, wine, and spirits; ~~and~~
 - 34. Sports equipment sales and rentals;
 - 35. ~~Greeting cards and~~ Stationery stores;
 - 36. Studios;
 - 37. Tailoring;
 - 38. Tea rooms; and
 - 39. Theaters or Auditoriums (excluding drive-in theaters) ~~productions and~~
~~cinema.~~
- B. Professional governmental and similar offices;
 - C. Trailhead parking and preserve entrances, hiking trails, information booths, riding stables, public parks, and accessory recreational facilities;
 - D. First and second-story residential ~~units~~ uses, as allowed in Section 18.28.020(A)(1)-(10), including studio apartments, and excluding boarding houses and transitional housing;
 - E. Low barrier navigation centers;
 - F. Conversion of residential dwellings to commercial uses upon securing a site plan permit pursuant to Chapter 18.50; ~~and~~
 - G. Any use conducted within the DTC zone shall comply with the provisions of Chapter 18.50, site plans; and
 - H. The above uses in conjunction with historic displays and exhibits.”
- b. Section 18.38.030, Special provisions, shall include the following provisions:

“18.38.030 - Special provisions.

The following special provisions apply within the DTC zone:

- A. All structures shall conform to the provisions of Chapter 3.0 of the City’s Design Standards, Historic Districts Design Standards 2.40, historic sites;
 - B. All signage shall conform to the requirements of Chapter 15.16, signs;
 - C. Use of sidewalks and other public spaces shall conform to the requirements of Chapter 13.13, obstructions to public ways;
 - D. Required vehicle parking requirements shall conform to the provisions of Chapter 18.48, off-street parking; and
 - E. In compliance with 18.48.030, a change in use requires the appropriate minimum requirement for off-street parking.”
- c. Section 18.38.110, Residential density, shall be added as follows:

“18.38.110 – Residential density.

Maximum development density shall be 16 to 29 units per acre, as established in City of Sutter Creek General Plan Land Use Element Table 4-3, and dependent upon site conditions and constraints. See 18.62 regarding density bonus allocations.”

SECTION 19, Chapter 18.39, MU ZONE –MIXED USE, is hereby amended for consistency with the General Plan:

Section 18.39.020, Permitted uses, is hereby amended as follows:

“18.39.020 - Permitted uses.

Uses permitted in the MU Zone shall be:

- A. Uses permitted on the first floor of a building include neighborhood commercial uses including but not limited to:
 - 1. Banks and automatic teller machines;
 - 2. Bars and cocktail lounges;
 - 3. Beauty shops;
 - 4. Book stores;
 - 5. Cafés, and coffee shops
 - 6. Convenience stores;
 - 7. Dry cleaning and laundry;
 - 8. Florist shops;

- 9. Gift shops;
 - 10. Grocery stores;
 - 11. Real estate sales;
 - 12. Restaurants, ~~cafés, and coffee shops~~;
 - 13. Specialty clothing stores; and
 - 14. Stationery stores;
- B. Uses permitted on the second or higher floor of a building include:
- 1. Residential uses, as allowed in Section 18.28.020(A)(1)-(10); and
 - 2. Low barrier navigation centers; and
 - 3. Business and professional offices.
- C. Uses permitted on the first and higher floors of a building include:
- 1. Live-work units;
 - 2. Hotels and motels; and
 - 3. Time share, short-term rental, and vacation rental units.
- D. Any use conducted within the MUC zone shall comply with the provisions of Chapter 18.50, site plans.”

“18.39.030 – Buildings – Height Limitations.

Building height for the MU zone shall be limited to ~~four~~ three stories and shall not exceed ~~fifty five~~ forty (40) feet.

- a. Section 18.39.050, Yard—side, is amended to replace “Uniform Building Code” with “California Building Code.”
- b. Section 18.39.065, Area requirements, is hereby added as follows:

“18.39.065 - Area requirements.

Minimum parcel or lot size is 7,000 square feet.”

18.39.080 – Buildings – Lot coverage.

Building lot coverage shall not exceed ~~eighty-five~~ fifty percent of the lot area.

- c. Section 18.39.100, Residential density, is hereby added:

“18.39.100 – Residential density.

Maximum development density shall be eight (8) units per acre, as established in the City of Sutter Creek General Plan Land Use Element Table 4-3 and dependent upon site conditions and constraints. See Chapter 18.62 regarding density bonus allocations.”

SECTION 120. Chapter 18.40 -I-1 ZONE – LIGHT INDUSTRIAL, is hereby amended as follows:

- a. Section 18.40.020, Permitted uses, is hereby amended as follows:

“18.40.020 - Permitted uses.

Uses permitted in the I-1 zone shall be:

- A. ~~Any uses permitted in the C-2 zone~~ Any of the following uses:

1. Manufacturing, processing, or treatment of products that do not produce, cause, or emit fumes, odor, dust, smoke, gas, noise or vibrations which are or may be detrimental to properties in the neighborhood or to the welfare of the occupants thereof;
2. Animal hospitals, kennels, and veterinaries;
3. Automobile assembling, body and fender works, painting, upholstery, dismantling and used parts storage when operated or maintained wholly within a building;
4. Bakeries;
5. Blacksmith shops;
6. Boat building;
7. Bottling plants;
8. Breweries;
9. Building material storage yards;
10. Cabinet or carpenter shops;

11. Carpet, awning, blinds, or mattress upholstery shops including cleaning and repair;
12. Contractor's plants or storage yards;
13. Creameries;
14. Distributing plants;
15. Drying; freighting or trucking yards or terminals;
16. Electric welding and electroplating;
17. Feed and fuel yards;
18. Frozen and refrigerated food lockers;
19. Fruit and vegetable canning, freezing, packing, and preserving plants;
20. Ice and cold storage plants;
21. Laboratories, experimental and the like;
22. Laundries, cleaning, and dyeing plants;
23. Lumber yards;
24. Machine shops (except punch presses of over twenty tons rated capacity, drop hammers, and automatic screw machines);
25. Meat packing and processing;
26. Motion picture studios;
27. Paint mixing plants (not employing a boiling process);
28. Personal storage warehouses (mini-storage);
29. Public utilities buildings and service yards, distributing stations, and electric transmission substations;
30. ~~Residential caretaker units, limited to one caretaker unit per parcel; Multi-family residential in conjunction with a planned development (PD) combining zone;~~
31. Rubber fabrication or products made from finished rubber;
32. Sheet metal shops;
33. Stone monument works;

- 34. Storage spaces for transit and transportation equipment;
 - 35. Trade schools;
 - 36. Upholstery shops;
 - 37. Used car sales areas;
 - 38. Vehicle repairing and overhauling shops;
 - 39. Vehicle storage (cars, trucks, boats, and RVs);
 - 40. Wholesale businesses, storage buildings and warehouses;
 - 41. Manufacture of:
 - a. Billboards and advertising structures, electric or neon signs,
 - b. Ceramic products,
 - c. Clothing or garments,
 - d. Cosmetics, perfume and toiletries, drugs, and pharmaceuticals,
 - e. Electronic components, instruments, and devices,
 - f. Food products (except the rendering or refining of fats or oils),
 - g. Furniture,
 - h. Musical instruments and toys,
 - i. Shoes,
 - j. Soap (cold mix only),
 - k. Textiles, and
 - l. Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, clay, cloth, cork, felt, feathers, fiber, fur, glass, hair, horn, leather, metal, rubber, semiprecious metals or stones, shell, textiles, tobacco, wood, yard, and paint not employing a boiling process;
- B. Accessory buildings necessary to such use located on the same lot or parcel of land may be permitted.
- C. Any use conducted within the I-1 zone shall comply with the provisions of Chapter 18.50, site plans.

- D. Industrial parks or research and development campuses may be conditionally permitted and shall include low-rise structures limited to two stories not to exceed thirty-five feet, with landscaped or open space areas.”

SECTION 21. Chapter 18.41, I-2 ZONE – HEAVY INDUSTRIAL, is amended as follows:

- a. Section 18.14.020, Permitted uses, is hereby amended to also include the following under subsection (A):

“... ”

10. Construction material sales yards including the manufacture of material such as concrete and asphalt and the storage of aggregate; and

11. Warehousing and storage, including construction material and equipment storage, public utilities materials and equipment storage, and public storage of vehicles, RVs, boats, and trailers.”

- b. Section 18.14.020, Permitted uses, is hereby amended to add subsection (C) as follows:

“C. Any use conducted within the I-2 zone shall comply with the provisions of Chapter 18.50, site plans.”

SECTION 22. Section 18.44.025, Conditional uses, is hereby amended to add the following:

“D. One residential caretaker unit per permitted use.”

SECTION 23. Chapter 18.45, Design Standards, is amended as follows:

- a. Section 18.45.020, Sutter Creek design standards, is hereby amended as follows:

“18.45.020 - Sutter Creek design standards.

The city council ~~adopted Design Standards by Resolution 15-15-13 that are shall adopt by resolution design standards to be~~ utilized in determining whether construction and development proposals are consistent with the adopted aesthetic and preservation goals of the city. The design standards ~~shall~~ include criteria for those aspects of structure and site design deemed important by the city council. The standards shall be made available to assist property owners, architects, contractors, and realtors in complying with this chapter.”

- b. Section 18.45.030, Applicability, is hereby amended as follows:

“18.45.030 - Applicability.

A. ~~The provisions of this chapter shall~~ Design Standards apply to every project in the City that requires either a building permit or a planning entitlement, or both, including each of the following: new construction; alterations to the exterior of an existing structure; repair of exterior features on an existing structure; additions to the exterior

of an existing structure; moving an existing structure; demolition of an existing structure; and new subdivisions. In addition, within the Main Street historic district, these design standards also apply to the repair, maintenance, and painting of existing structures and facilities when neither a building permit nor planning entitlement is required. The design elements of each project (including site design, architecture, landscaping, signs, parking design) will be reviewed on a comprehensive basis.

- B. The review authority may interpret the design standards on a case-by-case basis by applying flexibility in their application to specific projects, as not all design criteria may be workable or appropriate for every project, as established in Section 1.3.3 of the Design Standards. The overall objective is to ensure that the intent and spirit of the design standards are implemented.”
- c. Section 18.45.060, Review process, is hereby amended as follows:

“18.45.060 - Review process.

All projects for activities to which this chapter applies shall undergo design review before obtaining design clearance; design clearance shall be required before the application(s) may be processed for permitting and/or before the proposed activity is commenced. The design review process is established in Section 1.4 of the Design Standards. ~~shall be as follows:~~

~~A. — Projects outside of the Historic Districts. City staff shall evaluate the building permit and/or planning entitlement application(s) and issue design clearance for those projects that clearly demonstrate conformance with the design standards. An application which does not clearly demonstrate conformance with the standards will be forwarded to the design review committee for review.~~

~~B. — Projects within the Historic Districts. City staff shall evaluate the building permit and/or planning entitlement application(s) and make a recommendation to the design review committee regarding conformance with the design standards. The design review committee shall consider staff's recommendation and either: a) issue design clearance on concurrence with staff's recommendation; or b) find that the application is not in conformance with the standards, whereby the applicant may either modify the project so that conformance is achieved or appeal the committee's interpretation to the planning commission.~~

~~C. — Projects within the Main Street historic district. Staff will evaluate the application and determine if the action is a significant modification to the exterior of a structure or if the action is not a significant modification to a structure.~~

~~1. — For applications that do not propose a significant modification to the exterior of a structure, staff will make a recommendation to the DRC regarding the project's conformance with the design standards. The DRC will consider staff's recommendation and either:~~

- ~~a. Issue design clearance on concurrence with staff's recommendation; or~~
- ~~b. Issue design clearance with required modifications; or~~
- ~~e. Find that the application is not in conformance with these standards, in which case the applicant may either modify the project so that conformance is achieved or appeal the DRC's interpretation to the planning commission.~~
- ~~2. For actions that create a significant modification to the exterior of a structure, staff and DRC will make recommendations to the planning commission regarding the project's conformance with the design standards. The planning commission will consider staff's recommendation and either:~~
 - ~~a. Issue design clearance on concurrence with staff and DRC recommendation; or~~
 - ~~b. Issue design clearance with required modifications; or~~
 - ~~e. Find that the application is not in conformance with these standards and deny the design clearance and direct the applicant to modify the project so that conformance is achieved.~~

Any decision made by city staff may be appealed to the design review committee, and any decision made by the design review committee may be appealed to the planning commission. Decisions made by the planning commission may be appealed to the city council in accordance with chapter 2.53 of this Code.”

SECTION 24. Chapter 18.47, SPECIAL EVENTS, is hereby added as follows:

“Chapter 18.47 – SPECIAL EVENTS.

18.47.010 – Special event use.

A. Upon receipt of a completed application for a special event permit, the City Manager or their designee shall determine if the proposed use requires "administrative review" or "city council review." The following criteria shall be considered by the City Manager or their designee for such a determination:

- 1. Parking (e.g., adequacy of number, location, circulation design, safety, etc.);
- 2. Frequency (e.g., possible conflicts with other activities within the community);
- 3. Nuisance issues (e.g., dust, noise, odor, etc.);
- 4. Circulation (e.g., assurance of pedestrian and vehicular circulation safety);
- 5. Public safety (e.g., assurance of providing and maintaining open fire lanes, providing on-site security personnel and on-site emergency care service);

6. Lighting (e.g., assurance of adequate on-site lighting and limiting off-site light and glare);
7. Attendance (e.g., number of attendees will affect public safety requirements, adequate number of restroom facilities, as well as many of the other listed criteria);
8. Clean-up (e.g., assure removal of temporary structures, equipment, debris, etc.);
9. Duration (e.g., assure appropriate hours of operation and length of the event);
10. Location (e.g., assure compatibility with surrounding land uses and adequacy of pedestrian and vehicular access);
11. Signage (e.g., assure size and location that does not obstruct required visibility at driveway locations);
12. Public notice (e.g., assure standard public noticing of the event where wider impacts to the community may be involved);
13. Other (e.g., criteria that may be unique to the proposed special event).

B. The director shall notify the applicant of his/her determination within five working days of receiving a completed application.

18.47.020 – Special event application.

The City Manager or their designee shall prescribe the forms and documents to be filed for a special event permit. The forms and documents shall be filed with the City Manager or their designee and accompanied, as required, by the following:

- A. A description of the site which may include a map drawn to scale showing lot lines and dimensions, ingress and egress points, improved areas, grading plans, parking, traffic control locations and a description, including location, of all signs;
- B. A fee as specified in the current city council fee resolution;
- C. Written authorization of the subject property owner or his/her designated representative agreeing to the special event;
- D. The names and mailing addresses of the property owners as shown on the last county equalized assessment roll for properties within three hundred feet of the special event site;

E. A written explanation of the nature and duration of the special event;

F. Such additional information as the City Manager or their designee may require.

18.47.030 – Special event decisions.

A. Upon determination that the application will be processed as administrative review, the City Manager or their designee shall review the application for its compliance with Section 17.46.060. The City Manager or their designee shall have the authority to, and shall take action to grant, grant with conditions, or deny the application based on the information contained in the application and any information obtained from the staff review of the project. The City Manager or their designee shall render his/her decision in writing, setting forth the findings of fact supporting the decision, and shall serve the applicant with the written decision within ten days of the City Manager or their designee 's determination. The decision is subject to a ten-day appeal period, and shall not become final until such time has expired.

The City Manager or their designee may act on the application without initial prior notice to adjoining owners of property affected by the special event permit and without a hearing. If the City Manager or their designee grants or conditionally grants the special event permit, he/she shall give notice of the action to those persons who would have received notice of a hearing before the planning commission had the application been for a conditional use permit. Such notice shall specify that any interested person, other than the applicant, may appeal the action of the City Manager or their designee in the manner provided by Section 18.50.080.

B. For special events determined by the City Manager or their designee to require city council review, a noticed public hearing shall be held by the city council. Noticing shall be consistent with the requirements of Chapter 18.06. The notice shall include a description of the proposed use and its location, and the date, hour and place of the hearing. At the conclusion of the hearing, the city council shall grant, grant with conditions, or deny the application. The decisions of the city council shall be in writing, setting forth the findings of facts supporting the decision, and shall be served on the applicant within ten days.”

SECTION 25. Chapter 18.48, OFF-STREET PARKING, is hereby amended as follows:

a. Section 18.48.050, Parking standards, is hereby amended as follows:

“18.48.050 – Parking standards.

Unless otherwise superseded by Development Standards adopted by the City, the following standards shall apply to off-street parking:

- A. Disabled/handicapped parking spaces and accessible path of travel shall be provided as required by the Americans with Disabilities Act and Title 24 of the California Administrative Code.
- B. Parking areas shall provide suitable maneuvering room so that vehicles enter and leave a parking lot in a forward direction.
- C. The minimum parking stall dimensions shall be eighteen feet long and nine feet wide, except for parallel parking stalls which shall be at least twenty-four feet long.
- D. The minimum aisle width shall be twelve feet per travel lane.
- E. All parking spaces, aisles, approach lanes and maneuver areas shall be paved with asphaltic concrete or concrete and shall be clearly marked with directional arrows and lines.
- F. Parking lots shall have a maximum slope of five percent measured in any direction.
- G. Tandem parking may be allowed to satisfy off-street parking requirements for single-family dwellings, duplexes, second unit dwellings, and bed and breakfast inns.”

SECTION 26. Chapter 18.50, SITE PLANS, is hereby amended as follows:

- a. Section 18.50.020, Applicability, is hereby amended as follows:

“18.50.020 – Applicability.

- A. Provisions of this chapter shall apply to ~~all the R-3, R-4, C-1, C-2, DTC, MUC, I-1, and I-2 commercial and industrial zones.~~ all the R-3, R-4, C-1, C-2, DTC, MUC, I-1, and I-2 zones.
- B. No building shall be constructed, reconstructed, rehabilitated or demolished on a parcel unless in compliance with all site plan requirements of this chapter.”

- b. Section 18.50.060, Findings and decision, is hereby amended to delete subsections (D) and (E).

SECTION 27. Chapter 18.52, VARIANCES, is hereby amended as follows:

- a. Section 18.52.050, Filing applications, is hereby amended as follows:

“18.52.050 - Filing applications ~~Application Review.~~

~~The planning commission shall cause to be made by its own members, or by members of its staff, such investigation of facts bearing upon such application as will serve to provide all necessary information to assure that the action on each such application is consistent with the intent and purpose of this title and with previous actions of the planning~~

~~commission.~~ The Planning Department shall review the application and prepare a staff report for action by the appropriate legislative body.

- b. Section 18.52.060, Investigation, is hereby amended as follows:

“18.52.060 - Investigation.

The ~~planning commission~~ Planning Department shall cause to be made ~~by its own members, or by~~ members of its staff, such investigation of facts bearing upon such application as will serve to provide all necessary information to assure that the action on each such application is consistent with the intent and purpose of this title and with previous actions of the ~~legislative bodies~~ planning commission.”

SECTION 28. Chapter 18.54, Zone Changes, is hereby amended as follows:

- a. Section 18.54.020, Amendments and changes of zone boundaries, is hereby amended at subsection (A) as follows:

“A. Whenever the public necessity, convenience, general welfare or good zoning practice justify such action, the ~~planning commission~~ may recommend to the city council upon its own motion or upon the verified application of any interested person, proceedings to amend, supplement or change the zones, regulations, or districts established by this title.”

- b. Section 18.54.030, Filing applications, is hereby amended as follows:

“18.54.030 - Filing applications.

~~Applications for changes of zone shall be made in writing to the planning commission in such form as is approved by the planning commission. The planning commission may provide forms for such purposes and may prescribe the type of information to be provided thereon. No petition shall be received unless it complies with such requirements.”~~

The Planning Department shall review the application and prepare a staff report for action by the appropriate legislative body.

- c. Section 18.54.040, Investigation, is hereby amended as follows:

“18.54.040 – Investigation.

The ~~planning commission~~ Planning Department shall cause to be made ~~by its own members, or members of its staff~~, such investigation of facts bearing upon such application as will serve to provide all necessary information to assure that the action on each such application is consistent with the intent and purpose of this title and with the land use element of the general plan.”

Commented [EV5]: This is unclear to me. Is it saying the Community Development Director will make determinations on variances?

Commented [SS6R5]: The Planning Department shall review the application and prepare a staff report for action by the appropriate legislative body. (Change the title of section to Application Review)

SECTION 29. Chapter 18.56, ZONING UPON ANNEXATION, is hereby amended to add Section 18.56.020 as follows:

“18.56.020 Annexation of agricultural land.

Conversion of agricultural lands annexed into the City of Sutter Creek from outside the Planning Area or Sphere of Influence shall be mitigated at a rate of 1:1 of equivalent value and quality of agricultural land, preferably within proximity to the City of Sutter Creek.”

SECTION 30. Chapter 18.58, ACCOMMODATIONS OF PERSONS WITH DISABILITIES, is hereby deleted in its entirety and replaced with *Attachment 2* (Chapter 18.58 – ACCOMMODATIONS OF PERSONS WITH DISABILITIES), attached hereto and incorporated herein.

SECTION 31. Chapter 18.60, CONDITIONAL USE PERMITS, shall be amended as follows:

- a. Section 18.60.010, Conditional use permits, is hereby amended as follows:

“18.60.010 - Conditional use permits.

The following regulations apply to the granting of conditional use permits.

Uses may be permitted by the planning commission and city council in zones from which they are prohibited by this title where such uses are deemed ~~essential~~ or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive general plan. The procedure for filing applications, filing fees, investigation, notices, public hearings, findings and appeal shall be as specified in Chapter 18.06, except that the city council upon recommendation of the planning commission may waive public hearings on an application for conditional use permits for public utility or public service uses or public buildings, when found to be necessary for the public health, safety, convenience or welfare.”

- b. Section 18.60.020, Uses permitted in any zone, is hereby amended as follows:

“18.60.020 - Uses permitted in any zone.

The following uses may be permitted in any zone unless limited to specific zones, and upon the granting of a conditional use permit

- A. ~~Airports or aircraft landing fields;~~
- B. Bed and breakfast inns;
- C. Cemeteries, columbariums, ~~crematories,~~ mausoleums and mortuaries;
- D. Day care centers (adult/child);

- E. Churches or other places used exclusively for religious worship;
- F. Educational institutions including public and private schools;
- G. Establishments or enterprises involving large assemblages of people or vehicles including: amusement parks, circuses, carnivals, expositions, fair grounds, open air theaters, ~~race tracks~~, recreational and sports centers, and recreation vehicle parks;
- H. Hospitals and sanitariums;
- I. Institutions of a philanthropic (benevolent) or eleemosynary (charitable) nature;
- J. Libraries, museums and private clubs;
- K. Large scale neighborhood housing projects having a minimum gross area of five acres;
- L. Mining and natural resources development together with the necessary buildings, apparatus or appurtenances incidental thereto;
- M. Outdoor retail sales;
- N. Parks, playgrounds, parking lots or structures, and community buildings;
- O. Public utility or public service buildings, structures and uses, except as otherwise provided in this ordinance;
- P. New or remodeled residential structures in a commercial or industrial zone;
- Q. Existing structures converted to residential uses in a commercial or industrial zone; and
- R. Golf courses, driving ranges and country clubs.
- S. Special events.”

c. Section 18.60.040, Findings and decisions, is hereby amended as follows:

“18.60.040 - Findings and decisions.

The commission, on the basis of the evidence submitted at the hearing, may grant use permits required by the provisions of this title when it finds that:

- A. The proposed uses of the property are ~~essential or~~ desirable to the public convenience or welfare;
- B. The proposed uses will not impair the integrity and character of the area in which it is located or the zoning district;

- C. The proposed uses would not be detrimental to public health, safety, or general welfare;
 - C. There are adequate public utilities and services available for the proposed uses; and
 - E. The proposed uses of the property are in harmony with the various elements or objectives of the general plan and the purposes of this title.”
- d. Section 18.60.050, Home occupation use permits, is hereby amended as follows:

“18.60.050 - Home occupation use permits.

A. Applications for a home occupation use permit shall be processed administratively by the Planning Department.

B. Home occupation use permits may be granted if the Planning Department finds:

1. There are no added vehicle trips;
2. There is no signage pertaining to the home occupation;
3. There is no exterior evidence of a home occupation and all equipment, supplies, and materials used in business are stored inside the dwelling or accessory structures;
4. There is only up to one employee from outside the residence;
5. The floor area used for the home occupation is no greater than 25% of the gross floor area.
6. Products produced by the home occupation are not displayed so as to be visible outside the dwelling unit.
7. There are no public health or safety risks associated with the home occupation;
8. There are no limitations to public utilities or services result from operation of the home occupation;
9. The home occupation is secondary to the principal use a residence.
10. There is only one home occupation per dwelling unit.”

Commented [EV7]: Maybe something like this:
May be granted if the Community Development Director finds:

SECTION 33. Chapter 18.61, ACCESSORY DWELLING UNITS, attached hereto and incorporated herein as *Attachment 3* (Chapter 18.61 – ACCESSORY DWELLING UNITS), is hereby added.

SECTION 34. Chapter 18.62, DENSITY BONUSES, attached hereto and incorporated herein as *Attachment 4* (Chapter 18.62 – DENSITY BONUSES), is hereby added.

SECTION 35. Section 18.66.020, Definitions, is hereby deleted in its entirety.

SECTION 36. Chapter 18.66, SURFACE MINING AND RECLAMATION, is hereby amended as follows:

- a. Section 18.66.020, Definitions, is hereby amended as follows:

“18.66.020 - Definitions.

The following words and phrases shall have the meanings set forth in this chapter:

- A. ~~“Exploration” or “prospecting” means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.~~
- B. ~~“Mined lands” means and includes the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being or have been conducted, including private ways and roads appurtenant to any such area, land excavations, working, mining waste and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining operations are located.~~
- C. ~~“Minerals” means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.~~
- D. ~~“Mining waste” means and includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.~~
- E. ~~“Operator” means any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf.~~
- F. ~~“Overburden” means soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal, by surface mining operations.~~
- G. ~~“Permit” means any formal authorization from, or approved by, the city, the absence of which would preclude surface mining operations.~~
- H. ~~“Person” means any individual, firm, association, corporation, organization, or partnership, or any city, county, district, or the state or any department or agency thereof.~~
- I. ~~“Reclamation” means the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects~~

~~from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.~~

~~J. "State board" means state mining and geology board, in the department of conservation, State of California.~~

~~K. "State geologist" means individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.~~

~~L. "Surface mining operations" means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to:~~

- ~~1. In place distillation, retorting or leaching;~~
- ~~2. The production and disposal of mining waste;~~
- ~~3. Prospecting and exploratory activities. Words and phrases associated with surface mining and reclamation are provided in section 18.08 - Definitions.~~

SECTION 37. The City Council hereby declares that should any section, paragraph, sentence, phrase, term or word of this ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance independent of the elimination here from of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that anyone (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION 38. CEQA. The City Council finds and determines that, pursuant to Government Code Sections 65852.21 and 66411.7, this ordinance is not subject to the California Environmental Quality Act ("CEQA"), Division 13, commencing with Section 21000 of the Public Resources Code, because it is not a project as defined in Section 15378 of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

This ordinance shall be published and posted in the manner required by law by the City Clerk. Considered at a meeting of the Planning Commission of the City of Sutter Creek on May 22, 2023, and enacted by the City Council of the City of Sutter Creek at a regular meeting held on September 18, 2023.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Sutter Creek City Council, held on this 16th day of October 2023, by the following vote, to wit:

AYES: Feist, Riordan, Sierk and Gunselman

NAYS:

ABSENT: Swift

ABSTAIN:

Claire Gunselman
Claire Gunselman, Mayor

ATTEST: *Karen Darrow*
Karen Darrow, City Clerk

Attachment 1

Chapter 18.08 – DEFINITIONS

18.08.010 Definitions – Generally.

This title shall be known as the "Zoning Ordinance" of the City of Sutter Creek. For the purpose of this title, certain terms and words are defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number, and the masculine includes the feminine. The word "shall" is always mandatory and not merely directory.

"*Affordable rent*" means the maximum monthly rent for a specified income level calculated in accordance with Health and Safety Code Section 50053 and implementing regulations.

"*Affordable sales price*" means the maximum housing cost for a specified income level, calculated in accordance with Health and Safety Code Section 50052.5 and implementing regulations.

"*Affordable units*" means those dwelling units which are required to be rented at affordable rents or sold at an affordable sales price to very low income households, low income households, or moderate income households.

"*Alley*" means a public way permanently maintained as a secondary means of access.

"*Apartment hotel*" means a building, or portion thereof, designed for or containing both individual guest rooms or suites of rooms and dwelling units.

"*Apartment house*" means a building, or portion thereof, designed for or occupied by five or more families living independently of each other.

"*Area requirements*" means the minimum net square footage of any lot excluding street rights-of-way. Area requirements are the equivalent of land use density.

"*Automobile service station*" means an establishment for the primary purpose of gasoline or vehicle fuel retail sales. This may also include sales of automotive accessories, vehicular operating fluids, and convenience goods or groceries, as well as the provision of minor vehicle maintenance, such as vehicle washing facilities, excluding automotive repair.

"*Boarding and rooming house*" means a residence, other than a hotel, wherein a room or rooms, with or without individual or group cooking facilities, are rented, leased, or subleased under two or more separate written or oral rental agreements, leases, or subleases, whether or not the owner, agent or rental manager resides within the dwelling unit.

"*Building*" means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. See also *Structure*.

"*Building footprint*" means the ground area of a building or group of buildings.

"*Building height*" means the vertical distance from the average finished grade of a building footprint to the highest point of the structure. See also *Grade*.

"*Building setback*" is the minimum distance allowed between a lot line and the nearest building, column, wall, or fence structure requiring a building permit.

"*Bungalow court*" means a group of two or more detached one-family or two-family dwellings as rental units located upon a single lot, together with all open spaces as required by this title.

"*Carport*" means a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter or storage.

"*Change of occupancy*" means a discontinuance of an existing use and substitution therefore of a use of a different kind or class.

"*Child day care facility*" means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis, as defined in California Health and Safety Code Section 1596.750 as amended. "Child day care facility" includes day care centers - child and family day care homes.

"*Day care center - adult*" means a social rehabilitation facility or adult day program, as defined in Health and Safety Code Section 1502, that provides care to persons 18 years of age or older on less than a 24-hour basis.

"*Day care center - child*" means a child day care facility, other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age childcare centers, and includes childcare centers licensed pursuant to Health and Safety Code Section 1596.951.

"*Club*" means an association of persons, whether incorporated or unincorporated, for some common purpose but not including groups organized primarily to render a service carried on as a business.

"*Concession or incentive*" is as defined in Government Code Section 65915.

"*Condominium*" means a building or group of buildings in which the interior spaces of units are owned, individually, but the structure, common areas, and facilities are owned by the owners on a proportional, undivided basis.

"*Convenience store*" means a retail business with primary emphasis placed on providing the public a convenient location at which to purchase from a wide array of consumable products, predominantly food or food and gasoline services.

"*Corner lot*" means a lot situated at the intersection of two or more streets having an angle of intersection of not more than one hundred thirty-five degrees.

"*Director*" means the Community Development Director, or a designee of the Community Development Director.

"*Duplex dwelling*" or "*duplex*" means a single building consisting of two dwelling units designed for or occupied exclusively by two families living independently of each other.

"*Dwelling*" means a building or portion thereof designed or occupied for residential purposes, including one-family/single-family, two-family, multiple dwellings, but not including hotels, boarding and lodging houses, trailers and mobile homes.

"*Dwelling group*" means a combination or arrangement of dwellings on one building site.

"*Dwelling unit*" means a room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), that constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

"*Educational animal project*" means an animal husbandry activity which is under the supervision of an educationally-oriented youth program or organization that is connected with a school or nonprofit organization.

"*Educational institution*" means a college or university giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

"*Emergency shelter*" has the meaning ascribed to it in Government Code Section 65582(d) and Health and Safety Code Section 50801(e), as such sections may be amended from time to time, and which presently define the term "emergency shelter" to mean housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

"*Employee housing*" has the meaning ascribed to it in Health and Safety Code Section 17008, as may be amended, and that is regulated by the California Department of Housing and Community Development.

"*Exploration*" or "*prospecting*" means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

"*Family*" means a group of individuals, not necessarily related by blood or marriage, or adoption, or guardianship, living together in a single dwelling unit as a single housekeeping unit.

"*Family day care home*" means a licensed home in which the daycare provider resides and that provides family child care for up to twelve (12) children, or for up to fourteen (14) children, as may be applicable if the criteria in Health and Safety Code Sections 1597.44 and 1597.465 are met, as set forth in Health and Safety Code Section 1596.78, as may be amended from time to time, provided the provider holds a license from the state to operate as such. A family day care home is not required to hold a business license from the city nor pay a fee or tax to the city to operate.

"*Family food production*" means the non-commercial raising or keeping of animals by a family on the same lot as the primary residence of the family, solely for the purposes of personal use and consumption.

"*Farmworker housing*" has the same meaning as "employee housing," as set forth in Health and Safety Code Section 17008(a), for farmworkers.

"*Floor area*" means the sum of the gross floor area for each story of a building measured from the exterior faces of the exterior walls. Floor area includes all enclosed spaces.

"*Floor area ratio*" means the total floor area of the building or buildings on a lot, divided by the lot area. For example, on a lot with 10,000 square feet of lot area, a FAR of 1.00 will allow 10,000 square feet of gross square feet of building floor area to be built, regardless of the number of stories in the building (e.g., 5,000 square feet per floor on two floors or 10,000 square feet on one floor). On the same lot, a FAR of 0.50 would allow 5,000 square feet of floor area and a FAR of 0.25 would allow 2,500 square feet.

"*Fourplex dwelling*" or "*fourplex*" means a single building consisting of four dwelling units.

"*Front lot line*" means the boundary line of a lot that separates the property from the street or right-of-way. On a corner lot, only the line separating the street on which the proposed or existing structure will face is considered as a front lot line.

"*Front yard*" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building setback line.

"*Garage*" means a building or portion of a building in which motor vehicles used by the occupants or tenants of the main building or buildings on the premises are stored or kept.

"*Gas station*" means an automobile service station and convenience store which supplies fuel to motor vehicles, groceries, and sundry items, and can include vehicle servicing and repairing, vehicle washing, sales of motor vehicle accessories and other customary services for automobiles, but excluding painting and body work.

"*Grade*" means the average of the finished ground level at the center of all walls of a building.

"*Gross acre*" means the entire acreage of a parcel.

"*Halfplex dwelling*" or "*halfplex*" means one-half of a duplex dwelling which is located on a separate lot from the other half of the duplex. Also referred to as a zero lot line unit.

"*Home occupation*" means an occupational activity or business use conducted within a dwelling unit and/or an accessory structure by a resident of the property, and that is secondary to the residential use of a property, but does not include a family day care home.

"*Hospital*" means any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons and including sanitariums.

"*Hotel*" means a building that provides accommodations for temporary lodging and services for travelers and tourists, in which there are five or more guest rooms, and in which no provision is made for cooking in any individual room or suite.

"*Interior lot*" means a lot other than a corner lot.

"*Live-work unit*" means a building or space within a building that is used jointly for office/business and residential uses allowed in the applicable zoning district.

“*Lot*” means a parcel.

“*Lot area*” means the total horizontal area (i.e. map area) within the lot lines of a lot.

“*Lot coverage*” means the ratio of the total footprint area of all structures and impervious cover on a lot relative to the lot area. The sum of the footprints of all primary and accessory structures, including garages, carports, covered patios, and roofed porches is used to calculate lot coverage.

“*Lot depth*” means the lesser of the horizontal distances separating the front and rear lot lines measured at the side lot lines.

“*Lot width*” means the lesser of the horizontal distances separating side lot lines measured at the front and rear lot lines.

“*Low barrier navigation center*” means a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing, that meets the requirements of Government Code Section 65662, as may be amended.

“*Major transit stop*” means a site containing any of the following: (a) an existing rail or bus rapid transit station; (b) a ferry terminal served by either a bus or rail transit service; or (c) The intersection of two or major bus routes with a frequency of service interval of 15 minutes or less during the morning or afternoon peak commute period, or as otherwise defined by Public Resources Code Section 21064.3.

“*Manufactured housing*” means has the same meaning as “manufactured home” in Section 18007 of the Health and Safety Code.

“*Mined lands*” means and includes the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being or have been conducted, including private ways and roads appurtenant to any such area, land excavations, working, mining waste and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining operations are located.

“*Minerals*” means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

“*Mining waste*” means and includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

“*Mobile home*” means a structure, transportable in one or more sections, built on a permanent chassis and designed for use as a single-family dwelling unit and which (1) has a minimum of 400 square feet of living space; (2) has a minimum width in excess of 102 inches; (3) is connected to

permanent utilities; and (4) is tied down to a permanent foundation or is set on piers, with wheels removed and skirted, in a mobile home park or on a lot owned, rented, or leased by the homeowner.

“Mobile home parks” means a parcel or contiguous parcels under one ownership that are planned and improved, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, to accommodate mobile homes for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies. Mobile home parks may include accessory outdoor storage areas for recreational vehicles, boats, etc., for the exclusive use of park residents.

“Multiple family dwelling” means a building containing two or more dwelling units for the use of individual households; an apartment or condominium building is an example of this dwelling unit type-

“Nonconforming building” means a building or structure or portion thereof conflicting with the provisions of this title applicable to the zone in which it is situated.

“Nonconforming use” means a use that conflicts with the provisions of this General Plan, and may include use of a conflicting structure, a conflicting use within a conforming building, a conflicting use within a conflicting structure, or a conflicting use of land.

“Nuisance” means anything which is injurious to the health, safety or public welfare, or is an obstruction to the free use and enjoyment of property in the affected area.

“Occupied” means the active use of a property, structure, or dwelling.

“One-family dwelling” or *“single-family dwelling”* means a dwelling, not attached to any other dwelling, which is designed for and occupied by not more than one family and surrounded by open space or yards.

“Operator” means any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf.

“Outdoor retail sales” means the outdoor display of products by a permanent business establishment and temporary retail operations, including farmer’s markets; sidewalk sales; seasonal sales; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; and retail sales of various products from individual vehicles. Does not include flea markets or swap meets which occupy more than two acres of land.

“Parcel” means a contiguous area of land, except for intervening easements and right-of-way with a continuous boundary defined by the description of said parcel as recorded in the office of the County Clerk or by reference to a recorded subdivision plat.

“Permit” means any formal authorization from, or approved by, the city, the absence of which would preclude surface mining operations.

“Person” means any individual, firm, partnership, joint venture, association, club, fraternal organization, corporation, estate trust, receiver, organization, syndicate, city, county, municipality, district or other political subdivision, or any other group or combination acting as a unit. In regard

to surface mining and reclamation “person” means any individual, firm, association, corporation, organization, or partnership, or any city, county, district, or the state or any department or agency thereof.

“*Pet*” means domestic animals ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, birds and the like

“*Planned development*” is as defined in Civil Code Section 1351(k).

“*Primary dwelling unit*” means an existing or proposed single-family residential structure on a single parcel with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities occupied and intended for one household, and does not include an accessory dwelling unit or junior accessory dwelling unit.

“*Public garage*” means a garage, other than a private garage.

“*Rear lot line*” means the line opposite the front lot line.

“*Rear yard*” means a yard extending across the full width of the lot between the building setback line and the rear lot line. The depth of the required rear yard is measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.

“*Reclamation*” means the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

“*Recreational vehicle*” means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational or emergency occupancy, and bearing the state or federal insignia of approval for recreational vehicles.

“*Residential care facility – large*” means any family home or group care facility serving seven or more persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, excluding jails or other detention facilities.

“*Residential care facility - small*” means any family home or group care facility serving six or fewer persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, excluding jails or other detention facilities.

“*Residential caretaker unit*” means permanent or temporary housing that is secondary or accessory to the primary use of the property. Such dwellings are used for housing a caretaker employed on the site of a nonresidential use where a caretaker is needed for security purposes or to provide twenty-four (24) hour care or monitoring facilities, equipment, or other conditions on the site, or

for employees and seasonal workers employed on the site where work is in locations deficient in housing. Caretaker units are limited in size to a maximum of 800 square feet.

"*School*" means a public or private elementary, junior high, or high school which offers instruction in the several branches of learning and study required to be taught by the Education Code of the State of California.

"*Senior housing*" means a housing development consistent with the California Fair Employment and Housing act (Government Code Section 12900 et. Seq., including 12955.9 in particular), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the federal Fair Housing Amendments Act of 1988 P.L. 100-430) and implementing regulations (24 CFR, part 100, subpart E), and as the phrase is used in California Civil Code Sections 51.2 and 51.3. Senior housing shall be allowed the same as other residential uses in the same zone.

"*Short-term rental unit*" or "*Vacation rental*" means a residential dwelling unit or accessory building rented for periods of 30 consecutive days or fewer. Also known as a vacation rental.

"*Side lot line*" means any lot lines other than a front lot line or a rear lot line.

"*Side yard*" means a yard between the main building and the side lot line extending from the building setback line of the required front yard to the rear yard the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.

"*Single housekeeping unit*" means an interactive group of persons jointly residing in a single dwelling unit exercising joint responsibility for and use of the dwelling's common areas, jointly sharing household expenses, and jointly sharing household activities and responsibilities such as meals, chores, and household maintenance."

"*Single room occupancy facility*" means a structure that provides living units that have separate sleeping areas and may have private or some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents.

"*Single room occupancy unit*" means a room that is used, intended or designed to be used by no more than two persons as a primary residence, but which lacks either or both a self-contained kitchen or bathroom.

"*Special event*" means any commercial outdoor gathering of at least 25 individuals, whether on public or private property, assembled with a common purpose for a period of up to 72 hours. Special events include, but are not limited to concerts, fairs, carnivals, parades, races, festivals, celebrations, or any other gathering or events of similar nature. Special events do not include: a temporary event conducted in an approved place of public assembly, such as a theater, convention center, meeting hall, public school events on school property, sports facility, or fairgrounds; or private non-commercial events/ parties held at a private residence. Events occurring for more than three contiguous days are not special events and require a conditional use permit.

"*State board*" means state mining and geology board, in the department of conservation, State of California.

"*State geologist*" means individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.

"*Storage*" means the placement or keeping of an object, vehicle, or materials in a stationary location on private property for a period of time exceeding seventy-two hours.

"*Story*" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

"*Half story*" means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area immediately below it.

"*Street*" means a thoroughfare which affords the principal means of access to abutting property.

"*Structure*" means anything constructed or erected, the use of which requires being attached to the ground or attached to something located on the ground. For the purposes of this document, the term "structure" includes "buildings."

"*Supportive housing*" or "*permanent supportive housing*" means permanent housing with no limit on the length of stay that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community. Shall also include associated facilities if used to provide services to housing residents.

"*Surface mining operations*" means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

1. In-place distillation, retorting or leaching;
2. The production and disposal of mining waste;
3. Prospecting and exploratory activities.

"*Target population*" means people with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act [Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code] and may include, among other populations, adults, emancipated minors, families with children, elderly people, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and people experiencing homelessness.

"*Time share unit*" means a condominium or similar unit that can be purchased for a specified annual term of use (typically one to two weeks).

“*Townhouse*” means a dwelling unit occupied or intended for occupancy by only one household that is structurally connected with at least one other such dwelling unit and where no unit is located over another unit.

“*Trade school*” or technical school means a postsecondary educational institution designed to train students for a specific job in a skilled trade career.

“*Transient occupancy building*” means a building that has an occupancy of 30 consecutive days or fewer, and may include a boarding house, vacation rental unit, hospice, or hostel.

“*Transitional housing*” means housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible. Transitional housing limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

“*Triplex dwelling*” or “*triplex*” means a single building consisting of three dwelling units.

“*Use*” means the purpose for which a lot or structure is or may be leased, occupied maintained, arranged, designed, intended, constructed, erected, moved, altered, and/or enlarged in accordance with the general plan land use designations and City zoning ordinance.

“*Yard*” means an open space on a lot unoccupied and unobstructed from the ground upward.

18.08.020 Rules and Interpretations.

A. *Terminology.* The following rules apply to all provisions of the Zoning Code:

1. *Language.* The words "shall", "must", "will", "is to", and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.
2. *Tense.* The present tense includes the past and future tense, and the future tense includes the present.
3. *Number.* The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.
4. *Conjunctions.* "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either-or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to".
5. *Local reference.* "City" as used herein means the City of Sutter Creek and all public officials, bodies and agencies referenced herein are those of the City unless otherwise stated.

B. *Number of days.* Whenever the number of days is specified in the Zoning Code, or in any permit, condition of approval, or notice issued or given as provided in the Zoning Code, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day.

C. *Minimum requirements.* In interpreting and applying the provisions of the Zoning Code, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the Zoning Code imposes a greater restriction upon the use of buildings or land or requires larger open spaces than are imposed or required by this Code or other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of the Zoning Code shall control.

Attachment 2

Chapter 18.58 – ACCOMMODATIONS OF PERSONS WITH DISABILITIES.

18.58.010 Purpose.

It is the policy of the City of Sutter Creek, pursuant to the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601 *et seq.*) and the California Fair Employment and Housing Act (Cal. Gov't Code §§ 12955 *et seq.*) (hereafter “fair housing laws”), to provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning, and building regulations, to comply fully with the intent and purpose of fair housing laws.

18.58.020 Applicability.

A. *Reasonable Accommodation.* “Reasonable accommodation” for purposes of this Chapter shall mean providing individuals with disabilities flexibility in the application of land use, zoning, and building regulations when it is necessary to eliminate barriers to housing opportunities.

B. *Individual with a Disability.* An “individual with a disability” shall mean someone who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone with a record of such impairment.

C. *Request.* A request for reasonable accommodation may be made by any individual with a disability, his or her representative, when the application of a land use, zoning, or building regulation, including policies, practices, or procedures, acts as a barrier to fair housing opportunities.

18.58.030 Requests.

A. *Required Information.* Requests for reasonable accommodation shall be in writing and provide the following information:

1. Name and address of the requestor(s);
2. Name and address of the property owner(s);
3. Address of the property for which accommodation is requested;
4. Description of the requested accommodation and the regulation(s), policy, or procedure for which accommodation is sought; and

5. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.

B. *Confidential Information.* Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

C. *Timing.* A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

D. *Assistance.* If an individual needs assistance in making the request for reasonable accommodation, the Planning Division will provide assistance to ensure that the process is accessible.

18.58.040 Review.

A. *Timing.* Planning Director shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in subsection (B) herein. If the Planning Director fails to render a written decision on the request for reasonable accommodation within the thirty (30) day time period allotted by subsection (A) herein, the request shall be deemed granted. Notwithstanding the foregoing, if necessary to reach a determination on the request for reasonable accommodation, the Planning Director may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

B. *Factors.* The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
3. Whether the requested accommodation would impose an undue financial or administrative burden on the City;
4. Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use, zoning, or building program;

5. Whether the requested accommodation is reasonable given the impact that the requested accommodation would have on the surrounding community and on public safety; and

6. Whether there are other accommodations that may provide an equivalent level of benefit.

C. *Written Decision.* The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the Planning Director's findings on the criteria set forth in subsection (B) herein. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.

D. *Laws in Full Force and Effect.* While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

E. *Decision Final Unless Appealed.* The written decision of the Planning Director shall be final unless an applicant appeals it to the Planning Commission pursuant to Section 18.58.050.

18.58.050 Appeals.

A. *Timing.* Within thirty (30) days of the date of the Planning Director's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.

B. *Assistance.* If an individual needs assistance in filing an appeal on an adverse decision, the Planning Division will provide assistance to ensure that the appeals process is accessible.

C. *Content of Appeal.* All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

D. *Additional Remedies.* Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

Attachment 3

Chapter 18.61 – ACCESSORY DWELLING UNITS.

18.61.010 Purpose.

This chapter provides for accessory dwelling units (ADU) and junior accessory dwelling units (JADU) consistent with Government Code Section 65852.2.

18.61.020 Accessory dwelling unit criteria.

A. *Location.* Accessory dwelling units may be allowed as follows:

1. Parcels zoned for single-family, duplex or multifamily use, or on nonresidentially zoned properties, which are currently used for a single-family residential use, either simultaneous to or subsequent to construction of the principal single-family detached dwelling;
2. Parcels which are currently used for a multifamily land use, when the accessory dwelling unit is created within portions of the existing multifamily dwelling structure that is not used as livable space, and if each space complies with applicable building and health and safety codes. However, one-story detached accessory dwelling units may be allowed on a multifamily dwelling parcel provided such units comply with the development standards for one-story accessory dwelling units in subsection D of this section.

B. *Limitation.*

1. *Single-Family Residential Uses.* In no case shall more than one accessory dwelling unit and one junior accessory dwelling unit be placed on the same lot or parcel for single-family dwellings.
2. *Multifamily Residential Uses.*
 - a. No more than two detached accessory dwelling units shall be allowed on a parcel zoned multifamily residential.
 - b. The number of accessory dwelling units allowed on a multifamily property are limited to not more than 25 percent of the number of multifamily dwelling units on the property, except that at least one accessory dwelling unit shall be allowed.

C. *Zoning District Standards.* All requirements and regulations of the zoning district in which the lot is situated shall apply, except as set forth in subsection D of this section.

D. *Special Conditions.* The accessory dwelling unit may be established by the conversion of an attic, basement, garage or other portion of an existing residential unit or by new construction; a detached accessory dwelling unit may be established by the conversion of an accessory structure or may be established by new construction provided the following criteria are met:

1. *Floor Area.* The floor area of an attached accessory dwelling unit shall not exceed 800 square feet or 50 percent of the existing living area, whichever is greater. The floor area of a detached accessory dwelling unit shall not exceed:

a. Parcels of 10,000 square feet or greater: 1,000 square feet.

b. All other parcels: 850 square feet for a studio or one-bedroom accessory dwelling unit, or 1,000 square feet for an accessory dwelling unit that provides for more than one bedroom.

2. *Height.* Accessory dwelling units are subject to the same height standards that apply to primary dwellings on the lot in the applicable zoning district.

3. *Architecture.*

a. Accessory dwelling units shall be substantially compatible with the primary dwelling unit and the neighborhood.

b. All windows along the wall facing the adjoining property line shall be clerestory (minimum of six feet height above the finished floor) or shall have permanently obscured glazing.

4. *Setbacks.* Accessory dwelling units are subject to the same setback standards that apply to primary dwellings on the lot in the applicable zoning district, except that a setback of no more than four feet shall be required from the side and rear lot lines. No setback shall be required for a garage or other accessory structure which was constructed with a building permit as of January 1, 2020, that is converted to an accessory dwelling unit.

5. *Manufactured.* Manufactured accessory dwelling units that meet the requirements of State law shall be allowed; provided, that they are constructed on a permanent foundation, are deemed substantially compatible architecturally with the primary dwelling unit by the Planning Director, and adhere to the development standards set forth in this chapter.

6. *Utility Connections.* At the discretion of the City Engineer, utility connections (sewer, water, gas, electricity, telephone) may or may not be connected to the primary dwelling unit. If utility connections are separate from the primary dwelling unit, power and telephone lines shall be underground from the point of source as approved by the respective utility purveyor to the accessory dwelling unit. However, for the creation of an accessory dwelling unit contained within the existing space of a single-family residence or accessory structure, the City shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

7. *Selling Accessory Dwelling Units.* The accessory dwelling unit shall not be offered for sale apart from the primary dwelling unless the accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit, there is an enforceable restriction on use pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation, and the property is held pursuant to a recorded tenancy in common agreement

that includes the requisite provisions set forth in Section 65852.6. For purposes of this provision, all terms shall have the meaning set forth in Government Code Section 65852.6.

8. *Renting Accessory Dwelling Units.* The rental of an accessory dwelling unit is allowed, provided the term is longer than 30 consecutive days. The rental of an accessory dwelling unit for 30 days or less is prohibited.

9. *Separate Entrance Required.* The entry to an attached accessory dwelling unit shall be accessed separately and securely from the primary dwelling unit. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. For the purpose of this chapter, a passageway is a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

10. *Applicable Codes.* Accessory dwelling units must comply with applicable building, fire and other health and safety codes.

11. *Lot Coverage.* Accessory dwelling units shall not be considered when calculating the maximum lot coverage allowed.

12. *Parking.* There shall be one offstreet parking space per accessory dwelling unit or per bedroom in the accessory dwelling unit(s), whichever is less. Offstreet parking spaces for the ADU may be provided as tandem parking or in setback areas in locations determined by the City, unless the City finds that tandem parking or parking in setback areas is not feasible based upon specific site or regional topographical or fire and life safety conditions. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, no replacement offstreet parking spaces shall be required.

E. *Application Procedure.* Planning Director, or designee, approval shall be required for all accessory dwelling units. The property owner shall file a completed administrative review application with the Planning Department, or a building permit application, and pay all applicable fees. The completed application form shall include, but not be limited to, data on the floor space and height of the proposed unit and the existing residential unit(s), a photograph of the existing residential unit(s), the height of adjacent residences, and an accurately drawn site plan showing the location and size of all existing and proposed structures, the proposed accessory dwelling unit, setbacks, utility connections and vehicle parking.

F. *Reserved.*

G. *Existing Nonpermitted Accessory Dwelling Units.* The Planning Director may approve an accessory dwelling unit constructed without benefit of required permits; provided, that the unit conforms to the current building code, is subject to applicable current permit and impact fees, and conforms to setback, height, area, and other physical development standards otherwise applicable.

H. *General Plan and Zoning Densities.* Accessory dwelling units shall not be counted as “development units” under the General Plan density requirements or the density requirements for the applicable zoning district.

I. *Connection Fees or Capacity Charges.* Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including sewer and water. Accessory dwelling units of 750 square feet or less shall not be subject to impact fees. Accessory dwelling units larger than 750 square feet may, as determined by the City Council by resolution, be subject to impact fees charged proportionately in relation to the square footage of the primary dwelling unit.

J. *Fire Sprinklers.* The installation of fire sprinklers shall not be required in an accessory dwelling unit if they are not required for the primary dwelling unit (unless otherwise required by the Fire Chief based on State law).

K. *Maintenance and Conversion.* An accessory dwelling unit created under this chapter shall be maintained with the provisions of this chapter and shall not be destroyed or otherwise converted to any other use (including reverting to a portion of the primary dwelling unit) except with approval of the Planning Director. In considering such requests, the Planning Director shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the permit, and the impact on the City's affordable housing supply. As a condition of termination, the Planning Director shall require the owner to make modifications to the property to: (1) comply with current building code requirements and (2) comply with current development standards in effect at the time of the request to terminate the use of the ADU.

18.61.030 Junior accessory dwelling unit criteria.

A. *Location.* Junior accessory dwelling units may be allowed only on parcels zoned for single-family residential use with an existing single-family dwelling unit on the parcel; or, as part of a proposed single-family residential use when it is within the proposed space of a single-family dwelling.

B. *Limitation.* In no case shall more than one accessory dwelling unit and one junior accessory dwelling unit be placed on the same lot or parcel.

C. *Occupancy.* Owner-occupancy is required in the single-family dwelling unit in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the single-family dwelling unit or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.

D. *Existing Structure/Bedroom.* A junior accessory dwelling unit shall be located within the walls of an existing or proposed single-family residence.

E. *Entrance.* A junior accessory dwelling unit shall include its own discrete entrance, separate from the main entrance to the structure. A permitted junior accessory dwelling unit may include an interior entry to the main living area, and may include a second interior doorway for sound attenuation.

F. *Kitchen.* The junior accessory dwelling unit shall include an efficiency kitchen, which shall include all of the following: sink, food preparation counter, refrigerator, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

G. *Parking.* Junior accessory dwelling units have no parking requirement.

H. *Deed Restriction.* The junior accessory dwelling unit shall not be offered for sale apart from the primary dwelling unit. A deed restriction, which shall run with the land, shall be filed with the City and shall include both of the following:

1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and

2. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

I. *Timing.* A permit shall be issued within 60 days of submission of an application for a junior accessory dwelling unit that meets the criteria in this section and is part of an existing single-family dwelling.

J. For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

K. For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

L. A junior accessory dwelling unit created under this chapter shall be maintained with the provisions of this chapter and shall not be destroyed or otherwise converted to any other use (including reverting to a portion of the primary dwelling unit) except with approval of the Planning Director. In considering such requests, the Planning Director shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the permit, and the impact on the City's affordable housing supply. As a condition of termination, the Planning Director shall require the owner to make modifications to the property to: (1) comply with current building code requirements and (2) comply with current development standards in effect at the time of the request to terminate the use of the ADU.

Attachment 4

Chapter 18.62 - DENSITY BONUSES.

18.62.010 Purpose.

The purpose of this section is to implement requirements of the State Density Bonus Law (California Government Code Title 7, Division 1, Chapter 4.3, Sections 65915, et seq.), and the City's Housing Element by specifying how the City shall provide density bonuses and other incentives, concessions, or waivers to developers for the production of housing affordable to lower income households, moderate income households, and senior citizens, and to increase the availability of childcare facilities in the City. Nothing in this Chapter is intended to create a mandatory duty on behalf of the City or its employees under the Government Tort Claims Act, and no cause of action against the City or its employees is created by this Chapter that would not arise independently of the provisions of this Chapter.

18.62.020 Definitions.

All terms used in this Chapter shall be interpreted in accordance with the definitions herein except to the extent otherwise defined in the State Density Bonus Law.

"Affordable rent" means the maximum monthly rent for a specified income level calculated in accordance with Health and Safety Code Section 50053 and implementing regulations.

"Affordable sales price" means the maximum housing cost for a specified income level, calculated in accordance with Health and Safety Code Section 50052.5 and implementing regulations.

"Affordable units" means those dwelling units which are required to be rented at affordable rents or sold at an affordable sales price very low income households, low income households, or moderate income households.

"Applicant" or *"developer"* means a person, persons, or entity who applies for a housing development, as well as the owner or owners of the property if the applicant does not own the property on which development is proposed.

"Area Median Income" or *"AMI"* means the median family income (adjusted for family size) for Placer County promulgated and published annually by the California Department of Housing and Community Development ("HCD") pursuant to Title 25, § 6932 of the California Code of Regulations.

"Childcare facility" means a childcare facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

"Concession or incentive" is as defined in Government Code Section 65915.

“*Density bonus*” means a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant to the city, as defined by Government Code Section 65915.

“*Director*” means the Community Development Director, or a designee of the Community Development Director.

“*Housing development*” is a residential development project for five or more residential units, including mixed-use developments, as defined in Government Code Section 65915.

“*Planned development*” is as defined in Civil Code Section 1351(k).

“*Total units*” means a calculation of the number of units in a housing development, excluding units added by a density bonus award pursuant to this Chapter and including units designated to satisfy an inclusionary zoning requirement if applicable.

18.62.030 Eligible Projects.

The City shall grant one density bonus, the amount of which shall be as specified in section 18.62.040 and if requested by the applicant and consistent with the applicable requirements of this Chapter, incentives or concessions, as described in subsection 18.62.050, reduced parking ratios, as described in subsection 18.62.060, and waivers and reductions, as described in subsection 18.62.070, if the housing development proposed by the applicant meets at least one of the following requirements:

A. A minimum of 5 percent of the total units of the housing development is restricted and affordable to very low-income households as defined in Health and Safety Code Section 50105.

B. A minimum of 10 percent of the total units of the housing development is restricted and affordable to lower income households as defined in Health and Safety Code Section 50079.5.

C. A minimum of 10 percent of the total units of the housing development is sold to moderate income households, as defined by Health and Safety Code Section 50093, provided that all units are offered to the public for purchase.

D. The housing development qualifies as a senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5.

E. A minimum of 10 percent of the total units of a housing development are used for transitional foster youth, as defined by Education Code Section 66025.9, disabled veterans, as defined in Government Code Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), and are subject to a recorded affordability restriction of fifty-five (55) years and provided at the same affordability as very low income units.

F. All of the units of the housing development are used for students enrolled full-time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting

Commission for Community and Junior Colleges, in which a minimum of 20 percent of the total dwelling units are for lower income households, with priority given to students experiencing homelessness (verified pursuant to Section 65195(b)(1)(f)(i)(IV) of the Government Code), and the rent for such units does not to exceed 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

18.62.040 Density Bonus.

If a project meets the requirements set forth in section 18.62.030, the applicant shall be entitled to a density bonus calculated as set forth herein. Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

A. *100% Affordable Housing Development.* If 100 percent of the units in the housing development are lower income or very low-income units, excluding manager’s units, with up to 20 percent of the units for moderate income households, the City shall allow an 80 percent maximum density bonus and four (4) concessions or incentives meeting all the applicable eligibility requirements of this Chapter.

B. *Very Low-Income Housing Development.* A very low-income housing development that meets the requirements of subsection 18.62.030(A) shall be entitled to the following density bonus calculation and number of incentives or concessions:

Very Low-Income Unit Percentage	Density Bonus	Incentives or Concessions
5% - 9%	20% - 30%	1
10% - 11%	32.5% - 35%	2
12% - 13%	38.75% - 42.5%	2
14%	46.25%	2
15% - 99%	50%	3
100% (Can include a combination of very low and low income, with up to 20% moderate income)	80%	4

C. *Low Income Housing Development.* A low-income housing development that meets the requirements of subsection 18.62.030(B) shall be entitled to the following density bonus calculation:

Low-Income Unit Percentage	Density Bonus	Incentives or Concessions
10% – 13%	20% - 24.5%	1
14% - 16%	26% - 29%	1
17% - 20%	30.5% - 35%	2
24% - 99%	50%	3
100% (Can include a combination of very low and low income, with up to 20% moderate income)	80%	4

D. *Moderate Income Housing Development.* A moderate income housing development that meets the requirements of subsection 18.62.030(C) shall be entitled to the following density bonus calculation and number of concessions or incentives:

Moderate Income Unit Percentage	Density Bonus	Incentives or Concessions
10% - 15%	5% - 10%	1
16% - 19%	11% - 14%	1
20% - 29%	15% - 24%	2
30% - 35%	25% - 30%	3
36% - 42%	31% - 42.5%	3
43% - 44%	46.25 - 50%	3
45% - 99%	50%	3
100% (Can include a combination of very low and low income, with up to 20% moderate income)	80%	4

E. *Senior Citizen Housing Development.* A senior citizen housing development that meets the requirements of subsection 18.62.030(D) shall be entitled to a 20 percent density bonus.

F. *Transitional Housing Development.* A transitional housing development that meets the requirements of subsection 18.62.030(E) shall be entitled to a 20 percent density bonus.

G. *Student Housing Development.* A student housing development that meets the requirements of subsection 18.62.030(F) shall be entitled to a 35 percent density bonus and shall be entitled to one (1) concession or incentive.

18.62.050 Concessions or Incentives.

For purposes of this Chapter, concessions and incentives include the following:

A. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code.

B. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

C. Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

18.62.060 Parking Reductions.

If a housing development meets the requirements of 18.62.030, the following parking requirements apply. If the total number of parking spaces for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a housing development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking.

A. *General Parking Requirements.* Upon an applicant’s request, the City may not require more than the following parking ratios for housing developments (inclusive of parking for persons with disabilities):

Studio	1 space
1 Bedroom	1 space
2 Bedroom	1.5 spaces
3 Bedroom	1.5 spaces
4 Bedroom	2.5 Spaces

B. *Special Parking Requirements.* Notwithstanding subsection (A), upon the request of a developer, the City shall not impose a parking ratio, inclusive of parking for persons with a disability and guests, that exceeds the following for specified projects:

Rental or for-sale housing development with at least 11% very low income or 20% low income units, within ½ mile of accessible major transit stop.	0.5 spaces per unit
For-sale housing development with at least 40 percent moderate-income units, within ½ mile of a major transit stop, as defined by Public Resources Code Section 21155(b), and where residents of the housing development have unobstructed access to the major transit stop.	0.5 spaces per bedroom
Rental housing development that is 100% affordable to lower income households, as defined by Health and Safety Code Section 50079.5, within ½ mile of accessible major transit stop.	0 spaces per unit
Rental senior citizen housing development that is 100% affordable to lower income households, either with paratransit service or within ½ mile of accessible bus route (operating at least eight times a day).	0 spaces per unit
Rental housing development that is 100% affordable to lower income households that is a special needs housing development, as defined in Health and Safety Code Section 51312.	0 spaces per unit
Rental housing development that is 100% affordable to lower income households that is a supportive housing development, as defined in Health and Safety Code Section 5675.14.	0 spaces per unit

C. The application of the ratios herein does not reduce or increase the number of incentives or concessions to which an applicant is entitled. An applicant may request parking incentives or concessions beyond those provided herein.

18.62.070 Waiver or Reduction of Development Standards.

If a development standard would physically prevent the housing development from being built at the permitted density and with the granted concessions or incentives, the developer may propose to have those standards waived or reduced. The City is not required to waive or reduce development standards that would cause a public health or safety problem, an environmental problem, harm historical property, or would be contrary to law. The waiver or reduction of a development standard does not count as a concession or incentive, and there is no limit on the number of development standard waivers that may be requested or granted.

18.62.080 Land Donation Bonus.

When an applicant for a tentative subdivision map, parcel map, or other housing development donates land to the City that meets the requirements of subsection (A), the applicant shall be entitled to the density bonus calculations in subsection (B).

A. Requirements. An applicant will be entitled to a density bonus if the land donation meets the following requirements:

1. The land is donated and transferred no later than the date of approval of the final subdivision map, parcel map, or residential development application to the City or to a housing developer approved by the City and by this time the transferred land shall have all permits and approvals, other than building permits, necessary for the development of the very low income housing, with the exception of any design review that would be allowed pursuant to Government Code Section 65583.2(I), as the same may be amended from time to time, if the design has not been reviewed prior to the time of transfer.
2. The zoning classification and general plan designation of the land is appropriate for affordable housing and the land is or will be served by adequate public facilities and infrastructure.
3. The transferred land is at least one acre in size or sufficient size to permit development of at least 40 units.
4. There is appropriate zoning and development standards to make the development of the affordable units feasible.
5. The transferred land is within the boundary of the proposed development. The applicant may submit a written request to the City to allow the transferred land to be located within ¼ mile of the boundary of the proposed project.

B. Density Bonus. Land donations made in accordance with subsection (A) shall be entitled to the following density bonus calculation and number of concessions or incentives:

Low Income Units Percentage	Density Bonus	Incentives or Concessions
10% - 19%	15% - 24%	0
20% -29%	25% - 34%	0
30% +	35%	0

18.62.090 Childcare Facilities Bonus.

When an applicant for a housing development includes a childcare facility that meets the requirements in subsection (A), the applicant shall be entitled to the density bonus in subsection (B):

A. *Requirements.* If an application for a housing development is submitted pursuant to this Chapter, and includes a childcare facility on the premises of, as part of, or adjacent to, the project, the City shall require as a condition of approval that the following occur:

1. The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable, pursuant to the State Density Bonus Law.
2. Of the children who attend the childcare facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income, pursuant to the State Density Bonus Law.

B. *Density Bonus and Concessions or Incentives.* If a housing development meets the requirements of subsection (A), then the City shall grant either of the following:

1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.
2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

C. Notwithstanding any requirement of this section, the City shall not be required to provide a density bonus or concession for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.

18.62.100 Condominium Conversions.

To receive a density bonus or concessions or incentives set forth in subsection (B), an applicant shall meet the requirements for condominium conversions set forth in subsection (A).

A. *Requirements.* An applicant proposing to convert apartments to condominiums shall meet the following requirements:

1. A minimum of 33 percent of the total units of the housing development shall be restricted and affordable to low-income or moderate-income households, or
2. A minimum of 15 percent of the total units of the housing development shall be restricted and affordable to lower-income households.

B. *Density Bonus or Concessions or Incentives.* If an applicant satisfies the conditions in subsection (A), the City shall grant a density bonus or other concessions or incentives of equivalent value. An applicant proposing to convert apartments to condominiums shall be ineligible for a density bonus, concession or incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus, concession or incentives were previously provided under this Chapter. A density bonus awarded pursuant to this section shall be equal to a 25 percent increase in units to be provided within the existing structure or structure proposed for conversion. For concessions or incentives, the City shall not be required to provide cash transfer payments or monetary compensation but may include reductions or waivers of requirements which the City might otherwise apply as conditions of conversion approval.

C. Nothing in this Chapter shall be construed to require the City to approve a proposal to convert apartments to condominiums.

18.62.110 Project Application.

A. *Requirements.* To submit a complete application to the City for a density bonus and other concessions or incentives, the applicant shall:

1. Identify the section and/or subdivision of the State Density Bonus Law under which the application is made. See Government Code Section 65915, subdivision (b), paragraph (2) for requirements related to lower income households, very low income households, senior citizen housing development, transitional foster youth housing development, disabled veterans housing development, housing development for homeless persons, and moderate income common interest development; see Government Code Section 65915, subdivision (h) for donations of land; see Government Code Section 65915, subdivision (h) for child care facilities; and see Government Code Section 65915.5 for conversion of apartments to condominium projects.
2. Quantify the total density bonus requested, along with the factual and legal basis for the request in accordance with the State Density Bonus Law and this code.
3. Identify any incentives or concessions requested by the applicant, along with the factual and legal basis for the request in accordance with the State Density Bonus Law and this code.
4. Identify any waivers, reductions, or modifications of development standards requested by the applicant, along with the factual and legal basis for the request in accordance with the State Density Bonus Law and this code.
5. Provide a preliminary sketch plan showing the context and compatibility of the proposed project within the surrounding area, the number, type, size, and location of buildings, and parking. The design of proposed affordable dwelling units shall be compatible with the market-rate dwelling units within the project.
6. Provide information satisfactory to the Director to enable the City to determine whether the requirements of the State Density Bonus Law and this code have been met by the applicant, including, for example, the project cost per unit and whether any requested incentive or concession is necessary to make the housing units economically feasible. (See Government Code Section 65915, subdivision (d).) Such information may include capital costs, equity investment, debt service, projected revenues, operating expenses, and any other information deemed necessary by the Director.
7. Make payment for the requisite fees in connection with the application.

B. *Review.* The Director shall review the information provided by the applicant and shall make a recommendation the decision-making body for the proposed project regarding the density bonus and any requested concessions, incentives, waivers, reductions, or modifications. To the extent the Director recommends the grant of a density bonus, concession, incentive, waiver, reduction, or modification, any such grant shall be conditioned upon the applicant's compliance with all relevant obligations set forth in the State Density Bonus Law and this code.

C. *Approval.* The decision-making body for the proposed project shall also make the final decision on behalf of the City related to any application submitted in accordance with this section based on the Director's recommendation and on substantial evidence. This Chapter shall not be interpreted to require that the City grant a concession or incentive that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, or that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

18.62.120 Enforcement; Conditions.

A. Affordable units under this section shall be constructed at the same time as the market-rate units.

B. The right to a density bonus or any other concession, incentive, or waiver under this chapter shall not be transferred to another development.

C. Where a developer proposes to simultaneously develop two or more parcels in the City, nothing in this section shall prohibit the City from using a density bonus and/or concession/incentive granted for one of the parcels on another of the multiple parcels.

D. The developer and/or property owner shall provide the City a yearly accounting of the total project units occupied and vacant, the total occupied and vacant units designated for households of moderate income, households of low income, and households of very low income.

E. An applicant shall agree to ensure that a for-sale unit that qualified the applicant for award of a density bonus meets either of the following conditions:

1. The unit is initially occupied by a person or family of very low, low, or moderate income, as required, and it is offered at an affordable housing costs and is subject to an equity sharing agreement, or
2. The unit is purchased by a qualified nonprofit housing corporation pursuant to a recorded contract that satisfies all of the requirements specified in paragraph 10 of subsection (a) of Section 402.1 of the Revenue and Taxation Code and that includes the restrictions set forth in Government Code Section 65915(c)(2).

F. An applicant shall agree to ensure the continue affordability of all very low and low-income rental units that qualified the applicant of the award of the density bonus for fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

G. The City may require a density bonus agreement or recorded affordability restrictions to effectuate any of the requirements of this Chapter and to ensure compliance therewith. Such agreements shall be on a form approved by the City Attorney.

Figure 1-Proposed Sutter Creek Zoning Map

