

City of Rio Dell
Zoning Regulations
Chapter 17 Rio Dell Municipal Code



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Chapter 17.05
ADOPTION, SHORT TITLE, AND PURPOSE

Sections:

17.05.010 Adoption.

17.05.020 Short title.

17.05.030 Purpose.

17.05.010 Adoption.

There is hereby adopted a zoning ordinance for the City of Rio Dell, State of California, as provided by Title Seven of the Government Code of the State of California. This title constitutes a specific plan for the use of land.

The provisions of this title shall apply to all lands and all owners of lands within all the incorporated area of the City of Rio Dell. [Ord. 252 § 1.01, 2004.]

17.05.020 Short title.

This title shall be known and cited as the “Rio Dell Zoning Ordinance.” In any administrative action taken by any public official under the authority set forth in this title the use of the term “zoning ordinance,” unless further modified, shall also refer to and mean this title. [Ord. 252 § 1.02, 2004.]

17.05.030 Purpose.

This title is adopted to promote and protect the public, health, safety, morals, comfort, convenience and general welfare, to provide a plan for sound and orderly development and to ensure social and economic stability within the various zones hereby established. [Ord. 252 § 1.03, 2004.]

Chapter 17.10 DEFINITIONS

17.10.010 Definitions.

Unless the context otherwise requires, the definitions set forth or otherwise provided for in this chapter shall be used in the interpretation and construction of this title. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure,” the word “used” shall include “arranged, designed, constructed, altered, converted, rented, leased, or intended to be used,” and the word “shall” is mandatory and not directory.

“Abutting” means land having a common property line or separated only by an alley, easement or private street.

“Accessory Horse Keeping” means the keeping and use of horses, llamas, alpacas, and/or ponies, and similar uses, on a parcel where such keeping and use is not the principal use of the parcel. The number of horses is controlled by each zoning district, whereas the term horses shall include horses, mules, and donkeys.

“Accessory Retail” means the retail sales of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, industrial, or institutional complex. These uses include pharmacies, gift shops, and food service establishments within hospitals; gift shops, convenience stores and food service establishments within hotel, office, industrial, and institutional complexes. This use category also includes retail associated with commercial and industrial uses for the products sold, distributed or manufactured on site. Such retail area shall not exceed 25 percent of the facility’s total square footage.

“Accessory Structure (attached)” means an attached accessory structure which is either entirely enclosed by walls and a solid roof or is partially enclosed with a solid roof that is structurally attached to a primary structure. This classification of accessory structures includes garages, greenhouses, poolhouses, sunrooms, workshops, storage sheds, barns and other agricultural outbuildings, as well as carports, patio covers, gazebos, stables and other agricultural outbuildings with solid roof construction.

“Accessory Structure (detached), Enclosed and/or Solid-Roofed” means a detached accessory structure which is either entirely enclosed by walls and a solid roof or is partially enclosed with a solid roof that is not structurally attached to a primary structure. This classification of accessory structures includes garages, greenhouses, poolhouses, sunrooms, workshops, storage sheds, barns and other agricultural outbuildings, as well as carports, patio covers, gazebos, stables and other agricultural outbuildings with solid roof construction.

“Accessory Uses” means related uses necessary, or incidental, appropriate and subordinate to the operation and enjoyment of the principal use of the parcel or structure on which such use is authorized by zoning district regulations and as otherwise stated herein. Accessory uses are permanent or long-term in nature, distinct from the temporary use regulations.

“Addition” means the result of any work that increases the volume of an existing structure or replaces a demolished portion.

“Address of Convenience” means non-residential activities associated with any profession, occupation or hobby, having no employees, receiving no more than one delivery per day at the residence and utilizing a private residence only for receiving mail, phone calls and related record keeping (typically a mobile business). No more than one truck or other motor vehicle no larger than one ton and shall be permitted at the site of the Home Occupation.

“Adult bookstore” means an establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

“Adult Day Care Facility” means a State-licensed facility that provides non-medical care and supervision for more than six adults for periods of less than 24 hours, with no overnight stays.

“Adult Day Care Home” means pursuant to definitions of state law, a home which provides supervision and non-medical care to six or fewer adults, including elderly persons, in the provider’s own residence, on a less than 24-hour basis. Homes serving more than six adults are included in “Adult Day Care Facility”.

“Adult entertainment” is defined as including the terms “adult bookstore,” “adult motion picture theater,” “specified anatomical areas,” and “specified sexual activities,” each of which are defined herein.

“Adult entertainment activity” means any activity which activity is conducted exclusively for the patronage of persons who are 18 years of age or older and from which persons 17 years of age or younger are specifically excluded, with the inclusion of those licensed and regulated by State and Federal agencies but not limited to such businesses as adult bookstores, adult massage parlors, adult motion picture theaters, and adult entertainment in night clubs.

“Adult entertainment in night clubs” means night clubs which feature topless dancers, bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment.

“Adult motion picture theater” or “adult motion picture mini-theater” means an enclosed building or portion thereof, used for presenting material in the form of motion picture film, video tape, holographic projection or other similar means which is substantially devoted to the depiction of specified sexual activities or specified anatomical areas for observation by persons therein.

“Affordable Rent” means monthly housing expenses, including a reasonable allowance for utilities (30% of gross monthly income), for rental Inclusionary Units reserved for Very Low or Low Income Households, not exceeding the following calculations:

(a) Very Low Income. 50 percent of the area median income for Humboldt County, adjusted for household size, multiplied by 30 percent, and divided by 12;

(b) Low Income. 60 percent of the area median income for Humboldt County, adjusted for household size, multiplied by 30 percent, and divided by 12.

“Affordable Sales Price” means a sales price at which a Low or Moderate Income Household can qualify for the purchase of an Inclusionary Unit, calculated on the basis of underwriting standards of mortgage financing available for the development.

“Agriculture” means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and secondary accessory uses, but not including commercial stock yards, slaughter houses, hog farms, fertilizer works or plants for the reduction of animal matter.

“Agricultural Products Processing” means the act of changing an agricultural crop, subsequent to its harvest in order to prepare it for market or for further processing.

“Alley” or “lane” means a public or private way less than 40 feet wide affording only secondary means of access to abutting property.

“Alcoholic Beverage Sales” means the retail sale of beer, wine, and/or other alcoholic beverages for on- or off-premise consumption.

“Ambulance Service” means emergency medical care and transportation, including incidental storage and maintenance of vehicles.

“Amphitheater” means an outdoor entertainment venue with a gallery facing the performance area with or without seats for spectators.

“Amusement Arcades” means establishments containing devices commonly known as pinball machines, video games, games of skill of whatever kind or nature, whether electronically activated or not.

“Animal hospital” means a building used for the care and treatment of sick or injured dogs, cats, rabbits, birds and similar small animals.

“Animal Husbandry” means raising and breeding of animals or production of animal products. Typical uses include grazing, ranching, dairy farming, poultry farming, and beekeeping, but excludes slaughterhouses and feedlot operations. This classification includes accessory agricultural buildings accessory to such uses. Animal sales, boarding, and grooming are defined separately under “Animal Sales and Grooming”. Keeping of animals is defined separately under “Animal keeping”.

“Animal Keeping” means care and maintenance of animals on private property. The listing below provides a distinction between various types of animals related to allowed use provisions in Article III. This classification is distinct from “Animal Husbandry” and “Animal Sales and Grooming.”

(a) Domestic Pets. Small animals (no larger than the largest breed of dogs) customarily kept as pets within a dwelling unit. This classification includes dogs, cats, fish, and birds (excluding large tropical birds and poultry).

(b) Exotic Animals. Any wild, dangerous, or venomous animal, not customarily confined or cultivated by man for domestic or commercial purposes, but kept as a pet or for display, including, but not limited to, mammals, fowl, fish or reptiles.

(c) Livestock Animals. All other domestic or domesticated animals other than household pets, including, but not limited to, cattle, sheep, goats, horses, mules, llamas, ostriches, emus, and swine.

(d) Poultry. Domesticated birds (fowl) customarily kept for eggs or meat. This classification includes chickens, roosters, ducks, geese, turkeys, guinea fowl, and Cornish game hens.

“Animal Sales and Grooming” means retail sales of domestic and/or exotic animals, bathing and trimming services conducted entirely within an enclosed building with no outdoor use.

“Antenna” means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure, or is portable or movable. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

“Antenna, amateur radio” means any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

“Antenna, directional (also known as a “panel” antenna)” means an antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

“Antenna, building-mounted” means any antenna directly attached or affixed to a building, tank, tower, or other structure. Building-mounted antenna are identified in two distinct categories herein as follows:

(a) Wall-mounted. Attached or affixed to the elevation of the structure.

(b) Roof-mounted. Attached or affixed to the rooftop or top of the structure.

“Antenna, ground-mounted” means any antenna with its base (either single or multiple posts) placed directly on the ground or a mast 12 feet or less in height and six inches in diameter.

“Antenna, parabolic (also known as “satellite dish” antenna)” means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern from orbiting satellites or ground transmitters. This definition is meant to include what are commonly referred to as television receive only (TVRO) and satellite microwave antennas.

“Appliance, Furniture and Furnishings Stores” means stores engaged primarily in selling the following products and related services, including incidental repair services; draperies, floor coverings, furniture, glass and chinaware, home appliances, home furnishings, home sound systems, interior decorating materials and services, large musical instruments, including but not limited to pianos, cellos and harps, movable spas and hot tubs, office furniture, other household electrical and gas appliances, outdoor furniture refrigerators, etc.

“Art, Antique, Collectable Sales” means antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards, coins, stamps, and comic books. (Stores selling handcrafted items that are produced on the site are instead defined as “Artisan Shops.”)

“Artisan Shops” means retail stores selling art glass, ceramics, jewelry, weaving, quilts, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

“Artisan/Craft Product Manufacturing” means establishments manufacturing and/or assembling products primarily by hand, including jewelry, pottery and other ceramics, as well as glass and metal art, craft products, and body products (i.e. soups, oils, etc.)

“Auto and Vehicle Sales/Rentals” means retail establishments selling and/or renting automobiles, trucks, vans, motorcycles, mobile homes, recreation vehicles, and/or boats. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); bicycle and moped sales (see "General Retail Stores"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Facility"); or "Service Stations," which are separately defined.

“Auto and Vehicle Storage” means storage of operative and inoperative vehicles for limited periods of time. Includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreation vehicles. Does not include vehicle dismantling or retail sales.

“Auto Parts Sales” means stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "Automobile and Vehicle Services"). Does not include tire recapping establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Facility."

“Automobile Washing and Detailing” means permanent, drive-through, self service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services.

“Automobile/Vehicle Detailing” means establishments providing automobiles, trucks (non-commercial), boats and recreational vehicle cleaning, waxing, polishing, interior cleaning/vacuuming etc. services.

“Automobile Gas Stations, including charging stations, without vehicle service” means a retail business selling gasoline and/or other motor vehicle fuels and related parts, fluids and accessories.

“Automobile Gas Stations, including charging stations, with minor vehicle service” means a retail business selling gasoline and/or other motor vehicle fuels and related parts, fluids and accessories and providing the adjustment, replacement or maintenance of parts, including tires, brakes, headlights, oil changes, alignments, tune-ups, etc. It shall not include complete engine or transmission replacement or rebuilding, body and frame repairs or painting.

“Automobile and Vehicle Sales/Rentals” means retail establishments selling and/or renting automobiles, trucks, vans, motorcycles, recreation vehicles and/or boats. May also include repair shops and the sales of parts and accessories incidental to the vehicle dealership.

“Automobile and Vehicle Services, Major Repair/Body Work” means establishments providing general repair, rebuilding, reconditioning, removal and replacement of engines, transmissions, drive-trains, collision repair including body, frame or fender straightening of automobiles, trucks, boats, recreational vehicles, etc.

“Automobile and Vehicle Services, Maintenance and Minor Repair” means establishments providing the adjustment, replacement or maintenance of parts, including tires, brakes, headlights, oil changes, alignments, tune-ups, etc. It shall not include complete engine or transmission replacement or rebuilding, body and frame repairs or painting.

“Automobile wrecking” means the commercial dismantling or disassembling of used motor vehicles or trailers, tractors, self-propelling farm or road machinery, or the storage, sale or dumping of same when dismantled, partially dismantled, obsolete or wrecked, or the parts thereof.

“Awnings” means any structure made of a flexible fabric or similar material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

“Banks and Financial Services” means financial institutions including: banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, other investment companies, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies.

“Banner” means any sign of lightweight fabric of similar material that is mounted to a pole or a building at one or more edges. National, State, or Municipal flags shall not be considered

“Bars and Nightclubs” means any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (music and/or dancing, comedy, etc.) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include the brewing of beer as part of a brew pub or micro- brewery.

“Bed and Breakfast Inns” means residential structures with one family in permanent single-family residence with not more than four (4) bedrooms rented for overnight lodging, and may only serve food to its registered guests. The food service is restricted to breakfast or a similar early morning meal, and light foods or snacks. The price of the food must be included in the price of the overnight accommodation.

“Broadcasting and Recording Studios” means commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of “Telecommunications Facility.”

“Beginning of construction” means the incorporation of labor and material within the foundation of a building.

“Boarding and Rooming Houses” means a dwelling or part thereof with one family in permanent residence, with not more than three rented bedrooms and where meals or meals and lodging are provided for compensation.

“Building” means any structure having a roof used or intended to be used for the shelter or enclosure of persons, animals or property.

“Building, accessory” means a detached subordinate building located on the same building site as the main building and designed and intended for a use which is subordinate to the main building.

“Building Frontage, Primary” means the building frontage that faces the street. In cases where a building has more than one street frontage, the street address frontage shall be considered the primary building frontage. In cases where a business has no building frontage facing a street, the building frontage with the primary business entrance shall be considered the primary building frontage. A single multi-tenant building has one primary frontage, the allowable sign area for which may be distributed at the discretion of the owner; however, in no event shall the combined sign area for all tenants exceed the allowable sign area for the building.

“Building height” means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof.

“Building, main” means a building in which is conducted the principal use of the building site on which it is situated.

“Building Materials Stores and Yards” means retail establishments selling lumber and other large building materials, where most display and sales occur indoors. (Includes paint, wallpaper, glass and fixtures.) Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating and air conditioning equipment and supplies are classified in “Wholesaling and Distribution.” Hardware stores are listed in the definition of “General Retail Stores”, even if they sell some building materials, as long as there is no outdoor lumberyard.

“Bus and Transit Shelters” means a small structure designed for the protection and convenience of waiting transit passengers that has a roof and usually two or three sides.

“Business Support Services” means establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes: blueprinting business; equipment repair services (except vehicle repair, see “Automobile and Vehicle Services”); commercial art and design (production); computer-related services (rental, repair); copying, quick printing, and blueprinting services (other than those defined as “Printing and Publishing”); equipment rental businesses within buildings (rental yards are “Storage Yards”); film processing laboratories; heavy equipment repair services where repair occurs on the client site; janitorial services; mail advertising services (reproduction and shipping); mail box services; other “heavy service” business services; outdoor advertising services; photocopying and photofinishing; protective services (other than office related); soils and materials testing laboratories; window cleaning.

“Café/Specialty Shop” means a retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption as well as offering specialty food and beverage products in a distinct category of merchandise generally not prepared for immediate consumption, such as seafood or meat, imported ethnic products, wine, or other specialty foods. This use is distinct from other food or beverage stores in that the type or selection of products offered is not readily available at a convenience market, liquor store, or grocery.

“Camp” or “camping” shall mean to do any of the following:

- (a) Sleeping or Reposing, 10:00 p.m. to 6:00 a.m. To sleep or repose at any time between the hours of 10:00 p.m. and 6:00 a.m. in any of the following places or manners: outdoors with or without bedding, tent, hammock, or other similar protection or equipment;
- (b) To Set Up Bedding, 10:00 p.m. to 6:00 a.m. To establish or maintain outdoors or in, on, or under any structure not intended for human occupancy, at any time between the hours of 10:00 p.m. and 6:00 a.m., a temporary or permanent place for sleeping by setting up any bedding, sleeping bag, blanket, mattress, tent, hammock, or other sleeping equipment in such a manner as to be immediately usable for sleeping purposes; and
- (c) Setting Up Camp Sites Anytime. To establish or maintain outdoors or in, on, or under any structure not intended for human occupancy, at any time during the day or night, a temporary or permanent place for cooking or sleeping by setting up any bedding, sleeping bag, blanket, mattress, tent, hammock, or other sleeping equipment, or by setting up any cooking equipment, with the intent to remain in such location overnight.
- (d) Motor Vehicles, Auto Trailers and House Trailers. To use an automobile, bus, truck, motor home, house trailer, camper, trailer, or recreation vehicle, semi-trailer or truck, or other movable structure for habitation within the City, except in a duly licensed auto camp.

“Caretaker Housing” means a residence that is accessory to a non-residential primary use of the site, where needed for security, 24-hour care or supervision, or monitoring of facility, equipment, or other conditions on the site.

“Catering” means the preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

“Cemeteries, Mausoleums” means a land used for the burial of the dead, and dedicated for cemetery purposes, including crematories, columbariums, and mausoleums. Also see “Funeral Homes and Mortuaries”.

“City” shall mean the City of Rio Dell.

“City Council” shall mean the City Council of Rio Dell.

“City Manager” means the City Manager for the City of Rio Dell.

“Civic Center” means a prominent land area that allows for government facility which may include a Police Station, City Hall, Fire Station, impound lot, parking facilities (decks and/or garages), public/quasi-public use, and professional office use.

“Commercial coach” means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes which is required to be moved under permit, and shall include a trailer coach as defined in the California Vehicle Code, as amended.

“Communication equipment buildings” shall mean buildings housing electrical and mechanical equipment necessary for the conduct of a public utility communication business with or without personnel.

“Community Development Director” means the Director of Planning and Building for the City of Rio Dell.

“Cottage Industry” means the on-site production of goods by hand manufacturing in an enclosed building which involves only the use of hand tools or domestic mechanical equipment or a single kiln, and the incidental direct sale to consumers of only those goods produced on-site by the inhabitants of the property and which is clearly incidental and secondary to the residential use of the property;

“Clubs, Lodges, and Meeting Halls” means a permanent, headquarters-type and meeting facility for organizations operating on a membership basis for the promotion of the interests of the members, including a facility for: business associations; civic, social and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations, and/or other membership organizations.

“Coffee House” means an establishment providing coffee and tea as well as light snacks ranging from baked goods to soups and sandwiches, other casual meals, and light desserts.

“Community Centers” means a multi-purpose meeting and recreational facilities typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

“Community Garden” means a site used for growing plants for food, fiber, herbs, flowers, which is shared and maintained by nearby residents.

“Community Noise Equivalent Level (CNEL): means a 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of 5 and 10 dBA applied to the evening (7 p.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) periods to allow for greater sensitivity to noise during these hours.

“Contractors Storage Yards” means a storage yards for contractor equipment and supplies.

“Convenience Stores” means an easy access retail stores of 5,000 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a service station or an independent facility. Also see “Neighborhood Market” and “Grocery Store/Supermarket” for larger stores or stores oriented towards the daily shopping needs of residents.

“Crop and Tree Farming” means raising for commercial purposes of any truck, field or orchard crop and the necessary buildings incidental to any such crop, wholesale nurseries and greenhouses.

“Crop Production” means raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing. Includes horticulture establishments engaged in the cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs for wholesale and incidental retail sales. This classification includes accessory agricultural buildings accessory to such uses and roadside stands for display/sale of agricultural products grown on the premises. Excludes uses for which other garden, nursery or landscape merchandise is stored and sold on the site.

“dB. Decibel” means a unit used to express the relative intensity of a sound. Every increase of 10 dBA doubles the perceived loudness though the noise is actually ten times more intense.

“dBA” means the "A-weighted" scale for measuring sound in decibels; adjusts the effects of low and high frequencies in order to simulate human hearing.

“Density Bonus” means a density increase over the otherwise maximum allowable residential density for the provision of affordable housing.

“Density Bonus Housing Agreement” means a legally binding agreement between a developer and the City of Rio Dell to ensure that the requirements of this Section are satisfied.

“Density Bonus Units” means those residential units granted pursuant to the provisions of this Section, which exceed the otherwise Maximum Residential Density for the development site.

“Density Incentive” means a density increase over the otherwise maximum allowable residential density.

“Development Agreement” means an agreement entered between a developer and the City pursuant to Government Code Section 65864 et seq. as those sections exist or are hereafter amended or renumbered.

“Direct Broadcast Satellite Service (DBS)” means a system in which signals are transmitted directly from a satellite to a small home receiving dish.

“Dog Park” means a park for dogs to exercise and play off-leash in a controlled environment under the supervision of their owners. enclosure for small dogs.

“Domestic Violence Shelter” means any emergency or transitional housing shelter operated with the primary purpose of sheltering victims of domestic violence and their dependents the location of which is considered to be secured and confidential.

“Drive-in and Drive-through Sales” means facility where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive through coffee, dairy product, photo stores, pharmacies, etc.

“Drive-in and Drive-through Services” means a facility where services may be obtained by motorists without leaving their vehicles. These facilities include drive-up bank teller windows, dry cleaners, etc. (see also: automobile service stations, or car washes, which are separately defined.)

“Dwelling” means any building or portion thereof containing one or more dwelling units designed or used exclusively as a residence for one or more families, but not including a tent, boat, trailer, mobile home, dormitory, labor camp, hotel or motel.

“Dwelling, Multi-Family” means a building designed and intended for occupancy by three or more families living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., apartment, apartment house, townhouse, condominium).

“Dwelling, Second Unit” means an attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation sited on the same parcel as the primary dwelling unit.

“Dwelling, Single-Family” means a freestanding residential building designed for and/or occupied exclusively by one living unit that includes one kitchen and permanent provisions for living, sleeping, eating, sanitation, and parking. This classification includes manufactured homes (defined in California Health and Safety Code Section 18007) and model homes for the first sale of homes within the subdivision. "Manufactured Home", as defined in the HCD Safety Code Section 18007 is, “ for the purposes of this part, means a structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width, or 40 body feet or more in length, or, when erected onsite, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and respect to which the manufacturer voluntarily files a certification and complies with the standards established under this part. "Manufactured home" includes a mobilehome subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. S401, et seq.)."

“Dwelling, Two-Family” means an attached building (e.g. duplex) designed for occupancy by two families living independently of each other, where both dwellings are located on a single lot. More than one two-family dwelling may be located on a single lot consistent with the density provisions of the General Plan. Does not include “Second Dwelling Units.”

“Dwelling unit” means one room, or a suite of two or more rooms, designed and intended for occupancy or a place of residence by one family, and which unit has one kitchen or kitchenette.

“Emergency Shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, which does not deny emergency shelter because of an inability to pay.

“Equestrian Facility, Commercial” means a commercial horse, donkey, pony, and/or mule facility including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

“Equestrian Facility, Hobby” means stables, corrals, paddocks used by the individual residents of related property and their animals.

“Equipment and Material Storage Yards” means an outdoor storage of large construction equipment or machinery, company vehicles, or large quantities of other materials and related uses. Excludes storage associated with vehicle service and equipment.

“Equipment Sales and Rental” means service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental, including construction equipment.

“Family” means a person living alone, or two or more persons related by blood, marriage or adoption, or a group of not more than five unrelated persons living together as a single nonprofit housekeeping unit in a dwelling unit.

“Family Day Care Home, Large” means a State licensed facility that provides family child care for up to 12 children, or for up to 14 children if the criteria in Section 102416.5(c) of the California Code of Regulations are met. These capacities include children under age 10 who live in the licensee's home and the assistant provider's children under age 10. "Family Day Care" or "Family Child Care" means regularly provided care, protection and supervision of children, in the care giver's own home, for periods of less than 24 hours per day, while the parents or authorized representatives are away. The term "Family Child Care" supersedes the term "Family Day Care" as used in previous regulations.

“Family Day Care Home, Small” means a State licensed facility that provides family child care for up to 6 children, or for up to 8 children if the criteria in Section 102416.5(b) of the California Code of Regulations are met. These capacities include children under age 10 who live in the licensee's home. "Family Day Care" or "Family Child Care" means regularly provided care, protection and supervision of children, in the care giver's own home, for periods of less than 24 hours per day, while the parents or authorized representatives are away. The term "Family Child Care" supersedes the term "Family Day Care" as used in previous regulations.

“Feed Lot” means any premises uses principally for the raising or keeping of animals in a confined feeding area. Confined feeding area shall mean any livestock feeding, handling, or holding operation or feed yard where animals are concentrated in an area:

(a) Which is not normally used for pasture or for growing crops and in which animal wastes may accumulate; and

(b) Where the space per animal is less than 600 square feet.

(c) Feedlot is not intended to otherwise preclude the raising of animals as part of a general farming and/or livestock operation or as an FFA, 4-H, or other student project in an agricultural zone. General farming and/or livestock operation shall mean one in which the confined feeding of animals is an incidental part of the total livestock operation.

“Fence” means a barrier made of durable material to establish a boundary, as a means of protection or to provide confinement. Fences provide privacy, screening of negative visual features, noise attenuation, architectural treatment, and security for the property which they enclose.

“Flag” means any fabric, banner, or bunting containing distinctive colors, patterns, or design, used as a symbol.

“Flag lot” means lots that have less than the required minimum street frontage on a public or private street where the lot has two distinct parts: (1) The flag, which is the building site and is located behind another lot; and (2) The pole which connects the flag to the street. (Ord. 278, 2011)

“Food and Beverage Manufacturing” means manufacturing establishments producing or processing foods and beverages for offsite human consumption. Large scale operations would include more than 10 employees, while smaller scale operations may be related to specialty/craft foods or people living in a Live/Work situation. Includes bakeries (wholesale), bottling plants, breweries, candy, sugar and confectionery products. Manufacturing catering services separate from stores or restaurants, coffee roasting, dairy products manufacturing, fats and oil product manufacturing, fruit and vegetable canning, preserving, related processing, grain mill products and by-products, meat, poultry, and seafood canning, curing, byproduct processing, soft drink production, miscellaneous food item preparation from raw products. May include tasting and accessory retail sales of beverages produced on site. Does not include: bakeries which sell all products on-site, which are included in the definition of "General Retail Stores;" or beer brewing as part of a brew pub, bar or restaurant (see "Bars and Night Clubs").

“Fuel Storage and Distribution” means a facility where fuel (such as propane and gasoline) is stored and distributed without retail sales.

“Funeral Homes and Mortuaries” means funeral homes and parlors where the deceased are prepared for burial or cremation and in which funeral services may occur.

“Furniture and Fixtures Manufacturing, Cabinet Shops” means manufacturers producing household furniture, office furniture and partitions, shelving, store furniture, cabinets, drapery hardware, window blinds and shades, countertops.

“Garage, private” means an accessory building or portion of a main building designed for the storage of self-propelled passenger vehicles, camping trailers or boats belonging to the owners or occupants of the site.

“Garden Center/Plant Nursery” means establishments providing for the cultivation and sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment, including but not limited to, lawn movers, tillers and edgers, shovels, hoes, rakes, hoses, wheelbarrows.

“Glass Product Manufacturing” means manufacturing establishments producing flat glass and other glass products which are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations as defined in “Artisan/Craft Product Manufacturing”.

“Glare” means light emitting from a luminaire with an intensity great enough to reduce a viewer’s ability to see and, in extreme cases, causing momentary blindness.

“Golf Courses/Country Clubs” means golf courses and accessory facilities and uses including: clubhouses that may include a bar and/or restaurant; locker and shower facilities; pool(s); tennis courts; driving ranges; "pro shops" for on-site sales of golfing equipment; and golf cart storage and sales facilities.

“Graywater” means graywater, sometimes spelled greywater, grey water or gray water and also known as sullage, is non-industrial wastewater generated from domestic processes such as washing dishes, laundry and bathing. Graywater comprises 50-80% of residential wastewater.

“Grocery Stores/Supermarket” means a retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. These full service businesses do not typically have limited hours of operation. See separate but related listings for “Neighborhood Market” and “Convenience Store”.

“Ground or Lot Coverage” means the percentage of the total lot area that is covered by structures as herein defined.

“Group Residential” means shared living quarters without separate kitchen and/or bathroom facilities for each room or unit. This classification includes residential hotels, dormitories, fraternities, sororities, convents, rectories, and private residential clubs but does not include living quarters shared exclusively by a family. This category includes boarding houses, which are defined as a building other than a hotel or restaurant, where meals or lodging or both meals and lodging are provided for compensation for 4 or more persons.

“Guest House” means an attached or detached habitable structure with only sleeping, living, and bathroom provisions, exclusive of kitchen or cooking facilities. Such structures shall not be used or rented as a separate dwelling for permanent living quarters.

“Hog Farm, Commercial” means any premises used for the raising or keeping of hogs when raised, fed, or fattened for purposes of sale and consumption by other than the owner of the site. In an agricultural and agricultural zoning district, the term hog farm commercial is not intended to otherwise preclude the raising of hogs as part of general agricultural practices and 4-H purposes (See also Animal Keeping).

“Home Occupation” means the conduct of an art or profession, the offering of a service on the conduct of a business, or the manufacture of handicraft products in a dwelling by the inhabitants thereof and which is clearly incidental and secondary to the residential use of the dwelling. No more than one truck or other motor vehicle no larger than one ton shall be permitted at the site of the Home Occupation.

“Hostel” means a budget-oriented, sociable accommodation where guests can rent a bed, usually a bunk bed, in a dormitory and share a bathroom, lounge and sometimes a kitchen. Rooms can be mixed or single-sex, although private rooms may also be available.

“Hotels and Motels” means facilities with guest rooms or suites provided with or without a kitchen facility, rented to the general public for transient lodging (less than 30 days). Generally, hotels provide access to most guest rooms from an interior walkway or hallway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Generally motels provide access to most guest rooms from an exterior walkway.

Both may include accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

“Hours of Darkness” means any time from one-half hour before sunset until one-half hour after sunrise and any other time when the illumination level is less than the required lighting for uses as designated in this Section.

“Impound Lot” means a lot for the temporary storage of automobiles, trucks, buses, recreational vehicles, and similar vehicles. This use excludes vehicle repair or dismantling.

“Incentives or Concessions” means regulatory concessions as specified in California Government Code Subsections 65915 (I) to include, but not be limited to, the reduction of site development standards or Zoning code requirements, direct financial assistance, approval of mixed-use Zoning in conjunction with development, or any other regulatory incentive which would result in identifiable, financially sufficient, and actual cost avoidance or reductions that are offered in addition to a Density Bonus.

“Inclusionary Unit” means a dwelling unit within a Housing Development which will be reserved for sale or rent to, and affordable to, Very Low or Low Income Households, or Qualifying Residents.

“Income, Low Household” means a household whose total annual income falls between 30 percent and 80 percent of the median income of Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

“Income, Moderate Household” means a household whose total annual income falls between 80 percent and 120 percent of the median income of Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

“Income, Very Low Household” means households whose income does not exceed 30 percent of the Humboldt County median income, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

“Indoor Amusement/Entertainment Facility” means establishments providing indoor amusement and entertainment services for a fee or admission charge, including; dance halls and ballrooms and electronic game arcades, as stand alone uses. Four or more electronic games or coin-operated amusements in any establishment, or a premise where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above.

“Indoor Sports and Recreation Facility” means predominantly participant sports and health activities conducted entirely within an enclosed building, with the exclusion of secondary uses such as a spa, pool, basketball court, or tennis court. Typical uses include bowling alley, billiard parlor, ice/roller skating rinks, indoor racquetball courts, indoor climbing facilities, soccer areas, athletic clubs and health clubs. Also see Outdoor Commercial Recreation for spectator venues and uses.

“Kennels, Commercial” means a facility for the keeping, boarding and/or maintaining of 5 or more dogs, or 5 or more cats. This definition does not include animals for sale in pet shops, or patients

in animal hospitals. This definition includes a kennel where the animals are kept for commercial purposes, including boarding, breeding, buying, selling, renting, exhibiting, or training. Does not include a veterinary facility, pet shop, or animal shelter.

“Kennels, Hobby” means a facility for the keeping, boarding and/or maintaining of 5 or more dogs (4 months of age or older), or 5 or more cats when the animals are owned or kept by an occupant for personal, non-commercial purposes including: hunting, tracking, exhibiting at shows, exhibitions, field trials or other competitions, enhancing or perpetuating a given breed. This definition does not apply to non-domestic animals used in conjunction with an agricultural operation.

“Junk yard” means the use of more than 200 square feet of area of any parcel, lot or contiguous lots as a place where imported waste, junk or salvaged vehicles, equipment, machinery or other materials are disassembled, handled, baled, packed, processed, or stored.

“Kitchen” or “kitchenette” means any space used, intended or designed to be used for cooking and preparing food, whether the cooking unit be permanent or temporary and portable.

“Landscape Feature” means a detached decorative structure typically used in conjunction with plant materials for aesthetic enhancement such as patio trellis covers, pergolas and gazebos with non-solid roof construction, arched trellises, arbors, vertical lattice structures, statues, and similar features.

“Laundries and Dry Cleaning Plants” means service establishments engaged primarily in high volume laundry and garment services, including: laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; and on-site carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment. (see "Personal Services").

Legal Non-Conforming Situations. A legal non-conforming situation is any land use, structure, lot of record, or other situation related to the use or development of land that:

(a) Was legally established prior to the effective date of this Section or its subsequent amendment, or prior to the annexation of the property on which such non-conforming situation exists into the City, and

(b) Does not now fully conform to the requirements of this Section, as amended.

Legal Non-Conforming Lot. A legal non-conforming lot is a lot designated on an approved and recorded subdivision plat or that constitutes a whole parcel reflected by a valid and recorded deed, in compliance with the subdivision provisions of Section 16 or prior subdivision regulations, which fails to conform to the minimum lot area, depth, width or other applicable dimensional requirement for the district in which it is located, and which is legally non-conforming. A non-conforming lot, which has frontage only on an undeveloped platted street, shall not be considered a legal non-conforming lot for purposes of this Zoning Code.

Legal Non-Conforming Sign. A legal non-conforming sign is a sign that does not fully conform to the standards of the sign regulations of Title 17 and that is legally non-conforming under Subsection A of the above definition “Legal Non-Conforming Situations”.

Legal Non-Conforming Situation, Other. Other legal non-conforming situations include all other aspects of an established land use or development that does not fully conform with the requirements of Title 17 or any amendment thereto but which is legally non-conforming under Subsection A of the above definition “Legal Non-Conforming Situations”. Such other non-conforming situations include, but are not limited to, requirements for off-street parking, landscaping requirements, and other land development requirements.

Legal Non-Conforming Structure. A legal non-conforming structure is any building or structure which does not fully conform to the standards imposed by the zoning provisions of this Section, but which is legally non-conforming under Subsection A of the above definition “Legal Non-Conforming Situations”.

Legal Non-Conforming Use. A use of land, building(s), or other structure(s), or any combination thereof, that is legally non-conforming under Subsection A of the above definition “Legal Non-Conforming Situations”.

Library. A public or quasi-public facility in which literary and artistic materials, such as books, periodicals, newspapers, pamphlets, prints, records, and tapes, are kept for reading, reference, or lending, and which are generally non-commercial in nature.

“Live/work unit” means an integral working space and residential space occupied within a single unit or multi-unit structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity and which:

- (a) Is regularly used for such purposes by one or more persons residing in the unit;
- (b) Includes complete kitchen space and sanitary facilities in compliance with the building code;
- (c) Allows employees with associated required amenities as consistent with the building code; and
- (d) Includes working space reserved and regularly used by one or more occupants of the unit.

“Lot” or “building site” means a parcel of land exclusive of public streets or alleys occupied or intended to be occupied by a main building or group of such buildings and accessory buildings, together with such open spaces, yards, minimum width and area as are required by this title or other ordinance, and having full frontage on an improved and accepted public street which meets the standards of widths and improvements of the County, or having either partial frontage on such street or access thereto by a recorded right-of-way or recorded easement, which partial frontage right-of-way or easement is determined by the Commission to be adequate.

“Lot area” means the total horizontal area included within lot lines, but excluding any portion of such area which has been dedicated for public right-of-way purposes.

“Lot depth” means the average horizontal distance between the front and rear lot lines.

“Lot flag” See “Flag Lot” definition. (Ord. 278, 2011)

“Lot, key” means the first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot.

“Lot line, front” means, in the case of an interior lot, the line separating the lot from the street right-of-way. In the case of a corner lot, the shorter street frontage shall be the front lot line.

“Lot line, rear” means the lot line opposite and most distant from the front lot line.

“Lot line, side” means any lot boundary which is not a front or rear lot line.

“Lot line, side street” means a side lot line separating a lot from the street.

“Lot lines” means the property lines bounding the lot.

“Lot width” means the horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard setback line.

“Lumber and Wood Product Manufacturing” means manufacturing, processing, and sales uses involving the milling of new or used forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products: containers, pallets and skids, milling operations, trusses and structural beams, turning and shaping of wood products, wholesaling of basic wood products, and wood product assembly. Craft-type shops are included in "Handcraft Industries and Small Scale Manufacturing." Other wood and cabinet shops are included under "Furniture and Fixture Manufacturing." The indoor retail sale of building materials, construction tools and equipment is included under cabinet shops under "Building Materials Stores and Yards."

“Machinery Manufacturing” means the manufacturing of machinery and equipment used: for the manufacturing of other products; as parts in the assembly of other products; and for end-use purposes, including the following: construction equipment, conveyors, cranes, die casting, dies, dredging, engines and turbines, farming and gardening, food products manufacturing, gear cutting, heating, ventilation, air conditioning, industrial trucks and tractors, industrial furnaces and ovens, industrial molds, laundry and dry cleaning, materials handling, mining, oil field equipment, paper manufacturing, passenger and freight elevators, pistons, printing, pumps, refrigeration equipment, textile manufacturing.

“Maintenance and Repair, Large Equipment” means establishments providing on-site repair and accessory sales of supplies for industrial and/or agricultural machines conducted entirely within an enclosed building. This classification includes maintenance, repair, and overhauling of light and heavy vehicles and equipment such as fire engines and pump systems, fire trucks including large trailer aerial ladder trucks, gang mowers, aerial work platforms, and construction equipment such as loaders, graders, dump trucks, back hoes, asphalt trucks, trailers, rollers, street sweepers, air compressors, and off road equipment.

“Maintenance and Repair, Small Equipment” means establishments providing on-site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical equipment, bicycles, tools, or garden equipment, conducted entirely within an enclosed building. This classification does not include maintenance and repair of vehicles.

Manufactured Home. The terms “manufactured home” and “mobile home” can be used interchangeably. “Manufactured home” means a structure transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent

chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the California Health and Safety Code, as amended. "Manufactured home" includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974, as amended (42 USC Section 5401 et seq.).

"Medical Services – Clinics, Offices, and Laboratories" means a facility primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including: medical and dental laboratories, medical, dental and psychiatric offices, out-patient care facilities, and other allied health services. Counseling services by other than medical doctors or psychiatrists are included under "Offices."

"Medical Services – Extended Care" means a residential facility providing nursing and health related care as a primary use with in-patient beds, such as: board and care homes; convalescent and rest homes; extended care facilities; skilled nursing facilities; and rehabilitation facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Homes."

"Medical Services – Hospitals" means hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses"). Does not include "Ambulance Services", which are defined separately.

"Metal Products Fabrication, Machine/Welding Shops" means establishments engaged primarily in the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products, blacksmith and welding shops, sheet metal shops, machine shops and boiler shops.

"Metal Products Manufacturing" means manufacturing establishments engaged in the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; in the rolling, drawing, and alloying of ferrous and nonferrous metals; in the manufacture of castings, forgings, stampings, extrusions and other basic products of ferrous and nonferrous metals; and in the manufacture of nails, spikes, and insulated wire and cable.

"Miniature Golf Courses (Indoor & Outdoor)" means a facility that provides on-site commercial entertainment in the form of a novelty version of golf played with a putter and golf ball on a miniature course and featuring obstacles such as alleys, bridges, and tunnels.

"Mobile/Manufactured Home Park" means any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes in compliance with California Code of Regulations, Title 25, Division 1, Chapter 2 (Mobile Home Parks and Installations).

“Museum” means a public or quasi-public institution of a non-commercial nature that procures, cares for, studies, and displays objects of lasting interest or value. Examples of museums include art and historical museums, aquariums, planetariums, botanical gardens, arboretums, and historical sites and exhibits.

“Neighborhood Market” means a pedestrian-oriented grocery/specialty market store offering food products packaged for preparation and consumption away from the site of the store and oriented to the daily shopping needs of surrounding residential areas. Neighborhood markets are less than 15,000 square feet in size and operate less than 18 hours per day. For larger stores, see “Grocery Store/Supermarket”. Neighborhood markets may include deli or beverage tasting facilities that are ancillary to the market/grocery portion of the use.

“Offices, Accessory” means offices that are incidental and accessory to a primary business, allowed as part of an approved primary use.

“Offices, Business and Professional” means offices of finance businesses providing direct services to consumers (companies, utility companies, etc.), government agency and service facilities (post office, civic center, etc), professional offices (accounting, legal, employment, public relations, insurance, real estate, etc.), and offices engaged in the production of intellectual property (advertising, architectural, computer programming, photography studios, etc.). These do not include: medical offices (see “Medical Services – Clinics, Offices, and Laboratories”); temporary offices (see “Offices, Temporary”), or offices that are incidental and accessory to another business that is the primary use (see “Offices, Accessory”).

“Office, Temporary” means a mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

“Open Space” means undeveloped land with primarily passive recreational uses or landscaped pedestrian and bicycle through-ways (examples: community gardens, agricultural easements, greenbelts, bike and pedestrian paths, playground equipment) or land left undeveloped for aesthetic, environmental, health, welfare, or safety reasons (examples: greenbelts, floodways, steep unstable slopes, and utility easements). Green Roofs can be considered Open Space as determined by the Planning Director or final decision making body. Open space cannot be considered park space and does not satisfy the requirement for park space as defined and required in this Code.

“Outdoor Commercial Recreation” means a facility for various outdoor participant sports and types of recreation where a fee is charged for use, including: amphitheaters, amusement and theme parks, golf driving ranges, health and athletic club outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swimming pools and water parks, tennis clubs, tennis courts, and zoos.

“Paper Product Manufacturing” means the manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products including paper bags, boxes, envelopes, wallpaper, etc.

“Park and Ride Facility” means a designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

“Parking Facility/Vehicle Storage” means service establishments in the business of storing operative cars, trucks, buses, recreational vehicles, and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a primary use. (All primary uses are considered to include any customer or public use off-street parking required by this Zoning Code.) Includes sites where vehicles are stored for rental or leasing. Does not include dismantling yards (classified in "Recycling Facility - Scrap and Dismantling Facility").

“Parks and Playgrounds” means parks, play lots, playgrounds, amphitheaters, and athletic fields for noncommercial neighborhood or community active recreational use, including tot lots within apartment complexes.

“Park trailer” means a trailer designed for human habitation for recreational or seasonal use only, that meets all of the following requirements:

(a) It contains 400 square feet or less of gross floor area, excluding loft area space if that loft area space meets the requirements of subdivision (b) of Section 18009.3 and Section 18033 of the California Health and Safety Code, as amended. It may not exceed 14 feet in width at the maximum horizontal projection;

(b) It is built upon a single chassis;

(c) It may only be transported upon the public highways with a permit issued pursuant to Section 35780 of the California Vehicle Code.

“Parking space” means an off-street area for the parking of a motor vehicle, of not less than eight feet in width and 18 feet in length with at least seven feet of vertical clearance, either within a structure or in the open, excluding driveways, or access drives, but which abuts upon a street, alley or has other appropriate means of access thereto.

“Passive solar addition” means any designed structurally integrated addition to an existing building, the principal purpose of which is to increase passive heating or cooling efficiency of the building. For the purposes of this title, the term “passive solar addition” shall include a solarium or greenhouse when structurally attached to a main building.

“Passive solar system” means any design, including space or structural components, and orientation, which enhances the natural heating or cooling of a building, without the use of external nonrenewable power supplies. A passive (or direct) solar system may be contrasted with an active (or indirect) solar system in which the solar heat is collected on the outside of the building and transferred inside the structure through ducts or pipes using a fan or pump.

“Paving/Roofing Material Manufacturing” means the manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood and various compositions of asphalt and tar. The manufacture of wood roofing materials (shingles, shakes, etc.) is included under "Lumber and Wood Product Manufacturing."

“Pending Applications” means any formal application submitted to the City for a land use or development permit or action that has not expired and has not been approved, denied, rejected, or rescinded.

“Person” shall include any person, firm, company, corporation, partnership, association, organization or entity.

“Personal Services” means a use that provides a personal service that is non-medical and may include accessory retail sales of products related to the services that are provided. Examples of personal services include, but are not limited to the following: barber and beauty shops, clothing and costume rental, dry cleaning pick-up stores, home electronics and small appliance repair, laundromats (self-service laundries), shoe repair shops, massage, nail salons, and tailors.

“Planning Commission” shall mean the Planning Commission of the City of Rio Dell.

“Plastics, Synthetics, Rubber Products Manufacturing” means the manufacture of rubber products including: tires, rubber footwear including heels and soles, mechanical rubber goods, flooring, and other rubber products from natural, synthetic or reclaimed rubber, molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, and fiberglass manufacturing and fiberglass application services. Establishments engaged primarily in recapping and retreading automobile tires are classified in “Vehicle Services - Major Repair/Body Work.”

“Printing and Publishing” means establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. Does not include “quick printing” services or desktop publishing which are included in Business Support Services.

“Public grounds” shall mean any public place, public area, public street, sidewalk, park, public facility or public area or any property owned by or under control of any local public agency, County, State agency or Federal agency located in the corporate limits of the City of Rio Dell, including but not limited to the river bank and river bar adjacent to and under the Eel River owned or under the control of the City of Rio Dell.

“Recreation, commercial” means recreation facilities open to the general public for a fee or restricted to members when operated for profit as a business.

“Recreation, private” means noncommercial clubs or recreation facilities operated by a nonprofit organization and open only to bona fide members of such nonprofit organization and their guests.

“Recreational vehicle” means both of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria:

(i) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;

(ii) It contains 400 square feet or less of gross area measured at maximum horizontal projections;

(iii) It is built on a single chassis;

(iv) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer, as defined in California Health and Safety Code Section 18009.3, as amended.

“Recreational Vehicle Parks” means a site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents on transient basis (30 days or less). Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facility, Large Collection Facility. A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that occupies more than 500 square feet and includes permanent structures, does not use power-driven processing equipment except for compacting, baling, plastic shredding, and other activities necessary for efficient temporary storage and material shipment.

Recycling Facility, Processing Facility. A recycling facility located in a building or enclosed space and used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment or to an end-user’s specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.

Recycling Facility, Reverse Vending Machine. An automated mechanical device that accepts one or more types of empty beverage containers including, but not limited to, aluminum cans, glass bottles and plastic bottles, and issues a cash refund or a redeemable credit clip with value of not less than the container’s redemption value as determined by the State.

Recycling Facility, Scrap and Dismantling Facility. Uses engaged in the assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials, including the dismantling or wrecking of automobiles or other motor vehicles, or the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. The presence on any lot or parcel of land of five or more inoperable vehicles from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard. This use does not include landfills or other terminal waste disposal sites.

Recycling Facility, Small Collection Facility. A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that does not occupy more than 500 square feet. This classification may include a mobile unit, kiosk-type units that may include permanent structures and unattended containers placed for the donation of recyclable materials.

Religious Institutions. Facility operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc.; and accessory uses on the same site, such as living quarters for clergy and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Other

establishments maintained by religious organizations, such as full-time educational institutions, hospitals, youth camps, emergency/homeless shelters, and other potentially related operations are classified according to their respective activities.

“Renewable Energy Development (i.e. commercial development, generation and sales of solar, wind energy.)” means a system or network generating energy that is derived from resources that are regenerative or for all practical purposes cannot be depleted.

“Research and Development” means indoor facilities for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development. Does not include computer software companies (see “Offices – Business and Professional”), soils and other materials testing laboratories (see “Business Support Services”), or medical laboratories (see “Medical Services – Clinics, Offices, and Laboratories”).

“Residential Care Facility” means consistent with the definitions of State law, a residential care facility is a facility that provides 24-hour non-medical care for more than six persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, residential care facilities for the elderly, adult residential facilities, juvenile court residential facilities, and other facilities licensed by the State of California.

“Residential Care Home, Small” means consistent with the definitions of State law, a residential care home is a home that provides 24-hour non-medical care for six or fewer persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, rest homes, residential care facilities for the elderly, adult residential , juvenile court residential facilities, and other facilities licensed by the State of California. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of “Medical Services”

“Residential density, net” means the average number of dwelling units per one acre of land.

“Resource Protection and Restoration” means activities and management of an area to preserve, re-create and enhance natural resource values such as fish and wildlife habitat, rare and endangered plants, vernal pools, erosion control, and floodwater conveyance.

“Resource-Related Recreation” means a facility related to passive recreation in open space areas including bicycle and pedestrian trails, picnic areas, parking areas, and interpretive centers.

“Restaurants” means a retail business selling food and beverages prepared on the site, for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption, and establishments where most customers are served food at tables for on-premise consumption, but may include providing food for take-out. Also includes coffee houses.

“Restaurants, Accessory” means a restaurant that is accessory to a non-residential use.

“Restaurants, Fast Food/Drive-In” means a restaurant that provides both sit down and take out service and has at least 2 of the following characteristics:

- (a) Food to be consumed on the premises is served with non-reusable tableware,
- (b) Food is not delivered to the table,
- (c) Orders are placed at a counter,
- (d) Orders are placed at a drive through and/or walk up window.

“Restaurants, Sit Down, Take Out Inclusive” means a business serving prepared food or beverages for consumption on or off the premises. Service is predominantly sit down, however the occasional take out customer may be accommodated.

“Restaurants, Take-Out” means a restaurant where food is prepared on-site for off-site consumption, other than those deemed to be fast food restaurants.

“Restaurants, With Alcohol Sales” means a restaurant with a valid Alcohol Beverage license that sells alcoholic drinks along with preparing and serving food. Also includes restaurants with breweries, subordinate to the restaurant use, that operate for the production of on-site consumption.

“Restaurants, With Live Entertainment” means a restaurant that includes live entertainment.

“Restaurants, With Outdoor Dining” means a restaurant where tables and seating are provided and food and/or beverages are served in outdoor areas and have at least one side open.

“Retail, Accessory” means the retail sales of various products (including food service) in a store or similar facility that is located within a health care facility, hotel, office, institutional or industrial complex. These uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes.

“Retail, General” means stores and shops selling multiple lines of merchandise including: art galleries, artists' supplies, bakeries (all production in support of on-site, sales), bicycles, books, cameras and photographic supplies, clothing and accessories, collectibles (cards, coins, comics, stamps, etc.), department stores, drug and discount stores, dry goods, fabrics and sewing supplies, florists and houseplant stores (indoor sales, only; outdoor sales are "Plant Nurseries"), furniture, home furnishings and equipment, general stores, gift and souvenir shops, hardware, hobby materials, jewelry, luggage and leather goods, musical instruments, parts and accessories, newsstands, orthopedic supplies, pet supplies, religious goods, specialty shops, sporting goods and equipment, stationery, toys and games, and variety stores.

“Setback line” means a line established by this title or by separate ordinance to govern the placement of buildings or structures with respect to lot lines, streets, or alleys.

“Sign” means anything whatsoever placed, erected, constructed, posted, painted, printed, tacked, nailed, glued, stuck, carved, or otherwise fastened, affixed, constructed or made visible, including billboards and signboards for out-of-door advertising purposes.

“Sign, Abandoned” means any sign that is on the premises upon which it is located and has been vacated for a period of more than 90 days.

“Sign, Animated” means any sign which uses mechanical or electrical movement or change of lighting, either natural or artificial, to depict action or to create a special effect or scene.

“Sign, Area” means the measurable surface area of a sign.

“Sign, Billboard” means an outdoor advertising sign on which space is leased or rented.

“Sign, Blade/Bracket/Fin” means a small, pedestrian-oriented sign that projects perpendicular from a structure (bracket or fin sign) or is hung beneath a canopy (blade sign; may also be referred to as an “Under Canopy Sign”).

“Sign, Building” means a sign placed on a wall, awning, canopy, parapet, or a projecting sign.

“Sign, Canopy” means any sign that is part of or attached to an awning, canopy, or other material, or structural protective cover over a door, entrance, window, or outdoor service area.

“Sign, Changeable Copy” means a sign or portion of a sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than once per day shall be considered an animated sign and not a changeable copy sign for purposes of this section.

“Sign, Commercial Message” means any sign wording, logo, or other representation that names or advertises a business, product, service, or other commercial activity.

“Sign, Construction” means an on-site temporary sign identifying the names of individuals and/or firms connected with the construction of a project. Such signs may include the name of the project, lender, owner, developer, architect, contractor, address of business, and emergency contact information. Such signs may not be erected for longer than six months, unless construction is actively occurring on the site.

“Sign, Directory” means a pedestrian-oriented sign that identifies or lists the names and locations of tenants at a multi-tenant site.

“Sign, Election Campaign” means temporary campaign signs relating to federal, state, county, city, school district, special district, or other governmental agency elections are permitted in all zones subject to the regulations in this title:

“Sign, Flashing” means an illuminated sign that exhibits changing light or color effect by blinking or any other such means so as to provide a non-constant illumination.

“Sign, Freestanding” means a permanent sign that is self-supporting in a fixed location and not attached to a building. It includes a sign connected or attached to a sign structure, fence, or wall that is not an integral part of a building.

“Signs, Future Tenant” means signs erected for the purpose of advertising the future occupancy of a new tenant. Such signs may include the name of the tenants, the expected occupancy date, and the corporate logos or identification for the future occupant.

“Sign, Garage, Yard, Estate, and Other Home-based sales” means the occasional non-business public sale of secondhand household and other goods incidental to household uses.

“Signs, Gas Pricing” means signs identifying the brand, types, octane rating, etc., of gasoline for sale, as required by State Law.

“Sign, Governmental/Civic” means any temporary or permanent sign erected and maintained by or required by the City, County, State, or Federal government for traffic direction, City entrance, or for designation of direction to any school, hospital, historical site, or public service, property or facility.

“Sign, Illuminated” means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. This includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes.

“Sign, Incidental” means a sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, including but not limited to a rest room and phone sign, credit card sign, or a sign indicating hours of business.

“Sign, Menu/Order Board” means a sign installed in a drive-through facility and intended for drive-through customers that advertises the products available at the facility. (See Section 17.62.060 for standards).

“Sign, Monument” means a freestanding sign constructed upon a solid-appearing base or pedestal.

“Sign, Name Plate” means a sign attached to a wall that identifies the occupant.

“Sign, Non-Commercial” means any sign that does not bear a commercial message.

“Sign, Non-Conforming” means a sign lawfully erected and legally existing at the time of the effective date of an ordinance, but which does not conform to the new provisions of this code.

“Sign, Off-site Commercial” means a sign that advertises a business conducted, a service rendered, or goods produced or sold at a location other than the site of the sign.

“Sign, On-Site Directional” means a sign located on the same property as the business, primarily providing direction to guide vehicles and pedestrians to businesses, including by not limited to those signs identifying parking area and circulation patterns.

“Sign, Pennant” means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention.

“Sign, Pole” means a freestanding sign supported by one or more metal or wood posts, pipes, or other vertical supports.

“Sign – Portable” means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels; signs configured as A-frame or T-frame; menu and sandwich board signs; and umbrellas used for advertising.

“Sign, Readerboard” means a sign on which copy is changed manually in the field or electronically, including but not limited to theatre marquee signs, business directories, church and museum signs, and gas price signs.

“Sign, Real Estate” means any sign, temporary in nature, erected for the express purpose of advertising the rent, sale, or lease of the real estate property upon which it is erected.

“Sign, Roof” means a sign installed on a roof or projecting above the eave of a building or mounted on an arcade or parapet.

“Sign, Temporary” means a sign not constructed or intended for long-term use. Temporary Signs are typically signs lasting less than 30 days.

“Sign, Time/Temperature” means an electronic or mechanical device that shows time and/or temperature but contains no business identification or advertising.

Sign, Under Canopy. See Blade/Bracket/Fin Sign.

“Sign, Vehicle” means a sign that is attached to and is an integral part of a motorized vehicle or bicycle used directly for the purpose of a particular business and not used primarily as a sign base.

“Sign, Wall” means a sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in such a way as to be substantially parallel to such exterior building wall to which it is attached or supported by.

“Sign, Window” means a sign attached to, suspended behind, placed, or painted upon the window or glass door of a building and is intended for viewing from the exterior of such building.

“Slaughterhouse” means any land, building, place or establishment in which animals are slaughtered, eviscerated, or dressed.

“Slide-in camper” means a portable unit, consisting of a roof, floor, and sides, designed to be loaded onto, and unloaded from, a truck and designed for human habitation for recreational or emergency occupancy. “Slide-in camper” means a truck camper.

“Solar energy system” means any (a) solar collector or other solar energy device or (b) structured design of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, or for water heating.

“Spa” means a business establishment which people visit for personal care treatments such as massages and facials, only for the duration of the treatment (a day spa). In contrast, a destination spa offers the same services in a hotel setting where people reside for one or more days.

“Special purpose commercial modular” means a vehicle with or without motive power, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is not required to be moved under permit, and shall include a trailer coach. “Special purpose commercial coach” has the same meaning as “special purpose commercial modular” as that term is defined in the California Health and Safety Code.

“Specified anatomical areas” means less than completely and opaquely covered mature human female breast below a point immediately above the top of the areola, or above a point immediately below the bottom of the areola; mature human buttock; mature human genitals; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“Specified sexual activities” means fondling or other erotic touching of human pubic region, buttock, female breast, or genitals; or acts of human sexual intercourse, masturbation or sodomy; or human genitals in a state of sexual stimulation or arousal.

“Storage, public, enclosed” means a building or group of buildings containing one or more rooms in which goods are stored or kept, normally unrelated or incidental to a business or commercial enterprise, and where access to the individual storage room or space is available to the tenant or lessee. Also known as mini-storage warehouses.

“Storage, warehouse, private” means a building or group of buildings containing one or more rooms in which merchandise or commodities are stored or kept, principally for retail sale, and where access to the content of the storage room or space is restricted to the owner of the facilities or his employees.

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

“Street” means a public right-of-way, or private right-of-way approved by the Planning Commission, which provides a primary means of access to abutting property.

“Street line” means the boundary between a street right-of-way and abutting property.

“Structural alterations” means any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

“Structure” means anything constructed, the use of which requires permanent location on the ground. This includes swimming pools, but excludes driveways, patios, or parking spaces where the area is unobstructed from the ground up.

“Telecommunication Facility” means a facility designed and/or used for the purpose of transmitting, receiving, or relaying voice and/or data signals from various wireless communication devices, including transmission tower, antenna, and or other facility designed or used for that purpose. Amateur radio transmission facilities, facilities operated exclusively as part of a public safety network, and facilities used exclusively for the transmission of television and/or radio broadcasts are not “telecommunication facilities”.

“Textile and Leather Product Manufacturing” means manufacturing establishments engaged in performing any of the following operations: coating, waterproofing, or otherwise treating fabric, dyeing and finishing fiber, yarn, fabric, and knit apparel, manufacture of knit apparel and other finished products from yarn, manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles, manufacturing of woven fabric, carpets and rugs from yarn, preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage, and upholstery manufacturing.

"Theaters and Auditoriums" means indoor facilities for public assembly and group entertainment, other than sporting events, including: civic theaters, and facilities for "live" theater and concerts, exhibition and convention halls, motion picture theaters, public and semi-public auditoriums, similar public assembly uses. Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "Outdoor Commercial Recreation."

"Transitional Housing" means housing containing sleeping, kitchen, and bathroom facilities with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and 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.

"Use" means the purpose for which either land or a structure thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

"Use, accessory" means a use legally permitted in the zone, which use is incidental to and subordinate to the principal use of the site or of a main building on the site.

"Use, conditional" means a principal or accessory use of land or of structures thereon which use may be permitted only upon the issuance of a use permit, as provided herein.

"Use, principal permitted" means the primary use of land or of a main building which use is compatible with the purpose of the zone and which is permitted in the zone.

"Utility Facility" means fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091: electrical substations and switching stations, natural gas regulating and distribution facilities, public water system wells, treatment plants and storage, telephone switching facilities, wastewater treatment plants, settling ponds and disposal fields. These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

"Utility Infrastructure" means pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices"), or distribution substations (see "Utility Facility").

"Veterinary Facility" means veterinary facility that is primarily enclosed, containing only enough cage arrangements as necessary to provide services for domestic and exotic animals requiring acute medical or surgical care with accessory outdoor use that provides long term medical care. Grooming and boarding of animals is allowed only if accessory to the facility primary use.

"Warehousing" means a facility for the storage of commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease

to the general public (see "Storage, Personal Storage Facility") or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution").

"Warehouse/Retail" means retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

"Wholesaling and Distribution" means establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

"Yard" means an open space other than a court on the same site with a building, which open space is unoccupied and unobstructed from the ground upward, except for landscaping or as specified elsewhere in this title; but not including any portion of any street, alley or road right-of-way, except as specified elsewhere in this title.

"Yard, front" means a yard of uniform depth extending across the full width of the lot between the front lot line and the nearest vertical support or wall of the main building, or enclosed or covered porch attached thereto. The front yard of a corner lot is the yard adjacent to shorter street frontage.

"Yard, rear" means a yard of uniform depth extending across the full width of the lot between the rear lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto, except that the rear yard of a corner lot extends only to the side yard adjacent to the street.

"Yard, side" means a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line of the lot and the nearest vertical support or main wall of each building or enclosed or covered porch attached thereto. A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line.

"Zone" means a portion of the territory of the City of Rio Dell within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title. The word "zone" shall include the word "district." [Ord. 252 § 2.01, 2004.]

Chapter 17.15
ESTABLISHMENT AND DESIGNATION OF ZONES

Sections:

17.15.010 Principal zones.

17.15.020 Location and boundaries of zones.

17.15.030 Zoning map.

17.15.040 Determining uncertain boundaries.

17.15.050 Applies to all territory.

17.15.060 Establishes limitations on land use and structures.

17.15.010 Principal Zones.

The following zones are designated by the City:

ZONE	DESIGNATION
Suburban Residential	SR
Urban Residential	UR
Residential Multifamily	RM
Town Center	TC
Neighborhood Center	NC
Community Commercial	CC
Rural	R
Public Facility	PF
Suburban	S
Industrial	I
Industrial Commercial	IC
Natural Resource	NR
Suburban Medium	SM

[Amended during 2010 codification; Ord. 252 § 3.01, 2004.]

17.15.020 Location and Boundaries of Zones.

The designation, location and boundaries of the aforesaid zones shall be delineated on the zoning map of the City. Said map and all notations, references, data and other information shown thereon shall be a part of these regulations and subject thereto, and such map shall constitute RDMC 17.15.030. [Ord. 252 § 3.03, 2004.]

17.15.030 Zoning Map.

This section consists of the zoning map of the City, which map may be amended in whole or in part in accordance with the amendment procedure set forth in Chapter 17.30 RDMC. [Ord. 252 § 3.04, 2004.]

17.15.040 Determining Uncertain Boundaries.

Where uncertainty exists with respect to the boundaries of the various zones, the following rules shall apply:

- (1) Streets or Alleys. Where the indicated zoning boundaries are approximately street or alley lines, the center lines of such streets or alleys shall be construed to be such boundaries.
- (2) Lot Lines. Where the zoning boundaries are not shown to be streets or alleys, and where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the boundaries of said zone, unless said boundaries are otherwise indicated.
- (3) Scale on Map – Determination by Commission. Where property is indicated on a zoning map as acreage and not subdivided into lots and blocks, or where the zone boundary lines are not approximately street, alley, or lot lines, the zone boundary lines on said zoning map shall be determined by scale contained on such map and where uncertainty exists, the zone boundary line shall be determined by the Planning Commission. [Ord. 252 § 3.05, 2004.]

17.15.050 Applies to all Territory.

All incorporated lands within the City of Rio Dell sphere of influence shall be classified as specified by the zoning map adopted as a part of these regulations. Property hereafter annexed to the City of Rio Dell shall be prezoned in accordance with the provisions of Section 65859 of the California Government Code. [Ord. 252 § 3.06, 2004.]

17.15.060 Establishes Limitations on Land Use and Structures.

Except as otherwise provided herein:

- (1) Use Requirements. No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the zone in which such building, land or premises is located.
- (2) Height Requirements. No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located except as provided in Chapter 17.25 RDMC.
- (3) Area Requirements. No building or part thereof or structure shall be erected nor shall any existing building be altered, enlarged or rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations hereinafter designated for the zone in which such building or open space is located.

(4) Duplicate Use of Open Space in Yards. No yard or other spaces provided about any buildings for the purpose of complying with provisions of these regulations shall be considered as providing a yard or open space for a building or any other building site unless specifically permitted elsewhere in these regulations. [Ord. 252 § 3.07, 2004.]

**Chapter 17.20
REGULATIONS FOR THE PRINCIPAL ZONES**

Sections:

- 17.20.010 General.
- 17.20.020 Suburban residential or SR zone.
- 17.20.030 Urban residential or UR zone.
- 17.20.035 Residential Multifamily or RM zone
- 17.20.040 Town center or TC zone.
- 17.20.050 Neighborhood center or NC zone.
- 17.20.060 Community commercial or CC zone.
- 17.20.070 Rural or R zone.
- 17.20.080 Public facility or PF zone.
- 17.20.090 Suburban or S zone.
- 17.20.100 Industrial or I zone.
- 17.20.110 Industrial commercial or IC zone.
- 17.20.120 Natural resource or NR zone.
- 17.20.130 Suburban medium or SM zone.

17.20.010 General.

In addition to the regulations specified in this chapter for each of the principal zones, the general regulations set forth in Chapter 17.25 RDMC shall be applicable to each and every such zone. In the event of conflict between the particular regulations for each zone set forth in this chapter and the general regulations set forth in Chapter 17.25 RDMC, the more restrictive regulations shall apply. In doubtful cases, the Planning Commission shall determine which of the conflicting regulations shall be applicable. [Ord. 252 § 4.01, 2004.]

17.20.020 Suburban Residential or SR zone.

The purpose of the suburban residential or SR zone is to provide land for low-density residential uses. The following regulations shall apply in all suburban residential or SR zones:

(1) Principal Permitted Uses.

(a) Single-family dwellings.

(2) Uses Permitted with a Use Permit.

(a) Bed and breakfast inn; and

(b) Civic and cultural uses including City offices, public facilities, and day care centers.

(c) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.020 for development standards for the suburban residential (SR) zone.

Table 17.20.020

Development Standards for the Suburban
Residential or SR Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	12,000 square feet
Maximum Ground Coverage:	50%
Minimum Lot Width:	75 feet
Minimum Yard	
Front:	25 feet
Rear:	20 feet
Side:	6 feet
Maximum Building Height:	35 feet

[Ord. 252 § 4.02, 2004 & Ord. 280 §17.20.020(2)(a), 2012.]

17.20.030 Urban Residential or UR zone.

The purpose of the urban residential or UR zone is to provide neighborhood residential areas with varying densities for single-family dwellings. The following regulations shall apply in all urban residential or UR zones:

(1) Principal Permitted Uses.

(a) Detached single-family dwellings.

(2) Uses Permitted with a Use Permit.

(a) Attached dwellings with a minimum lot size of 4,000 square feet;

(b) Rooming and boarding of not more than two persons not employed on the premises;

(c) Public and private non-commercial recreation facilities;

(d) Schools, churches, civic and cultural uses including City offices and day care centers.

(e) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.030 for development standards for the urban residential (UR) zone.

Table 17.20.030

Development Standards for the Urban
Residential or UR Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	6,000 square feet
Maximum Ground Coverage:	50%
Minimum Lot Width:	60 feet
Minimum Yard	
Front:	20 feet
Rear:	10 feet
Side:	5 feet
Maximum Building Height:	35 feet

[Ord. 252 § 4.03, 2004 & Ord. 280 §17.20.030(2)(a), 2012]

Section 17.20.035 Residential Multifamily or RM Zone

The purpose of the Residential Multifamily or RM zone is to provide land suitable for higher density residential uses. The following regulations shall apply in all Residential Multifamily or RM zones:

- (1) Principal Permitted Uses.
 - (a) Detached single-family dwellings, multiple dwellings and dwelling groups;
 - (b) Community Care Facility for six (6) or fewer individuals;
 - (c) Family Day Care Home for twelve (12) or fewer children, including children who reside at the residence;
 - (d) Emergency Shelters/Transitional Housing subject to the operational standards in Section 17.30.100;
- (2) Uses Permitted with a Use Permit.
 - (a) Mobilehome and Recreational Vehicle Parks;
 - (b) Community Care Facility for seven (7) or more individuals;
 - (c) Family Day Care Home for twelve (13) or more children, including children who reside at the residence;
 - (d) Public and private non-commercial recreation facilities;
 - (e) Churches, civic and cultural uses
 - (f) Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone
- (3) Other Regulations. See Table 17.20.035 for development standards for the Residential Multifamily (RM) zone.

Table 17.20.035
Development Standards for the Residential Multifamily or RM Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	6,000 square feet, but not less than 600 square feet for each dwelling unit
Maximum Ground Coverage:	60%
Minimum Lot Width:	60 feet
Minimum Yards	
Front:	20 feet

Rear:	10 feet
Side:	5 feet
Exterior Side:	Same as the front or one-half (1/2) the front if all parts of the main building(s) are more than twenty-five (25) feet from the rear lot line and the exterior side yard does not abut a collector or higher order street. (In questionable cases the Public Works Director shall classify the subject street.)
Double Frontage Lots	Front and rear twenty (20) feet, except the rear yard setbacks may be reduced to ten (10) feet where such yard abuts an alley.
Special Yards for Multiple Dwellings on the Same Lot	<ul style="list-style-type: none"> ♦ The distance between separate dwelling units in a group on the same lot shall be not less than ten feet (10'). ♦ The distance between the front of any dwelling unit in the group and any other building shall be not less than twenty feet (20'). ♦ The distance between the front of any dwelling unit in the group and any side lot line shall be not less than twelve feet (12'). ♦ All of the above distances shall be increased by two feet (2') for each two feet (2') that any building on the lot exceeds two (2) stories.
Maximum Building Height:	45 feet
All new multifamily development is subject to the City's Design Review regulations, Section 17.25.050	<p>The following Design Concepts apply to the review of residential multi-family development. The City encourages:</p> <ul style="list-style-type: none"> ♦ Mass, scale and architecture which is compatible with existing and adjacent neighborhoods. The intent is to encourage appropriate transitions between uses and structures of varying residential density and a general compatibility of architectural styles. ♦ Original designs that are tailored to the site and discourage monotonous or institutional type buildings and site design. ♦ Site designs that preserve, enhance and incorporate the significant natural features of a site as an element within the overall design. ♦ High quality building designs that consist of durable and maintainable materials for the exterior treatment of the buildings that complement the building mass and articulation. ♦ The establishment of a streetscape presence and appearance through setbacks, landscaping, building placement, and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along a sidewalk, street or trail. ♦ Landscaping that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street and pedestrian walkways. ♦ Ensure that design provisions do not preclude the development of multifamily housing affordable to all income levels.

17.20.040 Town Center or TC zone.

The purpose of the Town Center or TC zone is to provide an area for a broad range of uses which generate high pedestrian traffic and which do not have large space requirements, including artisan workshops and galleries, retail businesses, personal services, offices, eating places, visitor accommodations, and similar uses. Mixed residential-commercial uses are an important component of the TC zone and are encouraged to ensure an economically and socially vibrant downtown that is intended for, and enjoyed by, residents and visitors alike.

The following regulations shall apply in all Town Center or TC zones:

(1) Principal Permitted Uses.

- (a) Resident and visitor-serving retail and service uses conducted entirely within an enclosed building, including, but not limited to: grocery stores; drug stores; hardware stores; variety stores; sporting goods stores; bakeries; coffee shops; fruit and vegetable markets; bicycle sales, rentals and repair shops; bowling alleys; furniture sales; audio-video stores; florists; frame shops; clothing and apparel businesses; health clubs; dry cleaning (not including processing plants); laundromats; tailors; shoe repair; retail sales and repair of household goods and appliances; and hobby and craft shops;
- (b) Apartments on the upper floors of multistory buildings;
- (c) Service establishments, such as spas, nail salons, beauty salons, and barbershops;
- (d) Business and professional offices, such as for accountants, lawyers, architects, engineers, realtors, financial advisors, medical and dental offices;
- (e) Banks and financial institutions without drive-up facilities;
- (f) Restaurants and licensed premises (bars) appurtenant thereto;
- (g) Movie Theaters;
- (h) Galleries, museums and gift shops.

(2) Uses Permitted with a Use Permit.

- (a) Civic and cultural organizations such as Elk and Moose Lodges, Rotary clubs, garden clubs;
- (b) Hotels and motels; Bed and Breakfast Inns;
- (c) Licensed premises (bars) not appurtenant to any restaurant.
- (d) Artisan studios and showrooms including, but not limited to: woodworking, glass blowing, metal works, ceramics, crafts, and clothing manufacturers.
- (e) Live-Work units where residential activities are located at the back of buildings, do not occupy more than 40% of the gross floor area.

(f) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.040 for development standards for the town center (TC) zone.

Table 17.20.040

Development Standards for the Town Center or
TC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	2,500 square feet
Maximum Ground Coverage:	100% for commercial [Floor Area Ratio = 2]
Minimum Lot Width:	25 feet
Minimum Yards	
Front:	None.
Rear:	None. 10 feet if abutting a residential zone.
Side:	None. 5 feet if abutting a residential zone.
Maximum Building Height:	3 stories or 45 feet

[Ord. 297, 2012]

17.20.050 Neighborhood Center or NC zone.

The neighborhood center or NC zone is intended to provide for small-scale shopping centers located within neighborhoods which will provide convenient sales and service facilities to residential areas, without detracting from the residential desirability of such areas. The following regulations shall apply in all neighborhood center or NC zones:

(1) Principal Permitted Uses.

(a) Social halls, fraternal and social organizations and clubs, plant nurseries and greenhouses;

(b) Professional and business offices and commercial instruction;

(c) Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, bookstores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations and repair, studios, tailor shops, enclosed theaters, and variety stores;

(d) Sales of used and secondhand goods, when appurtenant to any of the foregoing.

(e) Pet shops, public garages, sales of used or secondhand goods, and storage warehouses.

(2) Uses Permitted with a Use Permit.

(a) Boarding and rooming houses, and bed and breakfast inns in a mixed use building;

(b) Professional and business offices, health services, and commercial instruction when part of a mixed use building;

(c) Small animal hospitals completely enclosed within a building;

(d) Civic and cultural uses including City offices and day care centers.

(e) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.050 for development standards for the neighborhood center (NC) zone.

Table 17.20.050

Development Standards for the Neighborhood
Center or NC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	2,000 square feet
Maximum Ground Coverage:	100% [Floor Area Ratio = 1.5]
Minimum Lot Width:	25 feet
Minimum Yard*	
Front:	15 feet if abutting residential, otherwise none required*
Rear:	15 feet if abutting residential, otherwise none required*
Side:	15 feet if abutting residential, otherwise none required*
Maximum Building Height:	3 stories or 45 feet

*Note: Setbacks are required where NC abuts a residential zone to provide separations between these uses.

[Ord. 252 § 4.07, 2004.]

17.20.060 Community Commercial or CC zone.

The purpose of the community commercial or CC zone is to provide for large-scale commercial uses. The following regulations shall apply in all community commercial or CC zones:

(1) Principal Permitted Uses, including, but not limited to:

- (a) Large-scale retail stores and retail services, including supermarkets;
- (b) Automotive sales, automotive services contained entirely within a building, and gas stations;
- (c) Light manufacturing contained entirely within a building;
- (d) All uses permitted with a use permit in neighborhood center or NC zones, without regard to the securing of any use permit, except as provided in subsection (2) of this section.

(2) Use Permitted with a Use Permit.

- (a) Motels in a lodging building or in a mixed use building, RV parks;
- (b) Small animal hospitals, completely enclosed within a building;
- (c) Stores, agencies and services including, but not limited to carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards, metalworking shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing and lithographic;
- (d) Civic and cultural uses including City offices and other government services and City parking facilities.
- (e) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.060 for development standards for the community commercial (CC) zone.

- (a) Minimum lot area, width, and minimum yards shall be the same as those required in the neighborhood commercial or NC zones.
- (b) Maximum building height: 45 feet.

Table 17.20.060

Development Standards for the Community
Commercial or CC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	5,000 sq. ft.
Maximum Ground Coverage:	100% [Floor Area Ratio = 1.5]
Minimum Lot Width:	50 ft.
Minimum Yard	
Front:	15 feet if abutting residential, otherwise none required
Rear:	15 feet if abutting residential, otherwise none required
Side:	15 feet if abutting residential, otherwise none required
Maximum Building Height:	3 stories or 45 feet

[Ord. 252 § 4.08, 2004.]

17.20.070 Rural or R zone.

The Rural or R zone is intended to provide for agricultural and very low density residential uses. The following regulations shall apply in all Rural or R zones:

(1) Principal Permitted Uses.

- (a) General agricultural uses, including crop production and animal grazing;
- (b) Farm dwellings, including detached residential dwelling units.

(2) Uses Permitted with a Use Permit.

- (a) Commercial uses, including retail sales of items produced on the property, nurseries and greenhouses;
 - (b) Lodging uses, including bed and breakfast inns and rooming and boarding houses in a residential unit or in accessory building;
 - (c) Animal feed yards and sales yards;
 - (d) Agricultural products processing plants;
 - (e) Rental and sales of irrigation equipment and storage incidental thereto;
 - (f) Animal hospitals;
 - (g) Civic and cultural uses, including parks.
 - (h) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.
- (3) Other Regulations.** See Table 17.20.070 for development standards in the Rural (R) zone.

Table 17.20.070
Development Standards in the Rural or R Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	5 acres
Maximum Ground Coverage:	10%
Minimum Lot Width:	100 ft.
Minimum Yard	
Front:	20 ft.
Rear:	20 ft.
Side:	20 ft.
Maximum Building Height:	3 stories or 45 feet [Ord. 252 § 4.15, 2004.]

17.20.080 Public facility or PF zone.

The public facility or PF zone is intended to be applied to lands owned by public agencies or to lands upon which such agencies operate public facilities.

(1) Principal Permitted Uses.

- (a) Public schools, parks, playgrounds and recreational facilities;
- (b) Public fairgrounds and related uses;
- (c) Public buildings, including City Hall, fire stations, libraries, courts, museums, auditoriums, hospitals and similar uses;
- (d) Lodging uses, including lodging provided as part of the civic or cultural use.

(2) Uses Permitted with a Use Permit.

- (a) Residential uses, limited to caretaker apartment;
- (b) Penal, correctional or detention institutions, and facilities for the care of mental patients;
- (c) Public corporation yards, shops, repair and storage yards and buildings.

(3) Other Regulations. None, except as provided in use permit conditions. [Ord. 252 § 4.16, 2004.]

17.20.090 Suburban or S zone.

The suburban or S zone provides for a mix of small-scale agriculture and low density residential areas. The following regulations shall apply in all suburban or S zones:

(1) Principal Permitted Uses.

(a) General agricultural uses, including crop production and animal grazing;

(b) Residential uses, including detached residential units.

(2) Uses Permitted with a Conditional Use Permit.

(a) Commercial uses, including retail sales of items produced on the property, nurseries and greenhouses;

(b) Lodging uses, including bed and breakfast inns and rooming and boarding houses in a residential unit or in an accessory building;

(c) Civic and cultural uses, including parks;

(d) Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.090 for development standards in the suburban (S) zone.

Table 17.20.090

Development Standards in the Suburban or S
Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	1 acre
Maximum Ground Coverage:	25%
Minimum Lot Width:	100 ft.
Minimum Yard	
Front:	20 ft.
Rear:	20 ft.
Side:	20 ft.
Maximum Building Height:	2 stories or 35 feet

[Ord. 252 § 4.17, 2004.]

17.20.100 Industrial or I zone.

The purpose of the industrial zone is to provide for large-scale industrial uses.

(1) Principal Permitted Uses.

(a) Wood products manufacturing;

(b) Power generation;

(c) Other industrial uses including stores and services such as carpentry and cabinet making, clothing manufacture, handicraft manufacture, lumber yards, metal working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops and printing and lithographing;

(d) Research and development;

(e) Research and light industrial;

(f) Telecommunications;

(g) Manufacturing; and

(h) Administrative, business and professional offices.

(2) Uses Permitted with a Use Permit.

(a) Ancillary and complementary (with a use permit); and

(b) Kennels and animal boarding and veterinary.

(c) Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.100 for development standards for the industrial (I) zone.

Table 17.20.100 Development Standards in the
Industrial or I Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	1 acre
Maximum Ground Coverage:	Not applicable
Floor Area Ratio (FAR):	Proportion of lot area: 0.35
Minimum Lot Width:	Not applicable
Minimum Open Space:	10%
Minimum Yard	
Front:	10 feet
Rear:	0 unless abutting residential, in which case 10 feet
Side:	0 unless abutting residential, in which case 10 feet
Maximum Building Height:	4 stories or 45 feet

[Ord. 256 § 1 (Att. B), 2008; Ord. 252 § 4.10, 2004.]

17.20.110 Industrial Commercial or IC zone.

The purpose of the industrial commercial zone is to provide for industrial and commercial uses.

(1) Principal Permitted Uses, including, but not limited to:

(a) Industrial uses as described in the industrial land use designation and compatible commercial uses described in the community commercial land use designation;

(b) Public facility needs such as a wastewater treatment plant;

(c) Motor vehicle repair, maintenance and fueling; and

(d) Telecommunications facilities and manufacturing.

(2) Uses Permitted with a Use Permit.

(a) Lodging; and

(b) Child care.

(c) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.110 for development standards for the IC zone.

Table 17.20.110 Development Standards in the
Industrial Commercial or IC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area	20,000 square feet
Maximum Ground Coverage:	Not applicable
Floor Area Ratio (FAR):	Proportion of lot area: 1.5 on 20% and 0.35 on 80%
Minimum Lot Width:	Not applicable
Minimum Open Space	10%
Minimum Yard	
Front:	10 feet
Rear:	0 unless abutting residential, in which case 10 feet
Side:	0 unless abutting residential, in which case 10 feet.
Maximum Building Height:	4 stories or 65 feet

[Ord. 276 § 1, 2011; Ord. 256 § 1 (Att. B), 2008; Ord. 252 § 4.11, 2004.]

17.20.120 Natural Resource or NR zone.

The primary purpose of the natural resource zone is to provide natural resource protection.

(1) Principal Permitted Uses.

- (a) Resource protection;
- (b) Public recreation where compatible with resource management and protection;
- (c) Management for fish and wildlife habitat; and
- (d) Wetland/watershed restoration.

(2) Uses Permitted with a Use Permit.

- (a) Timber production (with TPZ overlay zone);
- (b) Aggregate resources production;
- (c) Visitor-serving use; and
- (d) Renewable energy development.

(3) Other Regulations. See Table 17.20.120 for development standards for the natural resource (NR) zone.

Table 17.20.120 Development Standards in the
Natural Resource or NR Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	Not applicable
Maximum Ground Coverage:	Not applicable
Floor Area Ratio (FAR):	Not applicable
Minimum Lot Width:	Not applicable
Minimum Open Space:	10%
Minimum Yard	
Front:	25 feet
Rear:	25 feet
Side:	10 feet
Maximum Building Height:	2 stories or 35 feet

[Ord. 256 § 1 (Att. B), 2008; Ord. 252 § 4.13, 2004.]

17.20.130 Suburban Medium or SM zone.

The suburban medium zone provides for low density residential areas. The following regulations shall apply in all suburban medium zones:

(1) Principal Permitted Uses.

(a) Residential uses, including detached residential units.

(2) Uses Permitted with a Conditional Use Permit.

(a) Commercial uses including retail sales of items produced on the property, nurseries and greenhouses;

(b) Lodging uses including bed and breakfast inns and rooming and boarding houses in a residential unit or in accessory building;

(c) Civic and cultural uses including parks.

(3) Other Regulations. See Table 17.20.130 for development standards in the suburban medium zone.

Table 17.20.130 Development Standards in the
Suburban Medium or SM Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	20,000 square feet
Maximum Ground Coverage:	25%
Floor Area Ratio (FAR):	Not applicable
Minimum Lot Width:	100 feet
Minimum Open Space:	Not applicable
Minimum Yard	
Front:	20 feet
Rear:	20 feet
Side:	20 feet
Maximum Building Height:	2 stories or 35 feet

[Ord. 256 § 1 (Att. B), 2008; Ord. 252 § 4.14, 2004.]

Chapter 17.25
Regulations for the Combining Zones
 (Ord. 279, 2011)

Section 17.25.010 General

A Combining Zone is an additional zoning designation applied to some (but not all) properties. A Combining Zone modifies the allowed land use in some way when necessary for sound and orderly planning. The following regulations for each of the Combining Zones shall modify the regulations for the Principal Zones with which they are combined. All uses and development regulations for the Principal Zone shall apply in the Combining Zone except insofar as they are modified or augmented by the uses and regulations set forth in the Combining Zone regulations.

Section 17.25.020 Purpose

The purpose of these regulations is to establish regulations for land use and development in special areas, as identified on the General Plan and Zoning maps.

Section 17.25.030 Applicability

The Combining Zone Regulations shall apply when any of the combining zones are combined with a principal zone by the Rio Dell City Council. The Combining Zone shall be appended as a suffix to the Principal Zone. When more than one regulation is applicable to the same subject matter within a zone, the most restrictive regulation is applicable.

Section 17.25.040 Combining Zones and Respective Designations

The following table lists the Area Combining Zones and their respective designators:

Combining Zone	Designation	Code Section
Design Review	D	17.25.050
Planned Development	PD	17.25.060

Section 17.25.050 Design Review (D) Combining Zone

1. Purpose and Intent

The purpose of the design review process is to promote orderly and harmonious growth within the City. The intent of the design review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code. This Chapter also includes "Guiding Principles" and "Design Concepts" to be used by the designated Approving Authority in reviewing proposed projects for design consistency the City's standards. [Ord. 291, 2012.]

2. Design Review Applicability

These regulations shall apply to lands designated with the Design Review Combining Zone "D" on the Zoning Maps. In addition, except as otherwise exempt pursuant to **Section 17.250.050(3)** Design Review is required for the following:

- (a) Major Subdivisions;
- (b) Multi-family residential developments;
- (c) Commercial development;
- (d) Industrial development; and
- (e) Public/quasi-public developments (e.g. public safety facilities, library, City facilities).

3. Design Review Exemptions

The following structures and improvements are exempt from Design Review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.

- (a) Additions to structures less than 10% of its existing size;
- (b) Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure. Exterior repairs that employ the same materials and design as the original construction are also exempt from Design Review;
- (c) Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure;
- (d) Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities **and** equipment);

4. Approving Authority

The Approving Authority for Design Review shall be the Planning Commission. The Planning Commission shall review and approve, conditionally approve, or deny Design Review applications using the guiding principles and design concepts, application review process, and findings identified herein. At any point in the future, the City Council may delegate the Approving Authority for Design Review to the City Council, a Design Review Committee, the Community Development Director and/or the City Manager. Subsequent delegation of Approving Authority shall be adopted by Resolution, identifying the City's designated Approving Authority, along with any special regulations for review and action on Design Review applications.

Design Review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., Maps, Conditional Use Permit, Variance), except as otherwise exempted pursuant to **Section 17.250.050(3)** of this Chapter.

5. Guiding Principles and Design Concepts

This Chapter provides a set of "Guiding Principles" and "Design Concepts" setting forth various aesthetic and functional provisions to guide residential, commercial, office, industrial and public/quasi public development in the City. The "Guiding Principles" are listed below. Over time, the City may, by ordinance amending this section, refine or expand these principles and concepts to reflect the changing desires of the community.

- To encourage high quality land/site planning, architecture and landscape design;

- To ensure physical, visual, and functional compatibility between uses: and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

The designated Approving Authority under this Chapter shall have the authority to apply the "Guiding Principles" flexibly to account for circumstances relating to the site, provided the required findings in **Section 17.250.050(8)** are made and using the following Design Concepts:

(a) Residential Subdivisions. The following Design Concepts generally apply to major subdivisions (e.g. five or more parcels) of land for residential purposes. Some of the Design Concepts will not apply, to certain projects due to the size of the development. However, these concepts will be applied whenever possible in the design of residential and mixed use projects. The City encourages:

- (1) A balanced mix of land uses, including housing, schooling, and parks/open space, to meet the needs of residents as appropriate based on project scale. Large scale development proposals should also provide for employment, commercial/retail, recreational and entertainment needs of community residents.
- (2) Pedestrian friendly neighborhoods, which are walkable in size with an obvious center. The neighborhood center should be a place of social interaction with a combination of commercial, civic, cultural and recreational uses.
- (3) Housing diversity with a variety of housing types, sizes, and densities.
- (4) Vehicle, bicycle, and pedestrian, and transit connectivity throughout the neighborhood and with the surrounding neighborhoods and uses. More specifically, neighborhoods should be designed with an interconnected street system that will blend well into the existing street system, diffuse traffic within the neighborhood, and minimize barriers within and between neighborhoods.
- (5) Where feasible, joint-use of open space facilities such as drainage facilities, detention basins, utility corridors etc. for trails, bikeways and Parks.
- (6) Maintaining significant natural features (e.g., terrain, drainage, vegetation).
- (7) Minimization of urban runoff through the use of retention and detention facilities and the use of open bio-swale drainage channels
- (8) Pedestrian friendly streetscapes that may include orientation of homes to common areas, parks, or other open space areas.
- (9) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

(b) Residential Multi Family. The following Design Concepts apply to the review of residential multi-family development. The City encourages:

- (1) Mass, scale and architecture which is compatible with existing and adjacent neighborhoods. The intent is to encourage appropriate transitions between uses and

structures of varying residential density and a general compatibility of architectural styles.

(2) Original designs that are tailored to the site and discourage monotonous or institutional type buildings and site design.

(3) Site designs that preserve, enhance and incorporate the significant natural features of a site as an element within the overall design.

(4) High quality building designs that consist of durable and maintainable materials for the exterior treatment of the buildings that complement the building mass and articulation.

(5) The establishment of a streetscape presence and appearance through setbacks, landscaping, building placement, and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along a sidewalk, street or trail.

(6) Landscaping that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street and pedestrian walkways.

(7) Ensure that design provisions do not preclude the development of multi-family housing affordable to all income levels.

(c) Non-Residential Site Planning. The following Design Concepts apply to site planning and design for non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) Design of new development with particular attention to compatibility between non-residential and adjacent residential uses/properties within the project vicinity.

(2) A unified design theme for integrated developments. All buildings within an integrated development shall be designed consistent with the approved design theme.

(3) Pedestrian-friendly design which incorporates pedestrian amenities and outdoor gathering places into the project design with consideration given to the climate and planned use of space.

(4) A streetscape appearance that defines the pedestrian and vehicle corridor and presents an appealing and continuous theme along a sidewalk or street.

(5) Office and light industrial parks and integrated employment campuses that provide outdoor areas for eating and sitting, retail and service venues as appropriate, and other amenities for project employees.

(6) Design flexibility for mixed-use development that ensures compatibility of use types and promotes beneficial relationships among uses.

(7) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

(d) Non-Residential Architecture. The following Design Concepts apply to non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) High quality building designs that consist of durable and maintainable materials and that

provide visual interest and diversity to the community.

(2) Use of an architectural style and or/theme for new non-residential development that is consistent for building elevations of a single structure or consistent among all buildings within an integrated development.

(3) Design of buildings or structures that are sensitive to the neighborhood character with regard to scale, architectural style, use of materials and bulk.

(4) Interesting and attractive architecture which includes varied relief of the facade elements and detailed articulation of the building features.

(5) Incorporate quality site design, including landscaping, signage and other elements of site design.

6. Scope of Design Review

To implement the principles and concepts in **Section 17.250.050(5)** the scope of Design Review is listed below by land use type. Applications for Design Review shall include adequate information to evaluate the project. Specific application submittal requirements shall be listed on the application form distributed by the Planning Department.

(a) Neighborhood Design - Major Subdivisions:

- Relationship of land uses and density
- Lot configuration **and** orientation
- Street design/relationship to existing street network
- Orientation to open space and significant natural features
- Bikeways, trails and pedestrian facilities and connectivity with other development

(b) Multi-family Developments:

- Architecture- style, mass and scale, articulation, materials, and relationship to surrounding use and style
- Site plan- unit placement, garage location
- Landscaping and lighting for Multi-Family developments
- Streetscape design
- Fences and walls
- Solar access and shading

(c) Non-residential Development (commercial, office, industrial, and public/quasi-public)

- Architecture- style or theme, mass and scale, articulation, materials, relationship to surrounding use and style
- Site plan- building location/orientation to street, parking, grading, relationship to surrounding property
- Access- vehicular and pedestrian
- Pedestrian amenities
- Landscaping and lighting
- Edge treatment between uses and different zones
- Loading and services (trash and recycling)
- Mechanical screening
- Signs

7. Design Review Process

(a) Application Submittal. Design Review applications shall be submitted to the Planning Department on a City application form. All plans shall be professionally drawn by qualified individuals, drawn at a reasonable scale to clearly identify the improvements and shall be on 18" x 24" or 24" x 36" and shall conform to the following requirements:

- **Building Plans and Elevations** shall identify the materials, colors, textures, etc.
- **Landscaping Plans** shall include common name, botanical name, size of plants/trees at planting and maturity, location, spacing, lawns, hardscape, walkways, streetscape furniture (i.e. benches, bicycle racks, art, water features, kiosks, bus shelters, etc.), ground cover, weed treatment, finished contours, parking areas, curbs, gutters, sidewalks and the edge of pavement.
- **Irrigation Plans** shall include location of sprinkler heads, and/or drip irrigation, location and size of irrigation pipe, water meters, backflow prevention devices, control valves, etc.
- **Photometric Plans** shall include the type, location, height, style and limits of the predicted maintained lighting levels of the proposed lighting fixtures.
- **Sign Plans** shall include the location, type (e.g. wall mounted, monument, pylon), size, color, font styles and lighting details.

(b) Application Review. Design Review shall generally occur within the framework of other project reviews/approvals associated with a given project. In such cases, the Planning Department shall circulate the project for review and comment by appropriate departments, entities, and agencies prior to public hearing by the designated Approving Authority. Where no other discretionary action is associated with a project that is subject to Design Review, the Planning Director shall, within 15 working days of application submittal, determine whether or not the application is complete. The applicant is encouraged to contact staff prior to submitting the application for a preliminary review of the project. The applicant shall be notified in writing of the determination of application completeness. Once any required review by related departments, entities, and agencies has been completed, the Planning staff shall prepare a report to the designated Approving Authority on the project with a recommendation for approval, conditional approval or denial of the Design Review application. Planning staff shall be responsible for assimilating the comments and recommendations of related departments and agencies into project modifications or Conditions of Approval, as well as to ensure conformance with applicable provisions of the Municipal Code, and any subsequently adopted standards, guidelines, or area plans.

(c) Environmental Review. The project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA). Design Review shall generally not result in the need for CEQA evaluation for a project that is otherwise exempt.

(d) Notice and Hearing/Determination. Public notice and hearings for Design Review applications under consideration by the designated Approving Authority shall be conducted in accordance with Chapter 17.35 of the Rio Dell Municipal Code (RDMC). The notice shall

identify the subject parcel, describe the request, and identify the date of the meeting. The notice shall also identify the opportunity to provide input prior to the determination and the right to appeal the determination in accordance with this Chapter.

(e) Appeals. Appeals shall be conducted in accordance with **Section 17.35.050** of the Rio Dell Municipal Code (RDMC).

8. Design Review Determination

(a) Findings for Design Review Approvals. Design Review approvals shall be granted only when the designated Approving Authority makes all of the following findings:

(1) The proposed project is consistent with the objectives of the General Plan, complies with applicable Zoning regulations, Specific Plan provisions, Special Planning Area provisions, and is consistent with the applicable "Guiding Principles" and "Design Concepts" in **Section 17.250.050(5)** Rio Dell Municipal Code (RDMC).

(2) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

(3) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.

(4) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

(b) Additional Findings for Residential Design Review Applications. Design Review applications for single-family residential subdivision maps shall be granted only when the designated Approving Authority makes the additional finding that the residential subdivision is well integrated with the City's street network, creates desirable neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian friendly environment.

(c) Conditions. The designated Approving Authority may require modifications to plans in whole or in part and may condition the Design Review application to ensure specific design features, construction materials, and conformance with all applicable provisions of this chapter.

(d) Permit Issuance. Approval of the Design Review application shall only become valid upon completion of the designated ten-day appeal period.

(e) Permit Term. Where Design Review is approved in conjunction with a related action, the Design Review approval shall remain valid for a period consistent with related review/approval. Where no other discretionary review/approval is required, the Design Review approval shall be valid for a period of three (3) years from the date of final approval.

Section 17.25.060 Planned Development (PD) Combining Zone

(1) Purpose. To encourage a creative and more efficient approach to the use of land and to provide for greater flexibility in the design of integrated developments than otherwise possible through strict application of zoning regulations.

(2) Location. The PD overlay zone may be applied to parcels of land of any size in any zone which are found to be suitable for the proposed development.

(3) Permitted Uses. The permitted uses of land in a PD zone shall be any use or combination of uses and densities shown on the approved development plan which are so arranged and designed to provide a development which is in conformity with the general plan and which is consistent with the requirements of this chapter.

(4) Area, Height, Lot Width and Yard Requirements. All uses shall conform to the area, height, lot width and yard regulations required in the underlying zone except where the total development will be improved by a deviation from such regulations. Maximum increased density permitted in the zone.

(5) Procedure. An application for the establishment of a PD zone shall also include an application for a conditional use permit for all proposed developments within the zone. The conditional use permit application shall be considered concurrently with the zoning request and shall be approved subject to approval of the zoning request. No conditional use permit filing fee shall be required in such event and the combined application shall be processed pursuant to the provisions of Chapter 17.35 RDMC. If the development is a large-scale residential project, the applicant may apply for a preliminary plan that outlines the concept of the project and states the number of dwelling units. A final plan can be submitted later which provides the details of the project.

(6) Standards and Criteria. The following typical kinds of deviations from the standards applying to the underlying zone may be approved by the Planning Commission if the overall design and aesthetics of the project would provide the following:

(a) Residential. The residential project will provide:

(1) In the case of single-family units, 50 percent of the units will be owner-occupied for the first year.

(2) More private/public open space or more low/very low income housing than required by the housing element of the City general plan.

(b) Residential-Commercial Development. Mixed residential commercial development combines apartments and commercial facilities that are compatible and grouped in a well-designed project.

(c) Light Manufacturing. Well-designed and controlled groupings of research, service, or light manufacturing uses within an area containing visual amenities and features, such as selective occupancies, increased setbacks, and additional landscaping.

(7) Required Findings. The Planning Commission must find that any proposed development plan containing any modification in or deviations from the standards required in the underlying zone will result in:

(a) An improved project which is consistent with the regulations and provisions of the general plan;

(b) A project that meets the standards and criteria indicated in subsection (6) of this section.
[Ord. 252 § 6.22, 2004.]

Chapter 17.30
General Provisions and Exceptions

Section	Provision
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17.30.260	Signs and nameplates.
17.30.270	Street dedication and improvement.
17.30.280	Swimming pools.
17.30.290	Tract offices.
17.30.300	Yards.

17.30.010 Applicability.

The general provisions and exceptions described in this chapter apply to all zones, unless expressly limited. [Ord. 252 § 6.01, 2004.]

17.30.020 Accessory Uses and Buildings

(1) A use legally permitted in the zone that is accessory to and subordinate to the principal use of the site and serves a purpose which does not change the character of the principal use. Accessory uses, as defined herein, shall be permitted as appurtenant to any permitted use, without the necessity of securing a use permit, unless particularly provided in this chapter; provided, that no accessory use shall be conducted on any property in any urban residential, suburban residential or suburban zone unless and until the main building is erected and occupied, or until a use permit is secured. [Ord. 252 § 6.02, 2004.]

(2) Accessory buildings in suburban residential, urban residential and suburban zones shall not exceed 15 feet in height. See "Building Height" definition, Section 17.10.010.

(3) Detached accessory buildings may not be located within five feet of any main building, nor within five feet of a side line, nor as to encroach on any easement. Minimum yards: side, five feet, shall have the street side yard of 20 feet; rear, 10 feet.

(4) Detached accessory buildings used as second dwelling units shall not be located within 10 feet of lot lines or within five feet of an alley. The second dwelling unit shall be subject to the minimum yard requirements of the zoning district in which it is located.

(5) Accessory buildings attached to main buildings shall be structurally a part thereof and shall comply with main building yard requirements except as follows:

(a) A passive solar addition to a main building, as defined herein, may be permitted in the required front, rear, or side yard, except street side yard; provided, that no such addition shall reduce the distance between the main building and the front or rear property line to less than 15 feet, nor less than five feet from a side property line, and that no such addition shall occupy more than five percent of the area of the front or rear yard, nor more than 10 percent of the side yard area. [Amended during 2010 codification; Ord. 252 § 6.21.5, 2004.]

17.30.030 Adult Entertainment.

(1) Restricted. Adult entertainment, as defined in Chapter 17.10 RDMC, is only allowed in the town center zone and requires a use permit issued by the Planning Commission and reviewed by the City Council. There shall be no display or exhibition of specified anatomical areas, or display of specified sexual acts, or the performance of specified sexual acts in the City of Rio Dell in any business, club, charitable, civic, or governmental organization by the proprietor(s), promoter(s), lessee(s), management, employee(s), or patron(s) for any award, betting, gratuity, dividend, fee, kick-back, profit-sharing, salary, stipend, rebate, refund, tip or tips, wages, wagering, competition for contest prizes, or for no means of competition.

(2) Location Requirements and Regulations. It shall be unlawful to establish an adult entertainment activity or to relocate an adult entertainment activity within 1,000 feet of an existing adult entertainment activity, or within 500 feet of a public park, library, church, public or private elementary, middle, junior high, or high school. No adult entertainment activity shall be permitted on a site that is less than 250 feet from an area zoned primarily for residential uses.

(a) Measure of Distance. The distance between any two adult entertainment activities shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of such adult entertainment activity. The distance between any adult entertainment activity and any area zoned primarily for residential uses, or any public park, library, church, public or private elementary, middle, junior high, or high school shall be measured in a straight line, without regard for intervening structures, from the closest exterior wall of the adult entertainment activity to the closest property line of the public park, library, church, public or private elementary, middle, junior high, or high school. [Ord. 252 § 6.02.5, 2004.]

17.30.040 Airports.

Airports, heliports, and landing strips for aircraft shall be permitted, with a use permit, in any PF zone. [Ord. 252 § 6.03, 2004.]

17.30.050 Animals and Animal Shelters.

Barnyard animals may be kept as accessory to any residential use, according to the following schedule:

(1) One large domestic bovine and equine animal may be kept on any parcel of not less than one acre. One additional animal may be kept for each one-half acre of area by which such parcel exceeds one acre.

(2) Four medium-sized domestic animals, including sheep and goats, may be kept on any parcel of not less than one acre. One additional animal may be kept for each 10,000 square feet of area by which such parcel exceeds one acre.

(3) Small animals, including rabbits and poultry, may be kept on any parcel of not less than 5,000 square feet, and not more than 40 5 such animals may be kept on such parcel. On parcels 10,000 square feet or larger, 10 such animals are allowed. One additional animal may be kept for each 500 square feet of area by which such parcel exceeds 10,000 square feet. [Ord. 252 § 6.04, 2004.]

(4) Animal Enclosure Setback Table. In addition to conforming with all applicable yard requirements, enclosures for animals in residential zones (Urban Residential (UR), Suburban Residential (SR) and Residential Multifamily (RM)) shall have the minimum setbacks specified in the Animal Enclosure Table.

Animal Enclosure Setback Table			
Animal Enclosure Location	Large Domestic Animals	Medium Domestic Animals	Small Domestic Animals
Distance from Dwelling	40 feet	30 feet	25 feet
Distance from Front Lot Line	50 feet	50 feet	50 feet
Distance from Side Lot Line	20 feet	15 feet	10 feet
Distance from Rear Lot Line	20 feet	15 feet	10 feet

Notes:

- (a) Animal enclosures includes shelters, pens, coops, runs, hutches, stables, corrals, barns used for the keeping of poultry or animals.
- (b) No crowing rooster may be maintained in any residential zone (Urban Residential (UR), Suburban Residential (SR) and Residential Multifamily (RM)).
- (c) The minimum distance from dwellings does not apply to the residence on the parcel, only adjacent parcels.

(5) Young Domestic Animals Substitution Schedule. The maximum animal densities permitted under subsections 17.30.050 (1) (2) and (3) may be modified by substituting young animals according to the following schedule.

Young Animal Substitution Schedule	
Animal Type	Permitted Substitution
Large Domestic Animals, bovine and equine	For each one (1) adult animal, three (3) young animals less than six (6) months old may be substituted.
Medium Domestic Animals, including sheep and goats	For each one (1) adult animal, three (3) young animals less than six (6) months old may be substituted.
Small Domestic Animals, including rabbits and poultry	For each one (1) adult animal, three (3) young animals less than three (3) months old may be substituted.

(6) Maintenance and Operational Standards. All animal keeping shall comply with all of the following maintenance and operational standards.

(a) Odor and Vector Control. All animal enclosures, including but not limited to shelters, pens, coops, runs, hutches, stables, corrals, barns, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Manure shall also not be allowed to accumulate within setback areas. Each site shall be maintained in a neat and sanitary manner.

(b) Containment. All animals shall be effectively contained on the site and shall not be allowed to run free on any parcel in a separate ownership or in a public right-of-way.

(c) Erosion and Sediment Control. In no case shall any an animal keeping operation be managed and maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel or other waterway. In the event sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement.

(d) Killing and Dressing of Large or Medium Domestic Animals. The killing or dressing of large or medium domestic animals is prohibited in residential zones (Urban Residential (UR), Suburban Residential (SR) and Residential Multifamily (RM)).

(e) Killing and Dressing of Small Domestic Animals. The killing or dressing of small domestic animals, including rabbits and poultry, shall not be visible from a public street or right-of-way.

17.30.060 Assemblages of Persons and Vehicles.

No circus, carnival, open-air or drive-in theater, automobile racetrack, religious revival tent or similar assemblage of people and automobiles shall be permitted in any zone unless a use permit is first secured in each case. [Ord. 252 § 6.05, 2004.]

17.30.070 Camping.

Camping shall be permitted in the City of Rio Dell only in the following circumstances:

(1) Camping on private property when such person is the property owner, tenant in possession, lineal relative to the property owner or tenant in possession, or holds in immediate possession a written consent issued by the property owner or tenant in possession. Such person shall present the written consent for examination upon the demand of any peace officer enforcing the provisions of this title.

(2) No camping on private property shall exceed 14 consecutive days or be permitted more than once within any 90-day period of time, except as follows:

(a) The maximum length of stay for camping within a recreational vehicle park shall be established as part of the use permit process set forth in Chapter 17.35 RDMC.

(b) The Chief of Police, by permit, may authorize overnight camping on City-owned property as a special event sponsored by a nonprofit community service organization. Any organization seeking such authority from the City shall file with the Chief of Police a written request setting forth detailed information concerning the proposed event. Any person desiring to camp overnight on City-owned property shall make a written application to the Chief of Police at least 30 days in advance of the proposed camping event. The Chief of Police may require certain additional information in writing as deemed necessary or appropriate for the evaluation of this request. The approving authority shall be the Chief of Police. Disapproval by the approving authority shall constitute disapproval of the permit. The Chief of Police of the City of Rio Dell shall conduct an investigation and evaluation of the application relating to the nature of the proposed camping event described in this title. The Chief of Police may impose conditions or alternatives to the permit. The Chief of Police, within 10 days after receipt of the application, shall notify the applicant in writing, delivered in person or by deposit in first class mail, postage prepaid, of notice in writing by the Chief of Police to the applicant of his decision to issue the permit or to deny the application. Such notice shall further specify the reasons for denial.

(c) The granting or denial of a permit or the conditions or alternatives imposed in granting a permit by the Chief of Police pursuant to the provisions of this chapter may be appealed to the Council by the applicant, permittee, or any person affected thereby. Such appeal shall be in writing and shall be filed with the City Clerk within 48 hours after receipt of the decision of the Chief of Police. The Council shall act upon the appeal at the next special or regularly scheduled Council meeting held more than three days and less than 10 days after the filing of the appeal. If no such meeting is scheduled or if a regularly scheduled meeting is not held within such time, the Mayor shall call a special Council meeting to consider and act upon such appeal within 10 days after the filing of such appeal. [Ord. 252 § 6.12.2, 2004.]

17.30.080 Cottage Industry.

(1) Purpose. The purpose of these regulations is to establish performance standards and limitations for the operation and maintenance of Cottage Industries.

(2) Applicability. Notwithstanding any other provisions of this Code to the contrary, Cottage Industries, as defined in this Code, that meet all the criteria of the following Performance Standards section, shall be permitted as appurtenant, accessory and incidental to a residential use in the Urban Residential (UR), Suburban Residential (SR), Suburban (S) and Rural (R) zones.

(3) Cottage Industry Performance Standards. Cottage industries defined herein are allowed as principally permitted appurtenant and accessory uses to existing residential uses subject to the following minimum performance standards:

(a) The Cottage Industry shall conform with the development standards in the applicable zoning district;

(b) The dwelling on the site shall be occupied by the owner of the Cottage Industry;

(c) The Cottage Industry shall occupy no more than twenty five percent (25%) of the floor area of the dwelling; Cottage Industries in accessory buildings shall be limited to not more than fifty (50%) or 1000 square feet, which is ever more of the floor area of the building.

(d) The Cottage Industry shall not create noise, odors, smoke or other nuisances to a degree greater than that normal for the neighborhood;

(e) All noise generating operations shall be buffered so that they do not exceed 60 dB(a) at the property lines;

(f) There shall be no structural, electrical or plumbing alterations necessary for the Cottage Industry which are not customarily found in dwellings or residential accessory structures;

(g) No persons other than residents of the dwelling shall be employed to conduct the Cottage Industry;

(h) All lights shall be directed on site and shielded to reduce glare to adjacent areas;

(i) There shall be no more than one Cottage Industry in any dwelling unit or accessory building;

(j) Cottage Industry permits shall be limited to the applicant only and shall not be transferable;

- (k) The activity shall be limited to the hours between 8:00 a.m. and 5:00 p.m.;
 - (l) The occupation or profession shall be carried on wholly within a dwelling unit or accessory building;
 - (m) There shall be no exterior storage of material and no other exterior indication of the Cottage Industry other than the sign or nameplate allowed by subdivision (p) or variation from the residential character of the principal building;
 - (n) A Cottage Industry shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the district;
 - (o) No mechanical equipment shall be used that produces offensive noise, vibration, smoke, dust, odors, or heat;
 - (p) No more than one truck or other motor vehicle no larger than one (1) ton shall be permitted at the site of the Cottage Industry;
 - (q) No visual or audible interference of radio or television reception by the operations shall be permitted;
 - (r) All manufacturing and fabricating areas shall be enclosed in buildings;
 - (s) On-site customers and the incidental direct sale of only those goods produced on-site shall only be allowed on the property between the hours of 9:00 a.m. to 6:00 p.m., seven days a week.
 - (t) Not more than four (4) on-site customer vehicle trips per day shall be allowed.
 - (u) Any business not complying with the above performance standards shall require a Conditional Use Permit.
- (4) Cottage Industry Food Operations. In addition to the above Performance Standards, unless otherwise identified herein, Cottage Industry Food Operations as defined under the California Homemade Food Act (AB 1616) shall comply with the following regulations:
- (a) No more than one (1) employee other than residents of the dwelling shall be employed to conduct the Cottage Industry Food Operations;
 - (b) The applicant shall obtain a Class A or Class B permit for Cottage Food Operations from the Humboldt County Department of Environmental Health prior to the approval of the Cottage Industry Permit.
- (5) Business License Required. Every Cottage Industry permittee shall obtain a business license and keep it current during the life of the business.
- (6) Cottage Industry Permit Required. In order to ensure that the intent of these regulations are implemented and that all Cottage Industries will be operated under the performance standards

required herein, all Cottage Industries in the City of Rio Dell must secure approval of a Cottage Industry permit. Such Cottage Industry permit shall contain a listing of all Cottage Industry performance standards and a certification that the applicant has read and agrees to comply with all City regulations and performance standards contained therein.

(7) Action by the Community Development Director or their authorized representative(s). The Community Development Director or their authorized representative(s) is authorized to grant a Cottage Industry permit only upon a finding that the nature of the use and/or past performance of the requested use or similar use demonstrates the ability to fully conform with the intent of this section and the performance standards. The Community Development Director or their authorized representative(s) may refuse a Cottage Industry permit even though the proposed use may appear technically in conformance with all of the performance standards, if the possibility exists that the proposed use will not be in keeping with the intent of this title, including maintaining the residential character and compatibility of the area.

(8) Appeal. The decision of the Community Development Director or their authorized representative(s) may be appealed to the Planning Commission by the applicant or any interested party. The appeal must be in writing and clearly state the reason for the appeal and be accompanied by the filing fee.

17.30.090 Density Bonus

(1) Purpose. The purpose of this Chapter is to adopt an ordinance that specifies how compliance with Government Code Section 65915 ("State Density Bonus Law") will be implemented in an effort to encourage the production of affordable housing units in developments proposed within the City.

(2) Definitions. Unless otherwise specified in this Chapter, the definitions found in State Density Bonus Law shall apply to the terms contained herein.

(3) Applicability. These regulations shall apply to all zoning districts where residential developments of five or more dwelling units are proposed and where the applicant seeks and agrees to provide low, very-low or moderate income or senior housing units in the threshold amounts specified in State Density Bonus Law such that the resulting density is beyond that which is permitted by the applicable zoning. These regulations and State Density Bonus Law shall apply only to the residential component of a mixed use project and shall not operate to increase the allowable density of the nonresidential component of any proposed project.

(4) Application Requirements.

(a) Any applicant requesting a density bonus, incentive(s), waiver(s) and/or use of density bonus parking standards. The proposal shall be submitted prior to or concurrently with the filing of the planning application for the housing development and shall be processed in conjunction with the underlying application.

(b) The proposal for a density bonus, incentive(s) and/or waiver(s) pursuant to State Density Bonus Law shall include the following information:

- i. Requested density bonus. The specific requested density bonus proposal shall include evidence that the project meets the thresholds for State Density Bonus Law. The proposal

shall also include calculations showing the maximum base density, the number/percentage of affordable units and identification of the income level at which such units will be restricted, additional market rate units resulting from the density bonus allowable under State Density Bonus Law and the resulting unit per acre density. The density bonus units shall not be included in determining the percentage of base units that qualify a project for a density bonus pursuant to State Density Bonus Law.

ii. Requested incentive(s). The request for particular incentive(s) shall include a pro forma or other report evidencing that the requested incentive(s) results in identifiable, financially sufficient and actual cost reductions that are necessary to make the housing units economically feasible. The report shall be sufficiently detailed to allow the City to verify its conclusions. If the City requires the services of specialized financial consultants to review and corroborate the analysis, the applicant will be responsible for all costs incurred in reviewing the documentation.

iii. Requested Waiver(s). The written proposal shall include an explanation of the waiver(s) of development standards requested and why they are necessary to make the construction of the project physically possible. Any requested waiver(s) shall not exceed the limitations provided by Section 17.30.073(8) and to the extent such limitations are exceeded will be considered as a request for an incentive pursuant to Section 17.30.073(6).

iv. Fee. Payment of the fee/deposit in an amount set by resolution of the City Council to reimburse the City for staff time spent reviewing and processing the State Density Bonus Law application submitted pursuant to these regulations.

(5) Density Bonus.

(a) A density bonus for a housing development means a density increase over the otherwise maximum allowable residential density under the applicable zoning and land use designation on the date the application is deemed complete. The amount of the allowable density bonus shall be calculated as provided in State Density Bonus Law. The applicant may select from only one of the income categories identified in State Density Bonus Law and may not combine density bonuses from different income categories to achieve a larger density bonus.

(b) The body with approval authority for the planning approval sought will approve, deny or modify the request for a density bonus, incentive, waiver or use of density bonus parking standards in accordance with State Density Bonus Law and these regulations. Additionally, nothing herein prevents the City from granting a greater density bonus and additional incentives or waivers than that provided for herein, or from providing a lesser density bonus and fewer incentives and waivers than that provided for herein, when the housing development does not meet the minimum thresholds.

(6) Incentives

(a) The number of incentives granted shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law.

(b) An incentive includes a reduction in site development standards or a modification of zoning code requirements or architectural requirements that result in identifiable, financially sufficient and actual cost reductions. An incentive may be the approval of

mixed use zoning (e.g. commercial) in conjunction with a housing project if the mixed use will reduce the cost of the housing development and is compatible with the housing project. An incentive may, but need not be, the provision of a direct financial incentive, such as the waiver of fees.

(c) A requested incentive may be denied only for those reasons provided in State Density Bonus Law. Denial of an incentive is a separate and distinct act from a decision to deny or approve the entirety of the project.

(7) Discretionary Approval Authority Retained. The granting of a density bonus or incentive(s) shall not be interpreted in and of itself to require a general plan amendment, zoning change or other discretionary approval. If an incentive would otherwise trigger one of these approvals, when it is granted as an incentive, no general plan amendment, zoning change or other discretionary approval is required. However, if the base project without the incentive requires a general plan amendment, zoning change or other discretionary approval, the City retains discretion to make or not make the required findings for approval of the base project.

(8) Waivers. A waiver is a modification to a development standard such that construction at the increased density would be physically possible. Development standards, include, but are not limited to, a height limitation, a setback requirement, minimum floor areas, an onsite open space requirement, or a parking ratio that applies to a residential development. An applicant may request a waiver of any development standard to make the project physically possible to construct at the increased density. To be entitled to the requested waiver, the applicant must show that without the waiver, the project would be physically impossible to construct. There is no limit on the number of waivers.

(9) Affordable Housing Agreement. Prior to issuance of a building permit, the applicant shall enter into an Affordable Housing Agreement with the City to the satisfaction of the City Attorney guaranteeing the affordability of the rental or ownership units for a minimum of thirty (30) years, identifying the type, size and location of each affordable unit and containing requirements for administration, reporting and monitoring. Such Affordable Housing Agreement shall be recorded in the Humboldt County Recorder's Office.

(10) Design and Quality.

(a) Affordable units must be constructed concurrently with market-rate units and shall be integrated into the project. Affordable units shall be of equal design and quality as the market rate unit. Exteriors and interiors, including architecture, elevations, floor plans, interior finishes and amenities of the affordable units shall be similar to the market rate units. The number of bedrooms in the affordable units shall be consistent with the mix of market rate units. This section may be waived or modified on a case by case basis for affordable housing units developed for special groups, including housing for special needs or seniors.

(b) Parking standards may be modified as allowable under the State Density Bonus Law and anything beyond those standards shall be considered a request for an incentive.

17.30.100 Emergency Shelter/Transitional Housing Regulations

1. Purpose. It is the purpose of this section to prescribe standards and regulations for the establishment and ongoing operation of emergency homeless shelters/transitional housing to

protect the public health and safety from conflicting uses and to ensure that shelters provide appropriate services to the homeless.

2. Permit Requirements. The following prescribes the permit requirements for emergency shelter/transitional housing.

(a) An emergency homeless shelter/transitional housing that meet the standards of subsection 3 of this section is exempt from a Conditional Use Permit. A conditional use permit may be granted from the planning commission for deviations to the development and management standards. The Planning Commission must make findings for use permits pursuant to Section 17.35.030 of the Rio Dell Municipal Code (RDMC)

3. Development Standards.

(a) Prior to commencing operation, the emergency shelter/transitional housing shall comply with the following standards:

(b) Distance Separation Requirements. No emergency shelter/transitional housing shall be located within three hundred (300) feet of any other emergency shelter.

(c) Occupancy. An emergency shelter/transitional housing shall not exceed twenty-five (25) residents, excluding staff.

(d) Length of Occupancy. Any single resident's stay shall not exceed six consecutive months.

(e) Zone Specific Development Standards. An emergency shelter/transitional housing shall comply with all development standards of the zoning district in which it is located except as modified by these standards.

(f) Parking Requirements. Every emergency shelter/transitional housing shall provide one parking space for every staff member or volunteer on duty and one parking space for every five (5) beds. The Director of Community Development may reduce the parking requirements if the shelter can demonstrate a lower need.

(g) Intake/Waiting Area. There shall be an adequate intake and waiting area inside the building so that prospective and current residents are not required to wait on sidewalks or any other public rights of way.

(h) Screening. An outside waiting and recreation area adequate in size to serve the residents shall be fenced and screened from view.

(i) Individual Space. Each resident shall be provided a minimum of 50 gross square feet of living space (per 2013 California Building Code for the dormitories function of Table 1004.1.1), not including space within common areas.

(j) Security. Security shall be provided on site during hours of operation.

(k) Staffing. On-site management by at least one emergency shelter staff member shall be

provided at all times while residents are present at the shelter.

(l) Lighting. Shelter lighting shall be provided on all exterior walls, and shall be directed downward.

4. Management. Prior to commencing operation, the emergency shelter/transitional housing provider must have a written management plan, approved by the community development director, confirming that the following items (at a minimum) are provided for:

- (a) Staff training;
- (b) Staff TB screening in compliance with Humboldt County Health Department standards;
- (c) Resident identification process;
- (d) Neighborhood outreach;
- (e) Policies regarding pets;
- (f) The timing and placement of outdoor activities;
- (g) Temporary storage of residents' personal belongings;
- (h) Safety and security.

17.30.110 Environmentally Sensitive Habitat Areas (ESHA's)

(1) Purpose. The purpose of these regulations is to ensure that environmentally sensitive habitat areas are protected for both the wildlife inhabiting them as well as the enjoyment of present and future residents of the City.

The presence of environmentally sensitive habitat in the vicinity of a proposed project shall be determined during the review process for discretionary projects and for ministerial building and grading permit applications, when the proposed building development activity involves new construction or expansion of existing structures or grading activities. Wetland delineation by a qualified biologist using criteria acceptable to the Department of Fish and Game may be necessary and shall be required when wetland characterization and limits cannot be easily identified by a site inspection.

(2) Definitions.

(a) "Environmentally Sensitive Habitat Areas" (ESHA's) means anadromous fish streams, perennial and intermittent streams, sensitive species rookeries and nest sites, wetlands, riparian areas and habitats of rare and endangered plants and animals.

(b) "Riparian Corridor" means the area between the top of streambanks or hinge-points of the streambanks containing riparian vegetation and the adjacent upland area.

(c) "Riparian Vegetation" means pertaining to, or situated on the banks of a stream, river, lake or pond such as willows, alders, cottonwood, wax myrtle, big leaf maple, California laurel, red elderberry, etc.

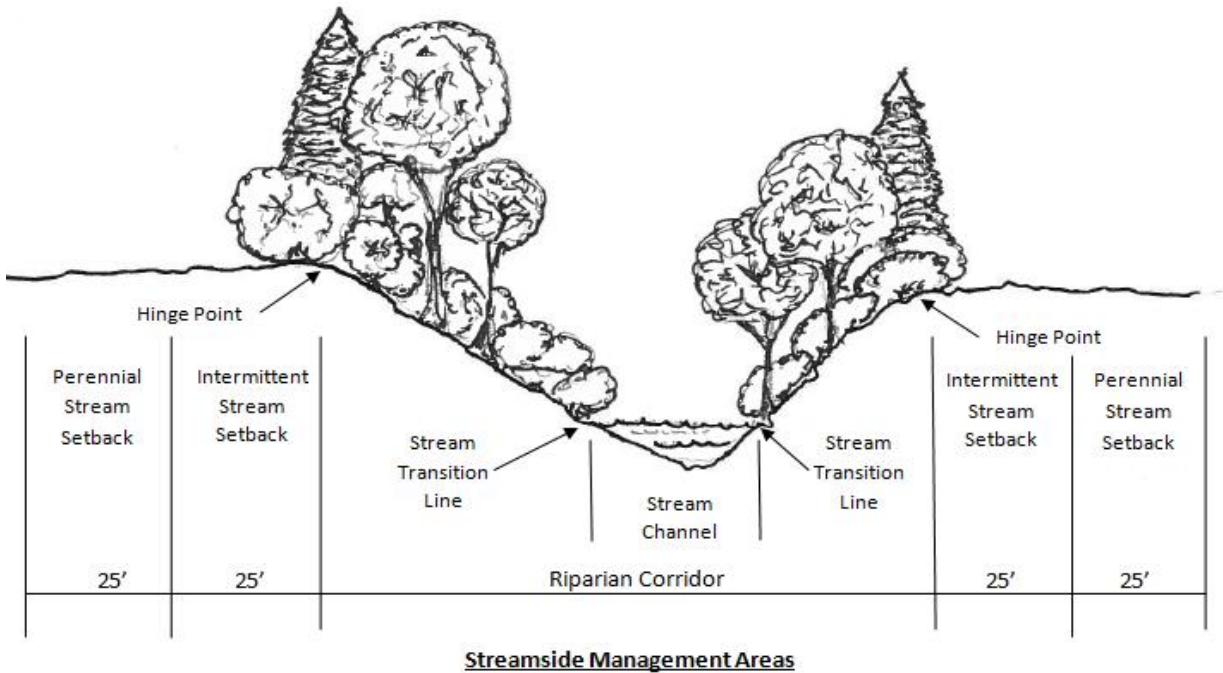
(d) "Stream Channel" means the area of a stream between its stream transition lines.

(e) "Streamside Management Areas (SMA's)" means riparian buffer areas for protecting sensitive fish and wildlife habitats and minimizing erosion, runoff and interference with surface water flows.

(f) "Stream Transition Line" means the line closest to a stream where riparian vegetation is permanently established.

(g) "Wetlands" means lands which may be covered periodically or permanently with shallow water and which include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, fens, and vernal pools. (Fish and Game Code, Section 2785(g)).

(h) Definitions Diagram



(3) Development Standards.

(a) Stream Channels. Development within stream channels is limited to the following projects.

- (1) Fishery, wildlife, and aquaculture enhancement and restoration projects.
- (2) Road crossings subject to Section 1600 *et seq* of the Fish and Game Code.
- (3) Flood control and drainage channels, levees, dikes, and floodgates.

- (4) Mineral extraction consistent with other State regulations.
- (5) Small-scale hydroelectric power plants in compliance with applicable State regulations.
- (6) Wells and spring-boxes, and agricultural diversions.
- (7) New fencing, so long as it would not impede the natural drainage or wildlife movement and would not adversely affect the stream environment or wildlife movement.
- (8) Bank protection, provided it is the least environmentally damaging alternative.
- (9) Other essential projects, including municipal groundwater pumping stations and infiltration galleries provided they are the least environmentally damaging alternative, or necessary for the protection of the public's health and safety.

(b) Streamside Management Areas. Development within Streamside Management Areas shall be limited to the following uses:

- (1) Development permitted within stream channels.
- (2) Public access parking areas and trails when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.
- (3) Timber management and harvests activities under a timber harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(e)
- (4) Road and bridge replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.
- (5) Removal of vegetation for disease control or public safety purposes.
- (6) Bank stabilization projects when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.

(c) Streamside Management Areas are identified and modified as follows:

- (1) Fifty (50) feet, measured as the horizontal distance from the hinge-point of the riparian corridor on each side of perennial streams.
- (2) Twenty-Five (25) feet, measured as the horizontal distance from the hinge-point of the riparian corridor on each side of intermittent streams.

(d) Where necessary, the width of Streamside Management Areas may be expanded to include significant areas of riparian vegetation adjacent to the buffer area, slides and areas with visible evidence of slope instability, not to exceed 100 feet measured as the horizontal distance from the hinge-point of the riparian corridor on each side of perennial streams and 50 feet measured

as the horizontal distance from the hinge-point of the riparian corridor on each side of intermittent streams.

(e) The Streamside Management Area shall be reduced or eliminated where the City determines, based on specific factual findings, that it will not result in a significant adverse impact to fish, wildlife, riparian habitat, or soil stability.

(4) Mitigation Measures. Mitigation measures for development within Streamside Management Areas shall, at a minimum, include:

(a) Retaining snags unless felling is required by CAL-OSHA, or by California Department of Forestry (CALFIRE) forest and fire protection regulations, or for public health and safety reasons, approved by the appropriate agency. Felled snags shall be left on the ground if consistent with fire protection regulations as long as they have no economic value.

(b) Retain live trees with visible evidence of use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets.

(c) Replanting of disturbed areas with riparian vegetation (including such species as alders, cottonwoods, willows, sitka spruce, etc.) shall not be required unless natural regeneration does not occur within two years of the completion of the development project.

(d) Erosion control measures for development within Streamside Management Areas shall include the following:

(1) During construction, land clearing and vegetation removal shall be minimized.

(2) Construction sites shall be mulched with natural or chemical stabilizers to aid in erosion control and insure re-vegetation.

(3) Long slopes shall be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction.

(4) Concentrated runoff shall be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge where discharge is to natural ground or channels.

(5) Runoff shall be controlled to prevent erosion by on-site or off- site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding.

(6) Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with California Fish and Game and Regional Water Quality Control Board.

(e) Winter operations (generally October 15 thru April 15) shall employ the following special considerations:

(1) Slopes shall be temporarily stabilized by stage seeding and/or planting of fast germinating seeds such as barley or rye grass; and mulched with protective coverings such as natural or chemical stabilizations.

(2) Runoff from the site shall be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.

(5) Other Wet Areas.

Development, except for wells and spring-boxes, in or adjacent to other wet areas, including natural ponds, springs, vernal pools, marshes and wet meadows (exhibiting standing water yearlong or riparian vegetation) shall be consistent with the standards for streamside management areas, where appropriate. [Ord. 308 January 2014]

17.30.120 Fences, Walls and Screening

(1) Corner Lots -- Sight Distance. In any residential district on a corner lot, there shall be no fence, wall, or hedge higher than three (3) feet, nor any obstruction to vision other than a post, column, or tree not exceeding one foot in diameter, between a height of three (3) feet and a height of ten (10) feet above the established grade of either street, within an area thirty (30) feet from the intersection of the street lot lines.

(2) Height Regulations.

(a) Fences in Front Yards. A fence located in a front yard shall not exceed four (4) feet in height. However, an ornamental metal fence may be erected to a height of seven (7) feet. Such ornamental fence may include posts/piers constructed of masonry, wood or other similar materials, provided the fence is at least 60% open overall. An ornamental metal fence may also be constructed atop a masonry wall provided the combined height of the wall and fence does not exceed seven (7) feet and the portion of the wall/fence structure above 4 feet high is at least 60% open.

(b) Fences in Side Yards and Rear Yards. A fence located in a side yard or rear yard may be erected to a height of 7 (seven) feet. [Ord. 338 October 2015]

(3) Exceptions. The Planning Commission may modify by special use permit, the height requirements of this part, upon a showing of good cause. For any such modification, the Planning Commission shall be required to make the following findings:

(a) The proposed fence height modification will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;

(b) The proposed modification will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and

(c) The proposed modification will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

(d) In issuing a special use permit, the Planning Commission may require such changes or alterations in the fence as it may deem necessary to satisfy the findings specified in this part. Such changes or alterations may include, but shall not be limited to the following:

- Fence height
- Design
- Materials
- Setback from property line
- Screening or landscaping

(1) A fence or wall used as a fence which exceeds seven (7) feet in height shall be defined as a "detached accessory structure" for the purpose of regulation under the provisions of this ordinance, and all applicable provisions of the California Building Code shall apply. [Ord. 167 § 6.05.5 1982; Ord. 324 August 2014]

(4) Prohibited Materials.

The following fence materials are prohibited unless approved by the Community Development Director in consultation with the Director of Public Works and the Chief of Police for animal control, garden protection, special security needs, or required by a City, State, or Federal law or regulation.

(a) Barbed wire, or electrified fence, except within the Rural (R), and Natural Resources (NR) land use designations;

(b) Razor or concertina wire in conjunction with a fence or wall, or by itself within any land use designation;

(c) Nails, broken glass, or other sharp objects on the top of fences or walls.

(d) Existing fences with prohibited materials shall not be considered a legal non-conforming use and/or structure and shall be removed within sixty (60) days after adoption of the implementing ordinance. [Ord. 338 October 2015]

17.30.130 Flag Lot Regulations.

(1) Definition. Lots that have less than the required minimum street frontage on a public or private street where the lot has two distinct parts: (1) The flag, which is the building site and is located behind another lot; and (2) The pole which connects the flag to the street.

(2) Purpose. Flag lots shall only be allowed in residential zones where topographic conditions do not allow for the conventional subdivision of the parcel. The intent is to provide additional housing opportunities and to promote the efficient use of residential land. Home occupations and secondary dwellings are prohibited because of limited access and the greater impacts these uses would place on abutting sites.

(3) Measurements.

(a) Flag Lot Dimensions. Residential flag lot average width dimension is measured from the mid-point between two opposite lot lines of the flag portion of the lot.

(b) Flag Lot Area Calculations. When calculating lot area, only the flag portion is counted.

(4) Land Division Regulations.

(a) Flag Lot Area. The required minimum lot area for the flag lot, excluding the pole portion of the lot, is 6,000 square feet.

(b) Lot Dimensions. Minimum lot width and depth requirements shall be as follows:

(1) The minimum average lot width shall be 60 feet;

(2) The minimum average lot depth shall be 100 feet.

(c) Access Pole. The minimum width and landscaping requirements shall be as follows:

(1) The minimum width for the pole portion of 1 flag lot is 16 feet, 12 foot travelway and 4 foot landscape strip;

(2) If 2 or more flag lots will use the same access driveway, the minimum combined width of the pole portions shall be 24 feet, two 8 foot travelways and two 4 foot landscape strips.

(d) Paving/Surface Requirements. Access poles/driveways and parking areas serving flag lots shall be improved as follows:

(1) A minimum of at least 4 inch thick reinforced Portland Cement concrete; or

(2) 2 ½ inch compacted asphaltic concrete mix on 6 inches of ¾ minus compacted crushed rock base, or an approved equivalent as approved by the City Engineer; or

(3) A durable pervious all weather surface as approved by the City Engineer.

(d) Ownership. The access pole must be part of the flag lot and must be under the same ownership as the flag portion.

(e) Easement/Maintenance. A reciprocating access easement and maintenance agreement shall be required for the access pole, which shall be recorded in the office of the Humboldt County Recorder.

(f) Land Division Review. All applicable regulations for the type of land division process being used must be met except where the residential flag lot standards create different requirements.

(g) Drainage. Drainage shall follow pre-existing drainage patterns, which may require obtainment of easements from adjacent property owners.

(h) Pole Length. Access poles exceeding 125 feet in length shall be required to provide an emergency vehicle turn-around area approved the Rio Dell Fire Protection District.

(i) Lot Line Adjustments. Lot line adjustments shall not be used to create flag lots.

(5) Use Regulations.

(a) Residential flag lots have the same land use regulations as the base zone except home occupations and/or secondary dwelling units shall not be allowed due to limited access.

(6) Development Standards.

(a) Generally. All base zone requirements must be met, unless otherwise stated in this section.

(b) Designation of Property Lines. The following requirements shall determine the location of the front, side and rear property lines of a flag lot.

(1) Front Property Line. The front property line shall be the lot line that most nearly parallels the street providing access to the lot, and which abuts the end of the pole, but does not include the pole. If the pole is not at a 90-degree angle to the front property line, the front property line shall be determined as if the front property line continued by drawing an imaginary line to the pole.

(2) Side Property Lines. The side property line shall be any property line which does not abut a public or private right of way, and which is not a front or rear property line, exclusive of the pole portion of the lot.

(3) Rear Property Line. The rear property lines shall be the property line opposite the front property line.

(c) Setbacks. Setbacks for flag lots shall be as follows:

(1) Front: 25 feet; Garages 45 feet.

(2) Rear: 20 feet.

(3) Sides: 5 feet.

(d) Orientation. All dwelling units shall orient to the street.

(e) Ground or Lot Coverage. The maximum allowable ground or lot coverage shall be based on the flag area of the lot.

(f) Parking. Due to the lack of on-street parking, in addition to the required parking spaces identified in Section 17.30.160 of the RDMC, two additional independently accessible parking spaces shall be provided.

(7) Exceptions. Exceptions to the Development Standards in this section may be allowed with a Conditional Use Permit, if the Planning Commission makes the following findings, in addition to the findings required for Conditional Use Permit approval in Section 17.35.030 of the RDMC:

(a) The proposed flag lot subdivision is the only reasonable subdivision design due to extreme topographic conditions or other physical and natural constraints of the subject property (e.g. natural drainage courses, wetlands or streams).

(b) The lots created from the proposed flag lot subdivision do not adversely impact the established neighborhood character nor deviate from the established neighborhood character, which shall consider the scale of the existing lot sizes and lot configurations in the surrounding

area. For purposes of this finding, the surrounding area shall mean all properties within a 300 - foot radius of the subject property's boundary (before subdivision).

17.30.140 Flood Zone Regulations.

(1) The Building Department shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement, including manufactured and mobile homes, must:

(a) Be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structures;

(b) Use construction materials and utility equipment that are resistant to flood damage; and

(c) Use construction methods and practices that will minimize flood damage.

(2) If the preliminary soil report indicates the presence of expansive soils or other soil problems which, if not corrected, might lead to structural defects in buildings, a more detailed soil/geologic investigation shall be required. A profession engineer registered in the State of California and qualified in geology and soils engineering shall prepare such soil investigation. The report shall recommend corrective action where necessary to prevent structural damage to each building proposed to be constructed and not aggravate the existing hazard.

(3) Whether a proposed building site is within a subdivision or not, the Building Department shall review each building permit application and require a soil report prepared in the manner required in subsection (2) of this section when the proposed building site and improvements are in a location that may have mudslide hazards, or when such a building site is on land composed of filled areas, or marsh land, or land which has an average slope of 15 percent or more, and when said Building Department has reason to believe that the proposed building site contains expansive soils or other soil problems which, if not corrected, might lead to structural defects in buildings proposed to be constructed upon said proposed building site.

(4) Flood Hazards. Subdivisions located in areas subject to flood hazard shall be specially designed, engineered and constructed to:

(a) Minimize flood damage;

(b) Provide adequate drainage so as to reduce exposure to flood hazards; and

(c) Provide that all public utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage. [Ord. 252 § 6.23, 2004.]

17.30.150 Home Occupation Businesses.

(1) Minimum Performance Standards. Home occupations, as defined herein, shall be permitted as appurtenant and accessory uses to any residential use, subject to the following minimum performance standards:

- (a) The primary function of a home occupation shall not necessitate the rendering of services to customers or clients on the premises;
 - (b) A home occupation shall not include, but such exclusion shall not be limited to, the following: automobile repair, automobile wrecking, barber shops and beauty parlors, commercial stables, veterinary offices, kennels, or restaurants;
 - (c) There shall be no more than one home occupation in any dwelling unit;
 - (d) Home occupation permits shall be limited to the applicant only and shall not be transferable;
 - (e) The activity shall be limited to the hours between 7:00 a.m. and 10:00 p.m.;
 - (f) The occupation or profession shall be carried on wholly within a dwelling unit or accessory building;
 - (g) Not more than 20 percent of the total floor area within the dwelling unit shall be used in connection with any home occupation;
 - (h) There shall be no exterior display, no exterior storage of material and no other exterior indication of the home occupation or variation from the residential character of the principal building;
 - (i) A home occupation shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the district;
 - (j) No mechanical equipment shall be used that produces offensive noise, vibration, smoke, dust, odors, or heat. No lighting that produces offensive glare shall be used;
 - (k) No signs, nameplates, or other advertising shall be affixed to the premises;
 - (l) Special considerations, exceptions, etc., may be granted by the Planning Commission upon submittal of satisfactory evidence of physical handicap, which precludes normal employment or conduct of business anywhere but as a home occupation;
 - (m) Any business not complying with the above standards shall require a conditional use permit.
- (2) Business License Required. Every home occupation permittee shall obtain a business license.
- (3) Home Occupation Permit Required. In order to ensure that the intent of this regulation is implemented and that all home occupations will be operated under the performance standards required herein, all home occupations in the City of Rio Dell must secure approval of a home occupation permit. Such home occupation permit shall contain a listing of all home occupation performance standards and a certification that the applicant has read and agrees to comply with all City regulations and performance standards contained therein.
- (4) Action by the Planning Secretary. The Planning Secretary is authorized to grant a home occupation permit only upon a finding that the nature of the use and/or past performance of the requested use or similar use demonstrates the ability to fully conform with the intent of this section and the performance standards. The Planning Secretary may refuse a home occupation

permit even though the proposed use may appear technically in conformance with all of the performance standards, if the possibility exists that the proposed use will not be in keeping with the intent of this title.

(5) Appeal. The decision of the Planning Secretary may be appealed to the Planning Commission by the applicant or any interested party. [Ord. 252 § 6.08, 2004.]

17.30.160 Lot Size Modifications

Exceptions to Lot Size, Lot Width and Lot Depth Standards. In order to better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size, minimum lot width and maximum lot depth in all zones may be modified as specified in the following table, subject to securing a Use Permit:

EXCEPTIONS TABLE		
DEVELOPMENT STANDARD	PERMITTED MODIFICATIONS	LIMITATIONS
Minimum Lot Size	Minimum Lot Size Minimum Lot Size may be modified down to a maximum of fifty (50) percent, or 5,000 square feet, whichever is greater.	Such modification must be approved in conjunction with a subdivision or lot line adjustment. The total number of lots created by the subdivision shall not be more than that allowed by the applicable General Plan and zone designations.
Minimum Lot Width	Minimum Lot Width may be modified to a maximum of fifty (50) percent.	Minimum Lot Width shall not be modified below fifty (50) feet.
Maximum Lot Depth	Maximum Lot Depth may be modified up to a maximum of twice that permitted.	Maximum Lot Depth shall not be modified to exceed eight (8) times the lot width.

(Ord. 283, 2012)

17.30.170 Manufacture or Mobilehomes on Individual Lots.

(1) Use Exemptions. A manufactured/mobile home shall be occupied or used for living or sleeping purposes on an individual lot only if it is in accordance with subsections (2) and (3) of this section, with the following exceptions:

(a) In Conjunction with a Trailer Sales Area. One manufactured/mobile home may be used as an office appurtenant and accessory to, and in conjunction with, the operation of a manufactured/mobile home sales area.

(b) Temporary Office or Residence. One manufactured/mobile home or recreational vehicle may be permitted, with a special permit issued by the Building Department, as a temporary office or residence, after obtaining a building permit for the construction of a permanent building of the same use on the same lot. Such use of the manufactured/mobile home or recreational vehicle shall be limited to six months from the date of issuance of the building permit and shall automatically terminate upon the expiration or voidance of the building permit. The Building Department may renew such special permit for one additional period of six months, if substantial progress has been made in the construction of the permanent building and it is reasonable and probable that the permanent building will be completed within such additional period.

(c) By Building Contractors. Manufactured/mobile homes or recreational vehicles may be used, with a use permit, as temporary offices by construction contractors, or as temporary living quarters for their employees in all zones.

(2) Manufactured/Mobile Homes on Individual Lots. A manufactured/mobile home shall be permitted on an individual lot as a single-family dwelling unit in all appropriate zones if, and only if, it meets the following eligibility requirements and development standards:

(a) The manufactured/mobile home must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC Section 5401 et seq.).

(b) The manufactured home must have been manufactured less than 10 years before the date the building permit application was submitted.

(c) The manufactured/mobile home must be installed on a permanent foundation system designed in accordance with the provisions of the City of Rio Dell building code.

(d) The manufactured/mobile home must comply with all development standards specified in the zone in which the mobile home is to be placed.

(3) Building Standards. Any manufactured/mobile home placed within the City of Rio Dell in accordance with these provisions shall:

(a) Have a minimum 12-inch roof overhang on all sides.

(b) Have an exterior siding composed of the following materials:

(i) Plywood exterior paneling;

(ii) Masonry or concrete;

(iii) Stucco;

(iv) Any wood products including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of 12 inches or less.

(c) Have a roof composed of the following materials:

(i) Interlocking roof tiles;

(ii) Composition shingles;

(iii) Wood (with fire-retardant treatment);

(iv) Wood, cement, or slate shingles;

(v) Color coated metal or fiberglass.

(4) Alternative Development Standards. The Planning Commission is hereby empowered to allow a manufactured/mobile home to be placed within the City of Rio Dell with alternative reasonable development standards substituted for those hereinabove set forth, or to exempt such a home from the strict application of such development standards, upon a showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission and any appeal to the City Council from a decision of the Planning Commission may be taken. [Ord. 252 § 6.11, 2004.]

17.30.180 Manufactured or Mobilehome Park Development Standards.

All manufactured/mobile home parks shall be subject to the following requirements:

(1) Minimum lot area, one acre.

(2) Minimum yards around parks: front, 20 feet; side and rear, 10 feet, suitably landscaped to provide effective screening.

(3) All utilities must be placed underground.

(4) All areas not used for access, parking, circulation, recreation or services shall be completely and permanently landscaped, and the entire site shall be maintained in a neat, clean and orderly and sanitary condition.

(5) All circulation roads shall be at least 25 feet from curb to curb and shall be increased in width by 10 feet for curb parking space on each side of the street on which such curb parking is permitted. All roads and parking spaces shall be permanently paved. Two parking spaces or the equivalent thereof shall be provided for each mobile home site.

(6) The Planning Commission may modify the above requirements for an existing substandard park proposed to be enlarged or extended; provided, that the modifications are limited to the extent that an overall improvement in the design or standards of such existing park will result. [Ord. 252 § 6.12, 2004.]

17.030.190 Medical Marijuana Regulations

(1) Authority and Title. Pursuant to the authority granted by Article XI, section 7 of the California Constitution, California Government Code Section 38773.5, and California Health and Safety Code Sections 11362.83 and 11362.768(f), the City Council does hereby enact this Code, which shall be known and may be cited as the "Medical Marijuana Regulations".

(2) Purpose and Intent. The purpose and intent of the Medical Marijuana Regulations is to regulate the cultivation of medical marijuana for personal use in a residence and detached accessory buildings.

It is the intent of the City that the cultivation of medical marijuana for personal use be conducted in a manner that is consistent with State law and which promotes the health, safety, comfort, convenience, and general welfare of the residents and businesses within the incorporated area of the City of Rio Dell.

It is the intent of the City to balance: the needs of patients and their caregivers to have access to medical marijuana; the needs of residents, businesses, and communities to be protected from public health, safety, and nuisance impacts that can accompany the residential cultivation and processing of medical marijuana for an individual patient's use; and the need to eliminate, or at least limit to the extent possible, the harmful environmental impacts that can accompany marijuana cultivation.

It is the intent of the City that the Medical Marijuana Regulations not be construed to: allow persons to engage in conduct that endangers themselves or others, or causes a public nuisance as defined herein; allow the use or diversion of medical marijuana for non-medical purposes; or allow any activity relating to the cultivation, processing, distribution, or consumption of marijuana that is otherwise illegal under the laws of the State of California. This Code is not intended to criminalize any activity which is otherwise permitted under state law and it is not intended to authorize conduct that is otherwise prohibited by state law.

(3) Findings. The City Council hereby finds and declares the following:

(a) In 1996, California voters approved Proposition 215 (codified as Health and Safety Code Section 11362.5, and entitled "The Compassionate Use Act of 1996").

(b) The intent of the Compassionate Use Act is to permit the cultivation and possession of medical marijuana for the personal use of a seriously ill patient without fear of criminal prosecution against the patient, the patient's caregiver or the physician who recommended medical marijuana for the patient. The Act further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes."

(c) In 2004, Senate Bill 420 (codified as Health and Safety Code sections 11362.7 et seq. and known as the "Medical Marijuana Program Act" or "MMPA") was enacted to clarify the scope of the Compassionate Use Act.

(d) The Compassionate Use Act (Section 11362.5, Health and Safety Code) expressly anticipates the enactment of local legislation. It provides: "Nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, not to condone the diversion of marijuana for nonmedical purposes."

(e) Neither the Compassionate Use Act nor the Medical Marijuana Program Act address land use or building code issues that may arise from the residential cultivation or processing of medical marijuana for personal use within the County.

(f) In February 2003, the Humboldt County District Attorney's Office issued its Prosecution Guidelines regarding the cultivation, possession and use of medical marijuana.

(g) In August 2008, the California Attorney General issued *Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use* that were intended to further clarify California laws governing medical marijuana, and provide guidelines for patients and law enforcement to ensure that medical marijuana is not diverted for non-medical purposes.

(h) The Federal Controlled Substances Act (codified as 21 U.S.C. sections 801 et seq.) is a regulatory system designed to combat recreational drug abuse by making it unlawful to manufacture, distribute, dispense, or possess any controlled substance. The Act lists marijuana as a controlled substance, classifying it as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, which has no currently accepted medical use in treatment, and has not been accepted as safe for use under medical treatment.

(i) The United States Congress has provided that states are free to regulate in the areas of controlled substances, including marijuana, provided that state law does not positively conflict with the Controlled Substances Act (see 21 U.S.C. 903). The California Attorney General, citing to California case law, has opined that neither the Compassionate Use Act nor the Medical Marijuana Program Act conflict with the Controlled Substances Act because, in adopting these laws, California did not legalize medical marijuana, but instead exercised the state's reserved powers to not punish certain marijuana offenses under state law.

(j) Due to the high monetary value placed upon marijuana, the County and local Cities have experienced a number of home invasion robberies, thefts, and violent crimes, including homicides, related to marijuana cultivation. To defend against theft and armed robbery, some growers of marijuana have taken to arming themselves, which creates the potential for gunfire in the residential areas where indoor cultivation of marijuana is frequently occurring. The City has also experienced a number of residential fires from overloaded or improperly modified electrical systems used to power grow lights and exhaust fans for the cultivation of marijuana.

(k) Widespread indoor cultivation of marijuana in the County and Cities has led to a decrease in needed rental housing stock, as rental homes are converted solely to structures to grow marijuana in, as well as excessive energy consumption to power the lights, fans, and other systems needed for a large indoor marijuana growing operation. As rental homes are converted to these grow structures, the character of the neighborhood around the grow structure deteriorates.

(l) Marijuana that is grown indoors can lead to mold, mildew, and moisture damage to the building in which it is grown. Landlords, who thought they were renting a home for people to live in, later find that their property was turned into a structure to grow marijuana and extensively damaged by that use, requiring new flooring, walls, ceiling, electrical and plumbing work to return the home to a habitable state. Growing marijuana is susceptible to plant diseases, mold, mildew, and insect damage and may be treated with insecticides and herbicides that may harm human health when applied or when the chemical is disposed of in the trash or in the sewage disposal system.

(m) Cultivation of marijuana may also result in private or public nuisances. Whether grown indoors or outdoors, marijuana plants, particularly as they mature, produce a distinctive odor that is often detectable far beyond property boundaries. This strong, distinctive odor can interfere with neighboring owners' use and enjoyment of their property. In addition, this odor of growing or "green" marijuana may alert malefactors to the location where marijuana is grown and thereby create the risk of burglary and robbery at that location.

(n) The right of qualified patients and their primary caregivers under state law to possess and cultivate marijuana for personal medical purposes does not confer upon them a right to create or maintain a nuisance. By adopting this Code, which regulates the land use aspects of indoor residential cultivation of medical marijuana for personal use, the City anticipates a significant reduction in complaints regarding medical marijuana-related odors and residential mold and moisture issues affecting rental housing stocks, as well as a decrease in crime and fires related to the cultivation and processing of medical marijuana.

(o) The City finds that while the need for qualified patients and/or their caregivers to use and cultivate marijuana is authorized by state law, the potential land use impacts to the environment and to public health, safety and welfare as identified, necessitates that the City create regulations, such as this Code, to govern the cultivation of medical marijuana for personal use in a residence, detached accessory buildings.

(p) The City finds that the indoor cultivation of more than fifty (50) square feet of medical marijuana that is more than ten (10) feet tall per residence or detached accessory building, as defined herein, within the City will result in an unreasonable risk of crime, fire, and other nuisance-related impacts such as odors offensive to people living or working or recreating nearby, as well as resulting in the deterioration of the neighborhood character, decrease in rental housing stock, and excessive energy consumption and carbon dioxide emissions. Therefore, the indoor cultivation of more than fifty (50) square feet of medical marijuana that is more than ten (10) feet tall per residence or detached accessory building is hereby found and declared to be unlawful and a public nuisance.

(q) The City further finds that the indoor cultivation of fifty (50) square feet or less of medical marijuana that is ten (10) feet tall or less per residence or detached accessory building is subordinate, incidental, and accessory to the residential use, within the City will achieve the goals of allowing qualified patients the ability to cultivate medical marijuana in or at their residence for their personal use, while minimizing, to the extent possible, the negative impacts on the neighbors, the neighborhood, local businesses, and the community from a qualified patient's medical marijuana cultivation and processing.

(4) Applicability and Interpretation

(a) The cultivation and processing of medical marijuana for personal use in a residence or detached accessory building or outdoors within the jurisdiction of the City shall be controlled by the provisions of this Code, regardless of whether the cultivation or processing existed or occurred prior to the adoption of this Code.

(b) Nothing in this Code is intended, nor shall it be construed, to exempt any cultivation of medical marijuana for personal use, from compliance with the City of Rio Dell's zoning and land use regulations, or all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements, or any other applicable provisions of the Rio Dell Municipal Code, or any other applicable state or federal laws.

(c) Nothing in this Code is intended, nor shall it be construed, to preclude a landlord from limiting or prohibiting marijuana cultivation, smoking, or other related activities by tenants.

(d) The definitions in this Code are intended to apply to the Medical Marijuana Regulations. Applicable definitions in the Rio Dell Municipal Code may also apply to this Code.

(5) Definitions

Except where the context otherwise requires, the following definitions shall govern the construction of this Code:

Cultivation of Medical Marijuana for Personal Use: cultivation and processing of medical marijuana indoors in a residence or detached accessory structure by a qualified patient, or the primary caregiver on behalf of a qualified patient, which does not exceed fifty (50) square feet or ten (10) feet in height.

Detached Accessory Building - Residential: a building which is a) incidental and subordinate to the residence or residential use, b) located on the same parcel, and c) does not share at least ten (10) feet of common wall with the residence or other accessory building. A greenhouse may be considered a Detached Accessory Building if it is a fully enclosed, secure and lockable structure that has a roof supported by connecting walls extending continuously to a perimeter foundation or equivalent base to which the connecting walls are securely attached.

Indoor(s): within a fully enclosed and secure structure that has a roof supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached.

Medical Marijuana: marijuana, including concentrated cannabis or hashish, that has been recommended to an individual by a licensed physician for the treatment of an illness or disease pursuant to California Health & Safety 11362.5 et seq.

Outdoor(s): Not enclosed or covered by a roof, exposed to the elements.

Personal Medical Marijuana: medical marijuana that is cultivated, processed, or stored for a single qualified patient's use.

Primary Caregiver: an individual designated by the qualified patient who has consistently assumed responsibility for the housing, health, or safety of that patient pursuant to statutory and case law.

Qualified Patient: a person who has a recommendation for medical marijuana by a California-licensed physician, and who is entitled to the protections offered by California Health & Safety Code Section 11362.5, and who may or may not have an identification card issued by the State Department of Public Health identifying the individual as a person authorized to engage in the use of medical marijuana.

Residence: any structure designed or used for residential occupancy, regardless of whether it is located in a residential zone.

Residential Cultivation: the growing of fifty (50) square feet or less that is ten (10) feet or less in height of medical marijuana indoors within a residence or detached accessory structure of medical marijuana as defined herein. Such cultivation shall be for a qualified patient's personal use and must be subordinate, incidental, and accessory to the residential use.

(6) Residential Cultivation for Personal Use

The City shall not interfere with a qualified patient's residential cultivation of medical marijuana for that patient's personal use, so long as the cultivation is in conformance with this Code and state law.

In order to eliminate the potential nuisance and health and safety impacts to the greatest extent possible, residential medical marijuana cultivation and processing for personal use shall be in conformance with the following standards:

(a) Indoor medical marijuana cultivation in a residence shall not exceed fifty (50) square feet or exceed ten (10) feet in height per residence on a parcel; and

(b) Indoor medical marijuana cultivation in detached accessory buildings shall not exceed fifty (50) square feet or exceed ten (10) feet in height per residence on a parcel; and

(c) A total of fifty (50) square feet of indoor medical marijuana cultivation for personal use, which does not exceed ten (10) feet in height, is permitted for each residence on a parcel, regardless of whether the cultivation occurs in a residence or in a detached accessory building. In no case shall a residence or a detached accessory building have a total of more than fifty (50) square feet or more than ten (10) feet in height of medical marijuana cultivation area per residence on the parcel, regardless of the number of qualified patients or primary caregivers residing at the residence or participating directly or indirectly in the cultivation; and

(d) The medical marijuana cultivation and processing area in the residence or detached accessory building shall be indoors, as defined herein, posted with a legible copy of the individual patient's medical marijuana recommendation, secured against unauthorized entry, and maintained for the exclusive use of the qualified patient; and

(e) Grow lights for medical marijuana cultivation for personal use in a residence or a detached accessory building shall not exceed 1200 watts total; and

(f) All electrical equipment used in the indoor cultivation of medical marijuana in a residence or a detached accessory building shall be plugged directly into a wall outlet or otherwise hardwired. The use of extension cords to supply power to electrical equipment used in the residential cultivation of medical marijuana is prohibited; and

(g) The use of gas products (CO₂, butane, etc.) for indoor medical marijuana cultivation or processing in a residence or a detached accessory building is prohibited; and

(h) No toxic or flammable fumigant shall be used for indoor cultivation of medical marijuana in a residence or a detached accessory building unless the requirements of Section 1703 of the California Fire Code have been met; and

(i) No odor of medical marijuana shall be detectable from the property boundaries by a person of ordinary senses. To achieve this, the medical marijuana cultivation area shall be, at a minimum, mechanically ventilated with a carbon filter or other superior method to prevent the odor of marijuana from escaping the indoor cultivation area and negatively impacting neighbors and the surrounding community. Ventilation systems shall be installed in a manner that facilitates decommissioning and a return of the cultivation area to non-cultivation residential uses; and

(j) From a public right of way, neighboring properties, or neighboring housing units, there shall be no visual or auditory evidence of medical marijuana cultivation at the residence or detached accessory building that is detectable by a person of ordinary senses; and

(k) Medical marijuana cultivation, processing, or transfers in a residence or detached accessory building are prohibited as a Home Occupation; and

(l) No sale, trading, or dispensing of medical marijuana is allowed on a parcel where residential cultivation of medical marijuana occurs; and

(m) The qualified patient shall not cultivate medical marijuana for his or her personal use in more than one residence or detached accessory building within the City jurisdiction; and

(n) The residence where medical marijuana is grown indoors for personal use shall maintain a kitchen and bathroom(s) for their intended use, and the kitchen, bathroom(s), and bedroom(s) shall not be used primarily for medical marijuana cultivation; and

(o) No effluent, including but not limited to waste products, chemical fertilizers or pesticides shall be discharged into drains, septic systems, community sewer systems, water systems or other drainage systems including those that lead to rivers and streams as a result of the cultivation of medical marijuana; and

(p) The residential cultivation of medical marijuana shall not adversely affect the health or safety of residents, neighbors, or nearby businesses by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use

or storage of materials, processes, products or wastes associated with the cultivation of medical marijuana; and

(q) The indoor residential cultivation of medical marijuana must comply with all applicable state and county laws, including fire and building codes; and

(r) A waterproof membrane or other waterproof barrier shall be installed in the cultivation area or beneath individual plants to protect the floor of the indoor cultivation area from water damage.

(7) Penalties

All of the remedies provided for in this section shall be cumulative and not exclusive for violations of this Code.

Any violation of this Code shall be, and the same hereby is declared to be, unlawful and a public nuisance and shall be subject to injunction, abatement or any other remedy available to the City under the applicable state and county laws, including the City's abatement and administrative penalty procedures.

17.30.200 Nonconforming Uses.

The lawful use of lands or buildings existing on the effective date of the application of these regulations to the subject property, although such use does not conform to the regulation applied to such subject property, may be continued, except as provided herein.

(1) No such use or building shall be enlarged, increased or structurally altered, nor be extended to occupy a greater area than that existing on the effective date of the application of these regulations to the subject property, except as follows:

(a) A nonconforming building may be enlarged, increased or structurally altered where (i) such building modification is required for reason of public health or safety, or (ii) where such modification will not increase the degree of nonconformance of the subject building with respect to the height and area regulations of the zone in which it is located.

(2) Any use for which a use permit is required by these regulations shall be considered a nonconforming use until a use permit is obtained.

(3) If 60 percent or more of the market value of any such land or building is destroyed, as determined by the building official, then the property shall become subject to the zoning regulations applicable to the principal zone, and any subsequent use or buildings shall be in accordance with such regulations, with the following exception:

(a) A nonconforming owner-occupied residence that is destroyed or damaged by any casualty, may be restored within two (2) years after such destruction or damage but shall not be enlarged except as provided in Section 17.30.160(1)(a) of this Code. [Ord. 301-2013].

(4) Any interruption of a nonconforming use, or the use of a nonconforming building, which continues for 12 months or more shall be deemed to be an abandonment of such use, and

subsequent use of buildings shall be in accordance with the regulations applicable to the subject property.

(5) Ordinary maintenance and repair may be made to a nonconforming structure or a structure in which a nonconforming use is conducted. . [Ord. 301-2013].

(6) Any use coming within the provisions of RDMC 17.30.050, concerning domestic animals appurtenant to residential uses, shall, after the expiration of 18 months from the effective date of the ordinance codified in this section, conform to the provisions of RDMC 17.30.050. [Ord. 252 § 7.60, 2004.]

17.30.210 Outdoor Advertising.

(1) For the purpose of this chapter, the following words and terms shall have the designated meaning unless it is clear from the text that a different meaning is intended:

(a) “Adjacent” as used in this chapter means any case where advertising display is placed or maintained within 660 feet from the edge of the freeway right-of-way line and the copy of which is visible from such right-of-way, or is designed to be viewed primarily by persons traveling on such landscaped section of a freeway.

(b) “Advertising display” as used in this chapter means advertising structures and signs defined as follows:

(c) “Advertising structure” refers to a structure of any kind or character erected or maintained for advertising purposes on which any poster, bill, printing, painting, or other advertisement of any kind whatsoever may be placed, including statuary, for outdoor advertising purposes.

(d) “Signs” refers to any card, clock, paper, metal, painted or wooden sign of any character, placed for outdoor advertising purposes, on or to the ground, or any tree, wall, bush, rock, fence, building, structure, or thing, publicly or privately owned, other than an advertising structure.

(e) “Freeway” as used in this chapter means a highway in respect to which the owners of abutting land have no right or easement for access to or from the abutting land, or in respect to which such owners have only limited or restricted right or easement for access, and which is declared to be such in compliance with the Streets and Highways Code in the State of California.

(f) “Landscaped freeway” as used in this chapter shall mean a section or sections of the freeway which are now, or hereafter may be, improved by the planting of at least on one side of the freeway right-of-way with lawns, trees, shrubs, flowers, or other ornamental vegetation which shall require reasonable maintenance. For the purpose of this definition, the planting for the purpose of soil erosion control, traffic safety requirements, reduction of fire hazards, or traffic noise abatement, shall not change the character of the freeway to a landscaped freeway.

(g) “To place” as used in this chapter includes any of the variants of the verb “to place” as applied to advertising displays, including the maintaining and erecting, constructing, posting, painting, printing, tacking, mailing, gluing, stitching, carving, or otherwise fastening, affixing, or

making visible, any advertising display on or to the ground, or any tree, bush, rock, fence, post, wall, building, structure or thing.

(h) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(2) Neither "advertising display," "advertising structure" or "sign" as used in this chapter includes:

(a) Official notice by a court or public body or officer.

(b) Directional, warning or information signs or structures required or authorized by law, or by Federal, State or municipal authorities.

(c) Structures containing the name of any city or county or any other information regarding civic, fraternal or religious organizations located therein. [Ord. 84 § 1, 1970.]

(3) Advertising displays placed adjacent to landscaped freeways prohibited.

No advertising display shall be placed or maintained on property adjacent to a landscaped freeway if the advertising display is designed to be used primarily by persons traveling on such freeway. [Ord. 84 § 2, 1970.]

(4) Exempt advertising displays.

The provisions of RDMC 17.30.150(3) shall not apply to any of the following listed advertising structures or signs used exclusively:

(a) To advertise the sale or lease of the property on which said advertising display is placed;

(b) To designate the name of the owner or occupant of the premises upon which said advertising display is placed, or to identify such premises;

(c) To advertise the business conducted or goods manufactured or produced or services rendered upon the property upon which said advertising is placed, provided:

(d) Signs shall not rotate or otherwise move nor shall they be so designed and operated as to simulated action.

(e) Illuminated signs shall be non-flashing and shall not be so located that any green, yellow or red light thereon will materially or practically tend to create a traffic hazard. [Ord. 84 § 3, 1970.]

(5) Hazardous displays.

Notwithstanding the provisions of RDMC 17.30.150(4), no advertising structure or sign shall be erected, constructed, relocated or maintained which constitutes or tends to constitute a hazard to the safe and efficient operations of vehicles upon a freeway or create a condition which endangers the safety of persons or property thereon. [Ord. 84 § 4, 1970.]

(6) Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, conviction thereof shall be punishable by a fine not to exceed \$500.00, or by

imprisonment in the County Jail not to exceed six months, or by both such fine and imprisonment, at the discretion of the court. [Ord. 84 § 5, 1970.]

17.30.220 Parking and Loading Facilities. [Ord. 295, 2012.]

(1) Purpose and Intent.

(a) Purpose. The general purpose of these requirements is to enhance public safety by minimizing traffic congestion, by providing for off-street motor vehicle parking and thereby permitting safe passage of passengers to and from their destinations. [Ord. 295, 2012.]

(b) Intent. The intent of these off-street parking requirements is to provide for the on-site, off-street parking of motor vehicles associated with any use or uses on the premises. More off-street parking will allow on-street parking to be limited or prohibited to permit greater utilization of streets for moving traffic. The facilities required by these requirements represent the minimum that will be required by the various land use types. It shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking even though such parking is in excess of the minimum requirements set forth in these requirements.

(2) General Parking Regulations

(a) Parking and Loading Spaces to be Permanent: Each parking and loading space shall be permanently available, marked, and maintained for parking or loading purposes. Areas not reviewed and approved for use as parking or loading shall not be used for such purposes.

(b) Parking and Loading to be Unrestricted: A lessee, owner, tenant, or other person having control of the operation of premises for which parking or loading spaces are required by this Chapter shall not prevent, prohibit, or restrict authorized persons from using the spaces without the prior approval of the Community Development Director.

(c) Vehicles for Sale: Vehicles, trailers, or other personal property shall not be parked on private property for the purpose of displaying the vehicles, trailers, or other personal property for hire, rental, or sale, unless the property is appropriately zoned, approved by the City for that use, and the person or business at that location is licensed to sell vehicles, trailers, or other personal property. However, one vehicle or trailer owned by the lessee, owner, or renter of the property may be displayed for the purpose of sale for a maximum of 30 days. This shall not be construed to allow the continued sale of vehicles.

(d) Recreational Vehicle Parking: The storage (parking for any period longer than 72 hours) of a recreational vehicle and/or boat in a residential zoning district shall be allowed only when all portions of the vehicle or boat are located entirely within the property boundaries and do not extend into the public right-of-way, including public utility easements and sidewalks.

(3) Location of Off-Street Parking

(a) Required parking facilities shall be located on the same building site and conveniently close to the use or uses they serve, and shall be designed, located, constructed and maintained so as to be fully and independently usable and accessible at all times. The required parking facilities for multi-family, commercial and industrial uses shall not be located within the required setbacks of the zone where the property is located. Lawns, yards and other landscaped areas shall not be used as parking areas.

(4) Location Exception

- (i) Exceptions to the location requirement for parking facilities for commercial uses may be allowed with a Conditional Use Permit if it is found that:
- (ii) A substitute parking area is to be provided and remain available for as long as the use to which the required parking pertains shall continue; and
- (iii) The substitute parking area is within an area designated in the General Plan for commercial or other business use and within which parking is a permitted and compatible use; and
- (iv) All or part of the substitute location is within four hundred feet (400') of the principal use for which the parking is being provided, measured in walking distance along the way open to public pedestrian passage; and
- (v) The substitute parking area is owned by the owner of the property on which the use for which the parking is being provided or is owned by a public entity empowered to provide public parking facilities; or

(5) Amount Exception

(a) Exceptions to the requirements for the number of off-street parking spaces may be allowed with a Conditional Use Permit provided evidence is submitted in support of the exception. Exceptions may be granted by the hearing officer based upon the following factors:

- (i) Geographic location of site;
- (ii) Levels of anticipated use.
- (iii) Site specific topographic constraints;
- (iv) Historically designated structures;
- (v) Proximity to urban built-up areas; and

(6) Parking and Aisle Dimensions

(a) Each parking space and drive aisle shall comply with the minimum dimension required below:

Minimum Off-Street Parking Dimensions

Parking Angle	Standard Spaces		Compact Spaces		Minimum Aisle Width (maneuvering areas)	
	Minimum Width	Minimum Length	Minimum Width	Minimum Length	One-Way	Two-Way
Parallel	8.5 ft	23 ft	7 ft	18 ft	12 ft	20 ft
30 Degrees	8.5 ft	17 ft	7.5 ft	17 ft	11 ft	20 ft
45 Degrees	8.5 ft	19.5 ft	7.5 ft	16 ft	13.5 ft	20 ft

60 Degrees	8.5 ft	21 ft	7.5 ft	17 ft	18.5 ft	20 ft
Perpendicular	8.5 ft	19 ft	7.5 ft	16 ft	25 ft	25 ft

(b) No compact car spaces shall be allowed in parking areas containing less than twelve (12) parking spaces.

(c) In lots where compact car spaces are permitted, up to twenty-five percent (25%) of all spaces in the lot may be compact car parking spaces.

(d) Compact car spaces shall be visibly marked and/or posted with signs and shall be clustered in one section of the parking area.

(7) Surfacing

(a) All parking spaces, access drives and maneuvering areas shall be improved and permanently maintained with an all-weather durable asphalt, concrete or comparable surface as approved by the Director of Public Works.

(b) Residential: Required single family residential parking spaces, access drives and maneuvering areas may be surfaced with gravel, decomposed granite or other all-weather surface as approved by the Director of Public Works, provided that the first 25 feet from a paved public street is paved with durable asphalt, concrete or comparable surface.

(8) Striping

(a) Parking spaces shall be clearly delineated with white, four-inch wide lines painted on the parking surface or with alternative materials as approved by the Director of Public Works.

(b) The striping shall be continuously maintained in a clear and visible manner in compliance with the approved plans.

(9) Curbing/Wheel Stops

(a) Curbing: Concrete curbing at least six inches in height and six inches wide shall be required for all uses, other than single family residential, for parking areas located adjacent to fences, walls, property lines, landscaped areas and structures.

(b) Individual Wheel Stops: Concrete wheel stops or comparable wheel stops approved by the Public Works Director shall be firmly attached to the ground and placed to allow two feet of front vehicle overhang within the dimension of the parking space.

(c) Curbed Walkways: Curbed walkways may be used as wheel stops and partially included in the minimum length of the parking space, provided a minimum walk walkway width of four feet remains for safe and convenient pedestrian use.

(10) Driveways and Site Access

(a) Number of Access Driveways: To limit the number of potential conflicts between pedestrians, bicyclists and motor vehicles, the number of access drives per parcel shall be the

minimum number required to serve the intended use of the parcel. The Director of Public Works in consultation with the Community Development Director and the Police Chief shall determine the permitted number of access driveways based on public safety and the intended use of the parcel.

(b) Distance From Street Corners: Each access driveway shall be located a minimum of 50 feet from the nearest intersection, as measured from the centerline of the access road driveway to the centerline of the nearest travel lane of the intersecting street, unless a lesser or greater distance is approved or required by the Director of Public Works.

(c) Access Driveway Spacing: Access driveways shall be separated along the street frontage in compliance with the following:

(i) Single Family and Duplex Development: Access driveways on a single parcel shall be separated by at least 25 feet. Access driveways on separate parcels shall be separated by at least 10 feet, unless shared single access is approved by the Director of Public Works. The separation shall not include the transition or wing sections on each side of the access drive.

(ii) Multi-Family and Non-Residential Development: Where two or more access drives serve the same or adjacent multifamily or non-residential development, the centerline of the access drives shall be separated by a minimum of 30 feet. Exceptions to this standard may be approved by the Director of Public Works.

(iii) Approval of all Access Points: Entrances from exits to streets and alleys shall require Encroachment Permits, and shall only be provided at locations approved by the Director of Public Works.

(11) Access Driveways Widths and Lengths

(a) Single Family Residential

- (i) Each single family residence shall be provided an access driveway with a minimum length of 20 feet from the back of the sidewalk, or the edge of the right-of-way where there is no sidewalk.
- (ii) The access driveway width shall be between 10 and 20 feet wide.

(b) Multi-Family or Non-Residential Developments

- (i) Two-way access driveways shall have a minimum width of 25 feet.
- (ii) One-way access driveways shall have a minimum width of 16 feet.

(12) Landscaping Requirements

Landscaping shall be provided in all areas of a site subject to development with structures, grading, or the removal of natural vegetation, as follows.

(a) Parking Areas: Parking areas, other than single-family residential and secondary units, containing three or more parking spaces shall be landscaped as follows.

(i) Landscape Materials: Landscaping shall be provided throughout the parking lot as a combination of ground cover, shrubs, and trees.

(ii) Curbing: Landscape areas shall be provided protective curbing in compliance with Section **17.30.220(8)** (Curbing).

(iii) Groundwater Recharge: The design of parking lot landscape areas shall consider and may be required to include provisions for the on-site detention of stormwater runoff, pollutant cleansing, and groundwater recharge.

(13) Perimeter Parking Lot Landscaping

All surface parking areas shall be screened from streets and adjoining properties, and open areas between the parking area and the public street shall be landscaped.

(a) Adjacent to Streets: Parking areas adjacent to streets shall subject to the following regulations:

(i) A proposed parking area adjacent to a public street shall be designed with a landscaped planting strip between the street right-of-way and parking area with a minimum depth of 6 feet.

(ii) Landscaping within the planting strip shall be designed and maintained to screen cars from view from the street to a minimum height of 18 inches, but shall not exceed any applicable height limit for landscaping within a setback.

(iii) Screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices that are determined by the review authority to meet the intent of this requirement.

(iv) Trees that reach a mature height of at least 20 feet shall be provided within the planting strip in addition to trees within the parking lot interior required by Subsection (a)(v). Trees types shall have root systems that will not extend beyond the planting area.

(v) Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 17.30.090(1) (Corner Lots – Sight Distance).

(b) Adjacent to Side or Rear Property Lines: Parking areas for nonresidential uses shall provide a screen or perimeter landscape strip where the parking area adjoins a side or rear property line unless, the sites share a joint access drive. The requirement for a landscape strip may be satisfied by a setback or buffer area that is otherwise required.

(c) Adjacent to Structures: When a parking area is located adjacent to a nonresidential structure, a landscape strip shall be provided adjacent to the structure, exclusive of any building entries, or areas immediately adjacent to the wall of the structure that serve as pedestrian access ways.

(d) Adjacent to Residential Use: A parking area for a nonresidential use adjoining a residential use shall provide a landscaped buffer setback with a minimum six-foot width between the parking area and the common property line bordering the residential use. A solid wall or fence, except for approved pedestrian access, and landscape buffer, shall be provided along the property line to address land use compatibility issues (e.g., nuisance, noise, and light/glare) as determined by the review authority.

(14) Interior Parking Lot Landscaping.

(a) Amount of Landscaping: Multi-family, commercial and industrial uses shall provide landscaping within each outdoor parking area at a minimum ratio of 10 percent of the gross area of the parking lot. Trees that reach a mature height of at least 20 feet shall be planted within the parking lot at a minimum ratio of one tree for each five parking spaces.

(b) Location of Landscaping: Landscaping shall be dispersed throughout the parking area, as follows.

(i) Parking lots with more than 50 spaces shall provide a concentration of landscape elements at primary entrances, such as trees, shrubs, flowering plants, enhanced paving, and project identification.

(ii) Landscaping shall be located so that pedestrians are not required to cross unpaved landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands, and by providing pedestrian access through landscaped areas that would otherwise block direct pedestrian routes.

(15) Parking Lot Lighting

(a) An outdoor light fixture shall be limited to a maximum height of 15 feet or the height of the nearest building, whichever is less.

(b) Outdoor lighting shall utilize energy-efficient (*Light-Emitting Diode* (LED), high pressure sodium, low pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater energy efficiency) fixtures and lamps and motion sensors and/or daylight sensors unless determined infeasible by the review authority.

(c) Lighting fixtures shall be shielded or recessed to reduce light bleed to adjoining properties, by:

(i) Ensuring that the light source (e.g., bulb, etc.) is not visible from off the site; and

(ii) Confining glare and reflections within the boundaries of the site to the maximum extent feasible.

(iii) Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no on-site light fixture directly illuminates adjacent properties.

(d) No lighting on private property shall produce an illumination level greater than one foot-candle on any property within a residential zoning district except on the site of the light source.

(e) No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness, as determined by the review authority.

(16) Required Off-Street Parking.

(a) Off-street parking facilities shall be provided for any new building constructed and for any new use established.

(i) The provisions of this subsection do not apply to existing structures located on Wildwood Avenue, south of Davis Street

(b) Off-street parking facilities shall be provided for any addition or enlargement of an existing building or use, or any manner of operation that would result in additional parking spaces being required, provided that additional parking shall be required only for such addition, enlargement, or change and not the entire building or use, unless space is available.

(c) Requirements for Lots Fronting Unimproved Roads: Whenever a use for which off-street parking is required is served by a roadway not improved to a width of forty feet (40') with asphalt or gravel, the following provisions shall be applicable:

(i) Additional improved off-street parking must be provided consistent as determined by the review authority or a parking lane may be constructed along the frontage of the lot in lieu of such additional parking requirements.

(ii) If the lot frontage exceeds one hundred twenty feet (120') the parking lane shall not be required to accommodate more than three (3) vehicles. Construction standards for the parking lane shall be as specified by the Department of Public Works in accordance with the City's Standard Improvement Specifications.

(d) Parking Requirements for Uses Not in Compliance With Current Parking Requirements.

(i) No additional parking spaces shall be required whenever existing uses not in compliance with the parking standards of this Code are transferred to new owners or operators who will continue the use without significant change, or

(ii) When new uses are initiated within existing structures which generate the same level of parking demand as the former use, or

(iii) When the new use generates a lower parking demand.

(iv) Whenever the use of any premises which is not in compliance with the parking standards of this Code is enlarged, expanded, or intensified, additional parking spaces consistent with this Code shall be provided only for the enlargement, expansion, or intensification, and not for the entire use, unless space is available.

(v) Whenever the use of any premises which is not in compliance with the parking standards of this Code is changed to a use where a higher parking demand is identified, additional parking spaces consistent with this Code shall be provided only for the additional intensity of the use, and not for the entire use, unless space is available.

(e) Levels of use, as they relate to this division, shall be determined by the Community Development Director in consultation with the Director of Public Works based on engineering standards and design studies, and the principal and conditional uses of the specific zone district.

(f) Multiple Uses and Joint Use. Whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use, except when use of the parking facilities for the different uses would not be concurrent or would otherwise not be conflicting, as determined by the Community Development Director in consultation with the Director of Public Works.

(17) Number of Parking Spaces Required

(a) Each land use shall be provided the number of off-street parking spaces required by this Section. Each space shall be independently accessible. See Sections **17.30.180(19)** and **17.30.180(20)** for off-street parking requirements for bicycles and motorcycles, respectively.

Land Use Type	Minimum Number of Required Off-Street Parking Spaces
Residential	
Single Family & Duplexes	2 spaces per dwelling unit
Multi-Family (3 or more units)	
One Bedroom or Less	1 space per dwelling unit
Two or Three Bedrooms	2 spaces per dwelling unit
Four Bedrooms or More	2.5 spaces per dwelling unit
Guest Parking	.5 spaces per dwelling unit
Commercial	
Ambulance Service	3 spaces for each emergency vehicle.
Animal Hospitals & Kennels	1 space for each 500 sq. ft. of gross floor area.
Appliance & Furniture Sales	1 space for each 500 sq. ft. of gross floor area.
Art Galleries/Studios	1 space for every 300 sq. ft. of gross floor area.
Auditoriums, Assembly Hall, Community Centers, Theaters	1 space for every 4 seats. Without fixed seats, 1 space for every 100 sq. ft. of assembly area.
Automobile & Boat Sales	4 spaces for first 10,000 sq. ft. of lot area, plus 1 space for each 3,000 sq. ft. thereafter.
Automobile Repair, Tire Sales & Repairs	3 spaces for each service stall/bay.
Banks, Credit Unions, Savings & Loans	1 space for every 250 sq. ft. of gross floor area.
Barbershops, Hair Salons	2 spaces for each chair or station.
Bed Breakfast Inns	1 space for each guest room, plus 2 additional spaces.
Hotels & Motels	1 space for each guest room, plus 2 additional spaces.
Night Clubs, Bars, Cocktail Lounges	1 space for every 200 sq. ft. of gross floor area.
Professional Offices, including Engineers, Architects, Realtors, Financial Advisors, Medical & Dental	1 space for every 250 sq. ft. of gross floor area.
Retail Sales & Service	1 space for every 250 sq. ft. of gross floor area.
Restaurants	1 space for every 4 seats or 1 space for every 200 sq. ft. of

	dining area, which is ever greater.
Shopping Centers	1 space for every 300 sq. ft. of gross floor area.

Land Use Type	Minimum Number of Required Off-Street Parking Spaces
Industrial Uses	
Mini Storage Facilities	1 space for every 20 units.
Warehouses, Wholesale Manufacturing	1 space for every 500 sq. ft. of gross floor area.
Recreational Uses	
Amusement Arcades	1 space for each 300 sq. ft. of gross floor area, plus 10 bicycle spaces/racks within 25 feet of main entrance
Recreational Uses Continued	
Batting Cages/Golf Driving Range	1.5 spaces per batting stand or tee.
Billiard/Pool Hall	2 spaces per table.
Bowling Alleys	3 spaces for each lane.
Card Room, Bingo	1 space for every 4 seats.
Fitness Clubs	1 space for every 250 sq. ft. of gross floor area.
Skating Rinks	1 space for every 500 sq. ft. of gross floor area.
Other uses	
Care, Convalescent & Nursing Homes	1 space for every 2 beds
Child Care Center	1 space per 8 children.
Churches, Worship Facilities	1 space for every 4 seats. Without fixed seats, 1 space for every 100 sq. ft. of assembly area.
Hospitals	1 space for every 2 beds
Mortuaries	1 space for every 4 seats. Without fixed seats, one space for every 100 sq. ft. of assembly area.

(b) Parking Spaces for Uses Not Specified: The parking space requirements for uses not set forth in this Code shall be fixed by the Community Development Director in consultation with the Director of Public Works based upon available studies and standards for the most comparable use.

(c) Fractional Spaces: Where the application of the parking requirement table results in a fractional parking space requirement, a fraction of 0.5 or higher shall be resolved to the higher whole number.

(d) Variable Demand: Where the demand for parking is variable because of work shifts or peak business periods, parking space requirements shall be based upon the periods of highest parking demand.

(18) Handicap Parking Facilities

(a) Parking Facilities for the Physically Handicapped: Facilities accommodating the general public, including but not limited to auditoriums, theaters, restaurants, hotels, motels, stadiums, retail establishments, medical offices and office buildings shall provide parking spaces for the physically handicapped.

(b) Location of Handicap Spaces: The handicapped parking spaces must be located so they are the closest spots to the accessible entrance and should be on ground level. The only exception is if the closest space is on a slope or uneven surface that would make it difficult to maneuver a wheelchair through. In that case, the closest flat space should be designated for handicapped parking. There must also be an accessible route between the parking spot and the entrance way. On this route there cannot be stairs or sloped surfaces, and it must be slip-proof.

(c) Size of Handicap Spaces: Handicapped parking spaces shall be at least 9 feet wide and 18 feet long. Access aisles for cars must be at least 18 feet long and 5 feet wide. Access aisles for vans must be at least 18 feet long and 8 feet wide.

(d) Number of Handicap Spaces: Parking facilities containing 1 through 25 spaces, inclusive, shall include one (1) handicapped parking space permanently signed with the international symbol of accessibility. One more handicapped space shall be provided for each additional 25 spaces or increment thereof. One out of every 8 stalls

(19) Bicycle Parking Facilities

Each multi-family and non-residential land use shall provide bicycle parking in compliance with this Section.

(a) Bicycle Parking Design, Devices and Location: Each bicycle parking or storage space shall be no less than 6 feet long by 2 feet wide, plus additional space as may be needed for access, and shall have a rack or shelter capable of supporting and securing bicycles of various types and sizes in an upright position. Each space shall be conveniently located and interfere with pedestrian walkways.

(b) Number of Bicycle Spaces: Bicycle spaces shall be required as follows:

Vehicle Parking Spaces Required	Number of Bicycle Spaces Required
3 - 25	3
26 - 50	5
51 - 75	10
76 - 100	15
100+	20

(20) Motorcycle Parking

A parking lot with 20 or more spaces shall provide motorcycle parking spaces conveniently located near the main entrance of a structure and accessed by the same aisles that provide access to the vehicle parking spaces in the lot.

(a) Number of Parking Spaces: A minimum of 1 motorcycle parking space shall be provided for each 20 vehicle spaces or fraction thereof.

(b) Space Dimensions: Each motorcycle space shall have a minimum dimension of 4 feet wide by 7 feet long.

(21) Loading Space Requirements

(a) Number of Required Loading Spaces: Non-residential uses shall provide off-street loading spaces in compliance with the Table below. Requirements for uses not listed shall be determined by the Community Development Director in consultation with the Director of Public Works based upon the requirements for comparable uses.

Required Off-Street Loading Spaces

Type of Land Use	Total Gross Floor Area	Loading Spaces required
Industrial, Manufacturing, Research and Development, Institutional and Service Uses	5,000 to 40,000 sq. ft.	1
	40,001 + sq. ft.	1 for each additional 40,000 sq. ft. up to a maximum of 3
Office and Retail Commercial	15,000 sq. ft. to 100,000 sq. ft.	1
	100,000 + sq. ft.	1 for each additional 100,000 sq. ft. up to a maximum of 3

(b) Standards for Off-Street Loading Areas: Off-street loading areas shall be provided in compliance with the following:

(i) Dimensions: Loading spaces shall be a minimum of 11 feet in width, 35 feet in length, with 14 feet of vertical clearance;

(ii) Lighting: Lighting shall also comply with the provisions of Section 17.30.180(15) (Parking Lot Lighting).

(c) Location of Loading Areas: The location of off-street loading areas shall be provided in compliance with the following:

(i) As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;

(ii) Situated to ensure that loading and unloading takes place on-site and in no case faces a public street, or is located within a required front setback, adjacent public right-of-way, or other on-site traffic circulation areas;

(iii) Situated to ensure that all vehicular maneuvers occur on-site. The loading areas shall allow vehicles to enter from and exit to a public street in a forward motion only; and

(iv) Situated to avoid adverse impacts upon neighboring residential properties and located no closer than 25 feet from a residential zoning district unless adequately screened.

(v) Loading spaces shall not be required for existing structures/uses located south of Elm Street on Wildwood Avenue.

(d) Loading Ramps: Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead clearances.

(e) Screening: Loading areas shall be screened from abutting parcels and streets with a combination of dense landscaping and solid masonry walls with a minimum height of six feet.

(f) Striping. The striping of off-street loading areas shall be provided in compliance with Section 17.30.180(8) and the following:

(i) Loading spaces shall be striped, and identified for "loading only."

(ii) The striping and "loading only" notations shall be continuously maintained in a clear and visible manner in compliance with the approved plans.

(g) Surfacing: The surfacing of off-street loading areas shall be provided in compliance with the following:

(i) All loading areas shall be surfaced with asphalt, concrete pavement, durable pervious surface, or comparable material as determined by the Director of Public Works and the City Engineer when necessary and shall be graded to dispose of all surface water to the satisfaction of the Director of Public Works;

(h) Grading Plans: All grading plans relating to the loading facilities shall be reviewed and approved by the Director of Public Works and the City Engineer when necessary before any work can commence.

(i) Modifications: The Community Development Director in consultation with the Director of Public Works based may modify the provisions of this Section, where the Community Development Director first determines that the operating, shipping, and delivery characteristics of the use do not require the number or type of loading spaces required by this Section.

17.30.230 Parkland Dedication

(1) Purpose. The purpose of these requirements is to provide opportunities for public recreation in conjunction with residential development in conformity with the General Plan.

(2) Applicability. These regulations shall apply to all divisions of land for residential uses pursuant to the Quimby Act.

(3) Requirements

(a) As a condition of approval of a Final Map or Parcel Map the subdivider shall satisfy one (1) of the following requirements, at the option of the City:

(1) For new subdivisions containing fifty-one (51) or more parcels an offer of dedication land to the City according to the formula and standards set forth in Section 17.30.190(5); or

(2) An in-lieu fee, in accordance with the provisions of Section 17.30.190(6) to provide an appropriate contribution to public parks or recreation. It shall be the County's option to decide whether dedication of land or in-lieu fees shall be required.

(b) For new subdivisions containing fifty (50) or fewer lots or parcels, an in-lieu fee shall be provided consistent with the provisions of Section 17.30.190(6); except that, if mutually agreeable, the subdivider and the City may agree to the dedication of land or a combination of dedication and fee payment.

(c) Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempted from the requirements of this section. However, a condition shall be placed on the approval of such parcel map that at the time a building permit is requested for construction of a residential structure or structures on one or more of the parcels, the fee shall be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

(4) General Standard. Public parkland and/or recreation facilities shall be provided at the rate of five (5) acres for each 1,000 persons, equal to a standard of 218 square feet per person. This standard shall be utilized pursuant to Section 17.30.190(5) for the determination of parkland dedication.

(5) Formula for Dedication of Parkland. The amount of land (per dwelling unit), where land is dedicated, shall be determined by the application of the following formula:

(a) 218 square feet per person multiplied by the average number of persons per household.

(b) The average number of persons per household shall be determined by the City based on demographic research and available City Census data from the United States Bureau of the Census.

(6) Fees In-Lieu of Land Dedication.

(a) Where a fee is required to be paid in-lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to Section 17.30.180(5). The In-Lieu Parkland Dedication Fees shall be established by Resolution and determined in conjunction with the County Assessor and/or local realtors from time to time as necessary based on the following formula:

Parkland Dedication Fee Calculation

Impact Fee = Cost per Capita¹ x Population per Development Unit²

¹Cost per Capita = .005 (5 acres per 1000 population) x Cost per Acre

²Average County Household Size

(b) If the subdivider objects to the adopted fair market value determination, the subdivider may, at his/her own expense, obtain an appraisal of property suitable for a park by a qualified real estate appraiser mutually agreed upon by the City in determining fair market value.

(c) In-Lieu Parkland Dedication Fees shall be paid to the City at the time a Building Permit is issued for each dwelling unit built on the parcel.

(7) Procedures for Determining Land Dedication, Fee Payment or a Combination of Both. The procedure for determining whether the subdivider is to dedicate land, pay a fee, or a combination of both shall be as follows:

(a) At the time of filing a Tentative Subdivision Map or Tentative Parcel Map for approval, the subdivider shall, as part of such filing, indicate whether he/she desires to dedicate property for park and recreational purposes, or whether he/she desires to pay a fee in-lieu thereof. If the subdivider desires to dedicate land for this purpose, he/she shall designate the area thereof on the subdivision map as submitted.

(b) At the time of the approval of the Tentative Subdivision Map or Tentative Parcel Map, the City shall determine as a part of such approval whether to require a dedication of land within the subdivision, payment of a fee in-lieu thereof, or a combination of both.

(c) The City may approve of the offer of land dedication, or elect to recommend that a payment of a fee in-lieu thereof be required, or that a combination of both be required. In making this determination the Planning Commission shall consider the following:

(1) The General Plan;

(2) Topography, geology, access, and location of land in the subdivision available for dedication;

(3) Size and shape of the land in the subdivision available for dedication;

(4) Feasibility of dedication;

(5) Availability and adequacy of previously acquired park property; and

(6) The desirability of fees being used for indoor recreational facilities.

(8) Credit for Private Recreation Facilities.

Where a substantial private park and recreation area is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision,

partial credit, not to exceed fifty percent (50%), may be given against the requirement of land dedication or payment of fees in-lieu thereof if the Planning Commission finds that it is in the public interest to do so and that the following standards are met:

- (a) That yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private open space;
- (b) That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions;
- (c) That the use of the private open space is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of property in the subdivision and which cannot be defeated or eliminated without the consent of the County or its successor;
- (d) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location;
- (e) That facilities proposed for the open space are in substantial accordance with the provisions of the General Plan.

Before credit is given, the Planning Commission shall make findings that the standards herein are met.

17.30.240 Public Uses.

Public uses, as defined herein, shall be permitted in any PF zone and shall obtain a use permit prior to locating in all other zones. Proposed public uses relating to the acquisition of rights-of-way shall be submitted to the Planning Commission for recommendation at least 30 days prior to acquisition. [Ord. 252 § 6.14, 2004.]

17.30.250 Public Utility Buildings and Uses.

Public utility buildings and uses, including but not limited to communication equipment buildings, substations, generating plants, geometers and transmission facilities shall be classified as quasi-public uses. [Ord. 252 § 6.15, 2004.]

17.30.260 Quasi-Public Uses.

Quasi-public uses, including public utility uses, shall be permitted in the PF zone without a use permit and may be permitted in other zones subject to the securing of a use permit; provided, however, that lines and facilities for local service shall be permitted in all zones, and that the locations of proposed transmission lines shall be discussed with and approved by the City Council prior to the acquisition of rights-of-way therefor. [Ord. 252 § 6.16, 2004.]

17.30.270 Recreational Vehicle Park Development Standards.

The following standards are hereby established for regulation of the construction and the use of land in areas designated for recreational vehicle parks:

- (1) The density of spaces in any recreational vehicle park shall not exceed 20 spaces per gross acre.
- (2) Sites with irregular terrain such as gullies, ridges and other areas having a natural grade over six percent shall not be developed for recreational vehicle use.
- (3) Recreational vehicle parks shall be sited such that access to the parks will not be through existing residential neighborhoods.
- (4) Water, sewers, electricity and other necessary utilities shall be available at the site and each space, or an appropriate performance agreement in form and cost amount to be approved by the City Engineer and the Public Works Director shall be filed with the City Clerk prior to final site plan approval to guarantee the installation of such utilities underground.
- (5) All structures, improvements, and recreational vehicle spaces are to be built with the least possible disturbance of the land. Desirable natural features and vegetation of the site shall be preserved and incorporated into the site plan.
- (6) The recreational vehicle park shall be developed with a minimum of 15 feet of open space between recreational vehicles, or to the specifications of the Fire Marshal.
- (7) No structure shall exceed two stories or 30 feet in height.
- (8) All areas not covered by structures or paved shall be landscaped and maintained in accordance with provisions of landscaping and screening as recommended by the Planning Commission of Rio Dell and approved by the Public Works Director.
- (9) Screening the perimeter of a recreational vehicle park by a wall, vegetation or other approved material may be required. All sides of a recreational vehicle park which are adjacent to a residential district shall have a wall at least six feet in height and shall have an approved landscaped area at least 10 feet in width within the required wall.
- (10) Private access ways and individual space arrangements shall be designed to accommodate the frequent movement of recreational vehicles.
- (11) Private access ways and parking spaces shall be paved in accordance with the City of Rio Dell standards and specifications.
- (12) There shall be a recreational area for guests, comprising four percent of the gross site area. This shall not include required setbacks or similar areas not usable for recreation activities.
- (13) There shall be a community building or buildings which shall provide for the recreational service needs of occupants of the recreational vehicle park. It shall include rest rooms and a laundry. The community building or buildings may be included as part of the required recreational area.

(14) Provision and location of refuse use collection shall be approved by both the City Engineer or Public Works Director and the municipal franchise holder, such approval to be noted and signed on the reproducible master copy of said site plan.

(15) Street lighting shall be provided to illuminate interior roadways and walkways for the safe movement of vehicles and pedestrians at night.

(16) All utilities and the wires of any central television or radio antenna system shall be underground.

(17) Fire protection facilities shall be provided to the satisfaction of the City Engineer, the Rio Dell Fire District and the City Public Works Department.

(18) A means for emptying sewage holding tanks must be provided as approved by the Department of Public Works and the Humboldt County Health Department.

(19) Recreational vehicle parks shall be subject to the requirements of the sanitary code of the Humboldt County Health Department unless such requirements are less restrictive than the requirements of any other applicable ordinance of the City, in which event the requirements of the City ordinances shall prevail.

(20) Expansion or modification of existing recreational vehicle parks shall be in accordance with the provisions of this title, including public hearings for the amendment of the site plan.

(21) Site plan review by the Planning Commission shall be required for all recreational vehicle parks.

(22) Establishment of recreational vehicle parks shall conform to standards established by the National Fire Protection Association in NFPA No. 501D-1977.

(23) Establishment of recreational vehicle parks shall conform to standards and regulations as stated in the State of California Administrative Code, Title 25, Chapter 5, pertaining to mobile home parks, special occupancy trailer parks, and campgrounds. [Ord. 252 § 6.12.1, 2004.]

17.30.280 Removal of Natural Materials.

A grading permit issued by the Building Official is required for all clearing or earthwork within the City of Rio Dell, except for those earthwork or clearing activities specifically exempted in Chapter 33 of the Uniform Building Code and its Appendix. [Ord. 252 § 6.17, 2004.]

17.30.290 Second Dwelling Units.

All second dwelling units, as defined herein, shall be subject to the following regulations:

(1) Applications for second dwelling units shall be considered ministerially, without discretionary review.

(2) No more than one second dwelling unit may be constructed on any site.

(3) The Planning Department shall grant a permit for a second dwelling unit which was created prior to the effective date of the ordinance codified in this section, if the Planning Department finds that the second dwelling unit complies with all of the regulations specified in this section.

(4) The Planning Department shall grant a permit for a new second dwelling unit, if the Planning Department finds that the second dwelling unit conforms with all the following regulations:

(a) The owner of the property does not have to live on a lot where a second dwelling unit is located.

(b) The lot on which the unit is proposed totals at least 5,000 square feet.

(c) The second dwelling unit contains a separate entrance, kitchen, and bathroom; both the existing dwelling and the second unit comply with all requirements of the current City of Rio Dell building code in effect at the time of building construction.

(d) The second dwelling unit maintains the scale of adjoining residences and blends into the existing setting by use of appropriate building form, height, materials, color and landscaping appropriate to that setting.

(e) The second dwelling unit does not overload the capacity of the neighborhood to absorb it or cause a concentration of units sufficient to change the character of the general area.

(f) The parking on the site conforms with the requirements set forth in RDMC 17.25.130.

(g) Maximum Size

(i) Parcels that cannot be subdivided. The size of the second dwelling unit shall not exceed 50 percent of the size of the primary dwelling unit up to a maximum of 1,200 square feet, except for second dwelling units located within the suburban and rural zones where the second dwelling unit shall not exceed 50 percent of the primary dwelling unit.

(ii) Parcels that can be subdivided. The size of the second dwelling unit shall not be restricted, provided the applicant submits a Development Plan demonstrating that the parcel could be subdivided and both residences can be sited on separate parcels and meet setback and lot coverage requirements of the zone.

(h) A mobile home or manufactured home may be used as a second dwelling unit so long as it conforms with the provisions of Section 17.30.140.

(i) The detached second unit maintains a minimum separation from the main building of 10 feet.

(j) The second dwelling unit shall be subject to the minimum yard requirements of the zoning district in which it is located.

(k) The maximum building height of a detached second dwelling unit shall be no higher than the existing dwelling up to a maximum of 24 feet.

(l) Exceptions to the minimum lot size and dwelling size may be allowed with a Conditional Use Permit, if the Planning Commission makes the following findings, in addition to the findings required for Conditional Use Permit approval in Section 17.35.030 of the RDMC:

(i) The second unit is subordinate to the principal unit and compatible with the character of the surrounding neighborhood. [Ord. 281§ 17.30.230, 2012.]

17.30.300 Signs and Nameplates.

(1) On-Site Signs. Nameplates (which shall be limited to a statement of the name, address and occupational designation of the occupant) and signs shall be permitted in conformity with the following regulations:

(a) One nameplate, not illuminated, appurtenant to any permitted use, not exceeding two square feet shall be permitted in urban residential, suburban residential, or suburban zones, and not exceeding four square feet shall be permitted in all other zones.

(b) One sign, not illuminated, to advertise the sale of property on which it is displayed and not exceeding six square feet shall be permitted in any zone; not exceeding 15 square feet shall be permitted in any CC, NC, or TC zone.

(c) Signs, not illuminated and not exceeding 100 square feet in aggregate, to advertise the sale of lots in the subdivision in which they are displayed shall be permitted with a use permit in any zone.

(d) Signs, not illuminated, appurtenant to any permitted use, not over 75 square feet in the aggregate and divided into not more than three single or double signs shall be permitted with a use permit in any zone except urban residential, suburban residential, or suburban zones.

(e) Signs, appurtenant to any permitted use and not to exceed three square feet per front foot of the site on which it is displayed; provided, that any site shall be permitted at least 50 square feet, but in no case more than 300 square feet, and divided into not more than six single- or double-faced signs, shall be permitted in any CC zone.

(f) Traffic or other municipal signs, legal notices, railroad crossing signs, public telephone signs, signs placed by a public utility showing the location of underground facilities, danger and such temporary, emergency or non-advertising signs as may be approved by the City Council shall be permitted in all districts without the necessity of obtaining a use permit.

(g) No permit for any sign shall be issued and no sign shall be constructed or maintained which does not comply with all provisions of this title or which has less horizontal or vertical clearance from communications lines and energized electrical power lines than that prescribed by the laws of the State of California or rules and regulations duly promulgated by agencies thereof.

(2) Off-Site Signs. No sign advertising a commercial good, product or service which is located on a different lot or parcel of land from which the commercial advertiser's place of business is located shall be permitted, except with a use permit. Limited temporary off-site signs providing location and other information relating to local events and activities shall be permitted if installed with the permission of the property owner. [Ord. 252 § 6.18, 2004.]

(3) Election Campaign Signs. Temporary campaign signs relating to federal, state, county, city, school district, special district, or other governmental agency elections are permitted in all zones subject to the following regulations:

- (a) Signs may be displayed up to 60 days before a scheduled election and must be removed within 10 days after the election;
- (b) Signs shall be limited to 4 square feet and 48 inches in height. No more than 4 signs shall be allowed on any one parcel;
- (c) No sign may be placed on private property without the consent of the property owner.
- (d) Signs may be freestanding or attached to existing buildings or fences. However they are not permitted on street signs, trees, shrubs, bus stops, power poles, utility cabinets or other public appurtenances;
- (e) Signs may not be placed within 15 feet of any fire hydrant, street sign or traffic signal, or interfere with, confuse, obstruct or mislead traffic;
- (f) Signs may not be placed within a public right of way, nor within 30 feet of an intersection and no closer than 3 feet from the curb. Where no curb exists, signs shall be at least 5 feet from the edge of the pavement;
- (g) Homeowners are allowed to place political signs in the windows of their property;
- (h) Signs may not be illuminated, including motion and/or flashing lights, but may be placed where existing lighting may permit them to be seen at night. [Ord. 289 17.30.260, 2012.]

17.30.310 Street Dedication and Improvement.

(1) Requirement. No building or structure shall be erected or relocated, or expanded or altered in an amount exceeding 50 percent of the value of the existing structures or improvements on said premises, and no building permit shall be issued therefore, on any lot unless such dedication and improvements have been assured to the satisfaction of the Director of Public Works, subject to the following limitations:

(a) In any zone other than TC, the maximum area of land required to be dedicated shall not exceed 25 percent of any lot area, and in no event shall such dedication reduce the lot below the required minimum lot sizes, widths and areas specified in this title unless lesser area, width or depth is approved by the City Council. In no case, however, shall such dedication be required if:

(i) Lot depth is reduced to less than 50 feet;

(ii) Lot width is reduced to less than 25 feet;

(iii) Lot area is reduced to 4,800 square feet, or to less than 80 percent of the area size of any lot that:

(A) Is less than 6,000 square feet on the date the ordinance codified in this title was adopted by the City Council;

(B) Is not required to be merged with another lot by the provisions of Section 66424.2 of the Government Code.

(b) No such dedication may be required with respect to the portion of a lot occupied by a main building, although an irrevocable offer of dedication, not to be exercised by the City while the main building exists on the land to be dedicated, may be required of the owner.

(c) No additional improvement shall be required on any lot where all of the following exist within the present dedication contiguous thereto and on the block: complete roadway, curb, gutter, and sidewalk improvements.

(2) Requirement – Private Streets. The provisions of subsection (1)(a)(ii) of this section shall apply to lots or parcels abutting a private street or road right-of-way established by recorded document or easement, with the exception that the City Planning Commission or City Council may, in lieu of requiring a dedication as hereinafter provided, require an irrevocable offer of dedication which shall be recorded and shall not become a part of the City street system until therefore accepted into the City's street system by resolution of the City Council. The Commission or City Council, as the case may be, may waive the dedication requirement of this section where it is found and determined that there is little likelihood that the remaining right-of-way adjacent to other lots or parcels in the area will be acquired for the public use and that the acquisition of said right-of-way in connection with the proposed improvements to any given parcel would be of no public benefit.

(3) Dedication Standards. Said street right-of-way shall be dedicated to and in accordance with the width, standards and right-of-way lines of the general plan.

(4) Dedication in UR and SR Zone. Dwellings or accessory buildings in the UR and SR zone shall be subject to the provisions of this subsection, where in addition the following conditions exist:

(a) The maximum area of land required to be dedicated shall not exceed 20 feet of lot depth and 25 percent of lot area and in no event shall said lot be reduced to less than 80 percent of the minimum required lot size of this title; and

(b) The right-of-way line to which dedication is required is consistent with the minimum right-of-way widths required by the City Council in the circulation element of the general plan in effect on the date of application for said building permit; or

(c) The right-of-way line to which dedication is required is not shown on any general or specific plan element, but has been established on adjoining properties on the same side of the block by the construction of street improvements, including curbs, gutters, and sidewalks, in which event dedication shall be to the greater established right-of-way line created by the reason of such street improvements, or any lesser width thereof as established by the Public Works Director or the Planning Commission if ratified by the City Council, in applying the principles of this section, and subject to subsection (4)(a) of this section.

(5) Improvements. Before a building or structure subject to the provisions of this section may be occupied or utilized, curbs, gutters, sidewalks, streets, and private drainage structures shall be constructed at the grade and location specified by the Director of Public Works, unless there already exists within the present right-of-way, on the property the owner has agreed to dedicate,

curbs, gutters, sidewalks or drainage structures and streets which shall be in accordance with City standards and RDMC Title 16, if applicable.

(6) Waiver. The Planning Commission may recommend to the City Council, upon determination of hardship, other than financial hardship, by reason of unusual circumstances applicable to the owner of any parcel of property subject to the provisions of this section, waiver of any and all provisions of this section.

(7) Appeal. Any person required to dedicate land or make improvements under the provisions of this section may appeal any determination or decision made hereunder to the City Council. Such appeal shall be in writing and shall be accompanied by any appeal fee established or set by the City Council. The appeal shall state in clear and concise language the grounds thereof. In addition, any member of the City Council may appeal any decision or determination made under this section to the City Council for hearing thereof.

The City Council may make such modifications in the requirements of this section or may grant such waivers or modification of the determinations required or made hereunder as it shall determine is required to prevent an unreasonable hardship under the facts of any case and as long as each such modification or waiver is in conformity with the general spirit and intent of this section.

(8) Improvement and Dedication in Connection with the Granting of a Zone Change, Variance or Conditional Use Permit. In addition to the provisions of this section, the Commission or Council granting any change of zone, conditional use permit or variance may, as a condition of the same, require the dedication and improvement of street rights-of-way beyond that designated on any general or specific plan element of the City, where the granting of such zone change, variance or conditional use permit would otherwise be detrimental to the public peace, health and safety by reason of increased parking, traffic congestion, or other reason occasioned by the improvement of such property under such a proposed zone change, variance, or conditional use permit.

(9) Agreement to Dedicate and Improve. In lieu of dedication, where required by this section, an owner may, subject to the discretion of the officer, board or agency authorized to accept said dedication, enter into an agreement with the City to dedicate, signed by all persons having any right, title, interest or lien in the property, or any property, or any portion thereof to be dedicated. The signatures on such agreement shall be acknowledged and the agreement shall be prepared for recordation.

In lieu of any required improvement under this section, the officer, board or agency authorized or required to accept the same may in its discretion enter into an agreement with the owner, secured by cash or surety bond to the approval of the City Attorney, guaranteeing the installation of said improvements.

(a) Failure to Dedicate or Improve. In any case where dedication or improvement is required pursuant to any provision of this section and such dedication or improvement is not made or installed within the time specified in the issuance of any permit, motion, resolution, order or ordinance by any officer, the Commission or Council, any authority to construct any building, or to receive or have a conditional use permit, variance or zone change granted or approved on the condition of such dedication or improvement shall terminate automatically unless the time to dedicate or improve is extended by the City Council, or the improvement or dedication, as the case may be, is accomplished as follows:

(i) In any case where dedication or improvement as required by this section is not made or installed within the time specified in any agreement made and entered into pursuant hereto, the Director of Public Works may forfeit any bond or security given therefor and cause said work to be performed, remitting to the owner any balance remaining after deducting the cost of said work, plus all engineering and overhead expenses. Should the cost exceed the amount of security supplied by the owner, the owner shall pay the difference upon demand, or through a tax lien upon the property.

(ii) In lieu of completing said dedication or improvement, the Director of Public Works may recommend to the City Council that the City improve and cancel and revoke all permits issued pursuant to this section.

In the event of termination, as hereinbefore provided, all rights, privileges, permits, variances, or zone changes granted pursuant to this permit are automatically rescinded and of no legal force or effect.

(10) Maintenance and Repair of Sidewalks. Anything in this chapter to the contrary notwithstanding, the maintenance and repair of sidewalk areas and the making, confirming and collecting of assessments for the cost and expenses of said maintenance and repair may be done and the proceedings therefor may be had and taken in accordance with this chapter and the procedure therefor provided in Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State as the same is now in effect or may hereafter be amended. In the event of any conflict between the provisions of said Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State and this chapter, the provisions of chapter shall control.

The owners of lots or portions of lots adjacent to or fronting on any portion of a sidewalk area between the property line of the lots and the street line, including parking strips, sidewalks, curbs and gutters, and persons in possession of such lots by virtue of any permit or right shall repair and maintain such sidewalk areas and pay the costs and expenses therefor, including a charge for the City of Rio Dell's cost of inspection and administration whenever the city awards a contract for such maintenance and repair and including the costs of collection of assessments for the costs of maintenance and repair, the first paragraph of this subsection, or handling of any lien placed on the property due to failure of the property owner to promptly pay such assessments.

For the purposes of this section, maintenance and repair of sidewalk area shall include, but not be limited to, maintenance and repair of surfaces including grinding, removal and replacement of sidewalks, repair and maintenance of curb and gutters, removal and filling or replacement of parking strips, removal of weeds and/or debris, supervision and maintenance of signs, tree root pruning and installing root barriers, trimming of shrubs and/or ground cover and trimming shrubs within the area between the property line of the adjacent property and the street pavement line, including parking strips and curbs, so that the sidewalk area will remain in a condition that is not dangerous to property or to persons using the sidewalk in a reasonable manner and will be in a condition which will not interfere with the public convenience in the use of said sidewalk area. Notwithstanding the provisions of Section 5614 of the state Streets and Highways Code, the Director of Streets and Parks may, in his or her discretion and for sufficient cause, extend the period within which required maintenance and repair of sidewalk areas must commence by a period of not to exceed ninety days from the time the notice referred to in said Section 5614 is given.

The property owner required by this section to maintain and repair the sidewalk area shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and nondangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a nondangerous condition as required by this section, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury. [Ord. 264, 2009; Ord. 252 § 6.18.5, 2004.]

17.30.320 Swimming Pools.

Any pool, pond, lake or open tank, not completely enclosed within a building, which is normally capable of containing water to a depth greater than 18 inches at any point and in which swimming or bathing is permitted to the occupants of the premises on which it is located, or their guests, and which shall not be used for commercial purposes, shall be permitted with a use permit in any zone and shall be subject to the following regulations:

(1) Such pool shall be located on the rear one-half of the lot and in any case not less than 50 feet from the front lot line. Side and rear yards shall be as required for accessory buildings, but in no case within five feet of any lot line. Filter and heating systems shall not be located within 10 feet of any lot line.

Ground coverage by a swimming pool shall not exceed 40 percent of the rear yard required of the lot on which it stands. Ground coverage by a swimming pool shall not be included in computing maximum ground coverage allotted to buildings on the lot.

(2) Such pool or the property on which it is located shall be completely enclosed by a wall or fence not less than four feet in height, containing no openings greater than four inches except for self-closing and self-latching gates on which the latch is at least four feet above ground level, in order that full control of access by children may be maintained. The minimum yard requirements set out in Chapter 17.20 RDMC shall be subject to the regulations of this section. [Ord. 252 § 6.19, 2004.]

17.30.330 Tract Offices.

Temporary tract offices located on the premises of the subdivision shall be allowed, with a use permit, in conjunction with the sale of lots in a subdivision. [Ord. 252 § 6.20, 2004.]

17.30.340 Yards.

The minimum yard requirements set out in Chapter 17.20 RDMC shall be subject to the regulations of this section.

(1) Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of two and one-half feet into such yards. Uncovered porches or stairways, fire escapes or landings may extend a maximum of six feet into front yards and three feet into side yards.

(2) Detached accessory buildings may not be located within five feet of any main building, nor within five feet of a side line, nor as to encroach on any easement. Accessory buildings attached to main buildings shall be structurally a part thereof and shall comply with main building yard requirements except as follows:

(a) A passive solar addition to a main building, as defined herein, may be permitted in the required front, rear or side yard; provided, that no such addition shall reduce the line to less than 10 feet, nor less than five feet from a side property line, and that no such addition shall occupy more than five percent of the area of the front or rear yard, nor more than 10 percent of the side yard area.

(3) If any building is so located on a lot that the front or rear thereof faces any side lot line, it shall be at least 10 feet from such side lot line.

(4) Any dwelling located in a TC zone, except a dwelling over a commercial establishment, shall provide side and rear yards as required in UR zones. [Ord. 252 § 6.21, 2004.]

(5) In any Residential Zone, where more than one-half of the block is occupied with buildings, the required front yard setback shall be the average of the improved sites, to a maximum of that required for the zone, but in no case less than 10 feet. Garages must meet the required front yard setback for the zone. [Ord. 284, 2012].

(6) In any Residential Zone, the side yard of a corner lot shall be equal to the front yard setback if any part of the main building is within 25 feet of the rear lot line or one-half the front yard setback if all parts of the main building are more than twenty-five (25) feet from the rear lot line. [Ord. 284, 2012].

Chapter 17.35
AMENDMENTS, VARIANCES AND USE PERMITS

Sections:

17.35.010 Amendments.

17.35.020 Variances.

17.35.030 Use permits.

17.35.040 Revocation of variances and use permits.

17.35.050 Appeals.

17.35.010 Amendments.

- (1) This title may be amended consistent with the following City procedures.
- (2) An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in subsection (3) of this section, or by action of the Planning Commission, or the City Council.
- (3) The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, and shall be accompanied by a filing fee adopted by resolution of the City Council, and by plans and other information as may be required to describe fully the proposed amendment.
- (4) Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- (5) Notice of the time and place of the hearing shall be given at least 10 calendar days before the hearing by publication once in a newspaper of general circulation printed and published in the City, or by posting in at least three public places in the City.
- (6) At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- (7) Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefor.
- (8) Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in subsection (5) of this section.
- (9) At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.

(10) The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council. The failure of the Planning Commission to report within 40 days after the reference of such proposed change shall be deemed to be approval of the proposed change. [Ord. 252 §§ 7.01 – 7.10, 2004.]

17.35.020 Variances.

(1) A variance from the strict application of the terms of these regulations, other than regulations directly pertaining to the use of land and buildings which are not existing nonconforming uses, may be granted upon a finding that:

(a) The location, shape, size, surroundings, topography, or other condition, applicable to the subject property, represent special circumstances, and that strict application of this title would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;

(b) The variance is necessary for the enjoyment and preservation of substantial property rights enjoyed by other property owners in the same vicinity and zoning district; and

(c) The variance is consistent with the general plan.

(2) Application for a variance shall be filed in the office of the City Clerk upon a form provided, and shall be accompanied by a filing fee adopted by resolution of the City Council and by such other information as may be required to describe fully the proposed variance.

(3) Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.

(4) Notice of the time and place of the hearing shall be given at least 10 calendar days before the hearing by prepaid U.S. mail notices to owners of property adjoining that of the petitioner, using addresses from the last assessment roll, or by publication once in a newspaper of general circulation printed and published in the City and by posting said notice in conspicuous places close to the property affected.

(5) At the public hearing, the Planning Commission shall hear any person affected by the proposed variance. The hearing may be continued from time to time, but shall be concluded within 60 days of the commencement thereof.

(6) Within 30 days of the conclusion of the hearings, the Planning Commission shall grant or deny the variance. The grant of a variance may be made subject to terms and conditions attached thereto and made a part thereof. The action of the Planning Commission shall be expressed in writing and shall contain findings of fact as to the satisfaction of the conditions set out in subsection (1) of this section. Failure of the Planning Commission to act within 30 days of the conclusion of the hearing shall be deemed to be a denial of the application on that date. The decision of the Planning Commission shall become final 10 days from the date thereof, unless an appeal has been taken within that time. [Ord. 252 §§ 7.20 – 7.25, 2004.]

17.35.030 Use Permits.

(1) Use permits provide a process for reviewing uses and activities that may be desirable in the applicable zoning district, but whose effect on the site and surroundings cannot be determined before being proposed for a particular location. A use permit is required to authorize proposed land use activities identified by Chapter 17.20 RDMC, Regulations for the Principal Zones, and certain uses described in this chapter. This procedure applies to uses allowable in the applicable zoning district subject to the approval of a use permit.

(2) An application for a use permit shall be filed with the City Clerk using forms provided by the City Clerk. Applications shall include all necessary information and materials that are required by the City of Rio Dell and the payment of fees and/or deposits established by resolution of the City Council. Each application shall be analyzed by the City to ensure that the application is complete.

(3) Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.

(4) Such hearing shall be conducted, and notice thereof shall be given, in the same manner as a hearing upon an application for a variance, RDMC 17.35.020(4).

(5) The Planning Commission may approve or disapprove an application for use permit. The Planning Commission shall record the decision and the findings on which the decision is based. The Planning Commission may approve a use permit only after first making all of the following findings:

(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

(b) The proposed use is consistent with the general plan and any applicable specific plan;

(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

(6) Within 30 days of the conclusion of the hearing, the Planning Commission shall grant or deny the use permit. The granting of any use permit may be made subject to terms and conditions attached thereto and made a part thereof. Failure of the Planning Commission to act within the time set out therein shall be deemed to be a denial of the application on that date. The action of the Planning Commission shall become final 10 days from the date thereof, unless an appeal has been taken within that time. [Ord. 252 §§ 7.30 – 7.34, 2004.]

17.35.040 Revocation of Variances and Use Permits.

In any case where the terms and conditions of a grant of a variance or use permit are not complied with, the Planning Commission shall give notice to the holder of such variance or use permit of its intention to revoke such variance or use permit. Proceedings for the revocation of a variance or use permit shall be conducted in the same manner as proceedings for the grant of a variance or use permit. [Ord. 252 § 7.40, 2004.]

17.35.050 Appeals.

(1) The City Manager or any person aggrieved by an action of the Planning Commission may take an appeal to the City Council by filing a notice of appeal with the City Clerk and with the Planning Commission within 10 days of the action of the Planning Commission. The City Manager is authorized to submit appeals without any further pre-submittal action by the City Council. The notice of appeal filed with the City Clerk shall be accompanied by a filing fee adopted by resolution of the City Council. No filing fee shall be required for any appeal filed by the City Manager. Upon receipt of the notice of appeal, the Planning Commission shall transmit to the City Council all the papers constituting the record upon which the action appealed from was taken.

(2) The City Council shall consider the appeal and the record upon which the action appealed from was taken and shall cause the matter to be set for a public hearing.

(3) Notice of the hearing shall be given as provided in RDMC 17.35.020(4).

(4) Within 60 days of the filing of the notice of appeal, the City Council shall render its decision on the matter. Failure of the City Council to render its decision on the matter within 60 days of the filing of the notice of appeal shall be deemed to be a denial of the appeal and an affirmation of the action of the Planning Commission.

(5) The decision of the City Council upon an appeal is final and conclusive as to all things involved in the matter. [Ord. 252 §§ 7.50 – 7.54, 2004.]

Chapter 17.40 ENFORCEMENT

Sections:

17.40.010 Issuance of Permits in Violation of Regulations.

17.40.020 Violation of Regulations.

17.40.030 Penalty.

17.40.040 Declaration of Public Nuisance.

17.40.050 Remedies.

17.40.060 Community Development Director Responsible for Enforcement of this Title.

17.40.010 Issuance of Permits in Violation of Regulations.

All departments, officers and public employees vested with the duty or authority to issue permits, certificates or licenses for uses, buildings or purposes within the City in conflict with the provisions of these regulations, and any such permit, certificate or license issued in conflict with the provisions of these regulations shall be null and void. [Ord. 252 § 8.01, 2004.]

17.40.020 Violation of Regulations.

Any person, whether principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment. [Ord. 252 § 8.02, 2004.]

17.40.030 Penalty.

Notwithstanding any other provisions of this title, including RDMC 17.40.020, any person, whether principal, agent, employee or otherwise who violates RDMC 17.30.030 or 17.30.170 shall be guilty of a misdemeanor and may be punished as follows:

- (1) By imprisonment in the County Jail not to exceed six months; or
- (2) A fine not to exceed \$1,000 for violations of RDMC 17.30.030 and a fine not to exceed \$500.00 for violations of RDMC 17.30.170; or
- (3) A combination of such imprisonment and fine. [Ord. 252 § 8.02.5, 2004.]

17.40.040 Declaration of Public Nuisance.

Any building or use operated or maintained contrary to the provisions of these regulations shall be, and the same is hereby declared to be, a public nuisance and shall be subject to injunction and abatement as such. [Ord. 252 § 8.03, 2004.]

17.40.050 Remedies.

The remedies provided herein shall be cumulative and not exclusive. [Ord. 252 § 8.04, 2004.]

17.40.060 Community Development Director Responsible for Enforcement of this Title.

(1) The Community Development Director shall be responsible for the enforcement of the provisions of this title. [Ord. 304, 2013.]

(2) This title may be enforced by an authorized representative of the Community Development Director. [Ord. 304, 2013.]

(3) The Chief of Police is hereby designated as an authorized representative of the Community Development Director. [Ord. 304, 2013.]

(4) The Community Development Director, or his authorized representative(s), shall have authority to request entry to any building, structure, or premises, during normal business hours for the purpose of performing his/her official duty. [Ord. 252 § 8.05, 2004.] [Ord. 304, 2013.]