

# 17. ZONING

## Title 17 ZONING

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## Chapter 17.04

### INTRODUCTORY PROVISIONS AND DEFINITIONS

#### Sections:

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#### 17.04.010 General purpose.

An official land use zoning ordinance for the city is adopted and established to serve the public health, safety, comfort, convenience and general welfare and to provide the economic and social advantages resulting from an orderly planned use for the future growth and development of the city. (Ord. 55 § 1.00, 1980)

#### 17.04.020 Short title.

This title shall be known as the “Land Use Zoning Ordinance for the City of Amador City.” (Ord. 55 § 2.00 (part), 1980)

#### 17.04.030 Definitions.

For the purpose of this title certain terms and words are defined.

When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number and the masculine includes the feminine. The word “shall” is always mandatory and not merely directory.

“Accessory building” means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located in the same lot with the main building or use.

“Accessory use” means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

“Alley” means a public way permanently reserved as a secondary means of access to abutting property.

“Apartment hotel” means a building or portion thereof designed for or containing both individual guest rooms or

suites of rooms and dwelling units.

“Apartment house” means a building, or portion thereof, designed for or occupied by three or more families living independently of each other.

“Automobile service station” means a filling station to supply gasoline and oil to motor vehicles and provide minor servicing and sales of motor vehicle accessories.

“Boarding and rooming house” means a building or portion thereof which is used to accommodate, for compensation, five or more boarders or roomers, not including members of the occupant’s immediate family who might be occupying such building. The word “compensation” shall include compensation in money, services or other things of value.

“Building” means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind.

“Building height” means the vertical distance from the average finished ground level of the site to the highest point of the structure.

“Building site” means the ground area of a building or group of buildings together with all open spaces as required by this title.

“Bungalow court” means a group of three or more detached one-story, one-family, or two-family dwellings located upon a single lot, together with all open spaces as required by this title, but not including tourist courts.

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

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

“Dwelling” means a building or portion thereof designed for or occupied for residential purposes, including one-family, two-family, and multiple dwellings, but not including hotels, boarding and lodging houses and trailers.

Dwelling, One-Family. “One-family dwelling” means a detached building designed for or occupied exclusively by one family.

Dwelling, Two-Family. “Two-family dwelling” means a detached building designed for or occupied exclusively by two families living independently of each other.

“Dwelling group” means a combination or arrangement of dwellings on one building site.

Dwelling, Multiple-Family. “Multiple-family dwelling”

means a building, or portion thereof, designed for or occupied by three or more families living independently of each other.

“Dwelling unit” means one or more rooms in a dwelling, apartment house, or apartment hotel designed for or occupied by one family for living or sleeping purposes and having not more than one kitchen.

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

“Family” means an individual or two or more persons related by blood or marriage, or a group of not to exceed five persons, (excluding servants) living together as a single housekeeping unit in a dwelling unit.

“Flagpole or panhandle lots” mean a narrow projecting strip of land contiguous with a lot.

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

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

“Grade” (group level) means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, said ground level shall be measured at the sidewalk.

“Home occupation” means an occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display; no stock in trade nor commodity sold upon the premises; no person employed; and no mechanical equipment used except such as is necessary for housekeeping purposes.

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

“Hotel” means a building designed for, or occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six or more guest rooms, and in which no provision is made for cooking in any individual room or suite.

“Lot” means a parcel of real property as shown with a separate and distinct number or letter on a plot recorded or filed with the recorder of Amador County, state of California, or a parcel of real property abutting upon at least one public street and held under separate ownership prior to the effective date of the ordinance codified in this title.

“Lot area” means the total horizontal area within the lot

lines of a lot.

**Lot, Corner.** “Corner lot” means a lot situated at the intersection of two or more streets having an angle of intersection of not more than one hundred thirty-five (135) degrees.

**Lot Coverage, Maximum.** “Maximum lot coverage” means a total of ground floor areas of all buildings, including accessory buildings and structures, occupying a lot or parcel, expressed as a percentage of the total area of such lot or parcel.

**Lot, Interior.** “Interior lot” means a lot other than a corner lot.

**Lot Line, Front.** “Front lot line” on an interior lot shall be the property line adjacent to the abutting street or if the property line is within the adjacent street, then the front lot line shall be the edge of pavement or if there is no pavement then the edge of the traveled way of the abutting streets. On corner lots, the front lot line as defined above shall be located along the shorter of any adjacent two abutting streets except in cases where a different front lot line is shown on a final or parcel map.

**Lot Line, Rear.** “Rear lot line” means the line opposite the front lot line.

**Lot Line, Side.** “Side lot line” means any lot lines other than front lot lines or rear lot lines.

**“Manufactured home”** means a residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part which is either wholly manufactured or is in substantial part manufactured at an off site location to be wholly or partially assembled on site in accordance with building standards published in the State Building Standards Code. Manufactured home does include a mobile home which was constructed after July 1, 1976, and was issued an insignia of approval by the U.S. Department of Housing and Urban Development.

**“Mobile home”** means a vehicle registered with the California Department of Motor Vehicles and designed and equipped for living purposes which is over eight feet in overall width and more than forty (40) feet in overall length.

**“Modular home”** means a manufactured home which meets the current Uniform Building Code (UBC) adopted

by the city; the same as a conventional on-site constructed dwelling. A modular home is not subject to the Federal Department of Housing and Urban Developments nationwide mobile home construction and safety standards code; and therefore, a modular home is not a mobilehome. A modular home meeting the current UBC may be placed in any zone allowing single-family residential dwellings.

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

**“Nonconforming use”** means the use of a structure or premises conflicting with the provisions of this title.

**Occupancy, Change of.** “Change of occupancy” means a discontinuance of an existing use and substitution therefor of a use of a different kind or class.

**“Occupied”** includes arranged, designed, built, altered, converted, rented, or leased, or intended to be occupied.

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

**“Recreational vehicle”** means a motorhome, travel trailer, truck camper, or camping trailer, with or without motor power, designed for human habitation for recreation or emergency occupancy or the conduct of any business, is eight feet or less in overall width and forty (40) feet or less in overall length, or a bus conversion for human habitation.

**School, Elementary or High.** “Elementary or high school” means an institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California (High schools include “Junior” and “Senior.”)

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

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

**“Street”** means a public thoroughfare which affords the principal means of access to abutting property.

**“Structure”** means anything constructed or erected,

which requires location on the ground, or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height.

“Super service station” means an automobile service station which supplies gasoline diesel fuel to motor vehicles, and including grease racks or elevators, wash racks or pits, tire repairs, battery servicing and repairing, ignition service, sales of motor vehicle accessories and other customary services for automobiles, but excluding painting, body work, and steam cleaning.

“Trailer house” means any unit designed for or used for living or sleeping purposes and which is equipped with wheels or other similar devices used for the purpose of transporting the unit from place to place, whether by motive power or by other means.

“Trailer park or camp” means any area or premises where two or more house trailers are located and used as living or sleeping quarters.

“Tourist court” means a group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit, including auto courts, motels, or motor lodges.

“Use” means the purpose for which land or building is designed, arranged, or intended, or for which either is or may be occupied or maintained.

“Yard” means an open space other than a court, on a lot unoccupied, and unobstructed from the ground upward, except as otherwise provided in this title.

Yard, Front. “Front yard” means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

Yard, Rear. “Rear yard” means a yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line

Yard, Side. “Side yard” means a yard between the main building and the side lot line extending from the rear line of the required front yard, or the front line where no front yard is required, to the rear yard the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line toward the

nearest part of a main building. (Ord. 158 (part), 2004; Ord. 99 § 11, 1991; Ord. 87 § 1, 1989; Ord. 56 § 1, 1982; Ord. 55 §§ 2.00 (part)—2.53, 1980)

## Chapter 17.08

### ZONING DISTRICTS DESIGNATED

#### Sections:

- 17.08.010 Establishment of zones.**
- 17.08.020 Map.**
- 17.08.030 Boundaries of zones.**
- 17.08.040 Uses permitted in zones.**
- 17.08.050 Zoning upon annexation.**

#### **17.08.010 Establishment of zones.**

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

<b>R-1</b>	One-family zone
<b>R-2</b>	Two-family zone
<b>R-3</b>	Limited multiple-family dwelling zone
<b>R-4</b>	Multiple-family dwelling zone
<b>C-1</b>	Limited commercial zone
<b>C-2</b>	Commercial zone
<b>M-1</b>	Light manufacturing zone
<b>A-T</b>	Agricultural transition zone
<b>SP</b>	Special planning zone.

(Ord. 64 § 1, 1985; Ord. 55 § 3.00, 1980)

#### **17.08.020 Map.**

The zones aforesaid and the boundaries of such zones are shown upon the map attached hereto and made a part of the ordinance codified in this title, being designated as the "zoning map," and such map and all the notations, references, and other information shown thereon shall be as much a part of this title as if the matters and information set forth by such map were all fully described in this chapter. (Ord. 55 § 3.01, 1980)

#### **17.08.030 Boundaries of zones.**

Where uncertainty exists as to the boundaries of any zone shown on the zoning map, the following rules shall apply:

A. Where such boundaries are indicated as approximately following street and alley lines or lot lines,

such lines shall be construed to be such boundaries;

B. In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map;

C. In case any uncertainty exists, the planning commission shall determine the location of boundaries;

D. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street or alley;

E. Where any private right-of-way or easement of any railroad, railway, canal, transportation, or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned property;

F. All property in the city not otherwise classified, and all property hereafter annexed and not zoned upon annexation, is classified as R-1 zone. (Ord. 55 § 3.02, 1980)

#### **17.08.040 Uses permitted in zones.**

Except as hereinafter provided: A. No building shall be erected, and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building or premises be used, designed or intended to be used, for any purpose or in any manner other than a use listed in this title or amendments thereto, as permitted in the zones to which such land, building or premises is located.

B. No building shall be erected nor any existing building be moved, reconstructed, or structurally altered to exceed in height the limit established by this title or amendments thereto, for the zone in which such building is located.

C. No building shall be erected nor shall any existing building be moved, altered, enlarged, or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the building site requirements and the area and yard regulations established by this title or amendments thereto, for the zone in which such building is located;

D. No yard or other open space provided about any building for the purpose of complying with the regulations of this title, or amendments thereto, shall be considered as providing a yard or open space for any other building or structure. (Ord. 55 § 3.03, 1980)

**17.08.050 Zoning upon annexation.**

In any petition for the annexation of property to the city, the petitioner shall request in his or her petition how he or she desires the property to be zoned, provided the same is annexed to the city. Copies of the petition shall at the same time be filed with the county boundaries commission and the city planning commission, and the planning commission may immediately give notice of its intention to consider the petition for annexation and for zoning the property as requested at a hearing before the planning commission. The notice shall be by one publication in a newspaper circulated in the city giving notice of its intention to recommend annexation and recommend the zoning of the property if annexation is completed. Notice shall be so given by publication at least ten (10) days prior to the hearing. Upon completion of the hearing the planning commission shall make its recommendation to the city within thirty (30) days, or the city council by resolution. The recommendation of the planning commission shall be final, unless an appeal to the city council is made within thirty (30) days, or the city council may act upon the matter without such an appeal, if done so within forty-five (45) days from the date of the recommendation. After receiving such recommendation, the city council shall by resolution, give notice of the filing of the petition, the proposal to annex, and its proposal to zone the property in a specific way, provided such annexation is completed.

The notice of zoning shall be consolidated with a notice required for annexation of property to the city, and shall comply with the law for the requirements of both notices of annexation and for zoning.

Upon the hearing of the proposal to annex and zone, in addition to the ordinance for annexation, the city council shall zone the property in the manner required by law, pursuant to its notice and upon the completion of the annexation, the zoning of the property shall automatically take effect. (Ord. 55 § 19.00, 1980)

**Chapter 17.12**

**R-1 ONE-FAMILY DWELLING ZONE**

**Sections:**

- 17.12.010 Generally.**
- 17.12.020 Use permitted.**
- 17.12.021 Second dwelling units.**
- 17.12.030 Agricultural uses.**
- 17.12.040 Building height.**
- 17.12.050 Front yard.**
- 17.12.060 Side yard.**
- 17.12.070 Rear yard.**
- 17.12.080 Area requirements.**
- 17.12.081 Street frontage required.**
- 17.12.090 Distance between buildings on the same lot.**

**17.12.010 Generally.**

The following regulations shall apply in the R-1 one-family dwelling zone unless otherwise provided in this title. (Ord. 55 § 4.00, 1980)

**17.12.020 Uses permitted.**

- A. A one-family dwelling;
- B. The accessory buildings necessary to such use located on the same lot or parcel of land including a private garage;
- C. Maintaining mail address for commercial, professional, and business license purposes only, provided no stock in trade, supplies, professional equipment, apparatus, or business equipment are kept on the premises, and provided that no employees or assistants are engaged for such services on the premises;
- D. Private greenhouses and horticultural collections, flower and vegetable gardens, fruit trees. (Ord. 55 § 4.01, 1980)

**17.12.021 Second dwelling units.**

A. Second Dwelling Units Exclusively for Senior Citizens. Upon approval of a conditional use permit, the city council may approve a second attached or detached dwelling unit to be used exclusively for senior citizens, for construction on any lot in the R-1 zoning district, provided that the required use permit findings are made, and that the following standards are met:

- 1. That the second dwelling unit shall not exceed

six hundred (600) square feet in size. The unit may be constructed as an integral, attached part of the main dwelling unit in such a manner that the entire structure maintains the general appearance of a single-family dwelling or it may be a separate detached dwelling unit.

2. That the lot area on which the second dwelling unit is constructed is not less than twelve thousand (12,000) square feet and that street access and off-street parking is sufficient to accommodate the use.

3. That the unit will only be occupied by a person or persons sixty-two (62) years or age or older. The city may require the property owner to present evidence at any time regarding the age of the occupant.

4. The city may attach any conditions deemed necessary to provide for the use and neighborhood compatibility. Prior to the issuance of a building permit, all fees applicable to new dwelling units shall be paid to the city.

5. One additional off-street parking space shall be required in addition to the one space required for the main dwelling unit.

B. Second Dwelling Units - Splitable Lots. A detached second unit on a splitable lot shall not be permitted unless the following criteria are met.

1. That the lot has sufficient size and frontage to allow the property to be divided in the future through the parcel map or final map process into two lots meeting the minimum development and minimum access standards of the zoning district. The new proposed dwelling unit shall be sited in a way to allow for a future land division honoring the setbacks of the base district.

2. Conditions shall be attached to any such 2nd unit permit approval to provide for separation of utilities and access, so that the second dwelling unit may be separated in the future for purposes of sale, lease or finance. Separate 3/4" water meter (or current Water Agency Requirements) with adequate pressure, a separate sewer connection and a separate building access shall be required prior to construction.

3. Prior to the issuance of a building permit, all fees applicable to single-family dwelling construction, including connection, park, impact and recreation fees shall be paid to the city.

4. One off street parking space shall be provided for the second dwelling unit.

5. One of the units on the property must be occupied by the property owner at all times. Upon approval of the

2nd unit permit, there is no age limit on the occupants of either unit. The city shall require the property owner, prior to the issuance of a building permit for the new construction, to file an advisory deed restriction outlining the owner occupancy requirement. The purpose of the deed restriction is to create a perpetual notice to the new purchases of the land of the owner occupancy requirement (and prohibit creation of a duplex).

6. A second detached unit including any garage shall not be less than three hundred (300) square feet and not exceed eight hundred (800) square feet in size.

7. All other standards of this chapter shall apply. This section may not be required to come under ministerial permits since we provide for second units on standard lots in Chapter 17.16.

8. A detached second unit must also obtain an architectural or design review permit.

C. Second Dwelling Units - Pre 2003 homes (Attached Units Only). A second unit within a single family home in an R-1 or R-2 zone built prior to 2003 and new construction on lots existing prior to 2003 shall not be permitted unless the following criteria are met.

1. The lot contains at least the minimum lot size currently required by the base-zoning district.

2. Prior to the issuance of a building permit, all fees applicable to duplex dwelling construction, including impact, connection, park and recreation fees, shall be paid to the city.

3. One off street parking space shall be available for the existing unit and one off street parking space shall be provided for the second dwelling unit. The city shall require that the parking area be surfaced with paving of pervious materials (not gravel) and that no street parking or sidewalk access will be lost or obstructed. Front yard landscaping shall not be converted to parking. Landscaping shall screen views from the street and neighboring homes to newly surfaced areas.

4. The second dwelling unit shall be not less than three hundred (300) square feet or more than six hundred (600) square feet in size. The unit shall be constructed within the existing footprint of the dwelling unit. Conversion of garages and accessory buildings is not permitted. Second unit entrances shall be hidden from view from the street and shall be screened from neighboring properties.

5. One of the units on the property must be occupied by the property owner at all times. Upon approval of the 2nd unit permit, there is no age limit on the occupants of either unit. The city shall require the property owner prior to the issuance of a building permit for the new construction, to file an advisory deed restriction outlining the owner occupancy requirement. The purpose of the deed restriction is to create a perpetual notice to new purchasers of the land of the owner occupancy requirement.

6. The materials, colors and architecture shall match those of the main home. Any lighting shall not spill over on to neighboring lots.

7. The second unit must meet all building and fire codes.

8. The lot coverage shall not exceed thirty-five (35) percent of the lot area.

9. All other R-1 Single family requirements shall apply. When numerical limits exist, the same limits remain for both primary and second units combined and are not increased.

10. Administrative second unit permits shall be reviewed by a committee consisting of the city planner, city engineer and city clerk at a publicly noticed administrative review meeting. The city shall notify property owners of record within three hundred (300) feet of the meeting date and place. Appeal shall be to the city council. The appeal must be in writing and filed with the city clerk within ten (10) days after the committee's decision.

11. Severability clause: If any portion of this chapter is determined to legally unenforceable, all other portions shall remain in effect.

D. Post - 2002 Constructed Single family Homes in R-1 and R-2 Zones. (Home constructed after January 1,2003). All conditions of subsection 17.20.021 (C) shall apply except that subsection 17.20.021(C)(4) shall be replaced by:

The 2nd dwelling unit shall not be less than three hundred (300) square feet or more than six hundred (600) square feet. The unit may be within the primary home, detached or above a garage. However, conversion of garages and accessory buildings is not permitted. Second unit entrances shall be hidden from view from the street and shall be screened from neighboring properties.

In adopting subsections 17.20.021(B), (C), and (D), the city recognizes that the approval of second dwelling units may, in some instances, result in dwelling densities exceeding the maximum densities prescribed by the general

plan. The city finds that this occurrence is consistent with the general plan as allowed under State Planning and Zoning law applicable to second dwelling units, and that the amendment furthers the goals, objectives and policies of the general plan housing element.

E. Guest Houses. "Guest Houses" means living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guest of the occupants of the premises; such quarters may have a bath and toilet facilities, but no kitchen facilities and not be rented or otherwise used as a separate dwelling. Guest houses must be less than three hundred (300) square feet in area. All other detached building with toilet facilities on a lot with an approved guest house are considered 2nd units and must meet the requirements of this chapter. (Ord. 155 § 1, 2003: Ord. 153 § 1, 2003)

#### **17.12.030 Agricultural uses.**

Subject to the applicable provisions of any other law or ordinance, general agricultural and horticultural uses, including the raising of poultry or small animals on a commercial basis, general animal husbandry, dairying and uses customarily incident thereto, but excluding the raising of hogs, shall be permitted on parcels in the R-1 zone, which exceed one acre in area, provided that on parcels of less than three acres in area the raising and keeping of animals for commercial purposes shall be subject to a use permit in each case. (Ord. 55 § 5, 1980)

#### **17.12.040 Building height.**

Two and one-half stories and not to exceed thirty (30) feet. (Ord. 55 § 4.02, 1980)

#### **17.12.050 Front yard.**

There shall be front yard of not less than twenty (20) feet except where lots comprising forty (40) percent or more of the frontage of on its side of the street between intersecting streets and developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.

In determining such front yard depth, buildings located more than thirty-five (35) feet from the front property line or buildings facing a side street on a corner lot shall not be counted, nor shall buildings built before 1945. (Ord. 78, 1987: Ord. 55 § 4.03, 1980)



**17.12.060 Side yard.**

There shall be a side yard on each side of a main building of not less than five feet, except that on the street side of corner lots there shall be a side yard of not less than twelve (12) feet. (Ord. 55 § 4.04, 1980)

**17.12.070 Rear yard.**

There shall be a rear yard behind every main building of not less than ten (10) feet. (Ord. 55 § 4.05, 1980)

**17.12.080 Area requirements.**

The length of a lot shall not exceed four times the width. The minimum lot area shall be not less than seven thousand (7,000) square feet per dwelling unit, provided, however, that when a lot has less than five thousand (5,000) square feet and was recorded at the time of the passage of the ordinance codified in this title, the lot may be occupied by not more than one dwelling unit.

For residential buildings the minimum floor area exclusive of open porches and garages, shall be not less than seven hundred fifty (750) square feet.

Maximum lot coverage shall be thirty-five (35) percent.

No flagpole or panhandle lots shall be created. (Ord. 158 (part), 2004; Ord. 99 § 5, 1991; Ord. 77 § 1, 1987; Ord. 55 §4.06, 1980)

**17.12.081 Street frontage required.**

Except as permitted by other provisions of this title, no lot shall contain any building used in whole or in part for residential purposes, unless such lot abuts for a least seventy-five (75) feet on a street except that where cul-de-sacs are approved, the minimum of any lot abutting on such cul-de-sac shall be fifty-five (55) feet. Existing lots of record which abut on a street for less than seventy-five (75) feet are exempt from the forgoing requirement. (Ord. 158 (part), 2004)

**17.12.090 Distance between buildings on the same lot.**

There shall be a minimum distance of six feet between a building used for dwelling purposes and an accessory building.

There shall be a minimum distance of six feet between accessory buildings. (Ord. 55 § 4.07, 1980)

**Chapter 17.16**

**R-2 TWO-FAMILY DWELLING ZONE**

**Sections:**

- 17.16.010 Generally.**
- 17.16.020 Uses permitted.**
- 17.16.030 Building height.**
- 17.16.040 Front yard.**
- 17.16.050 Side yard.**
- 17.16.060 Rear yard.**
- 17.16.070 Area requirements.**
- 17.16.080 Distance between buildings on the same lot.**

**17.16.010 Generally.**

The following regulations shall apply in the R-2 two-family dwelling zone unless otherwise provided in this title. (Ord. 55 § 6.00, 1980)

**17.16.020 Uses permitted.**

- A. Any use permitted in the R-1 zone;
- B. A two-family dwelling or two one-family dwellings;
- C. The accessory buildings necessary to such use, located on the same lot or parcel of land. (Ord. 55 §6.10, 1980)

**17.16.030 Building height.**

Same as for R-1 zone, Section 17.12.040. (Ord. 55 § 6.02, 1980)

**17.16.040 Front yard.**

There shall be a front yard of not less than twenty (20) feet, except where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average yard with a variation of not more than ten (10) feet, no buildings hereafter erected or structurally altered shall project beyond the average front yard line so established.

In determining such front yard depth, buildings located more than thirty-five (35) feet from the front property line or buildings facing a side street on a corner lot shall not be counted. (Ord. 55 § 6.03, 1980)

**17.16.050 Side yard.**

Same as for R-1 zone, Section 17.12.060. (Ord. 55 § 6.05, 1980)

**17.16.060 Rear yard.**

Same as for R-1 zone, Section 17.16.070. (Ord. 55 § 6.05, 1980)

**17.16.070 Area requirements.**

The length of a lot shall not exceed four times the width. The minimum lot area shall be not less than three thousand five hundred (3,500) square feet per dwelling unit, provided, however, that when a lot has less area than herein required and not less than five thousand (5,000) square feet and was recorded at the time of the passage of the ordinance codified in this title, the lot may be occupied by not more than one dwelling unit.

Maximum lot coverage shall be thirty-five (35) percent. (Ord. 99 § 6, 1991; Ord. 55 § 6.06, 1980)

**17.16.080 Distance between buildings on the same lot.**

There shall be a minimum distance of ten (10) feet between buildings used for dwelling purposes.

There shall be a minimum distance of six feet between a building used for dwelling purposes and an accessory building.

There shall be a minimum distance of six feet between accessory buildings. (Ord. 55 § 6.07, 1980)

**Chapter 17.20**

**R-3 LIMITED MULTIPLE-FAMILY ZONE**

**Sections:**

- 17.20.010 Generally.**
- 17.20.020 Uses permitted.**
- 17.20.030 Building height.**
- 17.20.040 Front yard.**
- 17.20.050 Side yard.**
- 17.20.060 Rear yard.**
- 17.20.070 Area requirements**

**17.20.010 Generally.**

The following regulations shall apply in the R-3 limited multiple-family dwelling zone unless otherwise provided in this title. (Ord. 55 § 7.00, 1980)

**17.20.020 Uses permitted.**

- A. Any use permitted in the R-1 and R-2 zones;
- B. Three-family dwellings, four-family dwellings, and bungalow courts;
- C. The accessory buildings necessary to such use located on the same lot or parcel of land. (Ord. 55 § 7.01, 1980)

**17.20.030 Building height.**

Same as R-1 zone, Section 17.12.040. (Ord. 55 § 7.02, 1980)

**17.20.040 Front yard.**

There shall be a front yard of not less than fifteen (15) feet except where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.

In determining such front yard depth, buildings located more than thirty-five (35) feet from the front property line or buildings facing a side street on a corner lot shall not be counted. (Ord. 55 § 7.03, 1980)

**17.20.050 Side yard.**

Same as R-1 zone, Section 17.12.060. (Ord. 55 § 7.04, 1980)

**17.20.060 Rear yard.**

Same as R-1 zone, Section 17.12.070. (Ord. 55 § 7.05, 1980)

**17.20.070 Area requirements.**

The minimum lot area shall be not less than one thousand five hundred (1,500) square feet per dwelling unit.

There shall be a minimum distance of ten (10) feet between buildings used for dwelling purposes.

There shall be a minimum distance of six feet between a building used for dwelling purposes and an accessory building.

There shall be a minimum distance of six feet between accessory buildings.

Maximum lot coverage shall be thirty-five (35) percent. (Ord. 99 § 7, 1991; Ord. 55 § 7.06, 1980)

**Chapter 17.24**

**R-4 MULTIPLE-FAMILY ZONE**

**Sections:**

- 17.24.010 Generally.**
- 17.24.020 Uses permitted.**
- 17.24.030 Building height.**
- 17.24.040 Front yard.**
- 17.24.050 Side yard.**
- 17.24.060 Rear yard.**
- 17.24.070 Area requirements.**
- 17.24.080 Distance between buildings on the same lot.**

**17.24.010 Generally.**

The following regulations shall apply in the R-4 multiple-family dwelling zone unless otherwise provided in this title. (Ord. 55 § 8.00, 1980)

**17.24.020 Uses permitted.**

- A. Any use permitted in the R-1, R-2, or R-3 zones;
- B. Group dwellings, multiple-family dwellings, apartment houses, apartment hotels; churches, except rescue mission or temporary revival; schools, elementary or high; day nurseries, nursery schools; boarding and rooming houses; institutions of educational, philanthropic or eleemosynary nature; home occupations; lodge halls; and private clubs, except clubs the chief activity of which is a service customarily carried on as a business;
- C. The accessory buildings necessary to such use located on the same lot or parcel of land. (Ord. 55 § 8.01, 1980)

**17.24.030 Building height.**

Same as R-1 zone, Section 17.12.040. (Ord. 55 § 8.02, 1980)

**17.24.040 Front yard.**

There shall be a front yard of not less than ten (10) feet, except where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.

In determining such front yard depth, buildings located

more than twenty-five (25) feet from the front property line or buildings facing a side street on a corner lot shall not be counted. (Ord. 55 § 8.03, 1980)

**17.24.050 Side yard.**

Same as R-1 zone, Section 17.12.060. (Ord. 55 § 8.04, 1980)

**17.24.060 Rear yard.**

Same as R-1 zone, Part 4, Section 17.12.070. (Ord. 55 § 8.05, 1980)

**17.24.070 Area requirements.**

The minimum lot area shall be not less than one thousand (1,000) square feet per dwelling unit.

Maximum lot coverage shall be thirty-five (35) percent. (Ord. 99 § 8, 1991; Ord. 55 § 8.06, 1980)

**17.24.080 Distance between buildings on the same lot.**

Same as R-2 zone, Section 17.16.080. (Ord. 55 § 8.07, 1980)

**Chapter 17.28**

**C-1 LIMITED COMMERCIAL ZONE**

**Sections:**

- 17.28.010 Generally.**
- 17.28.020 Uses permitted.**
- 17.28.030 Building height.**
- 17.28.040 Front yard.**
- 17.28.050 Side yard.**
- 17.28.060 Rear yard.**
- 17.28.070 Area requirements.**
- 17.28.080 Distance between buildings on the same lot.**

**17.28.010 Generally.**

The following regulations shall apply to the C-1 limited commercial zone unless otherwise provided in this title. (Ord. 55 § 9.00, 1980)

**17.28.020 Uses permitted.**

- A. Any use permitted in the R-1, R-2, R-3, and R-4 zones;
- B. Any of the following uses:
  - 1. Automobile service stations containing not more than six pumps,
  - 2. Banks,
  - 3. Barbershops,
  - 4. Beauty shops,
  - 5. Book stores,
  - 6. Confectionary stores,
  - 7. Dressmaking or millinery shops,
  - 8. Drug stores,
  - 9. Dry cleaning, pressing, and laundry agencies,
  - 10. Dry goods or notions stores,
  - 11. Electric appliance stores and repairs,
  - 12. Florists shops,
  - 13. Grocery, fruit, and vegetable stores,
  - 14. Hardware stores,
  - 15. Hotels,
  - 16. Ice storage houses of not more than five-ton capacity,
  - 17. Jewelry stores,
  - 18. Liquor stores,
  - 19. Meat markets or delicatessen stores,
  - 20. Offices, business, or professional,
  - 21. Photographic shops,

22. Restaurants, tea rooms, or cafes where all customers are served at a table or counter (excluding dancing, entertainment, and sale of intoxicating liquors),

23. Shoe stores or shoe repair shops,

24. Stationery stores,

25. Tailor, clothing or wearing apparel shops,

26. Other uses that are determined by the city council to be similar to those that are listed above;

C. The above specified stores, shops, or businesses shall be retail or wholesale establishments selling new merchandise exclusively except used merchandise clearly incidental to the regular business conducted on the premises, and shall be permitted only under the following conditions:

1. Such stores, shops, or businesses except automobile service stations shall be conducted entirely within an enclosed building.

2. Products made incidental to a permitted use shall be sold at retail on the premises.

3. All public entrances to such stores, shops, or businesses shall be from the principal street upon which the property abuts, or within fifty (50) feet thereof, except that a rear or side entrance from the building to a public parking area may be provided.

4. The accessory buildings necessary to such use located on the same lot or parcel of land, including a storage garage for the exclusive use of the patrons of the above stores or businesses. (Ord. 123 § 1, 1996; Ord. 55 § 9.01, 1980)

**17.28.030 Building height.**

Two stories and not to exceed thirty-five (35) feet. (Ord. 55 § 9.02, 1980)

**17.28.040 Front yard.**

All buildings shall be located at least ten (10) feet from the front lot line; provided that where existing buildings on street within block average less in depth than that average depth shall apply. (Ord. 55 § 9.03, 1980)

**17.28.050 Side yard.**

All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 55 § 9.04, 1980)

**17.28.060 Rear yard.**

There shall be behind every building a rear yard having

a minimum depth of ten (10) feet. Where there is an alley at the rear of the lot, such rear yard may be measured to the center of such alley. (Ord. 55 § 9.05, 1980)

**17.28.070 Area requirements.**

None, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone.

Commercial developments shall not be allowed to exceed a design capacity of one hundred five (105) persons per acre and a building intensity of seventy-five (75) percent maximum lot coverage. (Ord. 99 § 3, 1991; Ord. 55 § 9.06, 1980)

**17.28.080 Distance between buildings on the same lot.**

None, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 55 § 9.07, 1980)

## Chapter 17.32

### C-2 COMMERCIAL ZONE

#### Sections:

- 17.32.010 Generally.**
- 17.32.020 Uses permitted.**
- 17.32.030 Building height.**
- 17.32.040 Front yard.**
- 17.32.050 Side yard.**
- 17.32.060 Rear yard.**
- 17.32.070 Area requirements**
- 17.32.080 Distance between buildings on the same lot.**

#### **17.32.010 Generally.**

The following regulations shall apply in the C-2 commercial zone unless otherwise provided in this title. (Ord. 55 § 10.00 1980)

#### **17.32.020 Uses permitted.**

- A. Any use permitted in the R-1, R-2, R-3, R-4, and C-1 zones;
- B. Any of the following uses:
  - 1. Retail or wholesale stores or businesses not involving any kind of manufacture, processing, or treatment of products other than that which is clearly incidental to the retail business conducted on the premises and provided that no more than five persons are employed and not more than fifty (50) percent of the floor area of the building is used in the manufacture, processing, or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes,
  - 2. Automobile parking areas,
  - 3. Automobile service stations (including super-service stations),
  - 4. Bakeries, employing not more than ten (10) persons on premises,
  - 5. Baths, Turkish and the like.
  - 6. Billiard or pool halls or bowling alleys,
  - 7. Blueprinting and photostating shops,
  - 8. Bird stores or pet shops,
  - 9. Churches, temporary revivals,
  - 10. Cleaning and pressing establishments using nonflammable and nonexplosive cleaning fluid,
  - 11. Conservatories of music,

- 12. Department stores,
- 13. Electric distributing substations,
- 14. Frozen food lockers,
- 15. Funeral parlors,
- 16. Furniture stores,
- 17. Furniture warehouses for storing personal household goods,
- 18. Garages, public parking only,
- 19. Hospitals or sanitariums (except animal hospitals, clinics, hospitals or sanitariums for contagious mental or drug or liquor addict cases),
- 20. Interior decorating shops,
- 21. Medical laboratories,
- 22. Motels, auto courts, and tourist courts,
- 23. Music and vocal instructions,
- 24. Music stores,
- 25. Nurseries, flowers or plants,
- 26. Plumbing shops,
- 27. Printing, lithographing, or publishing establishments,
- 28. Public parking areas,
- 29. Radio and television stores,
- 30. Refrigerated lockers,
- 31. Restaurants, tea rooms, cafes, bars, and cocktail lounges,
- 32. Self-service laundries or laundrettes,
- 33. Studios,
- 34. Skating rinks,
- 35. Taxidermists,
- 36. Telephone public utility buildings,
- 37. Trade schools, not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes,
- 38. Theaters or auditoriums (except drive-in theaters),
- 39. Upholstery shops,
- 40. Wedding chapels,
- 41. Other uses that are determined by the city council to be similar to those that are listed above. (Ord. 123 § 2, 1996; Ord. 55 § 10.01, 1980)

#### **17.32.030 Building height.**

Two stories and not to exceed thirty-five (35) feet. (Ord. 55 § 10.02, 1980)

#### **17.32.040 Front yard.**

Same as for C-1 zone, Section 17.28.040. (Ord. 55 § 10.03, 1980)

**17.32.050 Side yard.**

Same as for C-l zone, Section 17.28.050. (Ord. 55 § 10.04, 1980)

**17.32.060 Rear yard.**

Same as for C-l zone, Part 9, Section 17.28.060. (Ord. 55 § 10.05, 1980)

**17.32.070 Area requirements.**

Same as for C-l zone, Section 17.28.070. (Ord. 55 § 10.06, 1980)

**17.32.080 Distance between buildings on the same lot.**

Same as for C-l zone, Section 17.28.080. (Ord. 55 § 10.07, 1980)

**Chapter 17.36**

**M-I LIMITED MANUFACTURING ZONE**

**Sections:**

**17.36.010 Generally.**

**17.36.020 Uses permitted.**

**17.36.030 Building height.**

**17.36.040 Front yard.**

**17.36.050 Side yard.**

**17.36.060 Rear yard.**

**17.36.070 Area requirements.**

**17.36.010 Generally.**

The following regulations shall apply in the M-I limited manufacturing zone unless otherwise provided in this title. (Ord. 64 § 5 (part), 1985)

**17.36.020 Uses permitted.**

A. Any use permitted in other zoning districts of the city, except residential;

B. Bulk storage, wholesale, packing, truck terminal;

C. Manufacturing, processing, services, or research, provided that such activity is not objectionable due to noise, odor, vibration, dust, smoke or other similar effects beyond the confines of the property onto contiguous properties or into air or watercourses.

D. One dwelling for caretaker, watchman, or person primarily employed on the property. (Ord. 64 § 5 (part), 1985)

**17.36.030 Building height.**

Two stories and not to exceed thirty-five (35) feet. (Ord. 99 § 4 (part), 1991; Ord. 64 § 5 (part), 1985)

**17.36.040 Front yard.**

Same as for C-l zone, Section 17.28.040. (Ord. 99 § 4 (part), 1991)

**17.36.050 Side yard.**

Same as for C-l zone, Section 17.28.050. (Ord. 99 § 4 (part), 1991)

**17.36.060 Rear yard.**

There shall be a rear yard behind every main building of not less than twenty (20) feet. (Ord. 99 § 4 (part), 1991)

**17.36.070 Area requirements.**

All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone. Nonresidential, commercial, or industrial development shall not be allowed to exceed a design capacity for two hundred ten (210) persons per acre and a building intensity of fifty (50) percent maximum lot coverage. (Ord. 99 § 4 (part), 1991)

**Chapter 17.40**

**A-T AGRICULTURAL TRANSITION ZONE**

**Sections:**

- 17.40.010 Generally.**
- 17.40.020 Uses permitted.**
- 17.40.030 Uses permitted by use permit.**
- 17.40.040 Building height.**
- 17.40.050 Front yard.**
- 17.40.060 Side yard.**
- 17.40.070 Rear yard.**
- 17.40.080 Area requirements.**
- 17.40.090 Distance between buildings on the same lot.**

**17.40.010 Generally.**

The following regulations shall apply in the A-T Agricultural-Transition zone unless otherwise provided in this title. (Ord. 64 § 6 (part), 1985)

**17.40.020 Uses permitted.**

A. Agricultural use such as raising and grazing of livestock, poultry, or other animals; growing and harvesting of trees, fruits, vegetables, flowers, grains or other crops; storage, packing or processing of agricultural products produced on the property, without changing the nature of the products; sale on the property of products produced thereon; provided that such uses are carried on by a resident of the property, are incidental to the use thereof, and are not a nuisance to contiguous properties;

B. One family dwelling, one guesthouse, renting on not more than one room. (Ord. 64 § 6 (part), 1985)

**17.40.030 Uses permitted by use permit.**

A. Mining, quarrying, excavating, concentrating, exploring, drilling, processing, and stockpiling of rock, sand, gravel, decomposed granite, lignite, coal, clay, gypsum, limestone, metallic ores, nonmetallic ores, hydrocarbons, and similar materials, and the reclamation of resultant excavations with inert materials in accordance with recognized standards and requirements of public agencies responsible for public health, fire, safety, and the protection of water resources. A use permit shall not be required if the extraction or prospecting causes the removal or moving of overburden and minerals in an amount of less than one thousand (1,000) cubic yards in any one location of one acre or less. (Ord. 64 § 6 (part), 1985)



**17.40.040 Building height.**

Two and one-half stories, and not to exceed thirty (30) feet. (Ord. 64 § 6 (part), 1985)

**17.40.050 Front yard.**

There shall be a front yard of not less than fifty (50) feet. (Ord. 64 § 6 (part), 1985)

**17.40.060 Side yard.**

There shall be a side yard of not less than twenty (20) feet. (Ord. 64 § 6 (part), 1985)

**17.40.070 Rear yard.**

There shall be a rear yard of not less than fifty (50) feet. (Ord. 64 § 6 (part), 1985)

**17.40.080 Area requirements.**

The minimum lot area shall be not less than one acre, with a minimum parcel width of not less than one hundred fifty (150) feet.

For residential buildings, the minimum ground floor area exclusive of open porches or garages, shall be not less than seven hundred fifty (750) square feet. (Ord. 64 § 6 (part), 1985)

**17.40.090 Distance between buildings on the same lot.**

There shall be a minimum distance of six feet between a building used for dwelling purposes and an accessory building.

There shall be a minimum distance of six feet between accessory buildings. (Ord. 64 § 6 (part), 1985)

**Chapter 17.44**

**SPECIAL PLANNING ZONE**

**Sections:**

- 17.44.010 Generally**
- 17.44.020 Established**
- 17.44.030 Uses permitted**
- 17.44.040 Land and structure regulations.**
- 17.44.050 Establishment—Removal.**
- 17.44.060 Development plan.**
- 17.44.070 Development schedule.**
- 17.44.080 Preliminary development plan Advisory opinion.**
- 17.44.090 Policy statement.**
- 17.44.100 Designation on zoning map.**
- 17.44.110 Development permit.**

**17.44.010 Generally.**

The following regulations shall apply in the SP special planning zone unless otherwise provided in this title. (Ord. 64 § 7 (part), 1985)

**17.44.020 Established.**

The SP zone is established in the city to accommodate various types of single purpose or multi-use development projects. The SP zone allows for minor flexibility in land and structure regulations for projects demonstrating features beneficial to the city or its residents and property owners. The SP zone may be applied as its own primary zone, or may be combined with other primary zoning districts. (Ord. 64 § 7 (part), 1985)

**17.44.030 Uses permitted.**

A. When applied as a primary zone, any and all uses are permitted, provided such use or uses are shown on the development plan for the particular SP zone as approved in conformance with this chapter.

B. When applied as a combining zone with another primary zoning district, uses allowed by right are all of those uses, allowed by right in the primary zone with which the SP zone is combined. (Ord. 64 § 7 (part), 1985)

**17.44.040 Land and structure regulations.**

A. When applied as a primary zone, the maximum height and bulk, and minimum lot size, density, setback, yard, parking and loading requirements shall be established

for each SP zone by the development plan approved by the council.

B. When applied as a combining zone, all land and structure-regulations of the primary zone shall apply, unless specifically modified by the approved development plan. Such modifications may only include modifications to the following items:

1. Minimum parcel area;
2. Maximum building coverage;
3. Minimum parcel width;
4. Minimum yards and setbacks;
5. Maximum building height;
6. Parking requirements.

C. In no case shall a lot size be less than seven thousand (7,000) square feet unless the lot is to remain unoccupied. In no case shall building intensity exceed thirty-five (35) percent maximum coverage. In no case shall population density exceed one dwelling unit: per seven thousand (7,000) square feet of net area covered by the plan. In no case shall building height exceed thirty (30) feet. (Ord. 99 § 1, 1991; Ord. 64 § 7 (part), 1985)

#### **17.44.050 Establishment—Removal.**

SP zones may be established or removed from the zoning map upon the application of a property owner or owners or upon the initiative of the council or planning commission in accordance with the procedures set forth in Chapter 17.76 for amendments. An application to establish a SP zone shall require submission by the applicant of a development plan and schedule in conformity with this part along with fees as adopted by resolution. When initiated by the city, such SP zone proposal shall include a policy statement prepared in accordance with this chapter, in lieu of a development plan and schedule. No development plan shall be adopted pursuant to a city-initiated SP zone unless it is in conformity with the adopted policy statement. Any development in a SP zone shall be subject to the requirements of this chapter and shall be in conformity with the requirements of the development plan adopted for such SP zone. (Ord. 64 § 7 (part), 1985)

#### **17.44.060 Development plan.**

A. An application for a SP zone shall be made to the commission and shall include and be accompanied by a development plan. The SP zone, when adopted, shall become a part of the zoning map of the city as provided for

in Section 17.08.020 and the development plan for such SP zone shall be adopted by resolution of the planning commission.

B. Any changes in the development plan which involve uses shall be made in accordance with the procedures set forth in Chapters 17.76 and 17.80 of this title.

C. If changes are proposed to the development plan which do not involve new uses, the building inspector shall have the power to approve such changes, provided that they conform in principle to the approved development plan. If, in the opinion of the building inspector, the changes do not conform in principle to the approved development plan, such changes shall be referred to the planning commission for decision.

D. The development plan shall include:

1. A map showing any street system and lot design proposed within the zone. Any areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and other uses must be shown. Compliance with this requirement shall not be construed to relieve the applicant from compliance with the subdivision regulations or any other applicable regulations of the city;

2. A plot plan for each building site or sites in the proposed SP zone or any portion thereof as required by the planning commission. A plot plan shall show the approximate location of all proposed buildings, indicating maximum and minimum distances between buildings, and between buildings and property or building site lines;

3. Elevations and/or perspective drawings of all proposed structures except single family residences and their accessory buildings. Such drawings need not be the result of final architectural decisions and need not be in detail. The purpose of such drawings is to indicate, within stated limits, the height of proposed buildings and the general appearance of the proposed structures to the end that the entire development will have architectural unity and be in harmony with surrounding developments;

4. Any or all of the following plans, studies and diagrams may also be required, as determined by the city engineer, to be included on the plot plan or appended thereto:

a. Off street parking and loading plan,

b. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the SP zone and to and from adjacent public thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown,

- c. Landscaping and tree planting plan,
- d. A map showing the topography of the proposed zone to engineering standards of scale, contour intervals and detail,
- e. An economic feasibility report or market analysis,
- f. A preliminary grading plan prepared by a registered civil engineer on projects anticipating appreciable amounts of grading. (Ord. 64 § 7 (part), 1985)

**17.44.070 Development schedule.**

A. An application for a SP zone shall be accompanied by a development schedule indicating to the best of the applicant’s knowledge the approximate date when construction of the project can be expected to begin, the anticipated rate of development, and the completion date. The development schedule for an application to prezone a SP zone shall indicate the approximate time period, after the property is annexed to the city and the SP zone becomes effective, when construction of the project can be expected to begin, the anticipated rate of development, and the anticipated time to completion. The development schedule, if approved by the council, shall become part of the development plan and shall be adhered to by the owner of the property in the SP zone and his or her successors in interest. The city shall require posting of cash, a savings and loan certificate, or a performance bond issued by a corporate surety company in an amount to be determined by the city engineer to cover the cost of public improvements adjacent to the proposed development prior to the issuance of the building permit for the first phase of construction.

B. From time to time, the planning commission shall compare the actual development accomplished in the various SP zones with the approved development schedules.

C. If the owner or owners of property in SP zones have failed to meet the approved development schedule, the commission may initiate proceedings to repeal the SP zone and rezone the property to the zone classification it held immediately prior to being zoned SP.

D. Upon request of the property owner and for good cause shown, the planning commission may extend the time limits of the development schedule; provided, that any requests for an extension of these limits shall be on file in the office of the planning commission at least thirty (30) days prior to the expiration of any time limit required

by the development schedule. Any person dissatisfied with the decision of the planning commission may appeal to the council in accordance with the procedures set forth in Section 17.76.110. (Ord. 64 § 7 (part), 1985)

**17.44.080 Preliminary development plan  
Advisory opinion.**

A. A preliminary development plan may be submitted by an owner, at his or her option, to the planning commission for the purposes of receiving an advisory opinion on the land use, density and other items being proposed. Such preliminary development plan shall be clearly labeled preliminary and shall include a location plan, plot plan showing the approximate location of buildings, building sizes and use, parking areas, circulation and may include any special features being proposed. Such plan shall be of sufficient scale and accuracy to clearly show the intentions of the owner.

B. A preliminary development plan shall be accompanied by an application and fees equivalent to one-half the fees normally required for planned developments. Such application and fees shall entitle the applicant to one hearing before the planning commission and one advisory opinion of the land use and density proposed.

C. An advisory opinion of the planning commission issued on a preliminary development plan shall not be construed as approval or disapproval of the project. The purpose of the advisory opinion shall be to provide assistance and advice to the owner in the preparation of a formal proposal. (Ord. 64 § 7 (part), 1985)

**17.44.090 Policy statement.**

A. When a SP zone is initiated by the city, the SP zone proposed shall be accompanied by a policy statement. The SP zone, when adopted, shall become a part of the zoning map of the city as provided for in Section 17.08.020 and the policy statement for such SP zone shall be adopted by resolution of the council.

B. Any changes in the policy statement shall be made in accordance with procedures set forth in Chapter 17.76 for amendments.

C. The policy statement shall include:

- 1. A description of the area to be zoned SP with sufficient accuracy to be located on the city zoning map;
- 2. A general description of the location, terrain and characteristics of the area;

3. A statement of any particular or unusual characteristics, features, problems or circumstances which make the SP zone the appropriate zone;

4. A statement of the goals or reasons why the SP zone is established;

5. A resolution of the permitted land use, density, restrictions and standards under which any projects proposed within the zone shall conform. (Ord. 64 § 7 (part), 1985)

**17.44.100 Designation on zoning map.**

Each SP zone shall be numbered, the first adopted being shown on the zoning map as “SP (1)”, and each zone subsequently adopted being numbered successively. Each SP zone adopted with a policy statement shall be indicated on the zoning map as a SP zone with the resolution number of the adopted policy statement. (Ord. 64 § 7 (part), 1985)

**17.44.110 Development permit.**

A. Upon completion of a final determination of the SP zone by the city council, a development permit specifying the terms, conditions, provisions, limitations, restrictions and requirements of the project will be issued for the project by the building official upon application. No building permit may be issued for the project unless such building permit plans are in accordance with all elements of the development permit.

B. Where specific terms, conditions, provisions, limitations, restrictions and requirements have not been specified in the rezoning process, or where modifications or changes are requested to the project or conditions and requirements, the development permit shall be considered by the planning commission under the procedures specified under Chapter 17.76. C. Minor changes not involving specific terms, conditions, provisions, limitations, restrictions and requirements of the development permit and not involving new uses may be made upon written approval of the building official. (Ord. 64 § 7 (part), 1985)

**Chapter 17.48**

**PS PUBLIC SERVICE COMBINING ZONE**

**Sections:**

**17.48.010 Generally.**

**17.48.020 Uses permitted.**

**17.48.030 Land and structure regulations.**

**17.48.010 Generally.**

The following regulations shall apply in the PS public service combining zone unless otherwise provided in this title. (Ord. 64 § 8 (part), 1985)

**17.48.020 Uses permitted.**

A. Public, quasi-public, or public utility sites which are generally used to provide services to the public, and generally include schools, public buildings, corporation yards, water and sewage treatment plants, power substations, and the like. (Ord. 64 § 8 (part), 1985)

**17.48.030 Land and structure regulations.**

The land and structure regulations shall be those of the primary zone with which the PS zone is combined.

In instances where the PS designation is not combined with another zone, lot sizes shall not be created that are less than one thousand seven hundred fifty (1,750) square feet in area, building intensity shall not exceed seventy-five (75) percent maximum lot coverage, building height shall not exceed thirty-five (35) feet, and residential uses shall not be permitted. (Ord. 99 § 2, 1991; Ord. 64 § 8 (part), 1985)

## Chapter 17.52

### AE AGRICULTURAL ESTATE ZONE

#### Sections:

- 17.52.010 Generally.**
- 17.52.020 Uses permitted.**
- 17.52.030 Land and structure regulations.**
- 17.52.040 Area requirements.**
- 17.52.050 Reversion of zoning.**

#### **17.52.010 Generally.**

The following regulations shall apply in the AE agricultural estate zone unless otherwise provided by this title. AE zoning shall be applied to those lands designated by the council as agricultural preserves and subject to contracts under the provisions of the California Land Conservation Act. Rezoning to the AE zone shall be initiated only at the request of the landowner. (Ord. 73 § 1 (part), 1986)

#### **17.52.020 Uses permitted.**

1. General farming, including but not limited to the raising, growing, and harvesting of vegetable, field, forage, vine, bush, berry, tree, or other plant crop including plant nursery stock;

2. Grazing, maintaining, breeding, training, and raising of poultry and livestock of all kinds including horses, cattle, sheep, goats, hogs, and agricultural species such as fish and fur-bearing species provided there is no feeding of refuse, garbage, sewage or offal;

3. Nurseries, greenhouses, mushroom rooms, floriculture;

4. Boarding of horses or other farm animals;

5. Growing and harvesting of timber, Christmas trees, or other plants;

6. Dairies and products of dairy products from milk produced on the premises;

7. Poultry farms;

8. Raising, feeding, maintaining, breeding, and slaughtering of livestock, chickens, turkeys, rabbits, pigeons, ducks, geese, fish, frogs, and small animals or fowl in household numbers for family use;

9. Single-family dwellings and appurtenant structures allowed in R districts and such other structures normally associated with agricultural activities, including but not limited to barns, stables, sheds, and silos; provided,

however, that only one single-family residence shall be allowed for each forty (40) acres on any parcel or contiguous parcels subject to one California Land Conservation Act contract. All structures or dwellings on a parcel or contiguous parcels subject to one such contract shall be directly used for the furtherance of the agricultural use of such property; and shall be limited to immediate members of the owners family and his or her employees;

10. Home occupations, as defined in Section 17.04.030;

11. Wells, water storage, and reservoirs, including on-site excavation or removal of materials for construction thereof;

12. Storage of petroleum products for use by the occupants of the premises;

13. Veterinary clinics and services, animal hospitals, kennels;

14. Harvesting, curing, processing, packaging, packing, selling, and shipping of agricultural products on a parcel devoted to agricultural use and the treating of products grown or raised on and off the premises where such activity is carried on in conjunction with or as part of an agricultural use; excepting therefrom the commercial slaughtering of live stock, small animals, fish, poultry, or fowl;

15. Holding of non-producing land for future agricultural use;

16. Maintenance of land in its natural state for the purpose of preserving open space for recreation or the creation of plant or animal preserves;

17. Apiaries and honey extraction plants;

18. Non-intensive recreation when carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation, including but not limited to fishing, hiking, hunting, rifle and pistol practice range, skeet field, archery range, or gun club when such activities do not involve the construction of any permanent structure;

19. Sale of food products produced on the premises;

20. Feed lots and feed yards, provided there is no feeding of refuse, garbage, sewage, or offal;

21. Airport or aircraft landing facilities for use of owner or tenant of the property or for agricultural service use;

22. The following uses when carried on as a clearly secondary occupation in conjunction with a bona fide agricultural operation, where no more than ten percent of the total land is used and where no more than three persons other than the owner are employed in such activities, and

which are owned and operated by the owner or occupant of the premises:

a. Manufacturing, maintenance, repair, servicing, storage, sale, or rental of agricultural machinery, implements and equipment of all kinds,

b. Storage or sale of farm supplies of all kinds, including but not limited to fertilizers, agricultural minerals, and pesticides,

c. Transportation of agricultural products, supplies, or equipment, together with the maintenance, storage, repair and servicing of the necessary trucks and equipment therefor;

23. Public utility and public services, structures, uses, and buildings provided such uses are clearly secondary and in conjunction with a bona fide agricultural operation;

24. Commercial radio, television, or microwave antennas and transmitters;

25. Gas, electric, water, and communication utility facilities and public service facilities of like nature operated by a public agency or mutual water company;

26. Public highways;

27. Fire protection works and facilities; flood control works, including channel rectification and alteration; public works required for fish and wildlife enhancement and preservation; improvements for the primary benefit of the lands within the preserve; state improvements for which the site or route has been specified by the state legislature in such a manner as to make it impossible to avoid the use of subject AG zoned property;

28. Livestock auctions and sales yards;

29. Any structure, building, equipment, or use incidental and necessary to any of the foregoing uses;

30. Winery facilities and fruit and nut dehydrating plants.

31. The following uses are permitted in the AE zone upon obtaining a use permit as provided for in Chapter 17.80:

a. Turkey farms, provided there is a cover crop or other dust control,

b. Any garbage, sewage, refuse, or offal feeding,

c. Commercial small animal and fowl specialty farms, including but not limited to chinchillas, minks, foxes, rodents, aviaries, rabbits, frogs, pigeons, ducks, and geese,

d. Commercial slaughterhouses and stockyards for livestock, small animals, poultry, and fowl,

e. Rendering plants and fertilizer plants,

f. Commercial recreation, dude ranches, and boarding

and guest facilities when carried on as a clearly secondary use in conjunction with a primary agricultural use,

g. Oil and gas wells, including the drilling and installation, and use of such equipment, structures, and facilities as are necessary or convenient for oil-drilling and oil-producing operations customarily required or incidental to usual oil field practice, including but not limited to the initial separation of oil, gas, and water and for the storage, handling, recycling, and transportation of such oil, gas, and water to and from the premises; provided such activities are carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation,

h. Development of natural resources including mines, open pits for extraction of minerals, borrow pits, and quarries, with necessary buildings, apparatus, or appurtenances thereto; provided such activities are carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation,

i. Any use determined by the planning commission after recommendations by the agricultural advisory committee to be compatible with the purposes of the California Land Conservation Act and which do not significantly adversely affect agricultural operations,

j. Any structure, building, use, or equipment incidental and necessary to any of the above uses, located on the same site, and included in the use permit. (Ord. 73 § 1 (part), 1986)

#### **17.52.030 Land and structure regulations.**

The land and structure regulations for the AE zone as they pertain to building height, front yard, side yard, rear yard, and distance between buildings and the same lot shall be the same as the A-T Agricultural Transition zone, unless otherwise provided herein. (Ord. 73 § 1 (part), 1986)

#### **17.52.040 Area requirements.**

A. No property shall be rezoned to the AE zone unless the following requirements are met:

1. a. No parcel less than forty (40) acres shall be zoned AE except that contiguous parcels under common ownership totaling forty (40) acres or more may be zoned AE if said parcels are merged into an assessor's parcel. Such parcels shall be considered as one parcel for purposes of subdivision under the State Subdivision Map Act and this title.

b. A parcel comprised of less than forty (40) acres may be zoned AE despite the forty (40) acre minimum for

AE parcels set forth in subsection (A)(1)(a) of this section; provided, that a variance is first obtained pursuant to Chapter 17.76; provided, however, that in addition to the requirements of that chapter, the council must find that special circumstances have caused the size of the parcel to be less than forty (40) acres, that the parcel substantially complies with the forty (40) acre minimum set forth herein, and that the owner thereof or his or her predecessor in interest did not, within three years preceding the application for rezoning, voluntarily reduce the size of the parcel below the forty (40) acre minimum. The foregoing notwithstanding, no parcel of less than forty (40) acres shall under any circumstances be zoned AE unless it is contiguous to a parcel zoned AE, which parcel is subject to a California Land Conservation Act contract and which has a size of forty (40) acres or more.

2. Parcels to be zoned AE containing one hundred sixty (160) acres or more shall indicate a potential ability to produce an annual gross income from agriculture of not less than three thousand dollars (\$3,000.00), or shall have permanent agricultural improvements thereon with a value of not less than ten thousand dollars (\$10,000.00). The amounts set forth in this subdivision shall be adjusted for inflation each year beginning January 1, 1987, in accordance with any increase or decrease in the Consumer Price Index for Northern California published by the United States Department of Labor or any other appropriate index or combination of indices selected by the council, which amounts shall be rounded to the nearest hundred dollars.

3. Property less than one hundred sixty (160) acres but not less than one hundred (100) acres shall meet both of the criteria listed in subsection (A)(2) of this section.

4. Property less than one hundred (100) acres but at least forty (40) acres or qualifying pursuant to subsection (A)(1)(b) of this section shall meet both of the criteria listed in subsection (A)(2) of this section and additionally shall demonstrate unique characteristics of an agricultural industry.

5. Property less than one hundred sixty (160) acres may be considered to satisfy requirements of subsection (A)(1) through (4) of this section if the property is a portion of and contiguous to an adjacent tract under the same ownership which is within an agricultural preserve in an adjoining county and which, when considered as a whole, would meet the appropriate requirements.

6. A parcel may be found to meet the income requirements set forth in subsection (A)(1) through (4) of this

section if the owner of the parcel demonstrates to the satisfaction of the council that the owner has planted at the time of this application for rezoning to AE, or that he or she shall plant during the calendar year following his or her application for re-zoning to K, crop-bearing trees or vines or other slowly maturing crops, or that he or she has made or will make agricultural improvements which shall ensure that there will be, within five years from the date of the rezoning to AE, annual agricultural income from the parcel in the minimum amount set forth in this section. Any California Land Conservation Act contract entered into on the basis of this subdivision shall contain a provision that, in the event such income is not produced within such period, the council may terminate the contract at its sole discretion, which termination shall require the immediate payment of any property taxes saved by the property owner and/or his or her predecessor in interest resulting from the formation of the contract. The council may for good cause extend the five year period if the council finds that such income level may be reached in such extended period.

B. No property zoned AE and under California Land Conservation Act contract shall be approved for division under the provisions of the State Subdivision Map Act and this title unless:

1. A finding is made by the city council that each parcel to be created by the proposed division satisfies the requirements for AE zoning stated in this section based upon its individual merits; or

2. A finding is made by the city council that the parcel to be created by the proposed division is for the purpose of providing security for financing on a parcel already encumbered by an existing security instrument of record and is for a second dwelling, or a farm improvement to be utilized in conjunction with the agricultural use of the property, including but not limited to, barns, wineries, dairies, food processing plants, or other uses of a similar nature. Such parcel shall be five acres in size.

3. A tentative and parcel map shall be required for divisions of land allowed under the provisions of subsection (B)(1) and (2) of this section. Land divisions approved for the purpose of financing shall be restricted to the land uses and immediate members of the owners family as permitted under Section 17.52.020(9). Parcel maps shall contain a notation which states the following:

This land division is for the purposes of financing only and any parcel hereby created

shall be merged or reverted to acreage with the remainder upon satisfaction of the indebtedness.

4. Prior to the filing of the parcel map with the city council, the financial instrument shall be reviewed and approved by the city attorney. The financial instrument shall contain a reversionary clause which merges the parcel with the remainder parcel upon satisfaction of the indebtedness. The financial instrument shall be restricted to a loan from a federally or state- chartered bank, savings and loan association or credit union, or a state- regulated mortgage company. (Ord. 73 § 1 (part), 1986)

**17.52.050 Reversion of zoning.**

AE zoning shall run concurrently with the California Land Conservation Act contract. Upon termination or expiration of the contract, subject property shall automatically be deemed to be zoned A-T, agricultural transition zone unless zoning to another district has been approved by the council. (Ord. 73 § 1 (part), 1986)

**Chapter 17.56**

**MANUFACTURED HOME COMBINING ZONE**

**Sections:**

- 17.56.010 Purpose.**
- 17.56.020 Designation requirements.**
- 17.56.030 Standards for construction.**
- 17.56.040 Modification of standards.**
- 17.56.050 Taxation.**
- 17.56.060 Permits.**

**17.56.010 Purpose.**

The purpose of the manufactured home combining zone is to allow the placement of manufactured homes not qualifying as modular homes as defined in this code on designated single family dwelling lots that have been determined to be compatible for such use. This zone is to be applied in accordance with Section 65852.3 of the California Government Code. The MH combining zone may be combined with any of the following zones subject to the provisions contained in this title: R-1, R-2, R-3 or R-4. (Ord. 56 § 2 (part), 1982)

**17.56.020 Designation requirements.**

The planning commission of the city shall establish and designate certain residential areas and lots as suitable and compatible for the manufactured home combining zone, pursuant to the following findings of fact:

- A. That such zone is compatible with the adjacent land uses and surrounding neighbor hood;
- B. That such zone is consistent with the general plan;
- C. That such zone is necessary to provide reasonable and available housing for the benefit of the general public. (Ord. 56 § 2 (part), 1982)

**17.56.030 Standards for construction.**

- A. The manufactured home shall:
  - 1. Be occupied only as a residential unit;
  - 2. Be subject to all provisions of the zone to which the MH zone has been combined with regards to residential structures;
  - 3. Be attached to a permanent foundation system in compliance with all applicable building regulations;
  - 4. Have a minimum width of twenty (20) feet and minimum length of sixty (60) feet, or one thousand (1,000) square feet;



5. Be covered with an exterior material customarily used on conventional dwellings and approved by the building inspector of the city. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;

6. Have a roof pitch of not less than four inch vertical rise for each twelve (12) inches of horizontal run and consisting of shingles or other material customarily used for conventional dwellings and approved by the building inspector of the city;

7. The manufactured home shall have porches and eaves similar to those required for conventional dwellings and necessary to be compatible in the designated area in which it is to be located;

8. Mobilehomes. The mobilehomes which qualify as manufactured homes under this title shall meet the following Title 25 (California Administrative Code) regulations for foundations:

1. Foundation System Definition. A foundation system is an assembly of material constructed below, or partly below grade, not intended to be removed from its installation site, which is designed to support the structure and engineered to resist the imposition of external natural forces.

2. The mobilehome foundation systems shall be designed in accordance with the provisions of Chapter 29 of the Uniform Building Code, 1979 Edition, and local soil conditions. Design conditions for roof, wind, and seismic loads applicable to permanent building foundations shall be applicable to the mobilehome foundations system.

3. The mobile homes shall be installed in accordance with installation instructions provided by:

- a. The manufacturer of the mobilehome; or
- b. A California licensed architect or engineer for an individual mobilehome where manufacturer's installation instructions are not available.

4. Both the foundation system and connection of the mobilehome to the foundations system shall be capable of withstanding the design loads and concentrated loads identified in the installation instructions.

5. A foundation system plan shall be provided in addition to the installation instructions. The foundation system may be:

- a. Provided by the mobilehome manufacturer either as a part of, or separate from the installation instructions;

- b. Provided by the installation contractor;
- c. Required to be signed by a California licensed architect or engineer.

6. A foundation system plan approved by the California Department of Housing and Community Development will be accepted. (Ord. 56 § 2 (part), 1982)

#### **17.56.040 Modification of standards.**

Modification of the standards set forth herein may be granted upon appeal of the building permit to the Amador City building and construction board of appeals. Such appeal may be granted if the modification is found not to be detrimental to the public interest or surrounding residents or properties. (Ord. 56 § 2 (part), 1982)

#### **17.56.050 Taxation.**

A mobilehome which as been placed on a foundation system pursuant to this title shall be deemed to be a manufactured home and subject to local property taxation pursuant to Section 18551 of the California Health and Safety Code and Section 109.7 of the Revenue and Taxation Code. (Ord. 56 § 2 (part), 1982)

#### **17.56.060 Permits.**

Prior to installation of a manufactured home, the owner or licensed contractor shall obtain a building permit from the city building department. To obtain such a permit, the owner or contractor shall comply with all requirements of the building department and Section 18551(a) of the State Health and Safety Code. (Ord. 56 § 2 (part), 1982)

## Chapter 17.60

### DESIGN AND USE REGULATIONS GENERALLY

#### Sections:

- 17.60.010 **Generally.**
- 17.60.020 **Conflicting regulations.**
- 17.60.030 **Less restrictive uses prohibited.**
- 17.60.040 **Additional permitted uses.**
- 17.60.050 **Additional excluded uses.**
- 17.60.060 **Nonconforming buildings and uses.**
- 17.60.070 **Building under construction.**
- 17.60.080 **Reconstruction of damaged nonconforming buildings.**
- 17.60.090 **Nonconforming uses resulting from amendments.**
- 17.60.100 **Location of dwelling.**
- 17.60.110 **Height of buildings.**
- 17.60.120 **Dwelling and other occupancies.**
- 17.60.130 **Accessory buildings.**
- 17.60.140 **Additional dwelling units.**
- 17.60.150 **Through lots.**
- 17.60.160 **Yard encroachments.**
- 17.60.170 **Fences, walls, and hedges.**
- 17.60.180 **Rummage sales and flea markets.**
- 17.60.190 **Obstructions to public ways.**

#### 17.60.010 **Generally.**

The regulations specified in this title shall be subject to the following interpretations and exceptions. (Ord. 55 § 16.00, 1980)

#### 17.60.020 **Conflicting regulations.**

Where any provision of this title imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this title shall govern. (Ord. 55 § 16.01, 1980)

#### 17.60.030 **Less restrictive uses prohibited.**

The express enumeration and authorization in this title of a peculiar class of building, structure, premises, or use in a designated zone shall be deemed a prohibition of such building, structure, premises or use in all zones of more restrictive classification, except as otherwise specified. (Ord. 55 § 16.02, 1980)

#### 17.60.040 **Additional permitted uses.**

Uses other than those specifically mentioned in this title as uses permitted in each of the zones may be permitted therein, provided such uses are similar to those mentioned and are in the opinion of the planning commission and city council, as evidenced by a resolution in writing, not more obnoxious or detrimental to the welfare of the community than the permitted uses specifically mentioned in the respective zones.

Public utility distribution and transmission lines, both overhead and underground, shall be allowed in any district without limitation as to height and without the necessity of first obtaining a use permit; provided, however, that the routes of the proposed electric transmission lines shall be submitted to the planning commission for recommendation prior to acquisition of right-of-way therefor. (Ord. 55 § 16.03, 1980)

#### 17.60.050 **Additional excluded uses.**

Uses other than those specifically mentioned in this title as uses excluded from any zone may be excluded therefrom provided such uses are in the opinion of the planning commission and city council, as evidenced by a resolution in writing, not less obnoxious or detrimental to the welfare of the community than the excluded uses specifically mentioned in any zone. (Ord. 55 § 16.04, 1980)

#### 17.60.060 **Nonconforming buildings and uses.**

The following regulations shall apply to all nonconforming buildings and structures or parts thereof and uses existing at the effective date of the ordinance codified in this title:

A. Any such nonconforming building or structure may be continued and maintained provided there is no physical change other than necessary maintenance and repair in such building or structure except as permitted in other sections of this title.

B. Any such nonconforming use may be maintained and continued provided there is no increase or enlargement of the area, space, or volume occupied or devoted to such nonconforming use, except as otherwise provided in this title.

C. Any part of a building, structure or land occupied by such a nonconforming use which is changed to or replaced by a use conforming to the provisions of this title shall not thereafter be used or occupied by a nonconforming use.

D. Any part of a building, structure, or land occupied

by such a nonconforming use, while use is abandoned, shall not again be used or occupied for a nonconforming use. Any part of a building structure or land occupied by such a nonconforming use, which use is discontinued for a period of one year or more, shall not again be used or occupied for a nonconforming use.

E. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification.

F. Every nonconforming use of land (where no main building is involved) existing at the time the ordinance codified in this title becomes effective shall be discontinued within one year from the effective date of said ordinance.

G. Refer to Chapter 15.16 regarding signs. H. The foregoing provisions of this section shall also apply to buildings, structures, land, or uses which hereafter become nonconforming due to any reclassifications of zones under this title or any subsequent change in the regulations of this title, provided, however, that where a period of years is specified in this section for the removal of nonconforming buildings, structures, or uses, such period shall be computed from the date of such reclassification or change.

I. The foregoing provisions of this section shall not apply so as to prevent the modernization or replacement of public utility buildings, structures, equipment, and facilities where there is no change of use or increase in area of property so used. (Ord. 55 § 16.05, 1980)

#### **17.60.070 Building under construction.**

Any building or structure, for which a building permit has been issued prior to the effective date of the ordinance codified in this title may be completed and used in accordance with the plans, specifications, and permits on which such building permit was granted, if construction is commenced within sixty (60) days after the issuance of the permit and diligently prosecuted to completion. (Ord. 55 § 16.06, 1980)

#### **17.60.080 Reconstruction of damaged nonconforming buildings.**

Nothing in this title shall prevent the reconstruction, repairing, or rebuilding and continued use of any nonconforming building or structure partially damaged by fire, collapse, explosion, or acts of God, subsequent to the effective date of the ordinance codified in this title wherein the expense of such construction does not exceed

one hundred (100) percent of replacement value of the building or structure at the time such damage occurred. All such reconstruction shall be performed under one building permit started within a period of one year from date of damage and diligently prosecuted to completion. The provisions of this section shall not apply to public utility buildings and structures. (Ord. 55 § 16.07, 1980)

#### **17.60.090 Nonconforming uses resulting from amendments.**

The provisions of this title shall apply to uses which become nonconforming by reason of any amendment to this title, as of the effective date of such amendment. (Ord. 55 § 16.08, 1980)

#### **17.60.100 Location of dwelling.**

Except where otherwise provided for in this title, every dwelling shall face or have frontage upon a street. (Ord. 55 § 16.09, 1980)

#### **17.60.110 Height of buildings.**

No penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment; towers, steeples, roof signs, or other structures shall exceed the height limit provided in this title.

Radio and television masts, flagpoles, chimneys, and smokestacks may extend not more than thirty (30) feet above the height limit provided in this title, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances. (Ord. 55 § 16.10, 1980)

#### **17.60.120 Dwelling and other occupancies.**

Where a dwelling is located, placed, or erected above another type of use in zones other than R-1, R-2, R-3, or R-4 zones, the rear and side yards for the floors occupied for dwelling purposes shall comply with the provisions of the R-4 zone. (Ord. 55 § 16.11, 1980)

#### **17.60.130 Accessory buildings.**

The following regulation shall apply to the location -of accessory buildings unless otherwise provided in this title.

A. No detached accessory building in the R-1, R-2, R-3, or R-4 zone may exceed two stories or thirty (30) feet in height.

B. No detached accessory buildings in the R-1, R-2, R-3, or R-4 zones shall be located at a distance less than sixty

(60) percent of the depth of the lot from the front property line, or ninety (90) feet, whichever is less.

C. On a corner lot, no detached accessory buildings in the R-1, R-2, R-3, or R-4 zones shall be located at a distance less than ten (10) feet from the side street line.

D. No accessory buildings in the R-1, R-2, R-3, or R-4 zones; if two stories in height, shall be located nearer than five feet to any interior property line.

E. No accessory buildings on the rear twenty-five (25) feet of a reversed corner lot in the R-1, R-2, R-3, or R-4 zones shall be located nearer to the side lot line on the street side of such reversed corner lot than the front yard depth required on the key lot in the rear.

F. A private garage of not to exceed six hundred (600) square feet may be a part of the main building if the garage and the main building have a common wall of not less than five feet in length, or if not more than six feet from the main building, and connected thereto by a roof of not less than five feet in width. Such attached garage may extend into the required rear yard for a distance of not more than fifteen (15) feet. (Ord. 99 § 10, 1991; Ord. 55 § 16.12, 1980)

#### **17.60.140 Additional dwelling units.**

Notwithstanding any other provisions of this title, where a lot in the R-1 zone has an area of twelve thousand (12,000) square feet or more and with adequate provisions for ingress and egress, a special use permit may be granted by the planning commission for the construction of additional one-family dwellings and allowable accessory buildings, however, the minimum site area shall be six thousand (6,000) square feet of lot area per each one-family dwelling. Notwithstanding any other provisions of this title, where a lot in the R-2 zone has an area of nine thousand (9,000) square feet or more and with adequate provisions for ingress and egress, a special use, permit may be granted for the construction of additional family dwelling units and allowable accessory buildings, however, the minimum site area shall be three thousand (3,000) square feet of lot area per each family dwelling unit.

The procedure of filing of applications, filing fees, investigation, notices, public hearings, and findings shall be the same as herein provided for variances. (Ord. 55 § 16.13, 1980)

#### **17.60.150 Through lots.**

On through lots either line separating such lot from a

public thoroughfare may be designated by owner as the front lot line. In such cases the minimum rear yard shall be the average of the yards on lots next adjoining. If such lots next adjoining are undeveloped, the minimum yard shall conform to the front yard setback for the zone in which the property is located. (Ord. 55 § 16.14, 1980)

#### **17.60.160 Yard encroachments.**

Where yards are required in this title, they shall be not less in depth or width than the minimum dimension specified for any part, and they shall be at every point open and unobstructed from the ground upward, except as follows:

A. Cornices, canopies, carports, eaves, or other similar architectural features not providing additional floor space within the building may extend into a required front, side, or rear yard not to exceed two feet.

B. Open, unenclosed, uncovered porches, platforms or landing places which do not extend above the level of the first floor of the building, may extend into any front, side or rear yard designated set back not more than two feet; provided, however, that an open work railing must be a minimum of thirty-six (36) inches installed or constructed on any such porch, platform or landing place.

C. Detached accessory buildings may occupy side and rear yards as provided in Section 17.60.130 of this title. (Ord. 121, 1996; Ord. 55 § 16.15, 1980)

#### **17.60.170 Fences, walls, and hedges.**

A. In the R-1, R-2, R-3, and R-4 zones no fence, wall, or hedge located in the rear or side yards shall exceed a height of six feet.

B. In the R-1, R-2, R-3, and R-4 zones no fence, wall, or hedge located in the required front yard shall exceed a height of four feet.

C. In the R-1, R-2, R-3, and R-4 zones no fence, wall, or hedge located along the street side or within ten (10) feet of the rear line of a reverse corner lot between the street and the established setback line on the key lot, to the rear, shall exceed a height of four feet.

D. In the R-1, R-2, R-3, and R-4 zones no barbed wire shall be used or maintained in or about the construction of a fence, wall, or hedge along the front side, or rear lines of any lot, or within three feet of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six feet in height.

E. The provisions of subsections (A), (B), (C), and (D)

of this section shall not apply to fences required by law to surround and enclose public utility installations. (Ord. 55 § 16.16, 1980)

**17.60.180 Rummage sales and flea markets.**

Rummage sales and flea markets may be held in any given location or sponsored by a particular person or group for not more than five days in any calendar year. (Ord. 123 § 3, 1996)

**17.60.190 Obstructions to public ways.**

It is unlawful and a misdemeanor to obstruct or cause to be obstructed any part of, or any public use of any public street, highway, avenue, sidewalk, crosswalk or bridge to the extent that it creates any possible threat to health or safety or any violation of the Americans with Disabilities Act. (Ord. 123 § 4, 1996)

**Chapter 17.64**

**OFF-STREET PARKING REQUIREMENTS**

**Sections:**

- 17.64.010 Off-street parking required.**
- 17.64.020 One-family, two-family, and multiple dwellings.**
- 17.64.030 Rooming houses, lodging houses, clubs, fraternity houses, dormitories, and hotels.**
- 17.64.040 Auto courts, tourist courts, and motels.**
- 17.64.050 Hospitals, sanitariums, convalescent homes, and homes for the aged.**
- 17.64.060 Auditoriums.**
- 17.64.070 Amusements.**
- 17.64.080 Commercial and industrial buildings.**
- 17.64.090 Loading space.**
- 17.64.100 Miscellaneous provisions.**

**17.64.010 Off-street parking required.**

For each dwelling, multiple dwelling, business, or industrial establishment or other structure hereafter erected, there shall be provided and maintained off-street parking facilities to accommodate the motor vehicles used by the occupants, customers, clientele, and employees of such dwelling, multiple dwelling, business, or industrial establishment or structure. The aggregate amount of parking space for each type of use shall be not less than that stated in the following. (Ord. 55 § 17.00, 1980)

**17.64.020 One-family, two-family, and multiple dwellings.**

For every dwelling, multiple dwelling, or other structure erected or intended to be used as a dwelling, there shall be provided on the same lot or parcel of land one parking space for each dwelling unit. Each such parking space shall be not less than eight feet wide and twenty (20) feet long. (Ord. 55 § 17.01, 1980)

**17.64.030 Rooming houses, lodging houses, clubs, fraternity houses, dormitories, and hotels.**

For each one guest room there shall be provided one parking space. Each such parking space shall be on the same lot or parcel of land or contiguous thereto and shall contain at least two hundred (200) square feet, except that

parking space for hotels shall be on the same lot or within five hundred (500) feet of the building. (Ord. 55 § 17.02, 1980)

**17.64.040 Auto courts, tourist courts, and motels.**

One parking space shall be provided for each living or sleeping unit on the same lot or parcel of land or contiguous thereto, and each such space shall contain at least two hundred (200) square feet. (Ord. 55 § 17.03, 1980)

**17.64.050 Hospitals, sanitariums, convalescent homes, and homes for the aged.**

One parking space shall be provided for each one thousand (1,000) square feet of floor space or fraction thereof on the same lot or parcel of land or contiguous thereto, and each such space shall contain at least two hundred (200) square feet. (Ord. 55 § 17.04, 1980)

**17.64.060 Auditoriums.**

For church, high school, college, or university auditoriums and for theaters, general auditoriums, and other similar places of assembly one parking space shall be provided for every ten (10) seats provided in such building. A seat shall mean eighteen (18) lineal inches of seating space when seats are arranged in rows or pews. For auditoriums with no permanent seats, a seat shall mean seven square feet of floor area. Each such parking space shall contain at least two hundred fifty (250) square feet including adequate space for ingress and egress, and shall be on the same lot or within five hundred (500) feet of the building. (Ord. 55 § 17.05, 1980)

**17.64.070 Amusements.**

For stadiums, arenas, and fairs one parking space shall be provided for each four seats of eighteen (18) lineal inches each.

For dance halls one parking space shall be provided for each one hundred (100) square feet of floor area or fraction thereof.

For bowling alleys four parking spaces shall be provided for each alley.

Each such parking space shall contain at least two hundred fifty (250) square feet including adequate space for ingress and egress and shall be on the same lot or within five hundred (500) feet of the building or amusement area. (Ord. 55 § 17.06, 1980)

**17.64.080 Commercial and industrial buildings.**

For all office, commercial, and industrial buildings one parking space shall be provided for each five hundred (500) square feet of floor space or fraction thereof.

Each such parking space shall contain at least two hundred fifty (250) square feet including adequate space for ingress and egress, and shall be on the same lot or within five hundred (500) feet of the building. (Ord. 55 § 17.07, 1980)

**17.64.090 Loading space.**

On the same premises with every building, structure, or part thereof erected or occupied for manufacturing, storage, warehouse, goods, display, department store, wholesale or retail market, hotel, restaurant, hospital, laundry, dry cleaning plant, or other uses similarly involving the receipt or distribution of vehicles carrying materials or merchandise, there shall be provided and maintained on the lot adequate loading services in order to avoid undue interference with the public use of the streets or alleys. Required loading space may be included within the required parking space adjacent to a building. (Ord. 55 § 17.08, 1980)

**17.64.100 Miscellaneous provisions.**

Nothing in this title shall prohibit the collective use of space for off-street parking, provided such collectively used space is equal to the sum of the requirements of each individual establishment participating in such collective use.

When the required off-street parking space is provided on a separate lot from the main building, there shall be recorded in the office of the county recorder of Amador County, California, a covenant by the owner or owners of the lot for the benefit of the city to the effect that such owner or owners will continue to maintain such parking space as long as said building is maintained.

Neither a required side yard abutting a street, nor a front yard, shall be used for off-street parking.

All off-street automobile parking areas including automobile sales lots, service stations and other drive-in establishments shall be surfaced with a bituminous surface faced with a bituminous surface treatment or other surfacing of a higher type. (Ord. 55 § 17.09, 1980)

## Chapter 17.68

### HOME OCCUPATIONS

#### Sections:

- 17.68.010 Intent and purpose.**
- 17.68.020 Designation of uses.**
- 17.68.030 Criteria.**
- 17.68.040 Procedure.**
- 17.68.050 Appeal of staff decision.**

#### **17.68.010 Intent and purpose.**

The intent and purpose of the home occupation provisions is to authorize and regulate the conduct of a business in residentially zoned districts. Home occupations shall be limited to those uses which are to be conducted within a residential dwelling in such a manner and under such conditions and restrictions that will be compatible with and not disrupt the residential character of the neighborhood in which they are permitted or the appearance and condition of the residence in which they are conducted. Such provisions for land use permit under this section are in addition to procedures in Chapter 17.80. (Ord. 79 § 1(A), 1988)

#### **17.68.020 Designation of uses.**

The designation of permitted home occupations shall include any uses customarily conducted entirely within a residential dwelling. The use shall be clearly incidental and secondary to the principal use of the property for residential dwelling purposes. The following uses, or similar uses as determined by the city council, shall be considered eligible for home occupation permits provided that such uses comply with the criteria established by this chapter:

- A. Consultative professional occupations, whose function is one of rendering a service;
- B. Secondary business offices, where such business has its principal office, staff and equipment located elsewhere;
- C. The home office of a salesperson providing no commodities shall be displayed on the premises;
- D. Drafting, designing or similar disciplines utilizing drafting or art equipment. (Ord. 79 § 1(B), 1988)

#### **17.68.030 Criteria.**

A home occupation may be permitted only upon

obtaining an approved land use permit and city business license. In addition to special restrictions or conditions that may be attached to an approved land use permit, the following criteria shall apply:

- A. Only occupants of the dwelling shall be employed on the premises.
- B. The home occupation shall be conducted wholly within the structure(s) on the premises and shall not exceed fifty (50) percent of the total area of the structure(s). No new building constructed for purpose of home occupancy.
- C. Inventory and supplies for the home occupation shall not occupy more than fifty (50) percent of the permitted area.
- D. No signs or advertisements shall be displayed on the premises.
- E. No display of any kind shall be visible from the exterior of the premises.
- F. No mechanical or electrical apparatus associated with the business shall be visible from the exterior of the premises.
- G. No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or are customary to home crafts.
- H. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- I. The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.
- J. There shall be complete conformity to residential, fire, building, electrical, plumbing and health codes as well as all state and city laws and ordinances.
- K. The home occupation shall not cause a demand for municipal or utility service or community facilities in excess of those which are usually and customarily provided for residential use.
- L. There shall be no installation of additional utility connections, with the exception of telephones, to facilitate a home occupations.
- M. The home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet (including radio and television reception) of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises or vibrations.
- N. Any special condition established by the city council and made a record in the home occupation permit, as they

may deed necessary to carry out the intent of this chapter shall be met.

O. All home occupation permits are subject to immediate cancellation in the event of any violation of the provisions hereof.

P. No outdoor storage shall be permitted.

Q. An annual use permit is required. The fee, established by ordinance or resolution, will be paid the first year only. Although the annual permit continues to be required, thereafter a business license fee, established by ordinance or resolution, will be paid annually. (Ord. 113, 1993; Ord. 79 § 1(C), 1988)

#### **17.68.040 Procedure.**

A. Application. A signed application and payment of a fee shall be submitted to the city clerk, at least fifteen (15) days prior to a regular city council meeting to set public hearing on the use.

B. Notice of Decision. No later than thirty (30) days following city council staffs action in granting or denying the home occupation, written notice of the decision shall be mailed to the applicant at the address shown on the application form and to any other person requesting notice.

C. Decisions by City Council and/or Staff. The decision of city council and/or staff shall be final. Such decision shall not become effective for thirty (30) days from the date that the written decision has been made and notice thereof mailed to the applicant.

D. Voiding of Permit. City staff may void any home occupation for noncompliance with conditions set forth in approving the permit by providing written notice pursuant to Section 17.68.030. (Ord. 79 § 1(D), 1988)

#### **17.68.050 Appeal of staff decision.**

A. Appeals may be taken to the city council by the applicant or any other person aggrieved by staffs decision.

B. Appeals shall be filed on forms supplied by the city council within thirty (30) days from the date that the staffs written decision and notice thereof is mail or delivered to applicant or other person requesting notice.

C. On the appeal, the city council shall review the decision of staff, hear new evidence and testimony, if offered, and in deciding the appeal may either affirm, reverse or modify the decision of city staff. (Ord. 79 § 1(E), 1988)

## **Chapter 17.72**

### **DESIGN REVIEW**

#### **Sections:**

- 17.72.010 Applicability.**
- 17.72.020 Purpose.**
- 17.72.030 Design review area.**
- 17.72.040 Design review committee.**
- 17.72.050 Building permits— Application requirements.**
- 17.72.060 Design consideration requirements.**
- 17.72.070 Trees and vegetation.**
- 17.72.080 Other design review considerations.**
- 17.72.090 Appeals.**

#### **17.72.010 Applicability.**

The following regulations shall apply to those projects requiring design review, unless otherwise provided in this title. (Ord. 97 (part), 1991)

#### **17.72.020 Purpose.**

The purpose of design review is to preserve the buildings and historic character of Amador City. Specifically, design review is established to protect and enhance the historic Gold Rush period architecture which is economically important to the tourist industry and the people of the city.

A. Many areas in this city have deteriorated through poor planning, neglect of proper design standards and the construction of buildings and structures unrelated to their location and natural environment.

B. These conditions promote disharmony, reduce property values and impair public health and comfort, convenience, happiness and welfare.

C. The lack of appropriate guidelines and criteria for the design of new buildings and structures has contributed to these conditions.

D. It is therefore necessary and desirable to alleviate these conditions by providing appropriate guidelines and criteria for the maintenance and enhancement of property values; the visual character of this especially fragile community; the natural environmental resources; the public health, safety, comfort, convenience, happiness and welfare of the citizens of the city.

E. These are the targeted goals for the city. Some modifications are acceptable. (Ord. 97 (part), 1991)



**17.72.030 Design review area.**

The requirements of this chapter shall apply to all zones within the city limits of Amador City. (Ord. 97 (part), 1991)

**17.72.040 Design review committee.**

A design review committee is established to review all plans, documents, and samples as submitted under this chapter and submit their findings to the city council for final approval. The city council shall select the five-member committee which is to be composed of one city council member and four from the general public. One member of the design review committee shall be selected by the committee to act as design review administrator. The design review administrator shall receive from the applicant all plans, documents and samples and distribute copies to other members of the committee. Terms for design review members shall be two years. (Ord. 97 (part), 1991)

**17.72.050 Building permits-Application requirements.**

A. Each applicant for a building permit within the city limits which would authorize new construction or exterior alterations beyond ordinary maintenance and repair and which does not involve a change in design, exterior material, color or the structures original appearance and such addition is in excess often (10) percent of the gross floor area shall first present a completed building review form along with the required materials to the design review committee. The committee shall re view any such application and shall report its findings to the city council within forty (40) days.

B. An applicant for design review shall furnish an accurate plot plan and complete exterior elevation drawings with materials and color samples as noted thereon and any other information as the committee may require.

C. Drawings submitted may be preliminary in nature rather than construction type drawings as they may be subject to revision during the design review process.

D. The burden shall be on the property owner, project designer and/or permit applicant to demonstrate that the design of the project conforms to the standards and guidelines for design review. (Ord. 97 (part), 1991)

**17.72.060 Design consideration requirements.**

A. Site Planning—Plot Plan. The location of any

structure(s) upon the subject property will be compared to the locations of other structures in the immediate neighborhood. Structures should be positioned on the site so as to minimize tree removal and alterations of the natural topography, respect the privacy of neighboring houses and their outdoor living areas, minimize the blockage of sunlight on neighboring buildings, and minimize the alteration of streams and natural drainage channels. (The Department of Fish and Game is involved with stream alterations.) Where grading is necessary for the construction of structures and paved areas, it must blend with adjacent land forms through the use of contour grading rather than harsh cutting of the site. Grading should not create problems of erosion or drainage on its site or that of adjacent properties. Utility lines should be placed underground when possible.

The plot plan drawing shall show the locations of: (1) the structure(s) to be constructed, any existing structures, trees and property lines; (2) existing and proposed contours at two foot (2') intervals; (3) the driveway and internal traffic circulation patterns of ingress and egress; (4) on-site parking and its lighting; (5) areas to be landscaped for R-1 zoning and professional landscape design plans showing specific plant selections and locations for all other zones. All items shall be accurately depicted and to scale.

B. Architectural Styles—Elevation Drawings. All structures shall be in good proportion, have simplicity of mass and detail and shall be harmonious with the other buildings in the city of like class and type. There shall be appropriate and fitting use of building materials and colors. When considering plans for a building which is itself a historic structure or is adjacent to a historic structure, the committee shall consider its conformity to the features found either on the original structure or on those typical of the period in which the structure was constructed.

1. Building Shapes and Bulk. Design buildings with shapes that respect and conform to the natural topography of the site. Buildings constructed on hillsides should step down the hill in the same direction as the natural grade and should blend with the existing silhouette by maintaining natural vegetative masses and land forms and not extend above the height of the natural tree canopy.

2. Unenclosed Spaces. The creation of unattractive, useless spaces beneath buildings, such as those built on stilts, should be avoided.

3. Facades. The front or principal face of a building should be well articulated and in good proportion. Avoid

the dominance of garages at street level and consider their placement and appearance on the site. Avoid massive blank walls by creating esthetically pleasing and well proportioned patterns of windows and doors and their associated trimmings.

4. Roofs. Buildings should be designed using pitched roofs. Roof construction should reflect the predominant architectural styles of the immediate area. Corrugated metal roofing is preferred. (Samples of roofing material and/or brochure of type and color to be used shall be supplied to the design review committee.)

5. Building Materials. The use of building materials that are compatible with the predominant architectural styles of the city are recommended. The use of real wood, board and batten or horizontal siding, double hung windows and metal roofing is encouraged. (Samples and/or brochures on types and colors of siding and windows to be used shall be supplied to the design review committee.)

6. Colors. Varying architectural styles should be made compatible by using colors which blend and harmonize with their natural- setting or immediate area. Avoid the use of bright or showy color schemes. (Samples of siding, window, door and trim colors are to be submitted to the design review committee.)

The elevation drawings shall include north, south, east, and west elevations of the structure or structures and shall be to scale. Elevation drawings shall accurately show: roof angles and type; siding type and color; window and door type, their placement and color; trim style, type and color; and any other items which would normally be illustrated on elevation drawings, (i.e. deck railings, support pillars, etc.) Note: The paint color name and/or description of the colors to be used shall be written on the elevation drawings.

No building shall be arbitrarily or capriciously restricted if it is otherwise legitimate and generally acceptable to the people of Amador City. (Ord. 97 (part), 1991)

#### **17.72.070 Trees and vegetation.**

The removal of trees six inches in diameter or nineteen (19) inches in circumference (measured at four and one-half feet above the ground) unless: (1) examined by a professional landscape person and reasons are written to the committee and signed off by such person. In no case will trees be cut before permission is given by design review; (2) there is no alternative building site for a house, driveway or accessory building; or (3) tree removal is necessary to utilize the property in a manner which is of

greater public value than any environmental degradation caused by the action; or (4) to allow reasonable economic or other enjoyment of the property; all must be documented before action of any kind.

B. A tree may be removed if a tree: (1) is diseased; (2) could adversely affect the general health and safety; (3) could cause substantial damage; (4) is a public nuisance; (5) is in danger of falling; (6) is too closely located to existing or proposed structures; (7) substantially detracts from the value of the property; (8) interferes with utility services; (9) acts as a host for a plant which is parasitic to another species of tree which is in danger of being infested or exterminated by the parasite; (10) is a substantial fire hazard; or (11) will be replaced by plantings approved by the planning director.

C. Required Replacement of Trees. Each tree removed must be replaced with an identical tree and two other native trees in appropriate locations which, as much as possible, do not block existing views. All trees shall be fifteen (15) gallon trees. Each tree shall be healthy and live for a least one year.

Additional native trees and native vegetation may be required for screening to minimize and soften the appearance and impact of development on the street, adjacent homes and the community. (Added during 2002 codification)

#### **17.72.080 Other design review considerations.**

A. Existing rock walls are to be preserved and maintained. (See Section 15.16.070.) If alterations to such walls are necessary, then such reason or reasons for change shall be documented and presented to the design review committee prior to any action being taken.

B. Existing native and ornamental trees are to be preserved. If a tree or trees are to be removed, the reason or reasons for such removal must be documented and presented to the design review committee prior to any action being taken.

C. All businesses within the city must submit a completed Sign Application Form (See Chapter 15.16) to the design review committee. (Ord. 97 (part), 1991)

#### **17.72.090 Appeals.**

Any appeal from the decision of the design review committee shall be made to the city council according to procedure. (Ord. 97 (part), 1991)

## Chapter 17.76

### VARIANCES AND ZONE CHANGES

#### Sections:

- 17.76.010**      **Generally.**
- 17.76.020**      **Variances.**
- 17.76.030**      **Necessary conditions.**
- 17.76.040**      **Information required.**
- 17.76.050**      **Amendments and changes  
of zone boundaries.**
- 17.76.060**      **Filing applications.**
- 17.76.070**      **Filing fees.**
- 17.76.080**      **Investigation.**
- 17.76.090**      **Notices.**
- 17.76.100**      **Public hearing.**
- 17.76.110**      **Planning commission decision.**

#### **17.76.010**      **Generally.**

The following regulations shall apply to the granting of variances and zone changes. (Ord. 55 § 18.00, 1980)

#### **17.76.020**      **Variances.**

When practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this title occur by reason of a strict interpretation of any of the provisions of this title, the planning commission upon its own motion may, or upon the verified application of any interested person shall, in specific cases initiate proceedings for the granting of a variance from the provisions of this title under such conditions as may be deemed necessary to assure that the spirit and purposes of this title will be observed, public safety and welfare secured, and substantial justice done. All acts of the planning commission and city council under the provisions of this section shall be construed as administrative acts performed for the purpose of assuring that the intent and purpose of this title shall apply in special cases, as provided in this section, and shall not be construed as amendments to the provisions of this title or map. (Ord. 55 § 18.01, 1980)

#### **17.76.030**      **Necessary conditions.**

Before a variance may be granted, all of the following shall be shown:

A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not

apply generally to the property or class of use in the same zone and vicinity;

B. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;

C. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity;

D. That the granting of such variance will not adversely affect the comprehensive general plan. (Ord. 55 § 18.02, 1980)

#### **17.76.040**      **Information required.**

Applications for variances shall be accompanied by:

A. A plot plan and description of the property involved showing the location of all existing and proposed buildings. Additional plans and descriptions of the proposed use of the property with ground plans and elevations for all proposed buildings may be required at the discretion of the planning commission;

B. A reference to the provisions of the ordinance from which said property is sought to be exempted. (Ord. 55 § 18.03, 1980)

#### **17.76.050**      **Amendments and changes of zone boundaries.**

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

With the exception of amendments changing property from one zone to another, or changing the boundary of any zone, amendments may be made in the same manner as this title was adopted. (Ord. 55 § 18.04, 1980)

#### **17.76.060**      **Filing applications.**

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

Applications filed pursuant to this title shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the planning commission, and there shall be attached thereto copies of all notices and actions pertaining thereto. (Ord. 55 § 18.05, 1980)

**17.76.070 Filing fees.**

Before accepting any application for filing, the city shall charge and collect appropriate fees, as adopted by resolution of the city council. (Ord. 64 § 9, 1985; Ord. 55 § 18.06, 1980)

**17.76.080 Investigation.**

The planning commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon such application as will serve to provide all necessary information to assure that the action on each such application is consistent with the intent and purpose of this title and with previous amendment or variances. (Ord. 55 § 18.07, 1980)

**17.76.090 Notices.**

A. Following the receipt on proper form of any such application for variance, use permit or appeal, the secretary of the planning commission shall give notice of application and hearing by publication in a newspaper of general circulation in the city, and by posting the notice in conspicuous places close to the property, such publication and posting to be completed not less than ten (10) days, nor more than thirty (30) days, before the date of the hearing.

B. Following the receipt on proper form of any such application for change of zoning, the secretary of the planning commission shall give notice of application and hearing by publication in a newspaper of general circulation in the city, by posting the notice inconspicuous places close to the property, and by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within three hundred (300) feet of the property which is the subject of the proposed zoning change. (Ord. 114, 1993; Ord. 64 § 10, 1985; Ord. 55 § 18.08, 1980)

**17.76.100 Public hearing.**

Public hearings as provided for in this title shall be held before the planning commission at the time and place

for which public notice has been given as hereinbefore required. The planning commission may establish its own rules for the conduct of such hearings. A summary of all pertinent testimony offered at a public hearing, together with the names and addresses of all persons testifying, shall be recorded and made a part of the permanent files of the case. Any such hearing may be continued provided that, prior to the adjournment or recess thereof, the presiding officer at such hearing shall announce the time which such time shall not be in excess of thirty (30) days subsequent to the first regular meeting of the planning commission after its receipt of the application and place to which such hearing will be continued. (Ord. 55 § 18.09, 1980)

**17.76.110 Planning commission decision.**

Within thirty-five (35) days after the conclusion of a public hearing, the planning commission shall render its decision on the matter so heard.

The planning commission shall announce and record its action by formal resolution, and such resolution shall recite the findings of the planning commission upon which it bases its decision.

Within five days after final decisions by the planning commission on an application for a variance or conditional use permit, notices of the decision in the matter shall be mailed to the applicant at the address shown upon the application and to persons requesting same.

The granting, either with or without conditions, or the denial of such application by the planning commission shall be final unless within ten (10) days after the decision by the planning commission, the applicant or any person aggrieved, shall appeal therefrom in writing to the city council by presenting such appeal to the city clerk. At its next regular meeting after the filing of such appeal with the city clerk, the city council shall set a date for a hearing thereon. The manner of setting the hearing, giving of notice and conducting the hearing shall be the same as hereinbefore prescribed for hearing by the planning commission. The decision appealed from shall be affirmed unless reversed by a vote of not fewer than a majority of the members of the city council present.

No permit or license shall be issued for any use involved in an application for a variance or conditional use permit, until same shall have become final by reason of the failure of any person to appear or by reason of the action of the city council.

If the use authorized by any variances or conditional use

permits is, or has been unused, abandoned, or discontinued for a period of six months, or complied with, the variance or conditional use permit shall become null and void and of no effect.

Within ten (10) days after final action by the planning commission on an application for amendments or changes of zone boundaries its recommendations together with the complete records of the case shall be delivered to the city council.

The city council after receipt of the report and recommendation from the planning commission, shall hold a final hearing thereon. The manner of setting the hearing, giving of notice and conducting the hearing shall be the same as hereinbefore prescribed for hearings by the planning commission. The recommendation of the planning commission shall be approved unless reversed by a vote of not fewer than a majority of the members of the city council present.

No permit or license shall be issued for any use involved in an application for a change of zone until same shall have become final by the adoption of an ordinance. (Ord. 55 § 18.10, 1980)

## Chapter 17.80

### CONDITIONAL USE PERMITS

#### Sections:

**17.80.010 Generally.**

**17.80.020 Uses permitted in any zone.**

#### **17.80.010 Generally.**

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

Uses may be permitted by the planning commission and city council in zones from which they are prohibited by this title where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive general plan. The procedure for filing of applications, filing fees, investigation, notices, public hearings, findings, and appeal shall be the same as herein provided for variances, except that the city council upon recommendation of the planning commission may waive public hearings on an application for conditional use permits for public utility or public service uses or public buildings, when found to be necessary for the public health, safety, convenience, or welfare. (Ord. 55 § 20.00, 1980)

#### **17.80.020 Uses permitted in any zone.**

The following uses may be permitted in any zone upon the granting of a conditional use permit.

- A. Airports or aircraft landing fields;
- B. Cemeteries, columbariums, crematories, mausoleums, and mortuaries;
- C. Churches or other places used exclusively for religious worship;
- D. Educational institutions including schools, elementary or high;
- E. Establishments or enterprises involving large assemblages of people, or automobiles, including amusement parks, circuses, carnivals, expositions, fairgrounds, open-air theaters, race tracks, recreational and sports centers;
- F. Hospitals and sanitariums;
- G. Institution of a philanthropic or eleemosynary nature;
- H. Libraries, museums, and private clubs;
- I. Natural resources development together with the necessary buildings, apparatus, or appurtenances incident

thereto;

J. Large scale neighborhood housing projects having a minimum gross area of twenty (20) acres;

K. Parks, playgrounds, and community buildings;

L. Public utility or public service buildings, structures, and uses, except as otherwise provided in this title;

M. Radio, and television transmitters;

N. Real estate tract offices, golf courses, and country clubs. (Ord. 55 § 20.02, 1980)

## Chapter 17.84

### ADMINISTRATION AND ENFORCEMENT

#### Sections:

**17.84.010 Enforcement.**

**17.84.020 Violation—Penalty.**

#### **17.84.010 Enforcement.**

It shall be the duty of the chief of police to enforce this title. All departments, officials, and public employees of the city, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this title and shall issue no permits or licenses for uses, buildings, or purposes in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions of this title shall be null and void.

The provisions of this title shall be interpreted and administered by the planning commission whose inspectors or authorized representatives shall have the right to enter upon any premises affected by this title for purposes of inspection. When there is no planning commission, the city council shall do all things required by this title of the planning commission.

Any building or structure erected or maintained, or any use of property, contrary to the provisions of this title shall be, and the same is declared to be, unlawful and a public nuisance and the city attorney shall immediately commence actions and proceedings for the abatement, removal, and enjoinder thereof, in the manner provided by law; and shall take such other steps, and shall apply to any court as may have jurisdiction to grant such relief as will abate or remove such building, structure, or use and restrain and enjoin any person, firm, or corporation from erecting or maintaining such building or structure, or obtaining such building or structure, or using any property contrary to the provisions of this title.

This title may also be enforced by injunction issued out of the superior court upon the suit of the city or the owner or occupant of any real property affected by such violation or prospective violation. This method of enforcement shall be cumulative and in no way affect the penal provisions hereof. (Ord. 64 § 11, 1985; Ord. 55 §21.00, 1980)

#### **17.84.020 Violation—Penalty.**

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, wilfully violating any

provisions of this title shall be deemed guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the city or county jail for a period of not more than six months or by both such fine and imprisonment. Each day that violation of this title continues shall be considered a separate offense. (Ord. 55 §21.01, 1980)