Article III - Site Planning and General Development Standards

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17.30.010 - Purpose and Applicability

A. Purpose. The provisions of this Chapter expand the standards of Article II (Zoning Districts and Allowable Land Uses) by addressing the details of site planning and project design, to ensure that development, and new or modified land uses are of appropriate character and quality, considerate of the community's natural resources, compatible with existing and future land uses, and consistent with the General Plan.

B. Applicability—General standards. The provisions of this Chapter apply to all proposed development and new or modified land uses regardless of the applicable zoning district.

1. These standards shall be considered in combination with the standards for each zoning district in Article II (Zoning Districts and Allowable Land Uses). If there is a conflict, the standards specific to the zoning district shall override these general standards.

2. All new or modified structures and uses shall comply with all applicable provisions of this Chapter before construction and operation, unless specifically exempted by an applicable provision of this Development Code.

17.30.020 - Access

A. General standard. Every structure and land use shall be provided adequate physical and legal access to a public street in the form of frontage upon the street, or permanent means of access to a public street by way of a public or private easement, or recorded (mutual) access agreement, as determined by the Site Plan Review Committee.

B. Access and improvement specifications. The approval of proposed development shall require the applicant to improve the public street frontages of the site in compliance with the City of Jackson Public Improvements and Engineering Standards, including right-of-way width, and structural section, surfacing, and width of street improvements.

C. Driveways. Access driveways shall be developed in compliance with the standards in Chapter 17.48 (Parking and Loading Standards). The site planning and design of proposed development shall minimize the lengths of driveways.

17.30.030 - Air Emissions

A. Fugitive Dust Emissions. Land use activities that may create dust emissions (for example, construction and grading) shall be conducted to limit visible emission of fugitive dust at the point of its creation to less than 20% opacity. To ensure that this occurs, appropriate procedures shall include the following:

1. Dust suppression plan. A dust suppression plan shall be required for all projects for which a grading plan is required;

2. Scheduling. Grading activities shall be scheduled to ensure that repeated grading will not be required, and that implementation of the desired land use (e.g., construction, paving, or planting) will occur as soon as possible after grading;

3. Operations during high winds. Clearing, earth-moving, excavation operations or grading activities shall cease when the sustained winds are above 15 mph;

4. Area of disturbance. The area disturbed by clearing, demolition, earth-moving, excavation operations or grading shall be minimized at all times;

5. Dust control. During clearing, demolition, earth-moving, excavation operations, or grading, fugitive dust emissions shall be controlled by application of water to prevent visible dust emissions, paving of construction roads or other dust-preventive measures (e.g., hydro seeding, etc.), subject to the approval of the City Engineer;

    a. Materials excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall be applied to all work areas, access roads and stockpiles before work begins and after work ends for the day. At all other times, water should be applied as necessary to prevent visible dust emissions;

    b. Materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;

6. On-site roads. On-site roads shall be paved as soon as feasible, and watered periodically or chemically stabilized until the roads are paved. Access or haul roads adjoining the project shall be treated as necessary to prevent track-out and accumulation of dirt, soil, or other materials which can subsequently be entrained in ambient air, either from construction-related vehicles or from any vehicle using adjoining affected roads;

7. Street encroachments. For land use activities that disturb two or more acres of land, paved aprons onto City streets shall be required at all access encroachments onto the City street. The aprons shall be paved within one week of the commencement of grading on the site. The aprons and portions of the street adjacent to the apron shall be flushed and/or swept at least once daily;

8. Revegetation. Graded areas shall be revegetated as soon as possible to minimize dust and erosion. Portions of the construction site to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained;

9. Fencing. Appropriate fences or walls shall be constructed to permanently contain the dust and dirt within the parcel, subject to the approval of the City Planner;

10. Other measures. Other Best Available Control Technology (BACT) may be required by the City Engineer to control air emissions of particulate matter from the site; and

11. Performance guarantees. The City Engineer may require a permit applicant to provide adequate performance guarantees (e.g. bonds, cash deposits, certified letter of credit, etc.) to ensure the faithful and timely performance of dust suppression measures during grading. The City Engineer shall be responsible for setting the amount of the required performance guarantee, after consultation with the City Building Official and the Amador County Air Pollution Control Officer.

B. Vehicle exhaust emissions. An applicant who proposes a land use activity that could result in potential construction-related exhaust emission impacts shall minimize the emissions by maintaining equipment engines in good condition and in proper tune in compliance with manufacturer's specifications and by not allowing construction equipment to be left idling for long periods of time.

C. Odor emissions. The owner of an existing or proposed use which produces odors or noxious matter (e.g., fumes, gases, vapors, etc.) in quantities that those emissions constitute a nuisance in compliance with State law (Civil Code Sections 3479-3503) shall have the source of the contaminant controlled in order to abate the nuisance.

D. Cleared vegetation. The method of disposal of cleared vegetation from the site shall be indicated on the project improvement plans. Open burning of vegetation from site-clearing shall be prohibited unless approved by the City Engineer and the Amador County Air Pollution Control Officer upon a finding that other alternatives are unobtainable or economically infeasible.

17.30.040 - Archeological/Cultural Resources

A. General standards. In the event that archaeological or cultural resources are discovered during any construction, all construction activities shall cease within 200 feet of the find unless a lesser distance is approved by the City Planner, and the Planning Department shall be notified so that the extent and location of discovered materials may be recorded in a written report prepared by a qualified archaeologist, and disposition of discovered materials may occur in compliance with State and Federal law. Construction shall not recommence until the City Planner authorizes construction to begin.

B. Survey. The City Planner may require a cultural resources field survey by a qualified professional, at the applicant's expense, where the project will involve areas of grading and/or the removal of natural vegetation totaling one acre or more. The City Planner may require a cultural resources field survey on smaller sites for a Zoning Clearance, Development Permit, Minor Use Permit, Use Permit, Planned Development, or Tentative Map where there is the potential for cultural resources to be located on the project site.

1. The survey shall be conducted to determine the extent of the cultural resources on the site, before the completion of the environmental document for the project.

2. Where the results of the survey indicate the potential to adversely impact probable cultural resources, the report shall be transmitted to the appropriate clearinghouse for comment.

3. The City Planner shall maintain a confidential map file of known or probable cultural resource sites so as to assist in the identification of sensitive areas.

4. A qualified professional shall be present on-site during all excavation activity, including preliminary soil investigations, grading, and trenching for foundations and utilities, in those cases where the identification of and potential impacts to cultural resources cannot be determined prior to project approval or when required by the City Planner based on a recommendation by the field surveyor.

C. Mitigation measures. Where development would significantly impact cultural or paleontological resources which have been identified, reasonable mitigation measures shall be required by the review authority as may be recommended by the field surveyor or by the State Historic Preservation Officer. Mitigation may include the following, as applicable/necessary:

1. The relocation or redesign of development to avoid the identified site;

2. The opening of the site to qualified, approved professional/educational parties for the purpose of exploration and excavation for a specified time before the commencement of development;

3. The utilization of special construction techniques to maintain the resources intact and reasonably accessible;

4. Where specific or long-term protection is necessary, identified sites shall be protected by the imposition of recorded open space easements; and

5. For significant sites of unique cultural resource value, where other mitigation techniques do not provide a necessary level of protection, the project shall not be approved until the City Planner determines that there are no reasonably available sources of funds to purchase the subject property or conservation easement. The City Planner shall have 90 days from the date of discovery of a significant site to make this determination.

D. Cultural resources. Any cultural resources found on the project site shall be recorded or described in a professional report, subject to the approval of the City Planner; and

E. Human remains. If human remains are encountered during construction, the County Coroner shall be notified. If the remains are determined to be Native American, the Coroner has 24 hours to notify the Native American Heritage Commission of the findings.

17.30.050 - Drainage and Storm Water Runoff

All applications for Zoning Clearance, Development Permit, Minor Use Permit, or Use Permit, except single-family dwellings, secondary residential units, and duplexes, shall include drainage and erosion control plans and be designed and constructed to provide facilities for the proper conveyance, treatment, and disposal of storm water in compliance with this Section.

A. Drainage and erosion control plan requirements. Drainage and erosion control plans shall be submitted to the Engineering Department for review for compliance with the requirements of this Section. The plan may be incorporated within the project site plan.

    1. A preliminary drainage and erosion control plan shall be submitted as part of an application for a land use permit, for new development, and the significant expansion or redevelopment of an existing use as determined by the City Planner.

    2. Following approval of the land use permit, a final drainage and erosion control plan shall be submitted as part of the application for a Building Permit. Final plans shall be approved by the City Planner before the start of on-site construction or soil disturbance and before the issuance of a Building Permit. Projects requiring Planning Commission approval due to their size or use shall require plans prepared by a licensed engineer unless deemed unnecessary by the City Engineer.

    3. Preliminary and final plans shall contain all information specified in the instructions for preparing drainage and erosion control plans provided by the Engineering Department.

    4. After initial application review in compliance with Section 17.70.060 (Initial Application Review/Environmental Assessment), the City Planner shall review each preliminary and final plan to verify its compliance with the provisions of this Section. The City Planner may approve the submittal in compliance with this Chapter, or may deny or require changes to a submittal that is not in compliance.

B. Runoff treatment. Surface runoff treatment measures consistent with the "State of California Stormwater Best Management Practices Handbooks", prepared by the American Public Works Association Storm Water Task Force, shall be incorporated into the project. The following measures shall also be incorporated into the project:

1. Stormwater runoff:

    a. Runoff from impervious surfaces shall be collected, treated, and contained on-site utilizing infiltration disposal facilities (e.g., infiltration basins and trenches) designed, installed, and maintained for, at a minimum, a twenty-year, one-hour storm event based on the Public Improvements and Engineering Standards. The City Engineer may require a design to accommodate a larger storm event when topographic and/or drainage conditions of the surrounding area or watershed warrant more stringent drainage improvements;

    b. Runoff shall be directed into any on-site retention/treatment basin using a slot drain, culvert, depressed swale, rock-lined trench, and/or other approved drainage facilities. Surface and subsurface water shall not drain over sidewalks or adjoining parcels;

    c. Runoff from structures not directed into a retention/treatment basin shall utilize graveled drip line infiltration trenches under all eaves and decks designed, installed, and maintained for up to and including a twenty-year, one-hour event. Infiltration trenches shall include a minimum gravel depth of eight inches and a minimum width of two feet, unless a trench of different dimensions is required by the City Engineer based upon an engineered drainage analysis; and

2. On-site drainage facilities. Facilities shall be designed to direct stormwater runoff which exceeds the required capacity of the facility into a public storm drainage system contained within the nearest public right-of-way; and

3. Wetlands:

    a. Runoff into wetland areas shall not be increased above or decreased below pre-project levels unless the review authority finds that the increase or decrease of runoff will not adversely affect the health, function, and values of the wetland; and

    b. Runoff into wetland areas shall be treated in accordance with Subsection B prior to release into the wetland.

C. Erosion control. Erosion control measures consistent with the "State of California Stormwater Best Management Practices Handbooks", prepared by the American Public Works Association Storm Water Task Force, shall be incorporated into the project. The following measures shall also be incorporated into the project:

1. Temporary measures. Temporary erosion control measures as required by the City Engineer shall be installed and continuously maintained for the duration of construction and shall include:

a. All non-construction areas shall be clearly marked and protected during construction by fencing or other identification approved by the City Engineer;

b. The protection of loose piles of clay, debris, sand, silt, soil, or other earthen material during periods of precipitation or runoff with nonwoven filter fabric fence, hay bales, temporary gravel, and/or earthen or sand bag dikes; and

c. All soil disturbance activities shall cease if adverse weather conditions are predicted, unless operating under an exception granted by the City Engineer. Adequate temporary erosion control measures shall be immediately installed during adverse weather conditions.

2. Permanent measures. Permanent erosion control measures as required by the City Engineer shall be installed and continuously maintained for the life of the project and shall include:

   a. All surplus or waste earthen materials shall be removed from the site and deposited in an approved location within 10 days from completion of construction;

   b. Earthen materials shall not be placed in surface water drainage courses, permanent or temporary, or in a location to allow the discharge of earthen materials to any surface water drainage course; and

   c. All disturbed areas shall be permanently stabilized or vegetated. Vegetated areas shall be continuously maintained to ensure adequate growth and root development. Vegetation shall consist of seeding, planting, mulching, and initial fertilizing and watering as needed.

3. Timing of operations. Ground disturbance including vegetation removal that disturbs the soil shall be prohibited between October 15 of any year and May 1 of the following year. Exceptions may be granted by the City Engineer based upon the following:

   a. Predicted dry weather conditions;

   b. The construction activity is associated with existing disturbed conditions only and is not intended to allow for the commencement of new construction activity or new disturbance;

   c. Specific dates and scope of work involved in the construction activity; and

d. The site shall be winterized and specific Best Management Practices implemented to control erosion and protect water quality within 48 hours of the City Engineer's order to cease ground disturbance.

4. Stabilization. Before October 15 in any year, permanent or temporary stabilization of all disturbed or eroding areas shall be installed consistent with the requirements of this Section.

D. Limitation on runoff. The net rate release of runoff from a site onto adjoining parcels and rights-of-way after construction shall not be greater than pre-construction levels of the runoff release from the site based on a 20-year, one-hour storm event. The City Engineer may require a design to accommodate a larger storm event when topographic and/or drainage conditions of the surrounding area or watershed warrant more stringent drainage improvements.

E. Maintenance. All required drainage and erosion control improvements shall be maintained for the life of the approved project, including routine maintenance, repair, and replacement of the improvements. Maintenance shall include:

1. Unclogging of basins, pipes, swales, and trenches by debris, ice, and sediment;

2. Repair of damaged basins, pipes, swales, and trenches;

3. Replacement of unhealthy, damaged, or non-productive vegetation; and

4. Restabilization of erosion on slopes.

F. Minor Use Permit required. Projects satisfying any of the following conditions will require the approval of a Minor Use Permit in compliance with Chapter 17.76 (Use Permits and Minor Use Permits):

1. Projects within the 100-year floodplain of waters under the jurisdiction of the State Regional Water Quality Control Board or projects required by the Regional Water Quality Control Board to obtain a waste discharge permit due to the potential for the discharge or threatened discharge of solid or liquid materials to surface waters, potential wetlands areas, or other sensitive lands;

2. Projects located on sites containing contaminated soils as identified by the Amador County Health Department or the State Regional Water Quality Control Board; and

3. Projects resulting in the disturbance of land or located within 200 feet of any wetland area unless the City Engineer finds that the topographic conditions of the surrounding area will clearly preclude any disturbance of wetland areas and will ensure that any runoff from the project will not result in any water quality impacts to a wetland area. A wetlands delineation report shall be

required for all projects requiring a minor use permit under this condition. The disturbance of wetland areas shall comply with Section 17.46.040 (Wetlands).

17.30.060 - Easements

No structure shall be allowed within public utility easements, access/driveway easements, drainage easements or any other easement offered for dedication to the City or the County of Amador, except with Minor Use Permit approval. A Minor Use Permit for a structure within an easement may be granted only where the review authority first finds that the structure will not interfere with the purpose of the easement.

17.30.070 - Fences, Walls, and Hedges

The following standards shall apply to the installation of fences, walls, and hedges, regardless of whether a permit or City approval is required by this Section, except where an applicable Specific Plan or Planned Development establishes different standards. The provisions of this Section shall not apply to a fence or wall required by a law or regulation of the City, State or an agency thereof. For the purposes of brevity, the term "fence" as used in this Section shall mean "fence, wall, or hedge."

A. Permit requirement. Fences require Zoning Clearance in compliance with Chapter 17.72 (Zoning Clearance) in all zoning districts except where exempted from this requirement by following Subsection B.

B. Exemptions from permit requirement. The following fences and walls do not require Zoning Clearance, but shall otherwise comply with all applicable provisions of this Development Code.

    1. Fences within the residential zoning districts are exempt, provided that they comply with the height limits in following Subsection C.

    2. Walls and retaining walls less than 48 inches in height measured from the bottom of the footing to the top of the wall. Retaining walls are exempt only in compliance with this height limit, and where they retain earth only with no surcharge, and are not required by the Uniform Building Code or this Development Code to have a Building Permit.

C. Fence height limitations.

    1. Fences are subject to the height limitations shown in Table 3-1, based on the area of the site and the location of the fence on the site relative to the required setbacks established by Article II (Zoning Districts and Allowable Land Uses). See Figure 3-1 – Fence and Wall Standards.

TABLE 3-1

HEIGHT LIMITS FOR FENCES, WALLS, AND HEDGES

	Maximum Allowed Height Based on Fence Location			
Parcel Size	**Within Front or Street Side Setback**	**Within Side or Rear Setback**	**Within Rear Setback on Through Lot**	**Outside Setback Areas (1)**
Less than 1 acre	3 ft. (1,2,3)	6 ft.	3 ft.	6 ft. (4,6)
1 acre or more	3 ft. (2,5)	6 ft. (6)	6 ft. (2)	6 ft. (4,6)

Notes:

(1) Open fences up to a maximum of four feet in height may be allowed in front and street side setbacks if the City Engineer finds that the fence will not adversely affect a front or street side setback traffic safety visibility area. An open fence shall be defined as a split board or rail fence (not exceeding three boards or three rails high), woven wire, or chain link that does not impair sight visibility.

(2) Fences up to a maximum of six feet in height may be allowed in street side setbacks if the fence is located outside the traffic safety visibility area.

(3) Fences up to a maximum of six feet in height may be allowed in front and street side setbacks on residential properties that face commercial or industrial properties if the City Engineer finds that the fence will not adversely affect a front or street side setback traffic visibility area.

(4) Fences up to a maximum of 20 feet in height may be allowed for tennis and other outdoor recreational courts outside the required setback areas.

(5) On parcels of one acre or larger, fences up to a maximum of six feet in height may be allowed in front and street side setbacks if the City Engineer finds that the fence will not adversely affect a front or street side traffic safety visibility area;

(6) An open agricultural fence shall be allowed to a maximum height of eight feet in the side and rear setbacks and outside the required front and street side setback areas for property located in the RS district, provided that the City Planner first determines that the fence is essential to a legitimate agricultural operation or animal keeping on the site. An open agricultural fence shall be defined as an agricultural board fence or split rail (not exceeding three 6 inch boards or three rails high for a total height 5 feet), barbed or woven wire or chain link that does not

impair sight visibility. All agricultural fences shall be designed to maximize safety.

2. Entry features over front yard gates (e.g., arches and trellises), with a maximum height of eight feet, provided that the entry features are no wider than six feet.

3. Retaining walls shall be subject to the height and setback limits established by Section 17.30.120(F) (6) (Setback Requirements - Retaining Walls).

4. All vegetation shall be maintained so as not to encroach into the public right-of-way.

5. These height limits shall not apply to the following:

    a. Official governmental warning signs or signals;

    b. Public utility poles;

    c. Saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave, at all seasons, a clear and unobstructed crossview;

    d. Supporting members of appurtenances to permanent structures existing on the effective date of this Development Code; and

    e. For parcels located adjacent to an intersection trees shall be trimmed (to the trunk) to a line at least six feet above the elevation of the intersection.

6. Parcels with grade differential.

    a. Where there is a difference in the ground level between two adjoining parcels of less than two feet, the height of a fence constructed along the common property line shall be determined by using the natural grade of the highest contiguous parcel.

    b. When there is a difference in the ground level between two adjoining parcels of two feet or more, the maximum allowed height of a fence on the property line shall be determined by the City Planner.

D. Prohibited materials. The use of electrified fence or razor wire fence in conjunction with a fence, wall, or hedge, or by itself within any zoning district, is prohibited unless:

1. Approved as part of the land use permit, based upon a finding that the material is necessary for the security of the facility or is required by a law or regulation of the City, State, or an agency thereof; or

2. The fence is a simple, one-strand horse electric fence in the RS district.

(See Figure 3-1, Fence and Wall Standards)

17.30.080 - Grading and Vegetation Removal

A. Preservation of the natural vegetation. To prevent premature grading of the existing terrain and to ensure preservation of the natural vegetation within the City, grading and/or removal of natural vegetation shall not occur before the issuance of a land use permit (e.g., Zoning Clearance, Use Permit, etc.) authorizing development on the subject parcel, except for the following:

   1. Grading and/or the removal of vegetation for a single-family residence on an existing subdivision lot;

   2. Removal of vegetation done within an open space area by a subdivision homeowner's association or similar organization or a public agency in order to maintain the health of the forest and/or enhance fire safety; and

   3. Removal of vegetation to comply with the fuel clearance regulations of the City of Jackson Fire Department.

B. Building and Grading Permits. A Grading Permit shall not be issued until the associated Building Permits are issued, unless grading is secured with an appropriate performance guarantee in compliance with Section 17.84.040 (Performance Guarantees).

C. Commission requirements. As part of the approval of a Development Permit or Use Permit involving grading, the Commission shall make one of the following findings:

   1. Performance guarantees in compliance with Section 17.84.040 (Performance Guarantees) shall be required prior to issuance of any grading or building permits for the project to guarantee restoration of the site if the project is not completed;

   2. There is sufficient evidence demonstrating there is adequate financing for the project to guarantee that the project will be completed; or

   3. Performance guarantees are not necessary, given the particular circumstances of the application.

17.30.090 - Height Measurement and Height Limit Exceptions

All structures shall comply with the following standards relating to height, except for fences and walls, which are instead subject to the provisions of Section 17.30.070 (Fences, Walls, and Hedges).

A. Maximum height of structures. The height of structures shall not exceed the standard established by the applicable zoning district in Article II (Zoning Districts and Allowable Land Uses).

B. Height measurement.

1. The height limit for structures shall be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the exterior walls touch the natural grade. See Figure 3-2. In cases where the structure has a split roof(s) and the roofline of the split roof is five or more feet below the highest point of the structure and the floor area underneath the split roof extends at least 10 feet out from the remainder of the structure, the height limit for the structure shall be measured as the vertical distance from the average of the highest point of the structure and the highest point of the split roof to the average of the highest and lowest points of the structure where the exterior walls touch the natural grade. (See Figure 3-2, Height Measurement)

2. In no case (except as permitted in (C) below) shall the height of any portion of a structure exceed a height greater than 10 feet above the standard established by the applicable zoning district in Article II (Zoning Districts and Allowable Land Uses) as measured as the vertical distance from the natural grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade. (See Figure 3-3, Maximum Height)

C. Exceptions to height limits. The height limits of this Development Code may be exceeded as follows.

1. Fire or parapet walls may extend up to four feet above the allowable height limit of the structure.

2. Places of public assembly in churches, schools and other allowed public and semi-public structures, provided that they are located on the first floor of the structure and the required front, side, and rear yards shall be increased by one additional foot for each one foot by which the structure exceeds the height limit established for the applicable zoning district.

3. Belfries, chimneys, cupolas, domes, flag poles, gables, monuments, penthouses, scenery lofts, spires, towers (e.g., hose, radio, utility, water, etc.), water tanks, similar structures, and necessary mechanical appurtenances may be authorized to exceed the height limit established for the applicable zoning

district, subject to the approval of a Minor Use Permit in compliance with Chapter 17.76 (Use Permits and Minor Use Permits).

4. Telecommunication facilities, including antennae, poles, towers, and necessary mechanical appurtenances, may be authorized to exceed the height limit established for the applicable zoning district, in compliance with Section 17.58.025 (Telecommunications Facilities).

5. The height of a single family dwelling in a residential zoning district may be increased up to an additional five feet, when the dwelling is on a building site with an average slope of 25 percent or greater.

D. City Planner exceptions to height limits. The City Planner may approve additional height up to a maximum of 10 percent of the height limit for a single family dwelling in a residential zoning district as follows:

1. The City Planner finds all of the following:

    a. There are unique circumstances associated with the property or the structure design that necessitate an increase in the height limit to prevent an unnecessary hardship or to overcome practical difficulties in constructing the dwelling;

    b. The structure height and design are compatible with the neighborhood;

    c. The additional height of the structure will not significantly impair views or sunlight quality to the surrounding properties; and

2. Prior to approving an exception to the height limit, notice of the City Planner's intent to approve an exception to the height limit shall be required in the following manner:

    a. Notice shall include a general explanation of the matter being considered, a general description of the height exception being requested, the date on which the City Planner may take action on the height exception, and the location and available times that information on the matter may be reviewed by the public;

    b. The notice shall be mailed or delivered to the owner(s) of the property being considered or the owner's agent, the applicant if different from the owner, and all owners of real property as shown on the County's last equalized assessment roll within 100 feet of the boundary of the property which is the subject of the height exemption;

    c. The notice shall be posted in City Hall; and

d. The notice shall be mailed, delivered, and posted at least 10 days prior to the City Planner approving the height exception.

17.30.100 - Property Maintenance

A. Purpose. This Section provides for the abatement of conditions which are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction to or interference with the comfortable enjoyment of adjoining property, or hazardous or injurious to the health, safety, or welfare of the general public in a manner which may constitute a nuisance.

B. Property maintenance nuisances. It is hereby declared to be a public nuisance for any property owner or other person in control of property to keep or maintain the property, including adjoining parkways, sidewalks, or streets under fee ownership by that person, in a manner resulting in any of the following conditions.

1. Abandoned materials. Any abandoned, discarded, dismantled, inoperable, wrecked equipment or objects including appliances, automobiles, boats, fixtures, furniture, refrigerators, trailers, trucks, water heaters, miscellaneous equipment and machinery, cans or containers standing or stored on the property or on adjoining parkway, sidewalks or streets which can be viewed from a public highway, walkway, or from private or public property, or which items are readily accessible from these places, or which are stored on private property in violation of any law.

2. Dangerous conditions. Any condition which exists upon any premises that is dangerous to human life or is detrimental to health as determined by the Building Official.

3. Alterations. Any alteration of land, the topography or configuration of which in any man-made state whether as a result of grading operations, excavations, fill, or other alteration, interferes with the established drainage pattern over the property or from adjoining or other property which does or may result in erosion, subsidence, or surface water drainage problems of a magnitude which would be injurious to public health, safety, and welfare.

4. Disposal of petroleum products. Disposal or presence of grease, oil, other petroleum products, noxious chemicals, pesticides, or any gaseous, liquid, or solid waste in a manner which would consist of a health or fire hazard or degrade the appearance of or detract from the aesthetic and property values of surrounding properties.

5. Outdoor storage in excess of one week. Lumber (excluding stacked firewood or lumber for a construction project on the property with a valid and active Building Permit), junk, salvage materials (including auto parts, bottles, scrap metals, tin cans, and tires, appliances, fixtures, furniture, refrigerators, water

heaters, miscellaneous equipment and machinery), trash or packing boxes or other debris stored on the premises for a period in excess of one week.

6. On-site repairs. Any performance of work on household fixtures, motor vehicles, or vehicle engines or parts, on a public right-of-way or performance of work in yard areas of residential properties which are visible from a public right-of-way or surrounding properties, other than emergency repairs or minor maintenance being performed by the owner of the fixture or vehicle.

7. Vehicles as temporary or permanent living space. Use of a parked or stored boat, camper shell, trailer, vehicle, or other similar item as temporary or permanent living space for a period in excess of two weeks.

8. Storage of building materials. Accumulations of asphalt, bricks, building materials, concrete, fill dirt, plaster, rocks, and tile unless for a construction project on the property with a valid and active Building Permit.

9. Graffiti. The presence of graffiti, as defined in Article VII (Development Code Definitions).

10. Maintenance. Property failing to meet minimum levels of maintenance and care as follows:

    a. Walls, fences, other structures. All walls, fences, trash enclosures, and other structures shall be maintained free of significant surface cracks, dry rot, missing panels or blocks, and warping, which threaten structural integrity;

    b. Structure elevations and roofs. Exterior structure surfaces and roofs shall be maintained free of significant surface cracks, dry rot, missing blocks or other materials, or warping, which threaten structural integrity; and

    c. Trash and debris. The property shall be maintained free of the accumulation of trash and debris not stored in designated solid waste enclosures. Trash and debris associated with allowed uses are to be stored solely in designated solid waste enclosures.

    d. Natural vegetation. Vegetation that is dry and overgrown can be a fire hazard. All vegetation on properties shall be maintained to minimize fire hazard.

17.30.110 - Screening and Buffer Requirements

All multi-family and non-residential land uses shall comply with the screening and buffer requirements of this Section.

A. Screening and buffer between non-residential and residential land uses. Where a non-residential development or new land use is proposed on a parcel in the commercial, industrial or public zoning district, and adjoins a residential zoning district, the following screening/ buffering features shall be constructed as part of the development or land use.

1. A six-foot high, solid decorative masonry wall or solid fence or a combination of landscaping, berm and fencing, or wall shall be constructed between the non-residential use and residentially-zoned parcels. The wall shall be architecturally treated on both sides, and the design of the screening (e.g., berm and fencing, landscaping, or wall) shall be subject to the approval of the City Planner. A landscaping strip with a minimum width of five feet shall be provided along the wall or fence. If adjoining a parking area, the landscaped area may be counted towards required interior parking lot landscaping.

2. All proposed or required landscaping shall comply with Chapter 17.40 (Landscape Standards).

3. The review authority may modify or waive the requirements of this subsection or approve alternatives to the screening and buffer methods if the review authority finds the characteristics of the site or vicinity would make the required screening and buffer unnecessary or the alternative will achieve the same effect of the required screening and buffer.

B. Screening and buffer between limited commercial and residential land uses. Where a non-residential development or new land use is proposed on a parcel in the LC zoning district, and adjoins a residential zoning district, the following setback, screening, and landscaping features shall be provided as part of the development or land use.

1. Setbacks. If the proposed commercial use is in a commercial zoning district and adjoins a residential zoning district, but is not separated by a street, the required setback for a structure adjacent to a residential zoning district shall be equal the height of the building, but in no case shall the setback be less than 15 feet.

2. Screening. A solid decorative masonry wall or solid fence with a minimum height of six feet, or higher if required by an acoustical analysis to mitigate noise impacts, shall be constructed and maintained on the project site along the common property line. Pedestrian access may be provided through the wall from a residential neighborhood to a neighborhood-serving commercial use subject to the approval of the City Planner.

3. Landscaping. A landscaped strip shall be provided adjacent to the wall with the intention of providing a planting area for trees and shrubs on the commercial site.

a. The width of the landscaped strip shall be a minimum of five feet. Larger areas may be required by the review authority for larger projects which shall be determined on a case by case basis.

b. Landscaping shall be designed to visually screen the commercial development from the residences and to effectively break up the otherwise long, flat appearance of the wall. Trees shall be provided at a rate of one for every 20 lineal feet of landscaped area, and shrubs shall be provided at a rate of one for every five lineal feet of landscaped area. Additional trees and shrubs may be required by the review authority as determined on a case by case basis.

c. The use of the landscaped setback for passive activities (e.g., lunch area, pedestrian path) shall be subject to the approval of the City Planner.

4. Exceptions to screening and buffer requirements. The requirements of this subsection may be modified or waived through the approval of a Minor Use Permit in compliance with Chapter 17.76 (Use Permits and Minor Use Permits).

C. Screening and buffer between multi-family and single-family residential uses. Wherever a multi-family residential project adjoins a site developed with or zoned for a single-family residence, but is not separated by a street, a six-foot high solid wood fence, decorative masonry wall, or other appropriate material shall be constructed along the property line adjoining the single-family residential use. The review authority may modify or waive the requirements for the fence or wall if the review authority finds the characteristics of the site or vicinity would make the required screening and buffer unnecessary or the fence or wall would adversely affect neighborhood compatibility and other screening and buffer methods have been incorporated into the project to achieve the same effect of the required fence or wall.

D. Equipment. Any equipment in multi-family and non-residential zoning districts, whether on a roof, the side of structure, or ground, and any loading docks, service yards, trash and storage areas, and utility services, shall be properly screened from public view.

1. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, shape, and size.

2. The screening design and construction shall be subject to the approval of the City Planner, and shall blend with the design of the structures and include appropriately installed and maintained landscaping when on the ground.

17.30.120 - Setback Requirements and Exceptions

This Section provides standards for the use and minimum size of required setbacks. These standards are intended to provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping, and recreation.

A. Setback requirements. All structures shall comply with the setback requirements of the applicable zoning district established by Article II (Zoning Districts and Allowable Land Uses), and with any special setbacks established for specific uses by this Development Code, except as otherwise provided by this Section. No portion of a structure, including eaves or roof overhangs, shall extend beyond a property line; or into an access easement or street right-of-way. Each required setback shall be open and unobstructed from the ground upward, except as provided in this Section.

B. Exemptions from setback requirements. The minimum setback requirements of this Development Code apply to all uses except the following:

    1. Fences or walls six feet or less in height above the natural grade of the parcel; except on corner lots and within front yards in compliance with Section 17.30.070 (Fences, Walls, and Hedges);

    2. Decks, earthworks, free-standing solar devices, hot tubs, steps, swimming pools/spas, terraces, and other site design elements which are placed directly upon the finish grade and do not exceed a height of 18 inches above natural grade at any point;

    3. Retaining walls less than four feet in height above the surrounding finish grade at any point;

    4. Parking pads with railings four feet or less in height; and

    5. Basketball baskets and supports.

C. Allowable setback reductions.

    1. A side yard setback other than that required by this Article or Article II (Zoning Districts and Allowable Land Uses) may be authorized on residential lots through Minor Use Permit approval.

    2. The required front yard setback may be reduced by the City Engineer by a maximum of five feet on residential lots that are less than 80 feet wide if the City Engineer finds that the reduced setback will not adversely affect a front or street side visibility area.

D. Measurement of setbacks. Setbacks shall be measured as follows. (See Figure 3-4, Location and Measurement of Setbacks)

1. Front yard setbacks. The front yard setback shall be measured at right angles from the nearest point on the front property line of the parcel to the nearest line of the structure, except as follows. Whenever a future right-of-way width line is officially established for a street, required setbacks shall be measured from the established lines. Whenever an access easement for a public street or private street traverses a parcel, front yard setbacks shall also be measured from the outer edges of the easement.

    a. Averaging. The required front yard setback may be calculated based on an averaging of adjoining parcels only under the following circumstances:

        (1) In the residential zoning districts, where 25 percent or more of the parcels located on the same side of the street and within 200 feet of the parcel or between the nearest intersecting streets, whichever is less, have been improved with structures at the time of adoption of this Development Code, the required front yard depth for the applicable zoning district may be reduced to a depth not less than the average depth of the front yards of the parcels with existing structures; and

        (2) When an interior parcel in an RS zoning district adjoins a parcel in any other zoning district, the depth required for the front yard on the interior parcel may be reduced to not less than the average of the required depth and the width or depth of the yard required on the parcel in the other zoning district, which adjoins the street on which the interior parcel faces.

    b. Corner parcels. The measurement shall be taken from the nearest line of the structure to the nearest point of the property line adjoining the street which has the narrowest parcel frontage. Whenever a future right-of-way width line is officially established for a street, required setbacks shall be measured from the established line(s); and

    c. Flag lots. The measurement shall be taken from the nearest line of the structure to the point where the access strip meets the bulk of the parcel; establishing a building line parallel to the lot line nearest to the public street or right-of-way. (See Figure 3-5, Flag Lot Setbacks)

2. Side yard setbacks. The side yard setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure; establishing a setback line parallel to the side property line, which extends between the front and rear yards.

3. Street side yard setbacks. The side yard on the street side of a corner parcel shall be measured from the nearest point of the side property line adjoining the street to the nearest line of the structure. Whenever a future right-of-way width line is officially established for a street, required yards shall be measured from the established line.

4. Rear yard setbacks. The rear yard shall be measured at right angles from the nearest point on the rear property line of the parcel to the nearest line of the structure, establishing a setback line parallel to the rear property line, which extends between the side yards, except:

a. The rear yard on the street side of a through lot shall be measured from the nearest point of the rear property line adjoining the street; or

b. Where the side lot lines converge to a point, a line five feet long within the parcel, parallel to and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear yard. (See Figure 3-6, Rear Setback Measurement for Triangular and Irregular Lots)

E. Allowed projections into setbacks. Attached architectural features may extend beyond the wall of the structure and into the front, side, and rear setbacks, in compliance with Table 3-2, below. Other portions of single-family dwellings may extend into required setbacks in compliance with Subsection F.7 (Setback requirements for specific structures and situations - Single-family dwellings). (See Figure 3-7, Examples of Allowed Projections into Setbacks)

TABLE 3-2

ALLOWED PROJECTIONS INTO SETBACKS

	Allowed Projection into Specified Setback		
Projecting Feature	**Front Setback**	**Side Setback**	**Rear Setback**
Balconies, bay windows, and other cantilevered features providing floor area	36 in.	36 in. (1)	5 ft.
Chimney/fireplace, 6 ft. or less in width	30 in.	30 in. (2)	30 in. (2)
Canopy, cornice, eave, roof overhang	36 in.	36 in. (3)	5 ft.
Deck, porch, which may be roofed but is otherwise unenclosed, 18 in. or more above natural grade (4)	6 ft.	36 in. (1)	6 ft.

	Allowed Projection into Specified Setback		
Projecting Feature	**Front Setback**	**Side Setback**	**Rear Setback**
Stairway, not attached to a deck, not enclosed, and does not extend above the ground floor as measured from the driveway grade adjacent to the garage or house	6 ft. (5)	36 in. (1)	6 ft.

Notes:

(1) Feature may project no closer than five feet to any side property line. Feature may not project into the side yard setback in the Historic Commercial Zone (HC). See Section 17.30.120(F) (7) for exceptions.

(2) Feature may project no closer than three feet to any side or rear property line.

(3) Feature may project no closer than five feet to any side property line. See Section 17.30.120(F)(7) for exceptions.

(4) Decks less than 18 inches above natural grade are exempt.

(5) Covered walkways and stairways adjoining garages within the front yard setback may project into the front yard setback up to the front of the garage.

F. Setback requirements for specific structures and situations.

1. Dwelling groups. An inner court providing access to a multi-family dwelling group (constructed and located face-to-face) shall provide a minimum width of 10 feet between the rows for single-story structures with an additional five feet of width for each additional floor above the first floor.

2. Fences. See Section 17.30.070 (Fences, Walls, and Hedges).

3. Hot tubs, swimming pools/spas, and other site design elements.

    a. Site design elements less than 18 inches above natural grade are exempt from setback requirements.

    b. Detached decks, earthworks, freestanding solar devices, hot tubs, steps, swimming pools/spas, terraces, and other site design elements, and which equal or exceed a height of 18 inches above natural grade at any point, shall conform to the setback requirements. Swimming pools, or other recreational pools or landscape ponds, may be located in a required front, rear, or side yard, subject to the approval of a

Minor Use Permit, in compliance with Chapter 17.76 (Use Permits and Minor Use Permits), and applicable Building and Health Codes.

4. Residential accessory uses and structures. Residential accessory uses and structures shall be provided setbacks in compliance with Table 3-3 (Required Setbacks - Accessory Uses and Structures).

TABLE 3-3

REQUIRED SETBACKS - RESIDENTIAL ACCESSORY USES AND STRUCTURES

Accessory Use/Structure	Type of Setback (1)	Required Setback (2)
Air conditioning equipment, pool and spa equipment, ground-based antennae	Sides, rear	5 feet
Garage	Front, street side	1 foot and 20 feet from edge of street pavement
Gazebo, greenhouse, patio cover	Front, street side Rear Interior (3)	15 feet 15 feet for single family dwelling, 10 feet for multi-family dwellings 6 feet
Propane tank	Front, street side Sides, rear	As required for main structure. 0 feet (4)
Stationary barbecue, fire pit	Sides, rear	5 feet
Swimming pool, spa, fish pond, outdoor play equipment [5]	Street side Sides, rear	As required for main structure. 5 feet
Other structures greater than 120 square feet	Front, street side, sides, rear	As required for main structure.
Structures less than 120 square feet and greater than 6 feet in height	Front, street side Sides, rear	As required for main structure. 5 feet
Structures less than 120 square feet and 6 feet or less in height and not covered elsewhere in this section	Front, street side, sides, rear	0 feet

Notes:

(1) When a setback is not specified, the setback shall be as required for the main structure. Where a parcel is situated so that the front, side, or rear property lines are not readily determinable, required setbacks shall be established by the City Planner.

(2) A structure, projection or equipment shall not be placed or occur beyond the property lines of the subject parcel.

(3) See Chapter 17.220 (Definitions, Glossary) for the definition of interior setback.

(4) Propane tanks must comply with the side, rear, and interior setback requirements of the City Building Code and the City of Jackson Fire Department.

5. Retaining walls. (Retaining walls up to four feet in height are exempt from setback requirements.)

    a. Retaining walls from four to six feet in height may be located within a required setback provided the exposed side of the wall faces into the subject parcel; and

    b. Retaining walls greater than six feet in height, or retaining walls greater than four feet in height where the exposed side of the wall faces out from the subject parcel, shall conform to the setback requirements.

    c. Retaining walls greater than four feet in height for driveways and driveway structures may be located within a required front yard setback if the City Engineer finds that the wall will not adversely affect a front or street side traffic visibility area.

    (See Figure 3-8, Retaining Walls in Setback)

6. Single-family dwellings. Single-family dwellings may extend into required setbacks as follows.

    a. Front setbacks. Where an existing sloping parcel contains 40,000 square feet or less in net area, setback requirements are not specified on the recorded subdivision map, and the average difference in elevation in the first 60 feet of the parcel measured perpendicularly between the edge of the pavement or traveled way and the structure is one vertical foot for every four horizontal feet (1:4) or more, the front setback for a single-family dwelling may be reduced up to 30 percent of that required for other parcels in the same zoning district .

b. Side setbacks. A single-family dwelling and related accessory structures may extend up to two feet into a required side setback, but no closer than eight feet to a side property line, and allowed projections as listed in Table 3-2 (Allowed Projections Into Setbacks) may be located up to five feet into a required side setback, but no closer than five feet to any side property line, only as follows:

(1) The average width of the parcel at the building pad is 80 feet or less;

(2) The wall of the structure is located no closer than 15 feet to the wall of any structure on an adjoining parcel;

(3) The pitch of any portion of the roof within the side yard setback is not directed toward the side property line or the structure has a non-shedding roof with a deed restriction recorded on the property that limits the type of roofing materials to non-shedding materials; and

(4) Windows and other wall openings of the structural wall within the side setback are limited to five percent or less of the total area of the wall.

c. Side setbacks for nonconforming structure. An addition or modification to a single family dwelling that encroaches into the side setback may extend up to five feet into a required side setback, but no closer than five feet to a side property line, as follows:

(1) The Planning Commission finds all of the following:

(a) The height and design of the addition or modification is compatible with the existing structure;

(b) The side yard setback for the addition or modification is equal to or greater than the side yard setback for the existing dwelling;

(c) The building frontage, as measured in lineal feet, of the addition or modification within the side yard setback does not exceed the building frontage of the existing dwelling within the side yard setback.

(2) The applicant applies for a variance consistent with Section 17.82 (Variances and Historic Variances).

7. Traffic safety visibility areas. Structures shall not be altered, constructed, erected, or moved, so that they are located closer to a street line than is

necessary to provide adequate space for on-site traffic/vehicle maneuvering and the structures shall not be located within a traffic safety visibility area except for fences as permitted by Section 17.30.070(C) (Fence, Walls, and Hedges – Fence Height Limitations). (See Figure 3-4, Location and Measurement of Setbacks)

17.30.140 - Solar Access and Solar Equipment Guidelines

Passive heating and cooling opportunities should be incorporated into single-family residential subdivisions and multi-family residential projects as provided by this Section.

A. Orientation of structures. Future structures should be oriented to maximize solar access opportunities.

B. Pools and spas. A pool or spa facility owned and maintained by a homeowner's association or multi-family rental complex shall be equipped with a solar cover. Solar water heating systems are encouraged.

C. Collector installation. Solar collectors, if provided, shall be located and installed in the following manner:

1. Roof-mounted solar collectors shall be placed in the least conspicuous location without reducing the operating efficiency of the collectors;

2. Wall-mounted and ground-mounted collectors shall be screened from public view, to the maximum extent feasible;

3. Roof-mounted collectors shall be installed at the same angle or as close as possible to the pitch of the roof. Solar panels may be placed on a flat roof in an angled position if they are appropriately screened from view by elements that are compatible with the architectural style, color, and use of materials on the main portions of the building.;

4. Appurtenant equipment, particularly plumbing and related fixtures, shall be installed in the attic whenever possible or screened from public view, to the maximum extent feasible; and

5. Exterior surfaces of the collectors and related equipment shall have a matte finish and shall be color-coordinated to harmonize with roof materials and other dominant colors of the structure.

D. Obstruction of solar access. Structures (building, wall, fence, etc.) should not be constructed or new vegetation placed or allowed to grow, so as to obstruct solar access on an adjoining parcel.

17.30.150 - Solid Waste/Recyclable Materials Storage

This Section provides standards for the construction and operation of solid waste and recyclable material storage areas in compliance with State law (California Solid Waste Reuse and Recycling Access Act, Public Resources Code Sections 42900 through 42911).

A. Required storage for multi-family projects. Multi-family residential projects with five or more dwelling units, shall provide solid waste and recyclable material storage areas as follows:

1. Individual unit storage area requirements. Each dwelling unit shall be provided an internal area of a minimum of six cubic feet designed for the storage of solid waste and recyclable material. A minimum of three cubic feet shall be provided for solid waste and a minimum of three cubic feet shall be provided for recyclable material; and

2. Common storage area requirements. Table 3-4 establishes minimum requirements for common solid waste and recyclable material storage areas for multi-family developments, which may be located indoors or outdoors as long as they are readily accessible to all residents. These minimum requirements may be reduced by the City Engineer upon a finding that the reduced requirements will provide sufficient storage area for solid waste and recyclable materials generated by the structures and uses. All required storage areas are measured in cubic feet.

TABLE 3-4

MULTI-FAMILY SOLID WASTE STORAGE AREA REQUIREMENTS

Number of Dwellings	Minimum Storage Area Required (cu.ft.)		
	Solid Waste	Recycling	Total Area
5- 16	81	81	162
17-32	162	162	324
33-48	243	243	486
49-64	324	324	648
65-80	405	405	910
81+	Every additional 16 dwellings, or fraction thereof, shall require an additional 81 cu.ft. for solid waste and 81 cu.ft. for recyclables.		

B. Required storage area for non-residential structures and uses**.** Non-residential structures and uses within all zoning districts shall provide solid waste and recyclable material storage areas in compliance with Table 3-5. These requirements may be reduced by the City Engineer upon a finding that the reduced requirements will provide sufficient storage area for solid waste and recyclable materials generated by the structures and uses. All required storage areas are measured in cubic feet.

TABLE 3-5

NON-RESIDENTIAL SOLID WASTE STORAGE AREA REQUIREMENTS

Building Floor Area (sq.ft.)	**Minimum Storage Area Required (cu.ft.)**		
	Solid Waste	**Recycling**	**Total Area**
Up to 10,000	81	81	162
10,001-30,000	162	162	324
30,001-60,000	324	324	648
60,001+	Every additional 30,000 sq.ft., or fraction thereof, shall require an additional 162 cu.ft. for solid waste and 162 cu.ft. for recyclables.		

C. Location requirements. Solid waste and recyclable materials storage areas shall be located in the following manner:

1. Solid waste and recyclable material storage shall be adjacent/combined with one another. They may only be located inside a specially-designated structure, on the outside of a structure in an approved fence/wall enclosure, a designated interior court or yard area with appropriate access or in rear yards and interior side yards. Exterior storage area(s) shall not be located in a required front yard, street side yard, parking, landscaped or open space areas, or any area(s) required by the Municipal Code to be maintained as unencumbered;

2. The storage area(s) shall be accessible to residents and employees. Storage areas within multi-family residential developments shall be located within 250 feet of an access doorway to the dwellings which they are intended to serve; and

3. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector. Where a parcel is served by an alley, exterior storage area(s) shall be directly accessible to the alley.

4. All trash and recycling receptacles shall be lidded.

D. Design and construction. The storage areas shall be designed and constructed to:

1. Be compatible with the project and surrounding structures and land uses;

2. Be properly secured to prevent access by unauthorized persons, while allowing authorized persons access for disposal of materials;

3. Provide a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates the handling of the individual bins or containers;

4. Protect the areas and the individual bins or containers provided within from adverse environmental conditions which might render the collected materials unmarketable; and

5. Be appropriately located and screened from view on at least three sides subject to the approval of the City Planner. The method of screening shall be architecturally compatible with the surrounding structures.

17.30.160 - Undergrounding of Utilities

Proposed development, including residential subdivisions, shall provide for the undergrounding of existing and proposed utility facilities in compliance with this Section. The requirements of this Section do not apply to proposed residential parcels larger than three acres, and existing or proposed major electrical transmission lines.

A. Facilities to be undergrounded. All electric, telecommunications, and cable television lines to be installed on the site to serve a proposed development shall be installed underground from the nearest above-ground utility service, except for equipment appurtenant to underground facilities, including surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts. New poles or overhead lines shall not be allowed. All existing electric, telecommunication, and cable television lines within the site or along streets fronting the site shall be installed underground from the nearest above-ground utility service.

B. Responsibility of applicant. The applicant is responsible for complying with the requirements of this Section and shall make the necessary arrangements with the affected utility(ies) for facility installation. The review authority may modify or waive the requirements of this Section if the review authority finds topographical, soil, or any other conditions make underground installation unreasonable or impractical. The review authority may also require or accept an improvement fee for the future undergrounding of existing utility lines in lieu of complying with this Section. The amount of the improvement fee shall be determined by the City Engineer after consulting with affected utility companies and special districts based on the costs to underground the required utility lines. In those cases where utilities are

not installed underground, utility lines shall be located to minimize visibility in scenic vista areas.

C. Location of installation. Underground utility lines shall be installed along roadways within street rights-of-way where possible. When installed within street rights-of-way, their location and method of installation shall be done in accordance with the Public Improvements and Engineering Standards.

17.30.170 - Vibrations

The owner of an existing or proposed use which generates vibrations at levels constituting a nuisance, in compliance with State law (Civil Code Sections 3479-3503), shall abate the nuisance, in compliance with Chapter 17.200 (Enforcement).

Chapter 17.32 - Affordable Housing

Sections:

17.32.010 - Purpose of Chapter
17.32.020 - Applicability to Residential Development
17.32.030 - Exemptions
17.32.040 - Affordable Housing Standards
17.32.050 - Alternatives
17.32.060 - Incentives for Rental and On-site Housing
17.32.070 - Compliance Procedures
17.32.080 - Eligibility for Inclusionary Units
17.32.090 - Owner Occupied Units
17.32.100 - Rental Units

17.32.010 - Purpose of Chapter

The purpose of this policy is to:

A. Encourage the development and availability of housing affordable to a broad range of households with varying income levels within City as mandated by State Law, California Government Code Sections 65580 and following;

B. Promote the City of Jackson's goal to add affordable housing units to the City's housing stock in proportion to the overall increase in new jobs and housing units;

C. Offset the need for housing that is created by new development, protecting the economic diversity of the City's housing stock and promoting a jobs/housing balance, and in doing so, mitigating environmental and other impacts of traffic, transit and air quality and reducing demands on the region's transportation infrastructure.

17.32.020 – Applicability to Residential Development

For all Residential Developments of 10 or more units, at least 10 percent of the total units must be Inclusionary Units within the development and restricted for occupancy by Low-Very Low-, or Extremely Low Income Households as defined by the Regional Housing Needs Assessment Tables. The number of Inclusionary Units required for a particular project will be determined only once, at the time of tentative or parcel map approval, or, for developments not processing a map, prior to issuance of a building permit. If a change in the subdivision design results in a change in the total number of units, the number of Inclusionary Units required will be recalculated to coincide with the final approved project.

A. Calculation. For purposes of calculating the number of affordable units required by this Section, any additional units authorized as a density bonus under California Government Code Section 65915(b)(1) or (b)(2) will not be counted in determining the required number of Inclusionary Units. In determining the number of whole Inclusionary Units required, any decimal fraction less than 0.5 shall be rounded down to the nearest whole number, and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.

B. Type of Inclusionary Units. At least one quarter of the Inclusionary Units (or 2.5 percent of the total development) must be restricted to occupancy by Extremely Low-Income Households. One-quarter of the Inclusionary Units (or 2.5 percent of the total development) must be restricted to occupancy by Very Low-Income Households. An additional one-half of the Inclusionary Units (or 5 percent of the total development) must be restricted to occupancy by Low-Income Households.

C. Limitation for Rental Projects. The City acknowledges that the published appellate case of Palmer/Sixth Street Properties, L.P. v. City of Los Angeles (2nd Dist. 2009) 175 Cal.App.4th 1396 holds that the Costa-Hawkins Act (Civil Code §1954.50 et seq.) precludes local governments from requiring a developer to set affordable rent levels for private rental housing unless the developer has agreed to such rental restrictions in exchange for financial assistance or other consideration from the local government. This section and chapter shall be fully operative at such time that the Palmer case is overturned, disapproved or depublished by a court of competent jurisdiction, or the state legislature amends state law to authorize local governments to require the development and restriction of affordable rental units in the manner set forth in this section and chapter. Except as expressly limited by the Palmer case, this section and chapter remain in full force and effect.

17.32.030 - Exemptions

The requirements of this Policy do not apply to:

A. The reconstruction of any structures that have been destroyed by fire, flood, earthquake or other act of nature provided that the reconstruction of the site does not increase the number of residential units by more than nine.

B. Housing constructed by other government agencies.

17.32.040 – Affordable Housing Standards

Inclusionary Units built under this Policy must conform to the following standards:

A. Design. Except as otherwise provided in this Chapter, Inclusionary Units must be comparable in infrastructure (including sewer, water and other utilities), construction quality and exterior design to the Market-rate Residential Units. Inclusionary Units may be smaller in aggregate size and have different interior finishes and features than Market-rate Units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing. The number of bedrooms should be the same as those in the Market-rate Units, except that if the Market-rate Units provide more than three bedrooms, the Inclusionary Units need not provide more than three bedrooms.

B. Timing. All Inclusionary Units must be constructed and occupied concurrently with or prior to the construction and occupancy of Market-rate Units or development. In phased developments, Inclusionary Units may be constructed and occupied in proportion to the number of units in each phase of the Residential Development.

C. Duration of Affordability Requirement. Inclusionary Units produced under this section must be legally restricted to occupancy by Households of the income levels for which the units were designated for a minimum of 55 years for rental units and 45 years for owner occupied units.

17.32.050 - Alternatives

A. Developer Proposal. A Developer may propose an alternative means of compliance in an Affordable Housing Plan according to the following provisions.

    1. Off-Site Construction. Inclusionary Units may be constructed off-site if the Inclusionary Units will be located in an area where, based on the availability of affordable housing, the City Manager finds that the need for such units is greater than the need in the area of the proposed development.

    2. Combination. The City Manager may accept any combination of on-site construction and off-site construction.

B. Discretion. The City Manager may approve, conditionally approve or reject any alternative proposed by a Developer as part of an Affordable Housing Plan. Any approval or conditional approval must be based on a finding that the purposes of this Policy would be better served by implementation of the proposed alternative(s). The decision of the City Manager may be appealed to the City Council within ten days of the City Manager's decision.

17.32.060 - Incentives for Rental and On-Site Housing

The City may provide one or more of the following incentives to a Developer who elects to satisfy the inclusionary housing requirements of this Policy by producing rental units or owner-occupied housing units on the site of a Residential Development. Special preferences shall be given to projects offering Extremely Low-Income units.

A. Modified Development Standards to Increase Density. Modification in development or zoning provided that such modifications exceed the minimum building standards provided in the Uniform Building Code that will allow for increased density, including, the following for the development of low income units:

    1. The City may provide a 20% increase above the otherwise maximum allowable residential density;

    2. Low income single-family units may reduce the parking requirements to one covered parking space and one uncovered with tandem parking allowed; and

    3. The front yard set-back for all low income residential units may be reduced to ten feet with the exception of the covered parking portion of the structure which must maintain a 25 foot setback from back of sidewalk or curb if there is no sidewalk, to accommodate one additional off-street parking space.

B. Mixed Use Zoning. Approval of mixed use zoning in conjunction with a Development if such uses are compatible with the existing or planned development in the area where the proposed Development will be located.

C. Fee Reductions. A 50% reduction of fees required by City Schedule of Charges for Special Services and Local Facilities Participation Charges for the portion of the Development devoted to Inclusionary Units. The fee reduction may be up to 75% for Extremely Low-Income units.

D. Financial Assistance. To the extent budgeted by the City Council and otherwise available, financial assistance for the inclusionary housing component of the development in the form of loans or grants from sources as may be available to City.

17.32.070 - Compliance Procedures

A. General. Approval of an Inclusionary Housing Plan and implementation of an approved Inclusionary Housing Agreement is a condition of any tentative map, parcel map or building permit for any Development for which this Policy applies. This Section does not apply to exempt projects.

B. Inclusionary Housing Plan. The City Manager shall approve, conditionally approve or reject the Inclusionary Housing Plan within 60 days of the date of a complete application for that approval. If the Inclusionary Housing Plan is incomplete, the Inclusionary Housing Plan will be returned to the Developer along with a list of the

deficiencies or the information required. No application for a tentative map, parcel map or building permit to which this Policy applies may be deemed complete until an Inclusionary Housing Plan is submitted to the City Manager. At any time during the review process, the City Manager may require from the Developer additional information reasonably necessary to clarify and supplement the application or determine the consistency of the proposed Inclusionary Housing Plan with the requirements of this Policy. The Inclusionary Housing Plan must include:

1. The location, structure (attached, semi-attached, or detached), proposed tenure (for sale or rental), and size of the proposed market-rate, commercial space and/or Inclusionary Units and the basis for calculating the number of Inclusionary Units;

2. A floor or site plan depicting the location of the Inclusionary Units;

3. The income levels to which each Inclusionary Unit will be made affordable;

4. The mechanisms that will be used to assure that the units remain affordable for the desired term, such as resale and rental restrictions, deeds of trust, and rights of first refusal and other documents;

5. For phased Development, a phasing plan that provides for the timely development of the number of Inclusionary Units proportionate to each proposed phase of development;

6. A description of any incentives that are requested of City; and

7. Any other information reasonably requested by the City Manager to assist with evaluation of the Plan under the standards of this Policy.

C. Inclusionary Housing Agreement. The forms of the Inclusionary Housing Agreement, resale and rental restrictions, deeds of trust, rights of first refusal and other documents authorized by this Policy, and any change in the form of any such document which materially alters any requirement in the document, must be approved by the City Manager or his or her designee prior to being executed with respect to any Residential Development or Affordable Housing Proposals. The form of the Inclusionary Housing Agreement will vary, depending on the manner in which the provisions of this Policy are satisfied for a particular development. All Inclusionary Housing Agreements must include, at minimum, the following:

1. Description of the development, including whether the Inclusionary Units will be rented or owner-occupied;

2. The number, size and location of Extremely Low-, Very Low-, and Low-Income Units;

3. Inclusionary incentives by the City, including the nature and amount of any local public funding (if any);

4. Provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal or rental restrictions;

5. Provisions for monitoring the ongoing affordability of the units, and the process for qualifying prospective resident Households for income eligibility; and

6. Any additional obligations relevant to the compliance with this Policy.

D. Recording of Agreement. Inclusionary Housing Agreements that are acceptable to the City Manager must be recorded against owner-occupied Inclusionary Units and residential projects containing rental Inclusionary Units. Additional rental or resale restrictions, deeds of trust, rights of first refusal and/or other documents acceptable to the City Manager must also be recorded against owner-occupied Inclusionary Units. Such items must be approved as to form by the City Attorney. In cases where the requirements of this Policy are satisfied through the development of Off-Site Units, the Inclusionary Housing Agreement must simultaneously be recorded against the property where the Off-Site Units are to be developed.

17.32.80 - Eligibility for Inclusionary Units

A. General Eligibility. No Household may occupy an Inclusionary Unit unless the City or its designee has approved the Household's eligibility, or has failed to make a determination of eligibility within the time or other limits provided by an Inclusionary Housing Agreement or resale restriction. If the City has failed to identify a Household as an eligible buyer for the initial sale of an Inclusionary Unit that is intended for owner-occupancy 90 days after the unit receives a completed final inspection for occupancy, upon 90 additional days' notice to the City and on satisfaction of such further conditions as may be included in City-approved restrictions (which may include a further opportunity to identify an eligible buyer), the owner may sell the unit at a market price, and the unit will not be subject to any requirement of this Policy thereafter.

B. Conflict of Interest. The following individuals are ineligible to purchase or rent an Inclusionary Unit: (i) City employees and officials (and their immediate family members) who have policy-making authority or influence regarding City housing programs and do not qualify as having a remote interest as provided by California Government Code Section 1091; (ii) the Project Applicant and its officers and employees (and their immediate family members); and (iii) the Project Owner and its officers and employees (and their immediate family members).

C. Occupancy. Any Household who occupies a rental Inclusionary Unit or purchases an Inclusionary Unit must occupy that unit as a principal residence.

17.32.90 - Owner-Occupied Units

A. Initial Sales Price. The initial sales price of the Inclusionary Unit must be set so that the eligible Household will pay an Affordable Ownership Cost.

B. Transfer. Renewed restrictions will be entered into on each change of ownership, with a 45-year renewal term, upon transfer of an owner-occupied Inclusionary Unit prior to the expiration of the 45-year affordability period.

C. Resale. The maximum sales price permitted on resale of an Inclusionary Unit designated for owner-occupancy shall be the lower of: (1) fair market value or (2) to the extent authorized in any resale restrictions or operative Inclusionary Housing Agreement, sellers may recover at time of sale the market value of capital improvements made by the seller and the seller's necessary and usual costs of sale up to the percent increase in the Area Median Income, and may authorize an increase in the maximum allowable sales price to achieve such recovery.

D. Changes in Title. Title in the Inclusionary Unit may change due to changes in circumstance, including death, marriage and divorce. Except as otherwise provided by this Policy, if a change in title is occasioned by events that changes the financial situation of the Household so that it is no longer income-eligible, then the property must be sold to an income-eligible Household within 180 days. Upon the death of one of the owners, title in the property may transfer to the surviving joint tenant without respect to the income-eligibility of the Household. Upon the death of a sole owner or all owners and inheritance of the Inclusionary Unit by a non-income-eligible child or stepchild of one or more owners, there will be a one year compassion period between the time when the estate is settled and the time when the property must be sold to an income-eligible Household. Inheritance of an Inclusionary Unit by any other person whose Household is not income-eligible shall require resale of the unit to an income-eligible Household as soon as is feasible but not more than 180 days.

17.32.100 - Rental Units

Rental units will be offered to eligible Households at an Affordable Rent. The owner of rental Inclusionary Units shall certify each tenant Household's income to the City or City's designee at the time of initial rental and annually thereafter. The owner must obtain and review documents that demonstrate the prospective renter's total income, such as income tax returns or W-2s for the previous calendar year, and submit such information on a form approved by the City.

A. Selection of Tenants. The owners of rental Inclusionary Units may fill vacant units by selecting income-eligible Households from an application list maintained by the City or City's designee. Priority will be given to current residents and employees of businesses within the City of Jackson. Alternatively, owners may fill vacant units through their own selection process, provided that they publish notices of the availability of Inclusionary Units according to guidelines established by the City Manager.

B. Annual Report. The owner shall submit an annual report summarizing the occupancy of each Inclusionary Unit for the year, demonstrating the continuing income-eligibility of the tenant. The City Manager may require additional information if he or she deems it necessary.

C. Subsequent Rental to Income-Eligible Tenant. The owner shall apply the same rental terms and conditions to tenants of Inclusionary Units as are applied to all other tenants, except as required to comply with this Policy (for example, rent levels, occupancy restrictions and income requirements) or with other applicable government subsidy programs. Discrimination against persons receiving housing assistance is prohibited.

Chapter 17.34 - Flood Plain Management

Sections:

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17.34.020 - Findings of Fact
17.34.030 - Statement of Purpose
17.34.040 - Methods of Reducing Flood Losses
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17.34.010 - Statutory Authorization

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The City Council of the City of Jackson does adopt the following floodplain management regulations.

17.34.020 - Findings of Fact

A. The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

17.34.030 - Statement of Purpose

It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage:

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy areas of special flood hazard assume responsibility for their actions.

17.34.040 - Methods of Reducing Flood Losses

In order to accomplish the above purpose, this Chapter includes methods and provisions to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damage increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve the uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Control, file, grade, dredge and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

17.34.050 – Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

"Accessory use" means a use which is incidental and subordinate to the principle use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors. These deposits are subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this Chapter.

"Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Insurance Rate Map (FIRM).

"Area of special flood hazard" See "Special flood hazard area".

"Area of special mudslide (i.e., mudflow) hazard" is the area subject to severe mudslides (i.e., mudflows). The area is designated a Zone M on the Flood Insurance Rate Map (FIRM).

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood"). Base flood is the term used throughout this Chapter.

"Base Flood Elevation (BFE)" is the water surface elevation of the floodplain generated by the base flood at the area of interest as presented in the current Flood Insurance Study and the Flood Insurance Rate Map (FIRM) published by FEMA for the City of Jackson.

"Basement" means any area of the building having its floor subgrade, i.e. below ground level – on all sides.

"Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building. These walls are designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

"Building" -- see "Structure".

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Fill” means material from any source placed, or proposed to be placed, within FEMA designated floodplain boundaries. Material that has been placed before the date of the first National Flood Insurance Program (NFIP) map (February 1990, National Flood Insurance Program map) showing the area in a Special Flood Hazard Area (SFHA) is considered natural grade by FEMA.

“Flood”, “flooding”, “flood water” means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflow) – see “Mudslides”; and

2. The condition resulting from flood-related erosion; see “Flood-related erosion”.

“Flood Boundary and Floodway Map (FBFM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

“Flood Hazard Boundary Map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source; see “flooding”.

“Floodplain administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain management regulations” means this chapter and other zoning ordinance, subdivision regulations, building codes, health regulations, special purpose ordinance (such as grading and erosion control) and other application of entitlements which control development in flood-prone areas. This term describes Federal, State or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

“Flood-related erosion” means the collapse or subsidence of land along the shore of any body of water as a result of undermining caused by water exceeding anticipated cyclical levels. This occasion of unusually high water level in a natural body of water can be the result of a severe storm, or by an unanticipated force of nature, such as a flash flood accompanied by a severe storm, an unanticipated force of nature, such as a flash flood or a similarly unusual and unforeseeable event which results in flooding.

“Flood-related erosion area” or “flood-related erosion prone area” means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

“Flood-related erosion area management” means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

“Floodway” means that area inside the floodplain, centered more or less about the watercourse thread, the width of which is presented in the current Flood Insurance Study (FIS) and the limits of which are shown on the current Flood Insurance Rate Map (FIRM). Within this area encroachment is permitted unless it can be proven by accepted engineering methods that the encroachment will not increase the water surface elevation of the floodway.

“Floodway encroachment lines” means the lines marking the limits of floodways on Federal, State and local floodplain maps.

“Floodway fringe” means that area of the floodplain on either side of the “regulatory floodway” where encroachment may be permitted.

“Fraud and victimization” as related to Sections 17.34.260 through 17.34.080 of this Chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Jackson City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

“Governing body” means the local government unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship” as related to Sections 17.34.260 through 17.34.280 of this chapter, means the exceptional hardship that would result from a failure to grant the requested variance. The City Council requires that the variance be exceptional, unusual, and specific to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, requires the property owner to build elsewhere, to use the parcel differently than originally intended.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program as determined by the Secretary of the Interior in States with approved programs.

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest Adjacent Grade (LAG)" means that lowest ground elevation that is adjacent to and touching the footings of an existing or proposed structure.

"Lowest floor" means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement area (see "basement"). This floor shall not be the structure's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter. (Note: This definition allows attached garages to be built at grade. Below grade garages are not allowed as they are considered to be basements.)

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Mean sea level” means for the purpose of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“Mudslide” (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

“Mudslide (i.e., mudflow) prone area” means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

“New construction” for floodplain management purposes, means structures for which the “start of construction” commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

“Obstruction” includes, but is not limited to, any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

“One-hundred-year flood” – see “base flood”.

“Principal structure” means a structure used for the primary use distinguished from an accessory use.

“Public safety and nuisance” as related to Sections 17.34.260 through 17.34.280 of this Chapter, means the granting of a variance must not result in anything that is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational vehicle” means a vehicle which is:

1. Built on a single chassis;

2. Four hundred square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sheet flow area" – see "area of shallow flooding".

"Special flood hazard area (SFHA)" means an area having special flood, mudslide (i.e. mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, E, M, V10V30, VE or V.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, installation of piles, construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include the following: land preparation, such as clearing, grading, and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its predamaged condition would equal or exceed 50 percent of the market value of the structure.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent

of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not include either:

1. Any project for improvement of a structure to correct existing violations or State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this ordinance.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

"Zone A" means Special Flood Hazard Area with no base flood elevations.

"Zone A1-A30" means Special Flood Hazard Area with base flood elevations.

"Zone AH" means Special Flood Hazard Area with flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.

"Zone AO" means Special Flood Hazard Area with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

"Zone A99" means Special Flood Hazard Area to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations determined.

"Zone AR" means Special Flood Hazard Area that results from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide a 100-year or grater level of flood protection.

"Zone B" means areas between the limits of the 100-year and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1-foot or where contributing drainage area is less than one square mile; or areas protected by levees from the 100-year flood.

"Zone C" means areas of minimal flooding.

“Zone D” means areas of undetermined, but possible flood hazards.

“Zone V” means Coastal Special Flood Hazard Areas with velocity hazard (wave action); no base flood elevations determined.

“Zone V1-V30” means Coastal Special Flood Hazard Areas with velocity hazard (wave action) and base flood elevations.

“Zone VE” means Coastal Special Flood Hazard Area with velocity hazard (wave action) and base flood elevations.

“Zone X (shaded)” means areas of 500-year flood; areas of 100-year flood with average depths less than 1 foot or where contributing drainage area is less than 1 square mile; or areas protected by levees from the 100-year flood.

“Zone X (unshaded)” means areas determined to be outside the 500-year floodplain.

FEMA Acronyms for Changes and Amendments to the FIRM.

“Conditional Letter of Map Amendment (CLOMA)” a letter from FEMA stating that a proposed structure(s) that is not to be elevated by fill (natural grade) would not be inundated by the base flood if built as proposed.

“Conditional Letter of Map Revision (CLOMR)” a letter from FEMA commenting on whether a proposed project, if built as proposed, would justify a map revision, or proposed hydrology changes.

“Conditional Letter of Map Revision due to Fill (CLOMR-F)” a letter from FEMA stating that a parcel of land or proposed structure(s) that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure(s) is built as proposed.

“Letter of Map Amendment (LOMA)” a letter from FEMA stating that an existing structure(s) or parcel of land that has not been elevated by fill (natural grade) would not be inundated by the base flood.

“Letter of Map Change (LOMC)”. a letter from FEMA to revise or amend the flood hazard information shown on the FIRM or DFIRM without requiring the FIRM or DFIRM to be physically revised and republished.

“Letter of Map Revision (LOMR)” a letter from FEMA officially revising the current NFIP map to show the changes to the floodplain, regulatory floodway, or flood elevations.

"Letter of Map Revision due to Fill (LOMR-F)" a letter from FEMA stating that an existing structure(s) or parcel of land that has been elevated by fill would not be inundated by the base flood.

17.34.060 - Lands to which this Chapter Applies

This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Jackson.

17.34.070 - Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated 09/28/90 and accompanying Flood Insurance Rate Maps (FIRMs), dated 09/28/90, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Chapter. This FIS and attendant mapping is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the City Council by the floodplain administrator. The study, FIRMs and FNFMs are on file at the Jackson City Office, City Hall, 33 Broadway, Jackson, California.

17.34.080 - Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

17.34.090 - Abrogation and Greater Restrictions

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

17.34.100 – Interpretation

In the interpretation and application of this Chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body: and

C. Deemed neither to limit nor repeal any other powers granted under State statutes.

17.34.110 - Warning and Disclaimer of Liability

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards, or uses permitted within these areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City Council, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

17.34.120 - Severability

This Chapter and the various parts thereof are hereby declared to be severable. Should any section of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

17.34.130 - Establishment of Development Permit

A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 17.34.070 (Basis for Establishing the Areas of Special Flood Hazard). Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or

B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 17.34.170 (C) (3)(Standards of Construction); and

C. All appropriate certifications listed in Section 17.34.150 (D)(Duties and Responsibilities of the Floodplain Administrator) of this Chapter; and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

17.34.140 - Designation of the Floodplain Administrator

The City Manager or his/her designee shall be the floodplain administrator and shall have the authority to administer, implement and enforce this Chapter by granting or denying development permits in accord with its provisions.

17.34.150 - Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the floodplain administrator shall include, but not be limited to the following.

A. Permit Review. Review all development permits to determine that:

1. Permit requirements of this Chapter have been satisfied;

2. All other required State and Federal permits have been obtained;

3. The site is reasonably safe from flooding; and

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this Chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

B. Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 17.34.070 (Basis for Establishing the Areas of Special Flood Hazard), the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal or State agency, or other source, in order to administer Sections 17.34.170 through 17.34.250. Any such information shall be submitted to the City Council for adoption.

C. Notification of Other Agencies. In alteration or relocation of a watercourse:

1. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

2. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and

3. Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.

D. Documentation for Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 17.34.170 (C) (1)(floor elevations);

2. Certification required by Section 17.34.170(C) (2) (elevation or floodproofing of nonresidential structures);

3. Certification required by Section 17.34.170 (C) (3) (wet floodproofing standard);

4. Certification of elevation required by Section 17.34.190(B) (subdivision standards);
5. Certification required by Section 17.34.220 (A) (floodway encroachments);

6. Information required by Section 17.34.230 (F) (coastal construction standards); and

7. Reports required by Section 17.34.240 (D) (mudflow standards).

E. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 17.34.260 through 17.34.280.

F. Remedial Action. Take action to remedy violations of this Chapter as specified in Section 17.34.080 (Compliance**).**

17.34.160 - Appeals

The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this Chapter.

17.34.170 - Standards of Construction

In all areas of special flood hazards the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of Section 17.34.200 (Standards for Manufactured Homes).

B. Construction Materials and Methods. All new structures and substantial improvement shall be constructed:

1. With materials and utility equipment resistant to flood damage;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if

4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing. (See Section 17.34.050 (Definitions) for "new construction", "substantial damage" and "substantial improvement".

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:

    a. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the Flood Insurance Rate Map (FIRM), or elevated at least two feet above the highest adjacent grade if no depth number is specified. The State of California recommends that the lowest flood be elevated above the highest adjacent grade if no depth number is specified.

    b. In an A zone, elevated to or above the base flood elevation, as determined by this community. The State of California recommends the lowest floor be elevated at least one foot above the base flood elevation, as determined by the Building Official.

    c. In all other zones, elevated to or above the base flood elevation. The State of California recommends the lowest floor be elevated at least one foot above the base flood elevation. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the Building Official to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

2. Nonresidential construction shall either be elevated to conform with Section 17.34.170(C)(1) (floor elevations) or together with attendant utility and sanitary facilities:

a. Be floodproofed below the elevation recommended under Section 17.34.170(C)(1) (floor elevations) so that the structure will not sustain damage due to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the floodplain administrator.

3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

a. Be certified by a registered professional engineer or architect; or

b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency; or

c. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one food above grade. Openings may be equipped with screen, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

4. Manufactured homes shall also meet the standards in Section 17.34.200 (Floodways).

17.34.180 - Standards for Utilities

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate;

1. Infiltration of flood waters into the system; and

2. Discharge from systems into floodwaters.

B. On-site waste disposal systems in the floodwaters shall be located to avoid impairment to them or contamination from them during flooding.

17.34.190 - Standards for Subdivisions

A. All preliminary subdivision proposals shall identify the flood hazard area and the level of the base flood.

B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final first floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

17.34.200 - Standards for Manufactured Homes

A. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, on sites located:

    1. Outside of a manufactured home park or subdivision;

    2. In a new manufactured home park or subdivision;

    3. In an expansion to an existing manufactured home park or subdivision; or

    4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation (the State of California recommends at least one foot above the base flood elevation) and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and later movement.

B. All manufactured homes that are placed or substantially improved on sites located within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 17.34.200(A).

C. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of paragraph 17.20.200(A) will be elevated so that either:

1. Lowest floor of the manufactured home is at or above the base flood elevation (the State of California recommends at least one foot above the base flood elevation); or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and later movement.

17.34.210 - Standards for Recreational Vehicles

A. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:

   1. Be on the site for fewer than one hundred eighty consecutive days;

   2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

   3. Meet the permit requirements of Sections 17.34.130 through 17.34.160 of this Chapter and the elevation and anchoring requirements for manufacture homes in Section 17.34.200(A).

B. Recreation vehicle placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 17.34.210(A).

17.34.220 – Floodways

Locations within areas of special flood hazard established in Section 17.34.070 (Basis for Establishing the Areas of Special Flood Hazard) are designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply.

A. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in (the base) flood elevation during the occurrence of the base flood discharge.

B. If subsection (A) is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 17.34.170 (Standards of Construction) through 17.34.250 (Flood-related Erosion-Prone Areas).

17.34.240 - Mudslide Prone Areas

A. The floodplain administrator shall review permits for proposed construction of other development to determine if it is proposed within a mudslide area.

B. Permits shall be reviewed to determine that the proposed site and improvement will be reasonably safe from mudslide hazards. Factors to be considered in making this determination include but are not limited to the:

    1. Type and quality of soils;

    2. Evidence of groundwater or surface water problems;

    3. Depth and quality of any fill;

    4. Overall slope of the site; and

    5. Weight that any proposed development will impose on the slope.

C. Within areas which may have mudslide hazards, the floodplain administrator shall require that:

    1. A site investigation and further review be made by persons qualified in geology and soils engineering;

    2. The proposed grading, excavation, new construction, and substantial improvement be adequately designed and protected against mudslide damages;

    3. The proposed grading, excavation, new construction, and substantial improvement not aggravate the existing hazard by creating either on-site or off-site disturbances; and

    4. Drainage, planting, watering, and maintenance not endanger slope stability.

17.34.250 - Flood-related Erosion-Prone Areas

A. The floodplain administrator shall require permits for proposed construction and other development within all flood-related, erosion-prone areas identified by the community.

B. Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.

C. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.

D. Within Zone E on the Flood Insurance Rate Map, a setback is required for all new development from a body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic, and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

17.34.260 - Nature of Variance

A. The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

B. It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this Chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

17.34.270 - Variance - Appeal Board

A. In passing upon requests for variance, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and the:

    1. Danger that materials may be swept onto other lands to the injury of others;

    2. Danger of life and property due to flooding or erosion damage;

    3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;

5. Necessity to the facility of a waterfront location, where applicable;

6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. Safety of access to the property in time of flood for emergency vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for each one hundred dollars of insurance coverage; and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

C. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variance issued in its biennial report submitted to the Federal Insurance Administration and Federal Emergency Management Agency.

17.34.280 - Conditions for Variances

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below

the base flood level, providing that the procedures of Sections 17.34.130 through 17.34.250 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 17.34.050 Definitions) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variance shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the governing body need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the governing body believes will both provide relief and preserve the integrity of the local ordinance.

E. Variances shall only be issued upon a:

    1. Showing of good and sufficient cause;

    2. Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 17.34.050 Definitions) to the applicant; and

    3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 17.34.050 Definitions – see "public safety or nuisance"), cause fraud or victimization (as defined in Section 17.34.050 Definitions) of the public, or conflict with existing local laws or ordinances.

F. Variances may be issued for new construction, substantial improvement, and other proposed development necessary for the conduct of a functionally dependent use provided that the provisions of subsection (A) and through (E) are satisfied and that the structure or other development is protected by methods that minimize flood damage during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

G. Upon consideration of the factors of Section 17.34.270(C) and the purposes of this Chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

Chapter 17.36 - Hillside Development Standards

Sections:

17.36.010 - Purpose of Chapter
17.36.020 - Applicability
17.36.030 - Application Content
17.36.040 - Standards for Hillside Development
17.36.050 - Design Criteria for Hillside Development
17.36.060 - Criteria for Use Permit Approval

17.36.010 - Purpose of Chapter

This Chapter establishes regulations for development within hillside areas in order to:

A. Preserve and protect the views to and from hillside areas in order to maintain the identity, image and environmental quality of the City of Jackson;

B. Ensure that development in the hillside areas is concentrated on the most level portions of the site, is in locations with the least environmental impact, and is designed to fit the existing landforms;

C. Preserve significant features of the natural topography, including swales, canyons, knolls, ridgelines, and rock outcrops;

D. Correlate intensity of development with the steepness of terrain in order to minimize the impact of grading, unnecessary removal of vegetation, land instability, and fire hazards; and

E. Provide alternative approaches to conventional flat land development practices by achieving land use patterns and intensities that are consistent with the natural characteristics of hillside areas including slopes, land form, vegetation and scenic quality.

17.36.020 - Applicability

A. Hillside area. The standards of this Chapter apply to all existing and proposed lots, uses, subdivisions, and structures proposed on development sites with an average slope of 10 percent or greater or on development sites with any slopes of 20 percent or greater; except that single-family dwellings, secondary residential units, duplexes, and residential accessory structures shall be exempt from the provisions of this Chapter.

B. Basis for slope determinations. For the purpose of this Chapter, slope shall be computed on the natural slope of the land before grading is commenced, as determined from a topographic map having a scale of not less than one inch equals 100 feet and a contour interval of not more than five feet. See Chapter 17.220

(Definitions, Glossary) for definitions on simple slope and complex slope and how to measure slope.

C. Use Permit required. Hillside developments (other than subdivisions) with any improvements, including roads, streets, and driveways, proposed on slopes of 20 percent or greater shall be subject to the approval of a Use Permit in compliance with Chapter 17.76 (Use Permits and Minor Use Permits). A soil and geotechnical study that identifies special constraints and mitigation measures to minimize grading, unstable soils, and erosion shall accompany the use permit application. The geotechnical study shall also analyze the landslide hazards of the site and their potential effect.

17.36.030 - Application Content

Land use permit and subdivision applications for projects proposed within hillside areas shall include all information and materials required by Section 17.70.040 (Application Preparation and Filing), and all additional information required by the City Planner on the basis of site topography.

17.36.040 - Standards for Hillside Development

A. Minimum lot area. The minimum lot area for new subdivisions in hillside areas shall be determined by the applicable zoning district, except where housing units are clustered and the project is approved as a Planned Development in compliance with Chapter 17.78 (Planned Developments).

B. Clustered development required. Proposed hillside development shall be clustered in compliance with Chapter 17.46 (Open Space/Cluster Requirements).

C. Preservation of steep slopes. Slopes of 30 percent or greater shall be permanently preserved as open space. Permanent open space areas may be used in compliance with Section 17.46.060 (Open Space Standards). Grading, structures, and/or streets on slopes exceeding 20% shall be avoided if there is sufficient area on the site with slopes less than 20% to accommodate development and streets. The Planning Commission may authorize grading and structures on slopes exceeding 30% only if the Commission finds there is not sufficient area on the parcel with slopes less than 30% to accommodate a reasonable development, and measures have been incorporated into the development to minimize disturbance of the terrain (e.g. use of stem walls, split foundations).

D. Setbacks between structures and slopes. Proposed structures shall be set back from slopes as follows, based on the difference in the vertical elevation between adjoining parcels. The difference in vertical elevation shall be measured as shown in Figure 3-9. (See Figure 3-9, Slope Setbacks)

1. On adjacent parcels having a difference in vertical elevation of three feet or more, the required side yard shall be measured from the toe or top of slope to a structure, whichever is nearer.

2. On adjacent parcels having a difference in vertical elevation of six feet or more, the minimum distance between the toe or top of the slope, whichever is nearer, and a main structure shall be 15 feet. Greater setbacks may be required when elevation changes greater than six feet are proposed.

E. Height limits. The height of structures in a hillside area shall not exceed the maximum established by the applicable zoning district. Measurement of structure height shall be as provided in Section 17.30.090 (Height Measurement and Height Limit Exceptions). Lesser heights may be required where the structure may impair prominent views to or from hillside areas or ridgelines or where a proposed structure's height intrudes on the flow of adjacent houses and roof lines.

F. Grading and drainage.

1. Grading shall be designed to:

    a. Conserve natural topographic features and appearances by minimizing the amount of cut and fill and by means of landform grading to blend graded slopes and benches with the natural topography; and

    b. Retain major natural topographic features (i.e., canyons, knolls, ridgelines, and landmarks.)

2. Grading plans shall identify slopes that are to be landform graded. "Landform grading" means a contour grading method that creates artificial slopes with curves and varying slope ratios in the horizontal plane designed to simulate the appearance of the surrounding natural terrain. (See Figure 3-10, Landform Grading)

3. Lot pad grading for subdivisions shall be limited to the structure footprint, vehicle parking space and a yard area as shown on the approved grading plan. Lot pad grading shall be reviewed and approved as part of the subdivision process. Pads shall not exceed 5,000 square feet in total area. Smaller pad areas may be required to preserve natural vegetation, landforms, rock outcroppings, etc.

4. Cut and fill slopes shall be designed and constructed to not exceed a vertical height of 10 feet, unless the review authority approves slopes of greater height with benching, terracing, and/or the use of retaining walls.

5. All graded areas shall be protected from wind and water erosion. Interim erosion control plans shall be required, certified by the project engineer, and

reviewed and approved by the City Engineer. Permanent erosion control measures in accordance with standard Best Management Practices shall be required.

6. Slopes created by grading shall not exceed a ratio of 2:1 (horizontal:vertical), except where the City Engineer determines that a greater slope is appropriate, based on a soils report and stabilization study.

17.36.050 - Design Criteria for Hillside Development

The following design criteria shall be implemented in the design and construction of projects on hillsides whenever applicable:

A. Preservation of topography. The natural contour of the site is an important characteristic of the site, and new buildings should try to minimize alterations to the perceived slope of the area. Site grading should be sensitive to existing landforms and topography so that the natural setting may be preserved to the greatest extent possible. Every effort should be made to minimize the limits of construction on the site, and all stockpiling of materials and equipment and equipment storage should occur within those limits. Abrupt grade changes on property lines should not be permitted. Grade changes within tree driplines should be avoided.

B. Terrain alteration. The project shall be designed to fit the terrain rather than altering the terrain to fit the project. Development patterns which form visually protruding horizontal bands or steeply cut slopes for roads or lots shall be avoided.

C. Street layout. Streets shall follow the natural contours of the terrain in order to minimize the need for grading. Cul-de-sacs and loop roads are encouraged where necessary to fit the natural topography subject to the approval of the City Engineer and the Fire Chief;

D. Site and structure design. Site design shall utilize varying structure and setbacks, heights, split-level foundations, and retaining walls to terrace structures with the direction of the slope;

E. Lot line locations. Lot lines shall be placed at the top of slope areas to help ensure that the slope will not be neglected by the up-hill owner; (See Figure 3-11, Lot Line Location)

F. Design and location of structures. Structures proposed on slopes shall be designed and located as follows.

1. The form, mass, and profile of individual buildings and architectural features shall be designed to blend with the natural terrain and preserve the character and profile of the natural slope. Some techniques which may be considered include:

a. Split pads, stepped footings and grade separations to permit structure to step up the natural slope.

b. Detaching parts of a dwelling (e.g., a garage).

2. Excessive cantilevers should be avoided on downhill building elevations.

3. Structures should be placed partly underground or utilize below grade rooms to reduce effective bulk and to provide energy efficient and environmentally desirable spaces. However, the visible area of the building shall be minimized through a combined use of re-grading and landscaping techniques.

4. Roofs on lower levels should be used as the deck open space of upper levels.

5. Architectural treatment shall be provided to all visible sides of the structure.

6. Exterior structural supports and undersides of floors and decks not enclosed by walls shall be allowed only if fire safety and aesthetic considerations have been adequately addressed.

7. To the extent possible, the width of a building measured in the direction of the slope, shall be minimized in order to limit the amount of cutting and filling and to better "fit" the house to the natural terrain.

8. Structures shall be placed to minimize disturbance of natural vegetation on all lots but particularly on lots with slopes of 10 percent or greater.

G. Retaining walls. Large retaining walls in a uniform plane shall be avoided. Retaining walls over five feet in height shall be divided into elements and terraces with landscaping to screen them from view. Generally, no retaining wall should be higher than 10 feet. Where feasible, retaining walls should be constructed of the same materials as the primary buildings on the site. (See Figure 3-12, Retaining Wall Design)

H. Open space preservation. Open space may be preserved by reducing the width of street improvements, reducing sidewalk widths, using common driveways and clustering units subject to the approval of the City Engineer and Fire Chief.

I. Slope restoration. Transitional slopes shall be replanted with self-sufficient trees, shrubs and ground cover that are compatible with existing surrounding vegetation in order to enhance the blending of manufactured and natural slopes. Cuts and fills shall have good surface drainage and shall be revegetated and terraced or controlled by retaining walls to protect against erosion and sedimentation. (See Figure 3-13, Slope Restoration)

J. Road alignment. The alignment of roads and driveways should follow the contours of the site. By meandering roads and driveways to follow landforms, it is possible to

minimize cuts and fills, preserve natural drainage patterns, and produce roads that are easily negotiated. Roads should not be constructed perpendicular to contours.

K. Reduced street widths. On-street parking lanes may be omitted from streets when the result is a substantial decrease in cutting and/or filling. Off-street parking areas shall be provided to yield a ratio of one additional space per dwelling unit.

L. Preservation of ridgelines. Ridgelines shall be preserved. Structures located adjacent to prominent ridgelines should complement, rather than provide a stark contrast with, the natural landform(s). Structures shall not be closer to a prominent ridgeline than 100 feet measured horizontally on a topographic map. In no case, shall the roofline or any other portion of a structure extend above the line of sight between a ridgeline and any public right-of-way, whether the ridgeline is above or below the right-of-way. (See Figure 3-14, Development Preserves Ridgeline)

17.36.060 - Criteria for Use Permit Approval

The Commission shall evaluate a Use Permit application for hillside development based on the following objectives, and the findings required for Use Permits by Chapter 17.76 (Use Permits and Minor Use Permits):

A. The preservation of natural topographic features and appearances by means of landform grading so as to blend constructed slopes into the natural topography;

B. The preservation of natural topographic features and appearances through restrictions on successive padding and terracing of building sites;

C. The retention of major natural topographic features - drainage courses, steep slopes, watershed areas, vernal pools, view corridors, and scenic vistas;

D. The preservation and enhancement of landmark features - ridgelines, rock outcroppings, heritage sized trees and woodlands, mining ruins, other points of historical interest, and other areas of special natural beauty;

E. The use of varying setbacks, building heights, foundation designs and compatible building forms, materials, and colors which serve to blend buildings into the terrain;

F. The use of clustered sites and buildings on more gently sloping terrain so as to reduce grading alterations on steeper slopes;

G. The use of building designs, locations, and arrangements which do not intrude with the skyline effect and which afford view privacy and protection;

H. The preservation and introduction of plant materials to protect slopes from soil erosion and slippage and minimize the visual effects of grading and construction of hillside areas; and

I. The use of street designs and improvements which serve to minimize grading alterations and harmonize with the natural contours and character of the hillsides.

Chapter 17.38 - Stream Corridor Development

Sections:

17.38.010 - Purpose of Chapter
17.38.020 - Applicability
17.38.030 - Application Content
17.38.040 - Stream Development Standards

17.38.010 - Purpose of Chapter

This Chapter provides standards for development adjacent to Jackson Creek and other significant streams throughout the City to:

A. Provide appropriate buffer areas between proposed development and Jackson Creek and other designated stream corridors, to protect valuable environmental, scenic, and recreational resources; and

B. Protect the public health, safety, and welfare.

17.38.020 - Applicability

The provisions of this Chapter apply to property adjoining the Jackson Creek, its tributaries and any other significant stream in the City of Jackson.

17.38.030 - Application Content

Land use permit and subdivision applications for projects on parcels that include a 100-year flood plain or are located within 100 feet of a 100-year flood plain shall include all information and materials required by Section 17.70.040 (Application Preparation and Filing) and shall show 100-year flood plains, floodways, and base flood elevations in relation to the parcel. This flood information shall be certified by a registered engineer.

17.38.040 - Stream Development Standards

A. Setback requirements. Proposed development shall be designed and constructed to provide the following minimum setbacks from adjacent waterways. See Chapter 17.220 (Definitions, Glossary) for definition of the 100-year floodplain referenced in this Chapter.

    1. Jackson Creek or its tributaries. Proposed structures shall be set back from adjacent streams as follows:

a. Structures proposed on parcels with an average depth of 175 feet or more shall be set back a minimum of 50 feet from the edge of the 100-year floodplain of any stream;

b. The required stream setback for structures proposed on parcels with an average depth of less than 175 feet shall be determined by the following formula, except that no setback shall be less than 20 feet:

Required setback in feet = 50 - (175 - parcel depth)

For example, a structure proposed on a parcel with a depth of 163 feet would have a required setback of 38 feet (50 - (175 - 163) = 38).

c. Structures proposed adjacent to streams for which the 100-year floodplain has not been determined or mapped, shall be set back a minimum of 100 feet from the centerline of the stream channel.

d. Structures proposed adjacent to streams that have been channelized by manmade improvements prior to the adoption and effective date of this Development Code shall be set back a minimum of 20 feet from the improvements. Channelized shall mean improvements that have altered and replaced the natural alignment of the stream.

2. Setback reduction in RS district. The required setback from the 100-year floodplain of the Jackson Creek, tributaries and other streams may be reduced in the residential zoning districts based on the averaging of the setbacks of structures on adjoining parcels, where 25 percent or more of the parcels in any one block have been improved with structures as of the effective date of this Development Code. In these cases, proposed structures shall be set back from the edge of the 100-year floodplain by no less than the average of the setbacks of the existing structures on the block.

3. Variances. Setback requirements may be decreased if a Variance is approved by the Building Official in compliance with Chapter 17.82 (Variance and Historic Variances). Approval of the Variance shall be based on findings consistent with the purpose and intent of this Chapter and with Chapter 17.82 (Variances and Historic Variances).

4. Bridges and drainage structures. Bridges, crossings, and drainage structures and facilities may be allowed in the required setback if approved by the City Engineer and approvals are obtained from all agencies with permitting authority.

B. Use of setback areas.

1. Structures. Fences and other structures, parking access, parking space(s), paved areas (not including trails, paths, walkways, and small sitting areas), or swimming pools, shall not be constructed within required setbacks.

2. Grading and landscaping. Grading or filling (not including trails, paths and walkways, and small sitting areas not exceeding 300 square feet), planting of exotic/nonnative or nonriparian plant species, or the removal of native vegetation except for fire safety, shall not be permitted within a setback area.

3. Drainage structures. Where constructed drainage devices and improvements are required, they shall be placed in the least visible locations and naturalized through the use of river rock, earth tone concrete, and native landscaping.

4. Allowed projections. Architectural features may extend beyond the wall of the structure and into the setback area in compliance with the following:

    a. Balconies, bay windows, and other cantilevered features may extend five feet into the setback area;

    b. Canopies, cornices, eaves, and roof overhangs may extend five feet into the setback area;

    c. Decks and porches, which may be roofed but is otherwise unenclosed, may extend six feet into the setback area provided any foundation, piers, supports, or other structural connections to the ground comply with the required setback.

C. Flood hazard areas. Development proposed in areas of flood hazard shall comply with the flood plain regulations in Chapter 17.34 (Flood Plain Management).

D. Drainage easements. Uses and activities set forth in Subsection B. shall not be permitted within open space easements created for waterways, or within drainage easements established and shown on subdivision maps.

Chapter 17.40 – Landscape Standards

Sections:

17.40.010 – Intent and Purpose
17.40.020 – Definitions
17.40.030 – Installation
17.40.035 – Fees and Security
17.40.040 – Recommended Species and Size
17.40.050 – Street trees- All Residential and Nonresidential Developments
17.40.060 – Irrigation Systems

17.40.070 – Criteria for Tree Removal
17.40.080 – Tree Placement for Parking Areas
17.40.090 – Tree Removal from Undeveloped Property in Anticipation of Development Prohibited
17.40.100 – Hardships - Remedies
17.40.110 – Appeals
17.40.120 – Violation - Penalty

17.40.010 – Intent and Purpose

It is the intent of this Chapter to promote the planting and care of new and additional trees and landscaping, and to conserve trees and other foliage wherever practical. Grading and construction shall be planned so as to maximize the retention of established trees. These efforts will serve in a significant way to enhance aesthetic and economic values of the community, and to maximize the related effects of erosion control, ground water recharge, and local air quality. Hence to carry out this intent, the purpose of this Chapter is to provide guidelines and performance requirements that are reasonable, beneficial and equitable.

17.40.020 – Definitions

For the purpose of this Section phrases shall be defined as follows:

A. "Development" means construction, reconstruction or structural alteration of a building or exterior use, and establishment, enlargement or conversion of any land use and the development of any site, except for the construction or major expansion of any individual single-family home.

B. "Landscape plans" means site-specific design, plans and specifications for the type, size, placement, removal, irrigation and maintenance of existing, new and additional trees, shrubs, grasses and ground cover.

17.40.030 – Installation

A. All development requiring approval by the Planning Commission shall also be required to have a landscape plan which shall be subjects to approval by the Planning Commission. All development proposals subject to Planning Commission approval shall include a topographical map accurately showing all trees and other prominent landscape features. Landscape plans shall be prepared by a qualified professional.

B. For trees designated to be saved by the Planning Commission, a minimum of four-foot tall brightly colored synthetic fence shall be installed at the outermost edge of the drip line (the farthest point of reach of any branch) of each protected tree or group of protected trees. The fences must be installed prior to the commencement of any grading operations or the access of any vehicles or construction equipment

C. All development (excluding individual single-family home construction, reconstruction or structural alternation) shall have an approved landscape plan, as a part of and along with, site development and improvement plans. The work, facilities and materials called for in such plans shall be certified, complete and in place prior to any occupancy. No occupancy shall be permitted before completion of work in conformance with the approved site development/landscape plan.

D. A temporary certificate of occupancy may be issued due to circumstantial or seasonal limitations, upon the posting of surety in the form of faithful performance and labor and materials bonds, and covering the full cost of the plantings, irrigation and related labor.

17.40.035 – Fees and Security

A fee equal to reasonable cost of processing landscaping plan reviews, not to exceed 10% of the professionally estimated cost of the landscaping to be installed, shall be established by the City Manager. If a surety is required as a condition of plan approval, it shall be equal to 100% of the established cost of the landscaping (including irrigation to be installed).

17.40.040 – Recommended Species and Size

A. Tree and shrub varieties called for on a site development landscape plan shall consist of approved native species or regionally compatible species as listed in the following sources:

    a. "Drought Tolerant Landscape for Amador County," published by Amador County Water Agency;

    b. "New Western Garden Book," published by Sunset Magazine;

    c. Supplemental professional sources specifying plants for dry climate;

    d. As approved a licensed landscape architect familiar with local conditions.

B. Minimum tree size shall be fifteen gallons. Minimum shrub size shall be five gallons. Exception to this requirement (i.e., more plantings of smaller size) may be approved when site conditions or local availability warrant.

17.40.050 – Street Trees- All Residential and Nonresidential Developments

Approved plant species shall be located in such a manner as to shade, shield or buffer land uses. Street tree plantings, as illustrated on the landscape plan shall:

A. Be a minimum of one tree per forty feet of lot frontage;

B. Be planned to provide shade and aesthetic values to sidewalks and streets compatible with necessary sight distance, street lighting, signage and maintenance;

C. Avoid interference with construction, maintenance and operation of utilities and services above or below ground. Trees shall be planted so that upon maturity, their branches do not come within ten feet of uninsulated conductors;

D. Not interfere with public sidewalk locations, existing or planned;

E. Be protected from vehicular movement by unmountable curb or barrier.

17.40.060 – Irrigation Systems

A. The irrigation system shall incorporate multiple regulator mechanisms when required to separate drought tolerant from nondrought tolerant plant material. The establishment of a permanent method of minimum water consumption shall be the primary objective in the design of the irrigation system, which shall include drip emitters, bubbler heads, micro spray units and similar devices.

B. Electrically controlled irrigation systems shall have the capability to accept ground moisture sensors and/or automatic rain shut-off devices.

C. Open water bodies, including but not limited to ponds, decorative fountains, basins, reflective pools and spray/mist fountains, are not recommended as landscaping features unless nonconsumptive, i.e., recirculating sustained flow.

17.40.070 – Criteria for Tree Removal

A. All development shall conserve trees. A minimum of 3:1 replacement ratio shall apply upon removal of any such tree having a diameter greater than sixteen inches at four and one-half feet from grade. Oak trees removed shall be replaced with like species. Trees planted as replacements shall be maintained for five years, and again replaced and maintained if they fail to survive within that period.

B. No person shall cut down or remove any tree having a diameter of eight inches or greater on any public property, without review and approval by the Planning Commission.

C. Any development proposal which calls for the removal of any tree having a diameter of eight inches or greater shall require Planning Commission approval. The subject determination will be based upon reasonable criteria, including but not limited to the following;

    1. The condition of the tree with respect to its general health, damage, status as a public nuisance or traffic hazard, danger of falling, interface with utility services, and its status as host for parasitic plants, pests or diseases endangering other species of trees or plants with infection or infestation;

2. The topography of the land and the effect of the requested action on soil retention, water retention, and diversion or increased flow of surface water. Developers are encouraged to work with existing terrain;

3. The number, species, size and location of existing trees in the area and the effect of the requested action on historic values, scenic beauty, shade areas, air pollution and the general welfare of the City as a whole.

17.40.080 – Tree Placement for Parking Areas

Trees and planting areas shall be provided within and abutting the perimeter of parking areas and shall meet the following conditions:

A. Planting areas shall be located so every parking space or portion thereof is not more than forty feet from the trunk of a tree within a planting area.

B. Planting areas shall be separated from parking spaces, drives and alleys by an unmountable curb or barrier. The curb or barrier shall be constructed in such a manner that rainwater runoff will not damage the tree. Planting areas shall be of a size suitable to meeting the needs of the tree at maturity.

17.40.090 – Tree Removal from Undeveloped Property in Anticipation of Development Prohibited

Removal of any trees having a minimum trunk diameter of eight inches measured from grade on any undeveloped parcel within the City in anticipation of developing that parcel without advance approval of the Planning Commission is strictly prohibited.

17.40.100 – Hardships – Remedies

A. When it is determined by the Planning Commission that compliance with these regulations would create an unreasonable hardship, relief may be granted from those provisions that cause the hardship. Determination of unreasonable hardship shall be based upon an overall evaluation including the following factors:

   1. The cost of the landscaping;

   2. The cost of the construction of the project;

   3. The nature of the landscaping that would be gained or lost;

   4. Physical site restraints;

   5. Legal restriction.

B. The Planning Commission will advise an equivalent remedy when a hardship has been determined, such as in-lieu fees, alternative off-site landscaping, or combination thereof.

17.40.110 – Appeals

A decision of the Planning Commission denying tree removal pursuant to this Chapter may be appealed to the City Council. Appeals shall be in writing, signed by the appellant, stating the reasons for the appeal, accompanying an amount as specified by resolution, and filed with the City within ten days of Planning Commission action. The appeal shall be heard by the City Council meeting following the receipt of the appeal.

17.40.120 - Violation - Penalty

Any person violating any provision of this Chapter is guilty of a misdemeanor, provided, however, that any such violation may be charged as an infraction, where deemed in the interest of justice by the District Attorney. Additionally, and without limitation on the authority or action of the District Attorney, the City Manager or his/her designee may direct that work be halted on any development subject to this section until any violation of this section is corrected, or until an appropriate course of action for remedial measures is determined. The City Manager or his/her designee may also convene an administrative hearing or alternatively docket for Planning Commission review to determine if a violation occurred and, if so, to assess an administrative penalty. The penalty would require the replacement, at the violator's expense, of any tree irreparably cut or damaged with one or more trees of sufficient size and maturity to fulfill the intent and purpose of this section.

Chapter 17.43 – Lighting Regulations

Sections:

17.43.010 – Purpose of Chapter
17.43.020 – Definitions
17.43.030 – General Lighting Regulations
17.43.040 – Residential Lighting Regulations
17.43.050 – Commercial Lighting Regulations
17.43.060 – Street Parking and Security Lighting
17.43.070 – Exemptions and Nonconforming Fixtures
17.43.080 – Maintenance and Repairs of Nonconforming Fixtures

17.43.010 – Purpose of Chapter

It is the intent of this Chapter to establish rules and regulations for the reduction and restriction of unnecessary and excessive stray light as given off by exterior lighting sources on commercial and residential buildings during the nighttime hours. The excessive stray light emitted from exterior lighting sources within the City constitutes a

form of visual pollution that interferes with the enjoyment of the nighttime visual environment for citizens in and around the City of Jackson

17.43.020 – Definitions

For the purpose of this Chapter phrases shall be defined as follows:

Color Rendering Index (CRI). A method for describing the effect of a light source on the color appearance of objects being illuminated, with 100 representing the reference condition and is the CRI of natural outdoor light or a 100-watt incandescent bulb. In general, a lower CRI indicated that some colors may appear unnatural when illuminated by a lamp.

Correlated Color Temperature (CCT). A description of the color appearance of a light source in terms of warmth or coolness, as measured on the Kelvin scale (K). As the temperature rises, the color appearance shifts from yellow to blue. Lamps with a low CCT (3000K or less) have a yellow-white color appearance and are generally described as "warm." Lamps with a high CCT (4000K and higher) have a blue-white color appearance and are described as "cool".

Full Cut Off Light Fixture. A light fixture so designed that no light rays are directly emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report. As a practical matter, the light source cannot be seen when viewed on a plane horizontal with the bottom of the shade or shield.

High Intensity Discharge (HID) Lamp. A term for a lamp or light source characterized by an arc tube which encloses various gases and metal salts operating at relative high pressures and temperatures. Common HID lamps are mercury vapor, metal halide and high-pressure sodium.

Light Emitting Diode (L.E.D.). A light source where light is produced by passing an electric current through a semi-conductor diode. Intensity and color may change as a function of the energy level and type of semi-conductor material used.

17.43.030 – Citywide Lighting Regulations

The following regulations shall apply to all lighting within the City of Jackson, unless otherwise indicated:

A. No High Intensity Discharge lights may be utilized in any exterior application within the City.

B. No lights or lamps with a Correlated Color Temperature of higher than 2400 K or a Color Rendering Index of lower than 70 may be utilized on any exterior within the City.

17.43.040 – Residential Lighting Regulations

A. All exterior lighting, including motion-sensitive lighting, will be provided by full cut-off fixtures that by design have a cut-off angle of not more than ninety (90) degrees, properly installed so as to maintain the full cut-off angle of (90) degrees. Fixtures which are shielded by a structural element so as to meet the intent of a full cut-off fixture shall be considered to be in compliance.

B. Non-Seasonal lights that blink, flash, rotate, move, or change in intensity or color and "wall washer" lights are prohibited with or without cut-off design.

C. Exterior lighting fixtures will be mounted no higher than ten (10) feet above the flooring, deck, walkway, driveway or other occupied area, or highest grade point of the ground surface immediately adjacent to the lighting fixture. The height of the fixture shall be vertical distance from the surface directly below the centerline of the fixture to the lowest direct light emitting part of the fixture.

17.43.050 – Commercial Lighting Regulations

The following commercial lighting regulation apply to all property within the Commercial, Limited Commercial, Historic Commercial, Professional Office, and Public zones and those areas of a Planned Development utilized for commercial purposes:

A. All exterior lighting shall be provided by full cut-off fixtures that by design have a cut-of angle of not more than ninety (90) degrees, properly installed so as to maintain the full cut-off angle of ninety (90) degrees. Fixtures which are shielded by a structural element so as to meet the intent of a full cut-off fixture shall be considered to be in compliance.

B. Lights which blink, flash, rotate, move, or change in color or intensity are prohibited.

C. Exterior lighting fixtures will be mounted no higher than thirteen (13) feet above the flooring, deck, walkway, driveway or other occupied area, or highest grade point of the ground surface immediately adjacent to the lighting fixture. The height of the fixture shall be vertical distance from the surface directly below the centerline of the fixture to the lowest direct light emitting part of the fixture.

D. Temporary, ornamental lighting shall be allowed from October 15 to January 15, and in all other times, for periods not to exceed seventy-two (72) hours. Such lighting shall be deemed temporary if it is not of such permanent electrical wiring as would be deemed permanent under any applicable electrical code enforceable with the City.

E. Rope lights or L.E.D. lights that do not conform to Section 17.43.040 (Residential Lighting Regulations) are prohibited, unless they are temporary, ornamental lighting otherwise permitted.

F. The illumination of signs shall comply with Chapter 17.54 (Sign Regulations) of this code.

17.43.060 – Street Parking and Security Lighting

The requirements for street, parking, and security lighting set forth in this Section, except where specifically exempted, apply to all zoning districts within the City.

A. All street, parking, and security lights will utilize full cut-off fixtures that by design have a cut-off angle of not more than (90) degrees, properly installed so as to maintain the full cut-off angle of ninety (90) degrees. Fixtures which are shielded by a structural element so as to meet the intent of a full cut-off fixture shall be considered to be in compliance.

B. Lighting fixtures shall be mounted no higher than fifteen (15) feet above a parking or street surface.

17.43.070 – Exemptions and Nonconforming Fixtures

The following exterior light fixtures shall be exempt from the regulation contained in this section.

A. Illumination of the United States flag, provided that such lighting does not interfere with the vision of drivers or pedestrians, or otherwise create an unsafe condition for the public. No more than two lights per pole are allowed.

B. Fixtures which are part of an official traffic control device.

C. Lights and lighting devices which are part of a City event or public gathering, so long as the event or gathering is of a temporary nature and licensed or permitted under other provisions of the Municipal Code.

D. Lights which highlight theatre marquees, if approved by the Site Plan Review Committee.

E. Historic light fixtures which are part of a historic property and add to the historic character of the property.

F. Lights which illuminate public outdoor recreation facilities. Such lighting shall be designed to minimize light pollution.

G. Other fixtures which, by their nature, use, and design, present a compelling argument for the promotion of public health, safety, and welfare as determined by the Building Official or Chief of Police.

17.43.080 – Maintenance and Repairs of Nonconforming Fixtures

Nonconforming fixtures may be maintained and repaired; however, any structural change in a nonconforming fixture or the addition of any fixtures shall be consistent with the provisions of this Chapter. Nonconforming fixtures that are destroyed or damaged to an extent in excess of twenty-five percent shall be replaced or repaired by a fixture which conforms to the provisions of this Chapter.

Chapter 17.44 - Noise

Sections:

17.44.010 – Purpose of Chapter
17.44.020 - Noise Complaints
17.44.030 - Noise Measurement Criteria
17.44.040 - Exterior Noise Standards
17.44.050 - Residential Interior Noise Standards
17.44.060 - Prohibited Acts
17.44.070 – Exceptions

17.44.010 - Purpose of Chapter

This Chapter establishes standards for the elimination and regulation of noise disturbances in order to protect the health, safety, welfare, and living/working environments of those living and working in the City.

17.44.020 - Noise Complaints

Persons who believe that noise sources exceed any of the standards provided in this Section may file a complaint with the appropriate City department as follows:

A. Planning Department. Noise complaints regarding the following types of noise sources shall be directed to the Planning Department:

    1. Commercial (non-governmental) repair or testing of aircraft, boats, or motor vehicles;

    2. Loading and unloading activities; or

    3. Stationary, non-emergency, non- residential sources.

    4. Construction activity

B. Police Department. Noise complaints regarding the following types of noise sources shall be directed to the Police Department. This Development Code does not contain procedures for regulating or enforcing standards related to these noise sources:

1. Animals;

2. Emergency signaling alarms or devices;

3. Motor vehicles (including alarms, radios, tape or disc players, etc.);

4. Places with dance permits; or

5. Radio, tape or disc players, television, or any similar devices whether on public or private property.

17.44.030 - Noise Measurement Criteria

A. Exterior noise. Exterior noise levels may be measured at any point on the affected church, commercial property, hospital, public library, residential property, or school.

B. Noise measurement equipment. Any noise measurement made in compliance with this Section shall be made with a sound level meter using the 'A' weighted scale at slow meter response. Fast meter response shall be used only for an impulsive noise. Calibration of the measurement equipment, utilizing an acoustic calibrator, shall be performed immediately before the recording of any noise data.

17.44.040 - Exterior Noise Standards

It shall be unlawful for any person, at any location within the City, to create any noise or to allow the creation of any noise on property leased, occupied, owned, or otherwise controlled by the person which does not comply with the provisions of this Section, unless the provisions of either Sections 17.44.050 (Residential Interior Noise Standards) or 17.44.070 (Exceptions), below have been met.

A. Exterior levels. Exterior noise levels, when measured at any receiving church, commercial, hospital, public library, residential or school property, do not conform to the provisions of this Section when they exceed the noise level standards established by Table 3-6.

B. Ambient noise level adjustment. In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the applicable standards shall be adjusted to equal the ambient noise level. For example, if the applicable noise level standard is 60 dB(A) and the ambient noise level is 63 dB(A), the applicable noise level standard would be adjusted to 63 dB(A). In these cases, a use would not exceed the applicable noise level standard if it did not increase the ambient noise level by more than 3.0 dB(A) when the ambient noise level is between 60 and 65 dB(A) or by more than 1.5 dB(A) when the ambient noise level is greater than 65 dB(A).

C. Simple tone noises. Each of the noise level standards specified above shall be reduced by five dB(A) for simple tone noises, noises consisting primarily of speech or music or for recurring impulsive noises.

D. Intruding noise source. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period to allow measurement of the ambient noise level, the noise level measured while the source is in operation shall be compared directly to the applicable noise level standards in Table 3-6.

E. Equipment noise. The noise level standard applicable to the emission of sound from regulators, transformers, and associated equipment in electrical substations shall be 60 dB(A).

TABLE 3-6

NOISE STANDARD BY RECEIVING LAND USE

Noise Level Standards, dB(A)		
Cumulative number of minutes in any hour	**Day - 7:00 a.m. to 10:00 p.m.**	**Night - 10:00 p.m. to 7:00 a.m.**
Hospital, Library, Religious Institution, Residential, or School Uses		
30 (1)	55	50
15	60	55
5	65	60
1	70	65
0	75	70
Commercial Uses		
30	65	60
15	70	65
5	75	70
1	80	75

Noise Level Standards, dB(A)		
Cumulative number of minutes in any hour	**Day - 7:00 a.m. to 10:00 p.m.**	**Night - 10:00 p.m. to 7:00 a.m.**
0	85	80

Notes:

(1) For example, this means the measured noise level may not exceed 55 dB(A) for more than 30 minutes out of any one hour time period.

F. Commercial/Industrial exterior noise standard. Whenever a new office, commercial, hotel/motel, or light industrial use is proposed on a parcel where the existing ambient noise levels may exceed 70 dB(A) CNEL, the land use permit application shall include an acoustical analysis of the affect of noise sources on the use. The acoustical analysis shall identify appropriate mitigation measures that reduce noise levels to acceptable levels. These mitigation measures shall be incorporated into the design, construction, and operation of the use. Office, commercial, hotel/motel, and light industrial uses that cannot mitigate noise levels to "Normally Acceptable" levels as defined in Table 6.1 of the General Plan shall not be approved.

G. Public/Institutional exterior noise standard. Whenever a hospital, library, school, congregate care, or similar public or institutional use is proposed on a parcel where the existing ambient noise levels may exceed 65 dB(A) CNEL, the land use permit application shall include an acoustical analysis of the affect of noise sources on the use. The acoustical analysis shall identify appropriate mitigation measures that reduce noise levels to acceptable levels. These mitigation measures shall be incorporated into the design construction, and operation of the use. Public and institutional uses that cannot mitigate noise levels to "Normally Acceptable" levels as defined in Table 6.1 of the General Plan shall not be approved.

H. Sensitive land uses. Whenever a use is proposed on a parcel where the expected noise levels generated by the use, when measured at any receiving church, hospital, public library, residential, or school property, may exceed the noise level standards established by Table 3-6, the land use permit application shall include an acoustical analysis of the affect of the noise generated by the use on the sensitive land use property. An acoustical analysis shall also be required when a commercial or industrial loading dock or area is located within 300 feet of a sensitive use. The acoustical analysis shall identify appropriate mitigation measures that reduce exterior noise levels to acceptable levels established by Table 3-6. These mitigation measures shall be incorporated into the design, construction, and operation of the use.

I. Mitigation. Reasonable noise mitigation measures including building setbacks, alternative site design techniques, and alternative building orientation layouts shall be employed in lieu of sound walls to mitigate noise impacts. Sound walls may be used if there are no other reasonable mitigation measures available or all reasonable mitigation measures do not satisfactorily reduce noise levels to acceptable levels.

17.44.050 - Residential Interior Noise Standards

Single-family and multi-family residential development shall be designed and constructed to comply with the interior noise standards of this Section.

A. Interior noise standard. Whenever a new single-family or multi-family dwelling unit is proposed on a parcel where the existing exterior ambient noise level may exceed 60 dB(A) CNEL, the land use permit application shall include an acoustical analysis showing the dwelling unit has been designed to limit intruding noise to an interior CNEL of 45 dB, in compliance with California Code of Regulations Title 24, Part 2.

B. Noise mitigation measures. Whenever interior noise levels may exceed 45 dB CNEL, residential developments shall incorporate the following noise mitigation measures, where appropriate:

1. Increase the distance between the noise source and the receiver;

2. Locate bedrooms on the side of the structure away from major public rights-of-way; and/or

3. Locate land uses not sensitive to noise (e.g., garages, maintenance facilities, parking lots, utility areas, etc.) between the noise source and the receiver.

C. Noise barrier standards. The minimum acceptable surface weight for a noise barrier is four pounds per square foot (equivalent to three-fourths inch plywood). Noise barriers shall interrupt the line-of-sight between the noise source and the receiver. The barrier shall be designed and constructed consistent with the provisions of Section 17.30. 070 (Fences, Walls, and Hedges)of a continuous material which is resistant to sound and may including the following:

1. Earth berm or a combination of earth berm with concrete block; or

2. Masonry block; or

3. Precast concrete.

17.44.060 - Prohibited Acts

The following acts, and the causing or allowing of these acts, are a violation of this Section:

A. Places of public entertainment. Operating or allowing to be operated, any loudspeaker, musical instrument, or other source of sound in any place of public entertainment that exceed 95 dB(A) at any point normally occupied by a customer, without a conspicuous and legible sign stating, "WARNING! Sound levels within may cause hearing impairment." Nothing in this Section shall be construed to allow any violation of Section 17.44.040 (Exterior Noise Standards) or any noise disturbance in any place of public entertainment;

B. Emergency signaling devices. The intentional sounding or allowing the sounding outdoors of any burglar, civil defense or fire alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing, which shall only be conducted in the following manner:

1. The testing of a stationary emergency signaling device shall not occur before 7:00 a.m. or after 7:00 p.m. Any testing shall use only the minimum cycle test time. The test time shall not exceed 60 seconds; and

2. The testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device, shall not occur more than once in each calendar month. The testing shall not occur before 7:00 a.m. or after 10:00 p.m. The times specified in Subsection 1., above shall not apply to the complete system testing.

C. Sounding of alarms. Sounding or allowing the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless the alarm is terminated within 15 minutes of activation;

D. Stationary non-emergency signaling devices.

1. Sounding or allowing the sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for non-emergency purposes, from any place, for more than 10 seconds in any one hour period;
2. Persons, businesses and institutions which, as of September 1, 2009, were regularly sounding an electronically amplified signal, of a non-emergency nature, as part of the business or mission of the person, business, or institution, are exempt from the provisions of this Section. Reasonable accommodation shall be provided for other persons, businesses, and institutions. "Reasonable" is defined, for the purposes of this Section, as the minimum necessary to allow freedom of expression; and

3. Sound sources covered by this Section and not exempted under Subsection B., above may be exempted by a Variance, approved in compliance with Chapter 17.44 (Noise).

E. Loading and unloading. Closing, loading, opening, unloading, or other handling of boxes, building materials, containers, crates, garbage cans, or similar objects between

the hours of 10:00 p.m. and 7:00 a.m. in a manner that causes a noise disturbance beyond a residential property line. This action shall not apply to activities where the items handled are still in interstate commerce; and

F. Residential air conditioning, refrigeration, and heating. Notwithstanding the provisions of Section 17.44.040 (Exterior Noise Standards) where the intruding noise source is a residential air conditioning or a refrigeration system, heating system, or associated equipment installed before the effective date of this Section, the exterior noise level shall not exceed 55 dB(A). For equipment installed after the effective date of this Section, the exterior noise level shall not exceed 50 dB(A).

17.44.070 - Exceptions

A. Construction. The provisions of this Chapter shall not apply to noise sources associated with non-single family residential construction, provided the activities do not take place before 7:00 a.m. or after 9:00 p.m. on any day except Sunday, or before 9:00 a.m. or after 6:00 p.m. on Sunday. The review authority may impose further limitations on the hours and day of construction or other measures to mitigate significant noise impacts on sensitive uses.

B. Emergency exception. The provisions of this Chapter shall not apply to:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency; or

2. The emission of sound in the performance of authorized emergency work.

C. Maintenance of equipment. Notwithstanding the provisions of Sections A. and B above, no exceptions to the provisions of this Section shall apply where the equipment used for those activities is not maintained in good condition which would result in unnecessarily creating a noise disturbance or exceeding the standards in Section 17.44.040 (Exterior Noise Standards), above.

D. Municipal Code provisions. The provisions of this Chapter shall not apply where noise standards are specified elsewhere in the Municipal Code.

E. Public health, safety, and welfare activities. The provisions of this Section shall not apply to construction or maintenance and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, safety, and welfare, including debris and limb removal, removal of downed wires, repairing of gas lines, oil lines, roads, sewers, sidewalks, storm drains, traffic signals, water hydrants and mains, restoring electrical service, street sweeping, unplugging sewers, vacuuming catch basins, etc.

F. Public transportation facilities. The provisions of this Section shall not apply to any airports, railroad facilities including but not limited to trains, rolling stock, and

railroad equipment, publicly owned roads and rights-of-way, or other similar facilities.

G. Solid waste collection.

1. The provisions of this Section shall not apply to noise sources associated with the authorized collection of solid waste (e.g., refuse and garbage), provided the collection activities do not take place between the hours of 10:00 p.m. and 6:00 a.m.

2. Any noise complaints associated with the collection of solid waste shall be resolved to the satisfaction of the City Manager. The City Manager may require modifications to pick-up schedules, equipment used, or any other reasonable means deemed appropriate by the City Manager to resolve the noise complaints, including changing the 6:00 a.m. time to a later time (e.g., 7:00 a.m.) for any portion of the City.

H. State or Federal preempted activities. The provisions of this Section shall not apply to any activity regulated by State or Federal law including, but not limited to, trains, rolling stock, and railroad equipment.

I. City parks. The provisions of this Section shall not apply to public agency sanctioned recreational activities/programs conducted in public parks.

J. Warning devices. Warning devices, necessary for the protection of public safety (e.g., ambulance, fire, and police siren) shall be exempted from the provisions of this Section.

Chapter 17.46 - Open Space/Cluster Requirements

Sections:

17.46.010 - Purpose of Chapter
17.46.020 - Applicability
17.46.030 - Cluster Development
17.46.040 - Wetlands
17.46.050 - Minimum Open Space Requirements
17.46.060 - Open Space Standards

17.46.010 - Purpose of Chapter

This Chapter provides requirements for the preservation and maintenance of permanent open space in conjunction with the development of private property, to preserve and to protect the following areas:

A. 100 year flood plains (as provided in Chapter 17.34 - Flood Plain Management);

B. Environmentally sensitive areas;

C. Lakes and ponds; and

D. Slopes in excess of 30 percent.

17.46.020 - Applicability

This Chapter shall apply to all new development projects including, but not limited to, residential subdivisions. A single family dwelling, secondary residential unit, duplex, and residential accessory structures constructed on an existing lot are exempt from the provisions of this Chapter.

17.46.030 - Cluster Development

A. Objectives for clustering. Cluster development is encouraged as a means of protecting and preserving environmentally sensitive areas, the natural appearance of hillsides, and other important views and visual resources; maintaining the open space(s) that contributes significantly to the character of the City; providing for the integrity and continuity of wildlife and wetland habitat; and protecting and conserving forest and rangeland for their resource (trees and grasses), recreational, aesthetic, historic, and biological values .

B. Environmentally sensitive areas defined. Environmentally sensitive areas shall include deer migration/wildlife movement corridors, habitat for State and Federally listed plant and animal species including special status and candidate species, high fire hazard areas, scenic vistas, riparian habitat and corridors, and wetlands per Section 17.46.040 (Wetlands).

C. Related provisions. The provisions of the following Chapters shall also apply to the design of clustered developments:

    1. Chapter 17.36 — Hillside Development Standards; and

    2. Chapter 17.38 — Stream Corridor Development.

17.46.040 - Wetlands

Wetlands are areas where the water table is at, near, or above the surface of the land long enough to promote the formation of hydric soils (as defined by the U.S. Department of Agriculture Soil Conservation Service) or to support the growth of hydrophytes.

A. Presumption of significance. All wetlands shall be presumed to be environmentally sensitive areas unless the City finds, on the basis of evidence in the environmental documents prepared for the development of the property in which the wetlands are situated, that the subject wetlands are not environmentally significant. These findings

shall be based on an analysis performed by a State agency, serving as the responsible or trustee agency for the City.

B. Preservation requirements. In preserving these environmentally sensitive areas, emphasis shall be placed on maintaining the natural characteristics of the property while ensuring that any proposed development is harmonious with the terrain and provides significant buffers for adjacent land. Areas designated as environmentally sensitive shall remain in their natural and undisturbed state and shall be maintained in a manner which minimizes the danger of fire hazards.

C. Disturbance and restoration of wetlands. Development projects resulting in the disturbance of wetlands shall require the approval of a Minor Use Permit in compliance with Chapter 17.76 (Use Permits and Minor Use Permits). The review authority may approve a minor use permit for disturbance of wetlands only if all of the following findings can be made:

1. The wetlands cannot be avoided and there are no feasible alternatives or mitigation to disturbance of the wetlands;

2. Any wetlands removed or destroyed as part of the project are mitigated by the restoration or creation of wetland habitat at a rate of 1.5 to 1 (1.5 units of restored habitat for each unit of habitat removed or destroyed); and

3. The disturbance and/or removal of the wetlands complies with all applicable Federal and State regulations.

17.46.050 - Minimum Open Space Requirements

A. Minimum open space requirements.

1. All subdivisions within the RS, RL, and RSF zoning districts shall provide permanent open space. The minimum amount of open space required within the property shall be either:

    a. The sum of all areas listed in Section 17.46.010 (Purpose of Chapter) and all those OS zoned portions of the property; or

    b. As shown in Table 3-7 below, whichever is greater.

2. The minimum amount of open space required within the property for the multi-family residential, commercial, and manufacturing/industrial zoning districts shall be either:

    a. The sum of all areas listed in Section 17.46.010 (Purpose of Chapter) and all those OS zoned portions of the property; or

b. As identified in the applicable open space standards in Article II (Zoning District and Allowable Land Uses), whichever is greater.

3. The minimum amount of open space required within the property for the Recreation zoning district shall be either:

   a. The sum of all areas listed in Section 17.46.010 (Purpose of Chapter) and all those OS zoned portions of the property; or

   b. 10% of the gross site area, whichever is greater.

B. Use of Table 3-7.

1. The following minimum open space requirements shall only apply to single-family residential subdivisions.

2. The minimum open space shall be based on the density of the zoning district as identified in Table 3-7.

3. Portions of the property zoned OS, or areas listed in Subsection A., above shall be credited toward this calculated minimum open space requirement.

TABLE 3-7

MINIMUM OPEN SPACE AREA

Minimum Open Space Area Required	
Zoning District	**Minimum Open Space Area Required (% of gross site area)**
RM, RH	30%
RD	40%
RSF	50%
RL	70%
RS	80%

C. Disturbance and restoration of sensitive habitat. Development projects resulting in the disturbance of riparian habitat and habitat for State and Federally listed animal and plant species shall require the approval of a Minor Use Permit in compliance with Chapter 17.76 (Use Permits and Minor Use Permits). The review authority may

approve a minor use permit for disturbance of these habitats only if all of the following findings can be made:

1. The habitat cannot be avoided and there are no feasible alternatives or mitigation to disturbance of the habitat;

2. Any habitat removed or destroyed as part of the project are mitigated by the restoration or creation of habitat at a rate of 1.5 to 1 (1.5 units of restored habitat for each unit of habitat removed or destroyed); and

3. The disturbance and/or removal of the habitat complies with all applicable Federal and State regulations.

D. Open space incentives. The minimum open space area requirements established by this section may be reduced by the review authority, subject to the following standards.

1. The review authority shall find that the open space reduction is proportional to the benefit provided by the project.

2. Open space may be reduced by five percent (5%) of the project site up to a maximum of ten percent (10%), based on each/any of the following project features:

a. Lands are dedicated for public open space, public access, and/or public recreation beyond that necessary for the project;

b. The project will provide enhanced public facilities which are needed by the City beyond those required for the project as mitigation measures (for example, transit facilities).

E. Reduction of planning fees. The review body may reduce planning fees for a land use permit application by up to 75% if the project provides permanent open space that is equivalent to 10% or more of the project site above and beyond the minimum open space requirements. For example, a project in the RSF zoning district would qualify for a planning fee reduction if 60% of the site was provided as permanent open space (50% minimum open space requirements + 10% of the site).

17.46.060 - Open Space Standards

A. Natural tree or shrub removal. Upon the development of any property which includes environmentally sensitive areas identified in Section 17.46.030.B (Environmentally Sensitive Areas Defined), if the natural tree or shrub coverage has been removed from the environmentally sensitive area, the area shall be revegetated with indigenous plant material subject to the approval of the City Planner.

B. Disruption of land. Grading and removal of native vegetation is prohibited except for access roads, driveways, parking areas, and within an area immediately adjoining the structure(s) which is the smallest area practicable to accommodate:

1. Proper separation from cut and fill slopes;

2. Usable yard areas; and

3. Fuel reduction areas in compliance with Fire Protection District standards.

C. Acceptable nonstructural uses. Acceptable uses in open space areas are those that do not involve structures or large paved areas. Examples that may be acceptable uses include primitive campgrounds (i.e., no facilities), picnic areas, hiking and equestrian trails, and equestrian corrals, other non-enclosed structures, and buffer areas. Fairways and greens for golf courses are not acceptable as open space areas. Examples of uses that are not acceptable include recreational vehicle campgrounds, tennis courts or similar paved areas, and equestrian centers with barns and other enclosed facilities.

D. Continuity required. Open space shall provide continuity and links with the open space area(s) of other adjoining clustered residential developments and with public open space(s), whenever feasible.

E. Permanent open space.

1. The portions of the parent parcel not developed with clustered residential uses, including all slopes of 30 percent or greater, shall be preserved as permanent open space.

2. Preservation and management options for open space, in order of preference, include the following:

    a. Dedication of the land to the City of Jackson.

    b. Common area parcel(s) with dedication of a conservation easement in perpetuity to the City of Jackson.

    c. Use of building envelopes in conjunction with conservation easements, deed restrictions, and/or dedication to a homeowner's association.

    d. Open space zoning.

3. Incentives for projects that dedicate open space and trails to public agencies may include planning fee waivers, reductions in open space requirements, and/or increases in density.

Chapter 17.48 - Parking and Loading Standards

Sections:

17.48.010 - Purpose of Chapter
17.48.020 - Applicability
17.48.030 - General Parking and Loading Regulations
17.48.040 - Number of Parking Spaces Required
17.48.050 - Adjustments to Off-Street Parking Requirements
17.48.060 - Disabled/Handicapped Parking Requirements
17.48.070 - Development Standards for Off-Street Parking
17.48.080 - Driveways and Site Access
17.48.090 - Bicycle Parking and Support Facilities
17.48.100 - Off-Street Loading Space Requirements
17.48.110 – Historic Commercial Zoning Parking

17.48.010 - Purpose of Chapter

This Chapter provides off-street parking and loading standards to:

A. Provide for the general welfare and convenience of persons within the City by ensuring sufficient parking facilities to meet the needs generated by the specific use;

B. Provide accessible, attractive, secure and well-maintained off-street parking and loading facilities;

C. Increase public safety by reducing congestion on public streets;

D. Encourage the use of alternative modes of transportation and other trip reduction measures;

E. Ensure access and maneuverability for emergency vehicles; and

F. Provide loading and delivery facilities in proportion to the needs of the proposed use.

17.48.020 - Applicability

Every use, including a change or expansion of a use or structure shall have appropriately maintained off-street parking and loading areas in compliance with the provisions of this Chapter. A use shall not be commenced and structures shall not be occupied until improvements required by this Chapter are satisfactorily completed.

17.48.030 - General Parking and Loading Regulations

A. Retention and maintenance of parking and loading areas. All covered or uncovered off-street parking and loading facilities required by this Chapter shall be permanently reserved for parking and loading purposes.

1. The City Planner may approve the temporary reduction of parking or loading spaces in conjunction with a seasonal or intermittent use for not more than 30 days in any calendar year.

2. All parking facilities, including but not limited to curbs, directional markings, disabled symbols, landscaping, pavement, signs, striping, and wheel stops, and other facilities, shall be permanently maintained by the property owner/tenant in good repair, free of litter and debris, potholes, obstructions, and stored material.

B. Parking and loading to be unrestricted. Owners, lessees, tenants or persons having control of the operation of premises for which parking or loading spaces are required by this Chapter shall not prevent, prohibit or restrict authorized persons from using these spaces without prior approval of the City Planner.

17.48.040 - Number of Parking Spaces Required

Each use shall provide at least the minimum number of off-street parking spaces required by this Chapter, except where an exception has been granted through approval of a land use permit.

A. Parking requirements by land use. Each land use shall be provided the number of off-street parking spaces required by Table 3-8.

1. Additional requirements. Additional spaces may be required by the review authority through land use permit conditions of approval, where applicable.

2. Uses not listed. Land uses not specifically listed by Table 3-8 (Parking requirements by land use), below, shall provide parking as required by the City Planner. The City Planner shall use the requirements of Table 3-8 as a general guide in determining the minimum number of off-street parking spaces to be provided.

3. Rounding of quantities. When a calculation of the number of parking spaces required results in a fraction of 0.50 or more, the number of required spaces shall be rounded up to the nearest whole number.

B. Expansion of existing structure, change in use. When a structure is enlarged or increased in capacity or intensity, or when a change in use requires more off-street parking, additional parking spaces for the enlargement or increase in capacity or intensity shall be provided in compliance with this Chapter.

C. Multiple uses on a single site. A site or facility proposed for multiple tenants or uses (for example, a building with ground-floor shops and second floor offices) shall provide the aggregate number of parking spaces required for each separate use; except where the site is developed as a shopping center, the parking ratio shall be that required for the shopping center as a whole as provided in Table 3-8.

D. Parking required by permits, Development Agreements, or Specific Plans. Parking requirements established by Use Permits, Development Agreements, Specific Plans or similar entitlements supersede the provisions of this Chapter.

E. Excessive parking. The parking standards established in this Chapter are both minimum and maximum standards. Off-street parking spaces in excess of these standards may be approved only in conjunction with a land use permit, and when additional landscaping and pedestrian improvements are also provided. When a project proposal includes parking in excess of the number of spaces required by this Chapter, the review authority shall approve no more than 20 percent more spaces than otherwise required.

F. Bench or bleacher seating. Where fixed seating is provided in the form of benches or bleachers, a seat shall be construed to be not less than 24 inches of continuous bench space for the purpose of calculating the number of required parking spaces.

G. Company-owned vehicles. The number of parking spaces required by this Chapter does not include spaces needed for the parking of company-owned vehicles. Parking spaces for company-owned vehicles shall be provided in addition to the requirements for a particular land use.

TABLE 3-8

PARKING REQUIREMENTS BY LAND USE

Land Use Type: **Manufacturing Processing and Warehousing**	**Vehicle Spaces Required**
General manufacturing, industrial and processing uses (See Section 17.12.030, Table 2-5, "Commercial, Office, and Industrial District Allowable Land Uses" for examples.)	2 spaces per each 1,000 sq.ft. of gross floor area for the first 25,000 sq.ft.; and 1 space per each 1,000 sq.ft. thereafter. The gross floor area shall include incidental office space comprising less than 20% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."
Recycling facilities	Determined by Use Permit.
Research and development, laboratories	1 space per each 250 sq.ft. of gross floor area, plus

Land Use Type: **Manufacturing Processing and Warehousing**	**Vehicle Spaces Required**
	1 space for each company vehicle.
Warehouses and storage facilities (for example, long- term storage facilities)	1 space per each 2,000 sq.ft. of gross floor area for the first 10,000 sq.ft., and 1 space per each 5,000 sq.ft. thereafter. The gross floor area shall include incidental office space comprising less than 20% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."
Wholesale and distribution operations not used exclusively for storage.	1 space per each 1,000 sq.ft. of gross floor area for the first 10,000 sq.ft., and 1 space per each 3,000 sq.ft. thereafter. The gross floor area shall include incidental office space comprising less than 20% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."

Land Use Type: **Recreation, Education, Public Assembly**	**Vehicle Spaces Required**
Child day care – Centers	1 space per each 7 children, plus adequate drop-off area as approved by the Site Plan Review Committee.
Child day care - Large family day care homes	1 space per each employee and 1 space for drop-off/pick-up, in addition to the required residential spaces.
Churches, community centers, meeting halls, membership organizations, mortuaries, and performance theaters	1 space per each 3 seats; without fixed seats, 1 space per each 50 sq.ft. of gross floor area
Cinemas - Single-screen	1 space per each 3 seats, plus 6 spaces for employees
Cinemas - Multi-screen	1 space per each 5 seats, plus 10 spaces for employees.
Golf courses	3 spaces per hole; plus clubhouse spaces as required for restaurants, bars, indoor recreation/fitness centers,office, etc.
Golf driving ranges (separate from golf course)	2 spaces per tee.

Land Use Type: **Recreation, Education, Public Assembly**	**Vehicle Spaces Required**
Indoor recreation/fitness centers - Arcades	1 space per each 200 sq.ft. of gross floor area
Indoor recreation/fitness centers - Bowling alleys	5 spaces per lane, plus required spaces for ancillary uses.
Indoor recreation/fitness centers - Health/fitness clubs	1 space per each 250 sq.ft. of gross floor area.
Indoor recreation/fitness centers - Pool and billiard rooms	2 spaces per table, plus required space for ancillary uses.
Indoor recreation/fitness centers - Skating rinks	1 space per each 400 sq.ft. of gross floor area for public use, plus required spaces for ancillary uses.
Libraries, museums, art galleries	1 space per each 500 sq.ft. of gross floor area, plus 1 space per official vehicle.
Outdoor commercial recreation	Determined by Use Permit
Land Use Type: **Recreation, Education, Public Assembly (Continued)**	**Vehicle Spaces Required**
Schools (public and private) - Elementary/Junior High	2 spaces per each classroom, plus 1 space for every 200 sq.ft. of assembly area in an auditorium.
Schools (public and private) - High School	3 spaces per each classroom, plus 1 space for every 6 students
Schools (public and private) - College	As determined by Use Permit.
Schools (public and private) - Trade and business schools	1 space per each 50 sq.ft. of gross classroom floor area.
Studios for dance and art	1 space per each 200 sq.ft. of gross floor area.
Tennis/racquetball/handball or other courts	2 spaces per each court, plus 1 space per each 200 sq.ft. of floor area for ancillary uses.
Performance theaters, meeting halls and membership organizations.	1 space per each 3 seats; without fixed seats, 1 space per each 50 sq.ft. of gross assembly or viewing area, plus ancillary uses (e.g. bar, restaurant).

Land Use Type: **Residential Uses**	**Vehicle Spaces Required**
Group Quarters (Including boarding houses, rooming houses, dormitories, and organizational houses)	1 space per each bed, plus 1 space per each 8 beds for guest parking, 1 space per each employee on largest shift.
Duplex housing units	2 spaces per each unit, with 1 space per unit in a fully enclosed garage.
Mobile homes (in M.H. parks)	2 spaces per each mobile home (tandem parking allowed in an attached carport), plus 1 guest parking space for each 4 units.
Multi-family dwelling, condominiums and other attached dwellings.	Studio and 1 bedroom units - 1.5 spaces per each unit with 1 space per unit in a fully enclosed garage. No garage is required for affordable housing units.
	2 bedrooms or more - 2 spaces per each unit, with 1 space per unit in a fully enclosed garage. No garage is required for affordable housing units.
Multi-family dwelling, condominiums and other attached dwellings.	Guest parking - 25% of total required spaces.
Mixed-use developments	Determined by Use Permit.
Secondary residential units	2 spaces in addition to that required for the single-family dwelling.
Senior housing projects	1 space per each unit with 0.5 spaces per unit covered, plus 1 guest parking space per each 10 units.
Senior congregate care facilities	0.5 space per each residential unit, plus 1 space per each 4 units for guests and employees.
Single-family dwelling	2 spaces, with 1 space per unit in a fully enclosed garage.
Land Use Type: **Retail Trade**	**Vehicle Spaces Required**
Automobile, mobile home, vehicle, machinery and parts sale	1 space per each 400 sq.ft. of gross floor area, plus 1 space per each 3,000 sq.ft. of outdoor display and sales service area, plus 1 space per each 300 sq.ft. of gross floor area for a parts department.

Land Use Type: **Retail Trade**	**Vehicle Spaces Required**
Banks and financial services	1 space per each 300 sq.ft. of gross floor area.
Building materials, hardware stores and plant nurseries	1 space per each 300 sq.ft. of gross floor area, plus 1 space per each 1,000 sq.ft. of outdoor display and sales area.
Convenience stores	1 space per each 200 sq.ft. of gross floor area.
Restaurants (except fast food), cafes, cafeterias, nightclubs, taverns, lounges or similar establishments for the consumption of food and beverages on the premises.	1 space per each 75 sq.ft. of gross floor area for patrons, plus 1 space per each 300 sq.ft. of service area, plus one space per each 100 sq.ft. of outdoor dining area.
Restaurants, fast food	1 space per each 100 sq.ft. of gross floor area, plus 1 space per each 100 sq.ft. of outdoor dining area.
Restaurants, delicatessens, take out only, no customer seating	1 space per each 250 sq.ft. of gross floor area.
Retail Stores - General merchandise	1 space per each 250 sq.ft. of gross sales area, plus 1 space per each 600 sq.ft. of storage area, and 1 space per each company vehicle.
Retail Stores - Appliance, furniture and bulk goods stores	1 space per each 500 sq.ft. of gross floor area and 1 space per each company vehicle.
Shopping centers	1 space per each 250 sq.ft. of gross floor area for centers of less than 30,000 sq.ft. and 1 space per each 300 sq.ft. of gross floor area for centers of 30,000 sq.ft. or more.

Land Use Type: **Service Uses**	**Vehicle Spaces Required**
Bed and Breakfast Inns	1 space per each guest room, in addition to two spaces for owners and one space for each staff member.
Copy and reproduction	1 space per each 400 sq.ft. of gross floor area.
Consumer products - repair and maintenance	1 space per each 250 sq.ft. of gross floor area

Land Use Type: **Service Uses**	**Vehicle Spaces Required**
Depots: bus, freight, or rail	Determined by Use Permit
Equipment rental	1 per each 300 sq.ft. of gross floor area, plus 1 space per each 1,000 sq.ft. of outdoor display, sales, storage, and work area.
Hotels and motels	1 space per each guest room, plus 1 space per each 2 employees on largest shift, plus required spaces for accessory uses.
Medical Services - Clinics, medical/dental offices	1 space per each 200 sq.ft. of gross floor area.
Medical Services - Extended care (elderly, skilled nursing facilities and residential care homes)	1 space per each 3 beds the facility is licensed to accommodate
Medical Services - Hospitals	1 space per each patient bed the facility is licensed to accommodate, plus 1 space per each 400 sq.ft. of office area, plus required spaces for ancillary uses as determined by the Site Plan Review Committee.
Medical Services - Medical/dental labs	1 space per each 300 sq.ft. of gross floor area.
Offices, business and professional	1 space per each 250 sq.ft. of gross floor area for the first 5,000 sq.ft. and 1 space per each 300 sq.ft. thereafter.
Pet grooming	1 space per each 400 sq.ft. of gross floor area.
Personal services - Barber/beauty shops (and other personal services: tattoo studios, massage therapy)	1 space per each 250 sq.ft. of gross floor area.
Kennels and animal boarding	1 space per each 500 sq.ft. of gross floor area, plus 1 space for each 800 sq.ft. of boarding area
Laundries and dry cleaning plants	1 space per each 1,000 sq.ft. of gross floor area.
Land Use Type: **Service Uses**	**Vehicle Spaces Required**
Dry cleaning pick-up facilities	1 space per each 400 sq.ft. of activity area (office, reception area, counter area), plus 1 space per each

	1, 000 sq. ft of storage or work area.
Laundromats	1 space per each 250 sq.ft. of gross floor area.
Laboratories and research/development facilities	1 space per each 300 sq.ft. of gross floor area
Service stations	1 space per each 180 sq.ft. of gross floor area, plus 3 spaces per each service bay.
Storage, personal storage facilities	2 spaces for manager office.
Vehicle repair and maintenance - Repair garage	4 spaces per service bay, plus adequate queuing lanes for each bay, plus 1 space for each 2 employees on the largest shift.
Vehicle repair and maintenance - Self-service vehicle washing	2.5 spaces per washing stall, for queuing and drying.
Vehicle repair and maintenance - Full-service vehicle washing	10 spaces, plus 10 spaces per wash lane for drying area, plus queuing area for 5 vehicles ahead of each lane.
Veterinary clinics and hospitals	1 space per each 250 sq.ft. of gross floor area, plus 1 space per each 800 sq.ft. of boarding area.

17.48.050 - Adjustments to Off-Street Parking Requirements

A. Shared parking reduction. Where two or more non-residential uses are developed as a recognized shopping or professional center and two or more uses have distinct and differing peak traffic usage periods, (for example, a theater and a bank) or share customers (for example, a restaurant and retail store), a reduction in the required number of parking spaces may be approved, provided that the most remote space is located within 500 feet of the use it is intended to serve (as measured along the most direct pedestrian path). The amount of reduction may be up to 25 percent of the total parking spaces required for the uses. A parking study analyzing peak hour parking demands for the uses may be required.

B. Compact car spaces. Parking lots with 20 or more spaces may include compact car spaces for up to 25 percent of the total number of required spaces. Compact car spaces shall be a minimum of 8 feet by 14 feet in size and shall be clearly marked "Compact Only" in letters not less than 12 inches high and 7 inches wide.

17.48.060 - Disabled/Handicapped Parking Requirements

Parking areas shall include parking spaces accessible to the disabled in the following manner:

A. Number of spaces, design standards. Parking spaces for the disabled shall be provided in compliance with Section 1129B of the California Building Code of Regulations;

B. Reservation of spaces required. Disabled accessible spaces required by this Chapter shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use;

C. Upgrading of markings required. If amendments to State law change standards for the marking, striping, and signing of disabled parking spaces, disabled accessible spaces shall be upgraded in compliance with the new State standards. Upgrading shall be completed by affected property owners within 60 days of being notified in writing by the Department of new State standards; and

D. Fulfilling of requirements. For parking lots with 10 or more spaces, disabled accessible parking spaces required by this Chapter shall count toward fulfilling off-street parking requirements.

17.48.070 - Development Standards for Off-Street Parking

Off-street parking areas shall be designed and constructed in compliance with the following standards. See also Chapter 17.50 (Parking Design Guidelines).

A. Location. Off-street parking areas shall be provided on the subject site, outside of any public right-of-way, except that parking may be located on a parcel directly abutting the parcel served subject to a covenant running with the land recorded by the owner of the parking lot guaranteeing that the required parking will be maintained for the life of the use or activity served.

B. Access to parking areas and parking stalls.

1. Driveway location and design. Site access driveways shall be located and designed in compliance with Section 17.48.080 (Driveways and Site Access.)

2. Internal maneuvering area. Parking areas shall provide suitable maneuvering room so that vehicles enter an abutting street in a forward direction. Parking lots shall be designed to prevent access at any point other than at designated access drives. The City Planner may approve exceptions for single-family homes and duplexes;

3. Car pool and bicycle space location. Car pool and bicycle spaces shall be located as close as is practical to the entrance(s) to the use they are intended to serve. Spaces shall be situated so that they do not obstruct the flow of pedestrians at entrances or sidewalks; and

4. Vertical clearance. A minimum unobstructed clearance height of 14 feet shall be maintained above areas accessible to vehicles.

C. Adjacent site access. Non-residential developments should be designed and constructed to provide shared vehicle and pedestrian access to adjacent non-residential properties for convenience, safety and efficient circulation. A joint access agreement running with the land shall be recorded by the owners of the abutting properties, as approved and executed by the City Planner, guaranteeing the continued availability of the shared access between the properties;

D. Parking space and lot dimensions.

1. Residential uses. Minimum parking dimensions shall be as indicated in Table 3-9.

TABLE 3-9

MINIMUM PARKING STALL AND LOT DIMENSIONS

FOR RESIDENTIAL USES

Length	**Width**
Covered Spaces (garage/carport)	
20 feet	10 feet; 12 feet if located parallel to an object(s) that may obstruct vehicle doors.
Uncovered Spaces	
Spaces shall conform to the standards in Table 3-10.	
Tandem Spaces	
20 feet	9 feet

2. Non-residential uses. Minimum parking dimensions shall be as indicated in Table 3-10.

TABLE 3-10

MINIMUM PARKING STALL AND LOT DIMENSIONS

FOR NON-RESIDENTIAL USES

Standard Stall		**Compact Stall**	
Length	**Width**	**Length**	**Width**
20 feet; 18 feet with bumper overhang per Subsection D.3	9 feet	16 feet; 14 feet with bumper overhang per Subsection D.3	8 feet
One-Way Traffic and Single-Loaded Aisles			
Parking angle (degrees)	**Stall depth (1)**	**Aisle width (travel lane)**	**Total bay depth (2) (approximate)**
30	17 feet (3)	14 feet	30 feet
45	19 feet (3)	15 feet	35 feet
60	20 feet (4)	16 feet	38 feet
90	20 feet (4)	24 feet	44 feet
One-Way Traffic and Double-Loaded Aisles			
Parking angle (degrees)	**Stall depth (1)**	**Aisle width (travel lane)**	**Total bay depth (2) (approximate)**
30	18 feet (3)	14 feet	48 feet
45	19 feet (3)	15 feet	55 feet
60	20 feet (4)	16 feet	60 feet
90	20 feet (4)	24 feet	64 feet
Two-Way Traffic and Double-Loaded Aisles			
Parking angle (degrees)	**Stall depth (1)**	**Aisle width (travel lane)**	**Total bay depth (2) (approximate)**
30	18 feet (3)	24 feet	60 feet
45	19 feet (3)	24 feet	62 feet

60	20 feet (4)	24 feet	64 feet
90	20 feet (4)	24 feet	64 feet

Notes:

(1) Stall depth may be reduced by two feet with bumper overhang per Subsection D.3.

(2) Bay depths are approximate and may not equal "stall depth + aisle width" because of parking angles.

(3) Stall depth may be reduced by three feet for compact spaces.

(4) Stall depth may be reduced by four feet for compact spaces.

3. Bumper overhang areas. A maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a two-foot bumper overhang while maintaining the required parking dimensions. A two-foot bumper overhang is also allowed over adjacent sidewalks provided that a minimum clear distance of four feet is maintained on the sidewalk at all times.

4. Parallel parking spaces. Parallel parking spaces shall have minimum width of 10 feet and a minimum length of 24 feet. Aisle widths shall be 14 feet for one-way traffic and 24 feet for two-way traffic.

E. Directional arrows and signs:

1. In parking facilities containing 40 or more parking spaces, aisles, approach lanes and maneuvering areas shall be clearly marked with directional arrows and lines to ensure the safe and efficient flow of vehicles.

2. The City Planner may require the installation of the traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.

3. The exit from a parking area which provides parking for 40 or more vehicles shall be clearly marked with a vehicle "STOP" sign.

F. Grades of entrances, spaces and driveways.

1. Entrance - Four or fewer dwellings including single-family dwellings. Driveways shall have a maximum grade of 16 percent measured along the driveway centerline, for a distance of not less than 25 feet from the ultimate right-of-way line of the street or alley.

2. Entrance - Five or more dwellings and all other uses. Driveways shall have a maximum grade of 12 percent, measured along the driveway centerline, for a distance of not less than 20 feet from the ultimate right-of-way line of the street or alley.

3. Parking spaces. Parking spaces and abutting access aisles shall have a maximum grade of seven percent, measured in any direction.

4. Interior driveways. Ramps or driveways for four or less dwelling units within the interior of a parking area (beyond 20 feet from ultimate right-of-way line) shall have a maximum grade of 16 percent. Ramps or driveways for five or more dwelling units and all other uses within the interior of a parking area shall have a maximum grade of 12 percent.

5. Vertical clearance. Covered parking spaces shall have a vertical clearance of at least seven feet, six inches above the parking lot surface for all uses except residential. The Building Official may require a higher vertical clearance where necessary to comply with Section 1129B of the California Building Code of regulations for disabled/handicapped parking.

G. Landscaping. Landscaping shall be provided in compliance with the requirements of Chapter 17.40 (Landscape Standards).

H. Lighting. Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the on-site structure(s). Any illumination, including security lighting, shall be directed downward, away from adjacent properties and public rights-of-way in compliance with Section 17.43 (Lighting Regulations).

I. Maintenance of parking facilities. Parking facilities shall be properly maintained at all times. Surface materials shall be free of holes and cracks. Painted markings (e.g., parking space striping, pedestrian crossings, directional markings, loading area identification, fire aisles, etc.) shall be maintained to be clearly visible to motorists and pedestrians. Landscaped areas shall be kept free of litter and shall be maintained in compliance with the requirements of Section 17.40 (Landscape Standards).

J. Residential garages - Minimum size. Garages shall be completely enclosed on four sides and have a solid roof. The minimum interior dimensions shall be 10 feet in width and 20 feet in length for a single-car garage and 20 feet in width by 20 feet in length for a two-car garage.

K. Residential guest parking. Guest parking in residential zoning districts shall be so designated and restricted, with appropriate signs/pavement markings, for the exclusive use of the guests.

L. Shopping cart storage. Parking facilities shall contain shopping cart storage areas for appropriate uses (e.g., supermarkets, drugstores, etc.). The number, dimensions and locations of these storage areas shall be determined by the City Planner.

M. Striping and identification. Parking spaces shall be clearly outlined with four-inch wide lines painted on the surface of the parking facility. Compact and car pool spaces shall be clearly identified for compact vehicle and car pool usage respectively. Spaces for the disabled shall be striped and marked according to the applicable State standards. All parking lot striping shall be permanently maintained in good condition.

N. Surfacing. Parking spaces and maneuvering areas for all vehicles (including motorcycles) shall be paved and permanently maintained with asphalt, concrete or other all-weather surfacing approved by the City Planner.

O. Tandem parking. Tandem parking resulting in the stacking of no more than two parking spaces may be allowed to satisfy off-street parking requirements for single-family dwellings, secondary residential units, duplexes, and bed and breakfasts. Tandem parking resulting in the stacking of two parking spaces within a garage shall not be allowed to satisfy off-street parking requirements.

P. Separation. Parking spaces shall be separated from adjacent fences, walls, property lines, landscaped areas and structures in accordance with the Public Improvements and Engineering Standards.

17.48.080 - Driveways and Site Access

Driveways providing site access shall be from an improved street, alley or other right-of-way, and shall be designed, constructed and maintained as follows:

A. Number of driveways. One driveway encroachment shall be allowed for each parcel two acres or less in size unless the City Planner and City Engineer find that more than one driveway encroachment is necessary to accommodate traffic volumes for the development and the additional driveway encroachment will not be detrimental to traffic flow on the street(s). Whenever a property has access to more than one street, access shall be generally limited to the lowest volume street where the impact of a new access will be minimized; and

B. Distance from street corners. Parking area driveways shall be located a minimum of 150 feet from the nearest intersection, as measured from the centerline of the driveway to the centerline of the nearest travel lane of the intersecting street. For parcels with street frontages of less than 150 feet, the minimum distance shall be 100 feet. The review authority may reduce these requirements based on recommendations from the City Engineer that site configuration or terrain, or adjacent roadway conditions necessitate another location than provided by this Subsection.

C. Driveway spacing. Driveways shall be separated along the street frontage as follows:

1. Single-family and duplex residential development. Driveways shall be separated by at least six feet, unless a shared, single driveway is approved by the City Planner. The six-foot separation does not include the transition or wing sections on each side of the driveway;

2. Multi-family and non-residential development. Where two or more driveways serve the same or adjacent multi-family or non-residential development, the centerline of the driveways shall be separated by a minimum of 50 feet. Exceptions to this standard shall be subject to the approval of the City Engineer; and

D. Driveway width and length.

1. Single-family dwellings.

a. Driveways providing access to garages or parking areas shall be a minimum of 25 feet long with a width of the garage door opening plus 2 feet or the width of the parking area. This standard shall not apply to turnaround areas for vehicles.

b. When a garage is perpendicular (90 degrees) to the driveway, a minimum 24-foot deep unobstructed back-out area shall be provided.

c. All newly constructed residences shall be served by a driveway that is constructed to within at least 50 feet of each dwelling unit.

d. Driveways exceeding 150 feet, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.

e. Dead-end driveways in excess of 400 feet in length shall be provided with a turnaround at the closed end. Grades on turnarounds shall be no more than 12 percent. The turnaround shall be built with the edge of the fire lane within 50 feet of the dwelling unit but no closer than ten feet.

f. Driveway curves shall be constructed with a curvature radius of not less than 50 feet, measured at centerline. For all curve radii less than 100 feet, an additional four feet of surfacing width shall be provided.

g. The driveway shall be capable of supporting a 40,000 lb. legally-loaded vehicle per City of Jackson Improvement Standards.

h. A roadside vegetation fuel modification area as required by the Fire Department regulations shall be provided for a distance of ten feet on each side of the driveway.

i. The standards in Subsections (d) to (i) may be modified by the Fire Chief.

2. Multi-family residential projects.

   a. Driveways for multi-family uses with four or less units shall have a minimum paved width of 20 feet.

   b. Driveways for multi-family uses with more than four units shall have a minimum paved width of 24 feet.

3. Non-residential uses. Driveways for non-residential uses shall have a minimum paved width of 12 feet for one-way driveways and 24 feet for two-way driveways. The maximum driveway width shall be 30 feet subject to approval of the City Planner and City Engineer, exclusive of the area provided for a median divider.

4. Modified width. The review authority may modify the driveway width based on recommendations from the City Engineer.

E. Clearance from obstruction. The nearest edge of a driveway curb cut shall be at least three feet from the nearest property line, the centerline of a fire hydrant, utility pole, traffic signal, light standards, or other similar facilities. Street trees shall be a minimum of 10 feet from the driveway access, measured at the trunk. Driveways shall have an overhead clearance of 15 feet in height except within a parking structure which may be reduced to seven feet, six inches.

F. Traffic safety sight area. Structures or landscaping over 30 inches in height shall not be allowed within a traffic safety sight area except elements associated with a public utility or a traffic safety device.

17.48.090 - Bicycle Parking and Support Facilities

Bicycle parking facilities shall be provided for non-residential and multi-family residential uses as follows.

A. Number of spaces required. Multi-family residential projects with 11 or more dwelling units, and all non-residential projects, shall provide bicycle parking spaces at a rate of five percent of the number of vehicle parking spaces required by Section 17.48.040 (Number of Parking Spaces Required), with a minimum of three spaces required in all cases. The City Planner may modify this requirement where it can be demonstrated that a lesser number of bicycle spaces can adequately serve the intended use.

B. Nonconforming uses. Any existing non-residential use without bicycle parking spaces shall provide the number of bicycle spaces required by this Section for the area of any proposed expansion or intensification.

C. Bicycle parking design and devices. Bicycle parking areas shall be designed and constructed as follows.

1. Parking equipment. Each bicycle parking space shall include a stationary parking device to adequately support the bicycle.

2. Parking layout:

a. Aisles. Providing access to bicycle parking spaces shall be at least five feet in width;

b. Spaces. Each bicycle space shall be a minimum of two feet in width and six feet in length and have a minimum of seven feet of overhead clearance;

c. Relationship to structure entrances. Bicycle spaces shall be conveniently located and generally within proximity to the main entrance of a structure; and

d. Relationship to motor vehicle parking. Bicycle spaces shall be separated from motor vehicle parking spaces or aisles by a fence, wall, or curb, or by at least five feet of open area, marked to prohibit motor vehicle parking.

D. Bicycle parking area surfacing. Bicycle parking areas shall be surfaced so as to keep the area in a dust-free condition, subject to the approval of the City Planner.

E. Shower and locker facilities encouraged. The City encourages shower and locker facilities in projects when appropriate. Incentives may be provided (e.g., reduction of required parking) when it can be demonstrated that providing these facilities will help reduce vehicle trips generated by the particular use. The granting of incentives (e.g., waiver or modification of development standards) shall be through the approval of a Minor Use Permit Chapter 17.76 (Use Permits and Minor Use Permits).

17.48.100 - Off-Street Loading Space Requirements

A. Number of loading spaces required. Non-residential uses with less than 5,000 sq.ft. of gross floor area shall provide one off-street loading space, which may be combined with an off-street parking space. Non-residential uses with 5,000 square feet of floor area or more shall provide off-street loading space in compliance with Table 3-11. Requirements for uses not specifically listed shall be determined by the City Planner based upon the requirements for comparable uses and upon the particular characteristics of the proposed use.

TABLE 3-11

REQUIRED LOADING SPACES

Type of Land Use	Total Gross Floor Area	Loading Spaces Required
Manufacturing, research and development, institutional, and service uses	5,000 to 20,000 sq.ft.	1 space
	20,001 sq.ft. or more	1 for each additional 20,000 sq.ft., plus additional as required by Site Plan Review Committee.
Office uses	5,000 to 35,000 sq.ft.	1 space
	35,001 sq.ft. or more	1 for each additional 35,000 sq.ft., plus additional as required by Site Plan Review Committee.
Commercial and other allowed uses	5,000 to 10,000 sq.ft.	1 space
	10,001 sq.ft. or more	1 for each additional 10,000 sq.ft., plus additional as required by Site Plan Review Committee.

B. Standards for off-street loading areas. Off-street loading areas shall be provided in the following manner:

1. Dimensions. Loading spaces shall be not less than 15 feet in width, 25 feet in length, with 14 feet of vertical clearance;

2. Lighting. Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of adjacent structure(s);

3. Loading doors and gates. Loading bays and roll-up doors shall be painted to blend with the exterior structure wall(s) and be located on the rear of the structure only. Bays and doors may be located on the side of a structure, away from a street frontage, where the City Planner determines that the bays, doors and related trucks can be adequately screened from view from adjacent streets;

4. Loading ramps. Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions and overhead clearances;

5. Location. Loading spaces shall be located and designed as follows:

    a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;

    b. Situated to ensure that the loading facility is screened from adjacent streets as much as possible;

    c. Situated to ensure that loading and unloading takes place on-site and in no case within adjacent public rights-of-way or other traffic areas on-site;

    d. Situated to ensure that vehicular maneuvers occur on-site and away from parking areas and driveways; and

    e. Situated to avoid adverse impacts upon residential properties, and landscaped in compliance with Section 17.40.080 (Tree Placement for Parking Areas).

6. Screening. Loading areas abutting residentially zoned parcels shall be screened in compliance with Section 17.30.110 (Screening and Buffer Requirements); and

7. Striping. Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

17.48.110 – Historic Commercial Zoning District Parking

Parking requirements for uses in the Historic Commercial Zoning District may be provided in one or more of the following manners:

A. Off-street parking provided in accordance with this Chapter;

B. Off-street parking provided on a non-contiguous, separate parcel or parcels subject to all of the following requirements:

    1. The off-street parking shall be approved as part of the land use permit and comply with all applicable standards of Chapter 17.40 (Landscape Standards) and Chapter 17.48 (Parking and Loading Standards);

    2. The parcel(s) on which the parking is proposed to be provided shall be located within 300 feet from the parcel containing the use the parking is intended to serve;

3. Due to existing site conditions, the review authority shall find that it is not feasible to provide the required off-street parking on the parcel containing the use; and

4. The parcel(s) on which the parking is proposed to be provided is under the control of the same business or ownership entity as the parcel containing the use, and a deed restriction is recorded in the Amador County Recorder's Office on the parcels. The deed restriction shall prohibit the conveyance or transfer of the parcels separately from each other during the period the use is operating.

C. On-street parking provided within the street right-of-way in front of the parcel containing the use subject to all of the following requirements:

1. A minor use permit shall be approved in compliance with Chapter 17.76 (Use Permits and Minor Use Permits);

2. The review authority shall find that the on-street parking does not currently exist or the condition of the parking is substantially below City standards;

3. The property owner and/or business owner shall construct the on-street parking in accordance with the Public Improvement and Engineering Standards and the requirements of the City Engineer;

4. The on-street parking shall be located directly adjacent to the parcel containing the use;

5. One on-street parking space shall be equivalent to 0.75 of an on-site parking space;

6. An agreement shall be executed between the property owner, business owner, and the City requiring the property owner and/or business owner to provide street maintenance services on the on-street spaces as required by the City Engineer;

7. The on-street parking spaces shall be available for public parking with no exclusive occupancy for the business(es);

8. For any portions of the on-street parking located within the parcel containing the use, a public use easement shall be executed and recorded in the Amador County Recorder's Office;

9. The review authority shall find that the on-street parking will not hinder future improvement plans for the street, will not result in traffic safety hazards, and will not unduly interfere with traffic flow.

D. Other on-street and off-street parking proposals that do not comply with Subsections A, B, and/or C may be authorized through approval of a Minor Use Permit in compliance with Chapter 17.76 (Use Permits and Minor Use Permits).\

Chapter 17.50 - Parking Design Guidelines

Sections:

17.50.010 - Purpose of Chapter
17.50.020 - Applicability
17.50.030 - General Parking Guidelines
17.50.040 - Access and Circulation
17.50.050 - Parking Lot Design
17.50.060 - Pedestrian Connections

17.50.010 - Purpose of Chapter

This Chapter provides parking design guidelines to assist property owners and project designers in understanding the City's goals for attaining high quality development that is sensitive to the City's unique character.

17.50.020 - Applicability

These guidelines will be used during the land use permit process as additional project review criteria.

A. The provisions of this Chapter apply whenever access and/or parking are provided for a project regardless of whether the access or parking are required by this Development Code. Any addition, relocation, or construction requiring land use permit approval in compliance with Article IV (Land Use and Development Permit Procedures), shall follow these guidelines where applicable.

B. The following guidelines may be interpreted with some flexibility in their application to specific projects, as not all design criteria may be workable/appropriate for each project. In some circumstances, a guideline may be relaxed in order to accomplish another, more important guideline. The overall objectives are to ensure that the intent and spirit of the design guidelines are followed and to attain the best possible design within reason.

17.50.030 - General Parking Guidelines

A. Location of parking areas. Aside from concerns for traffic safety and efficiency, the appearance of parking lots, from the standpoint of their visual impact, is an important

concern. Projects should be laid out so that parking lots are not the dominant feature of the development when viewed from the street. Generally, it is not advisable to place the parking area along the front of the site because it creates a negative visual impact which detracts from the project's architectural image. Parking placed along the side or to the rear of a site, or within a complex of buildings, allows project architecture and the beauty of the landscaped open space to take precedence. (See Figure 3-15, Location of Parking Areas)

B. Limiting pavement. Paving areas of the site for parking and other vehicle use beyond the minimum necessary to comply with the requirements of this Development Code is strongly discouraged. The City requires significant landscaping adjacent to the perimeter of the parking area and along the street frontage to soften the appearance of paved areas.

17.50.040 - Access and Circulation

A. Primary project entries should be designed as special statements reflective of the character of the project. The goal should be to establish a distinctive and inviting image for the project. Textured paving, flowering accents, low walls, shrubs, and the use of specimen trees (36" box or larger) should be used to generate visual interest at entry points to commercial centers.

B. Entry drives on larger projects (200 or more parking stalls) should include a minimum five foot wide landscaped median to separate incoming and out-going traffic. (See Figure 3-16, Entry Drives for Large Lots)

C. Driveways should be coordinated with existing or planned median openings. Driveways should also align with driveways on the opposite side of the roadway.

D. The first parking stall that is perpendicular to an entry driveway or the first aisle juncture that is perpendicular, should be a least 40 feet back from the curb to provide adequate vehicle queuing distance off the street. With larger centers, a longer setback distance may be required. (See Figure 3-17, Queuing Area)

E. Non-residential projects are encouraged to provide cross-access to adjacent non-residential properties for convenience, safety and efficient circulation. A Mutual Access Agreement shall be executed where cross access is provided. A shared parking reduction may be allowed in compliance with Section 17.48.050 (Adjustments to Off-Street Parking Requirements).

17.50.050 - Parking Lot Design

A. Parking lots should be designed with a hierarchy of circulation: major access drives with no parking; major circulation drives with little or no parking; and then parking

aisles for direct access to parking spaces. Small projects may need to combine components of the hierarchy.

B. Proposed parking lots with compact spaces should be designed to disperse the compact spaces throughout the parking area.

C. Parking lots should include landscaping that accents the importance of the driveways from the street, frames major circulation aisles, and highlights pedestrian pathways. (See Figure 3-18, Circulation Hierarchy and Landscaping)

D. Drop-off points (i.e. wider aisles) located near entrances to major buildings and plaza areas should be provided for projects over 50,000 square feet of building area.

E. Parking areas should be separated from buildings by either a raised walkway or landscape strip at least four feet wide. Situations where parking aisles or spaces directly abut the building are strongly discouraged. (See Figure 3-19, Separation of Parking From Structures)

F. Intersections should be kept to a minimum and dead end aisles should be avoided unless absolutely necessary and then proper backup areas are required.

G. Parking lots should be broken up into segments or modules by means of intervening landscaping, access driveways, or structures to avoid large unbroken expanses of paved area.

H. Parking and circulation areas should be screened from public streets by combinations of low walls, berms, plant materials and changes in grade. The height of the screen should not cause visibility problems at entrances or along pedestrian ways.

17.50.060 - Pedestrian Connections

A. Pedestrian and bicycle access should be designed to physically and visually link the site to the public sidewalk and bikeway system as an extension of the project's circulation system and to separate pedestrian and vehicular traffic. Also, provision should be made for direct pedestrian links between the project and adjoining projects and residential areas, whenever appropriate.

B. Projects should include a system of pedestrian walkways that interconnect business entries with each other and with parking areas. Walkways should connect individual structures within a project directly without forcing pedestrians to mix with vehicular traffic.

C. Where pedestrians mix with traffic, parking lots should be designed so that pedestrians walk parallel to moving cars. This will minimize the need for pedestrians to cross parking aisles and landscape areas. (See Figures 3-20, Pedestrian Connections and 3-21, Pedestrian Circulation)

D. Walkway layout should anticipate pedestrians' desired movements and should provide direct routes whenever feasible. Meandering sidewalks, while encouraged, should contain only shallow curves to avoid frustrating pedestrians with unnecessary detours.

E. Walkways should be well-marked by means of low-level directional signs, lighting, distinctive paving, and landscaping. Where feasible, trellises, arbors, arcades, or similar features should be used to cover walkways and provide clear identification of facilities. Where textured paving is used, it should not be so rough or irregular as to make walking difficult or discourage the use of baby strollers or wheelchairs.

Chapter 17.54 – Sign Regulations

Sections:

17.54.010 Purpose and Intent
17.54.020 Definitions
17.54.030 Sign Permit Application & Fee
17.54.040 Erection and Placement of Signs
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Section 17.54.010 Purpose and Intent

The purpose and intent of this section is to establish standards which accomplish the following:

A. Provide businesses the ability to communicate effectively with their customers without excessive signage;

B. Preserve and protect the historic character and quality of life that is the basis of Jackson's economy by maintaining the aesthetics of the city;

C. Ensure that signage installed meets all applicable building and safety codes;

D. Establish fair and effective procedures for the enforcement of this Chapter to prevent unsightly sign competition and illegal sign installation to the detriment of local businesses, visitors, and residents;

E. Reduce hazards to motorists and pedestrians; and

F. Promote the public health, safety, and general welfare.

Section 17.54.020 Definitions

As used in this article, the following terms and phrases shall have the indicated meanings:

A. "A board sign" is any upright, rigid supporting frame in the form of a triangle with steeply angled sides that meet at the top in the shape of the letter "A" which conveys a message. Sandwich board signs are included in this definition.

B. "Area of sign" means the number of square feet of the smallest rectangle within which a sign face can be enclosed. In determining the area of an individual sign which has more than one face, the greatest area of sign faces visible from any one point shall be used. The "total area of signs on a site" is the greatest area of sign faces which are visible from any one point.

C. "Animated sign," means a sign, or any device designed to attract attention by visual means through the movement or semblance of movement of the whole or any part of the sign.

D. "Banner sign" is any canvas, plastic coated cloth, or other flexible material sign which is mounted to a structure with rope, canvas, or other fastening device. These signs are considered temporary.

E. “Billboard” means a sign structure which is available for lease or rent.

F. “Building face,” means the whole of a building visible in an elevation of the building excluding sloped roof surfaces.

G. “Bulletin Board” means a sign which accommodates changeable copy and which displays information on activities and events on the premises.

H. “Cabinet sign” is a sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

I. “Changeable copy sign” is a sign on which copy is changed manually in the field, i.e. reader boards with changeable letters.

J. “Channel letter sign” is a fabricated or formed three-dimensional letter that may accommodate a light source.

K. “Channel logo” is a fabricated or formed three-dimensional logo that may accommodate a light source.

L. “Community directional sign” means a sign informing the location of a community service organization, public facility, or a church.

M. “Commercial sign” means a sign that relates primarily to economic interests such as the exchange of goods and services.

N. “Directory sign” means a sign identifying the location of occupants of a building or group of buildings which are divided into rooms or suites as separate offices or studios.

O. “Eaves” are the lower border of a roof that overhangs the wall.

P. “Electronic display screen” is a sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

Q. “Electronic message center” is any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

R. “Exterior-illuminated sign” means any sign with any part of which is illuminated from an exterior artificial light source mounted on the sign, another structure, or the ground.

S. “Fascia” means a flat horizontal band or broad fillet covering the joint between the top of a wall and projecting eaves.

T. “Flag pole sign” is any sign which utilizes the flag pole holes found in the sidewalk along Main Street.

U. “Flashing sign” means an illuminated sign in which the artificial light is not maintained in a stationary or constant intensity.

V. “Freestanding sign” means a sign not attached to any building and having its own support structure.

W. “Historic District” is defined as the metered parking district within the City.

X. “Identification sign” means any sign identifying an institution in a residential zone, occupant, apartment, residence, school or church, and not advertising any product or service.

Y. “Interior-illuminated sign” means any part of which has characters, letters, figures, or any portion of the sign face or outline thereof illuminated from an interior light source.

Z. “Height of sign” means the vertical distance from average adjacent ground level to the top of the sign including the support structure and any design elements.

AA. “Logo” is a graphic mark or emblem commonly used by commercial enterprises, organizations and individuals to aid and promote instant public recognition. Logos are either purely graphic (symbols/icons)or are composed of the name of the organization (a logotype or wordmark). An example of an abstract mark is the blue octagon representing Chase Bank, while an example of a representational mark is the “everyman” icon of PBS. Examples of well-known logotypes (wordmarks) are the striped IBM design, Mobil written in blue with a red “o” and Coca Cola written in flowing red script.

BB. “Lot frontage” or “frontage” means the horizontal distance along a lot line adjacent to a public street, or the side of a lot adjacent to a public street.

CC. “Marquee sign” means a sign placed on the face of a permanent roof structure projecting over the building entrance, which is an integral part of the building (usually a theater or hotel) and is not a fascia extension of the roof or eave.

DD. “Monument sign” means a sign which is completely self-supporting, has its base on the ground, and is generally rectangular in form.

EE. “Non-conforming sign” means a sign which was validly installed under laws or ordinances in effect prior to the adoption of this Chapter, but which is in conflict with the provisions of this Chapter.

FF. “Non-illuminated sign” means a sign with no internal or external artificial light source and only incidentally illuminated by ambient light conditions.

GG. “Nonresidential zone” means any zone other than RS, RL, RSF, RD, RM, and RH zone districts.

HH. “Notice” means written correspondence given to a tenant or property owner either by personal delivery or by deposit in the United States mail in a sealed envelope, registered mail, return receipt requested, postage prepaid and addressed to the owner or his/her tenant.

II. “Off-premises sign” means any sign which directs attention to a business, service, product, or entertainment not sold or offered on the premises on which the sign is located.

JJ. “Person” means any individual, partnership, corporation, association or government or any other legal entity.

KK. “Pole sign” is a sign erected on one or more uprights supported from the ground, and which is not a part of any building or structure other than a structure erected solely for the purpose of supporting a sign.

LL. “Premises” means a building or unified complex of buildings on one lot or on two or more contiguous lots under common ownership.

MM. “Price sign,” means a sign on the premises of a service station which contains information on the cost and type of motor fuel only (Refer to Section 13530 et. seq. California Business and Professional Code).

NN. “Projecting sign” means a sign which extends out from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall.

OO. “Public entrance” means a place of entry at a premises which is accessible to the general public.

PP. “Reader board sign” See “changeable copy sign”

QQ. “Roof-mounted sign” means any sign located or attached to the eave of a roof of a building.~~)~~

RR. “Sandwich board sign” See the definition for “A board sign”.

SS. “Shopping center” means five or more stores with a minimum area of fifty thousand square feet, three hundred feet of frontage and common off-street parking.

TT. “Second story” means the highest point of the second floor of a building.

UU. "Sign" means any visual device or representation designed or used for the purpose of communicating a message or identifying or attracting attention to a premises, product, service, person, organization, business or event, with or without the use of the words, visible from outside the premises on which such device is located.

VV. "Sign face" means the visible sign proper including the characters and symbols (excluding essential structural elements which are not an integral part of the display) and including non-structural frame.

WW. "Suspended sign," means a sign attached to and located below any permanent eave, roof, or canopy.

XX. "Temporary noncommercial sign" means a temporary sign that does not primarily relate to economic interests such as the exchange of goods and services, such as an ideological, political, or religious sign.

YY. "Temporary sign" means any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board, or other light materials, with or without frames, that is not designed or intended to be placed permanently.

ZZ. "Wall sign" means a single-faced sign painted on or attached to a building or wall, no part of which extends out from or above a wall more than six inches (excluding window signs).

AAA. "Window sign" means a sign displayed within a building or attached to the interior of a window but visible through a window or similar opening for the primary purpose of exterior visibility.

17.54.030 Sign Permit Application and Fee

An application for a permit for each sign shall be made to the Building Official in such form and include such information as the Building Official may prescribe. The application shall be accompanied by the permit fee. The permit fee for each application for each sign shall be based on the fees prescribed in the Uniform Building Code currently in effect and adopted by the City.

Sign permit applications and fees for commercial and industrial centers shall be submitted with the building permit application.

17.54.040 Erection and Placement of Signs

No person shall erect, reconstruct, alter, relocate, or place any sign within the City except such signs as are permitted by this Chapter. All signs, including the frames, braces or supports thereof, shall be constructed and maintained in compliance with this article, the

Uniform Building Code and National Electric Code, the zoning ordinances and all other applicable ordinances and codes of the City.

17.54.045 Obstruction of Ingress or Egress

No sign, or any portion thereof, shall be anchored to, attached to, supported by any fire escape or any standpipe, or erected so as to obstruct or prevent the unobstructed ingress to or egress from any window, door, or fire escape.

17.54.050 Obstruction of Vision

No sign shall be erected or placed so as to obstruct the vision of vehicular traffic or at any location where it may interfere with, or be confused with, any traffic signal or device.

17.54.055 Maintenance and Repair

All signs including signs installed prior to the adoption of this Chapter shall be constantly maintained in a state of security, safety, and good repair. If the Building Official finds that any sign is unsafe or insecure, is a menace to the public safety, is in a state disrepair, or has been constructed, erected, relocated, or altered after the effective date of this Chapter in violation of the provisions hereof, he/she shall give written notice to the owner or the tenant of the property wherein it is located to remove or alter such sign. If the owner or tenant fails to comply with the provisions of this Chapter within ten (10) calendar days after such notice, the Building Official may cause such sign to be removed and the cost hereof shall be paid by the owner or tenant. The Building Official may cause any sign which is, in his/her opinion, an immediate peril to persons or property, to be removed summarily and without notice.

17.54.060 Removal of Signs

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, a product sold or service rendered, shall be removed, or the advertising copy shall be painted or coated out, unless it is a sign having historical significance as defined by Section 17.54.150 (Historical Signs) of this Chapter. If the property owner or tenant fails to do so within thirty (30) calendar days after written notice from the Building Official, the Building Official shall remove or paint out the sign and any expense incident thereunto shall be paid by the owner or tenant.

17.54.065 Inspection and Approval

No sign containing electrical wiring or connections shall be installed until the sign has been inspected and approved by the Building Official or his/her representative. The Building Official may accept the approval of such sign by the Underwriters Laboratories

or other recognized testing agency as prima facie evidence of compliance with the requirement of the City for the electrical wiring and construction of such sign.

17.54.070 Consent of Owner

It shall be unlawful for any person to place, attach or maintain any sign, banner, sticker or other advertising devise upon or within any property, whether public or private, without securing the consent of the owner or his/her tenant.

17.54.075 Owner Responsible

It shall be the responsibility of every owner of real property and/or his/her tenant or other person in possession of such property with the consent of the owner to maintain every sign on such property in strict compliances with this Chapter.

17.54.080 Encroachment Permit Required

No sign shall be attached to, anchored in, or supported by any structure or pole placed on or otherwise located on or allowed to extend into public property or rights-of-way, except as otherwise provided in this Chapter, unless an encroachment permit to do so is first obtained from the City.

17.54.085 Signs on Public or Private Property

A. Except as otherwise provided in this Chapter, signs supported entirely on public or private property may be permitted to extend up to five feet (5') into a public right of way; provided that in no event shall any sign be permitted to extend within three feet (3') of any portion of the public right of way used principally for vehicular traffic.

B. Portions of signs extending into the public right of way shall have a minimum vertical clearance of eight feet (8') between the bottom of the sign or its supporting structure and the surface of the ground or sidewalk below. A marquee sign shall have a minimum vertical clearance of eight feet (8'). In the event more restrictive provisions are established in connection with State highways, such provisions shall control.

C. No sign or sign's structure shall project into any public alley below a height of fourteen feet (14') above grade, nor project more than twelve inches (12") where the sign structure is located fourteen feet (14') to sixteen (16') feet above grade. The sign or sign structure may project no more than thirty-six inches (36") into the public alley where the sign or sign structure is located more than sixteen feet (16') above grade.

17.54.090 Conflicting Signs

Any sign which is permitted to extend over and be maintained on any public right of way shall be removed or altered by the person maintaining such sign at his/her sole expense within ten (10) days of receipt of written notice from the Building Official whenever, by

reason of changed traffic conditions or the construction or relocation of public improvements or otherwise, the Building Official finds that the continued existence of such sign is no longer consistent with the purposes for which such public property is to be used.

17.54.095 Placement of Signs; Prohibited

No sign shall be constructed or maintained which has less horizontal or vertical clearance from communication wires or electric power lines than the clearance prescribed by the Orders or Regulation of the State Public Utilities Commission and the Department of Industrial Relations and other State law.

17.54.100 Nonconforming Sign Status

All permanent signs which existed prior to the effective date of this Chapter and which do not meet the requirements of the chapter will be considered nonconforming. Nonconforming signs may be altered, converted, or changed as long as such alteration, conversion, or change does not increase the extent of nonconformity or exceed the 50 percent provision in Section 17.54.105 below.

17.54.105 Maintenance and Repairs of Nonconforming Signs

A. The routine maintenance or repair of a nonconforming sign or sign structure is permitted, provided the cumulative repair or maintenance does not exceed 50 percent of the replacement cost of the sign.

B. If any nonconforming sign requires change, repair, or maintenance which would constitute an expense of more than 50 percent of the replacement cost of the sign, such sign must either be removed or brought within the requirements of this section. Any nonconforming sign that is damaged due to circumstances beyond the owner's control shall be allowed to be rebuilt, provided that the nonconformity is not increased in any way.

C. Replacement face plates for internally lit cabinet signs shall be required to conform to Section 17.54.152 (H).

17.54.118 Storage of Removed Signs

Signs removed by the Building Official pursuant to this Chapter shall be stored for a period of at least twenty (20) days, and if not claimed within such time, may be destroyed. Prior to the reclaiming of any sign, the owner shall pay a fee of ten (10) dollars per day to the City to defray a portion of the expenses associated with storing and handling the illegal sign.

17.54.120 Administration and Enforcement

The provisions of this Chapter shall be administered by the Building Official and his/her authorized representatives. All other officers and employees of the City shall assist and cooperate with the Building Official in administering and enforcing the provisions of this Chapter.

17.54.125 Revocation of Permit

Any permit issued under the terms of this Chapter may be revoked by the Building Official when it appears that the sign has been erected or maintained in violation of the provisions of this Chapter or any other ordinance or law. No such permit shall be revoked until a hearing shall have been held by the Building Official. Written notice of the time and place of such hearing shall be given by the Building Official to the property owner or tenant at least ten (10) days prior to the date set for the hearing. The notice shall contain a brief statement of the grounds for revoking such permit. Notice may be given either by personal delivery or by deposit in the United States mail in a sealed envelope, registered mail, return receipt requested, postage prepaid and addressed to the owner or his/her tenant.

17.54.130 Owner to Remove Signs

Within thirty (30) days after revocation of any permit as provided in the preceding Section or within ten (10) days after affirmation of such revocation by the Planning Commission as provided in the following Section, the sign or signs described in such revocation shall be removed by the property owner or tenant. If such removal is not completed within that time, the Building Official shall cause such sign to be removed, and the cost thereof shall be paid by such owner or tenant.

17.54.135 Appeals

A. Any applicant for a permit under the provisions of this Chapter who is dissatisfied with the decision of the Building Official may appeal such decision to the Planning Commission by filing with the City Clerk a written notice of appeal. Such notice must be filed within ten (10) calendar days after the date on which the decision of the Building Official is made, and shall set forth the specific ground or grounds of such appeal. The City Clerk shall forthwith set the matter for hearing before the Planning Commission and shall cause notice thereof to be mailed to the applicant not less than ten (10) days before such hearing. Such hearing may be continued from time to time, and upon the conclusion thereof, the Planning Commission shall promptly make a final decision in the matter.

B. Any applicant dissatisfied with the decision of the Planning Commission may appeal such decision to the City Council by following the same procedure described above.

17.54.140 Violation

Violations under this section shall be an infraction punishable as set forth in Municipal Code Section 1.20.020 (General Penalty – Infraction), or any successor section thereunto.

Violations shall also be subject to enforcement by administrative action following notice to the owner of sign and the opportunity to be heard at a hearing called for that purpose by the City Manager or his/her designee. The hearing officer may, but is not limited to require the owner to do the following:

A. Remove the sign;

B. Alter any unlawful or nonconforming sign to bring it into compliance with this Chapter;

C. Replace any unlawful sign with a sign meeting the requirements of this Chapter;

D. Assess an administrative penalty and/or enforcement costs against the owner of the sign; or

E. Cancel or revoke any permit issued under this Chapter.

Any hearing to be held under this section may be referred to the Planning Commission at the discretion of the City Manager. The remedies set forth in this section are not exclusive and the City retains the right to exercise any and all other remedies as available in law or equity to address violations of this Chapter.

17.54.145 Signs for Business Purposes Generally

Unless otherwise expressly provided in this Chapter, no sign shall be erected or used for business purposes of any kind except such signs as shall be located on a place of business, enterprise, or calling, and used solely for the naming, designating, or identifying of the business, enterprise, calling, products or services available on or within the premises, except for window signs.

17.54.150 Historical Signs

A sign having historical significance need not be removed or painted out even though it no longer advertises a bona fide business conducted, a product sold or a service rendered. A sign having historical significance would be a sign which would be desirable to retain because of its connection with some event, product, or business which is considered to be historically significant to the City of Jackson. Any person having a sign on his/her property which he believes falls in the category of a sign having historical significance may file a written application with the City Clerk requesting that the sign be designated as a sign having historical significance. The Planning Commission shall hold a public hearing within forty five (45) days from the date the application is filed for the purpose of hearing comments from the general public regarding the request contained in the application. A notice of the public hearing shall be published once in a newspaper of general circulation published in the County of Amador at least five (5) days prior to the hearing. The City Clerk shall, at least ten (10) days before the public hearing, inform the Amador County Archivist and the Historical Society of the request so they may comment

on whether the sign has historical significance. Within forty five (45) days from the conclusion of the public hearing the Planning Commission shall decide whether the sign has historical significance. The applicant or any citizen of the City may appeal the decision of the Planning Commission to the City Council. The procedure for appealing shall be the same as is established for appealing decisions of the Planning Commission pertaining to a variance.

17.54.152 Sign Illumination

The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-ways and properties. The following standards apply to all illuminated signs:

A. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign;

B. The light from an illuminated sign shall not be of an intensity or brightness which will interfere with the reasonable enjoyment of residential properties in direct visual proximity to the sign;

C. Sign shall not have blinking, flashing, or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color;

D. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices;

E. Neither the direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles;

F. Reflective-type bulbs and incandescent lamps that exceed 15 watts (or 15 watt equivalent) shall not be used on the exterior surface of signs so as to expose the face of the bulb or lamp to a public right-of-way or adjacent property;

G. Light sources shall utilize energy efficient fixtures to the greatest extent possible; and

H. Cabinet (can or box) signs that are internally illumined shall have opaque backgrounds so that when the sign is illuminated, only the words or logos on the sign are lighted.

17.54.155 Exempt Signs

The following signs shall be allowed in all zoning designations without a permit. All signs falling within categories (A) and (C) within this section shall be in conformity as to size, design, and location with the other sections of this Chapter:

A. Public information, identification, civic event, and directional signs constructed by a public agency or public utility; signs constructed by a private individual when required by law or regulations of any governmental agency; and legal notices. Signs exempt under this section shall include safety signs, danger signs, no trespassing signs, signs showing the location of public telephones, signs placed by a public utility to show the location of underground facilities, signs placed by the city indicating scenic or historical points of interest, event signs, banners and patriotic swags in the downtown historic district placed by a public agency, and all signs erected by a public or peace officer in performance of a public duty.

B. Temporary noncommercial signs that do not exceed sixteen square feet in total area. No temporary noncommercial signs shall be placed in a way that obstructs pedestrian or vehicle traffic or that poses a public safety or health hazard. Temporary noncommercial signs that do not comply with these requirements will be deemed a public nuisance and abated pursuant to Chapter 17.54.115 (Nonconforming Signs) of this title. Temporary noncommercial signs are limited to eighty square feet of aggregate area on any single parcel of property, must be posted on private property only, and must only be posted with the permission of the property owner.

C. Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building, or the architects, engineers and construction organization participating in the project. Such signs shall not exceed six square feet in area, and no freestanding sign shall exceed five feet in height. All such signs shall be removed before a final release on the construction is given by the Building Official.

17.54.160 Exceptions

The provisions of this Chapter shall not apply to signs which have been fabricated or assembled on the premises of a business which makes and sells signs and which is in compliance with all requirements of this Code, which do not advertise the sign business itself, and which are temporarily stored on the premises of the sign business until picked up by customers. In addition, the Planning Commission may, upon filing of appropriate applications, allow exceptions to the provisions of this Chapter. Such exceptions shall be granted only where the Commission finds that:

A. The proposed exception is required to provide for safe installation of the proposed sign; or

B. The proposed exception is consistent with the purpose and intent of this Chapter as set forth in Section 17.54.010 and the resulting sign will be superior to the sign which would otherwise be allowed by this Chapter in its design, construction, and placement.

17.54.165 Certain Signs Prohibited in All Zones

No person may erect or maintain a sign which:

A. Is a flashing sign, changeable copy sign or electronic display screen, except for prices of fuel on appropriate fuel station signs, and electronic message centers.

B. Is a moving or animated sign including attention getting devices such as spinners, balloons, inflatable signs, and search lights.

C. Is a sign advertising a business or housing development that is being held by an individual.

D. Is designed or used for the purpose of emitting sound.

E. Is roof-mounted except with approval of the Planning Commission per the process established in Section 17.54.160 (Exceptions), and if the building is single-story and is less than thirty-five feet (35'). To be granted an exemption per Section 17.54.160 (Exceptions) for a roof-mounted sign, the Planning Commission must also make a finding that there is no other reasonable location for sign placement.

17.54.170 Sign Criteria for Residential Zones

A. Residential signs providing name of residents and address shall be allowed in all residential zones within the City without obtaining a permit if said signs meet the following criteria:

    1. One sign not to exceed two square feet (2') in area attached to and parallel with the front wall of the building~~,~~ and containing only the name and/or title or occupation of the occupant.

    2. One temporary single or double faced sign not to exceed four (4') square feet in area per side advertising the premises for sale, lease, or rent located not nearer than ten feet (10') to adjoining premises, nor within a public way.

B. Subdivision signs offering real estate or homes for sale in an approved subdivision may be erected under the following conditions:

    1. Not more than two such signs shall be allowed per subdivision unit;

    2. No such sign shall exceed thirty-two square feet (32') in area;

    3. Such signs shall be removed when all lots and houses in the subdivision have been sold.

C. Two single-sided subdivision name signs not exceeding thirty-two square feet (32') shall be allowed at each entrance to a subdivision.

D. One temporary sign, not to exceed six square feet (6') if single-sided or twelve square feet (12') if double sided, is allowed to advertise the property for sale, lease or rent; and shall be located not more than five feet (5') to adjoining properties, nor within a public way. Larger signs may be allowed with approval of the Planning Commission per the process established in Section 17.54.160 (Exceptions).

17.54.175 Sign Criteria for Mixed Use and Other Non-Residential Zones

No sign shall be placed, erected, altered or relocated on any property within the Commercial (C), Limited Commercial (LC), Professional Office (PO), Industrial (I), Public (P), or Recreation (R) zone unless such sign is, as to its exterior appearance, compatible with the Mother Lode architecture and typography consistent with the historic nature of the City (examples of which are available from the City's Planning Department), and unless it complies with all of the following requirements:

A. Maximum Aggregate Sign Area Per Site. The aggregate area of all signs on a single lot, excluding exempt signs shall not exceed one square foot of sign area per lineal foot of public street frontage. However, in the special situations listed below, sign area is calculated as follows:

   1. Sites with Multiple Frontages. On sites with more than one frontage on a public street, maximum permitted sign area shall be calculated as follows:

      a. Where an interior lot fronts on two streets (a corner or "through lot"), either both the front and side, or front and rear lot lines as related to the applicable frontages may be used for calculating the allowable sign area.

      b. Where a lot has three or more frontages on a public street, the length of only two contiguous sides, one of which shall be the principal street frontage, shall be added together to determine allowable sign area.

B. Wall Signs. The maximum wall sign area for each building face shall not exceed twenty (20) percent of the total wall sign area available. No sign for a single business shall exceed ninety (90') square feet. Businesses with multiple store fronts shall be allowed ninety (90') square feet of total wall signage.

C. Pole Signs. No pole sign shall be erected to a height exceeding twice the distance from the sign to the nearest property line of the parcel on which it is placed, and in no event shall a pole sign be erected in excess of thirty-five (35') feet in height. Not more than one pole sign shall be installed for any one entity.

   Pole signs shall not exceed thirty-two (32') square feet per side or a total of sixty-four (64') square feet.

Pole signs which advertise a shopping center, professional center, or industrial center shall not exceed the areas set forth in the following Table 1 (Pole Signs).

D. Projecting Signs. No projecting sign shall project more than one third of its height above the eave line or parapet of the wall on which it is mounted.

There shall be a minimum distance of eight (8) feet from the bottom of the sign to ground level.

The minimal horizontal clearance between a sign and the curb line shall be two feet. The maximum projection over a public sidewalk shall be two-thirds the width of the sidewalk or six feet, whichever is less.

E. Monument Signs. Freestanding monument or "ground" signs can be placed a minimum of five (5) feet from the street right of way. Maximum sign area, height, and setback shall not exceed those set forth in Table 2 (Monument Signs).

F. Suspended Signs. The maximum area for a suspended sign shall be 12 square feet per side. Additionally there shall be a minimum distance of eight (8) feet from the bottom of the sign to ground level

G. A cinema may erect a directory sign listing the attractions at the cinema the size of which shall be approved by the Planning Commission.

H. As an alternative to the pole sign allowed in 17.54.175 (D), but not in addition thereunto, each gasoline service station may place, erect, alter, or relocate a single pole sign which complies with State requirements.

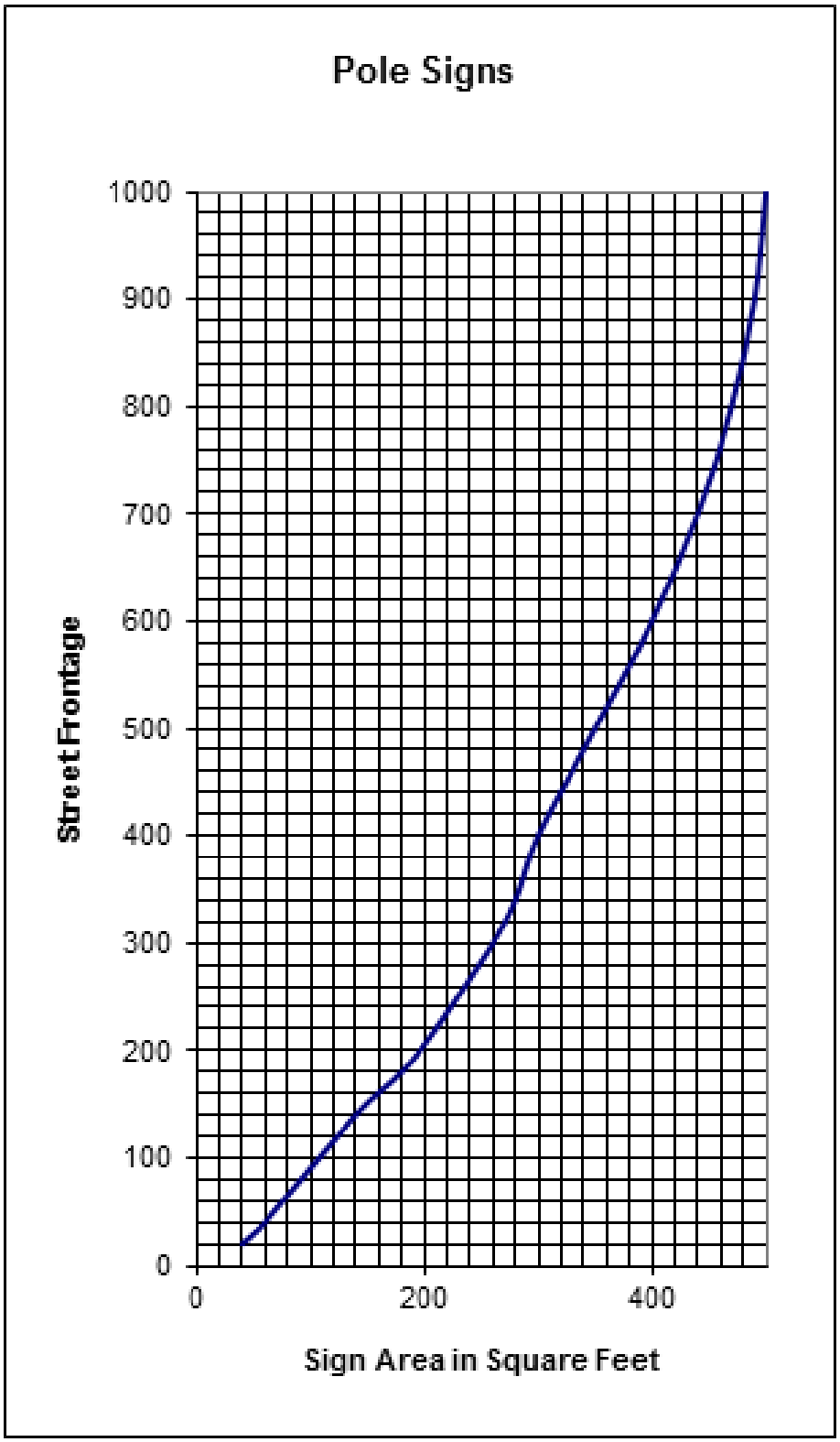
Pole Signs
1000
900
800
700
600
500
400
300
200
100
0
Street Frontage
0
200
400
Sign Area in Square Feet

Table 1

Table 2 Monument Signs			
Distance of Sign from Street Right of Way	**Building Frontage**	**Maximum Sign Area**	**Maximum Height of Sign**
5-50 feet	Under 50 feet	30 sq. ft.	6 feet
	51-100 feet	45 sq. ft.	6 feet
	101-150 feet	60 sq. ft.	6 feet
	151-300 feet	75 sq. ft.	6 feet
51-100 feet	Under 50 feet	35 sq. ft.	6 feet
	51-100 feet	50 sq. ft.	6 feet
	101-150 feet	65 sq. ft.	6 feet
	151-300 feet	80 sq. ft.	6 feet
101-200 feet	Under 50 feet	40 sq. ft.	6 feet
	51-100 feet	55 sq. ft.	6 feet
	101-150 feet	70 sq. ft.	7 feet
	151-300 feet	85 sq. ft.	8 feet
201-300 feet	Under 50 feet	45 sq. ft.	7 feet
	51-100 feet	60 sq. ft.	7 feet
	101-150 feet	75 sq. ft.	7 feet
	151-300 feet	90 sq. ft.	8 feet
	300+ feet	105 sq. ft.	8 feet

I. A Board signs are permitted with the following requirements:

1. Signs shall be a maximum of twenty-four (24) inches wide and shall not extend more than thirty-six (36) inches above the sidewalk surface;

2. Signs shall not be placed within the public way except on established sidewalks within six (6) feet of business frontage;

3. A clear pedestrian travel way as required by the Americans with Disabilities Act shall determine sign location;

4. No sign shall contain any flashing, blinking or moving letters, characters or other elements, and the sign itself shall not move;

5. No sign shall contain any outline tubing, internal lighting, or neon lighting;

6. The square footage of such signs shall not be counted as aggregate area as specified in Subsection A, above.

J. Temporary commercial signs are allowed subject to the following requirements:

1. The use of a banner shall be used only to advertise a special promotion or for property sales, not as a permanent sign for naming the business.

2. A temporary sign may be used to name the business for a period of 60 days only if it is a new business in the process of having permanent signs prepared or an existing business in the process of updating/maintaining existing permanent signs. Existing "naming" signs in place at time of adoption of this section must be removed no later than six months from the effective date of this Article.

3. A maximum of two temporary/promotional signs shall be allowed per business at any given time.

4. Temporary signs shall be limited to a total of sixteen (16') square feet, unless an exception is approved by the Planning Commission per the process established in Section 17.54.160 (Exceptions).

5. Temporary signs can only be used up to three times per year for no longer than 30 days each use. An application shall be submitted for each instance per the following requirements:

    a. Sign permit fee shall be $25.00 per sign. Those larger than sixteen (16') square feet shall be charged $10 for each additional four (4') square feet or portion thereof.

    b. Permit shall include a picture or sketch of the temporary sign with the colors to be used. Neon colors or reflective signs are prohibited.

    c. Location for temporary sign placement shall be shown on a picture or sketch, including distance to nearest street or highway.

    d. Applicant shall provide the dates for the proposed use of the temporary sign.

6. It is recommended that the letter size conform to the following distance to size ratio based on desired viewing distance: 100 feet – 4 inches; 250 feet – 10 inches; 360 feet – 16 inches; 500 feet – 22 inches; 1,000 feet – 43 inches.

K. Temporary signs may be hung on the wall of a building or from sturdy posts. Temporary signs will not be allowed on utility poles, bushes, trees, cyclone fences or "T" posts. Temporary signs shall not be mounted on a roof, balcony or awning. One temporary sign, not to exceed sixteen (16') square feet if single-sided or thirty-two (32') square feet if double sided, is allowed to advertise property for sale, lease or

rent; and shall be located not more than five (5') feet to adjoining properties, nor within a public way. Larger signs may be allowed with approval of the Planning Commission per the process established in Section 17.54.160 (Exceptions).

L. Wall murals, off-premise signs, outdoor advertising, or graphic depictions which exceed the allowable square footage provided in subsection A are subject to the Conditional Use Permit process described in Chapter 17.76 (Use Permits and Minor Use Permits) of the Development Code.

M. Two off-premises directional signs shall be allowed per business and shall be limited to a maximum size of twenty-five (25') square feet per side; and provided that such signs shall not be within the public way. Such signs shall not be counted as aggregate area as specified in Subsection A.

N. Window signs may cover no more than twenty-five (25) percent of the surface area of the window or door in which such signs are placed. Temporary window signs shall not be allowed above the first story of a building. A window sign shall be considered to be a temporary window sign if it is displayed in the same window or door, or same approximate location outside of a window or door, for no more than thirty calendar days within a six month period of time. Changes in the message displayed on such sign shall not affect to the computation of the thirty-day period of time provided for herein.

17.54.180 Sign Criteria for the Historic Commercial Zone

No sign shall be placed, erected, altered or relocated on any property within the Historic Commercial Zone (HC) unless such sign is, as to its exterior appearance, compatible with the Mother Lode architecture and typography consistent with the historic nature of the City (examples of which are available from the City's Planning Department), and unless it complies with all of the following requirements:

A. The maximum wall sign area for each building face shall not exceed twenty (20) percent of the total area, but not exceed ninety (90') square feet for a single business, except for multiple store fronts.

B. Each sign shall be affixed to a building, except that where the building is set back from the street to such extent that a sign affixed to the building would not be within reasonable view from the street, then a sign need not be so affixed, but may be located in some other manner as the Planning Commission shall approve with a Conditional Use Permit;

C. No sign shall project more than six feet (6') from the face or vertical surface of the building;

D. No sign shall project above the eave or parapet line of the building;

E. No sign shall contain any outline tubing;

F. Either an A-Board sign or a Flag Pole sign is permitted with the following requirements:

1. Signs shall be a maximum of twenty-four inches (24") wide and shall not extend more than thirty-six inches (36") above the sidewalk surface;

2. Signs shall not be placed within the public way except on established sidewalks and must be within six (6') feet of the business frontage;

3. A clear pedestrian travel way as required by the Americans with Disabilities Act shall determine sign location;

4. No sign shall contain any outline tubing, internal lighting, or neon lighting unless the Planning Commission has determined that such sign is historic;

The square footage of such signs shall not be counted as aggregate area as specified in Subsection A, above.

G. Neon signs or signs containing any outline tubing which are sought to be located inside a building and which are designed to be seen from the outside of the building are prohibited with the exception of "Open" signs.

17.54.185 Vehicle-Mounted Signs

A. No sign shall be placed or erected in the bed of a truck or on the deck of a trailer or a truck.

B. Banners or other temporary signs displayed on vehicles shall be prohibited, except that temporary signs placed inside a vehicle relating to the proposed sale, lease or exchange of that vehicle are allowed without a permit.

C. This Section shall not apply to signs that are being transported for installation.

17.54.190 Calculation of Sign Area

Sign area shall include the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. Supporting structures such as sign bases and columns are not included in sign area provided that they contain no lettering or graphics except for addresses or required tags. The calculation of sign area for various types of signs is illustrated in Figure 3-22.

17.54.195 Severability

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Chapter is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Chapter.

17.54.200 Substitution

Signs containing noncommercial speech are permitted anywhere that advertising, business, or other commercial signs are permitted, subject to the same regulations applicable to such signs.

Chapter 17.58 - Standards for Specific Land Uses

Sections:

17.58.010 - Purpose of Chapter
17.58.020 - Applicability
17.58.025 – Telecommunication Facilities
17.58.030 - Accessory Retail Uses
17.58.040 - Accessory Uses — General Standards
17.58.060 - Animal Raising and Keeping
17.58.070 - Bed and Breakfast Inns
17.58.080 - Child Day Care Facilities
17.58.090 - Churches and Fraternal Organizations
17.58.100 - Detached Living Areas
17.58.110 - Drive-In and Drive-Through Facilities
17.58.114 - Electrical Utility Facilities
17.58.120 - Home Occupations
17.58.130 - Emergency Shelters

17.58.010 - Purpose of Chapter

This Chapter provides site planning and development standards for land uses that are allowed by Article II (Zoning Districts and Allowable Land Uses) in individual or multiple zoning districts (e.g., in residential, commercial, and manufacturing districts, and in residential and commercial, and/or in commercial and manufacturing districts).

17.58.020 - Applicability

Land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Development Code.

17.58.025 – Telecommunication Facilities

This Section establishes standards for the development and operation of telecommunications facilities including cellular wireless communication facilities

(Subsection A), satellite antennae (Subsection B), single pole/tower amateur radio antennae (Subsection C), and television and radio broadcasting towers (Subsection D). This section applies to all new construction of such facilities within the City, and any modification or relocation of such equipment and facilities, exclusive of the ordinary maintenance and repair of facilities and equipment lawfully in existence on the effective date of this section.

A. Cellular Wireless Communications Facilities. Except as otherwise provided in Subsections G and H, cellular wireless telephone antennae, including supporting towers and related ground-mounted structures and equipment shall comply with the following requirements.

1. Permit Requirements. The land use permit requirement for wireless communications shall be as determined by the zoning districts and allowable land uses contained within the Municipal Code. Plans for the wireless communication facilities shall be submitted with a CUP application in compliance with Section 17.70 (Applications, Processing, and Fees).

2. Site Selection. Sites for cellular wireless communications facilities and/or buildings shall be selected according to the following order of preference:

    a. On existing structures (e.g., a billboard, church steeple, communication towers, freestanding sign, water tank, etc.);

    b. In locations where the existing topography, vegetation, or other structures provide the greatest amount of screening; or

    c. On vacant land without significant visual mitigation, only in industrial and manufacturing zoning districts where no other feasible alternative exists to such a placement.

    As part of the CUP application process, applicants for cellular wireless communication facilities shall be required to provide written documentation demonstrating a good faith effort in locating facilities in compliance with Subsection 2a (Site selection order of preference) above.

3. Co-Location. The City shall encourage and give preference to the co-location of cellular equipment on appropriate existing City structures, and towers subject to reasonable engineering requirements. The City shall encourage utility providers, special districts, and other public agencies to allow co-location of cellular equipment on appropriate existing structures and towers subject to reasonable engineering requirement.

4. Painting. With the exception of church steeples and artificial tree structures, the equipment and supporting structure shall be painted a single, neutral, nonglossy color (e.g., earth-tones, gray, black, etc.) and, to the extent possible, compatible with the appearance and character of the surrounding neighborhood.

B. Setbacks. Equipment shall not be located within any front or street side yard setbacks in any zoning district, and shall not extend beyond the property lines.

C. Signs. Identification signs, including emergency phone number of the cellular service provider, shall be posted and readable at ground level, at all equipment/tower sites.

D. Undergrounding Required. Electrical and equipment wiring shall be placed underground unless the City Engineer determines that such undergrounding is economically or technically infeasible.

E. Unused/Obsolete Equipment. Unused/obsolete equipment and towers shall be removed from the site within six months after their need has ceased or the City may, after notice and hearing, remove the equipment and place a lien on the land to recover the costs of removal plus administrative overhead. All towers and equipment not used for a period of six months shall be removed from the site and the site cleared of any debris by the permittee or, if the permittee has not done so after reasonable notice to do so from the City, the City may effect the removal using the bond described herein. At the time any permittee obtains a permit for a tower or other equipment, the permittee shall provide a performance bond, cash, or irrevocable letter of credit (collectively "bond") in the amount of 100% of the city's estimated cost for removal of the tower and other equipment. Said amount may be revised by the City periodically. The bond shall be utilized by the City in the event that a permittee fails to remove the tower and/or other equipment. If the costs of removal thereof exceed the bond amount, the landowner, if different person or entity from the permittee, shall remove the remaining portion of the tower and/or other equipment at the landowner's expense or pay to the City the costs necessary to complete the removal.

F. Maintenance Obligation. The owner and/or operator of facilities and equipment for which a permit is issued under this section shall operate and maintain such facilities in clean, safe and attractive conditions at all times. If such facilities become dilapidated, inoperative or are abandoned by the owner and/or operator, the City Manager may, after notice and hearing, cause any such facilities and equipment to be removed at the owner's expense.

G. Design Review. The application shall be subject to design review by the Planning Commission. In such review the Commission shall give preference to monopole structures over lattice towers and shall have the authority to impose such conditions and mitigation measures on structures as may be necessary or desirable to reduce or eliminate the visual, aesthetic, and/or environmental impacts of the tower or structure proposed.

B. Satellite Antennae. Satellite antennae, including portable units and dish antennae, shall be designed, installed, and maintained in compliance with the Federal Communications Commission (FCC) and the California Public Utilities Commission

(CPUC) and as follows, when these provisions are not in conflict with applicable State and Federal regulations. (Normal/typical television antennae or satellite dishes with a maximum diameter of one meter (approximately 39 inches) are not regulated by this Section).

1. Application Requirements. Plans for antennae shall be submitted with each application for a land use and/or building permit, and shall include a simple site plan and elevation drawings indicating color, diameter, foundation details, height, landscaping, setbacks, and method of screening. The plans shall be subject to the approval of the City.

2. Painting. The antennae and supporting structure shall be painted in a single, neutral, nonglossy color (e.g., earth-tones, gray, black, etc.) and, to the extent possible, compatible with the appearance and character of the surrounding neighborhood;

3. Setbacks. An antenna shall not be located within any front or street side yard setbacks in any zoning district, and shall not extend beyond the property lines;

4. Undergrounding Required. Electrical and antenna wiring shall be placed underground, whenever possible;

5. Residential Zoning District Standards. In any residential zoning district, antennae shall be subject to the following standards:

    a. Mounting Location. Only ground-mounted antennae shall be allowed and the antennae shall be located only within the rear yard of the parcel, at least five (5') feet from the rear lot line of an interior parcel, or fifteen (15') feet from the street side of a corner parcel. This provision may be modified by the City if strict compliance would result in no/poor satellite reception. However, the maximum diameter of a nonground-mounted antenna shall be one meter (approximately 39 inches);

    b. Size Limitations. The diameter of the ground-mounted antenna shall not exceed eight (8') feet. This provision may be modified by the City if strict compliance would result in no/poor satellite reception;

    c. Screening. The antenna shall be separated from adjoining properties by at least a six-foot high solid fence or wall, or by plants or trees of equal minimum height, approved by the City;

    d. Height and Location. The height and location of the antennae shall comply with the requirements of the applicable zoning district. The height provision may be modified by the City if strict compliance would result in no/poor satellite reception; and

e. Setbacks. If the subject parcel adjoins a residential zoning district, the antenna shall be set back a minimum distance from the property line that is equal to or greater than the height of the antenna, unless otherwise screened from public view to the satisfaction of the City.

f. Unused/Obsolete Equipment. Unused/obsolete equipment and towers shall be removed from the site within six months after their need has ceased or the City may, after notice and hearing, remove the equipment and place a lien on the land to recover the costs of removal plus administrative overhead.

g. Maintenance Obligations**.** The owner and/or operator of facilities and equipment for which a permit is issued under this section shall operate and maintain such facilities in clean, safe and attractive conditions at all times. If such facilities become dilapidated, inoperative or are abandoned by the owner and/or operator, the City Manager may, after notice and hearing, cause any such facilities and equipment to be removed at the owner's expense.

C. Single Pole/Tower Amateur Radio Antennae. Pole/tower amateur radio antennae shall be designed, constructed/installed, and maintained in the following manner.

1. Location Requirements. Antennae shall not be located in a front or side yard.

2. Mounting. Antennae may be ground-or roof-mounted.

3. Height Limit. The maximum height shall not exceed 50 feet, measured from finished grade.

4. Size Limitations. Any boom or other active element/accessory shall not exceed 25 feet in length.

5. Unused/Obsolete Equipment. Unused/obsolete equipment and towers shall be removed from the site within six months after their need has ceased or the City may, after notice and hearing, remove the equipment and place a lien on the land to recover the costs of removal plus administrative overhead.

6. Maintenance Obligations. The owner and/or operator of facilities and equipment for which a permit is issued under this section shall operate and maintain such facilities in clean, safe and attractive conditions at all times. If such facilities become dilapidated, inoperative or are abandoned by the owner and/or operator, the City Manager may, after notice and hearing, cause such any facilities and equipment to be removed at the owner's expense.

D. Television and Radio Broadcasting Towers. These towers shall be allowed in compliance with Chapter 17.76 (Use Permits and Minor Use Permits).

E. Effects of Development on Antenna Reception. The City shall not be liable if subsequent development impairs antenna reception.

F. Variances. Telecommunications facilities not complying with the requirements of this Section may be authorized only if a variance is obtained under Chapter 17.82 (Variances and Historic Variances).

G. Co-located Wireless Communications Facilities. Notwithstanding any other provision of this section, base facilities that can accommodate co-located facilities shall require the adoption of a negative declaration, mitigated negative declaration, or certification of an environmental impact report. For purposes of this subsection, a "base facility" is a particular telecommunications facility that is planned to accommodate collocated facilities, and "co-located facilities" are telecommunications facilities that are installed on the same tower or other structure as other telecommunications facilities. Co-located facilities which satisfy all of the following conditions shall not require the issuance of any discretionary permit:

1. The base facility upon which the facility is co-located has undergone CEQA review consisting of the adoption of a negative declaration, mitigated negative declaration, or certification of an environmental impact report; and the co-located facility incorporates all mitigation measures required by the environmental document.

2. The co-located facility utilizes a stealth design.

3. The height of the co-located facility does not exceed the maximum height allowed in the underlying zone or size of the base facility.

4. The co-located facility is aesthetically compatible with the base facility.

5. The co-located facility complies with zoning, the General Plan and applicable specific plans.

H. Facilities in the Public Right-of-Way. Notwithstanding any other provision of this section, the requirements of this section shall not apply to communications facilities proposed to be installed in the public right-of-way, to the extent that the application of this section would be inconsistent with, or is preempted by, applicable law, including but not limited to Section 7901 of the California Public Utilities Code.

17.58.030 - Accessory Retail Uses

This Section establishes standards for the development and operation of retail sales and service establishments within/in conjunction with and accessory to a main commercial and/or manufacturing use where authorized by Article II (Zoning Districts and Allowable Land Uses). For example, these accessory uses include restaurants and pharmacies within hospitals, etc., and the sale of retail merchandise.

A. General standard. Accessory retail uses are allowed, provided there will be only minor external evidence of any commercial activity other than the main use of the parcel (e.g., no signs, windows with merchandise visible from adjoining public rights-of-way, etc.), nor access to any space used for the accessory retail use other than from within the main structure.

B. Commercial and manufacturing zoning districts. Restaurants and retail sales are allowed in the commercial zoning districts incidental and accessory to offices, hospitals, and other medical facilities and pharmacies. Accessory restaurants, retail sales, and other services are allowed in the manufacturing zoning district to serve the needs of the employees.

C. Residential and special purpose zoning districts. Membership organizations, social, or recreational establishments may engage in retail sales for guests only.

D. Review and approval required. Accessory retail uses shall be subject to land use permit approval in compliance with Chapter 17.12 (Commercial, Office, and Industrial Zoning Districts). In order to approve an accessory retail use, the City Planner shall find that there will be no harm to adjoining existing or potential residential development due to excessive noise, traffic, or other adverse effects generated by the accessory use.

17.58.040 - Accessory Uses - General Standards

This Section establishes standards defining the relationship between a main use and an accessory use on the same site, where the accessory use is a common feature of the main use, but would not be allowed by the applicable zoning district as a main use on the same site. For example, a coffee shop in a C (Commercial) zoning district may include minor coffee bean roasting as part of its operations as an accessory use in compliance with this Section, but coffee roasting as a main use would be allowed as a main use only in the I (Industrial) district.

A. Allowable accessory uses. Accessory uses are allowed in conjunction with a main use as follows.

1. Accessory retail sales. Accessory retail sales are allowed in compliance with Section 17.58.030 (Accessory Retail Uses), above.

2. Residential accessory uses. Residential accessory uses are allowed in compliance with Article II (Zoning Districts and Allowable Land Uses).

3. All other accessory uses. The City Planner shall determine whether any proposed accessory use not otherwise listed in this Section is:

a. Customarily related to and commonly found with the proposed main use, and is allowable subject to the same land use permit as the main use; or

b. Not customarily related to and commonly found with the proposed main use, and is prohibited.

B. Timing of accessory use. An accessory use shall only be established at the same time as a main use, or after a main use has been established.

C. Maximum area of accessory use. An accessory use determined by the City Planner to be allowable in compliance with this Section shall not exceed 25 percent of the floor area devoted to the main use.

17.58.60 - Animal Raising and Keeping

A. Applicability. The standards of this Section shall apply to the raising and keeping of:

1. Household pets — Includes cats, canaries, dogs, parrots, and other varieties of birds and animals, ordinarily kept as household pets;

2. Exotic or wild animals — Includes foxes, monkeys, raccoons, snakes, etc;

3. Fowl and other small animals and birds — Includes chickens, ducks, geese, pigeons, turkeys, and other fowl, and chinchillas, guinea pigs, hamsters, and all types of similar rodents; and

4. Livestock and other large animals — Includes cows, donkeys, goats, horses, mules or ponies, ostriches, sheep, steer, and swine.

B. Maximum number of animals. Table 3-12 identifies the maximum number of animals allowed on a single residential parcel or dwelling unit.

TABLE 3-12

MAXIMUM ALLOWABLE ANIMALS

Type of Animal	Maximum Number/Minimum Site Area	Special Standards
Household pets	Shall not exceed four dogs and/or four cats, over four months of age, per single family residential parcel and shall not exceed two dogs and/or two cats, over four months of age, per multi-family residential unit	Allowed in all dwelling units (1)
Exotic or wild animals	Subject to Minor Use Permit	Keeping of exotic or wild animals that require a permit from the Department of Fish

Type of Animal	Maximum Number/Minimum Site Area	Special Standards
		Game may be permissible subject to the issuance of a Minor Use Permit, in compliance with Chapter 17.76 (Use Permits and Minor Use Permits).
Livestock, other large animals, fowl and other small animals and birds (2)	Minimum site area shall equal 0.5 acres for each animal unit (3, 4)	A maximum of 10 animal units, subject to the standards identified in Section 17.58.060.C (Animal raising and keeping standards), below (5)

Notes:

(1) The keeping of more than the maximum number of household pets may be permissible in RM and RH zoning districts subject to the issuance of a Minor Use Permit, in compliance with Chapter 17.76 (Use Permits and Minor Use Permits).

(2) The keeping of livestock, other large animals, fowl and other non-household pet small animals and birds is allowed only in the RS and RL zoning districts.

(3) A property owner shall have the full site area increment to receive the animal allotment; 0.5 acres for the first animal, and 1.4 acres is allowed only two animal units (not three). The keeping of one livestock or other large animal or 10 fowl or other small animal or bird on a parcel not meeting the minimum site area (0.5 acres) may be permissible subject to the issuance of a Minor Use Permit, in compliance with Chapter 17.76 (Use Permits and Minor Use Permits).

(4) An animal unit is equal to one livestock or other large animal or 10 fowl or other small animal or bird.

(5) The keeping of more than 10 animal units may be permissible subject to the issuance of a Minor Use Permit, in compliance with Chapter 17.76 (Use Permits and Minor Use Permits). The parcel shall meet the minimum site area requirements for the number of animal units to be kept on the parcel. For example, a parcel with an approved Minor Use Permit to keep 15 animal units shall have a minimum site area of 7.5 acres (0.5 acres per animal unit).

C. Animal raising and keeping standards. These requirements of this Subsection shall apply to the raising and keeping of allowable animals, except for household pets and exotic or wild animals.

1. Site slope requirements. Animals shall not be allowed on slopes exceeding 30 percent.

2. Erosion and drainage control plan required. An erosion and drainage control plan shall be submitted and approved by the City Engineer for the raising and keeping of animals on parcels over 20 percent in slope. The plan shall propose

operational/management measures to prevent grazing to bare soil, and physical measures to prevent sediment transport from the site into waterways, streets, or onto adjoining properties;

3. Existing uses conforming. Any residential property where animals are legally kept as of the effective date of this Development Code shall be deemed to be conforming. Any expansion of use shall be subject to the provisions of this Section;

4. Site maintenance and animal care. The site shall be maintained and all animals shall be cared for in a manner that does not create a public health problem, or interfere with the public welfare of surrounding properties; and

5. Water supply. An adequate supply of fresh water shall be available to the animals at all times, subject to the approval of the Amador County Health Officer.

17.58.070 - Bed and Breakfast Inns

This Section establishes standards for the development and operation of Bed and Breakfast Inns (B&Bs). The intent of these provisions is to ensure that compatibility between the B&B and any adjoining residential zoning districts/uses is maintained and enhanced.

A. Applicability. Bed and Breakfast Inns (B&Bs) are allowed in the residential and PO zoning districts with a Minor Use Permit or Use Permit approval, in compliance with Chapter 17.76 (Use Permits and Minor Use Permits), and in the Commercial zoning districts with Zoning Clearance, in compliance with Chapter 17.72 (Zoning Clearance).

B. Exterior appearance. The exterior appearance of the structure housing the B&B in a residential zoning district shall not be altered from its original single-family character except for a sign as allowed by Subsection I., below and those structural modifications necessary to comply with the requirements of Title 24 of the California Building Code of Regulations.

C. Fire safety. The B&B shall meet the requirements of the Jackson Fire Department.

D. Guest rooms. The availability of guest rooms is limited to a maximum of three rooms in the Residential and PO zoning districts and five rooms in the other zoning districts. A Use Permit is required for additional rooms. Guest rooms shall not contain food preparation facilities.

E. Internal access. All access to guest rooms shall be from within the B&B inn or the guest room shall be located in an approved detached living area.

F. Limitation on services provided. Service shall be limited to the rental of bedrooms or suites; and meal/beverage service shall be provided for registered guests only. Separate/additional kitchens for guests are not allowed. Receptions, private parties, or similar activities, for which a fee is paid or which is allowable only as a condition of room rental, shall not be allowed.

G. Off-street parking. Off-street parking shall be provided at a ratio of one space for each guest room plus two for the on-site owner/manager of the B&B. Parking shall be located, to the extent possible, out of the required front and side yard setbacks. Parking spaces for the disabled may be counted toward the required off-street parking.

H. On-site management. The B&B shall be the main residence of the B&B owner or manager.

I. Signs. Signs shall be limited to one on-site sign not to exceed six square feet in area and shall be installed and maintained in compliance with Chapter 17.54 (Sign Regulations). The design, location, and lighting of the sign shall ensure compatibility with the architecture of the B&B and the surrounding neighborhood.

J. Site requirements. The proposed site shall generally conform to the standards of the applicable zoning district.

K. Transient Occupancy Tax. B&Bs shall be subject to the Transient Occupancy Tax in compliance with Chapter 3.24 of the Municipal Code, and shall maintain guest registers to ensure accurate occupancy records.

17.58.080 - Child Day Care Facilities

This Section establishes standards for the City review of child day care facilities, in compliance with State law, including the limitations on the City's authority to regulate these facilities, in a manner that recognizes the needs of day care operators and at the same time minimizes the effects on surrounding residents. These standards apply in addition to the other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social services is required for child day care facilities.

A. Standards for small family day care homes. The following standards shall apply:

1. Permit requirements. Small family day care homes shall be a permitted use as part of a single family dwelling. A land use permit shall not be required to establish a small family day care homes provided the family day care home complies with the requirements of this subsection and State laws regulating small family day care homes.

2. Primary use as residence required. The small family day care home shall be the principle residence of the day care provider, and the use shall be clearly incidental and secondary to the use of the property as a residence.

3. Fire protection. The facility shall contain a fire extinguisher and smoke detector devices.

B. Standards for large family day care homes. The following standards shall apply:

1. Permit and notice requirements. Large family day care homes shall be a permitted use as part of a single family dwelling located in a residential zoning district. Permit processing for large family day care homes shall be subject to the following:

   a. A large family day care home shall require the approval of a nondiscretionary Large Family Day Care Permit by the City Planner. Instead of the public notice required by Chapter 17.180 (Public Hearings), property owners within 100 feet of the proposed site shall be provided notice of the application at least 10 days before the date of the City Planner's decision on the entitlement. A public hearing shall not be held unless requested in writing by the applicant or other affected person(s).

   b. The notice shall clearly indicate that State law requires that the entitlement be issued, authorizing operation of the large family day care home on any parcel zoned for a single-family dwelling, subject to the applicable standards in this Subsection. Further, the notice shall state that the determination may be appealed to the Planning Commission, in compliance with Chapter 17.140 (Appeals), but that the Planning Commission may only grant the appeal and reverse or modify the determination if the Planning Commission finds that the City Planner's determination was contrary to City or State laws governing large family day care homes; and

   c. A Large Family Day Care Permit shall be issued if the City Planner determines that the proposed large family day care home will comply with the standards in this Subsection.

   d. Refer to Section 17.200.050 (Initial Enforcement Action) if problems arise.

2. Primary use as residence required. The large family day care home shall be the principle residence of the day care provider, and the use shall be clearly incidental and secondary to the use of the property as a residence.

3. Fire protection. The facility shall contain a fire extinguisher and smoke detector devices and comply with the standards established by the Jackson Fire Department.

4. Health and safety standards. Each facility shall be inspected by the City for compliance with the Housing Code and any regulations adopted by the State Fire Marshall concerning standards applicable to day care facilities; and each facility shall comply with all health and sanitation requirements administered by the Amador County Health Department.

5. Noise standards. In order to protect adjoining residential dwellings from noise impacts, a facility within any residential zoning district may only operate up to 14 hours each day between the hours of 6:00 a.m. and 8:00 p.m. and may only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m. Additionally, the facility shall be in full compliance with Chapter 17.44 (Noise) for the subject zoning district.

6. Off-street parking.

    a. Each facility shall have the number of parking spaces required for single-family dwellings, in compliance with Chapter 17.48 (Parking and Loading Standards), one additional space for the drop-off and pick-up of the children utilizing the facility to ensure that the children are not placed at risk and street traffic is not unduly interrupted, and one additional parking space for each person working at the facility, other than a person who resides at the home.

    b. The driveway parking spaces may be in tandem with the on-site garage spaces, in compliance with Chapter 17.48 (Parking and Loading Standards). The facility shall be provided with adequately designed off-street drop-off and pick-up areas and an off-street turnaround area to ensure that vehicles reentering the street will be able to do so without the need for backup maneuvers.

7. Private road access.

    a. If the proposed day care home does not have access to a City-maintained road, the applicant shall join, form, or demonstrate that they are part of a private road maintenance agreement. If the private road is maintained by a homeowners association, participation in a Road Maintenance Association shall be included as part of the application and a Letter of Acknowledgment from the Association shall accompany the application. If a new road maintenance agreement is required, the City Engineer shall review the submitted agreement.

    b. As an alternative to entering into a road maintenance agreement with a homeowners association the day care provider may decide to be solely responsible for the maintenance of the private road. This decision by the day care provider shall be deemed a condition of the use of the property

and shall be documented by a written declaration of that decision, which shall be recorded in the County Recorder's Office.

8. Separation standards. A proposed large family day care home shall be located so that no adjoining residentially-zoned parcel is bordered on more than one side by a care facility, and so that no other care facility is located within 300 feet of the proposed facility. These separation standards may be reduced by the City Planner through a Minor Use Permit, in accordance with Chapter 17.76 (Use Permits and Minor Use Permits).

9. Signs. On-site signs shall be in compliance with Chapter 17.54 (Sign Regulations).

C. Standards for child day care centers. The following standards shall apply, in addition to the standards in Subsection B. (Standards for large family day care homes), above:

1. Indoor play areas. The facility shall be provided with indoor play areas in compliance with State requirements. Separate and clearly defined play and activity areas shall be provided for each age group, including infant, toddler, preschool, and school age children;

2. Outdoor play areas. An outdoor play area shall be provided in the rear yard of the site, as follows:

7. Minimum area. The play area shall have at least 75 square feet for each child, but not less than a total of 450 square feet; and

8. Fencing. A six-foot high solid decorative fence or wall shall be constructed around all outdoor play and activity areas, except in the front yard or within a traffic safety sight area. Fences or walls shall provide for safety with controlled points of entry in compliance with Section 17.30.070 (Fences, Walls, and Hedges);

3. Pools/spas. Swimming pools/spas shall not be installed, due to high risk and human safety considerations. Additionally, an existing pool/spa shall not remain on the parcel, unless determined by the City Planner that adequate, secure separation exists between the pool/spa and the facilities used by the children.

17.58.090 - Churches, Community Centers, and Membership Organizations

A. Purpose. This Section establishes location criteria and standards for the development of churches/places of worship, community centers, membership organizations, and related accessory uses that provide for compatibility with adjoining land uses. (Related uses of the above including educational, day care, and major recreational facilities that are allowed in the applicable zoning district as a permitted or conditional use shall be applied for at the same time of the initial application for the

church/place of worship, community center, or membership organization or a subsequent land use permit will be required to establish the use.)

B. Location criteria. New facilities shall be located either:

1. Located within or contiguous with zoning districts allowing multi-family, commercial, manufacturing, or public land uses; or

2. With frontage on a road designated by the City as a collector road, or higher functional standard road.

C. Access.

1. Direct access to a collector road is not required, but all access shall have a minimum 24-foot wide paved roadway. If the proposed use does not have access to a City maintained road, the applicant shall join, form, or demonstrate that they are part of a private road maintenance agreement. If the private road is maintained by a homeowners association, participation in a Road Maintenance Association shall be included as part of the application and a Letter of Acknowledgment from the Association shall accompany the application. If a new road maintenance agreement is required, the City Engineer shall review the submitted agreement.

2. As an alternative to entering into a road maintenance agreement the applicant may decide to be solely responsible for the maintenance of the private road. This decision by the applicant shall be deemed a condition of the use of the property and shall be documented by a written declaration of that decision, which shall be recorded in the County Recorder's Office.

D. Setbacks. A minimum setback of 25 feet is required from any residentially zoned parcel or any parcel with a residential use as its main use. At least 15 feet of the setback shall be landscaped with the intent of screening all structures and paved areas.

E. Site coverage. All new facilities shall meet the lot coverage standards determined by Table 3-13.

TABLE 3-13

MAXIMUM SITE COVERAGE

Parcel Size	Maximum Coverage
2 acres or less	60%
2.01 – 5 acres	50%
Greater than 5 acres	40%

17.58.100 - Detached Living Areas

This Section establishes standards for the development and operation of living quarters that are detached from and not a required element of the main dwelling and are designed for human occupancy. Detached living areas include bedrooms, recreation rooms, home offices, and similar habitable areas, in any area where single-family dwellings are allowed in compliance with Article II (Zoning Districts and Allowable Land Uses).

A. Access. The detached living area may have direct, covered access to the main dwelling, and shall be designed to provide practical pedestrian access to the main dwelling.

B. Design standards. A detached living area shall be designed as follows:

1. The gross floor area shall not exceed 600 square feet;

2. The detached living area shall contain a maximum of six lineal feet of counter space, excluding counter space located in the bathroom. There shall be a maximum of eight cubic feet of cabinet space, excluding clothes closets and bath cabinets;

3. The detached living area shall be designed to maintain visual consistency and compatibility with the main dwelling and with other residential structures in the surrounding neighborhood;

4. The detached living area may only include sleeping area, living area, and a single bathroom;

5. The detached living area shall not contain a kitchen or other cooking facilities. For the purpose of this Section, a kitchen or other cooking facilities shall include the following:

    a. Cooking stove with or without an oven;

    b. Hot plates;

    c. Kitchen sink, cabinets, counters, and appurtenant plumbing;

    d. Convection ovens;

    e. Garbage disposal;

    f. Other built-in kitchen appliances; and

g. All appurtenances related to the above.

C. Maximum number of structures. Only one detached structure with living area shall be allowed on a single legal parcel of record.

D. Plumbing and electrical installations. Allowable plumbing shall be limited to that required for a single one-well sink with a maximum surface area of two square feet and for a single bathroom. The bathroom may only contain one water closet, lavatory, and a shower or tub. Electrical installation shall be limited to the minimum required for heating, light, and ventilation. Line drawings shall be submitted for approval, and shall delineate all plumbing and electrical installations proposed in compliance with this standard.

E. Rentals prohibited. The detached living area shall not be separately rented or leased from the main dwelling, whether compensation is direct or indirect.

F. Subdivision prohibited. The portion of the site accommodating the detached living area shall not be subdivided from the portion of the site containing the main dwelling.

G. Utilities. All utilities serving the detached living area (e.g., electricity, gas, sewer, and water) shall be common to and dependent on the main dwelling. The detached living area shall not be provided with separate utility meters.

17.58.110 - Drive-In and Drive-Through Facilities

A. Purpose and applicability. This Section establishes supplementary standards for drive-in restaurants and fast food establishments, with drive-through facilities, located within the C (Commercial) zoning district which conduct business while customers remain in their vehicles. Other types of drive-in and drive-through facilities are not permitted.

B. Permit requirement. Drive-in restaurants and fast food or counter-service establishments, with drive-through facilities, shall require Use Permit approval, in compliance with Chapter 17.76 (Use Permits and Minor Use Permits).

C. General standards. Drive-in and drive-through facilities shall be designed and operated to effectively mitigate problems of air pollution, congestion, excessive pavement, litter, noise, and unsightliness and shall comply with the on-site circulation standards in Subsection E., below, which are not applicable to drive-in theaters or service stations.

D. Accessory use required. Drive-thru facilities may only be accessory to an allowable main use.

E. On-site circulation. Parcels with drive-through facilities shall be provided with internal circulation and traffic control devices as follows.

1. Aisle design. Drive-thru aisles shall be located and designed as follows.

    1) The entrance/exit of any drive-thru aisle shall be at least 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs) and at least 25 feet from the edge of any driveway on an adjoining parcel. The drive-thru aisle or stacking area (see following Subsection E.2) shall not be located adjacent to a street frontage.

    2) Drive thru-aisles shall be designed with a minimum 10-foot interior radius at curves and a minimum 12-foot width.

2. Stacking area. A clearly identified area shall be provided for vehicles waiting for drive-through service that is physically separated from other on-site traffic circulation.

    a. The stacking area shall accommodate a minimum of five cars for each drive-through window in addition to the vehicle(s) receiving service.

    b. The stacking area shall be located so that the area for five cars is located before their reaching the menu board.

    c. Separation of the stacking area from other traffic shall be by asphaltic or concrete curbing, or paint striping on at least one side of the lane.

3. Walkways. Pedestrian walkways should not intersect the drive-thru drive aisles, but where they do, they shall have clear visibility, and emphasized by enhanced paving or marking.

F. Screening. An eight-foot high solid decorative wall shall be constructed on each property line that is adjoining a residentially zoned/occupied parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the City Planner.

G. Signs.

1. Directional signs. Each entrance to, and exit from, an aisle and the direction of flow shall be clearly designated by signs and pavement marking(s) or raised curbs.

2. Menu boards. Menu boards shall not exceed 24 square feet in area, with a maximum height of six feet, and shall face away from public rights-of-way. Outdoor speakers shall be located at least 50 feet from any residentially zoned/occupied parcel.

H. Minimum floor area for restaurants. To ensure that the drive-thru service facility is an accessory to a primary restaurant use, the minimum interior floor area for drive-thru restaurants shall be 1,000 gross square feet.

I. Facility design within shopping centers. Drive-thru facilities within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-thru facility shall provide compatibility with surrounding uses in terms of color, form, materials, scale, etc.

J. Parking. No reduction in off-street parking requirements shall be granted a restaurant because drive-thru service facilities are provided.

K. Public hearing notice. Whenever a hearing is held regarding a land use permit for a drive-through facility, notice procedures for the public hearing shall comply with the requirements of Section 65091(d) of the California Government Code.

17.58.114 - Electrical Utility Facilities

A. Purpose. The following standards are established to ensure that the discretionary review of new electrical facilities would result in the approval of facilities that are compatible with surrounding structures and land use activities, in compliance with Chapter 17.76 (Use Permits and Minor Use Permits).

B. Applicability. The standards shall apply to the following types of electrical facilities in compliance with State law (Government Code Sections 53091 and 53096):

1. Electrical distribution lines of 100,000 volts or greater;

2. Electrical substations within an electrical transmission system which receives electricity at 100,000 volts or greater; and

3. The production or generation of electrical energy.

C. Standards. All applicable electrical facilities shall comply with the following standards:

1. All electrical facilities which produce or generate electrical energy shall be properly screened from public view. The extent and method (e.g., design, materials, etc.) of screening shall be subject to the approval of the City Planner;

2. All Use Permits for electrical facilities shall be appropriately conditioned to ensure that the:

a. Facility would be located, designed, operated, and continually maintained in a manner which further ensures that the facility will always remain

compatible with, and will not cause any negative impacts upon, surrounding structures and land use activities;

b. Facility would be reviewed at the end of the first full year of operation, and at least every five years thereafter, to ensure on going compliance with all conditions, rules, and regulations governing the operation of the facility;

c. Owner/operator of the facility clearly displays all of the conditions, rules, and regulations governing the operation of the facility and conducts routine classes for all employees to review the expected levels of employee conduct to further ensure full compliance with the conditions, rules, and regulations;

3. The owner/operator shall take all necessary steps to provide for the following on-going safety/security measures at electrical substations and facilities that produce or generate electrical energy:

   a. The owner/operator shall prevent the unauthorized entry of persons or animals by providing surveillance to control entry onto the facility; and

   b. Perimeter fencing shall be constructed of a material and at a height specified by the City Planner.

4. The owner/operator shall cooperate with the City in complying with all of the following on-going monitoring measures:

   a. The City shall be authorized to enforce all conditions, rules, and regulations related to the facility, including entry onto the subject property to ensure compliance; and

   b. The owner/operator shall immediately distribute copies of all compliance reports as to facility operations, and copies of all inspection reports made by other local, Regional, State, or Federal agencies to the City Planner.

5. The following additional conditions should be imposed by the Commission:

   a. Before issuance of a Certificate of Occupancy, the owner/operator shall document that all financial responsibility requirements imposed by State or Federal agencies have been met;

   b. The owner/operator shall indemnify, defend, and render the City harmless against all claims, actions, or liabilities relating to permit approval, and the subsequent development/operation of the electrical facility;

   c. The owner/operator shall prepare and submit an emergency response plan and annual preparedness report to the City Planner. The plan/report shall

be initialed by each person at the facility who has emergency response assignments; and

d. The City may employ any and all methods allowed by law to enforce the provisions of this Section, and related requirements of the Municipal Code.

D. Additional findings. The following finding shall be made in addition to those findings identified in Section 17.76.030 (Findings and Decision) before granting the approval of a Use Permit for the proposed electrical facility:

The electrical facility shall be located, designed, operated, and continually maintained in a manner which ensures that the facility will always remain compatible with, and will not cause any negative impacts upon, surrounding structures and land use activities, in compliance with Chapter 17.76 (Use Permits and Minor Use Permits).

17.58.120 - Home Occupations

This Section establishes standards for the development and operation of home occupations that are secondary to, and compatible with surrounding residential uses. A home occupation is an accessory commercial activity or business service use customarily conducted entirely within a dwelling, by its residents only, in a manner clearly incidental to the residential character of the site and surrounding neighborhood.

A. Exempt activities. Home occupations conducted solely by residents of a housing unit that are limited to the use of a desk, telephone, personal computer and computer accessories, or other similar home office equipment and do not generate pedestrian or vehicular customer or delivery trips shall be exempt from the requirements for a Home Occupation Permit.

B. Permit requirement. A Home Occupation Permit shall be obtained and posted in compliance with this Section for home occupations, which are allowed as accessory uses in all residential zoning districts. A statement of compliance with the operating standards identified in Subsection D., below shall be signed before issuance of the Home Occupation Permit.

C. Operating standards. Home occupations shall comply with the following operating standards:

1. The home occupation shall be clearly secondary to the full-time use of the structure as a dwelling;

2. The use shall not require any modification not customarily found in a dwelling, nor shall the home occupation activity be visible from the adjoining public rights-of-way or from neighboring parcels;

3. The use shall not display window or advertising sign(s) (one name plate not exceeding one square foot in area may be allowed by the City Planner), merchandise or stock in trade, or other identification of the home occupation on the premises;

4. The home occupation shall be confined to not more than 25 percent of the floor area of the main dwelling nor more than 400 square feet of floor area, whichever is greater, and not within an accessory structure. Storage shall not occur out-of-doors or within a required enclosed garage, that would eliminate or constrict required parking;

5. The home occupation shall comply with all applicable provisions of the City Building Code;

6. The residence shall have and maintain at least two on-site parking spaces;

7. Only one vehicle, with a capacity not exceeding one ton may be used by the resident directly or indirectly in connection with a home occupation;

8. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of pesticides or explosive, flammable, or hazardous materials;

9. The home occupation shall not create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances; and

10. The home occupation shall not generate pedestrian or vehicular customer or delivery greater than two trips per day. A trip for the purposes of this section shall be defined as one entry trip and one exit trip from the parcel.

D. <u>Home occupations requiring Minor Use Permit approval</u>. The following are activities that may not comply with the operating standards in Subsection C. above, but may be allowed with Minor Use Permit approval, in compliance with Chapter 17.76 (Use Permits and Minor Use Permits):

1. A use that utilizes an accessory structure for the home occupation;

2. A use exceeding 400 square feet or 25 percent of the floor area of the main dwelling, whichever is greater. In no case shall the use, including storage areas and accessory structures, exceed either 1,000 square feet or 40 percent of the floor area of the main dwelling, whichever is less;

3. A use employing no more than one person living off-site and working at the dwelling at any one time, or more than two of the permanent residents;

4. A use which entails food handling, processing, or packing;

5. A use which includes hand woodworking or machine work;

6. A one-chair barber shop or beauty salon; a use which involves home visits for three or more clients, patients or pupils at a time; direct product distribution; pet grooming; or any other use or occupation which the City determines is similar in nature to the previously listed uses;

7. A single dwelling unit with more than one home occupation; and

8. A use which generates pedestrian or vehicular customer or delivery traffic exceeding more than two trips per day. In no case shall vehicular customer and delivery traffic exceed more than 10 trips each day.

17.58.130 – Emergency Shelters

A. Purpose. This section establishes standards for the development and operation of emergency shelters to be compatible with surrounding land uses.

B. Emergency shelters shall comply with the following operating standards:

1. The cumulative total number of beds allowed within each emergency shelter shall be no more than 12;

2. An emergency shelter may not be located within 300 feet of another emergency shelter;

3. There shall be provided one parking space per employee and one parking space for every four beds (or fraction thereof);

4. Services shall be limited to overnight accommodation and meals for residents and employees only. Admittance shall be between the hours of 7:00 am and 10:00 pm;

5. Each shelter shall be operated by a responsible agency or organization that has experience in managing and/or providing social services;

6. An on-site manager shall be present during operating hours;

7. A written management plan addressing at a minimum staff training, security, neighborhood communication, client intake, loitering control, referral services, outdoor storage, refuse control, and facility maintenance shall be submitted to and approved by the Planning Department prior to operation.

Chapter 17.60 - Surface Mining and Reclamation Standards

Sections:

17.60.010 - Purpose and Intent
17.60.020 - Definitions
17.60.030 - Incorporation by Reference
17.60.040 - Scope
17.60.050 - Vested Rights
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17.60.130 - Inspections
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17.60.180 - Severability

17.60.010 - Purpose and Intent

The City of Jackson recognizes that the extraction of minerals is a historic use in the City of Jackson and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The City of Jackson also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications may vary accordingly. The City of Jackson has no present mining operations within its municipal boundaries but needs to enact an ordinance to comply with the requirements of State law.

The purpose and intent of this Chapter is to provide a permit process for the extraction of mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as "SMARA", Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "State regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, SubChapter 1, Sections 3500 et seq.), to ensure that:

(a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
(b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
(c) Residual hazards to the public health and safety are eliminated.

17.60.020 - Definitions

The definitions set forth in this section shall govern the construction of this Chapter.

Area of Regional Significance. An area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the State within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.

Area of Statewide Significance. An area designated by the Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the State and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.

Borrow Pits. Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

Compatible Land Uses. Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.

Haul Road. A road along which material is transported from the area of excavation to the processing plant or stockpile area of the surface mining operation.

Idle. Surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

Incompatible Land Uses. Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.

Mined Lands. The surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas

in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations.

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

Operator. Any person who is engaged in surface mining operations, or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her sole compensation.

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

Stream Bed Skimming. Excavation of sand and gravel from streambed deposits above the mean summer water level or stream bottom, whichever is higher.

Surface Mining Operations. All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in-place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same).

17.60.030 - Incorporation by Reference

The provisions of SMARA (PRC §§2710 et seq.), PRC Section 2207, and State regulations CCR §§3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this Chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.

17.60.040 - Scope

Except as provided in this Chapter, no person shall conduct surface mining operations unless a permit, Reclamation Plan, and financial assurances for reclamation have first been approved by the City of Jackson. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the City of Jackson, including but not limited to, the application of CEQA, the requirement of Site Approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this Chapter shall apply to all lands within the City of Jackson, public and private.

This Chapter shall not apply to the following activities, subject to the above-referenced exceptions:

A. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.

B. Onsite excavation and onsite earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

    1. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act ("CEQA", Public Resources Code, Division 13, §§21000 et seq.).

    2. The City of Jackson's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA.
    3. The approved construction project is consistent with the general plan or zoning of the site.

    4. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

C. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:

1. The plant site is located on lands designated for industrial or commercial uses in the City of Jackson's general plan.

2. The plant site is located on lands zoned industrial or commercial, or are contained within a zoning category intended exclusively for industrial activities by the City of Jackson.

3. None of the minerals being processed are being extracted onsite. All reclamation work has been completed pursuant to the approved Reclamation Plan for any mineral extraction activities that occurred onsite after January 1, 1976.

D. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

E. The minimum amount of surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.

F. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.

G. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

H. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post closure uses in consultation with the Department of Forestry and Fire Protection. This exemption does not apply to onsite excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes.

I. Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to, and necessary for, ongoing operations for the extraction of oil or gas that comply with all of the following conditions: (1) the operations are being conducted in accordance with Division 3 (commencing with Section 3000); (2) the operations are consistent with the City's General Plan or zoning applicable to the site; (3) the

earthmoving activities are within oil or gas field properties under a common owner or operator; and, (4) no excavated materials are sold for commercial purposes.

17.60.050 - Vested Rights

No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, he shall obtain City of Jackson approval of a Reclamation Plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).

All other requirements of State law and this Chapter shall apply to vested mining operations.

17.60.060 - Process

A. Applications for a Site Approval or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Planning Department. Said application shall be filed in accord with this Chapter and procedures to be established by the City Planner. The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (§§2772-2773) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the City Planner. As many copies of the Site Approval application as may be required by the City Planner shall be submitted to the Planning Department.

B. As many copies of a Reclamation Plan application as may be required shall be submitted in conjunction with all applications for Site Approvals for surface mining operations. For surface mining operations that are exempt from a Site Approval pursuant to this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the City of Jackson at one time.

C. Applications shall include all required environmental review forms and information prescribed by the City.

D. Upon completion of the environmental review procedure and filing of all documents required by the City, consideration of the Site Approval or Reclamation Plan for the

proposed or existing surface mine shall be completed pursuant to Municipal Code at a public hearing before the Planning Commission, and pursuant to Section 2774 of the Public Resources Code.

E. Within thirty (30) days of acceptance of an application for a Site Approval for surface mining operations and/or a Reclamation Plan as complete, the City shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Planning Department shall also notify the State Department of Transportation that the application has been received.

F. The City shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the City of Jackson's environmental review guidelines.

G. Subsequent to the appropriate environmental review, the City shall prepare a staff report with recommendations for consideration by the Planning Commission.

H. The Planning Commission shall hold at least one noticed public hearing on the Site Approval and/or Reclamation Plan.

I. Prior to final approval of a Reclamation Plan, financial assurances (as provided in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Planning Commission shall certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of State law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The Planning Commission may conceptually approve the Reclamation Plan and financial assurance before submittal to the State Department of Conservation. If a Site Approval is being processed concurrently with the Reclamation Plan, the Planning Commission may simultaneously also conceptually approve the Site Approval. However, the Planning Commission may defer action on the Site Approval until taking final action on the Reclamation Plan and financial assurances. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the Site Approval with the condition that the Planning Department shall not issue the Site Approval for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.

Pursuant to PRC §§2774(d), the State Department of Conservation shall be given 30 days to review and comment on the Reclamation Plan and 45 days to review and comment on the financial assurance. The Planning Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Planning

Commission's approval. In particular, when the Planning Commission's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator/applicant.

J. The Planning Commission shall then take action to approve, conditionally approve, or deny the Site Approval and/or Reclamation Plan, and to approve the financial assurances pursuant to PRC §§2770(d).

K. The City shall forward a copy of each approved Site Approval for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances to the State Department of Conservation. By July 1 of each year, the Planning Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the Site Approval or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year.

17.60.070 - Standards for Reclamation

All Reclamation Plans shall comply with the provisions of SMARA (§§2772 and §§2773) and State regulations (CCR §§3500-3505). Reclamation Plans approved after January 15, 1993, Reclamation Plans for proposed new mining operations, and any substantial amendments to previously approved Reclamation Plans, shall also comply with the requirements for reclamation performance standards (CCR §§3700-3713).

A. The City of Jackson may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of Citywide performance standards.

B. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City of Jackson. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and (d) estimated costs for completion of each phase of reclamation.

17.60.080 - Statement of Responsibility

The person submitting the Reclamation Plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be kept by the Planning Department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Department for placement in the permanent record.

17.60.090 - Findings for Approval

A. Site Approvals. In addition to any findings required by the City of Jackson Code, Site Approvals for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations.

B. Reclamation Plans. For Reclamation Plans, the following findings shall be required:

1. That the Reclamation Plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions;

2. That the Reclamation Plan complies with applicable requirements of State regulations (CCR §§3500-3505, and §§3700-3713).

3. That the Reclamation Plan and potential use of reclaimed land pursuant to the plan are consistent with this Chapter and the City of Jackson's General Plan and any applicable resource plan or element.

4. That the Reclamation Plan has been reviewed pursuant to CEQA and the City of Jackson's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.

5. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.
6. That the Reclamation Plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.

7. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the City of Jackson's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

17.60.100 - Financial Assurances

A. To ensure that reclamation will proceed in accordance with the approved Reclamation Plan, the City of Jackson shall require as a condition of approval security which will be released upon satisfactory performance. The applicant may post security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City of Jackson and the State Mining and Geology Board as specified in State regulations, and which the City of Jackson reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. Financial assurances shall be made payable to the City of Jackson and the State Department of Conservation.

B. Financial assurances will be required to ensure compliance with elements of the Reclamation Plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

C. Cost estimates for the financial assurance shall be submitted to the Planning Department for review and approval prior to the operator securing financial assurances. The City Planner shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the City of Jackson has reason to determine that additional costs may be incurred. The City Planner shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and State regulations.

D. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the City Planner. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent (10%) shall be added to the cost of financial assurances.

E. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City of Jackson or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

F. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

G. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

H. Revisions to financial assurances shall be submitted to the City Planner each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

17.60.110 - Interim Management Plans

A. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Planning Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all Site Approval conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Department, and shall be processed as an amendment to the Reclamation Plan. IMPs shall not be considered a project for the purposes of environmental review.

B. Financial assurances for idle operations shall be maintained as though the operations were active, or as otherwise approved through the idle mine's IMP.

C. Upon receipt of a complete proposed IMP, the Planning Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the Planning Commission.

D. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the City Planner and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this Chapter. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the City Planner, to submit a revised IMP. The Planning Commission shall approve or deny the revised IMP within sixty (60) days of receipt. If the Planning Commission denies the revised IMP, the operator may appeal that action to the City Council.

E. The IMP may remain in effect for a period not to exceed five years, at which time the Planning Commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan.

17.60.120 - Annual Report Requirements

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the City of Jackson on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

17.60.130 - Inspections

The City shall arrange for inspection of a surface mining operation within six (6) months of receipt of the Annual Report to determine whether the surface mining operation is in compliance with the approved Site Approval and/or Reclamation Plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the City. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The City shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

17.60.140 - Violations and Penalties

If the City Manager or his/her designee, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable Site Approval, any required permit and/or the Reclamation Plan, the City of Jackson shall follow the procedures set forth in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions of the City of Jackson Development Code for revocation and/or abandonment of a Site Approval which are not preempted by SMARA.

17.60.150 - Appeals

Any person aggrieved by an act or determination of the City in the exercise of the authority granted herein, shall have the right to appeal to the Planning Commission or the City Council, whichever is the next higher authority. An appeal shall be filed on forms provided, within fifteen (15) calendar days after the rendition, in writing, of the appealed decision.

17.60.160 - Fees

The City of Jackson shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the City of Jackson, at the time of filing of the Site Approval application, Reclamation Plan application, and at such other times as are determined by the City of Jackson to be appropriate in order to ensure that all reasonable costs of implementing this Chapter are borne by the mining operator.

17.60.170 - Mineral Resource Protection

Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the City of Jackson's General Plan.

In accordance with PRC §§2762, the City of Jackson's General Plan and resource maps will be updated to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and Geology Board of such information. Land use decisions within the City of Jackson will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be

encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.

17.60.180 - Severability

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Chapter.

Chapter 17.62 - Temporary Uses and Events

Sections:

17.62.010 - Purpose of Chapter
17.62.020 - Applicability
17.62.030 - Exempt Temporary Uses and Events
17.62.040 - General Requirements for All Temporary Uses
17.62.050 - Requirements for Specific Temporary Uses and Events
17.62.060 - Conditions of Approval

17.62.010 - Purpose of Chapter

This Chapter provides standards for short-term commercial uses and events that may not meet the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature.

17.62.20 - Applicability

A. Scope of requirements. This Chapter identifies the provisions (exempt uses, allowable uses, development standards, etc.) to assist in the review and determination on a Temporary Use Permit to ensure basic health, safety, and community welfare standards are met, and only suitable temporary uses with the minimum necessary conditions or limitations consistent with the temporary nature of the use are approved.

B. Permit requirements. The provisions of this Chapter shall be applied together with Chapter 17.80 (Temporary Use Permits), which identifies the following additional information regarding the processing and review of a Temporary Use Permit:

1. Purpose of a Temporary Use Permit;

2. Applicability of a Temporary Use Permit;

3. Findings and Decision on a Temporary Use Permit;

4. Conditions of Approval to be imposed on a Temporary Use Permit; and

5. Post Approval Procedures for an approved Temporary Use Permit.

C. Allowed uses. Only those temporary uses and events identified in Section 17.62.030 (Exempt Temporary Uses and Events), Section 17.62.050 (Requirements for Specific Temporary Uses and Events), and Tables 2-2 (Allowed Uses for Residential Zoning Districts), 2-5 (Allowed Uses for Commercial, Office, and Manufacturing Districts), and 2-7 (Allowed Uses for Special Purpose Districts) shall be allowed. All other temporary uses of land shall be prohibited.

17.62.030 - Exempt Temporary Uses and Events

The following temporary uses and events are not subject to the requirements of this Chapter, and are also not subject to the permit requirements established by Article II (Zoning Districts and Allowable Land Uses).

A. Community events. Community events as identified by City Council resolution.

B. Garage sales. Garage sales, as defined by this Development Code.

C. Mobile vending units. Mobile (vehicle) vending and food preparation units that are not located in any single area for a period exceeding two hours.

D. Parades and street events. Parades and other temporary events within a public right-of-way, provided that all requirements of the Public Works Director and Police Chief are met.

E. Temporary uses and events on public lands. Temporary uses and events conducted on land or within a structure under the control and ownership of a public agency, provided that all requirements of the public agency and the Police Chief are met.

17.62.040 - General Requirements for All Temporary Uses

A. Cumulative time limits. Temporary uses shall not be allowed on or within a parcel, shopping center, professional center, or business park for more than 90 days in any calendar year.

B. Building Permits. Any new structure or any new electrical service connection shall require a Building Permit unless specifically exempted by the City Building Code.

C. County Health Department approval. All temporary uses are, where applicable, subject to the issuance of a Certificate of Operation from the Amador County Health Department for all temporary uses involving the handling of foods.

D. Parking. Adequate temporary parking facilities, pedestrian and vehicular circulation, including vehicular ingress and egress and public transportation shall be provided in

compliance with the requirements of the City Planner. The City Planner may require parking areas to be surfaced with a minimum of two inches of crushed rock or other surface(s).

E. Pedestrian and display areas. The City Planner may require all pedestrian traffic and display areas not located within an existing paved area to be covered with green grass or a minimum of two inches of sawdust, wood shavings, or other surface(s).

F. Signs. Signs shall be substantially attached to the stand, vehicle, or other structures used for the temporary sale of goods and the maximum allowable aggregate sign area shall be 16 square feet. The location of signs shall be approved by the City Planner.

G. Site restoration.

1. The subject site shall be restored to its original condition within five days from the date of termination of the permit.

2. The City Planner may require the submission of a performance bond or other surety measures, in compliance with Section 17.84.040 (Performance Guarantees), satisfactory to the City Planner, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event, the property will be cleaned of debris, litter, or any other evidence of the temporary event upon completion or removal of the event, restored to the former condition, and shall continue to be used in compliance with this Development Code.

H. Issuance of Permit. Temporary Use Permits shall be issued no more than 30 days in advance of the initial date of operation.

I. Fixed period of time. The City Planner may set a fixed period of time for the permit. Where not specified, the period of time shall not exceed the time limits established for the temporary use in Section 17.62.050 (Requirements for Specific Temporary Uses and Events).

J. Operating hours. The City Planner may regulate operating hours and days, including limitation of the duration of the temporary use, as identified in Subsection H, above.

K. Nuisance factors. The Site Plan Review Committee may apply conditions to regulate nuisance factors including prevention of glare or direct illumination on adjoining parcels, dirt, dust, gases, heat, noise, odors, smoke, waste, and vibration.

L. Screening required. The Site Plan Review Committee may require temporary outdoor sales areas to be screened from adjoining public rights-of-way by temporary decorative walls, fences, and/or landscaping.

M. Security. Security and safety measures shall be provided in compliance with the requirements of the Police Chief.

N. Setbacks. Appropriate setbacks shall be maintained to ensure adequate separation from adjoining land uses and a safe environment for pedestrians and vehicles, subject to the approval of the Site Plan Review Committee.

O. Waste collection and disposal. Provisions shall be made for solid, hazardous and toxic waste collection, recycling and/or disposal, in compliance with the requirements of the Site Plan Review Committee.

P. Other conditions. Any other conditions which will ensure the operation of the proposed temporary use or event in an orderly and efficient manner and in full compliance with the purpose/intent of this Chapter.

17.62.050 - Requirements for Specific Temporary Uses and Events

The following temporary uses and events are subject to the permit requirements established by Article II (Zoning Districts and Allowable Land Uses), and shall comply with the following standards.

A. Commercial filming. Commercial filming may be authorized on properties within residential, commercial/manufacturing, and special purpose zoning districts.

B. Construction offices/yards.

1. A contractor's construction office and/or yard may be authorized during construction or remodeling of a permanent multi-family residential, commercial, or manufacturing structure, or a public infrastructure project when a valid Building Permit or similar authorization is in force for the approved construction project.

2. The office and/or yard may be located off-site from the construction project.

3. The permit shall expire upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

C. Material processing.

1. Temporary on-site material processing may be authorized during construction or remodeling of a permanent structure when a valid Building Permit is in force for the approved construction project.
2. The permit shall expire upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

D. Seasonal sales lots. Christmas tree and pumpkin and associated sales lots or the sale of other seasonal products and temporary residence/security trailers, when determined by the City Planner to be necessary for the sales event, may be authorized for a parcel or site for not more than 60 days in a single calendar year.

E. Soil remediation. On-site soil remediation activities may be authorized for not more than 30 days.

F. Temporary outdoor displays, events, sales, and services.

1. Shall be for an on-site business and tied directly to products and services provided by the business.

2. Shall comply with the standards identified in Section 17.62.060 (Conditions of Approval), below.

3. May be authorized for a parcel or site for not more than 30 days in a single calendar year and for not more than 30 days in any 90 day period.

G. Temporary uses, non-profit organization.

1. The temporary use shall be directly conducted, staffed, and operated by the non-profit organization.

2. An event sponsored by a non-profit organization with individual for-profit vendors or stands (e.g. arts craft fair) shall not be allowed under this Subsection.

3. The temporary use(s) may be authorized for a parcel or site for not more than 30 days in a single calendar year and for not more than 30 days in any 90 day period.

H. Temporary work trailers.

1. The trailer or portable structure(s) being used as a temporary work site for employees of a business may be authorized during construction or remodeling of a permanent commercial or manufacturing structure when a valid Building Permit is in force for the approved construction project.

2. The permit shall expire upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

17.62.060 - Conditions of Approval

In approving an application for a Temporary Use Permit, the City Planner may impose conditions deemed reasonable and necessary to ensure that the approval will be in

compliance with this Chapter and the findings required by Section 17.80.030 (Findings and Decision). The conditions may address any pertinent factors affecting the operation of the temporary use or event, and may include the following:

A. Time limits. Provision for a fixed period of time as specified by the permit, or where not specified, not to exceed 90 days for a temporary event;

B. Nuisance mitigation. Regulation of nuisance factors including prevention of glare or direct illumination on adjoining parcels, dirt, dust, gases, heat, noise, odors, smoke, waste, and vibration;

C. Hours of operation. Regulation of operating hours and days, including limitation of the duration of the temporary event, as identified in Subsection A.1., above;

D. Parking. Provision for adequate temporary parking facilities, pedestrian, and vehicular circulation, including vehicular ingress and egress, and public transportation, if applicable, in compliance with Chapter 17.48 (Parking and Loading Standards);

E. Performance guarantees. Submission of a performance bond or other surety measures, in compliance with Section 17.84.040 (Performance Guarantees), satisfactory to the City Planner, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event, the property will be cleaned of debris, litter, or any other evidence of the temporary event upon completion or removal of the event, restored to the former condition, and shall continue to be used in compliance with this Development Code;

F. Sanitary and medical facilities. Provision for sanitary and medical facilities, as appropriate;

G. Screening. Temporary outdoor sales areas screened from adjoining public rights-of-way by temporary decorative walls, fences, and/or landscaping, subject to the approval of the City Planner, and in compliance with Section 17.30.110 (Screening and Buffer Requirements);

H. Security and safety. Provision for security and safety measures, if applicable;

I. Setbacks. Appropriate setbacks shall be maintained to ensure adequate separation from adjoining land uses and a safe environment for pedestrians and vehicles, subject to the approval of the Site Plan Review Committee;

J. Signs. Regulation of signs, in compliance with Chapter 17.54 (Sign Regulations);

K. Location of structures and facilities. Regulation of temporary structures and facilities, including placement, height and size, location of equipment, and open spaces, including buffer areas and other yards;

L. Waste collection. Provision for solid, hazardous and toxic waste collection, recycling, and/or disposal;

M. Compliance with applicable standards. A requirement that the approval of the requested Temporary Use Permit is contingent upon a finding, by the City Planner, that the operation will be in compliance with the applicable provisions of this Section, the Development Code, and successful approval of any/all required permits from another department(s) or governing agency; and

N. Other conditions. Other conditions that will ensure the operation of the proposed temporary event in an orderly and efficient manner and in full compliance with the purpose/intent of this Section.

Chapter 17.64 - Trailer Parks

Sections:

17.64.010 – General Requirements
17.64-020 – Establishment
17.64-030 – Plan Requirements
17.64-040 – Sign Standards
17.64-050 – Enforcement

17.64.010 – General Requirements

The general requirements set forth in this Section are established for trailer parks.

A. Independent Trailers Only. Only independent trailer coaches shall be permitted in trailer parks. The only exception is that residents of trailer parks may own and park within the trailer park a second dependent or independent trailer coach provided that the second trailer coach is not occupied or attached to any utility service.

B. Minimum square footage of floor space. No trailer coach shall be permitted in any trailer park in the City unless it contains more than two hundred forty square feet of living space. The only exception are those trailers established in accord with Section A above (Independent Trailers Only) as second trailers and provided they are not occupied or attached to any utility service.

C. Renting or Leasing Prohibited. It is unlawful for any person to rent or hold for rent or lease any trailer coach in a trailer park. The only exception shall be in those individual cases where any owner of a trailer coach parked in a trailer park for various personal reasons rents the trailer on a temporary basis for a period not to exceed one year.

D. Telephone. The trailer park operator shall cause to be provided at all times at least one accessible public telephone for the use of trailer park residents.

E. Camping Prohibited. It is unlawful to camp or to use tents or to permit camping or the use of tents anywhere within the City, except in approved and designated tourist camps, trailer parks or other designated public property as permitted by special permit under the procedures set forth in Section (Parking-Camping).

F. Trailer Park Register. There shall be a register provided in each trailer park in which shall be entered all such information as is required by the Trailer Park Act, Division 13, Part 2, of the Health and Safety Code of the State of California as herein adopted by referenced, and in which shall be entered in addition the total square footage of floor space of each trailer coach.

G. Trailer Park Operator. Every trailer park shall have a resident trailer operator on the premises at all times. The trailer park operator shall be charged with the keeping of the trailer park register and has the responsibility of conducting the trailer park business in compliance with the provisions of this Chapter and of applicable State laws.

H. Applicability of Plumbing, Electrical and Building Ordinances. All plumbing, electrical, building and other work on or at any camp licensed under this Chapter shall be in accordance with City ordinances regulating such work, unless these ordinances are specifically made inapplicable under the terms of this Chapter.

I. Parking in Public Places. It is unlawful, within the City limits, for any person to park or allow to park any trailer, detached camper, mobile home, motor home or boat on any street, alley or highway, or other public place, or on any tract of land owned by any person, occupied or unoccupied, within the City, except as provided in this Chapters.

J. Temporary Stopping or Parking. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

K. Parking – Camping Outside Trailer Parks. No person shall camp overnight, nor shall any person park or occupy any trailer, attached or detached camper, mobile home, motor home, or boat on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling or on any other public or private property situated outside an approved trailer camp except:

1. The parking of only one unoccupied trailer, attached or detached camper, motor home or boat in an accessory private garage, building, or in the yard of any district is permitted provided no living quarters shall be maintained or any business practiced in it while the trailer, attached or detached camper, motor home, or boat is so parked or stored: except the parking of one unoccupied attached camper or motor home is permitted on any street, alley or highway, provided the attached camper or motor home is used by the owner as a

primary vehicle for daily transportation and is under no circumstances so parked purely for storage purposes.

2. The parking of one occupied trailer, mobile home, or motor home is permitted on any parcel or land purchased by the occupant for the purpose of constructing a permanent business or dwelling thereon; provided the occupant obtains from the City a building permit approving the construction prior to such occupation, and provided the City Building Official issues a special permit to the occupant approving the setback location

3. The parking of a trailer, mobile home, or motor home which houses a health, educational, or other institutional facility is permitted in any reasonable and convenient location in the City, for any period of time not to exceed forty-eight hours, provided a special permit therefor is obtained from and issued by the Chief of Police. The parking of any such vehicle for a period of time exceeding the forty-eight hours shall require the issuance of a special permit by the City Building Official as provided in subsection 2 of this Section.

4. Permit Parking of Recreational Vehicles. The parking of an occupied trailer, mobile home, camper, motor home, or vehicle, any and all of which collectively described as self-contained camping unit, is permitted for camping purposes, outside trailer parks, only in designated areas where public parking is permitted, for a limited period of time not to exceed forty-eight hours.

   This subsection shall be administered and enforced by the Chief of Police pursuant to rules and regulations adopted by resolution of the City Council.

17.64.20 - Establishment

A. Use permit requirements. Trailer parks shall be established only by use permit in appropriate zones as set forth in Article II of this Development Code. In applying for a use permit of the construction of a trailer park, the applicant shall provide the following:

   1. The name and address of applicant;

   2. The location and legal description of the trailer park;

   3. A complete plan of the requirements for such as contained in all applicable ordinances;

   4. All items required by subsection B below unless a conditional use permit is requested or granted.

B. Alteration or enlargement. A trailer park is “enlarged or altered” when additional structures or trailer sites or accommodations for additional trailer coaches are

established in the trailer park or on adjacent land owned or operated by the same person. A use permit is required before alteration or enlargement of existing trailer parks is permitted. The information required by subsection A above and in connection with alteration or enlargement or existing trailer parks but only for the portion of the trailer park to be affected directly by the proposed alteration or enlargement.

C. Conditional use permit- Issuance conditions. Prior to granting a use permit a conditional use permit may be issued for a period not to exceed six months. The conditional use permit shall be subject to such conditions as the Planning Commission and/or City Council may establish. Among these conditions shall be:

1. Plans and specifications of all buildings, improvements and other facilities such as electrical wiring, water service pipes, gas service pipes, and sewer services, constructed or to be constructed with the trailer park;

2. A complete landscaping plan setting forth the types of planting to be provided and there location;

3. Such further information as may be requested by the Planning Commission designed to determine if the proposed trailer park will comply with all the applicable requirements;

4. A final map for recordation which shall be approved by the City Council upon recommendation of the City Engineer;

5. Final plans and specifications of all aspects, including landscaping, of the proposed trailer or mobile home park and shall be approved by the City Council upon recommendation of the City Engineer;

6. All final maps, plans, specifications, or anything else required under this Chapters shall be submitted ninety to on hundred twenty days prior to the date upon which the City Council will be requested or required to act;

7. All items required under this section shall be in sets of four and be supplied by the developer to the following:

    a. One copy to the City Clerk for submission to the City Council,

    b. Two copies to the City Engineer,

    c. One copy to the City Attorney;

8. All costs of review, inspection and compliance by all city departments shall be charged to and borne by the developer. The cost shall include fifteen percent for overhead costs and payroll taxes and employee benefits.

No use permits shall issue until the developer has paid in full by cashier's check the aforesaid costs as determined by the City Clerk and approved by the City Council.

D. Conditional use permit restrictions. Conditional use permits authorized by the City Council for trailer park developments shall be in force and effective for only six months unless specified for longer or shorter periods of time. If construction of the trailer park is not begun and continued during the period for which the conditional use permit is issued, then the permit shall become void. The Planning Commission shall determine whether or not construction has begun and is proceeding according to a reasonable schedule.

E. Use permit—Time Period. A use permit issued pursuant to this Chapter shall be for an indefinite period unless otherwise specified in the use permit shall be revocable by the City Council at any time it is determined that the park is not in accordance with the requirements of this Chapter or is conducted in an unsanitary, un-safe or improper manner or is or will become a nuisance.

F. Parcel location review –Hearing. Persons seeking to establish or enlarge trailer parks in Jackson may request a formal public hearing before the Planning Commission prior to submitting detailed plans and specifications as set forth in this. The purpose of the hearing shall be to enable the Planning Commission to review the location of the proposed trailer park and determine propriety in relationship to the overall development patterns of the City, the objectives of the master plan, and adjacent land uses. All Planning Commission findings shall be subject to review and final determination of the City Council. A parcel location review is not a substitute for the conditional use permit application requirement nor does it relieve the obligation to meet all the requirements of the chapter relative to conditional use permits.

17.64.30 – Plan Requirements

A. Conformance requirements. Plans submitted for construction of proposed trailer parks shall conform to and meet the minimum requirements set forth in this Chapter.

B. Minimum trailer site. Each site in a trailer park used for trailer coach parking shall be not less than twenty-eight hundred square feet exclusive of recreational areas, roadways, visitor parking areas and accessory buildings or service areas. Individual trailer sites of twenty-eight hundred square feet may include area provided for off-street vehicle parking for a single vehicle in conjunction with the trailer itself. Each site of twenty-eight hundred square feet shall be clearly defined and marked.

C. Minimum clearance. Trailer coaches shall be located on parking sites so that there shall be at least a twenty-foot clearance between trailers, provided, however, that with respect to trailer parked end-to-end, end-to-end clearance may be less than twenty feet but not less than ten feet. No trailer coach shall be located closer than ten feet from any building within the trailer park or from any dwelling existing outside the trailer park.

D. Minimum roadways. Roadways shall be provided in such a pattern as to provide reasonable and convenient traffic circulation within the trailer park and so that every trailer site fronts upon such a roadway. All roadways shall be of sufficient width to permit two-way traffic. If automobiles parking is to be prohibited on these roadways, then the minimum paved width of the roadway shall be thirty feet. If automobile parking is to be permitted on one side only, the minimum paved width of the roadway shall be thirty-five feet. If automobile parking is to be permitted on both sides of the roadway, the minimum paved width of the roadway shall be forty feet. Parking rules shall be enforced by the trailer park operator.

E. Automobile parking. There shall be provisions for at least one automobile parking space adjacent to each trailer site. Automobile parking spaces shall be not less than ten feet by twenty feet each. In addition, there shall be automobile parking spaces provided for visitors, equivalent to one space for every eight trailer sites.

F. Trailer recreation areas. Every trailer park shall include a central recreation area with a minimum space of one hundred twenty-five square feet per trailer site in the trailer park. This area may include land used for community clubhouse, swimming pool, shuffleboard courts, and similar activity areas. If factors exist which make it desirable to have the recreational space decentralized, several recreation areas, the total aggregate areas of which meet the above requirement, may be established with the approval of the City Council.

G. Landscaping. In conjunction with the preparation of a plan for landscaping the trailer park, the following are minimum requirements. Each trailer site shall have plantings maintained thereon. Any portion of the trailer park fronting on a public street shall be landscaped with trees, shrubs, and/or flowers and maintained.

H. Park Lighting. Lighting equipment shall be such that there shall not be less than five tenths average foot candle for protective lighting per square foot the full length of all roadways during the hours from one-half hour after sunset to one-half hour before sunrise of each succeeding day. Individual lamps for such lighting shall be so located that the maximum distance between them does not exceed on hundred feet. All lights bulbs shall be enclosed in globes of a type approved by the Planning Commission.

I. Fencing and setbacks. The Planning Commission shall recommend and the City Council determines the fencing and setback requirements in relation to each individual proposed trailer park development.

J. Refuse areas. Separate areas screened by either fencing or plantings of a height not less than four and one-half feet shall be established adjacent to roadways for deposit of refuse including garbage, rubbish and other waste. Refuse containers shall conform with City Ordinances.

K. Laundry yards. No laundry drying lines shall be permitted within any trailer site.

L. Utilities. Each trailer site within all trailer parks shall be served with a direct lateral connection to the out-fall sewerage system of the City; and each such trailer site shall be furnished with a domestic water supply served by the water utility serving the City. An abundant supply of hot water shall be supplied at all times for bathing, washing and laundry facilities contained within a separate service building upon the site, provided for that purpose.

17.64.040 – Sign Standards

The following standards and conditions shall apply to all signs: Signs shall in no way endanger the health and safety by causing distraction to operators of motor vehicles on the streets and highways. Location, lighting, and color of signs shall be such as to cause no confusion with public signs or traffic signals. No blinking, flashing of animated signs visible from any street or highway shall be permitted. Lighting shall not be a nuisance to adjoining properties or to residential trailers on the premises.

A. Identification and directional signs. The following signs may be permitted:

1. Identification signs which advertise the trailer park may be permitted provided they are located on the subject property. These signs shall not exceed one square foot of area for each lineal foot of frontage along the street from which there is access to the trailer park, provided that signs for any one trailer park shall not exceed one hundred square feet of sign area on any one frontage;

2. Directional signs related to the location of the trailers and facilities on the premises, provided they are located on the subject property.

3. These signs shall not exceed ten square feet in area.

B. Plan submission and review. Plans and elevations for all signs to be erected in conjunction with any trailer park shall be submitted along with other construction plans as part thereof and shall be subject to review and change upon recommendation of the Planning Commission and determination of the City Council.

17.64.050 – Enforcement

A. Violation Licenses revocation. The City Council is authorized to revoke any license issued pursuant to the terms of this Chapter, if, after due investigation, they determine that the holder thereof has violated any of the provisions of this Chapter, or that any trailer, trailer camp, or tourist camp is being maintained in an unsanitary or unsafe manner or is a nuisance.

B. Violation Penalty. Any person found guilty of violating any provisions of this Chapter shall be punished as set forth in Section 1.20.010.