

1 F. [NO CHANGES]

2 G. **Definitions, "G."**

3 **Grocery Stores.** A retail business where the majority of the floor area open to the public
4 is occupied by food products packaged for preparation and consumption away from the site of
5 the store.

6 **Government Facilities.** Property owned or substantially controlled by the Government
7 and the services of any civilian and military personnel of the Government.

8 H. [NO CHANGES]

9 I. **Indoor Amusement/Entertainment Centers (land use).** Primarily indoor
10 establishments providing amusement/entertainment services for a fee or admission charge,
11 including arcades emphasizing coin-operated amusements and/or electronic games; bowling
12 alleys, laser tag and other similar amusements; dance halls, clubs and ballrooms, and pool and
13 billiard rooms that are principal uses rather than being subordinate to a bar or restaurant; ice
14 skating and roller skating. Does not include "Adult Entertainment Businesses." See "Alcoholic
15 Beverage Establishment", "Nightclub", and "Restaurant" for related definitions.

16 **Interpretative Centers.** An institution for the dissemination of knowledge of natural or
17 cultural heritage.

18 J – K. [NO CHANGES]

19 L. **Definitions, "L."**

20 **Libraries and Museums (land use).** A building or place where collections of art,
21 scientific specimens, objects of permanent value, manuscripts, and publications are kept for
22 reading, borrowing, viewing, listening, study or reference.

23 M. **Definitions, "M."**

24 **Machinery Manufacturing (land use).** The manufacturing of machinery and equipment
25 for purposes and products including, but not limited to, the following:

26 Bulldozers

27 Carburetors

28 Construction

- 1 Conveyors
- 2 Cranes
- 3 Die casting
- 4 Dies
- 5 Dredging
- 6 Engines and turbines
- 7 Farm and garden
- 8 Food products manufacturing
- 9 Gear cutting
- 10 Heating, ventilation, air conditioning
- 11 Industrial trucks and tractors
- 12 Industrial furnaces and ovens
- 13 Industrial molds
- 14 Laundry and dry cleaning
- 15 Materials handling
- 16 Mining
- 17 Motor vehicles
- 18 Oil field equipment
- 19 Paper manufacturing
- 20 Passenger and freight elevators
- 21 Pistons
- 22 Printing
- 23 Pumps
- 24 Refrigeration equipment
- 25 Textile manufacturing
- 26 Transportation equipment
- 27 N. **Definitions, "N."**
- 28 **Nature Preserves.** A piece of land protected and managed to preserve its sensitive flora

1 and fauna; also called a nature reserve.

2 **O. – Q.** [NO CHANGES]

3 **R. Definitions, "R."**

4 **Recreational Vehicle (RV) Parks.** Land used or rented for occupancy by vacationing
5 transient campers traveling by street legal automobile or otherwise, or for occupancy by tents, or
6 other movable or temporary sleeping quarters of any kind for a period of less than 30 days,
7 together with automobile parking spaces and incidental utility structures and facilities required
8 and provided in connection with the use. This definition shall not include trailer sales lots where
9 unoccupied trailers are parked for inspection and sale.

10 **Recycling Facilities (land use).**

11 1. – 4. [NO CHANGES]

12 5. Recycling Facility. A center for the collection and/or processing of recyclable
13 materials. A certified recycling facility or certified processor is certified by the California
14 Department of Conservation as meeting the requirements of State law (California Beverage
15 Container Recycling and Litter Reduction Act of 1986). A recycling facility may include
16 composting, but does not include the collection of storage containers located on a residential,
17 commercial, or industrially designated parcel used solely for the recycling of material generated
18 on the parcel.

19 6. – 7. [NO CHANGES]

20 **Retail Stores, General Merchandise (land use).** Retail trade establishments selling
21 many lines of merchandise. These stores and lines of merchandise include but are not limited to:

- 22 Art supplies
- 23 Auto parts (not repair or machine shops)
- 24 Bakeries (retail only)
- 25 Bicycles and mopeds
- 26 Books
- 27 Cameras and photographic supplies
- 28 Clothing and accessories

- 1 Department stores
- 2 Discount stores
- 3 Dry goods
- 4 Fabrics and sewing supplies
- 5 Florists and houseplant stores (indoor sales only; outdoor sales are "Plant Nurseries")
- 6 General stores
- 7 Gifts, novelties and souvenirs
- 8 Handcrafted items (stores may include crafting operations subordinate to sales)
- 9 Hardware
- 10 Hobby materials
- 11 Jewelry
- 12 Luggage and leather goods
- 13 Musical instruments, parts, and accessories
- 14 Newsstands
- 15 Orthopedic supplies
- 16 Religious goods
- 17 Secondhand stores
- 18 Small wares
- 19 Specialty shops
- 20 Sporting goods and equipment
- 21 Stationery
- 22 Toys and games
- 23 Variety stores

24 **S. Definitions, "S."**

25 **Second Dwelling Unit.** [DELETED]

26 **Second Hand Stores.** [DELETED]

27 **T. - Z.** [NO CHANGES]

28 **Section 2.** That Section 19.08.020 of the Chico Municipal Code is amended to read as

1 follows:

2 **19.08.020 Definitions.**

3 Nonconformities are defined as follows:

4 A. Nonconforming Use. A use of a structure or land that was legally established and
5 maintained prior to the adoption of these Regulations and which does not conform to these
6 Regulations governing allowable land uses for the zoning district in which the use is located.

7 B. Nonconforming Structure. A structure that was legally constructed prior to the
8 adoption of these Regulations and which does not conform with the development standards of
9 these Regulations.

10 C. Nonconforming Site Improvements. Parking and maneuvering areas, pedestrian
11 walkways, landscaping areas, and similar site improvements which were legally constructed or
12 installed prior to the adoption of these regulations and which do not conform with the
13 development standards of these Regulations.

14 D. Nonconforming Parcels. A parcel of record that was legally created prior to the
15 adoption of these Regulations and which does not comply with the access, area, or width
16 requirements of these Regulations for the zoning district in which it is located.

17 E. Nonconformity Upon Annexation. Nonconformities shall include a structure, use, or
18 parcel legally existing and located in the unincorporated territory and which, upon annexation to
19 the City, does not comply with the provisions of these Regulations.

20 F. Nonconforming Parking Capacity. The number of off-street parking spaces and/or
21 loading spaces provided for a land use or structure legally existing prior to the adoption of these
22 Regulations that do not conform with these Regulations shall be legally nonconforming. Such
23 existing land use or structure shall not be determined to be nonconforming solely because of a
24 lack of off-street parking and/or loading spaces required by these Regulations (Chapter 19.70
25 (Parking and Loading Standards)). Parking capacities on sites with non-conforming parking
26 capacity shall not be further reduced unless approved for a parking reduction or other alternative
27 in compliance with Chapter 19.70 (Parking and Loading Standards).

28 **Section 3.** That Section 19.08.025 of the Chico Municipal Code is amended to read as

1 follows:

2 **19.08.025 Nonconforming uses.**

3 A. Continuance of Nonconforming Uses. A nonconforming use of land may be
4 continued, transferred, or sold, provided that the nonconforming status has not been lost pursuant
5 to terms in Section 19.08.040 (Loss of nonconforming status).

6 B. Change of a Nonconforming Use. Notwithstanding any other provision of this
7 chapter, the Director may grant an administrative use permit, in compliance with Chapter 19.25
8 (Administrative Use Permits), to authorize a nonconforming use to change in the following
9 manner:

10 1. Substitution of Use. A nonconforming use may be changed to a use of the same or
11 a less-intensive/more-restricted nature; and/or

12 2. Relocation of Use. A nonconforming use within a structure may be relocated
13 elsewhere within the structure.

14 Approval of a substitution or relocation of a nonconforming use, shall be subject to the
15 additional finding that the proposed non-conforming use is of the same or lesser intensity than
16 the previous nonconforming use (e.g., fewer employees, reduced storage capacity or floor area,
17 reduced hours of operation, etc.).

18 C. Intensification of a Nonconforming Use. Notwithstanding any other provision of this
19 chapter, the Zoning Administrator or Commission may grant a use permit, in compliance with
20 Chapter 19.24 (Use Permits), to authorize an intensification or expansion of a nonconforming
21 use. Exception is provided for non-conforming single-family residential uses involving a
22 conforming addition to a non-conforming single-family residential use shall not be considered an
23 intensification.

24 **Section 4.** That Section 19.08.030 of the Chico Municipal Code is amended to read as
25 follows:

26 **19.08.030 Nonconforming structures and site improvements.**

27 A. Continuance of Nonconforming Structures or Site Improvements. A nonconforming
28 structure or site improvements may be modified as follows:

1 1. Maintenance and Repair. A nonconforming structure or site improvements may
2 undergo normal/necessary maintenance, repairs, and structural alterations that do not increase
3 the degree of nonconformities.

4 2. Seismic Retrofitting or Other Work for Safety/Health/Building Code Compliance.
5 All repairs or alterations otherwise required by law shall be allowed. Reconstruction required to
6 reinforce unreinforced masonry structures in compliance with building code requirements shall
7 be permitted, provided the retrofitting/code compliance is limited exclusively to compliance with
8 earthquake safety standards and all other applicable building code requirements, including Title
9 24, California Code of Regulations. Reconstruction or alteration of site improvements to
10 improve accessibility as required under applicable state and federal law shall be permitted.

11 3. Conforming Expansion. New additions, alterations or expansions fully conforming
12 to these Regulations shall be allowed for existing nonconforming structures or site
13 improvements.

14 4. Nonconforming Changes to Structure or Site Improvements. The addition,
15 enlargement, extension, reconstruction, relocation, or structural alteration of a nonconforming
16 structure or site improvements which do not conform to these Regulations may be allowed with
17 an administrative use permit approval, in compliance with Chapter 19.25 (Administrative Use
18 Permits) and subject to the additional finding that the project is an adaptive reuse of existing
19 structure and promotes sustainable economic development within the City. The exterior limits of
20 new construction shall not exceed the height of the existing structure limit nor encroach any
21 further into the setbacks than the comparable portions of the existing structure or site
22 improvements.

23 **Section 5.** That Section 19.08.040 of the Chico Municipal Code is amended to read as
24 follows:

25 **19.08.040 Loss of nonconforming status.**

26 A. Termination by Discontinuance. Termination of legal nonconforming status shall be
27 lost in the following events if a nonconforming use of land, structure or site improvement, or a
28 nonconforming use of a conforming structure is discontinued where:

29 1. For a continuous period of one year or more, owner has ceased
30 nonconforming use regardless of the owner's intention to recommence the use, all rights

1 to continue the nonconforming use shall terminate.

2 2. For a continuous period of less than one year where the use has been
3 converted to a conforming use, all rights to the nonconformity shall terminate upon new
4 use.

5 Without further action by the City, further use of the site or structure shall comply with all of
6 the regulations of the applicable zoning district and all other applicable provisions of these
7 Regulations.

8 B. Termination by Destruction. Termination of legal nonconforming status by damage
9 or destruction shall be addressed as follows:

10 1. If a conforming structure with a nonconforming use, is damaged, or destroyed,
11 the right to rebuild the structure with a conforming use shall be allowed.

12 2. If a conforming structure with a nonconforming use, is damaged or destroyed, the
13 right to continue except as follows:

14 a. If the repair or replacement of the damaged portion of the structure does
15 not exceed 50 percent of the total square footage of the structure, the structure may be restored
16 and the use continued if the restoration is started within one year of the date of damage or
17 destruction and is diligently pursued to completion; and

18 b. If the repair or replacement of the damaged portion of the structure
19 exceeds 50 percent of the total square footage of the structure prior to damage or destruction, a
20 use permit (Chapter 19.24) shall be required to authorize the restoration of the structure and
21 continuation of the use. The use permit shall include a finding, in addition to those contained in
22 Section 19.24.040 (Decision and findings), that the benefit to the public health, safety, or welfare
23 exceeds any detriment inherent in the restoration, repair or replacement.

24 3. If a nonconforming structure is damaged or destroyed, the right to continue
25 occupancy of the nonconforming structure shall cease; except as follows:

26 a. If the repair or replacement of the damaged portion of the structure does
27 not exceed 50 percent of the total square footage of the structure, the structure may be restored
28 and the use continued if the restoration is started within one year of the date of damage or

1 destruction and is diligently pursued to completion; and

2 b. If the repair or replacement of the damaged portion of the structure
3 exceeds 50 percent of the total square footage of the structure prior to damage or destruction, a
4 use permit (Chapter 19.24) shall be required to authorize the restoration of the structure and
5 continuation of the use. The use permit shall include a finding, in addition to those contained in
6 Section 19.24.040 (Decision and findings), that the benefit to the public health, safety, or welfare
7 exceeds any detriment inherent in the restoration, repair or replacement.

8 **Section 6.** That Section 19.08.060 of the Chico Municipal Code is amended to read as
9 follows:

10 **19.08.060 Conformity of uses requiring use permits.**

11 Any use existing at the time of adoption or amendment of these Regulations, in any
12 zoning district that allows the use subject to the granting of a use permit, shall be deemed a
13 conforming use if there is no use permit, but only to the extent that the use previously existed,
14 including maintaining the same site area boundaries and hours of operation. Any expansion or
15 change in the intensity shall follow procedures set forth in the previous sections.

16 **Section 7.** That Section 19.12.020 of the Chico Municipal Code is amended to read as
17 follows:

18 **19.12.020 Appeal subjects and jurisdiction.**

19 Determinations and actions that may be appealed, and the authority to act upon an appeal
20 shall be as set forth in Table 2-1 and in this Chapter.

21 **TABLE 2-1**

22 **REVIEW AUTHORITY**

Type of Permit or Decision	Architectural Review and Historic Preservation Board	Director	Zoning Administrator	Planning Commission	City Council
Architectural/ Design Review	Decision (1)			Decision (1)	Appeal
Certificates of	Decision (1)				Appeal

Appropriateness					
Certificate of Demolition	Decision (1)				Appeal
Designation of Historic Landmarks on the Historic Resources Inventory	Recommend				Decision
Determination That an Application is Complete Pursuant to Chapter 19.16		Decision (2)			
Development Agreements				Recommend	Decision
Foothill Development Permit		Decision (2)			
Fraternity and Sorority House Permit		Decision (2)			
General Plan, Specific Plan, Neighborhood Plan, Area Plan Amendments				Recommend	Decision
Home Occupation Permits		Decision (2)			
Interpretations		Decision		Appeal	
Land Use and Development Regulations Amendments				Recommend	Decision
Minor Design Review	Appeal (3)	Decision			
Mobile Food Vendor Permits		Decision (2)			
Planned Development Permits	Recommend	Recommend		Decision	Appeal

Regulating plans and circulating plans pursuant to Division VI				Decision	Appeal
Second Dwelling Unit Permit		Decision (2)			
Sign Permits		Decision (2)			
Specific Plans				Recommend	Decision
Use Permits			Decision	Decision	Appeal (4)
Variances			Decision	Decision	Appeal (4)
Zoning Map Amendments	Recommend (5)			Recommend	Decision
Zoning Clearances		Decision (2)			

1 **Notes:**

2 (1) Architectural/design review decisions and decisions regarding applications for
3 certificates of appropriateness or certificates of demolition rendered by the Architectural Review
4 and Historic Preservation Board for projects requiring only the issuance of a building permit are
5 appealed to the City Council.

6 Architectural/design review decisions rendered by the Architectural Review and Historic
7 Preservation Board on projects requiring a discretionary permit from the Planning Commission
8 and rendered after referral to the Architectural Review and Historic Preservation Board by the
9 Planning Commission are appealed to the Planning Commission.

10 Architectural/design review decisions rendered by the Planning Commission are
11 appealed to the City Council.

12 (2) This decision may be appealed pursuant to the administrative review process set forth
13 in section 19.12.040.

14 (3) Director decisions are appealed to the Architectural and Historic Preservation Review
15 Board. The Architectural Review and Historic Preservation Board decision on an appeal is final.

16 (4) Decisions on use permits and variances, whether made by the zoning administrator or
17 planning commission, are appealable directly to the City Council.

1 (5) The Architectural Review and Historic Preservation Board shall make
2 recommendations to the City Council regarding the creation or modification of landmark overlay
3 zoning districts pursuant to Chapter 19.37.

4 **Section 8.** That Section 19.14.010 of the Chico Municipal Code is amended to read as
5 follows:

6 **19.14.010 Purpose.**

7 The provisions of this chapter are intended to ensure compliance with the requirements of
8 these Regulations and any conditions of a permit, by providing for the revocation, or
9 modification in lieu of revocation, of a permit. As used in this chapter and Chapter 19.30,
10 “permit” means an administrative use permit, use permit, planned development permit, home
11 occupation permit, site design and architectural review approval, variance or other discretionary
12 entitlement approved or issued under the authority of this title, or subject to administration under
13 this title, or required to be implemented or exercised in compliance with any provision of this
14 title.

15 **Section 9.** That Section 19.16.030 of the Chico Municipal Code is amended to read as
16 follows:

17 **19.16.030 Application filing.**

18 A. – C. [NO CHANGES]

19 D. Filing Date. The filing date of an application for a home occupation permit,
20 accessory dwelling unit permit, administrative permit for a temporary use, design review,
21 administrative use permit, use permit, planned development permit, or variance shall be the date
22 on which the Department receives the last submission, map, plan, or other material required as a
23 part of that application by Subsection A (Application Contents) above, in compliance with
24 Section 19.16.050 (Initial application review), and the application is deemed complete by the
25 Director.

26 **Section 10.** That Chapter 19.18.040 of the Chico Municipal Code is amended to read as
27 follows:

28 **19.18.040 Exemptions.**

1 Site plan and architectural design review are not required for:

2 A. Detached single-family dwellings, including manufactured housing, and accessory
3 structures for single-family dwellings. Except that dwelling units which are the second unit on a
4 parcel of property, are on an infill residential flag lot as defined in section 19.76.180, or are
5 subject to a planned development permit shall be subject to site plan and architectural design
6 review.

7 **Section 11.** That Chapter 19.20.060 of the Chico Municipal Code is amended to read as
8 follows:

9 **19.20.060 Operating standards.**

10 Home occupations shall comply with all of the following operating standards:

11 A. – K. [NO CHANGES]

12 L. The home occupation activity shall not generate more than 10 additional pedestrian
13 or vehicular trips in excess of that customarily associated with the zoning district in which it is to
14 be located, and no more than 2 deliveries each day. Any traffic generated by the home
15 occupation shall be consistent with the existing traffic levels and patterns of the surrounding
16 residential neighborhood;

17 M. [NO CHANGES]

18 N. One service or company vehicle associated with the home occupation can be stored
19 on the premises.

20 **Section 12.** That Chapter 19.20.070 of the Chico Municipal Code is amended to read as
21 follows:

22 **19.20.070 Home occupations not meeting operating standards.**

23 An applicant for a proposed home occupation which the Director believes does not meet
24 the operating standards of this chapter may apply for an administrative use permit in compliance
25 with Chapter 19.25 of these Regulations.

26 **Section 13.** That Chapter 19.22.030 of the Chico Municipal Code is amended to read as
27 follows:

28 **19.22.030 Temporary uses, subject to administrative use permit.**

1 The following temporary uses may be allowed, subject to the issuance of an
2 administrative use permit. Uses that do not fall within the categories defined below shall comply
3 with the use and development regulations and entitlement review provisions that otherwise apply
4 to the property.

5 A. Carnivals, circuses, concerts, fairs, festivals, flea markets, food events, outdoor
6 entertainment/sporting events rodeos, rummage sales, second-hand sales, and swap meets for up
7 to 10 days; other events, including arts and crafts exhibits, and agricultural sales and events
8 (such as pumpkin sales and corn mazes) for over 10 days; and farmers' market that don't meet
9 the standards in Section 19.22.020(M). Offsite vehicle sales are allowed for no more than five
10 days per event and no more than two annual events on the same property per auto dealer.

11 **Section 14.** That Chapter 19.25 of the Chico Municipal Code is amended to read as
12 follows:

13 **Chapter 19.25**

14 **ADMINISTRATIVE USE PERMITS**

15 **19.25.010 Purpose, applicability.**

16 Where required by Divisions III or V, administrative use permits are intended to provide
17 a process for Director review and determination of requests for activities and uses whose effect
18 on the surrounding environment need to be evaluated in terms of specific development proposals
19 for specific sites. It is anticipated that uses or activities qualifying for an administrative use
20 permit are minor in nature, are suitable for their location, only have a minimal impact on
21 immediately adjacent properties, and can be modified and/or conditioned to ensure
22 compatibility.

23 **19.25.020 Application filing, initial processing.**

24 An application for an administrative use permit, or modification of an existing
25 administrative use permit, shall be prepared, filed, and processed in compliance with Chapter
26 19.16 (Application Filing and Processing, Fees) and shall include all information specified in the
27 Department handout for administrative use permits.

28 **19.25.030 Public notice.**

1 Prior to taking action on an administrative approval, public notice shall be provided
2 through a mailing to all tenants and owners of real property as shown on the County's latest
3 equalized assessment roll, directly abutting or adjacent to the subject parcel.

4 **19.25.040 Comment period.**

5 The department shall provide a comment period of no less than ten calendar days prior to
6 taking action on an administrative approval, beginning on the date the public notices are mailed.
7 The purpose of the comment period is to enable the public to bring comments or questions to the
8 attention of the department. If the department receives substantive comments or information
9 which establishes that the application should not be approved administratively, the department
10 shall either deny the application or, if requested by the applicant and upon submittal of the
11 applicable fee, schedule a public hearing before the Planning Commission to consider the
12 application.

13 **19.25.050 Decision and findings.**

14 The Director may approve an administrative use permit application, with or without
15 conditions, only if all of the following findings can be made:

16 A. The proposed use is allowed within the subject zoning district and complies with all
17 of the applicable provisions of Chapter 19.25 (Administrative Use Permits);

18 B. The proposed use or activity is minor in nature (de minimus) and not reasonably
19 expected to negatively affect the surrounding properties;

20 C. The proposed use would not be detrimental to the health, safety, and general welfare
21 of persons residing or working in the neighborhood of the proposed use;

22 D. The proposed use would not be detrimental and/or injurious to property and
23 improvements in the neighborhood of the proposed use, as well as the general welfare of the
24 City;

25 E. The proposed entitlement is consistent with the General Plan, any applicable specific
26 plan, and any applicable neighborhood or area plan;

27 F. The design, location, size, and operating characteristics of the proposed use are
28 compatible with the existing and future land uses in the vicinity.

1 The Director shall provide written notice of the decision on the administrative use permit
2 application to the applicant and interested parties within 10 days following the final date of the
3 comment period.

4 **19.25.060 Conditions of approval.**

5 In granting an administrative use permit in compliance with this chapter, the Director
6 shall designate conditions that will ensure compatibility with the existing and designated land
7 uses in the vicinity, as well as consistency with the General Plan and any applicable specific
8 plan. Granting of an administrative use permit does not exempt applicant from complying with
9 the requirements of the building code or other ordinances and codes.

10 **19.25.070 Expiration.**

11 An administrative use permit shall be exercised within three years from the date of
12 approval or the permit shall be deemed void, unless a written request for an extension is filed
13 prior to the expiration date and approved prior to expiration, in compliance with Chapter 19.30
14 (Permit Implementation, Time Limits, Extensions).

15 **19.25.080 Effect of denial.**

16 In case an application for an administrative use permit is denied, the application shall not
17 be eligible for reconsideration for one year subsequent to such denial. A new application
18 affecting or including part or all of the same property shall be substantially different from the
19 application denied, in the opinion of the Director, to be eligible for consideration within one year
20 of the denial of the original application. An application denied without prejudice by the Director,
21 Planning Commission or City Council shall be eligible for reconsideration within one year of the
22 denial.

23 **19.25.090 Issuance of building permit.**

24 A building permit, granted in compliance with the provisions of this chapter and the
25 specific terms and conditions of the administrative use permit, shall only be issued after the
26 required administrative use permit has been approved and the decision has become final and
27 effective.

28 **19.25.100 Administrative use permit to run with the land.**

1 An administrative use permit granted in compliance with the provisions of this chapter
 2 shall continue to be valid upon a change of ownership of the business, service, site, structure, or
 3 use that was the subject of the permit application.

4 **19.25.110 Changes to an administrative use permit.**

5 Changes to an administrative use permit may be approved in compliance with Section
 6 19.30.060 (Changes to an approved project) or imposed pursuant to Chapter 19.14 (Permit
 7 Revocation).

8 **Section 15.** That Section 19.42.020 of the Chico Municipal Code is amended to read as
 9 follows:

10 **19.42.020 Residential zone land uses and permit requirements.**

11 **TABLE 4-2 - ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL**
 12 **ZONING DISTRICTS**

LAND USE (1)	PERMIT REQUIREMENT FOR ZONE						Subject to Standards in Section/ Chapter:
	RS	R1	R2	R3	R4	RMU	
AGRICULTURAL, RESOURCE, & OPEN SPACE USES							[NO CHANGES]
RECREATION, EDUCATION, & PUBLIC ASSEMBLY USES							[NO CHANGES]
RESIDENTIAL USES							
Assisted living facilities for the elderly	UP	UP	UP	UP	UP		
Dormitory				UP	UP	UP	
Fraternity/sorority housing				P	P	P	19.52.090
Guest house	P	P				P	19.76.100
Home occupations	P	P	P	P	P	P	19.20
Household pets	P	P	P	P	P	P	19.76.040
Live/work						P	
Mobile home parks		UP (3)	UP (3)	UP (3)			
Mobile homes/	P	P	P	P	P	P	19.76.110

manufactured homes							
Multi-family housing			P	P	P	P	
Residential accessory uses and structures	P	P	P	P	P	P	19.76.020
Residential care homes, 6 or fewer clients	P	P	P	P	P	P	
Residential care homes, 7 or more clients	UP	UP	UP	UP	UP	UP	
Rooming and boarding houses		UP	UP	UP	UP	UP	
Accessory dwelling unit	P/UP (4)	P/UP (4)	P/UP (4)				
Senior citizen congregate care housing		UP	UP	P	P	P	
Single-family housing	P	P	P(3)	P(3)		P(3)	
Single-room occupancy (SRO) housing			P	P		P	19.76.140
Supportive housing	P	P	P	P	P	P	
Temporary dwellings	TU	TU	TU	TU	TU	TU	
Temporary emergency shelters	P	P	P	P	P	P	19.22
Transitional housing	P	P	P	P	P	P	
Two-family housing/ duplexes		P/UP (5)	P	P	P	P	
RETAIL TRADE USES							[NO CHANGES]
SERVICES							[NO CHANGES]
TRANSPORTATION & COMMUNICATION USES							[NO CHANGES]

KEY TO PERMIT REQUIREMENTS		
Symbol	Permit Requirement	Procedure is in Section/Chapter:
P	Permitted use, zoning clearance required.	19.16.070
UP	Conditional use, use permit required.	19.24
PD	Conditional use, planned development permit required.	19.28
TU	Temporary use.	19.22
	Use not allowed. (See Section 19.02.020(E) regarding uses not listed.)	

1 **Notes:**

2 (1) See Chapter 19.04 for definitions of the listed land uses.

3 (2) Use allowed only on a site of 1 acre or larger.

4 (3) Allowed only within density requirements of General Plan Designation.

5 (4) Use permit required for all accessory dwelling units in the SD-4 overlay zoning district, and
 6 special standards apply, per overlay district. Accessory dwelling units outside of the SD-4
 7 overlay zone are allowed with an accessory dwelling unit permit if all development standards in
 8 19.76.130 are met.

9 (5) Consistent with the overall maximum density allowed and on corner parcels either as part of
 10 the subdivision approval process or by use permit.

11 (6) Businesses which operate between the hours of 10PM and 6AM or allow amplified music
 12 within 300 feet of a residential district require use permit approval.

13 **Section 16.** That Section 19.44.020 of the Chico Municipal Code is amended to read as
 14 follows:

15 **19.44.020 Commercial/office zone land uses and permit requirements.**

16 Table 4-6 identifies the uses of land allowed by these Regulations in each office and
 17 commercial zoning district, and the land use entitlement required to establish each use.

18 Where the last column of the table (“Subject to Standards in Section/Chapter”) includes a
 19 section or chapter number, the regulations in the referenced section/chapter apply to the use;
 20 however, provisions in other sections/chapters may apply as well.

21 **TABLE 4-6 - ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL**
 22 **ZONING DISTRICTS**

LAND USE (1)	PERMIT REQUIREMENT BY ZONE								Subject to Standards in Section/Chapter:
	OR	OC	CN	CC	DN	DS	CS	CR	
AGRICULTURAL, RESOURCE & OPEN SPACE USES									[NO CHANGES]
MANUFACTURING & PROCESSING									[NO CHANGES]
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES									

LAND USE (1)	PERMIT REQUIREMENT BY ZONE								Subject to Standards in Section/Chapter:
	OR	OC	CN	CC	DN	DS	CS	CR	
Cardrooms				UP		UP	UP	UP	5.32
Churches/places of worship	UP	UP	UP	P	P	P	P	P	(5)
Community centers/pavilions			UP	UP	P(4)	P(4)	P	P	(5)
Health/fitness clubs	UP	UP	UP	P	P(4)	P(4)	P	P	
Indoor amusement/entertainment			UP	P	UP	UP	P	P	
Libraries and museums	UP	P	UP	P	P	P	P	P	
Membership organization facilities				UP	P(4)	P(4)	P	P	
Nightclubs				UP	UP	UP	P(5)	P(5)	19.76.200
Outdoor commercial recreation		UP	UP	UP			UP	UP	
Private residential recreational facilities	UP		UP	UP	P(4)	P(4)	UP	UP	
Recreational vehicle (RV) parks							UP		
Schools - Public and private	UP	UP	UP	UP	UP	UP	UP	UP	
Schools - Specialized education and training	UP	P	UP	P	P(4)	P(4)	P	P	
Temporary uses	TU	TU	TU	TU	TU	TU	TU	TU	19.22
Theaters, auditoriums and meeting halls			UP	P	P	P	P	P	
RESIDENTIAL USES									
Assisted living facilities for the elderly	UP								
Caretaker and employee housing							UP		
Emergency shelters	UP	UP		UP			UP		
Home occupations	P	P							19.20
Household pets	P	P	P	P	P	P	P	P	19.76.040
Live/work	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	
Mobile home parks							UP		
Multi-family housing	UP	UP	P(4)	P(4)	P(4)	P(4)		P(4)	

LAND USE (1)	PERMIT REQUIREMENT BY ZONE								Subject to Standards in Section/Chapter:
	OR	OC	CN	CC	DN	DS	CS	CR	
Residential accessory uses and structures	P								19.76.020
Residential care homes, 6 or fewer clients	P	UP	P	UP			UP		
Residential care homes, 7 or more clients	UP	UP	UP	UP			UP		
Rooming and boarding houses	UP	UP	UP		P(4)	P(4)			
Single-family housing	UP		P(4)	P(4)					
Single-room occupancy (SRO) housing			P(4)	P(4)	P(4)	P(4)	P	P(4)	19.76.140
Temporary emergency shelters	P	P	P	P	P	P	P	P	19.22
Transitional and supportive housing	UP	UP	P(4)	P(4)	P(4)	P(4)		P(4)	
Two-family housing/duplexes	UP	UP	P(4)	P(4)	P(4)	P(4)			
RETAIL TRADE USES									
Accessory retail uses	P	P	P	P	P	P	P	P	19.76.020
Alcoholic beverage establishments			UP	P(5)	P(5)	P(5)	UP	P(5)	19.44.040 19.76.200
Auto, mobile home and vehicles sales				UP		UP	P	P	
Auto parts sales without repair			UP	P		UP	P	P	
Auto parts sales with repair				UP		UP	P	P	
Building material stores				P			P	P	
Drive-in and drive-through sales		UP	UP (7)	UP		UP (11)	UP	UP	19.76.070
Drug stores/pharmacies, 4,000 sq. ft. or less	P	P	P	P	P	P	P	P	
Drug stores/pharmacies, 4,000 sq. ft. or larger			UP	P	UP	P	P	P	
Farm equipment and supplies sales							P	UP	

LAND USE (1)	PERMIT REQUIREMENT BY ZONE								Subject to Standards in Section/Chapter:
	OR	OC	CN	CC	DN	DS	CS	CR	
Furniture, furnishings, and equipment, 2,500 sq. ft. or less			P	P	P	P	P	P	
Furniture, furnishings, and equipment, 2,500 sq. ft. or larger			UP	P	UP	UP	P	P	
Grocery stores, 4,000 sq. ft. or less	P	P	P	P	P	P	P	P	
Grocery stores, 4,000 to 40,000 sq. ft.			UP	P	UP	P	P	P	
Grocery stores, 40,000 sq. ft. or larger			UP	P	UP	UP		P	
Liquor stores - limited hours			P	P	UP	P	P	P	
Liquor stores			UP	P	UP	UP	P	P	
Outdoor retail sales and activities			P	P			P	P	19.76.120
Outdoor retail sales, temporary	TU	TU	TU	TU	TU	TU	TU	TU	19.22
Pet shops			UP	P		UP	P	P	
Restaurants, 5,000 sq. ft. or less	P	P	P	P	P	P	P	P	
Restaurants, accessory, less than 5% of floor area	P	P	P	P	P	P	P	P	
Restaurants, 5,000 sq. ft. or larger	UP	UP	UP	P	P	P	P	P	
Restaurant with full bar			UP	P(5)	P	P	P(5)	P(5)	19.76.200
Retail stores, general merchandise, 2,500 sq. ft. or less			P	P	P	P	P	P	
Retail stores, general merchandise, 2,500 sq. ft. or larger			UP	P	P	P	P	P	
Shopping centers, 200,000 sq. ft. or less			PD	P				P	
Shopping centers, 200,000 sq. ft. or larger				P				P	

LAND USE (1)	PERMIT REQUIREMENT BY ZONE								Subject to Standards in Section/Chapter:
	OR	OC	CN	CC	DN	DS	CS	CR	
Tasting rooms			P	P	P	P	P	P	
Walkup sales windows using public sidewalk	P	P	P	P	UP	UP	P	P	
Warehouse retail stores				UP			P	P	
SERVICE USES									[NO CHANGES]
TRANSPORTATION & COMMUNICATION USES									
Alternative fuel/recharging facilities			UP	P	UP	P	P	P	
Broadcast studios		P(10)	P(10)	P(10)	P(2)	P(2)	P(10)		19.78
Heliports							UP		
Parking facilities/vehicle storage				UP	UP	UP	UP	UP	
Pipelines and utility lines	P	P	P	P	P	P	P	P	
Telecommunications facilities		P(10)	P(10)	P(10)	P(10)	P(10)	P(10)	P(10)	19.78
Transit stations and terminals		UP	UP	UP	UP	UP	P	UP	

1 KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section/chapter:
P	Permitted use, zoning clearance required.	19.16.070
UP	Conditional use, use permit required.	19.24
PD	Conditional use, planned development permit required.	19.28
TU	Temporary use.	19.22
	Use not allowed. (See Section 19.02.020(E) regarding uses not listed.)	

2 Notes:

- 3 (1) See Chapter 19.04 for definitions of the listed uses.
- 4 (2) With accessory retail use on site.
- 5 (3) Permitted only as accessory use and subject to architectural screening in compliance with
- 6 Section 19.60.060.

- 1 (4) Use allowed only on second floor or above, or in basements. A use permit is required for
 2 ground-level occupancy, except for accessible units required by the Building Code, which are
 3 allowed by right.
- 4 (5) Businesses within 300 feet of a residential district which operate between the hours of 10
 5 p.m. to 6 a.m. or allow amplified music require use permit approval.
- 6 (6) Use allowed only on second floor or above.
- 7 (7) Drive-in and drive-through sales of pharmaceuticals incidental to the operation of drug
 8 stores/pharmacies may be allowed with a use permit in the CN Zoning District. No other drive-
 9 in or drive-through sales shall be permitted in the CN Zone.
- 10 (8) Use requires a use permit if the business hours are extended beyond Monday through
 11 Friday, 8 a.m. to 6 p.m.
- 12 (9) Drive-in and drive-through services incidental to the operation of banks and financial
 13 services may be allowed with a use permit in the CN Zoning District. No other drive-in or drive-
 14 through services shall be permitted in the CN Zone.
- 15 (10) See Chapter 19.78 for districts in which telecommunications facilities are permitted.
- 16 (11) Use only allowed on sites immediately adjacent to State Route 32 that take vehicle access
 17 no closer than 100 feet from State Route 32 travel way, and site design must provide for multi-
 18 modal access.

19 **Section 17.** That Section 19.44.030 of the Chico Municipal Code is amended to read as
 20 follows:

21 The requirements in Table 4-7 shall apply to new land uses and structures, and alterations
 22 to existing land uses and structures, in addition to any applicable development standards (such as
 23 landscaping, parking and loading) in Division V.

24 **TABLE 4-7 COMMERCIAL AND OFFICE ZONE GENERAL DEVELOPMENT**
 25 **STANDARDS**

Development Feature	Requirement by Zoning District	
	OR	OC
Minimum Lot Size	6,000 sq.ft., interior lots	10,000 sq.ft.
Minimum area	7,000 sq.ft., corner lots	

Minimum width at front setback line	N.A.	
Residential Density (3)	6-20 units per gross acre.	6-20 units per gross acre.
Setbacks Required (1) Front	15 ft.	None required, except where the side of the parcel abuts an R zoning district, the same front setback shall be required as in the R district.
Sides	5 ft.; plus 5 ft. for each story over the first where setback abuts an RS or R1 district.	10 ft. where the side of the parcel abuts an R district; none elsewhere
Street side	10 ft.	
Rear	10 ft. abutting an alley; 15 ft. elsewhere, plus 5 ft. for each story over the first where setback abuts an RS or R1 district.	
Accessory structures	See Section 19.76.020 (Accessory uses and structures).	
Landscaping	See Section 19.68.040 (Landscape installation requirements).	
Site Coverage, Maximum	70%	85% (2)
Height Limits	35 ft. for main buildings; 25 ft. for accessory structures.	45 ft.; 25 ft., within 25 ft. of an abutting R zoning district boundary.
Development Feature	Requirement by Zoning District	
	CN	CC
Minimum Lot Size Minimum area	6,000 sq.ft., interior lots 7,000 sq.ft., corner lots	
Minimum width at front setback line	N.A.	
Residential Density (3)	Up to 22 units per gross acre.	6 to 22 units per gross acre.
Landscaping	See Section 19.68.040 (Landscape installation requirements).	
Setbacks Required (1) Front	None required, except where the block is partly within an R zoning district, the same front setback shall be required as in the R district.	
Sides	20 ft. where the side of the parcel abuts an R district; none elsewhere.	10 ft. where the side of the parcel abuts an R district; lesser setbacks may be approved through the Design Review process when abutting an alley. No setback required elsewhere.
Street side	10 ft. where the side of the parcel abuts an R district; none elsewhere.	
Rear	20 ft. where the rear of the	
		10 ft. where the rear of the parcel

	parcel abuts an R district; none elsewhere.	abuts an R district; none elsewhere.
Accessory structures	See Section 19.76.020 (Accessory uses and structures).	
Site Coverage, Maximum	90%	95% (2)
Height Limits	35 ft. for main buildings; 15 ft. for accessory structures; 25 ft. for accessory structures, with use permit approval.	57 ft. Lesser height may be required through the Design Review process where the parcel abuts an R district.
Development Feature	Requirement by Zoning District	
	DN	DS
Minimum Lot Area	10,000 sq.ft.	
Residential Density (3)	6 to 22 units per gross acre.	6 to 22 units per gross acre.
Landscaping	See Section 19.68.040 (Landscape installation requirements).	
Setbacks Required Front	None required, except where the block is partly within an R zoning district, the same front setback shall be required as in the R district.	
Sides (each) (1) Street side	10 ft. where the side of the parcel abuts an R district; none elsewhere.	
Rear (1)	10 ft. where the rear of the parcel abuts an R district; none elsewhere.	
Accessory structures	See Section 19.76.020 (Accessory uses and structures).	
Site Coverage, Maximum	100% (2) See Section 19.68.040 (Landscape installation requirements).	
Height Limits	85 ft. Minimum height of two stories for new construction	85 ft.
Development Feature	Requirement by Zoning District	
	CS	CR
Minimum Lot Area	10,000 sq.ft.	
Residential Density (3)	None allowed.	6 to 50 units per gross acre
Landscaping	See Section 19.68.040 (Landscape installation requirements).	
Setbacks Required Front	None required, except where the block is partly within an R zoning district, the same front setback shall be required as in the R district.	
Sides	10 ft. where the side of the parcel abuts an R district; none elsewhere.	10 ft. where the side of the parcel abuts an R district; none elsewhere.
Street side	10 ft. where the side of the parcel abuts an R district; none elsewhere.	10 ft. where the side of the parcel abuts an R district; none elsewhere.
Rear	10 ft. where the rear of the	10 ft. where the rear of the parcel

	parcel abuts an R district; none elsewhere.	abuts an R district; none elsewhere.
Accessory structures	See Section 19.76.020 (Accessory uses and structures).	
Site Coverage, Maximum	95%(2) See Section 19.68.040 (Landscape installation requirements).	95%(2) See Section 19.68.040 (Landscape installation requirements).
Height Limits	57 ft. Lesser height may be required through the Design Review process where the parcel abuts an R district.	57 ft. Lesser height may be required through the Design Review process where the parcel abuts an R district.

1 **Notes:**

2 (1) A minimum 6-foot landscape buffer shall be included along the rear or side property line
3 abutting the residential use.

4 (2) The Architectural Review and Historic Preservation Board may require less coverage and
5 more landscaped open area to provide visual relief or contrast, or to screen incompatible or
6 obtrusive features.

7 (3) Exclusively residential projects shall comply with the residential setback requirements in
8 Table 4-3C and the landscape standards in Chapter 19.68 based upon the project density and
9 corresponding residential zoning district.

10 **Section 18.** That Section 19.50.020 of the Chico Municipal Code is amended to read as
11 follows:

12 **TABLE 4-12 ALLOWED USES AND PERMIT REQUIREMENTS FOR SPECIAL**
13 **PURPOSE ZONING DISTRICTS**

Land Use	Permit Requirement by Zoning District			Subject to Standards in Section/Chapter:
	PQ	OS1	OS2	
AGRICULTURAL, RESOURCE & OPEN SPACE USES				[NO CHANGES]
MANUFACTURING & PROCESSING USES				[NO CHANGES]
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				[NO CHANGES]
RESIDENTIAL USES				[NO CHANGES]
RETAIL USES				[NO CHANGES]
SERVICES				

Cemeteries, columbariums, mausoleums	UP		UP	
Medical services - Clinics and labs	UP			
Medical services - Extended care	UP			
Medical services - Hospitals	UP			
Public safety and utility services	UP	UP	UP	
Storage, accessory	P			
Storage, outdoor	UP			
TRANSPORTATION & COMMUNICATIONS				[NO CHANGES]

1 **Section 19.** That Section 19.50.030 of the Chico Municipal Code is amended to read as
2 follows:

3 **19.50.030 Special purpose zone general development standards.**

4 New land uses and structures and alterations to existing uses or structures shall be
5 designed and constructed in compliance with the requirements in Table 4-13.

6 **TABLE 4-13**

7 **SPECIAL PURPOSE ZONE GENERAL DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District		
	PQ	OS1	OS2
Minimum Lot Area	Determined by specific plan or planned development permit in SPA and by entitlement in PQ.	1 acre; smaller if approved by Commission based on the finding that a smaller site is suitable because of its unique character or purpose.	
Setbacks Required			

Front		20 ft.	20 ft.
Sides (each), Street side			
Rear			
Impervious Surface Site Coverage		5%; more if approved by Commission.	25%; more if approved by Commission.
Height Limits		25 ft.; more if approved by Commission.	

1 **Section 20.** That Section 19.52.030 of the Chico Municipal Code is amended to read as
2 follows:

3 **19.52.030 Airport overflight (-AO) overlay zones.**

4 A. – C. [NO CHANGES]

5 D. Allowed Land Uses. Any land use normally allowed in the primary zoning district by
6 this division may be allowed within the -AO overlay zone, except as set forth in Table 4-14
7 below.

8 **TABLE 4-14**

9 **ALLOWED AND PROHIBITED LAND USES IN -AO OVERLAY ZONES**

Zone	Permitted Residential density	Other uses - maximum people/acre	Prohibited uses
-AOA	0 - residential use not allowed	0	All structures except aeronautical facilities Assemblages of people Objects exceeding FAR Part 77 height limits

			Aboveground bulk storage of hazardous materials Hazards to flight Other uses identified by the Airport Land Use Compatibility Plan
- AOB1	0.1 average site width (units/acre) 4.0 max single-acre (units/acre)	40 avg. 80 max. on a single acre	Children's schools, day care centers, libraries Hospitals, nursing homes Highly noise sensitive uses (e.g. outdoor theaters) Aboveground bulk storage of hazardous materials Hazards to flight Other uses identified by the Airport Land Use Compatibility Plan
- AOB2	0.2 site wide max (units/acre) 4.0 single-acre max (units/acre)	100 avg. 300 max. on a single acre	Children's schools, day care centers, libraries Hospitals, nursing homes Highly noise sensitive uses (e.g. outdoor theaters) Hazards to flight Other uses identified by the Airport Land Use Compatibility Plan
-AOC	Less than or equal to 0.2	200 avg.	Children's schools, day care

	units/acre or greater than or equal to 4.0 units/acre	600 max, on a single acre	centers, libraries Hospitals, nursing homes Hazards to flight Other uses identified by the Airport Land Use Compatibility Plan
-AOD	Limit set by primary zoning district	No limit	Hazards to flight Other uses identified by the Airport Land Use Compatibility Plan

1 Notwithstanding the above, designated infill properties in the -AOB2 overlay zone may develop
2 at densities no greater than surrounding residential development, as set forth in the ALUCP and
3 the accompanying map and list of parcels.

4 In addition, no use shall be allowed under or within any -AO overlay zone that may:

- 5 1. Create electrical interference with aircraft communications;
- 6 2. Make it difficult for pilots to distinguish between airport lights and other lights;
- 7 3. Result in glare in the eyes of the pilots using the airport;
- 8 4. Impair visibility in the vicinity of the airport; or
- 9 5. Otherwise endanger the landing, takeoff, or maneuvering of aircraft.

10 E. – F. [NO CHANGES]

11 **Section 21.** That Section 19.60.060 of the Chico Municipal Code is amended to read as
12 follows:

13 **19.60.060 Fencing and screening.**

14 The following standards shall apply to the installation of all fences and walls. Fences and
15 walls require approval from the Architectural Review and Historic Preservation Board
16 (ARHPB), if ARHPB review is also required for the underlying development project. Perimeter
17 fences and walls adjacent to the public right-of-way within a proposed subdivision require

1 approval from the Commission, as part of the tentative map review process.

2 A. Height Limitations. Fences and walls are subject to the following height limitations:

3 1. General Height Limit.

4 a. Standard Parcels. On all parcels except corner lots, fences, walls, or similar
5 obstructions shall not exceed the following height limitations:

6 (1) Front Yards. 3 feet. May be increased to 4 feet with approval of an
7 administrative use permit in compliance with Chapter 19.25 (Administrative Use Permits), or up
8 to 6 feet with approval of a use permit in compliance with Chapter 19.24 (Use Permits).

9 (2) Rear Yards. 6 feet for all fences; 7 feet if one foot of lattice or other 50%
10 view permeable material is incorporated into the top one foot of the fence design. May be
11 increased to 8 feet with approval of an administrative use permit in compliance with Chapter
12 19.25 (Administrative Use Permits).

13 (3) Side Yards. 6 feet for all fences outside the front yard setback area (see
14 Figure 5-1); 7 feet if one foot of lattice or other 50% view permeable material is incorporated
15 into the top one foot of the fence design. Interior side yard fencing may be increased to 8 feet
16 with approval of a use permit in compliance with Chapter 19.24 (Use Permits).

17 No fence authorized by a use permit shall exceed 6 feet in height in any required front or
18 street side yard nor 8 feet in height in any rear or interior side yard.

19 b. Corner Parcels.

20 (1) No fence, wall, or other visual obstruction over 3 feet in height above the
21 top of the existing or planned curb elevation shall be located within a sight distance area.

22 This provision shall not apply to: public utility poles; trees trimmed, to the trunk, to a line
23 at least 13 feet 6 inches over a curb area and 10 feet over a sidewalk; saplings or plant species of
24 open growth habits and not planted in the form of a hedge, which are so planted and trimmed as
25 to leave, at all seasons, a clear and unobstructed crossview; supporting members of
26 appurtenances to permanent structures existing on the effective date of these Regulations; and
27 official governmental warning signs or signals.

28 (2) Street side yard fences, up to a maximum height of 6 feet, may be located

1 on corner parcels, 7 feet if one foot of lattice or other 50% view permeable material is
2 incorporated into the top one foot of the fence design; and if there are no sight distance area
3 problems as determined by the Director.

4 c. Swimming Pools, Spas and Similar Residential Amenities. Swimming pools, spas
5 and other similar residential amenities shall be fenced in compliance with the California
6 Building Code.

7 d. Parcels with Grade Differential. Where there is a difference of less than 2 feet in
8 the ground level between two adjacent parcels, the height of any fence or wall constructed along
9 the common property line shall be determined by using the finished grade of the highest
10 contiguous parcel. When there is a difference of 2 feet or more in the ground level between two
11 adjacent parcels, the height of any fence or wall on the property line shall be determined by the
12 Director. The granting of an administrative use permit, in compliance with Chapter 19.25, may
13 allow a fence or wall in excess of 6 feet in height between two adjacent parcels up to maximum
14 height of either 10 feet, measured from the finished grade of the lower parcel at the property line,
15 or 6 feet above the approved minimum finished floor elevation of either adjacent parcel.

16 B. – J. [NO CHANGES]

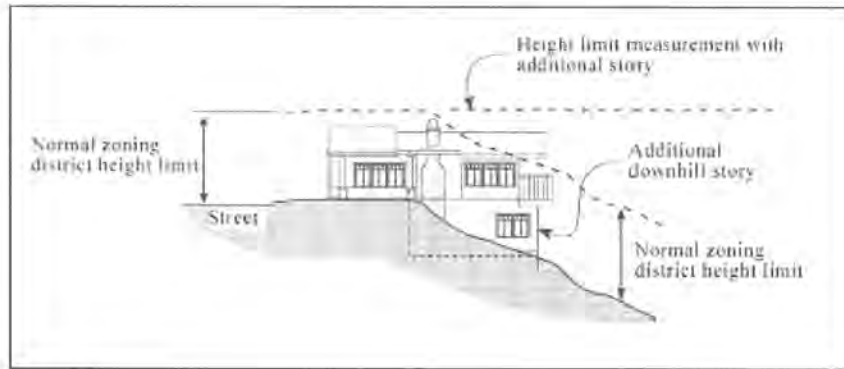
17 **Section 22.** That Section 19.60.070 of the Chico Municipal Code is amended to read as
18 follows:

19 **19.60.070 Height measurement and height limit exceptions.**

20 All structures shall meet the following standards relating to height.

21 A. Maximum Building Height. The height of structures shall not exceed the standard
22 established by the applicable zoning district in Division IV. Maximum height shall be measured
23 as the vertical distance from finished grade to an imaginary plane located the allowed number of
24 feet above and parallel to the finished grade on sites outside of the Foothill Development overlay
25 zone. For sites within the Foothill Development overlay zone, refer to
26 Section 19.52.100 (Foothill Development overlay zone).

27 B. - D. [NO CHANGES]



7 **Figure 5-3**

8 **ADDITIONAL BUILDING HEIGHT ON DOWNHILL LOT**

9 E. Exceptions to Height Limits. The height limits of these Regulations shall not apply to
10 the following:

11 1. – 5. [NO CHANGES]

12 6. Spires, Towers, Water Tanks and Renewable Energy Devices. Belfries;
13 chimneys; cupolas; domes; flag poles; gables; monuments; spires; towers, including hose, utility,
14 and water; water tanks; similar structures; and renewable energy devices and necessary
15 mechanical appurtenances may exceed the height limit established for the applicable zoning
16 district, subject to the approval of an administrative use permit, in compliance with Chapter
17 19.25, or subject to architectural review, in compliance with Chapter 19.18.

18 7. [NO CHANGES]

19 **Section 23.** That Section 19.60.090 of the Chico Municipal Code is amended to read as
20 follows:

21 A. - E. [NO CHANGES]

22 F. Setback Requirements for Specific Structures:

23 1. Fences. See Section 19.60.060 (Fencing and screening).

24 2. Garages. To ensure an adequate space for off-street parking in residential
25 zoning districts, the face of a garage entrance, situated approximately parallel to the front or
26 street side lot line, shall be set back a minimum of 20 feet from the property line providing
27 driveway access.

28 3. Hot Tubs, Swimming Pools, or Spas, and Other Site Design Elements.

1 Detached decks, earthworks, freestanding solar devices, hot tubs, steps, swimming pools or spas,
2 terraces, and other site design elements that are placed directly upon the finished grade, and
3 which exceed a height of 18 inches above the surrounding finished grade at any point, shall
4 conform to the setback requirements of Section 19.76.020 (Accessory uses and structures) for
5 detached accessory structures. Site design elements less than 18 inches above finished grade are
6 exempt. Swimming pools or other recreational pools or landscape ponds greater than 12 inches
7 in depth may be located in a required front or side yard, subject to the approval of a use permit in
8 compliance with Chapter 19.25 (Administrative Use Permits).

9 4. Retaining Walls. Retaining walls greater than 4 feet but no more than 6 feet in
10 height may be located within a required setback provided the exposed side of the wall faces into
11 the property. Retaining walls greater than 4 feet in height, where the exposed side of the wall
12 faces out from the property, and all retaining walls greater than 6 feet in height shall be subject
13 to the same requirements as the main structure in the applicable zoning district. See Figure 5-8.

14 G. - K. [NO CHANGES]

15 **Section 24.** That Section 19.62.030 of the Chico Municipal Code is amended to read as
16 follows:

17 **19.62.030 Application and approval.**

18 Any person requesting a housing density bonus, incentives, or concessions shall provide
19 evidence of an agreement pursuant to Government Code Section 65915. If no such agreement
20 exists, evidence of long-term (30 years) affordability shall be documented by recordation of an
21 Affordability Covenant on the real property. A housing density bonus, incentives, or
22 concessions shall be granted by approval of the necessary entitlement which shall specify the
23 density bonus and/or incentives, and any conditions attached to the approval of such bonus,
24 incentive and/or concession.

25 **Section 25.** That Section 19.62.040 of the Chico Municipal Code is amended to read as
26 follows:

27 **19.62.040 Determination of housing density bonus or incentives.**

28 The project developer may specify the housing density bonus or incentives requested;

1 however, the City may agree to provide a housing density bonus or incentives other than those
2 requested, so long as such housing density bonus or incentives meet the requirement set forth in
3 the California Government Code.

4 **Section 26.** That Section 19.62.050 of the Chico Municipal Code was deleted.

5 **Section 27.** That Section 19.70.050 of the Chico Municipal Code is amended to read as
6 follows:

7 **19.70.050 Reduction of off-street parking.**

8 A. The minimum number of off-street parking spaces may be reduced as part of an
9 entitlement approval or through subsequent approval of an administrative use permit. Applicants
10 proposing a parking reduction shall provide documentation, including quantitative analysis, that
11 justifies the proposed number of parking spaces based on the site and proposed land use(s). A
12 reduction of off-street parking pursuant to this section may allowed only if both of the following
13 findings can be made:

- 14 1. The project site meets one of the following:
- 15 a. The site is zoned RMU or has a -COS overlay zone;
 - 16 b. The site is located within an area of mixed-use development;
 - 17 c. The project will implement sufficient vehicle trip reduction
18 measures (such as vehicles loan programs and transit passes) to offset the reduction; or
 - 19 d. The area is served by public transit, bicycle facilities, or has other
20 features which encourage pedestrian access.

21 2. The proposed parking reduction is not likely to overburden public parking
22 supplies in the project vicinity.

23 B. [NO CHANGES]

24 **Section 28.** That Section 19.70.060 of the Chico Municipal Code is amended to read as
25 follows:

26 **19.70.060 Design and development standards for off-street parking.**

27 Off-street parking areas shall generally be provided outside of any public right-of-way in
28 the following manner:

1 A. - F. [NO CHANGES]

2 G. On-Site Location Required. All parking spaces shall be located on the same parcel as
3 the main use or structure unless granted an administrative use permit in compliance with Chapter
4 19.25 (Administrative Use Permits) and Subsection H (Off-Site Location Requirements), below.

5 H.- N. [NO CHANGES]

6 **Section 29.** That Section 19.70.070 of the Chico Municipal Code is amended to read as
7 follows:

8 **19.70.070 Driveways and site access.**

9 Driveways providing access to off-street parking spaces shall be from an improved street,
10 alley or other right-of-way, and shall be designed, constructed, and maintained as follows:

11 A.- B. [NO CHANGES]

12 C. Location of Access.

13 1. Distance From Street Intersections. No portion of a driveway access shall be
14 allowed within curb returns. The edge of the access shall be more than 10 feet from the end of
15 curb return for single-family residential developments. For all other developments, this distance
16 shall be more than 100 feet. Where the parcel size does not permit the access to be located 100
17 feet from the end of curb return, the access shall be located the maximum distance possible from
18 the end of the curb return, subject to the approval of the public works director. This distance
19 does not include the 3-foot transition or wing sections on each side of the driveway. Access in
20 proximity to a controlled intersection shall be subject to the approval of the public works
21 director.

22 2. - 3. [NO CHANGES]

23 D. - H. [NO CHANGES]

24 **Section 30.** That Section 19.76.020 of the Chico Municipal Code is amended to read as
25 follows:

26 A.- C. [NO CHANGES]

27 D. Residential Accessory Uses and Structures. When allowed, specific residential
28 accessory uses and structures are subject to the provisions of this section. Residential accessory

1 structures include any structure that is customarily related to a residence, including garages,
2 greenhouses, storage sheds, studios, swimming pools, spas, workshops, and similar structures.

3 1. General Requirements. All accessory uses and structures are subject to the following
4 standards, except where more restrictive requirements are established by other provisions of this
5 section for specific uses.

6 a. Relationship of Accessory Use to Main Use. Accessory uses and structures shall
7 be incidental to and not alter the character of the site from that created by the main use.

8 b. Attached Structures. Where an accessory structure is attached to the main structure
9 in a substantial manner, as by shared roofline or wall, such accessory structure shall be
10 considered part of the principal structure.

11 c. Detached Structures. Where an accessory structure is detached, it shall comply
12 with all the requirements of this chapter:

13 (1) Design. Detached accessory structures shall be compatible with the
14 materials and architecture of the main dwelling(s) on the property.

15 (2) Setback Requirements. Setback requirements shall be as provided by
16 Table 5-9 (Required Setbacks - Accessory Uses and Structures).

17 (3) Breezeway Requirements. A breezeway may be allowed to provide
18 shelter between a detached accessory structure and the main dwelling when designed and
19 constructed as a covered passageway which does not exceed 10 feet in width and has at least one
20 side open, except for necessary supporting columns. For the purposes of this chapter, a
21 breezeway shall not constitute attachment of an accessory structure to the main dwelling as a
22 sole means of connection.

23 (4) Coverage. Detached accessory structures shall be calculated in the
24 overall site coverage.

25 (5) Deed Restriction. In order to insure code compliance and prohibit the
26 illegal conversion of residential accessory structures to Accessory Dwelling Units, all applicants
27 must provide to the satisfaction of the Director, a recorded document stating the intended use of
28 the accessory structure is not to be a dwelling unit and that any future conversion to a dwelling

1 unit shall be done so in compliance with Chapter 19.76.130 (Accessory Dwelling Units).

2 2. Antennas. Antennas are subject to the provisions of Chapter 19.78 (Wireless
3 Telecommunications Facilities).

4 3. Garages. A detached garage shall have direct vehicular access on an improved all-
5 weather surface from the public right of way and shall not occupy more than 700 square feet for
6 each dwelling unit, including any workshop or storage space within the garage. When found to
7 be compatible with the main dwelling or the surrounding neighborhood, a larger floor area may
8 be authorized by the Director through architectural review, in compliance with Chapter 19.18.
9 The floor area of a garage that is attached to a main structure is not limited, except by overall site
10 coverage limits, and building or fire code.

11 4. – 8. [NO CHANGES]

12 9. Workshops, Studios, Greenhouses, or Recreation Rooms.

13 a. Limitation on Use. An accessory structure may be constructed or used as a
14 workshop, studio, greenhouse, or recreation room in any residential zoning district solely for
15 hobbies or amusements; for maintenance of the main structure or yards; for horticulture; for
16 artistic endeavors, including painting, photography, or sculpture; for maintenance or mechanical
17 work on vehicles owned or operated by the occupants; or for other similar purposes; and

18 b. Floor Area. A workshop, studio, greenhouse, or recreation room shall not occupy
19 an area larger than 25 percent of the floor area of the main structure and shall comply with site
20 coverage requirements. Additional floor area may be approved with an administrative use
21 permit, in compliance with Chapter 19.25 (Administrative Use Permits).

22 **TABLE 5-9**

23 **ACCESSORY STRUCTURE GENERAL DEVELOPMENT STANDARDS**

Single-Family Detached Homes				
Accessory Use/Structure	Type of Setback (1)	Required Setback (2)	Height Limits	Size Limits

Gazebo, trellis, greenhouse, patio cover, storage shed, workshop, recreation room	Side	3 ft.	15 ft.	25% of the size of the main structure. (4)
	Street side	10 ft. or as required for main structure.	25 ft. with use permit approval	
	Rear	5 ft.; 0 ft. for structures adjacent to an alley.		
Garage or carport	Front	20 ft. (3)	15 ft.;	700 sq ft unless a larger area is authorized through architectural review.
	Side	4 ft.		
	Street side	10 ft. or as required for main structure.	25 ft. with use permit approval;	
	Rear	5 ft.(5)	25 ft. for garages with a second-floor dwelling unit;	
Swimming pool, spa, pool and spa equipment, outdoor play equipment, stationary barbecue, fire pit, air conditioning equipment, ground-based antennas, ground-mounted solar arrays	Side	3 ft.		
	Street side	As required for main structure.		
	Rear	3 ft. (See also 19.60.090 F.4)		
Multi-Family, Attached/Detached [NO CHANGES]				

1 **Notes:**

2 (1) Where a parcel is situated so that the front, side, or rear property lines are not readily
3 determinable, required setbacks shall be established by the Director.

4 (2) In no case shall a structure, projection, or equipment be placed or occur beyond the property
5 lines of the subject parcel. No accessory structures shall be located in a front yard setback or

1 closer than 10 feet from any property line adjoining a public street.

2 (3) To ensure an adequate space for off-street parking in residential zoning districts, the face of
3 a garage entrance, situated approximately parallel to the lot line, shall be set back a minimum of
4 20 feet from the property line providing driveway access.

5 (4) Additional floor area may be approved with an administrative use permit.

6 (5) Garage may be located on rear or side property line abutting an alley where the Director
7 determines that adequate turning radius and backup area will be provided.

8 **Section 31.** That Section 19.76.060 of the Chico Municipal Code is amended to read as
9 follows:

10 **19.76.060 Large family day care homes.**

11 This section establishes standards for large family day care homes in compliance with
12 State law, including the limitations on the City's authority to regulate these facilities. These
13 standards apply in addition to all other applicable provisions of these Regulations and any
14 requirements imposed by the California Department of Social Services through its facility
15 licensing. Licensing by the Department of Social Services is required for all large family day
16 care homes.

17 A. Permit Procedures. Permit processing for large family day care homes shall be
18 subject to the following:

19 1. Permit Requirement. A large family day care home shall require the approval of a
20 non-discretionary large family day care home permit by the Director.

21 2. Criteria for Approval. A large family day care home permit shall be issued if the
22 Director determines that the proposed large family day care home will comply with the standards
23 in this section; and

24 3. Administrative Use Permit. Director may approve an administrative use permit, in
25 compliance with Chapter 19.25, authorizing operation of a large family day care home which
26 does not comply with and/or cannot be operated in compliance with the standards in this section.

27 B. [NO CHANGES]

28 **Section 32.** That Section 19.78.010 of the Chico Municipal Code is amended to read as

1 follows:

2 **19.78.010 Purpose.**

3 The purpose of this chapter is to provide a uniform and comprehensive set of standards
4 for the development of wireless telecommunications facilities. The regulations contained herein
5 are intended to protect and promote public health, safety, community welfare and the aesthetic
6 quality of the city while at the same time providing reasonable opportunities for providers of
7 wireless telecommunications services to provide such services in a safe, effective and efficient
8 manner.

9 California cities are preempted from regulating various aspects of wireless
10 communications facility siting by both state and federal law. In particular, cities cannot prohibit
11 or effectively prohibit wireless facilities, unreasonably discriminate against wireless service
12 providers or regulate such facilities on the basis of radio frequency emissions to the extent those
13 emissions comply with federal standards. These regulations are further intended to:

14 A. Require the location of new monopoles, towers and antennas in non-residential
15 zoning districts unless technically necessary for provision of the service.

16 B. Require telecommunications facilities to be designed in a way to minimize adverse
17 visual impacts.

18 C. Encourage co-location of facilities.

19 D. Protect the public's interest in the safe operation of public safety, emergency and
20 medical services.

21 E. Protect the public from exposure to electromagnetic frequency or radio frequency
22 radiation in excess of federal standards.

23 **Section 33.** That Section 19.78.020 of the Chico Municipal Code is amended to read as
24 follows:

25 **19.78.020 Definitions.**

26 A. – L. [NO CHANGES]

27 M. Substantially Change – means a modification to an existing facility that meets any of
28 the following criteria:

- 1 1. An increase in the height of the existing tower by more than ten percent
2 (10%), or by the height of twenty (20) feet, whichever is greater; or
- 3 2. An appurtenance that protrudes from the edge of the tower more than twenty
4 (20) feet, or more than the width of the tower structure at the level of the appurtenance,
5 whichever is greater; or
- 6 3. The installation of more than the standard number of equipment cabinets for
7 the technology involved, not to exceed four (4) cabinets;
- 8 4. Any excavation or construction outside the structural footprint of the wireless
9 telecommunications tower or base station;
- 10 5. Defeats one or more of the existing concealment elements of the wireless
11 telecommunications tower or base station; or
- 12 6. Does not comply with conditions associated with the prior approval of
13 construction or modification of the wireless telecommunications tower or base station, unless the
14 non-compliance is due to a change that would otherwise not be defined as "substantial
15 modification" as identified herein.

16 N. Telecommunications Tower or Tower - A monopole or lattice tower.

17 O. Wireless Telecommunications Facility or Facility - Any structure, antenna,
18 pole, equipment and related improvements the primary purpose of which is to support the
19 transmission and/or reception of electromagnetic signals, including, but not limited to,
20 telecommunications towers.

21 **Section 34.** That Section 19.78.040 of the Chico Municipal Code is amended to read as
22 follows:

23 **19.78.040 Exempt facilities.**

24 The following wireless telecommunications facilities are exempt from the requirements
25 of this chapter, provided that they are constructed on sites previously developed and that they
26 meet the requirements set forth below.

27 A. – F. [NO CHANGES]

28 G. Repair or replacement of a lawfully-established existing facility so long as the repair

1 or replacement does not substantially change the height or appearance.

2 H. Receive-only radio or television antennas incidental to non-residential use, if the
3 antenna meets the development standards set forth in Section 19.78.110, does not require
4 issuance of a building permit for its installation, and is solely for the use of the occupants of the
5 site on which it is located.

6 **Section 35.** That Section 19.78.070 of the Chico Municipal Code is amended to read as
7 follows:

8 **19.78.070 Application requirements.**

9 The following items shall be required for each permit for a wireless telecommunications
10 facility.

11 A. Use Permits.

12 1. – 4. [NO CHANGES]

13 B. Wireless Telecommunications Facilities Permits.

14 1. – 9. [NO CHANGES]

15 C. When an application is submitted for a use permit and the proposed facility would be
16 located in a zoning district in which such a facility is generally not permitted, or within 500 feet
17 of any elementary or secondary school or within 500 feet of any residential zoning district, the
18 city shall hire an independent consultant, at the applicant's sole expense, to review the
19 application and to provide an analysis of whether the facility is necessary in that zoning district
20 in order to provide the service.

21 **Section 36.** That Section 19.78.100 of the Chico Municipal Code is amended to read
22 as follows:

23 **19.78.100 Action on use permit applications.**

24 All use permit applications for wireless telecommunications facilities shall be acted upon
25 by the planning commission.

26 A. – C. [NO CHANGES]

27 D. Use permits for wireless telecommunications facilities shall be approved or denied
28 by resolution. A resolution granting a use permit shall contain all of the findings required by this

1 section and all conditions applicable to the use permit. A resolution denying a use permit
2 application for a wireless telecommunications facility shall state the reasons for denial, which
3 reasons must be based on evidence before the commission at the time the decision to deny was
4 reached.

5 **Section 37.** That Section 19.78.110 of the Chico Municipal Code is amended to read as
6 follows:

7 **19.78.110 Actions on wireless telecommunications facilities permits.**

8 A. [NO CHANGES]

9 B. The director shall act on all applications for wireless telecommunications facilities
10 permits within 90 days of the submission of a completed application.

11 C. Wireless telecommunications facilities permits shall be approved or denied in
12 writing. All denials shall state the reasons for the denial. Reasons for denial shall be limited to a
13 finding by the director that one of the requirements for issuance, as set forth in A., above, has not
14 been met.

15 **Section 38.** That Section 19.78.120 of the Chico Municipal Code is amended to read as
16 follows:

17 **19.78.120 Development standards.**

18 A. – D. [NO CHANGES]

19 E. State or Federal Requirements. All towers and antennas must meet or exceed current
20 standards and regulations of the FAA, the FCC, and any other agency of the state or federal
21 government with the authority to regulate towers and antennas. If such standards and regulations
22 are changed, then the owners of the towers and antennas governed by this Chapter shall bring
23 such towers and antennas into compliance with such revised standards and regulations within six
24 (6) months of the effective date of such standards and regulations, unless a different compliance
25 schedule is mandated by the controlling state or federal agency. Further, the owner shall provide
26 written notification to the Planning Division of compliance with such revised standards and
27 regulations. Failure to bring towers and antennas into compliance with such revised standards
28 and regulations shall constitute grounds for the immediate removal of the tower or antenna at the

1 owner's expense.

2 **Section 39.** That Section 19.80.030 of the Chico Municipal Code is amended to read as
3 follows:

4 **19.80.030 Applicability of other division of title 19.**

5 A. [NO CHANGES]

6 B. All provisions of Division III of this Title shall apply to property zoned TND.

7 C - D. [NO CHANGES]

8 //

9 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico
10 at its meeting held on November 6, 2018, by the following vote:

11 AYES: Coolidge, Fillmer, Ory, Schwab, Sorensen, Stone, Morgan

12 NOES: None

13 ABSENT: None

14 ABSTAINED: None


15 DISQUALIFIED: None

APPROVED AS TO FORM:

ATTEST:



Vincent C. Ewing
City Attorney*



Deborah R. Presson
City Clerk

*Pursuant to the Charter of the
City of Chico, Section 906(E)