

NOTICE OF PUBLIC HEARING

The Yreka City Council will hold a public hearing at 6:30 p.m., Thursday August 16, 2018, in the Council Chambers, 701 Fourth Street, Yreka, California, on the following proposed Ordinance amending Title 16 Zoning of the Yreka Municipal Code:

AN ORDINANCE OF THE CITY OF YREKA AMENDING TITLE 16 ZONING, BY ADDING TO CHAPTER 16.12 DEFINITIONS SECTION 16.12.045 “ACCESSORY DWELLING UNIT”, SECTION 16.12.185 “COTTAGE FOOD OPERATION, COTTAGE FOOD OPERATOR, COTTAGE FOOD PRODUCTS” SECTION 16.12.778 “TEMPORARY STRUCTURE” CHAPTER 16.45 “TEMPORARY USE PERMITS”; SECTION 16.46.170 “ACCESSORY DWELLING UNITS”; AND AMENDING THE FOLLOWING SECTIONS: SECTION 16.12.400 “DAY-CARE CENTER, FAMILY DAYCARE HOME” CHAPTER 16.18 “SINGLE FAMILY RESIDENTIAL R-1” CHAPTER 16.20 “MEDIUM DENSITY RESIDENTIAL R-2” CHAPTER 16.22 “HIGH DENSITY RESIDENTIAL R-3” CHAPTER 16.24 “RESIDENTIAL AGRICULTURE R-A”; CHAPTER 16.36 “COMMERCIAL HIGHWAY CH” CHAPTER 16.38 “COMMERCIAL TOURIST CT”; CHAPTER 16.46 “SPECIAL PROVISIONS”; AND CHAPTER 16.54 “OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES” AND FINDING THAT THE ORDINANCE IS EXEMPT FROM CEQA.

A copy of the full text of the proposed Ordinance is available at City Hall and on the City’s Website under City Council Agenda. All interested persons are invited to attend the meeting and to participate in the public hearing or deliver written comments regarding the proposed Ordinance to the address listed below. The City Council will discuss the proposed Ordinance, listen to questions and comments from members of the public, and will consider whether to adopt the proposed Ordinance. All comments will be included as part of the public record for this project. Unsigned, facsimile, or illegible comment letters cannot be accepted by the City. Written comments on the proposed Zoning Code Amendment will be accepted until **4 p.m. on August 16, 2018** at the following address:

Yreka City Clerk
701 Fourth Street
Yreka, CA 96097

If any person(s) challenges the action of the City on the above described project in court, said person(s) may be limited to raising only those issues that were raised at the public hearing described in this notice or in written comments delivered to the City of Yreka either at the public hearing or prior to the public hearing.

For more information regarding the proposed project or the public hearing, please contact Liz Casson at casson@ci.yreka.ca.us or 530-841-2324.

Liz Casson, City Clerk



ORDINANCE NO. 853

AN ORDINANCE OF THE CITY OF YREKA AMENDING TITLE 16 ZONING, BY ADDING TO CHAPTER 16.12 DEFINITIONS SECTION 16.12.045 “ACCESSORY DWELLING UNIT”, SECTION 16.12.185 “COTTAGE FOOD OPERATION, COTTAGE FOOD OPERATOR, COTTAGE FOOD PRODUCTS” SECTION 16.12.778 “TEMPORARY STRUCTURE” CHAPTER 16.45 “TEMPORARY USE PERMITS”; SECTION 16.46.170 “ACCESSORY DWELLING UNITS”; AND AMENDING THE FOLLOWING SECTIONS: SECTION 16.12.400 “DAY-CARE CENTER, FAMILY DAYCARE HOME” CHAPTER 16.18 “SINGLE FAMILY RESIDENTIAL R-1” CHAPTER 16.20 “MEDIUM DENSITY RESIDENTIAL R-2” CHAPTER 16.22 “HIGH DENSITY RESIDENTIAL R-3” CHAPTER 16.24 “RESIDENTIAL AGRICULTURE R-A”; CHAPTER 16.36 “COMMERCIAL HIGHWAY CH” CHAPTER 16.38 “COMMERCIAL TOURIST CT”; CHAPTER 16.46 “SPECIAL PROVISIONS”; AND CHAPTER 16.54 “OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES” AND FINDING THAT THE ORDINANCE IS EXEMPT FROM CEQA.

Now, Therefore, the City Council of the City of Yreka does ordain as follows:

SECTION ONE – CLASSIFICATION.

This ordinance is classified as a codified ordinance of a permanent nature.

SECTION TWO – ENACTMENT.

There is hereby added to Title 16 of the Yreka Municipal Code as follows:

Chapter 16.12 – DEFINITIONS

16.12.045 - Accessory Dwelling Unit

“Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall have a separate exterior entrance and include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

- A. An efficiency unit, occupancy by no more than two persons which have a minimum floor area of 150 square feet and which may also have partial kitchen or bathroom facilities, as defined in Section 17958.1 of Health and Safety Code.
- B. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

16.12.185 - Cottage Food Operation, Cottage Food Operator, Cottage food products

42 "Cottage food operation" means an enterprise that is operated by a cottage food operator within
43 the permitted area of a private home where the cottage food operator resides and where cottage
44 food products are prepared or packaged for direct, indirect, or direct and indirect sale to
45 consumers pursuant Health and Safety Code Section 113758. A self-certification checklist as
46 described in Health and Safety Code §114365 shall be required and verified by the City, of all
47 cottage food operations in the City. Per state law, Health and Safety Code Section 113758,
48 commencing in 2015, and each subsequent year thereafter, the enterprise shall not have more
49 than fifty thousand dollars (\$50,000) in gross annual sales in the calendar year.

50 A cottage food operation is subject to the rules and regulations of a "Home Occupation" pursuant
51 to Yreka Municipal Code §16.46.020. A cottage food operation includes both of the following:

52 A. A "Class A" cottage food operation, which is a cottage food operation that may engage
53 only in direct sales of cottage food products to the consumer. Direct sales include, but are
54 not limited to, transactions at holiday bazaars or other temporary events, such as bake
55 sales or food swaps, transactions at farm stands, certified farmers' markets, or through
56 community-supported agriculture subscriptions, and transactions occurring in person in
57 the cottage food operation.

58 B. A "Class B" cottage food operation, which is a cottage food operation that may engage in
59 both direct sales and indirect sales of cottage food products to the consumer. Whereas
60 direct sales are described in subdivision (A) above, indirect sales include, but are not
61 limited to, sales made to retail shops or to retail food facilities where food may be
62 immediately consumed on the premises.

63 "Cottage food operator" means an individual who operates a cottage food operation in his or
64 her private home and is the owner of the cottage food operation.

65 "Cottage food products" means non-potentially hazardous foods, as identified in Health and
66 Safety Code § 114365.5(b) that are prepared for sale in the kitchen of a cottage food operation.

67 **16.12.778 – Temporary Structure.**

68 "Temporary structure" means a building or structure to be utilized for a permitted use
69 applicable to a parcel of land, which will remain upon the parcel for a period not to exceed
70 twelve months. (Ord. 775 (part), 2004).

71
72 **Chapter 16.45 – TEMPORARY USE PERMITS**

73 **Sections:**

74 **16.45.010: Purpose**

75 The following temporary land uses shall be allowed subject to the approval of a temporary use
76 permit and the regulations set forth within this chapter.

77 A. Model homes or apartments and related real estate sales activities, located within a
78 subdivision or residential development;

79 B. Contractor's office, storage yard, and equipment parking and servicing on the site of an
80 active construction project;

- 81 C. Circus, carnival, rodeo, fair or similar transient amusement or recreational activities;
- 82 D. Christmas tree sales lots not directly associated with an established and permitted retail
83 services land use and subject to the business license regulations of Chapter 5.04 of the Yreka
84 Municipal Code;
- 85 E. Residential occupancy of a mobile home or travel trailer by supervisory or security
86 personnel on the site of an active construction project;
- 87 F. Outdoor special sales, outdoor art and craft shows or exhibits, swap meets, farmers
88 markets, flea markets, parking lot sales, or similar sales activities, limited to sites in C-2, C-
89 H, or C-T zoning districts and in operation for not more than three (3) consecutive days or
90 more than a total of twenty-one (21) days in the same year: permitted and subject to the
91 business licenses regulations of Chapter 5.04 of the Yreka Municipal Code
- 92 G. The temporary use of a mobile home or similar portable structure for residential use
93 when located in a residential zoning district, while a permanent dwelling (including mobile
94 homes) is under construction:
- 95 1. A temporary use permit authorizing a temporary residence may be granted or denied
96 only after a sewage disposal permit has been issued and a building permit has been
97 issued for the permanent structure.
- 98 2. The temporary dwelling must be removed from the site after one year from the date
99 of the approval of the temporary dwelling, if the building permit for construction of the
100 permanent dwelling is not renewed. In addition, the temporary use permit shall be
101 effective for the same length of time as the building permit for the permanent dwelling;
- 102 H. Seasonal retail sale of agricultural or horticultural products raised off the premises and
103 limited to sites in C-2, C-H, or C-T zoning districts: permitted and subject to the business
104 licenses regulations of Chapter 5.04 of the Yreka Municipal Code.
- 105 I. Storage containers for construction equipment storage. Storage containers may be allowed
106 as a temporary use on construction sites in any zone within the city subject to first obtaining
107 a temporary conditional use permit. The planning Director or his/her designee shall
108 determine appropriate siting, time limits, and other conditions as may be necessary to assure
109 minimal impact to adjacent properties. Such temporary use shall be allowed only in
110 conjunction with a valid building permit, and the use shall be terminated prior to issuance of
111 a final occupancy permit.
- 112 J. Temporary structures, travel trailers, recreational vehicles or mobile homes may be used
113 for the provision of emergency services for the duration of the emergency;
- 114 K. Any other temporary land use determined by the planning director to be similar to the
115 foregoing.

116

117 **16.45.020 - Application**

118 A. Application to conduct a temporary land use shall be made to the planning department. It
119 shall include a site plan and description of the proposed use and such additional information
120 as the planning director may require to evaluate the use and to make the determinations
121 required by these special provisions.

122 B. Application shall be made at least nine (9) business days prior to the requested
123 commencement date of the temporary use, and the planning director or his/her designee shall
124 make a determination whether to approve, conditionally approve, or to deny the proposed
125 temporary use within five (5) business days after the date the application is determined
126 complete for processing.

127 **16.45.030 - General conditions.**

128 The following general conditions are applicable to temporary land uses that are permitted by
129 the provisions of this chapter or are permitted subject to City approval and issuance of a
130 temporary use permit:

131 A. Each site occupied by a temporary land use shall be left free of debris, litter, or other
132 evidence of temporary use upon completion or removal of the use.

133 B. A temporary land use conducted in a parking facility shall not occupy or remove from
134 availability more than fifty (50) percent of the parking spaces required by the permanent
135 land use on the site.

136 **16.45.040 - Determinations.**

137 A. The planning director or his/her designee may authorize a temporary use only when in
138 their judgment, the following determinations can be made:

139 1. The temporary use will not adversely impact the public health, safety, or
140 convenience or create undue traffic hazards or congestion.

141 2. The temporary use will not adversely interfere with the normal conduct of other land
142 uses and activities on the site or in the general vicinity.

143 3. The temporary use will be conducted in a manner compatible with the land uses in
144 the general vicinity.

145
146 B. The planning director may establish such additional conditions as necessary to ensure
147 land use compatibility and to minimize potential impacts, including but not limited to time
148 and frequency of operation, temporary arrangements for parking and circulation,
149 requirements for screening or enclosure, and guarantees for site restoration and cleanup
150 following the temporary use.

151

152 **16.45.050 - Fees.**

153 The planning director or his/her designee is authorized to administer and collect a fee
154 necessary to process the temporary use permit application. The fee shall be identified on the
155 applicable master fee schedule adopted and periodically amended by the city council.

156 **16.45.060 - Revocation of temporary use permit.**

157 After providing the permittee with written notification and a public meeting, the planning
158 director is vested with the administrative authority to officially revoke a temporary use permit
159 whenever evidence exists and a determination is rendered verifying that the affected temporary
160 land use activity is not being conducted in a manner that complies with the provisions of this
161 chapter or its town-adopted and assigned conditions of approval.

162 **16.46.170 Accessory dwelling units.**

163 Applications for accessory dwelling units (ADU) in single-family or multifamily
164 residential zones are an allowed use in all single-family and multifamily zoning districts in the
165 City and shall not be subject to a use permit or other discretionary action pursuant to
166 Government Code Section 65852.2 with the following additional requirements:

167 A. The increased floor area of an attached second unit shall not exceed fifty (50) percent of
168 the existing living area, with a maximum increase in floor area of 1,200 square feet.

169 The second unit may exceed one thousand two hundred (1,200) square feet on lots
170 exceeding fourteen thousand (14,000) square feet.

171 B. The dwelling unit is not intended for sale but may be rented for a period greater than
172 30-days. Short-term rental (30 days or less) of these units is not allowed.

173 C. The lot contains an existing single-family dwelling.

174 D. The lot is zoned for single or multifamily use.

175 E. The accessory dwelling unit is either attached to the existing dwelling and located
176 within the living area of the existing dwelling or detached from the existing dwelling
177 and located on the same lot as the existing dwelling.

178 F. No setback shall be required for an existing garage that is converted to an accessory
179 dwelling unit, and a setback of no more than five feet from the side and rear lot lines
180 shall be required for an accessory dwelling unit that is constructed above a garage.

181 G. With the exception of setback requirements discussed in section F above, requirements
182 relating to height, setback, lot coverage, architectural review, site plan review, fees,
183 charges, and other zoning requirements are generally applicable to residential
184 construction in the zone in which the property is located.

185 H. Parking requirements for accessory dwelling units shall be one parking space per unit
186 per bedroom, whichever is less. These spaces may be provided as tandem parking on a
187 driveway. However, no parking requirements shall be mandatory for those accessory
188 dwelling units in any of the following instances:

- 189 1. The accessory dwelling unit is located within one-half mile of public transit.
- 190 2. The accessory dwelling unit is located within an architecturally and historically
191 significant historic district.
- 192 3. The accessory dwelling unit is part of the existing primary residence or an
193 existing accessory structure.
- 194 4. When on-street parking permits are required but not offered to the occupant of
195 the accessory dwelling unit.
- 196 5. When there is a car share vehicle located within one block of the accessory
197 dwelling unit.
- 198 I. Off-street parking shall be permitted in setback areas in locations determined by the
199 local agency or through tandem parking, unless specific findings are made that parking
200 in setback areas or tandem parking is not feasible based upon specific site or regional
201 topographical or fire and life safety conditions, or that it is not permitted anywhere else
202 in the jurisdiction.
- 203 J. Accessory dwelling units shall not be required to provide fire sprinklers if they are not
204 required for the primary residence.
- 205 K. For those accessory dwelling units contained within the existing space of a single-
206 family residence or accessory structure, which have an independent exterior access
207 from the existing residence, and the side and rear setbacks are sufficient for fire safety
208 shall not require a new or separate utility connection directly between the accessory
209 dwelling unit and the utility. No related connection fee or capacity charge shall be
210 imposed for this structure.
- 211 L. For an accessory dwelling unit that is not described in section (K) above, a new or
212 separate utility connection directly between the accessory dwelling unit and the utility
213 shall be required. The connection is subject to a connection fee or capacity charge which
214 shall be proportionate to the burden of the proposed accessory dwelling unit, based upon
215 either its size or the number of its plumbing fixtures, upon the water or sewer system. This
216 fee or charge shall not exceed the reasonable cost of providing this service.
- 217 M. Conversion of residential garages to additional living space shall be made pursuant to
218 Yreka Municipal Code § 16.54.050.
- 219 N. Vehicles used and traffic generated by the accessory dwelling unit when counted together
220 with the traffic generated by the main residence shall not exceed the type of vehicles or
221 traffic volume normally generated by a home occupied by a full-time resident in a
222 residential neighborhood. For purposes of this section, "normal residential traffic volume"
223 means up to 10 trips per day.
- 224 O. The number of persons occupying the accessory dwelling unit shall not exceed two persons
225 per bedroom meeting building code requirements. A studio shall be limited to a maximum
226 of two persons. Notwithstanding the foregoing, those persons residing within the accessory
227 dwelling unit may have additional overnight guests, not to exceed 30 nights per annum.
- 228 P. The property owner shall use best efforts to ensure that the occupants and/or guests of the
229 accessory dwelling units do not create unreasonable noise or disturbances, engage in

230 disorderly conduct, or violate provisions of this code or any state law pertaining to noise
231 or disorderly conduct. The occupant's lease shall state this conduct as a condition of
232 tenancy of the accessory dwelling unit, which condition shall serve as an adequate basis
233 for the termination of the tenancy. The property owner shall, upon notification that
234 occupants and/or guests of his or her accessory dwelling unit has created unreasonable
235 noise or disturbances, engaged in disorderly conduct or violated provisions of this code or
236 state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a
237 recurrence of such conduct by those occupants or guests. It is not intended that the owner,
238 local agent or contact person act as a peace officer or place himself or herself in harm's
239 way.

240 Q. A violation of subsections 16.46.170(A), 16.46.170(B) and/or 16.46.170(C) shall be
241 deemed a public nuisance.

242 R. Every owner or occupant of real property within the city is required to maintain such
243 property in a manner so as not to violate the provisions of this chapter and such owner
244 remains liable for violations thereof regardless of any contract or agreement with any third
245 party regarding such property. Every tenant, occupant, lessee or holder of any interest in
246 property, other than as owner thereof, is required to behave on the property, and supervise
247 any guests on the property, in the same manner as is required of the owner thereof, in a
248 manner so as not to violate the provisions of this ordinance, and the duty imposed on the
249 owner thereof shall in no instance relieve those persons referred to from the similar duty.

250 **Title 16 of the Yreka Municipal Code is hereby supplanted with the following (Additions**
251 **underlined and deletions ~~strikethrough~~:**

252 **Chapter 16.18 - SINGLE-FAMILY RESIDENTIAL R-1 (1-6 Units Per Acre)**

253 **16.18.050 - Permitted Uses.**

254 The following uses are permitted in the R-1 zone district subject to issuance of a building
255 permit, business license or other required permit(s):

- 256 A. Single-family dwellings.
- 257 B. Group care home - small;
- 258 C. Small family daycare facilities.
- 259 D. Parks, picnic areas and playgrounds associated with approved development.
- 260 E. Duplex on corner lot when the following standards can be satisfied:
 - 261 1. Ten thousand square foot minimum area.
 - 262 2. Eighty-foot minimum lot width.
 - 263 3. Each unit and garage shall face a separate street.
 - 264 4. The floor area of each dwelling unit shall not be less than eight hundred fifty
 - 265 square feet.
 - 266 5. Parking and access for each unit shall be provided as set forth in Section

- 267 16.20.040(D).
268 6. Front yards within twenty feet to match both sides.
269 7. No more than two duplexes shall be allowed per four-way intersection or one per
270 three-way intersection.
271 F. Hens may be kept or maintained as provided by Section 8.04.020(c).
272 G. Employee housing - small;
273 H. Supportive housing;
274 I. Transitional housing;
275 J. Large family daycare facility;
276 K. Accessory dwelling units pursuant to Yreka Municipal Code § 16.46.170;

277 **16.18.070 - Conditional Uses.**

278 The following uses are permitted in the R-1 zone district upon approval and validation of
279 a conditional use permit, in addition to any other permits or licenses required for the use:

- 280 ~~A. Large family daycare facilities (Admin Permit H&S Code § 1597.46).~~
281 BA. Places of assembly or learning:
282 1. Church or other place of worship or spiritual assembly;
283 2. Grange halls, community centers, meeting halls;
284 3. Schools, public or private.
285 CB. Public and Quasi Public Facilities:
286 1. Public and quasi-public buildings and uses;
287 2. Fire, police or sheriff substation;
288 3. Parks, picnic areas and playgrounds not associated with approved development;
289 4. Water treatment facilities.
290 DC. Landscaped public or private parking lots when adjacent to any "C" or "M" district.
291 ED. Garages and accessory structures larger than six hundred fifty square feet of floor
292 area.
293

294 ~~**16.18.080 - Second units in residential zones.**~~

295 ~~Applications for second units in single family or multifamily residential zones may be~~
296 ~~granted by the Planning Director by an administrative use permit subject to Government Code~~
297 ~~§ 65852.2 with the following additional requirements:~~

- 298 ~~A. The lot size shall be eight thousand (8,000) square feet minimum.~~
299 ~~B. The total area of floor space for a detached second unit shall not exceed one thousand~~
300 ~~two hundred (1,200) square feet. The second unit may exceed one thousand two~~
301 ~~hundred (1,200) square feet on lots exceeding fourteen thousand (14,000) square feet.~~

- 302 ~~C. The permit is issued only to an owner/occupant and terminates when an~~
- 303 ~~owner/occupant no longer resides in one of the dwelling units for a period of six (6)~~
- 304 ~~months.~~
- 305 ~~D. The dwelling unit is not intended for sale but may be rented.~~
- 306 ~~E. The lot contains an existing single family dwelling.~~
- 307 ~~F. The lot is zoned for single or multifamily use.~~
- 308 ~~G. The second unit is either attached to the existing dwelling and located within the living~~
- 309 ~~area of the existing dwelling or detached from the existing dwelling and located on the~~
- 310 ~~same lot as the existing dwelling.~~
- 311 ~~H. The increased floor area of an attached second unit shall not exceed thirty (30) percent~~
- 312 ~~of the existing living area.~~
- 313 ~~I. Requirements relating to height, setback, lot coverage, architectural review, site plan~~
- 314 ~~review, fees, charges, and other zoning requirements generally applicable to residential~~
- 315 ~~construction in the zone in which the property is located.~~
- 316 ~~J. One garage or carport shall be provided for each proposed bedroom, provided the~~
- 317 ~~maximum required parking shall not exceed two (2) spaces.~~

318

319 **Chapter 16.20 - MEDIUM DENSITY RESIDENTIAL R-2 (1 - 13 Units Per Acre)**

320 **16.20.050 - Permitted Uses.**

321 The following uses are permitted in the R-2 Zone District subject to issuance of a building

322 permit, business license or other required permit(s):

- 323 A. Single-Family dwellings.
- 324 B. Duplex, Triplex, Fourplex units.
- 325 C. Group care home - small;
- 326 D. Small family daycare facilities.
- 327 E. Parks, picnic areas and playgrounds associated with approved development.
- 328 F. Condominiums.
- 329 G. Employee housing - small;
- 330 H. Supportive housing;
- 331 I. Transitional housing-;
- 332 J. Large family daycare facility;
- 333 K. Accessory dwelling units pursuant to Yreka Municipal Code § 16.46.170

334 **16.20.070 - Conditional Uses.**

335 The following uses are permitted in the R-2 Zone District upon approval and validation of

336 a conditional use permit, in addition to any other permits or licenses required for the use:

- 337 A. Day care centers.

338 ~~B. Large family daycare facilities (Admin Permit H&S Code § 1597.46).~~

339 ~~CB. Places of assembly or learning:~~

340 1. Church or other place of worship or spiritual assembly;

341 2. Grange halls, community centers, meeting halls;

342 3. Schools, public or private.

343 ~~DC. Public and Quasi Public Facilities:~~

344 1. Public and quasi-public buildings and uses;

345 2. Fire, police or sheriff substation;

346 3. Parks, picnic areas and playgrounds not associated with approved development;

347 4. Water treatment facilities.

348 ~~ED. Group care home - large.~~

349 **16.20.080 – Second units in residential zones.**

350 ~~Applications for second units in single family or multifamily residential zones may be~~
351 ~~granted by the Planning Director by an administrative use permit subject to Government Code~~
352 ~~§ 65852.2 with the following additional requirements:~~

353 ~~A. The lot size shall be eight thousand (8,000) square feet minimum.~~

354 ~~B. The total area of floor space for a detached second unit shall not exceed one thousand~~
355 ~~two hundred (1,200) square feet. The second unit may exceed one thousand two~~
356 ~~hundred (1,200) square feet on lots exceeding fourteen thousand (14,000) square feet.~~

357 ~~C. The permit is issued only to an owner/occupant and terminates when an owner occupant~~
358 ~~no longer resides in one of the dwelling units for a period of six (6) months.~~

359 ~~D. The dwelling unit is not intended for sale but may be rented.~~

360 ~~E. The lot contains an existing single family dwelling.~~

361 ~~F. The lot is zoned for single or multifamily use.~~

362 ~~G. The second unit is either attached to the existing dwelling and located within the living~~
363 ~~area of the existing dwelling or detached from the existing dwelling and located on the~~
364 ~~same lot as the existing dwelling.~~

365 ~~H. The increased floor area of an attached second unit shall not exceed thirty (30) percent~~
366 ~~of the existing living area.~~

367 ~~I. Requirements relating to height, setback, lot coverage, architectural review, site plan~~
368 ~~review, fees, charges, and other zoning requirements generally applicable to residential~~
369 ~~construction in the zone in which the property is located.~~

370 ~~J. One garage or carport shall be provided for each proposed bedroom, provided the~~
371 ~~maximum required parking shall not exceed two (2) spaces.~~

372

373 **Chapter 16.22 - HIGH DENSITY RESIDENTIAL R-3 (1 - 16 Units Per Acre)**

374 **16.22.050 - Permitted Uses.**

375 The following uses are permitted in the R-3 Zone District subject to issuance of a building
376 permit, business license or other required permit(s):

- 377 A. Single-family dwellings;
- 378 B. Duplex, triplex, fourplex units;
- 379 C. Group care home - small;
- 380 D. Small family daycare facilities;
- 381 E. Parks, picnic areas and playgrounds associated with approved development.
- 382 F. Employee housing - small;
- 383 G. Supportive housing;
- 384 H. Transitional housing;
- 385 I. Large family daycare facility;
- 386 J. Accessory dwelling units pursuant to Yreka Municipal Code § 16.46.170.

387 **16.22.070 - Conditional Uses.**

388 The following uses are permitted in the R-3 Zone District upon approval and validation of
389 a conditional use permit, in addition to any other permits or licenses required for the use:

- 390 A. Apartment or condominium developments or dwelling groups exceeding four (4)
391 residential units.
- 392 B. Day care centers.
- 393 ~~C. Large family daycare facilities (Admin permit H&S Code § 1597.46).~~
- 394 DC. Places of assembly or learning:
 - 395 1. Church or other place of worship or spiritual assembly.
 - 396 2. Grange halls, community centers, meeting halls.
 - 397 3. Schools, public or private.
- 398 ED. Public and Quasi Public Facilities.
 - 399 1. Public and quasi-public buildings and uses.
 - 400 2. Fire, police or sheriff substation.
 - 401 3. Parks, picnic areas and playgrounds not associated with approved development.
 - 402 4. Water treatment facilities.
- 403 FE. Manufactured home parks and subdivisions.
- 404 GF. Group care home - large.

406 ~~**16.22.080 - Second units in residential zones.**~~

407 ~~Applications for second units in single family or multifamily residential zones may be~~
408 ~~granted by the Planning Director by an administrative use permit subject pursuant to~~
409 ~~Government Code Section 65852.2 with the following additional requirements:~~

- 410 ~~A. The lot size shall be eight thousand (8,000) square feet minimum.~~

- 411 ~~B. The total area of floor space for a detached second unit shall not exceed 1,200 square~~
- 412 ~~feet.~~
- 413 ~~The second unit may exceed one thousand two hundred (1,200) square feet on lots~~
- 414 ~~exceeding fourteen thousand (14,000) square feet.~~
- 415 ~~C. The permit is issued only to an owner/occupant and terminates when an owner occupant~~
- 416 ~~no longer resides in one of the dwelling units for a period of six (6) months.~~
- 417 ~~D. The dwelling unit is not intended for sale but may be rented.~~
- 418 ~~E. The lot contains an existing single family dwelling.~~
- 419 ~~F. The lot is zoned for single or multifamily use.~~
- 420 ~~G. The second unit is either attached to the existing dwelling and located within the living~~
- 421 ~~area of the existing dwelling or detached from the existing dwelling and located on the~~
- 422 ~~same lot as the existing dwelling.~~
- 423 ~~H. The increased floor area of an attached second unit shall not exceed thirty (350) percent~~
- 424 ~~of the existing living area.~~
- 425 ~~I. Requirements relating to height, setback, lot coverage, architectural review, site plan~~
- 426 ~~review, fees, charges, and other zoning requirements generally applicable to residential~~
- 427 ~~construction in the zone in which the property is located.~~
- 428 ~~J. One garage or carport shall be provided for each proposed bedroom, provided the~~
- 429 ~~maximum required parking shall not exceed two (2) spaces.~~

430

431 **Chapter 16.24 - RESIDENTIAL AGRICULTURE R-A (One acre minimum)**

432 **16.24.050 - Permitted Uses.**

433 The following uses are permitted in the R-A zone district subject to issuance of a building
 434 permit, business license or other required permit(s):

- 435 A. Single-family dwellings.
- 436 B. Group care home - small;
- 437 C. Small family daycare facilities.
- 438 D. Parks, picnic areas and playgrounds associated with approved development.
- 439 E. Orchards, vineyards, produce gardens, farm crops and similar uses. Animals and birds
- 440 are subject to the provisions of Sections 8.04.020 and 8.04.050, except that hens may be
- 441 kept or maintained as provided in Section 8.04.020(c).
- 442 F. Employee housing - large;
- 443 G. Employee housing - small;
- 444 H. Supportive housing;
- 445 I. Transitional housing.
- 446 J. Large family daycare facility
- 447 K. Accessory dwelling units pursuant to Yreka Municipal Code § 16.54.050

448 **16.24.070 - Conditional Uses.**

449 The following uses are permitted in the R-A one-acre Zone District upon approval and
450 validation of a conditional use permit, in addition to any other permits or licenses required for
451 the use:

452 ~~A. Large family daycare facilities (Admin Permit H&S Code § 1597.46);~~

453 ~~BA. Places of assembly or learning:~~

454 1. Church or other place of worship or spiritual assembly;

455 2. Grange halls, community centers, meeting halls;

456 3. Schools, public or private;

457 ~~CB. Public and Quasi Public Facilities:~~

458 1. Public and quasi-public buildings and uses;

459 2. Fire, police or sheriff substation;

460 3. Parks, picnic areas and playgrounds not associated with approved development;

461 4. Water treatment facilities.

462

463 ~~16.24.080 – Second units in residential zones.~~

464 Applications for second units in single family or multifamily residential zones may be
465 granted by the Planning Director by an administrative use permit subject to Government Code
466 § 65852.2 with the following additional requirements:

467 ~~A. The lot size shall be eight thousand square feet minimum.~~

468 ~~B. The total area of floor space for a detached second unit shall not exceed one thousand
469 two hundred (1,200) square feet. The second unit may exceed one thousand two
470 hundred (1,200) square feet on lots exceeding fourteen thousand (14,000) square feet.~~

471 ~~C. The permit is issued only to an owner/occupant and terminates when an owner occupant
472 no longer resides in one of the dwelling units for a period of six (6) months.~~

473 ~~D. The dwelling unit is not intended for sale but may be rented.~~

474 ~~E. The lot contains an existing single family dwelling.~~

475 ~~F. The lot is zoned for single or multifamily use.~~

476 ~~G. The second unit is either attached to the existing dwelling and located within the living
477 area of the existing dwelling or detached from the existing dwelling and located on the
478 same lot as the existing dwelling.~~

479 ~~H. The increased floor area of an attached second unit shall not exceed thirty (30) percent
480 of the existing living area.~~

481 ~~I. Requirements relating to height, setback, lot coverage, architectural review, site plan
482 review, fees, charges, and other zoning requirements generally applicable to residential
483 construction in the zone in which the property is located.~~

484 ~~J. One garage or carport shall be provided for each proposed bedroom, provided the
485 maximum required parking shall not exceed two (2) spaces.~~

486

487 **Chapter 16.36 - COMMERCIAL HIGHWAY (CH)**

488 **16.36.060 - Accessory Uses and Structures.**

489 The following uses and structures are permitted in the CH Zone District as an accessory to
490 the primary permitted or conditionally permitted use:

- 491 A. Garage, carport, and off-street parking not exceeding ten (10) spaces.
- 492 B. Fences, walls in compliance with § 16.46.050.
- 493 C. Bed and breakfasts subject to permit as required in Chapter 16.50.
- 494 ~~D. Temporary outside sales such as sidewalk or parking lot sales not exceeding two (2)~~
495 ~~days in any 30-day period.~~
- 496 ED. Usual and customary structures associated with a commercial use.

497 **Chapter 16.38 - COMMERCIAL TOURIST CT**

498 **16.38.050 - Accessory Uses and Structures.**

499 The following uses and structures are permitted in the CT Zone District as an accessory to
500 the conditionally permitted use:

- 501 A. Garage, carport, and off-street parking, not exceeding ten (10) spaces.
- 502 B. Fences, walls in compliance with § 16.46.050.
- 503 ~~C. Temporary outside sales such as sidewalk or parking lot sales not exceeding two (2)~~
504 ~~days in any 30-day period.~~
- 505 DC. Usual and customary structures associated with a commercial use.

506 **Chapter 16.46 - SPECIAL PROVISIONS**

507 ~~**16.46.010 - Temporary Structures.**~~

508 ~~A. A "temporary structure" means a building or structure to be utilized for a permitted use~~
509 ~~applicable to a parcel of land, which will remain upon the parcel for a period not to exceed~~
510 ~~twelve months.~~

511

512 ~~B. A conditional use permit for any such temporary structure shall be required in~~
513 ~~accordance with procedures set forth in Chapter 16.44 provided that any noncomplying~~
514 ~~aspects of the temporary structure shall only be approved by the planning commission if it~~
515 ~~makes the findings as required by section 16.44.040(A).~~

516

517 **16.46.020 - Home Occupations.**

518 A. Home occupations are permitted in all residential zones subject to the following standards:

- 519 1. There shall be no display of items for sale; no on-site advertising signs;

- 520 2. No stock in trade, inventory, or supplies shall be kept on premises except in an
521 enclosed building;
- 522 3. No commodity shall be sold upon the premises, with the exception of direct sales for
523 cottage food operations, as allowed by state law;
- 524 4. No person employed except such as is necessary for housekeeping purposes;
- 525 5. The activity shall be one which is customarily incidental to and not inconsistent with
526 the use of the premises as a dwelling;
- 527 6. Such activity shall be of a nature and conducted in such a manner that there is no
528 generation of additional pedestrian or vehicular traffic beyond what is normal for
529 zone;
- 530 7. The activity shall not create noise levels which disturb adjacent properties; and
- 531 8. There shall be no advertising of any nature, including signs on vehicles, setting forth
532 or identifying the location of any such business.
- 533

534 **Section 16.46.140(b)**

535 Storage containers may be allowed as a temporary use on construction sites in any zone within
536 the city subject to first obtaining a temporary ~~conditional~~ use permit pursuant to Section
537 16.46.010. ~~The planning commission shall determine appropriate siting, time limits, and other~~
538 ~~conditions as may be necessary to assure minimal impact to adjacent properties. Such~~
539 ~~temporary use shall be allowed only in conjunction with a valid building permit, and the use~~
540 ~~shall be terminated prior to issuance of a final occupancy permit. The planning commission~~
541 ~~shall have the authority to revoke such temporary permit if the applicant does not abide by the~~
542 ~~conditions set or if the applicant is not making adequate progress on construction.~~

543 **Chapter 16.54 - OFF-STREET PARKING AND OFFSTREET LOADING FACILITIES**

544 **16.54.050 - Conversion of residential garages to additional living space**

545 A. This section shall apply to single-family dwellings where all the following conditions
546 occur:

- 547 1. The lot or parcel upon which the dwelling is located is less than seven thousand
548 (7,000) square feet;
- 549 2. The dwelling was constructed prior to adoption of this ordinance.
- 550

551 B. The owner of such existing single-family residential dwelling may apply for and obtain
552 an administrative permit to convert the an attached garage or carport for of such dwelling
553 unit into additional living space not to be used as an "Accessory Dwelling Unit". ~~into an~~
554 ~~area for other residential accessory dwelling unit purposes upon applying for and~~
555 ~~obtaining from the Planning Director an administrative permit therefor, on t~~ The
556 following terms and conditions shall apply for approval of the administrative permit.

- 557 1. For each required garage space or carport space converted, the owner shall provide
558 one off-street parking space on the subject property. and not be located within any
559 required building setback area if other areas are reasonably available.

- 560 2. Such alternate parking space shall be paved with concrete or asphalt.
561 3. The design and location of the alternate parking space, together with the access
562 thereto, shall be approved by the Planning Director.
563 4. Submission by the applicant of such plans for the garage conversion and construction
564 of the parking place as may be required by the Building Official for the issuance of a
565 building permit.
- 566 C. No work shall commence on any such conversion or on construction of alternate parking
567 prior to the issuance of an administrative permit by the Planning Director and the
568 applicant obtaining a building permit for such construction and conversion and paying
569 the necessary fee therefor. Notwithstanding the foregoing, an innocent bonifide
570 purchaser of a residential dwelling described in subsection (A) for which a permit was
571 not obtained may apply for a permit pursuant to this section and for a building permit for
572 such conversion subject to such conditions as may be additionally imposed by the
573 Building Official to assure that the construction and conversion was in compliance with
574 all applicable codes and regulations.

575
576 SECTION THREE - INCONSISTENCY.
577 Any provisions of the Yreka Municipal Code, or appendices thereto, or any other ordinances of
578 the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby
579 repealed for the purposes of the enforcement of this Chapter.

580
581 SECTION FOUR - CEQA EXEMPTION.
582 The City Council of the City of Yreka, California also finds the approval of this ordinance is
583 statutorily exempt from the California Environmental Quality Act ("CEQA") pursuant to
584 Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does
585 not apply to adoption of an ordinance to implement the provisions of Government Code
586 section 65852.2. This ordinance implements recent amendments to Government Code
587 section 65852.2, and on that basis adoption of the ordinance is exempt from CEQA.
588 Additionally, or in the alternative, the Board determines that adoption of this ordinance is
589 exempt from CEQA under CEQA Guidelines section 15061(b)(3), because it can be seen
590 with certainty that there is no possibility that adoption of the ordinance may have a
591 significant effect on the environment.

592
593 SECTION FIVE - PUBLICATION OF CODIFICATION.
594 Section Two of this chapter is the sole portion of this ordinance that requires publication in
595 the codification of the Yreka Municipal Code. The City Clerk is directed to post a Notice of
596 Exemption. A summary of this Ordinance shall be published and a certified copy of the full
597 text of this Ordinance shall be posted in the Office of the City Clerk at least five (5) days
598 prior to the City Council meeting at which this Ordinance is to be adopted. A summary of
599 this Ordinance shall also be published once within fifteen (15) days after this Ordinance's
600 passage in a newspaper of general circulation, published, and circulated in the City of Yreka.
601 The City Clerk shall post in the Office of the City Clerk a certified copy of the full text of

602
603
604

604 such adopted Ordinance along with the names of those City Council members voting for and
605 against the Ordinance in accordance with Government Code Section 36933 and the entire
606 ordinance has been posted on the city website for public review prior to the first reading of
607 this ordinance.

608

609 SECTION SIX - EFFECTIVE DATE.

610 This ordinance shall be effective thirty-one (31) days from and after its adoption.

611

612 SECTION SEVEN - IMPLEMENTATION.

613 The City Council hereby authorizes and directs the City Manager to take any action and sign
614 any documents necessary to implement this Ordinance.

615

616 SECTION EIGHT - EXECUTION.

617 The Mayor and City Clerk are authorized to subscribe this ordinance where indicated below
618 to evidence its approval by the City Council.

619

620 Introduced at a regular meeting of the City Council held August 2, 2018, and adopted as an
621 ordinance of the City of Yreka at a regular meeting of the City Council held on August 16,
622 2018 by the following vote:

623

624 AYES:

625 NOES:

626 ABSENT:

627

628

Joan Smith Freeman, Mayor

629

630

631

632 Attest:

APPROVED AS TO FORM

633

634

635

636

637 _____
Elizabeth E. Casson, City Clerk



DOHN HENION, City Attorney