

Title 17 - ZONING

ARTICLE V. SPECIAL AREA AND SPECIFIC USE REGULATIONS

ARTICLE V. SPECIAL AREA AND SPECIFIC USE REGULATIONS

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17.124.010 Purpose.

The provisions of this chapter regulate specific uses or areas as otherwise permitted in Article III of this title. These requirements are in addition to those contained in the respective zone districts.

(Ord. No. 519, 8-8-2012)

Chapter 17.128 ADULT (SEX)-ORIENTED ENTERTAINMENT BUSINESSES

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17.128.010 Purpose.

The council finds that sex-oriented entertainment businesses, because of their very nature, are recognized as having objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. The special regulation of such businesses is necessary to insure that such adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of the regulation is to prevent the concentration or clustering of such businesses in any one area.

(Ord. No. 519, 8-8-2012)

17.128.020 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as set forth in this section.

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"Cabaret" means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

"Massage parlor" means an establishment where, for any form of consideration or gratuity, massages, alcohol rubs, the administration of fomentations, electric or magnetic treatments or any other treatment or manipulation of the human body occurs, other than medical or therapeutic treatments by persons licensed by the state to administer such treatments.

"Model studio" means any business where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity.

"Sex-oriented book/novelty store" means an establishment having as a portion of its stock-in-trade exposed books, magazines and other periodicals or novelty item which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material or novelty item.

"Sex-oriented entertainment business" means any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. "Sex-oriented hotel or motel" means a hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

"Sex-oriented motion picture arcade" means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to persons and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

"Sex-oriented motion picture theater" means an enclosed or unenclosed building or structure or portion thereof, used for presenting materials distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons in such theater.

"Sexual encounter center" means any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.

"Specified sexual activities" means and includes:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching or sexual stimulation of human genitals, pubic regions, buttocks or female breasts.

"Specified anatomical areas" means and includes:

1. Less than completely and opaquely covered:
 - a. Human genitals or pubic regions;
 - b. Buttocks; and
 - c. Female breasts below a point immediately above the top of the areola; and
3. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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(Ord. No. 519, 8-8-2012)

17.128.030 Limitations.

- A. In those land use districts where the sex-oriented entertainment businesses regulated by this chapter would otherwise be permitted pursuant to Article III, it is unlawful to establish any such sex-oriented entertainment business if the location is:
 - 1. Within one-thousand hundred (1,000) feet of any area zoned for residential use or mixed-used property with residential use included;
 - 2. Within one thousand (1,000) feet of any other sex-oriented entertainment business; or
 - 3. Within one thousand (1,000) feet of any public or private school, park, playground, public building, church, noncommercial establishment operated by a bona fide religious organization or any establishment likely to be frequented by minors.
- B. The establishment of any sex-oriented entertainment business shall include the opening of such a business as a new business, the relocation of such a business or the conversion of an existing business location to any sex-oriented entertainment business use.

(Ord. No. 519, 8-8-2012)

17.128.040 Auxiliary sales of erotica.

Business establishments which sell magazines, videos or books depicting, describing or relating to specified sexual activities or specified anatomical areas and which are located in a general business district may only display such items if done so in a manner where only the title of the publication is exposed or visible.

(Ord. No. 519, 8-8-2012)

17.128.050 Waivers—Applications.

Any property owner or his or her authorized agent may apply to the planning commission for a waiver of any locational provisions as set forth in Section 17.128.030 of this chapter. The planning commission, after a hearing, may waive any locational provision if the following findings are made:

- A. That the proposed use will not be contrary to the public interests or injurious to nearby properties and that the spirit and intent of this chapter will be observed;
- B. That the proposed use will not enlarge or encourage the development of a "skid row" area;
- C. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal; and
- D. That all the applicable regulations of this code will be observed.

(Ord. No. 519, 8-8-2012)

17.128.060 Waivers—Procedure.

Notwithstanding any other provision of this title original jurisdiction to hear applications for waivers pursuant to this chapter is vested in the planning commission. The procedure for such hearing shall be the same as that provided for in this title for the issuance of conditional use permits by the planning

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commission, including the same notice requirements, the same right of appeal to the council and the same fees payable by the applicant.

(Ord. No. 519, 8-8-2012)

17.128.070 Conditional use permits—Required.

Notwithstanding any other provision of this code, a conditional use permit shall be required for the establishment of a sex-oriented entertainment business in any district. Such requirement shall be for the purpose of establishing conditions found to be reasonably necessary to prevent incompatibility or conflicts with other land uses in the immediate vicinity of the proposed business. Applications for such conditional use permits shall be heard by the planning commission.

(Ord. No. 519, 8-8-2012)

17.128.080 Public notice.

In addition to the notification procedure in Section 17.40.020, notice of a permit application for an adult (sex)-oriented entertainment business shall be provided to all property owners within one thousand (1,000) feet of the proposed use.

(Ord. No. 519, 8-8-2012)

Chapter 17.132 ANTENNAS AND COMMUNICATION FACILITIES

Sections:

[17.132.010 Purpose.](#)

[17.132.020 Permit requirements.](#)

[17.132.030 General standards.](#)

[17.132.040 Satellite dish antennas.](#)

17.132.010 Purpose.

This chapter establishes standards for the placement of telecommunication facilities in all zoning districts. It is the intent of this chapter to minimize the adverse impacts of such equipment and structures on neighborhoods and surrounding developments by limiting the height, number, and location of such devices.

(Ord. No. 519, 8-8-2012)

17.132.020 Permit requirements.

- A. Telecommunications facilities are permitted as identified in Article III. Satellite dish antennas and HAM radio antennas are permitted as accessory structures pursuant to Section 17.96.030
- B. The following types of telecommunication facilities are exempt from permit provided they meet applicable California Building and Fire Code regulations and the following additional requirements:

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1. Antennas and/or related telecommunication equipment attached to an existing monopole, tower, or similar structure provided the equipment does not increase the height of the existing monopole, tower, or structure.
 2. Antennas and/or related telecommunication equipment located on an existing building provided the equipment does not increase the height of the existing building and the antennae does not conflict with the architectural treatment of the building and is screened from public view or painted to match the exterior of the building.
 3. Equipment shelters/cabinets may be located on site as long as they do not adversely impact the approved building, parking and landscape design and shall be no larger than one hundred sixty (160) square feet in size with a maximum height of six feet.
 4. All proposed telecommunication equipment shall conform to the standards identified in Section 17.132.030
 5. In residential zone districts, HAM radio antennas are subject to a thirty-five-foot height limit if ground mounted. If roof mounted, the antenna may exceed the height limit of the zone district by fifteen (15) percent. HAM radio antennas shall maintain a minimum five-foot setback from any property line.
- C. The following telecommunication facilities may be approved pursuant to an administrative permit:
1. Monopoles/towers and related facilities not exceeding sixty (60) feet in height;
 2. Monopoles/towers not located between a building and an adjacent street;
 3. Antennas or related telecommunication equipment that increases the height of a building but does not exceed more than one-half the height of the building on which the equipment will be located;
 4. Antennas and related telecommunication equipment not painted or screened to match the existing pole/tower, building or roof; and
 5. In R-1 single family residential zones and properties designated as open space such facilities will be allowed as long as the facility meets the standards of this section, are co-located within the footprint of an existing tower or attached to a monopole, tower or similar structure, and do not require permanent roadway or driveway access improvements.
 6. Equipment buildings, shelters and cabinets larger than one hundred sixty (160) square feet in size and/or more than six feet in height provided they are screened from public view (street).
- D. Cellular facilities and equipment that does not conform to the provisions identified within subsections A. and B. above may be approved pursuant to approval of a conditional use permit.
- E. The following activities are prohibited on telecommunication facilities:
1. Advertising. No advertising or display is permitted on any telecommunication facility or related equipment.

(Ord. No. 519, 8-8-2012)

17.132.030 General standards.

The following requirements apply to telecommunication in all zone districts in addition to the general development standards required under Articles III and IV, except where a more restrictive standard is required by Section 17.132.040 for satellite dish antennas:

- A. General Standards.

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1. Building mounted antennas are encouraged, provided that the wireless communication facility is compatible with the building design and does not negatively impact the surrounding area.
 2. Where building mounting is not possible, an attempt should be made to screen new monopoles from public view and to co-locate new antennas on existing monopoles.
 3. In order to minimize overall visual impact, wireless communication facilities should be designed to promote facility and site sharing.
 4. No facility should be installed on an exposed ridgeline, in or at a location readily visible from a public trail recreation area, or scenic area unless it is satisfactorily screened or made to appear as a natural environmental feature.
 5. Wireless communication facilities should be painted color(s), which are most compatible with their surroundings.
 6. Innovative design should be used whenever the screening potential for the site is low. For example, designing structures, which are compatible with surrounding architecture, or appear as a natural environmental feature, could help mitigate the visual impact of a facility.
 7. Wireless communication facilities and all other equipment, such as emergency generators and air conditioners, must be designed to be consistent with the city noise standards when in proximity to sensitive receptors.
 8. A professional telecommunications expert shall perform an evaluation of the radio frequency certifying that the frequency levels meet federal standards and that the facility will not interfere with the city's or other public entities emergency broadcast systems.
 9. Telecommunication facilities located on a lot adjacent to a residential zone district shall be set back from the residential zone by two feet for each one foot of total height. The required setback shall be measured at its widest potential position.
- B. Standards for Building Mounted Antennas.
1. Building mounted antennas and all other equipment should be in scale and architecturally integrated with the building design in such a manner as to be visually unobtrusive.
 2. When feasible, colors and materials should match the existing building.
 3. All equipment should be screened from public view.
- C. Standards for Monopoles.
1. Substantial landscaping or other screening should be provided to reasonably buffer any adjoining residential uses from the potential visual impacts of the facility. Landscape screening should be designed to achieve its desired appearance in a reasonable period of time.
 2. Guy wires or support structures shall not overhang any property line.
 3. The antennas attached to a monopole should be mounted as close as possible to the monopole as a means of reducing the visual impacts of the antenna structures.

(Ord. No. 519, 8-8-2012)

17.132.040 Satellite dish antennas.

The following requirements apply to satellite dish antennas greater than forty (40) inches in diameter:

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- A. Residential Standards. In addition to the general requirements in Section 17.132.030 of this chapter, the following shall apply:
1. Maximum Height. Six feet from the natural grade at the base of the antenna.
 2. Roof-Mounting Prohibited. No satellite antenna shall be mounted on a building roof in residential zones. Satellite dish antennas shall be ground mounted, and shall not be visible from public streets.
 3. Screening Required. Satellite antennas shall not be placed in front yards and shall be screened from public view from streets and adjacent properties by fences, or walls of six feet in height and/or landscaping.
- B. Commercial and Industrial Standards. The following requirements shall apply to satellite antennas in all commercial and industrial zones established by Article III:
1. Setbacks. If the zoning district abuts a residential zone, any satellite antenna higher than six feet shall be located a minimum of ten (10) feet from the residential property line. For each foot of height above six feet, the satellite antenna shall be located two additional feet back from the residential district.
 2. Maximum Height, Ground-Mounted Antenna. Twenty (20) feet above natural grade.
 3. Roof-mounted antenna shall be screened so as to not be visible from surrounding streets.
- C. Height Measurement. The height of a moveable or adjustable antenna shall be measured at its highest potential position (i.e., with the face plane of a satellite dish antenna parallel to the support post) from natural grade.

(Ord. No. 519, 8-8-2012)

Chapter 17.136 BUS DEPOTS

Sections:

[17.136.010 Purpose.](#)

[17.136.020 Mandatory standards.](#)

[17.136.030 Optional standards.](#)

17.136.010 Purpose.

The regulations of this section shall apply to the operation of bus depots where permitted or conditionally permitted in any district as identified in Article III. A conditional use permit is required for a bus depot and shall be evaluated in accordance with the criteria of this chapter.

(Ord. No. 519, 8-8-2012)

17.136.020 Mandatory standards.

All bus depots shall comply with the following standards, in addition to the general development standards required under Articles III and IV and the Americans with Disabilities Act:

- A. Location. Bus depots shall be located near freeway access or arterial streets so that buses do not travel through residential zone districts.

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- B. Driveways. The location of driveways shall be approved by the public works department.
- C. Limitation on Use. Bus depots may include services for ticket sales, passenger loading, or freight handling, but shall not include overnight storage of buses, refueling, or maintenance and repair of buses.
- D. Bus depots shall at all times comply with the most recently idling limitations imposed by Placer County Air Quality Management District.

(Ord. No. 519, 8-8-2012)

17.136.030 Optional standards.

In approving a conditional use permit for a bus depot, the following criteria may be applied at the discretion of the planning commission:

- A. Site Access. Ingress/egress points should be of sufficient width to accommodate the turning movements of both a bus and other vehicles simultaneously.
- B. Turning Lanes. Special turning lanes may be required to reduce traffic conflicts.
- C. On-Site Circulation. On-site circulation should be designed to allow looped one-way ingress/egress. In the case of an existing development, circulation of buses should not conflict with the functioning of the existing development.
- D. Loading Areas. On-site loading zones should be installed to accommodate the stacking of three buses:
 - 1. Loading zones should be a minimum of twelve (12) feet wide in addition to the minimum required travel lane of twenty-four (24) feet.
 - 2. The location of the loading zone should not conflict with other uses on the property, or block pedestrian or vehicular access, or visibility to other existing on-site uses.
 - 3. Bus depots shall be designed to accommodate a nine by forty-foot bus with a 52-foot turning radius.
- E. Parking. Off-street parking shall be provided to accommodate the use as determined by the approval authority.
- F. Additional measures as may be deemed necessary, including but are not limited to sound walls, landscaping and other site design modifications, to alleviate noise, aesthetic and other impacts.

(Ord. No. 519, 8-8-2012)

Chapter 17.140 EMERGENCY SHELTER

Sections:

[17.140.010 Emergency shelter.](#)

[17.140.020 Permit requirements.](#)

[17.140.030 Development and management standards.](#)

[17.140.040 Cessation of operation.](#)

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17.140.010 Emergency shelter.

This chapter establishes the requirements and standards for the location and operation of an emergency shelter as defined in subsection 17.64.070K.3.

(Ord. No. 519, 8-8-2012)

17.140.020 Permit requirements.

- A. Emergency shelters are allowed as identified in Article III.
- B. An emergency shelter that meets the requirements of Section 17.140.030 is exempt from a conditional use permit when located in the light industrial (I-L) zone. An emergency shelter proposed within any other zone requires approval of a conditional use permit.
- C. An emergency shelter within the light industrial (I-L) zone shall not operate prior to approval of a zoning clearance certification in accordance with Chapter 17.28

(Ord. No. 519, 8-8-2012)

17.140.030 Development and management standards.

The following development standards are required in addition to the general development standards required under Articles III and IV.

- A. Distance Separation Requirements. No emergency shelter shall be located within two hundred fifty (250) feet of any other emergency shelter.
- B. Occupancy. An emergency shelter shall not exceed forty (40) residents, excluding staff.
- C. Length of Occupancy. Any single resident's stay shall not exceed six consecutive months.
- D. Zone Specific Development Standards. An emergency shelter shall comply with all development standards of the applicable zoning district in which it is located.
- E. Parking Requirements. Emergency shelters shall provide one parking space for every staff member and one parking space for every ten (10) temporary residents.
- F. Management. An emergency shelter must adequately comply with the management standards:
 - 1. There shall be space inside the building so that prospective and current residents are not required to wait on sidewalks or any other public rights-of-way.
 - 2. Security shall be provided on site during hours of operation.
 - 3. On-site management shall be provided by at least one emergency shelter staff member at all times while residents are present at the shelter.
 - 4. Emergency shelter lighting shall be consistent with the City of Colfax's adopted building code.
- G. When a Conditional Use Permit is Required. An emergency shelter that does not meet the development and management standards of this section or is located within any other zone shall be required to obtain a conditional use permit.
- H. Conditional Use Permit Conditions of Approval and Findings.
 - 1. In review of an application for a conditional use permit for an emergency shelter, the approval authority shall review the requirements of this section and may approve reasonable deviations from the requirements of this section and may approve additional

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conditions consistent with protecting public health, safety and welfare, provided that such conditions do not render the project infeasible.

2. Notwithstanding subsection 17.40.070A., and consistent with Government Code Section 65589.5, in approving a conditional use permit the approval authority shall only make the specific finding that the application would not have a specific adverse impact upon the public health or safety.

(Ord. No. 519, 8-8-2012)

17.140.040 Cessation of operation.

If an emergency shelter ceases operation for a period of six consecutive months, any permit issued pursuant to this chapter shall automatically lapse and be deemed null and void, unless the permit provides otherwise.

(Ord. No. 519, 8-8-2012)

Chapter 17.144 FOOD SERVICE FACILITY

Sections:

[17.144.010 Food service facility.](#)

[17.144.020 Permit required; general requirements.](#)

[17.144.030 Maintenance of food service facility.](#)

[17.144.040 Cessation of operation.](#)

[17.144.050 Nonconforming food service facility.](#)

17.144.010 Food service facility.

This chapter establishes the requirements and standards for the location and operation of a food service facility, which is defined as a facility or use where food is served on-site on a not-for-profit basis (see subsection 17.064.070K.2.).

(Ord. No. 519, 8-8-2012)

17.144.020 Permit required; general requirements.

- A. Permit Required. No person or entity shall operate or maintain a food service facility without first obtaining a permit. An administrative permit will be issued pursuant to this chapter if the standards in this section are met.
- B. Location. The food service facility may be located only in commercial or industrial zones pursuant to Article III.
- C. Distance Separation Requirements. A conditional use permit shall be required of any food service facility to be located within five hundred (500) feet of any preschool, elementary school, middle school, high school, or any zone where food service facilities are not permitted. The food service facility shall be located no closer than one thousand (1,000) feet from any other food distribution or

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social service facility as defined in subsections 17.64.070K.1. and 17.64.070K.3. of this title, unless the facility is located within the same building or on the same lot.

- D. Occupancy. The food service facility shall serve no more than twelve (12) persons per day, unless such facility has first obtained a conditional use permit.
- E. Development Standards. The food service facility shall comply with the general development standards as set forth under Articles III and IV. The facility shall provide one parking space for every staff person and one parking space for every four seats within the facility.
- F. Business Practices. The food service facility must comply with the following business practices:
 - 1. All food preparation, service, consumption and related activities shall occur inside the structure and comply with applicable health and safety code requirements.
 - 2. There shall be adequate waiting space inside the food service facility such that any person waiting for food service is not required to wait on the sidewalk or any other public right-of-way.
 - 3. Restroom(s) shall be permanent, non-portable, inside the structure and consistent with all applicable requirements of the building and fire standards of Title 16 of this Code.
 - 4. Trash receptacles and enclosures shall be provided and made secure to the satisfaction of the solid waste division of the environment utilities department.
 - 5. The facility shall provide lighting sufficient to ensure public safety.
 - 6. Occupancy standards of the building and fire standards of Title 16 of this code shall be posted and complied with. The facility shall comply with all applicable California Code of Regulations Title 24 requirements.
 - 7. Food service shall be limited to the hours between six a.m. and nine p.m.
- G. When Conditional Use Permit Required. If a food service facility does not meet the standards as set forth in this section, such facility shall be required to obtain a conditional use permit in accordance with Chapter 17.32. If a food service facility is combined with any other social service facility on the same lot, such facility shall be required to obtain a conditional use permit in accordance with Chapter 17.32
- H. Conditions of Approval; Findings. In review of an application for a conditional use permit for a food service facility, the planning commission shall review the requirements of this section and may approve reasonable deviations from the requirements of this section and may place additional conditions consistent with protecting the public health, safety, and welfare. The planning commission shall make a specific finding that such deviations and/or additional conditions protect the public health, safety and welfare. The planning commission shall make a specific finding that such deviations and/or additional conditions are consistent with the requirements of all applicable zoning and developmental standards. There shall be no deviations from the requirements of subsection 17.144.020B.

(Ord. No. 519, 8-8-2012)

17.144.030 Maintenance of food service facility.

Any food service facility shall be maintained in a safe and clean manner and free from refuse or discarded goods.

(Ord. No. 519, 8-8-2012)

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17.144.040 Cessation of operation.

If any food service facility ceases operation for a period of six consecutive months, any permit issued pursuant to this chapter shall automatically lapse and be deemed null and void, unless the permit provides otherwise.

(Ord. No. 519, 8-8-2012)

17.144.050 Nonconforming food service facility.

- A. A food service facility lawfully in existence prior to the effective date of this chapter may continue to operate as a nonconforming use. Nonconforming uses must still adhere to applicable health and safety regulations.
- B. Closure or cessation of a nonconforming use for a period of six consecutive months shall terminate its legal nonconforming status, and any person or entity who intends to resume operations of the nonconforming use must first obtain a permit as required under this chapter.
- C. Any alteration or expansion of the nonconforming use involving more than ten (10) percent of its floor space shall subject the nonconforming use to the requirements of this chapter and the appropriate permit must be obtained prior to alteration or expansion.

(Ord. No. 519, 8-8-2012)

Chapter 17.148 FOOD DISTRIBUTION FACILITY

Sections:

[17.148.010 Food distribution facility.](#)

[17.148.020 Permit required; general requirements.](#)

[17.148.030 Maintenance of food distribution facility.](#)

[17.148.040 Cessation of operation.](#)

[17.148.050 Nonconforming food distribution facility.](#)

17.148.010 Food distribution facility.

This chapter establishes the requirements and standards for the location and operation of a food distribution facility, which is defined as a facility or use which distributes food on a not-for-profit basis (see subsection 17.64.070K.1.).

(Ord. No. 519, 8-8-2012)

17.148.020 Permit required; general requirements.

- A. Permit Required. No person or entity shall operate or maintain a food distribution facility without first obtaining a permit. An administrative permit will be issued pursuant to this chapter if the standards in this section are met.
- B. Location. A food distribution facility may be located only in commercial or industrial zones as set forth under Article III.

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- C. Distance Separation Requirements. A conditional use permit shall be required for any food distribution facility located within five hundred (500) feet of any preschool, elementary school, high school, or any zone where food distribution facilities are not permitted. A food distribution facility may be located no closer than one thousand (1,000) feet from any other food service or social service facility as defined in subsection 17.64.070K.2. or 17.64.070K.3. of this title, unless the facility is located within the same building or on the same lot.
- D. Size. A facility which exceeds six hundred (600) square feet shall require a conditional use permit.
- E. Development Standards. The food distribution facility shall comply with the general development standards as set forth under Articles III and IV. The facility shall provide parking one space for every staff person and one parking space for every five hundred (500) square feet of floor area.
- F. Business Practices. The food distribution facility must comply with the following business practices:
1. All food distribution and related activities shall occur inside the structure.
 2. There shall be adequate waiting space inside the facility such that any person waiting for food distribution is not required to wait on the sidewalk or any other public right-of-way.
 3. Restroom(s) shall be permanent, non-portable, inside the structure and consistent with all applicable requirements of the building and fire standards of Title 16 of this Code.
 4. Trash receptacles and enclosures shall be provided and made secure to the satisfaction of the solid waste division of the environmental utilities department.
 5. The food distribution facility shall provide lighting sufficient to ensure public safety.
 6. Occupancy standards of the building and fire standards of this code shall be posted and complied with. The facility shall comply with all applicable California Code of Regulations Title 24 requirements.
 7. Food distribution shall be limited to the hours between six a.m. to nine p.m.
- G. When Conditional Use Permit Required. A food distribution facility which does not meet the standards set forth in this section, shall be required to obtain a conditional use permit in accordance with Chapter 17.32. Any food distribution facility combined with any other social service facility on the same lot shall be required to obtain a conditional use permit in accordance with Chapter 17.32
- H. Conditions of Approval; Findings. In review of an application for a conditional use permit for a food distribution facility, the planning commission shall review the requirements of this section and may approve reasonable deviations from the requirements of this section and may place additional conditions consistent with protecting public health, safety and welfare. The planning commission shall make a specific finding that such deviations and/or additional conditions protect the public health, safety and welfare. The planning commission shall make a specific finding that such deviations and/or additional conditions are consistent with the requirements of all applicable zoning and developmental standards. There shall be no deviations from the requirements of subsection 17.148.020B.

(Ord. No. 519, 8-8-2012)

17.148.030 Maintenance of food distribution facility.

Any food distribution facility shall be maintained in a safe and clean manner, and free from refuse or discarded goods.

(Ord. No. 519, 8-8-2012)

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17.148.040 Cessation of operation.

If any food distribution facility ceases operation for a period of six consecutive months, any permit issued pursuant to this chapter shall automatically lapse and be deemed null and void, unless the permit provides otherwise.

(Ord. No. 519, 8-8-2012)

17.148.050 Nonconforming food distribution facility.

- A. A food distribution facility lawfully in existence prior to the effective date of this chapter may continue to operate as a nonconforming use. Nonconforming uses must still adhere to applicable health and safety regulations.
- B. Closure or cessation of a nonconforming use for a period of six consecutive months shall terminate its legal nonconforming status, and any person or entity who intends to resume operations of the nonconforming use must first obtain a permit as required under this chapter.
- C. Any alteration or expansion of the nonconforming use involving more than ten (10) percent of its floor space shall subject the nonconforming use to the requirements of this chapter and the appropriate permit must be obtained prior to alteration or expansion.

(Ord. No. 519, 8-8-2012)

Chapter 17.152 HOME OCCUPATIONS

Sections:

[17.152.010 Purpose.](#)

[17.152.020 Home occupation defined.](#)

[17.152.030 Limitation on use.](#)

[17.152.040 Permit requirements.](#)

[17.152.050 Performance standards.](#)

17.152.010 Purpose.

The purpose of these regulations is to permit and regulate nonresidential activities to be performed within a structure in residential zones as home occupations as set forth in Chapter 17.96 (accessory uses and structures).

(Ord. No. 519, 8-8-2012)

17.152.020 Home occupation defined.

A home occupation is an accessory, nonresidential business activity carried on within a dwelling by its inhabitants, incidental to the residential use of the dwelling, that does not change the character of the surrounding residential area by generating more traffic, noise, or storage of material than would normally be expected in a residential zone.

(Ord. No. 519, 8-8-2012)

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17.152.030 Limitation on use.

Home occupations shall be permitted in a dwelling, so long as the maximum cumulative impact of all such businesses shall not exceed the limits set forth in this section for a single home occupation. The following uses or activities are prohibited as home occupations:

- A. Kennel services. However, animal grooming and training which does not involve overnight kenneling of animals may be allowed upon review and approval of an administrative permit;
- B. Any use or activity that affects the character of the surrounding residential neighborhood by generating more noise, odors, vehicles, storage, or traffic than would be normally expected in a residential zone.

(Ord. No. 519, 8-8-2012)

17.152.040 Permit requirements.

If a home occupation is not in substantial compliance with the performance standards of this chapter, the approval of an administrative permit is required. The operation of a home occupation which requires personal contact with customers at the subject site, or involves regulatory oversight and/or permits, requires approval of an administrative permit pursuant to Chapter 17.32.

(Ord. No. 519, 8-8-2012)

17.152.050 Performance standards.

A home occupation shall be subject to the following conditions and criteria in addition to the general development standards set forth in Articles III and IV:

- A. All Activities Indoors. All home occupation activities shall occur within the dwelling or accessory structures. No home occupation activity shall occur outside at any time, nor shall any equipment or material relating to the home occupation be parked or stored outside the residence at any time. All functions of the business, except storage and inventory, shall be conducted within the dwelling.
- B. Customers. Personal contact with customers at the residence is prohibited except when authorized by the approval authority through approval of an administrative permit. Home occupations involving private instruction of children under eighteen (18) will require proof of compliance with State Education Code "Safe School Program" requirements satisfactory to the city before obtaining an administrative permit. A maximum of two students, or one student and one authorized adult chaperone, is permitted for home occupations involving private instruction. All functions of the business, except storage and inventory, shall be conducted within the dwelling.
- C. Deliveries. No delivery shall be by vehicles larger than an automobile, pickup, or typical delivery van.
- D. Employees. A home occupation shall be operated by no more than two individuals, both of whom shall be residents of the dwelling. All functions of the business, except storage and inventory, shall be conducted within the dwelling. No other person shall operate, or perform any function of the business at the residence.
- E. Flammable or Hazardous Materials. A home occupation involving the storage of flammable or hazardous materials shall not be allowed unless the fire department approves, in writing, the amount and method of such storage of materials.

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- F. Inspection Required. The city may, at all reasonable times during normal business hours, enter the premises for the purpose of inspecting to determine whether or not the conditions of this chapter are being complied with.
- G. Maximum Area. The home occupation shall not require the use of more than 15 percent of the total floor area of the dwelling (including garage and detached accessory buildings). The home occupation shall not result in any addition to, alteration of, or exterior remodeling of, the dwelling, garage or accessory structures.
- H. Merchandise for Sale. The making of merchandise for sale is permitted provided that the storage of such merchandise does not exceed total allowable area for home occupations and does not require the transporting of material or finished product by means other than an automobile, pickup or typical delivery van.
- I. Parking. No home occupation shall result in the elimination of required off-street parking spaces.
- J. Signs. Only one non-illuminated sign at the subject residence advertising the home occupation shall be allowed, except one vehicle used for the home occupation may also display the business name. If the property is zoned residential, the sign shall be no larger than one foot by two feet and shall be placed at the front door. A sign permit is required for any non-vehicle sign.
- K. Vehicles. Not more than one vehicle specifically designated to be used for a home occupation shall be parked at the subject residence at any time. Such allowed vehicle shall not be larger than a standard pickup or delivery van. No commercial vehicles or trailers shall be parked at the residence at any time.
- L. Equipment. No equipment (other than a permitted vehicle) or material relating to a home occupation shall be parked or stored outside the subject residence.

(Ord. No. 519, 8-8-2012)

Chapter 17.156 LARGE AMUSEMENT COMPLEXES

Sections:

[17.156.010 Purpose.](#)

[17.156.020 Regulations.](#)

17.156.010 Purpose.

The provisions of this chapter are intended to ensure that large amusement complexes as defined in subsection 17.64.090I.7. are located at locations appropriate for the intensity of the use as set forth in Article III.

(Ord. No. 519, 8-8-2012)

17.156.020 Regulations.

No privately owned large amusement complex shall be located within one thousand (1,000) feet of the boundary of any residential zone, dwelling, church or school. Large amusement complexes must comply with the general development standards set forth in Articles III and IV.

(Ord. No. 519, 8-8-2012)

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Chapter 17.160 LARGE FAMILY DAY CARE

Sections:

[17.160.010 Purpose.](#)

[17.160.020 General requirements.](#)

[17.160.030 Application procedures.](#)

[17.160.040 Pre-existing large family day care homes.](#)

17.160.010 Purpose.

This chapter establishes requirements and standards for the location and operation of large family day care homes, as defined in subsection 17.64.080G., and are in addition to the location and general development standards set forth in Articles III and IV.

(Ord. No. 519, 8-8-2012)

17.160.020 General requirements.

- A. Location. A large family day care home shall only be located within a detached single-family dwelling.
- B. Parking. Off-street parking shall be provided as follows:
 - 1. One space for each employee not residing in the large family day care home dwelling, plus the two spaces required for the occupants of the single-family residence as required in Chapter 17.108 (off-street parking and loading).
 - 2. Four spaces for the loading and unloading of children. If the property is located in a residential zone, these spaces must be provided on site; however, these spaces may be purchased or leased pursuant to Section 17.108.040D. (purchase or lease of parking spaces). If the property is located in a commercial zone, and off-street parking is available along the street frontage of the large family day care home site, only two of these spaces are required on site.
 - 3. Not more than three of the spaces required herein, located side by side, shall be permitted within the required front yard setback area. These spaces may be so designed to permit backing onto the adjacent street.
 - 4. Up to three of the required employee or children loading/unloading on-site parking spaces may be located in tandem behind the required parking spaces for the occupants of the dwelling or for employees. However, in no instance shall such tandem parking result in more than one parking space behind each required occupant or employee parking space.
- C. Noise. It is intended that noise from outdoor play areas be kept to a level consistent with residential neighborhoods. To attain this intent and reduce possible noise impacts, outdoor play/activity areas shall only be used between the hours of six a.m. to eight p.m. Additionally, radio or other electronic amplification devices, if used, shall be play at volumes which are not audible beyond the exterior boundary of the large family day care home site.
- D. Separation. As a means to maintain the integrity of residential neighborhoods, new large family day care homes shall not be located within five hundred (500) feet of an existing state licensed large

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family day care home or within five hundred (500) feet of any other child day care center licensed to care for fifteen (15) or more children.

(Ord. No. 519, 8-8-2012)

17.160.030 Application procedures.

An application for an administrative permit shall be filed with the planning department as required in Chapter 17.32. Deviation from the general requirements described in Section 17.160.020 may be approved pursuant to an approval of an administrative permit.

(Ord. No. 519, 8-8-2012)

17.160.040 Pre-existing large family day care homes.

- A. Those large family day care homes that exist on the effective date of the ordinance codified in this title, and on that date have a valid large family day care home license issued by the state of California, are considered legal nonconforming uses. Such nonconforming use may continue until the renewal date required for state of California licensing of the provider's large family day care home. If the provider does not apply for approval of his or her large family day care home pursuant to this chapter by the date required for state licensing renewal, then the legal nonconforming use shall be deemed to terminate.
- B. In those instances where an application has been filed in a timely manner, and the director finds that numerous conditions must be applied to make the nonconforming large family day care home consistent with this chapter, the director may extend the valid nonconforming use status up to five years. This extension by the director would be granted only as a means to give the applicant adequate time to satisfy the conditions of permit approval. If conditions of approval are not satisfied within the extension period granted by the director, the legal nonconforming use shall terminate.

(Ord. No. 519, 8-8-2012)

Chapter 17.162 MEDICAL MARIJUANA DISPENSARIES

Sections:

[17.162.010 Prohibition of medical marijuana dispensaries.](#)

[17.162.020 Existing medical marijuana dispensaries.](#)

[17.162.030 Definitions.](#)

[17.162.040 Penalty provisions.](#)

[17.162.050 Civil and administrative remedies.](#)

17.162.010 Prohibition of medical marijuana dispensaries.

Medical marijuana dispensaries as defined in this chapter are a prohibited use in all zoning districts throughout the city.

(Ord. No. 519, 8-8-2012)

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17.162.020 Existing medical marijuana dispensaries.

Existing medical marijuana dispensaries with valid business licenses as of November 27, 2009, shall be considered as legal nonconforming uses. Such dispensaries may continue to operate in accordance with the provisions of Chapter 17.32, except that, in addition to such regulations, if any of the following circumstances arise then, without further action by the city, such building and the land on which such building is located shall be subject to the provisions of this chapter prohibiting such use:

- A. The operators of the dispensary are convicted of any crime other than an infraction relating to the operation of the dispensary;
- B. The dispensary becomes a public nuisance;
- C. The dispensary or its operators violate any provision of this Code relating to its operation;
- D. The dispensary is closed or its activities curtailed by the action of a superior governmental authority or by order of any court of competent jurisdiction; or
- E. The dispensary is closed or its activities curtailed by other valid legal process.

(Ord. No. 519, 8-8-2012)

17.162.030 Definitions.

Whenever used in this chapter, the following words or phrases shall have the following meanings:

"Identification card" shall have the same meaning as that set forth in California Health and Safety Code § 11362.7 as currently in effect or as may be amended from time to time, or any successor statute.

"Medical marijuana dispensary" means and refers to any facility or location where medical marijuana is made available, sold, transmitted, given, distributed, supplied or otherwise provided to one or more of the following: (1) more than one qualified patient, (2) more than one person with an identification card, or (3) more than one primary caregiver. The term "Medical marijuana dispensary" includes a medical marijuana cooperative. "Medical marijuana dispensary" shall not include the following uses, as long as the location of such uses is otherwise regulated by applicable law and as long as such use complies strictly with applicable law, including, but not limited to, Health and Safety Code § 11362.7 et seq.:

- 1. A clinic, licensed pursuant to Chapter 1, Division 2 of the Health and Safety Code;
- 2. A health care facility, licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;
- 3. A residential care facility for persons with chronic life-threatening illness, licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code;
- 4. A residential care facility for the elderly, licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code;
- 5. A hospice licensed pursuant to Chapter 8.5 of Division 2 of the California Health and Safety Code, the owner or operator, or
- 6. A home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

"Person with an identification card" shall have the same meaning as that set forth in California Health and Safety Code § 11362.7 as currently in effect or as may be amended from time to time, or any successor statute.

"Primary caregiver" shall have the same meaning as that set forth in California Health and Safety Code § 11362.7 as currently in effect or as may be amended from time to time, or any successor statute.

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"Qualified patient" shall have the same meaning as that set forth in California Health and Safety Code § 11362.7 as currently in effect or as may be amended from time to time, or any successor statute.

(Ord. No. 519, 8-8-2012)

17.162.040 Penalty provisions.

- A. Violation of any provision of this chapter is a misdemeanor unless (1) the city attorney authorizes issuance of an infraction citation or files, or authorizes the filing of, a complaint charging the offense as an infraction or (2) a court with jurisdiction over the matter, upon recommendation of the city attorney, determines that the offense should be prosecuted as an infraction.
- B. Any person who violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes any violation thereof, and shall be penalized accordingly.

(Ord. No. 519, 8-8-2012)

17.162.050 Civil and administrative remedies.

- A. The violation of any provision of this chapter shall be and is hereby declared to be a public nuisance and shall, in the city's discretion, be prosecuted as such and subject to all remedies allowed by law.
- B. In addition to the criminal penalties and civil remedies set forth above, any violation of any provision of this chapter shall, in the city's discretion, be subject to any administrative remedies presently or hereafter allowed under the Colfax Municipal Code.

(Ord. No. 519, 8-8-2012)

Chapter 17.163 MINERAL EXTRACTION AND PROCESSING

Sections:

[17.163.010 Purpose.](#)

[17.163.020 Permit requirements.](#)

[17.163.030 General standards.](#)

17.163.010 Purpose.

This chapter establishes standards for mineral extraction and processing uses where permitted within any zone district. It is the intent of this chapter to minimize the adverse impacts of these types of uses on residences, neighborhoods and surrounding development by regulating such uses.

(Ord. No. 519, 8-8-2012)

17.163.020 Permit requirements.

Mineral extraction and processing uses are permitted as identified in Article III.

(Ord. No. 519, 8-8-2012)

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17.163.030 General standards.

The following requirements apply to mineral extraction and processing uses where permitted within any zone district and are in addition to the general development standards set forth in Articles III and IV:

- A. Any quarry existing and operating as such on or after August 24, 1967, shall be required to have a conditional use permit and shall conform with the provisions of this chapter.
- B. The conditions under which the conditional use permit may be issued may include, but shall not be limited to:
 - 1. Any condition found necessary for the protection of the public health, safety, comfort, convenience or general welfare, including the requirement for insurance against liability arising from activities incidental thereto;
 - 2. The designation of the areas in which work may be done;
 - 3. The designation of the slopes to which excavations may be made and the grades of fill slopes;
 - 4. Provisions for controlling noise and dust;
 - 5. The hours during which operations may proceed;
 - 6. Precautions to guide safe traffic movements by vehicles in and around such operations;
 - 7. Buffer strips and fencing of exterior boundaries of the property;
 - 8. The posting of bonds to ensure compliance with such permit; and
 - 9. Other conditions deemed necessary by the approval authority, including any conditions recommended by the city engineer which are necessitated by or based upon standard engineering practices.
- C. Mineral extraction and processing uses must comply with the performance standards set forth in Chapter 17.120 (performance standards).
- D. The city engineer shall make such inspections as he or she deems necessary or as are required by the approval authority to ensure that all work is conducted in accordance with the conditional use permit. The actual cost to the city of all inspection services shall be paid for by the applicant.

(Ord. No. 519, 8-8-2012)

Chapter 17.164 NIGHTCLUBS

Sections:

[17.164.010 Purpose.](#)

[17.164.020 Permit requirements.](#)

[17.164.030 General standards.](#)

[17.164.040 Public notice.](#)

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17.164.010 Purpose.

This chapter establishes standards for the location of nightclubs where permitted within any zone district. It is the intent of this chapter to minimize the adverse impacts of nightclubs on residences, neighborhoods and surrounding development by regulating the location of such uses.

(Ord. No. 519, 8-8-2012)

17.164.020 Permit requirements.

Nightclubs are permitted as identified in Article III.

(Ord. No. 519, 8-8-2012)

17.164.030 General standards.

The following requirement applies to nightclubs where permitted within any zone district and is in addition to the general development standards set forth in Articles III and IV:

- A. Nightclubs are prohibited to be located within one thousand (1,000) feet of a residential zone district as measured from the residential zone district boundary to the structure where the nightclub use is proposed.

(Ord. No. 519, 8-8-2012)

17.164.040 Public notice.

In addition to the notification procedure in Section 17.40.020, notice of a permit application for a nightclub shall be provided to all property owners within one thousand (1,000) feet of the use.

(Ord. No. 519, 8-8-2012)

Chapter 17.168 OPEN-AIR VENDING FACILITIES

Sections:

[17.168.010 Purpose.](#)

[17.168.020 Permits required.](#)

[17.168.030 Development standards.](#)

[17.168.040 Findings for approval.](#)

[17.168.050 Appeal procedure.](#)

[17.168.060 Lapse of permit.](#)

[17.168.070 Display of permit.](#)

17.168.010 Purpose.

The purpose of this chapter is to regulate open air vending facilities selling prepared food, fresh cut flowers or plants, or any other use determined by the planning director to be consistent with this type of

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sales from a stand or non-motorized non-stationary cart or pushcart. The following regulations shall apply to the operation of open air vendors where allowed by Article III in the applicable zone. This chapter does not apply to weekend fundraising events (such as schools/charities) which are allowed pursuant to Chapter 17.204 (temporary uses).

(Ord. No. 519, 8-8-2012)

17.168.020 Permits required.

- A. Open air vending facilities may be permitted on commercial or industrial zoned private property and specific locations on said property subject to the approval of an administrative permit by the director, pursuant to Chapter 17.32
 - 1. Exemptions. Open air vending facilities located within enclosed retail buildings, shopping centers, malls, office buildings and industrial buildings are exempt from the regulations and requirements of this chapter.
- B. The operation of an open air vending facility within the public right-of-way shall require the approval of a conditional use permit pursuant to Chapter 17.32 of this title.

(Ord. No. 519, 8-8-2012)

17.168.030 Development standards.

An open air vending facility shall comply with the following development standards, which are in addition to the general development standards set forth in Articles III and IV:

- A. The use shall be on improved private property unless an administrative permit, pursuant to subsection 17.32.010A., is approved (improved private property shall be defined as a property which has a paved legal access and adequate hardscaping to accommodate an open air vending facility);
- B. The use shall not be within two hundred (200) feet of another open air vending facility;
- C. The use shall not be within fifteen (15) feet of any fire hydrant;
- D. The use shall not occupy required off-street parking spaces or required landscape areas, and shall not be located on a pedestrian path/sidewalk that is less than ten (10) feet in width. A minimum of a six-foot path of travel shall be maintained around the facility;
- E. The use shall not be located within any required landscaping setback adjacent to a public street;
- F. The use shall not exceed more than five hundred (500) square feet in area;
- G. At an intersection, the use shall be located outside of a thirty-foot by thirty-foot commercial clear vision triangle (Chapter 17.12, definitions);
- H. The use shall include trash receptacle(s) and such receptacles shall be maintained, by the vendor, so as not to create an offending odor or visual nuisance;
- I. The area on which the open air vending facility is located shall be kept free of debris;
- J. The use shall not reflect undesirable light and glare from the designated premises;
- K. The use shall not use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound in connection with the promotion of an open air vending facility;
- L. The open air vending facility shall not be greater than ten (10) feet in height;

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- M. Signage shall not exceed a total of thirty (30) square feet on a maximum of two signs, both of which are required to be attached to the pushcart;
- N. Sale of product shall be from the approved open air vending facility and not from additional accessory stands, tables, chairs, or other devices other than those indicated on the approved application;
- O. The use shall be located on a generally level portion of the site and an adequate braking system be provided for, as necessary;
- P. The use shall not be closer than twelve (12) feet from the outer edge of any entrance to any building; and
- Q. Storage and handling of food shall comply with all applicable county and state requirements.
- R. Subject to compliance with all applicable county and state requirements for the storage and handling of food, a vendor may sell any type of food, be it prepared, cooked on-site or fresh.
- S. The use shall comply with California Code of Regulations Title 24.

(Ord. No. 519, 8-8-2012)

17.168.040 Findings for approval.

The approval or conditional approval of an administrative permit for an open air vending facility shall be based on a finding by the planning director that the establishment, maintenance or operation of the use and facility will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood, or to the general welfare of the city.

(Ord. No. 519, 8-8-2012)

17.168.050 Appeal procedure.

Appeal of the decision of the planning director shall be made in accordance with the procedures specified in Chapter 17.44 of this title.

(Ord. No. 519, 8-8-2012)

17.168.060 Lapse of permit.

A permit issued pursuant to this chapter shall lapse and be of no further force and effect in the event the open air vending facility fails to be operated either for a period of sixty (60) consecutive days between May 1 and September 30 of any year or for a period of ninety (90) consecutive days between October 1 of one year and April 30 of the next year. Prior to conducting any further activities including upon lapse, a new permit shall be obtained.

(Ord. No. 519, 8-8-2012)

17.168.070 Display of permit.

The approved permit shall be prominently displayed at all times at the approved location.

(Ord. No. 519, 8-8-2012)

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Chapter 17.172 OUTDOOR RESTAURANT SEATING

Sections:

[17.172.010 Purpose.](#)

[17.172.020 Regulations.](#)

[17.172.030 Approval.](#)

17.172.010 Purpose.

The purpose of this chapter is to establish standards for the placement of outdoor seating in association with restaurant uses.

(Ord. No. 519, 8-8-2012)

17.172.020 Regulations.

Outdoor restaurant seating is permitted provided all of the following conditions are met:

- A. A reasonable horizontal clearance to allow foot traffic from the street curb to the tables and chairs shall be maintained at all times, free from open car doors, car bumper overhangs or other encroachments;
- B. Tables and chairs shall be limited to the area immediately adjacent to the restaurant use;
- C. Outdoor restaurant seating may be uncovered, partially covered or fully covered by means of umbrellas, awnings or canopies;
- D. Decorative or accent lighting may be incorporated into the awning or canopy;
- E. Tables and chairs shall be movable unless otherwise approved by the planning director;
- F. Full service eating and drinking establishments using outdoor restaurant seating that is enclosed for the exclusive use by the patrons from a single restaurant shall provide one parking space for every one hundred (100) square feet of outdoor seating area in addition to indoor parking requirements identified in Section 17.108.040. Fast food establishments using outdoor restaurant seating shall provide one parking space for every fifty (50) square feet of outdoor seating area in addition to indoor parking requirements;
- G. Full service eating and drinking establishments that provide unsecured outdoor restaurant seating, that is available for use by multiple establishments, are not required to provide additional parking provided that the boundary, as required by the state department of alcoholic beverage control (ABC), is transparent; does not exceed three feet in height, or as required by ABC; and does not include improvements to enclose, cover, or further improve the site such that a building permit would be required or that would create exclusive use area protected from the elements;
- H. Outdoor restaurant seating areas shall be maintained free of garbage and other debris; and
- I. Outdoor restaurant seating areas shall not violate any condition of an approved design review or conditional use permit.

(Ord. No. 519, 8-8-2012)

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17.172.030 Approval.

- A. No person shall maintain or operate outdoor restaurant seating without first obtaining a zoning clearance certification pursuant to Chapter 17.28
- B. An encroachment permit must be obtained from the city prior to placement of seats, tables, umbrellas or awnings in a public right-of-way.

(Ord. No. 519, 8-8-2012)

Chapter 17.176 SELF-SERVICE STORAGE FACILITIES

Sections:

[17.176.010 Purpose.](#)

[17.176.020 Limitations on use.](#)

[17.176.030 Special hours of operation.](#)

[17.176.040 Design standards.](#)

17.176.010 Purpose.

This chapter provides requirements and standards for the operation and design of self-service storage facilities as defined and permitted by Article III of this title.

(Ord. No. 519, 8-8-2012)

17.176.020 Limitations on use.

The following uses or activities are prohibited in self-service storage facilities:

- A. Automotive repair which includes, but is not limited to, auto body and paint shop facilities.
- B. Wood, metal or other working shops whether for business or as a hobby.
- C. Office and other business uses, except the office for the facility and the storage of personal belongings.
- D. Living quarters for human habitation or the keeping of animal life, except caretakers/managers quarters.
- E. Storage of hazardous materials as listed in Title 8, California Code of Regulations, Section 5194 as amended, or its successor section or statute.
 - 1. Rental agreements shall contain language prohibiting the storage of hazardous materials as outlined above.
 - 2. The operator of the facility shall maintain a copy of said section and ensure compliance with these regulations.
- F. Sewer, water or electrical services to any of the storage units except electrical services needed for lighting purposes.

(Ord. No. 519, 8-8-2012)

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17.176.030 Special hours of operation.

When adjacent to residential land uses hours of operations shall not allow opening before seven a.m. (Monday through Friday and eight a.m. (Saturday, Sunday and holidays), nor close any later than seven p.m. (Monday through Friday) and eight p.m. (Saturday, Sunday and holidays).

(Ord. No. 519, 8-8-2012)

17.176.040 Design standards.

In approving the design review permit for a self-service storage facility, the following criteria may be applied at the discretion of the approval authority to protect public health, safety and welfare and to ensure design compatibility, and are in addition to the general development standards set forth in Articles III and IV.

- A. Architecture. The facility, including the caretakers/managers residence, the storage units and the office shall be designed using roof and building materials and colors compatible with adjacent developments.
- B. Site Design. To minimize visual impact on the adjacent residences, self-service storage facilities shall be designed to:
 - 1. Locate the project entry/exit as far as possible from the residential land use.
 - 2. Locate the caretakers/managers residence and office as close as possible to the project entrance.
 - 3. Setback the outdoor storage of materials a minimum of twenty (20) feet from the property lines adjacent to residential land uses.
 - 4. Setback all self-service storage buildings over one story in height a minimum of thirty (30) feet from the property lines adjacent to residential land uses.
- C. Security. In addition to the requirements of the building security ordinance, to ensure security when self-service storage facilities are adjacent to residential land uses the police department may require security measures, such as controlled access, alarms or video cameras.
- D. Lighting. To minimize visual impacts to adjacent properties, self-service storage facilities shall provide the following:
 - 1. No off-site glare through the use of cut-off lenses.
 - 2. Wall-mounted lights shall be located on the building below the roofline of the storage facility and shall be directed downward.
 - 3. Parking lot lighting, in conjunction with vehicle storage, shall not exceed sixteen (16) feet in height, and shall be setback a minimum of fifty (50) feet from the property line adjacent to the residential land use and directed toward the parking lot.
- E. Screening. To protect the views from adjacent residential land uses, the self-service storage facility shall provide adequate screening which may include:
 - 1. A minimum six-foot high masonry screen wall shall be provided along the property line adjacent to any residential land use. The height of the wall shall be measured from the highest grade (either on site or the adjacent site); and/or
 - 2. Within the storage facility, a minimum ten-foot wide landscape planter with shrubs (minimum five gallon size) and evergreen trees (minimum fifteen-gallon size placed a minimum twenty (20) feet on center) shall be provided along the property line adjacent to any residential land use.

ARTICLE V. SPECIAL AREA AND SPECIFIC USE REGULATIONS

- F. Caretakers/Managers Residence. A caretakers/managers residence will only be approved as part of the storage facility where the owner provides assurances to the city that on-site management will acknowledge in writing that the facility is located within a commercial or industrial zone and therefore subject to the levels of noise and night-time lights which are ordinary and expected in those zones.

(Ord. No. 519, 8-8-2012)

Chapter 17.180 POWER GENERATING FACILITIES

Sections:

[17.180.010 Purpose.](#)

[17.180.020 General requirements.](#)

17.180.010 Purpose.

This chapter provides the requirements and standards for the location and operation of power generating facilities as defined in Section 17.64.070 and as identified in Article III. It is the intent of this chapter to minimize the adverse impacts of such uses and their associated equipment by establishing permitting requirements and standards for locating the various types of facilities within residential, commercial, industrial and public/quasi-public zones. The following standards are in addition to the general development standards set forth in Articles III and IV.

(Ord. No. 519, 8-8-2012)

17.180.020 General requirements.

- A. Exempt From Permit. In addition to the requirements established by Article III, the following power generating facilities are exempt from permit, subject to the city's planning director's and/or building official's determination that the proposed power generating unit or facility will not have an adverse impact on public health and safety:
1. Emergency power generating facilities such as temporary portable generators, permanent natural gas generators or similar emergency facilities are principally permitted within the residential zone districts when in conformance with the established residential standards.
 2. Passive power generating facilities that conform to the residential standards and do not materially impact the character of the zone district or adjacent residential uses are exempt from obtaining a permit.
 3. Overhead electric transmission lines in excess of sixty (60)kV capacity. Other public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts without the necessity of first obtaining an administrative permit; provided, however, the routes of the proposed electric transmission lines shall be submitted to the commission for recommendation and such recommendation shall be favorable prior to the acquisition of locations or rights-of-way therefor.
- B. Permit Required. Power generating facilities requiring a permit are addressed in the permitted use types for residential zones (Section 17.72.020), commercial zones (Section 17.76.020), industrial zones (Section 17.80.020) and civic and resource protection zones (Section 17.68.020).

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- C. Residential Standards. The following requirements shall apply to power generating facilities in all residential zones established by Article III:
1. Setbacks. Permanent ground mounted and portable temporary generators shall comply with separation requirements from structures as required by all applicable building and fire codes.
 2. Front Yard Setback/Screening Required. Permanent emergency generators shall not be placed in front yards and shall be screened from public view from streets and adjacent properties by fences, or walls of six feet in height and/or landscaping. Portable temporary generators (gas/diesel) used during emergency power outages shall not be located within the front yard setback. Solar ground mounted panels or photovoltaic panels shall not be allowed within the front yard setback.
 3. Roof Mounting. Solar panels and photovoltaic applications shall be allowed to be mounted on residential roofs with the provision that these improvements conform to the maximum height standards established in Article III. The maximum height standard may be exceeded upon approval of an administrative permit. Additionally, solar panels and photo voltaics shall be mounted to the roof in a manner that does not detract from the surrounding neighborhood and preserves the residential nature of the house. Typical methods to achieve this would be to mount the panels as close to parallel to the pitch of the roof and as close as reasonably possible to the roofing material.
- D. Commercial and Industrial Standards. The following requirements shall apply to power generating facilities in all commercial and industrial zones established by Article III:
1. Development Standards. Emergency power generating facilities shall be sited so that they are screened from public view from streets and adjacent properties. Emergency power generating facilities and all other power generating facilities shall comply with all development standards of the applicable zoning district.
 2. Roof Mounting. Power generating facilities are permitted to be mounted on the roof, with the provision that these improvements conform to the maximum height standards established in Article III. The maximum height standard may be exceeded upon approval of an administrative permit. Where reasonably feasible, the power generating units shall be screened from view by the building's parapet or roof design.
- E. Operation. Emergency power generating facilities shall be limited in usage to times when power is unavailable from the local electric utility due to scheduled blackouts or due to natural disasters which have impacted the utility's ability to provide service. Limited testing of the facilities is permitted during times in which electricity is available from the utility. Emergency power generating facilities are not permitted to provide a substitute or supplemental power source under normal circumstances when the electric utility is capable of delivering power.

(Ord. No. 519, 8-8-2012)

Chapter 17.184 RECYCLING COLLECTION CENTERS

Sections:

[17.184.010 Purpose.](#)

[17.184.020 Permit required.](#)

[17.184.030 Operation and maintenance.](#)

[17.184.040 Scavenging prohibited.](#)

ARTICLE V. SPECIAL AREA AND SPECIFIC USE REGULATIONS

17.184.010 Purpose.

The following regulations shall apply to the operation of a recycling collection center permitted as an accessory use pursuant to subsection 17.96.020E.7.

(Ord. No. 519, 8-8-2012)

17.184.020 Permit required.

An administrative permit shall be obtained for the operation of a recycling collection center, except for:

- A. Reverse vending machines; and
- B. Mobile recycling units, such as trucks and trailers, if not located on a given parcel, in a recognized shopping center, or on the property of a single business entity, for more than two days in any calendar month.

(Ord. No. 519, 8-8-2012)

17.184.030 Operation and maintenance.

An approved recycling collection center shall comply with the following regulations, which are in addition to the general development standards set forth in Articles III and IV:

- A. Receptacles shall not obstruct any required parking spaces or disrupt either automobile or pedestrian traffic to or within the site. Receptacle(s) shall be located so as not to be detrimental to the appearance of the neighborhood or so as to create a public or private nuisance.
- B. Collection receptacles shall be kept clean, well maintained, neatly painted, and in good operating condition.
- C. Each collection receptacle shall be clearly marked with the name of the organization doing the collection, the recycling business sponsoring or collecting the materials, and the local telephone numbers of each.
- D. Collection receptacles shall be emptied on a regular basis, but not less than once every two weeks. In no event shall material be allowed to overflow the containers. External stacking or collection of materials outside of the collection receptacles is prohibited.
- E. Any litter or spillage shall be immediately removed and cleaned.
- F. Upon termination of a collection campaign or program, receptacles shall be removed and the site restored to its original condition within forty-eight (48) hours.

(Ord. No. 519, 8-8-2012)

17.184.040 Scavenging prohibited.

It is unlawful for any person to scavenge in or remove materials from any collection receptacle at a recycling collection center without prior authorization from the organization conducting the collection.

(Ord. No. 519, 8-8-2012)

Chapter 17.188 RELOCATION OF DWELLINGS (SINGLE- OR TWO-FAMILY)

Sections:

ARTICLE V. SPECIAL AREA AND SPECIFIC USE REGULATIONS

[17.188.010 Purpose.](#)

[17.188.020 Permits required.](#)

[17.188.030 General requirements.](#)

[17.188.040 Findings for approval.](#)

[17.188.050 Appeal procedure.](#)

17.188.010 Purpose.

The purpose of this chapter is to provide the requirements and standards for relocation of a single-family or two-family dwelling.

(Ord. No. 519, 8-8-2012)

17.188.020 Permits required.

An administrative permit (AP) is required for the relocation of a single-family or two-family dwelling.

(Ord. No. 519, 8-8-2012)

17.188.030 General requirements.

The relocation of a dwelling shall be subject to the following requirements, which are in addition to the general development standards set forth in Articles III and IV:

- A. The dwelling shall be compatible with the existing neighborhood in terms of height, form, and materials.
- B. Parking shall be provided in conformance with Chapter 17.108 (off-street parking and loading).
- C. The applicant shall obtain a moving permit from the building department prior to transporting the structure within the city limits of Colfax.
- D. The applicant shall obtain an encroachment permit from the public works department if any work is needed to be performed within the public right-of-way.
- E. Public facilities which may be damaged during the course of construction shall be repaired by the applicant/property owner.
- F. The dwelling shall be placed on a permanent foundation within one hundred twenty (120) days of the date of relocation to the site, unless the permit specifically allows for a different time period for such action.
- G. The dwelling shall comply with all applicable building and fire codes.
- H. Any additional requirements as the planning director may deem necessary to ensure the house is compatible with the neighborhood, including, but not limited to, architectural enhancements, additional landscaping, location of ingress/egress from a public street, necessary grading, and hours of moving and/or hours of project construction.

(Ord. No. 519, 8-8-2012)

ARTICLE V. SPECIAL AREA AND SPECIFIC USE REGULATIONS

17.188.040 Findings for approval.

The approval of an administrative permit for moving a house shall be based on a finding by the planning director that:

- A. Moving the house is consistent with the City of Colfax general plan and any applicable specific plan;
- B. Moving the house conforms with all applicable standards and requirements of this title; and
- C. The location, size, design and operating characteristics of the house and the move are compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the neighborhood, or be detrimental or injurious to public or private property or improvements.

(Ord. No. 519, 8-8-2012)

17.188.050 Appeal procedure.

Appeal of the planning director's decision shall be made in accordance with the procedures specified in Chapter 17.44 of this title.

(Ord. No. 519, 8-8-2012)

Chapter 17.192 REASONABLE ACCOMMODATIONS

Sections:

[17.192.010 Purpose.](#)

[17.192.020 Requesting reasonable accommodation.](#)

[17.192.030 Required information.](#)

[17.192.040 Approval authority.](#)

[17.192.050 Group homes.](#)

[17.192.060 Required findings.](#)

[17.192.070 Appeals.](#)

17.192.010 Purpose.

The purpose of this chapter is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the various land use, zoning, or rules, policies, practices and/or procedures of the city.

It is the policy of the city, pursuant to the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, to provide people with disabilities reasonable accommodation in rules, policies and procedures that may be necessary to ensure equal access to housing.

(Ord. No. 519, 8-8-2012)

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17.192.020 Requesting reasonable accommodation.

- A. In order to make specific housing available to an individual with a disability, a disabled person or representative may request reasonable accommodation relating to the various land use, zoning, or rules, policies, practices and/or procedures of the city.
- B. If an individual needs assistance in making the request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the planning department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative.
- C. A request for reasonable accommodation in laws, rules, policies, practices and/or procedures may be filed on an application form provided by the planning department at the time that the accommodation may be necessary to ensure equal access to housing.

(Ord. No. 519, 8-8-2012)

17.192.030 Required information.

The applicant shall provide the following information:

- A. A completed city application indicating, among other things, the applicant's name, address and telephone;
- B. Address of the property for which the request is being made;
- C. The current actual use of the property;
- D. The zoning code provision, regulation or policy from which reasonable accommodation is being requested;
- E. The basis for the claim that the person(s) for whom reasonable accommodation is sought is [are] considered disabled under the Fair Housing Act and why the accommodation is reasonably necessary to make specific housing available to the person(s);
- F. Such other relevant information as may be requested by the planning director or his or her designee.

(Ord. No. 519, 8-8-2012)

17.192.040 Approval authority.

Notwithstanding any other provision of this title, the planning director shall have the authority to consider and take action on requests for reasonable accommodation. When a request for reasonable accommodation is filed with the planning department, it will be referred to the planning director for review and consideration as a ministerial action unless determined otherwise by the planning director. A request for reasonable accommodation shall be considered ministerial in nature when it is related to a physical improvement that cannot be constructed to conform to the city's setbacks or design standards. Typical improvements considered to be "ministerial" in nature would include ramps, walls, handrails or other physical improvements necessary to accommodate a person's disability. The planning director shall issue a written determination of his or her action within thirty (30) days of the date of receipt of a completed application and may:

- A. Grant or deny the accommodation request; or
- B. Grant the accommodation request subject to specified nondiscriminatory condition(s); or
- C. Forward the request to the planning commission for consideration as an administrative permit as prescribed in Section 17.32.010 and subject to the findings stated in Section 17.192.060

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In the event the planning director determines that the request for reasonable accommodation(s) is non-ministerial in nature, such request shall be forwarded to the planning commission in accordance with Chapter 17.32 and shall be subject to the findings stated in Section 17.192.060.

All written determinations of actions of the planning director shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process (e.g., requesting that city staff attempt to schedule an appeal hearing as soon as legally and practically possible), if necessary. The notice of action shall be sent to the applicant by mail.

If necessary to reach a determination or action on the request for reasonable accommodation, the planning director may request further information from the applicant consistent with the planning department's specifying in detail what information is required. In the event a request for further information is made, the 30-day period to issue a written determination shall be stayed until the applicant fully and sufficiently responds to the request.

(Ord. No. 519, 8-8-2012)

17.192.050 Group homes.

All requests for reasonable accommodation relating to increased occupancy of a group home shall be filed first with the planning director. At his or her sole discretion the planning director can act upon the request as described in Section 17.192.040 or such request shall be forwarded to the planning commission. If a request is forwarded to the planning commission, it shall be processed as an administrative permit in accordance with Section 17.32.010 and shall be subject to the findings stated in Section 17.192.060.

(Ord. No. 519, 8-8-2012)

17.192.060 Required findings.

In making a determination regarding the reasonableness of a requested accommodation the following findings shall be made:

- A. The housing, which is the subject of the request for reasonable accommodation, will be used for an individual protected under the Act.
- B. The request for reasonable accommodation is necessary to make specific housing available to an individual protected under the Act.
- C. The requested reasonable accommodation does not impose an undue financial or administrative burden on the city, and does not fundamentally alter city zoning, development standards, policies or procedures of the city.

(Ord. No. 519, 8-8-2012)

17.192.070 Appeals.

Appeal of the planning director or planning commission action on the request for reasonable accommodation shall be made in accordance with the procedures specified in Chapter 17.44 of this title.

(Ord. No. 519, 8-8-2012)

Chapter 17.196 SECOND DWELLING UNITS

Sections:

[17.196.010 Purpose.](#)

ARTICLE V. SPECIAL AREA AND SPECIFIC USE REGULATIONS

[17.196.020 Definitions.](#)

[17.196.030 administrative permit required.](#)

[17.196.040 Development standards and requirements.](#)

[17.196.050 General plan.](#)

[17.196.060 Appeals.](#)

17.196.010 Purpose.

It is the purpose of this section to maintain the single-family character of established single-family neighborhoods, while allowing for the possibility of second residential units on such lots.

(Ord. No. 519, 8-8-2012)

17.196.020 Definitions.

As used in this section:

"Primary residential unit" means the first permanent residential structure built to serve as a dwelling unit on a parcel in an R-1 district.

"Second residential unit" means the second permanent residential structure built to serve as a separate dwelling unit on a parcel in an R-1 district. Mobilehomes without a permanent foundation and recreational vehicles are not considered, and shall not be allowed as, second residential units.

(Ord. No. 519, 8-8-2012)

17.196.030 administrative permit required.

A second residential unit may be permitted on a parcel in an R-1 district if an administrative permit is issued allowing it. The city may attach any conditions necessary to insure that the use is compatible with the neighborhood.

(Ord. No. 519, 8-8-2012)

17.196.040 Development standards and requirements.

Second residential units must comply with the following standards, which are in addition to the general development standards set forth in Articles III and IV:

- A. The second residential unit shall be in compliance with existing zoning requirements, including setbacks and lot coverage;
- B. A second residential unit may be attached to or detached from the primary unit;
- C. In addition to the two off-street parking spaces required for the primary residential unit, two (2) additional off-street parking spaces shall be required for the second residential unit. The additional parking spaces may not be purchased or leased pursuant to subsection 17.108.040D. (purchase or lease of parking spaces);
- D. There shall be a maximum of one second residential unit per parcel;

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- E. The second residential unit shall conform in design, materials and color to the primary residence;
- F. A minimum lot size of seven thousand five hundred (7,500) square feet shall be required;
- G. Except in the case of smaller efficiency units allowed by law, the minimum allowable floor area for a second residential unit shall be four hundred (400) square feet. The maximum allowable floor area for a second residential unit shall be six hundred forty (640) square feet or thirty-five (35) percent of the original gross floor area of the primary unit, whichever is greater, up to a maximum of one thousand two hundred (1,200) square feet, unless otherwise specified by the planning commission;
- H. If attached, the secondary unit shall have a separate outside entrance or a hallway leading directly to the outside;
- I. A second residential unit shall not be added on a parcel with a pre-existing primary residential unit which does not have a legal sewer connection or does not conform to this code. The second residential unit shall also be required to obtain a separate legal sewer connection.

(Ord. No. 519, 8-8-2012)

17.196.050 General plan.

In adopting this section, the city recognizes that the approval of second residential units may, in some instances, result in dwelling unit densities exceeding the maximum densities prescribed by the general plan. The city finds that this occurrence is consistent with the general plan, as allowed under state planning and zoning law applicable to second residential units and that the adoption of these sections furthers the goals, objectives and policies of the general plan housing element.

(Ord. No. 519, 8-8-2012)

17.196.060 Appeals.

If the applicant or adjacent property owners are dissatisfied with the conditions of approval of the second unit, they may appeal the decision as per Chapter 17.44 of this title.

(Ord. No. 519, 8-8-2012)

Chapter 17.200 SIGNIFICANT BUILDINGS

Sections:

[17.200.010 Purpose.](#)

[17.200.020 Definitions.](#)

[17.200.030 Applicability.](#)

[17.200.040 Demolition of significant buildings.](#)

17.200.010 Purpose.

There are certain buildings which have special historic, cultural or aesthetic interest, and by virtue of that may have significant value to the community. It is the intent of this chapter to prevent the demolition

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of such significant buildings unless it is needed for the development of a new building and after having a noticed public hearing and a discretionary approval.

(Ord. No. 519, 8-8-2012)

17.200.020 Definitions.

"Significant building" means a building which has special historic, cultural or aesthetic interest, and which has been listed in subsection 17.200.030A. of this title. A significant building shall be characterized by one or more of the following: (1) a building listed on the National Register of Historic Places or California Register of Historic Places; or (2) a building determined by the city council to be notably associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of Colfax.

"Demolition" means the intentional, physical act or process which removes or destroys a building, either in part or in whole. However, interior and exterior remodeling are not considered demolition and are not restricted by this chapter.

(Ord. No. 519, 8-8-2012)

17.200.030 Applicability.

A. As of the adoption of this ordinance, the following constitutes the current list of significant buildings.

Property Name	Address	APN
Colfax Freight Depot	7 Main Street	
Colfax Passenger Depot	99 Railroad Avenue	

B. The list of properties contained in subsection A above may be amended in the manner set forth in Chapter 17.52, zoning ordinance amendments, of this title with the following additional provision:

1. Any person may request the listing of a building by submitting an application to the planning and redevelopment director. The director or city council may also initiate such proceedings on its own motion. The application shall include a statement explaining the reason(s) the building should be listed.

(Ord. No. 519, 8-8-2012)

17.200.040 Demolition of significant buildings.

A. Permits Required. No person, state or federal agency shall demolish or cause to be demolished any significant building without first obtaining approval of a design review permit or design review permit Modification in the manner set forth in Chapter 17.32 of this title, unless the building is exempt from such permit, as described in subsection D. below.

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- B. Findings for Demolition. In addition to the required findings for approval of a design review permit or design review permit modification, all of the following findings shall be made, based on substantial evidence:
1. The proposed development could not occur without demolition of the significant building.
 2. The proposed development will provide a substantial public benefit mitigating the loss of the significant building.
 3. To the extent feasible, mitigation measures have been incorporated into the project to reduce the effect of the demolition.
 4. The technological feasibility of maintaining the significant building and the economic cost of building restoration would preclude the owner from making any reasonable use of the property.
- C. Mitigations for Demolition. Mitigations for the demolition of a significant building may include, but are not limited to, the following: preservation in place; relocation to another location on the same site; relocation to another site; reuse of architectural elements or building materials from the building; and archival photographic study of the building.
- D. Exemption for Dangerous Building. The requirement to obtain a design review permit approval shall not apply to any significant building that the chief building official determines is dangerous to the health and safety of the building occupants, neighbors or public, pursuant to Colfax Municipal Code, Section 15.20.060. The chief building official shall set forth in writing the reasons for the determination that the significant building is dangerous to the health and safety of the building occupants, neighbors or public, and therefore immediate demolition is warranted. Upon receipt of notice from the chief building official that the dangerous building has been demolished, the planning director shall process an amendment to remove it from the list of significant buildings.

(Ord. No. 519, 8-8-2012)

Chapter 17.204 TEMPORARY USES

Sections:

[17.204.010 Purpose.](#)

[17.204.020 Permitted temporary uses.](#)

[17.204.030 Temporary uses permitted with an administrative permit.](#)

[17.204.040 Conditions of approval.](#)

17.204.010 Purpose.

This chapter establishes the standards for which an administrative permit may be approved for a temporary use, and the limitations that may be placed on such use.

(Ord. No. 519, 8-8-2012)

17.204.020 Permitted temporary uses.

The following temporary uses are permitted on a parcel without issuance of any permit:

- A. Temporary outdoor promotional events which, in the opinion of the planning director, are compatible with the zoning district and surrounding land uses and where the display and/or

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event is limited to open plaza areas so as to not impede site accessibility, parking or emergency accessibility/service, or where the temporary display and/or promotional event is associated with a permanently established business within a center or business complex.

- B. Fireworks, when in compliance with Chapters 8.04 (fireworks) and 15.08 (fire code) of the Colfax Municipal Code and only in the historic district and commercial highway zones;
- C. Farmers markets in the historic district and commercial highway zones only;
- D. Fairs, festivals, circuses, rodeos, carnivals, and concerts when not held on premises designed to accommodate such events, such as auditoriums, stadiums, or other public assembly facilities, when conducted in compliance with Chapter 5.24 (outdoor festivals) of the Colfax Municipal Code and in the historic district and commercial highway zones only;
- E. Weekend fund raising events conducted at locations which can accommodate the event in compliance with all provisions of this title. Such events shall not be conducted on more than two weekends per month at any one location and may include but are not limited to carwashes and pancake breakfasts. An administrative permit shall be obtained for events that extend longer than a weekend (Saturday and Sunday) except for long weekends which include a Friday and/or Monday due to a holiday;
- F. Outdoor promotional display, sales, and events in conjunction with an established commercial business within a commercial zoning districts, limited to three events per calendar year. An event is from five p.m. on a Friday to eight a.m. on the following Monday and includes only merchandise customarily sold on the premises by a permanently established business.

The duration of the event may be extended to incorporate holidays which create longer weekends.

- G. Construction trailer for an approved project.
- H. A model home complex within an approved subdivision for sale of residential units within that same subdivision.
- I. A temporary sales office or trailer within an approved subdivision or multifamily complex used for sale of residential units within that same subdivision or leasing of units within that same complex. The temporary sales office for residential subdivision may be operated with or without a model home complex.

(Ord. No. 519, 8-8-2012)

17.204.030 Temporary uses permitted with an administrative permit.

The following temporary uses may be permitted, subject to the issuance of an administrative permit by the planning director, who may also delegate this authority to other city employees.

- A. Residential Temporary Uses. A trailer, coach or mobilehome as a temporary residence of the property owner when a valid residential building permit is in force. The permit may be granted for up to one hundred eighty (180) days, or upon expiration of the building permit, whichever occurs first, unless extended by the planning director or chief building official.
- B. Non-Residential Temporary Uses.
 - 1. Temporary outdoor fund raising activities associated with a non-profit organization may be conducted for periods not exceeding ten (10) consecutive days for each non-profit organization. Not more than five events shall be conducted on one site in a calendar year for each non-profit organization.
 - 2. Christmas tree sale lots, provided such activity shall be only held from November 1 through January 15 of each year.

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3. Pumpkin sales lots, provided such activity shall be only held from October 1 through November 1 of each year.
 4. Enclosed storage containers (e.g., cargo containers, seatrains, etc.) for temporary on-site storage associated with a permitted use.
- C. Industrial Temporary Uses. In addition to those uses permitted in association with non-residential uses, the following use is permitted in industrial zone districts:
1. Temporary office buildings, provided that the temporary office space is not used for a period exceeding twelve (12) months, unless otherwise approved by an administrative permit.
- D. Temporary Uses in All Districts.
1. On- and off-site contractors' construction yards in conjunction with an approved development project.
 2. Watchman's or caretaker's trailer associated with other approved temporary uses or during construction of a project.
 3. Similar temporary uses which, in the opinion of the planning director are compatible with the zoning district and surrounding land uses.

(Ord. No. 519, 8-8-2012)

17.204.040 Conditions of approval.

In approving an administrative permit, the approval authority may impose conditions deemed necessary to ensure that the temporary use or development will be compatible with the zone district and surrounding uses. These conditions may involve any pertinent factors affecting the operation of such temporary use or development, and may include but are not limited to:

- A. Requirements for improved parking facilities, including vehicular ingress and egress;
- B. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat;
- C. Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
- D. Provision for sanitary and medical facilities;
- E. Provision for solid, hazardous and toxic waste collection and disposal;
- F. Provision for security and safety measures;
- G. Regulation of signs;
- H. Submission of a performance bond or other surety devices, satisfactory to the city attorney, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition;
- I. A requirement that approval of the temporary use permit is contingent upon compliance with applicable provisions of the Colfax Municipal Code; and
- J. Any other conditions which will ensure the operation of the proposed temporary use, will protect public health and safety and in accordance with the intent and purpose of this title.

(Ord. No. 519, 8-8-2012)

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Chapter 17.208 USED GOODS COLLECTION CENTERS

Sections:

[17.208.010 Purpose.](#)

[17.208.020 Permit requirements.](#)

[17.208.030 Development and performance standards.](#)

17.208.010 Purpose.

The following regulations shall apply to the operation of used goods collection centers where allowed by the accessory use regulations of subsection 17.96.020E.8.

(Ord. No. 519, 8-8-2012)

17.208.020 Permit requirements.

Prior to the installation or operation of a used goods collection center, an administrative permit shall be obtained from the planning director.

(Ord. No. 519, 8-8-2012)

17.208.030 Development and performance standards.

Used goods collection centers shall be designed, developed, and operated in compliance with all of the following standards, which are in addition to the general development standards set forth in Articles III and IV:

- A. The location of collection trailers shall not obstruct any required parking spaces or disrupt either automobile or pedestrian traffic to or within the site. Trailers shall be located so as not to be detrimental to the appearance of the neighborhood or so as to create a public or private nuisance. They shall be operated by nonprofit organizations.
- B. Only one trailer is permitted per parcel.
- C. Collection trailers shall be kept clean, well maintained, neatly painted, and in good operating condition.
- D. Each collection trailer shall be clearly marked with the name of the non-profit organization doing the collection and the local telephone number of the organization.
- E. Any litter or spillage shall be immediately removed and cleaned.
- F. Upon termination of a collection campaign or program, trailers shall be removed and the site restored to its original condition within forty-eight (48) hours.
- G. The collection trailer shall be manned at all times the trailer is in use.
- H. The written consent of the property owner shall be provided at the time permission is requested to use a collection trailer.

(Ord. No. 519, 8-8-2012)