

**CITY OF OROVILLE  
ORDINANCE NO. 1876**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE ADOPTING ZONING CODE AMENDMENT (ZC) 23-02 AMENDING THE OROVILLE MUNICIPAL CODE BY ADDING SECTION 17.12.120 ESTABLISHING REGULATIONS AND STANDARDS FOR AL FRESCO DINING AND AMENDING SECTION 17.12.070 "PARKING," SECTION 17.32.010 "ALLOWED USES IN COMMERCIAL DISTRICTS," SECTION 17.34.020 "ALLOWED USES IN MIXED-USE DISTRICTS," AND SECTION 12.04.030 "PLACING PRODUCE, MERCHANDISE, ETC., ON STREETS AND SIDEWALKS"**

**WHEREAS**, the City of Oroville does not currently have standards and regulations allowing for the development of al fresco dining areas; and

**WHEREAS**, City staff began developing standards and regulations for al fresco dining areas in response to increasing inquiries by business owners and the growing popularity of al fresco dining following the COVID-19 Pandemic; and

**WHEREAS**, City staff recommend adding Section 17.12.120 to the Zoning Code of the Oroville Municipal Code establishing standards and regulations for al fresco dining and al fresco seating areas; and

**WHEREAS**, the intent of the standards and regulations is to streamline the approval process for al fresco dining and seating areas by providing clear design standards, submittal requirements, and review procedures; incentivize the location and growth of restaurants within Downtown Oroville by allowing sidewalk al fresco dining and seating areas through an administrative permitting process; and create high-quality, safe, and active outdoor areas to bolster a vibrant community atmosphere; and

**WHEREAS**, amendments are also proposed to Section 17.12.070, pertaining to the City's parking standards, which would establish parking requirements for al fresco dining areas; and

**WHEREAS**, amendments are further proposed to Sections 17.32.010 and 17.34.020 adding al fresco dining areas and al fresco seating areas as a Use-Specific Regulation in commercial and mixed-use districts, respectively; and

**WHEREAS**, amendments are additionally proposed to Section 12.04.030, adding reference to the al fresco dining and seating area code section; and

**WHEREAS**, the proposed regulations were discussed at the March 2, 2023, regular meeting of the Oroville Downtown Business Association (ODBA) and an additional workshop was subsequently held with members of the ODBA where the boundaries of the "Al Fresco Sidewalk Dining Area" were expanded to include a larger footprint of Downtown Oroville and the addition of the Gateway Site; and

**WHEREAS**, The Planning Commission conducted a public hearing on June 22, 2023, and again on August 24, 2023, where Resolution No. 2023-17 was subsequently adopted recommending that the City Council adopt zoning code amendment (ZC) 23-02; and

**WHEREAS**, the proposed amendments are internally consistent with other applicable provisions of the Zoning Code, the 2030 General Plan, and compatible with the uses authorized in the applicable zoning districts for which the revisions are proposed; and

**WHEREAS**, the proposed Zoning Code Amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

**WHEREAS**, at a duly noticed public hearing, the City Council considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of the code changes described herein and considered the City's staff report regarding the project.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF OROVILLE DO ORDAIN AS FOLLOWS:**

**SECTION 1: Findings.**

The City Council of the City of Oroville adopts and finds as true and correct the aforementioned recitals and incorporate them herein as findings.

**Section 2: Amendment to the Oroville Municipal Code Adding Section 17.12.120 (AI Fresco Dining and Seating)**

The Oroville Municipal Code Section 17.12.120 (AI Fresco Dining and Seating) is hereby added to the Oroville Municipal Code and read as follows:

**17-12.120 AI Fresco Dining and Seating,**

**A. Purpose.**

The purpose of the regulations and standards in this Section are to allow increased business and pedestrian traffic by providing safe and visually appealing opportunities for AI Fresco Dining and Seating. It shall be unlawful for any person to establish an AI Fresco Dining or Seating Area at any site unless approval had been obtained, as applicable, consistent with this Section.

**B. Definitions.**

1. AI Fresco Dining: Generally defined as permanent dining areas that are outdoors, either contained fully on private property or on city sidewalks. This



dining area shall be a separately identifiable, designated space that is accessory to the operation of a food service establishment.

2. **Al Fresco Seating:** Generally defined as temporary dining areas located immediately adjacent to or in close proximity to a food service establishment where patrons can sit and consume meals and/or non-alcoholic beverages. An al fresco seating area is characterized by non-permanent improvements where the area can be returned to its original unimproved state.
3. **Frontage Zone:** The section of the sidewalk that functions as an extension of the building, whether through entryways and doors or sidewalk cafes and sandwich boards. The frontage zone consists of both the structure and the facade of the building fronting the street, as well as the space immediately adjacent to the building.
4. **Outdoor Dining:** See "Al Fresco Dining" definition.
5. **Outdoor Seating:** See "Al Fresco Seating" definition.
6. **Pedestrian Through Zone:** The primary, accessible pathway for pedestrians that runs parallel to the street and the al fresco sidewalk dining area. This pathway shall be a minimum of six (6) feet in width.
7. **Sidewalk Dining Area:** See "Al Fresco Dining" definition.
8. **Street Furniture/Curb Zone:** The section of the sidewalk between the curb and the through zone in which street furniture and amenities, such as lighting, benches, newspaper kiosks, utility poles, tree pits, and bicycle parking are provided. The street furniture zone may also consist of green infrastructure elements, such as rain gardens or flow-through planters.

**C. Applicability.**

1. Al Fresco Sidewalk Dining shall be allowed only in the area identified as the "Al Fresco Sidewalk Dining Areas." Generally, the area bounded by High Street, Oliver Street, Arlin Rhine Memorial Drive, and Oak Street, as shown in Figure 17.12.120-1, and the Gateway Site, as shown in Figure 17.12.120-2.



**Figure 17.12.120-1**



**Figure 17.12.120-2**

2. Al Fresco Dining Areas outside of the public right-of-way fully contained on private property shall be allowed in areas of the City zoned for commercial and mixed-use districts as specified in Sections 17.32.010 and 17.34.020 of the zoning code.
- D. Al Fresco Sidewalk Dining Area.**
- Al Fresco Sidewalk Dining shall only be allowed within the specific sub areas as identified in subsection (C)(1) ("Applicability").
1. Conversion of Existing Sidewalk. Sidewalk dining areas that are contained within the existing footprint of the sidewalk without requiring widening to maintain the minimum required pedestrian through zone width.
    - a. **Design Standards**
      - (1) Shall be directly adjacent to the business proposing to utilize the sidewalk dining area. The al fresco dining area may also utilize the frontage zone of a neighboring business with the written authorization from the adjacent business and building owner(s) where the sidewalk dining area is proposed to extend.
      - (2) A continuous barrier separating the dining area from the pedestrian zone shall be installed a minimum of three (3) feet in height but shall

not exceed four (4) feet in height. This barrier shall be constructed of solid material such as metal, stone block, glass, planter boxes, wrought iron, or a combination thereof.

- (3) Awnings, umbrellas, and similar shade covers must allow vertical clearance of a minimum of seven (7) feet above sidewalk level.
- (4) Shall comply with all ADA requirements and the City's adopted Building and Fire Code.
- (5) All signage shall comply with the City's adopted Sign Code.
- (6) Lighting shall be provided that is architecturally compatible with the design of the al fresco dining area and surrounding area.
- (7) The use of compatible awnings, umbrellas, plants, and other human scale elements is encouraged to enhance the pedestrian experience.

**b. Operational Requirements**

- (1) The dining area shall be kept clear of trash, litter, and debris.
- (2) Furnishings must be maintained and cleaned regularly with no ripped, faded, or otherwise damaged materials. Any unmaintained furnishing shall be repaired or replaced immediately. The restaurant manager or business owner is responsible for maintaining the al fresco dining area free of trash, litter, and food debris.
- (3) Operation of an al fresco dining area shall be permitted only during such times as the hours of operation of the associated food service establishment.
- (4) An al fresco dining operation proposing to serve alcoholic beverages must be duly licensed by the state Department of Alcoholic Beverage Control and obtain a conditional use permit pursuant to Section 17.16.160, as may be required by the subject property's zoning designation, prior to the service of alcoholic beverages.
- (5) As applicable, the applicant shall post signage that the drinking or carrying of an open container of alcohol is prohibited outside the al fresco dining area.
- (6) The al fresco dining area shall comply with the City's Noise Ordinance.
- (7) Unobstructed access to fire exits, fire lanes, fire hydrants, fire hose connections, and entrances and exits of all buildings shall be maintained.

**c. Application Review Procedure and Submittal Requirements**

- (1) Subject to an administrative permit approved by the Development Review Committee.
  - (2) An application for an al fresco dining area shall include a detailed site plan, drawn to scale, noting dimensions of the area proposed for the outdoor café; the proposed number and location of tables, chairs and other furnishings to be included in the al fresco dining area; the composition, design, and location of all physical barriers; the location and nature of any proposed landscaping; the relationship of the al fresco dining area to the indoor dining area; and all sidewalk obstructions in the vicinity of the proposed al fresco dining area.
  - (3) A detailed description of the type, color, and material of all proposed outdoor furniture, such as tables, chairs, barriers, planters, umbrellas, signs, and lighting shall be included with an application for an al fresco dining area.
2. **Widening of Sidewalk.** Sidewalk dining areas that require widening of the sidewalk to accommodate both the new dining area and the minimum required pedestrian through zone width.

**a. Design Standards**

- (1) Shall be directly adjacent to the business proposing to utilize the sidewalk dining area. The al fresco dining area may also utilize the frontage zone of a neighboring business with the written authorization from the adjacent business and building owner(s) where the sidewalk dining area is proposed to extend.
- (2) No more than two (2) parking spaces may be converted to widened sidewalk to facilitate any one al fresco dining area. The two (2) parking spaces that may be converted to widened sidewalk may either be: two (2) parking spaces on one (1) block, or one (1) space on each side of and directly adjacent to the corner of a block where two (2) public streets intersect.
- (3) Existing street trees shall be preserved and incorporated into the design of the dining area where possible.
- (4) Awnings, umbrellas, and similar shade covers must allow vertical clearance of a minimum of seven (7) feet above sidewalk level.
- (5) A continuous barrier separating the dining area from the pedestrian zone shall be installed a minimum of three (3) feet in height but shall

not exceed four (4) feet in height. This barrier shall be constructed of solid material such as metal, stone block, glass, planter boxes, wrought iron, or a combination thereof.

- (6) Shall comply with all ADA requirements and the City's adopted Building and Fire Code.
- (7) All signage shall comply with the City's adopted Sign Code.
- (8) Lighting shall be provided that is architecturally compatible with the design of the al fresco dining area and surrounding area.
- (9) The use of compatible awnings, umbrellas, plants, and other human scale elements is encouraged to enhance the pedestrian experience.

**b. Operational Requirements**

- (1) The dining area shall be kept clear of trash, litter, and debris.
- (2) Furnishings must be maintained and cleaned regularly with no ripped, faded, or otherwise damaged materials. Any unmaintained furnishing shall be repaired or replaced immediately. The restaurant manager or business owner is responsible for maintaining the al fresco dining area free of trash, litter, and food debris.
- (3) Operation of an al fresco dining area shall be permitted only during such times as the hours of operation of the associated food service establishment.
- (4) An al fresco dining operation proposing to serve alcoholic beverages must be duly licensed by the state Department of Alcoholic Beverage Control and obtain a conditional use permit pursuant to Section 17.16.160, as may be required by the subject property's zoning designation, prior to the service of alcoholic beverages.
- (5) As applicable, the applicant shall post signage that the drinking or carrying of an open container of alcohol is prohibited outside the al fresco dining area.
- (6) The al fresco dining area shall comply with the City's Noise Ordinance.
- (7) Unobstructed access to fire exits, fire lanes, fire hydrants, fire hose connections, and entrances and exits of all buildings shall be maintained.

**c. Application Review Procedure and Submittal Requirements**

- (1) Subject to an administrative permit approved by the Development Review Committee.
- (2) An encroachment permit shall be obtained prior to any work commencing within the public right-of-way.
- (3) Prior to approving a permit authorizing the widening of a sidewalk that results in the loss of on-street parking, findings shall be made that the loss of on-street parking will not result in an inadequate supply of parking within the downtown area.
- (4) All costs associated to the widening of sidewalk for the operation of an al fresco sidewalk dining area shall be at applicant's sole cost and expense.
- (5) An application for an al fresco dining area shall include a detailed site plan, drawn to scale, noting dimensions of the area proposed for the outdoor café; the proposed number and location of tables, chairs and other furnishings to be included in the al fresco dining area; the composition, design, and location of all physical barriers; the location and nature of any proposed landscaping; the relationship of the al fresco dining area to the indoor dining area; and all sidewalk obstructions in the vicinity of the proposed al fresco dining area.
- (6) A detailed description of the type, color, and material of all proposed outdoor furniture, such as tables, chairs, barriers, planters, umbrellas, signs, and lighting shall be included with an application for an al fresco dining area.

**3. General Liability Insurance**

- a. The applicant shall provide to the City an agreement to indemnify, defend, and hold harmless the City of Oroville, as applicable, for any and all claims for liability or damages arising from the operation of the al fresco dining area.
  - b. The restaurant operator or property owner shall provide to the City of Oroville insurance certificates and endorsements evidencing general liability insurance, workers compensation insurance, and such other insurance, in such amounts and forms as may be required by the City of Oroville Risk Manager.
4. A permit to operate an Al Fresco Sidewalk Dining Area shall be subject to termination by the City at any time upon giving written notice to the applicant and/or operator at least ten (10) days prior to the hearing upon determination of the Community Development Director that one (1) or more of the

conditions or provisions of this Section have been violated, or that one (1) or more factors listed in this Section have changed, or the permitted use is no longer compatible with the intended use of the City property, public sidewalk or other public right-of-way. No prior written notice shall be required to terminate the permit where the Community Development Director in their discretion, that the continued use of the City property, public sidewalk or other public right-of-way for the Al Fresco Dining Area poses an imminent threat to health or safety.

**E. Al Fresco Dining Areas Outside of the Public Right-of-Way.**

Shall apply city-wide in Commercial and Mixed-Use Districts as specified in Sections 17.32.010 and 17.34.020, including the specific sub areas as identified in subsection (C)(1) ("Applicability").

**1. Design Standards**

- a. Shall not encroach or be constructed within the public right-of-way.
- b. Parking shall be provided in accordance with Section 17.12.070.
- c. A continuous barrier separating the dining area from drive aisles, parking and, pedestrian facilities shall be installed a minimum of three (3) feet in height. This barrier shall be constructed of solid material such as metal, stone block, glass, wrought iron, or a combination thereof.
- d. Awnings, umbrellas, and similar shade covers must allow vertical clearance of a minimum of seven (7) feet.
- e. Shall comply with all ADA requirements and the City's adopted Building and Fire Code.
- f. All signage shall comply with the City's adopted Sign Code.
- g. Lighting shall be provided that is architecturally compatible with the design of the al fresco dining area and surrounding area.
- h. The use of compatible awnings, umbrellas, plants, and other human scale elements is encouraged to enhance the pedestrian experience.

**2. Operational Requirements**

- a. The dining area shall be kept clear of trash, litter, and debris.
- b. Furnishings must be maintained and cleaned regularly with no ripped, faded, or otherwise damaged materials. Any unmaintained furnishing shall be repaired or replaced immediately. The restaurant manager or business owner is responsible for maintaining the al fresco dining area free of trash, litter, and food debris.



- c. Operation of an al fresco dining area shall be permitted only during such times as the hours of operation of the associated food service establishment.
- d. An al fresco dining operation proposing to serve alcoholic beverages must be duly licensed by the state Department of Alcoholic Beverage Control and obtain a conditional use permit pursuant to Section 17.16.160, as may be required by the subject property's zoning designation, prior to the service of alcoholic beverages.
- e. As applicable, the applicant shall post signage that the drinking or carrying of an open container of alcohol is prohibited outside the al fresco dining area.
- f. The al fresco dining area shall comply with the City's Noise Ordinance.
- g. Unobstructed access to fire exits, fire lanes, fire hydrants, fire hose connections, and entrances and exits of all buildings shall be maintained.

**3. Application Review Procedure and Submittal Requirements**

- a. New al fresco dining areas proposed to be added to an already developed site containing a food service establishment shall be subject to an administrative permit approved by the Development Review Committee.
  - (1) Al fresco dining areas proposed as part of a larger project shall be reviewed and approved by the approval body for the project.
- b. An application for an al fresco dining area shall include a detailed site plan, drawn to scale, noting dimensions of the area proposed for the al fresco dining area; the proposed number and location of tables, chairs and other furnishings to be included in the al fresco dining area; the composition, design, and location of all physical barriers; the location and nature of any proposed landscaping; the relationship of the al fresco dining area to the indoor dining area; and all sidewalk obstructions in the vicinity of the proposed al fresco dining area.
- c. A detailed description of the type, color, and material of all proposed outdoor furniture, such as tables, chairs, barriers, planters, umbrellas, signs, and lighting shall be included with an application for an al fresco dining area.

**F. Al Fresco Seating Areas.**

Shall apply city-wide in Commercial and Mixed-Use Districts as specified in Sections 17.32.010 and 17.34.020, including the specific sub areas as identified in subsection (C)(1) ("Applicability").

**1. Operational Standards**

- a. Alcoholic beverages shall not be served or consumed in al fresco seating areas.
- b. The furnishings shall be directly adjacent to or in close proximity of the food service establishment and shall be non-permanent in nature.
- c. The outdoor seating area shall be no larger than 25% of the floor area of the associated food service establishment, or 16 seats, whichever is greater.
- d. Furnishings may be set out as early as thirty (30) minutes prior to opening and must be removed no later than thirty (30) minutes after closing of the business.
- e. Awnings, umbrellas, and similar shade covers must allow vertical clearance of a minimum of seven (7) feet.
- f. All al fresco seating areas shall comply with the City's Noise Ordinance.
- g. The required pedestrian through zone, emergency access/exits, and fire lanes must be maintained.
- h. Furnishings must be maintained and cleaned regularly with no ripped, faded, or otherwise damaged materials. Any unmaintained furnishing shall be repaired or replaced immediately. The restaurant manager or business owner is responsible for maintaining the al fresco dining area free of trash, litter, and food debris.
- i. No furnishings shall be placed within any required parking or landscape area.
- j. No furnishings may be placed or encroach within the public right-of-way without first obtaining appropriate approvals as specified in subsection (F)(2)(b) ("Application Review Procedure and Submittal Requirements").

**2. Application Review Procedure and Submittal Requirements**

- a. If a proposed al fresco seating area consists only of the temporary placement of tables and chairs contained wholly on private property during the food service establishment's hours of operation and complies with the operational standards as detailed above in subsection (F)(1), a permit shall not be required.

- b. If a proposed al fresco seating area consists only of the temporary placement of tables and chairs in the public right-of-way during the food service establishment's hours of operation and complies with the operational standards as detailed above in subsection (F)(1), an administrative al fresco seating area permit shall be required, subject to approval by the Director of Community Development, or designee. An application for an al fresco seating area permit shall contain the following:
  - (1) A site plan depicting the area within the public right-of-way proposed to be used for the al fresco seating area.
  - (2) If the proposed al fresco seating area includes the placement of furnishings in front of a business immediately adjacent to the associated food service establishment, the applicant shall submit written authorization from the adjacent business and building owner(s) to utilize the businesses frontage zone.
  - (3) Insurance certificates and endorsements evidencing general liability insurance, workers compensation insurance, and such other insurance, in such amounts and forms as may be required by the City of Oroville Risk Manager.
  - (4) An agreement to indemnify, defend, and hold harmless the City of Oroville, as applicable, for any and all claims for liability or damages arising from the operation of the al fresco seating area.

G. **Exemptions.** Al fresco dining and seating areas that deviate from the standards set forth in this Section are subject to a Conditional Use Permit, processed in accordance with Section 17.48.010.

**Section 3:                    Amendment to the Oroville Municipal Code Section 17.12.070 (Parking)**

The Oroville Municipal Code Section 17.12.070 (Parking) is hereby amended to read as follows:

**17.12.070 Parking.**

**A. General Provisions.**

1. In all districts, any parking lot or other parking area, as defined in this chapter, shall comply with the standards set forth in this section and with the city engineering design standards.

2. All required parking spaces shall be provided on-site, except as otherwise provided in this section.
3. No owner or tenant shall lease or rent required parking spaces.
4. If a required parking space is converted to another use, a replacement shall be provided in accordance with the requirements of this section.

**B. New and Expanded Buildings and Uses.**

1. When a building or structure is erected or a new use is initiated, minimum off-street parking spaces shall be provided as required by this section.

2. When an existing building or structure is enlarged or increased in capacity, or when a change in an existing use creates an increase in the amount of parking required, additional parking spaces shall be provided as follows:

a. If the increase in building size or structural area is no more than 25%, or if the increase in the amount of parking required by a change in use does not exceed 25%, then the number of off-street parking spaces required shall be based only upon the increased size of the building, structure, and/or use of the site.

b. If the increase in building size or structural area exceeds 25%, or if the increase in the amount of parking required by a change in use exceeds 25%, then off-street parking spaces shall be provided for all uses conducted on the site, including the existing and the increased uses of the site. In addition, the existing parking spaces shall be brought into compliance with all applicable requirements of the city building code, including its access standards for persons with disabilities.

**C. Grading and Drainage.**

1. Parking spaces and access driveways shall be graded and drained in accordance with city engineering design standards to alleviate the creation of flooding and drainage problems for the subject property and any surrounding properties.

2. For parking lots with 6 or more spaces, all runoff from parking and vehicular circulation areas shall be treated and filtered on-site to remove sediment and pollutants, using a method approved by the city engineering design standards, before it is discharged into the storm drain system.

**D. Wheel Stops.** Wheel stops with adequate anchorage, including 6-inch concrete curbs and other methods approved by the city engineering design standards, shall be provided at the front edge of all parking spaces located adjacent to property lines.

Wheel stops shall be inset from the front edge of the parking space to prevent any vehicle from overhanging property lines, walkways or landscaping.

**E. Location.** No off-street parking space may be placed where a vehicle would extend into the public right-of-way or obstruct the sight distance area at an intersection.

**F. Activities Prohibited.** No sale, storage, repair work, dismantling or servicing of any kind shall be permitted in required parking areas, unless all of the following circumstances apply:

1. The activity is a temporary use that meets the requirements of Section 17.16.060.
2. The activity uses the parking spaces for no more than 8 hours in a single day.
3. The activity occupies no more than 4 parking spaces, or 25% of the required number of parking spaces for the site, whichever number is greater.

**G. On-Site Parking for Single-Family Dwellings and Duplexes.** The following requirements shall apply to all single-family dwellings and duplexes in residential districts:

1. Vehicles shall not be parked or stored in any area other than an enclosed structure, such as a carport or garage, or a designated surface parking area that meets the requirements of this section.
2. A maximum of 3 vehicles may occupy designated surface parking areas on a single site. Additional vehicles shall be located in an enclosed structure.
3. At least one required parking space shall be located in an enclosed structure. A maximum of 2 additional parking spaces in designated surface parking areas may be counted towards the minimum parking requirement.
4. Designated surface parking areas shall comply with the following requirements:
  - a. If the designated surface parking area is located within a required minimum setback, the designated surface parking area shall not occupy more than 1/2 of the required minimum setback.
  - b. The width of the designated surface parking area shall not exceed 30 feet.
  - c. The designated surface parking area shall provide unobstructed access from a street or alley. It shall not be separated from this street or alley by a vertical curb.

d. The designated surface parking area shall be paved with surfacing materials as required by the city engineering design standards.

e. No portion of vehicles parked in a designated surface parking area may extend into an adjacent right-of-way.

**H. Location.**

1. For multiple-family residential uses, required parking area shall be located no more than 100 feet from any dwelling unit the parking is intended to serve.

2. For all other uses, required parking area shall be located no more than 200 feet from the entrance to the building that the parking is intended to serve.

**I. Minimum Vehicular Parking Requirements by Use.**

1. The vehicular parking requirements in Table 17.12.070-1 shall be considered minimum requirements in all districts, except as provided otherwise by this section. Parking requirements shall be cumulative whenever more than one use is present on the site, unless a shared parking reduction is granted as provided in this section.

2. Where the application of these standards would result in a fractional number of spaces, the required number of spaces shall be rounded up to the next whole number.

3. For uses that are allowed but are not specified in Table 17.12.070-1, if a use permit is required, the parking requirement shall be determined by the planning commission; in all other cases, the parking requirement shall be determined by the zoning administrator.

4. For the purposes of interpreting these requirements, each 1.5 linear feet of a bench shall be counted as one seat.

5. In all cases where the planning commission or zoning administrator is responsible for determining the minimum parking requirement, this minimum shall be based upon the following factors:

a. The nature of the proposed use.

b. The similarity of the proposed use to other land uses for which a parking requirement is specified in this section.

c. The hours of operation of the proposed use.

d. Any available data regarding the expected vehicular trip generation for the proposed use.

Table 17.12.070-1

Minimum Vehicular Parking Requirements

Land Use	Vehicular Parking Requirements
<b>Public Assembly</b>	
Commercial recreational facility—indoor Arcade or amusement center	1 space for each 300 square feet of gross floor area
Bowling alley	2 spaces for each lane
Skating rink	1 space for each 300 square feet of rink area, plus 1 space for each 10 fixed seats
Theater	1 space for each 5 fixed seats, or 1 space for each 100 square feet of gross floor area if no fixed seats; exceptions may be provided for theaters with more than 500 seats, subject to a use permit
Commercial recreational facility—outdoor	Determined by use permit
Gym	1 space for each 300 square feet of gross floor area
Instructional studio	1 space for each 300 square feet of gross floor area
Library or museum	1 space for each 300 square feet of gross floor area
Meeting facility	1 space for each 5 fixed seats, or 1 space for each 100 square feet of gross floor area if no fixed seats; plus additional spaces as required by this section for accessory uses, such as offices
Restaurant or café	1 space for each 100 square feet of gross floor area
School—elementary or middle school	3 spaces for each classroom
School—high school	7 spaces for each classroom
<b>Land Use</b>	<b>Vehicular Parking Requirements</b>
<b>Residential</b>	
Boardinghouse	1 space for each bedroom

<b>Land Use</b>	<b>Vehicular Parking Requirements</b>
Caretaker dwelling unit	1 space for each dwelling unit
Duplex	2 spaces for each dwelling unit
Emergency shelter	1 space per 10 adult beds
Family day care, large	2 spaces, in addition to those required for the dwelling unit
Family day care, small	None beyond requirement for dwelling unit
Home occupation	None beyond requirement for dwelling unit
Mobile home park	1 space for each dwelling unit, plus 1 guest parking space for each 4 dwelling units
Studio or 1 bedroom	1 space for each dwelling unit
2 or more bedrooms—projects with fewer than 14 dwelling units per acre	2 spaces for each dwelling unit
2 or more bedrooms—projects with 14 or more dwelling units per acre	1.5 spaces for each dwelling unit
Guest parking for multiple-family dwellings	1 space for each 4 dwelling units
Residential care facility—6 units or fewer	Same as requirements for applicable type of dwelling unit
Residential care facility—7 units or more	1 space for each 3 beds
Second dwelling unit	1 space for each dwelling unit
Single-family dwelling	2 spaces for each dwelling unit
<b>Retail</b>	
All "retail" uses listed in Ch. 17.28, except the following:	1 space for each 300 square feet of gross floor area
Alcoholic beverage sales—on-premises consumption	1 space for each 100 square feet of gross floor area
Automobile sales	1 space for each 2,000 square feet of site area
Gas station	As required for individual accessory uses; minimum of 2 spaces
Al fresco dining	1 space for each 4 seats
Mobile home, boat or recreational vehicle sales	1 space for each 1,000 square feet of site area
<b>Services</b>	
All "services" uses listed in Ch. 17.28, except the following:	1 space for each 300 square feet of gross floor area
Bed and breakfast	1 space for each guest room, plus 1 space for any resident manager
Car wash	2 spaces for each wash bay
Hospital	1.1 spaces for each bed



<b>Land Use</b>	<b>Vehicular Parking Requirements</b>
Hotel or motel	1 space for each guest room, plus additional spaces as required by this section for accessory uses
Mortuary	1 space for each 6 fixed seats, or 1 space for each 100 square feet of gross floor area if no fixed seats
Personal services	1 space for each 200 square feet of gross floor area
<b><i>Manufacturing, Wholesale, Repair and Storage</i></b>	
All "manufacturing, wholesale, repair and storage" uses listed in Ch. 17.28, except the following:	1 space for each 1,000 square feet of gross floor area; minimum of 2 spaces
Mini-storage facility	1 space for each 3,000 square feet of gross floor area; minimum of 4 spaces
Research laboratories	1 space for each 300 square feet of gross floor area
Warehousing	1 space for each 2,000 square feet of gross floor area used for storage, plus 1 space for each 300 square feet of other gross floor area
<b><i>Transportation and Infrastructure</i></b>	
All "transportation and infrastructure" uses listed in Ch. 17.28	1 space for each 1,000 square feet of gross floor area; minimum of 4 spaces

**J. Parking Requirements in DH-O Districts.** Notwithstanding any other provision of this section, in downtown historic overlay (DH-O) districts, the following minimum parking requirements shall apply:

1. For single-family residential uses in a DH-O district, no parking spaces shall be required, provided that all of the following circumstances exist:
  - a. No off-street parking spaces have already been constructed on the property.
  - b. The property qualifies as a landmark, as provided in Section 17.48.040.
2. Residential uses in a DH-O district shall be eligible for the on-street parking credit described in this section.

3. In any RP/DH-O district, all required parking spaces shall be located within the building's rear setback.

4. Seating in an al fresco dining area of a restaurant or café use within the "Al Fresco Sidewalk Dining Area" of the DH-O, as defined in Section 17.12.120(C)(1), shall not count towards the minimum vehicular parking requirements for the use.

**K. Parking Requirements in the Downtown Parking Assessment District.** In the area known as the "Downtown Parking Assessment District," as shown on the zoning map, no off-street parking spaces shall be required.

**L. On-Street Parking Credits.** In nonresidential districts, and for residential uses in a downtown historic overlay (DH-O) district, the following on-street parking credit shall apply:

1. Where the entirety of a marked, on-street parking space or bicycle parking space is adjacent to a particular site, the on-street parking space may be counted towards any off-street parking requirement for that site.

2. Where a parking plan includes access driveways or curb cuts that would cause one or more marked, on-street parking spaces or bicycle parking spaces to be eliminated, the off-street parking requirement shall be increased by the number of on-street parking spaces that are to be eliminated.

**M. Multi-Family Housing.**

1. Parking spaces serving multi-family housing shall be assigned to residents. Spaces shall be located as near to the resident's unit as possible, but not marked with their unit number.

2. Visitor parking areas shall be clearly designated and labeled.

3. Parking areas shall be visible from building windows and doors.

**N. Minimum Bicycle Parking Requirements.**

1. All nonresidential uses and multiple-family residential uses shall provide at least 2 bicycle parking spaces, or one bicycle parking space for every 20 required motor vehicle parking spaces, whichever is greater.

2. In addition to any requirements in the city engineering design standards, each bicycle parking space shall provide a securely-anchored, stationary parking device that is adequate to lock and secure a 6-foot long bicycle.

3. All bicycle parking spaces shall be conveniently located to the buildings that they serve, and pedestrian walkways shall be provided between the bicycle parking spaces and the nearest building entrance.

4. For residential uses that are required to provide bicycle parking, all required bicycle parking spaces shall be located in permanently covered areas, either inside or outdoors, that are designed to protect the bicycle from rainfall.

**O. Reciprocal Access.**

1. In order to provide for convenience, safety and efficient circulation, a nonresidential development project may, as a condition of development review, be required to provide reciprocal vehicle and pedestrian access between parking areas on the development site and parking areas on adjacent sites. This requirement shall not be imposed if reciprocal access is infeasible due to topography or other unusual site conditions.

2. If reciprocal vehicle access is required, a non-exclusive access easement, or an equivalent form of reciprocal access approved by the city attorney, shall be recorded on both sites.

**P. Shared Parking Reduction.**

1. Where vehicular parking spaces are shared and cooperatively operated by more than one use, the parking requirement for those uses may be eligible for reduction if any of the following circumstances apply:

a. The uses attract vehicular traffic at different hours of the day or on different days of the week.

b. Visitors to the site are likely to park their cars once, then visit more than one of the uses.

2. Any person seeking a shared parking reduction shall file an application with the zoning administrator.

a. The application shall be filed and processed as an administrative permit, in accordance with the requirements of Section 17.48.020 and the requirements of this section.

b. The applicant shall provide a description of each use that is to share the parking spaces, including the times of operation for each use. The applicant shall also specify the proposed number of parking spaces to be provided.

3. The zoning administrator shall grant a shared parking reduction only upon finding, based on substantial evidence, that there is no substantial conflict in the

principal operating hours of the building or uses for which the shared parking is proposed and that the proposed shared parking is conveniently located to the uses to be served. The zoning administrator may require additional documents, covenants, deed restrictions or other agreements, in a form approved by the city attorney, in order to ensure that the parking spaces are maintained and used as approved.

4. If a change in use is proposed for an establishment that has received a shared parking reduction, and this change in use is not explicitly permitted by the administrative permit granting a shared parking reduction, the establishment shall do one of the following prior to the change in use:

- a. Obtain a new administrative permit granting a shared parking reduction for the proposed new use, in accordance with the requirements of this section.
- b. Identify an appropriate method of meeting this chapter's minimum parking requirements without a shared parking reduction.

5. In no case shall a shared parking reduction be granted such that the number of shared parking spaces to be provided is less than the largest number of spaces required for any one of the individual uses that will share the parking spaces.

**Q. Maximum Vehicular Parking.** For all land uses other than single-family dwellings, the following maximum vehicular parking requirements shall apply:

1. The maximum number of off-street vehicular parking spaces allowed as of right shall be 125% of the minimum number specified in this section.

2. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum specified in this section. The exact percentage shall be specified in the permit, which shall be processed in accordance with the requirements of Section 17.48.020 and the requirements of this section. The permit shall be granted only upon finding all of the following, based on substantial evidence:

- a. The proposed use will create significant conflicts with surrounding uses unless the maximum parking requirement is increased.
- b. The proposed increase in parking is no greater than necessary to avoid these conflicts and protect public health, safety and welfare.

3. A use permit to allow additional off-street vehicular parking may include conditions requiring additional landscaping, planting buffers and other screening that improve the aesthetic quality of the parking area.

R. **Handicapped Parking.** Parking spaces shall be provided in all parking areas for use by handicapped persons only, as required by the city building code.

S. **Parking Dimensions and Configuration.**

1. The minimum dimensions of parking spaces and aisles, and their required configuration, shall be as shown in the city engineering design standards. Up to one-third of all required parking spaces may be sized for compact cars, in accordance with the city engineering design standards.

2. Parking and aisle space shall be arranged so as to prevent backing of vehicles onto public thoroughfares. (Ord. 1749 § 4; Ord. 1804 § VIII, 2014; Ord. 1819 § 3, 2017)

**Section 4: Amendment to the Oroville Municipal Code Section 17.32.010 (Allowed Uses in Commercial Districts)**

The Oroville Municipal Code Section 17.32.010 (Allowed Uses in Commercial Districts) is hereby amended to read as follows:

**17.32.010 Allowed uses in commercial districts.**

The uses allowed in commercial districts shall be as shown in Table 17.32.010-1. These uses include:

A. **Permitted Use (P).** Uses that are shown with a "P" shall be permitted, subject to obtaining a zoning clearance, as provided in Section 17.48.030 (Zoning clearances) of this title, as well as any building permits or other permits required by this Code.

B. **Administrative Permit Required (AP).** Uses that are shown with an "AP" shall be subject to obtaining an administrative permit, as provided in Section 17.48.020 (Administrative permits) of this title.

C. **Use Permit Required (UP).** Uses that are shown with a "UP" shall be subject to obtaining a use permit, as provided in Section 17.48.010 (Use permits) of this title.

D. **Use-Specific Regulations (S).** Uses that are shown with an "S" shall be subject to permit requirements as provided in the specific regulations for that use. The table indicates where the use-specific regulations are located in this Code.

E. **Use Not Allowed (-).** Uses that are shown with a "-", or that are not listed, shall not be allowed, except as provided in Sections 17.08.090 (Interpretation regarding allowable uses of land) and 17.48.090 (Nonconforming uses and structures) of this title.

**Table 17.32.010-1**

## Allowed Uses in Commercial Districts

<b>Key</b>	
<b>P</b>	<b>Permitted use, subject to zoning clearance</b>
<b>AP</b>	<b>Administrative permit required</b>
<b>UP</b>	<b>Use permit required</b>
<b>S</b>	<b>See use-specific regulations for permit requirement</b>
<b>-</b>	<b>Use not allowed</b>

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
<b>Local Food Uses</b>							
Neighborhood food and beverage sales	AP	AP	AP	AP	AP	AP	17.16.220 (Neighborhood food and beverage sales)
Urban agriculture	S	S	S	S	S	S	17.16.230 (Urban agriculture)
<b>Public Assembly</b>							
Carnival, circus or fair	AP	AP	AP	AP	AP	UP	17.16.060 (Temporary uses and buildings)
Commercial recreational facility-indoor, 10,000 square feet or less of gross floor area	UP	P	P	P	UP	-	-
Commercial recreational facility-indoor, more than 10,000 square feet of gross floor area	-	UP	P	UP	UP	-	-
Commercial recreational facility-outdoor	-	UP	P	-	UP	-	-
Concert or performance	AP	AP	AP	AP	AP	-	17.16.060 (Temporary uses and buildings)
Library or museum	-	UP	UP	UP	UP	UP	-
Meeting facility—10,000 square feet or less of gross floor area	P	P	P	UP	UP	P	-

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Meeting facility—more than 10,000 square feet of gross floor area	-	UP	P	-	UP	UP	-
Park or playground	UP	UP	UP	UP	UP	UP	-
School, public	-	P	P	UP	UP	UP	-
School, private	-	P	P	-	-	UP	-
Training facility	-	UP	UP	-	-	UP	-
<b>Residential</b>							
Caretaker residence	UP	UP	UP	UP	UP	-	-
Family day care, large	S	S	S	S	S	-	17.16.050 (Family day care homes)
Family day care, small	P	P	P	P	P	-	17.16.050 (Family day care homes)
Home occupation, low-impact	P	P	P	-	-	-	17.16.040 (Home occupations)
Home occupation, moderate-impact	AP	AP	AP	-	-	-	17.16.040 (Home occupations)
Residential care facility—6 units or fewer	P	P	P	P	P	-	-
Residential care facility—7 units or more	-	-	-	-	-	-	-
<b>Retail</b>							
Alcoholic beverage sales	UP	UP	UP	-	-	-	-
Al fresco dining areas	S	S	S	S	S	-	17.12.120 (Al Fresco Dining and Seating)
Al fresco seating areas	S	S	S	S	S	-	17.12.120 (Al Fresco Dining and Seating)
Building supply	-	-	P	-	P	-	-
Cannabis retail	-	-	-	-	-	-	-
Equipment and machinery sales or rental	-	-	P	-	P	-	-
Drive-through establishment—pharmacy	P	P	P	P	P	-	17.16.080 (Drive-through establishments)
Drive-through establishment—all other uses	UP	UP	UP	UP	UP	-	17.16.080 (Drive-through establishments)
Farmers' market	AP	AP	AP	AP	AP	AP	17.16.060 (Temporary uses and buildings)

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Food and beverage sales—10,000 square feet or less of gross floor area	P	P	P	P	P	-	-
Food and beverage sales—10,001 to 40,000 feet of gross floor area	UP	P	P	UP	-	-	-
Food and beverage sales—more than 40,000 square feet of gross floor area	-	P	P	UP	-	-	-
Funeral merchandise sales	-	UP	UP	-	-	UP	-
Gas station	-	UP	P	P	P	-	17.16.070 (Gas stations)
General retail—10,000 square feet or less of gross floor area	P	P	P	P	P	-	-
General retail—10,001 to 40,000 feet of gross floor area	UP	P	P	UP	P	-	-
General retail—more than 40,000 square feet of gross floor area	-	UP	P	UP	UP	-	-
Mobile food vendor	AP	AP	AP	AP	AP	AP	17.16.150 (Mobile food vending)
Pet store	UP	UP	UP	-	-	-	17.16.120 (Animal keeping)
Plant nursery or garden supply store	UP	P	P	P	-	-	-
Restaurant or café	P	P	P	P	P	-	-
Seasonal holiday agricultural sales	AP	AP	AP	AP	AP	-	17.16.060 (Temporary uses and buildings)
Shopping center	UP	UP	P	UP	UP	-	-
Smoke shop	UP	UP	UP	UP	UP	UP	17.16.190 (Smoke shops)
Vehicle sales—automobile, new	-	UP	P	UP	P	-	-
Vehicle sales—all other	-	-	UP	UP	UP	-	-
<b>Services</b>							
Animal grooming	UP	UP	UP	-	-	-	17.16.120 (Animal keeping)
Animal keeping, noncommercial	P	P	P	P	P	-	17.16.120 (Animal keeping)



Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Bank or financial service	P	P	P	-	P	P	-
Bed and breakfast	UP	P	P	P	-	-	-
Business support service	P	P	P	P	P	P	-
Cannabis testing	-	-	-	-	-	-	-
Car wash	-	UP	P	P	P	-	17.16.090 (Car and vehicle washes)
Catering service	-	P	P	-	P	-	-
Child day care center	P	P	P	UP	UP	-	-
Gym	P	P	P	-	P	-	-
Hospital	-	UP	UP	-	-	-	-
Hotel or motel	-	UP	P	UP	UP	-	-
Instructional or production studio	P	P	P	-	P	P	-
Kennel	-	-	UP	-	UP	-	17.16.120 (Animal keeping)
Mortuary	-	UP	UP	UP	P	UP	-
Office—professional	P	P	P	-	P	P	-
Office—all other	P	P	P	-	P	P	-
Outpatient services	UP	P	P	-	-	-	-
Personal services—low-impact	P	P	P	P	P	-	-
Personal services—moderate-impact	UP	UP	UP	UP	UP	-	-
Recreational vehicle (RV) park	-	-	UP	P	UP	-	-
Substance abuse counseling	-	-	P	-	P	-	-
Temporary real estate office	AP	AP	AP	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Temporary uses not listed here	S	S	S	S	S	S	17.16.060 (Temporary uses and buildings)
Veterinarian	UP	UP	P	-	P	-	17.16.120 (Animal keeping)
<b>Manufacturing, Wholesale, Repair and Storage</b>							
Food or beverage production	-	UP	UP	-	UP	-	-
Landscape material sales	-	UP	UP	-	P	-	-
Manufacturing—20,000 square feet or less of gross floor area	-	UP	P	-	P	P	-

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Manufacturing—more than 20,000 square feet of gross floor area	-	-	UP	-	UP	UP	-
Metalwork—20,000 square feet or less of gross floor area	-	UP	UP	P	P	UP	-
Metalwork—more than 20,000 square feet of gross floor area	-	-	UP	UP	UP	UP	-
Mini-storage facility	S	S	S	-	S	-	17.16.060 17.44.060 (MS-O-Mini-storage overlay)
Outdoor storage—250 square feet or less	P	P	P	P	P	P	17.16.140 (Outdoor storage)
Outdoor storage—more than 250 square feet	UP	UP	P	UP	P	UP	17.16.140 (Outdoor storage)
Recycling facility or center	-	UP	P	-	P	-	-
Repair service, large equipment—20,000 square feet or less of gross floor area	UP	UP	P	P	P	-	-
Repair service, large equipment—more than 20,000 square feet of gross floor area	-	-	UP	UP	UP	-	-
Repair service, small appliances	P	P	P	-	P	-	-
Research laboratories	-	-	UP	-	UP	UP	-
Scrap or dismantling yard	-	-	-	-	UP	-	-
Vehicle service or repair	-	UP	P	P	P	-	-
Warehousing	-	-	-	-	P	-	-
<b>Transportation and Infrastructure</b>							
Parking garage or lot as primary use	UP	UP	P	-	UP	UP	-
Public safety facility	UP	UP	UP	UP	UP	UP	-
Solar energy system, Tier 1	P	P	P	P	P	P	17.16.180 (Solar energy systems)
Solar energy system, Tier 2	AP	AP	AP	AP	AP	AP	17.16.180 (Solar energy systems)
Solar energy system, Tier 3	UP	UP	UP	UP	UP	UP	17.16.180 (Solar energy systems)

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Utility building or substation	P	P	P	P	P	P	-
Vehicle depot	-						

(Ord. 1749 § 4; Ord. 1763 §§ 18, 23, 24, 26; Ord. 1769 § 9; Ord. 1775 § 7; Ord. 1778 § 4; Ord. 1784 § 7; Ord. 1794 § 2; Ord. 1819 § 7, 2017; Ord. 1830 § 6, 2018; Ord. 1834 § 4, 2019; Ord. 1850 § 3, 2021)

**Section 5: Amendment to the Oroville Municipal Code Section 17.34.020 (Allowed Uses in Mixed-Use Districts)**

The Oroville Municipal Code Section 17.34.020 (Allowed Uses in Mixed-Use Districts) is hereby amended to read as follows:

**17.34.020 Allowed uses in mixed-use districts.**

Table 17.34.020-1 shows the uses allowed in the mixed-use districts. These uses include:

- A. **Permitted Use (P).** Uses shown with a “P” are permitted by-right with zoning clearance approval. See Section 17.48.030 (Zoning clearances).
- B. **Administrative Permit Required (AP).** Uses shown with an “AP” require an administrative permit. See Section 17.48.020 (Administrative permits).
- C. **Use Permit Required (UP).** Uses shown with a “UP” require a use permit. See Section 17.48.010 (Use permits).
- D. **Use-Specific Regulations (S).** Uses shown with an “S” must comply with specific regulations for that use. The table identifies the section number for the use-specific regulations.
- E. **Use Not Allowed (-).** Uses shown with a “-” or that are not listed, are not allowed.

**Table 17.34.020-1:**

**Allowed Uses in Mixed-Use Districts**

<b>Key</b>	
<b>P</b>	<b>Permitted use, subject to zoning clearance</b>

<b>AP</b>	<b>Administrative permit required</b>
<b>UP</b>	<b>Use permit required</b>
<b>S</b>	<b>See use-specific regulations for permit requirement</b>
<b>-</b>	<b>Use not allowed</b>

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
<b>Local Food Uses</b>				
Neighborhood food and beverage sales	AP	AP	AP	17.16.220 (Neighborhood food and beverage sales)
Urban agriculture	S	S	S	17.16.230 (Urban agriculture)
<b>Public Assembly</b>				
Carnival, circus or fair	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Commercial recreational facility— indoor, 10,000 square feet or less of gross floor area	UP	UP	P	
Commercial recreational facility— indoor, more than 10,000 square feet of gross floor area	UP	UP	UP	
Commercial recreational facility— outdoor	-	-	UP	
Concert or performance	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Library or museum	UP	UP	UP	
Meeting facility—10,000 square feet or less of gross floor area	P	P	P	
Meeting facility—more than 10,000 square feet of gross floor area	UP	UP	P	
Park or playground	UP	UP	UP	
School, public	UP	UP	UP	
School, private	UP	UP	UP	
Training facility	UP	UP	UP	
<b>Residential [1]</b>				
Caretaker residence	UP	UP	-	

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Family day care, large	S	S	S	17.16.050 (Family day care homes)
Family day care, small	P	P	P	17.16.050 (Family day care homes)
Home occupation, low-impact	S	S	S	17.16.040 (Home occupation)
Home occupation, moderate-impact	S	S	S	17.16.040 (Home occupation)
Mixed-use development	P	P	P	17.16.030 (Mixed-use development)
Multiple-family dwellings [1]	-	P	P	
Residential care facility—6 units or fewer	P	P	P	
Residential care facility—7 units or more	UP	UP	-	
<b>Retail</b>				
Alcoholic beverage sales	UP	UP	UP	
Al fresco dining areas	S	S	S	17.12.120 (Al Fresco Dining and Seating)
Al fresco seating areas	S	S	S	17.12.120 (Al Fresco Dining and Seating)
Building supply	-	-	-	
Equipment and machinery sales or rental	-	-	-	
Drive-through establishment—pharmacy	-	-	UP	17.16.080 (Drive-through establishments)
Drive-through establishment all other uses	-	-	UP	17.16.080 (Drive-through establishments)
Farmers market	AP	AP	AP	
Food and beverage sales—10,000 square feet or less of gross floor area	P	P	P	
Food and beverage sales—10,001 to 40,000 square feet of gross floor area	UP	P	P	
Food and beverage sales—more than 40,000 square feet of gross floor area	UP	UP	P	
Funeral merchandise sales	UP	UP	UP	
Gas station	-	-	UP	17.16.070 (Gas stations)
General retail—10,000 square feet or less of gross floor area	P	P	P	

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
General retail—10,001 to 40,000 feet of gross floor area	UP	P	P	
General retail—more than 40,000 square feet of gross floor area	-	UP	UP	
Mobile food vendor	AP	AP	AP	17.16.150 (Mobile food vending)
Pet store	UP	UP	UP	17.16.120 (Animal keeping)
Plant nursery or garden supply store	UP	UP	P	
Restaurant or café	P	P	P	
Seasonal holiday agricultural sales	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Shopping center, 1,000 square feet or less of gross floor area	P	P	P	
Shopping center, 1,000 square feet or greater of gross floor area	P	UP	P	
Smoke shop	UP	UP	UP	17.36.010 (Allowed uses in industrial districts)
Vehicle sales—automobile, new	-	-	P	
Vehicle sales—all other	-	-	UP	
<b>Services</b>				
Animal grooming	UP	UP	UP	17.16.120 (Animal keeping)
Animal keeping, noncommercial	P	P	P	17.16.120 (Animal keeping)
Bank or financial service	P	P	P	
Bed and breakfast	P	P	P	
Business support service	P	P	P	
Car wash	-	UP	UP	17.16.090 (Car and vehicle washes)
Catering service	P	P	P	
Child day care center	P	P	P	
Gym	P	P	P	
Hospital	-	-	-	
Hotel or motel	UP	-	UP	
Instructional or production studio	P	-	P	
Kennel	-	-	UP	17.16.120 (Animal keeping)

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Mortuary	UP	-	UP	
Office—professional	P	P	P	
Office—all other	P	P	P	
Outpatient Services	UP	UP	UP	
Personal services—low-impact	P	P	P	
Personal services—moderate-impact	UP	UP	UP	
Temporary real estate office	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Temporary uses not listed here	S	S	S	17.16.060 (Temporary uses and buildings)
Veterinarian	UP	UP	P	17.16.120 (Animal keeping)
<b><i>Manufacturing, Wholesale, Repair, and Storage</i></b>				
Food or beverage production	UP	-	UP	
Landscape material sales	-	-	UP	
Manufacturing—20,000 square feet or less of gross floor area	UP	-	UP	
Metalwork—10,000 square feet or less of gross floor area	UP	-	UP	
Mini-storage facility	-	-	-	17.44.060 (MS-O: mini-storage overlay)
Outdoor storage—250 square feet or less	-	-	P	17.16.140 (Outdoor storage)
Outdoor storage—more than 250 square feet	UP	UP	UP	17.16.140 (Outdoor storage)
Repair service, large equipment—20,000 square feet or less of gross floor area	-	-	UP	
Repair service, small appliances	P	P	P	
<b><i>Transportation and Infrastructure</i></b>				
Parking garage or lot as primary use	UP	UP	UP	
Public safety facility	UP	UP	UP	
Solar energy system, Tier 1	P	P	P	17.16.180 (Solar energy systems)
Solar energy system, Tier 2	AP	AP	AP	17.16.180 (Solar energy systems)
Solar energy system, Tier 3	UP	UP	UP	17.16.180 (Solar energy systems)

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Utility building or substation	P	P	P	

[1] Residential uses in the downtown mixed-use district are permitted only on upper stories above ground floor commercial uses.

(Ord. 1819 § 8, 2017; Ord. 1830 § 7, 2018)

**Section 6: Amendment to the Oroville Municipal Code Section 12.04.030 (Placing Produce, Merchandise, etc. on Streets and Sidewalks)**

The Oroville Municipal Code Section 12.04.030 (Placing Produce, Merchandise, etc. on Streets and Sidewalks) is hereby amended to read as follows:

**12.04.030 Placing produce, merchandise, etc., on streets and sidewalks.**

Except as provided in this chapter, Section 17.12.120, and Section 17.16.130, it is unlawful for any person to leave or cause to be left, place or cause to be placed, on any sidewalk, alley, gutter or street within the city, any produce, wares, merchandise, store boxes, other substances or material, objects or implements whatsoever of any class, kind or character, except for short periods during the loading or discarding of such articles; provided, however, that bicycles may be placed in the gutter or street. (Code 1954 § 19.6; Ord. 1533 § 1; Ord. 1750 § 10)

**Section 7: Environmental Determination.**

Zoning Code Amendment ZC23-02 is not subject to the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**Section 8: Severability.**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**Section 9: Effective Date.**

This ordinance shall take effect thirty (30) days after the date of its final adoption. The City Clerk shall certify to adoption thereof and cause its publication according to law.



PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting held on this 16<sup>th</sup> day of January 2024, by the following vote:

AYES: Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

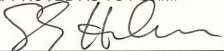
NOES: None

ABSENT: None

ABSTAIN: None

  
Eric Smith, Vice Mayor

APPROVED AS TO FORM:

  
Scott E. Huber, City Attorney

ATTEST:

  
Kayla Reaster, Assistant City Clerk