

PART 1
Enactment and Applicability

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Article 1. PURPOSE AND EFFECT OF THE ZONING ORDINANCE

Sections:

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- 24-2 Purpose of the Zoning Ordinance
- 24-3 Relationship to the General Plan
- 24-4 Responsibility for Administration
- 24-5 Applicability of Zoning Ordinance

24-1 Title

Chapter 24 of the Butte County Code shall be known and officially cited as the “Zoning Ordinance of Butte County, California” and referred to in this title as “the Zoning Ordinance.”

24-2 Purpose of the Zoning Ordinance

- A. General.** The Zoning Ordinance is adopted to implement the Butte County General Plan and to protect and promote the health, safety, and welfare of Butte County residents.
- B. Specific.** The Zoning Ordinance is intended to:
 1. Preserve, protect, and enhance the fundamentally rural character of Butte County.
 2. Protect agricultural lands and associated industries as an important aspect of Butte County’s economy.
 3. Protect sensitive environmental resources, including conservation areas, habitat for special-status species, and wetlands.
 4. Protect the county’s water resources.
 5. Promote an environmentally sustainable pattern of development.
 6. Promote economic growth and the creation of jobs for Butte County residents.
 7. Allow for residential, commercial, and industrial growth in a manner consistent with Butte County’s rural character.
 8. Preserve the quality of life and character of existing residential neighborhoods.
 9. Protect the public from hazards associated with natural and man-made disasters, including airport-related hazards.
 10. Promote and support an efficient multi-modal transportation system.
 11. Allow for public services and facilities to adequately serve the county population.
 12. Allow for public participation in government decision-making regarding land use and development in a manner consistent with State law.

24-3 Relationship to the General Plan

The Zoning Ordinance implements the goals and policies of the Butte County General Plan by regulating the uses of land and structures within the county. The Zoning Ordinance and the General Plan shall be consistent with one another. If there are inconsistencies between the Zoning Ordinance and the General Plan, the General Plan governs.

24-4 Responsibility for Administration

The Zoning Ordinance shall be administered by the Butte County Board of Supervisors, the Planning Commission, the Zoning Administrator, and the Department of Development Services as established in Article 35 (Administrative Responsibility).

24-5 Applicability of Zoning Ordinance

- A. Applicability to Property.** The Zoning Ordinance applies to all land, uses, and structures within unincorporated areas under Butte County jurisdiction.
- B. Compliance with Regulations.** No land shall be used and no structures constructed or occupied except in accordance with the provisions of the Zoning Ordinance. No use of land or structures shall be caused or allowed without the expressed consent of the property owner or an authorized agent of the property owner.
- C. Conflicting Regulations.** Where conflict occurs with other County regulations or with State or federal laws, higher law shall control over lower law unless local variation is permitted. Where conflicting laws are of equal stature, the more restrictive provision shall control unless otherwise specified in the Zoning Ordinance or in State or federal law.
- D. Private Agreements.** The Zoning Ordinance is not intended to interfere with, repeal, abrogate, or annul any easement; covenant; deed restriction; Covenants, Conditions, and Restrictions (CC&Rs); or other agreement between private parties. Where conflict occurs between the Zoning Ordinance and a private agreement, the County shall follow the Zoning Ordinance. Butte County shall not be responsible for monitoring or enforcing private agreements.
- E. Conditional Zoning.** The Zoning Ordinance shall not interfere with, repeal, abrogate, or annul any Conditional Zoning Agreement established between the County and an applicant prior to the effective date of the Zoning Ordinance. All uses under the Conditional Zoning Agreement will continue to be permitted, in addition to all uses allowed under the zone.
- F. Enforcement.** The Zoning Ordinance shall be enforced in the manner determined to be the most appropriate, which may include, but not be limited to, the procedures as established in Butte County Code Section 1-7 (General Penalty, Continuing Violations) and Chapters 32A (Abatement of Public Nuisances) and 41 (Code Enforcement Policies and Procedures), as well as any other procedures available in State or federal law.

Article 2. INTERPRETATION OF THE ZONING ORDINANCE

Sections:

- 24-6 – Purpose
- 24-7 – Authority
- 24-8 – Rules of Interpretation
- 24-9 – Procedures for Interpretation

24-6 Purpose

This article establishes rules and procedures for interpreting the Zoning Ordinance to ensure the consistent application and enforcement of the Ordinance.

24-7 Authority

The Zoning Administrator is delegated the responsibility and authority to interpret the meaning and applicability of all provisions in the Zoning Ordinance by the Board of Supervisors.

24-8 Rules of Interpretation

- A. General Rules.** The following general rules apply to the interpretation and application of the Zoning Ordinance.
1. The specific controls over the general.
 2. Where there is a conflict between text and any figure, illustration, graphic, heading, map, table, or caption, the text governs.
 3. The words “shall,” “will,” “is to,” and “are to” are mandatory. “Should” means a regulation that is not mandatory, but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation. “May” is permissive.
 4. The following conjunctions are interpreted as follows:
 - a. “And” means that all items or provisions so connected apply.
 - b. “Or” means that all items or provisions so connected apply singularly or in any combination.
 - c. “Either . . . or” means that one of the items or provisions so connected apply singularly, but not in combination.
 5. All officials, bodies, agencies, ordinances, policies, and regulations referred to in the Zoning Ordinance are those of Butte County unless otherwise noted.
- B. Calendar Days.** Numbers of days specified in the Zoning Ordinance are construed as continuous calendar days. Where the last of a number of days falls on a holiday or weekend, time limits specified in the Zoning Ordinance are extended to the following working day.
- C. Unlisted Land Uses.** If a proposed land use is not specifically listed in the Zoning Ordinance, the use is not permitted except as follows:

1. The Zoning Administrator may determine that an unlisted proposed use is equivalent to a listed permitted or conditionally permitted use and is permitted in the same manner as the equivalent listed use if all of the following findings can be made:
 - a. The use is no greater in density or intensity than other uses in the applicable zone.
 - b. The use is compatible with permitted or conditionally permitted uses in the applicable zone.
 - c. The use will meet the purpose of the applicable zone.
 - d. The use is consistent with the goals and policies of the General Plan.
 - e. The use will not be detrimental to the public health, safety, or welfare.
2. When the Zoning Administrator determines that a proposed use is equivalent to a listed permitted or conditionally permitted use, the proposed use shall be treated in the same manner as the listed use with respect to development standards, permits required, and all applicable requirements of the Zoning Ordinance.
3. Determinations shall be made and recorded in a manner consistent with Section 24-9 (Procedures for Interpretation).

D. Zoning Map Boundaries. If there is uncertainty about the location of any zone boundary or other line of the Zoning Map as determined by the Zoning Administrator, the following rules apply:

1. Zone boundaries shown as approximately following the property line of a parcel shall be construed to follow the property line.
2. Zone boundaries shown as following roads or other rights-of-way, or natural features such as creeks shall be construed to follow the centerline of the roads, rights-of-way, or creeks.

E. Parcels Containing Two or More Zones.

1. For parcels containing two or more zones (“split zoning”), the location of the zone boundary shall be determined by the Zoning Administrator.
2. For parcels containing two or more zones (“split zoning”), the applicable regulations for each zone shall apply.
3. When a zone boundary interferes with existing structures or setbacks, the Zoning Administrator may approve a minor adjustment of the boundary on the Zoning Map.

F. Purpose Statements. The Purpose statements in Part 2 (Zoning Districts, Land Uses, and Development Standards) provide a brief statement concerning each zoning district. The purpose statement summarizes the intentions of each zone contained within the Zoning Ordinance. The purpose statement does not list all permitted uses, conditionally permitted uses, or uses listed as not allowed uses (see Use Regulation Tables for a listing of all permitted, conditionally permitted or unpermitted uses for each zone).

G. Use Regulation Tables. Use regulation tables in Part 2 (Zoning Districts, Land Uses, and Development Standards) establish permitted land uses within each zone. Within each use regulation table, uses are categorized as agricultural; natural resource; residential; community; commercial; industrial; and transportation, communication and utility uses. All uses are defined in Article 42 (Glossary). Notations within these tables shall have the following meanings:

1. **Permitted Uses.** A “P” means that a use is permitted by right in the respective zone and is not subject to discretionary review and approval.
2. **Administratively Permitted Uses.** An “A” means that a use requires approval through an Administrative Permit.
3. **Conditionally Permitted Uses.** A “C” means that a use requires approval of a Conditional Use Permit. An “M” means that a use requires approval of a Minor Use Permit.
4. **Uses Not Allowed.** A “-” in a cell means that a use is not allowed in the respective zone.
5. **Applicable Regulations.** Standards in the Zoning Ordinance that apply to specific uses are identified in the column entitled “applicable regulations.” Standards referenced in the applicable regulations column apply in all zones unless otherwise expressly stated. These standards are identified because they are specifically related to the stated use. However, other sections of the Zoning Ordinance may apply, and it should not be interpreted that they are not applicable because they are not listed under the “applicable regulations” column.
6. **Other Regulations.** Other regulations specific to each zone are listed below each zone’s column (e.g., Article 26 (Telecommunication Facilities) and Section 24-156 (Accessory Uses and Structures)).

H. Aliquot Divisions of an Irregular Section of Land. Land divisions within the County approved consistent with the requirements of the State Subdivision Map Act and Chapter 20 (Subdivision) of the Butte County Code, shall have a minimum parcel size as indicated by the zoning district pursuant to Section 24-11 (Zones and Zoning Map) (e.g., AG-160, AG-80, AG-40, AG-20, RR-10, RR-5, FR-40, FR-20, FR-10, FR-5, TM, TPZ, RC, etc.). However, for the purpose of complying with the minimum parcel size as required by the zoning district, surveyed sections of land as established under the Public Land Survey System containing less than 640 acres shall be deemed to be equivalent to a full 640-acre section of land provided the deviation is less than 10 percent, and be interpreted by the Zoning Ordinance as follows:

1. The applicant shall provide adequate proof that the section of land in question is irregular and contains less than 640 acres as a total amount, in acres, of the section.
2. Existing parcels resulting from land divisions described by aliquot parts of a section of land that has been determined to be irregular and having less than a standard 640-acre section of land, of one-quarter (~160 acres), one-eighth (~80 acres), one-sixteenth (~40 acres), one-thirty-second (~20 acres), one-sixty-fourth (~10 acres), or one-one-hundred twenty eighth (~5 acres) of said section of land, shall be deemed to be equivalent to the aliquot parts of a standard 640-acre section of land.
3. A proposed land division of a parcel created and described by aliquot part of a section of land, where said section of land that has been determined to be irregular and having less than a standard 640-acre section of land, into aliquot parts of one-quarter (~160 acres), one-eighth (~80 acres), one-sixteenth (~40 acres), one-thirty-second (~20 acres), one-sixty-fourth (~10 acres), or one-one-hundred twenty eighth (~5 acres) of said section of land, shall be deemed to be equivalent to the aliquot parts of a standard 640-acre section of land. Legal descriptions of

resultant parcels are not limited to aliquot part descriptions but in no case shall the land division allow greater density than what is allowed through the aliquot division of the section. Each of the resultant parcels shall be of equal size.

24-9 Procedures for Interpretation

- A. Request for Interpretation.** The Zoning Administrator shall respond in writing to written requests for interpretation of the Zoning Ordinance if, in the opinion of the Zoning Administrator, the requested interpretation would substantially clarify an ambiguity which interferes with the effective administration of the Zoning Ordinance. When the Zoning Administrator makes such a determination, the following procedures shall apply:
1. The request shall be in writing and shall state which provision is to be interpreted.
 2. The petitioner of the request shall provide any information that the Zoning Administrator requires to assist in its review.
 3. The Zoning Administrator shall respond to an interpretation request within 30 days of receiving the request.
- B. Form and Content of Interpretation.** Official interpretations prepared by the Zoning Administrator shall be in writing, and shall quote the provisions of the regulations that are being interpreted. The interpretation shall describe the circumstance that caused the need for the interpretation.
- C. Official Record of Interpretations.** An official record of interpretations shall be kept and updated regularly by the Department of Development Services. The record of interpretations shall be indexed by the number of the section that is the subject of the interpretation and made available for public inspection during normal business hours.
- D. Zoning Administrator Referral to Planning Commission.** The Zoning Administrator may refer any request for interpretation of the Zoning Ordinance to the Planning Commission for review and interpretation (see Section 24-266 (Appeal Subjects and Jurisdiction)).
- E. Appeals.** Any official interpretation prepared by the Zoning Administrator may be appealed to the Planning Commission. The Planning Commission's interpretation may be appealed to the Board of Supervisors (see Table 24-189-1 (Review and Decision Making Authority)).

Article 3. ZONES AND ZONING MAP

Sections:

24-10 – Purpose

24-11 – Zones and Zoning Map

24-10 Purpose

This article identifies the zones that apply to property within the county and establishes the official Butte County Zoning Map.

24-11 Zones and Zoning Map

- A. Base Zones.** Butte County is divided into zones that implement the General Plan. The zones are shown in Table 24-11-1 (Base Zones).
- B. Rural and Urban Zones.** The Zoning Ordinance establishes varying standards and regulations that apply to rural and urban zones within the county. Distinguishing between rural and urban zones is intended to help preserve and enhance the rural character of the county and eliminate unnecessary and inappropriate regulations in rural areas. Table 24-11-1 (Base Zones) identifies the zones which are classified within the Zoning Ordinance as either rural or urban zones.

TABLE 24-11-1 BASE ZONES

Zone Symbol	Name of Zone	General Plan Land Use Designation Implemented by Zone
Rural Zones		
Agriculture Zones		
AG-20	Agriculture, 20-acre min. parcel size	AG
AG-40	Agriculture, 40-acre min. parcel size	AG
AG-80	Agriculture, 80-acre min. parcel size	AG
AG-160	Agriculture, 160-acre min. parcel size	AG
AS	Agriculture Services	AS
Natural Resource Zones		
TM	Timber Mountain	TM
TPZ	Timber Production	TM
RC	Resource Conservation	RC
Rural Zones (continued)		
Residential Zones		
FR-1	Foothill Residential, 1-acre min. parcel size	FR
FR-2	Foothill Residential, 2-acre min. parcel size	FR

Zone Symbol	Name of Zone	General Plan Land Use Designation Implemented by Zone
FR-5	Foothill Residential, 5-acre min. parcel size	FR
FR-10	Foothill Residential, 10-acre min. parcel size	FR
FR-20	Foothill Residential, 20-acre min. parcel size	FR
FR-40	Foothill Residential, 40-acre min. parcel size	FR
FCR-20	Foothill Country Residential, 20-acre min. parcel size	FR
RR-5	Rural Residential, 5-acre min. parcel size	RR
RR-10	Rural Residential, 10-acre min. parcel size	RR
RCR-10	Rural Country Residential, 10-acre min. parcel size	RR
Urban Zones		
Residential Zones		
VLDR	Very Low Density Residential, up to 1 unit per acre	VLDR
VLDR-2.5	Very Low Density Residential, up to 1 unit per 2.5 acres	VLDR
VLDCR	Very Low Density Country Residential, up to 1 unit per acre	VLDR
LDR	Low Density Residential, up to 3 units per acre	LDR
MDR	Medium Density Residential, up to 6 units per acre	MDR
MHDR	Medium High Density Residential, up to 14 units per acre	MHDR
HDR	High Density Residential, 14 to 20 units per acre	HDR
VHDR	Very High Density Residential, 20 to 30 units per acre	VHDR
Commercial and Mixed Use Zones		
GC	General Commercial ^a	RTL
NC	Neighborhood Commercial ^b	RTL
CC	Community Commercial ^c	RTL
REC	Recreation Commercial ^a	REC
SE	Sports and Entertainment ^a	SE
MU-1	Mixed Use, 6 units per acre max. density ^b	MU
MU-2	Mixed Use, 7 to 14 units per acre ^a	MU
MU-3	Mixed Use, 15 to 20 units per acre ^d	MU
Industrial Zones		
LI	Limited Industrial ^a	I
GI	General Industrial ^d	I
HI	Heavy Industrial ^d	I
Special Purpose Zones		
PB	Public ^a	P

Zone Symbol	Name of Zone	General Plan Land Use Designation Implemented by Zone
AIR	Airport ^d	I
RBP	Research and Business Park ^a	RBP
PD	Planned Development	PUD

^a Maximum Floor Area Ratio = 0.4.

^b Maximum Floor Area Ratio = 0.3.

^c Maximum Floor Area Ratio = 0.2.

^d Maximum Floor Area Ratio = 0.5.

C. Overlay Zones. The Zoning Ordinance and Zoning Map include the overlay zones shown in Table 24-11-2 (Overlay Zones). Overlay zones provide additional requirements and uses on properties in addition to requirements of the underlying base zone.

TABLE 24-11-2 OVERLAY ZONES

Overlay Zone Symbol	Name of Overlay Zone
-AC	Airport Land Use Compatibility
-BCC	Butte Creek Canyon Overlay
-CM	Chapman Mulberry
-CH	Cohasset
-DH	Deer Herd Migration
-FP	Urban Flood Protection
-MA	Military Airspace Overlay Zone
-NCSP	North Chico Specific Plan
-PH	Public Housing
-REC	Recreation Commercial
-RET	Retail
-SH	Scenic Highway
-SMSP	Stringtown Mountain Specific Plan
-RW	Neal Road Recycling, Energy, and Waste Facility
-UA	Unique Agriculture
-WP	Watershed Protection

D. Zoning Map.

1. The Board of Supervisors hereby adopts the Butte County Zoning Map (“Zoning Map”), which establishes the boundaries of all base and overlay zones provided for in the Zoning Ordinance.
2. The Zoning Map, including all legends, symbols, notations, references and other information shown on the map, is incorporated by reference and made a part of the Zoning Ordinance.

3. The Zoning Map is kept, maintained and updated electronically by the Department of Development Services, and is available for viewing by the public at the Department of Development Services and on the official County website.