



# TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

TELEPHONE (530) 872-6291 FAX (530) 877-5059

www.townofparadise.com

**Planning Commission Staff:**

Craig Baker, Community Development Director  
Susan Hartman, Assistant Planner

**Planning Commission Members:**

Michael Zuccolillo, Chair  
Stephanie Neumann, Vice-Chair  
James Clarkson, Commissioner  
Daniel Wentland, Commissioner

## PLANNING COMMISSION AGENDA

6:00 PM – June 17, 2014

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact Community Development Director Baker, at 872-6291 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Presiding Clerk. Members of the public may address the Planning Commission on any agenda item, including closed session. If you wish to address the Planning Commission on any matter on the Agenda, it is requested that you complete a "Request to Address Council/Commission" card and give it to the Presiding Clerk prior to the beginning of the Council Meeting. All writings or documents which are related to any item on an open session agenda and which are distributed to a majority of the Planning Commission within 72 hours of a Regular Meeting will be available for public inspection at the Town Hall in the Town Clerk or Community Development Services Department located at 5555 Skyway, Room 3, at the time the subject writing or document is distributed to a majority of the subject body. Regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m.

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

### ROLL CALL

#### 1. APPROVAL OF MINUTES

- 1a. Approve Regular Meeting Minutes of May 20, 2014 and Special Meeting Minutes of June 3, 2014.

#### 2. COMMUNICATION

- a. Recent Council Actions  
b. Staff Comments

### 3. PUBLIC COMMUNICATION

Comments are limited to a maximum of five minutes duration. If more time is needed, please request staff to place the subject on an agenda for a future Commission meeting.

**\*\*\* PUBLIC HEARING PROCEDURE \*\*\***

- A. Staff comments
- B. Open the hearing to the public
  - 1. Project applicant
  - 2. Parties for the project
  - 3. Parties against the project
  - 4. Rebuttals
- C. Close hearing to the public
- D. Commission discussion
- E. Motion
- F. Vote

**NOTE:** Pursuant to Planning Commission Resolution No. 96-001, any person may speak before the Commission regarding the matter under consideration for **a maximum of five minutes** unless granted additional time by the Chair. "In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Community Development Dept., at 872-6291 at least 48 hours in advance of the meeting."

### 4. CONTINUED PUBLIC HEARING

4a. Item determined to be exempt from environmental review under CEQA Guidelines section 15601 (General rule exemption) PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendments would add a new PMC section to regulate the outdoor display of merchandise in commercial zoning districts and amend PMC section 17.32.100(G) related to outdoor special sales, parking lot sales, swap meets and other similar sales activities.

5. PUBLIC HEARING - None

6. OTHER BUSINESS - None

7. COMMITTEE ACTIVITIES

8. COMMISSION MEMBERS

a. Identification of future agenda items (All Commissioners/Staff)

9. ADJOURNMENT

STATE OF CALIFORNIA ) COUNTY OF BUTTE )	SS.
I declare under penalty of perjury that I am employed by the Town of Paradise in the Town Clerk's Department and that I posted this Agenda on the bulletin Board both inside and outside of Town Hall on the following date:	
_____	
TOWN/ASSISTANT TOWN CLERK SIGNATURE	



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## PLANNING COMMISSION MINUTES

**May 20, 2014**  
**6:00 PM**

The Regular Meeting of the Planning Commission was called to order by Chair Zuccolillo at 6:00 p.m. who led the Pledge of Allegiance to the Flag of the United States of America

**COMMISSIONERS PRESENT AT ROLL CALL:** James Clarkson, Stephanie Neumann, Daniel Wentland and Michael Zuccolillo, Chair.

### 1. APPROVAL OF MINUTES

**MOTION by Clarkson, seconded by Neumann,** approved Regular Meeting Minutes of March 18, 2014 and Special Meeting Minutes of March 31, 2014 and May 5, 2014. Roll call vote was unanimous.

### 2. COMMUNICATION

**Recent Council Actions:** Director Baker reported on April 8, 2014 the acceptance of a report by the Town Manager relating to an urgency ordinance adopted to address establishment of gates and other barriers in private road easements. Council chose an example ordinance and directed the Planning Commission consider a resolution recommending eventual adoption of that example ordinance On April 22, 2014, the Town Council met to extend the urgency Ordinance No. 539 which extended the moratorium on gates and other barriers for a period of 10 months and 14 days. On May 13, 2014, the Council extended application for PC Vacancy to allow pre-appointment meetings with the applicants with appointment scheduled for June 10<sup>th</sup>. The appeal of the Planning Commission interpretation regarding gates and fences was continued to August 12, 2014.

### 3. PUBLIC COMMUNICATION

Comments are limited to a maximum of five minutes duration. If more time is needed, please request staff to place the subject on an agenda for a future Commission meeting.

**\*\*\* PUBLIC HEARING PROCEDURE \*\*\***

- |                                   |                                |
|-----------------------------------|--------------------------------|
| A. Staff comments                 | C. Close hearing to the public |
| B. Open the hearing to the public | D. Commission discussion       |
| 1. Project applicant              | E. Motion                      |
| 2. Parties for the project        | F. Vote                        |
| 3. Parties against the project    |                                |
| 4. Rebuttals                      |                                |

**NOTE:** Pursuant to Planning Commission Resolution No. 96-001, any person may speak before the Commission regarding the matter under consideration for **a maximum of five minutes** unless granted additional time by the Chair. "In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Community Development Dept., at 872-6291 at least 48 hours in advance of the meeting."

**4. CONTINUED PUBLIC HEARING**

**5. PUBLIC HEARING**

- 5a. PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted would recommend Town Council adoption of proposed text amendments to the Town’s zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the text amendments would include a) adding a new definition for “fence” to PMC section 17.04.500, b) amending PMC subsection 17.06.600(E)(4) by eliminating a reference to private access easements and c) adding a new subsection to PMC section 17.06.600 to regulate the establishment of fences and other barriers within private access easements.

Community Development Director reviewed the background of the moratorium on the establishment of fences, gates or barriers within or across private access easements. The moratorium was established by urgency Ordinance No. 539, extended by Ordinance No. 541. The required report of the Town Manager concerning placements of gates within provide access easements and emergency services and whether it is necessary to regulate the installation of gates within private access easements was accepted by the Town Council. Subsequently, the Town Council directed the Planning Commission to consider the amendments to the Paradise Municipal Code as recommended by staff. The recommendations are set forth in the proposed Planning Commission Resolution No. 14-03. Mr. Baker noted the additional agenda material that was submitted by local attorney Max Barteau for Planning Commission review.

Chair Zuccolillo opened the public hearing at 6:10 p.m.

- 1. Max Barteau, stated that he does not think the proposed text amendments achieve the objective, that an urgency ordinance requires language that states the ordinance is for health and safety reasons, that the amendments do not address health and safety, but seek to define all gates as fences and add a layer of consent to an easement, and that he believes staff’s proposal will not clarify the issue.
- 2. Jon Remalia stated that there are many court cases throughout the State that consider these types of situations based on reasonableness, that what is reasonable for one situation might not be reasonable for another, and that this ordinance, by requiring consent of all property owners, takes away the reasonable aspect, if one property owner disagrees with what is reasonable. He stated that he thinks this ordinance would take away the rights of property owners to go to court, that he believes the road has been historically gated, that the ordinance is going way too far and the courts should be allowed to decide the matter.
- 3. Dana Bettis stated easement rights are not broad based, are specific rights, and give no title to a property but a right to use property for ingress and egress. He also stated that he has a problem with the Planning Commission chairman hearing this matter, as the chairman has volunteered to be a witness in the court matter.

Chair Zuccolillo stated that he clarified with the Town Attorney, before this matter was ever heard, that he has no conflict of interest.

Dwight Moore, Town Attorney, stated that the Planning Commission is dealing with zoning, and not with easements. The commission has no control over private easements; there is only control to the extent given of advising the Council relating to zoning matters. The intent is to clarify what a fence is, that a fence is normally a barrier, that a gate included in a fence, when closed, is a barrier, and serves the same purpose as a fence. It is reasonable to clarify what a definition is within the scope of the zoning ordinance to eliminate arguments and problems about what a person can or can't do with a fence in a private access road. As a general rule when there is a conflict between a zoning ordinance and a private right, a zoning ordinance will prevail in court.

Commissioner Wentland asked the attorney about a fence in Town that had to be removed and, if the fence had a gate, would it have to have been removed. Attorney Moore stated that one must look at what a thing does, not what it is called.

Chair Zuccolillo closed the hearing at 6:38 p.m.

Commissioner Clarkson stated that a fence has a different function than a gate and asked why there was no definition included for a gate, that two different objects with two different functions are being included in one definition, that the purpose behind a gate is to allow access and that there is no language about how that would be controlled.

Mr. Baker stated that the intent is to treat all as barriers, whether there are rocks, tree stumps or any barrier that anyone who has interest in the easement has opposition to, including a gate. A gate may have a different function than a fence, except when it is locked. He discussed code enforcement issues, that these disagreements are not uncommon, that the proposed language would clarify disagreements.

Commissioner Wentland stated that he thinks the result will be the opposite, that it will muddy the issue for every gate and fence in town.

Mr. Baker stated that he believes the opposite and explained that he believes the ordinance will provide a tool for code enforcement when there is a complaint of this type relating to fences and gates in or along easements.

Commissioner Clarkson asked about anyone who has legal access, if there is access to a code that opens a gate, how would that apply, and Mr. Baker stated that is a fire code issue that the commission is not approaching.

Commissioner Neumann stated that she believes the task for the Planning Commission is to give a definition to a term that is not currently defined in the municipal code so that it makes staff's job easier, it is not to debate the issue or act as a court of law, but to define a term that unless otherwise defined refers to a dictionary definition.

Commissioner Clarkson stated that he does not think they haven't addressed the issue, that in function, a fence and a gate are two different items, and that has not been handled as such in the ordinance. He stated that the commission could move forward, but he does not believe it will solve the initial problem that got everybody here in the first place.

Commissioner Neumann stated that she thinks the commission cannot solve the issue that got them here and that the best thing they can do is to provide direction to the Town Council.

Commissioner Wentland discussed requesting staff to create a definition that would separate the two items. Director Baker asked what purpose would there be in defining gate separately, and Commissioner Wentland stated that it would clarify if a person wanted to build a fence or a gate – that one is not the other.

Mr. Baker stated the basic premise is that the term gate would be included within the definition of fence.

Commissioner Clarkson stated that by virtue easements are created for ingress and egress, for limited access, and that gates seem to be a reasonable utility to provide that limited access. He would like the ordinance to address a gate as a means to address creation of limited access for those that have a right to that access.

Director Baker stated that the ordinance would allow a gate or a fence or a rock wall, whatever would prevent access, if other interested parties have consented to that. The ordinance provides clarity by putting all barriers under one definition.

Chair Zuccolillo reopened the public hearing at 6:58 pm.

1. Town Manager Lauren Gill stated that the term gate was included in the definition of fence so that if a person comes to the Town and wants to build a fence, or a gate, or a fence with a gate, it would be understood to be the same thing, and that consent of other interested parties would be required.

Chair Zuccolillo asked what bearing the new definition would have on the previous definition by the Planning Commission that is currently under appeal to the Town Council.

Director Baker stated that would be up to the appellants, and hypothetically, if this language is developed, several things could happen: the appeal could be withdrawn, if the appellant thinks this solves the problem, Council could act on the appeal and the appeal could be continued.

Chair Zuccolillo asked if there was any harm in continuing this, and Director Baker stated that it should work the other way around. The item was put before the commission to be forwarded to the Council and if approved would become effective on August 8, 2014, after which the appeal could be acted upon on by the Town Council on August 12, 2014.

2. Jon Remalia stated that if the road is left open for to the public for a period of five years, then the driveway could become a public road, and if one neighbor holds out and there is no chance to go to court, then a private road could become open to the public by law. Other owners are subject to having a driveway become a public road which the owners are required to maintain and if it becomes public then the Town should be required to maintain the road.

Commissioner Neumann stated that easements need to be perfected, that the commission is only debating the issue of a defining a fence for the municipal code, and to add a section that requires that all persons agree so if a person installs a barrier of any sort, and if a tenant, whether dominant or subservient, comes to the town to dispute the barrier, then the staff can determine whether or not written permission was received from all interested parties.

Commissioner Wentland asked what happens to subsequent owners and Town Attorney Moore stated that one purchases a property ‘as is’ with any existing agreements.

3. Max Barteau asked what level of consent would be required and that he thinks a unanimous consent would be overly burdensome, that other contracts provide allowances such as ‘such consent shall not be unreasonably withheld’, and asked if the Town Council was prepared to use the power of an ordinance to require unanimous consent.

Town Attorney Moore stated that this issue has never been raised in the past because as a general rule people usually ask their neighbors for consent, this situation is an anomaly and the Town can define what a fence is, a gate can be the same as a fence if it is locked, what the Town is trying to do is clarify the issue so this does not come up in the future.

Commissioner Clarkson asked if someone has a dominant easement, the burden to maintain a road and the right to improve the road, and if a person chooses to make improvements to make the road more serviceable, would this language hamper that.

Attorney Moore stated that a structure across an easement is not an improvement, such as that of improving pavement or removing vegetation to improve access.

Director Baker stated that the commission is not making a decision but making a recommendation.

There was further discussion relating to what is easement law and what is zoning law, that although this is the first time this type of issue has come before the commission, this is not the first time it has been an issue for code enforcement. Attorney Moore stated that zoning law would be upheld in court and that what is being asked is to provide clarity as to what people can and cannot do.

Chairman Zuccolillo closed the public hearing at 6:58 p.m.

The **MOTION** by Neumann to adopt Planning Commission Resolution No. 14-03 to adopt a town ordinance amending the text of current PMC zoning ordinance regulations died for the lack of a second.

**6. OTHER BUSINESS**

- 6a. **MOTION by Wentland, seconded by Clarkson**, accepted and referred the Planning Commission Annual Report for calendar year 2013 to the Town Council regarding the present implementation status of the 1994 Paradise General Plan. Roll call vote was unanimous.

**7. COMMITTEE ACTIVITIES –None.**

**8. COMMISSION MEMBERS – None.**

**9. ADJOURNMENT – 7:08 pm.**



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## P L A N N I N G C O M M I S S I O N M I N U T E S

**June 03, 2014**

**6:00 PM**

The June 3, 2014 Special Meeting was called to order by Chairman Michael Zuccolillo at 6:05 pm, who led the Pledge of Allegiance to the Flag of the United States of America.

**PLANNING COMMISSIONERS PRESENT:** James Clarkson, Stephanie Neumann, Daniel Wentland and Michael Zuccolillo, Chairman.

**PLANNING COMMISSIONER ABSENT:** None.

**STAFF PRESENT:** Craig Baker, Community Development Director and Joanna Gutierrez, Town Clerk

### 1. PUBLIC HEARING

Community Development Director Baker stated that the purpose of the special meeting is to review the final revised 2014-2022 Housing Element Update and consider adoption of Resolution No 14-03 recommending Town Council adoption of the Town of Paradise 2014-2022 Housing Element update; and, Town Council certification of its associated negative declaration environmental document. The item is described as follows:

Item for which a Negative Declaration is proposed to be adopted

**TOWN OF PARADISE:** Proposed Final Updated/Revised General Plan Housing Element: Town initiated amendment to the text of the Housing Element of the 1994 Paradise General Plan. The proposed amendment entails text changes in order to update and revise the Paradise Housing Element to be consistent with the Butte County Regional Housing Needs Assessment Plan: January 1, 2014- June 15, 2022 adopted by the Butte County Association of Governments [BCAG] on December 13, 2012; and, changes to State Housing law adopted since 2009.

Mr. Baker introduced Mike Martin of Pacific Mutual Consultants who were selected to assist staff in preparation of the Housing Element update and associated environmental document. Mr. Martin displayed a power point presentation that included a review of the Regional Housing Needs Allocation and progress made by the Town; key updates to the element; comments from the public workshop; and the Housing and Community Development (HCD) comments and subsequent revisions made in response.

Chair Zuccolillo opened the public hearing at 6:25 p.m. There were no speakers on the matter and the hearing was closed at 6:25 p.m.



- 1a. **MOTION by Wentland, seconded by Clarkson**, adopted Planning Commission Resolution No. 14-03, A Resolution of the Planning Commission of the Town of Paradise Recommending Town Council Adoption of the Text Amendment to the Housing Element (2014-2022 Housing Element) of the 1994 Paradise General Plan (Town of Paradise Housing Element 2014 Update).

**2. ADJOURNMENT**

Chair Zuccolillo adjourned the special Planning Commission meeting at 6:26 p.m.

Date Approved:

By: \_\_\_\_\_  
Michael Zuccolillo, Chair

\_\_\_\_\_  
Joanna Gutierrez, CMC, Town Clerk



## M E M O R A N D U M

**TO:** Paradise Planning Commission

**FROM:** Craig Baker, Community Development Director

**SUBJECT:** Continued Public Hearing - Consider Adoption of a Resolution Recommending Town Council Adoption of Paradise Municipal Code Zoning Regulations Text Amendments Related to the Outdoor Display of Merchandise

**DATE:** June 11, 2014

**BACKGROUND:**

On February 18, 2014 the Planning Commission conducted a public hearing to consider a resolution recommending Town Council adoption of proposed Town zoning code text amendments developed to address the outdoor display of merchandise in commercial zoning districts in the Town of Paradise. The proposed text amendments were the result of a collaborative effort by an ad-hoc committee composed of Town staff, two Planning Commissioners and two Town Council members. The public hearing was well attended by members of the local business community, who provided ample testimony to the Planning Commission, generally expressing concerns regarding how the proposed regulations would affect their business activities.

At the conclusion of the hearing, the Planning Commission concurred to continue the matter to the March 18, 2014 Planning Commission meeting and encouraged the local business owners to meet with the Town's ad-hoc committee to discuss the proposed text amendments and offer suggestions for any changes that might improve the Town's efforts to address the issue of outdoor merchandise displays.

Since March 18, 2014 the Town's ad-hoc committee has conducted several meetings to discuss the proposed text amendments with owners and representatives of approximately four to six local retail businesses that often display merchandise outdoors. While the list of exempted merchandise and activities did not seem to be a primary issue of concern for local business owners and representatives in attendance, the proposed standards for limiting the area of displays was discussed extensively. At the conclusion of the last meeting, there was general consensus that the text amendments included with the attached resolution document were acceptable, both from the prospective of preserving the aesthetics of the Town's commercial areas and from the prospective of the business community. It was agreed at the conclusion of this last meeting to bring the changes to the proposed text amendments to the

Planning Commission at the regularly scheduled June 17, 2014 Planning Commission meeting for possible adoption of a revised resolution document.

**DISCUSSION:**

If recommended by the Planning Commission to be adopted by the Town Council, the proposed amendments would accomplish the following objectives:

- Seventeen categories of activities and types of merchandise would be exempt from the new requirements (firewood sales, landscape materials, statuary, vehicles, Christmas tree sales, fruit and vegetable stands, street vendors, areas not visible from a public street, etc.).
- Every business in the Central Business (CB) zone and designated commercial “gateway” areas along Skyway and Clark Road could display merchandise outdoors in an area located five feet from a single building wall along up to 50% of the length of the wall.
- Businesses in all other commercial areas could display merchandise outdoors in an area located ten feet from a single building wall along its entire length.
- Businesses not displaying merchandise along its storefront facing a street could display merchandise in enclosed exterior areas located beyond setback areas.
- Parking lot sales, flea markets and other similar sales activities could be conducted for up to two consecutive days and up to 20 days in the same year-long period.
- Merchandise displays would not be permitted within public right-of-ways, pedestrian and vehicle access ways or parking areas, unless expressly permitted by PMC Chapter 17.32 (outdoor special sales, flea markets, etc.).

Town staff has determined that the proposed text amendments are minor in nature and that there is no possibility that adoption of the amendments would result in a significantly adverse effect upon the environment. Therefore, the proposed amendments can be found to be exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15061 (General rule exemption).

Staff has developed the attached resolution document that, if adopted by the Planning Commission, would recommend Town Council adoption of the revised text amendments to the Town’s Zoning Ordinance in order to accomplish the objectives outlined in the preceding discussion (deleted and added text in the attached Exhibit “A” is shown as ~~strikeout~~ and shaded, respectively).

**COMMISSION ACTION REQUESTED:**

Please be prepared to discuss the proposed text amendments and consider adopting a motion to forward a recommendation to the Town Council, via adoption of Planning Commission Resolution No. 14-04, to adopt a town ordinance amending the text of current PMC Zoning Ordinance regulations. If deemed necessary by a majority consensus of Planning Commissioners present, staff will be prepared to make further changes or additions to the text of the attached and proposed resolution prior to Planning Commission adoption.

Attachments

## LIST OF ATTACHMENTS

1. Notice of the June 17, 2014 Planning Commission public hearing
2. Planning Commission Resolution No. 14-04, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Chapters 17.06 And 17.32 Of the Paradise Municipal Code Relative to the Outdoor Display of Merchandise and Outdoor Special Sales"
3. Outdoor display of merchandise regulations map (11" x 17")

**NOTICE OF PUBLIC HEARING  
PARADISE PLANNING COMMISSION**

**NOTICE IS HEREBY GIVEN** by the Paradise Planning Commission that a public hearing will be held on Tuesday, June 17, 2014 at 6:00 p.m. in the Town Hall Conference Room, 5555 Skyway, Paradise, CA, regarding the following matter:

- a. Item determined to be exempt from environmental review under CEQA Guidelines section 15601 (General rule exemption)

PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendments would add a new PMC section to regulate the outdoor display of merchandise in commercial zoning districts and amend PMC section 17.32.100(G) related to outdoor special sales, parking lot sales, swap meets and other similar sales activities.

The project file is available for public inspection at the Development Services Department, Paradise Town Hall. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Paradise Planning Commission at, or prior to, the public hearing. For further information please contact the Development Services Department at (530) 872-6291, extension 111.

CRAIG BAKER  
Community Development Director

**TOWN OF PARADISE PLANNING COMMISSION  
RESOLUTION 14-4**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING  
TOWN COUNCIL ADOPTION OF TEXT AMENDMENTS TO CHAPTERS 17.06 AND 17.32 OF THE  
PARADISE MUNICIPAL CODE RELATIVE TO THE OUTDOOR DISPLAY OF MERCHANDISE AND  
OUTDOOR SPECIAL SALES**

**WHEREAS**, the Town of Paradise is legally required to direct and regulate land development and land uses via zoning regulations and other means that are consistent with its current Paradise General Plan as well as current state planning and zoning law; and

**WHEREAS**, the Paradise Planning Commission finds that there is a compelling need for the Town Council of the Town of Paradise to adopt the foregoing Paradise Municipal Code (PMC) amendments to regulate the outdoor display of merchandise in commercial zoning districts, and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on February 18, 2014 to study and consider recommending Town Council adoption of text amendments to PMC Chapters 17.06 and 17.32 as proposed by Town staff; and

**WHEREAS**, the public review also included review and determination of whether or not the proposed PMC text amendments is an activity that is subject to the provisions of the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Planning Commission has considered the recommendation of the Town staff, etc., as well as input received during the public hearing; and on the basis of the foregoing, has determined that the text amendments to PMC Chapters 17.06 and 17.32 are warranted at this time in order to regulate the outdoor display of merchandise in commercial zoning districts.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF PARADISE** as follows:

The Planning Commission hereby recommends to the Town Council of the Town of Paradise, adoption of the proposed text amendments to PMC Chapters 17.06 and 17.32 as set forth in “**Exhibit A**” attached hereto and made a part of by reference; and recommends to the Town Council that the proposed Paradise Municipal Code text amendments are not subject to the requirements of the California Environmental Quality Act (CEQA) in accordance with the general rule categorical exemption provisions of CEQA Guidelines section 15061.



**RESOLUTION NO. 14-04**

**PASSED AND ADOPTED** by the Planning Commission of the Town of Paradise this 17th day of June, 2014 by the Following Vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Michael Zuccolillo, Chair

**ATTEST:**

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Joanna Gutierrez, Town Clerk

**EXHIBIT "A"**

**SECTION 1:** Section 17.06.940 is hereby added to the Paradise Municipal Code to read as follows:

A. Except as provided in this Section 17.06.940, it shall be unlawful to sell or display merchandise in the exterior area of a building in a commercial zone. Merchandise may be displayed in the exterior area of a building in a commercial zone only in conjunction with the following businesses, areas or activities:

1. Automobile, boat, trailer, camper, motorcycle and construction equipment sales, rentals and outdoor furniture;
2. Retail lumber yards and building materials;
3. Fruit and vegetable stands possessing a valid Town permit;
4. Landscaping, statuary and horticultural plants, materials and supplies;
5. Vending and ice machines when located as an accessory to a permitted use;
6. Gasoline pumps and accessory items when located on pump islands;
7. Christmas tree sales;
8. Special events permitted by Town;
9. Sale of newspapers and other printed material;
10. Vendors permitted under Paradise Municipal Code chapter 5.11;
11. Propane tanks;
12. Firewood sales;
13. Areas not visible from a public street;
14. Outdoor special sales pursuant to Paradise Municipal Code section 17.32.100 G;
15. In the Central Business (CB) zone and Community Commercial (CC) zoned properties along Skyway between Pearson Road and the Town limit and along State Route 191 (Clark Road) within the Town, merchandise may be displayed only within five feet of a single exterior building wall along no more than fifty percent of the length of the wall.
16. Businesses not displaying merchandise along building walls facing streets may display merchandise in enclosed exterior spaces located beyond building setbacks.
17. Merchandise may otherwise be displayed upon other commercial properties only within ten feet of a single building wall.

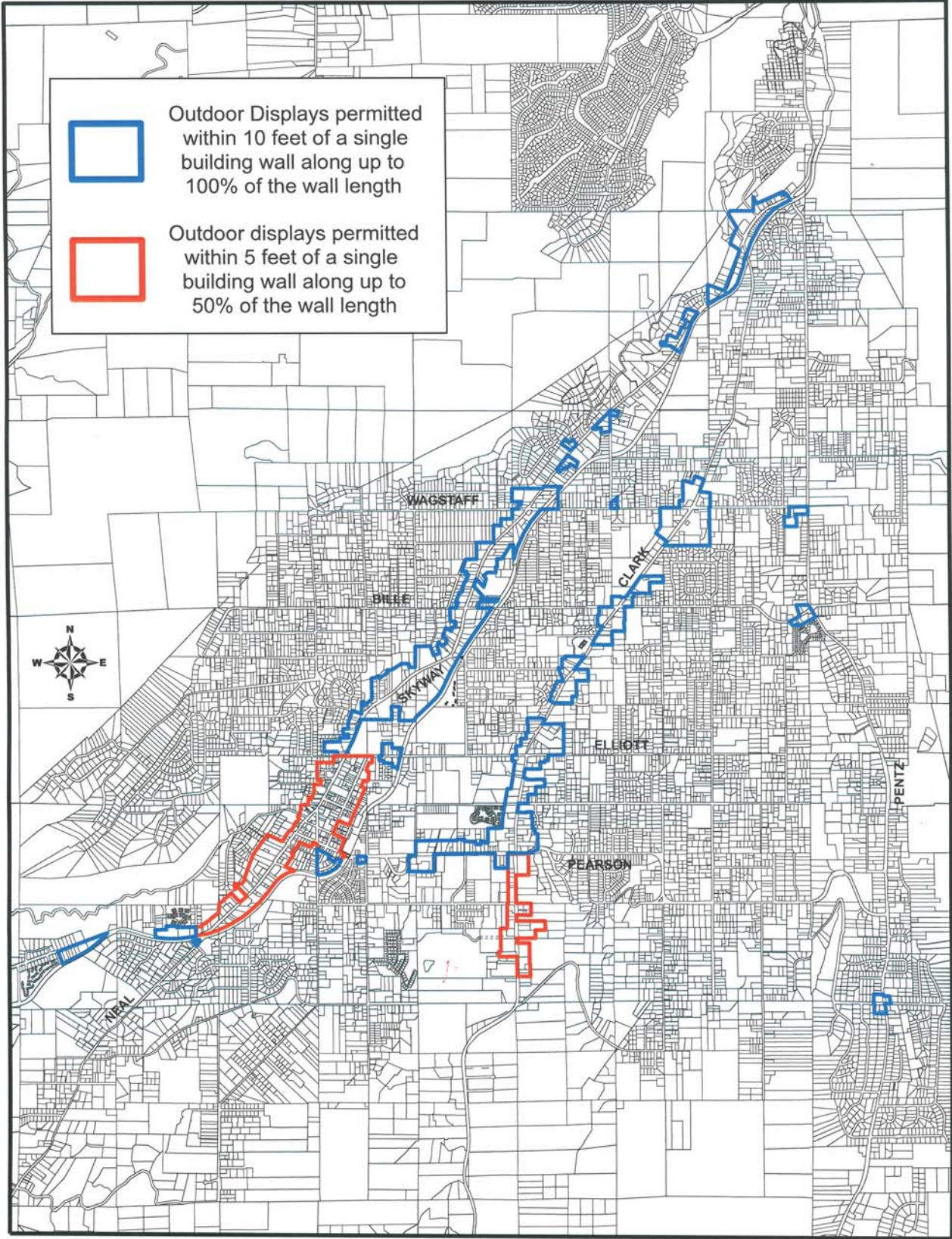
B. In no event shall merchandise be displayed within public right-of-ways, pedestrian or vehicle access ways or parking areas, unless expressly authorized pursuant to Chapter 17.32 of this Title.

**SECTION 2:** Section 17.32.100 G of the Paradise Municipal Code is hereby amended to read as follows:

G. Outdoor special sales, outdoor art and craft shows or exhibits, swap meets, farmers markets, flea markets, parking lot sales, or similar sales activities, limited to sites in C-C, C-F and C-S zoning districts and to operation for not more than (42) consecutive days or more than a

total of ~~eight~~ ~~twenty~~ days in the same ~~month~~ ~~year~~: permitted and subject to the business licenses regulations of Chapter 5.11 of this Code.

# OUTDOOR DISPLAY OF MERCHANDISE REGULATIONS MAP



0 1,250 2,500 5,000 Feet

REVISED 5/19/14