

Chapter 2.40 - HISTORIC STRUCTURES

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2.40.010- Purpose.

–The purpose of this chapter is to provide conditions and regulations for the protection, enhancement and perpetuation of the old and historical buildings within the city and the perpetuation of the Mother Lode type-style of architecture within the city, which has special historical and esthetic interest and value, ~~and to provide for the appearance of structures on neighboring and adjacent property within the public view.~~

(Ord. 155 §1, 1968; Ord. 315 §1, 2006; Ord. 316 §1, 2006)

2.40.020 - Historical area designatedApplication.

This chapter applies to all historic structures as defined below, wherever located within the city.

(Ord. 155 §2, 1968; Ord. 315 §1, 2006; Ord. 316 §1, 2006)

2.40.030 - Existing historic buildings preserved.

No presently existing building of special historic or esthetic value or of the Mother Lode type style of architecture within the city shall be torn down, demolished or otherwise destroyed without a permit first having been obtained from the city.

(Ord. 155 §3, 1968; Ord. 315 §1, 2006; Ord. 316 §1, 2006)

2.40.040 — “Mother Lode Style of Architecture” defined. For the purpose of this chapter, the Mother Lode style of architecture incorporates and embodies the recognized architectural styles, forms and elements employed within Sutter Creek prior to about 19240. The Mother Lode style is defined more particularly in the Architectural Design Standards established by the Sutter Creek Glossary Chapter 18.45.

2.40.050 - Building removal—Permit required.

In the event that any ~~building exhibiting the~~ Mother Lode ~~type-style~~ of architecture ~~building~~ or any other building of esthetic or historic value or interest is damaged by fire, act of God, or in any other manner or becomes unsafe or in such state of disrepair or dilapidation as to be untenable by reason of any cause that it cannot with reasonable diligence be repair and restored, the same may be removed upon issuance of a permit for removal as hereinafter provided.
(Ord. 155 §4, 1968; Ord. 315 §1, 2006; Ord. 316 §1, 2006)

~~2.40.050—Construction and repairs—Conformity required.~~

~~All buildings which are constructed or altered as to their exterior appearance shall, as to their exterior architecture, conform to the style of architecture commonly known as and called the Mother Lode type of architecture.~~

~~(Ord. 155 §5, 1968; Ord. 315 §1, 2006; Ord. 316 §1, 2006)~~

~~2.40.060—"Mother Lode architecture" defined.~~

~~For the purpose of this chapter, Mother Lode type of architecture is defined as having the type of architecture generally used in the Mother Lode area in the State of California in the period of 1849, inclusive, and the type of a architecture exemplified by the buildings known as the Brignole Building situated at the southwest corner of the intersection of Keys and Main Streets, the American Exchange Hotel being the premises presently known as Bellotti Inn, situated on the west side of Main Street at the northwest corner of Main Street and Fiefield Alley, the Werner Building situated at the northwest corner of Spanish Street and Main Street, the structure situated at the northeast corner of Main and Randolph Streets, the Sutter Creek Inn situated at 75 Main Street, and the Stanley home situated at 77 Main Street.~~

~~(Ord. 155 §6, 1968; Ord. 315 §1, 2006; Ord. 316 §1, 2006)~~

2.40.070 - Removal—Permit—Issuance.

No permit for demolition or removal of any building of Mother Lode ~~type-style~~ of architecture or special historic or esthetic interest shall be issued without the approval of the ~~planning commission~~City. ~~Any such decision of the planning commission shall be appealable to the city council under the applicable provisions of the city Code regarding appeals.~~

(Ord. 155 §7, 1968; Ord. 315 §1, 2006; Ord. 316 §1, 2006)

~~2.40.080—Construction and repairs—Permit—Issuance.~~

~~The planning commission shall not approve plans for the construction or alteration of any such building unless the plans conform to the provisions of this chapter. Notwithstanding anything contained in this section to the contrary, in cases requiring any repair to prevent substantial loss or damage to property, emergency repairs the total cost of which does not exceed the sum of five thousand dollars may be made prior to the obtaining of a permit as required by this section.~~

~~(Ord. 155 §8, 1968; Ord. 196 §1, 1978; Ord. 315 §1, 2006; Ord. 316 §1, 2006)~~

~~2.40.090—Construction and repairs—Plan approval.~~

~~The planning commission shall not approve plans for the construction or alteration of any building within the area set forth in section 2.40.020 unless the plans conform to the provisions of this chapter. Notwithstanding anything contained in this section to the contrary, in cases requiring any repair to prevent substantial loss or damage to property, emergency repairs the total cost of which does not exceed the sum of one thousand dollars may be made prior to the obtaining of a permit as required by this section.~~

~~(Ord. 155 §9, 1968; Ord. 196 §2, 1978; Ord. 315 §1, 2006; Ord. 316 §1, 2006)~~

~~2.40.100— Building footprint.~~

~~Any new construction or alteration shall not result in a building footprint greater than thirty-five percent of the lot size. Alterations to, or replacement of, a structure that exceeds thirty-five percent of lot coverage may retain existing lot coverage.~~

~~(Ord. 315 §1, 2006; Ord. 316 §1, 2006)~~

~~2.40.110— Design review standards.~~

~~The planning commission shall adopt design review standards for use in its review of applications under this chapter and to carry out the interest of section 2.40.060 regarding the preservation of the Mother Lode style of architecture.~~

~~(Ord. 315 §1, 2006; Ord. 316 §1, 2006)~~

~~2.40.120~~ 2.40.110 - Penalties.

Any person or entity which alters, demolishes, or removes an historic structure within the city without first obtaining the permit required by this chapter shall be subject to a civil penalty equal to three times the fair market value of the structure. The civil penalty may be assessed following a hearing conducted by the city manager or his/her designee which provides the property owner notice and opportunity to be heard. Any such civil penalty shall be enforceable by lien against the real property or in any other manner authorized by law for civil judgment in the State of California.

In addition, and notwithstanding the above, violations of this chapter shall be a misdemeanor punishable by a fine of up to one thousand dollars and imprisonment of up to six months. Further, the city attorney is authorized to pursue any and all legal remedies available, including but not limited to injunctive and declaratory relief.

(Ord. 315 §1, 2006; Ord. 316 §1, 2006)

FOOTNOTE(S):

⁽¹¹⁾ **State Law reference**— For the statutory provisions authorizing municipalities to provide for and regulate places having special historical interest or value, see Gov. Code §37361.

Chapter 15.38 - SITE PLANS AND ARCHITECTURAL DESIGN
(Chapter 15.38 to be rescinded with the adoption of 18.45)

Sections:

~~15.38.010 – Purpose.~~

~~15.38.020 – Intent.~~

~~15.38.030 – Applicability.~~

~~15.38.040 – Committee established.~~

~~15.38.050 – Committee recommendation.~~

~~15.38.060 – Guidelines applied.~~

~~15.38.070 – Site plan – Layout design.~~

~~15.38.080 – Application – Filing.~~

~~15.38.090 – Hearing – Time and place, notices.~~

~~15.38.100 – Findings and decision.~~

~~15.38.110 – Appeals.~~

~~15.38.120 – Exceptions.~~

~~15.38.010 – Purpose.~~

~~The purpose of this chapter is to provide the city with a mechanism for the review of site development and building design on established buildable lots that are vacant, partially developed, or currently developed.~~

~~(Ord. 306, 2005)~~

~~15.38.020 – Intent.~~

~~It is the intent of this chapter to insure compliance with the policies of the Sutter Creek General Plan, to promote the orderly development of the city, to encourage public and private investment, to maintain and enhance the historic character of the city, and to protect the public health, safety, and welfare.~~

~~(Ord. 306, 2005)~~

~~15.38.030 – Applicability.~~

~~A. Provisions of this chapter shall apply to all R-3, R-4, commercial and industrial zones and to sign permit applications.~~

~~B. No buildings or signs shall be constructed, reconstructed, rehabilitated or demolished on a parcel within those zones unless in compliance with all site plan and architectural review requirements of this chapter.~~

~~(Ord. 306, 2005)~~

~~15.38.040 – Committee established.~~

~~A. There is established a site plan and architectural review committee to make recommendations to the community development director and the planning commission in reviewing site plans and architectural drawings. The membership of the committee shall consist of five members appointed to three-year overlapping terms by the city council. All meetings of the committee shall be conducted in accordance with the open meeting laws of the State of California and such rules of procedure as the committee may establish for the conduct of its business.~~

~~(Ord. 306, 2005)~~

~~15.38.050—Committee recommendation.~~

~~The site plan and architectural review committee may recommend approval or disapproval, or to recommend approval subject to compliance with such conditions necessary to carry out the purpose of this chapter, for all site plan and external building design aspects of a development application.~~

~~(Ord. 306, 2005)~~

~~15.38.060—Guidelines applied.~~

~~When considering the site plan and building design aspects of a project, the site plan and architectural review committee, the community development director, or the planning commission shall utilize site plan and architectural review guidelines as adopted by resolution of the city council as may be amended from time to time.~~

~~(Ord. 306, 2005)~~

~~15.38.070—Site plan—Layout design.~~

~~A site plan drawn accurately to scale and showing the proposed development of the entire buildable lot shall be submitted, and shall include, but not be limited to, the following information:~~

~~A. The location of all existing and proposed structures on the property together with their dimensions, distance between structures and setback distances from property lines;~~

~~B. Approximate location of all streams, drainage channels, and/or bodies of water and an approximate indication of slope and elevations of the property;~~

~~C. Names, locations, and widths of all existing and proposed streets and rights-of-way on or near the property;~~

~~D. Proposed type and location of driveways, parking areas, curbs, gutters and sidewalks, solid waste enclosures, and signage consistent with applicable city ordinances or regulations;~~

~~E. Landscaping areas, fencing of yards and setback areas, and the use of landscaping and/or walls or fencing for screening purposes.~~

~~F. Location of water, sewer, electrical, natural gas and storm drainage facilities to serve the proposed structure(s);~~

~~G. The relationship of the proposed structure(s) to the existing buildings and structures in the immediate vicinity; and~~

~~H. Exterior front elevations of each proposed building along with building height dimensions, type, color and pitch of roof, and exterior building materials and colors.~~

~~(Ord. 306, 2005)~~

~~15.38.080—Application—Filing.~~

~~Application for site plan review shall be filed with the city office on a form furnished by said office, accompanied by twenty full scale copies of the site plan and related drawings along with one 8.5" × 11" reduction of the site plan, and a fee as adopted by resolution of the city council. The site plan and related drawings may be prepared by the applicant or the applicant's representative, and shall be made clear and legible, and drawn to scale. The community~~

~~development director shall establish a fee for the processing of such applications which shall be payable at time of filing.
(Ord. 306, 2005)~~

~~15.38.090—Hearing—Time and place, notices.~~

~~Site plans may be approved by the community development director following public notice and hearing as specified in Chapter 18.06, or may be referred to the planning commission for hearing.
(Ord. 306, 2005)~~

~~15.38.100—Findings and decision.~~

~~The community development director or planning commission, on the basis of the information submitted by the applicant, and evidence submitted at the hearing, may approve site plans as provided by this chapter when the following findings can be made:~~

~~A. The proposed site development will insure that adequate public utilities and services are provided so that the project would not be detrimental to public health, safety, or general welfare;~~

~~B. The proposed site improvements are consistent with all applicable city standards, regulations, and ordinance requirements; and~~

~~C. The proposed site development is consistent with the goals and policies of the General Plan, and the purposes of this title.
(Ord. 306, 2005)~~

~~15.38.110—Appeals.~~

~~Decisions made by the community development director may be appealed to the planning commission pursuant to Chapter 18.06. Decision of the planning commission may be appealed to the city council under the procedures established for that purpose.
(Ord. 306, 2005)~~

~~15.38.120—Exceptions.~~

~~It is not possible to anticipate all situations that may arise or to prescribe standards applicable to every situation. Therefore, the community development director shall have the authority to approve exceptions to the strict application of applicable city codes and standards where the following findings can be made:~~

~~A. The proposed project substantially complies with applicable city standards; and~~

~~B. Allowing such an exception will result in an environmentally and/or aesthetically superior project than would have otherwise been authorized.
(Ord. 306, 2005)~~

FOOTNOTE(S):

⁽⁶⁸⁾ **Editor's note**—Ord. 306, adopted June 6, 2005, set out provisions intended for use as Ch. 15.37, §§15.37.010—15.37.120. At the editor's discretion, to prevent duplication of section numbers, these provisions have been included as Ch. 15.38, §§15.38.010—15.38.120.

**Chapter 18.29 – HR COMBINING ZONE – HISTORIC RESIDENTIAL COMBINING
(This chapter to be rescinded with the adoption of Chapter 18.45)**

Sections:

~~18.29.010 – Regulations designated.~~

~~18.29.015 – Purpose.~~

~~18.29.020 – Permitted uses.~~

~~18.29.030 – Development standards.~~

~~18.29.040 – HR combining zone boundaries.~~

~~18.29.010 – Regulations designated.~~

~~The following regulations apply in the HR (historic residential) combining zone unless otherwise provided in this title.~~

~~18.29.015 – Purpose.~~

~~The purpose and intent of the HR combining zone is to establish regulations for those areas of the city, which, due to their historical or cultural significance, require special considerations to preserve existing residential structures as a community resource.~~

~~18.29.020 – Permitted uses.~~

~~Uses permitted by right are all of the residential uses allowed in the underlying residential zones with which the HR zone is combined, and all residential legal non-conforming uses within commercial and industrial zones with which the HR zone is combined.~~

~~18.29.030 – Development standards.~~

~~A. It shall be unlawful for any person to demolish, remove, relocate, or alter any residential building, structure, or site in the HR combining zone without first applying for and receiving a permit from the city building official allowing such action or actions.~~

~~B. Any new residential construction within the HR combining zone shall conform to recognized architectural styles and forms utilized and constructed within Sutter Creek prior to the year 1920. External additions to, or remodels of, existing residential buildings shall be in the same style and utilize architecturally similar materials as the existing residential structure.~~

~~C. The city council shall adopt by resolution architectural guidelines to be utilized by the city building official in granting or denying a permit under this chapter. The architectural guidelines shall include criteria for roofs, doors, windows, siding, porches, ancillary structures, fences, and any other design elements necessary to carry out the purpose and intent of this chapter. The architectural guidelines shall be made available to assist property owners, architects, contractors, and realtors in complying with this chapter.~~

~~D. Any new construction or alteration shall not result in a building footprint greater than thirty-five percent of the lot size. Alterations to, or replacement of, a residential structure that exceeds thirty-five percent of lot coverage may retain existing lot coverage.~~

18.29.040—HR combining zone boundaries.

Areas within the city that are included in the HR combining zone shall be depicted on a map adopted by resolution of the city council and shall include the following:

~~Both sides of Cole Street between Gopher Flat Road and Randolph Street;~~

~~Both sides of Fullen Street~~

~~Both sides of Randolph Street between Boston Alley and its easterly terminus;~~

~~Both sides of Boston Alley between Gopher Flat Road and Randolph Street;~~

~~The east side of Boston Alley between Randolph Street and Eureka Street;~~

~~Both sides of Tucker Hill Road between Hanford Street and Gopher Flat Road;~~

~~Both Sides of Anna Avenue between Woodworth Street and Elm Street;~~

~~Both sides of Nickerson Street between Main Street and its westerly terminus;~~

~~Both sides of Woodworth Street between Anna Avenue and Nickerson Street;~~

~~Both sides of Elm Street between Badger Road and Nickerson Street~~

~~Both sides of Barney Lane between Nickerson Street and its southerly terminus;~~

~~Both sides of Spanish Street between Main Street and High School Road;~~

~~The south side of Fiefield Alley between Main Street and Spanish Street;~~

~~Both sides of Amelia Street between Hanford Street and Spanish Street~~

~~Both sides of North Amelia Street between Hanford Street and Spanish Street;~~

~~Both sides of Fogarty Road between North Amelia Street and its westerly terminus;~~

~~Both sides of Badger Street from Main Street to Spanish Street;~~

~~Both sides of Dennis Street from Nickerson Street to Old Highway 49;~~

~~Both sides of Greenstone Terrace between Church Street and Cold Dust Trail;~~

~~Both sides of Gold Dust Trail between Church Street and Greenstone Terrace;~~

~~Both sides of Frakes Street between Greenstone Terrace and its easterly terminus;~~

~~Both sides of Flume Road between Greenstone Terrace and its southerly terminus;~~

~~Both sides of Church Street between Main Street and the easterly City Limits;~~

~~Both sides of Main Street (Old Highway 49) between Church Street/Badger Road and Dennis Street;~~

~~Both sides of Gopher Flat Road between Main Street and Cole Street~~

~~Both sides of Mill Street from Gopher Flat Road to Marre Street~~

~~Both sides of Stanford Street between Mill Street and its westerly terminus;~~

~~Both sides of Mine Shaft Court between Mill Street and its westerly terminus;~~

~~Both sides of Broad Street between Gopher Flat Road and Eureka Street;~~

~~Both sides of Broadway Alley between Broad Street and Carl Borgh Way;~~

~~Both sides of Eureka Street from Main Street to its alignment with the historic flushing dam;~~

~~Both sides of Handford Street between Main Street and North Amelia Sheet~~

~~Both sides of Hayden Alley between Main Street and Spanish Street~~

~~Both sides of Keyes Street between Main Street and Spanish Street;~~

~~Both sides of Leiby Alley between Worley Street and its southerly terminus; and~~

~~Both sides of Worley Street between Main Street and Dennis Street.~~

Chapter 18.45 ARCHITECTURAL DESIGN STANDARDS

(NEW Chapter represents a consolidation of the fundamental tenets of Chapters 15.37 and 18.29. Chapters 15.37 and 18.29 will be rescinded.)

18.45.010 Purpose. The purpose and intent of this chapter is to establish Architectural Design Standards that shall apply city-wide for preservation of the historic image of the City of Sutter Creek, together with an application review process to facilitate implementation of said Standards.

18.45.020 ~~Architectural~~ Sutter Creek Design Standards. The City Council shall adopt by resolution ~~Architectural~~ Design Standards to be utilized in determining whether construction and development proposals are consistent with the aesthetic and preservation goals of the City. The ~~Architectural~~ Design Standards shall include criteria for all aspects of structure and site design. The standards shall be made available to assist property owners, architects, contractors, and realtors in complying with this chapter.

18.45.030 Applicability.

A. The provisions of this Chapter shall apply to every project in the City that requires either a building permit or a planning entitlement, or both, including each of the following: new construction; alterations to the exterior of an existing structure; repair of exterior features on an existing structure; additions to the exterior of an existing structure; moving an existing structure; demolition of an existing structure; and new subdivisions. The design elements of each project (including site design, architecture, landscaping, signs, parking design) will be reviewed on a comprehensive basis.

B. The review authority may interpret the ~~Architectural~~ Design Standards on a case-by-case basis by applying flexibility in their application to specific projects, as not all design criteria may be workable or appropriate for every project. The overall objective is to ensure that the intent and spirit of the Standards are implemented.

18.45.040 Committee Established. The City Council shall establish an Architectural Review Committee to make determinations and/or recommendations to the Community Development Director and the Planning Commission with respect to a project's level of compliance with the Design Standards. The Architectural Review Committee shall consist of five members appointed to three-year overlapping terms by the City Council. All meetings of the committee shall be conducted in accordance with the open meeting laws of the State of California and such rules of procedure as the committee may establish for the conduct of its business.

18.45.050 Historic Districts Established. For those areas of the City, which, due to their historical, economic, or cultural significance, require special considerations to preserve/enhance existing structures and develop new structures as a community resource, ~~a~~ Historic Districts shall be created and defined by the ~~Architectural~~ Design Standards. The ~~Architectural~~ Design Standards shall establish for the Historic Districts special standards designed to encourage and ensure preservation of ~~the~~ each District's unique historic aesthetic and cultural resources.

18.45.060 Review Process. All projects to which this Chapter applies shall undergo design review before obtaining Design Clearance; Design Clearance shall be required before the application(s) may be processed for permitting. The design review process shall be as follows:

A. **Projects outside of the Historic Districts** – City staff shall evaluate the building permit and/or planning entitlement application(s) and issue Design Clearance for those projects that clearly demonstrate conformance with the Architectural Design Standards. An application, which does not clearly demonstrate conformance with the Standards, will be forwarded to the Architectural Review Committee for review.

B. **Projects within the Historic Districts** – City staff shall evaluate the building permit and/or planning entitlement application(s) and make a recommendation to the Architectural Review Committee regarding conformance with the ~~Architectural~~ Sutter Creek Design Standards. The Architectural Review Committee shall consider staff's recommendation and either:

- a) Issue Design Clearance on concurrence with staff's recommendation; or
- b) Find that the application is not in conformance with the Standards, whereby the applicant may either modify the project so that conformance is achieved or appeal the Committee's interpretation to the Planning Commission.

Any decision made by City staff may be appealed to the Architectural Review Committee, and any decision made by the Architectural Review Committee may be appealed to the Planning Commission. Decisions made by the Planning Commission may be appealed to the City Council.

18.45.070 Application Requirements. Applicants shall provide to the City information sufficient for determining consistency with the Architectural Design Standards. Such information shall include, but not be limited to, at minimum, the following:

- A. A site plan drawn accurately to scale showing development of the entire buildable lot including parking and landscaping;
- B. Separate front, rear, and side elevations of all proposed structures, designated by direction, and at a scale of 1/8" = 1' or greater;
- C. Dimensions including distance to property lines, structures on adjacent property, setbacks, parking areas and driveway, and landscape areas;
- D. Abutting and/or adjacent structure heights;
- E. Description of all exterior materials, colors, and finishes, keyed to samples provided;
- F. Roof slopes and materials including manufacturer's style specifications and color;
- G. Detail of doors, windows, garage doors including casing and exterior trim;
- H. Lighting types, locations, and details;
- I. Deck, porch, railing, stair, etc. detailing including materials, colors, finishes, and decorative elements;
- J. Exposed foundation treatment;
- K. Gutters and eaves;
- L. Screening for mechanical and electrical equipment, and trash enclosures; and
- M. Any other architectural and/or site features necessary to determine compliance with the Standards.

Additional information may be needed to evaluate certain types of projects. It shall be the responsibility of the applicant to provide any and all information and data deemed necessary by the City to evaluate the project's level of compliance with the Architectural Design Standards. Plans, computations, and specifications shall be prepared and designed by an engineer or architect licensed by the state to practice as such or as required by the building official, except when specifically exempt.