NEVADA COUNTY
CALIFORNIA

Community Development Agency

2023 Housing Ordinance Amendments

PLN23-0059; ORD23-1

Initial Public Draft

May 5, 2023

Introduction

The Nevada County Board of Supervisors approved Resolution 21-018 to direct the Planning Department staff to apply for a Regional Early Action Planning grant to conduct planning activities that further Board Legislative Objectives to accelerate housing production. The Department of Housing and Community Development awarded Nevada County funding for two projects to update the Land Use and Development Code to reduce barriers to housing production. County Staff identified several areas to reduce physical and financial barriers including:

- Accessory Dwelling Units and Junior Accessory Dwelling Units
- Additional Housing Types
- Density Bonus
- Emergency Shelters
- Employee Housing
- Low-Barrier Navigation Centers
- Minimum Parking Requirements
- Residential Housing in Commercial Zones
- Residential Minimum Density Standards
- Senate Bill 9: Lot Splits and Second Dwellings
- In-Home Family Daycares
- Additional Statutory Changes and Technical Cleanup

Proposed changes are identified by underlined additions and ~~strikethrough deletions~~.

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Sec. L-II 1.2 Applicability

A. **General Application**. This ordinance applies to all land uses and development within the unincorporated areas of Nevada County. Ordinance provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare.

It is unlawful for any person or public agency to establish, construct, reconstruct, alter, replace, or allow any use of land or structure, unless:

The use is allowed by Article 2 Zoning Districts within the zoning district and any combining districts that apply to the subject site, consistent with the standards of Section 1.4.D; and

1. The use of land or structure satisfies all applicable requirements of this ordinance, including but not limited to, minimum parcel size, density, intensity of use, and all development standards, and
2. Any Development or Use Permit or other approval required by Article 2 Zoning Districts is first obtained as provided by Article 5 Administration and Enforcement, and any applicable conditions of approval are first satisfied; or
3. The use or structure is determined to be legal and nonconforming, and any changes in such use or structure are consistent with Section 5.18 Legal Nonconforming Uses and Structures.

B. **Other Easements, Covenants, or Agreements**. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties. However, where this Chapter imposes a greater restriction upon the use of structures or premises or upon height of structures, or requires larger space than is imposed or required by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this Chapter shall govern.

C. **Inapplicable Uses**. The provisions of this Chapter shall have no application to pipelines, regulators, meters and appurtenances, insofar as the State of California or the Public Utilities Commission has preempted the field or passed specific laws or binding regulations concerning the County, excluding structures, directly or indirectly for service to the public or any portion thereof by persons, firms or corporations.

In addition, specified uses as found in Section L-II 2.1.D. are exempt from the provisions of this ordinance.

Nothing contained in this Chapter shall require any change in the plans, construction or designated use of a structure for which a building permit has heretofore been issued and upon which actual construction has begun.

Any structure, use, variance, plan, Use Permit, building permit, etc., granted under provisions of Ordinance Nos. 196, 207, or 500, and amendments thereto, shall be valid in accordance with the provisions and conditions under which it was originally approved.

D. **References to Other Articles.** All references to other Articles are to those Articles contained in this Chapter, unless otherwise specified.

E. **Requests for Reasonable Accommodations.** To provide a process for making reasonable accommodation to land use and zoning decisions and procedures regulating the siting, funding, development and use of housing for persons with disabilities, applicants can file a request for reasonable accommodation to the Planning Department, subject to approval by the Planning Director, who shall apply the following decision-making criteria:

1. The request for reasonable accommodation will be used by an individual with a disability, as that term is defined under the California Fair Employment and Housing Act, and the federal Fair Housing Amendments Act of 1988 (collectively "Acts").
2. The requested accommodation is necessary to make housing available to an individual with a qualifying disability under the Acts.
3. The requested accommodation would not impose an undue financial or administrative burden on the County.

4. The requested accommodation would not require a fundamental alteration in the nature of the County's land-use and zoning program.

Sec. L-II 2.2.1 Single-Family

A. **Purpose of Single-Family**.

1. **RA (Residential Agricultural)**. The RA District establishes provisions for low density single-family dwellings, as well as other dwelling unit types in keeping with the rural character of the area, at densities equivalent to 1.5 acre minimum parcel size, or 3 acre minimum parcel size where neither a public water nor public sewer system is available. Within the Residential and Estate General Plan designations, the single-family dwelling is of primary importance and agricultural uses are Secondary. Within Rural General Plan designations, agricultural operations and natural resource related uses and residential uses are of equal importance.

2. **R1 (Single-Family)**. The R1 District implements the General Plan's Urban Single-Family designation. It is intended to provide for single-family dwellings, duplexes, as well as other dwelling unit types, at densities of up to 4 dwelling units per acre.

Table L-II 2.2.1.B
Single-Family Districts Allowable Uses and Permit Requirements

Key to Land Use Permit Requirements:

A Allowed subject to zoning compliance and building permit issuance
DP Development Permit required per Section 5.5
UP Use Permit required per Section 5.6
NP Not Permitted
NA Not Applicable
Varies Refer to listed L-II Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	RA	R1	L-II Sections
Residential Uses			
~~Community~~ Residential Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	A	
Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.~~Community care facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities, and alcoholism and drug abuse recovery or treatment facilities, allowing a maximum 10 clients in the R1 district, and 12 clients in the R2 and R3 districts; and in the R1, R2 and R3 districts where the facility is federally funded, registered sex offenders are excluded as clients.~~	~~NP~~UP	UP	
Day Care Home, small family (6~~8~~ or fewer children)	A	A	3.9
Day Care Home, large family (7~~9~~ to 14 children)	A~~DP~~	~~DP~~A	3.9

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	RA	R1	L-II Sections
Day Care Center (more than 14 children)	UP	UP	
Dwelling, Single-Family[(2)] ~~(including Transitional and Supportive Housing)~~	A	A	
Dwellings, Multiple-Family ~~(including Transitional and Supportive Housing)~~	UP	UP	3.17
Dwelling, Accessory and/or Junior Accessory Unit	A	A	3.19.1
Dwellings, Second Units consistent with allowed density	DP	DP	3.19.2
Dwelling Groups, consistent with allowed density	UP	UP	
Employee Housing	A	A	3.10
Dwellings, Duplexes, Duets and Four-plexes [(1)(2)]	A	A	
Dwellings, Transitional and Supportive	A	A	3.20
Mobilehome Parks (must include MH District)	UP	UP	2.7.4
Residential accessory uses and structures where the structure or use is accessory to the intended use of the property, including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs	A	A	
Residential Guest Quarters	A	A	3.18
Temporary Model Homes	A	A	3.12
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling	A	A	3.15
Commercial Uses			
Bed & Breakfast Inns	UP	UP	3.5
Commercial Uses (cont'd)			
Cemetery	UP	NP	
Community meeting and social event facilities	UP	UP	3.7
Home Businesses	A	A	3.11
Medical clinics and medical support services, non-profit	UP	UP	
Parking facilities not attached to a specific use	Varies	Varies	2.7.10
Medical Marijuana Dispensary	NP	NP	
Commercial Cannabis Cultivation	NP	NP	3.30
Industrial Uses			
None Listed			
Agricultural, Resource, and Open Space Uses			
Agricultural uses and structures including, but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, private stables	A	NP	3.3
Agritourism Activities, Field Retail Stand and Farm Stand	Varies	NP	3.3
Animal keeping and raising	Varies	Varies	3.4
Certified Farmers' Markets	DP	NP	3.3
Crop and tree farming	A	A	3.3
Mining, Mineral Exploration	Varies	Varies	3.22.D.2

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	RA	R1	L-II Sections
Mining, subsurface	UP	UP	3.21
Mining, surface vent and escape shafts for subsurface mining.	UP	UP	3.22
Power plants, private, non-commercial bio-mass, cogeneration, and small hydroelectric.	UP	UP	
Stables, commercial	UP	NP	
Wineries	A	NP	3.24
Wildlife Rehabilitation Facilities	DP	NP	3.26
Woodyard	UP	NP	
Institutional and Public Uses			
Antennae, minor and certain non-commercial	A	A	3.8
Churches	UP	UP	3.7
Communication Towers	UP	NP	3.8
Emergency services (including fire and ambulance stations)	UP	UP	
Public utility uses and structures	Varies	Varies	3.14
Schools	UP	UP	
Temporary Staging Areas for public road projects	UP	UP	
Recreational Uses			
Parks and Playgrounds	UP	UP	
Trails, Pedestrian and Equestrian	A	A	4.1.8

Footnote:

(1) Duplexes, duets, and four-plexes may be allowed in Community Regions, or on a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau, consistent with underlying General Plan/Zoning densities and minimum water and sewage disposal requirements.

(2) A proposed housing development containing no more than two residential units within a single-family residential zone consistent with Government Code Section 65852.21 shall be considered ministerially on a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

Sec. L-II 2.2.2 Multi-Family

A. **Purpose of Multi-Family**.

1. **R2 (Medium Density)**. The R2 District implements the General Plan's Urban Medium Density Designation and provides for moderate density multiple-family housing, as well as other dwelling unit types. Densities of up to 8 dwelling units per acre within incorporated area's spheres of influence ~~and Community Regions~~, and 6 dwelling units per acre elsewhere are permitted. This District is appropriate for the development of affordable housing through clustering of residences or other design techniques.

2. **R3 (High Density)**. The R3 District implements the General Plan's Urban High Density Designation and provides for high density multiple-family housing, as well as other dwelling unit types. Densities of up to 20 dwelling units per acre within incorporated area's spheres of influence ~~and Community Regions,~~ and 15 units per acre elsewhere are permitted unless otherwise designated on the official zoning map.

This District is designed to facilitate development in urbanized areas. Coupled with planned development combining district regulations, it can be utilized to take advantage of the condominium development technique to provide and preserve open space.

To promote the construction of affordable housing, the County will strongly encourage development of single-family and multi-family residential projects at the maximum practical densities provided by the district, subject to limitations which may be imposed by environmental and public service constraints, as well as County development standards. This District is appropriate for the development of affordable housing through clustering of residences or other design techniques.

To accommodate the development of Low and Very-Low Income housing units on vacant sites that are zoned R3, owner and renter occupied single or multifamily residential development in which at least 20 percent of the units are affordable to lower income households as a by-right use (without a Conditional Use Permit, or other discretionary action) as required by California Government Code 65583.2(i) if those properties have been identified in two or more consecutive Housing Element planning periods to accommodate the Low or Very-Low income category of the Regional Housing Need Allocation.

Table L-II 2.2.2.B
Multi-Family Districts Allowable Uses and Permit Requirements

Key to Land Use Permit Requirements:

A Allowed subject to zoning compliance and building permit issuance
DP Development Permit required per Section 5.5
UP Use Permit required per Section 5.6
NP Not Permitted
NA Not Applicable
Varies Refer to listed L-II Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	R2	R3	L-II Sections
Residential Uses			

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	R2	R3	L-II Sections
~~Community~~ Residential Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	A	
~~Community care facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities, and alcoholism and drug abuse recovery or treatment facilities, allowing a maximum 10 clients in the R1 district, and 12 clients in the R2 and R3 districts; and in the R1, R2 and R3 districts where the facility is federally funded, registered sex offenders are excluded as clients.~~	~~UP~~	~~UP~~	-
Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.~~Community Care facilities for 7-12 people, including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities where the facility is federally funded and where registered sex offenders are excluded as clients.~~	UP	UP	
Day Care Home, small family (~~8~~6 or fewer children)	A	A	3.9
Day Care Home, large family (~~9~~7 to 14 children)	~~DP~~A	~~DP~~A	3.9
Day Care Center (more than 14 children)	UP	UP	
Dwelling, Single-Family ~~(including Transitional and Supportive Housing)~~	A	NP~~(1)~~	
Dwellings, Multiple-Family ~~(including Transitional and Supportive Housing)~~	DP	DP	3.17
Dwelling, Accessory and/or Junior Accessory Unit	A	~~NP(1)~~A	3.19.1
Dwelling, Second Units—Consistent With Allowed Density	DP	NP	3.19.2
Dwelling, Single Room Occupancy (SRO)	UP	UP	
Dwellings, Transitional and Supportive Housing	A	A	3.20
Emergency shelter housing for 6 or fewer people	A	A	
Residential Uses (cont'd)			
Emergency shelter housing for more than 6 people	UP	UP	
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	A	
Mobilehome Parks (must include MH District)	UP	UP	2.7.4
Residential accessory uses and structures where the structure or use is accessory to the intended use of the property, including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs	A	A	
Rooming and boarding houses	UP	UP	
Senior citizen and disabled housing facilities	UP	UP	3.20
Temporary Model Homes	A	A	3.12

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	R2	R3	L-II Sections
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling	A	A	3.15
Commercial Uses			
Bed & Breakfast Inns	UP	UP	3.5
Community meeting and social event facilities	UP	UP	3.7
Home Businesses	A	A	3.11
Hospitals and convalescent homes	UP	UP	
Medical clinics and medical support services, non-profit	UP	UP	
Medical Marijuana Dispensary	NP	NP	
Commercial Cannabis Cultivation	NP	NP	3.30
Industrial Uses			
None Listed			
Agricultural, Resource, and Open Space Uses			
Animal keeping and raising	Varies	Varies	3.4
Certified Farmers' Markets	NP	NP	3.3
Field Retail Stand and Farm Stands	NP	NP	3.3
Crop and tree farming	A	A	3.3
Mining, Mineral Exploration	Varies	Varies	3.22.D.2
Mining, subsurface	UP	UP	3.21
Mining, surface vent and escape shafts for subsurface mining	UP	UP	3.22
Institutional and Public Uses			
Antennae, minor and certain non-commercial	A	A	3.8
Churches	UP	UP	3.7
Emergency services (including fire and ambulance stations)	UP	UP	
Public utility uses and structures	Varies	Varies	3.14
Schools	UP	UP	
Temporary Staging Areas for public road projects	UP	UP	
Recreational Uses			
Parks and Playgrounds	UP	UP	
Trails, Pedestrian and Equestrian	A	A	4.1.8

~~**Footnote:**~~

~~(1) Not permitted, unless it can be proven that single-family development will otherwise produce and guarantee low and moderate income housing.~~

Table L-II 2.2.2.C
Multi-Family Districts Site Development Standards

Key to Site Development Standards:

ROW Right-of-way, Ultimate (see definition in Article 6)
C/L Centerline
L-II SECTION Refer to listed L-II Section for site development standards

SITE DEVELOPMENT STANDARDS	R2	R3	L-II Section
Setback Standards [5]			
Front yard (ROW at least 50′ in width)	20′ from ROW	20′ from ROW	4.2.5
Front yard (ROW less than 50′ in width)	45′ from ROW C/L	45′ from ROW C/L	4.2.5
Exterior yard (ROW at least 50′ in width)	10~~5~~′ from ROW	10′ from ROW	4.2.5
Exterior yard (ROW less than 50′ in width)	35~~40~~′ from ROW C/L	35′ from ROW C/L	4.2.5
Interior yard (Parcel at least 3 acres)	30′	30′	4.2.5
Interior yard (Parcel less than 3 acres) [1]	30′	30′	4.2.5.G
Rear yard (Parcel at least 3 acres)	30′	30′	4.2.5
Rear yard (Parcel less than 3 acres) [1]	30′	30′	4.2.5.G
Other Standards (See Sections 4.2 Design Standards & 4.3 Resource Standards)			
Building Height Limit	35′ or 3 stories, whichever is less		4.2.4
Fencing & Hedges	Table 4.2.6.D	Table 4.2.6.D	4.2.6
Maximum Impervious Surface [2] [6]	50%	60%	4.2.10
On-Site Parking	See Table 4.2.9.F.12.b		4.2.9
Signs	Sign Standards see Section 4.2.12.K		4.2.12
Maximum Density (dwelling units per acre)	6/8[8]	15 / 20 [7]	4.1.3.E.4.c
Minimum Road Frontage [3] [4]	60′	60′	
Minimum Parcel Size:			
Parcel w/ public water & sewer [3]	10,000 s.f.	10,000 s.f.	4.1.3.E.4.c
Parcel w/ public water or sewer [3]	1.5 acres	1.5 acres	4.1.3.E.4.c
Parcel w/ private water & sewer [3]	3 acres	3 acres	4.1.3.E.4.c

Footnotes:

(1) Setbacks may be reduced on parcels less than 3 acres subject to Section L-II 4.2.5.G.

(2) Check General Plan Policy 1.23 for more restrictive standards.

(3) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the zoning district map. Where clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Section L-II 4.1.5)

(4) For subdivisions and boundary line adjustments, flagpole parcels shall have a minimum frontage width of 50′. The “flag” portion of the parcel shall meet the minimum road frontage standards of a conventional parcel.

(5) For arterial and collector roads, the front yard setback shall be 20′ and the exterior side yard setback shall be 15′ from the existing or ultimate right-of-way, whichever is greater. (See Section L-II 4.2.5.F)

(6) Maximum impervious surfacing may be increased to 60% for support uses requiring a use permit. In such instances, retention/ detention facilities shall be incorporated into the design of those projects that could result in flood damage to downstream uses.

(7) Twenty dwelling units per acre for areas within incorporated area Sphere of Influence. Elsewhere, 15 dwelling units per acre.

(8) Eight dwelling units per acre for areas within incorporated area Sphere of Influence. Elsewhere, 6 dwelling units per acre.

* Subdivision development feature: for any subdivision where agricultural water is already provided to the parcel, an agricultural water easement shall be required for all parcels created by the subdivision.

Table L-II 2.3.D
Rural Districts Allowable Uses and Permit Requirements

Key to Land Use Permit Requirements:
A Allowed subject to zoning compliance and building permit issuance
DP Development Permit required per Section 5.5
UP Use Permit required per Section 5.6
NP Not Permitted
NA Not Applicable
Varies Refer to listed L-II Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	**AG**	**AE**	**FR**	**TPZ**	**L-II Sections**
Residential Uses					
~~Community~~ Residential Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	A	A	A	
~~Community~~ Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	NP	UP	NP	
Day Care Home, small family (~~8~~6 or fewer children)	A	A	A	A	
Day Care Home, large family (7~~9~~ to 14 children)	~~DP~~A	~~DP~~A	~~DP~~A	~~DP~~A	3.9
Day Care Center (more than 14 children)	UP	NP	UP	NP	
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	A	A	A	
Dwelling, Accessory and/or Junior Accessory Unit	A	A	A	A	3.19.1
Dwellings, Second Units consistent with allowed density	DP	DP	DP	DP	3.19.2
Dwellings, Multiple-Family ~~(including Transitional and Supportive Housing)~~	UP	UP	UP	UP	3.17
Dwelling Groups, consistent with allowed density	UP	UP	UP	UP	
Dwellings, Transitional and Supportive Housing	A	A	A	A	3.31
Employee Housing	A	A	A	A	3.10
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	A	A	A	
Mobilehome Parks (must include MH District)	UP	NP	UP	NP	2.7.4
Residential accessory uses and structures where the structure or use is accessory to the intended use of the property, including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs.	A	A	A	A	
Residential Guest Quarters	A	A	A	A	3.18

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	AG	AE	FR	TPZ	L-II Sections
Temporary Model Homes	A	NP	NP	NP	3.12
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	A	A	A	3.15
Commercial Uses					
Bed & Breakfast Inns	UP	UP	UP	UP	3.5
Cemetery	UP	NP	UP	NP	
Community meeting and social event facilities	UP	UP	UP	NP	3.7
Home Businesses	A	A	A	NP	3.11
Medical Clinics and medical support services, non-profit	UP	NP	UP	NP	
Nursery, Retail Plant	UP	UP	NP	NP	
Veterinary Hospitals and Clinics	UP	UP	UP	NP	
Medical Marijuana Dispensary	NP	NP	NP	NP	
Commercial Cannabis Cultivation	Varies			NP	3.30
Industrial Uses					
None Listed					

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	AG	AE	FR	TPZ	L-II Sections
Agricultural, Resource, and Open Space Uses					
Accessory structures incidental to an allowable use.	A	A	A	A	
Agricultural support uses and structures including, but not limited to, farm equipment sales and service, feed stores, feedlots, processing/slaughtering facilities, packing facilities for products grown off-site, custom farming services, and waste handling and disposal services	UP	UP	NP	NP	
Agricultural uses and structures including, but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, private stables	A	A	A	A	3.3
Agritourism Activities, Field Retail Stand and Farm Stand	A	A	A	NP	3.3
Airstrips heliports, private	UP	UP	UP	UP	
Animal Keeping and Raising	Varies				3.4
Certified Farmers' Markets	DP	DP	DP	NP	3.3
Crop and Tree Farming	A	A	A	A	3.3
Development & processing natural resources (lumber mills)	UP	UP	UP	UP	
Kennels, commercial	UP	UP	UP	NP	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	**AG**	**AE**	**FR**	**TPZ**	**L-II Sections**
Mining, Mineral Exploration	Varies				3.22.D.2
Mining, Subsurface	UP	UP	UP	UP	3.21
Mining, Surface access to subsurface mining.	UP	UP	UP	UP	3.22
Mining, Surface (must include ME District). In TPZ district, boulder collection only allowed subject to use permit and reclamation plan.	Varies				3.22
Power plants, private, including biomass fuel production	UP	NP	UP	NP	
Stables, commercial	UP	UP	UP	UP	
Wineries	A	A	A	NP	3.24
Wildlife Rehabilitation Facilities	DP	DP	DP	DP	3.26
Woodyard	UP	UP	UP	UP	
Institutional and Public Uses					
Antennae, minor and certain non-commercial	A	A	A	A	3.8
Airports	UP	NP	UP	NP	
Churches	UP	NP	UP	NP	3.7
Communication Towers	UP	UP	UP	UP	3.8
Emergency services (including fire and ambulance stations)	UP	UP	UP	UP	
Public Utility Uses and Structures	Varies				3.14
Schools	UP	NP	UP	NP	
Temporary Staging Areas for public road projects	UP	UP	UP	UP	
Recreational Uses					
Camp, Low Intensity	UP	UP	UP	UP	3.6
Campgrounds, Low Intensity	UP	UP	UP	UP	3.6
Parks and Playgrounds	UP	UP	UP	UP	
Ski Tow Facilities	NP	NP	UP	NP	
Trails, Pedestrian and Equestrian	A	A	A	A	4.1.8

Table L-II 2.4.D
Commercial Districts Allowable Uses and Permit Requirements

Key to Land Use Permit Requirements:

A Allowed subject to zoning compliance and building permit issuance
DP Development Permit required per Section 5.5
UP Use Permit required per Section 5.6
NP Not Permitted
NA Not Applicable
Varies Refer to listed L-II Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	**C1**	**C2**	**C3**	**CH**	**OP**	**L-II Sections**
Residential Uses						
~~Community~~Residential Care Facilities for 6 or fewer ~~more than 6~~ people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	UP	NP	NP	UP	
Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.~~Community Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities. Such facilities shall be self-contained and provide on-site educational facilities.~~	UP	UP	NP	NP	UP	
Community meeting facilities	UP	UP	UP	NP	UP	3.7
Day Care Center (more than 14 children)	DP	DP	NP	NP	NP	
Dwelling units as a part of a mixed-use development where residential is not the primary use, development is an integral part of the primary building for all commercial and office professional development, not to exceed 6 units per acre in Community Regions and 4 units per acre elsewhere. Integral shall mean that all uses are designed and located so as to be visually and functionally related.	~~Varies~~UP	UP	UP	~~Varies~~UP	~~Varies~~UP	~~2.7.10~~
Dwelling, Single Room Occupancy (SRO)	UP	UP	NP	NP	NP	3.17.1
Dwellings, Multi-Family[2]	UP	UP	UP	UP	UP	3.17
Home Businesses, limited	Varies	NA	NA	NA	Varies	3.11
Emergency Shelter Housing ~~(6 or fewer people)~~	A	A	~~NP~~A	A	A	
~~Emergency Shelter or~~Dwellings, Transitional/Supportive Housing[(1)]	UP	A	A~~UP~~	UP	UP	3.31
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	A	A	A	A	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	C1	C2	C3	CH	OP	L-II Sections
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	A	A	A	A	3.15
Commercial Uses						
Auditoriums	NP	UP	UP	NP	NP	
Auto and truck rental and leasing	NP	UP	DP	UP	NP	
Auto repair within an enclosed structure	UP	DP	DP	DP	NP	
Auto, truck, boat, motorcycle sales, including outdoor sales	NP	DP	DP	NP	NP	
Bars	UP	UP	NP	UP	NP	
Building Supply sales and storage	NP	DP	DP	NP	NP	
Car wash, automatic or self service	UP	DP	DP	DP	NP	
Cemetery	UP	DP	NP	NP	UP	
Commercial activities that normally require extensive storage areas including but not limited to, lumberyards, contractors' equipment yards, vehicle storage yards, and sales and storage of fuel.	NP	NP	UP	NP	NP	
Community meeting and social event facilities	UP	UP	UP	NP	UP	3.7
Equipment rental and leasing	NP	UP	DP	NP	NP	
Fitness centers	UP	DP	DP	NP	UP	
Flea markets, permanent	UP	UP	UP	UP	NP	3.23
Funeral home, mortuary	UP	DP	DP	NP	UP	
Hospitals and Convalescent Homes	NP	UP	NP	NP	UP	
Hotel, motels	UP	DP	DP	DP	UP	
Kennels, commercial	NP	UP	UP	NP	NP	
Medical support services (i.e. ambulance services, laboratories)	DP	DP	NP	DP	DP	
Movie theaters	UP	DP	DP	NP	NP	
Commercial Uses (cont'd)						
Movie theaters, drive-in	NP	NP	NP	UP	NP	
Museum	NP	DP	NP	DP	UP	
Nursery, retail plant	DP	DP	DP	NP	NP	
Offices and services, including, but not limited to, financial institutions, insurance, and real estate office, business services such as duplicating, mailing, blueprinting, photocopying, and stenographic services, janitorial services, employment agencies	DP	DP	DP	NP	DP	
Parking facilities not attached to a specific use.	Varies	UP	UP	Varies	Varies	2.7.10
Personal mini-storage buildings for storage of household or personal goods (does not include the conduct of business from a storage building).	UP	UP	UP	NP	NP	
Personal services including, but not limited to, barber and beauty shops, laundromats, dry	DP	DP	DP	DP	NP	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	C1	C2	C3	CH	OP	L-II Sections
cleaners, photography studios, locksmiths, repair of consumer products, and taxidermies.						
Recreation facilities, including, but not limited to, video arcades, bowling alleys, skating rinks, pool halls, miniature golf, skateboard or BMX facilities, racquetball and tennis clubs.	UP	DP	DP	DP	NP	
Restaurants, fast food	UP	DP	NP	DP	NP	
Restaurants, not including fast food	DP	DP	NP	DP	NP	
Retail sales conducted indoors.	DP	DP	DP	DP	NP	
Retail sales including outdoor sales or storage.	UP	DP	DP	DP	NP	
Service stations	DP	DP	DP	DP	NP	
Shooting ranges, indoor	NP	UP	UP	NP	NP	
Temporary Commercial Uses	A	A	A	A	NP	3.23
Veterinary hospitals and clinics	UP	UP	UP	NP	NP	
Medical Marijuana Dispensary	NP	NP	NP	NP	NP	
Commercial Cannabis Cultivation	NP	NP	NP	NP	NP	3.30
Industrial Uses						
Auto painting and bodywork within an enclosed structure.	NP	UP	UP	NP	NP	
Hazardous waste management facilities for waste produced on-site.	A	A	A	A	A	
Recycling collection facilities	DP	DP	DP	DP	NP	
Limited light industrial uses	UP	UP	UP	NP	NP	
Agricultural, Resource, and Open Space Uses						
Field Retail Stand	NP	NP	NP	NP	NP	3.3
Farm Stand	DP	DP	DP	DP	DP	3.3
Certified Farmers' Market	DP	DP	DP	DP	DP	3.3
Crop and Tree Farming	A	A	A	A	A	3.3
Mining, Mineral Exploration	Varies	Varies	Varies	Varies	Varies	3.22.D.2
Mining, Subsurface	UP	UP	UP	UP	UP	3.21
Mining, Surface vent and escape shafts (subsurface mining)	UP	UP	UP	UP	UP	3.22
Pre-Grading not associated with a specific development project	DP	DP	DP	NP	NP	3.28
Institutional and Public Uses						
Antennae, minor and certain non-commercial	A	A	A	A	A	3.8
Churches	UP	UP	UP	NP	UP	3.7
Communication Towers	UP	UP	UP	UP	UP	3.8
Emergency services (including fire and ambulance stations)	UP	DP	DP	DP	UP	
Public Utility Uses and Structures	Varies	Varies	Varies	Varies	Varies	3.14
Schools and Schools, trade	UP	UP	UP	NP	UP	
Temporary Staging Areas for public road projects	UP	UP	UP	UP	UP	
Recreational Uses						

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	C1	C2	C3	CH	OP	L-II Sections
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 sites per acre.	NP	NP	NP	UP	NP	
Trails, Pedestrian and Equestrian	DP	DP	DP	DP	DP	4.1.8

Footnote:

(1) Subject to Government Code Sections 65582, 65583 and 65589.5, as may be amended.

(2) Multi-Family Residential shall be deemed an allowable use if the housing development project complies with the standards defined in California Government Code Section 65852.24 et seq. (the California Middle Class Housing Act of 2022).

Table L-II 2.5.D
Industrial Districts Allowable Uses and Permit Requirements

Key to Land Use Permit Requirements:

A Allowed subject to zoning compliance and building permit issuance
DP Development Permit required per Section 5.5
UP Use Permit required per Section 5.6
NP Not Permitted
NA Not Applicable
Varies Refer to listed L-II Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	BP	M1	M2	L-II Sections
Residential Uses				
Dwelling units as a part of a mixed-use development where residential is not the primary use, and is an integral part of the non-residential use, not to exceed 6 units per acre in Community Regions and 4 units per acre elsewhere~~4 units per acre~~. Integral shall mean that all uses are designed and located so as to be visually and functionally related.	UP	UP	UP	
Dwellings, Multi-Family[1]	UP	NP	NP	3.17
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	NP	NP	
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	A	A	3.15
Commercial Uses				
Accessory uses for employees, including fitness centers, and restaurants, when in combination with support uses does not exceed 10% of the gross floor area of the structures on site.	UP	DP	DP	
Auto repair within an enclosed structure.	NP	DP	DP	
Auto painting and body work within an enclosed structure.	NP	DP	DP	
Commercial activities that normally require extensive storage areas including, but not limited to, contractors equipment yard, vehicle storage yard, sales and storage of fuel, building/farm supply, equipment rental, kennels.	NP	DP	DP	
Day Care Facilities as an accessory, employee use when in combination with accessory uses, does not exceed 10% of the gross floor area of the business park.	UP	NP	NP	
Fitness Centers.	UP	UP	UP	
Flea Market, permanent.	NP	UP	UP	
Lumberyards.	NP	DP	DP	
Parks if developed as employee accessory uses.	UP	UP	UP	
Parking facilities not attached to a specific use.	UP	UP	UP	
Personal mini storage buildings.	UP	UP	UP	
Shooting ranges, indoor.	NP	UP	UP	
Support uses for the primary light industrial use, including offices, services and retail sales associated with the marketing of products produced on-site, when in combination with accessory uses does not exceed area of the structures on site.	DP	DP	DP	
Temporary Commercial Uses.	A	A	A	3.23
Medical Marijuana Dispensary.	NP	NP	NP	
Commercial Cannabis Cultivation	NP	NP	NP	3.30

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	BP	M1	M2	L-II Sections
Commercial Uses (cont'd)				
Adult Businesses, Existing Structure.	NP	A	NP	3.29; G-III 13
Adult Businesses, New Construction.	NP	DP	NP	3.29 and G-III 13
Industrial Uses				
Light industrial including research and development, the manufacturing, production, repairing, distribution, fabrication, processing, wholesaling, and warehousing of a wide variety of goods.	DP	DP	DP	
Any other intensive industrial use not allowed in the BP or M1 Districts.	NP	NP	UP	
Auto painting and body work.	NP	DP	DP	
Hazardous waste management facilities for waste produced on-site.	A	A	A	
Hazardous waste management facilities for waste produced off-site.	NP	UP	UP	
Parking facilities not attached to a specific use.	Varies	NA	NA	2.7.10
Power plants, private, including biomass fuel production.	NP	UP	UP	
Ready mix, asphalt, or concrete plants.	NP	UP	UP	
Recycling centers.	NP	UP	DP	
Recycling collection facilities.	DP	DP	DP	
Research and development activities.	DP	DP	DP	
Salvage enterprises; auto, trucks, and equipment dismantling yards.	NP	NP	UP	
Storage of explosives.	NP	UP	UP	
Storage and distribution of bulk petroleum products.	NP	UP	UP	
Agricultural, Resource, and Open Space Uses				
Field Retail Stand	NP	NP	NP	3.3
Farm Stand	DP	DP	DP	3.3
Certified Farmers' Market	DP	DP	DP	3.3
Crop and Tree Farming	A	A	A	3.3
Pre-Grading not associated with a specific development project	NP	DP	DP	3.28
Institutional and Public Uses				
Schools.	UP	NP	NP	
Communication Towers	UP	UP	UP	3.9

Footnote:

(1) Multi-Family Residential shall be deemed an allowable use if the housing development project complies with the standards defined in California Government Code Section 65852.24 et seq (the California Middle Class Housing Act of 2022).

Table L-II 2.6.F
Special Purpose Districts Allowable Uses and Permit Requirements

Key to Land Use Permit Requirements:
A Allowed subject to zoning compliance and building permit issuance
DP Development Permit required per Section 5.5
UP Use Permit required per Section 5.6
NP Not Permitted
NA Not Applicable
Varies Refer to listed L-II Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	**IDR (1)**	**OS**	**PD (2)**	**P (3)**	**REC (4)**	**L-II Sections**
Residential Uses						
~~Community~~ Residential Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	NP		A	NP	
Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	NP		UP	NP	
Day Care Home, small family (6~~8~~ or fewer children)	A	NP		A	NP	
Day Care Home, large family (7~~9~~ to 14 children)	A~~DP~~	NP		~~NP~~A	NP	3.9
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	NP		UP	UP	
Dwelling, Accessory and/or Junior Accessory Unit	A	NP		A	A	3.19.1
Dwelling units as a part of a mixed-use development where residential is not the primary use, and is an integral part of the nonresidential use, not to exceed 4 units per acre. Integral shall mean that all uses are designed and located so as to be visually and functionally related.	NP	NP		UP	UP	
Emergency Shelter Housing (6 or fewer people)	~~NP~~A	NP		A	NP	
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	NP		A	A	
Security Housing, Temporary	NP	NP		UP	NA	3.15
Residential accessory uses and structures including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs.	A	NP		A	NP	
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	NP		A	NP	3.15

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	IDR (1)	OS	PD (2)	P (3)	REC (4)	L-II Sections
Commercial Uses						
Bed and Breakfast Inns	NP	NP		NP	UP	3.5
Community meeting and social event facilities	NP	NP		UP	UP	3.7
Fitness Centers	NP	NP		NP	UP	3.11
Parking facilities not attached to a specific use	NA	NA		Varies	NA	2.7.10
Recreation facilities, including, but not limited to, video arcades, bowling alleys, skating rinks, pool halls, miniature golf, skateboard or BMX facilities, racquetball and tennis clubs.	NP	NP		NP	UP	
Commercial Cannabis Cultivation	NP	NP	NP	NP	NP	3.30
Industrial Uses						
None Listed						
Agricultural, Resource, and Open Space Uses						
Animal Keeping and Raising	Varies					3.4
Agricultural uses and structures, including but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, and private stables.	A	NP		NP	NP	
Field Retail Stand	NP	NP	NP	DP~~NP~~	DP~~NP~~	3.3
Farm Stand	DP	NP	DP	DP	DP	3.3
Certified Farmers' Markets	DP	NP	DP	DP	DP	3.3
Crop and Tree Farming	A	UP	A	A	A	3.3
Agricultural, Resource, and Open Space Uses (cont'd)						
Mining, Mineral Exploration	Varies					3.22.D.2
Mining, Subsurface	UP	UP		UP	UP	3.21
Mining, surface (must include ME District)	NP	NP		UP	NP	3.22
Mining, surface access to subsurface mining	UP	NP		UP	UP	3.22
Mining, Surface vent and escape shafts (subsurface mining)	UP	NP		UP	UP	3.22
Wildlife Rehabilitation Facilities	DP	DP	DP	DP	DP	3.26
Stables, commercial	NP	NP		NP	UP	
Institutional and Public Uses						
Antennae, minor and certain non-commercial	NP	NP		A	A	3.8
Airports or airstrips	NP	NP		UP	NP	
Churches	NP	NP		NP	UP	3.7
Communication Towers	NP	NP		UP	UP	3.8
Emergency services (including fire and ambulance stations)	UP	NP		DP	UP	
Heliports	NP	NP	NP	UP	NP	
Hospitals	NP	NP		UP	NP	
Public Facilities and Uses	UP	NP		UP	UP	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	**IDR (1)**	**OS**	**PD (2)**	**P (3)**	**REC (4)**	**L-II Sections**
Public Utility Uses and Structures	Varies					3.14
Temporary Staging Areas for public road projects	UP	UP	UP	UP	UP	
Recreational Uses						
Accessory and support uses related directly to a primary recreational use, including, but not limited to, restaurants, retail facilities, administrative offices, sales offices, laundromats, educational facilities, churches, service organization facilities, community meeting facilities.	NP	NP		UP	UP	
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 sites per acre.	NP	NP		UP	UP	
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 beds per acre.	NP	NP		UP	UP	
Parks and Playgrounds	NP	UP		UP	UP	
Recreational activities, including, but not limited to, destination and day use resorts, ski runs and facilities, golf courses and driving ranges, country clubs, marinas, sports fields and stadiums, arenas and gyms, guest and dude ranches, shooting ranges, gun clubs, skeet shooting, recreational structures, motorized recreational facilities, and exhibition, convention, conference, and sporting facilities.	NP	NP		UP	UP	
Trails, Pedestrian and Equestrian	A	UP		A	A	4.1.8
Watchman/caretaker unit (1 per publicly owned park facility)	NP	NP		A	A	
Other Uses						
Continuation of any use which was lawfully established on the property before any such property was zoned IDR or PD.	A	NA	A	NA	NA	

Footnotes:

* Uses that satisfy the permitting criteria for Administrative Development Permits, consistent with Table 5.5 of this Chapter, shall be processed with a Development Permit.

(1) All permitted uses must be consistent with Section 2.6.B.1.

(2) See Section 2.6.C for PD allowable uses and standards.

(3) All uses must be consistent with Section 2.6.B.4.

(4) See Section 2.6.E for REC standards.

Sec. L-II 3.9 Day Care Home, Large Family and Small Family

A. **Purpose**. The purpose of this Section is to identify the permitting requirements and standards for large family day care homes in a manner that recognizes the needs of day care operators, provides children the same home environment as provided in a traditional home setting and at the same time minimizes impacts to surrounding residents.

B. **Definitions**.

1. **Small Family Day Care Home -** A facility where resident child day care services are provided in the home for eight or fewer children at any one time, including the resident children under the age of 10 years, or as provided for in State Health and Safety Code Section 1596.78 et seq.

2. **Large Family Day Care Home** – A facility where resident child day care services are provided in the home for ~~9~~7 to 14 children at any one time, including the resident children under the age of 10 years, or as provided for in State Health and Safety Code Section 1596.78 et seq.

C. **Standards**. Such facilities shall be considered a residential use ~~and shall be ministerially permitted~~on all parcels within ~~the R1, R2, R3, RA, AE, AG, FR, TPZ, IDR, and P~~ all zoning districts where residential uses are allowed, subject to zoning compliance and building permit issuance and the following standards~~are allowed subject to approval of an Administrative Development Permit based on the following standards~~:

1. The facility shall be the ~~principle~~principal residence of the day care provider and the use shall be clearly incidental and secondary to the use of the property as a single-family residence.
2. The facility shall be considered as a single-family residence for the purpose of building codes, unless additional standards are required by the State Fire Marshal.
3. The facility shall comply with all sanitation and health requirements administered by the County Department of Environmental Health and all health and safety requirements of the State Fire Marshal's Office.
4. The applicant shall provide one on-site parking stall for every 8~~5~~ children or fraction thereof in accordance with the standards of Section 4.2.9.
5. The applicant shall provide direct access to a publicly-maintained road. If the property does not have direct access to a publicly-maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e. permanent road division, county service area, community service district).
6. All facilities shall be state licensed and shall be operated according to all applicable state and local statutes and regulations.

For ~~Small Family Day Care Home and~~ Day Care Centers see Article 2 Land Use Tables.

Sec. L-II 3.10 Employee Housing

A. **Purpose.** To identify applicable standards for employee housing regulated by the California Employee Housing Act, and to facilitate additional housing opportunities for agricultural and resource-based workers.

B. **Definitions.**

1. **State-Regulated Employee Housing.** Employer-provided housing accommodations regulated and permitted by the State of California Department of Housing and Community Development (HCD) in compliance with the California Employee Housing Act, codified in Health and Safety Code sections 17000—17062, and the Employee Housing Regulations codified as Title 25, Division 1, Chapter 1, Subchapter 3 of the California Code of Regulations, as may be amended.

2. **Resource-Based Employee Housing.** Employer-provided housing for employees engaged in the production, processing, sales or management of resources, including agricultural operations, mineral extraction and timber harvesting.

C. **Standards.** The following standards and permitting requirements shall apply to employee housing:

1. **State-Regulated Employee Housing.** Employee housing for 5 or more employees is allowed subject to the permitting requirements of the California Employee Housing Act, requiring issuance of a permit to operate from the State Department of Housing and Community Development and compliance with County regulations related to building construction, sewage disposal, water supply, and the following zoning regulations:

a. Employee housing for ~~5-6 non-agricultural workers~~6 or fewer employees within a single structure ~~within the R1, RA, AG, AE, and FR zoning districts~~ shall be allowed subject to the same development standards, permits and fees applicable to a single-family residence.

b. Employee housing for agricultural workers, consisting of ~~5~~ up to 12 units or 36 beds in a single structure ~~within the AG, AE, FR, and TPZ districts~~, shall be allowed subject to the same site development standards, permits and fees applicable to an agricultural use. Such housing shall be compliant the State Housing Law and the Employee Housing Regulations, including but not limited to the duration of use and type of housing.

c. The property owner shall complete an Employee Housing Information form to identify the type of proposed housing accommodations and to acknowledge the occupancy limitations of State-mandated employee housing.

2. **Resource-Based Employee Housing.** Employee housing for 4 employees or fewer consisting of 4 or fewer attached or detached dwelling units within a Rural district, is allowed subject to zoning compliance and building permit issuance, unless otherwise specified within this section, regardless of General Plan or zoning density, if all of the following standards are satisfied:

a. Employee housing may be established provided that no other dwelling unit, other than a primary, single-family dwelling, and a secondary~~, accessory~~ dwelling unit consistent with density, is established on the parcel.

b. Employee housing shall be located on the same parcel as the resource use, or adjacent parcels, under the same business ownership.

c. Employee housing shall be clearly subordinate to and incidental to resource production or management on the site. Concurrent with any application to establish

employee housing, the property owner shall submit an Employee Housing Information form to verify the resource-based use.

d. Employee housing shall not be subdivided from the primary parcel.

e. Employee housing shall not exceed the following size limitations:

1) Employee housing units that are not consistent with ~~General Plan~~ density shall not exceed 1,200 square feet, allowing no more than one 480 square foot attached non-habitable accessory structure.

2) ~~Employee housing consistent with General Plan density shall not exceed 1,800 square feet in size.~~

3) Subject to approval of a Use Permit by the County Zoning Administrator, an employee dwelling may be increased in size.

~~f. Group quarters. Employee housing may consist of a single structure which provides group or dormitory living facilities for 4 or less employees, where the structure has no more than one kitchen, subject to all resource-based employee housing standards within this Section.~~

~~g~~f. Seasonal Temporary Recreational Vehicle (RV) Use. Employee housing in a Recreational Vehicle as defined by Section 18010 of the California Health & Safety Code may be allowed subject to all standards within this Section and those provided below.

1) Seasonal Temporary RV use for the cultivation of Agricultural Products as defined by LUDC Section L-II 3.3.B.1 shall require approval of an Administrative Development Permit to be renewed annually.

2) Seasonal Temporary RV use for employee housing may be allowed for a period not exceeding one contiguous six month period in any calendar year.

3) Seasonal Temporary RVs shall be disconnected from utilities, and placed in a location that provides screening from neighboring residences and public roadways to the greatest extent possible and/or removed from the site when not being used as employee housing.

4) The placement of a Seasonal Temporary RV shall adhere to the standards outlined in LUDC Sec. L-II 3.15.C except those standards that restrict density (Sec. L-II 3.15.C.2) and prohibit the collection of rent or fees for occupants of employee housing (Sec. L-II 3.15.C.13).

~~h~~g. Occupancy of employee housing shall be limited to the resource operator and employees of the operator and their immediate families.

~~i~~h. Employee housing shall comply with all codes, standards and fees applicable to the type of housing being proposed.

~~j~~i. A deed restriction shall be recorded limiting occupancy to employee housing, prior to authorizing occupancy.

~~k~~j. High and very high fire hazard areas. Employee housing sites that are mapped within a high or very high fire hazard zone on the CAL FIRE-adopted Fire Severity Map, shall be subject to the following additional standards:

1) Sites that are served by a road located beyond the dead-end road limits established by Chapter XVI of the County Land Use and Development Code shall provide one turnout along the property road frontage for every 800-feet of property frontage. The turnout(s) shall be visible from both directions, and shall be constructed to a 30-foot long, 10-foot wide standard with a 25-foot taper on each end.

2) Where two or more employee housing units exceed ~~General Plan~~ allowable density, the housing units shall be clustered in close proximity to each other, utilizing a common driveway with direct access to a road that is maintained by a public entity, a road-maintenance district, or where it is demonstrated that the housing site adequately participates in a property owner's road association, and which road is improved to a minimum Fire Safe Road Standard pursuant to Section L-XVII of the Nevada County Land Use and Development Code.

Sec. L-II 3.16 Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing

m. **Purpose**. As required by California Government Code Section 65915, and as provided by policy in Chapter 8 of the Nevada County General Plan, the purpose of this Section is to provide density bonuses and other incentives, concessions, or waivers for certain housing projects affordable to lower income, very low income, senior citizen housing, and moderate income housing projects~~offer incentives to developers for providing housing that is affordable by families of very low or lower income and senior citizens~~. ~~The form of such a bonus and incentive is the ability to construct at least 25% more residential units than normally allowed by the applicable zoning district. In offering such incentives, it is the intent of this Section to carry out the requirements of California Government Code Sections 65302, 65913, 65915 and 65580, et seq.~~

This zoning ordinance includes additional density bonus and incentive provisions in Section 3.20 Senior Citizen and Disabled Housing Facilities. ~~This ordinance also includes an additional density bonus to encourage the production of moderate income housing units. The moderate income density bonus is the ability to construct up to 15% more residential units than normally allowed by the applicable zoning district.~~

B. ~~**Eligibility for Bonus and Incentives**~~**Standards**. In order to be eligible for a density bonus and other incentives as provided by this Section, a proposed residential development project shall meet all the applicable eligibility requirements of this section:

1. Consist of 5 or more rental units, or dwelling units offered for sale; and
2. Be designed and constructed so that at least:

   a. ~~2~~10% of the total number of proposed units are for lower income households, as defined in the California Health and Safety Code, Section 50079.5; or

   b. ~~10~~5% of the total number of proposed units are for very low income households, as defined in the California Health and Safety Code, Section 50105; or

   c. 50% of the total number of proposed units are for qualifying residents as determined by Section 51.3 and 51.12 of the California Civil Code (senior of any income level), or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code; or

   d. 10~~5~~% of the total number of proposed units are for families of moderate income (80 to 120% of median income) as defined by Section 50093 of the Health and Safety Code; or~~.~~

   e. 50% of the total number of proposed units are for workforce housing (60 to 150% of median income); or

   f. 10% of the total number of proposed units are for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low-income units; or

   g. 20% of the total number of proposed units are for lower income students in a student housing development for an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges; or

   h. 100% of the total number of proposed units including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code; and

   i. The units described herein shall be subject to the continued affordability requirements of all very low and low-income rental units that qualified the applicant for the award of the

density bonus for fifty five (55) years or a longer period of time, as described in State Density Bonus Law at Government Code section 65915, Subdivision I, Paragraph (1) et seq. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

3. Satisfy all other applicable provisions of this Chapter.

C. **Type of Bonus and Incentives Allowed**. The county will allow a residential development a density bonus and concessions or incentives meeting all the applicable eligibility requirements of this section.~~A housing development that satisfies all applicable provisions of this Section shall be entitled to the following density bonus and other incentives:~~

1. A housing development that satisfies all applicable provisions of this Section shall be entitled to the following density bonus and other incentives or concessions:

a. ~~1.~~ If an applicant elects to construct units for low-income households for at least five percent of the total dwelling units, the development shall be entitled to the following density bonus calculation and incentives or concessions:

Percentage Low-Income Units	Percentage Density Bonus	Incentives or Concessions
10	20	1
11	21.5	1
12	23	1
13	24.5	1
14	26	1
15	27.5	1
16	29	1
17	30.5	2
18	32	2
19	33.5	2
20	35	2
21	38.75	2
22	42.5	2
23	46.25	2
24	50	3

b. If an applicant elects to construct units for very low-income households for at least ten (10) percent of the total dwelling units, the residential development shall be entitled to the following density bonus calculation and incentives or concessions:

Percentage Very Low Income Units	Percentage Density Bonus	Incentives or Concessions
5	20	1
6	22.5	1
7	25	1
8	27.5	1
9	30	1
10	32.5	2
11	35	2
12	38.75	2
13	42.5	2
14	46.25	2
15	50	3

c. If an applicant elects to construct units for moderate income households for at least ten (10) percent of the total dwelling units, the development shall be entitled to the following density bonus calculation:

Percentage Moderate-Income Units	Percentage Density Bonus	Incentives or Concessions
10	5	1
11	6	1
12	7	1
13	8	1
14	9	1
15	10	1
16	11	1
17	12	1
18	13	1
19	14	1

20	15	2
21	16	2
22	17	2
23	18	2
24	19	2
25	20	2
26	21	2
27	22	2
28	23	2
29	24	2
30	25	3
31	26	3
32	27	3
33	28	3
34	29	3
35	30	3
36	31	3
37	32	3
38	33	3
39	34	3
40	35	3
41	38.75	3
42	42.5	3
43	46.25	3
44	50	3

d. If an applicant elects to construct a senior citizen housing development with at least fifty (50) percent of the total dwelling units for senior citizens, the density bonus shall be twenty (20) percent of the total number of allowed housing units without the density bonus, or as described in Subsection (e) of this Section.

e. If an applicant elects to construct a Senior Citizen or Disabled Apartments or a Senior or Disabled Independent Living Center development with one hundred (100) percent of the total dwelling units for senior citizens, the development shall be entitled to the following density bonus calculation:

Allowable Density Bonus	**If All Dwelling Units Are Within, or Have Available:**	**% Parking May be Reduced as Provided in Section L-II 4.2.9[1]**
10%	Within 750 ft. of transit stop or directly served by public transit	10%
25%	Minimum of 2 meals per day served in community dining hall	5%
-	Age 55 years or older (by State Requirements)	5%
20%	Within 1500 ft. of an existing regional or neighborhood shopping center	5%
10%	Within 100 ft. of an existing neighborhood or community park or public recreation facility	5%
20%	Self-contained village, no outside public access (i.e., drug and sundry store, beauty and barber shop, etc.) minimum of 5% or 800 sq. ft., whichever is greater, of the common floor space	5%
5%	Community washers & dryers provided	5%
10%	Within 1 mile of health care facilities, emergency/acute care	5%
10%	On-site outdoor recreation facilities (parks, paths, tennis courts, pools, etc.) Min. 10% of gross floor area	-

[1] As part of the Use Permit consideration, the hearing body may restrict the total number of resident cars to be parked on-site or designate employee or visitor parking.

i. In order for a project to qualify for a density bonus under this Subsection, it must meet the following minimum standards:

1. Residents must be 55 years of age or older or disabled. In the case of married or cohabitant couples, at least one occupant must be 55 years or older or disabled.
2. The project must be located on an existing transit line, have an all weather bus shelter stop, approved by the local transit authority, immediately adjacent to the project, and be readily served by a public transit provider.
3. The project must provide for or otherwise bear the cost of providing for paratransit demands of the project's residents.
4. A minimum of 5% of the total indoor floor space must be devoted to recreation/ social/educational facilities (i.e., recreation room, library, TV room, multi-purpose common room, etc.)
5. All on-site facilities may only be used for the private use of the residents living on-site and their invited guests.
6. The proposed project shall be served by a public water supply as defined in Section L-X 1.2 of the Land Use and Development Code and a publicly owned and operated sanitary sewer system as

defined in Section L-VI 3.2 of the Land Use and Development Code.

f. If an applicant elects to construct a housing development with at least fifty (50) percent of the total units for workforce housing, the density bonus shall be twenty (20) percent of the total number of allowed housing units without the density bonus.
   i. In order for a project to qualify for a density bonus under this Subsection, it must meet the following minimum standards:
      1. No less than fifty (50) percent of the adult tenants must work full-time within the boundaries of the County of Nevada.
      2. No less than twenty-five (25) percent of the units shall target the sixty to eighty percent (60-80%) median family income range.

g. If an applicant elects to construct a housing development with at least ten (10) percent of the total dwelling units for transitional foster youth, disabled veterans, or homeless persons, the density bonus shall be thirty-five (35) percent of the total number of allowed housing units without the density bonus and the applicant may request one (1) incentive or concession.

h. If an applicant elects to construct units for low income households with one hundred (100) percent of the total dwelling units, exclusive of manager's unit(s), except that up to twenty (20) percent of the total units in the development may be for moderate-income households, the density bonus shall be eighty (80) percent of the number of units for lower income households and the applicant may request four (4) incentives or concessions. If the housing development is located within one-half mile of a major transit stop, as defined in Section 21155 of the Public Resources Code, there shall be no maximum density, the applicant may request four (4) incentives or concessions, and the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

i. If an applicant elects to donate lands to the County in accordance with the State Density Bonus Law at Government Code section 65915, Subdivision (g), et seq., the development shall be entitled to the following density bonus:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23

19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

* Density Bonus is a density increase over the otherwise maximum allowable residential units permitted under existing zoning or the General Plan Land Use Element whichever is more restrictive.

EXAMPLE: The zoning for a parcel is R3 (20 units per acres). By meeting all of the density bonus standards, the bonus is 125%.

20 UPA x 1.25 = 25 UPA + 20 UPA = 45 UPA Total

2. An applicant may request the following incentives or concessions for affordable housing only when the residential project is eligible for, and the applicant requests, a density bonus pursuant to this section. For the purposes of this section, an incentive means the following:
    a. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision I.
    b. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
    c. Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to

provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision I.

d. Reduction by 50% all County permit fees for projects that develop housing for very low income households, lower income households or housing for persons with disabilities as defined by the California Fair Employment and Housing Act and the federal Fair Housing Amendments Act of 1988.

3. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

~~**Density Bonus**. The density bonus allowed by this Section shall consist of at least a 25% increase in the number of dwelling units for qualifying very low or lower income and senior citizens and up to a 15% increase in the number of dwelling units for qualifying moderate income units normally allowed by the zone district. No single project shall be granted more than 1 density bonus pursuant to this Section.~~

~~2. **Other Incentives**. A qualifying housing development for very low income households, lower income households, senior citizen housing, or housing for persons with disabilities as defined by the California Fair Employment and Housing Act, shall be entitled to at least 1 of the following concessions or incentives:~~

~~a. Waiver of parking lot standards for guest parking by a ratio equal to the number of affordable units to total units within a given project.~~

~~b. Reduction by 25% in the proportional site and parking lot landscaping standards by a ratio equal to the number of affordable housing units to total housing units within a given project.~~

~~c. Establishment of site and building setbacks that do not exceed the Fire Safe Standards required by the State Department of Forestry.~~

~~d. Reduction by 25% in all limitations on parcel coverage for multi-family housing projects.~~

~~e. Reduction by 50% all County permit fees for projects that develop housing for very low income households, lower income households or housing for persons with disabilities as defined by the California Fair Employment and Housing Act and the federal Fair Housing Amendments Act of 1988.~~

D. **Continued Availability**. The land use permit application or tentative map application for the residential project shall include the procedures proposed by the developer to maintain the continued affordability of all very low or lower income and senior citizen units as well as moderate income density bonus units as follows:

1. **Projects with Density Bonus and Other Incentive**. Projects receiving a direct financial contribution or other financial incentive from the County, or a density bonus and at least one other concession or incentive as provided by subsection (C~~c~~) of this Section, shall maintain the availability of all very low or lower income ~~density bonus~~ units for a minimum period of 55~~30~~ years required by California Government Code Sections 65915I and 65916 or longer if required by the Construction or Mortgage Financing Assistance Program, Mortgage insurance Program or Rental Subsidy Program, as applicable by these programs.

2. **Projects with Density Bonus Only**. Privately financed projects that receive a density bonus as the only incentive from the County consistent with California Government Code Section 65915I, shall maintain the availability of very low and lower income density bonus units for 55~~30~~ years where such units are rented or leased. Where such housing is owner-occupied, the applicant shall agree to ensure, and the county shall ensure that a for-sale unit that qualified the applicant for the award of the density bonus meets the conditions described in California Government Code Section 65915(2)(A). Privately financed projects that receive a density bonus as the only incentive from the County consistent with California Government Code Section 65915(c), shall maintain the

availability of a 10-year period shall be required for very low or lower income and senior citizen units as well as moderate density bonus units for 10 years where such units are rented or leased.

3. **Deed Covenant Required**. The deed to the designated units shall contain a covenant stating that the developer or his/her successor in interest shall not sell, rent, lease, sublet, assign or otherwise transfer any interests for same without the written approval of the Director of Nevada County Housing and Community DevelopmentHealth and Human Services Agency confirming that the cost of the units will remain consistent with the limits established for the affected density bonus.

4. **Other Incentive Only**. Projects which include other incentives, not including public financing, or density bonuses, shall have the minimum period established by Use Permit consistent with the benefit received. In no event shall such minimum period be less than 10 years.

E. **Location of Bonus Units**. As required by California Government Code Section 65915(g), the location of density bonus units within the qualifying housing development may be at the direction of the developer and may either be located on or off-site of the qualifying project site.**Land Donation.** If an application submitted pursuant to this Section includes a request for a density bonus based on an offer to donate land in accordance with the State Density Bonus Law, then a complete application, in addition to other requirements of this section, shall satisfy the requirements defined in Government Code Section 65915(g).

F. **Procedures**. The county shall approve, modify or disapprove the application to donate land in accordance with the requirements of this section and the State Density Bonus Law. A request for a density bonus and regulatory concessions and/or incentive shall require a Use Permit and be subject to the following provisions:

1. **Supporting Informatio**n. The developer shall include information with the application, based upon building industry standard, to substantiate that any requested waiver or modification of zoning or subdivision standards is necessary to make the housing units affordable.meets the following standards:

a. The concession or incentive does results in identifiable and actual cost reductions, consistent with Government Code Section 65915(k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915I.

b. The concession or incentive would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the 36evelopment developmentunaffordable to low-income and moderate-income households.

a.c. The concession or incentive would not be contrary to state or federal law.

2. **Initial Review**. Proposed bonus requests shall be included as part of the application for Use Permit for the residential project, which may be a subdivision and be accompanied by a tentative map, and shall be reviewed by the Planning Director. Proposed bonus requests shall satisfy the following requirements:

a. Identify the section and/or subdivision of the State Density Bonus Law under which the application is made.

b. Quantify the total density bonus requested, along with the factual and legal basis for the request in accordance with the State Density Bonus Law and this section.

c. Identify any incentives or concessions requested by the applicant, along with the factual and legal basis for the request in accordance with the State Density Bonus Law and this section.

d. Identify any waivers, reductions, or modifications of development standards requested by the applicant, along with the factual and legal basis for the request in accordance with the State Density Bonus Law and this section.

a.e. Provide information satisfactory to the director to enable the county to determine whether the requirements of the State Density Bonus Law and this code have been met by the

applicant, including, for example, the project cost per unit and whether any requested incentive or concession is necessary to make the housing units economically feasible (see Government Code Section 65915, subdivision (d)). Such information may include capital costs, equity investment, debt service, projected revenues, operating expenses, and any other information deemed necessary by the director.

3. **Findings for Approval**. In addition to the findings required for approval of the application for the project, support of a density bonus by the Planning Director and the approval of the bonus by the applicable approval body shall also require the following special findings:

a. Adequate evidence exists to indicate that the development of the property in compliance with the permit will result in the provision of affordable housing in a manner consistent with the purpose and intent of this Section.

b. If the County does not grant at least one financial concession or incentive as defined in California Government Code Section 65915 in addition to the density bonus, that the additional concession or incentive is not necessary in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50525 or for rents for the targeted units to be set as specified in California Government Code Section 65915I.

c. There are sufficient provisions to guarantee that units will remain affordable in the future.

G. **Residential Inclusionary Affordable Housing Component.** In addition to the above incentives, all projects or subdivisions within the Town of Truckee's Sphere of Influence creating 20 or more parcels or units within the Urban High Density, Urban Medium Density, and Urban Single-Family Density General Plan land use map designations shall have an inclusionary affordable housing component of 10%. These requirements do not apply to unincorporated areas outside of the Town of Truckee's Sphere of Influence. Details regarding this component are contained in LUDC Chapter IV, Section 3.12.

H. **Childcare Facilities.** In addition to the above incentives, for all projects or subdivisions eligible for a density bonus and other incentives as provided by this Section that includes a childcare facility that will be located on the premises, the County shall grant additional density bonus or incentive or concession.

1. When an applicant proposes to construct a housing development and includes a childcare facility as defined in Government Code Section 65915 (h)(4) that will be located on the premises of, as part of, or adjacent to, the project, the County shall grant either of the following:
   a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.
   b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
2. The County shall require, as a condition of approving the housing development, that the following occur:
   a. The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
   ~~a.~~b. Of the children who attend the childcare facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income.

Sec. L-II 3.17 Residential Dwellings, Multiple-Family

A. Multiple-Family dwellings, defined as structures containing 2 or more kitchens, not including an ADU and/or JADU, designed or used for the occupancy of two or more families living independently of each other, shall be allowed in the RA, R1, and rural districts subject to approval of a Use Permit, provided that:

~~1. There are no more than four dwelling units to a structure,~~

~~2~~1. The density does not exceed that allowed by the applicable zoning district,

2~~3~~. The structures are clustered on the site,

~~4~~3. Adequate buffering and screening is provided for adjacent uses in conformance with all site development standards of this Chapter.

B. Multiple-Family dwellings shall be allowed in the R2 and R3 Districts subject to approval of a Development Permit.

Sec. L-II 3.19 Accessory and Second Dwelling Units

Accessory and ~~second~~ junior accessory dwelling units provide an important source of affordable housing. By promoting the development of accessory, ~~and second~~ junior accessory, and second dwelling units, the County may ease a rental-housing deficit, maximize limited land resources and existing infrastructure and assist low and moderate-income homeowners with supplemental income. Accessory, ~~and second~~ junior accessory, and second dwelling units can increase the property tax base and contribute to the local affordable housing stock. An accessory dwelling unit or junior accessory dwelling unit that conforms to the requirements of this Section shall not be considered to exceed the allowable density for the lot upon which it ©s located, and shall be deemed to be a residential use consistent with the existing general plan and zoning designations for the property on which is it allowed consistent with State Accessory Unit Legislation. ~~(Ord. 2441, Adopt. 9/12/17, Eff. 10/12/17)~~

Sec. L-II 3.19.1 Accessory and Junior Accessory Dwelling Units

A. **Purpose**. To maintain the social fabric of families and to improve affordable housing opportunities for the County's workforce, family members, students, senior citizens, in-home health providers, the disabled, and others at below market prices in existing neighborhoods in Nevada County.

A.B. **Definitions:** "Accessory dwelling unit" and "junior accessory dwelling unit" have the same meanings as defined in the California Government Code.

B.C. **Standards**. An accessory dwelling unit or junior accessory dwelling unit shall be ministerially permitted, regardless of minimum parcel size and zoning densities, on all parcels where residential uses are permitted by-right or by conditional use within the R1, R2, R3, RA, AE, AG, FR, and TPZ, P, and REC zoning districts, subject to zoning compliance and building permit issuance and the following standards:

1. Accessory dwelling units may be a conventionally on-site constructed attached or detached structure, a manufactured home or a converted area within a legally existing residential unit or accessory structure provided that building permits are obtained, and the following size limitations are satisfied:
   a. The accessory dwelling unit shall not exceed the following size limitations, as measured from the interior walls:
      1) Attached Units: maximum 50% of the existing residence gross floor area, but not to exceed 1,200 square feet.
      2) Detached Units: maximum size shall be 1,200 square feet.
      3) Detached accessory dwelling units may have an attached garage or carport that does not exceed 480 square feet.
      4) Covered decks and entryways shall not exceed a 10-foot depth. Enclosed decks or porches shall not exceed 15% of the total gross floor area of the accessory dwelling unit and shall be constructed as non-habitable space.
2. Junior accessory dwelling units must be constructed within the walls of a proposed or existing single-family residence, must have a separate entrance, and must have a cooking facility with appliances, a food preparation counter, and storage cabinets reasonably sized in relation to the unit.
   a. For properties with a junior accessory dwelling unit, the single-family residence containing a junior accessory dwelling unit must be owner-occupied, either in the remaining portion of the structure or in the junior accessory dwelling unit, unless the owner is a governmental agency, land trust, or housing organization.

2.3. There shall be no more than one accessory dwelling unit, and one junior accessory dwelling unit, as provided for in this Chapter, per parcel with a single-family primary dwelling. The accessory dwelling unit and/or junior accessory dwelling unit are is not intended for sale separate from the primary residence and may be rented for long-term use only (30 consecutive calendar days or more); short-term rentals are prohibited, subject to a deed restriction, unless otherwise allowed as follows:
   a. Short-term rentals (less than 30-days) of ADUs are allowed on properties that qualify for agritourism activities as allowed contain a working farm, ranch, agricultural or horticultural operation, and contain an active agritourism use as defined by Land Use and Development Code Section L-II 3.3 and verified by the County Agricultural Commissioner;
   b. Short-term rentals (less than 30-days) are allowed on properties that are within the Soda Springs Rural Center as defined of the County General Plan Land Use Maps;

c. Renting an ADU within the Truckee Sphere of Influence for either a short- or long-term basis are subject to the same rental standards as established in the Town of Truckee Zoning Ordinance;;

4. No more than two detached accessory dwelling units shall be allowed per lot with a multifamily dwelling.

5. At least one accessory dwelling unit is allowed within an existing multifamily dwelling. The total number of accessory dwelling units allowed within a multifamily dwelling shall not exceed 25 percent of the number of existing multifamily dwelling units.

3.6. Deed Restriction. Prior to building permit issuance for an ADUaccessory dwelling unit or junior accessory dwelling unit, the owner shall record a deed restriction which addresses restrictions on such units set forth in Land Use and Development Code Section L-II 3.19.1.BC.32 (Rental Standards). The declaration shall run with the land and be binding upon the applicant and successor property owners. A property owner may also voluntarily opt to deed-restrict an ADU. for affordability in order to receive incentives outlined in Standard 149 below.

4.7. Previously approved senior citizen or disabled housing units may be modified to increase the square footage, not to exceed 1,200 square feet or change the occupancy to rescind previously recorded restrictive covenants, subject to all applicable development fees and standards in effect at the time and consistent with this Chapter.

8. Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, shall be the sole responsibility of the property owner.

   a. Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of this Chapter, is void and unenforceableCompliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, shall be the sole responsibility of the property owner.

5.9. If the accessory dwelling unit or junior accessory dwelling unit is proposed to be constructed within a City's Sphere of Influence, the accessory unit must also comply with any standards (including, but not limited to, the unit's size and permitting requirements) of the City that are more restrictive than those provided for in this Chapter.

10. All water supply and sewage disposal requirements shall be complied with as administered by the Department of Environmental Health-Local Area Management Plan (LAMP) and Onsite Wastewater Treatment System (OWTS) Policy. Accessory Dwelling Units (ADU) Accessory dwelling units and/or junior accessory dwelling units constructed with kitchens, which includes cooking equipment, will may be required to install an additional septic tank to reduce the load on the existing disposal field, if the existing disposal field is of adequate capacity to handle the additional flow from the accessory dwelling units and/or junior accessory dwelling unitADU. In the event that the existing disposal field cannot handle the additional load or flow from the accessory dwelling units and/or junior accessory dwelling unitADU, a new, separate septic tank or system shall be installed to accommodate the accessory dwelling units and junior accessory dwelling unitADU.

~~6.~~11. Nevada County building code requirements apply to detached dwellings. However, accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. Accessory dwelling units must meet building and fire safe standards.

~~7.~~12. Compliance is required with all local Fire Safety Regulations that are generally applicable to ~~single-family~~ residential development, unless exempted by State law or herein, including Chapter II (Zoning), IV (Subdivisions), V (Buildings), VII (Street Addressing and Naming), XVI (Fire Safety Regulations), and XVII (Road Standards) of this Code, certified as equaling or exceeding the California Fire Safe Regulations pursuant to California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard.

~~8.~~13. Prior to issuance of a building permit for an accessory dwelling unit or junior accessory dwelling unit, the applicant shall pay all applicable permit and mitigation fees, unless the accessory dwelling unit meets one of the criteria provided below. If the accessory dwelling unit or junior accessory dwelling unit meets one of the criteria below, the applicant shall qualify for a fee deferral and the payment of all permit ~~and traffic~~ and sewer mitigation fees shall be completed prior to issuance of the certificate of occupancy for the accessory dwelling unit. At the time of building permit submittal, the applicant shall submit a written request to the Building and Planning Department for the deferral of fees and shall submit an agreement to pay form specific to this request. The written request shall document which criteria the unit qualifies for to receive the deferral.

a. The property owner may deed-restrict the accessory dwelling unit and/or junior accessory dwelling unit to very low- or low-~~-~~income qualified individuals or families for a minimum of 10 years. Prior to issuance of a building permit for second dwelling unit, the owner shall record the deed restriction. The declaration shall run with the land and be binding upon the applicant and successor property owner.

b. Construction of an 800 square foot unit or less in size.

~~9.~~14. The onsite driveway access shall meet the minimum fire safe driveway standard pursuant to Land Use and Development Code Chapter XVI, Sec. L-XVI 3.2.

~~10.~~15. All accessory dwelling units and junior accessory dwelling units that are located beyond the dead-end road limit as established by Land Use and Development Code Chapter XVII are subject to the following provisions:

a. The applicant shall provide a minimum of one turnout visible from both directions along the property road frontage and an additional turnout every 800-feet of property frontage as necessary. Said turnouts shall meet the minimum fire safe turnout standard pursuant to Land Use and Development Code Chapter XVI, Sec. L-XVI 1.2. In the event that the road meets the minimum Fire Safe Road Standard then turnouts shall not be required.

b. The accessory dwelling unit or junior accessory dwelling unit shall utilize a shared driveway encroachment with the primary dwelling, unless the applicant can demonstrate that a common encroachment is infeasible due to site constraints such as topography, building site location and/or environmental resources.

c. Prior to issuance of final occupancy, the property owner shall record a Notice to Property Owner stating that the accessory dwelling unit or junior accessory dwelling unit is located beyond the dead-end road limit established by the Nevada County Land Use and Development Code Chapter XVII Road Standards.

~~11.~~16. All accessory dwelling units and junior accessory dwelling units within the High and Very High Fire Severity Zone as defined on the State Responsibility Area (SRA) maps and all

accessory and junior accessory dwelling units beyond the dead-end road limit (as outlined in the Land Use and Development Code Chapter XVII) regardless of their SRA Fire Severity Zone, are subject to the following provision:

a. As a part of the building permit application, the applicant shall submit a Fire Protection Plan, which shall be site specific and address the following issues:
   1) The proximity to emergency responders and estimated emergency response times;
   2) Describe the primary (and secondary if applicable) access road conditions;
   3) Identify the project's emergency water supply or emergency water storage facilities consistent with Article 4 of Chapter XVI of the Land Use and Development Code;
   4) Identify if a fire sprinkler system is proposed or required;
   5) Provide a Fuels Management Plan that requires;
      a) Defensible space design consistent with Public Resources Code 4291;
      b) Identification of high fuel load areas;
      c) How adequate defensible space will be ensured;
      d) The mechanism for maintaining defensible space; and
      e) Identification of a feasible evacuation plan and/or safe evacuation routes for use by future occupants of the project. (Ord. 2474, 1/14/20; Ord. 2462, 3/26/19; Ord. 2441, Adopt. 9/12/17, Eff. 10/12/17; Ord. 2366, 8/13/13; Ord. 2236, 5/21/07; Ord. 2149)

17. Newly constructed, non-manufactured, detached ADUs are subject to the California Energy Code requirement to provide solar panels on the ADU or the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar panels.
18. An application for a building permit shall be approved to create an ADU pursuant to Section 65852.2(1)(B) or (D) of the California Government Code within a residential or mixed-use zone, in compliance with all of the applicable provisions in Section 65852.2 of the California Government Code; and all of the applicable provisions of this Chapter, except for those provisions which do not allow such an ADU otherwise in compliance with all applicable provisions in Section 65852.2 of the Government Code; and all of the following requirements:
    a. An ADU created pursuant to Section 65852.2(1)(B) of the California Government Code shall have a Floor Area of not more than 800 square feet and a height of no more than 16 feet; and
    b. An ADU created pursuant to Section 65852.2(1)(D) of the California Government Code shall have a height of no more than 16 feet and four-foot rear yard and side setbacks.

Sec. L-II 3.19.2 Second Dwelling Units-Consistent with Allowed Density

A. **Purpose**. To allow for second dwelling units on parcels with available density without limiting the size of the unit.

B. **Standards**.

1. A second dwelling unit, not including Accessory Dwelling Units or Junior Accessory Dwelling Units, consistent with allowed density, shall be permitted, regardless of minimum parcel size and zoning densities, on all parcels within the RA, the R1, the R2, the AE, the AG, the FR, and the TPZ zoning districts, where the property is at least twice the minimum lot size, subject to an Administrative Development Permit pursuant to Section L-II 5.5 of the Land Use and Development Code Chapter II, but not subject to design review, provided the following standards are satisfied:

   ~~1.~~a. The second unit shall comply with zoning density established for the parcel on which the second unit is located.

   ~~2~~b. No more than one second dwelling unit may be allowed on any one parcel pursuant to this section.

   C~~3~~. The unit must comply with all applicable standards of the Land Use and Development Code, including all water supply and sewage disposal requirements, as administered by the Department of Environmental Health.

   D~~4~~. The unit shall comply with all conditions, including payment of any mitigation fees, which are imposed upon the issuance of any permit authorizing it.

   E~~5~~. Compliance is required with all local Fire Safety Regulations, including Section L-II 4.3.18, and Chapters XVI and XVII of the Land Use and Development Code, certified as equaling or exceeding the California Fire Safe Regulations pursuant to Public Resources Code Sec. 4290.

Sec. L-II 3.19.3 Second Dwelling Units-Consistent with Government Code Section 65852.21

1. Within the R1 zoning districts no more than two residential units shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

a. The parcel subject to the proposed housing development is located on a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

b. The proposed development would not require:

1) Demolition or alteration of deed-restricted affordable or rent-controlled housing;

2) Demolition or alteration of housing that has been occupied by a tenant in the last three years; or

3) Demolition of more than 25% of existing exterior structural walls, unless allowed by local ordinance or unless the site has not been occupied by a tenant in the last three years.

c. The development is not located within a historic district or property included on the State Historic Resources Inventory.

d. The development is not located on a site that is any of the following unless a MGT is approved pursuant to Land Use and Development Code Section L-II 4.3:

1) Prime farmland, farmland of statewide importance, or land designated for agricultural protection;

2) Wetlands;

3) High or very high fire hazard severity zone as defined on the State Responsibility Area (SRA) maps;

4) An uncleared hazardous waste site;

5) A delineated earthquake fault zone;

6) A specified special flood hazard area;

7) A regulatory floodway;

8) Lands identified for conservation in adopted natural resource protection plan;

9) Habitat for protected species;

10) Lands under conservation easement; or

11) Within the setback to a watercourse per Section 4.3.

e. The development is not intended for separate unit sale and the units may be rented for long-term use only (30 consecutive calendar days or more); short-term rentals are prohibited, subject to a deed restriction, unless otherwise allowed as follows:

1) Short-term rentals (less than 30-days) are allowed on properties that contain active agritourism uses as defined ~~qualify for agritourism activities as allowed~~ by Land Use and Development Code Section L-II 3.3 and verified by the County Agricultural Commissioner;

2) Short-term rentals (less than 30-days) are allowed on properties that are within the Soda Springs Rural Center as defined of the County General Plan Land Use Maps;

f. Prior to building permit issuance for the development, the owner shall record a deed restriction which addresses restrictions on such units set forth in Land Use and Development Code Section L-II 2.2.1.B.1.e. The declaration shall run with the land and be binding upon the applicant and successor property owners.

g. If the development is proposed to be constructed within a City's Sphere of Influence, the development must also comply with any standards of the City that are more restrictive than those provided for in this Chapter.

h. All water supply and sewage disposal requirements shall be complied with as administered by the Department of Environmental Health-Local Area Management Plan (LAMP) and Onsite Wastewater Treatment System (OWTS) Policy. Developments proposed with kitchens, which includes cooking equipment, may be required to install an additional septic tank to reduce the load on the existing disposal field, if the existing disposal field is of adequate capacity to handle the additional flow from the development. In the event that the existing disposal field cannot handle the additional load or flow from the development, a new, separate septic system shall be installed to accommodate the development.

i. Compliance is required with all local Fire Safety Regulations that are generally applicable to single-family residential development, unless exempted by State law or herein, including Chapter II (Zoning), IV (Subdivisions), V (Buildings), VII (Street Addressing and Naming), XVI (Fire Safety Regulations), and XVII (Road Standards) of this Code, certified as equaling or exceeding the California Fire Safe Regulations pursuant to California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard.

j. Prior to issuance of a building permit for the housing development, the applicant shall pay all applicable permit and mitigation fees.

k. The onsite driveway access shall meet the minimum fire safe driveway standard pursuant to Land Use and Development Code Chapter XVI, Sec. L-XVI 3.2.

l. All housing developments that are located beyond the dead-end road limit as established by Land Use and Development Code Chapter XVII are subject to the following provisions:

1) The applicant shall provide a minimum of one turnout visible from both directions along the property road frontage and an additional turnout every 800-feet of property frontage as necessary. Said turnouts shall meet the minimum fire safe turnout standard pursuant to Land Use and Development Code Chapter XVI, Sec. L-XVI 1.2. In the event that the road meets the minimum Fire Safe Road Standard then turnouts shall not be required.

2) The housing development shall utilize a shared driveway encroachment with the primary dwelling, unless the applicant can demonstrate that a common encroachment is infeasible due to site constraints such as topography, building site location and/or environmental resources.

3. Prior to issuance of final occupancy, the property owner shall record a Notice to Property Owner stating that the housing development is located beyond the dead-end road limit established by the Nevada County Land Use and Development Code Chapter XVII Road Standards.

m. The proposed housing development shall not have a specific, adverse impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Sec. L-II 3.20 Transitional and Supportive Housing.

A. Purpose. To allow for adequate supportive housing to help alleviate the severe shortage of housing opportunities for people experiencing homelessness in Nevada County.

B. **Definitions.**

1. Supportive housing shall have the same meaning as defined in Section 50675.14 of the California Health and Safety Code.
2. Supportive services shall have the same meaning as defined in Section 65582 of the California Health and Safety Code.
3. Target population shall have the same meaning as defined in Section 50675.14 of the California Health and Safety Code.

C. **Standards**. Supportive Housing developments shall be ministerially permitted, regardless of minimum parcel size and zoning densities, on all parcels within the R2, R3, C2, and C3 zoning districts, subject to zoning compliance and building permit issuance and the following standards:

1. Units within the development are subject to a recorded affordability restriction for 55 years;
2. One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.
3. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
4. The developer provides the planning agency with the information required by Section 65652.
5. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
   a. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
   b. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
6. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.
7. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
8. Development proposals shall undergo an Administrative Design Review process limited to design issues only. No discretionary permit is necessary for the density or use of the site.

~~Sec. L-II 3.20 Senior Citizen and Disabled Housing Facilities~~

~~A. **Purpose**. The purpose of this Section is to establish procedures, standards and density bonuses for the development of senior citizen or disabled apartments and/or senior citizen or disabled independent living centers. Senior citizen apartments and/or independent living centers are restricted to persons 55 years of age or older, whereas disabled apartments and/or independent living centers do not have such age restrictions. The intent of these standards is to ensure compatibility with adjacent land~~

~~uses and proximity to public services, including transit, to insure access for senior citizens or disabled persons.~~

~~B. **Definitions**.~~

~~1. **Senior Apartment -** Multiple-family residential structures designed to meet the needs of the senior citizen (55 years of age or older). Dwelling units shall be self-contained and easily accessible to senior citizens. In case of married or cohabitant couples, one occupant may be younger than the required 55 minimum age, however, any such occupant shall be not less than 18 years of age.~~

~~2. **Senior Independent Living Center** - A multiple-family residential development that provides housing for occupants 55 years of age or older. In cases of married or cohabited couples, one occupant may be younger than 55 years of age. No person under 18 years of age may be in residence. Such center may consist of, but is not limited to, individual apartment units, community dining centers and common indoor and/or outdoor recreational facilities. All facilities shall be physically accessible to the senior citizens they are intended to serve.~~

~~3. **Disabled Independent Living Center -** A multiple-family residential development that provides for occupants who are disabled and their families. Such center may consist of, but is not limited to, individual apartment units, community dining centers, and common indoor and/or outdoor recreation facilities. All facilities shall be physically accessible to the disabled citizens they are intended to serve.~~

~~C. **Site Development Standards**. When approved as a part of a Use Permit, the site development standards for Senior Citizen or Disabled Apartments or a Senior or Disabled Independent Living Center shall be in conformance with the site development standards contained herein and in the district in which the premises are located.~~

~~1. In order for a project to qualify for a density bonus under this Section, it must meet the following minimum standards:~~

~~a. Residents must be 55 years of age or older or disabled. In the case of married or cohabitant couples, at least one occupant must be 55 years or older or disabled.~~

~~b. The project must be located on an existing transit line, have an all weather bus shelter stop, approved by the local transit authority, immediately adjacent to the project, and be readily served by a public transit provider.~~

~~c. The project must provide for or otherwise bear the cost of providing for paratransit demands of the project's residents.~~

~~d. A minimum of 5% of the total indoor floor space must be devoted to recreation/ social/educational facilities (i.e., recreation room, library, TV room, multi-purpose common room, etc.)~~

~~e. All on-site facilities may only be used for the private use of the residents living on-site and their invited guests.~~

~~2. Off-street parking shall be pursuant to Section 4.2.9. Those standards may be further reduced under Table 3.20 below. As part of the Use Permit consideration, the Zoning Administrator may restrict the total number of resident cars to be parked on-site or designate employee or visitor parking.~~

~~3. The proposed project shall be served by a public water supply as defined in Section L-X 1.2 of the Land Use and Development Code and a publicly owned and operated sanitary sewer system as defined in Section L-VI 3.2 of the Land Use and Development Code.~~

~~4. The minimum setbacks contained in the zoning district in which the premises are located shall be adhered to provided that no structure shall be constructed closer than 10 feet from any side property line.~~

~~5. Engineered improvement plans shall include grading plans, drainage plans, paving plans and all other improvements.~~

~~6. Signs shall be pursuant to Section 4.2.12 of this Chapter.~~

~~7. If the nature of the project changes, i.e., changes to a conventional unrestricted apartment use, the project shall meet all the applicable standards of the Nevada County Land Use and Development Code.~~

~~8. Skilled nursing and/or intermediate care facilities are allowed if developed as a part of a senior or disabled independent living center.~~

~~9. Projects must meet all site development standards of the district unless exempted by these regulations.~~

~~10. The project must satisfy the American Disability Act standards for elderly and disabled persons.~~

~~11. Density bonuses may be granted for senior or disabled independent living centers and/or apartments based upon the following chart:~~

~~Table L-II 3.20~~

~~Density Bonus Standards~~

-	Allowable Density Bonus	If All Dwelling Units Are Within, or Have Available:	% Parking May be Reduced as Provided in Subsection C.2
1	10%	Provide and operate private ADA equipped paratransit vehicles for all residents' use	10%
2	10%	Within 750 ft. of transit stop or directly served by public transit	10%
3	25%	Minimum of 2 meals per day served in community dining hall	5%
4	-	Age 55 years or older (by State Requirements)	5%
5	20%	Within 1500 ft. of an existing regional or neighborhood shopping center	5%
6	10%	Within 100 ft. of an existing neighborhood or community park or public recreation facility	5%
7	20%	Self-contained village, no outside public access (i.e., drug and sundry store, beauty and barber shop, etc.) minimum of 5% or 800 sq. ft., whichever is greater, of the common floor space	5%
8	5%	Community washers & dryers provided	5%
9	25%	Households of lower and moderate income as defined in Article 6 of this Chapter	-
10	10%	Within 1 mile of health care facilities, emergency/acute care	5%
11	10%	On-site outdoor recreation facilities (parks, paths, tennis courts, pools, etc.) Min. 10% of gross floor area	-
-	Maximum Bonus 125%	-	55%

* Density Bonus is a density increase over the otherwise maximum allowable residential units permitted under existing zoning or the General Plan Land Use Element whichever is more restrictive.

EXAMPLE: The zoning for a parcel is R3 (20 units per acres). By meeting all of the density bonus standards, the bonus is 125%.

20 UPA x 1.25 = 25 UPA + 20 UPA = 45 UPA Total

D. **Requests for Reasonable Accommodations**. To provide a process for making reasonable accommodation to land use and zoning decisions and procedures regulating the siting, funding, development and use of housing for persons with disabilities, applicants can file a request for reasonable accommodation to the Planning Department, subject to approval by the Planning Director, who shall apply the following decision-making criteria:

1. The request for reasonable accommodation will be used by an individual with a disability, as that term is defined under the California Fair Employment and

~~Housing Act, and the federal Fair Housing Amendments Act of 1988 (collectively "Acts").~~

~~2. The requested accommodation is necessary to make housing available to an individual with a qualifying disability under the Acts.~~

~~3. The requested accommodation would not impose an undue financial or administrative burden on the County.~~

~~4. The requested accommodation would not require a fundamental alteration in the nature of the County's land-use and zoning program.~~

Sec. L-II 4.2.5 Building Setbacks

A. **Purpose**. Building setbacks are intended to provide open areas around structures for visibility and traffic safety, access to and around structures for safety and convenience purposes, access to natural light, ventilation and direct sunlight, separation of incompatible land uses, space for privacy and landscaping, protection of natural resources, and defensible space against encroaching wildland fire.

B. **Definitions**.
   1. **Setback** – The distance by which a structure or an addition to a structure must be separated from a parcel line, natural feature, other structure, road, right-of-way, or easement.
   2. **Yard** – An unoccupied space on a parcel on which a structure is situated, or for which a structure is intended, which is open from the ground upward, except as otherwise provided in this Chapter.
   3. **Yard, Front** – A yard measured from the edge of the easement or right-of-way across the front of the parcel between side parcel lines and to a width required by the district in which said parcel is located.
   4. **Yard, Exterior Side** – A yard along the edge of a side street, right-of-way or easement to a width required by the district in which said parcel is located.
   5. **Yard, Interior Side** – A yard along the interior side parcel line of the parcel to a width required by the district in which said parcel is located.
   6. **Yard, Rear** – A yard extending along the rear parcel line of the parcel, or edge of easement or right-of-way on a through parcel, and to a width required by the district in which said parcel is located.

C. **Standard**. Unless otherwise delineated on the zoning district map or otherwise provided in this Chapter, the space within a required setback as established for the base districts in Article 2 shall be unoccupied space open from the ground upward and no structure or addition to an existing structure of any kind shall be permitted within a required setback.

D. **Natural Resources**. Additional setbacks are required for selected natural resources as provided in Section 4.3 Resource Standards.

E. **Determining the Front Yard**.
   1. **Interior Parcels**. The front yard shall be on the side containing the road right-of-way or easement.
   2. **Corner Parcels**. The front yard shall be the shorter line abutting the road (except in commercial and industrial districts, in which case the longer line abutting the road shall be considered the front parcel line).
   3. **Flag Pole Parcels**. The front yard shall be the parcel line nearest and perpendicular to the driveway or flagpole portion.
   4. **Through Parcels**. Shall maintain front yard setbacks on both the front and rear parcel lines.

F. **Measurement**.
   1. **Front and Exterior Side**. Setbacks from local and fire standard (or emergency) access roads shall be measured from the edge of the right-of-way, or from the centerline of the right-of-way, whichever setback standard is greater, to any portion of the structure.
      Setbacks from arterial and collector roads shall be measured from the edge of the existing right-of-way, or ultimate right-of-way as provided in LUDC Section L-XVII 3.3 Table 2 or as determined by resolution of the Board of Supervisors, whichever setback standard is greater, to any portion of the structure**.**
   2. **Interior Side and Rear**. Setbacks shall be measured from the side or rear property line to any portion of the structure.

G. **Exceptions to Building Setbacks**. Building setbacks must be maximized wherever possible, however, exceptions to setback standards are as follows:

1. Parcels that are less than three acres in size. Such parcels may reduce setbacks as follows:
   R1, R2, and R3 districts shall provide a 5-foot interior side yard setback and a 20-foot rear yard setback;
   RA, AG, AE, & FR districts shall provide a 10-foot interior side yard setback and a 20-foot rear yard setback;
   Provided all of the following are satisfied:
   a. The site is served by a community or public water supply pursuant to Chapter XVI, Section 4.3 of the LUDC, or, if approved by the California Department of Forestry, & Fire Protection, 2,500 gallons of storage available at 500 gallons per minute.
   b. The underfloor (subdeck) space of structures, including decks, of combustible construction shall be enclosed on the side or sides within that area between the standard setback and the reduced setback. The enclosure shall be skirting of solid sheathing or equivalent material. Venting of covered areas shall be allowed consistent with the Uniform Building Code. This protection may be omitted for areas where the horizontal supports are greater than 8 feet from grade.
   c. One of the following features is incorporated into that portion the structure proposed within that area between the standard setback and the reduced setback:
      1) The undersides of projections beyond the exterior wall including eaves, cantilever balconies and similar overhangs, shall be enclosed with solid sheathing or equivalent material. The undersides of attached decks 8 feet or taller must similarly be enclosed. Venting of covered areas shall be allowed consistent with the Uniform Building Code.
      2) The sum of the area of unprotected openings in the exterior wall(s) shall not exceed 25% of the total area of the exterior wall(s).
      3) Non-combustible materials or materials approved for one-hour fire-resistive construction shall be installed on the exterior side of the wall. The location of the wall shall be approved by the County Fire Marshal or his/her appointed designee.
      4) If the proposed construction is located on the uphill side of a slope in excess of 20%, a 4-foot high, non-combustible wall may be constructed along the length of the exposed side of the structure.
      5) If a setback easement is recorded on the adjacent parcel, providing the required 60 feet of defensible space between structures, which allows for modification and maintenance of vegetative fuels.

~~2. This Section deleted. (Ord. 2090, 7/9/02)~~

~~3.~~2. **Architectural Features/Aboveground Utilities**. Such features, including but not limited to cornices, eaves, roof overhangs, canopies, decks and unenclosed porches not more than 18 inches in height, bay windows, steps, stairways, fire escapes, landing places, fireplaces, propane tanks and heating or air conditioning units, may extend into front and rear yard setbacks by not more than 5 feet.

~~4.~~3. **Site Design Features**. The following features are exempt from the setback requirements of this Section:

a. Fences or walls that meet the height limits established in Section 4.2.6 of this Chapter.
b. Retaining walls less than 4 feet in height above the finished grade.
c. Signs consistent with Section 4.2.12.
d. Underground utilities and septic tanks/leachlines.

~~5.~~4. **Open-Air Structures Abutting Water**. Notwithstanding any other provision of Chapters II and XII of this Code, the following water-use related structures that do not include walls or roofs, may be constructed without complying with the rear and side property line setback requirements as established in this Code for any parcel of real property that abuts a lake, watercourse, or floodplain:

a. Docks & Piers
b. Boat Hoists and Canopies
c. Private boat launch facilities
d. Directional hazard or warning, marina and gasoline signs.

See floodplain-related setback requirements in Section 4.3.10.

~~6.~~5. **Clustered Parcel Development, Dwelling Groups, and Planned Developments**. Clustered parcels, dwelling groups, and planned developments (within both the base and combining districts) are exempt from the Article 2 setback standards, provided that:

a. The modified setback standards are a part of a conditional use permit and/or subdivision map.
b. Findings for approval ensure consistency with and furthers the purpose of all Article 4.3 Resource Standards.
c. The modified standard is recorded as a part of the subdivision map, deed restriction, or other enforceable restriction.

~~7.~~6. **Dwellings in Commercial/Industrial**. Dwellings proposed in any commercial or industrial district shall provide setbacks as required in the ~~R2 and~~ R3 Districts, except when located within a commercial or industrial structure.

~~8.~~7. **Swimming Pools**. Shall maintain a minimum setback of 10 feet from any side or rear property line and shall not be permitted within any required front yard setback. Fencing standards for swimming pools are contained in Article 15 of the Nevada County Land Use and Development Code.

8. **Ground-Mounted Solar Arrays.** Ground-Mounted Solar Arrays shall maintain a minimum setback of 10 feet from any property line.

9. **Properties East of the 10E Range Line**. Attached or detached garages and/or carports may be constructed within 1 foot of the front property line if 20 feet is maintained from the edge of pavement or traveled way if unpaved.

10. **Setback Easements**. In order to provide required side and rear building setbacks on properties that cannot otherwise provide those setbacks, a building setback easement may be recorded and recognized on adjacent properties, pursuant to the following standards:

a. Applications for setback easements shall include the written consent of the grantor and grantee property owners.
b. Applications shall include a site plan exhibit for all affected properties, pursuant to Section 5.1 of this Chapter, including a clear delineation of the proposed easement, reflecting the required setbacks for both grantor and grantee properties.
c. Applications for setback easements shall provide clear justification for the need of the easement, providing supporting documentation that other alternatives, including a variance, are not feasible.
d. Setback Easements shall be recognized only after review and approval by the Planning Director who shall make findings that the recording of such easement will not jeopardize the integrity of the neighborhood nor will it conflict with any recorded Conditions, Covenant and Restrictions for all properties.

e. A deed restriction shall be recorded concurrently with said easement in the Nevada County Recorder's Office, noting the purpose and intent of the setback easement and noting that building setbacks shall be measured from the setback easement.

f. Reconveyance or other abandonment of a setback easement without the express approval of the County of Nevada shall constitute grounds for revocation of any permit issued pursuant to this Section.

~~**Parking Lots.**~~

11. **Accessory Dwelling Unit.** No building setbacks are required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing, legally permitted structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit~~the conversion of a legally permitted, or legal non-conforming, garage or other accessory structure, to an accessory dwelling unit (ADU)~~, provided they have their own exterior entrance and the existing setbacks are sufficient for fire safety. A minimum setback of ~~five~~four feet (~~5~~4′) from the side and rear property lines is required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure~~any new additions when an ADU is constructed above a legally existing garage or accessory structure. (Ord. 2441, Adopt. 9/12/17, Eff. 10/12/17)~~

Table L-II Table 4.2.9.F.12.b

Required Number of Parking Spaces by Use

Use	Required Number Of Spaces[(1)(3)]
Agricultural, Resource, and Open Space	
General	1 space per 1,000 sf of use area
Resource Extraction	No improved parking is required, provided that sufficient area is available to accommodate all employee and visitor vehicles entirely on the site.
Commercial	
Offices	
General	1 space per 200 sf of gfa
Financial	1 space per 300 gfa
Post Offices	5 spaces per service window plus 1 space per office
Medical/Dental	1 space per 175 sf of gfa
Hospitals	1.5 spaces per bed
Skilled Nursing/Intermediate Care Facilities/Convalescent Hospitals	1 space per 4 beds
Restaurants	
Restaurants	1 space per 150 sf of gfa including outdoor seating and eating areas
Fast Food	1 space per 100 sf of gfa
Bars	1 space per 100 sf of gfa plus 1 space per 35 sf of dance floor area if provided
Retail	
General	1 space per 200 sf of gfa plus 1 space per 600 sf of outdoor use area
Building Materials	1 space per 250 sf of gfa plus 1 space per 10,000 sf of outdoor use area
Plant Nursery	1 space per 500 sf of gfa, plus 1 space per 2500 sf of outdoor use area
Vehicle Sales	1 space per 400 sf of gfa plus 1 space per 2000 sf of outdoor use area plus repair uses
Service Uses	
General	1 space per 400 sf of gfa plus 1 space per 1000 sf of outdoor use area
Laundromat	1 space per 200 sf of gfa
Barber/Beauty Salons	2 spaces per chair but not less than 1 space per 400 sf of gfa
Veterinarian	1 space per 300 sf of gfa
Mortuaries	1 space per each 4 fixed seats in each assembly room plus 1 space for each 200 sf of gfa
Vehicle Repair	1 space per 800 sf of gfa plus 2 spaces per service bay
Lodging	
Bed & Breakfast Inns	1 space per each guest room plus ~~2~~ 1 space~~s~~ for the residential use
Hotels/Motels	1.1 spaces per room plus 1 space per 50 sf of assembly area
Industrial	

Use	Required Number Of Spaces[(1)(3)]
General	1 space per 600 sf of gfa plus 1 space per 1000 sf of outdoor use area
Research & Development	1 space per 500 sf gfa
Manufacturing/Fabricating	1 space per 800 sf of gfa, plus 1 space per 1,000 sf of outdoor use area
Wholesaling/Distribution	1 space per 1,000 sf of gfa
Warehousing	1 space per 2,000 sf of gfa
Mini-Storage	3 spaces plus 2 spaces for residential use if provided
Vehicle/Freight Terminals	2 per loading bay plus office uses
Recreational, Institutional, and Public	
Recreational Uses – Indoor	
General	1 space per 300 sf of gfa
Bowling Alley	4 spaces per lane plus incidental uses
Fitness Centers/Health Clubs	1 space per 200 sf of gfa
Recreational, Institutional, and Public (cont'd)	
Recreational Uses – Indoor (cont'd)	
Video Arcade	1 space per 3 persons at maximum capacity
Dance Clubs/Studios	1 space per 35 sf of dance floor
Recreational Uses – Outdoor	
General	As determined by the Planning Agency
Golf Course	4 spaces per hole plus incidental uses
Driving Range	1 space per tee plus 1 space for every 20 tees
Miniature Golf	3 spaces per hole plus incidental uses
Tennis/Racquetball Courts	3 spaces per court plus 1 space per 300 sf of use area
Ski Lifts	80% times (number of people per hour times vertical rise of lift facility in feet, divided by 4,000)
Cultural	
Libraries, Museums, Galleries	1 space for each 300 sf of gfa
Theaters	1 space for each 4 seats
Institutional Uses	
Day Care	1 space per 8~~5~~ children[(1)]
Elementary/Junior High Schools	1 space per classroom and office plus 1 space per 200 sf of assembly area
High Schools	7 spaces per classroom and 1 space per office plus 1 space per 100 sf of assembly area
Community College	10 spaces per classroom and 1 space per office plus 10 spaces per 100 sf of assembly area
Trade Schools	1 space per 1.5 students
Churches/Auditoriums	1 space per each 4 fixed seats or 35 sf of use area, plus any incidental uses
Service Organizations	1 space per 60 sf of use area plus incidental uses
Community Care Facilities	1 space per every 2 persons cared for plus 2 spaces for the residence

Use	Required Number Of Spaces[(1)(3)]
Public	
Communication Towers and Transmission Facilities	No improved parking is required, provided that sufficient area is available to accommodate all employee and visitor vehicles entirely on the site.
Public Uses	Required parking for public agencies shall be determined by the Planning Agency in conjunction with a land use permit, consistent with the most similar use provided for by this Article.
Residential (may be modified by Sections 3.16 and 3.20 of this Chapter)	
Single-Room Occupancies (SROs)	1 space per 1 SRO unit[(1)(2)]
Single-family	1~~2~~ space~~s~~ per unit. Tandem parking is allowed [(2)]
Multi-Family and Dwelling Groups	1 space per 1 bedroom unit[(1)(2)] 1.5 spaces for 2 or 3 bedroom units. Tandem parking is allowed. [(1)(2)] 2 spaces for ~~3~~4 or more bedroom units, plus 1 guest space per each 2 units. Tandem parking is allowed. [(1)(2)]
Senior Citizen and Disabled Housing	0.5~~1~~ space per unit (see Section 2.7.4) [(1)(2)]
Mobilehome Parks	1 space per each dwelling ~~rented room, plus 2 spaces for single-family dwelling~~[(1)]
Boardinghouses	0.5 spaces per bed [(1)(2)]
Emergency Shelter Housing	1 space per ~~bedroom unit~~space. [(1)(2)]
Transitional/Supportive Housing	0.5~~1~~ space per bedroom unit[(1)(2)]
Accessory Dwelling Unit Junior Accessory Dwelling Unit	No additional parking is required.~~1 space per bedroom, up to 2 spaces. Tandem parking is allowed~~[(2) (3)] No additional parking is required.

Footnote:

(1) Reduction in the number of parking spaces may be allowed pursuant to Section 4.2.9.F.12.

(2) No parking is required if the proposed dwelling unit is:~~Required parking shall be waived if~~:

~~a.~~

a. Within an architecturally or historically significant historic district;
b. Within the existing single-family dwelling or an existing accessory structure;
c. In an area where on-street parking permits are required but not offered to the occupant of the accessory dwelling unit;
d. Within one block of a car share vehicle pick-up location;
e. Converted from a garage, carport, or other covered parking space, or if a garage, carport, or other covered parking space is demolished in conjunction with the accessory dwelling unit or junior accessory dwelling unit construction.

~~The parcel containing the accessory dwelling unit is located within one-half mile of a public transit stop; or~~

~~b. The accessory dwelling unit is located within the Historic Preservation (HP) combining zone or formally determined eligible for listing in the National Register of Historic Places and the California Register of Historical Resources; or~~

~~c. The accessory dwelling unit is part of a legally existing single-family dwelling or accessory structure; or~~

~~d. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or~~

~~e. A car share vehicle is located within one-quarter mile of the property in which the accessory dwelling unit is located.~~

~~(3) If a garage or carport that provides required parking space(s) for the primary unit is demolished or converted in conjunction with the construction of an accessory dwelling unit, the required spaces shall be replaced.~~

(3) No parking is required if the proposed development is within one-half mile of a public transit stop.

Table 4.2.10.C.1

Elevation	0 - 1 acre	1.01 + acres
≤~~>~~ 4,000 ft.	10%	15%
≥~~<~~ 4,000 ft.	15%	20%

Sec. L-II 4.3.13 Steep Slopes/High Erosion Potential

A. **Purpose**. To preserve the natural, topographic, and aesthetic characteristics of steep slopes, and to minimize soil erosion, water quality impacts, earth movement and disturbance, and the adverse impact of grading activities, while providing for reasonable use of private property. (Ord. 2152, 5/25/04)

B. **Definitions**.

1. **Steep Slopes** - Slopes of (30+) %.

2. **High Erosion Hazard Areas** - Areas determined to have highly-erodible soils based on soils surveys prepared by the U.S. Soil Conservation Service and U.S. Forest Service.

C. **Standards**.

1. Development, including access, shall be approved only when not within the defined areas, except as provided in this Section.

2. Limited development is allowed on steep slopes, subject to a grading permit pursuant to Section L-V 3.25 of the Land Use and Development Code (Grading Ordinance). If the amount of disturbance does not require a grading permit, limited development shall be subject to an Erosion and Sediment Control Plan, approved by the Building Department. Limited development shall mean the following:

a. Utility trenching, including, but not limited to, water, electric, gas, sewer and phone lines.

b. Crop and tree planting.

c. Water wells and sewage disposal systems for allowed on-site uses.

d. Ground-mount solar arrays for permitted residential uses, utilizing screw pile or driven pile foundations.

e~~d~~. No more than one single-family residence, including driveway access to the residence, is allowed within steep slopes, on a parcel legally created, or approved by the Nevada County Planning Agency, prior to October 12, 1981, subject to the issuance of a grading permit pursuant to Section L-V 3.25 of the Land Use and Development Code, and the following standards:

1) Lot pad grading shall be limited in size to a maximum 5,000 square feet, to allow for the construction of the primary single-family residence, a garage, a yard, and parking area.

2) Cut or fill slopes shall be designed and constructed to not exceed a vertical height of 10 feet.

3) Slopes created by grading shall not exceed a ratio of 2:1 (horizontal to vertical), unless a steeper slope is certified by a geo-technical engineer to be stable.

4) Structures are designed to “fit” or step up the natural slope by using split pads, stepped footings and grade separations.

5) All outdoor light fixtures on steep slopes shall be fully shielded to prevent the light source of lens from being visible from adjacent properties and roadways. Mercury vapor light fixtures, floodlights and spotlights shall be prohibited.

6) Driveway access shall comply with Article 3, Chapter XVI of the Nevada County Land Use and Development Code, Driveways.

3. If standard #1 effectively precludes development of the project or a revised project, disturbance within the defined area is allowed subject to the approval of a Management Plan, pursuant to Section 4.3.3.C of this Chapter, and the following:

a. The Management Plan shall consist of an Erosion and Sediment Control Plan, prepared by a licensed geotechnical or civil engineer, engineering geologist, or certified soil erosion control specialist. The Plan shall comply with the erosion control standards of LUDC Chapter V: Buildings, Article 3: Uniform Building Code Amendments, and shall provide for, at a minimum, the structural control of flowing water and vegetative measures necessary to stabilize the soil surface. If the entire site is within a high erosion area, the Plan shall provide for the development of the project on the least sensitive portion of the site. Where seeding is deemed necessary in order to stabilize the soil surface, only native seed mixes shall be used. Where native seed mixtures are not available, then non-seed measures such as straw wattles, chips, erosion control blankets and weed-free straw shall be used.

b. The Management Plan shall be approved, provided the following findings can be made:

1) That the proposed development ensures the preservation of the natural and topographic character of the slope; and

2) The aesthetic quality of the slope is ensured, including the preservation of significant rock outcroppings and native plant materials; and

3) That alternatives to development on steep slopes are not feasible; and

4) That disturbance of steep slopes is minimized to the greatest extent possible; and

5) That water quality problems created by sedimentation and/or excessive vegetation removal are minimized.

4. All grading within the defined area that requires a grading permit shall include an evaluation by a registered geotechnical engineer who shall provide a written determination as to whether a design level, geotechnical investigative report is recommended. If recommended by the geotechnical engineer, a design level geotechnical investigative report, prepared by a registered geotechnical engineer, shall be included with the grading permit. The report shall include, but not be limited to, comments on slope stability, retaining wall design, foundation design, and other impacts associated with the disturbance of steep slopes. The report shall explain how the design of the project addresses those issues.

5. Fuel modification shall be provided and maintained around all structures developed on steep slopes, as follows:

Fuel Models

1-3*	Grasses	100′
4-6*	Brush	200′
8-13	Timber	200′

* Northern Forest Fire Lab Fuel Models

Sec. L-II 6.1 – Definitions

DWELLING UNIT, ACCESSORY – Accessory Dwelling Units (ADUs) have the same meanings as defined in the California Government Code.

DWELLING UNIT, JUNIOR ACCESSORY – Junior Accessory Dwelling Units (JADUs) have the same meanings as defined in the California Government Code.

DWELLING, MULTIPLE-FAMILY – A structure containing two or more kitchens, provided that one of the units is not an accessory or junior accessory dwelling unit, designed or used for the occupancy of two or more families living independently of each other. See Section 3.17

DAY CARE, SMALL FAMILY – Where resident child day care services are provided in the home for ~~8~~6 or fewer children, including the resident children, under the age of 10 years, or as provided for in State Health and Safety Code Section 1596.78.

DAY CARE, LARGE FAMILY - Where resident child day care services are provided in the home for 7 or more children, including the resident children, under the age of 10 years, or as provided for in State Health and Safety Code Section 1596.78.

DISABLED INDEPENDENT LIVING CENTER - A multiple-family residential development that provides for occupants who are disabled and their families. Such center may consist of, but is not limited to, individual apartment units, community dining centers, and common indoor and/or outdoor recreation facilities. All facilities shall be physically accessible to the disabled citizens they are intended to serve.

DWELLING, ACCESSORY has the same meanings as defined by California Government Code Sections 65852.2.

DWELLING, JUNIOR ACCESSORY has the same meanings as defined by California Government Code Sections 65852.22.

DWELLING, SINGLE-FAMILY – A structure containing not more than one kitchen, designed or used for the occupancy of one family, and may include Accessory and Junior Accessory Dwellings.

RESIDENTIAL CARE FACILITIES - A state-licensed facility for the non-medical care and supervision of children, adolescents, adults or elderly persons. This use includes community care facilities as defined in California Health and Safety Code (H&SC) Section 1500 et seq, residential care facilities for the elderly (H&SC Section 1569 et seq.), facilities for the mentally disordered or otherwise handicapped (California Welfare and Institutions Code Section 5000 et seq.), alcoholism or drug abuse recovery or treatment facilities (H&SC Section 11834.02, and other similar facilities. This use excludes medical care institutions, skilled nursing facilities, nursing homes, foster homes, family day care homes, child care facilities, and transitional housing.~~Any family home, group care facility, or similar facility, which is State licensed, for 24-hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.~~

SENIOR APARTMENT - Multiple-family residential structures designed to meet the needs of the senior citizen (55 years of age or older). Dwelling units shall be self-contained and easily accessible to senior citizens. In case of married or cohabitant couples, one occupant may be younger than the required 55 minimum age, however, any such occupant shall be not less than 18 years of age.

SENIOR INDEPENDENT LIVING CENTER - A multiple-family residential development that provides housing for occupants 55 years of age or older. In cases of married or cohabited couples, one occupant may be younger than 55 years of age. No person under 18 years of age may be in residence. Such center may consist of, but is not limited to, individual apartment units, community dining centers and common indoor and/or outdoor recreational facilities. All facilities shall be physically accessible to the senior citizens they are intended to serve.

DPW TRAFFIC IMPACT DEVELOPMENT FEES-NEVADA COUNTY FEE SCHEDULE FY22/23

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NOTES: Should any project fall within the Town of Truckee Tax-Increment Financing (TIF) area or not fit the Standard model of fee structure-- contact DPW for the correct charges per project.

Accessory Dwelling Units (ADUs) less than 750 square feet are exempt from above traffic fees. ADUs of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

Junior Accessory Dwelling Units (JADUs) are exempt from above traffic fees.

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Sec. L-IV 1.4 Designation of Advisory Agencies

A. The Planning Commission of the County shall be the Advisory Agency for all subdivisions dividing property into five or more parcels, whether a final map or parcel map is required.

B. ~~B.~~ The Zoning Administrator of the County shall be the Advisory Agency for all subdivisions dividing property into four parcels or fewer.

C. The Planning Director of the County shall be the Advisory Agency for all Urban Lot Splits pursuant to California Government Code Section 66411.7 et seq.

Sec. L-IV 2.3 Lot Standards

A. The minimum parcel size as shown in the General Plan Land Use Maps or the Zoning District Maps shall not apply to the creation of parcels for the following:

1. Parcels occupied by governmental bodies or public or private utilities.
2. Remainder parcels from which governmental bodies' or public or private utilities' parcels were divided (per Section L-IV 2.3.A.1 above) provided that the remainder parcels comply with Policy 3.19 of Chapter 3: Public Facilities and Services of the Nevada County General Plan. (Ord. 1251)
3. Parcels created by Environmental Subdivisions, as provided for in this Chapter.
4. Parcels created by Urban Lot Splits, as provided for in this Chapter.

B. Lot Size Standards - All proposed lots or parcels in a subdivision shall comply with all appropriate requirements of Chapter II of the Land Use and Development Code of the County, as they now exist or may hereafter be amended; provided, however, when the land being divided is described as an aliquot part of a section (e.g., the northeast quarter of the southwest quarter), and the parcel is, as a result of an actual field survey, found to be less than that shown on the deed, the resulting parcels may be less than the required minimum lot size provided said deficiency is not greater than three percent (3%) of required size.

C. Clustered Lot Sizes - Where required by the Nevada County General Plan, a clustered map option shall be required. When a clustered map is approved, the minimum parcel or lot sizes may be less than the minimum parcel sizes established by the Zoning District Map, provided that the overall project density remains consistent with the base zoning district or General Plan land use designation. The minimum parcel or lot sizes shall be limited to that needed to meet water and sewage disposal standards, as determined by the Department of Environmental Health.

C. Urban Lot Split Standards - All proposed lots or parcels in a subdivision shall comply with all appropriate requirements of Chapter II of the Land Use and Development Code of the County, and with all appropriate requirements of California Government Code Section 66411.7, as they now exist or may hereafter be amended.