



ORDINANCE NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AMENDING CHAPTER II OF THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE AS FOLLOWS: 1) TABLES L-II 2.2.1.B, 2.2.2.B, 2.3.D, 2.4.D, AND 2.6.F OF ARTICLE 2 RELATED TO ACCESSORY DWELLING UNIT (ADU) CONSISTENT TERMINOLOGY AND ALLOWED USES FOR TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING; 2) AMENDING SECTIONS L-II 3.19 AND L-II 3.19.1 OF ARTICLE 3 RELATED TO ADU TERMINOLOGY AND DEVELOPMENT STANDARDS; 3) SECTION L-II 3.19.2 OF ARTICLE 3 RELATED TO INCLUDING THE MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL (R2) ZONE DISTRICT AS PERMISSIBLE LAND USE FOR SECOND DWELLING UNITS-CONSISTENT WITH ALLOWED DENSITY; 4) SECTION L-II 4.2.5 OF ARTICLE 4 RELATED TO ADU BUILDING SETBACK EXCEPTIONS; 5) SECTION L-II 4.2.9 OF ARTICLE 4 RELATED TO ADU PARKING CLARIFICATION; AND 6) SECTION L-II 6.1 OF ARTICLE 6 RELATED TO DEFINITIONS FOR TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING (ORD 17-1).

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I:

Pursuant to Land Use and Development Code Section L-II 5.9.G, the Board of Supervisors hereby finds and determines as follows:

1. That the zoning text amendments related to accessory dwelling units (ADUs), and transitional and supportive housing, are necessary to be consistent with Government Code Section 65582, and implement Housing Element Goals (HD-8.1), Policies (HD-8.1.1 and EO-8.5.1) and Programs (RC-8.4.4, RC-8.4.7, and EO-8.5.4), to provide for a variety of affordable housing types and equal opportunities in all residential areas and to facilitate the establishment of transitional housing for the homeless; and
2. That the proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, and supports the development of additional, equal opportunity, affordable housing; and

3. That the proposed ordinance amendment is statutorily exempt pursuant to Sections 15061(b)(3), 15268 and 15282(h) of the California Environmental Quality Act (CEQA) Guidelines.

SECTION II:

Tables L-II 2.2.1.B, 2.2.2.B, 2.3.D, 2.4.D, and 2.6.F “Allowable Uses and Permit Requirements” of Article 2 of Chapter II of the Land Use and Development Code of the County of Nevada, is hereby amended to read as set forth in Exhibits “A”, “B”, “C”, “D” and “E”, attached hereto and incorporated herein by reference.

SECTION III:

Section L-II 3.19 “Second Dwelling Units” of Article 3 of Chapter II of the Land Use and Development Code of the County of Nevada, is hereby amended as follows:

“Section L-II 3.19 Accessory and Second Dwelling Units

Accessory and ~~S~~second dwelling units provide an important source of affordable housing. By promoting the development of 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 ~~S~~second dwelling units can increase the property tax base and contribute to the local affordable housing stock. An accessory-~~second~~ 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 is 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 ~~Second-~~ Accessory Unit Legislation.”

SECTION IV:

Section L-II 3.19.1 “Accessory-Second Dwelling Units” of Article 3 of Chapter II of the Land Use and Development Code of the County of Nevada, is hereby amended to read as set forth in Exhibit “F”, attached hereto and incorporated herein by reference.

SECTION V:

Section L-II 3.19.2 “Standards for Second Dwelling Units-Consistent with Allowed Density” of Article 3 of Chapter II of the Land Use and Development Code of the County of Nevada, is hereby amended to add the Medium Density Residential (R2) zoning district as a permissible zone for Second Dwelling Units-Consistent with Allowed Density, as follows:

- B. Standards.** A second dwelling unit, 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:

SECTION VI:

Section L-II 4.2.5.G “Exceptions to Building Setbacks” of Article 4 of Chapter II of the Land Use and Development Code of the County of Nevada, is hereby amended to include Sec. L-II 4.2.5.G.12 as follows:

12. Accessory Dwelling Unit. No building setbacks are required for 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 feet (5’) from the side and rear property lines is required for any new additions when an ADU is constructed above a legally existing garage or accessory structure.

SECTION VII:

Table L-II 4.2.9.F.12.b “Required Number of Parking Spaces by Use” of Article 4 of Chapter II of the Land Use and Development Code of the County of Nevada, is hereby amended as follows:

Table L-II Table 4.2.9.F.12.b	
Required Number of Parking Spaces by Use	
Use	Required Number Of Spaces
Residential	
(May be modified by Section 3.16 and Section 3.20 of this Chapter)	
****	****
<u>Accessory Dwelling Unit</u>	<u>1 space per bedroom, up to 2 spaces. Tandem parking is allowed. ⁽²⁾⁽³⁾</u>

Footnote:

⁽²⁾ Required parking shall be waived if:

- a. 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.

SECTION VIII:

Section L-II 6.1 “Definitions” of Article 6 of Chapter II of the Land Use and Development Code of the County of Nevada, is hereby amended to include the following definitions for supportive housing and transitional housing:

-S-

SUPPORTIVE HOUSING - Housing with no limit on the length of stay, that is occupied by the target population (persons with disabilities or families who are homeless), and that is linked to onsite and offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible work in the community. Supportive Housing can take the form of a single family or multi-family residential unit(s) and shall be permitted in the same manner applied to the same single or multi-family residential use type in the same zone.

-T-

TRANSITIONAL HOUSING – ~~Shelter provided to the homeless for an extended period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through acquisition of stable income and permanent housing. Transitional housing facilities must be operated by, or under contract with, a governmental entity, non-profit organization, or church.~~ Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional Housing can take the form of a single family or multi-family residential unit(s) and shall be permitted in the same manner applied to the same single or multi-family residential use type in the same zone.

SECTION IX:

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION X:

This Ordinance shall take effect and be in full force thirty (30) days from and after introduction and adoption, and it shall become operative on the 7th day of September, 2017, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names

of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.

Exhibit A

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 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.	NP	UP	
Day Care Home, small family (8 or fewer children)	A	A	
Day Care Home, large family (9 to 14 children)	DP	DP	3.9
Day Care Center (more than 14 children)	UP	UP	
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	A	
Dwellings, Multiple-Family (including Transitional and Supportive Housing)	UP	UP	3.17
Dwelling, Accessory - Second 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⁾	A	A	
Mobilehome Parks (must include MH District)	UP	UP	2.7.4
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	A	
Residential Guest Quarters	A	A	3.18
Transitional Housing (6 or fewer people)	A	A	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	RA	R1	L-II Sections
Transitional Housing (more than 6 people)	UP	UP	
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
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	
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
Field Retail Stand and Farm Stand	A	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
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			

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	RA	R1	L-II Sections
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 consistent with underlying General Plan/Zoning densities and minimum water and sewage disposal requirements.

Exhibit B

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			
Community 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	
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 or fewer children)	A	A	
Day Care Home, large family (9 to 14 children)	DP	DP	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- Second Unit	A	NP ⁽¹⁾	3.19.1
Dwelling, Second Units – Consistent With Allowed Density	DP	NP	3.19.2
Dwelling, Single Room Occupancy (SRO)	UP	UP	
Emergency shelter housing for 6 or fewer people	A	A	
Residential Uses (cont'd)			
Emergency shelter housing for more than 6 people	UP	UP	
Mobilehome Parks (must include MH District)	UP	UP	2.7.4
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	A	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	R2	R3	L-II Sections
Rooming and boarding houses	UP	UP	
Senior citizen and disabled housing facilities	UP	UP	3.20
Transitional Housing (6 or fewer people)	A	A	
Transitional Housing (more than 6 people)	UP	UP	
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
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	
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	

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

Exhibit C

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 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 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 or fewer children)	A	A	A	A	
Day Care Home, large family (9 to 14 children)	DP	DP	DP	DP	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- Second 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	
Employee Housing	A	A	A	A	3.10
Mobilehome Parks (must include MH District)	UP	NP	UP	NP	2.7.4
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	A	A	A	
Residential Guest Quarters	A	A	A	A	3.18
Transitional Housing (6 or fewer people)	A	A	A	A	
Transitional Housing (more than 6 people)	UP	NP	UP	NP	
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

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	AG	AE	FR	TPZ	L-II Sections
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	
Industrial Uses					
None Listed					
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
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	
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	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	AG	AE	FR	TPZ	L-II Sections
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

Exhibit D

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 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	UP	NP	NP	UP	
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, 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.	Varies	UP	UP	Varies	Varies	2.7.10
Dwelling, Single Room Occupancy (SRO)	UP	UP	NP	NP	NP	3.17.1
Home Businesses, limited	Varies	NA	NA	NA	Varies	3.11
Emergency Shelter Housing (6 or fewer people)	A	A	NP	A	A	
Emergency Shelter or Transitional/Supportive Housing (more than 6 people) ⁽¹⁾	UP	A	NP UP	UP	UP	
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	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	C1	C2	C3	CH	OP	L-II Sections
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	
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 cleaners, photography studios, locksmiths, repair of consumer products, and taxidermies.	DP	DP	DP	DP	NP	
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	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	C1	C2	C3	CH	OP	L-II Sections
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	
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	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	C1	C2	C3	CH	OP	L-II Sections
Temporary Staging Areas for public road projects	UP	UP	UP	UP	UP	
Recreational Uses						
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.

Exhibit E

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 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	
Day Care Home, small family (8 or fewer children)	A	NP		A	NP	
Day Care Home, large family (9 to 14 children)	DP	NP		NP	NP	3.9
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	NP		UP	UP	
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	NP		A	NP	
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	
Transitional Housing (6 or fewer people)	A	NP	-	A	NP	-
Transitional Housing (more than 6 people)	NP	NP	-	UP	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
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	

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
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	NP	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	
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,	NP	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
sales offices, laundromats, educational facilities, churches, service organization facilities, community meeting facilities.						
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.

Exhibit F

Sec. L-II 3.19.1 Accessory-~~Second~~ 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.

B. **Standards.** An ~~second~~accessory dwelling unit shall be ministerially permitted, regardless of minimum parcel size and zoning densities, on all parcels within the R1, R2, RA, AE, AG, FR and TPZ zoning districts, subject to zoning compliance and building permit issuance and the following standards:

1. ~~Second~~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. On parcels of less than one acre in size, all ~~second~~ accessory dwelling units shall be attached to the main dwelling.
 - b. The ~~second~~accessory dwelling unit shall not exceed the following size limitations, as measured from the interior walls:
 - 1) Attached Units: maximum ~~30~~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 ~~second~~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 ~~second~~accessory dwelling unit and shall be constructed as non-habitable space.
2. 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.
3. Either the primary or ~~second~~accessory dwelling unit on the site shall be owner occupied. A certified letter, stating that one unit will be owner occupied shall be filed with the Planning Department prior to issuance of a building permit.
4. There shall be no more than one ~~second~~accessory dwelling unit, as provided for in this Chapter, per parcel. The accessory dwelling unit in not intended for sale separate from the primary residence and may be rented.
5. An ~~second~~accessory dwelling unit shall not be allowed on any parcel on which employee housing has been established pursuant to Land Use and Development Code Chapter II Sec. L-II 3.10.
6. 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.
7. If the ~~second~~accessory dwelling unit is proposed to be constructed within a City's Sphere of Influence, the ~~second~~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.
8. All water supply and sewage disposal requirements shall be complied with as administered by the Department of Environmental Health or other appropriate serving entity.

9. Compliance is required with all local Fire Safety Regulations that are generally applicable to single-family residential development 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 Public Resources Code Section 4290.

10. The unit must comply with all conditions, including payment of any mitigation fees, which are imposed upon the issuance of any permit.

11. 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.

12. All [secondaccessory](#) 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 [secondaccessory](#) 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 [secondaccessory](#) dwelling unit is located beyond the dead-end road limit established by the Nevada County Land Use and Development Code Chapter XVII Road Standards.

13. All [secondaccessory](#) dwelling units within the High and Very High Fire Severity Zone as defined on the State Responsibility Area (SRA) maps and all [secondaccessory](#) 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; and
 - d) The mechanism for maintaining defensible space.
 - e) Identification of a feasible evacuation plan and/or safe evacuation routes for use by future occupants of the project.

14. All [secondaccessory](#) dwelling units shall be subject to all Land Use and Development Code standards, permits and mitigation fees applicable to single-family residential construction within the zoning district where the subject property is located, including but not limited to building height, setbacks, lot coverage,

parking, resource standards, and site plan review, [unless otherwise modified or exempted by Sections L-II 4.2.5 \(Building Setbacks\) or L-II 4.2.9 \(Parking\)](#).

15. Nevada County recommends, but does not mandate that the following accessibility improvements are considered when constructing an ~~second~~[accessory](#) dwelling unit:

- a. At least one accessible bathroom (enough room for wheelchair maneuverability).
- b. Bathroom with reinforced walls for grab bars.
- c. Minimum 36" hallways and 36" clear space on doors into one bathroom and the exterior.
- d. Design and construct ~~second~~[accessory](#) units to allow wheelchair access. Where there are duplicate uses of rooms (i.e. two bathrooms, two bedrooms), one of those rooms should be made accessible.
- e. Provide a no step entry with accessible path from the parking area.
- f. Wheelchair maneuverability in kitchen.
- g. 32-inch clear space on interior doors, exterior door should be 36 inches.
- h. Light switches at 44 to 48 inches.
- i. Lever hardware.
- j. View windows.
- k. Construction design that will allow for easy adaptability, such as counter section (36-inches wide) that can be lowered or pull out board that can be used as work space, cabinet doors that can be removed to allow access to sinks, straight stairway to second floor units or stacked closets to allow for an elevator.

C. Repealed by Ord. 2236, effective 6/21/07. (Ord. 2366, 8/13/13; Ord. 2149)