

2022 Development Code Amendments

Section	Current Text	Proposed Text	Purpose of Amendment
SHORT TERM RENTALS (STRs)			
Staff requests direction on whether Planning Commission/City Council would like to put a cap on the total number of allowed STRs in City. Currently, 40% of STRs (Hosted & Home) owners do not live in City limits. There are 23 Hosted STRs, 21 Vacation Home STRs, and 9 B&Bs			
17.44.205 Short Term Rentals	A. Purpose. This section provides standards for vacation rental homes and hosted short-term rental units...	ADD Each property is limited to one short term rental, and short-term rental units are not permitted in ADUs/Second Units.	To limit short term rentals in residential neighborhoods; to comply with State law, and to ensure the intent of this section (to minimize impacts on surrounding residential areas and to protect the residential character of the neighborhoods) is maintained.
17.44.205 Short Term Rentals	B. Standards for Hosted Short-Term Rental Units. C. Standards for Vacation Rental Homes.	ADD Pursuant to the intent of Government Code Section 65852.150, second units are prohibited from being used for short term rentals.	To clarify that short term rentals are only allowed from primary dwelling units. The intent is to reserve second units/ADUs for long term rental stock.
Table 3-3	Lodging Bed and breakfast inn; hosted short term rental units; vacation rental home1 space for each guest room, plus 2 spaces for the manager or owner. For vacation rental home, - if owner or manager do not occupy home - 1 space per each guest room.	ADD May be accommodated through on-site tandem parking - managed by owner or operator.	Because most properties within the City can accommodate the off-street parking requirements for STRs via tandem parking, and tandem parking is unlikely to cause an issue as guests are likely renting STR together.
Table 2-7	Hosted Short Term Rental Vacation Home Rental	<u>Hosted Short Term Rental</u> Permitted in R-2 & R-3 if existing Legally Non-Conforming (LNC) Single Family Dwelling (SFD) <u>Vacation Home Rental</u> Permitted in R-2 & R-3 with approval of MUP and existing LNC SFD *STR use would be void if single family dwelling is replaced with multifamily use.	To allow for an exception to the restriction of STRs in multifamily zones where there is an existing single-family dwelling. The City has received multiple requests for STRs from SFDs in multifamily zones, this would address their desire to have access to the same use as SFDs in single family zones.
SIGNS			
Table 3-9 Sign Permit Review Authority	All monument signs and signs within specified areas - Development Review Committee - Issue	CHANGE All monument signs and signs within specified areas - Director - Issue	To expedite the process and lower the cost of Monument Sign permits by eliminating redundant review of plan submittals. Existing standards (17.38.080 B.) provide design guidelines used for approval.
Table 3-9 Sign Permit Review Authority	Murals DRC recommends to PC	REMOVE DRC review/recommendation - straight to PC for approval. (If proposed mural is in Historic District, Historic Commission review will be required).	Help expedite, and make less rigorous, the mural review process.

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ANIMAL KEEPING			
17.100.020	"Crop Production, Horticulture, Orchard, Vineyard."	ADD Beekeeping - "Pollinator apiary" means an apiary established for the pollination of commercial seed, fruit, nuts, or other commercial crops dependent upon bee pollination. Pollination apiaries are temporary in nature , and their longevity is determined by the specific crop to be pollinated.	To provide a definition of beekeeping and to support any commercial agricultural operations wanting to utilize a pollinator apiary in the City.
FOOD FACILITIES			
17.72.040 (E)(10)	Limited Term Permits E. Allowed Short-Term Activities. (10) Temporary Vendor Carts/Stands	CHANGE/ADD "Temporary Vendor Carts/Stands" to include "Mobile Food Facilities" (see attachment).	To create standards to allow temporary Mobile Food Facilities (not associated with a special event) on private property.
17.100.020		ADD Definition: "Mobile Food Facility (MFF)." Any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. (See attachment)	Definition matches Nevada County Environmental Health Department's definition of MFF. Any MFF applicants in the City will require Nev. County EH approval, so keeping with their definition will help align our interconnected processes.
Table 2-10	Cottage food allowed in Residential zones only	ADD Traditional Community Zones (TC, NC, NC-Flex, NG-3, NG-2)	To allow cottage food businesses in all residential zones, as required by State law.
SECOND UNITS/ACCESSORY DWELLING UNITS			
Table 2-10	Second Unit or Carriage House	ADD Note that Second Unit or Carriage House is permitted in all zones if there is an existing LNC SFD on the property	To allow owners/residents of LNC SFDs in non-residential zones to create second unit/ADU opportunities.
17.100.020	"Permanent Dwelling" is used to define "second unit or carriage house": A second permanent dwelling that is accessory to a primary dwelling on the same site.	REMOVE "Permanent dwelling" and replace with "dwelling unit"	To help provide clarification as there is no definition of "permanent dwelling" in the Development Code
17.21.080 - NG-2 Standards	Ancillary Building Max. 1 1/2 stories, 15' max.**	ADD Carriage House allowing 2 stories, 25' max height	Carriage House is above garage - height limit of 15' prohibits ability to construct unit.
17.100.020	"Second Unit" or "Carriage House"	CHANGE "Second Unit" to "Accessory Dwelling Unit (ADU)"	To update terminology so it aligns with current state standards.

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PUBLIC ZONE			
Table 2-14	Uses currently listed as not permitted in OS zone: - Meeting Facility, public or private - Sports and active recreation facility - Studio - Art, dance, martial arts, music etc.	ADD Permitted (P*) designation, and Note: (4) *Permitted in City parks only	These recreational uses currently take place in City parks, so this update would help ensure City code is consistent with current land uses taking place in parks.
Table 2-14	Use Permit (UP) is required for park projects in the REC (Recreation) & P (Public) Zones	CHANGE To: P - Permitted Use	To help expedite park projects. Park projects would be approved by City Council and would not have to be reviewed by Planning Commission.
17.26.050 - OS Zone 17.26.060 - P Zone	17.26.050 - B. Criteria for Approval 17.26.060 - C.2. ...“ approved by the commission” Both sections refer to the “commission” for approval.	CHANGE “Commission” to “Council”	To clarify the approving body.
17.70.030 Table 7-1		ADD Type of Action: Park Projects Dev. Code Sections: 17.26.050 & 17.26.060 Role of Review Authority: Director - Recommend No Planning Commission Action City Council - Decision	Current Park projects are required to go to City Council for approval of funding and design. This action would prevent the confusion that’s occurred in the past where park projects approved by Council are brought to PC after Council’s approval.
FENCE & STRUCTURE HEIGHT MEASUREMENT AND PLACEMENT			
17.30.040 B. (1) Notes	A fence or wall up to eight feet in height may be allowed when the portions above six feet are of an open design (e.g., lattice, wrought iron or grille work); or where a solid fence up to eight feet is authorized by Minor Use Permit. A Building Permit also may be required.	ADD A fence or wall up to eight feet in height may be allowed when the portions above six feet are of an open <u>fencing</u> design (e.g., lattice, wrought iron or grille work); or where a solid fence up to eight feet is authorized by Minor Use Permit. A Building Permit also may be required.	To help provide clarification.
17.50.040 H.	Open Space Areas.	ADD Allow installation of decorative, open design fencing in the open space areas within watercourse setbacks.	To help separate bank and reduce encroachment into the creek/water
17.30.050 C.	Height Measurement. The maximum allowable height shall be measured as the vertical distance from the natural grade of the site to an imaginary plane located the maximum allowed number of feet above and parallel to the grade.	CHANGE/ADD The maximum allowable height shall be measured as the vertical distance from the eave or bottom of parapet of the structure to the finished grade. The finished grade shall not be artificially raised to gain additional building height.	To help clarify height measurement.

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DENSITY BONUSES PLANNED DEVELOPMENT PERMITS SUBDIVISIONS			
17.32.010	Affordable Housing Density Bonuses and Incentives	CHANGE Due to the fluidity of CA State Housing Density Bonus laws (SB 2222), staff proposes to edit this section to refer to state law throughout. (See attachment to review proposed edits)	To ensure City code doesn't conflict with state law. Staff will have a handout, to be updated annually, that will help summarize current state laws related to housing density bonuses.
17.72.050	Planned Development Permits. A. Purpose.	ADD "Planned Development permit applications are subject to the review and interpretation of the Community Development Director."	To help further support the purpose of Planned Development Permits: "flexibility in the application of development code standards."
17.72.050 C.1. a. & e.	C. Application Requirements. 1. a. Provision of affordable workforce housing units and a mix of housing types. e. Future short- and long-term fiscal impacts.	ADD a. "If" provision of affordable..."is proposed, then" the applicant shall... REMOVE e.	To help clean up this section and provide more clarity for developers. Measure E expands funding for such general fund purposes as increased police and fire services, enhancing parks and recreational services, and improving streets and sidewalks.
Article 8	Chapter 17.80 - Subdivision Ordinance Applicability and Administration	CHANGE Due to the fluidity of CA State laws (SB 9 & 10), staff proposes to edit this section to refer to state law throughout.	To ensure City code is consistent with state law. Staff will have a handout, to be updated annually, that will help summarize current state laws related to subdivisions.
17.80.080	Type of subdivision approval required.	ADD SB-9 - A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets the necessary requirements.	To update City codes to include definition of Senate Bill - 9 Staff has prepared a handout to provide to the public that summarizes the details and requirements of SB-9 application process.
17.80.110	Any interested person may appeal any decision of the director or city engineer to the commission and may appeal any decision of the commission to the council, in compliance with Chapter 17.91 (appeals).	ADD In accordance with Map Act 66452.5 - Any appeal of a project that includes a subdivision map <i>shall be filed with the clerk of the appeal board, or if there is none, with the clerk of the legislative body within 10 days after the action of the advisory agency from which the appeal is being taken.</i>	To ensure compliance with State law.

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MISCELLANEOUS			
Table 2-10	Industry, Manufacturing & Processing Storage	ADD Storage - Vehicle - Permitted in M-1 zone	Cleanup item. There is a definition for vehicle storage in glossary, but no reference to use being allowed in any zone.
17.24.040 Tables 2-11 & 2-12	Height Limit refers to section 17.30.060	CHANGE To section 17.30.050 (060 is a typo and incorrect reference)	Cleanup item.
Table 2-13	Additional Zone Standards	REMOVE	Inapplicable.
Definitions	Extended Hour Retail. A business that is open to the public between the hours of 11 p.m., and 6 a.m.	REMOVE	Not used.
Definitions	Transect.	REMOVE definition and diagram	Inapplicable.
Tables 2-7, 2-10, 2-14	S - Permit requirement determined by specific use regulations	REMOVE	Not used.
Table 2-7 Day Care - Large	MUP required for all residential zone	REMOVE MUP requirement - permitted in all zones per SB 234	To comply with SB 234