

**TOWN OF TRUCKEE
California**

DRAFT ORDINANCE 2022-05

**AN ORDINANCE OF THE TOWN OF TRUCKEE
AMENDING THE TRUCKEE MUNICIPAL CODE, TITLE 18, DEVELOPMENT CODE
FOR CLEAN-UP AMENDMENTS**

WHEREAS, the Town Council adopted the 2025 General Plan on November 16, 2006 thereby establishing the Council's policy on future growth, development, and conservation of natural resources; and

WHEREAS, the Council adopted the 2025 General Plan Implementation Program on November 16, 2006, establishing the priorities, responsibilities and timelines for implementing the actions and programs of the General Plan; and

WHEREAS, a number of actions and programs are to be implemented through the Development Code and will require amendments to the Development Code; and

WHEREAS, the Council may initiate amendments to the Development Code, and the Planning Commission is an advisory body to the Council on matters concerning land use regulation and the Development Code; and

WHEREAS, the Planning Commission adopted Resolution 2007-10 on June 13, 2007 recommending to the Council that the Council initiate a comprehensive update to Title 18, Development Code, of the Municipal Code; and

WHEREAS, the Town Council adopted Resolution 2007-36 on July 19, 2007 initiating a comprehensive update to Title 18, Development Code, of the Municipal Code; and

WHEREAS, on April 12, 2022, the Town Council adopted amendments to the Short-Term Rental Ordinance (Municipal Code Title 5, Chapter 5.02) which requires amendments to the Development Code (Municipal Code Title 18) to ensure consistency among Town regulations; and

WHEREAS, the Development Code is reviewed regularly to ensure consistency with recently adopted State law,

WHEREAS, clean-up amendments are incorporated in order to help provide accurate and consistent review of all projects; and

WHEREAS, the Planning Commission reviewed all proposed amendments at its April 19, 2022 public hearing and recommended approval to the Town Council.

The Town Council of the Town of Truckee Does Ordain as Follows:

Section 1.

Enactment. Title 18, Development Code, of the Municipal Code is hereby amended as designated in Exhibit "A" and Exhibit "B" attached hereto and incorporated herein by reference.

Section 2.

Findings. The Council hereby adopts the following findings in support of adoption of this ordinance and the amendments to Title 18, Development Code. The May 10, 2022 Town Council staff report and meeting minutes, and the April 19, 2022 Planning Commission staff report and meeting minutes, are hereby incorporated herein by reference and provide a factual basis for the findings.

a. The proposed amendments directly implement and are internally consistent with the goals, policies, and actions of all elements of the 2025 General Plan. The proposed changes are clean-up amendments to ensure consistency with State law, the Town's recently amended Short Term Rental Ordinance, and to clarify and streamline Development Code requirements. Section 18.58.260 (Time-Share Uses) is incorporated to codify the Town's historical determination that time-share uses are considered commercial uses and to outline the application process, development standards and enforcement and violation protocols for these uses.

b. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town.

Section 3.

CEQA Findings. The Council has determined that the proposed Development Code amendments were assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the Town. The amendments are not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Moreover, under Section 15061(b)(3) of the State CEQA Guidelines, the amendments are exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

Section 4.

Summary Publication. The Town Clerk is hereby directed to publish this ordinance in accordance with the law.

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The foregoing Ordinance was introduced at a regular meeting of the Truckee Town Council held on the 10th day of May, 2022, and adopted at a regular meeting of the Truckee Town Council on the 24th day of May, 2022, by Council Member Polivy, who moved its introduction, which motion was seconded by Council Member Zabriskie was upon roll call carried by the following vote:

AYES:	Mayor Henderson, Vice Mayor Romack, Council Member Klovstad, Council Member Polivy, Council Member Zabriskie
NOES:	None
ABSENT:	None

Courtney Henderson, Mayor

ATTEST:

APPROVED AS TO FORM:

Judy Price, MMC, Town Clerk

Andrew Morris, Town Attorney

Attachments:

Exhibit A – Title 18, Development Code Amendments (Summary)

Exhibit B – Title 18, Development Code Amendments

ORDINANCE 2022-05

EXHIBIT “A”

Title 18, Development Code Amendments

Title 18. Development Code, of the Truckee Municipal Code is hereby amended as follows:

Amendments to Article II, Section 18.08.030, Tables 2-2 and 2-3 (Allowed Uses and Permit Requirements for Residential Zoning Districts and Downtown Residential Zoning Districts), Section 18.12.030, Tables 2-7 and 2-8 (Allowed Uses and Permit Requirements for Commercial and Manufacturing Districts); Article III, Section 18.30.056.B (Easements), Section 18.30.120, Table 3-3 (Setbacks), Section 18.30.150 (Solid Waste/Recyclables Materials Storage), Section 18.58.025 (Accessory Dwelling Units), Section 18.58.070 (Bed and Breakfast Inns), Section 18.58.100 (Detached Living Areas), Section 18.58.220 (Residential Accessory Uses and Structures), Section 18.58.260 (Time-Share Uses); Article IV, Chapter 18.72 (Zoning Clearances), Section 18.88.030 (Vacations); Article V, Section 18.95.020 (Urban Lot Split Height Restrictions), Section 18.96.150 (Extensions of Time for Tentative Maps); Article VI, Section 18.200.040 (Enforcement); and Amendments to Article VIII, Chapter 18.220 (Definitions/Glossary) are hereby amended as designated in Exhibit “B” attached hereto and incorporated herein.

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EXHIBIT “B”

Title 18, Development Code Amendments

Title 18, Development Code, of the Truckee Municipal Code is hereby amended to read as follows (additions are shown by underline type; deletions are shown in ~~striketrough~~ type; Commission modifications are shown in red underlined type; minor technical edits made by staff are shown in underline type):

**TABLE 2-2 – ALLOWED USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONING DISTRICTS (Continued)**

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See standards in Section:
	RR	RS	RM	
RESIDENTIAL USES				
Accessory dwelling units	P	P	P	18.58.025
Animal raising and keeping of household pets and backyard chickens	P	P	MUP	18.58.060
Detached living areas	P	P	P	18.58.100
Emergency shelters			UP	
Employee housing	P(3)	P(3)		
Farmworker housing, up to 12 units or 36 beds in group quarters	UP(4)			
Junior Accessory Dwelling Units	P	P		18.58.025.N
Manufactured home	P	P	P(5)	18.58.170
Mobile home, tiny home or recreational vehicle as a temporary residence during construction	P	P	P	18.58.160
Mobile home parks	UP	UP	UP	18.58.150
Multi-family dwellings, 2 to 10 units			P	18.58.180
Multi-family dwellings, 11 and more units			DP	18.58.180
Multi-family dwellings, individual ownership, 2 to 10 units		UP	P	18.58.180
Multi-family dwellings, individual ownership, 11 or more units		UP	DP	18.58.180
Residential care facilities, 1 to 6 clients	P	P	P	
Residential care facilities, 7 to 12 clients	UP	UP	UP	
Rooming and boarding houses			UP	
Senior citizen congregate care/congregate care housing			UP	18.58.240
Single-family dwellings(6)	P	P		
Supportive housing	P(3)	P(3)	P(3)	18.58.255
- Transient rental, multi-family dwellings	-	P	P	-
Transient rental, single-family dwellings	P	P	P	
Transitional housing	P(3)	P(3)	P(3)	

RETAIL TRADE USES

Accessory retail uses			UP	18.58.030
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KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
P	Permitted use, Zoning Clearance required for projects with less than 7,500 sq. ft. of floor area and less than 26,000 sq. ft. of site disturbance.	18.72
DP	Development Permit required for permitted projects with 7,500 sq. ft. or more of floor area or 26,000 sq. ft. or more of site disturbance.	18.74
MUP	Conditional use, Minor Use Permit approval required.	18.76
UP	Conditional use, Use Permit approval required.	18.76
TUP	Temporary use, Temporary Use Permit approval required.	18.80
	Use not allowed. See 18.03.020.E regarding uses not listed.	

Notes:

- (1) Definitions of the listed land uses are in Chapter 18.220 (Definitions, Glossary).
- (2) Section 18.58.060 (Animal Raising and Keeping) may require a Minor Use Permit for certain animals and household pets, the raising and keeping of animals or household pets over a certain number, and/or raising and keeping of animals on small parcels.
- (3) Employee, supportive, and transitional housing are subject to the same regulations that apply to other residential uses of the same type in that zone.
- (4) Farmworker housing is subject to the same regulations that apply to other agricultural uses in the same zone.
- (5) Manufactured homes within the multi-family residential zone shall meet the requirements of the "Dwelling, Multi-Family definition."
- (6) [Small lot single-family subdivisions that comply with all requirements of Gov. Code, § 66499.40 are permitted in zoning districts that allow multi-family residential uses.](#)

**TABLE 2-3 ALLOWED USES AND PERMIT REQUIREMENTS
FOR DOWNTOWN RESIDENTIAL ZONING DISTRICTS (Continued)**

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See standards in Section:
	DRS	DRM	DRH	
RESIDENTIAL USES				
Accessory dwelling units	P	P	P	18.58.025
Animal raising and keeping of household pets and backyard chickens	P	P	MUP	18.58.060
Detached living areas	P	P	P	18.58.100
Emergency shelters			UP	
Employee housing	P(2)			
Junior Accessory Dwelling Units	P			18.58.025.N
Live/work units	MUP	UP	UP	18.58.130
Manufactured Home	P	P(3)	P(3)	18.58.170
Mobile home, tiny home or recreational vehicle as a temporary residence during construction	P	P	P	18.58.160
Mobile home parks	UP	UP	UP	18.58.150
Multi-family dwellings, 2 to 10 units	UP	P	P	18.58.180
Multi-family dwellings, 11 and more units	UP	DP	DP	18.58.180
Multi-family dwellings, individual ownership, 2 to 10 units	UP	P	P	18.58.180
Multi-family dwellings, individual ownership, 11 or more units	UP	DP	DP	18.58.180
Residential care facilities, 1 to 6 clients	P	P	P	
Residential care facilities, 7 to 12 clients	UP	UP	UP	
Rooming and boarding houses			UP	
Senior citizen congregate care/congregate care housing		UP	UP	18.58.240
Single-family dwellings(4)	P			
Supportive housing	P(2)	P(2)	P(2)	18.58.255
- Transient rental, multi-family dwellings	P	P	P	-
Transient rental, single-family dwellings	P	P	P	
Transitional housing	P(2)	P(2)	P(2)	

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement				Procedure is in Section:
P	Permitted use, Zoning Clearance required for projects with less than 5,000 sq. ft. of floor area and less than 26,000 sq. ft. of site disturbance.				18.72
DP	Development Permit required for permitted projects with 5,000 sq. ft. or more of floor area or 26,000 sq. ft. or more of site disturbance.				18.74
MUP	Conditional use, Minor Use Permit approval required.				18.76
UP	Conditional use, Use Permit approval required.				18.76
TUP	Temporary use, Temporary Use Permit approval required.				18.80
	Use not allowed. See 18.03.020.E regarding uses not listed.				

Notes:

- (1) Definitions of the listed land uses are in Chapter 18.220 (Definitions, Glossary).
- (2) Employee, supportive, and transitional housing are subject to the same regulations that apply to other residential uses of the same type in that zone.
- (3) Manufactured homes within the multi-family residential zone shall meet the requirements of the “Dwelling, Multi-Family definition and the standards of other multi-family residential dwellings of the same type in the same zone.
- (4) [Small lot single-family subdivisions that comply with all requirements of Gov. Code, § 66499.40 are permitted in zoning districts that allow multi-family residential uses.](#)

**TABLE 2-7 - ALLOWED USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL AND MANUFACTURING DISTRICTS (Continued)**

PERMIT REQUIREMENT BY DISTRICT						See standards in Section:
LAND USE (1)	CN (2)	CG	CH	CS	M	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES						
Community centers	P	P		UP		
Docks and piers, commercial	MUP	MUP				
Health/fitness facilities	UP	P		P		
Ice skating rinks		P		P		
Indoor recreation centers		P		P		
Libraries and museums	P	P				
Marina	UP	UP				
Membership organization facilities	MUP	P				
Outdoor commercial recreation	MUP	P	MUP			
Parks and playgrounds	UP	UP		UP	UP	
Public Assembly Uses	UP	UP		UP	UP	18.58.090
Recreational vehicle (RV) parks			UP			
Schools - Public and private	UP	P				
Schools - Specialized education and training		P		UP	UP	
Studios for art, dance, music, photography, etc.	P	P		P	P	
Theaters and event spaces	UP	UP				
RESIDENTIAL USES						
Accessory dwelling units	P(4)	P(4)		P	P	18.58.025
Caretaker housing	MUP	MUP	MUP	MUP	MUP	
Emergency shelters	UP	P	UP	P		
Live/work units	MUP	MUP		MUP	MUP	18.58.130
Multi-family dwellings, 11 and more units	UP(5)	UP(5)				18.58.180
Multi-family dwellings, in commercial/industrial project	P	P		P	P	18.58.180, 18.58.140
Senior citizen congregate care/congregate care housing	UP					18.58.240
Single-family dwelling(6)(7)						
Single-room occupancy (SRO) housing	UP	UP				
Supportive housing	P(3)	P(3)		P(3)	P(3)	18.58.255
Transitional housing	P(3)	P(3)		P(3)	P(3)	
Transitional Living Center	UP	UP		UP		
Work/live units	MUP	MUP		MUP	MUP	18.58.130

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
P	Permitted use, Zoning Clearance required for projects with less than 7,500 sq. ft. of floor area and less than 26,000 sq. ft. of site disturbance.	18.72
DP	Development Permit required for permitted projects with 7,500 sq. ft. or more of floor area or 26,000 sq. ft. or more of site disturbance.	18.74
MUP	Conditional use, Minor Use Permit approval required.	18.76
UP	Conditional use, Use Permit approval required.	18.76
	Use not allowed. See 18.03.020.E regarding uses not listed.	

Notes:

- (1) Definitions of the listed land uses are in Chapter 18.220 (Definitions, Glossary).
- (2) Use on a site adjacent to a residential zoning district shall comply with the special setback, screening and landscaping standards in Section 18.30.110(E) (Screening between neighborhood commercial and residential lands uses) and Section 18.40.040(E) (Landscaping requirements between neighborhood commercial and residential land uses).
- (3) Supportive and transitional housing are subject to the same regulations that apply to other residential uses of the same type in that zone.
- (4) Accessory Dwelling Units associated with multi-family residential project.
- (5) Standalone residential uses shall be subject to the development standards of the RM zoning district and Section 18.58.180 (Multi-family Residential Projects)

Commercial and Manufacturing Districts

18.12

- (6) Time-share uses are allowed within existing legal nonconforming single-family residences in the CG and CN zoning districts.
- (7) Small lot single-family subdivisions that comply with all requirements of Gov. Code, § 66499.40 are permitted in zoning districts that allow multi-family residential uses.

**TABLE 2-8 - ALLOWED USES AND PERMIT REQUIREMENTS
FOR DOWNTOWN COMMERCIAL AND MANUFACTURING DISTRICTS (Continued)**

LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT				See standards in Section:
	DMU	DC	DM	DVL	
RESIDENTIAL USES					
Accessory dwelling units	P (2)(3)	P	P	P	18.58.025
Animal raising and keeping of household pets and backyard chickens	P (4)	P (4)	P (4)	P (4)	18.58.060
Caretaker housing	MUP (3)	MUP	MUP	MUP	
Detached living areas	P (3)				18.58.100
Emergency shelters/transitional living centers		UP			
Emergency shelters, accessory to a church/place of worship	MUP(3)				
Employee housing	P(6)				
Junior Accessory Dwelling Units	P				18.58.025.N
Live/work units	MUP (3)	MUP	MUP		18.58.130
Manufactured home	P (2)(3)(7)				18.58.170
Multi-family dwellings, 2 to 10 units	P (2)(3)				18.58.180
Multi-family dwellings, 11 and more units	DP (2)(3)			DP(5)	18.58.180
Multi-family dwellings, individual ownership, 2 to 10 units	P (2)(3)				18.58.180
Multi-family dwellings, individual ownership, 11 or more units	DP (2)(3)			DP(5)	18.58.180
Multi-family dwellings, in commercial/industrial project	P (3)	P	P		18.58.180, 18.58.140
Residential care homes, 7 to 12 clients	UP (3)				
Senior citizen congregate care/congregate care housing	UP (3)				18.58.240
Single-family dwellings(8)	P (2)(3)				
Single-room occupancy (SRO) housing	UP (3)				
Supportive housing	P(6)	P(6)	P(6)	P(6)	18.58.255
- Transient rental, multi-family dwellings -	P(3)				
Transient rental, single-family dwellings	P (3)				
Transitional housing	P(6)	P(6)	P(6)	P(6)	
Work/live units	MUP (3)	MUP	MUP		18.58.130

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
P	Permitted use, Zoning Clearance required for projects with less than 5,000 sq. ft. of floor area and less than 26,000 sq. ft. of site disturbance.	18.72
DP	Development Permit required for permitted projects with 5,000 sq. ft. or more of floor area or 26,000 sq. ft. or more of site disturbance.	18.74
MUP	Conditional use, Minor Use Permit approval required.	18.76
UP	Conditional use, Use Permit approval required.	18.76
TUP	Temporary use, Temporary Use Permit approval required. Use not allowed. See 18.03.020.E regarding uses not listed.	18.80

Notes:

- Definitions of the listed land uses are in Chapter 18.220 (Definitions, Glossary).
- Stand-alone residential projects must comply with residential development standards of DRM zoning district.
- These uses are prohibited on ground floor spaces along Commercial Row. See Section 18.20.070.
- Section 18.58.060 (Animal Raising and Keeping) may require a Minor Use Permit for certain animals and household pets, or the raising and keeping of animals or household pets over a certain number, and/or the raising and keeping of animals on small parcels.
- Multi-family dwellings within the DVL zoning district shall have a minimum density of 16 dwelling units per acre.
- Employee, supportive, and transitional housing are subject to the same regulations that apply to other residential uses of the same type in that zone.
- Excludes sites listed on the National Register of Historic Places.

Commercial and Manufacturing Districts

18.12

(8) Small lot single-family subdivisions that comply with all requirements of Gov. Code, § 66499.40 are permitted in zoning districts that allow multi-family residential uses.

Table continues on next page.

18.30.056 - Easements

- A. Structures within easements.** No structure shall be allowed within public utility easements, snow storage easements, access/driveway easements, drainage easements or any other easement offered for dedication to the County of Nevada or the Town, except as follows:
1. The structure serves the purpose of the easement. For example, an electrical transformer in a public utility easement;
 2. The structure is allowed in the easement in accordance with the Public Improvement and Engineering Standards; or
 3. The structure is allowed with Minor Use Permit approval. A Minor Use Permit for a structure within an easement may be granted only where the review authority first finds that the structure will not interfere with the purpose of the easement.
 4. A single-family driveway, including retaining walls, bridge decks, and/or support posts, may be allowed within easements as approved by the Town Engineer.
- B.** Required parking, required landscaping, and required site improvements shall be prohibited within easements unless either: (i) the easement is amended, with the consent of all entities with an interest in the easement, to clarify that the parking, landscaping, and/or other improvements can remain in place in perpetuity notwithstanding any other provision of the easement; or (ii) all entities with an interest in the easement provide written consent for the parking, landscaping and/or other improvements to remain in place in perpetuity, which such consent is absolute, irrevocable, permanent, supersedes the easement to the extent it is inconsistent with the easement, and is recorded in the official records of Nevada County. ~~express written approval is provided from all utilities, agencies and entities with an interest in the easement.~~ Parking required to meet the minimum standards of Section 18.48.040 (Number of Parking Spaces Required) shall not be permitted within snow storage easements (Municipal Code Section 10.17.030).

18.30.060 - Exterior Lighting and Night Sky

- A. Purpose.** It is the purpose and intent of this Section to balance the goals of the Town of Truckee General Plan to maintain its small town character with the need to provide for safe lighting practices and to minimize light pollution for the enjoyment of Truckee's residents and visitors.
1. The use of outdoor lighting is often necessary for adequate nighttime safety and utility, but common lighting practices can also interfere with other legitimate public concerns. Principles among these concerns are:
 - a. The degradation of the nighttime visual environment by production of unsightly and dangerous glare;
 - b. Lighting practices that interfere with the health and safety of Truckee's residents and visitors;

**TABLE 3-3
REQUIRED SETBACKS - RESIDENTIAL ACCESSORY USES AND STRUCTURES**

Accessory Use/Structure	Type of Setback (1)	Required Setback (2)
Air conditioning equipment, pool and spa equipment, ground-based antennas, generators	Sides, rear	5 feet
Garage	Front, street-side	1 foot and 20 feet from edge of street pavement
Gazebo, greenhouse, patio cover	Front, street-side	15 feet
	Rear	15 feet for single-family dwelling, 10 feet for multi-family dwellings
	Interior (3)	6 feet
Propane tank	Front, street-side	As required for main structure.
	Sides, rear	0 feet (4)
Stationary barbecue, fire pit	Sides, rear	5 feet
Swimming pool, spa, fish pond, outdoor play equipment	Street-side	As required for main structure.
	Sides, rear	5 feet
Other structures greater than 120 square feet	Front, street-side, sides, rear	As required for main structure.
Non-habitable structures less than 120 square feet and greater than 6 feet in height	Front, street-side	As required for main structure.
	Sides, rear	5 feet
Structures less than 120 square feet and 6 feet or less in height and not covered elsewhere in this section	Front, street-side, sides, rear	0 feet

Notes:

- (1) When a setback is not specified, the setback shall be as required for the main structure. Where a parcel is situated so that the front, side or rear property lines are not readily determinable, required setbacks shall be established by the Director.
- (2) A structure, projection or equipment shall not be placed or occur beyond the property lines of the subject parcel.
- (3) Chapter 18.220 (Definitions, Glossary) for the definition of interior setback.
- (4) Propane tanks must comply with the side, rear and interior setback requirements of the Town Building Code and the Truckee Fire Protection District.

setback would be increased from the standard 20-foot rear yard setback to a 28-foot rear yard setback (addition of the eight-foot reduction to the rear setback).

For single-family residential dwellings on through lots that have two front yard setbacks, only one front yard setback may be reduced up to 50 percent of that required for other parcels in the same zoning district provided that the other (opposite) front yard setback is increased by the amount of the requested reduction. For through lots, only one front yard setback may be granted this reduction. On through lots with garages in the front setback, the reduction may only be granted to the front setback where the garage is located, if applicable.

The reduced front yard setback applies to all structures including the main structure, decks, eaves, etc. If the reduced front yard setback is used, the allowed projections of Table 3-2 (Allowed Projections into Setbacks) do not apply. Living space is permitted below a garage within the front yard setback in compliance with Section 18.30.120.F.3.f.

- b. Side setbacks.** A single-family dwelling and related accessory structures may extend up to two feet into a required side yard setback but no closer than eight feet to a side property line, and allowed projections as listed in Table 3-2 (Allowed Projections Into Setbacks) may be located up to five feet into a required side setback, but no closer than five feet to any side property line only as follows:

- (1) The average width of the parcel at the building pad is 80 feet or less;
- (2) The wall of the structure is located no closer than 15 feet to the wall of any structure on an adjoining parcel;
- (3) The pitch of any portion of the roof within the side yard setback is not directed toward the side property line or the structure has a non-shedding roof with a deed restriction recorded on the property that limits the type of roofing materials to a non-shedding roof materials and/or snow retention mechanism for the life of the structure; and
- (4) Windows and other wall openings of the structural wall within the side setback are limited to five percent or less of the total area of the wall.

- c. Side setbacks for nonconforming structure.** An addition or modification to a single-family dwelling that encroaches into the side setback may extend up to five feet into a required side setback, but no closer than five feet to a side property line, as follows:

- (1) The Director finds all of the following:
 - (a) The height and design of the addition or modification is compatible with the existing structure;
 - (b) The side yard setback for the addition or modification is equal to or greater than the side yard setback for the existing dwelling;

- b. A written narrative shall accompany the solar evaluation, identifying solar opportunities for the development, as well as potential impacts to adjacent properties. Solar access opportunities include, but are not limited to identification of building orientation for maximum solar gain, appropriate landscaping, lot size and shape, building height, roof eave design, solar protection and street layout. To the extent feasible, the applicant shall incorporate these solar opportunities into the project's final design.
- C. **Orientation of structures.** Future structures should be oriented to maximize solar access opportunities.
- D. **Pools and spas.** A pool or spa facility owned and maintained by a homeowner's association or multi-family rental complex shall be equipped with a solar cover (i.e. an insulative thermal barrier designed to prevent heat loss and help facilitate solar gain). Solar water heating systems are encouraged.
- E. **Collector installation.** Solar collectors, if provided, shall be located and installed in the following manner:
 - 1. Roof-mounted solar collectors shall be placed in the least conspicuous location without reducing the operating efficiency of the collectors;
 - 2. Wall-mounted and ground-mounted collectors shall be screened from public view, to the maximum extent feasible;
 - 3. Roof-mounted collectors shall be installed at the same angle or as close as possible to the pitch of the roof. Solar panels may be placed on a flat roof in an angled position if they are appropriately screened from view by elements that are compatible with the architectural style, color and use of materials on the main portions of the building;
 - 4. Appurtenant equipment, particularly plumbing and related fixtures, shall be installed in the attic whenever possible or screened from public view, to the maximum extent feasible; and
 - 5. Exterior surfaces of the collectors and related equipment shall have a matte finish and shall be color-coordinated to harmonize with roof materials and other dominate colors of the structure.
- E. **Obstruction of solar access.** Structures (building, wall, fence, etc.) should not be constructed or new vegetation placed or allowed to grow, so as to obstruct solar access on an adjoining parcel.

18.30.150 - Solid Waste/Recyclable Materials Storage

This Section provides standards for the construction and operation of solid waste and recyclable material storage areas in compliance with State law (California Solid Waste Reuse and Recycling Access Act, Public Resources Code Sections 42900 through 42911). All developments must comply with Solid Waste and Recycling requirements found in the Town of Truckee Municipal Code Chapter 6.

- A. Size Requirements.** The dimensions listed in Table 3-4 represent the uninterrupted space requirements for material storage containers. Any additional bollards, posts, hinges or other building-related items must make way for these dimensions and are not included in the sizing requirements listed.

**TABLE 3-4
STORAGE AREA REQUIREMENTS**

Container	Inside Clearance Required		
	Width	Depth	Height
Dumpster	10 ft.	9 ft.	8-6 ft.; 10 ft. for enclosures with a roof
Wheeled Cart	2.6 ft.	2.6 ft.	4 ft.

- 1. Required storage for multi-family projects.** Multi-family residential projects with five or more dwelling units shall provide solid waste and recyclable material storage areas as follows:

- a. Individual unit storage area requirements.** Each dwelling unit shall be provided an internal area of a minimum of six cubic feet designed for the storage of solid waste and recyclable material. A minimum of three cubic feet shall be provided for solid waste and a minimum of three cubic feet shall be provided for recyclable material; and
- b. Common storage area requirements.** Common solid waste and recyclable material storage containers shall be at least one third of a cubic yard of container capacity per unit (assuming average 2-3 people/unit and once-a-week collection). This is the sum of volumes of mixed waste and recycling, with proportions of 60% for mixed waste and 40% for recycling. Storage containers may be located indoors or outdoors as long as they are readily accessible to all residents. These minimum requirements may be reduced by the Community Development Director upon a finding that the reduced requirements will provide sufficient storage area for solid waste and recyclable materials generated by the structures and uses.
- c. Alternative storage area requirements.** Subject to approval from the Community Development Director, if the above-referenced common storage area requirements are determined to be infeasible (i.e., insufficient space exists onsite to meet the minimum storage requirements), individual unit mixed waste compactors may be installed to reduce common storage area needs. Separate non-compacted individual unit recycling storage is also required.

- 2. Required storage area for non-residential structures and uses.** Waste capacity is dependent on the type of occupant. Storage areas will be approved on a case-by-case basis in consultation with the Town's Solid Waste Division and local solid waste service provider.

- B. Location requirements.** Solid waste and recyclable materials storage areas shall be located in the following manner:

1. Solid waste and recyclable material storage shall be adjacent/combined with one another. They may only be located inside a specially-designated structure, or the outside of a structure in an approved fence/wall enclosure, a designated interior court or yard area with appropriate access or in rear yards and interior side yards. Exterior storage area(s) shall not be located in a required front yard or street-side setback, parking, landscaped or open space areas, or any area(s) required by the Municipal Code to be maintained as unencumbered. If site limitations make adjacent mixed solid waste and recycling container storage infeasible, containers may be stored in separate locations with approval by the Community Development Director as long as recycling containers are as conveniently located as trash containers;
2. The storage area(s) shall be accessible to residents and employees. Storage areas shall be located within 250 feet of an access doorway to the commercial and residential units which they are intended to serve;
3. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector. Where a parcel is served by an alley, exterior storage area(s) shall be directly accessible to the alley; and
4. Alternate storage locations may be approved by the Community Development Director. A shared offsite storage area to serve more than one parcel may be approved if a deed restriction is recorded on the properties to ensure the future availability of the storage area to the parcels it is designed to serve.

C. Design and construction. The storage areas shall be designed and constructed to:

1. Be compatible with the project and surrounding structures and land uses;
2. Be properly secured to prevent access by unauthorized persons, while allowing authorized persons access for disposal of materials;
3. Be in compliance with the waste hauler requirements in terms of door security, reverse distance, turning radius, and roof clearance;
4. Provide a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates the handling of the individual bins or containers;
5. Protect the areas and the individual bins or containers provided within from [wildlife and from](#) adverse environmental conditions which might render the collected materials unmarketable;
6. Be appropriately located and screened from view on at least three sides subject to the approval of the Director. The method of screening shall be architecturally compatible with the surrounding structures;
7. Screen all carts and other storage containers (grease containers, compost containers, etc.) for commercial and multifamily uses. Screening may be accomplished by buildings, architectural features, decks, or fencing; and

Section 18.58.025 - Accessory Dwelling Units

This Section establishes standards for the development and operation of accessory dwelling units, previously known as secondary residential units and hereafter referred to as “ADUs.” For information specific to junior accessory dwelling units (JADUs), see Subsection [18.58.025](#) below.

A. Applicability. Accessory dwelling units (ADUs) are allowed in all zoning districts that allow single-family and multifamily dwelling residential uses (i.e., DRS, DRM, DRH, RR, RS, RM, DMU, DC, DM, DVL, CN, CG, CS, M, RC and REC zoning districts) subject to compliance with the development standards of the underlying zoning district for the primary dwelling and the requirements of this Section. If a conflict arises between the general development standards and the development standards applicable to ADUs, the development standards of this Section shall supersede any conflicting development standard of Article II or Article III.

B. Types of ADUs.

1. Attached ADU. An attached ADU is within or directly connected to an existing or proposed primary dwelling or its attached garage, having a wall and/or other conditioned space in common. This can include remodeling an existing permitted living space into an ADU, converting existing non-living space into an ADU, adding square footage or an additional floor to the primary dwelling or its attached garage to create an ADU, etc.

2. Detached ADU. A detached ADU is physically separated from an existing or proposed primary dwelling and its attached garage, not sharing a common wall or other conditioned space. This includes converting an existing detached structure into an ADU, adding square footage or an additional floor to an existing detached structure to create an ADU, constructing a new detached structure to create an ADU, etc.

3. Junior ADU (JADU). A JADUs is a smaller type of attached dwelling unit that is no more than 500 square feet in size. Standards for JADUs are described in Subsection [18.58.025](#) below.

C. Number of units allowed. An ADU that conforms to the development standards in this Section is deemed to be an accessory use and/or an accessory structure and will not be considered to exceed the allowable density for the lot upon which it is located.

1. Single-family parcels. One accessory dwelling unit (attached or detached) and one junior accessory dwelling unit (JADU) shall be permitted on a legal parcel developed with one single-family dwelling. An ADU and/or JADU may be developed concurrently with a new single-family dwelling; however, final occupancy of the ADU/JADU shall not be issued prior to final occupancy of the new main dwelling.

2. Multifamily parcels. JADUs are prohibited on multifamily lots. On a lot with existing multifamily dwellings, the property owner of the underlying parcel may choose one or both of the following methods to create ADUs:

a. Detached ADUs. Up to two detached ADUs shall be permitted with 16-foot height limits and 4-foot rear and side yard setbacks.

- b. Converted ADUs.** Converted ADUs within portions of existing multifamily dwelling structures that are not used as livable space (e.g., storage rooms, boiler rooms, passageways, attics, basements, attached garages) shall be permitted; the number of converted ADUs permitted shall be one unit per existing multifamily development or up to 25 percent of the existing unit count in the building, whichever is greater.

For example, a multifamily property with 12 existing units could add two detached ADUs and three new attached ADUs converted from within the existing, non-livable space.

D. Size and location standards.

- 1. Development envelopes and easements.** For ADUs constructed on lots where the recorded subdivision map established development/building envelopes and/or where there are recorded easements on the property, the building envelope and easement restrictions shall take precedence over any setback reductions provided within Subsection D.3 (Size limits, setbacks and standards) below.
- 2. Proximity.** A detached ADU shall be located within 100 feet of the main dwelling, unless a greater distance is determined to be necessary by the Director to avoid on-site septic systems, water supply systems, geographic constraints, and/or environmentally sensitive areas as defined in Section 18.46.030.B (Environmentally Sensitive Areas).
- 3. Size limits, setbacks and standards.** ADU size (i.e., floor area and height), setbacks, and development standards are directly correlated, therefore they are combined in this Subsection D.3 (Size limits, setbacks and standards). Where side yard setback reductions are allowed in this Subsection, these reductions do not apply to street-side setbacks on corner lots. Additionally, on a through lot, both lot lines facing streets are front lot lines and subject to standard front yard setback standards; the lot is considered to have no rear lot line in accordance with the Development Code definition of "Lot Line."

a. Standard ADUs.

- (1) Standard maximum floor area.** The gross floor area of an attached or detached ADU is subject to the following standards:
 - (a)** For single-family parcels under 1 acre in size and all multifamily parcels, the maximum gross floor area of an ADU shall not exceed the following:
 - i)** 850 square feet* for an efficiency unit, studio or 1-bedroom ADU; or
 - ii)** 1,000 square feet* for an ADU with two or more bedrooms.
 - (b)** For single-family parcels of 1 acre or more, the maximum gross floor area of an ADU shall not exceed 1,200 square feet*, regardless of the number of bedrooms within the unit.

** The actual gross floor area of a standard ADU may be limited to less than these maximum sizes based on the application of the setbacks, height limits, and general development standards described in Subparagraphs (2) and (3) below.*

For example, a 2-bedroom ADU may be limited to 900 square feet in order to comply with the maximum allowable site coverage on the property.

- (2) **Setbacks and height.** Any portion of An ADU that is 16 feet in height or less is permitted to be constructed with reduced side and rear yard setbacks, no closer than 4 feet to the side and/or rear property lines, including eaves. Any portion of an ADU structure that exceeds 16 feet in height from natural grade, shall comply with standard side and rear setbacks and height limits applicable to the main dwelling. (Note: Detached ADUs on multifamily lots shall not be permitted to exceed 16 feet in height per Section 18.58.025.c.2.a above.) ADUs shall comply with the standard front yard and street-side setbacks applicable to the main dwelling regardless of ADU height. The following standards shall apply to ADUs within the reduced side and/or rear yard setbacks:
 - (a) **Roof design and materials.** The pitch of any portion of the roof within the reduced setback shall not be directed toward the side or rear property line, or the structure shall have a non-shedding roof material and/or snow retention mechanism for the life of the structure. The Town of Truckee finds that, in accordance with Truckee Municipal Code Sections 15.03.080 (Declaration as High Snow Area) and 15.03.110 (Snow Loads) which declare that all of the Town of Truckee is classified as a severe climate and "high snow" area, the aforementioned design standards shall apply to roofs within setback areas to address snow-related issues associated with life safety, structural integrity, and property damage prevention.
 - (b) **Architectural projections.** All architectural projections shall comply with Table 3-2 (Allowed Projections in Setbacks) based on the standard setbacks for the zoning district, excluding eaves which are allowed up to 4 feet from side and rear property lines. For example, on a standard single-family residential lot in the RS zoning district, a deck may project up to 3 feet into the 10-foot side yard setback or 6 feet into the 20-foot rear yard setback. Projecting features shall not be permitted unless they comply with development standards (i.e., site coverage, floor area ratio, and open space).
 - (3) **Other development standards.** ADUs shall comply with all other general development standards applicable to the main dwelling, including site coverage, floor area ratio, and open space unless an exception is provided elsewhere in this Subsection D.3 (Size limits, setbacks and standards).
- b. Deviations for smaller ADUs.** An attached or detached ADU that has both a maximum gross floor area of 800 square feet and a maximum height of 16 feet from natural grade shall be permitted with the deviations to general development standards below. (An ADU that exceeds either 800 square feet of gross floor area or 16 feet in height from natural grade shall comply with Paragraph D.3.a (Standard ADUs) above.)
- (1) **Setback reductions.** This category of smaller ADU, including eaves, is permitted to be constructed with reduced side and rear yard setbacks, no closer than 4 feet to the side and/or rear property lines. ADUs within the reduced side

and/or rear yard setbacks shall comply with Subparagraphs D.3.a.2.a (Roof design and material) and D.3.a.2.b (Architectural projections) above.

- (2) **Deviations to development standards.** This category of smaller ADU is permitted to deviate from the site coverage, floor area ratio, and open space standards applicable to the property. Any deviation(s) shall be the minimum necessary to accommodate the floor area of the ADU living space, not to exceed an 800-square-foot deviation, and any existing nonconforming conditions to the zoning/development standards proposed to be exacerbated by the creation of an ADU must be legal.
- c. **Conversion ADUs.** An existing legally constructed portion of a single-family dwelling or residential accessory structure that is converted to or replaced with an ADU shall not be required to meet additional setbacks beyond those that were required at the time the original structure was built. For replacements, if the structure is partially or completely demolished and replaced with a structure for a new ADU, the replacement structure shall be in the same location and shall not exceed the dimensions of the original structure, including footprint, floor area, and height, except as permitted below. The maximum gross floor area of the ADU portion of a converted or replaced structure shall not exceed the size limitations of Paragraph D.3.a.1 (Standard maximum floor area) above. For example, if the converted or replaced structure is 1,500 square feet, the ADU portion of the structure shall not exceed 1,000 square feet of gross floor area for a 2-bedroom ADU, and the remainder may be used for other residential accessory uses.

 - (1) **Garage conversions.** In addition to Paragraph D.3.c (Conversion ADUs) above, an existing legally constructed garage located within a front yard or street-side setback that is approved for conversion to or replacement with an ADU shall not include any windows, doors, or other wall openings on the elevation(s) that is/are parallel to and facing the street(s) within the standard setback area. The Town of Truckee finds that the incorporation of this standard is in accordance with Truckee Municipal Code Chapter 10.17 (Snow Removal) and is necessary for life safety to protect residents within or exiting the ADU during snow removal operations as large ice chunks can be projected through the air into front and street-side setbacks and toward buildings and windows within those areas.
 - (2) **Roof modifications.** If the converted or replaced structure is within the standard setbacks applicable to the main dwelling, and if substantial modifications are proposed to the existing roof design or surface/material as a part of the ADU creation, the modifications shall comply with Subparagraph D.3.a.2.a (Roof design and material).
 - (3) **Expansions of conversion ADUs.** If a conversion ADU is less than the maximum allowable floor area for an ADU, an expansion/addition may be approved; however, any expansions shall be subject to the standard unit size, height limit, setbacks, site coverage, floor area ratio, open space, and other development standards that would be applicable to a new ADU.

(4) **Ingress/Egress for conversions.** In addition to any expansion allowed under Subparagraph D.3.c.3 (Expansions of conversion ADUs), a conversion ADU may include an expansion of the existing structure up to 150 square feet for the purpose of accommodating ingress and egress to/from the ADU. This is permitted only for space that is unconditioned and not fully enclosed (e.g., front porch, covered stairway, breezeway, wheelchair ramp). This space is allowed to deviate from site coverage, floor area ratio, and open space standards applicable to the property up to 150 square feet, and, if relevant, may be used in addition to the deviations permitted for smaller ADUs in Subparagraph D.3.b.2 (Deviations to development standards) above.

(a) **Setbacks for ingress/egress.** A new ingress/egress feature for a conversion ADU shall be no closer than 4 feet to the side or rear property line and shall not extend further into standard front yard or street-side setbacks than the walls of the conversion ADU unless the feature is an architectural projection in compliance with Table 3-2 (Allowed Projections in Setbacks).

d. **Minimum floor area.** A minimum floor area of 150 square feet is required for all ADUs.

E. **Parking and driveways.**

1. **Parking standard.** One on-site parking space shall be provided for each ADU, in addition to any parking required for the main dwelling unit, in compliance with Chapter 18.48 (Parking and Loading Standards), unless an exemption is provided below:

2. **ADU garage size.** If a garage or carport for an ADU is proposed, it shall not exceed 500 square feet, shall comply with all general development standards applicable to garages and carports, including site coverage, floor area ratio and open space, and shall be consistent with Section 18.58.220.F.1.c (Residential Accessory Uses and Structures – Garages).

3. **Parking exemptions.** The one on-site parking space for the ADU shall not be required if any of the following situations apply:

a. The ADU is located within a half mile walking distance of a transit stop or within the Downtown Specific Plan Area General Plan Land Use Designation;

b. The ADU is part of an existing or proposed primary residence or an existing accessory structure; or

c. When on-street parking permits are required but not offered to the occupant of the ADU.

d. A car share vehicle station is located within one block of the ADU.

4. **Replacement parking exemption.** When a legally constructed garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or is converted to an ADU, replacement parking for the main dwelling is not required.

5. **Parking location.** The Town of Truckee finds that in accordance with Truckee Municipal Code Chapter 10.17 (Snow Removal) and due to Truckee's unique winter climate, the necessity to provide fast and efficient snow removal operations to accommodate emergency response vehicles and enhance driver safety, and the need to minimize property damage to parked vehicles during snow removal operations, required parking for ADUs and any required replacement parking for the main dwelling shall meet the following criteria:
 - a. All required parking shall be entirely on the private property and not in the right-of-way (Development Code 18.78.070.A, Location [of off-street parking]);
 - b. No required parking shall be located within a snow storage easement (Municipal Code Section 10.17.030, Obstructing snow removal equipment prohibited). Required parking shall be prohibited within easements unless either: (i) the easement is amended, with the consent of all entities with an interest in the easement, to clarify that the parking can remain in place in perpetuity notwithstanding any other provision of the easement; or (ii) all entities with an interest in the easement provide written consent for the parking to remain in place in perpetuity, which such consent is absolute, irrevocable, permanent, supersedes the easement to the extent it is inconsistent with the easement, and is recorded in the official records of Nevada County;
 - c. No required parking shall be located within five feet of side property lines (Public Improvements and Engineering Standards Section 4.07, Driveways); and
 - d. Unless otherwise restricted by the above requirements, tandem parking and/or parking within setback areas is permitted.
6. **On-street parking restriction.** Nothing within Subsection ~~F-E~~ (Parking and driveways), including the exemptions, shall be deemed to permit on-street parking during any time when such parking is prohibited. This includes, but is not limited to, the on-street parking restriction throughout Truckee from November 1 to April 30 annually (Truckee Municipal Code Section 10.17.030, Obstructing Snow Removal Equipment Prohibited).
7. **Shared driveway.** An ADU shall be served by the same driveway encroachment as the main dwelling unit. A second driveway for an ADU will be permitted only if all of the following standards are met: 1) The ADU is located on a corner lot or through lot where the ADU will be accessed from a street other than the street providing access to the primary residence, or the ADU is on a lot with road frontage exceeding 150 lineal feet; 2) the proposal shall demonstrate compliance with the maximum allowable site coverage applicable to the property; and 3) the proposal shall comply with all other applicable Development Code standards and Public Improvement and Engineering Standards for single-family driveways and required off-street parking locations, except as modified within Subsection ~~F-E~~ (Parking and driveways).

F. ADU design features.

1. **ADU entrance.** The ADU shall have an exterior entrance separate from the main entrance to the proposed or existing main dwelling; this egress/entrance shall include a continuous and unobstructed path of travel to/from the public way. Additionally, the ADU may share with the main dwelling and/or JADU a single interior entryway (e.g., airlock, mudroom) not to exceed 80 square feet that provides direct, private access to each unit; however, in no case shall the primary entrance to the ADU be through the main dwelling living area, JADU, garage, or other interior space. A shared entryway is considered part of the main dwelling and is subject to general development standards applicable to the main dwelling, including setbacks, height limit, site coverage, floor area ratio, and open space.
2. **Interior access.** Interior access between the ADU and the main dwelling, attached or detached garage for the main dwelling, and/or other residential accessory structures shall be allowed, in compliance with all applicable California Building Standards Code requirements, as adopted by the Town of Truckee. If interior access is proposed, the tenant of the ADU shall be able to lock the shared door from the interior of the ADU for privacy.
3. **Kitchen or cooking facilities.** An ADU shall include a permanent kitchen or cooking facility, consistent with the Development Code definition of a kitchen (Section 18.220.020.K, Kitchen or Cooking Facilities, Residential). At a minimum, an ADU kitchen shall include the following equipment:
 - a. Cooking facilities (i.e., a standalone cooking appliance with at least two burners that is connected to a gas stub or 220 electric volt outlet; does not include portable cooking accessories such as hot plates and other temporary heat sources);
 - b. A refrigerator (no minimum size); and
 - c. A sink for dishwashing and sanitation purposes.

G. ADU historic design standards. *(Reserved for future use.)*

H. Water supply and sewage disposal. All water supply and sewage disposal shall be provided by an established community system or by an on-site system approved by the Nevada County Environmental Health Department. An ADU shall not be allowed on a parcel that is served by an on-site septic system unless approval is obtained from the Nevada County Environmental Health Department and the unit complies with the Lahontan Regional Water Quality Control Board.

I. Occupancy and rental requirements. The short-term rental of an ADU for a term of less than 31 consecutive days is prohibited ~~for all ADUs for which a building permit was issued on or after January 1, 2020, including after the fact permits for existing illegal ADUs described in Subsection L (Illegal accessory dwelling units) below. On a parcel with a primary dwelling unit and an ADU permitted prior to January 1, 2020, only one of the units may be short term rented for a term of less than 31 consecutive days.~~ There are no occupancy restrictions for long-term rentals of 31 days or more on either the primary dwelling unit or the ADU.

J. Sale of unit prohibited. No ADU shall be subdivided from the main dwelling through a condominium plan, community apartment plan, housing cooperative, or other subdivision. The

sale or conveyance of an ADU independent and/or separate from the main dwelling shall be prohibited.

K. **Deed Restriction Requirements.** Prior to the issuance of a temporary or final certificate of occupancy, an ADU requires the recordation of a deed restriction in a form approved by the Town of Truckee, which shall run with the land, and shall include the following:

- a. A prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers;
- b. A restriction on the size and attributes of the accessory dwelling unit in compliance with this Section; and
- a-c. A prohibition on the short-term rental of the accessory dwelling unit for a period of less than 31 consecutive days.

J-L. **Building code requirements.** Each ADU and JADU shall obtain a building permit from the Town of Truckee and shall be constructed in compliance with all applicable California Building Standards Code requirements, as adopted by the Town of Truckee.

- 1. Fire sprinklers.** ADUs are not required to provide fire sprinklers if sprinklers are not required for the primary dwelling unit.
- 2. Manufactured home, tiny homes, etc.** A manufactured home (a.k.a. mobile home), modular home (a.k.a. factory-built or prefabricated home), tiny home, park model home, or similar unit may be used as an ADU if it is permanently attached to a foundation and complies with the California Building Standards Code, as adopted by the Town of Truckee. A tiny home on a chassis or park model home on a chassis is not permitted for use as an ADU unless it is modified to meet the aforementioned standards.
- 3. Movable units.** A recreational vehicle (e.g., motorhome, campervan, truck camper, travel trailer, pop-up trailer, fifth wheel trailer, toy hauler), travel van, or other movable habitable space generally cannot be approved as an ADU; however, it may be approved if it is permanently attached to a foundation and complies with the California Building Standards Code, as adopted by the Town of Truckee.

K-M. **Illegal accessory dwelling units.** This Section shall not validate any existing illegal ADU. To convert an unpermitted ADU to a legal, conforming unit, the standards and requirements for the conversion shall be the same as for a newly proposed ADU, including the rental restrictions described in Subsection I (Occupancy and rental requirements) above.

L-N. **ADU reversions.** If an ADU or JADU is legally permitted and constructed with deviations to the development standards that would otherwise be applicable to the property, as permitted by the Subsections D (Size and location standards) and/or ~~F-E~~ (Parking and driveways) above, and the ADU is subsequently reverted or converted to another use other than an ADU/JADU, any deviations from development standards (e.g., setbacks, site coverage, floor area ratio, open space, parking) shall be brought into compliance with the standards in effect at the time a

complete application for a reversion or conversion of the space is submitted to the Community Development Department.

M.O. Junior Accessory Dwelling Units (JADUs).

1. **Applicability.** JADUs are allowed in all zoning districts that allow single-family residential uses (i.e., RS, RR, DRS, DMU, RC and REC zoning districts), subject to compliance with the requirements of this Section.
2. **Number of units allowed.** A maximum of one junior accessory dwelling unit (JADU), in addition to one attached or detached ADU, shall be allowed on a parcel with an existing or proposed single-family dwelling.
3. **Location on site.** A JADU must share at least one wall, floor, and/or ceiling with the living space of the attached main dwelling. A JADU may be created by converting existing space within the walls of an existing single-family residence, built as an attached addition to an existing residence, or constructed concurrently as an attached unit to a new single-family residence. If a JADU is created as an addition to an existing residence or concurrent with a new residence, the JADU shall comply with all development standards applicable to the main dwelling, including setbacks, height limits, site coverage, floor area ratio, open space, etc.
4. **Floor area limitation.** The gross floor area of the JADU shall not exceed 500 square feet and shall not be less than 150 square feet.
5. **JADU separate entrance.** A JADU shall have an exterior entrance separate from the main entrance to the existing or proposed single-family residence; this egress/entrance shall include a continuous and unobstructed path of travel to/from the public way. Additionally, the JADU may share with the main dwelling and/or ADU a single interior entryway (e.g., airlock, mudroom) that provides direct, private access to each unit; however, in no case shall the primary entrance to the JADU be through the main dwelling living area, ADU, garage, or other interior space. A shared entryway is considered part of the main dwelling and is subject to general development standards applicable to the main dwelling, including setbacks, height limit, site coverage, floor area ratio, and open space.
6. **Interior access.** Interior access from the JADU to the main dwelling may be maintained; however, if the sanitation facilities are shared with the main dwelling as allowed in Subsection 8 below (Sanitation Facilities), unrestricted interior access to the sanitation facilities is required at all times. If interior access is proposed, the tenant of the JADU shall be able to lock the shared door from the interior of the JADU for privacy.
7. **Cooking facilities.** The JADU shall include an efficiency kitchen, which shall include the following:
 - a. A cooking facility with appliances. (Note: Government Code Section 65852.22(a)(6) does not permit local jurisdictions to specify exactly what “a cooking facility with appliances” must include for JADUs. This standard can be met with basic plug-in kitchen appliances (e.g., microwave, hot plate, mini-fridge) or with a full, high-end kitchen (e.g., gas range, double oven, large sink with disposal, commercial

refrigerator). Therefore, a JADU is not required to comply with the Development Code definition of a “Kitchen or Cooking Facility,” which specifies several types of appliances required in residential kitchens.)

- b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

8. Sanitation facilities. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

9. Water supply and sewage disposal. A JADU shall not be considered a separate or new dwelling unit for the purposes of providing service for water, sewer or power.

10. Parking. No additional parking shall be required for a JADU.

11. Occupancy and rental requirements.

- a. **Short-term rental restriction.** The short-term rental of a JADU for a term of less than 31 consecutive days is prohibited for all JADUs, including after-the-fact permits for existing illegal ADUs described in Subsection 13 (Illegal junior accessory dwelling units) below.
- b. **Owner occupancy.** On a parcel with a primary dwelling unit and a JADU, only one of the units may be rented; the owner must reside in either the remaining portion of the main dwelling or in the JADU. For example, the owner could reside in the main dwelling and long-term rent the JADU, or the owner could reside in the JADU and choose to long-term or short-term rent the main dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.

12. Deed restriction requirements. Prior to the issuance of a temporary or final certificate of occupancy, a JADU requires the recordation of a deed restriction in a form approved by the Town of Truckee, which shall run with the land, and shall include the following:

- a. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and
- b. A restriction on the size and attributes of the junior accessory dwelling unit in compliance with this Section.
- c. A prohibition on the short-term rental of the junior accessory dwelling unit for a period of less than 31 consecutive days.
- d. Requires owner occupancy consistent with Subparagraph M.11.b (Owner occupancy) above.

13. Illegal junior accessory dwelling units. This Section shall not validate any existing illegal JADUs. To convert an unpermitted JADU to a legal, conforming unit, the standards and requirements for the conversion shall be the same as for a newly proposed JADU,

including the rental restrictions described in Subsection 11 above (Occupancy and rental requirements).

18.58.030 - Accessory Retail Uses

This Section establishes standards for the development and operation of retail sales and service establishments within/in conjunction with and accessory to a main commercial and/or manufacturing use where authorized by Article II (Zoning Districts and Allowable Land Uses). For example, these accessory uses include restaurants and pharmacies within hospitals, etc., and the sale of retail merchandise.

- A. General standard.** Accessory retail uses are allowed, provided there will be only minor external evidence of any commercial activity other than the main use of the parcel (e.g., no signs, windows with merchandise visible from adjoining public rights-of-way, etc.), nor access to any space used for the accessory retail use other than from within the main structure.
- B. Commercial and manufacturing zoning districts.** Restaurants and retail sales are allowed in the commercial zoning districts incidental and accessory to offices, hospitals and other medical facilities and pharmacies. Accessory restaurants, retail sales and other services are allowed in the manufacturing zoning district to serve the needs of the employees.
- C. Residential and special purpose zoning districts.** Membership organizations, social or recreational establishments may engage in retail sales for guests only.
- D. Review and approval required.** Accessory retail uses shall be subject to land use permit approval in compliance with Chapter 18.12 (Commercial and Manufacturing Zoning Districts). In order to approve an accessory retail use, the Director shall find that there will be no harm to adjoining existing or potential residential development due to excessive noise, traffic or other adverse effects generated by the accessory use.

18.58.040 - Accessory Uses — General Standards

This Section establishes standards defining the relationship between a main use and an accessory use on the same site, where the accessory use is a common feature of the main use but would not be allowed by the applicable zoning district as a main use on the same site. For example, a coffee shop in a CG (General Commercial) zoning district may include minor coffee bean roasting as part of its operations as an accessory use in compliance with this Section, but coffee roasting as a main use would be allowed as a main use only in the M (Manufacturing/Industrial) district.

- A. Allowable accessory uses.** Accessory uses are allowed in conjunction with a main use as follows:
 - 1. Accessory retail sales.** Accessory retail sales are allowed in compliance with Section 18.58.030 (Accessory Retail Uses), above.
 - 2. Residential accessory uses.** Residential accessory uses are allowed in compliance with Section 18.58.220 (Residential Accessory Uses and Structures).

- (2) Raising and keeping of backyard chickens in association with multi-family residential uses in these zoning districts may be allowed subject to Minor Use Permit approval

3. Shelter requirement. A coop shall be provided that meets the following minimum standards:

- a. Be predator-proof from the sides, the top, and from below.
- b. Be located a minimum of 20 feet to the nearest abutting residence and five feet to any property line.
- c. Movable chicken coops are allowed in compliance with Table 3-3 for Residential Accessory Uses and Structures, and shall be considered temporary structures.

18.58.070 - Bed and Breakfast Inns

This Section establishes standards for the development and operation of Bed and Breakfast Inns (B&Bs). The intent of these provisions is to ensure that compatibility between the B&B and any adjoining residential zoning districts/uses is maintained and enhanced.

- A. Applicability.** Bed and Breakfast Inns (B&Bs) are allowed in the RR, RS, DRS, RM, DRM, DRH, DMU, CN and CH zoning districts with Minor Use Permit approval in compliance with Chapter 18.76, and in the CG and DC zoning districts with Zoning Clearance approval in compliance with Chapter 18.72.

- 1. Hosted Rental Exceptions.** The renting of one designated bedroom within a single-family ~~or multi-family~~ dwelling for the purpose of overnight or vacation lodging as a hosted rental is allowed as a permitted use, ~~in the RR, RS, DRS, RM, DRM, DRH, DMU, CN, CH, CG and DC zoning districts~~ subject to compliance with Municipal Code Chapter 3.24 (Transient Occupancy Tax) and the following criteria:-

- a. A hosted rental requires the homeowner(s) to occupy the single-family dwelling as their principal place of residence (i.e., primary home);
- b. At least one homeowner shall live on-site in the main dwelling for the entirety of the visitor's stay, which may be for a period of up to 30 consecutive days;
- c. A maximum of one designated bedroom is allowed per single-family dwelling;
- d. A kitchen, cooking facility, wet bar, or sink outside of a permitted bathroom area shall be prohibited within the designated bedroom;
- e. The designated bedroom shall have internal, conditioned access to the main dwelling; and
- f. Guests shall be provided access to kitchen and sanitation facilities within the main dwelling.

~~a-g. Prohibited Spaces. This hosted rental exception applies to a dwelling with one family in permanent residence renting a maximum of one bedroom per parcel. This exception~~

does not apply to accessory dwelling units, junior accessory dwelling units, detached living areas, or any portions thereof. ~~Accessory dwelling units or any portion thereof may only be rented for a term of less than 31 days if permitted by Section 18.58.025.I (ADU Occupancy and rental requirements) and subject to compliance with Municipal Code Chapter 3.24 (Transient Occupancy Tax) and Municipal Code Chapter 5.02 (Transient Rentals of Residential Units).~~ Detached living areas may only be rented for a term of less than 31 days if included-allowed as part of a Bed and Breakfast Minor Use Permit.

- B. Exterior appearance.** The exterior appearance of the structure housing the B&B in a residential zoning district shall not be altered from its original single-family character except for a sign as allowed by Subsection I, below, and those structural modifications necessary to comply with the requirements of Title 24 of the California Building Code of Regulations.
- C. Fire safety.** The B&B shall meet the requirements of the Truckee Fire Protection District.
- D. Guest rooms.** The availability of guest rooms are limited to a maximum of three rooms in the RR, RS and DRS zoning districts and five rooms in the other zoning districts. Guest rooms shall not contain food preparation facilities.
- F. Internal access.** All access to guest rooms shall be from within the B&B inn or the guest room shall be located in an approved detached living area.
- F. Limitation on services provided.** Service shall be limited to the rental of bedrooms or suites, and meal/beverage service shall be provided for registered guests only. Separate/additional kitchens for guests are not allowed. Receptions, private parties or similar activities, for which a fee is paid or which is allowable only as a condition of room rental, shall not be allowed.
- G. Off-street parking.** Off-street parking shall be provided at a ratio of one space for each guest room plus two for the on-site owner/manager of the B&B. Parking shall be located, to the extent possible, out of the required front and side yard setbacks. Parking spaces for the disabled may be counted toward the required off-street parking.
- H. On-site management.** The B&B shall be the main residence of the B&B owner or manager.
- I. Signs.** On-site signs shall be in compliance with Chapter 18.54 (Signs). The design, location and lighting of the sign shall ensure compatibility with the architecture of the B&B and the surrounding neighborhood.
- J. Site requirements.** The proposed site shall generally conform to the standards of the applicable zoning district.
- K. Transient Occupancy Tax.** B&Bs shall be subject to the Transient Occupancy Tax in compliance with Chapter 3.24 of the Municipal Code, and shall maintain guest registers to ensure accurate occupancy records.

18.58.075 - Cannabis Delivery Services

~~18.58.100 – Detached Living Areas~~

~~This Section establishes standards for the development and operation of living quarters that are detached from and not a required element of the main dwelling and is designed for human occupancy. Detached living areas include bedrooms, recreation rooms, home offices and similar habitable areas in any area where single family dwellings are allowed in compliance with Article II (Zoning Districts and Allowable Land Uses).~~

~~**A. Access.** The detached living area may have direct, covered access to the main dwelling, and shall be designed to provide practical pedestrian access to the main dwelling.~~

~~**B. Design standards.** A detached living area shall be designed as follows:~~

~~1. **Maximum floor area.** The gross floor area shall not exceed the lesser of 50 percent of the existing living area of the main dwelling or:~~

~~—— a. On parcels less than one acre: 800 square feet of gross floor area; or~~

~~b. On parcels of one acre or more: 1,200 square feet of gross floor area.~~

~~The floor area for a detached living area incorporated into a garage structure or in a separate residential accessory structure shall not be counted towards the maximum floor area limits for garages and residential accessory structures as set forth in Section 18.58.220.~~

~~2. The detached living area shall be designed to maintain visual consistency and compatibility with the main dwelling and with other residential structures in the surrounding neighborhood;~~

~~3. The detached living area may only include sleeping area and living area, except that there is no limit on the number of allowed bathrooms;~~

~~4. The detached living area shall not contain a kitchen or other cooking facilities;~~

~~5. A detached living area and accessory dwelling unit may not be located within a single detached residential accessory structure.~~

~~**C. Maximum number of structures.** Only one detached structure with living area shall be allowed on a single legal parcel of record.~~

~~**E. Plumbing and electrical installations.** Allowable plumbing shall be limited to that required for a single one well sink with a maximum surface area of two square feet and for a single bathroom. The bathroom may only contain one water closet, lavatory and a shower or tub. Electrical installation shall be limited to the minimum required for heating, light and ventilation. Line drawings shall be submitted for approval, and shall delineate all plumbing and electrical installations proposed in compliance with this standard.~~

- ~~F. **Rentals prohibited.** The detached living area shall not be separately rented or leased from the main dwelling, whether compensation is direct or indirect.~~
- ~~G. **Subdivision prohibited.** The portion of the site accommodating the detached living area shall not be subdivided from the portion of the site containing the main dwelling.~~
- ~~H. **Utilities.** All utilities serving the detached living area (e.g., electricity, gas, sewer and water) shall be common to and dependent on the main dwelling. The detached living area shall not be provided with separate utility meters.~~

18.58.110 - Drive-In and Drive-Through Facilities

- A. **Purpose and applicability.** This Section establishes supplementary standards for drive-in restaurants and fast food establishments with drive-through facilities, located within the CH (Highway Commercial) zoning district, which conduct business while customers remain in their vehicles. Other types of drive-in and drive-through facilities are not permitted.
- B. **Permit requirement.** Drive-in restaurants and fast food or counter-service establishments, with drive-through facilities, shall require Use Permit approval in compliance with Chapter 18.76 (Use Permits and Minor Use Permits).
- C. **General standards.** Drive-in and drive-through facilities shall be designed and operated to effectively mitigate problems of air pollution, congestion, excessive pavement, litter, noise and unsightliness, and shall comply with the on-site circulation standards in Subsection E, below, which are not applicable to drive-in theaters or service stations.
- D. **Accessory use required.** Drive-through facilities may only be accessory to an allowable main use.
- E. **On-site circulation.** Parcels with drive-through facilities shall be provided with internal circulation and traffic control devices as follows:
1. **Aisle design.** Drive-through aisles shall be located and designed as follows:
 - a. The entrance/exit of any drive-through aisle shall be at least 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs) and at least 25 feet from the edge of any driveway on an adjoining parcel. The drive-through aisle or stacking area (see following Subsection E.2) shall not be located adjacent to a street frontage.
 - b. Drive-through aisles shall be designed with a minimum 10-foot interior radius at curves and a minimum 12-foot width.
 2. **Stacking area.** A clearly identified area shall be provided for vehicles waiting for drive-through service that is physically separated from other on-site traffic circulation.
 - a. The stacking area shall accommodate a minimum of five cars for each drive-through window in addition to the vehicle(s) receiving service.

18.58.220 - Residential Accessory Uses and Structures

This Section provides standards for specific residential accessory uses and structures allowed in the zoning district applicable to a parcel (see Section 18.08.030, Residential Zoning District Land Uses and Permit Requirements). Residential accessory uses include any use that is customarily related to a residence, including driveways, garages, greenhouses, storage sheds, studios, swimming pools/spas and workshops.

A. General requirements. Accessory uses and structures are subject to the following standards, except where more restrictive requirements are established by other provisions of this Section for specific uses.

1. **Relationship of accessory use to main use.** Accessory uses and structures shall be incidental to and not alter the character of the site from that created by the main use.
2. ~~Attached structures~~Standards for accessory structures. An accessory structure shall comply with the requirements of this Development Code applicable to the main structure, including heights, parcel coverage and setbacks, unless otherwise specified in this Development Code. An accessory structure for multi-family residential uses shall be architecturally compatible with the main structure.
3. **Detached structures.** A conditioned or unconditioned breezeway may be allowed to provide shelter between a detached accessory structure and the main dwelling. A breezeway is a roofed passageway with or without sides connecting two or more buildings or parts of a building.
 - ~~a. Breezeways. A breezeway may be allowed to provide shelter between a detached accessory structure and the main dwelling when designed and constructed as a covered passageway which does not exceed 10 feet in width. A conditioned space connecting the detached structure to the main dwelling may qualify the structure as attached.~~
4. **Adjoining parcels under common ownership.** Residential accessory uses and structures, including the raising and keeping of animals, may be located on an adjoining parcel(s) if both parcels are under common ownership and the accessory use or structure complies with all provisions of this section. Recordation of a deed restriction tying the adjoining parcels together is required.

B. Building Permits. The Building Permit for a residential accessory use or structure shall not be:

1. Issued unless there is a residential use on the subject property or the permit is issued in conjunction with the residential dwelling permit; and
2. Finaled until there is a residential use on the subject property or the permit for the residential dwelling is finaled.

C. Antennas. Antennas are subject to the provisions of Section 18.58.250 (Telecommunications Facilities).

D. Driveways and Parking Pads. Driveways and parking pads are accessory uses and only allowed if a residential use is already established on the same property or if a residential dwelling permit is issued in conjunction with the driveway or parking pad permit. Driveways and parking pads are subject to the provisions of Chapter 18.48 (Parking and Loading Standards).

E. Garages. Garages shall comply with the following standards, as well as the special setback requirements in Section 18.30.120.E (Setbacks Requirements for Specific Structures and Situations).

1. Maximum floor area.

- a. A detached accessory garage for a single-family residential parcel shall not occupy more than 1,000 square feet of floor area on parcels less than an acre in size and 2,000 square feet of floor area on parcels between one and five acres in size. On parcels larger than five acres, a detached accessory garage may occupy up to 2,000 square feet of floor area or 100 percent the size of the main residence, whichever is greater.
 - i. The floor area for a secondary residential unit in a detached accessory garage shall not be counted as part of the floor area of the garage.
 - ii. The floor area for a detached living area incorporated into a garage structure or in a separate residential accessory structure shall not be counted towards the maximum floor area limits for garages and residential accessory structures. For example, a detached accessory garage on a parcel less than an acre with a 1,600 sq. ft. residence may have a maximum floor area of 1,800 square feet of floor area (1,000 sq. ft. for the garage and 800 sq. ft. for the detached living area). A detached living area and accessory dwelling unit may not be located within a single detached residential accessory structure.
- b. The floor area of an accessory garage that is attached to a main structure is not limited, except as required by the Building Code or any other applicable Town Code.
- c. A garage or carport for an accessory dwelling unit: 1) shall be limited to 500 square feet, regardless of whether it is attached to or detached from the accessory dwelling unit; 2) shall be dedicated for use only by residents of the accessory dwelling unit, not accessible to residents of the main dwelling; 3) shall not be counted toward the cumulative maximum size for detached garages on a single parcel if the garage *is* attached to the accessory dwelling unit or main dwelling; and 4) shall be counted toward the cumulative maximum size for detached garages on a parcel if the garage or carport is not attached to the accessory dwelling unit or main dwelling.

F. Detached Living Areas. Living quarters which are designed for human occupancy and are physically detached from and not a required element of the main dwelling. Includes bedrooms, recreation rooms, home offices and similar habitable areas in any area where single-family dwellings are allowed in compliance with Article II (Zoning Districts and Allowable Land Uses).

1. **Access.** The detached living area may have direct, covered access to the main dwelling, and shall be designed to provide practical pedestrian access to the main dwelling.
2. **Design standards.** A detached living area shall be designed as follows:
 - a. **Maximum floor area.** The gross floor area shall not exceed the lesser of 50 percent of the existing living area of the main dwelling or:
 - i. On parcels less than one acre: 800 square feet of gross floor area; or
 - ii. On parcels of one acre or more: 1,200 square feet of gross floor area.
 - b. The detached living area shall be designed to maintain visual consistency and compatibility with the main dwelling and with other residential structures in the surrounding neighborhood;
 - c. The detached living area may only include a sleeping area, living area, and a bathroom;
 - d. The detached living area shall not contain a kitchen or other cooking facilities; and
 - e. A detached living area and accessory dwelling unit may not be located within a single detached residential accessory structure
3. **Maximum number of structures.** Only one detached structure with living area shall be allowed on a single legal parcel of record.
4. **Plumbing and electrical installations.** Allowable plumbing shall be limited to that required for a single one-well sink with a maximum surface area of two square feet and for a single bathroom. The bathroom may only contain one water closet/lavatory and one shower/tub. Electrical installation shall be limited to the minimum required for heating, light and ventilation. Line drawings shall be submitted for approval, and shall delineate all plumbing and electrical installations proposed in compliance with this standard.
5. **Rentals prohibited.** The detached living area shall not be separately rented or leased from the main dwelling, whether compensation is direct or indirect.
6. **Subdivision prohibited.** The portion of the site accommodating the detached living area shall not be subdivided from the portion of the site containing the main dwelling.
7. **Utilities.** All utilities serving the detached living area (e.g., electricity, gas, sewer and water) shall be common to and dependent on the main dwelling. The detached living area shall not be provided with separate utility meters.

F.G. Greenhouses. An accessory greenhouse may occupy up to 500 square feet for each parcel less than or equal to 0.5-acres in size and up to 25% of the dwelling on parcels greater than 0.5-acres in size..

G.H. Home occupations. Home occupations are subject to the requirements of Section 18.58.120

(Home Occupations).

H.I. Swimming pools/spas/hot tubs. Private swimming pools, spas and hot tubs are allowed accessory to approved residential uses on the same parcel, subject to the following provisions:

1. The pool is to be used solely by occupants of the dwelling(s) on the same parcel and their invited guests; and
2. The pool shall be secured by fencing and/or walls to prevent uncontrolled access by children in compliance with the Town Building Code.
3. The pool is subject to the setback requirement in Section 18.30.120.E Table 3-3.

I.J. Tennis and other recreational courts. Non-commercial outdoor tennis courts and courts for other sports (e.g., racquetball, etc.) accessory to a residential use are subject to the following requirements:

1. Fencing shall be subject to the height limits of Section 18.30.070 (Fences, Walls and Hedges). Fencing for non-commercial outdoor courts up to a maximum of 20 feet in height, located outside the required setbacks, may be authorized by the Zoning Administrator through a Minor Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits);
2. Lighting for non-commercial outdoor courts may be authorized by the Zoning Administrator through a Minor Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits).

J.K. Vehicle storage. The outdoor storage of vehicles, including incidental restoration and repair, is subject to Chapter 10.20 (Abandoned Vehicles) of the Municipal Code.

K.L. Cumulative size of accessory structures. The maximum cumulative size for all allowed accessory structures on a parcel, but not including an accessory dwelling unit in a detached structure, shall be in compliance with Table 3-17.

- a. **Allowable ground locations.** If ground-mounted, the antennas shall not be located between a structure and an adjoining street and shall be screened from public view and surrounding parcels;
 - b. **Screening.** If roof-mounted, the antennas shall be screened from ground view by a parapet or other type of screening. The minimum height and design of the parapet, wall or screening shall be subject to the approval of the Director;
 - c. **Size limitations.** The diameter of the ground-mounted antenna shall not exceed 12 feet. This provision may be modified by the Director if strict compliance would result in no/poor satellite reception;
 - d. **Height and location.** The height and location of the antennas shall comply with the requirements of the applicable zoning district. The height provision may be modified by the Director if strict compliance would result in no/poor satellite reception; and
 - e. **Setbacks.** If the subject parcel adjoins a residential zoning district, the antenna shall be set back a minimum distance from the property line that is equal to or greater than the height of the antenna, unless otherwise screened from public view to the satisfaction of the Director.
- C. **Single pole/tower amateur radio antennas.** Single pole/tower amateur radio antennas shall be designed, constructed/installed and maintained in the following manner:
 - 1. **Location requirements.** Antennas shall not be located in a front or side yard.
 - 2. **Mounting.** Antennas may be ground- or roof-mounted.
 - 3. **Height limit.** The maximum height shall not exceed 50 feet, measured from finish grade.
 - 4. **Size limitations.** Any boom or other active element/accessory shall not exceed 25 feet in length.
- D. **Television and radio broadcasting towers.** These towers shall be allowed in compliance with Chapter 18.76 (Use Permits and Minor Use Permits).
- E. **Effects of development on antenna reception.** The Town shall not be liable if subsequent development impairs antenna reception.
- F. **Variances.** Telecommunications facilities not complying with the requirements of this Section may be authorized only in compliance with Chapter 18.82 (Variances).

18.58.260 – Time-Share Uses

- A. Purpose This Section establishes standards for the operation of time-share uses in commercial zones. The Town classifies time-share uses as commercial uses and the intent of these standards is to ensure compatibility of time-share uses, which are located in existing residential units, with any adjoining residential and commercial uses.

B. Inapplicability of Section to Existing Time-Share Uses. Nothing in this Section shall be deemed to apply to time-share properties existing as of the effective date of this Section or to render such time-share properties nonconforming with this code, provided that such time-share properties were approved by the Town as such, and have been owned and operated as such, prior to the effective date of this Section.

C. Definitions. For purposes of this Section, the following words and phrases shall have the meaning respectively ascribed to them by this paragraph C:

“Accommodation” means any dwelling, apartment, condominium or cooperative unit, hotel or motel room, or other structure constructed for residential use and occupancy, including but not limited to a single-family dwelling, or unit within a multi-family dwelling as defined in Section 18.220.020.

“Dwelling” shall have the meaning ascribed to it by Section 18.220.020.

“Management entity” means the person who undertakes the duties, responsibilities and obligations of the management of a time-share plan.

“Person” means a natural person, corporation, limited liability company, partnership, joint venture, association, estate, trust, or other legal entity, or any combination thereof.

“Time-share interest” means the right to exclusively occupy a time-share property for a period of time on a recurring basis pursuant to a time-share plan, regardless of whether or not such right is coupled with a property interest in the time-share property or a specified portion thereof.

“Time-share plan” means any arrangement, plan, scheme, or similar device, whether by membership agreement, bylaws, shareholder agreement, partnership agreement, sale, lease, deed, license, right to use agreement, or by any other means, whereby a purchaser, in exchange for consideration, receives the right to exclusive use of an accommodation or accommodations, whether through the granting of ownership rights, possessory rights or otherwise, for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years.

“Time-share property” means one or more accommodations subject to the same time-share plan, together with any other property or rights to property appurtenant to those accommodations.

“Time-share use” means the use of one or more accommodations or any part thereof, as a time-share property pursuant to a time-share plan.

D. Time-share Uses Restricted to Existing Single-Family Dwellings in General Commercial (CG) and Neighborhood Commercial (CN) Districts. Time-share uses are permitted uses within the Town’s General Commercial (CG) District and Neighborhood Commercial (CN) District, subject to issuance of a Zoning Clearance applied for and approved in conformance with this Section and Chapter 18.72. Time-share uses are not permitted in all other zoning districts in Truckee and are not permitted in multi-family dwellings.

E. Application Process and Development Standards.

1. **Application Process.** Approval of a Zoning Clearance for time-share uses in the General Commercial (CG) District and Neighborhood Commercial (CN) District shall be required in accordance with the requirements of this Section and Chapter 18.72. In addition to any application requirements established by this Section and any other applicable requirements of this code, the following information shall be submitted as part of any application to develop or establish a time-share use:
 - a. A description of the method of management of the time-share use and indication of the management entity for the time-share property.
 - b. Any restrictions on the use or occupancy of the accommodations.
 - c. Any other information or documentation the applicant or Town staff deems reasonably necessary to the consideration of the time-share use.
2. **Development Standards and Operational Requirements.** Notwithstanding any other provision of this chapter, the following conditions must be met by any time-share use in the General Commercial (CG) District or Neighborhood Commercial (CN) District:
 - a. **Development Standards.** The time-share use shall comply with all development standards for the zone in which it is located.
 - b. **Parking.** Two off-street parking spaces shall be provided for each time-share property.
 - c. **Noise.** All time-share properties are subject to Chapter 18.44 (Noise) with the exception of Section 18.44.050 (Residential Interior Noise Standards). Time-share properties where the ambient noise levels may exceed 70 dB(A) CNEL are subject to Section 18.44.040.F.
 - d. **Solid Waste.** All time-share properties are subject to Section 18.30.150.A.2 (Required storage area for non-residential structures and uses).

F. Violations, Enforcement and Civil Penalties.

1. Any responsible person, including but not limited to an owner of a time-share interest, management entity, agent, or broker who uses, or allows the use of, or advertises or causes to be printed, published, advertised or disseminated in any way and through any medium, the availability for sale or use of an accommodation in violation of this Section is guilty of a misdemeanor for each day in which such accommodation is used, allowed to be used, or advertised for sale or use in violation of this Section. Such violation shall be punishable pursuant to Chapter 1.02.
2. Time-share use, and/or advertisement for time-share use, of an accommodation in violation of this Section is a threat to public health, safety or welfare and is thus declared to be unlawful and a public nuisance. Any such nuisance may be abated and/or restored by Town staff and also may be abated pursuant to Chapter 1.03, except that the civil

penalty for a violation shall be one thousand dollars (\$1,000.00). Each day the violation occurs shall constitute a separate offense.

3. Any responsible person who violates this Section shall be liable and responsible for a civil penalty of one thousand dollars (\$1,000.00) per violation per day such violation occurs. The Town may recover such civil penalty by either civil action or administrative citation. Such penalty shall be in addition to all other costs incurred by the Town, including without limitation the Town's staff time, investigation expenses and attorney's fees.
 - a. Where the Town proceeds by civil action, the court shall have discretion to reduce the civil penalty based upon evidence presented by the responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the court should consider the purpose of this Section to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the responsible person's enrichment or profit as a result of the violation of this Section. In any such civil action the Town also may abate and/or enjoin any violation of this Section.
 - b. Where the Town proceeds by administrative citation, the Town shall provide the responsible person notice of the right to request an administrative hearing to challenge the citation and penalty, and the time for requesting that hearing.
 - i. The responsible person shall have the right to request the administrative hearing within forty-five (45) days of the issuance of the administrative citation and imposition of the civil penalty. To request such a hearing, the responsible person shall notify the Town Clerk in writing within forty-five (45) days of the issuance of the citation. The appeal notification shall include all specific facts, circumstances and arguments upon which the appeal is based.
 - ii. The Town Manager is hereby authorized to designate a hearing officer to hear such appeal. The hearing officer shall conduct a hearing on the appeal within ninety (90) days of the request for the hearing unless one of the parties requests a continuance for good cause. The hearing officer shall only consider those facts, circumstances or arguments that the property owner or responsible person has presented in the appeal notification.
 - iii. The hearing officer shall render a decision in writing within thirty (30) days of the conclusion of the hearing. The hearing officer shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the hearing officer should consider the purpose of this Section to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this Section.

- iv. Any aggrieved party to the hearing officer's decision on the administrative appeal may obtain review of the decision by filing a petition for writ of mandate with the Nevada County Superior Court in accordance with the timelines and provisions set forth in Government Code Section 53069.4.
 - v. If, following an administrative hearing, appeal, or other final determination, the owner of the property is determined to be the responsible person for the civil penalty imposed by this Section, such penalty, if unpaid within forty-five (45) days of the notice of the final determination, shall become a lien to be recorded against the property on which the violation occurred. Such costs shall be collected in the same manner as county taxes, and thereafter the property upon which they are a lien shall be sold in the same manner as property now is sold for delinquent taxes.
 - vi. Any violation of this Section may also be abated and/or restored by Town staff and also may be abated pursuant to Chapter 1.03, except that the civil penalty under Chapter 1.03 for a violation shall be one thousand dollars (\$1,000.00).
4. Each day the violation of this section occurs shall constitute a separate offense.
5. The remedies under this section are cumulative and in addition to any and all other remedies available at law and equity.

CHAPTER 18.72 - ZONING CLEARANCE

Sections:

- 18.72.010 - Purpose of Chapter
- 18.72.020 - Applicability
- 18.72.030 - Review and Decision
- 18.72.040 - Conditions of Approval

18.72.010 - Purpose of Chapter

- A. This Chapter establishes procedures for the review and approval or denial of Zoning Clearances, which are required by the Town to verify that a requested land use activity and/or structure is an allowed land use within the applicable zoning district and complies with the development standards and any design guidelines applicable to the land use or the zoning district of the site.
- B. The review process begins with the recognition that the proposed use/construction is allowed in the zoning district and focuses on issues related to site layout and design in order to arrive at the best utilization of the subject site and compatibility of design with surrounding properties.
- C. The process includes the filing of a building permit application or land use permit application with the Director to verify compliance with all applicable land use development standards, any applicable design guidelines and the requirements of other Town departments.

18.72.020 - Applicability

Where Article II (Zoning Districts and Allowable Land Uses) requires Zoning Clearance, the Director shall evaluate the proposed use or structure in compliance with this Chapter.

- A. **Eligibility for Zoning Clearance.** A Zoning Clearance may be issued by the Director for land use activities or structure(s) identified in Article II (Zoning Districts and Allowable Land Uses) as an allowed use as follows:
 - 1. For projects of a single-family dwelling, accessory dwelling unit, and/or residential accessory structure, a change in land use, [creation of time-share uses](#), new structures or additions to existing structures with a total gross floor area of less than 7,500 square feet (less than 5,000 square feet in Downtown Residential and Downtown Commercial and Manufacturing zoning districts); or
 - 2. For non-residential projects, a change in land use, new structures, or additions to existing structures with a total gross floor area of less than 7,500 square feet (less than 5,000 square feet in Downtown Residential and Downtown Commercial and Manufacturing zoning districts); or

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3. For multi-family residential projects, a change in land use, new structures, or additions to existing structures with ten or less residential units; and/or
 4. For all projects, a change in land use, new structures, additions to existing structures, new improvements, or additions to existing improvements with site disturbance (grading, impervious surfaces, and/or the removal of natural vegetation) of less than 26,000 square feet.
- B. Streamlined Zoning Verification.** For projects with a change of use that falls within the Zoning Clearance criteria in terms of floor area and site disturbance, but does not represent an expansion of the square footage and/or intensification of use, the project may qualify for a streamlined Zoning Verification review. This review shall verify that the proposed use is allowed in the zoning district in which the use is proposed, does not create significant impacts (e.g., parking, noise, solid waste storage, or environmental degradation), and does not require review by utility agencies, special districts, or departments, as determined by the Community Development Director. Streamlined Zoning Verifications require a public notice sign to be posted at the parcel from the time of application submittal until 10 days after approval of the application.
- C. Other permits.** A Zoning Clearance shall be required before the approval of a Building, Grading, or other construction permit or other authorization required by the Municipal Code or this Development Code for the proposed use or construction.
- D. Incremental or phased development projects.** Incremental or phased developments shall be treated on a cumulative basis. The approval of a Development Permit, in compliance with Chapter 18.74 (Development Permits) shall be required for additions to projects that would bring (1) the total project gross floor area for non-residential structure(s) to 7,500 square feet or more (5,000 square feet or more for projects located within the Downtown Residential and Downtown Commercial and Manufacturing zoning districts; (2) the total site disturbance area to 26,000 square feet or more; or (3) the total number of multi-family residential units to eleven or more units.

18.72.030 - Review and Decision

- A. Project review procedures.** Each application shall be analyzed by the Director to ensure that the application is consistent with the content, purpose and intent of this Chapter, this Development Code, any applicable design guidelines, the General Plan and any applicable Specific Plan.
- B. Issuance of a Streamlined Zoning Verification.**
1. **Time for decision.** The Director shall take appropriate action on the Zoning Verification within 30 days of finding the application complete in compliance with Section 18.70.060 (Initial Application Review/Environmental Assessment).
 2. **Public notice.** Streamlined Zoning Verifications require a public notice sign to be posted at the parcel from the time of application submittal until 10 days after approval of the application.

3. **Required findings.** The Director may approve a Streamlined Zoning Verification, with or without conditions, only if all of the following findings can be made:
- a. The proposed project is:
 - (1) Allowed by Article II (Zoning Districts and Allowable Land Uses) within the applicable zoning district and complies with all applicable provisions of this Development Code, the Municipal Code and the Public Improvement and Engineering Standards; and
 - (2) Consistent with the General Plan, any applicable Specific Plan and/or Master Plan, the Trails Master Plan, the Truckee Tahoe Airport Land Use Compatibility Plan and the Particulate Matter Air Quality Management Plan.
 - b. The proposed project is located in an existing building and the tenant space was previously occupied by a [permitted](#) use for which no complaints have been received.
 - c. No changes are proposed to the exterior of the building except signage or repairs consistent with the underlying land use approval.
 - d. The Zoning Verification approval is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources; and
 - e. There are adequate provisions for public and emergency vehicle access, fire protection, sanitation, water and public utilities to ensure that the proposed development would not be detrimental to public health and safety. Adequate provisions shall mean that distribution and collection facilities and other infrastructure are installed at the time of development and in operation prior to occupancy of buildings and the land and all development fees have been paid prior to occupancy of buildings and the land.
 - f. The subject site is:
 - (1) Physically suitable for the type and density/intensity of development being proposed;
 - (2) Adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards and other features required by this Development Code; and
 - (3) Served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development.
 - g. The proposed development is consistent with all applicable regulations of the Nevada County Environmental Health Department and the Truckee Fire Protection District for the transport, use and disposal of hazardous materials.

CHAPTER 18.88 - VACATIONS

Sections:

- 18.88.010 - Purpose of Chapter
- 18.88.020 - Applicability
- 18.88.030 - Findings and Decision

18.88.010 - Purpose of Chapter

This Chapter establishes procedures for the review and approval or denial of the vacation of streets and public easements and the release of covenants of easements, which is required by State law and the Town to ensure that the street or easement is not necessary for present or prospective public use.

18.88.020 - Applicability

Any and all requests for the abandonment, vacation, and/or release of streets and public easements shall be evaluated in compliance with this Chapter. Public streets and public easements within subdivided lands may be abandoned in accordance with Chapter 18.104 (Reversions to Acreage) or Section 66499.20 ½ (Merging and resubdividing without reversion) of the Subdivision Map Act.

18.88.030 - Findings and Decision

A request for the vacation of a street or public service easement or the release of a covenant of easement shall be reviewed and processed in compliance with this section.

A. Minor street vacation. A request for the vacation of a street may be approved, with or without conditions, by the Town Council by resolution without public hearing or notice only if the conformity of the request with the General Plan has been considered and one of the following findings can be made:

1. The street has been superseded by relocation of the street and utilities; the relocation of the street would not cut off all access to a person's property which, prior to relocation, adjoined the street; and the street is not necessary for present or prospective public use;
2. The street has been impassable for vehicular traffic for a period of five consecutive years, no public money was expended for maintenance on the street during such period, there are no in-place public utility facilities that are in use or would be affected by the vacation and the street is not necessary for present or prospective public use; or
3. The excess right-of-way of the street is not required for street purposes, there are no in-place public utility facilities that are in use or would be affected by the vacation and the excess right-of-way is not necessary for present or prospective public use.

The resolution of summary vacation shall be recorded by the Town with the Office of the County Recorder.

B. Minor public service easement vacation. A request for the vacation of a public service easement may be approved, with or without conditions, by the Town Council by resolution without public hearing or notice only if the conformity of the request with the General Plan has been considered and one of the following findings can be made:

1. The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the requested vacation and the easement is not necessary for present or prospective public use;
2. The date of dedication or acquisition of the easement is less than five years and more than one year, immediately preceding the requested vacation, the easement was not used continuously since that date and the easement is not necessary for present or prospective public use; or
3. The easement has been superseded by relocation, there are no other public facilities located within the easement and the easement is not necessary for present or prospective public use.

The resolution of summary vacation shall be recorded by the Town with the Office of the County Recorder.

C. Major street and public service easement vacation. A request for the vacation of a street or public service easement not meeting the requirements of Subsections A. and B. may be approved, with or without conditions, by the Town Council by resolution if all of the findings can be made:

1. The request was considered at a public hearing and noticed in accordance with the requirements of Sections 8322 and 8323 of the Streets and Highways Code;
2. The request was referred to the Planning Commission for their review and the Commission reported on the conformity of the request with the General Plan;
3. The street or public service easement is not necessary for present or prospective public use.

The resolution of summary vacation shall be recorded by the Town with the Office of the County Recorder.

D. Release of covenant of easement. A covenant of easement may be released, with or without conditions, by the review body if all of the findings can be made:

1. A public hearing was held and noticed in accordance with Chapter 18.180 (Public Hearings) to consider the release of the covenant of easement;
2. The covenant of easement and the restriction on the property are no longer necessary to achieve the land use goals of the Town and the approval of the release is consistent with

the General Plan, any applicable specific plan, the Trails Master Plan and the Particulate Matter Air Quality Management Plan.

The release may be effected either by the Zoning Administrator, Planning Commission, or Council, depending upon which review body imposed the requirement of the covenant. A notice of the release of the covenant of easement shall be recorded by the Town Clerk with the Office of the County Recorder.

E. Abandonment of access easement. A request for abandonment of an access easement in which the Town of Truckee is a grantee or otherwise has a legal interest may be approved, with or without conditions, by the Town Council by resolution without public hearing or notice only if the conformity of the request with the General Plan has been considered and the following findings can be made:

1. All property owners with an interest in the access easement have provided written documentation giving the Town of Truckee authorization to abandon the easement on their behalf; and
2. The access easement and the restriction on the property are no longer necessary to achieve the land use goals of the Town and the approval of the release is consistent with the General Plan, any applicable specific plan, the Trails Master Plan and the Particulate Matter Air Quality Management Plan.

The resolution of summary vacation shall be recorded by the Town with the Office of the County Recorder.

E.F. Fee. The Town may impose fees to recover the Town's reasonable cost of processing a request for a release. Fees for the processing shall be specified in the Council's Fee Resolution.

- b. Each of the resulting lots must be between 60 percent and 40 percent of the original lot area.

8. Easements. The owner must enter into an easement agreement with each public service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.

- a. Each easement must be shown on the Tentative Parcel Map.
- b. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the Final Map may be approved, in accordance with subpart (C)(1) above.
- c. If an easement is recorded and the project is not completed, making the easement moot, the property owner may request, and the Town will provide, a notice of termination of the easement, which the owner may record.

9. Lot Access. Each resulting lot must have access to, provide access to, or adjoin the public right of way. Access shall comply with Section 18.30.020 (Access, General Standard).

- a. Each resulting lot must have frontage on the public right of way of at least 20 feet.
- b. Access driveways shall be developed in compliance with the standards in Section 18.48.080 (Driveways and Site Access).

10. Unit Standards.

- a. **Quantity.** No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under section 18.95.040 of this code, an ADU, or a JADU
- b. **Unit Size.** The total floor area of each primary dwelling that is developed on a resulting lot must be less than or equal to 800 square feet.
 - (1) A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet is limited to the lawful floor area at the time of the urban lot split. It may not be expanded.
 - (2) A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet may be expanded to 800 square feet after the urban lot split.

11. Height Restrictions. ~~On a resulting lot that is larger than 2,000 square feet or larger, no new primary dwelling unit may exceed a single story or 16 feet in height, measured from grade to peak of the structure. On a resulting lot that is smaller than 2,000 square feet, n~~
No new primary dwelling unit may exceed two stories or 22 feet in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds

be subject to the codes and provisions that were in effect on the date that the extension request application was determined to be complete for processing.

B. Tentative Maps with multiple Final Maps.

1. Where a subdivider is required to expend more than \$236,790, as increased by the registrar of contractors according to the adjustment of inflation set forth in the Statewide Cost Index for Class B construction as determined by the State Allocation Board, to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the Tentative Map, other than improvements of public rights-of-way which abut the boundary of the site and which are reasonably related to the development of the site, and multiple Final Maps are filed covering portions of a single approved Tentative Map, each filing of a Final Map shall extend the expiration of the Tentative Map by an additional 36 months from the date of its expiration, or the date of the previously filed Final Map, whichever is later. The total of all extensions shall not extend the validity of the Tentative Map more than 10 years from its approval or conditional approval.
2. Tentative Maps which do not require the subdivider to provide more than \$236,790, as increased by the registrar of contractors according to the adjustment of inflation set forth in the Statewide Cost Index for Class B construction as determined by the State Allocation Board, for off-site improvements shall expire at the end of the initial time period of the approval, unless a Parcel or Final Map is recorded, or an extension of time is requested and approved in compliance with Subsection A. above.

C. Vesting Tentative Maps. The review authority which approved the Vesting Tentative Map may grant extensions of up to six years to the initial time limit, provided that the total of all extensions shall not exceed six years, in accordance with Subsection A., above. Any rights conferred by Section 18.96.120 (Vesting Tentative Maps) shall expire if a Final Map is not approved and recorded before the expiration of the vesting Tentative Map.

D. Appeals. A decision of the Zoning Administrator or Commission acting as the review authority for a Tentative Map Time Extension may be appealed in compliance with Chapter 18.140 (Appeals). The hearing on the appeal shall be held within 30 days after the date of filing the appeal, or if there is no regular meeting of the review authority within the next 30 days for which specified notice can be given, the appeal may be heard at the next regular meeting for which the specified notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter. The appeal body shall reach its decision within 15 days following the conclusion of the hearing.

18.96.160 - Applications Deemed Approved

Any subdivision application deemed approved in compliance with Government Code Section 65956, or Map Act Sections 66452 et seq., shall be subject to all applicable provisions of this Development Code, which shall be satisfied by the subdivider before any Building Permits or other land use entitlements are issued. Parcel or Final Maps filed for record after the automatic approval of their Tentative Map shall remain subject to all the mandatory requirements of this Development Code and the Map Act, including but not limited to Map Act Sections 66473, 66473.5 and 66474.

CHAPTER 18.200 - ENFORCEMENT

Sections:

- 18.200.010 - Purpose of Chapter
- 18.200.020 - Authority to Issue Citations
- 18.200.030 - Remedies are Cumulative
- 18.200.040 - Inspection
- 18.200.050 - Initial Enforcement Action
- 18.200.060 - Violations
- 18.200.070 - Legal Remedies
- 18.200.080 - Recovery of Costs

18.200.010 - Purpose of Chapter

The purpose of this Chapter is to provide for compliance with the requirements of this Development Code, other titles of the Municipal Code, and any conditions of an approved land use permit or entitlement.

18.200.020 - Authority to Issue Citations

- A. Code Enforcement Director.** The Town Code Enforcement Director shall be the person primarily responsible for enforcing the provisions of this Development Code and shall have the authority and immunity of a public officer and employee to issue citations whenever possessing reasonable cause to believe that the person to be cited has committed a violation of this Development Code, which constitutes an infraction or misdemeanor. The responsibilities of the Code Enforcement Director may also be carried out by the Code Enforcement Officer or the Department staff under the supervision of the Code Enforcement Director who shall also have the authority and immunity of a public officer and employee to issue citations whenever processing reasonable cause to believe that the person to be cited has committed a violation of this Development Code, which constitutes an infraction or misdemeanor.
- B. Consultation with Police Chief.** It may be necessary for the Code Enforcement Director to work with the Police Chief when enforcing the provisions of this Development Code, when the specific situation warrants uniformed police involvement.

18.200.030 - Remedies are Cumulative

All remedies contained in this Development Code for the handling of violations or enforcement of the provisions of this Development Code shall be cumulative and not exclusive of any other applicable provisions of Town, County, State, or Federal law. If a person is found guilty and convicted of an infraction or misdemeanor for the violation of any provision of this Development Code, the conviction shall not prevent the Town from pursuing other available remedy(s) to correct the violation.

18.200.040 - Inspection

- A. Access for initial inspection.** Every applicant seeking an application, permit, or any other action in compliance with this Development Code shall allow Town officials access to any premises or property which is the subject of the application.
- B. Access for ongoing inspections.** If the permit or other action is approved, the owner or applicant shall allow appropriate Town officials access to the premises to determine continued compliance with the approved permit and/or any conditions of approval.
- C. Failure to allow inspections.** Failure to allow inspections for compliance shall automatically cause all permits and approvals to be suspended, pending a hearing before the Code Enforcement Director to void the permits and approvals.
- D. Compliance.** In addition, the Code Enforcement Director may withhold the processing of and/or issuance of any and all [ministerial permits and](#) discretionary land use permits, where a documented Code violation(s) exists, until the subject property is found to be in complete compliance with any and all applicable Code sections.

18.200.050 - Initial Enforcement Action

This Section describes the procedures for initiating enforcement action in cases where the Code Enforcement Director has determined that real property within the Town is being used, maintained, or allowed to exist in violation of the provisions of this Development Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Section may be avoided.

- A. The authority to abate and impose sanctions.**
 - 1. Enforcement of this Section may be accomplished by the Code Enforcement Director in any manner authorized by law.
 - 2. The procedures identified in this Chapter shall not be exclusive and shall not, in any manner, limit or restrict the Town from enforcing other ordinances or abating public nuisances in any other manner provided by law.
 - 3. Whenever the Code Enforcement Director determines that any condition exists in violation of this Development Code, the Code Enforcement Director may take appropriate enforcement action in compliance with this Chapter.
 - 4. Notwithstanding the public nuisance abatement procedures, criminal and/or civil remedies may be employed as determined to be necessary and provided by law.
- B. Notice to responsible parties.** Whenever the Code Enforcement Director has inspected the location of the alleged violation and it has been found or determined that conditions constituting a Code violation exist on any property located in the Town, the Code Enforcement Director may prepare a notice and order and cause the owner of the property and the person, if other than the landowner occupying or otherwise in charge or control of the property, to be notified

D. Definitions, “D.”

Decibel (dB). A unit for measuring the amplitude of sounds, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, of 20 micropascals.

Deck. A platform attached to a house and supported by structural connections to the ground, including posts or piers, to provide outdoor living area that may be roofed (i.e., covered deck), but is without walls on at least two sides, and which includes railings where required by the California Building Code.

Density. The number of housing units per net acre, unless otherwise stated, for residential uses.

Department. The Town of Truckee Community Development Department, referred to in this Development Code as “Department.”

Detached. Any structure that does not have a wall or ceiling/floor ~~or roof~~ in common with another structure.

Detached living area. A detached living area is an accessory structure within a residential zoning district, is not a required element of the main dwelling and is designed for human occupancy. It is intended to provide living quarter(s) within a detached residential accessory structure, located on the same premises with the main dwelling, for use by members of the family occupying the main dwelling and their non-paying guests.

Development. Any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Development Code.

Development Agreement. A contract between the Town and an applicant for a development project, in compliance with Chapter 18.150 (Development Agreements) of this Development Code and Government Code Sections 65864 et seq. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to Town policies, rules, and regulations after project approval. In return, the Town may be assured that the approved project will contain elements and components that are in the best interests of the Town and will promote the public interest and welfare of the Town.

Development Code. The Town of Truckee Development Code, Title 18 of the Truckee Municipal Code, referred to herein as “this Development Code.”

Development Envelope. The designated development area on a parcel within which disturbance may occur (also known as a “building envelope”). The purpose of the development envelope is to preserve open space and ensure clustered development. All areas outside the development envelope are required to be maintained in a natural, vegetated state. The development envelope shall encompass all disturbance on a parcel, including structures

B. Definitions, “B.”

Backyard Chicken. A domestic chick or hen kept on a residential lot as a household pet. Does not include roosters.

Balcony. A platform that is cantilevered from a building wall and is enclosed by a parapet or railing.

Banks and Financial Services. Financial institutions including:

- banks and trust companies
- credit agencies
- holding (but not primarily operating) companies
- lending and thrift institutions
- other investment companies
- securities/commodity contract brokers and dealers
- security and commodity exchanges
- vehicle finance (equity) leasing agencies

This definition does not include escrow companies and title insurance companies which come under the definition “Offices, Business and Professional.” See also, “Automatic Teller Machine,” above.

Bars and Drinking Establishments. Businesses where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, tap rooms (i.e., a room that is ancillary to the production of beer where the public can purchase and/or consume only the beer produced onsite), tasting rooms, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing). May also include beer brewing as part of a microbrewery, and other beverage tasting facilities. Also includes restaurants and coffee shops that serve alcohol during hours of operation when food service is no longer the primary use.

Base flood. A flood having a one percent probability of being equaled or exceeded in any given year (also called the 100-year flood).

Bed and Breakfast Inns. Residential structures with one family in permanent residence, with up to three bedrooms in the RR, RS and DRS zoning districts and up to five bedrooms in other allowable zoning districts rented for overnight lodging, where meals may be provided subject to Section 18.58.070 (Bed and Breakfast Inns) and applicable Health Department regulations. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel, and is included under the definition of “Hotels and Motels.” Does not include room rental in a “boarding house” situation; see “Rooming and Boarding Houses.”

Bedroom. An enclosed habitable room planned and intended for sleeping, separated from other rooms by a door and accessible without crossing another bedroom, closet space, or bathroom. Includes studio units. A bedroom will have a built-in closet, emergency escape and rescue opening(s), and a minimum floor area of 70 square feet, exclusive of a closet. Additionally, it shall meet the requirements or be in accordance with the current codes adopted by the Town as listed in Title 15 of the Municipal Code.