

ARTICLE III

Site Planning and General Development Standards

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CHAPTER 18.30 - GENERAL PROPERTY DEVELOPMENT AND USE STANDARDS

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18.30.010 - Purpose and Applicability

- A. **Purpose.** The provisions of this Chapter expand the standards of Article II (Zoning Districts and Allowable Land Uses) by addressing the details of site planning and project design to ensure that development and new or modified land uses are of appropriate character and quality, considerate of the community's natural resources, compatible with existing and future land uses, and consistent with the General Plan.
- B. **Applicability—General standards.** The provisions of this Chapter apply to all proposed development and new land uses regardless of the applicable zoning district.
 1. These standards shall be considered in combination with the standards for each zoning district in Article II (Zoning Districts and Allowable Land Uses). If there is a conflict, the standards specific to the zoning district shall override these general standards.
 2. All New or modified structures and uses shall comply with all applicable provisions of this Chapter before construction and operation, unless specifically exempted by an applicable provision of this Development Code.

18.30.020 - Access

- A. General standard.** Every structure and land use shall be provided adequate physical and legal access to a public street in the form of frontage upon the street, or permanent means of access to a public street by way of a public or private easement, or recorded (mutual) access agreement, as determined by the Director.
- B. Access and improvement specifications.** The approval of proposed development shall require the applicant to dedicate right-of-way and to improve the public street frontages of the site including sidewalk, drainage or other street improvement installations in compliance with the General Plan, the requirements of the Town Engineer and the Truckee Public Improvements and Engineering Standards.
- C. Driveways.** Access driveways shall be developed in compliance with the standards in Chapter 18.48 (Parking and Loading Standards). The site planning and design of proposed development shall minimize the lengths of driveways.
- D. Acceptable levels of service.** The review authority shall not approve a land use permit for a project that generates 10 or more summer weekday p.m. peak hour trips if the project will have a significant impact on any major street intersection within one-half mile of the project site, as measured along the connecting street(s). For the purposes of this section, a major intersection shall be defined as an intersection analyzed in the General Plan or Downtown Specific traffic analyses and any intersection that accommodates a substantial volume of traffic as determined by the Town Engineer. A significant impact shall occur when:
1. For intersections with an existing acceptable level of service (D or better outside DSA, E or better inside DSA), the project (existing traffic plus project traffic) decreases the level of service of the total intersection to an unacceptable level (E or F outside DSA, F inside DSA). The significant impact may be reduced to a less than significant level by incorporating intersection improvements and other mitigation into the project which improves the level of service to an acceptable level.
 2. For intersections with an existing unacceptable level of service, the project increases the total traffic volumes of the intersection by five percent or more above existing traffic volumes. The significant impact may be reduced to a less than significant level by incorporating intersection improvements and other mitigation into the project which maintains the level of service of the intersection at pre-project levels.

The Town Council may approve a land use permit for a project that creates a significant impact if the Council finds that intersection improvements identified in the General Plan or Capital Improvement Program have been designed and engineered, funding has been secured by State and local agencies, and the improvements will be completed within one year of completion of the project.

- E. Exemption.** Construction of a single-family residence or accessory dwelling unit on any parcel located on a private street or road which was legally established before the effective date of this Development Code is exempt from the requirement of Subsection B (Access and Improvement Specifications).

18.30.030 - Air Emissions

- A. Dust and dirt emissions.** Land use activities that may create dust emissions (for example, construction, grading and operation) shall be conducted to create as little dust or dirt emission beyond the boundary line of the parcel as possible. To ensure that this occurs, appropriate procedures shall include the following:
- 1. Dust suppression plan.** A dust suppression plan shall be required for all projects for which a grading plan is required;
 - 2. Scheduling.** Grading activities shall be scheduled to ensure that repeated grading will not be required, and that implementation of the desired land use (e.g., construction, paving or planting) will occur as soon as possible after grading;
 - 3. Operations during high winds.** Clearing, earth-moving, excavation operations or grading activities shall cease when the wind speed exceeds 25 miles per hour averaged over one hour;
 - 4. Area of disturbance.** The area disturbed by clearing, demolition, earth-moving, excavation operations or grading shall be minimized at all times;
 - 5. Dust control.** During clearing, demolition, earth-moving, excavation operations or grading, fugitive dust emissions shall be controlled by regular watering, paving of construction roads or other dust-preventive measures (hydroseeding, etc.), subject to the approval of the Director.
 - a. Materials excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day;
 - b. Materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;
 - 6. On-site roads.** On-site roads shall be paved as soon as feasible, and watered periodically or chemically stabilized until the roads are paved. Access or haul roads adjoining the project shall be treated as necessary to prevent off-site migration and accumulation of dirt, soil or other materials which can subsequently be entrained in ambient air, either from construction-related vehicles or from any vehicle using adjoining affected roads;
 - 7. Street encroachments.** For land use activities that disturb two or more acres of land, paved aprons onto Town streets shall be required at all access encroachments onto the Town street. The aprons shall be paved within one week of the commencement of grading on the site. The aprons and portions of the street adjacent to the apron shall be flushed and/or swept at least once daily;
 - 8. Revegetation.** Graded areas shall be revegetated as soon as possible to minimize dust and erosion. Portions of the construction site to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained;

9. **Fencing.** Appropriate fences or walls shall be constructed to permanently contain the dust and dirt within the parcel, subject to the approval of the Director;
 10. **Other measures.** Other Best Available Control Measures (BACM) may be required by the Director to control air emissions of particulate matter from the site; and
 11. **Performance guarantees.** The Director may require a permit applicant to provide adequate performance guarantees (e.g. bonds, cash deposits, certified letter of credit, etc.) to ensure the faithful and timely performance of dust suppression measures during grading. The Director shall be responsible for setting the amount of the required performance guarantee, after consultation with the Town Building Official and the NSAQMD Air Pollution Control Officer.
- B. Vehicle exhaust emissions.** An applicant who proposes a land use activity that could result in potential construction-related exhaust emission impacts shall minimize the emissions by maintaining equipment engines in good condition and in proper tune in compliance with manufacture's specifications by not allowing construction equipment to be left idling for long periods of time.
- C. Odor emissions.** The owner of an existing or proposed use which produces odors or noxious matter (e.g., fumes, gases, vapors, etc.) in quantities that those emissions constitute a nuisance in compliance with State law (Civil Code Sections 3479-3503) shall have the source of the contaminant controlled in order to abate the nuisance.
- D. Cleared vegetation.** The method of disposal of cleared vegetation from the site shall be indicated on the project improvement plans. Open burning of vegetation from site-clearing shall be prohibited unless approved by the Director and the Northern Sierra Air Quality Management District upon a finding that other alternatives are unobtainable or economically infeasible.

18.30.040 - Archeological/Cultural Resources

- A. General standard.** In the event that archaeological or cultural resources are discovered during any construction, all construction activities shall cease within 200 feet of the find unless a lesser distance is approved by the Director, and the Department shall be notified so that the extent and location of discovered materials may be recorded in a written report prepared by a qualified archaeologist, and disposition of discovered materials may occur in compliance with State and Federal law. Construction shall not recommence until the Director authorizes construction to begin.
- B. Survey.** The Director shall require a cultural resources field survey by a qualified professional, at the applicant's expense, where the project will involve areas of grading and/or the removal of natural vegetation totaling one acre or larger or where the project will involve the disturbance of ground in the -HP overlay district. The Director may require a cultural resources field survey on smaller sites for a Zoning Clearance, Development Permit, Minor Use Permit, Use Permit, Planned Development or Tentative Map where there is the potential for cultural resources to be located on the project site.

1. The survey shall be conducted to determine the extent of the cultural resources on the site, before the completion of the environmental document for the project.
 2. Where the results of the survey indicate the potential to adversely impact probable cultural resources, the report shall be transmitted to the appropriate clearinghouse for comment.
 3. The Director shall maintain a confidential map file of known or probable cultural resource sites so as to assist in the identification of sensitive areas.
 4. A qualified professional shall be present on-site during all excavation activity, including preliminary soil investigations, grading and trenching for foundations and utilities, in those cases where the identification of and potential impacts to cultural resources cannot be determined prior to project approval or when required by the Director based on a recommendation by the field surveyor.
- C. Mitigation measures.** Where development would significantly impact cultural or paleontological resources which have been identified, reasonable mitigation measures shall be required by the review authority as may be recommended by the field surveyor or by the State Historic Preservation Officer. Mitigation may include the following, as applicable/necessary:
1. The relocation or redesign of development to avoid the identified site;
 2. The opening of the site to qualified, approved professional/educational parties for the purpose of exploration and excavation for a specified time before the commencement of development;
 3. The utilization of special construction techniques to maintain the resources intact and reasonably accessible;
 4. Where specific or long-term protection is necessary, identified sites shall be protected by the imposition of recorded open space easements; and
 5. For significant sites of unique cultural resource value, where other mitigation techniques do not provide a necessary level of protection, the project shall not be approved until the Director determines that there are no reasonably available sources of funds to purchase the subject property or easement. The Director shall have 90 days from the date of discovery of a significant site to make this determination.
- D. Cultural resources.** Any cultural resources found on the project site shall be recorded or described in a professional report, subject to the approval of the Director; and
- E. Human remains.** If human remains are encountered during construction, the County Coroner shall be notified. If the remains are determined to be Native American, the Coroner has 24 hours to notify the Native American Heritage Commission of the findings.

18.30.050 - Drainage and Storm Water Runoff

All applications for Zoning Clearance, Development Permit, Minor Use Permit or Use Permit shall include drainage and erosion control plans and be designed and constructed to provide facilities for the proper conveyance, treatment and disposal of storm water in compliance with this Section.

A. Drainage and erosion control plan requirements. Drainage and erosion control plans shall be submitted to the Department for review for compliance with the requirements of this Section. The plan may be incorporated within the project site plan.

1. A preliminary drainage and erosion control plan shall be submitted as part of an application for a land use permit, for new development, and the significant expansion or redevelopment of an existing use as determined by the Director. All erosion control plans for single-family dwellings on existing lots shall be designed to be consistent with "Town of Truckee Minimum Standards for Year-Round Erosion Prevention on One and Two Family Construction Projects."
2. Following approval of the land use permit, a final drainage and erosion control plan shall be submitted as part of the application for a Building Permit. Final plans shall be approved by the Director before the start of on-site construction or soil disturbance and before the issuance of a Building Permit. Projects requiring Commission approval due to their size or use shall require plans prepared by a licensed engineer.
3. Preliminary and final plans shall contain all information specified in the instructions for preparing drainage and erosion control plans provided by the Building Division.
4. After initial application review in compliance with Section 18.70.060 (Initial Application Review), the Director shall review each preliminary and final plan to verify its compliance with the provisions of this Section. The Director may approve the submittal in compliance with this Chapter, or may deny or require changes to a submittal that is not in compliance.
5. For projects disturbing one acre or more of surface area, the project applicant shall provide their Stormwater Pollution Prevention Plan (SWPPP) and Waste Discharge Identification number to the Town Engineer prior to issuance of any improvement plans or construction permits. The erosion control sheet provided in the Town submittal shall match the erosion control plan within the SWPPP submitted to the Regional Water Quality Control Board.
6. For all erosion control plans and pre- and post-construction BMP design, emphasis and first order of prevention shall be placed on erosion control as compared to sediment control and runoff. Erosion control prevents soil and other pollutants from moving, while sediment control retains and treats water containing pollutants.

B. Runoff treatment. Surface runoff treatment measures consistent with the Regional Water Quality Control Board's Truckee River Hydrologic Unit Project Guidelines for Erosion Control, the Town of Truckee Stormwater Management Program Guidelines and the "California Stormwater Best Management Practices Handbooks," prepared by the California

Stormwater Quality Association shall be incorporated into the project. The following measures shall also be incorporated into the project:

1. Stormwater runoff:

- a. To the maximum extent feasible, the use of Low-Impact Design (LID) practices shall be incorporated into project design. Runoff from impervious surfaces shall be collected, treated and contained on-site utilizing infiltration disposal facilities (e.g., infiltration basins and trenches) designed, installed and maintained for, at a minimum, a twenty-year, one-hour storm event based on the Public Improvements and Engineering Standards. The Director may require a design to accommodate a larger storm event when topographic and/or drainage conditions of the surrounding area or watershed warrant more stringent drainage improvements;
- b. Runoff shall be directed into any on-site retention/treatment basin using a slot drain, culvert, depressed swale, rock-lined trench, rain gardens and/or other approved drainage facilities. Surface and subsurface water shall not drain over sidewalks or adjoining parcels;
- c. The California Building Code requires that water drain away from building foundations. Drip line infiltration trenches have been found to directly conflict with the requirement when installed in close proximity to foundations.
 - (1) Infiltration trenches or dry wells may be used in other locations such as along driveways. Drip lines of buildings and decks are recommended to be armored with rock or other approved material to prevent splash erosion;
- d. Runoff from snow storage areas shall be collected, treated and contained on-site in accordance with the requirements of Subsection B; and
- e. BMPs included in the design shall be appropriate to treat the anticipated pollutants in the stormwater runoff at the site.

2. On-site drainage facilities:

- a. Facilities shall be designed to direct stormwater runoff, which exceeds the required capacity of the facility, into a public storm drainage system contained within the nearest public right-of-way;
- b. Facilities shall not be used for snow storage unless designed or retrofitted for snow melt and the required detention volume. Snow shall not be placed within any required on-site drainage facility, which conflicts with the intended function of the facility; and
- c. Markers and signage, which prohibit illegal dumping at storm drain inlets and at public access points along channels and creeks within the project area, shall be installed by the project applicant. Storm drain inlet signs shall be permanent in

nature for new facilities (i.e. stamped concrete). New development projects with existing facilities shall be retrofitted with a sign that can be bolted or glued on.

3. Wetlands:

- a. Runoff into wetland areas shall not be increased above or decreased below pre-project levels unless the review authority finds that the increase or decrease of runoff will not adversely affect the health, function and values of the wetland nor shall the flow path of runoff be altered (i.e., sheet flow as opposed to concentrated flow); and
- b. Runoff into wetland areas shall be treated in accordance with Subsection B prior to release into the wetland.

C. Erosion control. Erosion control measures consistent with the Regional Water Quality Control Board's Truckee River Hydrologic Unit Project Guidelines for Erosion Control and the "California Stormwater Best Management Practices Handbooks," prepared by the California Stormwater Quality Association, shall be incorporated into the project. The following measures shall also be incorporated into the project:

1. Erosion control plans.

- a. All erosion control plans shall be designed to achieve the following performance standards:
 - Prevent fugitive dust during and after construction which may be accomplished with the use of a water source or by covering areas that may have been disturbed;
 - Prevent soil migration off of the property limits or construction area;
 - Prevent rilling and other forms of erosion on-site;
 - Prevent tracking of material off-site which may be accomplished using a construction entrance and/or a tire wash;
 - Prevent spills and leaks of materials by properly storing and handling trash enclosures, storage containers and portable toilets;
 - Prevent stock pile erosion which may include situating stock piles in appropriate locations to reduce wind and water impacts, installing appropriate erosion control such as silt fences and waddles at appropriate intervals around piles and/or application of tackifier products;
- b. All erosion control plans shall include details and section views of correct BMP placement and installation.
- c. All erosion control plans shall provide a non-pervious concrete wash out area or prohibit concrete wash out on site.

2. Temporary measures. Temporary erosion control measures as required by the Director shall be installed and continuously maintained and changes in the field made as needed to comply with the requirements described below for the duration of construction and shall include:

- a. All non-construction areas shall be clearly marked and protected during construction by fencing or other identification approved by the Director;
 - b. The protection of loose piles of clay, debris, sand, silt, soil or other earthen material during periods of precipitation or runoff with nonwoven filter fabric fence, temporary gravel and/or earthen or sand bag dikes;
 - c. All soil disturbance activities shall cease if adverse weather conditions exist, unless operating under an exception granted by the Director. Adequate temporary erosion control measures shall be installed prior to adverse weather conditions. Loose soil piles shall be tackified or covered with material that minimizes migration of the stockpile. Tarps are not recommended but may be used for the building season (May 1 – October 15) or in an emergency. A tackifier is a bonding or adhesive agent, which when applied to loose soil piles works to minimize soil erosion and migration;
 - d. All temporary erosion control measures shall remain in place until all disturbed areas are permanently stabilized and/or vegetated. After all permanent erosion control is properly in place on a site, the temporary measures must be taken out unless fully compostable; and
 - e. The responsible party shall field check all BMPs prior to anticipated storm events, immediately after storm events, during storm events longer than 48 hours and weekly. All maintenance, repairs and needed BMP changes shall be completed in a timely and/or appropriate manner depending on timing of the storm event (i.e. prior to an anticipated event or as soon thereafter).
- 3. Permanent measures.** Permanent erosion control measures as required by the Director shall be installed and continuously maintained for the life of the project and shall include:
- a. All surplus or waste earthen materials shall be removed from the site and deposited in an approved location within 10 days from completion of construction;
 - b. Earthen materials shall not be placed in surface water drainage courses, permanent or temporary, or in a location to allow the discharge of earthen materials to any surface water drainage course; and
 - c. All disturbed areas shall be permanently stabilized or vegetated. Vegetated areas shall be continuously maintained to ensure adequate growth and root development. Vegetation shall consist of seeding, planting, mulching and initial fertilizing and watering as needed. Temporary erosion control measures shall remain in place until permanent vegetation has been established.
 - d. Prior to approval of any grading permits or improvement plans, the project applicant shall submit a maintenance plan and provisions for post-construction BMPs to the Town Engineer for review and approval. The maintenance schedule and plan shall be recorded with the Nevada County Recorder's Office and a copy shall be provided to the Town Planner. Single-family residences or accessory dwelling units are exempt from this requirement.

- e. Projects that are required to comply with the State Construction General Permit shall at a minimum comply with the permanent BMP requirements in the most current Construction General Permit.
- 4. Timing of operations.** Ground disturbance including vegetation removal that disturbs the soil shall be prohibited between October 15 of any year and May 1 of the following year. Exceptions may be granted by the Director based upon the following:
- a. Predicted dry weather conditions;
 - b. The construction activity is associated with existing disturbed conditions only and is not intended to allow for the commencement of new construction activity or new disturbance;
 - c. Specific dates and scope of work involved in the construction activity; and
 - d. The site shall be winterized and specific Best Management Practices implemented to control erosion and protect water quality within 48 hours of the Director's order to cease ground disturbance.
- 5. Stabilization.** Before October 15 in any year, permanent or temporary stabilization of all disturbed or eroding areas shall be installed consistent with the requirements of this Section. Installation and maintenance of Best Management Practices is required on a year-round basis. All Best Management Practices shall be inspected for winterization and function prior to October 15.
- D. Limitation on runoff.** The net rate release of runoff from a site onto adjoining parcels and rights-of-way after construction shall not be greater than pre-construction levels of the runoff release from the site based on a 20-year, one-hour storm event. The Town Engineer may require a design to accommodate a larger storm event when topographic and/or drainage conditions of the surrounding area or watershed warrant more stringent drainage improvements.
- E. Maintenance.** All required drainage and erosion control improvements shall be maintained for the life of the approved project, including routine maintenance, repair and replacement of the improvements. The property owner shall retain all maintenance records verifying compliance with this section for a period of five years for the life of the project. Maintenance shall include:
- 1. Unclogging of basins, pipes, swales and trenches by debris, ice and sediment;
 - 2. Repair of damaged basins, pipes, swales and trenches;
 - 3. Replacement of unhealthy, damaged or non-productive vegetation; and
 - 4. Restabilization of erosion on slopes.

F. Minor Use Permit required. Projects satisfying any of the following conditions will require the approval of a Minor Use Permit in compliance with Chapter 18.76:

1. Projects within the 100-year floodplain of waters under the jurisdiction of the State Regional Water Quality Control Board or projects required by the Regional Water Quality Control Board to obtain a waste discharge permit due to the potential for the discharge or threatened discharge of solid or liquid materials to surface waters, potential wetland areas, or other sensitive lands. Docks, piers, ramps and similar structures within the 100-year floodplain of Donner Lake shall not require the approval of a Minor Use Permit if constructed in compliance with Section 18.38.050.D;
2. Projects located on sites containing contaminated soils as identified by the Nevada County Health Department or the State Regional Water Quality Control Board; and
3. Projects resulting in the disturbance of land or located within 200 feet of any wetland area unless the Director finds that the topographic conditions of the surrounding area will clearly preclude any disturbance of wetland areas and will ensure that any runoff from the project will not result in any water quality impacts to a wetland area. A wetlands delineation report shall be required for all projects requiring a minor use permit under this condition. The disturbance of wetland areas shall comply with Section 18.46.040 (Wetlands).

G. Standards for Specific Land Uses. Projects which include any of the following land uses shall comply with the applicable development standards. Additional standards are found in Appendix K of the Town of Truckee's Stormwater Management Program.

1. **Outdoor Materials Storage.** For outdoor areas for storage of materials that may contribute pollutants (debris, dirt, chemicals, etc.) to the storm water conveyance system, require these materials to be placed in an enclosure (cabinet, shed) that prevents contact with runoff or spillage to the storm water conveyance system OR to be protected by secondary containment structures such as berms, dikes or curbs. Also, the storage area must be paved and sufficiently impervious to contain leaks and spills and shall have a roof or awning to minimize collection of storm water within the secondary containment area.
2. **Outdoor Solid Waste Storage Areas.** The solid waste and recycling receptacle area(s) shall be designed to divert drainage from adjoining roofs and pavement around the receptacle. The solid waste and recycling container shall be screened or walled to prevent off-site transport of trash, including transport by wind. The solid waste and recycling receptacle(s) shall also be covered when not in use or during storm events.
3. **Large Commercial/Industrial Developments.** For large commercial/industrial developments of greater than 100,000 square feet, the following is required:
 - a. Loading dock areas shall be covered or designed to minimize run-on and runoff of storm water drainage;
 - b. Direct connections to storm drains from depressed loading docks (truck wells) shall be prohibited;

- c. Repair/maintenance bays shall be indoors or designed in such a way that does not allow storm water run-on or contact with storm water runoff;
 - d. The drainage system for a repair/maintenance bay shall capture all wash water, leaks and spills and connect to a sump for collection and disposal (direct connection to the storm drain system shall be prohibited); and
 - e. If needed by the types of uses proposed in the development, require an area for washing/steam cleaning of vehicles and equipment which is self-contained and/or covered, equipped with a clarifier or other pre-treatment facility and properly connected to a sanitary sewer or other appropriately permitted disposal facility.
4. **Restaurants.** An area for the washing/steam cleaning of equipment and accessories which is self-contained, equipped with a grease trap and properly connected to a sanitary sewer is required unless an alternative equivalent is approved by the Nevada County Environmental Health Department. If the washing area is located outdoors, the area shall be covered, paved, have secondary containment and be connected to the sanitary sewer or other appropriately permitted disposal facility.
5. **Service Stations.** For service stations or other land uses with on-site fueling stations, the following is required:
- a. The fuel dispensing area shall be covered with an overhanging roof structure or canopy with minimum dimensions equal to or greater than the area within the grade break;
 - b. The canopy shall not drain onto the fuel dispensing area, and the canopy downspouts must be routed to prevent drainage across the fueling area;
 - c. The fuel dispensing area must be paved with Portland cement concrete or equivalent smooth impervious surface (asphalt concrete shall be prohibited);
 - d. The fuel dispensing area shall have a 2% to 4% slope to prevent ponding and shall be separated from the rest of the site by a grade break that prevents run-on of storm water to the extent practicable; and
 - e. The concrete fuel dispensing area shall extend a minimum of 6.5 feet from the corner of each dispenser or the length at which the hose and nozzle assembly may be operated plus one foot, whichever is less.
6. **Vehicle Repair and Maintenance Shops.** For vehicle repair and maintenance shops, the following is required:
- a. Any fuel dispensing areas shall comply with the requirements for retail gasoline outlets;
 - b. Repair/maintenance bays shall be indoors or designed in such a way that does not allow storm water run-on or contact with storm water runoff;

- c. The drainage system for a repair/maintenance bay shall capture all wash water, leaks and spills and connect to a sump for collection and disposal (direct connection to the storm drain system shall be prohibited);
 - d. An area for washing/steam cleaning of vehicles and equipment shall be required, and the area shall be self-contained and/or covered, equipped with a clarifier or other pre-treatment facility and properly connected to a sanitary sewer or other appropriately permitted disposal facility;
 - e. Loading dock areas shall be covered or designed to minimize run-on and runoff of storm water drainage; and
 - f. Direct connections to storm drains from depressed loading docks (truck wells) shall be prohibited.
7. **Parking Lots.** For parking lots greater than 5,000 square feet of surface area or 25 spaces, the following is required:
- a. Runoff shall be infiltrated or treated;
 - b. Oil and petroleum hydrocarbons at heavily used parking lots (fast food outlets, lots with 25 or more spaces, sports event parking lots, shopping malls, grocery stores, discount warehouse stores) shall be treated and removed from storm water; and
 - c. Adequate operation and maintenance of treatment systems, particularly sludge and oil removal, and system fouling and plugging prevention control shall be required.
8. **Repair and Maintenance Bays.** For repair and maintenance bays, the following is required:
- a. Repair and maintenance bays must be indoors or designed in such a way that does not allow storm water run-on or contact with storm water runoff; and
 - b. Repair and maintenance bays shall be designed to capture all wash water, leaks and spills. All bay drains shall be connected to a sump for collection and disposal. A direct connection of the bays to the storm drain system is prohibited.
9. **Vehicle and Equipment Wash Areas.** For vehicle and equipment wash areas, the following is required:
- a. The area for washing/steam cleaning of vehicles and equipment is required to be self-contained and/or covered, equipped with a clarifier;
 - b. The area shall be properly connected to a sanitary sewer or other appropriately permitted disposal facility; and
 - c. Commercial vehicle washing in areas without these specially designed wash areas are prohibited.

18.30.056 - Easements

- A. Structures within easements.** No structure shall be allowed within public utility 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 or support posts, encroaching from a shared driveway and located in the driveway/access easement, is permitted without a Minor use Permit.
- B. Snow storage easements.** An encroachment permit shall be obtained from the Town Engineer prior to the placement of any fence or other structure within a snow storage easement.

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;
 - c. Unnecessary waste of energy and resources in the production of too much light or wasted light;
 - d. Interference in the use or enjoyment of property which is not intended to be illuminated at night; and
 - e. Loss of the scenic view of the night sky due to increased urban sky glow.

2. The concerns of safety, utility and aesthetic appearance need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. In nearly all cases, careful attention to when, where and how much nighttime lighting is needed will lead to better lighting practices.
3. It is the intent of this Section to require lighting practices and systems which will minimize light pollution, glare, light trespass and conserve energy while maintaining nighttime safety, utility, security and productivity.

B. Definitions. As used in this Section:

Direct illumination. Illumination resulting from light emitted directly from a lamp, luminary or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Fully shielded. A light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. (See Figure 1.) To understand the difference between a fully shielded light fixture and an unshielded light fixture, please see Figure 2.



**FIGURE 1
EXAMPLES OF SHIELDED LIGHT
FIXTURES**

Glare. The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

Light pollution. Any adverse effect of manmade light.

Light trespass. Light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

Lumens. A unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.

Luminary. The complete lighting assembly, less the support assembly.

Overlighting. The excessive use of light.

Sky glow. The illumination of the night sky or parts of it. The most common cause of sky glow is artificial light that emits light pollution, which accumulates into a vast glow that can be seen from miles away and from high in the sky.

Unshielded fixture. Any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector. (See Figure 2.)



**FIGURE 2
EXAMPLES OF UNSHIELDED LIGHT
FIXTURES**

C. Applicability.

1. **New uses, buildings and major additions or modifications.** If the total cumulative increase in floor area is greater than 50 percent for single-family residential or greater than 25 percent for all other uses, or if the total cumulative cost of any exterior modification, alteration or repair is greater than 25 percent of the valuation of the building as determined by the Director, then all outdoor lighting fixtures shall meet the requirements of this Section for the entire site, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting 25 percent or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a nonconforming site, shall constitute a major addition for purposes of this Section.
2. **Minor additions.** If the total cumulative increase in the floor area is 50 percent or less for single-family residential or 25 percent for all other uses, or if the total cumulative cost of any exterior modifications, alteration or repair is less than 25 percent of the valuation of the building as determined by the Director, then full conformance of the existing portion of the building or structure is not required. However, such projects shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting.
3. **New lighting.** Any new lighting on the site shall meet the requirements of this Section with regard to shielding and lamp type; the total outdoor light output after the

modifications are complete shall not exceed that on the site before the modification, or that permitted by this Section, whichever is larger.

4. **Resumption of use after abandonment.** If a property or use with nonconforming lighting is abandoned as defined in Chapter 18.130 (Nonconforming Uses, Structures and Parcels), then all outdoor lighting shall be reviewed and brought into compliance with this Section before the use is resumed.
5. **Historic Preservation Overlay District.** Non-shielded light fixtures may be allowed within the public right-of-way or on properties within the Historic Preservation Overlay District provided that they are determined by the review authority to be historically appropriate and contribute to the overall historic context of the site.

D. Exemptions and nonconforming lights.

1. **Nonconforming lights.** All nonconforming outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this Section are exempt from all requirements of this Section. However, there shall be no change in use or lamp type, or replacement (except for same type and same output lamp replacement) or structural alteration made, without conforming to all applicable requirements of this Section.
 - a. In the event that an outdoor lighting fixture is abandoned or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Section.
2. **Emergency lighting.** All temporary emergency lighting needed by local emergency services providers or public utility and public safety agencies is exempt from all requirements of this Section for as long as the emergency exists.
3. **Radio, communication and navigation towers.** Lighting of radio, communication and navigation towers in accordance with the Federal Aviation Administration regulations is exempt.
4. **Flag lighting.** Lighting for flags is exempt provided the light fixture is positioned from the top of the flagpole, is directed downward and does not exceed 1,300 lumens.
5. **Public and private utilities.** This ordinance shall not apply to rights-of-way or easements owned or operated by public or private utilities.

E. General Standards.

1. All exterior lighting shall be designed, located and lamped in order to prevent or minimize the following:
 - Overlighting;
 - Energy waste;

- Glare;
 - Light Trespass; and
 - Sky glow.
2. All non-essential exterior commercial, recreational and residential lighting shall be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.
 3. Lighting intensity shall be the minimum required to serve the tasks for which the fixtures are intended.
 4. Exterior lighting shall be considerate of both the neighbors and the community as a whole. Each new lighting scheme should actively strive to reduce negative light impacts. If a light from a project casts a shadow at the property line, the light is considered to be trespassing. Lighting shall be kept within the project boundaries. Fixtures like the “shoe box” design are capable of providing accurate light patterns and can often be used for lighting parking lots without spilling onto the neighboring property.

F. Design Criteria.

1. External light fixtures, poles and their foundations should be simple in design and compatible with and complementary to the style of surrounding development. Historical-themed fixtures are not appropriate for a contemporary building design, and modern fixtures are not appropriate for a structure with a significant historical design theme. Simple and functional designs are considered to be appropriate in most environments. Lighting standards should be of a scale that is compatible with their surroundings.
2. Color-corrected lamps of appropriate intensity should be used in exterior lighting. High-efficiency lamps that alter the colors of objects at night are discouraged. Fluorescent, color-corrected sodium vapor, and LED lamps should be used because they provide light with an appropriate color spectrum.
3. Light fixtures should be architecturally integrated with the character and architecture of the structure(s) and the landscape design of the project.
4. An appropriate hierarchy of lighting fixtures/structures and intensity shall be considered when designing the lighting for the various elements of a project (i.e. building and site entrances, walkways, parking areas, or other areas of the site).
5. To achieve the desired lighting level for parking and pedestrian areas, the use of more short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.

G. Outdoor Lighting Standards.

1. **Lamp and shielding.** All light fixtures are required to be fully shielded and shall be installed in such a manner that the shielding complies with the definition of fully shielded light fixtures for all uses, not exempt under Subsection D.
2. **Light trespass standard.** All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion-sensing light fixtures, not exempt under Subsection D, shall be fully shielded and property adjusted, according to the manufacturer's instruction, to turn off when detected motion ceases.
3. **Total outdoor light output standards – non-residential and multi-family uses.** Total outdoor light output shall not exceed 100,000 lumens per net acre for all development except for single-family residential uses. This cap is not intended to be achieved in all cases or as a design goal. Instead, design goals should be the lowest level of lumens necessary to meet the lighting requirements of the site.
 - a. Seasonal decorations are not counted toward these limits.
 - b. Lighting used for external illumination of signs is counted.
4. **Total outdoor light output standards - single-family residential uses.** Outdoor lighting for single-family residential uses is not subject to a lumens per net acre cap. Outdoor lighting for single-family residential uses is subject to the lamp fixture and shielding requirements.
5. **Parking lot and private roadways.** Lighting fixtures for parking lots and private roadways should not be installed at a height greater than 20 feet.
6. **Pedestrian scale lighting.** Pedestrian scale lighting (eight to 12 feet high) should be installed in areas where foot traffic is prevalent.
7. **Sign lighting.** Sign lighting shall be compliant with Development Code Chapter 18.54 (Signs). Where internal lighting is allowed, low wattage with soft glow shall be used to ensure that no light trespass beyond the sign face is created. All downshielded sign lights shall be designed to be consistent with the requirements of this Section.

H. Special Uses.

1. **Recreational facilities.** When the proposed lumens per acre exceed the lumens per net acre limits, the installation shall be designed to achieve no greater than the minimum illumination levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
 - a. Such lighting shall not include any light trespass as determined by the Director.

2. **Outdoor display lots.** Light for outdoor display lots shall conform to the lumens per net acre limits except when the proposed lumens exceed the per acre limits, the installation shall be designed to achieve no greater than the minimum illumination levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
 - a. Such lighting shall not include any light trespass as determined by the Director.
 3. **Service Station Canopies.** All lights shall be flush with the lower surface of canopies and utilize flat glass or plastic covers.
 - a. **Total under canopy output.** The total light output used for illuminating service station canopies shall not exceed 40 lumens per square foot of canopy. All lighting mounted under the canopy, except internally illuminated signs, shall be included in the total. Fifty percent of the total lumen output of all lamps mounted within or under a canopy shall be included in the lumen per acre cap.
- I. Other lighting on parcels with special uses.** All site lighting not directly associated with the special uses as permitted shall conform to all lighting standards described in this Section.
1. Sensor activated luminaries, provided:
 - a. They are located in such a manner as to prevent glare and light trespass onto adjacent properties or into a public right-of-way;
 - b. The luminaries are set to only go on when activated and to go off within five minutes after activation has ceased; and
 - c. The luminaire shall not be triggered by activity off the subject property.

18.30.070 - Fences, Walls, and Hedges

The following standards shall apply to the installation of fences, walls and hedges, regardless of whether a permit or Town approval is required by this Section, except where an applicable Specific Plan establishes different standards. The provisions of this Section shall not apply to a fence or wall required by a law or regulation of the Town, State or an agency thereof. For the purposes of brevity, the term “fence” as used in this Section shall mean “fence, wall or hedge.”

- A. Permit requirement.** Fences require Zoning Clearance in compliance with Chapter 18.72 in all zoning districts except where exempted from this requirement by following Subsection B.
- B. Exemptions from permit requirement.** The following fences and walls do not require Zoning Clearance, but shall otherwise comply with all applicable provisions of this Development Code:
 1. Fences on developed parcels within the residential zoning districts are exempt, provided that they comply with the height limits in following Subsection C.

2. Retaining walls less than 48 inches in height measured from the bottom of the footing to the top of the wall. Retaining walls are exempt only in compliance with this height limit, and where they retain earth only with no surcharge, and are not required by Title 15 of the Municipal Code to have a Building Permit.

C. Fence, height limitations.

1. Fences are subject to the height limitations shown in Table 3-1, based on the area of the site and the location of the fence on the site relative to the required setbacks established by Article II (Zoning Districts and Allowable Land Uses). See Figure 3-1.

**TABLE 3-1
HEIGHT LIMITS FOR FENCES, WALLS, AND HEDGES**

Parcel Size	Maximum Allowed Height Based on Location			
	Within Front or Street Side Setback	Within Side or Rear Setback	Within Rear Setback on Through Lot	Outside Setback Areas (1)
Less than 1 acre	3 ft. (1,2,3)	6 ft.	3 ft.	6 ft. (4,6)
1 acre or more	3 ft. (2,5)	6 ft. (6)	6 ft. (2)	6 ft. (4,6)

Notes: (continued on next page)

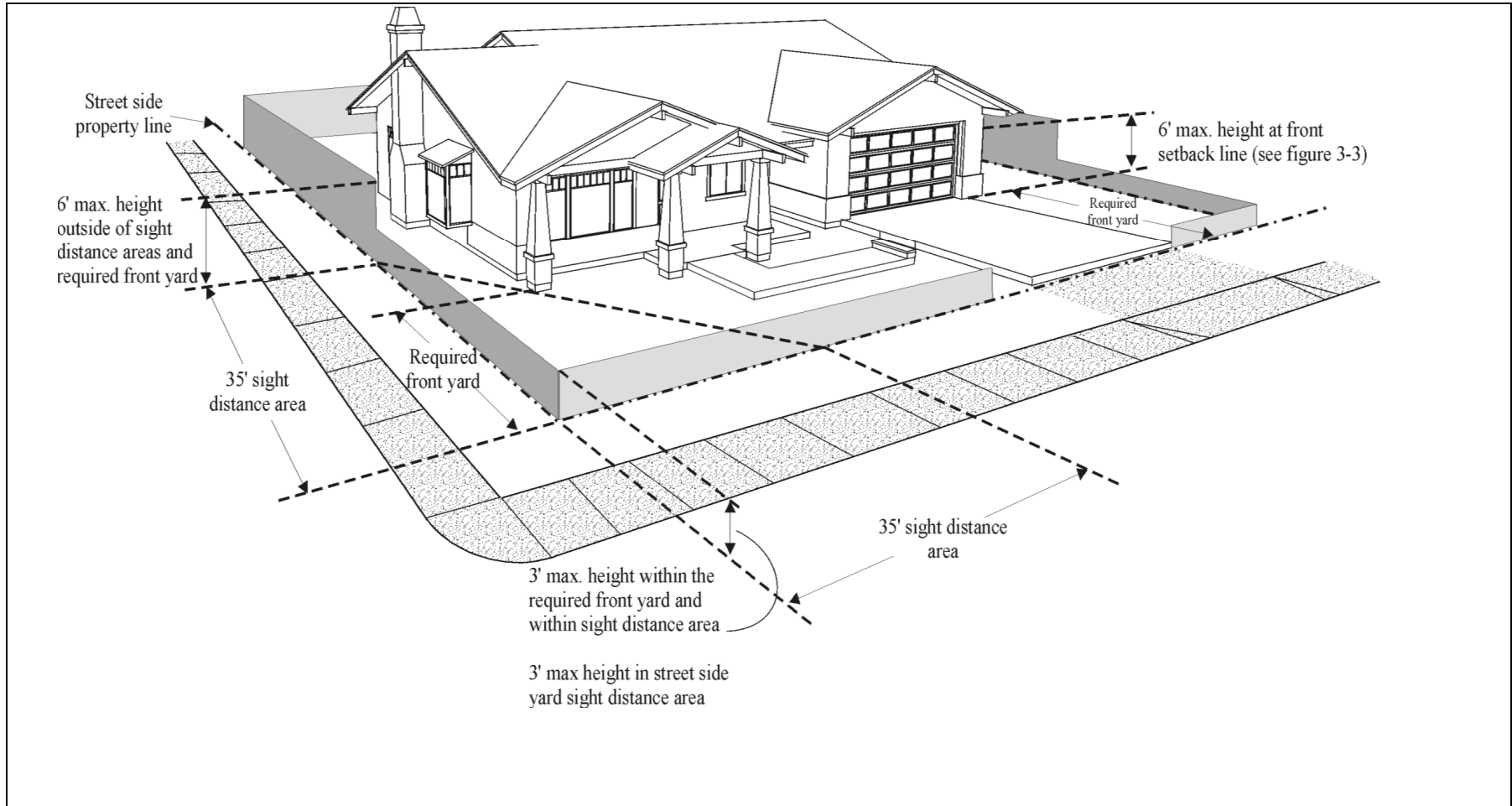
- (1) Open fences up to a maximum of four feet in height may be allowed in front and street side setbacks if the Town Engineer finds that the fence will not adversely affect a front or street side setback traffic safety visibility area or interfere with street snow removal operations. An open fence shall be defined as a split board or rail fence (not exceeding three boards or three rails high), woven wire or chain link that does not impair sight visibility.
 - (2) Fences up to a maximum of six feet in height may be allowed in street side setbacks if the fence is located outside the traffic safety visibility area.
 - (3) Fences up to a maximum of six feet in height may be allowed in front and street side setbacks on residential properties that face commercial or industrial properties if the Town Engineer finds that the fence will not adversely affect a front or street side setback traffic safety visibility area or interfere with snow removal operations.
 - (4) Fences up to a maximum of 20 feet in height may be allowed for tennis and other outdoor recreational courts outside the required setback areas with Minor Use Permit, in compliance with Chapter 18.76 (Use Permits and Minor Use Permits). Also see Section 18.58.220.I.
 - (5) On parcels of one acre or larger, fences up to a maximum of six feet in height may be allowed in front and street side setbacks if the Town Engineer finds that the fence will not adversely affect a front or street side traffic safety visibility area or interfere with street snow removal operations;
 - (6) An open agricultural fence shall be allowed to a maximum height of eight feet in the side and rear setbacks and outside the required front and street side setback areas for property located in the RR and RC districts, provided that the Director first determines that the fence is essential to a legitimate agricultural operation or animal keeping on the site. An open agricultural fence shall be defined as an agricultural board fence or split rail (not exceeding three boards or three rails high), barbed or woven wire or chain link that does not impair sight visibility.
2. Entry features over front yard gates (e.g., arches and trellises), with a maximum height of eight feet, provided that the entry features are no wider than six feet.
 3. Retaining walls shall be subject to the height and setback limits established by Section 18.30.120.F.6 (Setback Requirements - Retaining Walls). The maximum allowed height

of a retaining wall is six feet unless additional height is approved through a Variance in compliance with Development Code Chapter 18.82 (Variances and Historic Variances). In order to qualify for a retaining wall height in excess of six feet, the proposed project must comply with all the requirements of Chapter 18.36 (Hillside Development Standards).

4. These height limits shall not apply to the following:
 - a. Official governmental warning signs or signals;
 - b. Public utility poles;
 - c. Saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave, at all seasons, a clear and unobstructed cross-view;
 - d. Supporting members of appurtenances to permanent structures existing on the effective date of this Development Code; and
 - e. Trees trimmed (to the trunk) to a line at least six feet above the elevation of the intersection.
5. Parcels with grade differential.
 - a. Where there is a difference in the ground level between two adjoining parcels of less than two feet, the height of a fence constructed along the common property line shall be determined by using the natural grade of the highest contiguous parcel.
 - b. When there is a difference in the ground level between two adjoining parcels of two feet or more, the maximum allowed height of a fence on the property line shall be determined by the Director.

E. Prohibited materials. The use of barbed wire, electrified fence or razor wire fence in conjunction with a fence, wall or hedge, or by itself within any zoning district, is prohibited unless:

1. Approved as part of the land use permit, based upon a finding that the material is necessary for the security of the facility or is required by a law or regulation of the Town, State or an agency thereof; or
2. The fence is a simple, one-strand horse electric fence in the RR and RC districts.



**FIGURE 3-1
FENCE AND WALL STANDARDS**

18.30.080 - Grading and Vegetation Removal

- A. Preservation of the natural vegetation.** To prevent premature grading of the existing terrain and to ensure preservation of the natural vegetation within the Town, grading and/or removal of natural vegetation shall not occur before the issuance of a land use permit (e.g., Zoning Clearance, Use Permit, etc.) and required grading or building permit authorizing development on the subject parcel, except for the following:
1. Vegetation and tree removal on an existing developed single-family residential subdivision lots. This exemption also applies to accessory dwelling units on existing developed single-family residential subdivision lots. Tree removal associated with an approved building permit for a single-family residence, accessory dwelling unit is also exempt. This exemption does not apply to vacant single-family residential subdivision lots;
 2. Removal of vegetation done within an open space area by a subdivision homeowner's association or similar organization or a public agency in order to maintain the health of the forest and/or enhance fire safety. Documentation from a registered forester or other similar licensed professional shall be provided to Planning Division staff for review prior to any tree removal; and
 3. Removal of vegetation to comply with the fuel clearance regulations of the Truckee Fire Protection District. Documentation from a registered forester or other similar licensed professional shall be provided to Planning Division staff for review prior to any tree removal.
- B. Building and Grading Permits.** A Grading Permit shall not be issued until the associated Building Permits are issued, unless grading is secured with an appropriate performance guarantee in compliance with Section 18.84.040 (Performance Guarantees).
- C. Commission requirements.** As part of the approval of a Development Permit or Use Permit involving grading, the Commission shall make one of the following findings:
1. Performance guarantees in compliance with Section 18.84.040 (Performance Guarantees) shall be required prior to issuance of any grading or building permits for the project to guarantee restoration of the site if the project is not completed;
 2. There is sufficient evidence demonstrating there is adequate financing for the project to guarantee that the project will be completed; or
 3. Performance guarantees are not necessary, given the particular circumstances of the application.

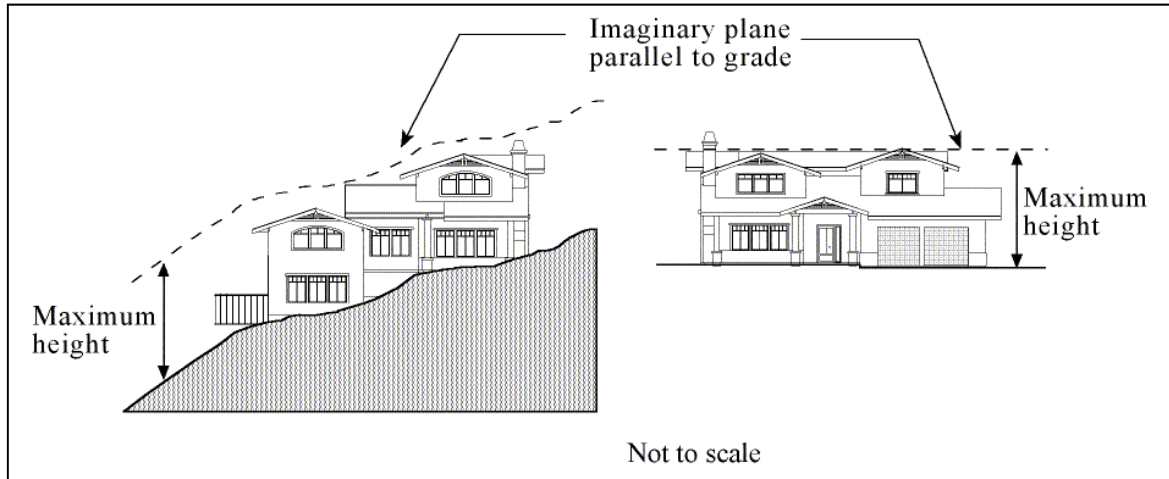
18.30.090 - Height Measurement and Height Limit Exceptions

All structures shall comply with the following standards relating to height, except for fences and walls, which are instead subject to the provisions of Section 18.30.070 (Fences, Walls and Hedges).

- A. Maximum height of structures.** The height of structures shall not exceed the standard established by the applicable zoning district in Article II (Zoning Districts and Allowable Land Uses).
- B. Height measurement.**
- 1. Measurement of Height.** The height limit for buildings and structures established by Article II or other provisions of this code shall be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the exterior walls touch the natural grade as shown in Figure 3-2.
 - Where the structure has a split roof(s) 10 or more feet below the highest point of the structure and the floor area underneath the split roof extends at least 20 feet out from the remainder of the structure, the height limit for the structure shall be measured as the vertical distance from the highest point of the structure and the highest point of the split roof to the average grade of the development envelope. The average of these two measurements will determine the height of the structure. In order to be eligible for this allowance, the split roof area shall be at least 30 percent of the entire roof area of the structure.
 - In no case shall the height of any portion of a structure exceed a height greater than five feet above the standard established by the applicable zoning district in Article II (Zoning Districts and Allowable Land Uses) as measured as the vertical distance from the natural grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade. See Figure 3-3.



**FIGURE 3-2
HEIGHT MEASUREMENT**



**FIGURE 3-3
MAXIMUM HEIGHT**

C. Exceptions to height limits. The height limits of this Development Code may be exceeded as follows:

1. Fire or parapet walls may extend up to four feet above the allowable height limit of the structure.
2. Belfries, chimneys, cupolas, domes, flag poles, gables, monuments, penthouses, scenery lofts, spires, towers (e.g., hose, radio, utility, water, etc.), water tanks, similar structures and necessary mechanical appurtenances may be authorized to exceed the height limit established for the applicable zoning district, subject to the approval of a Minor Use Permit in compliance with Chapter 18.76.
3. Telecommunication facilities, including antennae, poles, towers and necessary mechanical appurtenances, may be authorized to exceed the height limit established for the applicable zoning district, in compliance with Section 18.58.250 (Telecommunications Facilities).
4. The height of a single-family dwelling in a residential zoning district as measured in accordance with Sections 18.30.090.B.1 and B.2 may be increased up to an additional five feet, when the average slope of the parcel within the building pad is 25 percent or greater.

D. Director exceptions to height limits. The Director may authorize exceptions to the height limits for single-family dwellings in a residential zoning district, as follows:

1. On building sites with slopes less than 25 percent, the Director may approve an average height limit not to exceed 38.5 feet.
2. On building sites with slopes greater than 25 percent, the Director may approve an average height limit not to exceed 44 feet.

3. No portion of a single family dwelling shall exceed a height greater than five feet above the average height limit approved by the Director. For example, if the Director approves an average height limit of 37 feet, no portion of the single family dwelling may exceed 42 feet.

The Director may approve the additional height, as follows:

1. The Director finds all of the following:
 - a. There are unique circumstances associated with the property or the structure design that necessitate an increase in the height limit to prevent an unnecessary hardship or to overcome practical difficulties in constructing the dwelling;
 - b. The structure height and design is compatible with the neighborhood;
 - c. The additional height of the structure will not significantly impair views from surrounding properties; and
 - d. The structure height is not substantially taller than other structures in the neighborhood.
2. Prior to approving an exception to the height limit, notice of the Director's intent to approve an exception to the height limit shall be issued in conformance with Chapter 18.72 (Zoning Clearance), including the requirement to mail notice of the Director's intent to properties within 500 feet of the project site.

18.30.100 - Property Maintenance

- A. **Purpose.** This Section provides for the abatement of conditions which are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction to or interference with the comfortable enjoyment of adjoining property, or hazardous or injurious to the health, safety or welfare of the general public in a manner which may constitute a nuisance.
- B. **Property maintenance nuisances.** It is hereby declared to be a public nuisance for any property owner or other person in control of property to keep or maintain the property, including adjoining parkways, sidewalks or streets under fee ownership by that person, in a manner resulting in any of the following conditions:
 1. **Abandoned materials.** Any abandoned, discarded, dismantled, inoperable, wrecked equipment or objects including appliances, automobiles, boats, fixtures, furniture, refrigerators, trailers, trucks, water heaters, miscellaneous equipment and machinery, cans or containers standing or stored on the property or on adjoining parkway, sidewalks or streets which can be viewed from a public highway, walkway or from private or public property, or which items are readily accessible from these places, or which are stored on private property in violation of any law.
 2. **Dangerous conditions.** Any condition which exists upon any premises that is dangerous to human life or is detrimental to health as determined by the Director.

3. **Alterations.** Any alteration of land, the topography or configuration of which in any man-made state, whether as a result of grading operations, excavations, fill or other alteration, interferes with the established drainage pattern over the property or from adjoining or other property which does or may result in erosion, subsidence or surface water drainage problems of a magnitude which would be injurious to public health, safety and welfare.
4. **Disposal of petroleum products.** Disposal or presence of grease, oil, other petroleum products, noxious chemicals, pesticides, or any gaseous, liquid or solid waste in a manner which would consist of a health or fire hazard or degrade the appearance of or detract from the aesthetic and property values of surrounding properties.
5. **Outdoor storage in excess of one week.** Lumber (excluding stacked firewood or lumber for a construction project on the property with a valid and active Building Permit), junk, salvage materials (including auto parts, bottles, scrap metals, tin cans, tires, appliances, fixtures, furniture, refrigerators, water heaters, miscellaneous equipment and machinery), trash or packing boxes or other debris stored on the premises for a period in excess of one week.
6. **On-site repairs.** Any performance of work on household fixtures, motor vehicles or vehicle engines or parts, on a public right-of-way or performance of work in yard areas of residential properties which are visible from a public right-of-way or surrounding properties, excluding emergency repairs or minor maintenance being performed by the owner of the fixture or vehicle and completed within one week of commencement.
7. **Vehicles as temporary or permanent living space on a parcel with an established land use.** Use of a parked or stored boat, camper shell, trailer, vehicle or other similar item as temporary or permanent living space for a period in excess of two weeks.
8. **Storage of building materials.** Accumulations of asphalt, bricks, building materials, concrete, fill dirt, plaster, rocks and tile unless for a construction project on the property with a valid and active Building Permit.
9. **Graffiti.** The presence of graffiti, as defined in Chapter 18.220 (Definitions, Glossary).
10. **Maintenance.** Property failing to meet minimum levels of maintenance and care as follows:
 - a. **Walls, fences, other structures.** All walls, fences, trash enclosures and other structures shall be maintained free of significant surface cracks, dry rot, missing panels or blocks, and warping, which threaten structural integrity;
 - b. **Structure elevations and roofs.** Exterior structure surfaces and roofs shall be maintained free of leaks, significant surface cracks or warping, dry rot, missing blocks or other materials, which threaten structural integrity; and
 - c. **Trash and debris.** The property shall be maintained free of the accumulation of trash and debris not stored in designated solid waste enclosures. Trash and debris

associated with allowed uses are to be stored solely in designated solid waste enclosures.

18.30.105 – Public Improvement Maintenance

All development and proposed land uses that are planned with public improvements, except single-family dwellings and accessory dwelling units, shall comply with the public improvement maintenance requirements of this Section.

- A. Responsibility of property owner.** The property owner shall be required to operate, repair, maintain and replace when necessary all existing and future street improvements located between the curb (gutter) and the property line and in public easements within the property, including sidewalks, landscaping, street furniture, public art, street light fixtures and similar improvements. The property owner shall also be required to remove snow from all parking lanes, parking spaces, sidewalks and trails located between the street travel lane and the property line and in public easements within the property.
- B. Agreements.** The property owner shall sign and execute a street (trail) improvement maintenance and liability agreement prepared and executed in accordance with the requirements of the Town Engineer. The agreement shall include, but not be limited to, the following:
1. The agreement shall include a level or standard of repair and maintenance that the property owner will be required to perform including inspection, repair, maintenance, snow removal and replacement responsibilities.
 2. The agreement shall include a minimum schedule of maintenance that the property owner will be required to inspect, repair and maintain the improvements.
 3. The agreement shall include a minimum schedule of snow removal that the property owner will be required to remove snow from the parking lane, parking spaces, sidewalks, and trails. The agreement shall include provisions for the storage of snow including locations for snow storage and legal rights to store snow in those locations.
 4. The agreement shall indemnify and hold the Town harmless in regards to the requirements of this agreement and address other liability issues identified by the Town Attorney.
 5. The agreement shall be prepared and executed in a manner acceptable for recordation in the Nevada County Recorder's Office.
 6. Upon the draft agreement being approved by the Town Engineer and prior to issuance of a temporary or final certificate of occupancy (or recordation of the Final Map), the property owner shall sign and execute the agreement (notarized signature required) and submit the agreement to the Town Clerk for recordation in the Nevada County Recorder's Office.

18.30.110 - Screening and Buffer

All multi-family and non-residential land uses shall comply with the screening and buffer requirements of this Section.

A. Screening and buffer between non-residential and residential land uses. Where a non-residential development or new land use is proposed on a parcel in the CG, CS, CH or M zoning district, and adjoins a residential zoning district, the following screening/buffering features shall be constructed as part of the development or land use:

1. A six-foot high, solid decorative masonry wall or solid fence or a combination of landscaping, berm and fencing, or wall shall be constructed between the non-residential use and residentially-zoned parcels. The wall shall be architecturally treated on both sides and the design of the screening (e.g., berm and fencing, landscaping, or wall) shall be subject to the approval of the Director. A landscaping strip with a minimum width of five feet shall be provided along the wall or fence. If adjoining a parking area, the landscaped area may be counted towards required interior parking lot landscaping.
2. All proposed or required landscaping shall comply with Chapter 18.40 (Landscape Standards).
3. The review authority may modify or waive the requirements of this subsection or approve alternatives to the screening and buffer methods if the review authority finds the characteristics of the site or vicinity would make the required screening and buffer unnecessary or the alternative will achieve the same effect of the required screening and buffer.

B. Screening and buffer between neighborhood commercial and residential land uses. Where a non-residential development or new land use is proposed on a parcel in the CN zoning district and adjoins a residential zoning district, the following setback, screening and landscaping features shall be provided as part of the development or land use:

1. **Setbacks.** If the proposed commercial use is in a commercial zoning district and adjoins a residential zoning district, but is not separated by a street, the required setback for a structure adjacent to a residential zoning district shall be equal the height of the building, but in no case shall the setback be less than 15 feet.
2. **Screening.** A solid decorative masonry wall or solid fence with a minimum height of six feet, or higher if required by an acoustical analysis to mitigate noise impacts, shall be constructed and maintained on the project site along the common property line. Pedestrian access may be provided through the wall from a residential neighborhood to a neighborhood-serving commercial use subject to the approval of the Director.
3. **Landscaping.** A landscaped strip shall be provided adjacent to the wall with the intention of providing a planting area for trees and shrubs on the commercial site.
 - a. The width of the landscaped strip shall be a minimum of five feet. Larger areas may be required by the review authority for larger projects which shall be determined on a case by case basis.

- b. Landscaping shall be designed to visually screen the commercial development from the residences and to effectively break up the otherwise long, flat appearance of the wall. Trees shall be provided at a rate of one for every 20 lineal feet of landscaped area, and shrubs shall be provided at a rate of one for every five lineal feet of landscaped area. Additional trees and shrubs may be required by the review authority as determined on a case by case basis.
 - c. The use of the landscaped setback for passive activities (e.g., lunch area, pedestrian path, snow storage) shall be subject to the approval of the Director.
4. **Exceptions to screening and buffer requirements.** The requirements of this subsection may be modified or waived through the approval of a Minor Use Permit in compliance with Chapter 18.76.
- C. Screening and buffer between multi-family and single-family residential uses.** Wherever a multi-family residential project adjoins a site developed with or zoned for a single-family residence, but is not separated by a street, a six-foot high solid wood fence or decorative masonry wall shall be constructed along the property line adjoining the single-family residential use. The review authority may modify or waive the requirements for the fence or wall if the review authority finds the characteristics of the site or vicinity would make the required screening and buffer unnecessary or the fence or wall would adversely affect neighborhood compatibility and other screening and buffer methods have been incorporated into the project to achieve the same effect of the required fence or wall.
- D. Equipment.** Any equipment in multi-family and non-residential zoning districts, whether on a roof, the side of structure or ground, and any loading docks, service yards, trash and storage areas, and utility services shall be properly screened from public view.
- 1. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, shape and size.
 - 1. The screening design and construction shall be subject to the approval of the Director, and shall blend with the design of the structures and include appropriately installed and maintained landscaping when on the ground.

18.30.120 - Setback Requirements and Exceptions

This Section provides standards for the use and minimum size of required setbacks. These standards are intended to provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping and recreation.

- A. Setback requirements.** All structures shall comply with the setback requirements of the applicable zoning district established by Article II (Zoning Districts and Allowable Land Uses), and with any special setbacks established for specific uses by this Development Code, except as otherwise provided by this Section. No portion of a structure, including eaves or roof overhangs, shall extend beyond a property line, or into an access easement or street right-of-

way. Each required setback shall be open and unobstructed from the ground upward, except as provided in this Section.

B. Exemptions from setback requirements. The minimum setback requirements of this Development Code apply to all uses except the following:

1. Fences or walls six feet or less in height above the natural grade of the parcel, except on corner lots and within front yards in compliance with Section 18.30.070;
2. Decks, earthworks, free-standing solar devices, hot tubs, steps, swimming pools/spas, terraces and other site design elements which are placed directly upon the finish grade and do not exceed a height of 18 inches above natural grade at any point;
3. Retaining walls less than four feet in height above the surrounding finish grade at any point;
4. Parking pads with railings four feet or less in height; and
5. Basketball baskets and supports.

C. Allowable setback reductions.

1. The Director may approve a side yard setback reduction up to 20 percent of the minimum required setback for permitted uses and structures on residential lots in compliance with Development Code Section 18.75 (Minor Modifications).
2. The required street side setback may be reduced by the Town Engineer by a maximum of five feet on residential lots that are less than 80 feet wide if the Town Engineer finds that the reduced setback will not adversely affect a traffic safety front or street side visibility area or interfere with street snow removal operations.

D. Measurement of setbacks. Setbacks shall be measured as follows. See Figure 3-4.

1. **Front yard setbacks.** The front yard setback shall be measured at right angles from the nearest point on the front property line of the parcel to the nearest line of the structure, except as follows: whenever a future right-of-way width line is officially established for a street, required setbacks shall be measured from the established lines.
 - a. **Averaging.** The required front yard setback may be calculated based on an averaging of adjoining parcels only under the following circumstances:
 - (1) In the RS, RR, DRS, DRM and DRH zoning districts, where 25 percent or more of the parcels located on the same side of the street and within 200 feet of the parcel or between the nearest intersecting streets, whichever is less, have been improved with structures at the time of adoption of this Development Code, the required front yard depth for the applicable zoning district may be reduced to a depth not less than the average depth of the front yards of the parcels with existing structures; and

- (2) When an interior parcel in an RS zoning district adjoins a parcel in any other zoning district, the depth required for the front yard on the interior parcel may be reduced to not less than the average of the required depth and the width or depth of the yard required on the parcel in the other zoning district, which adjoins the street on which the interior parcel faces.
- b. Corner parcels.** The measurement shall be taken from the nearest line of the structure to the nearest point of the property line adjoining the street which has the narrowest parcel frontage. Whenever a future right-of-way width line is officially established for a street, required setbacks shall be measured from the established line(s); and
- c. Flag lots.** The measurement shall be taken from the nearest line of the structure to the point where the access strip meets the bulk of the parcel, establishing a building line parallel to the lot line nearest to the public street or right-of-way. See Figure 3-5.
- 2. Side yard setbacks.** The side yard setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure, establishing a setback line parallel to the side property line, which extends between the front and rear yards.
- 3. Street side yard setbacks.** The side yard on the street side of a corner parcel shall be measured from the nearest point of the side property line adjoining the street to the nearest line of the structure. Whenever a future right-of-way width line is officially established for a street, required yards shall be measured from the established line.
- 4. Rear yard setbacks.** The rear yard shall be measured at right angles from the nearest point on the rear property line of the parcel to the nearest line of the structure, establishing a setback line parallel to the rear property line, which extends between the side yards, except:
- a. The rear yard on the street side of a through lot shall be measured from the nearest point of the rear property line adjoining the street; or
 - b. Where the side lot lines converge to a point and the angle of convergence is 90 degrees or less (acute), a line five feet long within the parcel, parallel to and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear yard. See Figure 3-6. Where the side lot lines converge to a point and the angle of convergence is greater than 90 degrees (obtuse), the side property lines that converge to this point are both considered the rear property line for the purpose of determining the depth of the required rear yard. See Figure 3-6.

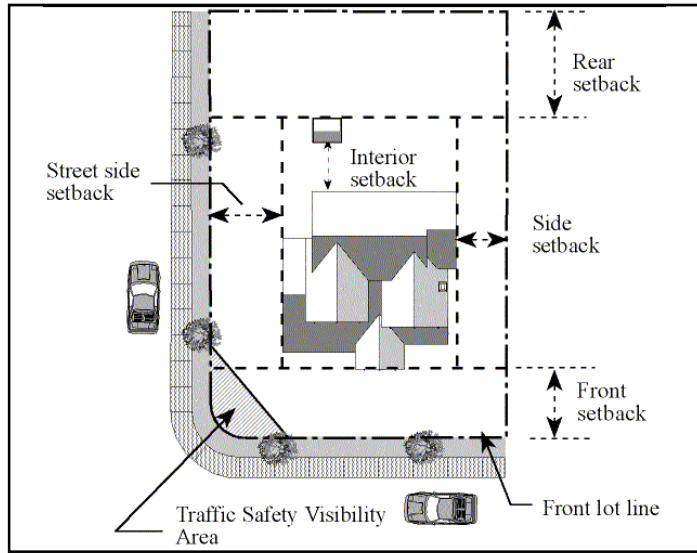


FIGURE 3-4
LOCATION AND MEASUREMENT OF SETBACKS

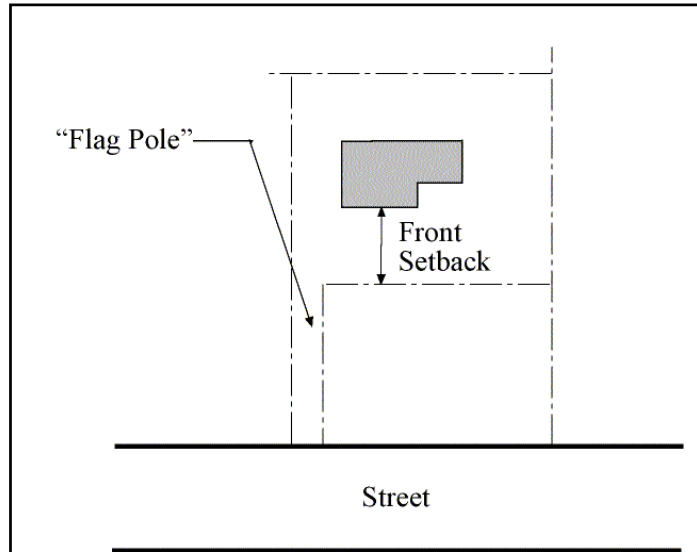
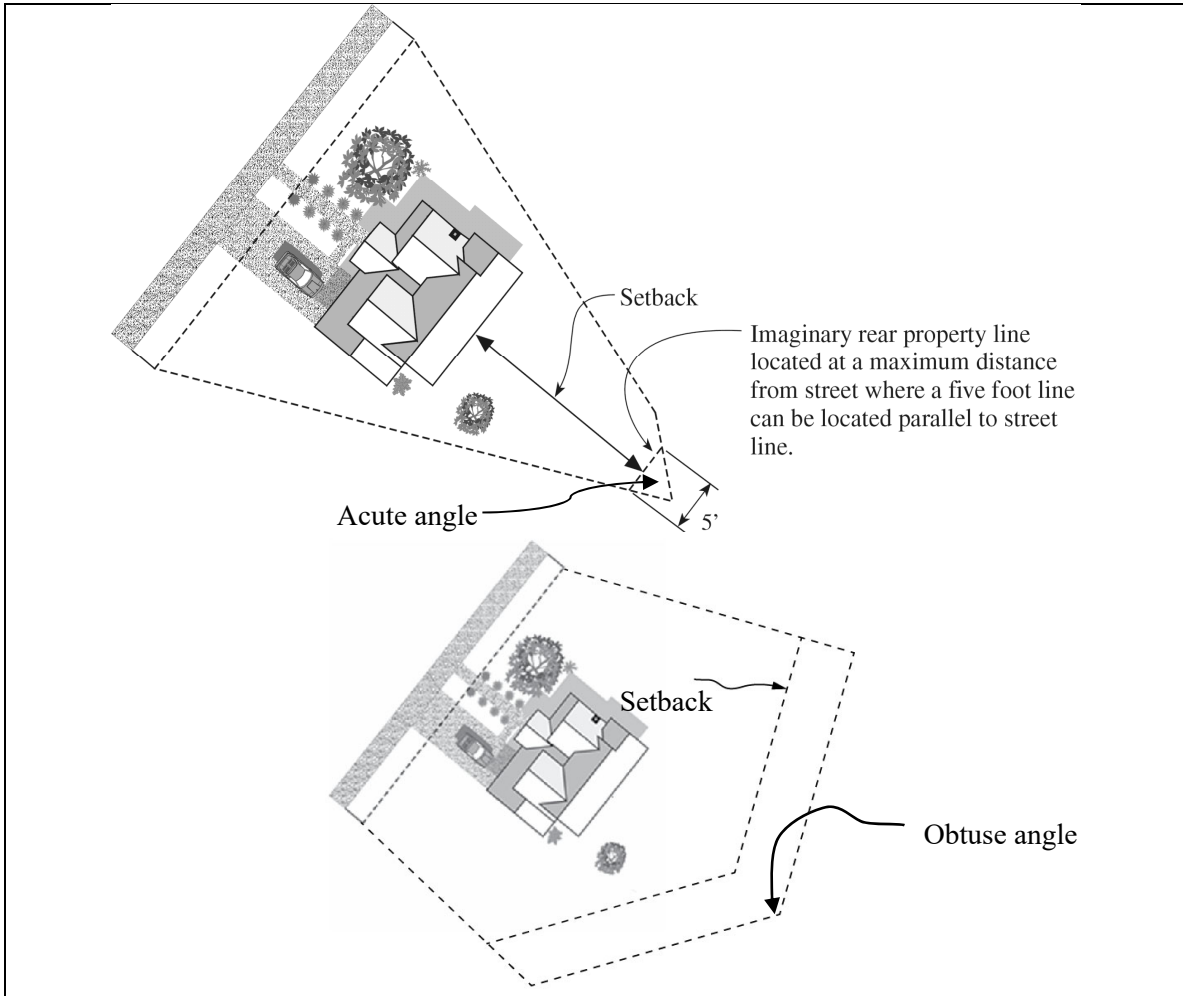
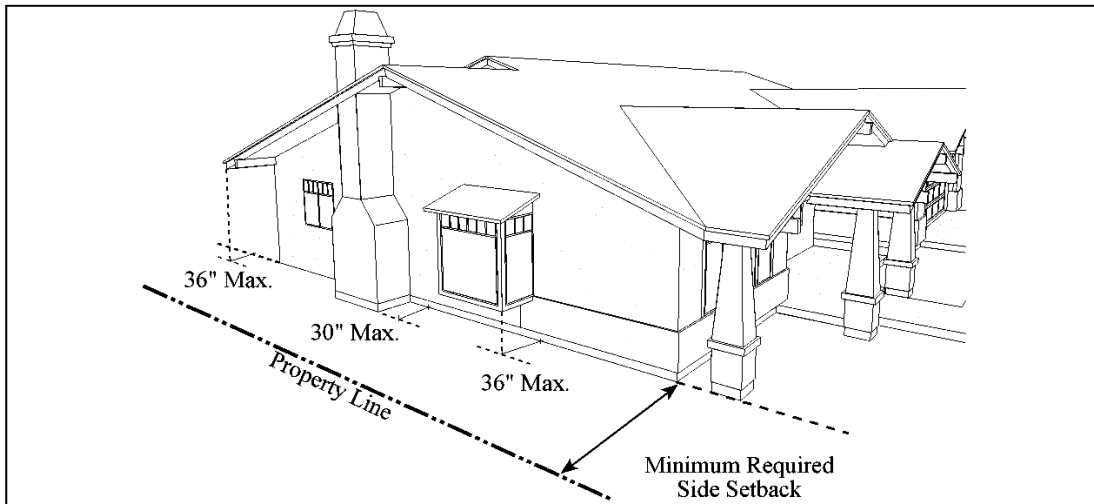


FIGURE 3-5
FLAG LOT SETBACKS



**FIGURE 3-6
REAR SETBACK MEASUREMENT ON TRIANGULAR AND IRREGULAR LOTS**



**FIGURE 3-7
EXAMPLES OF ALLOWED PROJECTIONS INTO SETBACKS**

- E. Allowed projections into setbacks.** Attached architectural features may extend beyond the wall of the structure and into the front, side, street side and rear setbacks, in compliance with Table 3-2, below. Other portions of single-family dwellings may extend into required setbacks in compliance with Subsection F.7 (Setback requirements for specific structures and situations - Single-family dwellings).

**TABLE 3-2
ALLOWED PROJECTIONS INTO SETBACKS**

Projecting Feature	Allowed Projection into Specified Setback		
	Front Setback	Side and Street Side Setback	Rear Setback
Balconies, bay windows and other cantilevered features at least ten feet above average natural grade at the location of the feature.	36 in.	36 in. (1)	5 ft.
Chimney/fireplace, 6 ft. or less in width	30 in.	30 in. (2)	30 in. (2)
Canopy, cornice, eave, roof overhang	36 in.	36 in. (3)	5 ft.
Deck, porch, which may be roofed but is otherwise unenclosed, 18 in. or more above natural grade (4)	6 ft.	36 in. (1)	6 ft.
Stairway, not attached to a deck, not enclosed, and does not extend above the ground floor as measured from the driveway grade adjacent to the garage or house	6 ft. (5)	36 in. (1)	6 ft.

Notes:

- (1) Feature may project no closer than seven feet to any side property line. Feature may not project into the side yard setback in the DRS and DRM districts. See Section 18.30.120(F)(7) for exceptions.
- (2) Feature may project no closer than three feet to any side or rear property line.
- (3) Feature may project no closer than seven feet to any side property line; or three feet to any side property line in the DRS, DRM and DRH districts only if the structure has a non-shedding roof. See Section 18.30.120(F)(7) for exceptions.
- (4) Decks less than 18 inches above natural grade are exempt.
- (5) Covered walkways and stairways adjoining garages within the front yard setback may project into the front yard setback up to the front of the garage.

F. Setback requirements for specific structures and situations.

- 1. Dwelling groups.** An inner court providing access to a multi-family dwelling group (constructed and located face-to-face) shall provide a minimum width of 10 feet between the rows for single-story structures with an additional five feet of width for each additional floor above the first floor.
- 2. Fences.** See Section 18.30.070 (Fences, Walls and Hedges).
- 3. Garages.**
 - a. Except on flag-shaped lots, a garage for a single-family residence, including detached and attached accessory dwelling units, may be located within the front yard

or street side setback area, up to one foot from the front or street side property line. When the face of a garage entrance, situated approximately parallel to a front or street side property line adjoining a street, the garage shall be set back a minimum of 20 feet from the edge of the pavement of the adjoining street, including sidewalks. In other cases, the garage shall be set back a minimum of 10 feet from the edge of the pavement of the adjoining street.

- b. The garage shall not be located within a traffic safety visibility area.
 - c. Except for a vehicle entry door, there shall be no windows or other openings (e.g. door entry) on the garage elevation that is parallel to and facing the street and within the front setback area.
 - d. Whenever a future right-of-way width line is officially established for a street, required yards shall be measured from the established line(s).
 - e. A garage within the front yard setback shall not exceed one story or 20 feet in height, whichever is less, as measured from the driveway grade at the garage entry door.
 - f. The use of the garage shall be limited to laundry facilities, parking of vehicles, personal work areas and storage. Living space such as a recreation room, home office, bedroom, living room and kitchen shall not be allowed in conjunction with a garage within the front or street side setback area, except that living space may be authorized below the garage, on a down sloping parcel in compliance with the minimum setback for a garage in Section 18.30.120.F.3.a. Uncovered decks with railings four feet or less in height may be allowed on the top of the garage.
 - g. A cornice, eave or roof overhang for a garage may extend up to a maximum of 36 inches into the 20-foot from edge of pavement setback required by Section 18.30.120.F.3.a, but shall be located at least one foot from the property line.
- 4. Hot tubs, swimming pools/spas and other site design elements.**
- a. Site design elements less than 18 inches above natural grade are exempt from setback requirements.
 - b. Detached decks, earthworks, freestanding solar devices, hot tubs, steps, swimming pools/spas, terraces and other site design elements, and which equal or exceed a height of 18 inches above natural grade at any point, shall conform to the setback requirements. Swimming pools, or other recreational pools or landscape ponds, may be located in a required front, rear or side yard, subject to the approval of a Minor Use Permit, in compliance with Chapter 18.76, and applicable Building and Health Codes.
- 5. Residential accessory uses and structures.** Residential accessory uses and structures shall be provided setbacks in compliance with Table 3-3 (Required Setbacks - Accessory Uses and Structures).

**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	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.
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.

6. **Retaining walls.** (Retaining walls up to four feet in height are exempt from setback requirements.)
- Retaining walls from four to six feet in height may be located within a required setback provided the exposed side of the wall faces into the subject parcel; and
 - Retaining walls greater than six feet in height, or retaining walls greater than four feet in height where the exposed side of the wall faces out from the subject parcel, shall conform to the setback requirements.
 - Retaining walls greater than four feet in height for driveways and driveway structures may be located within a required front yard setback if the Town Engineer finds that the wall will not adversely affect a front or street side traffic visibility area or interfere with street snow removal operations.

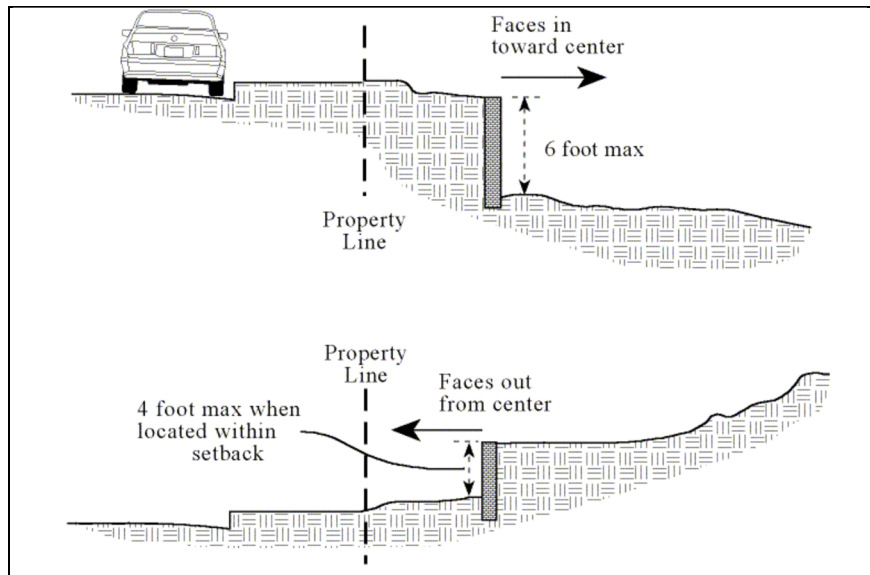


FIGURE 3-8
RETAINING WALLS IN SETBACK

7. **Single-family dwellings.** Single-family dwellings may extend into required setbacks as follows:
- Front setbacks.** Where an existing sloping parcel contains 40,000 square feet or less in net area, setback requirements are not specified on the recorded subdivision map, and the average difference in elevation in the first 60 feet of the parcel measured perpendicularly between the edge of the pavement or traveled way and the structure is one vertical foot for every four horizontal feet (1:4) or more, the front yard setback for a single-family dwelling may be reduced up to 50 percent of that required for other parcels in the same zoning district. 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 non-shedding materials; 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;
 - (c) The lineal feet of the addition or modification within the side yard setback does not exceed the lineal feet of the existing dwelling within the side yard setback; and
 - (d) The addition or modification will not exacerbate any problems resulting from the side yard encroachment (e.g. roof shedding of snow onto adjacent property).
- (2) A Zoning Clearance shall be issued in conformance with Chapter 18.72 (Zoning Clearance), including the requirement to mail notice of the Director's intent to properties within 500 feet of the boundary which is the subject of the Zoning Clearance. The applicant shall submit evidence of the date when the original nonconforming use was established.

8. Traffic safety visibility areas. Structures shall not be altered, constructed, erected or moved, so that they are located closer to a street line than is necessary to provide adequate space for on-site traffic/vehicle maneuvering and the structures shall not be located within a traffic safety visibility area except for fences as permitted by Section 18.30.070.C (Fence Height Limitations). See Figure 3-4.

G. Structures in front yard setback. Any damage sustained to any fence, garage, wall, barrier or other building or structure located within the front yard setback as the result of snow removal operations other than direct contact by snow removal equipment shall be the sole responsibility of the property owner and the Town shall have no liability whatsoever therefore.

18.30.130 - Snow Storage

All development and proposed land uses that are planned with off-street parking and circulation areas, except single-family dwellings and accessory dwelling units, shall be designed and constructed to provide snow storage areas in compliance with the minimum standards of this Section.

A. Application content requirements. All land use permit applications subject to this Section shall include identification of required snow storage areas on the required site plan.

B. Minimum storage area required. Each unenclosed parking area, including circulation drives and aisles, shall provide a snow storage area(s) as follows:

1. In areas with a snow load less than 200 pounds per square foot, the required snow storage area shall equal at least 50 percent of the total parking and driveway area.
2. In areas with a snow load of 200 pounds per square foot or greater, the required snow storage area shall equal to at least 75 percent of the total parking and driveway area.
3. The review authority may reduce or waive the required snow storage area(s) if the review authority finds one of the following:
 - (a) The size and configuration of snow storage area(s) allow ramping or other removal and storage methods which reduce the amount of area necessary to store snow in comparison to normal snow removal and storage operations;
 - (b) A long-term snow hauling plan is adopted as part of the land use permit and the snow hauling plan demonstrates the property owner and/or snow removal contractor has sufficient rights to an off-site storage area(s) to store excess snow from the property with an acceptable method to transport the snow from the property to the off-site storage area(s); or
 - (c) An acceptable method to remove and store snow from the property has been adopted as part of the land use permit and such method(s) clearly demonstrate that the amount of snow storage area(s) required by this section is not necessary.

C. Location. Snow storage areas:

1. Shall be located near the sides or rear of parking areas, away from the primary street frontage;
2. Shall be located to maximize solar exposure to the greatest extent feasible. Areas shaded by structures or vegetation shall be avoided;
3. Shall be located so that snow moving equipment is not required to enter the public streets to move snow to the storage area;
4. Shall be located in areas that are substantially free and clear of obstructions (e.g. propane tanks, trees, large boulders, trash enclosures, utility pedestals);
5. May be located within parking areas but such areas may not be counted towards meeting parking requirements for the use; and
6. May be located within required landscaping areas that are substantially free and clear of trees but the areas shall be planted with groundcover and shrub landscaping tolerant of snow storage or be native vegetation.

For those areas of the project site that are not approved for snow storage (e.g., drainage detention basins, landscaping areas with trees) but are accessible to and inviting for the storage of snow, the development shall include physical features to prevent access to these areas by snow removal equipment. Such features may include, but not be limited to, split-rail wood fences, solid wood fences and trash enclosures. Landscaping is not an appropriate method to prevent access. The Town Engineer may require additional restrictions against blowing snow into non-approved snow storage areas, as determined necessary for water quality protection.

- D. Minimum dimensions.** The minimum dimension of a snow storage area shall be 10 feet in any direction.
- E. Drainage.** Snow storage areas shall be designed to provide adequate drainage to prevent ponding and the formation of ice, especially within pedestrian areas and driveways. Drainage from snow storage areas shall be directed towards on-site drainage retention/treatment facilities.

18.30.140 - Solar Access and Solar Equipment Guidelines

Passive heating and cooling opportunities should be incorporated into single-family residential subdivisions and multi-family residential, commercial, industrial, public and institutional projects as provided by this Section.

- A. Subdivisions.** Subdivisions which require a Tentative and Final Map shall comply with Section 18.92.040 (Energy Conservation and Solar Access). The design of a subdivision shall provide, to the extent feasible, for passive or natural heating or cooling opportunities.
- B. Solar evaluation.** An evaluation of solar opportunities shall be required during review of all discretionary development projects. In preparing the solar evaluation, the applicant shall identify the opportunities for solar access within the proposed project. The solar evaluation

shall also be used to determine any solar access impacts on adjacent properties following construction of the proposed development.

- a. The solar evaluation shall be required at time of submittal of any discretionary land use application. The evaluation shall include a solar access shadow plan which depicts the amount of shade within the proposed development and on adjacent properties on the shortest day of the year, December 21st at noon.
- 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 ft.
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, street side yard, 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 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
 8. Bear sheds shall meet requirements in the Municipal Code Chapter 6.
- D. Cardboard collection.** For projects with restaurant, grocery store, multi-family developments with 30 or more units, and other uses determined by the Community Development Director to generate substantial amounts of cardboard, the review authority may require on-site cardboard collection. The location, minimum storage area, etc. shall be reviewed and approved by the Community Development Director. Projects located in the Downtown Specific Plan Area without sufficient on-site space may be determined to be exempt from this requirement by the review authority.
- F. Compactor access.** Additional space requirements are needed for projects installing a waste compactor. Consultation with the waste service provider is required.

18.30.151 – Storage Containers

- A. Cargo containers.** A cargo container is a metal or similar rectangular shipping container that is otherwise carried on rail cars, truck beds and/or cargo ships, and is used as a temporary storage container consistent with Chapter 18.80 (Temporary Use Permits). Unless otherwise allowed consistent with Section 18.58.200 (Outdoor Storage and Work Areas), the use of cargo containers shall be prohibited.
1. **Exceptions.**
 - a. A maximum of one cargo container is permitted outside of garage, residential accessory structure or agricultural accessory structure on parcels of five acres or larger in the RR (Rural Residential) zoning district, providing the container meets the required setbacks.
 - b. Cargo containers may be allowed by the review authority in the PF (Public Facility) zoning district if the review authority finds that the container(s) will not be visible from a public street or public area; are painted, clad or screened to match or blend with the surrounding environment; and are not located in required parking or landscaping areas.

Section 18.30.155 – Tree Preservation

The General Plan recognizes the importance of trees to the character and beauty of Truckee, as well as the role that trees have in advancing the public health, safety and welfare of its residents. The tree preservation standards of this chapter are intended to assist property owners and project designers in understanding the Town's goals for attaining high quality development that is sensitive to tree

preservation. The standards will be used during the review of land use permit applications and for existing developed non-residential parcels where previously unpermitted tree removal is proposed.

A. Purpose.

1. The Town recognizes that trees can provide soil stability, noise buffering and wind protection benefits. The Town greatly values trees for their ecological importance, temperature mitigation, enhancement of wildlife habitat and aesthetics; and
2. The Town recognizes the special significance of distinctive trees, and values the contribution which such trees make to the beauty and quality of life in Truckee; and
3. The Town recognizes that because of the known benefits of trees, future developments should consider the retention of trees to the maximum extent possible; and
4. The Town recognizes that during review of development projects, there may be circumstances where a balancing of Town policies and development standards may be appropriate. While the retention of trees is a Town priority, this objective may need to be offset with other Town objectives such as hillside preservation, open space preservation and clustering.

B. Definitions. The following are definitions of special terms and phrases used in this chapter:

“Arborist” means a person who has met the criteria for certification from the International Society of Arboriculture, American Society of Consulting Arborists or Tree Care Industry Association, and maintains his or her accreditation.

“Caliper inch” refers to a manner of expressing the diameter inches of a tree as calculated by measuring the tree’s circumference and dividing by Pi (approximately 3.14159). Specially calibrated “diameter tapes” or calipers” are used to determine caliper inches.

“Dead tree” means a tree is lifeless. Such evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.

“Diameter at breast height or DBH” means the diameter of the trunk, measured 54 inches above mean ground level at the base of the trunk.

“Distinctive tree” means a tree having a trunk of twenty-four caliper inches or larger in diameter at breast height (DBH).

“Dripline” means an imaginary vertical line extending downward from the outermost tips of a tree’s branches to the ground.

“Public lands” means lands which are owned by a local public agency, the State or the federal government.

“Registered Professional Forester” means a person who is registered through the Office of Professional Foresters Registration and who maintains his or her accreditation.

“Removal” means to cut down a tree, or remove fifty percent or more of the crown, trunk or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. Removal includes, but is not limited to, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. Removal does not include normal trimming or pruning of trees when conducted in accordance with the standards established by the International Society of Arboriculture or the ANSI A300 American National Standards for Tree Care Operations.

“Tree” means any woody plant having a trunk six caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below 54 inches, the trunk is measured at its narrowest point beneath the split, and is considered one tree if greater than six inches in DBH.

C. Exempt tree removal activities. The following activities are exempt from the requirement for a tree removal permit (e.g. Zoning Clearance, Use Permit, etc.):

1. Tree removal which is allowed pursuant to Section 18.30.080.A (Grading and Vegetation Removal), including the following:
 - a. Cases where a homeowners association implements an established tree removal permit process and has approved a tree removal permit for a vacant single-family residential lot.
2. Removal of dead trees or tree removal caused by natural weather conditions. In cases where a dead tree is providing wildlife habitat, a property owner may wish to consider retaining the tree if it can be determined that it does not present a hazard to the public’s health, safety and welfare.
3. Those activities associated with tree pruning or removal for safety reasons, as mandated by the California Public Utilities Commission, General Order Rule 35, the Public Resource Code 4293 or the Town Engineer.
4. Removal of trees within public rights-of-way or easements by the Town or public or private utilities as necessary to perform maintenance, repairs, modifications and/or construct infrastructure, as well as to protect public health and safety.
5. Tree removal for public pedestrian and bicycle trails and pathways.

D. Approval and permit required. Tree removal not otherwise exempted herein shall be prohibited without Zoning Clearance approval. Projects approved prior to the adoption of this ordinance shall obtain Zoning Clearance approval for any building additions, site modifications or change in use that would necessitate additional tree removal not covered as part of the approved land use.

1. **Zoning Clearance for tree removal activities.** A Zoning Clearance is required for removal of trees greater than 24 inches diameter at breast height (DBH) unless exempt pursuant to Section 18.30.155.C or unless approved as part of a land use application.

2. **Public Notice for Zoning Clearance.** Notice of the proposed tree removal shall be provided in accordance with Section 18.72.030.B.2 (Zoning Clearance).
 3. **Responsible Party.** It shall be the responsibility of all licensed tree cutters or any other person who is removing the tree to have a copy of the Zoning Clearance and any other required state licenses in his or her possession and available for inspection upon request.
 3. **Plans required.** The Zoning Clearance application for tree removal shall contain the following:
 - a. The number, size, species and location of the trees proposed to be removed on a site plan of the property;
 - b. The anticipated date of removal;
 - c. A statement of the reason for removal;
 - d. Information concerning proposed landscaping or planting of new trees to replace the trees to be removed;
 - e. Any other information reasonably required by the Town, up to and including a report from a certified arborist or Registered Professional Forester supporting the reason for removal.
- E. Findings.** The Town may issue a Zoning Clearance for tree removal if one of the following findings can be made:
1. Tree removal is proposed to achieve compliance with other applicable Town requirements and standards.
 2. Tree removal will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, tree densities, canopies or species diversity. The Town shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted by the Development Code.
 3. If the removal of trees is deemed to have a significant impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, canopies or species diversity, the property owner shall be allowed to provide mitigation consistent with Section 18.30.155.F such that the impacts are not significant following implementation of the mitigation.
- F. Mitigation.** A property owner may be required to provide mitigation for any tree approved for removal. The mitigation requirement shall be satisfied by one or more of the following:
- a. **Replanting on-site.** The property owner shall plant either a minimum one and one half inch caliper healthy and well-branched deciduous tree or a five to six foot tall evergreen tree for each tree removed. The replanted tree shall be a species that will eventually equal

review authority may allow modifications to this requirement, including temporary construction paving within a tree's dripline.

2. The natural ground within the driplines of protected trees shall remain as undisturbed as possible.
 - a. No grade cuts whatsoever shall occur within six feet of the trunk of a tree to be retained and no grade cuts shall occur within the dripline of such tree, except that when recommended by a certified arborist or Registered Professional Forester, grade cuts not to exceed a maximum of one foot in depth may be permitted when not closer than six feet of the trunk and not exceeding one-third of the area of the dripline of the tree; provided, however, that higher standards may be applied by the review authority.
 - b. No fill whatsoever shall be placed within six feet of the trunk of a tree to be retained, and no fill shall be placed within the dripline of such tree, except that when recommended by a certified arborist or Registered Professional Forester, up to one-third of the area of the dripline of such tree may be filled not exceeding a maximum depth of one foot, with no fill whatsoever placed within six feet of the trunk; provided, however, that higher standards may be applied by the review authority.
 - c. No mechanical trenching whatsoever shall be allowed within the dripline of a tree to be retained. If it is absolutely necessary to install underground utilities within the dripline of a tree, the trench shall be hand dug in the vicinity of major trees to prevent root cutting and mangling which may be caused by heavy equipment.
 - d. Support roots that are inside the dripline of the tree shall be protected.
 - e. Cross-section drawings of proposed grading may be required where trees are located adjacent to roadways, new slopes or critical areas.
 - f. Drainage changes shall be minimized within driplines of trees to be retained.
 - g. No irrigation system shall be installed within the dripline of a tree which may be detrimental to the preservation of the tree unless specifically authorized by the review authority or the Town Planner.
 - h. Paving within the dripline of a tree to be retained should be stringently minimized, with no paving whatsoever within six feet of the trunk. When paving is absolutely necessary within the dripline, porous material should be used, and not cover more than one-third of the area of the dripline.
3. **Tree protection plan.** Unless otherwise exempted herein, a tree protection plan is required prior to conducting development activities, including, but not limited to, clearing, grading, excavation or demolition work on a property or site, which requires a Zoning Clearance.
 - a. The tree protection plan shall clearly depict all trees to be preserved and/or removed on the site. The plan must be drawn to scale and include the following:

- (1) Location, species and diameter of each tree on site greater than six inches DBH;
- (2) Location of each drip line of each tree;
- (3) Location of existing and proposed roads, water, sanitary and storm sewer, irrigation and other utility lines/facilities and easements;
- (4) Location of existing and proposed structures;
- (5) Grade change or cut and fill during or after construction;
- (6) Existing and proposed impervious surfaces;
- (7) Identification of a contact person and/or arborist or Registered Professional Forester who will be responsible for implementing and maintaining the tree protection plan;
- (8) Location and type of tree protection measures to be installed per Section 18.30.155.H.

I. Tree protection measures. Except as otherwise allowed by the review authority, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to, clearing, grading, excavation or demolition work, and shall be removed only after completion of all construction activity, including landscaping and irrigation installation.

- a. Fencing, a minimum of three feet tall with posts placed no further than 10 feet apart, shall be installed at the edge of the tree dripline (or wider if necessary for distinctive trees) and at the boundary of any open space tracts, riparian areas or conservation easements that abut the parcel being developed.
- b. The fencing shall be flush with the initial undisturbed grade.
- c. No construction activity shall occur within the tree driplines, including, but not limited to, dumping or storage of materials such as building supplies, soil, waste items, equipment or parked vehicles.
- d. The tree driplines shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products and concrete or dry wall excess, construction debris, or run-off.
- e. No excavation, trenching, grading, root pruning or other activity shall occur within the dripline unless approved by the review authority or Town Planner.
- f. The applicant shall not proceed with any construction activity, except installation of erosion control measures, until the Town has inspected and approved the installation of

the required tree protection measures and a building and/or grading permit has been issued by the Town.

- J. Submittal of arborist or Registered Professional Forester report.** In cases where strict compliance with the required tree protection measures identified in Section 18.30.155.I is not feasible, the Director may allow submittal of a report from a certified arborist or Registered Professional Forester. The report will be used to determine the appropriateness of allowing deviations from the tree protection measures and shall identify potential impacts to trees as a result of any deviations to the standards. The review authority may use this report to approve reduced or alternate tree protection measures.

18.30.160 - Undergrounding of Utilities

Proposed development, including residential subdivisions, shall provide for the undergrounding of existing and proposed utility facilities in compliance with this Section. The requirements of this Section do not apply to proposed residential parcels larger than three acres, and existing or proposed major electrical transmission lines.

- A. Facilities to be undergrounded.** All electric, telecommunications and cable television lines to be installed on the site to serve a proposed development shall be installed underground from the nearest above-ground utility service, except for equipment appurtenant to underground facilities, including surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts. New poles or overhead lines shall not be allowed. All existing electric, telecommunication and cable television lines within the site or along streets fronting the site shall be installed underground from the nearest above-ground utility service.
- B. Responsibility of applicant.** The applicant is responsible for complying with the requirements of this Section and shall make the necessary arrangements with the affected utility(ies) for facility installation. The review authority may modify or waive the requirements of this Section if the review authority finds topographical, soil or any other conditions make underground installation unreasonable or impractical. The review authority may also require or accept an improvement fee for the future undergrounding of existing utility lines in lieu of complying with this Section. The amount of the improvement fee shall be determined by the Town Engineer after consulting with affected utility companies and special districts based on the costs to underground the required utility lines. In those cases where utilities are not installed underground, utility lines shall be located to minimize visibility in scenic vista areas.
- C. Location of installation.** Underground utility lines shall be installed along roadways within street rights-of-way where possible. When installed within street rights-of-way, their location and method of installation shall be done in accordance with the Public Improvements and Engineering Standards.

18.30.170 - Vibrations

The owner of an existing or proposed use which generates vibrations at levels that those emissions constitute a nuisance, in compliance with State law (Civil Code Sections 3479-3503), shall abate the nuisance, in compliance with Chapter 18.200 (Enforcement).

CHAPTER 18.34 - FLOODPLAIN MANAGEMENT

Sections:

- 18.34.010 - Purpose of Chapter
- 18.34.020 - Applicability
- 18.34.030 - Definitions
- 18.34.040 - Warning and Disclaimer of Liability
- 18.34.050 - Variance Required
- 18.34.060 - General Provisions
- 18.34.070 - Provisions for Flood Hazard Reduction
- 18.34.080 - Consideration for Variances
- 18.34.090 - Conditions for Variance Issuance

18.34.010 - Purpose of Chapter

- A. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly- and privately-owned land within flood prone or flood-related erosion areas. This Chapter provides regulations for development within areas of potential flood hazard to:
1. Protect, conserve and promote the orderly development of land and water resources;
 2. Protect human life and health;
 3. Minimize expenditure of public money for costly flood control projects;
 4. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 5. Minimize prolonged business interruptions;
 6. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
 7. Ensure that potential buyers are notified that property is in an area of special flood hazard;
 8. Ensure that those who occupy areas of special flood hazard assume responsibility for their actions;
 9. Preserve the natural hydrologic and hydraulic functions of watercourses and flood plains, and protect water quality and aquatic habitats; and
 10. Preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and

riparian habitat, provide recreational opportunities, provide aesthetic benefits, and enhance community and economic development.

- B. In order to accomplish the above purpose, this Chapter includes methods and regulations for:
1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
 2. Requiring that uses vulnerable to floods, including facilities which serve the uses, be protected against flood damage at the time of initial construction;
 3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
 4. Controlling filling, grading, dredging and other development which may increase flood damage; and
 5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

18.34.020 – Applicability

- A. **Special flood hazard areas.** The regulations of this Chapter shall apply to all areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration (FIA) in a report entitled “Flood Insurance Study for Nevada County, California and Incorporated Areas” dated February 3, 2010, with an accompanying Flood Insurance Rate Map with map index dated February 3, 2010, or any subsequent revisions or amendments. The report is adopted by reference and is part of this Chapter. The Flood Insurance Study is on file at the Department. The Flood Insurance Study and Flood Insurance Rate Map are the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter. Special flood hazard areas within the Town of Truckee include:

1. Cold Creek;
2. Donner Lake;
3. Donner Creek;
4. Martis Creek;
5. Prosser Creek;
6. Summit Creek
7. Truckee River;

8. Trout Creek;
- B.** Uses shall not be established and structures shall not be constructed, located, extended, converted, replaced or altered without full compliance with the requirements of this Chapter and other applicable regulations of this Development Code. The handling of violations and the enforcement of any of the provisions of this Chapter are contained in Chapter 18.200 (Enforcement).
 - C.** The Community Development Director may determine based on field check, relevant maps, surveys, site plans, photographs and/or other information that flooding is known to occur on a site and that the property is therefore subject to this Chapter. Examples of areas of known flood hazard that are not addressed under Section 18.34.020 above but may be subject to this Chapter include, but are not limited to:
 1. Alder Creek;
 2. Gregory Creek;
 3. Buck Spring.
 - D. Exceptions.** Docks, piers, ramps and similar structures within the 100-year floodplain of Donner Lake shall be exempt from the provisions of this Chapter if constructed in compliance with Section 18.38.050(D) and approvals are obtained from all agencies with permitting authority.

18.34.030 - Definitions

The following are definitions of special terms and phrases used in this Chapter. Other general definitions are provided in Chapter 18.220 (Definitions/Glossary).

Base flood elevation. The elevation shown on the Federal Emergency Management Agency Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures (e.g., fencing, accessory structures, etc.), dredging, filling, grading, paving, excavation or storage of equipment or materials.

Encroachment. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

Fraud and victimization. As related to Section 18.34.080 (Consideration for Variances), the granting of the variance will not cause fraud on or victimization of the public. In examining this requirement, the Zoning Administrator will consider the fact that every new structure adds

to government responsibilities and remains a part of the community for 50 to 100 years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

Functionally dependent use. A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only piers and other docking and port facilities that are necessary for the loading and unloading of cargo or passengers and the seasonal mooring of boats and other watercraft. It does not include long-term storage or related manufacturing facilities.

Hardship. As related to Section 18.34.080 (Consideration for Variances), the exceptional hardship that would result from a failure to grant the requested variance. The Zoning Administrator requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a structure's lowest floor; provided that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements. This prohibition includes below-grade garages and storage areas.

New construction. For floodplain management purposes, structures for which the start of construction commenced on or after August 1, 1988, and includes any subsequent improvements to these structures.

Obstruction. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Public safety and nuisance. As related to Section 18.34.080 (Consideration for Variances), the granting of a variance must not result in anything that is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

Start of construction. Start of construction includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site (e.g., pouring of slab or footings, installation of piles, construction of columns) or any work beyond the stage of excavation, or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation (e.g., clearing, grading and filling), nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of accessory buildings (e.g., garages or sheds) not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Special Flood Hazard Area. The land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on the National Flood Insurance Program (NFIP) maps. The SFHA is the area where the NFIP's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA is also defined as the land in the floodplain subject to a one percent or greater chance of flooding in any given year. For the purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard." FHA includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE and V.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not include either:

- a. Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications which have been identified by the Chief Building Official and which are the necessary to assure safe living conditions; or
- b. Any alteration of a historic structure, provided the alteration will not preclude the structure's continued designation as a historic structure.

After August 1, 1988, the value of any work to be performed under a building permit issued after that date shall be compared to the total value of the structure at the time of the permit application to calculate the percentage of new construction, additions or repairs under the permit. This percentage figure shall be added to any successive building permits that may be issued within a subsequent five-year span. If the percentage of construction work performed under the successive building permit totals 50 percent or more, this work shall constitute a

substantial improvement. If a structure undergoes substantial improvements, the entire structure shall comply with the provisions of this Chapter.

Violation. The failure of structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in this ordinance

18.34.040 - Warning and Disclaimer of Liability

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within these areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Town, any officer or employee thereof, the Federal Insurance Administration, Federal Emergency Management Agency, or the State of California, for flood damages that result from reliance on this Chapter or any an administrative decision lawfully made thereunder.

18.34.050 - Variance Required

- A. When required.** A Variance (Chapter 18.82) shall be obtained before any construction or other development (not including trails, paths and sidewalks) begins within an area of special flood hazard.
- B. Exempt work.** A Variance shall not be required for:
1. Grading or filling performed in the course of providing soil stabilization or erosion control measures for improvements that were in place as of the effective date of this Development Code.
 2. Docks, piers, ramps and similar structures within the floodplain of Donner Lake if constructed in compliance with Section 18.8.050.D and approvals are obtained from all agencies with permitting authority.
- C. Application content.** A Variance application shall include the forms furnished by the Department and may include plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill, storage of material, drainage facilities, and the location of the foregoing. An application for a variance shall also include the following information:
1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 2. Proposed elevation in relation to mean sea level to which any structure will be flood-proofed;
 3. All appropriate certifications listed in Section 18.34.070 (Provisions for Flood Hazard Reduction); and

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

18.34.060 - General Provisions

- A. Use of other Base Flood Data.** When base flood elevation data has not been provided, the Department shall obtain, review and utilize base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 18.34.070 (Provisions for Flood Hazard Reduction).
- B. Notification.** Whenever a watercourse is to be altered or relocated, the Department shall notify adjacent communities, the California Department of Water Resources, Federal Insurance Administration (FIA), and Federal Emergency Management Agency (FEMA) prior to the alteration or relocation, and submit evidence of the notification to FIA and FEMA.
- C. Public records.** The Department shall maintain the following information and certifications and make them available for public inspection:
 1. Certification of lowest floor elevation in compliance with Section 18.34.070.A.3.a;
 2. Certification of elevation or floodproofing of non-residential structures in compliance with Section 18.34.070.A.3.b;
 3. Certification of designs to automatically equalize hydrostatic flood forces in compliance with Section 18.34.070.A.3.c;
 4. Identification of flood hazard areas for proposed tentative maps in compliance with Section 18.34.070.C; and
 5. Certification of no increase in flood levels in compliance with Section 18.34.070.E.1.
- D. Map determinations.** The Department shall make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Grade elevation and the base flood elevation shall be used in determining the area of special flood hazard.

18.34.070 - Provisions for Flood Hazard Reduction

- A. Standards for construction.** In areas of special flood hazards, the following standards are required:

1. Anchoring.

- a. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads.
- b. All manufactured homes shall meet the anchoring standards of Subsection D, below.

2. Construction materials and methods.

- a. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. New construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.

3. Elevation and floodproofing.

- a. New construction and substantial improvement of a structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation for all special flood hazard areas or zones. Non-residential structures may meet the standards in paragraph b. below. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor. The certification shall be provided to the Department.
- b. Non-residential construction shall either be elevated in conformance with paragraph a. above or together with attendant utility and sanitary facilities:
 - (1) Be floodproofed so that below an elevation of one foot above the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. The certification shall be provided to the Department.
- c. New construction and substantial improvements that have fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall meet or exceed the following minimum criteria:

- (1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above finished grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
- (2) Be certified by a registered professional engineer or architect to comply with the guidelines for engineered openings in FEMA Technical Bulletin 1-93.

B. Standards for utilities.

1. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Standards for subdivisions. All tentative map proposals shall identify the flood hazard area and the elevation of the base flood. A proposed subdivision shall not create or establish building sites or pads within flood hazard areas. Roads, driveways and utilities shall be designed to minimize flood damage.

D. Standards for manufactured homes. Manufactured homes and additions to manufactured homes shall:

1. Be elevated so that the lowest floor is one foot above the base flood elevation; and
2. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement.

E. Floodway. Floodways are located within special flood hazard areas and are extremely hazardous due to the velocity of flood waters which carry debris, potential projectiles and erosion potential. The following provisions apply within floodways:

1. Encroachments, including fill, new construction, substantial improvements and other development is prohibited unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in base flood elevations during the occurrence of the base flood discharge.
2. If paragraph 1. above is satisfied, new construction, substantial improvements, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this Section.

18.34.080 - Consideration for Variances

A. Application review considerations. In reviewing applications for Variances to the requirements of this Chapter, the Zoning Administrator shall consider all technical evaluations, relevant factors, standards specified in this Chapter, and the following:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger of life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of damage on the individual owner and future owners of the property;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities (e.g., sewer, gas, electrical and water system, and streets and bridges).

B. Findings for approval. In addition to the findings required for the approval of a Variance (Chapter 18.82), the following special findings are also required for development within special flood hazard areas:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the Variance would deny the applicant the right to develop the property and would result in exceptional hardship to the applicant;
3. A determination that the granting of a Variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
4. All required State and federal permits have been or will be obtained;
5. The site is reasonably safe from flooding;

6. The environmental document prepared for the project complies with the requirements of the California Environmental Quality Act;
 7. The proposed development complies with all applicable provisions of Section 18.34.070 (Provisions for Flood Hazard Reduction).
 8. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined, but a floodway has not been designated. For purposes of this Chapter, “adversely affects” means that the cumulative effect of the proposed development when combined with other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any one point.
- C. Conditions of approval.** Upon consideration of the factors of Subsection A above and the purposes of this Chapter, the Zoning Administrator may impose conditions to the granting of a Variance as it deems necessary to further the purposes of this Chapter.
- D. Records and reporting.** The Department shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration and Federal Emergency Management Agency upon request.

18.34.090 - Conditions for Variance Issuance

- A.** Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places, the State Inventory of Historic Places, or the Town of Truckee Historic Resources Inventory without regard to the procedures set forth in this Chapter upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the Variance is the minimum necessary to preserve the historic character and design of the structure.
- B.** Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- C.** Variances shall only be issued upon a determination that the construction approved by the Variance is the minimum necessary, considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements. For example, in the case of Variances to an elevation requirement, this means the Zoning Administrator need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Zoning Administrator believes will both provide relief and preserve the integrity of these regulations.
- D.** Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of Subsections A through C above are satisfied, and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

- E. Any applicant to whom a Variance is granted shall be given written notice that the issuance of a Variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance commensurate with the increased risk resulting from the reduced lowest floor elevation (up to \$25 for each \$100 of insurance coverage) and that any construction below the regulatory flood elevation increases risks to life and property. A copy of the notice shall be recorded in the office of the Nevada County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

CHAPTER 18.36 - HILLSIDE DEVELOPMENT STANDARDS

Sections:

- 18.36.010 - Purpose of Chapter
- 18.36.020 - Applicability
- 18.36.030 - Application Content
- 18.36.040 - Standards for Hillside Development
- 18.36.050 - Design Criteria for Hillside Development
- 18.36.060 - Criteria for Use Permit Approval

18.36.010 - Purpose of Chapter

This Chapter establishes regulations for development within hillside areas in order to:

- A. Preserve and protect the views to and from hillside areas in order to maintain the identity, image and environmental quality of the Town;
- B. Ensure that development in the hillside areas is concentrated on the most level portions of the site, is in locations with the least environmental impact, and is designed to fit the existing land forms;
- C. Preserve significant features of the natural topography, including swales, canyons, knolls, ridgelines and rock outcrops;
- D. Correlate intensity of development with the steepness of terrain in order to minimize the impact of grading, unnecessary removal of vegetation, land instability and fire hazards; and
- E. Provide alternative approaches to conventional flat land development practices by achieving land use patterns and intensities that are consistent with the natural characteristics of hillside areas including slopes, land form, vegetation and scenic quality.

18.36.020 - Applicability

- A. **Hillside area.** The standards of this Chapter apply to all uses, subdivisions and structures proposed on development sites with an average slope of 10 percent or greater or on development sites with any slopes of 20 percent or greater; except that single-family dwellings in existing subdivisions, accessory dwelling units, and residential accessory structures shall be exempt from the provisions of this Chapter.
- B. **Basis for slope determinations.** For the purpose of this Chapter, slope shall be computed on the natural slope of the land before grading is commenced, as determined from a topographic map having a scale of not less than one inch equals 100 feet and a contour interval of not more than five feet. See Chapter 18.220 (Definitions, Glossary) for definitions on simple slope and complex slope and how to measure slope. Minor topographic variations, including small, isolated pockets of steeper slopes (300 sq. ft. or less), and manmade features, slopes and fill

from previous site disturbance shall not apply toward calculating slopes and shall be exempt from Use Permit requirements.

- C. Use Permit required.** Hillside developments, including roads, streets and driveways, proposed on slopes of 20 percent or greater shall be subject to the approval of a Use Permit in compliance with Chapter 18.76 and in compliance with the criteria set forth in Section 18.36.060. A Use Permit shall not be required for residential Tentative Map applications of four parcels or less if it can be demonstrated with certainty that slopes of 20% or greater will not be disturbed. A soil and geotechnical study that identifies special constraints and mitigation measures to minimize grading, unstable soils and erosion shall accompany the use permit application. The geotechnical study shall also analyze the landslide hazards of the site and their potential effect.

18.36.030 - Application Content

Land use permit and subdivision applications for projects proposed within hillside areas shall include all information and materials required by Section 18.70.040 (Application Preparation and Filing), and all additional information required by the Director on the basis of site topography.

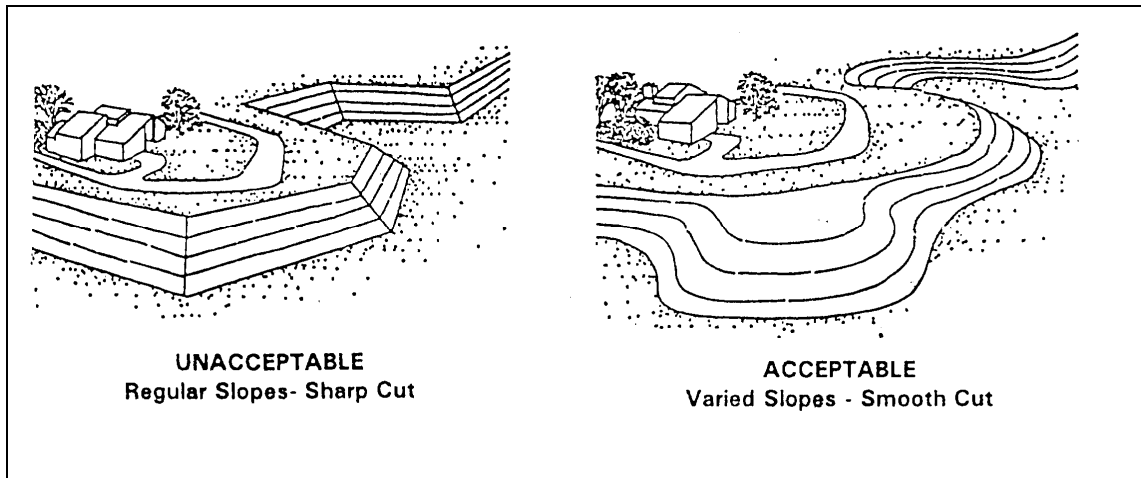
18.36.040 - Standards for Hillside Development

- A. Minimum lot area.** The minimum lot area for new subdivisions in hillside areas shall be determined by the applicable zoning district, except where housing units are clustered and the project is approved as a Planned Development in compliance with Chapter 18.78.
- B. Clustered development required.** Proposed hillside development shall be clustered in compliance with Chapter 18.46 (Open Space/Cluster Requirements).
- C. Preservation of steep slopes.** Slopes of 30 percent or greater shall be permanently preserved as open space. Permanent open space areas may be used in compliance with Section 18.46.060 (Open Space Standards).
- a. Grading, structures and/or streets on slopes exceeding 20% shall be avoided if there is sufficient area on the site with slopes less than 20% to accommodate development and streets.
 - b. The Planning Commission may authorize grading and structures on slopes exceeding 30% only if the Commission finds there is not sufficient area on the parcel with slopes less than 30% to accommodate a reasonable development, and measures have been incorporated into the development to minimize disturbance of the terrain (e.g. use of stem walls, split foundations).
 - c. Projects located in the Historic Preservation (-HP) Overlay District on Zoning Map Sheet #25 or in the FAR Incentive Infill Area on Zoning Map Sheet #28 shall be provided additional flexibility to construct on slopes exceeding 20% and 30% for the purpose of achieving desired infill only if the review authority determined the development to be appropriate on the site and in keeping with the standards and criteria of this Chapter.

D. Height limits. The height of structures in a hillside area shall not exceed the maximum established by the applicable zoning district. Measurement of structure height shall be as provided in Section 18.30.090 (Height Measurement and Height Limit Exceptions). Lesser heights may be required where the structure may impair prominent views to or from scenic vistas or prominent slopes, ridgelines, bluff lines or hillsides, as identified in General Plan Community Character Element Figure CC-1 “Scenic Resources.”

E. Grading and drainage.

1. Grading shall be designed to:
 - a. Conserve natural topographic features and appearances by minimizing the amount of cut and fill and by means of landform grading to blend graded slopes and benches with the natural topography; and
 - b. Retain major natural topographic features (i.e., canyons, knolls, ridgelines and prominent landmarks.)
2. Grading plans shall identify slopes that are to be landform graded. “Landform grading” means a contour grading method that creates artificial slopes with curves and varying slope ratios in the horizontal plane designed to simulate the appearance of the surrounding natural terrain.



**FIGURE 3-10
LANDFORM GRADING**

3. Lot pad grading for subdivisions shall be limited to the structure footprint, vehicle parking space and a yard area as shown on the approved grading plan. Lot pad grading shall be reviewed and approved as part of the subdivision process. Pads shall not exceed 5,000 square feet in total area. Smaller pad areas may be required.
4. Cut and fill slopes shall be designed and constructed to not exceed a vertical height of 10 feet, unless the review authority approves slopes of greater height with benching, terracing and/or the use of retaining walls.

5. All graded areas shall be protected from wind and water erosion. Interim erosion control plans shall be required, certified by the project engineer, and reviewed and approved by the Town Engineer. Permanent erosion control measures in accordance with Best Management Practices of the "Project Guidelines for Erosion Control for the Truckee River Hydrologic Unit" as adopted by the Lahontan Regional Water Quality Control Board shall be required.
6. Slopes created by grading shall not exceed a ratio of 1:2 (vertical:horizontal), except where the Director determines that a greater slope is appropriate. A soils report, stabilization study, or other technical information may be required.

18.36.050 - Design Criteria for Hillside Development

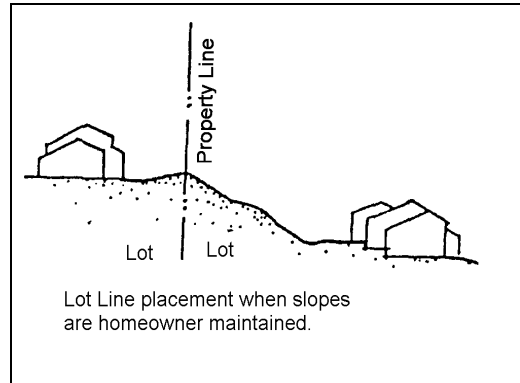
The following design criteria shall be implemented in the design and construction of projects on hillsides whenever applicable. The criteria may be applied with some flexibility on a case-by-case basis as not all design criteria may be workable or appropriate for each project, depending on site-specific characteristics. In some circumstances, a criterion may be relaxed in order to accomplish another, more important criterion or community goal. The overall objectives are to ensure that the intent of the criteria is followed and to attain the best possible design in keeping with the purpose of this Chapter as defined in Section 18.36.010.

- A. Preservation of topography.** The natural contour of the site is an important characteristic of the site, and new buildings should try to minimize alterations to the perceived slope of the area. Site grading should be sensitive to existing land forms and topography so that the natural setting may be preserved to the greatest extent possible. Every effort should be made to minimize the limits of construction on the site, and all stockpiling of materials and equipment and equipment storage should occur within those limits. Abrupt grade changes on property lines should not be permitted. Grade changes within tree driplines should be avoided.
- B. Terrain alteration.** The project shall be designed to fit the terrain rather than altering the terrain to fit the project. Development patterns which form visually protruding horizontal bands or steeply cut slopes for roads or lots shall be avoided.
- C. Street layout.** Streets shall follow the natural contours of the terrain in order to minimize the need for grading, preserve natural drainage patterns, and produce roads that are easily negotiated. Cul-de-sacs and loop roads may be permitted to fit the natural topography subject to the approval of the Town Engineer and the Truckee Fire Protection District;
- D. Site and structure design.** Site design shall utilize varying structure and setbacks, heights, split-level foundations and retaining walls to terrace structures with the direction of the slope;

E. Lot line locations. Lot lines shall be placed at the top of slope areas to help ensure that the slope will not be neglected by the up-hill owner (see Figure 3-11);

F. Design and location of structures. Structures proposed on slopes shall be designed and located as follows.

1. The form, mass and profile of the individual buildings and architectural features should be designed to blend with the natural terrain and preserve the character and profile of the natural slope. Some techniques which may be considered include:
 - a. Split pads, stepped footings and grade separations to permit structure to step up the natural slope.
 - b. Detaching parts of a dwelling (e.g., a garage).
2. Excessive cantilevers should be avoided on downhill building elevations.
3. Structures should be placed partly underground or utilize below grade rooms to reduce effective bulk and to provide energy efficient and environmentally desirable spaces. However, the visible area of the building shall be minimized through a combined use of regrading and landscaping techniques.
4. Roofs on lower levels should be used as the deck open space of upper levels.
5. Architectural treatment shall be provided to all sides of the structure visible.
6. Exterior structural supports and undersides of floors and decks not enclosed by walls shall be permitted provided fire safety and aesthetic considerations have been adequately addressed.
7. Building materials and color schemes should blend with the natural landscape of earth tones and natural vegetative growth.
8. To the extent possible, the width of a building measured in the direction of the slope, shall be minimized in order to limit the amount of cutting and filling and to better “fit” the house to the natural terrain.
9. Structures should be placed to minimize disturbance of natural vegetation on slopes of 10 percent or greater.



**FIGURE 3-11
LOT LINE LOCATION**

- G. **Retaining walls.** Large retaining walls in a uniform plane shall be avoided. Retaining walls over five feet in height shall be divided into elements and terraces with landscaping to screen them from view. Generally, no retaining wall should be higher than 10 feet unless the wall is architecturally treated and of an exceptional design, appropriate for the site, would reduce ground disturbance, improve visual quality and/or achieves other Town goals. Where feasible, retaining walls should be constructed of the same materials as the primary buildings on the site. See Figures 3-12 and 3-13.

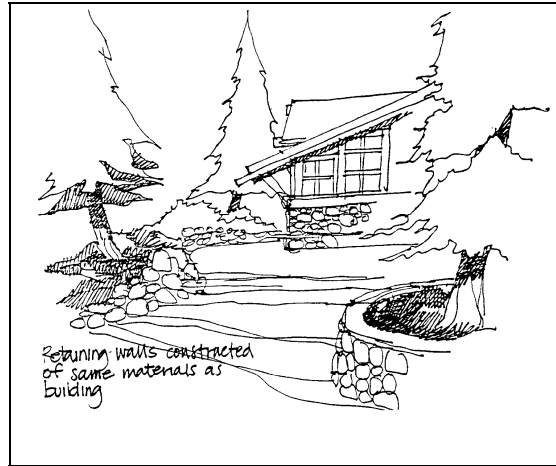


FIGURE 3-12

- H. **Open space preservation.** Open space may be **RETAINING WALL MATERIALS** Street improvements, reducing sidewalk widths, using common driveways and clustering units subject to the approval of the Town Engineer and Truckee Fire Protection District.

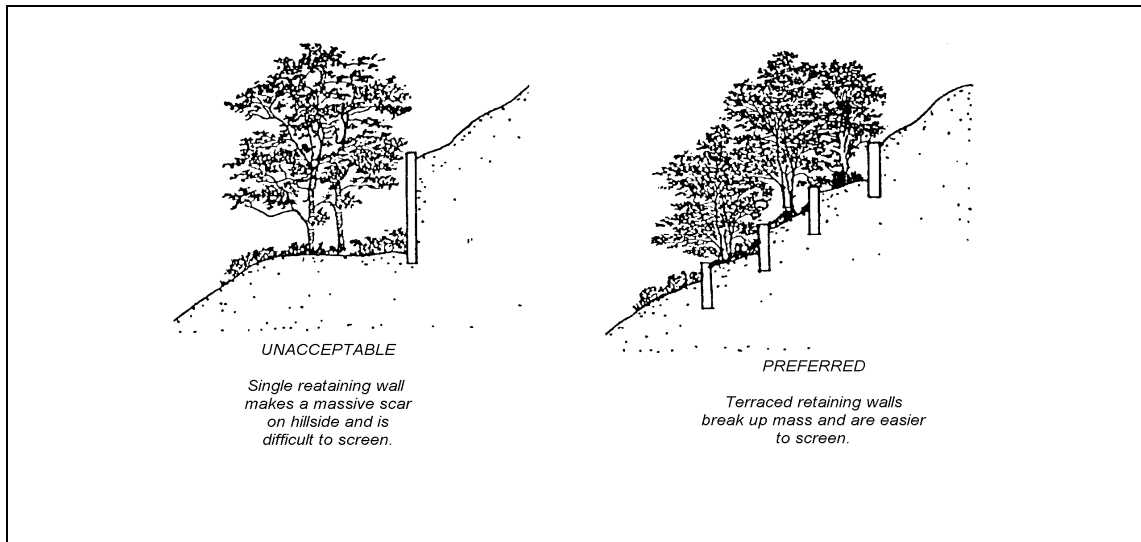


FIGURE 3-13
RETAINING WALL DESIGN

- I. **Slope restoration.** Transitional slopes shall be replanted with self-sufficient trees, shrubs and ground cover that are compatible with existing surrounding vegetation in order to enhance the blending of manufactured and natural slopes. Cuts and fills shall have good surface drainage and

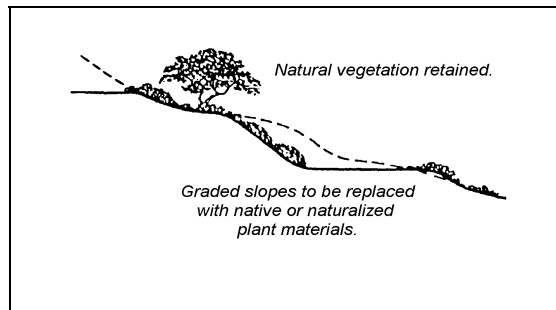
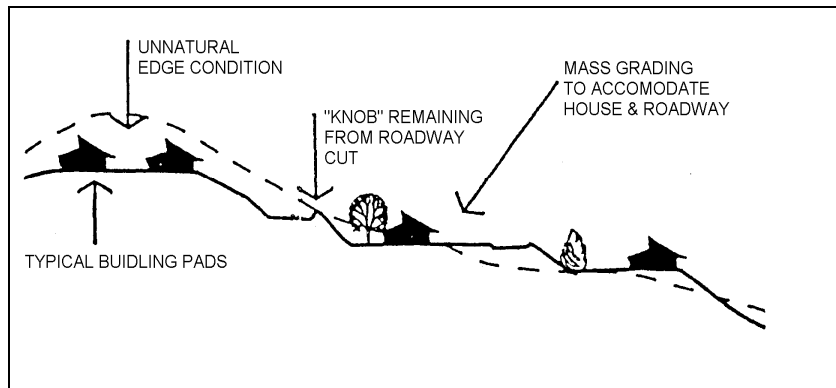


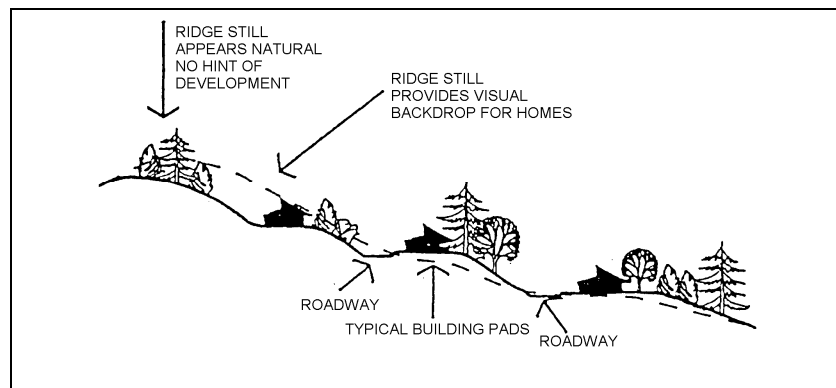
FIGURE 3-14
SLOPE RESTORATION

shall be revegetated and terraced or controlled by retaining walls to protect against erosion and sedimentation. See Figure 3-14.

- J. Reduced street widths.** On-street parking lanes may be omitted from streets when the result is a substantial decrease in cutting and/or filling. Off-street parking areas shall be provided to yield a ratio of one additional space per dwelling unit.
- K. Preservation of ridgelines.** Prominent ridgelines, as identified in General Plan Community Character Element Figure CC-1 “Scenic Resources,” shall be preserved. Structures located adjacent to prominent ridgelines should complement, rather than provide a stark contrast with, the natural landform(s). Structures shall not be closer to a prominent ridgeline than 100 feet measured horizontally on a topographic map. In no case, shall the roofline or any other portion of a structure extend above the line of sight between a ridgeline and any public right-of-way, whether the ridgeline is above or below the right-of-way. See Figures 3-15 and 3-16.



**FIGURE 3-15
DEVELOPMENT DOES NOT PRESERVE RIDGELINE**



**FIGURE 3-16
DEVELOPMENT PRESERVES RIDGELINE**

18.36.060 - Criteria for Use Permit Approval

The Commission shall evaluate a Use Permit application for hillside development based on the following objectives and the findings required for Use Permits by Chapter 18.76:

- A. Natural topographic features and appearances are preserved by means of landform grading so as to blend constructed slopes into the natural topography and through restrictions on successive padding and terracing of building sites;
- B. Major natural topographic features as identified in General Plan Community Character Element Figure CC-1 "Scenic Resources," including prominent slopes, ridgelines, bluffs, drainage courses, intermittent water courses or swales, watershed areas, vernal pools, view corridors and scenic vistas are retained;
- C. Prominent landmark features - significant rock outcroppings, prominent trees and woodlands, and other areas of special natural beauty are preserved and enhanced;
- D. The use of varying setbacks, building heights, foundation designs and compatible building forms, materials and colors serve to blend buildings into the terrain;
- E. Sites and buildings are clustered on more gently sloping terrain so as to reduce grading alterations on steeper slopes;
- F. Buildings are designed, located and arranged to avoid a continuous intrusive skyline effect and which afford view privacy and protection;
- G. Vegetation is preserved and planted to protect slopes from soil erosion and slippage and minimize the visual effects of grading and construction of hillside areas;
- H. Streets and improvements are designed to minimize grading alterations and harmonize with the natural contours and character of the hillsides;
- I. The project is designed to address safety issues by reducing the risk of injury, loss of life and property damage from earthquakes, landslides and other geologic hazards associated with construction near steep slopes, cliff edges and escarpments.

CHAPTER 18.38 - LAKE AND RIVER/STREAM CORRIDOR DEVELOPMENT

Sections:

- 18.38.010 - Purpose of Chapter
- 18.38.020 - Applicability
- 18.38.030 - Application Content
- 18.38.040 - River and Stream Development Standards
- 18.38.050 - Donner Lake Development Standards

18.38.010 - Purpose of Chapter

This Chapter provides standards for development adjacent to Donner Lake, the Truckee River and other significant streams throughout the Town to:

- A. Provide appropriate buffer areas between proposed development and Donner Lake, the Truckee River and other designated stream corridors to protect valuable environmental, scenic and recreational resources; and
- B. Protect the public health, safety and welfare.

18.38.020 - Applicability

The provisions of this Chapter apply to property adjoining the following waterways:

- A. Donner Lake;
- B. Truckee River;
- C. Alder Creek;
- D. Trout Creek; and
- E. Blue line permanent and seasonal waterways as shown on a 7.5 minute series USGS topographic quadrangle map.

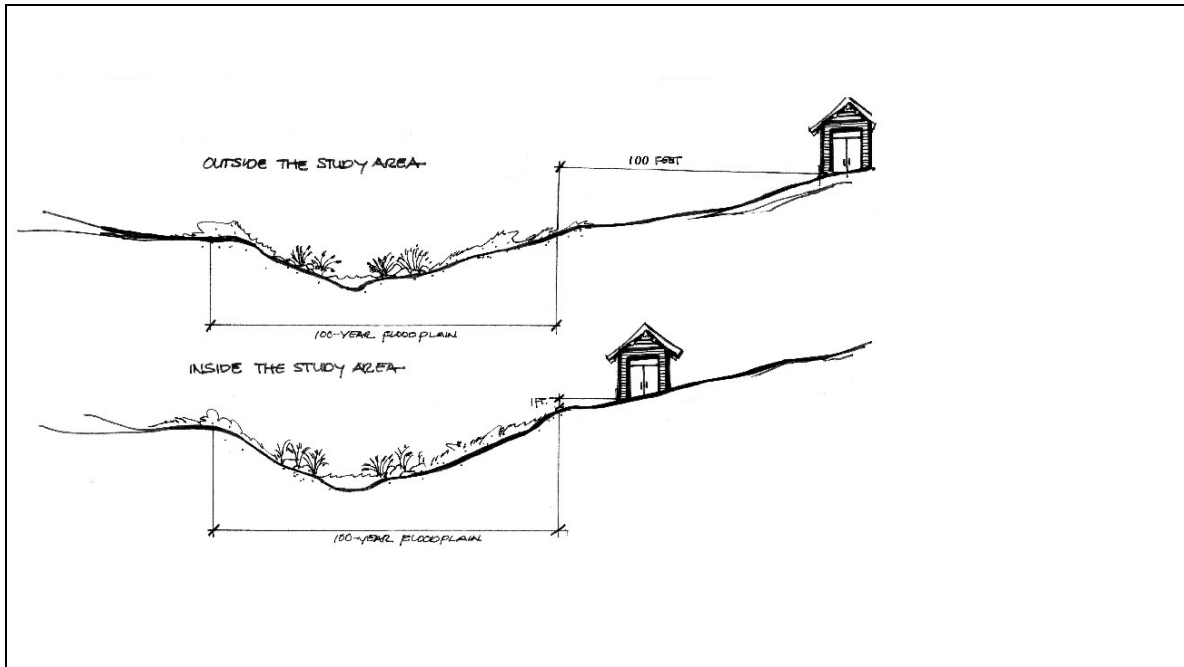
18.38.030 - Application Content

Land use permit and subdivision applications for projects on parcels that include a 100-year flood plain or are located within 100 feet of a 100-year flood plain shall include all information and materials required by Section 18.70.040 (Application Preparation and Filing) and shall show 100-year flood plains, floodways and base flood elevations in relation to the parcel. This flood information shall be certified by a registered professional authorized to assess waterways (including lakes, rivers, streams, floodplains, wetlands, etc.) and shall include a hydrology report.

18.38.040 - River and Stream Development Standards

A. **Setback requirements.** Proposed development shall be designed and constructed to provide the following minimum setbacks from adjacent waterways. See Chapter 18.220 (Definitions, Glossary) for definition of the 100-year floodplain referenced in this Chapter.

1. **Truckee River.** Proposed structures outside the Downtown Study Area shall be set back a minimum distance of 100 feet from the edge of the 100-year floodplain. Proposed structures within the Downtown Study Area shall be set back the minimum horizontal distance from the edge of the 100-year floodplain which is one foot above the base flood elevation. The setback shall be measured from the natural elevation of the property. The setback line may not be modified by raising the property above the base flood elevation through the use of fill or other similar materials.



**FIGURE 3-17
TRUCKEE RIVER SETBACK REQUIREMENTS**

2. **Other streams.** Proposed structures shall be set back from adjacent streams as follows:
 - a. Structures proposed on parcels with an average depth of 175 feet or more shall be set back a minimum of 50 feet from the edge of the 100-year floodplain of any stream;
 - b. The required stream setback for structures proposed on parcels with an average depth of less than 175 feet shall be determined by the following formula, except that no setback shall be less than 20 feet:

Required setback in feet = $50 - (175 - \text{parcel depth})$

For example, a structure proposed on a parcel with a depth of 163 feet would have a required setback of 38 feet ($50 - (175 - 163) = 38$);

- c. Structures proposed adjacent to streams for which the 100-year floodplain has not been determined or mapped shall be set back a minimum of 100 feet from the centerline of the stream channel;
 - d. Structures proposed adjacent to streams that have been channelized by manmade improvements prior to the adoption and effective date of this Development Code shall be set back a minimum of 20 feet from the improvements. Channelized shall mean improvements that have altered and replaced the natural alignment of the stream. Examples of channelized streams include Gregory Creek south of Donner Pass Road and Trout Creek along Trout Creek Road.
- 3. Setback reduction in RS and RR districts.** The required setback from the 100-year floodplain of the Truckee River and other streams may be reduced in the RS and RR zoning districts based on the averaging of the setbacks of structures on adjoining parcels, where 25 percent or more of the parcels in any one block have been improved with structures as of the effective date of this Development Code. In these cases, proposed structures shall be set back from the edge of the 100-year floodplain by no less than the average of the setbacks of the existing structures on the block.
- 4. Variances.** Setback requirements may be decreased if a Variance is approved by the Zoning Administrator in compliance with Chapter 18.82, or a Variance to the stream setback was approved by Nevada County prior to Town incorporation. Approval of the Variance shall be based on findings consistent with the purpose and intent of this Chapter and with Chapter 18.82 (Variances). A decrease in the stream setback may be approved through a Zoning Clearance in compliance with Chapter 18.72 (Zoning Clearance) if Nevada County approved a Variance or Use Permit to decrease the stream setback and the proposed structures, encroachments and/or disturbance comply with the stream setback approved by the County and are substantially similar to and occupy substantially the same surface area as those structures, encroachments, and disturbances approved by the County to be located within the stream setback.
- 5. Bridges and drainage structures.** Bridges, crossings and drainage structures and facilities may be allowed in the required setback if approved by the Town Engineer and approvals are obtained from all agencies with permitting authority.

B. Use of setback areas.

- 1. Structures.** Fences and other structures, parking access, parking space(s), paved areas or swimming pools shall not be constructed within required setbacks, except as allowed under Section 18.38.040.B.2.
- 2. Grading and landscaping.** Grading or filling (not including pervious paths and walkways, 300 square feet or less; disturbance for nonpermanent uses such as vegetable gardens, play structures and small sitting areas providing they are 300 square feet or less;

and public trails), planting of exotic/nonnative or nonriparian plant species, or the removal of native vegetation except for fire safety shall not be permitted within a setback area.

3. **Drainage structures.** Where constructed drainage devices and improvements are required, they shall be placed in the least visible locations and naturalized through the use of river rock, earth tone concrete and native landscaping.
 4. **Allowed projections.** Architectural features may extend beyond the wall of the structure and into the setback area in compliance with the following:
 - a. Balconies, bay windows and other cantilevered features may extend five feet into the setback area;
 - b. Canopies, cornices, eaves and roof overhangs may extend five feet into the setback area;
 - c. Decks and porches, which may be roofed but is otherwise unenclosed, may extend six feet into the setback area provided any foundation, piers, supports or other structural connections to the ground comply with the required setback.
- C. **Flood hazard areas.** Development proposed in areas of flood hazard shall comply with the flood plain regulations in Chapter 18.34 (Flood Plain Management).
- D. **Drainage easements.** Uses and activities set forth in Subsection B shall not be permitted within open space easements created for waterways, or within drainage easements established and shown on subdivision maps.

18.38.050 - Donner Lake Development Standards

A. Setback requirements.

1. **Lake setback.** Structures shall be set back a minimum of 20 feet from the high water mark of Donner Lake, which is an elevation of 5935.7 feet (NGVD 1929) above sea level. This setback requirement may be reduced through the approval of a Variance (Chapter 18.82), or where a Variance to the setback was approved by Nevada County prior to the Town's incorporation. Variance approval shall be based on findings consistent with the purpose and intent of this Chapter and with Chapter 18.82 (Variances).
2. **Side yard setback.** The Donner Lake side yard setback applies to parcels directly adjacent to Donner Lake (i.e., waterfront properties). In order to reduce potential view impacts and increase visibility to the lake, the side yard setback relief provided for parcels 80 feet or less in width (as identified in Development Code Section 18.30.120.F.7.b), and for additions or modifications to legal nonconforming single-family dwellings (as identified in Development Code Section 18.30.120.F.7.c) do not apply to single-family parcels adjacent to Donner Lake.

Allowed projections into the Donner Lake side yard setback provided in Table 3-2 (Allowed Projections) are prohibited for single-family parcels adjacent to Donner Lake. In addition, the Minor Modifications process is not applicable to Donner Lakefront properties. Any reduction of a side yard setback shall require approval of a Variance in compliance with Development Code Chapter 18.82.

B. Use of setback areas.

1. **Structures.** Fences and other structures, parking access, parking space(s), paved areas (not including trails, paths, walkways and small sitting areas), swimming pools or hot tubs shall not be constructed within required setbacks.
2. **Grading and landscaping.** Grading or filling (not including trails, paths and walkways, and small sitting areas not exceeding 300 square feet), planting of exotic/nonnative or nonriparian plant species, or removal of native vegetation except for fire safety shall not be permitted within a setback area. Grading or filling performed in the course of soil stabilization or erosion control measures for improvements in place as of the effective date of this Development Code may be allowed with Building Permit approval.
3. **Drainage structures.** Where constructed drainage devices and improvements are required, they shall be placed in the least visible locations and naturalized through the use of river rock, earth tone concrete and native landscaping.
4. **Dredging and underwater construction.** There shall be no dredging, removal or rearrangement of materials or soils or placement of fill within the area below the high water mark of Donner Lake. Dredging or excavation performed in the course of the construction of a pier, dock, ramp or similar structure may be allowed with Building Permit approval and approval from all agencies with permitting authority.
5. **Allowed projections.** Architectural features may extend beyond the wall of the structure and into the Donner Lake setback area in compliance with the following:
 - a. Balconies, bay windows and other cantilevered features may extend five feet into the setback area;
 - b. Canopies, cornices, eaves and roof overhangs may extend five feet into the setback area;
 - c. Decks and porches, which may be roofed but is otherwise unenclosed, may extend six feet into the setback area provided any foundation, piers, supports or other structural connections to the ground comply with the required setback.

- C. Flood hazard areas.** Development proposed in areas of flood hazard shall comply with the Floodplain Management Regulations in Chapter 18.34. The flood hazard area for Donner Lake shall include all lands at or below an elevation of 5,942 feet above sea level.

- D. Docks and piers.** Docks, piers, ramps and similar structures, including stairways and walkways connecting to the dock, pier or ramp, may be constructed within the Donner Lake flood hazard area and setback area required by this Section in compliance with all of the following requirements:
- 1. Limitation on number of facilities.** No more than one dock, pier, ramp or similar structure shall be constructed on any site.
 - 2. Enclosing structures.** Safety railings are allowed with a maximum height of four feet. Sidewalls and roofs shall be prohibited.
 - 3. Approvals from other agencies.** Approvals shall be obtained from all agencies with permitting authority.

CHAPTER 18.40 - LANDSCAPE STANDARDS

Sections:

- 18.40.010 - Purpose of Chapter
- 18.40.020 - Applicability
- 18.40.030 - Landscape Plan Requirements
- 18.40.040 - Site Landscaping Requirements
- 18.40.050 - Landscape Standards
- 18.40.060 - Water-Efficient Landscape Standards

18.40.010 - Purpose of Chapter

This Chapter provides standards for the provision of landscaping with development to achieve the following objectives:

- A. Enhance the aesthetic appearance of development throughout the Town by providing standards related to the quality and functional aspects of landscaping;
- B. Increase compatibility between abutting land uses and public rights-of-way by providing landscape screening, buffers, and defensible space;
- C. Provide for the conservation of water resources and stormwater management through the efficient use of irrigation, site-specific appropriate plant materials, and regular maintenance of landscaped areas; and
- D. Protect public health, safety and welfare by preserving and enhancing the positive visual experience of the built environment, providing appropriate transition between different land uses, preserving neighborhood character, and enhancing pedestrian and vehicular traffic and safety.

18.40.020 - Applicability

All projects that require approval of a Zoning Clearance, Development Permit, Minor Use Permit or Conditional Use Permit shall submit landscape plans and provide and maintain landscaping in compliance with the provisions of this Chapter. Standards for landscaping within the public right-of-way in conjunction with a subdivision are located in Chapter 18.92 (Subdivision Design and Improvements).

18.40.030 - Landscape Plan Requirements

- A. **Submittal of plans required.** Landscape plans and plans for the ornamental use of water, including but not limited to lakes, ponds and fountains, shall be submitted to the Department for review for compliance with the requirements of this Chapter. Changes to the approved landscape plans that affect the character or quantity of the plant material or irrigation system design are required to be resubmitted for approval prior to installation.

- B. Preliminary Landscape Plan.** A Preliminary Landscape Plan shall be submitted as part of an application for a land use permit, for new development, and the significant expansion or redevelopment of an existing use as determined by the Director.
- C. Final Landscape Plan.** Following approval of the land use permit, a Final Landscape Plan shall be submitted as part of the application for a Building Permit. Final plans shall be approved by the Director prior to the start of on-site construction or soil disturbance and prior to the issuance of a Building Permit. Projects requiring Commission approval due to their size or use shall require plans be prepared by a licensed landscape architect or licensed contractor contracted to complete the installation. Evidence shall also be provided that a licensed landscape contractor, licensed contractor, or owner-builder will be responsible for plant and irrigation installation.
- D. Landscape plan content.** Preliminary and Final Landscape Plans shall be in compliance with Chapter 18.40 and 18.42.
- E. Review and approval.** After initial application review in compliance with Section 18.70.060 (Initial Application Review), the Director shall review each Preliminary Landscape Plan and Final Landscape Plan to verify its compliance with the provisions of this Chapter. The Director may approve the submittal in compliance with this Chapter, or may deny or require changes to a submittal that is not in compliance.
- F. Effect of approval - Installation of landscaping.** Landscaping shall not be installed until the applicant receives approval of the final landscape plan.

18.40.040 - Site Landscaping Requirements

Landscaping shall be provided in the locations and amounts specified in this Section.

- A. General requirements.** Landscaping shall be provided as follows:
 - 1. Setbacks.** All front yard setback areas and side yard setback space areas required by this Development Code shall be landscaped, except where a required setback is occupied by a drainage facility, structure, parking space, sidewalk or driveway, or where a required setback is screened from public view and it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.
 - 2. Disturbed areas.** All disturbed areas of a project site not intended for a specific use, including pad sites in shopping centers held for future development, shall be landscaped with trees, shrubs, herbaceous plants and groundcover. Native plants adapted to the specific microclimate are preferred. However, well-adapted, non-invasive, plants may be considered appropriate for use. Trees and shrubs shall be provided at a rate of one tree and four shrubs for every 100 square feet of landscaped area or fraction thereof. Disturbed areas include areas on the project site that are not associated with the project but were disturbed by previous grading activities, structures and/or substantial removal of vegetation on the site.

- c. **Adjacent to residential use.** Parking areas for non-residential uses adjoining residential uses shall provide a landscape buffer in compliance with Section 18.30.110 (Screening).
 - 4. **Parking lot interior landscaping.** Landscaping shall be evenly dispersed throughout the parking lot at a ratio of 200 square feet of landscaped area for every five parking stalls or fraction thereof. Two trees and four shrubs shall be provided for every five parking stalls or fraction thereof. Overcrowding of plant material shall be avoided. Landscaping required by 18.40.040.B.3 shall not be counted towards meeting the requirements of interior landscaping.
- C. **Street buffer landscaping.** A minimum five-foot-wide landscape strip shall be provided along all street frontages. Shrub heights shall not impair sight distance. Trees shall be provided at a rate of one for every 20 linear feet of street frontage or fraction thereof. Shrubs shall be provided at a rate of one for every five linear feet of street frontage or fraction thereof. Trees and shrubs need not be planted in a linear, spaced manner, but may be grouped together where appropriate to create a superior landscape design. Plant material shall be chosen and designed to tolerate expected snow storage loads and potential exposure to road salts and sands during the winter season. Use of boulders may be considered to protect from snow removal equipment and storage. Landscaping may be allowed within the street right-of-way and snow storage easements where approved by the Town Engineer.
- D. **Zoning district landscaping requirements.** Additional landscaping may be required through the land use permit process to provide visual relief or contrast, or to screen incompatible features.
- E. **Landscaping between neighborhood commercial and residential land uses.** See Section 18.30.110 (Screening) for requirements for landscaping between neighborhood commercial uses and adjacent residential uses.

18.40.050 - Landscape Standards

Landscape areas and materials shall be designed, installed and maintained as provided by this Section.

- A. **General design standards.** The following features shall be incorporated into the design of the proposed landscape and shown on required landscape plans:
 - 1. **Design requirements.** Landscaping shall be planned as an integral part of the overall project design and not simply located in excess space after parking areas and structures have been planned;
 - 2. **Pedestrian accessibility.** Pedestrian access to sidewalks or buildings should be considered in the design of all landscaped areas;
 - 3. **Subdivision landscaping.** Landscape planting shall be provided for all adjacent public rights-of-way in compliance with Chapter 18.92 (Subdivision Design and Improvements);

- 4. **Protection.** Areas containing plant materials shall be protected from damage by vehicles and snow removal equipment in accordance with the Public Improvements and Engineering Standards;
- 5. **Irrigation.** Landscaped areas shall be irrigated in compliance with Subsection C, below;
- 6. **Berms.** Berms shall be used appropriately to enhance landscaping design and create visual interest within projects. Berms for the sole purpose of maintaining grading materials on-site or creating a solid buffer wall shall be strongly discouraged. Berms shall be a minimum of three feet in height and shall vary in width and height to ensure a natural aesthetic. Berms that cannot meet these criteria shall be prohibited.

B. Plant materials. Plant materials shall be selected and installed in compliance with the following requirements:

- 1. A mix of plant materials shall be provided in compliance with Table 3-5. Calculations documenting the required mix shall be shown on the landscape plan;

**TABLE 3-5
REQUIRED MIX OF PLANT MATERIALS**

Plant Material	Required Percentage of Mix
Trees	
24-inch box	20%
#15	80%
Shrubs	
#5	70%
#1	30%
Plants	
#1 / 4" (herbaceous plants/perennials)	70%/30%
Groundcover	
Coverage within 2 years	100%

- 2. Landscape design shall emphasize xeriscaping, such as drought-tolerant, microclimate-appropriate, site-specific, native and/or non-invasive adapted plant species in compliance with Subsection D (Water Conservation), below, use of large mulched areas, rain gardens/harvesting/recycling and low flow irrigation;
- 3. Trees and shrubs shall be planted so that at maturity they do not interfere with service lines and traffic safety sight areas;

4. Trees and shrubs shall be planted and maintained in a manner that protects the basic rights of adjacent property owners, particularly the right to solar access;
 5. Trees planted near public sidewalks or curbs shall be of a species and installed in a manner which prevents physical damage to sidewalks, curbs, gutters and other public improvements;
 6. All landscape areas shall be planted with groundcover in all locations not occupied by other plant materials. Groundcover shall be of live plant material. Gravel, colored rock, bark and similar materials may be used in combination with a living ground cover. Non-plant materials may be approved for use in limited areas through the landscape plan review process but shall not comprise more than 25 percent of the total landscaped area; and
 7. Any existing landscaping indicated on the approved landscape plan for retention that is damaged or removed during construction shall be repaired or replaced in kind with equivalent size.
- C. Irrigation.** Landscaped areas shall be supported by a permanent, automatic water-efficient irrigation system coordinated to meet the needs of various planting areas.
1. **Recommended Equipment.** The review authority may review alternative methods of irrigation for compliance with this chapter.
 - a. **Automatic-drain valves.** Integral, under the head or in-line automatic-drain valves shall be installed as needed to allow head drainage. Automatic-drain valves shall be located at all low points with gravel sumps installed below.
 - b. **Automatic control valves.** Different hydrozones shall be irrigated by separate valves.
 - c. **Smart Controllers.** Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design. Smart controllers shall be digital, have multiple programs, multiple cycles, and have sensor input capabilities.
 - d. **Rain/moisture sensor devices.** Rain or moisture sensing override devices may be required where appropriate.
 - e. **Solar sensors.** Sensors automatically-adjusted daily based on local solar and temperature data, the season, and the length of day.
 - f. **Sprinkler heads.** Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, and adjustment capability. Sprinklers shall have matched precipitation/application rates within each control valve circuit. Plants that require sprinkler heads and drip irrigation shall be zoned separately.

- g. **Water meters.** Separate landscape water meters or sub-meters may be required for projects where service includes both landscape and non-landscape. Landscape sub-meters, if used, shall be purchased, installed and maintained by the owner.
 - h. **Drip irrigation.** Drip irrigation systems may be approved if commercial or agricultural grade materials are used. Components shall be installed below the soil except for emitters.
 - 2. **Runoff and overspray.** Discharges in excess of an amount deemed to be incidental shall be controlled. Incidental runoff is defined as unintended amounts of runoffs such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence. Irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows or drifts onto adjacent property, non-irrigated areas, walks, roadways or structures. Runoff that is not incidental is prohibited.
- D. **Water Conservation.** Landscaping shall be designed for the efficient use of water, including provisions for efficient landscape systems. The selection of plant materials shall include microclimate-appropriate native and/or non-invasive, microclimate-appropriate adapted plant materials, providing a variety in size, shape and height. The following minimum standards shall apply:
 - 1. **Plant materials.** Plant materials shall emphasize drought-tolerant and/or native species:
 - a. All of the plants selected in non-turf areas shall be suited to Truckee's climate, 80 percent of which shall require minimal or no water once established. Exceptions to this requirement may be granted in situations where non-potable private well water is used for irrigation purposes; and
 - b. Up to 20 percent of the plant material may be of a less drought-tolerant variety as long as they are grouped together in separate irrigation zones.
 - 2. **Turf limitations.**
 - a. Turf, grasses and other ground covers which are not drought tolerant shall be minimized. No more than 25 percent of the entire landscaped area may be covered with irrigated turf or grasses.
 - b. Turfgrass shall be prohibited in median areas, in parkway areas less than eight feet in width, and on slopes of 15 percent or greater.
 - c. Sloped turf areas adjacent to paved or impermeable surfaces (parking lots, walkways, etc.) shall be leveled off to a flat area or swaled at least three feet wide between the toe of slope and the hard surface.
 - d. Turf areas exceeding 1,000 square feet or used as an essential part of development, (e.g., golf courses or playing fields) shall utilize rodent resistant soil-moisture

sensors or site-specific smart controller systems and rain shut-off valves as part of their irrigation systems.

3. Irrigation.

- a. Plants shall be grouped according to their water needs in hydrozones of high, medium and low water use, with areas of each type calculated on the final plan. Irrigation systems shall be designed to reflect the needs of the various hydrozones of high, medium or low water used with each area served by a dedicated irrigation controller station.
- b. Irrigation systems shall be equipped with a smart controller capable of dual or multiple programs with a flexible calendar program. Irrigation systems shall be equipped with rain sensors or shall be manually turned off during precipitation events.
- c. Drip, trickle or other low-volume irrigation shall be provided on no less than 90 percent of the landscaped area of commercial landscaping except for those areas devoted to turfgrass and flat groundcover plants. If a licensed landscape architect or licensed landscape contractor verifies that a drip/trickle system is not feasible due to location, the percentage of drip/trickle irrigation may be further reduced.
- d. Sprinkler systems shall be designed to prevent overspray and runoff. Areas of sprinkler coverage shall be shown on the irrigation plan.
- e. Recycled water ponds, if used, shall be in compliance with the California State Water Quality Control Board Phase II Municipal Permit.

E. Installation. Landscape materials and support equipment shown in an approved Final Landscape Plan shall be installed as follows:

- 1. Construction projects.** Required landscaping shall be installed and verified by the Department prior to occupancy of the site;
- 2. Installation.** Landscape materials and irrigation equipment shall be installed in compliance with the approved plans and specifications;
- 3. Delayed installation.** In the event that seasonal conditions prevent the effective installation of required landscape prior to occupancy, a conditional certificate of occupancy with a performance bond or similar instrument in the amount equal to 125 percent of the value of the landscape materials and labor for installation may be allowed, subject to the approval of the Director; and
- 4. Changes to design.** Proposed changes to an approved Final Landscape Plan shall be approved by the Director.

F. Installation and maintenance of landscape. All proposed and required landscaping is an integral part of an approved project, and shall be properly maintained in healthy condition for the life of the project.

1. Landscaping shall be installed and maintained consistent with the approved Final Landscape Plan and in a manner as to fully attain the objectives of this Chapter.
2. The maintenance of approved landscape installations shall include regular watering, pruning and fertilizing as necessary to maintain all plant materials in healthy condition. Maintenance shall also include:
 - a. The regular clearing of debris, pine needles, and weeds;
 - b. Annual application of petroleum-free, low pesticide and herbicide residue, slow-release fertilizer, if required;
 - c. Removal and replacement of dead or dying trees and plants; and
 - d. The maintenance and any necessary repair of irrigation systems. Correct leaks within 72 hours of detection.
3. Where recycled water ponds exist, discharge from recycled water ponds shall not occur unless the discharge is a result of a 25-year, 24-hour storm event or greater, and Lahontan Regional Water Quality Control Board is notified by email no later than 24 hours after the discharge. Recycled water ponds consist of gray water recycling and do not include stormwater detention or retention pond.
4. Failure to maintain landscaping is a violation of the land use permit for the project and this Development Code.
5. **Performance Guarantee.** The approved landscaping shall be established two years after issuance of temporary or final certificate of occupancy. If the approved landscaping is not established within this timeframe, the project applicant shall be required to repair, replace, and/or reinstall landscaping, plant materials, or irrigation, as necessary. Failure to comply with the approved landscaping may require action by the Code Compliance Officer.

18.40.060 – Water Efficient Landscape Standards

A. Applicability.

1. This section shall apply to the following:
 - a. New public or private construction projects with an aggregate landscape area equal to or greater 2,500 square feet requiring a building or grading permit, plan check, or design review;
 - b. New construction projects with an aggregate landscape area equal to or greater than 500 square feet but less than 2,500 square feet that do not meet the prescriptive requirements identified in Worksheet C requiring a building or grading permit, plan check, or design review;

- c. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or grading permit, plan check, or design review;
 - d. Existing landscapes, including existing cemeteries, are subject to Section 18.40.060.E.3.c only.
 - e. New or rehabilitated cemeteries shall submit Worksheet A and are subject to Section 18.40.060.E.3 only.
2. This section does not apply to:
- a. Registered local, state, or federal historical signs;
 - b. Mined-land reclamation projects that do not require a permanent irrigation system;
 - c. Any project with less than 500 square feet of landscape area;
 - d. Any project with a landscaped area of greater than 500 square feet but less than 2,500 square feet that meet the prescriptive measures identified in Worksheet C;
 - e. Projects with less than 2,500 square feet of landscape that meets 100% of the Estimated Total Water Use with treated or untreated graywater or through stored rainwater captured on site that meet the requirements of Worksheet C; and
 - f. Ecological restoration projects that do not require a permanent irrigation system.

B. Definitions. As used in this section.

Conversion Factor (0.62). The number that converts acre-inches per acre per year to gallons per square foot per year.

Estimated Total Water Use (ETWU). The total water used for the landscape.

ET Adjustment Factor (ETAF). A factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

Evapotranspiration Rate. The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

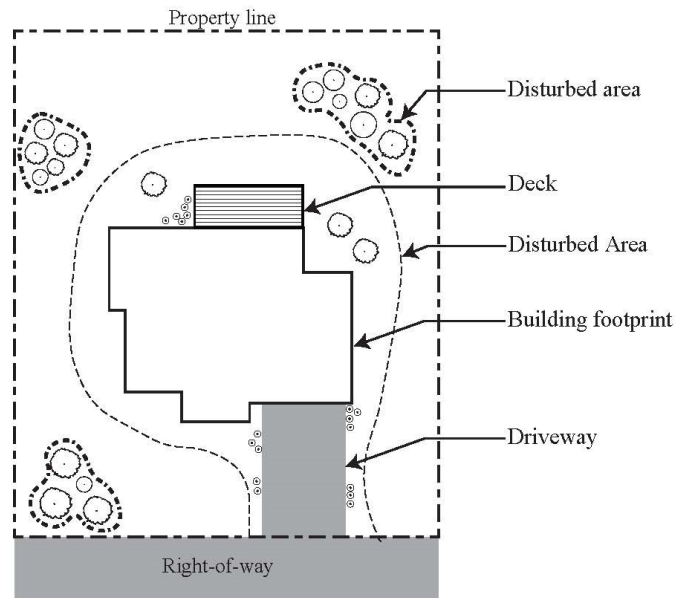
Hydrozone. Portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

Infiltration Rate. The rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

Invasive Plant Species. Species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

Irrigation Efficiency (IE). The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71. Greater irrigation efficiency can be expected from well-designed and maintained systems.

Landscape Area. All the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation). All disturbed areas on the site shall be included in the landscape area calculation. To calculate the landscape area, first calculate the total square footage for all disturbed areas on the site and then subtract any square footage within those areas for building footprints and impervious surfaces (walkways, driveways, etc.). The difference shall be the landscape area square footage.



Maximum Applied Water Allowance (MAWA). The upper limit of annual applied water for the established landscaped area as specified in Worksheet A of 18.40.060. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the MAWA. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as vegetable gardens and areas irrigated with recycled water are subject to the MAWA with an

ETAF not to exceed 1.0. $MAWA = (ETo) (0.62) [(ETAF \times LA) + ((1-ETAF) \times SLA)]$

Plant Factor or Plant Water Use Factor. A factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the publication “Water Use Classification of Landscape Species.” Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources.

Reference Evapotranspiration (ETo). A standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis for determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

Special Landscape Area (SLA). An area of the landscape dedicated solely to edible plants, recreational areas (areas, excluding private single family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds, and greens), areas irrigated with recycled water, or water features using recycled water.

Static Water Pressure. The pipeline or municipal water supply pressure when water is not flowing.

Submeter. A metering device to measure water applied to the landscape that is installed after the primary utility water meter.

C. Landscape Design. A landscape design plan meeting the following requirements shall be submitted as part of the landscape documentation package. Also refer to Section 18.40.050 (Landscape Standards).

1. Plant Selection and Grouping.
 - a. Selected plants shall not cause the Estimated Total Water Use (ETWU) to exceed the Maximum Applied Water Allowance (MAWA) (see calculation in Worksheet A).
 - b. Plants with similar water use needs shall be grouped together in distinct hydrozones. Where irrigation is required, the distinct hydrozones shall be irrigated with separate valves.
 - c. All non-turf plants shall be selected, spaced, and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site and as required by this Chapter.
 - d. Plants shall include one or more of the following:

- 1) Protection and preservation of native species and natural area shall be maintained whenever possible.
- 2) Selection of water-conserving plant, tree and turf species;
- 3) Selection of plants based on local climate suitability and disease and pest resistance;
- e. The planting of trees is encouraged wherever it is consistent with the other provisions of this chapter.
- f. Invasive plants as listed by the California Invasive Plant Council and USDA invasive and noxious weeds database are prohibited.
- g. All plants shall be documented and subject to approval by the Town of Truckee.
- h. Fire prevention measures shall be addressed in areas that are fire prone.
2. Turf or Lawn Requirements.
 - a. Turf or lawn should be used only in passive or active recreational areas.
 - b. Turf or lawn may not be used on any area having a slope exceeding ten percent.
 - c. Turf may not be used in planting areas ten feet wide or less.
 - d. Lawn areas should not be directly adjacent to roadways, parking areas, or similar large paved areas. If vegetation is necessary or desired in locations adjacent to paved areas, consider using trees, shrubs, or other leafy vegetation to help absorb and slow down stormwater runoff.
3. Water Features.
 - a. Recirculating water systems shall be used for water features.
 - b. Recycled water shall be used when available onsite.
 - c. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget
4. Soil Preparation, Mulch, and Amendments
 - a. Soil amendments and stabilizers shall be incorporated according to the recommendations of the soil report and what is appropriate for the plants selected.
 - b. Adequate soil volume for healthy root growth is required,
 - c. Compost shall be added to soils with less than 6% of organic matter.
 - d. A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas, except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is not appropriate Up to 5% of the landscape area

may be left without mulch to provide habitat for beneficial insects and wildlife and shall be designated on the plans.

D. Irrigation Design. This section applies to landscaped areas requiring permanent irrigation; areas that require temporary irrigation solely for the plant establishment period shall be exempt for this section. For each landscape project subject to this chapter, applicants shall submit an irrigation design plan that is designed and installed to meet irrigation efficiency criteria as described in Worksheet A (Water Efficient Landscape Worksheet) and in accordance with the following:

1. Soil types and infiltration rates shall be considered when designing irrigation systems.
2. All irrigation systems shall be designed to minimize evaporation and avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures.
3. Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 square feet but not more than 5,000 square feet and residential irrigated landscapes of 5,000 square feet or greater.
4. Average irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices.
5. Isolation valves shall be installed at the point of connection and before each valve or valve manifold.
6. Weather-based, soil moisture-sensing devices or other sensor based self-adjusting irrigation controllers can be beneficial and should be considered in installation.
7. Rain sensors can be beneficial and should be considered in installation of each irrigation controller.
8. Pressure regulation and/or booster pumps shall be installed so that all components of the irrigation system operate at the manufacturer's recommended optimal pressure.
9. Point source or subsurface irrigation is required for narrow or irregularly shaped areas less than eight feet in width in any direction.
10. Master shut-off valves or individual control of sprinklers with individually-controlled low pressure shut down features are required on all projects;
11. Irrigation systems with an application rate less than 0.75 inches per hour are required for landscaped areas with slopes greater than 20%; and
12. Stormwater management and rainwater retention practices, as required by the Regional Water Quality Control Board and Section 18.030.050 (Drainage and Stormwater Runoff).

E. Documents for Compliance. The following landscape document package is to be presented to the Town at each of the three steps of review defined below.

1. Design Review. The following shall be submitted with a Design Review, Conditional Use Permit, or Building Permit application:
 - a. A completed Worksheet A, Water Efficient Landscape Ordinance Worksheet.
 - b. Soils Report. Soil analysis shall include soil texture, infiltration rate, pH, total soluble salts, sodium, percent organic matter; and recommendations.
 - (1) For large projects or projects with multiple landscape installations, an inspection rate of one in seven lots or approximately 15% shall be required.
 - c. Landscape Design Plan. Drawn on project base sheets at a scale that accurately and clearly identifies:
 - (1) Landscape materials, trees, shrubs, groundcover, turf, and other vegetation. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing, and quantities of each group of plants indicated;
 - (2) Property lines, elevations, existing and proposed building footprints, streets, driveway, sidewalks, and other hardscape features;
 - (3) Pools, ponds, water features, fences, and retaining walls;
 - (4) Designation of hydrozones;
 - (5) Recommendations provided in the Soils Report shall be included in the Landscape Design Plan.
 - (6) Natural features including but not limited to, water courses, rock outcroppings, and existing trees and shrubs that will remain;
 - (7) Tree staking, plant installation, soil preparation details, and any other applicable planting and installation details;
 - (8) Location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater;
 - (9) Any applicable rain harvesting or catchment technologies or areas irrigated with recycled water;
 - (10) A calculation of the total landscaped area;
 - (11) Designation of recreational areas;
 - (12) Grading areas including top and toe of slopes, slope direction, elevations;
 - (13) Utilities including, but not limited to, street lighting and fire hydrants; and
 - (14) Parking areas.

- d. A conceptual irrigation design plan or statement which describes irrigation methods and design actions that will be employed to meet the irrigation specifications of this chapter.
2. Building Permit/Plan Check. The following shall be reviewed and approved prior to a building permit being issued:
 - a. Worksheet A and the Landscape Design Plan as submitted in the Design Review.
 - b. Irrigation Design Plan. Drawn on project base sheets at a scale that accurately and clearly identifies:
 - (1) Location and size of separate water meter(s) for the landscape approved by Truckee Donner Public Utility District. Backflow prevention devices shall be located within three feet of the meter;
 - (2) Location, type, and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, and backflow prevention devices;
 - (3) The design of the irrigation system shall conform to the hydrozones of the landscape design plan and shall meet the irrigation efficient criteria of the Maximum Applied Water Allowance.
 - (4) Static water pressure at the point of connection to the public water supply as provided by Truckee Donner Public Utility District;
 - (5) Any proposed use of recycled water on a parcel served by a public water supply must be accompanied by an engineered backflow prevention plan and agreed to by the Truckee Donner Public Utility District;
 - (6) Recommendations provided in the Soils Report shall be included in the Irrigation Design Plan; and
 - (7) Where slopes exceed ten percent, a grading plan drawn at the same scale as the planting plan that accurately and clearly identifies and depicts finished grades, drainage patterns, pad elevations, and spot elevations.
 3. Completion of Installation. Upon installation and completion of the landscape, applicant shall submit Worksheet B, the Certificate of Completion. Building permit final approval shall not be provided until this section is completed.
 - a. Irrigation Schedule. An irrigation schedule shall be submitted as part of the documents for compliance for this policy:
 - (1) Plant establishment irrigation schedule.
 - (2) Established landscape irrigation schedule by month. This includes:
 - (a) Irrigation run times (in minutes per cycle);

- (b) Irrigation intervals (days per week) and suggested number of cycles per day;
 - (c) Frequency of irrigation, including number of start times per day; and
 - (d) Amount of applied water recommended on a monthly and annual basis.
- b. Maintenance Schedule. A regular maintenance schedule satisfying the following conditions shall be submitted as part of documents for compliance:
 - (1) An irrigation timeline must be attached to the Certificate of Completion that includes:
 - (a) Routine inspections;
 - (b) Adjustments and repairs to the irrigation system, aerating and dethatching turf areas;
 - (c) Irrigation system winterization measures;
 - (d) Documentation verifying that implementation of the Soils Report;
 - (e) Replenishing mulch; and
 - (f) Fertilizing, pruning, and weeding.
 - (2) Whenever possible, repair of irrigation equipment shall be done with the originally specified materials or their equivalents.
- c. Inspection. Building permit final approval shall not be completed until the landscape inspection is approved.
 - (1) Final inspection shall be performed by an USEPA WaterSense Labeled approved third party certified landscape irrigation inspector to verify compliance with the approved plans. The inspection shall determine if the plants were installed as specified and that the irrigation system was installed as designed, along with a list of any observed deficiencies such as system tune-up recommendations and reporting overspray and runoff.
 - (2) A valid backflow device test report shall also be submitted.
 - (3) Where significant changes have been made in the field during construction, “as-built” drawings shall be included with the certification.
 - (4) A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.
 - (5) For large projects or projects with multiple landscape installations, an inspection rate of one in seven lots or approximately 15% shall be required.

F. Other Provisions.

1. The Community Development Director will consider and may allow the substitution of design alternatives and innovation which may equally reduce water consumption for any of these requirements.
2. Provisions for Appeal. The applicant or any affected person may appeal the final decision of staff regarding plan check or final inspection to the Community Development Director, or a final decision of the Director to the Planning Commission by filing a written notice of appeal with the Community Development Department within ten working days of the date of the decision. The applicant must pay the standard Planning schedule appeal fee and include receipt of payment along with the written notice of appeal. The decision of the Planning Commission is final and may not be appealed to the Town Council. An appeal regarding plan check must be submitted prior to the installation of the landscape or it will be deemed to have been waived.

G. Forms. The Council shall adopt by resolution three appendices to this chapter. The appendices shall be completed and submitted as outlined in this Chapter. Electronic documents are on file with the Community Development Department.

1. Worksheet A – Water Efficient Landscape Worksheet
2. Worksheet B – Water Efficient Landscape Certificate of Completion
3. Worksheet C - Prescriptive Compliance Option Worksheet (For landscape areas greater than 500 square feet but less than 2,500 square feet)

CHAPTER 18.42 - LANDSCAPE DESIGN GUIDELINES

Sections:

- 18.42.010 - Purpose of Chapter
- 18.42.020 - Applicability
- 18.42.030 - General Guidelines
- 18.42.040 - Landscaping Along Streets
- 18.42.050 - Project Entry Landscaping
- 18.42.060 - Pedestrian Area Landscaping
- 18.42.070 - Installation of Landscaping
- 18.42.080 - Recommended Plant Materials

18.42.010 - Purpose of Chapter

This Chapter provides landscape design guidelines that are intended as a guide to assist property owners and project designers in understanding the Town's goals for attaining high quality development that is sensitive to the Town's unique character and climate.

18.42.020 - Applicability

These guidelines will be used during the land use permit process as additional project review criteria.

- A. The provisions of this Chapter apply to all development projects providing required landscaping, unless otherwise specified. Any addition, relocation or construction requiring land use permit approval in compliance with Article IV (Land Use and Development Permit Procedures) shall adhere to these guidelines where applicable.
- B. These landscape design guidelines may be interpreted with some flexibility in their application to specific projects as not all design criteria may be workable/appropriate for each project. In some circumstances, the review authority may relax the application of one guideline in order to accomplish another, more important guideline. The overall objectives are to ensure that the intent and spirit of the design guidelines are followed and to attain the best possible design within reason.

18.42.030 - General Guidelines

- A. Proposed landscaping should relate to the scale of the structures on the site and should be compatible with the location, character and scale of adjacent landscaping that complies with the provisions of this Chapter.
- B. Consideration should be given to microclimates and site-specific conditions. Landscape architects, landscape contractors, or other landscape professional familiar with the Truckee's various microclimates should be consulted to help identify appropriate landscaping practices.

Landscaping should not be used to screen or hide an otherwise unattractive structure or other elements of the project (e.g. trash enclosures) that might be more appropriately located on parts of the site where screening may not be necessary.

- D. Landscape design should accent the overall design theme through the use of structures, arbors and trellises that are appropriate to the particular architectural theme of the project.
- E. Landscape designs should generally use a three tier concept:
 - 1. Hardy, low growing ground covers, herbaceous perennials;
 - 2. Medium height shrubs, tall herbaceous perennials; and
 - 3. Trees and large shrubs.
- F. The following are common landscape design concepts that can be used throughout the project site to increase the visual and functional quality of the development:
 - 1. Specimen trees (minimum 24 inch box) used in informal groupings or rows at major focal points (e.g. project entry, pedestrian plaza, etc.);
 - 2. Use of flowering vines on walls, trellises, and arbors;
 - 3. Use of pots, vases, wall or raised planters for accents in locations which otherwise would be difficult to provide in-ground landscaping;
 - 4. Use of planting to soften hardscape and provide shadows/patterns against walls;
 - 5. Use of distinctive plants and colors as focal points;
 - 6. Use of berms, plantings and low walls to screen parking areas while allowing views to larger structures beyond; and
 - 7. Dense landscaping to screen unattractive views and features (e.g., storage areas, trash enclosures, freeway structures, transformers and generators) and other project features that do not contribute to the enhancement of the surroundings.
- G. All landscape areas should be separated from asphalt pavement in accordance with the Public Improvements and Engineering Standards to prevent water leakage to the pavement area.
- H. Planters for trees should be located throughout parking areas. The planters should have minimum interior dimensions of five feet by 16 feet, and be of sufficient size to accommodate tree growth.
- I. Existing on-site vegetation should be retained whenever possible and should be used as a reference to determine microclimate. New landscaping should respect and incorporate existing landscape elements.

- J. Landscape areas should be provided in plazas, malls and areas of frequent pedestrian use. Plazas and malls should be designed and planted to reflect an informal place suited to the pedestrian scale and shall be protected from snow removal equipment and snow storage.
- K. Landscape design should reflect a variety of deciduous and evergreen trees, shrubs, perennials/herbaceous plants and groundcovers. Plant materials should be selected for their structure, texture, color, ultimate growth characteristics, and sense of unity with their surroundings.
- L. Lawn areas should be kept to a minimum in projects surrounded by native vegetation. The utilization of native drought tolerant grasses and vegetation should be used to help the project blend with the surrounding vegetation.
- M. Landscaping strips along walls separating non-residential land uses from residential land uses should be installed on the residential side of the wall, adjoining the property line.

18.42.040 - Landscaping Along Streets

- A. Whenever landscaping of the public right-of-way (parkway) is required along street frontages, the project's on-site landscaping should be designed in coordination with the parkway landscaping to provide an integrated design concept.
- B. Improvements in the public rights-of-way should include sidewalks and/or bicycle-pedestrian ways, trees, shrubs and groundcover in compliance with Town standards. Landscaping should not exceed a height of 30 inches near project entries so as not to obstruct traffic safety sight areas for vehicles and pedestrians.

18.42.050 - Project Entry Landscaping

- A. Entries to multi-tenant projects should be designed as special statements reflective of the character and scale of the project in order to establish identity for tenants, visitors and patrons. Flowering accent plantings and specimen trees should be used to reinforce the entry statement.
- B. Textured paving treatments (i.e., interlocking pavers, stamped concrete, etc.) should be used at project entries. Textures should be selected which:
 1. Give a feeling of transition between the sidewalk and the entry driveway;
 2. Encourage infiltration;
 3. Do not become slippery when wet; and
 4. Are not so rough or irregular as to make walking difficult, discourage the use of baby strollers or wheelchairs, conflict with adjacent uses, or create noise.
- C. Project identification signs are encouraged at entry drives. These are subject to Sign Plan approval in compliance with Chapter 18.54 (Signs).

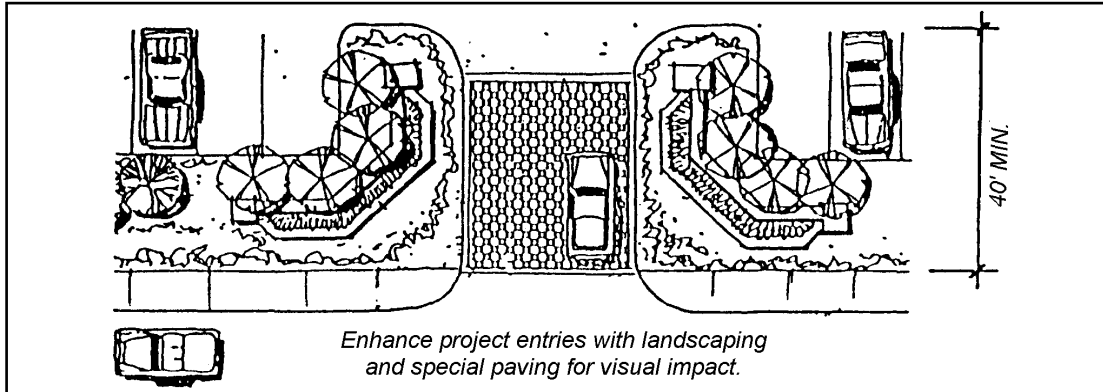


FIGURE 3-18
PROJECT ENTRY TREATMENT

18.42.060 - Pedestrian Area Landscaping

- A. Planting next to walkways, within plazas, and adjacent to other pedestrian spaces should include smaller species of shrubs and trees in keeping with the intent to maintain an intimate human scale in these areas.
- B. Pedestrian spaces should be enhanced by planting accents including vines espaliered against wall surfaces, flower beds, window boxes and hanging pots with flowers and vines.

18.42.070 - Installation of Landscaping

- A. All landscape materials shall be installed in compliance with the Town's landscaping installation specifications as maintained by the Department.
- B. New trees should be planted so that they are separated from turf areas by three to five feet. This will prevent over-watering of the tree, surface rooting, crown-rot and "girdling" of the tree trunk by maintenance equipment.
- C. If trees are to be planted in a turf area, the following criteria should be followed:
 1. Only deep-rooted water tolerant native or adapted tree species should be used;
 2. Turf areas around trees should be graded so that water drains away from the tree or subsurface drip irrigation should be used; and
 3. Turf irrigation should be directed away from the tree. The tree should be irrigated by a combined bubbler/deep water pipe fixture.
- D. The spacing of trees and shrubs should be appropriate to the species used. The plant materials should be spaced so that they do not interfere with the adequate lighting of the premises or restrict access to emergency apparatus. Proper spacing should also ensure unobstructed access for vehicles and pedestrians and provide clear vision of intersections.

- E. Plant material should conform to the following spacing criteria:
1. A minimum of 25 feet from the property corner at a street intersection to the center of the first tree or large shrub;
 2. A minimum of 15 feet between the center of trees and large shrubs to light standards and fire hydrants; and
 3. A minimum of 10 feet between the center of trees and large shrubs and the edge of a driveway.
- F. Tree grates should be installed around trunks where trees are planted within sidewalks or other paved pedestrian areas.
- G. Deciduous trees should predominate along south and west building exposures.
- H. Environmentally sensitive soil conditioning and fertilizer are encouraged for landscape installation and maintenance. The following criteria for fertilizers are recommended:
1. Fertilizers identified by the Organic Materials Review Institute (OMRI) are recommended;
 2. Fertilizer, mulches, and soil amendments with minimal to no residues of pesticides and herbicides are recommended;
 3. Petroleum-based fertilizer products should be avoided;
 4. Slow-release fertilizers are recommended. Fertilizers should be reapplied at least once a year, or as recommended by a landscape professional; and
 5. Incorporation of natural microbes that do not pollute the environment to help root growth and water and nutrient absorption to shorten establishment periods are encouraged.
- I. Mulching should be used to finish landscaping, control weed growth, condition the soil, and moisture retention. Mulch installation should meet the following criteria:
1. Minimum 2” of mulch; and
 2. Ground fir bark or ground/shredded cedar are recommended materials. Pine needles create a potential defensible space hazard and are not recommended.

18.42.080 - Recommended Plant Materials

Plant materials should be consistent with the list and guidelines of recommended plant materials as approved by the Community Development Director. All landscape materials and design should be sensitive to the site-specific microclimate and existing native vegetation.

CHAPTER 18.44 - NOISE

Sections:

- 18.44.010 - Purpose of Chapter
- 18.44.020 - Noise Complaints
- 18.44.030 - Noise Measurement Criteria
- 18.44.040 - Exterior Noise Standards
- 18.44.050 - Residential Interior Noise Standards
- 18.44.060 - Prohibited Acts
- 18.44.070 - Exceptions

18.44.010 - Purpose of Chapter

This Chapter establishes standards for the elimination and regulation of noise disturbances in order to protect the health, safety, welfare and living/working environments of those living and working in the Town.

18.44.020 - Noise Complaints

Persons who believe that noise sources exceed any of the standards provided in this Section may file a complaint with the appropriate Town department as follows:

- A. Community Development Department.** Noise complaints regarding the following types of noise sources shall be directed to the Department:
 1. Commercial (non-governmental) repair or testing of aircraft, boats or motor vehicles;
 2. Loading and unloading activities; or
 3. Stationary, non-emergency, non- residential sources.
- B. Other departments.** Noise complaints regarding the following types of noise sources shall be directed to the Police Department or Animal Control Department. This Development Code does not contain procedures for regulating or enforcing standards related to these noise sources:
 1. Animals (Animal Control);
 2. Emergency signaling alarms or devices;
 3. Motor vehicles (including alarms, radios, tape or disc players, etc.);
 4. Places with dance permits; or
 5. Radio, tape or disc players, television, or any similar devices whether on public or private property.

18.44.030 - Noise Measurement Criteria

- A. **Exterior noise.** Exterior noise levels may be measured at any point on the affected church, commercial property, hospital, public library, residential property or school.
- B. **Noise measurement equipment.** Any noise measurement made in compliance with this Section shall be made with a sound level meter using the 'A' weighted scale at slow meter response. Fast meter response shall be used only for an impulsive noise. Calibration of the measurement equipment, utilizing an acoustic calibrator, shall be performed immediately before the recording of any noise data.

18.44.040 - Exterior Noise Standards

It shall be unlawful for any person, at any location within the Town, to create any noise or to allow the creation of any noise on property leased, occupied, owned or otherwise controlled by the person which does not comply with the provisions of this Section, unless the provisions of either Sections 18.44.050 (Residential Interior Noise Standards) or 18.44.070 (Exceptions), below, have been met.

- A. **Exterior levels.** Exterior noise levels, when measured at any receiving church, commercial, hospital, public library, residential or school property, do not conform to the provisions of this Section when they exceed the noise level standards established by Table 3-6.
- B. **Ambient noise level adjustment.** In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the applicable standards shall be adjusted to equal the ambient noise level. For example, if the applicable noise level standard is 60 dB(A) and the ambient noise level is 63 dB(A), the applicable noise level standard would be adjusted to 63 dB(A). In these cases, a use would not exceed the applicable noise level standard if it did not increase the ambient noise level by more than 3.0 dB(A) when the ambient noise level is between 60 and 65 dB(A) or by more than 1.5 dB(A) when the ambient noise level is greater than 65 dB(A).
- C. **Simple tone noises.** Each of the noise level standards specified above shall be reduced by five dB(A) for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
- D. **Intruding noise source.** If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period to allow measurement of the ambient noise level, the noise level measured while the source is in operation shall be compared directly to the applicable noise level standards in Table 3-6.
- E. **Equipment noise.** The noise level standard applicable to the emission of sound from regulators, transformers and associated equipment in electrical substations shall be 60 dB(A).

**TABLE 3-6
NOISE STANDARD BY RECEIVING LAND USE**

Noise Level Standards, dB(A)		
Cumulative number of minutes in any hour	Day - 7:00 a.m. to 10:00 p.m.	Night - 10:00 p.m. to 7:00 a.m.
Hospital, Library, Religious Institution, Residential, or School Uses		
30 (1)	55	50
15	60	55
5	65	60
1	70	65
0	75	70
Commercial Uses		
30	65	60
15	70	65
5	75	70
1	80	75
0	85	80

Notes:

- (1) For example, this means the measured noise level may not exceed 55 dB(A) for more than 30 minutes out of any one hour time period.

F. Commercial/Industrial exterior noise standard. Whenever a new office, commercial, hotel/motel or light industrial use is proposed on a parcel where the existing ambient noise levels may exceed 70 dB(A) CNEL, the land use permit application shall include an acoustical analysis of the effect of noise sources on the use. The acoustical analysis shall identify appropriate mitigation measures that reduce noise levels to acceptable levels. These mitigation measures shall be incorporated into the design, construction and operation of the use. Office, commercial, hotel/motel and light industrial uses that cannot mitigate noise levels to “Normally Acceptable” levels as defined in General Plan Figure N-3 (Noise Compatibility Guidelines) shall not be approved.

G. Public/Institutional exterior noise standard. Whenever a hospital, library, school, congregate care, or similar public or institutional use is proposed on a parcel where the existing ambient noise levels may exceed 65 dB(A) CNEL, the land use permit application shall include an acoustical analysis of the effect of noise sources on the use. The acoustical analysis shall identify appropriate mitigation measures that reduce noise levels to acceptable levels. These mitigation measures shall be incorporated into the design construction and operation of the use. Public and institutional uses that cannot mitigate noise levels to “Normally Acceptable” levels as defined in General Plan Figure N-3 (Noise Compatibility Guidelines) shall not be approved.

- H. Sensitive land uses.** Whenever a use is proposed on a parcel where the expected noise levels generated by the use, when measured at any receiving church, hospital, public library, residential or school property may exceed the noise level standards established by Table 3-6, the land use permit application shall include an acoustical analysis of the effect of the noise generated by the use on the sensitive land use property. An acoustical analysis shall also be required when a commercial or industrial loading dock or area is located within 300 feet of a sensitive use. The acoustical analysis shall identify appropriate mitigation measures that reduce exterior noise levels to acceptable levels established by Table 3-6. These mitigation measures shall be incorporated into the design, construction and operation of the use.
- I. Mitigation.** Reasonable noise mitigation measures including building setbacks, alternative site design techniques and alternative building orientation layouts shall be employed in lieu of sound walls, perimeter and/or barrier fencing, or earthen berms to mitigate noise impacts. Sound walls may only be used if the review authority finds that there are no other reasonable mitigation measures available and that the height, location, aesthetics and screening of the sound wall comply with all other applicable sections of this Development Code.

18.44.050 - Residential Interior Noise Standards

Single-family and multi-family residential development shall be designed and constructed to comply with the interior noise standards of this Section.

- A. Interior noise standard.** Whenever a new single-family or multi-family dwelling unit is proposed on a parcel where the existing exterior ambient noise level may exceed 60 dB(A) CNEL, the land use permit application shall include an acoustical analysis showing the dwelling unit has been designed to limit intruding noise to an interior CNEL of 45 dB, in compliance with California Code of Regulations Title 24, Part 2.
- B. Residential development affected by aircraft noise.** Land use permit applications for residential structures proposed within the Airport 55 dB CNEL contour shall comply with the provisions of Section 18.64.060 (Airport Noise Zones).
- C. Noise mitigation measures.** Whenever interior noise levels may exceed 45 dB CNEL, residential developments shall incorporate the following noise mitigation measures, where appropriate:
1. Increase the distance between the noise source and the receiver;
 2. Locate bedrooms on the side of the structure away from major public rights-of-way; and/or
 3. Locate land uses not sensitive to noise (e.g., garages, maintenance facilities, parking lots, utility areas, etc.) between the noise source and the receiver.
- D. Noise barrier standards.** The minimum acceptable surface weight for a noise barrier is four pounds per square foot (equivalent to three-fourths inch plywood). Noise barriers shall interrupt the line-of-sight between the noise source and the receiver. The barrier shall be of a continuous material which is resistant to sound and may including the following:

1. Earth berm; or
2. Split-faced masonry block; or
3. Precast or board-form concrete.

18.44.060 - Prohibited Acts

The following acts, and the causing or allowing of these acts, are a violation of this Section:

- A. Places of public entertainment.** Operating or allowing to be operated any loudspeaker, musical instrument or other source of sound in any place of public entertainment that exceed 95 dB(A) at any point normally occupied by a customer, without a conspicuous and legible sign stating, "WARNING! Sound levels within may cause hearing impairment." Nothing in this Section shall be construed to allow any violation of Section 18.44.040 (Exterior Noise Standards) or any noise disturbance in any place of public entertainment;
- B. Emergency signaling devices.** The intentional sounding or allowing the sounding outdoors of any burglar, civil defense or fire alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, which shall only be conducted in the following manner:
 1. The testing of a stationary emergency signaling device shall not occur before 7:00 a.m. or after 7:00 p.m. Any testing shall use only the minimum cycle test time. The test time shall not exceed 60 seconds; and
 2. The testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device, shall not occur more than once in each calendar month. The testing shall not occur before 7:00 a.m. or after 10:00 p.m. The times specified in Subsection 1, above, shall not apply to the complete system testing.
- C. Sounding of alarms.** Sounding or allowing the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless the alarm is terminated within 15 minutes of activation;
- D. Stationary non-emergency signaling devices.**
 1. Sounding or allowing the sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place, for more than 10 seconds in any one-hour period;
 2. Religious institutions shall not be exempt from the provisions of this Section. However, reasonable accommodation shall be provided for public services. "Reasonable" is defined, for the purposes of this Section, as the minimum necessary to allow freedom of expression; and
 3. Sound sources covered by this Section and not exempted under Subsection B, above, may be exempted by a Variance, approved in compliance with Chapter 18.44.

- E. **Loading and unloading.** Closing, loading, opening, unloading or other handling of boxes, building materials, containers, crates, garbage cans or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in a manner that causes a noise disturbance beyond a residential property line. This action shall not apply to activities where the items handled are still in interstate commerce; and
- F. **Residential air conditioning, refrigeration, and heating.** Notwithstanding the provisions of Section 18.44.040 (Exterior Noise Standards) where the intruding noise source is a residential air conditioning or a refrigeration system, heating system or associated equipment installed before the effective date of this Section, the exterior noise level shall not exceed 55 dB(A). For equipment installed after the effective date of this Section, the exterior noise level shall not exceed 50 dB(A).

18.44.070 - Exceptions

- A. **Construction.** The provisions of this Chapter shall not apply to noise sources associated with non-single-family residential construction, provided the activities do not take place before 7:00 a.m. or after 9:00 p.m. on any day except Sunday, or before 9:00 a.m. or after 6:00 p.m. on Sunday. The review authority may impose further limitations on the hours and day of construction or other measures to mitigate significant noise impacts on sensitive uses.
- B. **Single-family dwelling construction.** The provisions of this Chapter shall not apply to noise sources associated with single-family residential construction on a single-family lot.
- C. **Emergency exception.** The provisions of this Section shall not apply to:
 1. The emission of sound for the purpose of alerting persons to the existence of an emergency; or
 2. The emission of sound in the performance of authorized emergency work.
- D. **Maintenance of equipment.** Notwithstanding the provisions of Sections A through C, above, no exceptions to the provisions of this Section shall apply where the equipment used for those activities is not maintained in good condition which would result in unnecessarily creating a noise disturbance or exceeding the standards in Section 18.44.040 (Exterior noise standards), above.
- E. **Municipal Code provisions.** The provisions of this Section shall not apply where noise standards are specified elsewhere in the Municipal Code.
- F. **Public health, safety, and welfare activities.** The provisions of this Section shall not apply to construction or maintenance and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, safety and welfare, including debris and limb removal, removal of downed wires, repairing of gas lines, oil lines, roads, sewers, sidewalks, storm drains, traffic signals, water hydrants and mains, restoring electrical service, street sweeping, unplugging sewers, vacuuming catch basins, etc.

- G. Public transportation facilities.** The provisions of this Section shall not apply to any airports, railroad facilities including but not limited to trains, rolling stock and railroad equipment, publicly owned roads and rights-of-way, or other similar facilities.
- H. Solid waste collection.**
1. The provisions of this Section shall not apply to noise sources associated with the authorized collection of solid waste (e.g., refuse and garbage), provided the collection activities do not take place between the hours of 10:00 p.m. and 6:00 a.m.
 2. Any noise complaints associated with the collection of solid waste shall be resolved to the satisfaction of the Town Manager. The Town Manager may require modifications to pick-up schedules, equipment used, or any other reasonable means deemed appropriate by the Town Manager to resolve the noise complaints, including changing the 6:00 a.m. time to a later time (e.g., 7:00 a.m.) for any portion of the Town.
- I. State or Federal preempted activities.** The provisions of this Section shall not apply to any activity regulated by State or Federal law including, but not limited to, trains, rolling stock and railroad equipment.
- J. Town parks.** The provisions of this Section shall not apply to public agency sanctioned recreational activities/programs conducted in public parks.
- K. Warning devices.** Warning devices necessary for the protection of public safety (e.g., ambulance, fire and police siren) shall be exempted from the provisions of this Section.

Noise

18.44

CHAPTER 18.46 - OPEN SPACE/CLUSTER REQUIREMENTS

Sections:

- 18.46.010 - Purpose of Chapter
- 18.46.020 - Applicability
- 18.46.030 - Definitions
- 18.46.040 - Wetlands
- 18.46.050 - Open Space Standards
- 18.46.060 - Open Space and Clustering Guidelines
- 18.46.070 - Open Space Incentives
- 18.46.080 - Scenic Corridor Standards

18.46.010 - Purpose of Chapter

This Chapter provides open space and clustering requirements for the preservation and maintenance of permanent open space in conjunction with the development of private property, to preserve and to protect the following areas:

- A. 100-year flood plains (as provided in Chapter 18.34, Flood Plain Management);
- B. Environmentally sensitive areas as defined in Section 18.46.030.B, below;
- C. Lakes and ponds; and
- D. Slopes in excess of 30 percent.

18.46.020 - Applicability

This Chapter shall apply to all new development projects including, but not limited to, residential subdivisions. A single-family dwelling, accessory dwelling unit and residential accessory structures constructed on an existing lot are exempt from the provisions of this Chapter.

- A. **Related provisions.** The provisions of the following Chapters shall also apply to the design of open space and clustered developments:
 - 1. Chapter 18.36 — Hillside Development Standards
 - 2. Chapter 18.38 — Lake and River/Stream Corridor Development
 - 3. Chapter 18.94 — Residential Subdivision Design Guidelines

18.46.030 - Definitions

The following are definitions of special terms and phrases used in this Chapter. Other general definitions are provided in Chapter 18.220 (Definitions/Glossary).

- A. Clustered Development.** Development in which residential lots, dwelling units or buildings are placed in close proximity to each other with the purpose of retaining large areas of undeveloped open space area and/or protecting environmentally sensitive areas.
- B. Environmentally sensitive areas.** Environmentally sensitive areas shall include, but not be limited to, the following:
1. Scenic vistas or prominent slopes, ridgelines, bluff lines or hillsides, including those identified in the General Plan Community Character Element Figure CC-1 "Scenic Resources" or determined to be of importance through the land use application review;
 2. Deer migration routes and fawning areas and other wildlife movement corridors;
 3. Habitat for State and Federally listed plant and animal species, including special status and candidate species;
 4. Large blocks of undeveloped forest lands and/or meadows. A large block of undeveloped forest is defined as a forested area with a minimum size of 10 acres that meets minimum State timber stocking requirements and is located on lands either managed by the United States Forest Service or designated PUB, RC/OS or OSR by the General Plan Land Use Map, Figure LU-1;
 5. Riparian habitat and corridors;
 6. Wetlands per Section 18.46.040, below;
 7. Unstable soils as identified in any required geotechnical study;
 8. Avalanche areas

18.46.040 - Wetlands

Wetlands are areas inundated or saturated by surface water or groundwater at a frequency and duration to promote the formation of hydric soils (as defined by the U.S. Department of Agriculture Soil Conservation Service) or to support the growth of hydrophytes.

- A. Presumption of significance.** All wetlands shall be presumed to be environmentally sensitive areas unless the Town finds, on the basis of evidence in the environmental documents prepared for the development of the property in which the wetlands are situated, that the subject wetlands are not environmentally significant. These finding shall be based on an analysis performed by a State agency, serving in the role of a responsible or trustee agency.
- B. Preservation requirements.** In preserving these environmentally sensitive areas, emphasis shall be placed on maintaining the natural characteristics of the property while ensuring that any proposed development is harmonious with the terrain, provides buffer yards for neighboring land uses, and provides for snow storage areas in compliance with Section 18.30.130 (Snow Storage). Areas designated as environmentally sensitive shall remain in their

natural and undisturbed state and shall be maintained in a manner which minimizes the danger of fire hazards.

C. Disturbance and restoration of wetlands. Development projects resulting in the disturbance of wetlands shall require the approval of a Minor Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits). The review authority may approve a minor use permit for disturbance of wetlands only if all of the following findings can be made:

1. The wetlands cannot be avoided and there are no feasible alternatives or mitigation to disturbance of the wetlands;
2. Any wetlands removed or destroyed as part of the project are mitigated by the restoration or creation of wetland habitat at a rate of 1.5 to 1 (1.5 units of restored habitat for each unit of habitat removed or destroyed); and
3. The disturbance and/or removal of the wetlands complies with all applicable Federal and State regulations.

18.46.050 - Open Space Standards

A. Minimum open space requirements.

1. **Single-Family Residential Zones:** All new single-family residential subdivisions within the single-family residential zoning districts (i.e., RR, RS and DRS) shall provide permanent open space. The minimum amount of open space required within the property shall be either:
 - a. The sum of all areas listed in Section 18.46.010 and all those OS zoned portions of the property; or
 - b. As shown in Table 3-7 below, whichever is greater. Portions of the property zoned OS and areas listed in Section 18.46.010 above shall be credited toward the minimum open space area requirement.
 - c. Within proposed single-family lot boundaries, setback areas shall not count toward the minimum open space area requirement.

**TABLE 3-7
MINIMUM OPEN SPACE AREA**

Minimum Open Space Area Required	
Zoning District	Minimum Open Space Area Required (% of gross site area)
DRS, RS-3, RS-4	30%
RS-2	40%
RS-1	50%
RR-0.67	60%
RS-0.5, RR-0.5	70%
RR-0.2, RR-0.15	80%
RR-0.1, RR-0.05	90%

2. **Multi-Family, Commercial and Manufacturing Zones:** The minimum amount of open space required within the property for the multi-family residential, commercial and manufacturing/industrial zoning districts (i.e., RM, DRM, DRH, CN, CG, CH, CS, M, DMU, DC, DVL and DM) shall be either:
 - a. The sum of all areas listed in Section 18.46.010 and all those OS zoned portions of the property; or
 - b. As identified in the applicable open space standards in Article II, whichever is greater.
3. **Open Space Recreation Designation:** The minimum amount of open space required for properties designated Open Space Recreation by the General Plan Land Use Map, Figure LU-1, shall be 90% of the gross site area.
4. **Special Purpose Zones:** The minimum amount of open space required for properties in all other zoning districts (i.e., RC, REC and PF) shall be:
 - a. The sum of all areas listed in Section 18.46.010 and all those OS zoned portions of the property; and
 - b. Additional site area as determined to be appropriate through the subdivision or land use permit process.

B. Permanent open space.

1. The portions of the original underlying/parent parcel counted toward the minimum open space area requirement shall be preserved as permanent open space. Preservation and management options for open space, in order of preference, include the following:

- a. Dedication of the land to the Town of Truckee, the Truckee Donner Recreation and Park District, the Truckee Donner Land Trust, or similar public or non-profit agency. (Under this option, the project may be eligible for open space incentives in accordance with Section 18.46.070.B.1.a, below.)
 - b. Common area parcel(s) with a conservation easement granted in perpetuity to the Town of Truckee.
 - c. For small subdivisions of four parcels or less, the use of development envelopes in conjunction with conservation easements, deed restrictions and/or dedication to a homeowner's association. Development envelopes must be sited on the parcel to comply with required setbacks.
- C. Minor Use Permit for habitat disturbance.** Development projects resulting in the disturbance of riparian habitat or habitat for State and Federally listed animal and plant species shall require the approval of a Minor Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits). The review authority may approve a minor use permit for disturbance of these habitats only if all of the following findings can be made:
1. The habitat cannot be avoided and there are no feasible alternatives or mitigation to disturbance of the habitat;
 2. Any habitat removed or destroyed as part of the project is mitigated by the restoration or creation of habitat at a rate of 1.5 to 1 (1.5 units of restored habitat for each unit of habitat removed or destroyed); and
 3. The disturbance and/or removal of the habitat complies with all applicable Federal and State regulations.
- D. Trail alignments.** Trail alignments as shown in the Trails & Bikeways Master Plan adopted by Town Council shall be preserved as open space with a minimum width to be determined by the Town Engineer.
- E. Restoration of environmentally sensitive areas.** During the consideration of any new discretionary land use application, if the natural tree or shrub coverage has previously been removed from environmentally sensitive areas, as defined in Section 18.46.030.B, the project shall include a restoration plan prepared by a qualified professional. The restoration plan shall include, but not be limited to, recommendations for comprehensive revegetation with indigenous plant material or an appropriate alternative and restoration of soils and/or hydrology within the environmentally sensitive area. The review authority shall consider the restoration plan as a part of the discretionary project approval process.
- F. Setbacks from forests.** Dwellings, buildings and other habitable structures shall be located a minimum of 200 feet from the edge of large blocks of forests (defined in Section 18.46.030.B.4) within the project site and on surrounding parcels.
- G. Use of open space areas.** Open space areas are generally intended to be large, undeveloped areas, remaining primarily in the natural state; however, some passive and active uses and activities may be appropriate within these areas.

1. **Allowed uses.** The following uses/activities are permitted in open space areas:
 - a. Pedestrian, bicycle and equestrian trails, including trail amenities (e.g., benches, directional signs, interpretive signs, trash/recycling cans, bike racks, small restroom facilities, etc.).
 - b. Revegetation of native landscaping.
 - c. Fuel reduction or clearance as required for Fire Protection District standards.
 - d. For small subdivisions of four parcels or less, one driveway per newly-created parcel leading from the subdivision's shared access road to the recorded development envelope.

2. **Discretionary uses.** The following uses/activities may be permitted in open space areas, at the discretion of the review authority at the time of land use application approval, if the review authority determines the use to be appropriate based on the open space characteristics of the property. For properties designated as Resource Conservation/Open Space (RC/OS) by the General Plan Land Use Map, Figure LU-1, the uses below shall be prohibited:
 - a. Primitive campgrounds (i.e., no facilities).
 - b. Small picnic areas.
 - c. Equestrian corrals or pastures (not structures) with fencing limited to a height of 48" and a minimum 16" opening above finished grade with an open design such as split-rail (solid fencing and barbed wire are prohibited).
 - d. Existing fairways and greens for golf courses; however, General Plan Land Use Policy 6.5 states that no new golf courses are allowed in the Town of Truckee.
 - e. Small accessory structures (less than 120 square feet and six feet or less in height) necessary for utility installation, maintenance and function.
 - f. Small playground structures in a common open space area for larger residential projects if the area is determined to be appropriate for developed, active recreation.
 - g. Motorized recreation vehicles such as snowmobiles, motorcycles, etc., if the area is determined to be appropriate for active recreation.
 - h. Motorized vehicles allowed for the purpose of open space maintenance.
 - i. Community gardens and agriculture.

3. **Prohibited uses.** The following uses/activities are prohibited in open space areas:
 - a. Shared access roads, parking areas and other large, paved areas.

- b. Recreational vehicle campgrounds.
- c. Tennis courts, basketball courts or similar paved areas.
- d. Equestrian barns or centers, or similar enclosed animal keeping facilities.
- e. Other structures, uses or activities not listed in Subsections 1 or 2 above and which result in disturbance of the open space area, unless the Director or review authority determines the use to be a similar, appropriate use of open space.

18.46.060 - Open Space and Clustering Guidelines

The following design guidelines may be applied with some flexibility on a case-by-case basis as not all design criteria may be workable or appropriate for each project, depending on site-specific characteristics. In some circumstances, a guideline may be relaxed in order to accomplish another, more important guideline or community goal. The overall objectives are to ensure that the intent and spirit of the design guidelines is followed and to attain the best possible design within reason.

- A. Clustering goals.** Clustered development should achieve the following goals:
 - 1. Protect and preserve environmentally sensitive areas for their aesthetic and ecological values.
 - 2. Prevent sprawling development patterns.
 - 3. Provide community open space with opportunities for active and/or passive recreation.
- B. Create useable open space.** Open space areas should be designed to provide large, contiguous areas of useable open space. For example, narrow strips of open space between parcels; small, isolated pockets of land; and areas of 50% slopes are not useable to the broader community intended to benefit from the open space.
- C. Appropriately-scaled open space.** Within higher density residential areas, smaller open space areas may be appropriate, particularly in the form of neighborhood parks, pocket parks and common greenways.
- D. Provide connections through open space.** Proposed open space areas should provide continuity and meaningful connections with surrounding open space areas, residential developments and trails, whenever feasible.
- E. Protect natural resources.** In addition to areas that are required in Section 18.46.010 to be maintained as open space, development should be clustered in a manner to protect natural amenities such as mature trees groves, rock outcroppings, areas of dense vegetation, drainage areas, etc., to the greatest extent feasible.
- F. Relate development to open space.** New residential lots and buildings should be oriented to provide the maximum access and visibility to trails, parks and open space areas to encourage use of the space.

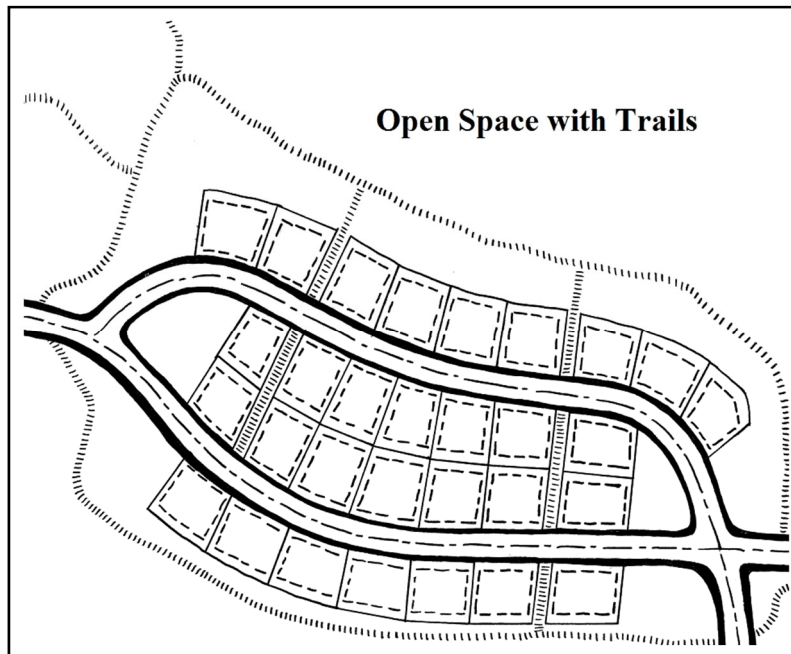


FIGURE 3-1
RELATE DEVELOPMENT TO OPEN SPACE

- G. Proportionate clustering proximity.** The proximity of clustered residential lots and buildings to each other should relate to the character of the surrounding development patterns and maximum zoning density. For example, building sites on 10-acre rural residential parcels may have larger buffers than building sites on 0.5-acre single-family parcels.

18.46.070 - Open Space Incentives

- A. Eligibility for open space incentives.** To qualify for open space incentives, the review authority shall make the following findings:
1. The project is consistent with the open space standards and guidelines of this Chapter; and
 2. Any open space reduction is proportionate to the benefit provided by the project.
- B. Open space incentives.** The review authority may approve one or more of the following incentives for eligible projects:
1. **Open space reduction.** The minimum open space requirements established in Section 18.46.050.A may be reduced by five percent (5%) of the project site, up to a maximum of 10 percent (10%), based on each/any of the following project features:
 - a. The open space areas are dedicated for public open space, public access and/or public recreation in accordance with Section 18.46.050.B.1.a, above;

- b. The site is within the FAR Incentive Infill Area shown on Sheet 28 of the Town Zoning Map; and/or
 - c. The project will provide enhanced public facilities which are needed by the Town beyond those required for the project as mitigation measures (e.g., onsite or offsite public trails, transit facilities, etc.).
2. **Reduction of planning fees.** The review authority may reduce planning fees for a land use permit application by up to 75% if the project provides permanent open space that is equivalent to 10% or more of the project site above and beyond the minimum open space requirements. For example, a project in the RS-1 zoning district would qualify for a planning fee reduction if 60% of the site was provided as permanent open space (50% minimum open space requirements + 10% of the site).

18.46.080 - Scenic Corridor Standards

A. Purpose.

- 1. The Scenic Corridor development standards are intended for major roadways identified by the General Plan where views should be preserved and the appearance of projects regulated within the viewshed of the roadway.
- 2. New development along these corridors requires sensitivity and special attention in project design, including additional landscape screening, minimizing native vegetation removal, and minimizing disruption of hillside views, prominent slope exposures, ridgelines, scenic vistas or other environmental features.

B. Applicability.

The Scenic Corridor development standards apply to the following scenic corridor areas:

- 1. The areas that extend 300 feet on each side of the Interstate 80 right-of-way except those areas located within the Downtown Study Area as shown on the General Plan Land Use Diagram;
- 2. The areas that extend the following distances on each side of the Highway 89 North right-of-way (refer to Sheet 31 of Town Zoning Map):
 - a. 300 feet between Interstate 80 and the northern boundary line of Section 35, T18N, R16E;
 - b. 50 feet on the west side of the highway between the southern boundary line of Section 35, T18N, R16E and the Town boundary;
 - c. 20 feet on the east side of the highway between the southern boundary line of Section 35, T18N, R16E and the Town boundary.

C. Development standards.

Proposed development and new land uses within scenic corridor areas and visible from the scenic highway shall be designed and constructed in compliance

with the following minimum requirements. If the proposed development and new land uses are not visible from the scenic highway, the review authority may reduce or waive these development standards:

1. Proposed structures and parking areas shall not be located within the scenic corridor area along Highway 89 North and shall be setback a minimum of 100 feet from the Interstate 80 right-of-way.
2. Allowable density shall be transferred and clustered in lower elevations and the least visible areas of the site.
3. The scale and mass of structures shall be reduced through split level and low profile design.
4. No structure shall exceed a maximum height of 25 feet.
5. Street lighting shall be low-level and of pedestrian-scale.
6. High illumination yard lighting shall not be used, and all exterior light sources shall be shielded to prevent off-site glare in compliance with Section 18.30.060 (Exterior Lighting).
7. Development (grading and construction) shall be blended into the natural setting through attention to color, materials, orientation and topography.
8. Grading (cut and fill slopes) shall be minimized and all disturbed areas shall be landscaped consistent with Section 18.40.040.A.2.
9. Grading (cut and fill slopes) for streets and driveways shall be minimized to reduce visual impacts.
10. Enhanced landscaped setbacks shall be provided along adjoining highways. The landscape design shall consist of the following:
 - a. A three-tier landscape design consisting of low growing ground covers, medium density height shrubs, and trees with emphasis on creating a natural, self-sustaining design.
 - b. Dense landscaping to screen views of parking lots, fencing, outdoor storage and work areas, and similar site features.
 - c. A variety of deciduous and evergreen trees, shrubs, perennial and groundcovers with an emphasis on using native species. The use of xeriscapes may also be considered by the Review Authority.
 - d. Preservation of existing vegetation to the extent feasible with new landscaping integrated to achieve a natural landscape.
 - e. Irrigation to temporarily provide water through the plant establishment period.

CHAPTER 18.48 - PARKING AND LOADING STANDARDS

Sections:

- 18.48.010 - Purpose of Chapter
- 18.48.020 - Applicability
- 18.48.030 - General Parking and Loading Regulations
- 18.48.040 - Number of Parking Spaces Required
- 18.48.050 - Adjustments to Off-Street Parking Requirements
- 18.48.060 - Disabled/Handicapped Parking Requirements
- 18.48.070 - Development Standards for Off-Street Parking
- 18.48.080 - Driveways and Site Access
- 18.48.090 - Bicycle Parking and Support Facilities
- 18.48.100 - Off-Street Loading Space Requirements
- 18.48.110 - Downtown Parking

18.48.010 - Purpose of Chapter

This Chapter provides off-street parking and loading standards to:

- A. Provide for the general welfare and convenience of persons within the Town by ensuring sufficient parking facilities to meet the needs generated by the specific use;
- B. Provide accessible, attractive, secure and well-maintained off-street parking and loading facilities;
- C. Increase public safety by reducing congestion on public streets;
- D. Encourage the use of alternative modes of transportation and other trip reduction measures;
- E. Ensure access and maneuverability for emergency vehicles; and
- F. Provide loading and delivery facilities in proportion to the needs of the proposed use.

18.48.020 - Applicability

Every use, including a change or expansion of a use or structure, shall have appropriately maintained off-street parking and loading areas in compliance with the provisions of this Chapter. A use shall not be commenced and structures shall not be occupied until improvements required by this Chapter are satisfactorily completed.

18.48.030 - General Parking and Loading Regulations

- A. Retention and maintenance of parking and loading areas.** All covered or uncovered off-street parking and loading facilities required by this Chapter shall be permanently reserved for parking and loading purposes.
1. The Director may approve the temporary reduction of parking or loading spaces in conjunction with a seasonal or intermittent use for not more than 90 days in any calendar year.
 2. All parking facilities including, but not limited to, curbs, directional markings, disabled symbols, landscaping, pavement, signs, striping and wheel stops, and other facilities, shall be permanently maintained by the property owner/tenant in good repair, free of litter and debris, potholes, obstructions and stored material.
- B. Parking and loading to be unrestricted.** Owners, lessees, tenants or persons having control of the operation of a premises for which parking or loading spaces are required by this Chapter shall not prevent, prohibit or restrict authorized persons from using these spaces without prior approval of the Director.
- C. Vehicles for sale.** Vehicles, trailers or other personal property shall not be parked upon a public or private street, parking lot, or public or private property for the purpose of displaying the vehicle, trailer or other personal property for sale, hire or rental, unless the property is appropriately zoned and the vendor is licensed to transact business at that location.
- D. Company-owned vehicle parking in residential zones.** The parking of company vehicles is allowed in any residential zoning district in compliance with the following standards:
1. No more than one company-owned vehicle in excess of 10,000 lbs gross vehicle weight shall be permitted to be stored or parked on a residentially zoned parcel where it is visible from the street or adjacent streets.
 2. No more than one piece of company-owned heavy equipment/construction equipment up to 30 feet in length per parcel where it is visible from the street or adjacent properties.
 3. No more than one tow truck up to 30 feet in length per parcel.
 4. The number of parking spaces required by this Chapter does not include spaces required for the parking of company-owned vehicles in excess of 10,000 lbs gross vehicle weight or 30 feet in length. One additional parking space shall be provided for each additional vehicle or equipment referenced in Section 18.48.030.D.1, 2, and 3 above. (i.e., for a single-family dwelling two spaces would need to be provided for the residence and one additional space would need to be provided for a company-owned vehicle in excess of 10,000 lbs gross vehicle weight or 30 feet in length for a total of three on-site parking spaces).

18.48.040 - Number of Parking Spaces Required

Each use shall provide at least the minimum number of off-street parking spaces required by this Chapter, except where an exception has been granted through approval of a land use permit.

- A. Parking requirements by land use.** Each land use shall be provided the number of off-street parking spaces required by Table 3-8.
- 1. Additional requirements.** Additional spaces may be required by the review authority through land use permit conditions of approval, where applicable.
 - 2. Uses not listed.** Land uses not specifically listed by Table 3-8 (Parking requirements by land use), below, shall provide parking as required by the review authority. The review authority shall use the requirements of Table 3-8 as a general guide in determining the minimum number of off-street parking spaces to be provided.
 - 3. Rounding of quantities.** When a calculation of the number of parking spaces required results in a fraction of 0.50 or more, the number of required spaces shall be rounded up to the nearest whole number.
- B. Expansion of existing structure, change in use.** When a structure is enlarged or increased in capacity or intensity, or when a change in use requires more off-street parking, additional parking spaces for the enlargement or increase in capacity or intensity shall be provided in compliance with this Chapter.
- C. Multiple uses on a single site.** A site or facility proposed for multiple tenants or uses (for example, a building with ground-floor shops and second floor offices) shall provide the aggregate number of parking spaces required for each separate use; except where the site is developed as a shopping center, the parking ratio shall be that required for the shopping center as a whole as provided in Table 3-8.
- D. Parking required by permits, Development Agreements or Specific Plans.** Parking requirements established by Use Permits, Development Agreements, Specific Plans or similar entitlements supersede the provisions of this Chapter.
- E. Excessive parking.** The parking standards established in this Chapter are both minimum and maximum standards. Off-street parking spaces in excess of these standards may be approved only in conjunction with a land use permit, and when additional landscaping and pedestrian improvements are also provided. When a project proposal includes parking in excess of the number of spaces required by this Chapter, the review authority shall approve no more than 20 percent more spaces than otherwise required.
- F. Bench or bleacher seating.** Where fixed seating is provided in the form of benches or bleachers, a seat shall be construed to be not less than 24 inches of continuous bench space for the purpose of calculating the number of required parking spaces.
- G. Company-owned vehicles.** The number of parking spaces required by this Chapter does not include spaces needed for the parking of company-owned vehicles. Parking spaces for

company-owned vehicles shall be provided in addition to the requirements for a particular land use.

- H. Restaurants adjacent to Truckee River.** Outdoor seating and dining areas for restaurants and cafes (except counter-service restaurants) adjacent to the Truckee River shall be exempt from complying with the parking requirements of this Chapter and paying in-lieu parking fees, up to a maximum of 10 parking spaces. The outdoor seating and dining areas shall front the Truckee River, shall provide views of the Truckee River, and shall be accessible to the public during business hours. The outdoor seating and dining areas may be covered but shall not be enclosed. Parking required to serve the outdoor seating and dining in excess of 10 parking spaces shall be provided in accordance with the provisions of this Chapter. For example, if the outdoor seating and dining area is 1,200 square feet in size, two parking spaces shall be required for the outdoor seating and dining area (12 parking spaces required for 1,200 s.f. - exemption for 10 spaces = 2 spaces).

**TABLE 3-8
PARKING REQUIREMENTS BY LAND USE**

Land Use Type: Manufacturing Processing and Warehousing	Vehicle Spaces Required
<p>General manufacturing, industrial and processing uses (See Section 18.12.030, Table 2-7, "Manufacturing, Industrial & Processing Uses" for examples.)</p>	<p>2 spaces per each 1,000 sq.ft. of gross floor area for the first 25,000 sq.ft.; and 1 space per each 1,000 sq.ft. thereafter. The gross floor area shall include incidental office space comprising less than 20% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."</p>
<p>Laundries and dry cleaning plants</p>	<p>1 space per each 1,000 sq. ft. of gross floor area</p>
<p>Recycling facilities</p>	<p>Determined by Use Permit.</p>
<p>Warehouse and storage facilities (for example, long-term storage facilities)</p>	<p>1 space per each 2,000 sq.ft. of gross floor area for the first 10,000 sq.ft., and 1 space per each 5,000 sq.ft. thereafter. The gross floor area shall include incidental office space comprising less than 20% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."</p>
<p>Wholesale and distribution operations not used exclusively for storage.</p>	<p>1 space per each 1,000 sq.ft. of gross floor area for the first 10,000 sq.ft., and 1 space per each 3,000 sq.ft. thereafter. The gross floor area shall include incidental office space comprising less than 20% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."</p>

**TABLE 3-8
PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Recreation, Education, Public Assembly	Vehicle Spaces Required
Child day care	
Centers	1 space per each 7 children, plus adequate drop-off area as approved by the Director.
Large family day care homes	1 space per each employee and 1 space for drop-off/pick-up, in addition to the required residential spaces.
Churches/places of worship; community centers; meeting halls, membership organization facilities; mortuaries, performance theaters, religious retreats, organizational camps	1 space per each 3 seats; without fixed seats, 1 space per each 50 sq.ft. of gross floor area, plus ancillary uses (e.g. bar, restaurant)
Cinemas	
Single-screen	1 space per each 3 seats, plus 6 spaces for employees
Multi-screen	1 space per each 5 seats, plus 10 spaces for employees.
Golf courses and country clubs	3 spaces per hole; plus clubhouse spaces as required for restaurants, bars, indoor recreation/fitness centers, office, etc.
Equestrian facilities, commercial or public	Determined by Use Permit
Golf driving ranges (separate from golf course)	2 spaces per tee.
Indoor recreation /fitness centers	
Arcades	1 space per each 200 sq.ft. of gross floor area
Bowling alleys	5 spaces per lane, plus required spaces for ancillary uses.
Health/fitness facilities	1 space per each 250 sq.ft. of gross floor area.
Pool and billiard rooms	2 spaces per table, plus required space for ancillary uses.
Skating rinks	1 space per each 400 sq.ft. of gross floor area for public use, plus required spaces for ancillary uses.
Libraries, museums	1 space per each 500 sq.ft. of gross floor area, plus 1 space per official vehicle.
Outdoor commercial recreation	Determined by Use Permit
Parks and playgrounds, private recreational facilities	Determined by applicable land use permit (e.g., Use Permit, Minor Use Permit)
Ski lift facilities and ski runs	Determined by Use Permit

**TABLE 3-8
PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Recreation, Education, Public Assembly (Continued)	Vehicle Spaces Required
Schools (public and private)	
Elementary/Junior High	2 spaces per each classroom, plus 1 space for every 200 sq.ft. of assembly area in an auditorium.
High School	3 spaces per each classroom, plus 1 space for every 6 students
College	As determined by Use Permit.
Specialized education and training	1 space per each 50 sq.ft. of gross classroom floor area.
Studios for art, dance, music, photography, etc.	1 space per each 200 sq.ft. of gross floor area.
Tennis/racquetball/handball or other courts	2 spaces per each court, plus 1 space per each 200 sq.ft. of floor area for ancillary uses.

**TABLE 3-8
PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Residential Uses	Vehicle Spaces Required
Accessory dwelling units	1 space, in addition to that required for the single-family dwelling, unless exempt under Section 18.58.025.
Group quarters (Including boarding houses, rooming houses, dormitories, and organizational houses such as residential care homes)	1 space per each bed, plus 1 space per each 8 beds for guest parking, 1 space per each employee on largest shift.
Mobile homes (in M.H. parks)	2 spaces per each mobile home (tandem parking allowed in an attached carport), plus 1 guest parking space for each 4 units.
Multi-family dwelling, common interest development including condominiums, townhouses, townhomes and other attached dwellings.	Studio and 1 bedroom units - 1.5 spaces per each unit with 1 space per unit in a fully enclosed garage. Spaces not required to be in garage for affordable housing units.
	2 bedrooms or more - 2 spaces per each unit, with 1 space per unit in a fully enclosed garage. Spaces not required to be in garage for affordable housing units.
	Guest parking - 25% of total required spaces.
Mixed-use developments	Determined by Use Permit.
Senior citizen housing projects	1 space per each unit with 0.5 spaces per unit covered, plus 1 guest parking space per each 10 units.
Disabled congregate care facilities	0.5 space per each residential unit, plus 1 space per each 4 units for guests and employees.
Single-family dwelling	2 spaces.

**TABLE 3-8
PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Retail Trade	Vehicle Spaces Required
Automobile, mobile home, vehicle, machinery and parts sale	1 space per each 400 sq.ft. of gross floor area, plus 1 space per each 3,000 sq.ft. of outdoor display and sales service area, plus 1 space per each 300 sq.ft. of gross floor area for a parts department.
Building material sales, hardware stores, plant nurseries and garden supply sales	1 space per each 300 sq.ft. of gross floor area, plus 1 space per each 1,000 sq.ft. of outdoor display and sales area.
Convenience stores	1 space per each 200 sq.ft. of gross floor area.
Restaurants, table service; bars and drinking establishments	1 space per each 75 sq.ft. of gross floor area for patrons, plus 1 space per each 300 sq.ft. of service area, plus one space per each 100 sq.ft. of outdoor dining area. Parking spaces for outdoor dining areas may be used for snow storage. See Section 18.48.040.H regarding restaurants adjacent to the Truckee River.
Restaurants, fast food; restaurants, drive-in or with drive-through facilities	1 space per each 100 sq.ft. of gross floor area, plus 1 space per each 100 sq.ft. of outdoor dining area.
Retail stores	
General merchandise, second hand stores	1 space per each 250 sq.ft. of gross sales area, plus 1 space per each 600 sq.ft. of storage area, and 1 space per each company vehicle.
Furniture, furnishings, and equipment and warehouse retail stores	1 space per each 500 sq.ft. of gross floor area and 1 space per each company vehicle.
Shopping centers	1 space per each 250 sq.ft. of gross floor area for centers of less than 30,000 sq.ft. and 1 space per each 300 sq.ft. of gross floor area for centers of 30,000 sq.ft. or more.

**TABLE 3-8
PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Service Uses	Vehicle Spaces Required
Banks and Financial Institutions	1 space per each 300 sq. ft. of gross floor area
Bed and Breakfast Inns	1 space per each guest room, in addition to the required parking for the residential use.
Copy and reproduction	1 space per each 400 sq.ft. of gross floor area.
Depots: bus, freight, or rail	Determined by Use Permit
Equipment rental	1 per each 300 sq.ft. of gross floor area, plus 1 space per each 1,000 sq.ft. of outdoor display, sales, storage, and work area.
Hotels and motels	1 space per each guest room, plus 1 space per each 2 employees on largest shift, plus required spaces for accessory uses.
Kennels and animal boarding	1 space per each 500 sq. ft. of gross floor area, plus 1 space for each 800 sq. ft. of boarding area
Medical services	
Clinics, laboratories, medical/ dental offices	1 space per each 200 sq.ft. of gross floor area.
Extended care (elderly, skilled nursing facilities and residential care homes)	1 space per each 3 beds the facility is licensed to accommodate
Hospitals	1 space per each patient bed the facility is licensed to accommodate, plus 1 space per each 400 sq.ft. of office area, plus required spaces for ancillary uses as determined by the Director.
Medical/dental labs	1 space per each 300 sq.ft. of gross floor area.
Offices, business and professional	1 space per each 250 sq.ft. of gross floor area for the first 5,000 sq.ft. and 1 space per each 300 sq.ft. thereafter.
Pet grooming	1 space per each 400 sq.ft. of gross floor area.
Personal services	
Barber/beauty shops (and other personal services, tattoo studios, massage therapy)	1 space per each 250 sq.ft. of gross floor area.
Public buildings and structures	Determined by Use Permit

**TABLE 3-8
PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Service Uses (Continued)	Vehicle Spaces Required
Dry cleaning pick-up facilities	1 space per each 400 sq.ft. of activity area (office, reception area, counter area), plus 1 space per each 1,000 sq. ft. of storage or work area.
Laundromats	1 space per each 250 sq.ft. of gross floor area.
Repair/maintenance – consumer products	1 space per each 250 sq.ft. of gross floor area
Repair/maintenance– vehicles Repair garage Self-service vehicle washing Full-service vehicle washing	4 spaces per service bay, plus adequate queuing lanes for each bay, plus 1 space for each 2 employees on the largest shift. 2.5 spaces per washing stall, for queuing and drying. 10 spaces, plus 10 spaces per wash lane for drying area, plus queuing area for 5 vehicles ahead of each lane.
Service stations	1 space per each 180 sq.ft. of gross floor area, plus 3 spaces per each service bay.
Storage, personal storage facilities (mini-storage)	2 spaces for manager office.
Veterinary clinics animal hospitals, kennels, boarding	1 space per each 250 sq.ft. of gross floor area, plus 1 space per each 800 sq.ft. of boarding area.

18.48.050 - Adjustments to Off-Street Parking Requirements

- A. Shared parking reduction.** Where two or more non-residential uses are developed as a recognized shopping or professional center and two or more uses have distinct and differing peak traffic usage periods (for example, a theater and a bank) or share customers (for example, a restaurant and retail store), a reduction in the required number of parking spaces may be approved, provided that the most remote space is located within 500 feet of the use it is intended to serve (as measured along the most direct pedestrian path). The amount of reduction may be up to 25 percent of the total parking spaces required for the uses. A parking study analyzing peak hour parking demands for the uses may be required.

Mixed use projects that include residential uses may be eligible for parking space reduction incentives in compliance with Section 18.58.140 (Mixed Use Development).

- B. Compact car spaces.** Compact car spaces may be provided for up to 25 percent of the total number of required spaces. Compact car spaces shall be a minimum of eight feet by 14 feet in size and shall be clearly marked “Compact Only” in letters not less than 12 inches high and seven inches wide.

18.48.060 - Disabled/Handicapped Parking Requirements

Parking areas shall include parking spaces accessible to the disabled in the following manner:

- A. Number of spaces, design standards.** Parking spaces for the disabled shall be provided in compliance with Section 1129B of the California Building Code of Regulations;
- B. Reservation of spaces required.** Disabled accessible spaces required by this Chapter shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use;
- C. Upgrading of markings required.** If amendments to State law change standards for the marking, striping and signing of disabled parking spaces, disabled accessible spaces shall be upgraded in compliance with the new State standards. Upgrading shall be completed by affected property owners within 60 days of being notified in writing by the Department of new State standards; and
- D. Fulfilling of requirements.** Disabled accessible parking spaces required by this Chapter shall count toward fulfilling off-street parking requirements.

18.48.070 - Development Standards for Off-Street Parking

Off-street parking areas shall be designed and constructed in compliance with the following standards. See also Chapter 18.50 (Parking Design Guidelines).

- A. Location.** Off-street parking areas shall be provided on the subject site, outside of any public right-of-way, except that parking may be located on a parcel directly abutting the parcel served subject to a covenant running with the land recorded by the owner of the parking lot guaranteeing that the required parking will be maintained for the life of the use or activity served.
- B. Access to parking areas and parking stalls.**
 - 1. Driveway location and design.** Site access driveways shall be located and designed in compliance with Section 18.48.080 (Driveways and Site Access.)
 - 2. Internal maneuvering area.** Parking areas shall provide suitable maneuvering room so that vehicles enter an abutting street in a forward direction. Parking lots shall be designed to prevent access at any point other than at designated access drives. The Director may approve exceptions for single-family homes;
 - 3. Car pool and bicycle space location.** Car pool and bicycle spaces shall be located as close as is practical to the entrance(s) to the use they are intended to serve. Spaces shall be situated so that they do not obstruct the flow of pedestrians at entrances or sidewalks; and
 - 4. Vertical clearance.** A minimum unobstructed clearance height of 14 feet shall be maintained above areas accessible to vehicles.

- C. **Adjacent site access.** Non-residential developments should be designed and constructed to provide shared vehicle and pedestrian access to adjacent non-residential properties for convenience, safety and efficient circulation. A joint access agreement running with the land shall be recorded by the owners of the abutting properties, as approved and executed by the Director, guaranteeing the continued availability of the shared access between the properties;
- D. **Parking space and lot dimensions.**
 - 1. **Residential uses.** Minimum parking dimensions shall be as indicated in Table 3-9. See also Figure 3-19.

**TABLE 3-9
MINIMUM PARKING STALL AND LOT DIMENSIONS
FOR RESIDENTIAL USES**

Length	Width
Covered Spaces (garage/carport)	
20 feet	10 feet; 12 feet if located parallel to an object(s) that may obstruct vehicle doors.
Uncovered Spaces	
Spaces shall conform to the standards in Table 3-10.	
Tandem Spaces	
20 feet	9 feet

2. **Non-residential uses.** Minimum parking dimensions shall be as indicated in Table 3-10. See also Figure 3-17.

**TABLE 3-10
MINIMUM PARKING STALL AND LOT DIMENSIONS
FOR NON-RESIDENTIAL USES**

Standard Stall		Compact Stall	
Length	Width	Length	Width
20 feet; 18 feet with bumper overhang per Subsection D.3	9 feet	16 feet; 14 feet with bumper overhang per Subsection D.3	8 feet

One-Way Traffic and Single-Loaded Aisles

Parking angle (degrees)	Stall depth (1)	Aisle width (travel lane)	Total bay depth (2) (approximate)
30	17 feet (3)	14 feet	30 feet
45	19 feet (3)	15 feet	35 feet
60	20 feet (4)	16 feet	38 feet
90	20 feet (4)	24 feet	44 feet

One-Way Traffic and Double-Loaded Aisles

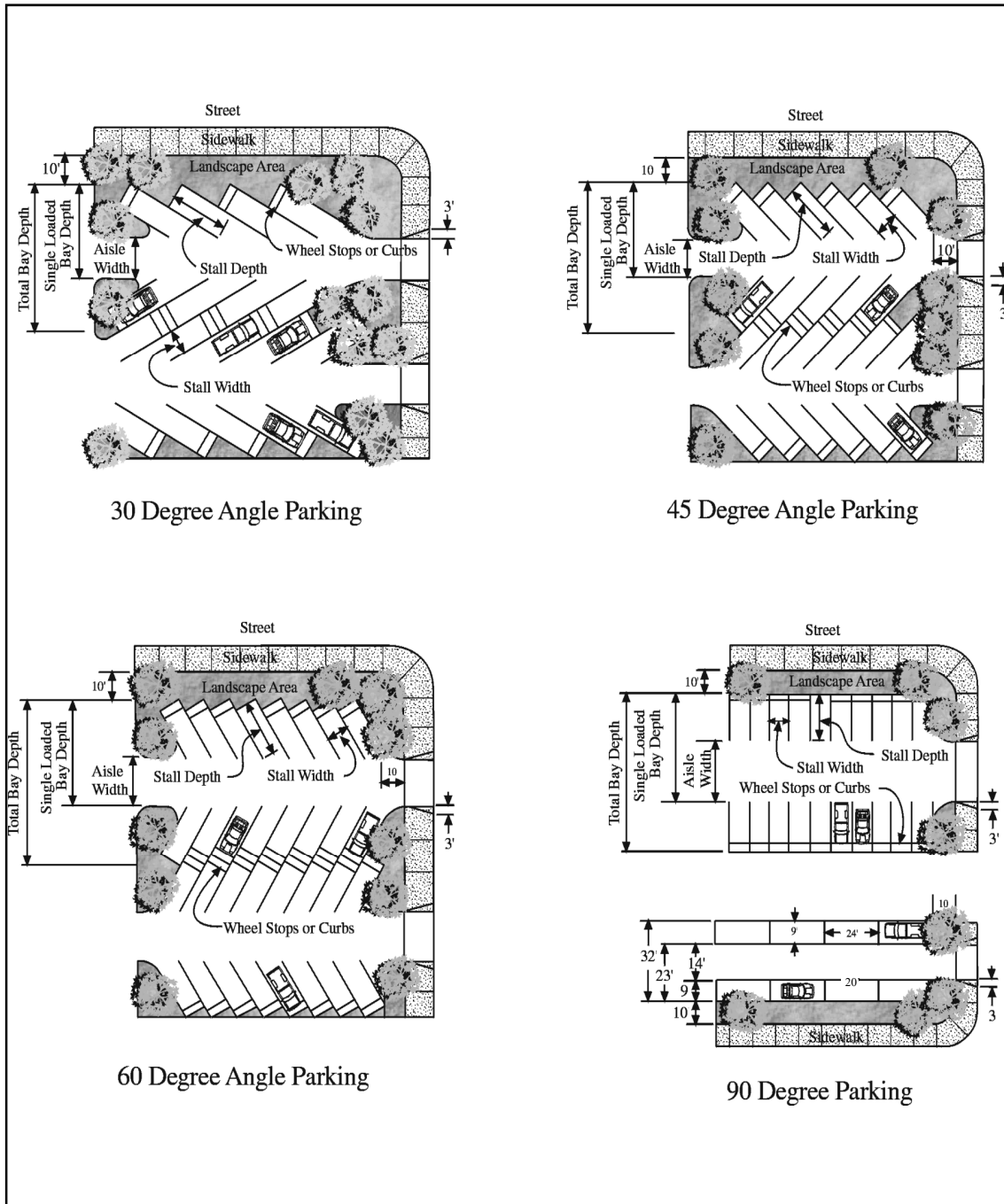
Parking angle (degrees)	Stall depth (1)	Aisle width (travel lane)	Total bay depth (2) (approximate)
30	18 feet (3)	14 feet	48 feet
45	19 feet (3)	15 feet	55 feet
60	20 feet (4)	16 feet	60 feet
90	20 feet (4)	24 feet	64 feet

Two-Way Traffic and Double-Loaded Aisles

Parking angle (degrees)	Stall depth (1)	Aisle width (travel lane)	Total bay depth (2) (approximate)
30	18 feet (3)	24 feet	60 feet
45	19 feet (3)	24 feet	62 feet
60	20 feet (4)	24 feet	64 feet
90	20 feet (4)	24 feet	64 feet

Notes:

- (1) Stall depth may be reduced by two feet with bumper overhang per Subsection D.3.
- (2) Bay depths are approximate and may not equal "stall depth + aisle width" because of parking angles.
- (3) Stall depth may be reduced by three feet for compact spaces.
- (4) Stall depth may be reduced by four feet for compact spaces.



**FIGURE 3-19
PARKING LOT DIMENSIONS**

3. **Bumper overhang areas.** A maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a two-foot bumper overhang while maintaining the required parking dimensions. A two-foot bumper overhang is also allowed over adjacent sidewalks provided that a minimum clear distance of four feet is maintained on the sidewalk at all times.
4. **Parallel parking spaces.** Parallel parking spaces shall have minimum width of 10 feet and a minimum length of 20 feet (minimum length of 24 feet for end spaces). Aisle widths shall be 14 feet for one-way traffic and 24 feet for two-way traffic.

E. Directional arrows and signs:

1. In parking facilities containing 40 or more parking spaces, aisles, approach lanes and maneuvering areas shall be clearly marked with directional arrows and lines to ensure the safe and efficient flow of vehicles.
2. The Director may require the installation of the traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.
3. The exit from a parking area which provides parking for 40 or more vehicles shall be clearly marked with a vehicle "STOP" sign.

F. Grades of entrances, spaces and driveways.

1. **Entrance.**
 - a. **Single-family.** Driveways shall comply with the requirements of the Public Improvement and Engineering Standards.
 - b. **Multi-family residential and non-residential development.** Driveways shall comply with the requirements of the Public Improvement and Engineering Standards.
2. **Parking spaces.** Parking spaces and abutting access aisles shall have a maximum grade of seven percent, measured in any direction.
3. **Interior driveways.**
 - a. **Single-family.** Ramps or driveways within the interior of a parking area (beyond 20 feet from ultimate right-of-way line) shall comply with the requirements of the Public Improvement and Engineering Standards.
 - b. **Multi-family residential and non-residential development.** Ramps or driveways within the interior of a parking area shall have a maximum grade of 12 percent.
4. **Vertical clearance.** Covered parking spaces shall have a vertical clearance of at least seven feet, six inches above the parking lot surface for all uses except residential. The

Director may require a higher vertical clearance where necessary to comply with Section 1129B of the California Building Code of regulations for disabled/handicapped parking.

- G. Landscaping.** Landscaping shall be provided in compliance with the requirements of Chapter 18.40 (Landscape Standards).
- H. Lighting.** Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the on-site structure(s). Any illumination, including security lighting, shall be directed downward, away from adjacent properties and public rights-of-way in compliance with Section 18.30.060 (Exterior lighting).
- I. Maintenance of parking facilities.** Parking facilities shall be properly maintained at all times. Surface materials shall be free of holes and cracks. Painted markings (e.g., parking space striping, pedestrian crossings, directional markings, loading area identification, fire aisles, etc.) shall be maintained to be clearly visible to motorists and pedestrians. Landscaped areas shall be kept free of litter and shall be maintained in compliance with the requirements of Section 18.40.050.F (Installation and maintenance of landscape).
- J. Residential garages - Minimum size.** Garages shall be completely enclosed on four sides and have a solid roof. The minimum interior dimensions shall be 10 feet in width and 20 feet in length for a single-car garage and 20 feet in width by 20 feet in length for a two-car garage.
- K. Residential guest parking.** Guest parking in residential zoning districts shall be so designated and restricted, with appropriate signs/pavement markings, for the exclusive use of the guests.
- L. Shopping cart storage.** Parking facilities shall contain shopping cart storage areas for appropriate uses (e.g., supermarkets, drugstores, etc.). The number, dimensions and locations of these storage areas shall be determined by the Director.
- M. Striping and identification.** Parking spaces shall be clearly outlined with four-inch wide lines painted on the surface of the parking facility. Compact and car pool spaces shall be clearly identified for compact vehicle and car pool usage respectively. Spaces for the disabled shall be striped and marked according to the applicable State standards. All parking lot striping shall be permanently maintained in good condition.
- N. Surfacing.** Parking spaces, driveways, and maneuvering areas for all vehicles (including motorcycles) shall be paved and permanently maintained with asphalt, concrete or other all-weather surfacing approved by the Director. On single-family residential parcels, the primary access driveway to a garage and/or required parking spaces must be paved and permanently maintained with asphalt, concrete or other all-weather surfacing approved by the Town Engineer. Portions of the driveway within the Town right-of-way must be paved with asphalt. Access to additional parking areas or secondary structures may be a graveled surface with approval by the Town Engineer.
- O. Tandem parking.** Tandem parking resulting in the stacking of no more than two parking spaces may be allowed to satisfy off-street parking requirements for single-family dwellings, accessory dwelling units, and bed and breakfasts. Tandem parking resulting in the stacking of

two parking spaces within a garage shall not be allowed to satisfy off-street parking requirements.

- P. Separation.** Parking spaces shall be separated from adjacent fences, walls, property lines, landscaped areas and structures in accordance with the Public Improvements and Engineering Standards.

18.48.080 - Driveways and Site Access

Driveways providing site access shall be from an improved street, alley or other right-of-way, and shall be designed, constructed and maintained as follows:

- A. Number of driveways.** One driveway encroachment shall be allowed for each parcel two acres or less in size unless the Director and Town Engineer find that more than one driveway encroachment is necessary to accommodate the type of use for the development and the additional driveway encroachment will not be detrimental to traffic flow on the street(s). On parcels two acres in size or greater, a total of two driveway encroachments may be permitted in compliance with the driveway separation requirements of the Public Improvement and Engineering Standards with approval by the Town Engineer. Whenever a property has access to more than one street, access shall be generally limited to the lowest volume street where the impact of a new access will be minimized.
- B. Distance from street corners.**
1. **Single-family.** Parking area driveways shall be located to comply with the requirements of the Public Improvement and Engineering Standards.
 2. **Multi-family residential and non-residential development.** Parking area driveways shall be located a minimum of 150 feet from the nearest intersection, as measured from the centerline of the driveway to the centerline of the nearest travel lane of the intersecting street. For parcels with street frontages of less than 150 feet, the minimum distance shall be 100 feet. The review authority may reduce these requirements based on recommendations from the Town Engineer that site configuration or terrain, or adjacent roadway conditions necessitate another location than provided by this Subsection.
- C. Driveway spacing.** Driveways shall be separated along the street frontage as follows:
1. **Single-family.** Driveways shall be separated to comply with the Public Improvement and Engineering Standards.
 2. **Multi-family residential and non-residential development.** Where two or more driveways serve the same or adjacent multi-family or non-residential development, the centerline of the driveways shall be separated by a minimum of 50 feet. Exceptions to this standard shall be subject to the approval of the Town Engineer.
- D. Driveway width and length.**
1. **Single-family.** Driveways shall comply with the requirements of the Public Improvement and Engineering Standards.

2. **Multi-family residential projects.**
 - a. Driveways for multi-family uses with four or less units shall have a minimum paved width of 20 feet.
 - b. Driveways for multi-family uses with more than four units shall have a minimum paved width of 24 feet.
 3. **Non-residential uses.** Driveways for non-residential uses shall have a minimum paved width of 12 feet for one-way driveways and 24 feet for two-way driveways. The maximum driveway width shall be 30 feet subject to approval of the Director and Town Engineer, exclusive of the area provided for a median divider.
 4. **Modified width.** The review authority may modify the driveway width based on recommendations from the Town Engineer.
- E. **Clearance from obstruction.** The nearest edge of a driveway curb cut shall be at least three feet from the nearest property line, the centerline of a fire hydrant, utility pole, traffic signal, light standards or other similar facilities. Street trees shall be a minimum of 10 feet from the driveway access, measured at the trunk. Driveways shall have an overhead clearance of 15 feet in height except within a parking structure which may be reduced to seven feet, six inches.
- F. **Traffic safety sight area.** Structures or landscaping over 30 inches in height shall not be allowed within a traffic safety sight area except elements associated with a public utility or a traffic safety device.

18.48.090 - Bicycle Parking and Support Facilities

Bicycle parking facilities shall be provided for non-residential and multi-family residential uses as follows:

- A. **Number of spaces required.** Multi-family residential projects with 11 or more dwelling units and all non-residential projects shall provide bicycle parking spaces at a rate of five percent of the number of vehicle parking spaces required by Section 18.48.040 (Number of Parking Spaces Required), with a minimum of three spaces required in all cases. The Director may modify this requirement where it can be demonstrated that a lesser number of bicycle spaces can adequately serve the intended use.
- B. **Nonconforming uses.** Any existing non-residential use without bicycle parking spaces shall provide the number of bicycle spaces required by this Section for the area of any proposed expansion or intensification.
- C. **Bicycle parking design and devices.** Bicycle parking areas shall be designed and constructed as follows:
 1. **Parking equipment.** Each bicycle parking space shall include a stationary parking device to adequately support the bicycle.

2. Parking layout:

- a. Aisles.** Providing access to bicycle parking spaces shall be at least five feet in width;
- b. Spaces.** Each bicycle space shall be a minimum of two feet in width and six feet in length and have a minimum of seven feet of overhead clearance;
- c. Relationship to structure entrances.** Bicycle spaces shall be conveniently located and generally within proximity to the main entrance of a structure; and
- d. Relationship to motor vehicle parking.** Bicycle spaces shall be separated from motor vehicle parking spaces or aisles by a fence, wall or curb, or by at least five feet of open area, marked to prohibit motor vehicle parking.

C. Bicycle parking area surfacing. Bicycle parking areas shall be surfaced so as to keep the area in a dust-free condition, subject to the approval of the Director.

D. Shower and locker facilities encouraged. The Town encourages shower and locker facilities in projects when appropriate. Incentives may be provided (e.g., reduction of required parking) when it can be demonstrated that providing these facilities will help reduce vehicle trips generated by the particular use. The granting of incentives (e.g., waiver or modification of development standards) shall be through the approval of a Minor Use Permit (Chapter 18.76).

18.48.100 - Off-Street Loading Space Requirements

A. Number of loading spaces required. Non-residential uses with less than 5,000 sq.ft. of gross floor area shall provide one off-street loading space, which may be combined with an off-street parking space. Non-residential uses with 5,000 square feet of floor area or more shall provide off-street loading space in compliance with Table 3-11. Requirements for uses not specifically listed shall be determined by the Director based upon the requirements for comparable uses and upon the particular characteristics of the proposed use.

**TABLE 3-11
REQUIRED LOADING SPACES**

Type of Land Use	Total Gross Floor Area	Loading Spaces Required
Manufacturing, research and development, institutional, and service uses	5,000 to 20,000 sq.ft.	1 space
	20,001 sq.ft. or more	1 for each additional 20,000 sq.ft., plus additional as required by Director.
Office uses	5,000 to 35,000 sq.ft.	1 space
	35,001 sq.ft. or more	1 for each additional 35,000 sq.ft., plus additional as required by Director.
Commercial and other allowed uses	5,000 to 10,000 sq.ft.	1 space
	10,001 sq.ft. or more	1 for each additional 10,000 sq.ft., plus additional as required by Director.

B. Standards for off-street loading areas. Off-street loading areas shall be provided in the following manner:

1. **Dimensions.** Loading spaces shall be not less than 15 feet in width, 25 feet in length, with 14 feet of vertical clearance;
2. **Lighting.** Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of adjacent structure(s);
3. **Loading doors and gates.** Loading bays and roll-up doors shall be painted to blend with the exterior structure wall(s) and be located on the rear of the structure only. Bays and doors may be located on the side of a structure, away from a street frontage, where the Director determines that the bays, doors and related trucks can be adequately screened from view from adjacent streets;
4. **Loading ramps.** Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions and overhead clearances;
5. **Location.** Loading spaces shall be located and designed as follows:
 - a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;
 - b. Situated to ensure that the loading facility is screened from adjacent streets as much as possible;

- c. Situated to ensure that loading and unloading takes place on-site and in no case within adjacent public rights-of-way or other traffic areas on-site;
 - d. Situated to ensure that vehicular maneuvers occur on-site and away from parking areas and driveways; and
 - e. Situated to avoid adverse impacts upon residential properties, and landscaped in compliance with Section 18.40.040.B (Site Landscaping Requirements - Parking Areas).
6. **Screening.** Loading areas abutting residentially zoned parcels shall be screened in compliance with Section 18.30.110 (Screening); and
7. **Striping.** Loading areas shall be striped indicating the loading spaces and identifying the spaces for “loading only.” The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

18.48.110 - Downtown Parking

Off-street parking requirements for uses in the Downtown Residential Zoning Districts and the Downtown Commercial and Manufacturing Zoning Districts may be provided in one or more of the following manners:

- A. Off-street parking provided in accordance with this Chapter;
- B. An in-lieu parking fee in accordance with Section 18.12.070.A;
- C. Off-street parking provided on a non-contiguous, separate parcel or parcels subject to all of the following requirements:
 - 1. The off-street parking shall be approved as part of the land use permit and comply with all applicable standards of Chapter 18.40 (Landscape Standards) and Chapter 18.48 (Parking and Loading Standards);
 - 2. The parcel(s) on which the parking is proposed to be provided shall be located in the DMU, DC, DM, DRM or DRH zoning district and shall be located within 300 feet from the parcel containing the use the parking is intended to serve;
 - 3. Due to existing site conditions, the review authority shall find that it is not feasible to provide the required off-street parking on the parcel containing the use; and
 - 4. The parcel(s) on which the parking is proposed to be provided is under the control of the same business or ownership entity as the parcel containing the use, and a deed restriction is recorded in the Nevada County Recorder’s Office on the parcels. The deed restriction shall prohibit the conveyance or transfer of the parcels separately from each other during the period the use is operating.
- D. On-street parking provided within the street right-of-way in front of the parcel containing the use subject to all of the following requirements:

1. A minor use permit shall be approved in compliance with Chapter 18.76;
 2. The review authority shall find that the on-street parking does not currently exist or the condition of the parking is substantially below Town standards;
 3. The property owner and/or business owner shall construct the on-street parking in accordance with the Public Improvement and Engineering Standards and the requirements of the Town Engineer;
 4. The on-street parking shall be located directly adjacent to the parcel containing the use;
 5. One on-street parking space shall be equivalent to 0.75 of an on-site parking space;
 6. An agreement shall be executed between the property owner, business owner and the Town requiring the property owner and/or business owner to provide street maintenance services and snow removal on the on-street spaces as required by the Town Engineer;
 7. The on-street parking spaces shall be available for public parking with no exclusive occupancy for the business(es);
 8. For any portions of the on-street parking located within the parcel containing the use, a public use easement shall be executed and recorded in the Nevada County Recorder's Office;
 9. The on-street parking shall not be identified in the Downtown Specific Plan as part of a public parking lot or as a streetscape improvement for the street;
 10. The review authority shall find that the on-street parking will not hinder future improvement plans for the street, will not result in traffic safety hazards, and will not unduly interfere with traffic flow.
- E. Other on-street and off-street parking proposals that do not comply with Subsections A, B, C and/or D may be authorized through approval of a Minor Use Permit in compliance with Chapter 18.76.

CHAPTER 18.50 - PARKING DESIGN GUIDELINES

Sections:

- 18.50.010 - Purpose of Chapter
- 18.50.020 - Applicability
- 18.50.030 - General Parking Guidelines
- 18.50.040 - Access and Circulation
- 18.50.050 - Parking Lot Design
- 18.50.060 - Pedestrian Connections

18.50.010 - Purpose of Chapter

This Chapter provides parking design guidelines to assist property owners and project designers in understanding the Town's goals for attaining high quality development that is sensitive to the Town's unique character.

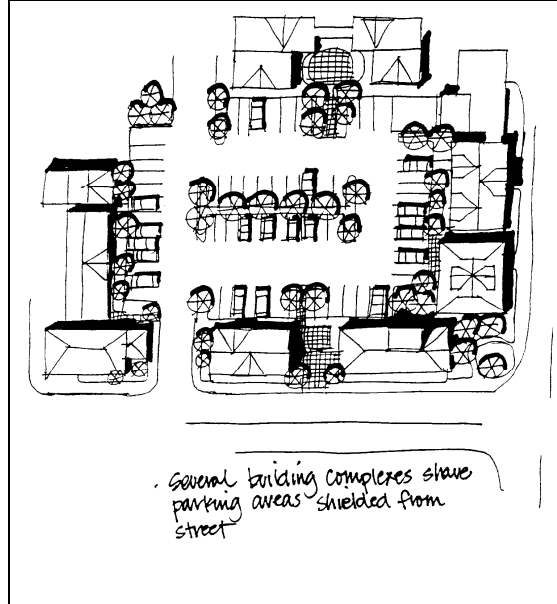
18.50.020 - Applicability

These guidelines will be used during the land use permit process as additional project review criteria.

- A. The provisions of this Chapter apply whenever access and/or parking are provided for a project, regardless of whether the access or parking is required by this Development Code. Any addition, relocation or construction requiring land use permit approval in compliance with Article IV (Land Use and Development Permit Procedures) shall follow these guidelines where applicable.
- B. The following guidelines may be interpreted with some flexibility in their application to specific projects as not all design criteria may be workable/appropriate for each project. In some circumstances, a guideline may be relaxed in order to accomplish another, more important guideline. The overall objectives are to ensure that the intent and spirit of the design guidelines are followed and to attain the best possible design within reason.

18.50.030 - General Parking Guidelines

A. Location of parking areas. Aside from concerns for traffic safety and efficiency, the appearance of parking lots, from the standpoint of their visual impact, is an important concern. Projects should be laid out so that parking lots are not the dominant feature of the development when viewed from the street. Generally, it is not advisable to place the parking area along the front of the site because it creates a negative visual impact which detracts from the project's architectural image. Parking placed along the side or to the rear of a site, or within a complex of buildings, allows project architecture and the beauty of the landscaped open space to take precedence. See Figure 3-22.

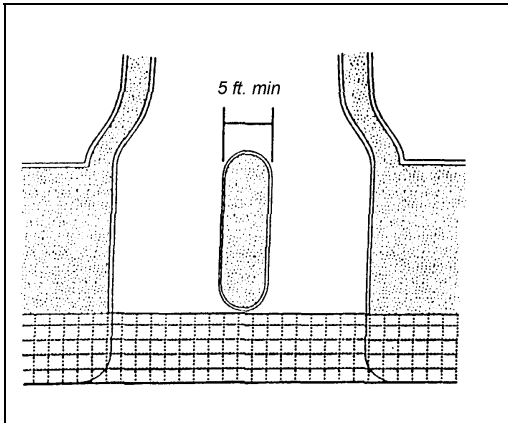


**FIGURE 3-22
LOCATION OF PARKING AREAS**

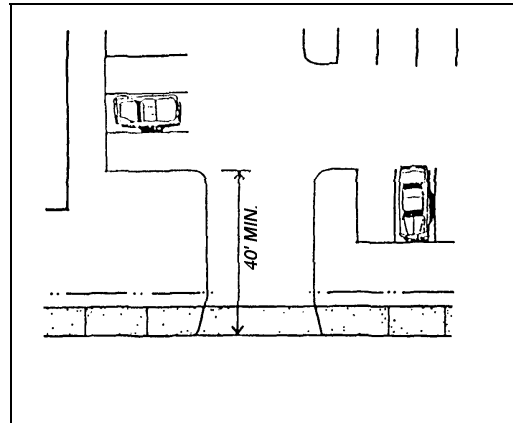
B. Limiting pavement. Paving areas of the site for parking and other vehicle use beyond the minimum necessary to comply with the requirements of this Development Code is strongly discouraged. The Town requires significant landscaping adjacent to the perimeter of the parking area and along the street frontage to soften the appearance of paved areas and to provide sufficient snow storage areas during the winter months.

18.50.040 - Access and Circulation

- A. Primary project entries should be designed as special statements reflective of the character of the project. The goal should be to establish a distinctive and inviting image for the project. Textured paving, flowering accents, low walls, shrubs and the use of specimen trees (36-inch box or larger) should be used to generate visual interest at entry points to commercial centers.
- B. Entry drives on larger projects (200 or more parking stalls) should include a minimum five-foot-wide landscaped median to separate incoming and out-going traffic. See Figure 3-21.
- C. Driveways should be coordinated with existing or planned median openings. Driveways should also align with driveways on the opposite side of the roadway.
- D. The first parking stall that is perpendicular to an entry driveway or the first aisle juncture that is perpendicular should be a least 40 feet back from the curb to provide adequate vehicle queuing distance off the street. With larger centers, a longer setback distance may be required. See Figure 3-22.



**FIGURE 3-21
ENTRY DRIVES, LARGE LOTS**

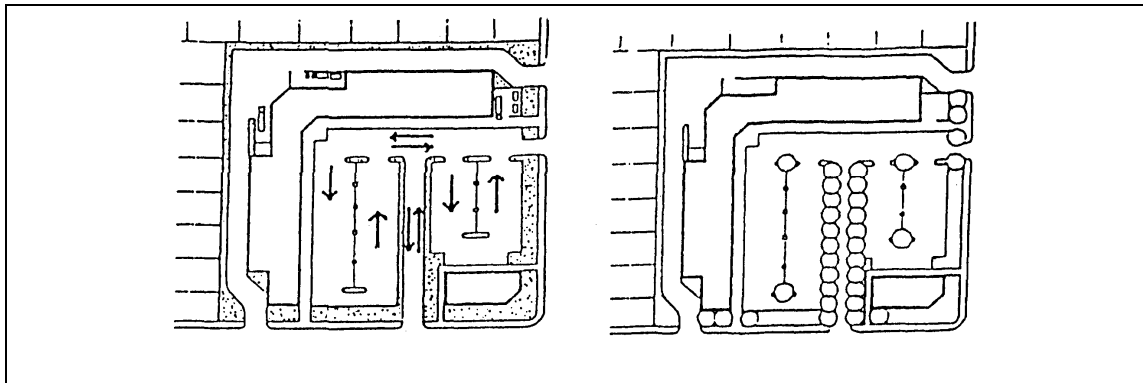


**FIGURE 3-22
QUEUING AREA**

- E. Non-residential projects are encouraged to provide cross-access to adjacent non-residential properties for convenience, safety and efficient circulation. A Mutual Access Agreement shall be executed where cross access is provided. A shared parking reduction may be allowed in compliance with Section 18.48.050 (Adjustments to Off-Street Parking Requirements).

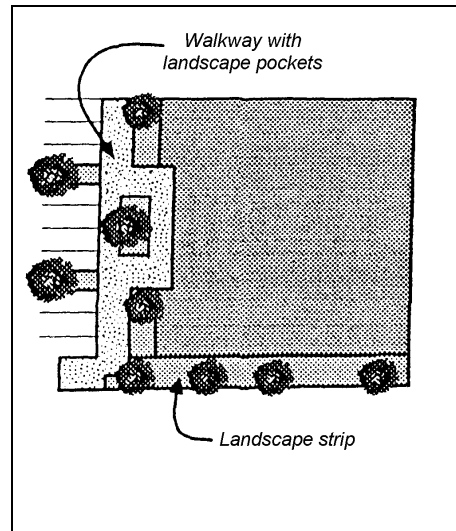
18.50.050 - Parking Lot Design

- A. Parking lots should be designed with a hierarchy of circulation: major access drives with no parking; major circulation drives with little or no parking; and then parking aisles for direct access to parking spaces. Small projects may need to combine components of the hierarchy.
- B. Proposed parking lots with compact spaces should be designed to disperse the compact spaces throughout the parking area.
- C. Parking lots should include landscaping that accents the importance of the driveways from the street, frames major circulation aisles, and highlights pedestrian pathways. See Figure 3-23.



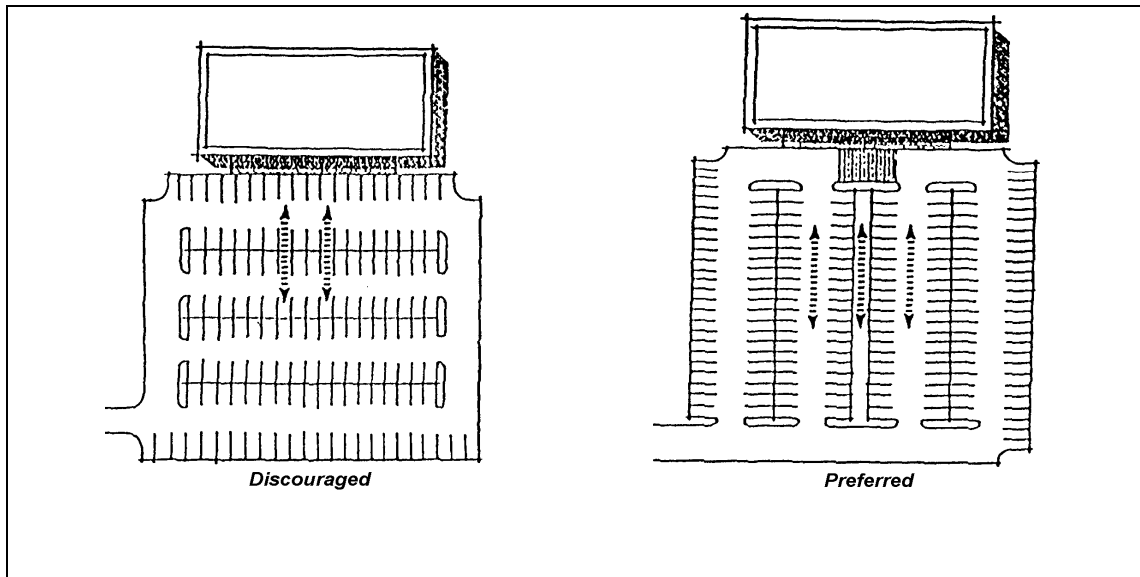
**FIGURE 3-23
CIRCULATION HIERARCHY AND LANDSCAPING**

- D. Drop-off points (i.e. wider aisles) located near entrances to major buildings and plaza areas should be provided for projects over 50,000 square feet of building area.
- E. Parking areas should be separated from buildings by either a raised walkway or landscape strip at least four feet wide. Situations where parking aisles or spaces directly abut the building are strongly discouraged. See Figure 3-24.
- F. Intersections should be kept to a minimum and dead end aisles should be avoided unless absolutely necessary, and then proper backup areas are required.
- G. Parking lots should be broken up into segments or modules by means of intervening landscaping, access driveways or structures to avoid large unbroken expanses of paved area.



**FIGURE 3-24
SEPARATION OF PARKING
FROM STRUCTURES**

- H. Parking and circulation areas should be screened from public streets by combinations of low walls, berms, plant materials and changes in grade. The height of the screen should not cause visibility problems at entrances or along pedestrian ways. See Figure 3-26.



**FIGURE 3-25
PEDESTRIAN CIRCULATION**

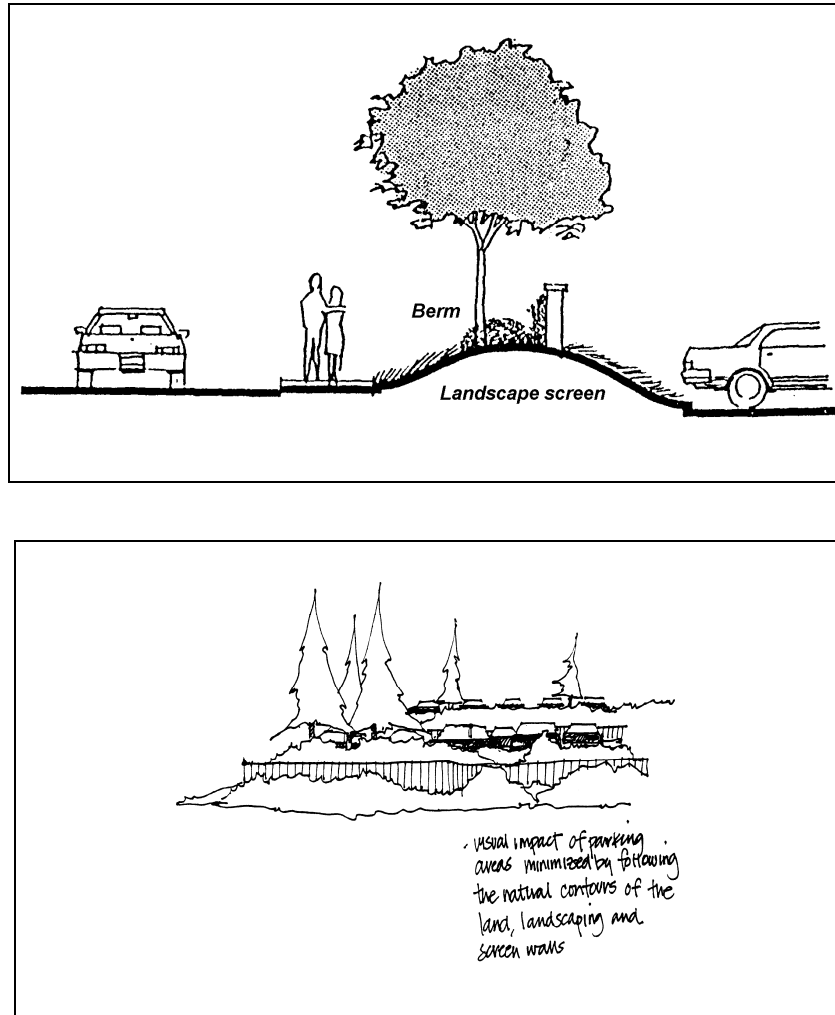


FIGURE 3-26
SCREENING FOR PARKING AREAS

18.50.060 - Pedestrian Connections

- A. Pedestrian and bicycle access should be designed to physically and visually link the site to the public sidewalk and bikeway system as an extension of the project's circulation system and to separate pedestrian and vehicular traffic. Also, provision should be made for direct pedestrian links between the project and adjoining projects and residential areas, whenever appropriate.
- B. Projects should include a system of pedestrian walkways that interconnect business entries with each other and with parking areas. Walkways should connect individual structures within a project directly without forcing pedestrians to mix with vehicular traffic. See Figure 3-27.

C. Where pedestrians mix with traffic, parking lots should be designed so that pedestrians walk parallel to moving cars. This will minimize the need for pedestrians to cross parking aisles and landscape areas. See Figure 3-25.

D. Walkway layout should anticipate pedestrians' desired movements and should provide direct routes whenever feasible. Sidewalks should not be used for snow storage areas. Meandering sidewalks, while encouraged, should contain only shallow curves to avoid frustrating pedestrians with unnecessary detours.

E. Walkways should be well-marked by means of low-level directional signs, lighting, distinctive paving and landscaping. Where feasible, trellises, arbors, arcades or similar features should be used to cover walkways and provide clear identification of facilities. Where textured paving is used, it should not be so rough or irregular as to make walking difficult, snow and ice removal difficult, or discourage the use of baby strollers or wheelchairs.

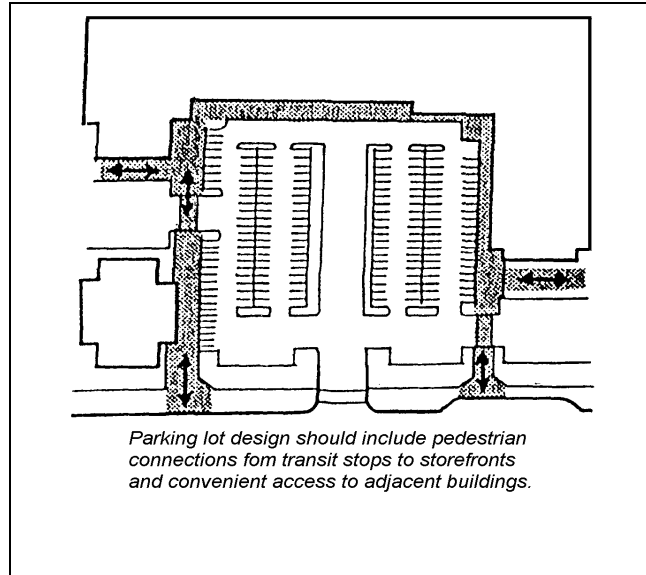


FIGURE 3-27
PEDESTRIAN CONNECTIONS

CHAPTER 18.52 - RAIL CORRIDOR STANDARDS

Sections:

- 18.52.010 - Purpose of Chapter
- 18.52.020 - Applicability
- 18.52.030 - Land Use Limitations

18.52.010 - Purpose of Chapter

This Chapter provides standards and procedures which identify:

- A. The Town's Rail Transportation Corridor; and
- B. Allowable land uses that are appropriate for the corridor.
- C. The authority of the Commission to allow additional land use activities, subject to the approval of a Use Permit, in compliance with Chapter 18.76 (Use Permits and Minor Use Permits).

18.52.020 - Applicability

All lands within the Union Pacific Railroad right-of-way, outside of the boundaries of the Downtown Study Area, are designated a Rail Transportation Corridor, in compliance with the Land Use Element of the General Plan. The provisions of this Chapter apply to all land uses and proposed development within the Rail Transportation Corridor.

18.52.030 - Land Use Limitations

Proposed development and new land uses within the Rail Transportation Corridor shall be limited to the following:

- A. **Railroad facilities.** Railroad and railroad related operations and facilities;
- B. **Utility lines.** Surface and subsurface utility lines; and
- C. **Allowable land uses.** Land uses allowed in the applicable zoning district as shown on the Zoning Map, and as identified for each zoning district in Article II (Zoning Districts and Allowable Land Uses).

CHAPTER 18.54 - SIGNS

Sections:

- 18.54.010 - Purpose of Chapter
- 18.54.020 - Applicability
- 18.54.030 - Sign Plan Review Requirements
- 18.54.040 - Comprehensive Sign Program Requirements
- 18.54.050 - Temporary Sign Permit Requirements
- 18.54.060 - Prohibited Signs
- 18.54.070 - General Requirements for All Signs
- 18.54.080 - Standards for Specific Types of Permanent Signs
- 18.54.090 - Sign Requirements for Specific Land Uses
- 18.54.100 - Nonconforming or Abandoned Signs

18.54.010 - Purpose of Chapter

This Chapter provides minimum standards to safeguard life, health, property and public welfare, and to preserve the unique character of the Town by regulating the size, height, design, quality of materials, construction, location, lighting and maintenance of signs and sign structures. These standards are intended to:

- A. Provide a reasonable and comprehensive system of sign controls;
- B. Encourage signs that are well-designed and pleasing in appearance by providing incentive and latitude for variety, good design relationship, spacing and location;
- C. Encourage a desirable Town character with a minimum of clutter, while recognizing the need for signs as a major form of communication;
- D. Provide for fair and equal treatment of sign users;
- E. Provide for maximum public convenience by properly directing people to various activities and businesses; and
- F. Promote public safety by providing that official traffic regulation devices be easily visible and free from nearby visual obstructions, including blinking signs, excessive number of signs, or signs that in any way resemble official signs.

18.54.020 – Applicability

All signs shall comply with the limitations on the type, number, area, location and lighting of signs, and other requirements of this Section, and all applicable provisions of this Chapter.

- A. The standards of this Chapter shall apply to signs in Commercial (CN, CG, CH, CS, DMU, DC, DVL), Manufacturing (M, DM), and Special Purpose (OS, RC, REC, PF, DRR) zoning districts, unless otherwise identified within this Chapter or within Chapter 18.58 (Standards

Signs

18.54

for Specific Land Uses). Only signs authorized by this Chapter shall be allowed unless otherwise expressly provided in this Chapter.

- B. The Sign Design Guidelines (Chapter 18.56) shall be used during review of the project land use permit application to ensure that signs are well designed, compatible with the existing and future land uses and signs in the vicinity, and do not detract from the overall visual quality of the Town.
- C. Permanent signs that are part of a project that requires discretionary land use permits within the Historic Preservation (-HP) overlay district shall be subject to Historic Design Review and the recommendations made to the review authority in accordance with Chapter 18.77.
- D. Standalone permanent signs within the Historic Preservation (-HP) overlay district that do not require additional discretionary land use permits shall not be subject to Historic Design Review but shall comply with the standards of this Chapter and the standards of Chapter 18.77 (Historic Design Review).
- E. Definitions and graphics for sign types and other terms used in this Chapter are found in Chapter 18.220 (Definitions, Glossary).

18.54.030 - Sign Plan Review Requirements

- A. **Sign Plan review required.** To ensure compliance with the requirements of this Chapter, Sign Plan review and approval shall be required before any permanent sign is erected, moved, altered or reconstructed. Sign Plan review shall be initiated when a completed application is submitted to the Department. Approval of a Sign Plan shall be required for all new projects. For multiple tenant sites/centers, the applicant may choose to request approval of a Comprehensive Sign Program (Section 18.54.040) instead of a Sign Plan. For all projects that require a discretionary land use permit, a Sign Plan application shall be submitted and reviewed concurrent with the primary land use application. If a discretionary permit is not required, the Sign Plan application shall be reviewed and approved prior to Zoning Clearance issuance. For projects that require an administrative/ministerial land use permit, the Sign Plan application may be submitted and approved in conjunction with the building permit, and Sign Plan fees shall be waived.
- B. **Approval of Sign Plan.** The review authority shall approve a Sign Plan application, with or without conditions, only if all of the following findings are made:
 1. The proposed sign is for a use that is allowed by Article II (Zoning Districts) and complies with all applicable provisions of this Chapter, the Development Code, the Municipal Code, the Public Improvements and Engineering Standards, any applicable Specific Plan or Master Plan, and any applicable Comprehensive Sign Program; and
 2. The proposed sign is consistent with the design guidelines and historic design guidelines (for signs in the -HP district), achieves the overall design objectives of the guidelines, and would not impair the design and architectural integrity and character of the surrounding neighborhood.

3. **Deviations.** The review authority will approve deviations to the sign standards of this Chapter, including sign area, number of signs, location, height, and/or material, only if all of the following findings below are made in addition to the two findings above:
- a. The Sign Plan application is for a single-tenant site. (For multiple-tenant sites/centers, refer to Section 18.54.040 for Comprehensive Sign Program Requirements.);
 - b. The requested deviation is based on site-specific conditions or design features, including business entry location, site visibility, architectural style, building mass and/or historic resource compatibility, that are unique to the applicable property;
 - c. The requested deviation is the minimum necessary to create a superior Sign Plan with the highest quality signs that are well-integrated with the overall building/project and are compatible with existing and future land uses in the vicinity; and
 - d. If the property is located within the Historic Preservation (-HP) overlay district, deviations to the sign standards of this Chapter shall be subject to Historic Design Review in accordance with Chapter 18.77.
- C. Sign Plan time limits and extensions.** Unless conditions of approval establish a different time limit, a Sign Plan not exercised within one year of the date of approval shall be deemed expired. The review authority may grant one-time extension of up to one year from the original expiration date if the findings in Section 18.54.030.B can still be made. A Sign Plan reviewed and approved concurrently with a discretionary land use application shall be valid until expiration of the discretionary land use permit.
- D. Exemptions from Sign Plan review.** Sign Plan review shall not be required for the following signs. Exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site. Any deviations from the limitations specified herein shall require Sign Plan review and approval.
1. **Permanent signs.**
 - a. Official traffic or government signs or legal notices; public utility, public service or railroad signs that aid in safety; and off-site hospital directional signs;
 - b. Signs on licensed commercial vehicles, including trailers and food trucks; provided, however, that vehicles/trailers shall not be used as parked/stationary outdoor display signs;
 - c. Bench and other signs located at Town public transit locations and approved by the Public Works Director; and
 - d. Signs that are consistent with a previously-approved Comprehensive Sign Program in accordance with Section 18.54.040.B.4, and Signs that are not visible from any angle to motorists or pedestrians on any public highway, street, alley or sidewalk, private or public parking lot, or public pedestrian plaza, or from any residential property. The applicant shall provide adequate documentation to the satisfaction of the Director to demonstrate the lack of visibility prior to sign installation.

2. **Permanent signs limited by maximum areas.** The following signs are exempt from Sign Plan review subject to the following limitations:
- a. One sign not exceeding two square feet in area per single-family or multi-family unit with no lighting proposed. If lighting is proposed, the sign shall be subject to Sign Plan review. All lighting shall be fully downshielded;
 - b. One sign for each commercial, office and industrial tenant space located near the primary building or business entrance not exceeding two square feet if no other signs are proposed;
 - c. Signs or notices posted in the window that do not exceed one-half square foot in area per sign, and no more than six signs, are allowed per business. Window signs, displayed for any purpose, shall not occupy more than 50 percent of the window area for any single window.
 - d. Government mandated gasoline pump signs provided the signs do not exceed two square feet per pump face with a maximum of 16 square feet, provided the sign location is approved by the review authority;
 - e. Plaques on historical structures and art work made of stone, concrete, bronze, aluminum, or similar permanent material with surface relief that are mounted permanently on the structure. These signs shall not exceed four square feet and six feet in height;
 - f. In addition to the allowed signage for commercial businesses, restaurants shall be permitted to have one additional sign, not exceeding three square feet and mounted to the building façade in a display box in close proximity to the restaurant entrance. The display box shall be wood-framed or of another natural material or metal that is compatible with the building. The review authority may approve an alternative location or display method.
 - g. Official flags of a nation, the State of California and other states of the Nation, municipalities and fraternal or religious organizations, and the nationally recognized POW/MIA flag, provided that the pole height shall not exceed 25 feet and the length of the flag shall be not more than 1/4 of the height of the pole. Larger flags may be approved subject to approval by the review authority;
3. **Temporary Signs.** Temporary signs are not subject to Sign Plan review; however, they shall comply with the Temporary Sign Permit requirements of Section 18.54.050.

18.54.040 - Comprehensive Sign Program Requirements

- A. **Purpose.** The purpose of a Comprehensive Sign Program is to integrate a project's signs with the structure's design into a unified architectural statement by establishing a visual rhythm for signage. Predictability of sign locations and sizes is encouraged; however, the Comprehensive Sign Program should be designed to promote individual business expression and should not encourage uniformity and monotony. A Comprehensive Sign Program provides a means for the flexible application of sign regulations for multi-tenant projects based on site-specific

conditions and design features including architectural style, building mass and site visibility and to achieve, not circumvent, the intent of this Chapter.

B. Applicability.

1. **New development.** New multiple tenant sites/centers may request approval of a Comprehensive Sign Program instead of a Sign Plan. If an applicant for a multi-tenant projects that requires a discretionary land use permit requests approval of a Comprehensive Sign Program instead of a Sign Plan, a Comprehensive Sign Program application shall be submitted and reviewed concurrent with the primary land use application. If a discretionary permit is not required, the Comprehensive Sign Program application shall be reviewed and approved prior to Zoning Clearance issuance.
2. **Existing development.** Existing multi-tenant developments may request approval of a Comprehensive Sign Program.
3. **Modification of standards.** In approving a Comprehensive Sign Program, the review authority may allow modifications to the standards of this Chapter for the purpose of achieving the highest quality signs that are compatible with the character of the project's design theme and that are well-integrated with the overall scale of the proposed development. The standards for signs provided in this Chapter, along with the Sign Design Guidelines (Chapter 18.56), shall serve as a reference for the review and approval of a Comprehensive Sign Program.
4. **Future Sign Plan exemption.** Once a Comprehensive Sign Program is approved for a particular development, all future signs within the development shall be exempt from Sign Plan review, unless specified by the conditions of approval. The signs shall be reviewed for compliance with the approved Comprehensive Sign Program as part of the building permit for the sign.

C. Application requirements. The following information is required for submittal of a Comprehensive Sign Program:

1. Plans, to scale, to include the following:
 - a. Sign details indicating maximum sign area, dimensions, ~~colors~~, allowed materials, locations (including alternative options) and method of illumination for all signs;
 - b. Site plan indicating the location of all existing and proposed signs with sign area dimensions;
 - c. Building elevation(s) with sign locations depicted with dimensions; and
 - d. A summary table showing the complete sign program and total square foot area of all signs.
2. A statement explaining how revisions/modifications/replacement of tenant signs will be carried out to limit the possibility of holes being left in the structure's exterior by mounting brackets, electrical connections or similar items; and
3. Supplemental information required by the Director.

- D. Lessees to be informed of comprehensive sign program.** Lessees within developments governed by an approved Comprehensive Sign Program shall be made aware of the Program in their lease and their responsibility to follow the approved Comprehensive Sign Program.
- E. Findings.** In approving an application for a Comprehensive Sign Program, the review authority shall make the following findings in addition to those required for the land use permit:
1. The Comprehensive Sign Program complies with the standards of this Chapter, except that flexibility is allowed with regard to sign area, number, location and/or height to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the intent of this Chapter;
 2. The signs enhance the overall development, are in harmony with, and are visually related to other signs included in the Comprehensive Sign Program and to the structure and/or developments they identify, and to surrounding development;
 3. The Comprehensive Sign Program discourages uniformity and monotony in design and placement of signs and encourages individual business expression; and
 4. The Comprehensive Sign Program accommodates future revisions which may be required due to changes in use or tenants.
- F. Revisions to Comprehensive Sign Programs.** Revisions to a Comprehensive Sign Program may be approved by the Director if it is determined that the revision is minor and that the intent of the original approval, and any conditions attached thereto, are not affected. For revisions that would substantially deviate from the original approval, the Director may require that a modification to the land use permit application be filed.

18.54.050 – Temporary Sign Permit Requirements

- A. Temporary Sign Permit review required.** To ensure compliance with the requirements of this Chapter, Temporary Sign Permit review and approval by the Director shall be required before any temporary sign is installed or displayed. Temporary Sign Permit review shall be initiated when a completed application is submitted to the Department. A Temporary Sign Permit is intended to be a simplified version of a Sign Plan and only applies to temporary signs.
- B. Approval of a Temporary Sign Permit.** The Director shall approve a Temporary Sign Permit application, with or without conditions, only if the sign complies with all applicable provisions of this Chapter, the Development Code, the Municipal Code, the Public Improvements and Engineering Standards, any applicable Specific Plan or Master Plan, and any applicable Comprehensive Sign Program; and
- C. Standards for Temporary Signs.**
1. **Location.** Temporary Signs shall be located on the private property of the business, unless otherwise allowed in this Chapter. Temporary signs shall not be attached to utility poles, streetlights, trees, bridges or other public property. Signs shall not encroach into required off-street parking areas, and may not be arranged so as to create site distance conflicts or other traffic hazards.

2. **Lighting.** Illumination of temporary signs is prohibited. The exception is if a temporary sign is located such that it is illuminated by an existing, legal, conforming light source.
3. **Maintenance.** Signs shall be maintained in a neat, orderly fashion so as not to constitute an unsightly appearance or a public nuisance. Signs shall be made of durable, weather-resistant materials, and be professional in appearance.
4. **Safety.** Signs shall be located on private property and shall not interfere with vehicular and pedestrian visibility.

D. Standards for Temporary Sign Permits by type.

1. For commercial, office, and industrial uses, 30 days prior to and 30 days after a new business opening, one 25 square foot banner is allowed to be displayed on the business frontage from which there is direct customer access. One sign is allowed per business. If more than one business occupies a tenant space, the total signage allowed is 25 square feet, but each business may have its own banner. Signs shall not cover windows or doors, shall not be mounted on railings, and shall be mounted to ensure an orderly appearance.
2. One portable A-frame sign or sandwich board sign and/or temporary banner sign is allowed per business frontage with Temporary Sign Permit approval for a maximum of 90 days per calendar year. Any combination of temporary signs may be displayed for a maximum of 90 days per calendar year (i.e. one A-frame sign can be put out for 40 days and one banner for 50 days, even if the days overlap). A portable sign is any sign or advertising device that rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground. A temporary banner sign is affixed to a window or wall. The use of small, pedestrian-oriented portable A-frame or sandwich board signs and/or temporary banner signs is allowed, subject to the following requirements. Portable A-frame signs and temporary banner signs can be approved on an annual basis, provided the applicant submits a plan for the display of all temporary signs for the calendar year, including materials, location, and dates planned for display. The Temporary Sign Permit is valid for the calendar year in which it is approved, expiring on December 31. Other than minor date changes, modifications to the approved plan shall require the submittal of a new Temporary Sign Permit application and fee. Requirements for a portable A-frame sign or sandwich board sign and/or temporary banner signs:
 - a. Maximum size. The total area for temporary signs, including both portable signs and temporary banner signs, shall not exceed 25 square feet.
 - i. Portable signs shall have a maximum sign area of eight square feet per side.
 - ii. Temporary banner signs shall have a maximum sign area of 25 square feet.
 - b. Maximum height:
 - i. Portable signs shall have a maximum height of four feet.
 - ii. Temporary banner signs shall be located below the eave or 20 feet from the sidewalk surface, whichever is less.
 - c. Portable A-frame signs shall be located on private property, out of the public right-of-way, out of the pedestrian, bicycle, and vehicular travel way, out of parking spaces, and shall not impede traffic visibility. A minimum access width of four feet shall be

maintained along all sidewalks and building entrances accessible to the public, unless the Town Engineer requires additional minimum access width for high-use pedestrian areas.

- d. Portable signs shall be utilized only during the regular hours of operation of the business and shall be removed during nonbusiness hours.
 - e. Portable signs shall be maintained in a neat, orderly fashion so as not to constitute an unsightly appearance or a public nuisance. Signs should be constructed of durable, weather-resistant materials and be professional in appearance; natural materials or metal are required; black background chalkboard signs using erasable chalk is allowed for the face of the portable A-frame sign.
3. For approved subdivisions of residential lots and/or units that are for purchase, one temporary two-sided ground-mounted sign is allowed. The sign shall be located within the project and shall not exceed 32 square feet for each side and 10 feet in height;
- a. For vacant lot subdivisions, the sign may be displayed during the two years following Final Map recordation, or until 100 percent of the lots have been sold, whichever occurs first; and
 - b. For developments with for-purchase residential units, including single-family residences, condominiums and townhomes, signs may be displayed during construction and for a period of two years following the issuance of a Certificate of Occupancy, or until 100 percent of the units have been sold, whichever occurs first.

E. Exemptions from Temporary Sign Permit review. Temporary Sign Permit review shall not be required for the following sites limited by size and period of display:

- 1. **Approved banner locations at the Gateway Shopping Center, Ace Mountain Hardware, Citizens Bank Plaza, the Truckee Depot, Truckee Donner Recreation and Park District Community Recreation Center, Town Hall, the Town of Truckee Corporation Yard on Stevens Lane, and Raley's/Soaring Ranch.** Temporary signs at these locations shall be allowed in compliance with the following:
 - a. **Time limits.** Three weeks prior to a designated civic event, banners may be displayed at the designated locations. The Director shall review and approve events to determine if they are a designated civic event. A civic event is sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization in which the entire community is invited to attend. The sign shall be removed within two days following the approved event.
 - c. Other locations may be approved by the Director for signs posted for community events which are determined by Town Council to be of community importance.
 - d. Maximum sign area shall not exceed 50 square feet.
 - e. Location: The banner locations shall be located on private property and shall not impeded vehicle visibility. The Community Development Director shall review and approve the siting of the banner location.

- f. **Materials:** The mounting posts shall be made of wood or a natural material and shall be reviewed and approved by the Community Development Director.
- d. The maximum number of signs at each location shall be as follows:
 - (1) Gateway Shopping Center: One sign maximum;
 - (2) Ace Mountain Hardware: One sign maximum;
 - (3) Citizens Bank Plaza: One sign maximum;
 - (4) Truckee Depot: Three signs maximum;
 - (5) Truckee Donner Recreation and Park District Community Recreation Center: One sign maximum;
 - (6) Town Hall: One sign maximum;
 - (7) Town of Truckee Corporation Yard on Stevens Lane: One sign maximum.
 - (8) Raley's/Soaring Ranch: One sign maximum.
- 2. **Construction sites.** One sign at a construction site with an active building permit is permitted.
 - a. **Location requirements.** On private property, out of the public right-of-way and shall not impede vehicular and pedestrian visibility.
- b. Size requirements.** Each sign shall not to exceed a cumulative size of 20 square feet with a maximum height of 10 feet from natural grade for any sign or maximum 50 square feet if combined with a sign described in Section 18.54.050.E.3
- b. **Time limit.** Signs shall be removed upon occupancy of the site.
- 3. **Vacant parcels with an approved land use permit.** One sign per street frontage for vacant parcels with an approved land use permit is permitted.
 - a. **Location requirements.** On private property, out of the public right-of-way and shall not impede vehicular and pedestrian visibility.
 - b. **Size requirements.** Each sign shall be limited to a maximum of 32 square feet or 0.5 sf per lineal foot of the parcel frontage, whichever is less, and 10 feet in height from natural grade or maximum 50 square feet if combined with the sign described in Section 18.54.050.E.2.
 - c. **Time Limits.** Signs shall be removed upon occupancy of the site.
- 4. **Properties for sale or for rent.** For properties that are for sale or for rent, additional signage is allowed on the property, as follows:

- a. **Single-family dwellings.** For single-family dwellings that are for sale or for rent, one sign per street frontage not to exceed four square feet in area and ten feet in height is allowed. In addition, during temporary “open houses” when a sales/leasing agent or owner is present at the site and the house is opened for viewing, one sign, with a maximum size of eight square feet per sign face is allowed on the property. The sign shall be a maximum eight square feet in size and 10 feet in height. The sign shall be removed immediately upon the close of the open house each day;
 - b. **Multi-family dwellings.** For multi-family dwellings that are for sale or for rent, one sign per street frontage not to exceed 32 square feet and 10 feet in height;
 - c. **Individual commercial, office, and industrial properties.** For individual commercial, office and industrial properties not located in a commercial center or industrial/business park that are for sale or for rent, one sign per street frontage not to exceed 32 square feet and 10 feet in height; and
 - d. **Individual tenant spaces within multi-tenant non-residential projects.** Individual tenant spaces within multi-tenant commercial centers, office structures and industrial subdivisions offered for sale, rent or lease, one sign per street frontage not to exceed 16 square feet and 10 feet in height. In addition, one sign for each tenant space available not to exceed six square feet to be located at the individual tenant space for rent or lease.
 - e. **Location requirements.** Signs shall be located on private property and shall not impede vehicular and pedestrian visibility. Signs shall not be located on fences. Signs shall be removed upon close of escrow on for-sale properties or upon execution of lease on for-lease or for-rent properties.
5. **Signs during election periods.** During town, state, or national elections, additional ground-mounted temporary signage shall be permitted. For temporary A-frame signs and banners, see Section 18.54.050.D.2 (Standards for temporary sign permits by type).
- a. **Time limits.** 60 days prior to a town, state, or national election, temporary signage may be posted. 14 days following the election, the signs shall be removed.
 - b. **Maximum size.** Ground-mounted signs shall not exceed eight square feet on each side (16 square feet total) for each property in residential zones or 16 square feet on each side (32 square feet total) for each property in non-residential zones.
 - c. **Maximum height.** Signs shall not exceed three feet in height.
 - d. **Location requirements.** Signs may be located within the Town right-of-way, but shall not create sight distance conflicts or other safety hazards for motorists, bicycles or pedestrians. Signs which are determined by the Town Engineer to create sight distance conflicts or other safety hazards may be immediately removed by the Town Engineer or his/her designee. Signs shall not be located on the inside of a roundabout or within publicly landscaped areas.
 - e. Signs within the Town right-of-way adjacent to residential properties shall only be posted upon approval by the adjoining property owner and shall count toward the 16

square feet maximum sign area for that property. At intersections, signs in the Town right-of-way are exempt from this standard.

6. Signs in Residential Zones (RS, RM, DRS, DRM, and DRH).

- a. Portable two-sided A-frame or wire-frame signs are allowed on intersections in the public right-of-way within residential zoning districts on Fridays, Saturdays, Sundays, and holidays from 8:00 AM to 5:00 PM within one mile of a temporary active real estate open house. Temporary active real estate open houses are when a sales/leasing agent or owner is present at the site and the house is opened for viewing. Signs shall be removed immediately upon the close of the open house each day. No additions such as balloons, lights, or lights shall be allowed on these signs.
 - (1) **Maximum size:** Eight square feet on each side.
 - (2) **Maximum height:** Four feet.
 - (3) **Location requirements:** May be located in the public right-of-way, but shall be located out of the paved surface and out of the vehicle, pedestrian, or bicycle travel way. The signs shall not be allowed in any roundabout.
 - (4) **Number of signs:** No more than two signs are allowed at each intersection.
 - (5) **Materials:** Reflective material is prohibited.
- b. One portable two-sided A-frame sign per driveway entrance is allowed for 24 hours after a residential asphalt driveway is paved or sealed.

18.54.060 - Prohibited Signs

The following signs are inconsistent with the purposes and standards of this Chapter and are, therefore, prohibited:

- A. A sign not in compliance with the provisions of this Chapter;
- B. A sign that is in the public right-of-way including signs mounted or placed on or in street trees, roundabouts, traffic control devices and/or utility poles, that is not in compliance with the provisions of this Chapter;
- C. Abandoned signs and sign structures (see also Section 18.54.100 (Nonconforming or Abandoned Signs) and signs that are determined by the Director to be deteriorating from inadequate maintenance, evidenced by faded or otherwise unreadable copy, peeling paint, missing parts or other similar conditions;
- D. Animated, moving, flashing, blinking, reflecting, revolving or other similar signs, except barber poles;

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- E. Banners, streamers and pennants, except as specifically allowed by the provisions of Section 18.54.050 (Temporary Sign Permit Requirements);
- F. Billboard signs;
- G. Bench signs, except as provided in Section 18.54.030.D (Exemptions from Sign Plan Review);
- H. Cabinet signs that are made of or partly made of plastic, vinyl, fake glass, or other synthetic material, except minor use of synthetic material for lettering to protect internal wiring, and may be internally illuminated;
- I. Changeable copy signs, except as approved for service stations by the review authority, and except for black background chalkboard signs using erasable chalk;
- J. Electronic reader board signs;
- K. Flags, unless otherwise exempted by state or federal law as outlined in Section 18.54.030.D.2.g;
- L. Home occupation signs, except day care signs allowed by this section;
- M. Inflated signs, balloons and inflatable figures;
- N. Off-site signs, except those off-site signs that are exempt per Section 18.54.030.D or otherwise specifically allowed by this Chapter;
- O. Obscene or offensive signs containing statements, words or pictures of an obscene, indecent or immoral character which appeal to the prurient interest in sex, or which are patently offensive and do not have serious literary, artistic, political or scientific value;
- P. Portable freestanding signs, including sandwich board signs and A-frame signs, except as specifically allowed by the provisions of Section 18.54.050 (Temporary Sign Permit Requirements);
- Q. Roof signs;
- R. Vinyl signs. Includes vinyl lettering except lettering applied to windows. Does not include temporary signs;
- S. Searchlights other than those used by government agencies;
- T. Signs erected in a manner that a portion of its surface or supports will interfere in any way with the free use of a fire escape, exit or standpipe or obstruct a required ventilator, door, stairway or window above the first story;
- U. Signs emitting audible sounds, odors or visible matter;
- V. Signs attached to, suspended from, supported by, or otherwise affixed to any vehicle or trailer located on the site that increases the sign area over that which is otherwise allowed by this Chapter. Signs painted directly on, applied with vinyl lettering, or otherwise affixed to a vehicle that is regularly used in the business to which the signs pertain may be parked on the

site, but shall not be used in a manner which creates onsite signage in addition to that which is otherwise allowed by this Chapter. All signs on privately owned vehicles shall conform to the signage requirements of the California Vehicle Code;

- W. Signs attached to, suspended from, supported by, hanging on, or otherwise affixed to another sign; and
- X. Signs on umbrellas.

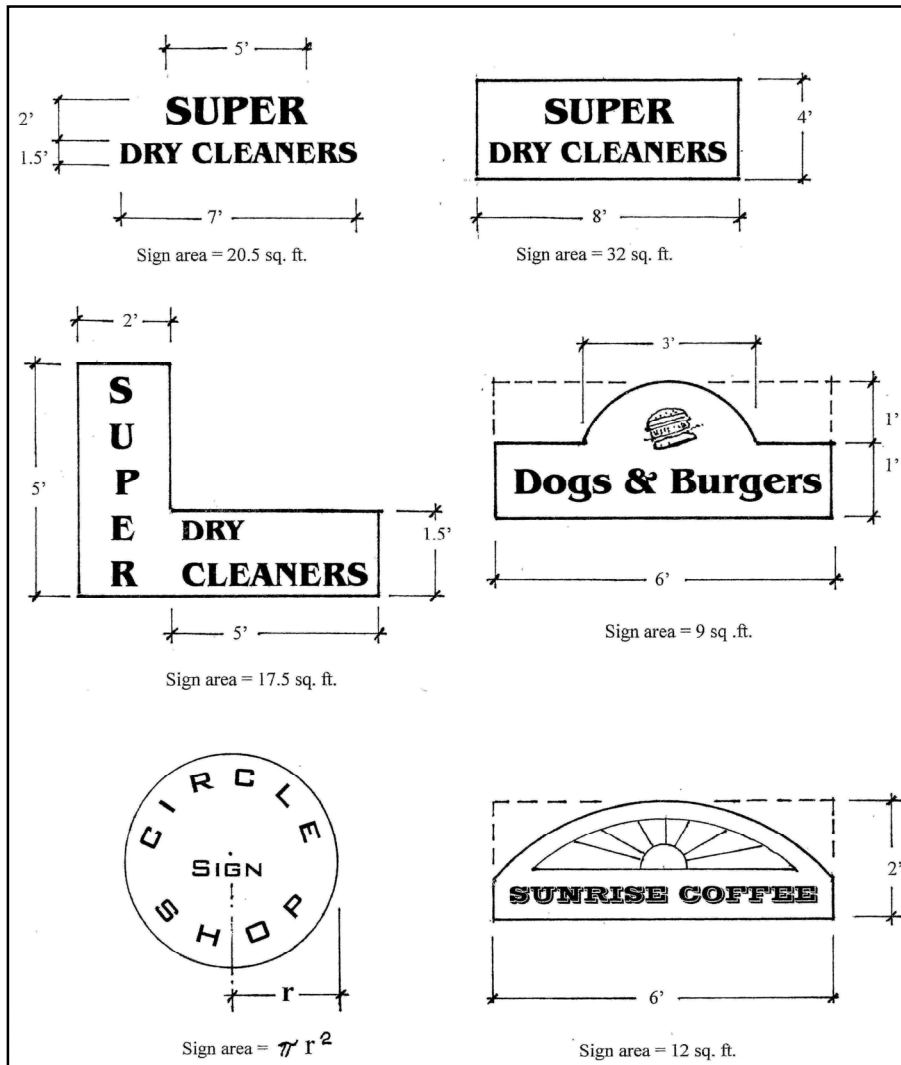
18.54.070 - General Requirements for All Signs

- A. **Sign maintenance.** Signs and supporting hardware, including temporary signs, shall be maintained in good repair and functioning properly at all times. Repairs to signs shall be of equal or better in quality of materials and design as the original sign. Signs which are not properly maintained and are dilapidated shall be deemed to be a public nuisance.

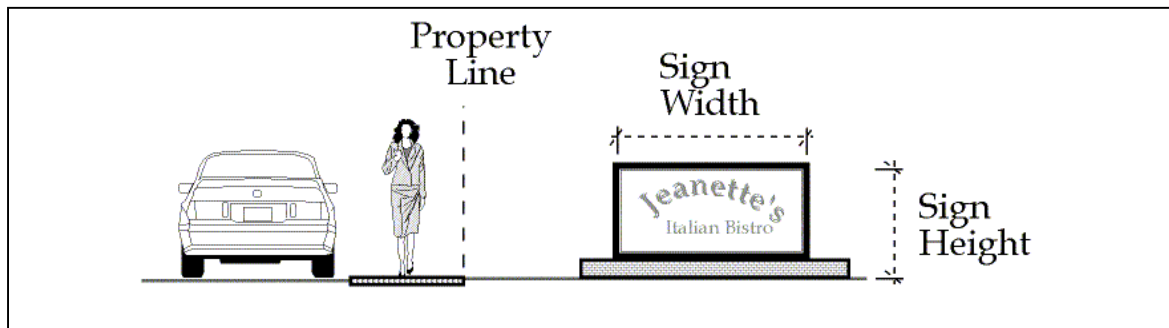
When existing signs are removed or replaced, all brackets, poles and other supports that are no longer required shall be removed. Unpainted areas shall be painted to match the adjacent portion of the building or sign support structure.

- B. **Measurement of sign area.**

1. The sign area shall be calculated by enclosing the extreme limits of the sign face or individually mounted letters/logos on a building wall, including all writing, logo, representation, emblem, graphics or other display within a single continuous perimeter composed of squares or rectangles with no more than eight perimeter lines, or within a single circle. For irregularly-shaped sign faces such as triangles, ovals, hexagons, etc., the review authority may consider alternative methods of calculating the precise area of the sign face if the sign area calculation can be accurately verified by staff. (See Figure 3-28.)
2. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
3. Double-faced (back-to-back) freestanding signs, projecting signs and hanging signs shall be considered as a single sign face for purposes of calculating allowable sign area only if the distance between each sign face does not exceed two feet.
4. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.



**FIGURE 3-28
MEASUREMENT OF SIGN AREA**



**FIGURE 3-29
MEASUREMENT OF SIGN HEIGHT**

- C. **Sign area limitations.** As determined by sign type in Section 18.54.080.
- D. **Sign location.** Unless otherwise stated within this Chapter, signs shall be located only on business frontages with direct customer access.

- E. **Sign height limitations.** All signs shall comply with the height limitations of this Section.
- F. **Sign design.**
1. **Materials.** Signs shall be constructed of natural materials, including redwood, cedar or similar kinds of wood, and/or raw/rustic metal. Painted engineered products and materials intended to imitate or appear like natural materials, including plywood, Medium Density Fiberboard (MDF), Medium Density Overlay (MDO), foamboard, fiberglass, etc., are also allowed. Glossy and/or reflective surfaces are prohibited.
 2. **Three-dimensional or custom-shaped signs.** Three-dimensional features, such as carved wood, individually mounted letters, laser-cut metal, custom-shaped sign edges, framing etc. shall be incorporated.
- G. **Illumination of signs.** The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. The following standards apply to all illuminated signs:
1. External light source shall be directed and shielded to limit direct illumination of any object other than the sign. Uplighting of any sign shall be prohibited;
 2. The light from an illuminated sign shall not be of an intensity or brightness that will interfere with the reasonable enjoyment of residential properties in direct visual proximity to the sign;
 3. Lights for signs shall have a color temperature of 3,000K or less;
 4. Signs shall not have blinking, flashing or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color;
 5. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices;
 6. Neither the direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles;
 7. Reflective-type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so as to expose the face of the bulb or lamp to a public right-of-way or adjacent property;
 8. Light sources shall utilize energy-efficient fixtures to the greatest extent possible;
 9. Cabinet (can or box) signs that are internally-illuminated shall have opaque backgrounds so that when the sign is illuminated, only the words or logos on the sign are lighted. The cutout lettering/logo may be protected with a synthetic material, but shall not occupy more than 25% of the face of the sign. Vinyl or synthetic faces for channel letter signs are not permitted. Internal lighting shall be low-wattage to produce a soft glow and the light source shall not be visible from public view;

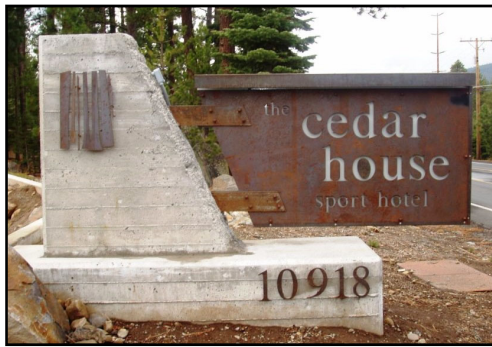
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10. Halo-lit signs shall be of a low intensity to prevent light glare. Colored lighting within a halo-lit sign is discouraged. Lighting shall be low-wattage to produce a soft glow and the light source shall not be visible from public view. The light shall not trespass beyond the sign face; and

11. Metal framing for the sign shall not be visible from the public view.

H. **Reduction of allowable sign area.** A neon sign shall be restricted to 50 percent of the total area allowed for the sign type (e.g., ground-mounted, monument, wall, projecting, etc.). The maximum area allowed for any sign may be reduced by the review authority to ensure compliance with the Sign Design Guidelines (Chapter 18.56) and the Historic Preservation Design Guidelines (Chapter 18.26).



**FIGURE 3-30
INTERNALLY-ILLUMINATED CABINET SIGN AND HALO-LIT SIGN EXAMPLES**

18.54.080 - Standards for Specific Types of Permanent Signs

A. Awning signs.

1. Location requirements. Signs on awnings shall only be located on ground floor building frontages where customers have direct access, including those fronting a parking lot or pedestrian way.
2. Maximum number. Awning signs may replace the use of a wall sign or a projecting sign. One per business frontage where customers have direct access.
3. Maximum size: Sign shall be 20% of awning surface or 25 square feet, whichever is less.
4. Lighting requirements: No lighting allowed.

B. Ground-mounted signs.

1. Location requirements:
 - a. Signs are allowed only for frontages adjoining and with direct access off a public street.

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- b. There shall be a minimum of 75 feet between two ground-mounted signs on adjoining sites to ensure adequate visibility for all signs. The Director may waive this requirement in situations where its enactment would be impractical due to the locations of existing signs on adjacent properties.

Signs shall be set back two feet from property lines and shall not project over public property, vehicular easements or rights-of-way. Signs shall not obstruct traffic safety sight areas.

- 2. Maximum number:
 - a. Single-tenant sites: One per tenant space.
 - b. Multi-tenant sites: One per street frontage from which customers have direct vehicle access.
- 3. Maximum size:
 - a. Single-tenant sites: 10 square feet on each side.
 - b. Multi-tenant sites: 30 square feet on each side, with a maximum of five spaces for individual signs.
- 4. Maximum height: Eight feet.
- 5. Lighting requirements:
 - a. Downtown Study Area
 - (1) Single-tenant sites: No lighting allowed
 - (2) Multi-tenant sites: Night sky compliant lighting allowed. If non-internal lighting is used, only two light fixtures are allowed per sign face.
 - b. Outside the Downtown Study Area: Night sky compliant lighting allowed. If non-internal lighting is used only two light fixtures are allowed per sign face.
- 6. Landscaping requirements: Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 30 square feet of sign area shall require 60 square feet of landscaped area. Alternative onsite locations to provide the required landscaping may be approved at the discretion of the review authority.

C. Hanging signs.

- 1. Hanging signs are attached below a canopy or roof eave and are only permitted in-lieu of allowed wall signs and/or projecting signs. If oriented parallel to a building façade, hanging signs may be substituted for allowed wall signs and shall comply with all other wall sign standards. If oriented perpendicular to a building façade, hanging signs may be substituted for allowed projecting signs and shall comply with all other projecting sign

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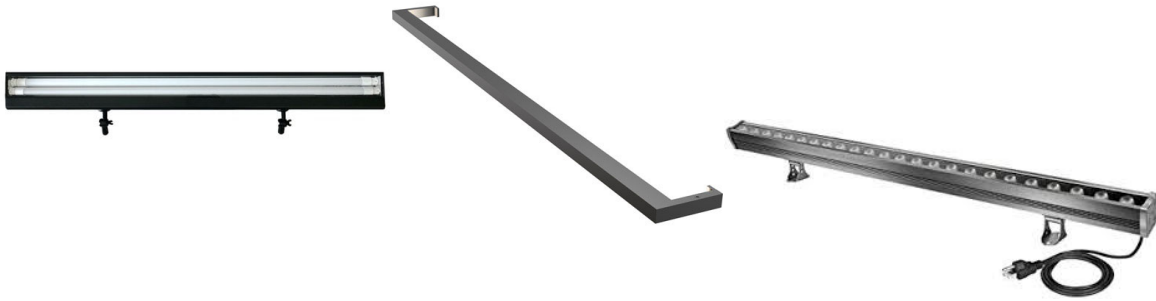
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standards, except that the maximum projection from the building façade shall not apply to hanging signs.

2. Hanging signs which are placed over areas used by pedestrians shall be located so that the lowest edge of any part of the sign or any related element is at least eight feet above the ground or walkway surface used by pedestrians.
- D. **Projecting signs.** Projecting signs are perpendicular to a building wall, extend over areas used by pedestrians, and are oriented toward pedestrians.
1. Location requirements: Close to the customer entrance, oriented to pedestrians. The sign shall not project from the building face more than one-half the width of an underlying sidewalk, and in no case more than 48 inches, including the sign bracket.
 2. Maximum number of signs: One per building entrance from which customers have direct access.
 3. Maximum size: Eight square feet maximum on each side.
 4. Maximum height: 12 ft. height maximum, with eight foot clearance above the ground or walkway surface used by pedestrians.
 5. Lighting requirements: Internal lighting or stationary neon signs. If neon lights are used, only one neon sign is allowed for each building, even if the building has multiple tenants.
- E. **Signs at the entrances of subdivisions.** Refer to Section 18.54.040.D.2 for information regarding temporary signage at the entrances of subdivisions.
1. Location requirements: The signs shall be located at the major entrances of the subdivision, out of the public right-of-way and shall not impede vehicular and pedestrian visibility.
 2. Maximum number of signs: One monument sign is permitted per major entrance to the subdivision.
 3. Maximum size: 25 square feet. Signs shall not exceed eight feet in height or 12 feet in width.
 4. Maximum height requirements: Eight feet.
 5. Lighting requirements: Night sky compliant lighting. If non-internal lighting is used, a maximum of two light fixtures are allowed. The light shall wash onto the sign and not spill beyond.
 6. Landscaping: Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 30 square feet of sign area shall require 60 square feet of landscaped area. Landscaping shall incorporate native trees, shrubs and groundcover, and the use of annual or perennial flower beds is encouraged.

The sign and any supporting or associated structures should portray a rural character. The use of wood and native rock is encouraged.

- F. **Temporary signs.** Refer to Section 18.54.050 (Temporary Sign Permit Requirements).
- G. **Wall signs.**
1. Location requirements:
 - a. Signs shall be located only on building frontages where customers have direct access unless specifically approved by the review authority.
 - b. Signs shall be located in close to the customer entrance.
 - c. Signs shall not project from the surface upon which they are attached more than required for construction purposes and in no case more than 12 inches.
 - d. Signs shall not project above the edge of the roof of a structure.
 - e. Signs may be located on the parapet or canopy.
 - f. Signs shall not be placed to obstruct any portion of a window.
 - g. In the Downtown Study Area, buildings on corner parcels with two walls along public streets with direct access off of only one of the public streets one additional wall sign is allowed on the building frontage that does not have direct customer access. Corner parcels are parcels that are located at the intersection of two public roads
 2. Maximum number of signs: One wall sign per door from which customers have direct access.
 3. Maximum size requirements:
 - a. 1.0 square feet of sign area per lineal feet of business frontage where there is direct customer access.
 - b. In the Downtown Study Area, the one additional sign allowed under Section 18.54.080.G.1.e. shall have a maximum size of 0.5 square feet of sign area per lineal feet of building frontage where the business occupies.
 4. Maximum height requirement: Below eave or 20 feet from the sidewalk surface, whichever is less.
 5. Lighting requirements: Night sky compliant lighting is allowed. If non-internal lighting is used, a maximum of two light fixtures is permitted for the first 15 lineal feet of wall signage. Signs that have a horizontal dimension greater than 15 lineal feet may have one additional non-internal light fixture. Bar lights, which have a linear light source, shall not be permitted. If additional lighting is desired, internal sign lighting is encouraged. The horizontal dimension of the sign shall be used to measure the lineal feet.



**FIGURE 3-31
EXAMPLE OF UNPERMITTED BAR LIGHTS**



**FIGURE 3-32
EXAMPLE OF PERMITTED LIGHTS FOR WALL SIGNS**

- H. **Window signs.** Refer to Section 18.54.050.D.1 for temporary signs.
1. Signs shall be allowed only on windows located on the ground level and second level.
 2. Signs may be permanently painted or mounted on the interior or exterior of windows and doors.
 3. Maximum size requirements:
 - a. Signs shall not occupy more than 50 percent of the window area of any one window including permanent and temporary signs.
 - b. All signs shall not occupy more than 15 percent of the window area on the building frontage where customers have direct access, unless the building does not have any wall signs. If the building does not have any wall signs, all signs shall not occupy more than 25 percent of the all the window area of the building frontage where customers have direct access.

4. Lighting requirements: No lighting allowed other than stationary neon lights. If neon lights are used, only one neon light is allowed for each building, even if the building has multiple tenants.

18.54.090 Signs Requirements for Specific Land Uses

This section recognizes that there are uses that may require specific signage requirements that are not addressed elsewhere in this chapter. Unless otherwise stated within this section, the sign requirements for the specific uses shall be used. All other uses will be required to meet the standards of Section 18.54.080.

A. Group day care homes, bed and breakfasts, boarding/rooming houses, fraternity/sorority houses, and churches/places of worship in Residential Zoning Districts (RR, RS, RM, DRS, DRM, and DRH).

1. Location requirements:
 - a. 10 feet minimum from the front property line, five feet from the side property line.
 - b. The sign shall be out of the public right-of-way and shall not impede vehicular and pedestrian visibility.
2. Maximum number of signs: One wall sign or one ground-mounted sign per building frontage from which customers have direct access.
3. Maximum size: 12 square feet maximum per sign.
4. Maximum height: Below eave of roof for wall signs or six feet for ground-mounted signs.
5. Lighting requirements: Night sky compliant lighting. If non-internal lighting is used, a maximum one night sky compliant non-internal light fixtures or head is allowed.
6. Landscaping: Landscaping is required for ground-mounted signs. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 30 square feet of sign area shall require 60 square feet of landscaped area. Landscaping shall incorporate native trees, shrubs and groundcover, and the use of annual or perennial flower beds is encouraged.

B. Small family day care homes in Residential Zoning Districts (RR, RS, RM, DRS, DRM, and DRH).

1. Sign type: Wall sign.
2. Location requirements: In close proximity to the door.
3. Maximum number signs: One per dwelling.
4. Maximum size: One square foot.
5. Maximum height: Below eave of roof or 20 feet, whichever is less.

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6. Lighting requirements: Night sky compliant lighting. If non-internal lighting is used, a maximum one night sky compliant non-internal light fixtures or head is allowed.

C. Large family day care homes and facilities in Residential Zoning Districts (RR, RS, RM, DRS, DRM, and DRH).

1. Location requirements:
 - a. 10 feet minimum from the front property line, five feet from the side property line.
 - b. The sign shall be out of the public right-of-way and shall not impede vehicular and pedestrian visibility.
2. Maximum number of signs: One wall sign or one ground mounted sign per building frontage from which customers have direct access.
3. Maximum size: Six square feet per sign.
4. Maximum height: Below eave of roof for wall signs or six feet for monument signs.
5. Lighting requirements:
 - a. Wall signs: Night sky compliant lighting. If non-internal lighting is used, a maximum one night sky compliant non-internal light fixtures or head is allowed.
 - b. Ground-mounted signs: Maximum one night sky compliant non-internal light is allowed per sign face.
6. Landscaping: Landscaping is required for ground-mounted signs. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 30 square feet of sign area shall require 60 square feet of landscaped area. Landscaping shall incorporate native trees, shrubs and groundcover, and the use of annual or perennial flower beds is encouraged.

D. Mobile home park, campgrounds in Residential Zoning Districts (RR, RS, RM, DRS, DRM, and DRH).

1. Location requirements:
 - a. 10 feet minimum from the front property line, five feet from the side property line.
 - b. The sign shall be out of the public right-of-way and shall not impede vehicular and pedestrian visibility.
2. Maximum number of signs: One wall or monument sign per access drive.
3. Maximum size: 24 square feet per sign.
4. Maximum height: Eight feet for both wall and monument signs.

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5. Lighting requirements:
 - a. Wall signs: Night sky compliant lighting allowed. If non-internal lighting is used only two light fixtures are allowed per wall sign.
 - b. Ground-mounted signs: Maximum one night sky compliant non-internal light is allowed per sign face.
6. Landscaping: Landscaping is required for ground-mounted signs. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 30 square feet of sign area shall require 60 square feet of landscaped area. Landscaping shall incorporate native trees, shrubs and groundcover, and the use of annual or perennial flower beds is encouraged.

E. Service stations.

1. Location requirements:
 - a. Monument signs:
 - (1) Set back two feet from property lines.
 - (2) Signs shall be out of the public right-of-way and shall not impede vehicular and pedestrian visibility.
 - b. Wall signs:
 - (1) Signs shall be located only on building frontages where customers have direct access unless specifically approved by the review authority.
 - (2) Signs shall not project from the surface upon which they are attached more than required for construction purposes and in case more than 12 inches.
 - (3) Signs shall not project above the edge of the roof of a structure.
 - (4) Signs may be located on the parapet or canopy.
 - (5) Signs shall not be placed to obstruct any portion of a window.
2. Maximum number of signs:
 - a. One wall sign per building frontage from which customers of have direct access; and
 - b. One monument sign.
3. Maximum size:
 - a. Wall Signs: 1.0 square feet of sign area per lineal feet of building frontage on which the sign is proposed. The total of all wall signage for the service station shall not exceed 50 square feet.

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- b. Monument Signs: 30 square feet
- 4. Maximum height:
 - a. Wall signs: Twenty feet above sidewalk surface or below eave, whichever is less.
 - b. Monument signs: Eight feet
- 5. Lighting requirements:
 - a. Wall signs: Night sky compliant lighting. If non-internal lighting is used, a maximum one night sky compliant non-internal light fixtures or head is allowed.
 - b. Monument signs: Two night sky compliant non-internal light fixtures are allowed per sign/sign face.
- 6. Landscaping: Landscaping is required for ground-mounted signs. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 30 square feet of sign area shall require 60 square feet of landscaped area. Landscaping shall incorporate native trees, shrubs and groundcover, and the use of annual or perennial flower beds is encouraged.

F. Theaters.

- 1. In addition to the signage that is allowed by Section 18.54.070, theater signs shall be required to be consistent with the following:
 - a. The total surface area of theater signs shall not exceed two square feet for each linear foot of building frontage with direct customer access or a total of 200 square feet, whichever is less;
- 2. Theaters may also be approved for one additional 20 square foot sign per movie screen. This additional signage shall be required to be within glass-enclosed wall display cases and located on building frontages with direct customer access.
 - a. Where a theater sign is located on an architectural structure which is incorporated into a theater building and which extends more than three feet above the building's roof line or parapet wall, the sign and the structure on which it is located shall comply with the following additional criteria:
 - (1) The sign and the architectural structure on which it is located shall be integral parts of the architectural style or design of the theater building; and
 - (2) Not more than 25 percent of the architectural structure shall be devoted to the sign.

18.54.100 - Nonconforming or Abandoned Signs

- A. Purpose and intent.** The requirements of this Section are intended to recognize that the eventual elimination of signs which do not comply with the provisions of this Chapter is as important as the prohibition of new signs that would violate these standards.
- B. Applicability.** The provisions of this Section apply to any permanent or temporary sign which was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but which does not now comply with the provisions of this Development Code.
- C. Annexed areas.** Except as otherwise provided in this Section, signs in areas annexed to the Town after the effective date of this Chapter, which do not conform to the provisions of this Chapter, shall be regarded as nonconforming signs.
- D. Exceptions.**
1. Notwithstanding the requirements of this Section, nonconforming signs listed in the Iconic Signs Inventory adopted by resolution of the Town Council shall be permitted to be in existence so as to preserve and retain the integrity and quality of the sign. Iconic signs are those that have been identified as significant to the community and enhance the character of Truckee, as listed in the Iconic Signs Inventory adopted by Town Council resolution. Iconic signs shall be in compliance with the following requirements:
 - a. No expansion, alteration, or change of copy of iconic signs shall be allowed;
 - b. Iconic signs or their structures involuntarily damaged, demolished, or destroyed, shall not require a cost limit to repair the sign or sign structure. The sign shall be repaired to the same visual appearance of the iconic sign in terms of location, mounting, materials, colors, and copy. Damaged signs shall be repaired within 90 days of the date of the damage or destruction; and
 - c. In the event a business requires alternative signage at the location of an iconic sign, the iconic sign shall not be included in determining compliance with Development Code Section 18.54 (Signs).
 2. If a nonconforming sign has historical significance apart from its main purpose of advertising, but is not listed in the iconic signs inventory, the sign may be granted a Minor Use Permit for continued use in compliance with Chapter 18.76 (Use Permits and Minor Use Permits).
- E. Change of copy or continued use.** A change of copy or the continued use of a nonconforming sign or sign structure is allowed provided the following criteria are met:
1. No expansion or alterations, other than change of copy is allowed. The sign must remain in the same footprint and no structural alterations are allowed.
 2. Change of copy is limited to changes to the sign text only within the existing sign; no changes to the sign structure or materials are allowed. For example, with an internally illuminated cabinet sign, the front panel can be changed but not the sign cabinet or

structure. Or, with a wood sign, the sign may be re-painted or re-sandblasted, but may not be replaced. No changes of copy may be made for a sign listed in the Iconic Signs Inventory.

F. Maintenance and repair. Nonconforming signs and sign structures may be maintained or repaired, provided the following criteria are met:

1. No structural alterations shall be allowed to the existing sign. Structural alterations include any exterior or interior alteration(s) made to the sign or sign structure which result in a different footprint, size, shape, character or location.
2. Replacement materials shall maintain the same visual appearance and characteristics of the original materials, ensuring compatibility of the replacement materials within the structure.
3. The total maintenance, repair, and rehabilitation costs shall not exceed 50 percent of the full replacement cost of the sign. These costs shall be limited to construction labor and materials costs and shall be verified by a California licensed contractor; the Director may require a peer review of the cost estimate, and/or an additional contractor's estimate.

G. Expansion. No expansion of a nonconforming sign or sign structure is allowed.

H. Termination by destruction, discontinuance, or intensification of land use. The rights provided herein with respect to a nonconforming sign other than a sign listed in the Iconic Sign Inventory shall be terminated if any of the following occurs:

1. The sign or sign structure is damaged, demolished, or destroyed to the extent that repair costs exceed 50 percent of the full replacement cost of the sign. These costs shall be limited to construction labor and materials costs.
2. The damage or destruction requires repair other than facial copy replacement, and the sign cannot be repaired within 30 days of the date of its damage or destruction. The Director may have the discretion to provide a 60-day time extension upon the sign owner furnishing written evidence that the required timeframe would create an undue hardship or practical difficulty.
3. The owner, outside of a change of copy, obtains permission to:
 - a. Remodel the sign to bring it into conformance with this Chapter.
 - b. Expand or remodel the building or intensify the land use upon which the sign is located or the sign is affected by construction, remodeling, or other requirements of this Development Code.
4. The owner, outside of a change of copy, removes the nonconforming sign.

For subsections H.1 and H.2 above, the construction labor costs and materials shall be verified by a California licensed contractor.

I. Abandoned signs. Except with respect to signs appearing in the Iconic Signs Inventory, a sign or sign structure shall be removed by the owner or lessee of the premises upon which the sign

or structure is located when for a period not less than 90 days the business or product identified in the sign is no longer conducted on the premises, the structure upon which the sign is displayed is abandoned, or the advertising is no longer displayed on the sign structure. If the owner or lessee fails to remove the sign, the Director shall give the owner 30 days written notice to remove it. Upon failure to comply with the notice, the Director may have the sign removed at the owner's expense.

J. Public danger. A sign or sign structure shall be removed by the owner or lessee of the premises upon which the sign or structure is located if the Director determines that:

1. The sign or structure is or may become a danger to public;
2. The sign or structure is unsafe; or
3. The sign or structure constitutes a traffic hazard not created by relocation of streets or highways or by acts of the Town or Nevada County.

CHAPTER 18.56 - SIGN DESIGN GUIDELINES

Sections:

- 18.56.010 - Purpose of Chapter
- 18.56.020 - Applicability
- 18.56.030 - Sign Design Guidelines

18.56.010 - Purpose of Chapter

This Chapter provides sign design guidelines that are intended as a guide to property owners and project designers in understanding the Town's goals for maintaining high quality development that is sensitive to the Town's unique character. The guidelines encourage signs that:

- A. Are compatible with surrounding structures and streetscapes; and
- B. Incorporate high-quality design and materials.

18.56.020 - Applicability

The provisions of this Section apply to all projects within the Town that require the approval of a Sign Plan in compliance with Section 18.54.030 (Sign Plan Review Requirements).

- A. The guidelines complement the mandatory sign standards in Chapter 18.54 and will be used during the Sign Plan review process as additional criteria for project review.
- B. The following guidelines may be interpreted with some flexibility in their application to specific sign projects as not all design criteria may be workable or appropriate for each project. In some circumstances, a guideline may be relaxed in order to accomplish another, more important guideline. The overall objectives are to ensure that the intent and spirit of the design guidelines are followed and to attain the best possible design within reason.

18.56.030 - Sign Design Guidelines

The following general guidelines should be considered in the design of any permanent signs.

- A. **Color.**
 - 1. **Limit the number of colors.** Color is one of the most important aspects of visual communication. It can be used to catch the eye or to communicate ideas or feelings. Too many colors used simultaneously can confuse and negate the message of a sign. The number of colors should be limited to two or three on any one sign. Small accents of several colors can make a sign unique and attractive, but the competition of large areas of many different colors decreases readability.

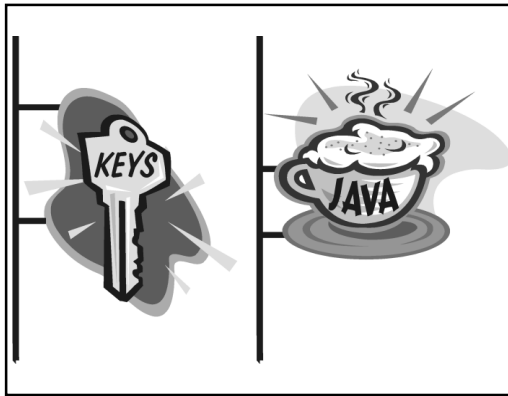
2. **Use contrasting colors for legibility.** Contrast is an important influence on the legibility of signs. Light letters on a dark background or dark letters on a light background are most legible.
3. **Use colors that complement the building.** Sign colors should complement the colors used on the structures and the project as a whole.
4. **Use earth tone backgrounds.** Sign backgrounds should be subdued earth tone colors. “Day-glo” fluorescent, reflective colored materials that give the appearance of changing color, and brilliant luminescent colors should not be allowed. Earth tone colors are considered to be various shades of brown, rust, tan, ocher, ivory, umber, gold, sand or dark green. Other colors may be accepted if the applicant can demonstrate they are appropriate to the style of the building, are harmonious with the site, or are compatible with the neighborhood.

B. Materials.

1. **Use materials that complement the building.** Sign materials should be compatible with the design theme and use of materials on the building where the sign is to be placed. The use of a chrome and glass contemporary sign on a rustic or historic building would be as inappropriate as a rustic carved wood sign on a modern building design of steel and glass.
2. **Engineered products and materials are discouraged.** Generally, signs in Truckee should be constructed of natural materials, including redwood, cedar or similar kinds of wood and raw/rustic metal. Engineered products and materials intended to imitate or appear like natural materials may be approved, including plywood, Medium Density Fiberboard (MDF), Medium Density Overlay (MDO), foamboard, fiberglass, etc. These materials may be allowed if the overall sign design achieves the intent and spirit of this Chapter. For example, an MDO sign may be found appropriate if three-dimensional, individually mounted letters provide visual relief from the flat surface. **Flat sign faces are discouraged.** Signs that include three-dimensional features, carved wood, individually mounted letters, laser-cut metal, custom-shaped sign edges, etc., enhance sign character and promote individual business expression. Flat sign faces that lack relief are discouraged.
3. **Avoid glossy/reflective finishes.** The selected materials should contribute to the legibility of the sign. For example, glossy finishes are often difficult to read because of glare and reflections.
4. **Do not over-use neon.** Neon tubes are a popular sign material and can contribute to the nighttime ambiance of an area. However, care must be taken when using neon because of its brightness and attention-attracting properties. Not more than one neon sign should be used for exterior signage, such as wall signs and hanging signs.
5. **Use native stone for monument bases.** The bases of ground-mounted signs should incorporate local stone whenever possible to provide continuity throughout the Town. The use of imitation stone is prohibited.

C. Sign legibility is encouraged. See Figures 3-31 and 3-32.

1. **Limit sign text.** Signs should use a brief message whenever possible. The fewer the words, the more effective the sign. A sign with a brief, succinct message is easier to read and looks more attractive.
2. **Use images instead of words.** Symbols and logos in the place of words may be used whenever appropriate. Pictographic images will usually register more quickly in the viewer's mind than a written message. (See Figure 3-31.)
3. **Avoid crowding letters/words.** Avoid spacing letters and words too close together. Crowding of letters, words or lines will make any sign more difficult to read. As a general rule, letters (sign copy) should not occupy more than 75 percent of sign panel area. (See Figure 3-32.)



**FIGURE 3-32
USE OF SYMBOLS/LOGOS**



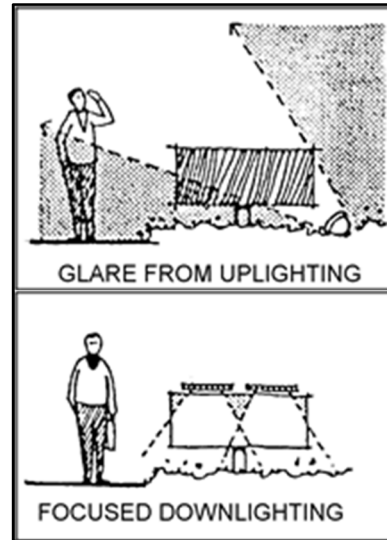
**FIGURE 3-33
LETTER SPACING**

4. **Limit the number of fonts.** Limit the number of lettering styles (fonts) used on a sign in order to increase legibility. A general rule to follow is to limit the number of different fonts to no more than two per sign.
5. **Use easy-to read fonts.** Avoid hard-to-read, overly intricate typefaces and symbols. Typefaces and symbols that are difficult to read reduce the sign's ability to communicate.
6. **Avoid secondary, attached signs.** Miscellaneous signs attached to primary signs, such as credit card or club plaques, detract from the primary sign message, are visually distracting, and are strongly discouraged.

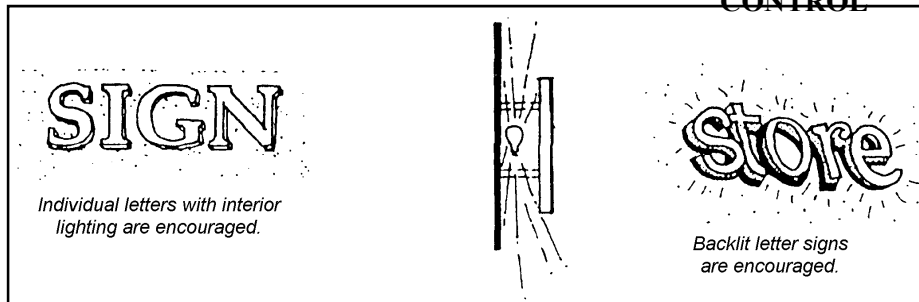
D. Sign illumination.

1. **Use non-internal/external lighting.** Light fixtures supported in front of the structure cast light on the sign and generally a portion of the face of the structure as well; indirect lighting emphasizes the continuity of the structure's surface, and signs become an integral part of the facade.

2. **Shield light sources/bulbs.** Whenever indirect lighting fixtures are used the light source (bulb) shall be shaded, shielded, subdued or directed so that the intensity of the light does not impact surrounding properties. Signs should be lighted only to the minimum level required for nighttime readability.
3. **Mount letters individually.** Individually illuminated back-lighted solid letters are allowed. Signs comprised of individual letters mounted directly on a structure can often use a distinctive element of the structure's facade as a backdrop, thereby providing a better integration of the sign with the structure.



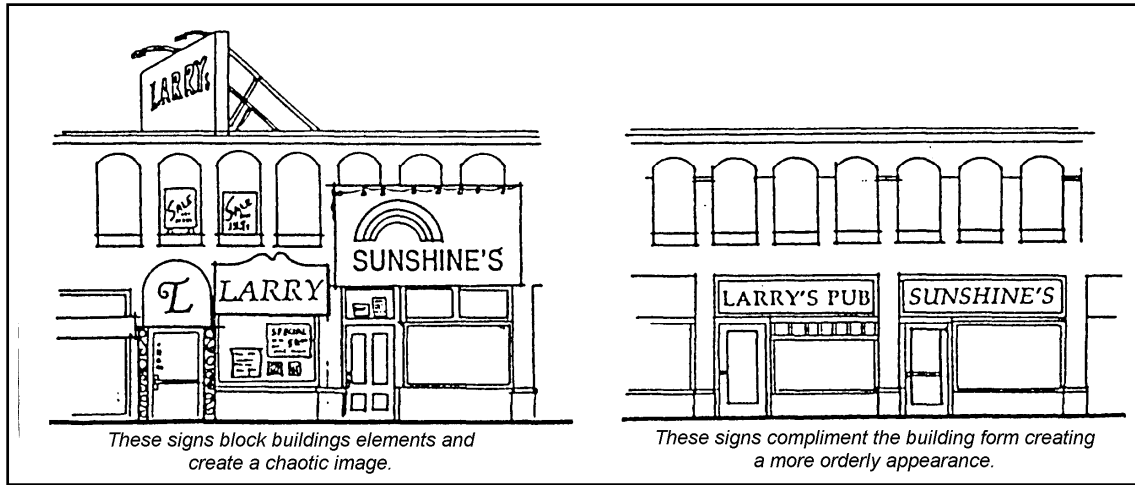
**FIGURE 3-34
ILLUMINATION
CONTROL**



**FIGURE 3-35
SIGN LETTER ILLUMINATION**

E. Sign placement.

1. **Scale sign size to the building.** A sign should enhance a structure's architecture and not dominate the elevation on which it is placed. Signs should be consistent with the proportions and scale of the elements within the structure's facade. A particular sign may fit well on a larger, plain wall area, but might overpower the finer scale and proportion of a small shop. Likewise, a sign that is appropriate near an entry may look tiny and out of place above the ground level.



**FIGURE 3-36
SIGN PLACEMENT**

2. **Signs should complement the architectural features.** Study the facade of the structure to determine if there are any architectural features or details that suggest a location, size or shape for the sign(s). These could be bands or frames of brickwork, cornice lines, indentations or projections in the face material, gaps between columns, or other permanent features. If these details exist, use them to locate the sign(s).
3. **Don't cover architectural features.** Do not locate signs so that they cover architectural features (e.g., transom windows, decorative columns, cornice bands, etc.) that may be important to the structure's overall design.
4. **Consider pattern of adjacent business sign locations.** Look at the facade of the structure in relation to where adjacent businesses have placed their signs. There may be an established pattern of sign locations. Consistent placement of signs establishes visual continuity among the storefronts, and at the same time provides uniform sight lines for viewers. A recognized pattern of alignment in a shopping center makes all signs more readable at a glance.

F. Guidelines for specific sign types.

1. **Awning signs.**
 - a. The shape, design and color of fabric awnings should be carefully designed to coordinate with, and not dominate, the architectural style of the building. Where other fabric awnings are used on the building, the design and color of the sign awnings and other awnings should be coordinated.

2. Ground-mounted signs.

- a. Monument-type signs are preferred over pole or pylon signs. Solid architectural bases of native rock or field stone or other natural materials (e.g. redwood) are strongly encouraged. Each sign should incorporate a stone base that is a minimum of 18 inches high.
- b. Ground-mounted signs for multi-tenant centers should not identify more than five tenants, and should incorporate a plan to accommodate future tenant changes.
- c. The size of the structure supporting a ground-mounted sign should be in proportion to the size of the area allowed for sign copy. Sign structures should not be any larger than necessary to accommodate the allowed sign area and provide an appropriately proportioned backdrop for the sign text.
- d. A portion of the sign area of a monument sign may be dedicated to identification of the street address. Multi-tenant developments may display the range of addresses for that development.
- e. Monument signs should be placed perpendicular to the street unless they are located on a corner, in which case an angled placement is preferred.

CHAPTER 18.58 - STANDARDS FOR SPECIFIC LAND USES

Sections:

- 18.58.010 - Purpose of Chapter
- 18.58.020 - Applicability
- 18.58.025 - Accessory Dwelling Units
- 18.58.030 - Accessory Retail Uses
- 18.58.040 - Accessory Uses — General Standards
- 18.58.050 - Adult Entertainment Establishments
- 18.58.060 - Animal Raising and Keeping
- 18.58.070 - Bed and Breakfast Inns
- 18.58.075 - Cannabis Delivery Services
- 18.58.080 - Child Day Care Facilities
- 18.58.090 - Churches, Community Centers, and Membership Organizations
- 18.58.100 - Detached Living Areas
- 18.58.110 - Drive-In and Drive-Through Facilities
- 18.58.114 - Electrical Utility Facilities
- 18.58.120 - Home Occupations
- 18.58.130 - Live/Work and Work/Live Units
- 18.58.135 - Makerspaces
- 18.58.140 - Mixed-Use Development
- 18.58.150 - Mobile Home Parks and Subdivisions
- 18.58.160 - Mobile Home, Tiny Home, or Recreational Vehicle - Temporary During Construction
- 18.58.170 - Mobile Homes On Permanent Foundation Systems
- 18.58.180 - Multi-Family Residential Projects
- 18.58.190 - Outdoor Display and Sales Standards
- 18.58.200 - Outdoor Storage and Work Areas
- 18.58.210 - Recycling Facilities
- 18.58.220 - Residential Accessory Uses and Structures
- 18.58.240 - Senior Citizen Projects
- 18.58.245 – Supportive Housing
- 18.58.250 - Telecommunications Facilities

18.58.010 - Purpose of Chapter

This Chapter provides site planning and development standards for land uses that are allowed by Article II (Zoning Districts and Allowable Land Uses) in individual or multiple zoning districts (e.g., in residential, commercial and manufacturing districts, and in residential and commercial, and/or in commercial and manufacturing districts).

18.58.020 - Applicability

Land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Development Code.

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 N 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 N 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 two 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).

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.** 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 shall comply with standard side and rear setbacks and height limits applicable to the main dwelling. ADUs shall comply with the standard front yard and street side setbacks applicable to the main dwelling. 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 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 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, 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 for an ADU is proposed, it shall not exceed 500 square feet, shall comply with all general development standards applicable to garages, 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);
 - 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 (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 (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. 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. 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. 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.
- L. 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.
- M. 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 (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.
- N. Junior Accessory Dwelling Units (JADUs).**

 - 1. Applicability.** JADUs are allowed in all zoning districts that allow single-family residential uses (i.e., DRS, RR, 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. 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).
 - 3. All other accessory uses.** The Director shall determine whether any proposed accessory use not otherwise listed in this Section is:
 - a. Customarily related to and commonly found with the proposed main use, and is therefore allowable subject to the same land use permit as the main use; or
 - b. Not customarily related to and commonly found with the proposed main use, and is therefore prohibited.
- B. Timing of accessory use.** An accessory use shall only be established at the same time as a main use, or after a main use has been established.
- C. Maximum area of accessory use.** An accessory use determined by the Director to be allowable in compliance with this Section shall not exceed 25 percent of the floor area devoted to the main use.

18.58.050 - Adult Entertainment Establishments

This Section establishes standards for the location, construction and operation of adult entertainment establishments.

- A. Applicability.** Adult entertainment establishments allowable only in the M zoning district, with a Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits), shall be located, constructed and operated as provided by this Section.
- B. Site requirements.**
- 1. Location.**

- a. **Separation requirements.** It is unlawful to cause or permit the establishment of an adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor or sexual encounter establishment within 1,000 feet of another similar establishment or within 1,000 feet of any religious institution, school or public park, or within 1,000 feet of any property designated for residential use or used for residential purposes.
- b. **Measurement of distances.**
 - (1) The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each establishment.
 - (2) The distance between any adult entertainment establishment and any property designated for residential use or used for residential, religious institution, school or public park purposes shall be measured in a straight line, without regard to intervening structures, from the closest property line of the adult entertainment establishment to the closest property line of the property designated for residential use or used for residential, religious institution, school or public park purposes.
- 2. **Landscaping.** Landscaping shall comply with Chapter 18.40 (Landscape Standards), except that if the adult entertainment establishment is the only use on a parcel, the planting shall not exceed 30 inches in height, except trees with foliage not less than six feet above the ground.
- 3. **Lighting.** The entire exterior ground, including the parking lot, shall be provided with lighting which is energy efficient, stationary and directed away from adjoining properties and public rights-of-way, in compliance with Section 18.30.060 (Exterior Lighting).
- 4. **Signs.** On-site signs shall comply with Chapter 18.54 (Signs).

C. Interior design requirements.

- 1. **Screening.** Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance/exit to the adult entertainment establishment.
- 2. **Facilities for live entertainment.** The following standards shall apply to adult entertainment establishments that provide live entertainment depicting “specified anatomical areas” or involving “specified sexual activities”:
 - a. There shall be no live entertainment performances, for patrons of an adult entertainment establishment, except upon a stage at least 18 inches above the level of the floor which is separated by a distance of at least six feet from the nearest area occupied by patrons. Patrons shall not be allowed within six feet of the stage while the stage is occupied by an entertainer/performer;

- b. The adult entertainment establishment shall provide separate dressing room facilities and entrances/exits to the premises which are exclusively dedicated to the entertainers' use; and
- c. The adult entertainment establishment shall provide permanent access for entertainers between the stage and the dressing room facilities which is completely separated from the patrons.
 - (1) If the separate access is not physically feasible, the adult establishment shall provide a minimum three foot wide walk aisle for entertainers between the dressing room facilities and the stage, with a permanent railing, fence or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between the entertainers and patrons.
 - (2) Fixed rail(s) at least 30 inches in height shall be installed and permanently maintained establishing the required separations between the entertainers and patrons.

3. Arcade viewing area.

- a. It is unlawful to maintain, operate or manage or permit to be maintained, operated or managed any adult arcade in which the viewing areas are not visible from a continuous main aisle or are obscured by a curtain, door, wall or other enclosure. For purposes of this Subsection, "viewing area" means the area where a patron or customer would ordinarily be positioned while watching the film, performance, picture or show.
- b. It is unlawful for more than one person at a time to occupy any individually partitioned viewing area or booth.
- c. It is unlawful to create, maintain or permit to be maintained any holes or other openings between any two booths or individual viewing areas for the purpose of providing viewing or physical access between the booth or individual viewing area.

D. Operational requirements.

- 1. **Employee(s) required.** It shall be the duty of the owner(s) to ensure that at least one employee is on duty at all times that any patron is present inside the premises.
- 2. **Hours of operation.** The adult entertainment establishment shall not operate or be open between the hours of 2:00 a.m. and 7:00 a.m.
- 3. **Security guard(s).**
 - a. At least one security guard shall be on duty outside the premises, patrolling the grounds and parking areas, at all times while the establishment is open. If the occupancy limit of the premises is greater than 50 persons, a second security guard shall be on duty inside the premises.

- b. The security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of this Section, and notifying the Police Department and Code Enforcement Director of any violations of law observed.
- c. Security guards, required by this Section, shall be uniformed so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard in compliance with local and/or State law.
- d. Security guards, required by this Section, shall not act as a doorperson, ticket seller, ticker taker or admittance person while acting as a security guard in compliance with this Section.

E. Minors and intoxicated persons excluded. It shall be a misdemeanor for any person under the age of 18 years, or obviously intoxicated person, to enter or remain on the premises of an adult entertainment establishment at any time. A sign giving notice of this provision shall be prominently posted at each entrance to the premises of the adult entertainment establishment.

18.58.060 - Animal Raising and Keeping

A. Applicability. The standards of this Section shall apply to the raising and keeping of:

- 1. Household pets — Includes cats, canaries, dogs, parrots and other varieties of birds and animals ordinarily kept as household pets;
- 2. Exotic or wild animals — Includes foxes, monkeys, raccoons, snakes, etc.;
- 3. Fowl and other small animals and birds — Includes chickens, ducks, geese, pigeons, turkeys and other fowl excluding backyard chickens, and chinchillas, guinea pigs, hamsters and all types of similar rodents; and
- 4. Livestock and other large animals — Includes cows, donkeys, goats, horses, mules or ponies, ostriches, sheep, steers and swine.
- 5. Backyard Chickens — Includes chicks and hens kept as household pets.

B. Maximum number of animals. Table 3-12 identifies the maximum number of animals allowed on a single residential parcel or dwelling unit.

**TABLE 3-12
MAXIMUM ALLOWABLE ANIMALS**

Type of Animal	Maximum Number/ Minimum Site Area	Special Standards
Household pets	Shall not exceed four dogs and/or four cats, over four months of age, per single-family residential parcel, and shall not exceed two dogs and/or two cats, over four months of age, per multi-family residential unit	Allowed in all dwelling units (1)
Exotic or wild animals	Subject to Minor Use Permit	Keeping of exotic or wild animals that require a permit from the Department of Fish Game may be permissible subject to the issuance of a Minor Use Permit, in compliance with Chapter 18.76.
Livestock, other large animals, fowl and other small animals and birds (2)	Minimum site area shall equal 0.5 acres for each animal unit (3, 4)	A maximum of 10 animal units, subject to the standards identified in Section 18.58.060.C (Animal raising and keeping standards), below (5)
Backyard Chickens	See Development Code Section 18.58.060.D	See Development Code Section 18.58.060.D

Notes:

- (1) The keeping of more than the maximum number of household pets may be permissible in the RR, RC and REC zoning districts subject to the issuance of a Minor Use Permit in compliance with Chapter 18.76.
- (2) The keeping of livestock, other large animals, fowl and other non-household pet small animals and birds is allowed only in the RR, OS, RC and REC zoning districts.
- (3) A property owner shall have the full site area increment to receive the animal allotment; 0.5 acres for the first animal, and 1.4 acres is allowed only two animal units (not three). The keeping of one livestock or other large animal or 10 fowl or other small animal or bird on a parcel not meeting the minimum site area (0.5 acres) may be permissible subject to the issuance of a Minor Use Permit in compliance with Chapter 18.76.
- (4) An animal unit is equal to one livestock or other large animal or 10 fowl or other small animal or bird.
- (5) The keeping of more than 10 animal units may be permissible subject to the issuance of a Minor Use Permit in compliance with Chapter 18.76. The parcel shall meet the minimum site area requirements for the number of animal units to be kept on the parcel. For example, a parcel with an approved Minor Use Permit to keep 15 animal units shall have a minimum site area of 7.5 acres (0.5 acres per animal unit).

C. Animal raising and keeping standards. The requirements of this Subsection shall apply to the raising and keeping of allowable animals, except for household pets, exotic or wild animals, and backyard chickens.

- 1. Site slope requirements.** Animals shall not be allowed on slopes exceeding 30 percent.
- 2. Erosion and drainage control plan required.** An erosion and drainage control plan shall be submitted and approved by the Town Engineer for the raising and keeping of animals on parcels over 20 percent in slope. The plan shall propose

operational/management measures to prevent grazing to bare soil, and physical measures to prevent sediment transport from the site into waterways, streets or onto adjoining properties;

3. **Existing uses conforming.** Any residential property where animals are legally kept as of the effective date of this Development Code shall be deemed to be conforming. Any expansion of use shall be subject to the provisions of this Section;
 4. **Location requirements.**
 - a. **Animal setbacks from RS and RM districts.** Animals shall not be located closer than 10 feet to all property lines adjacent to properties in the RS or RM zoning districts.
 - b. **Fencing.** Corral areas for the containment of the animals shall be located at least 10 feet from all property lines adjacent to properties in the RS or RM zoning districts.
 - c. **Barns or stables.** Barns or stables shall be located at least 30 feet from all property lines on parcels three acres or larger in size and 10 feet from all property lines on parcels less than three acres in size. On parcels less than one acre, side setbacks may be reduced to 10 percent of the width of the parcel, to a minimum of 10 feet, provided that the barn or stable is located no closer than 30 feet to any dwelling(s) on an adjoining parcel;
 5. **Site maintenance and animal care.** The site shall be maintained and all animals shall be cared for in a manner that does not create a public health problem, or interfere with the public welfare of surrounding properties; and
 6. **Water supply.** An adequate supply of fresh water shall be available to the animals at all times, subject to the approval of the Nevada County Health Officer.
- D. Backyard chicken raising and keeping standards.** The requirements of this Subsection shall apply to the raising and keeping of backyard chickens on residential parcels as follows:
1. **Permit Requirement.** No permit shall be required for the raising or keeping of backyard chickens on any RS, DRM, DRS, or DMU zoned parcel in association with a single-family residential use. The keeping of backyard chickens may be permissible in association with multi-family uses in the RM, DRM, DMU or DRH zoning districts subject to the issuance of a Minor Use Permit in compliance with Chapter 18.76.
 2. **Lot size requirement.** Table 3-13 identifies the maximum number of backyard chickens allowed on a single residential parcel.

**TABLE 3-13
MAXIMUM ALLOWABLE BACKYARD CHICKENS**

Zoning District	Minimum Lot Size	Maximum Number
RS, DRS, DRM, DMU (1) (2)	2,500 sq. ft. 5,000 sq. ft. 10,000 sq. ft. 0.5 acres	2 4 6 More than 6 is subject to Minor Use Permit
RM, DRH (2)	Subject to Minor Use Permit	Subject to Minor Use Permit

Notes:

- (1) Raising and keeping of six or fewer backyard chickens shall be allowed in these zoning districts without a permit requirement in association with single-family residential uses only
- (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. Exceptions.** The renting of one bedroom within a residential single- or multifamily dwelling or accessory dwelling unit for the purpose of overnight or vacation lodging is allowed as a permitted use in the RR, RS, DRS, RM, DRM, DRH, DMU, CN, CH, CG and DC zoning districts subject to the Transient Occupancy Tax in compliance with Chapter 3.24 of the Municipal Code. This exception applies to a dwelling with one family in permanent residence renting a maximum of one bedroom per parcel.

- 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

This Section establishes standards for the location, construction and operation of cannabis delivery services.

- A. Purpose and Intent.** It is the purpose and intent of this Section to regulate adult use and medicinal cannabis delivery services in order to promote the health, safety, and general welfare of residents and businesses within the town. This Section only governs the establishment and operation of adult use and medicinal cannabis delivery services or “retailers” as defined below.

B. Definitions.

For the purpose of this Section, the following words and phrases shall mean:

- (a) "A-License or "Adult Use License" means a state license issued pursuant to California Business and Professions code Sections 26000 et. seq. for cannabis or cannabis products that are intended for adults who are 21 years of age or older who do not possess a valid physician's recommendation.
- (b) "Adult Use Cannabis" or "adult use cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Medicinal and Adult Use Regulation and Safety Act, for adults 21 years of age or over and who do not possess a valid physician's recommendation.
- (c) "Applicant" means an owner applying for a Town license pursuant to this Section.
- (d) "Bureau" means the Bureau of Cannabis Control within the California Department of Consumer Affairs.
- (e) "Community Development Director" means the Community Development Director or the authorized representative thereof.
- (f) "Town" means the Town of Truckee.
- (g) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this section, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the California Health and Safety Code.
- (h) "Cannabis accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body, as defined by Section 11018.2 of the California Health and Safety Code.
- (i) "Cannabis concentrate" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for the purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the California Health and Safety Code or a drug, as defined by Section 109925 of the California Health and Safety Code.
- (j) "Cannabis Delivery Service License" means a Town of Truckee license issued under this Section for a medicinal and/or adult use cannabis retailer that is closed to the public and conducts sales exclusively by delivery.
- (k) "Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or

- concentrated cannabis and other ingredients, as defined by Section 11018.1 of the California Health and Safety Code.
- (l) “Commercial cannabis activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products.
 - (m) “Customer” means a natural person 18 year of age or older who possesses a physician’s recommendation, or a primary caregiver or a natural person 21 year of age or older.
 - (n) “Day Care Center” means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers, as defined by Section 1596.76 of the California Health and Safety Code.
 - (o) “Delivery” means the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer.
 - (p) “Edible cannabis product” means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.
 - (q) “Identification card” means a document issued by the State Department of Health that identifies a person authorized to engage in the medicinal use of cannabis and the person’s designated primary caregiver, if any, as defined by Section 11362.7 of the California Health and Safety Code.
 - (r) “Labeling” means any label or other written, printed, or graphic matter upon a cannabis product, upon its container or wrapper, or that accompanies any cannabis product.
 - (s) “License” means a Town license issued under this Section.
 - (t) “Licensee” means any person holding a license under this Section.
 - (u) “MAUCRSA” means the Medicinal and Adult-Use Cannabis Regulation and Safety Act, also known as Senate Bill 94.
 - (v) “Medicinal cannabis” or “medicinal cannabis product” means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possessed a physician’s recommendation.
 - (w) “M-License” or “Medicinal License means a state license issued pursuant to California Business and Professions Code Sections 26000 et. seq. for commercial cannabis activity involving medicinal cannabis or medicinal cannabis products.
 - (x) “Owner” means any of the following, as defined in Section 26001 of the Business and Professions Code:
 - a. A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
 - b. The chief executive officer of a nonprofit or other entity.
 - c. A member of the board of directors of a nonprofit.
 - d. An individual who will be participating in the direction, control, or management of the person applying for a license.
 - (y) “Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

- (z) “Physician’s recommendation” means a recommendation by a physician or surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.
- (aa) “Premises” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.
- (bb) “Primary caregiver” has the same meaning as in Section 11362.7 of the Health and Safety Code.
- (cc) “Purchaser” means the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.
- (dd) “Qualified patient” means a person who is entitled to the protections of Section 11362.5, but who does not have an identification card issued, as defined by Section 11362.7 of the Health and Safety Code.
- (ee) “Retailer” means any commercial activity that engages in retail sale and delivery of cannabis or cannabis products to customers. A retailer shall have a licensed premise which is a physical location from which commercial cannabis activities are conducted. A retailer’s premises shall be closed to the public. A retailer shall conduct sales exclusively by delivery, as defined in Section 26070 of the Business and Professions Code and amended by the Town of Truckee.
- (ff) “Sale”, “sell”, and “to sell” include any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.
- (gg) “School” means any facility providing instruction to kindergarten or any grades 1 through 12, as defined by Section 26054 of the Business and Professions Code.
- (hh) “Youth center” means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities, as defined in Section 11352.1 of the Health and Safety Code.

C. License Requirements

1. Any person seeking to sell and/or deliver adult use or medicinal cannabis from a premises located in the town of Truckee must first obtain and maintain a license in accordance with this Section prior to operating. However, adult use or medicinal cannabis delivery, originating from a retailer located outside of the town of Truckee, is not required to comply with the requirements of this Section.
2. A Cannabis Delivery Service License is required for any retail activities for which MAUCRSA requires a State “M-Retailer” or “A-Retailer” license issued by the Bureau. The Cannabis Delivery Service License is more restrictive than a State “M-Retailer” or “A-Retailer” license because it requires the retailer’s premises to be closed to the public and requires the retailer to conduct sales exclusively by delivery.

3. The licensee shall comply with all applicable State laws. The licensee shall not engage in any commercial cannabis activity which would necessitate a license for a different cannabis activity other than for delivery services.
4. Eligibility criteria for cannabis delivery services shall be established through adoption of a Town Council resolution. The resolution will identify the criteria the Town will rely on in determining eligibility to obtain a license for cannabis delivery services.

D. Prohibited commercial cannabis activities.

1. With the exception of cannabis delivery service businesses, all other commercial cannabis activities are prohibited.

E. Applicability. A cannabis delivery service business is allowable within the following zoning districts, with a Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits): M (Manufacturing), DM (Downtown Manufacturing), CG (General Commercial) and CS (Service Commercial). All cannabis delivery services are prohibited within the ground floor spaces of any building in the CG zoning district.

F. Site requirements.

1. Location.

a. **Separation requirements from sensitive uses.** A cannabis delivery service business shall not be allowed within the specified distances to the following uses that are in existence at the time the license is issued. The distance specified in this Section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code, as may be amended from time to time. Specifically, the following distance requirements shall apply:

(i) Within a 600-foot radius of a school, day care center, or youth center as required by Section 26054 of the Business and Professions Code.

b. **Physical location.** The cannabis delivery service shall be located in a fixed structure, shall not be open to the public, and a retail storefront is prohibited. No delivery of cannabis shall occur within the structure or on the premises thereof.

c. **Size Limitation.** All cannabis delivery service businesses are limited to 3,000 square feet of gross floor area.

2. Landscaping. Landscaping shall comply with Chapter 18.40 (Landscape Standards).

3. Lighting. The entire exterior ground, including the parking lot, shall be provided with lighting which is energy efficient, stationary and directed away from adjoining properties and public rights-of-way, in compliance with Section 18.30.060 (Exterior Lighting).

a. Security lighting is allowed provided all fixtures comply with Section 18.30.060 (Exterior Lighting).

4. **Signs.** On-site signs shall comply with Chapter 18.54 (Signs).
 5. **Exterior Design Requirements.** Any licensee operating a cannabis delivery service shall implement security measures reasonably designed to prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products from the premises. The use of exterior security cameras is allowed; however, in no cases shall window security bars be installed on the exterior of any building façade.
 - a. All exterior building modifications shall comply with Chapter 18.24 (Design Guidelines).
 6. **Interior design requirements.** Any licensee operating a cannabis delivery service shall prohibit public access to the facility and reasonable security measures shall be in place to preclude public access to the interior of the facility.
- G. Review and action on applications.** A Cannabis Delivery Service License shall only be issued following approval of a Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits) to establish the business.
1. **Term of license.** Licenses issued under this Section shall be valid at the licensed premises in perpetuity from the date of issuance provided all of the following criteria are met:
 - a. The licensee is in compliance with all conditions of approval and/or mitigation measures associated with the Use Permit.
 - b. The licensee is operating at the approved physical location and all operating criteria are in compliance with Section 18.58.075.H (Operational requirements).
 - c. The licensee is operating with a valid State-issued “A-retailer” or “M-retailer” license.
 - d. The licensee complies with all applicable State laws.

If a licensee departs from the licensed physical location or premises, the license shall become null and void.
 2. **Monitoring.** The Community Development Department shall conduct annual monitoring of each licensee to ensure the cannabis delivery service business is in compliance with all aspects of its license. Any licensees deemed not in compliance may be subject to license suspension, modification or revocation as provided in this Section.
 - a. A licensee shall be responsible for paying an annual license monitoring deposit, as established by resolution of the Town Council from time to time. This deposit shall cover the full cost borne by the Town to administer the licensing program and all responsibilities established in this Section.
 3. **License suspension, modification and revocation.** Any license issued under the terms of this Section may be suspended, modified, or revoked by the review authority for cause

including but not limited to violation of any of the requirements or provisions of this Section or State law, or conflicts with State law.

- a. Except as otherwise provided in this Section, no license shall be suspended, modified, or revoked until written notice of the intent to consider revocation or suspension of the license has been served upon the person to whom the license was granted at least 30 days prior to the date set for such review. Such notice shall contain a brief statement of the ground to be relied upon for revoking or suspending such license. Notice may be given either by personal delivery to the person to be notified, or by depositing it in the U.S. mail in a sealed envelope, postage prepaid, return receipt requested, addressed to the person to be notified at his/her address as it appears in his/her application for a license.
 - b. If any person or owner holding a license or acting under the authority of such license under this Section is convicted of a public offense in any court for the violation of any law which relates to his or her license, the Community Development Director may revoke such license forthwith without any further action thereof, other than giving notice of revocation to the licensee.
 - c. If any licensee's State license is suspended, or revoked, the Town license shall be deemed suspended for the same period of time as the State license, or revoked, as applicable, effective on the date of suspension or revocation of the State license. The Community Development Director shall notify the licensee of such suspension or revocation upon becoming aware of the suspension or revocation of the State license.
 - d. The licensee shall provide notice to the Community Development Director of any suspension, revocation, or modification of the State license.
- 4. Appeal of review authority or Community Development Director decision.** An applicant or interested party aggrieved by the review authority or Community Development Director's decision to approve, suspend, modify, or revoke a license may appeal such decision to the review authority designated in Table 4-1 of Section 18.70.020 by filing a written appeal in accordance with the requirements of Chapter 18.140 (Appeals). If an appeal is not submitted within 10 days following the review authority or Community Development Director's decision, the decision shall be final.
- a. Consideration of the appeal shall be processed in accordance with the requirements of Chapter 18.140 (Appeals).
- 5. Effect of revocation.** Following revocation of any license by the review authority provided for in this Section and after the time for appeal to the appropriate review authority has elapsed, or if after appeal to the review authority, the decision of the original review authority has been affirmed, no new application for a license shall be accepted from the applicant and no such license shall be issued to such person in which the applicant shall have any beneficial interest for a period of three years after the action revoking the license.

- 6. Transfer of licenses.** A licensee shall not operate under the authority of an adult use or medicinal cannabis delivery service or retailer's license at any place other than the address stated in the application for the license.
- a. The license is nontransferable unless the transferee obtains an amendment to the license from the Community Development Director stating that the transferee is now the licensee. Such an amendment may only be obtained if the transferee files an application with the Community Development Department in accordance with all provisions of this Section accompanied by a transfer fee in an amount set by resolution of the Town Council, and the Community Development Director determines in accordance with this Section that the transferee would be entitled to the issuance of an original license.
 - b. No license may be transferred when the Community Development Director has notified the licensee that the license has been or may be suspended or revoked.
 - c. Any attempt to transfer a license either directly or indirectly in violation of this Section is void, and the license shall be deemed revoked.
- 7. Enforcement.** It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this Section. A violation of this Section shall be punishable in accordance with the Municipal Code.
- a. All remedies prescribed under this Section shall be cumulative and the use of one or more remedies by the Town shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.
 - b. Any person that violates any provision of this Section shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.
 - c. Any use or condition caused or permitted to exist in violation of any of the provisions of this Section shall be and is declared a public nuisance and may be summarily abated by the Town.
 - d. The violation of any provision of this Section shall be and is declared to be contrary to the public interest and shall, at the discretion of the Community Development Director, create a cause of action for injunctive relief.
 - e. In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this Section may be subject to administrative remedies as set forth by the Municipal Code.

H. Operational requirements.

- 1. On-site consumption and public access.** All forms of on-site consumption are prohibited within a cannabis delivery service business and the general public shall be prohibited from accessing any portions of the facility and conducting any retail sales

therein. This requirement does not apply to public access associated with operation of the facility, including employees associated with commercial deliveries, regulatory functions, testing labs, etc.

2. **Sales of cannabis, cannabis accessories, and cannabis products.** All retail sales of cannabis, cannabis accessories or cannabis products shall occur during a transaction for delivery of the cannabis or cannabis product to the customer, primary caregiver, purchaser or qualified patient.
- I. **Severability.** The provisions of this Section are declared to be severable. If any provision, clause, word, sentence, or paragraph of this Section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Section.

18.58.080 - Child Day Care Facilities

This Section establishes standards for the Town review of child day care facilities, in compliance with State law, including the limitations on the Town's authority to regulate these facilities, in a manner that recognizes the need of in-home day cares to give children the home environment which is conducive to healthy and safe development while minimizing the effects on surrounding residents. (See California Health and Safety Code Section 1596.70 et seq.) These standards apply in addition to the other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the California Department of Social Services is required for all child day care facilities prior to beginning operation.

- A. **Standards for small family day care homes.** The following standards shall apply:
1. **Permit requirements.** Small family day care homes shall be a permitted use as part of a single-family dwelling. A land use permit shall not be required to establish a small family day care home provided that the small family day care home complies with the requirements of this subsection and State laws regulating small family day care homes.
 2. **Primary use as residence required.** The small family day care home shall be the principle residence of the day care provider, and the use shall be clearly incidental and secondary to the use of the property as a residence.
 3. **Fire protection.** The facility shall contain a fire extinguisher, smoke detector devices and carbon monoxide alarms.
- B. **Standards for large family day care homes.** The following standards shall apply:
1. **Permit and notice requirements.** Large family day care homes shall be a permitted use as part of a single-family dwelling located in a residential zoning district. Permit processing for large family day care homes shall be subject to the following:
 - a. A large family day care home shall require the approval of a nondiscretionary Large Family Day Care Permit by the Director prior to approval. Instead of the public

notice required by Chapter 18.180 (Public Hearings), property owners within 300 feet of the proposed site shall be provided notice of the application at least 10 days before the date of the Director's decision on the entitlement. A public hearing shall not be held unless requested in writing by the applicant or other affected person(s);

- b. The notice shall clearly indicate that State law requires that the entitlement be issued, authorizing operation of the large family day care home on any parcel zoned for a single-family dwelling, subject to the applicable standards in this Subsection. Further, the notice shall state that the determination may be appealed to the Commission in compliance with Chapter 18.140 (Appeals), but that the Commission may only grant the appeal and reverse or modify the determination if the Commission finds that the Director's determination was contrary to Town or State laws governing large family day care homes; and
 - c. A Large Family Day Care Permit shall be issued if the Director determines that the proposed large family day care home will comply with the standards in this Subsection.
2. **Primary use as residence required.** The large family day care home shall be the principle residence of the day care provider, and the use shall be clearly incidental and secondary to the use of the property as a residence.
 3. **Fire protection.** The facility shall be inspected by the Truckee Fire Protection District, unless the responsibility is passed to the Town Building Division, to ensure compliance with regulations adopted by the State Fire Marshall and to issue a "fire safety clearance," as required for State day care licensing.
 4. **Safety standards.** Each facility shall be inspected by the Town Building Division for compliance with the Housing Code concerning standards applicable to day care facilities. Any required building permits necessary to operate a large family day care home shall be obtained and completed prior to beginning operation.
 5. **Health Standards.** Each facility shall comply with all health and sanitation requirements administered by the Nevada County Environmental Health Department.
 6. **Noise standards.** In order to protect adjoining residential dwellings from noise impacts, a facility within any residential zoning district may only operate up to 14 hours each day between the hours of 6:00 a.m. and 8:00 p.m. and may only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m. Additionally, the facility shall be in full compliance with Chapter 18.44 (Noise) for the subject zoning district.
 7. **Off-street parking.**
 - a. Each facility shall have the number of parking spaces required for single-family dwellings in compliance with Chapter 18.48 (Parking and Loading Standards), one additional space for the drop-off and pick-up of the children utilizing the facility to ensure that the children are not placed at risk and street traffic is not unduly interrupted, and one additional parking space for each person working at the facility, other than a person who resides at the home.

- b. The driveway parking spaces may be in tandem with the on-site garage spaces in compliance with Chapter 18.48 (Parking and Loading Standards). The facility shall be provided with adequately designed off-street drop-off and pick-up areas and an off-street turnaround area to ensure that vehicles reentering the street will be able to do so in a forward-facing direction. The off-street turnaround requirement may be waived at the discretion of the Director and Town Engineer, depending on site-specific characteristics, safety issues and traffic patterns in the vicinity.

8. Private road access.

- a. If the proposed day care home does not have access to a Town-maintained road, the applicant shall join, form or demonstrate that they are part of a private road maintenance agreement. If the private road is maintained by a homeowners association, participation in a Road Maintenance Association shall be included as part of the application and a Letter of Acknowledgment from the Association shall accompany the application. If a new road maintenance agreement is required, the Town Engineer shall review the submitted agreement.
- b. As an alternative to entering into a road maintenance agreement with a homeowners association, the day care provider may decide to be solely responsible for the maintenance of the private road. This decision by the day care provider shall be deemed a condition of the use of the property and shall be documented by a written declaration of that decision, which shall be recorded in the County Recorder's Office.

- 9. Separation standards.** A proposed large family day care home shall be located so that no adjoining residentially zoned parcel is bordered on more than one side by a large family day care home, and so that no other legally established large family day care home is located within 300 feet of the property boundaries of the proposed facility. Small family day care homes are not included when determining overconcentration. These separation standards may be reduced by the Zoning Administrator through a Minor Use Permit in accordance with Chapter 18.76 (Use Permits and Minor Use Permits).

- 10. Signs.** On-site signs shall be in compliance with Chapter 18.54 (Signs).

- C. Standards for child day care centers.** The following standards shall apply, in addition to the standards in Subsection B (Standards for large family day care homes), above:

- 1. Indoor play areas.** The facility shall be provided with indoor play areas in compliance with State requirements. Separate and clearly defined play and activity areas shall be provided for each age group, including infant, toddler, preschool and school age children;
- 2. Outdoor play areas.** An outdoor play area shall be provided in the rear yard of the site, as follows:
 - a. Minimum area.** The play area shall have at least 75 square feet for each child, but not less than a total of 450 square feet; and

- E. Site coverage.** All new facilities shall meet the lot coverage standards determined by Table 3-14.

**TABLE 3-14
MAXIMUM SITE COVERAGE**

Parcel Size	Maximum Coverage
2 acres or less	60%
2.01 - 5 acres	50%
Greater than 5 acres	40%

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.

- C. **Maximum number of structures.** Only one detached structure with living area shall be allowed on a single legal parcel of record.
- D. **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.
- E. **Rentals prohibited.** The detached living area shall not be separately rented or leased from the main dwelling, whether compensation is direct or indirect.
- F. **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.
- G. **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.
 - b. The stacking area shall be located so that the area for five cars is located before their reaching the menu board.
 - c. Separation of the stacking area from other traffic shall be by asphaltic or concrete curbing, or paint striping on at least one side of the lane.
3. **Walkways.** Pedestrian walkways should not intersect the drive-through drive aisles, but where they do, they shall have clear visibility, and emphasized by enhanced paving or marking.
- F. **Screening.** An eight-foot high solid decorative wall shall be constructed on each property line that is adjoining a residentially zoned/occupied parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the Director.
- G. **Signs.** In addition to the signs allowed in compliance with Chapter 18.54 (Signs), the following signs are allowed for drive-through uses:
 1. One two square foot ground-mounted sign, with a maximum height of three feet, is allowed at the entrance to the drive-through aisle;
 2. One two square foot ground-mounted sign, with a maximum height of three feet, is allowed at the exit of the drive-through aisle; and
 3. One sign, 24 square feet in area or less, with a maximum height of six feet, is allowed along the drive aisle. The sign shall face away from the public right-of-way and shall not use reflective material. Outdoor speakers shall be located at least 50 feet from any residentially zoned or residentially occupied parcel.
- H. **Minimum floor area for restaurants.** To ensure that the drive-through service facility is an accessory to a primary restaurant use, the minimum interior floor area for drive-through restaurants shall be 1,000 gross square feet.
- I. **Facility design within shopping centers.** Drive-through facilities within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-through facility shall provide compatibility with surrounding uses in terms of color, form, materials, scale, etc.

- J. Parking.** No reduction in off-street parking requirements shall be granted a restaurant because drive-through service facilities are provided.
- K. Public hearing notice.** Whenever a hearing is held regarding a land use permit for a drive-through facility, notice procedures for the public hearing shall comply with the requirements of Section 65091(d) of the California Government Code.

18.58.114 - Electrical Utility Facilities

- A. Purpose.** The following standards are established to ensure that the discretionary review of new electrical facilities would result in the approval of facilities that are compatible with surrounding structures and land use activities, in compliance with Chapter 18.76 (Use Permits and Minor Use Permits).
- B. Applicability.** The standards shall apply to the following types of electrical facilities in compliance with State law (Government Code Sections 53091 and 53096 and Public Resources Code Section 12808.5).
 1. Electrical distribution lines of 100,000 volts or greater;
 2. Electrical substations within an electrical transmission system which receives electricity at 100,000 volts or greater; and
 3. The production or generation of electrical energy.
- C. Standards.** All applicable electrical facilities shall comply with the following standards:
 1. All electrical facilities which produce or generate electrical energy shall be properly screened from public view. The extent and method (e.g., design, materials, etc.) of screening shall be subject to the approval of the Director;
 2. All Use Permits for electrical facilities shall be appropriately conditioned to ensure that the:
 - a. Facility would be located, designed, operated and continually maintained in a manner which further ensures that the facility will always remain compatible with, and will not cause any negative impacts upon, surrounding structures and land use activities;
 - b. Facility would be reviewed at the end of the first full year of operation, and at least every five years thereafter, to ensure on going compliance with all conditions, rules and regulations governing the operation of the facility;
 - c. Owner/operator of the facility clearly displays all of the conditions, rules and regulations governing the operation of the facility and conducts routine classes for all employees to review the expected levels of employee conduct to further ensure full compliance with the conditions, rules and regulations;

3. The owner/operator shall take all necessary steps to provide for the following on-going safety/security measures at electrical substations and facilities that produce or generate electrical energy:
 - a. The owner/operator shall prevent the unauthorized entry of persons or animals by providing surveillance to control entry onto the facility; and
 - b. Perimeter fencing shall be constructed of a material and at a height specified by the Director.
 4. The owner/operator shall cooperate with the Town in complying with all of the following on-going monitoring measures:
 - a. The Town shall be authorized to enforce all conditions, rules and regulations related to the facility, including entry onto the subject property to ensure compliance; and
 - b. The owner/operator shall immediately distribute copies of all compliance reports as to facility operations and copies of all inspection reports made by other local, Regional, State or Federal agencies to the Director.
 5. The following additional conditions should be imposed by the Commission:
 - a. Before issuance of a Certificate of Occupancy, the owner/operator shall document that all financial responsibility requirements imposed by State or Federal agencies have been met;
 - b. The owner/operator shall indemnify, defend and render the Town harmless against all claims, actions or liabilities relating to permit approval, and the subsequent development/operation of the electrical facility;
 - c. The owner/operator shall prepare and submit an emergency response plan and annual preparedness report to the Director. The plan/report shall be initiated by each person at the facility who has emergency response assignments; and
 - d. The Town may employ any and all methods allowed by law to enforce the provisions of this Section and related requirements of the Municipal Code.
- D. Additional findings.** The following finding shall be made in addition to those findings identified in Section 18.76.030 (Findings and Decision) before granting the approval of a Use Permit for the proposed electrical facility:

The electrical facility shall be located, designed, operated and continually maintained in a manner which ensures that the facility will always remain compatible with, and will not cause any negative impacts upon, surrounding structures and land use activities, in compliance with Chapter 18.76 (Use Permits and Minor Use Permits).

18.58.120 - Home Occupations

This Section establishes standards for the development and operation of home occupations that are secondary to, and compatible with, surrounding residential uses. A home occupation is an accessory commercial activity or business service use customarily conducted within a dwelling, by its residents, in a manner clearly incidental to the residential character of the site and surrounding neighborhood.

A. Exempt activities. Home occupations conducted solely by residents of a housing unit that are limited to the use of a desk, telephone, personal computer and computer accessories, or other similar home office equipment, and do not generate pedestrian or vehicular customer or delivery trips shall be exempt from the requirements for a Home Occupation Permit, but shall comply with the standards of this section and all applicable provisions of this Development Code. Examples of exempt activities include, but are not limited, to the following:

1. Masseuse who gives in-home massages only at a client's home;
2. Accountant who meets clients at their place of business but works on the books at home; or
3. Website designer or drafter working from a home computer.

B. Home occupation permit requirement. A Home Occupation Permit shall be obtained and posted in compliance with this Section for home occupations, which are allowed as accessory uses in all residential zoning districts. A statement of compliance with the operating standards identified in Subsection C, below, shall be signed before issuance of the Home Occupation Permit. Examples of home occupations that require permits include, but are not limited to, the following:

1. Personal trainer, real estate professional, therapist, lawyer, notary, florist, etc., with no more than two clients or deliveries on any day;
2. Cottage food operations, as defined in Section 113758 et seq. of the Health and Safety Code and as allowed by California State Assembly Bill 1616, with up to one full-time equivalent employee or volunteer.
3. Microenterprise home kitchen operations, as defined in Section 114367 et. seq. of the Health and Safety Code and as allowed by California State Assembly Bill 626, with up to one full-time equivalent employee or volunteer.

C. Home occupation operating standards. Home occupations shall comply with the following operating standards:

1. The home occupation shall be clearly secondary to the full-time use of the structure as a dwelling;
2. A use employing no more than one person at one time who lives off-site and works at the dwelling, or no more than two of the permanent residents;
3. The use shall not require any modification not customarily found in a dwelling, nor shall the home occupation activity be visible from the adjoining public rights-of-way or from neighboring parcels;

4. The home occupation shall comply with all applicable provisions of the Town Building Code and the Nevada County Environmental Health Department;
5. The use shall not display window or advertising sign(s), merchandise or stock in trade, or other identification of the home occupation on the premises unless otherwise required by State law (one name plate not exceeding one square foot in area may be allowed by the Director);
6. The home occupation shall be confined to not more than 25 percent of the floor area of the residence nor more than 400 square feet of floor area, whichever is greater;
7. Storage shall not occur out-of-doors or constrict required parking.
8. The residence shall have and maintain at least two on-site parking spaces in compliance with Section 18.48.040 Table 3-9 and Section 18.48.070.D. Additional parking generated by the home occupation shall be provided on-site in addition to the requirements for the residential use;
9. The parking of company-owned vehicles in residential zones shall comply with Section 18.48.030.D;
10. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of pesticides or explosive, flammable or hazardous materials;
11. The home occupation shall not create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration or other hazards or nuisances; and
12. The home occupation shall not generate vehicular customer or delivery greater than two trips per day beyond that normally associated with a residential property. A trip for the purposes of this section shall be defined as one entry trip and one exit trip from the parcel.

D. Home occupations requiring Minor Use Permit approval. The following are activities that may not comply with the operating standards in Subsection C above, but may be allowed with Minor Use Permit approval, in compliance with Chapter 18.76 (Use Permits and Minor Use Permits):

1. A use exceeding 400 square feet or 25 percent of the floor area of the main dwelling, whichever is greater. In no case shall the use, including storage areas and accessory structures, exceed either 1,000 square feet or 40 percent of the floor area of the main dwelling, whichever is less;
2. A use employing two people living off-site and working at the dwelling at any one time, or more than two of the permanent residents;
3. A use which involves one or more of the following:

- a. Commercial kitchen facility or catering business, other than a registered cottage food operation or microenterprise home kitchen operation described in Section A above;
 - b. Hand woodworking or machine work;
 - c. Home visits for three or more clients, patients or pupils at a time, such as a barber shop, beauty salon, music teacher or educational tutor;
 - d. Pet grooming or pet day care.
 - e. A business such as construction, landscaping, housecleaning, etc. where more than one employee reports to the residence per day before and/or after visiting clients;
 - f. Any body art facility, as defined by Section 119300 et seq. of the Health and Safety Code and as allowed by California State Assembly Bill 300, with no minimum size or number of employees or clients;
 - g. Any other use or occupation which the Director determines is similar in nature to the previously listed uses;
4. A single dwelling unit with more than one home occupation; and
 5. A use which generates vehicular customer or delivery traffic exceeding more than two trips per day beyond that normally associated with a residential property. In no case shall vehicular customer and delivery traffic exceed more than 10 trips each day.

18.58.130 - Live/Work and Work/Live Units

- A. **Purpose.** This Section establishes standards for the development and operation of live/work and work/live units, and for the reuse of existing commercial and industrial structures to accommodate these units. Live/work and work/live units are intended to be occupied by business operators who wish to live in the same structure that contains the commercial activity or industry. A live/work unit is intended to function predominantly as living space with incidental accommodations for work-related activities that are beyond the scope of a home occupation. A work/live unit is intended to function predominantly as work space with incidental residential accommodations that meet the basic habitability requirements.
- B. **Development standards.** The following development standards shall apply:
 1. **Separation and Access.** Each live/work and work/live unit shall be separated from other units and other uses in the structure. Access to the live/work or work/live unit shall be provided only from common access areas, corridors, or halls. The live/work or work/live unit shall have an access clearly separate from other live/work quarters or other uses within the structure.
 2. **Facilities to accommodate commercial or industrial activities.** A live/work or work/live unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of ventilation, interior storage, flooring and other physical

improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.

3. **Integration of living and working space.** Areas within a live/work or work/live unit that are designated as living space shall be an integral part of the live/work or work/live unit and not separated (or occupied and/or rented separately) from the work space, except that mezzanines and lofts may be used as living space subject to compliance with the other provisions of this Section, and living and working space may be separated by interior courtyards or similar private space.
4. **Mixed occupancy buildings.** If a building contains mixed occupancies of live/work or work/live units and other nonresidential uses, occupancies other than live/work or work/live shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work or work/live units and other occupancies, as determined by the Chief Building Official.
5. **Identification.** Access to the live/work quarters shall be clearly identified in order to provide for emergency services;
6. **Maximum residential area.** No more than 60 percent of the gross floor area of a live/work or 40 percent of the gross floor area of a work/live unit shall be used or arranged for residential purposes (e.g., bathroom, closet, kitchen and sleeping area);
7. **Minimum floor area.** The minimum gross floor area of a live/work unit shall be 500 square feet. The minimum gross floor area of a work/live unit shall be 750 square feet;
8. **Limitation on occupancy.** Live/work or work/live units shall be occupied and used only by a business operator, or a family of which at least one member shall be the business operator;
9. **Sale or rental of portions of unit.** No portion of a live/work or work/live unit may be separately rented or sold as a commercial space for any person not living in the premises or as a residential space for any person not working in the same unit.
10. **Notice to occupants.** The owner or developer of any building containing work/live units shall provide written notice to all occupants and users that the surrounding area may be subject to levels of noise, dust, fumes or other effects associated with commercial and industrial uses at higher levels than would be expected in residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone. These regulations shall not pre-empt State and/or Federal health regulations.
11. **Non-resident employees.** Up to two persons who do not reside in the live/work or work/live unit may work in the unit unless this employment is prohibited or limited by the review authority. The employment of three or more persons who do not reside in the live/work or work/live unit may be permitted subject to Use Permit approval, based on additional findings that the employment will not adversely affect traffic and parking conditions in the site vicinity. The employment of any persons who do not reside in the live/work or work/live unit shall comply with all applicable Building Code requirements.

12. **Client and customer visits.** Client and customer visits to live/work or work/live units are permitted subject to any applicable conditions of the review authority to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses.
 13. **Changes in use.** Conversion of a live/work or work/live unit to an entirely residential use shall only be approved by the review authority through a new land use permit application or modification of a land use permit, processed in compliance with this Development Code. The review authority shall find that the exclusively residential use will not impair the ability of non-residential uses on and adjacent to the site to continue operating because of potential health or safety concerns or nuisance complaints raised by the exclusively residential use and/or its occupants.
 14. **Parking.** The addition or construction of live/work or work/live units shall be exempt from any additional requirements identified in Chapter 18.48 (Parking and Loading Standards), providing parking is provided for the primary land use in compliance with Table 3-8.
- C. **Limitations on Use.** The non-residential gross floor area of a live/work or work/live project shall not be established or used in conjunction with the following activities:
1. **Prohibited uses.** A live/work or work/live unit shall not be established or used in conjunction with any of the following activities:
 - a. Adult businesses;
 - b. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.;
 2. **Live/work unit.** A live/work unit shall not be established or used in conjunction with any of the following activities:
 - a. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
 - b. Welding, machining or any open flame work; and
 - c. Any other uses, as determined by the Director not to be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products or wastes.
- D. **Density.** Live/work and work/live units shall comply with the maximum density requirements of the applicable zoning district.
- E. **Required findings.** The approval of a live/work or work/live unit shall require that the review authority first make all of the following findings:

1. The proposed use of each live/work or work/live unit is a bona fide commercial industrial activity consistent with Subsection C (Limitations on use);
2. The establishment of live/work or work/live units will not conflict with nor inhibit industrial or commercial uses in the area where the project is proposed;
3. The building containing live/work or work/live units and each live/work or work/live unit within the building has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations; and
4. Any changes proposed to the exterior appearance of the building will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses. If there is adjacent residentially zoned land, the proposed changes to the building will make the commercial or industrial building being converted more compatible with the adjacent residential area.

18.58.135 – Makerspaces

A. Purpose. This Section establishes standards for the development and operation of makerspaces.

B. Allowed uses. Where allowed by Article II (Zoning Districts and Allowable Land Uses), the following makerspace uses shall be allowed:

1. **Craft makerspace.** Involves uses such as arts and technology that do not have significant impacts on adjacent uses in terms of noise, odors, etc.
3. **Manufacturing makerspace.** Involve uses which may have greater potential impacts on adjacent properties in terms of noise, odors, etc. These uses may include, but are not limited to, the following: metal fabrication and welding, paper products, glass products, furniture and fixtures, stone and clay products, and textile and leather products.

C. Accessory Uses. A makerspace may be allowed as an accessory use to a retail business in compliance with Section 18.58.030 (Accessory Retail Uses) and as follows:

1. The accessory use may occupy a maximum 25 percent of the floor area of the primary retail use, in compliance with Section 18.58.030; or
2. The accessory use may share space with a primary retail use (for example, a store that is open for retail sales during the day and use in off-peak hours as a makerspace); in such cases, the accessory use shall be limited to operating no more than 25 percent of the retail operating hours (e.g., if the retail store is open eight hours per day, the accessory makerspace may operate no more than two hours).
3. If a makerspace is approved as an accessory use to a primary retail business, the makerspace may be allowed on the ground floor of Commercial Row; otherwise, makerspaces on the ground floor of Commercial Row shall be prohibited.

D. Development Standards. In approving a land use permit application for a makerspace, the Director may impose conditions deemed reasonable and necessary to ensure that the approval will be in compliance with this Chapter and the findings required by Section 72.030 (Review and Decision) and Section 18.76.030 (Findings and Decision). The conditions may address any pertinent factors affecting the operation of the use, and may include the following:

1. **Hours of operation.** Regulation of operating hours and days;
2. **Nuisance mitigation.** Regulation of nuisance factors including dirt, dust, gases, heat, noise, odors, smoke, waste and vibration;
4. **Parking.** Provision for adequate temporary parking facilities, pedestrian and vehicular circulation, including vehicular ingress and egress, and public transportation, if applicable, in compliance with Chapter 18.48 (Parking and Loading Standards), except as follows:
 - a. A craft makerspace shall be subject to the parking requirement for office uses.
 - b. A manufacturing makerspace shall be subject to the parking requirements for general manufacturing uses.
 - c. Any makerspace with a retail component shall be subject to the parking requirements for retail uses.
4. **Signs.** Regulation of signs, in compliance with Chapter 18.54 (Signs);
5. **Outdoor Uses.** Regulation of outdoor uses in compliance with Section 18.58.190 (Outdoor Uses) and 18.58.200 (Outdoor Storage and Work Areas); and
6. **Other conditions.** Other conditions that will ensure the operation of the proposed use in an orderly and efficient manner and in full compliance with the purpose/intent of this Section.

18.58.140 - Mixed-Use Development

- A. **Purpose.** This Section provides significant incentives to encourage the development of mixed-use projects in the CN, CG, CS, DMU, DC, M and DM zoning districts. The intent is to provide a mixture of commercial and manufacturing/industrial uses with residential uses within the commercial and manufacturing zoning districts to increase the area's population and pedestrian activity, and to reduce air pollution, energy consumption and transportation costs. The provisions of this Section allow greater flexibility in design and encourage innovative and creative site planning by providing incentives to combine commercial and residential land uses on the same site.
- B. **Allowed land uses.** The uses which may be approved in a mixed-use project shall be those allowed in the applicable zoning districts in compliance with the provisions of Section 18.12.030 (Commercial and Manufacturing District Land Uses and Permit Requirements). In addition, uses not specifically permitted in the applicable zoning district (e.g., office use in a

manufacturing zoning district) may be approved in a mixed-use project. The floor area for uses not specifically permitted in the applicable zoning district shall not exceed 25 percent of the total floor area of the non-residential uses of the mixed-use project, and the review authority shall find that the uses are compatible with the other uses in the mixed-use project and the surrounding area. Live/work and work/live units as defined in Section 18.58.130 shall require Minor Use Permit approval, and the “work” portion of each unit shall count toward the maximum allowable floor area ratio of the project.

C. Eligibility for mixed-use development incentives. To qualify for a mixed-use development incentive, a project shall meet the following minimum requirements:

1. The project shall provide a minimum density of two residential units per acre onsite. For example, a mixed-use development on a 0.5-acre site shall include at least one residential unit, and a development on a two-acre site shall include at least four residential units. The residential units may be counted toward any workforce housing requirements for the project to comply with Chapter 18.216 (Workforce Housing).
2. The project may be developed as one or more multi-use or single purpose structures. If the project is developed in phases, a proportionate amount of residential units shall be constructed in each phase.

D. Development standards and incentives. The following standards and incentives shall apply to eligible mixed-use projects:

1. **Maximum Density.** Residential density shall not exceed four units per acre;
2. **Residential parking.** Parking requirements shall be reduced to one parking space for each residential unit.
3. **Inclusionary housing.** Residential units in a mixed-use development project shall comply with Chapter 18.214 (Inclusionary Housing).
4. **Floor area.**
 - a. The maximum floor area ratio may be increased by 0.05, or 2,178 square feet per acre in accordance with Section 18.12.050 (Floor Area Ratio Criteria).
 - b. Commercial and/or industrial uses shall be the primary components of a mixed-use project. Residential floor area shall not exceed 50 percent of the total floor area of the mixed-use project. For example, a project with 5,000 square feet of industrial warehouse space may have up to 5,000 square feet of residential floor area.
 - c. Residential floor space shall not be counted towards the allowed floor area as determined by the floor area criteria development standard.
5. **Additional Incentives.** The development standards of the applicable zoning district shall apply to mixed-use projects unless they are specifically modified by the review authority as an additional incentive. The review authority shall find that the modifications are appropriate on the site and will not create adverse impacts on the surrounding area.

- a. The maximum site coverage development standard may be increased up to 10%.
- b. The minimum open space development standard may be decreased up to 10%.
- c. The number of parking spaces required for the project may be decreased up to 10%.
- d. The multi-family residential standards of Section 18.58.180 (Multi-family Residential Projects) may be waived for second-story residential units above commercial/industrial uses.

18.58.150 - Mobile Home Parks and Subdivisions

- A. Purpose.** This Section establishes standards for the location, development and operation of mobile homes in planned, integrated mobile home parks or subdivisions, and to protect the health, safety and welfare of the community and those living within the park or subdivision.
1. These standards are intended to produce a development with appropriate standards of light and air, open space, pedestrian and vehicular circulation, and a density which is similar to those required by the residential zoning district in which the development is located.
 2. For purposes of this Section, the use of the term “mobile home park” shall mean and refer to both a mobile home park and a mobile home subdivision.
- B. Applicability.** New mobile home parks shall conform to the minimum standards of this Section. The Commission may impose other, more restrictive requirements in the interest of public health, safety and welfare.
- C. Design and development standards.**
1. **Minimum area and density.** Proposed mobile home parks shall comply with the following requirements:
 - a. Minimum site area for park: Five acres.
 - b. Minimum lot area: 3,500 square feet for parcels in a mobile home subdivision.
 - c. Maximum density: Eight spaces per acre.
 - d. Minimum space dimensions. Individual spaces for mobile homes within mobile home parks shall be a minimum of 35 feet wide for single-wide coaches and 45 feet for double-wide coaches.
 - e. Units per space. Only one mobile home shall be allowed to occupy each space. Occupied travel trailers, campers or similar vehicles shall not be allowed on an approved mobile home space.

2. **Setbacks.** Minimum setbacks for individual sites within the park shall be five feet on all sides, including front and rear, except for any side or rear abutting the project property line, in which case the minimum setback shall be 24 feet.
3. **Site coverage.** The maximum coverage allowed in the mobile home park shall comply with the requirements of the applicable zoning district.
4. **Parking.** On-site parking improvements shall comply with Chapter 18.48 (Parking and Loading Standards) and the following:
 - a. Occupant spaces: Two paved spaces for each mobile home space;
 - b. Visitor parking: At least one paved parking space shall be provided for each four mobile home spaces for visitor parking within the park. The spaces shall be dispersed in a logical manner throughout the park;
 - c. Parking adjacent to roadway. When vehicle parking is allowed within the park's roadways, the width of the parking areas shall be in addition to the required width of the roadway so as not to restrict traffic movement.
5. **Street improvements.** Improvements to a public street, may be required along the frontage of the project. Off-site improvements may be required to provide a safe and adequate access, as determined by the Commission.
6. **Recreational vehicles.** As an accessory use in a mobile home park, an area composed of not more than 25 percent of the area of the mobile home park may be allowed for recreational vehicles, subject to the following requirements:
 - a. The maximum length of stay allowed in the facility shall be specified by the Use Permit; and
 - b. The designated storage spaces shall not be subject to all of the provisions of this Section, but shall be adequately delineated on the subject site plan.
7. **Access.** Park access shall be designed and constructed as follows:
 - a. Access to the park shall be by means of an improved public street;
 - b. Each mobile home site shall have direct access to a public or private roadway;
 - c. An all-weather walkway shall be provided on each mobile home site extending from the roadway to the mobile home entrance; and
 - d. Improvement standards, including provision for access by public transportation, shall be specified in the Use Permit.
8. **Internal roadway standards.** The roadways within a mobile home park shall provide adequate vehicular circulation for the development and for the area in which it is located, including adequate width, radii and access for emergency vehicles.

18.58.160 - Mobile Home, Tiny Home or Recreational Vehicle — Temporary During Construction

- A. Limitation on use.** A mobile home, tiny home, trailer or recreational vehicle may be used as a temporary residence of the property owner when the property owner is the builder and a valid Building Permit for a new single-family dwelling is in force, or as a temporary residence for a caretaker of a multi-family residential project containing 10 or more units when a valid Building Permit for the multi-family residential project is in force.
- B. Time limits.** The permit may be approved by the Director, subject to approval by the Nevada County Health Department, for up to one year, or upon expiration of the Building Permit, whichever first occurs.

18.58.170 – Mobile Homes, Manufactured Homes, and Tiny Homes on Permanent Foundation Systems

A manufactured home, mobile home, or tiny home shall be allowed as a dwelling on those parcels where single-family dwellings are permitted in compliance with the requirements of the applicable zoning district and the following standards:

- A. Permanent foundation.** A mobile home or tiny home shall be placed on a permanent foundation system and shall be subject to the same provisions, regulations and restrictions as a conventionally constructed single-family residence;
- B. Alterations.** If the manufactured home, mobile home, or tiny home has been altered at any time since original construction, evidence of alteration permits from HCD or HUD shall be presented to the Building Division when applying for a Building Permit for the manufactured home, mobile home or tiny home;
- C. Mobile Home, Manufactured Home, or Tiny Home Installation Permit required.** Before location and occupancy of the manufactured home, mobile home, or tiny home on a permanent foundation within a mobile home park or RV park, a Mobile Home Installation Permit shall be received from the Building Division and a permit for water supply and sewage disposal shall be received from the Nevada County Health Department or a special district, as applicable. The manufactured home, mobile home, or tiny home shall comply with the California Building Code including snow load requirements. Mobile homes or tiny homes constructed before June 16, 1976, shall not be allowed;
- D. License relinquishment.** Before the issuance of an Installation Permit for a manufactured home, mobile home, or tiny home to be placed on a permanent foundation within a mobile home park or RV park, the Building Division shall receive evidence of vehicle license relinquishment for the unit, at which time the unit will be subject to real property tax rather than annual State vehicle licensing fees; and
- E. Mobile Home, Manufactured Home, or Tiny Home without a permanent foundation.** A manufactured home, mobile home, or tiny home not installed on and secured to an approved permanent foundation may only be located within a mobile home park in compliance with Section 18.58.150 (Mobile Home Parks and Subdivisions), above.

18.58.180 - Multi-Family Residential Projects

This Section provides development and operational standards for multi-family residential projects, addressing the requirements for common and private open space, common recreational activities and laundry facilities. These standards are in addition to those in Chapter 18.08 (Residential Zoning Districts), specifically the RM (Residential Multi-Family), DRM (Downtown Medium Density Residential), DRH (Downtown High Density Residential), and DVL (Downtown Visitor Lodging) zoning districts, as well as Chapter 18.46 (Open Space/Cluster Requirements).

- A. Open space requirements.** All multi-family residential developments with five or more dwelling units shall incorporate common and private useable open space for passive and active recreational purposes within the project's design in the following manner:
- 1. Common open space.** Common open space consisting of active recreational and natural preservation areas shall be provided as follows:
 - a. Minimum area.** The project shall be designed to provide the equivalent of a minimum of 250 square feet of common open space for each dwelling unit;
 - b. Minimum dimensions.** The open space shall maintain a minimum dimension of 20 feet and shall not include rights-of-way, vehicle access or parking areas. Rear setback areas may be credited as useable common open space, up to a maximum of 50 percent, when the setback is a minimum of 20 feet wide; and
 - c. Pavement limitation.** Up to 50 percent of any required common open space may be paved or in hard surface if the surfaces are to be used for recreational purposes (e.g. basketball court, swimming pool). All open space areas shall be separated from unenclosed parking and access areas by either a minimum three-foot-wide landscaped strip or a minimum three-foot high barrier. The landscaped strip may be included as open space if it is incorporated into an open space area which meets the minimum dimensional requirements.
 - 2. Private exterior space.** Private exterior space shall be provided as follows. The exterior space shall be provided as a private and immediately accessible area to the dwelling unit it is designed to serve, in one of the following configurations:
 - a. Balcony.** A private balcony shall be attached to and directly accessible only from one dwelling unit, shall have an area of at least 60 square feet with no dimension less than six feet, and shall be unenclosed on at least one-third of its perimeter, except for required railings;
 - b. Deck.** A private deck, including roof deck or patio, shall be accessible to only one dwelling unit and shall have an area of not less than 90 square feet with no minimum dimension of less than six feet; or

- c. **Patio.** A private, at grade level patio shall be accessible to only one dwelling unit, shall have an area of not less than 90 square feet with no dimension less than six feet, and shall be enclosed through fencing or other solid material.
- B. **Common recreational amenities.** All multi-family residential developments with 10 or more units shall provide a minimum of one indoor/outdoor recreational amenity for every 25 units or fraction thereof within the common open space areas, which may include the following:
 - 1. Barbecue/picnic area;
 - 2. Recreation building;
 - 3. Swimming pool; and/or
 - 4. Tot lot with play equipment.
- C. **Common laundry facilities.** All multi-family residential developments with five or more dwelling units shall provide common laundry facilities, except where laundry facilities are provided within each unit.
 - 1. **Facilities required.** Common laundry facilities shall be provided at a minimum ratio of:
 - a. One washer and one dryer for every 15 units or fraction thereof for up to 100 units; and
 - b. One washer and one dryer for every 30 units or fraction thereof for the number of units over 100.
 - 2. **Keyed access.** The facilities shall be provided with keyed access for “tenants only”;
 - 3. **Distribution of facilities.** The facilities shall be evenly disbursed throughout the multi-family development and easily accessible to all tenants; and
 - 4. **Security.** The facilities shall be designed to address security concerns in the location and layout of the common laundry facility areas.
- D. **Multi-Family Residential Projects within the Downtown Visitor Lodging (DVL) zoning district.** High density multi-family residential (Multi-family dwellings, 11 or more units) is encouraged within the Downtown Visitor Lodging (DVL) zoning district through incentives to allow greater flexibility in design and encourage innovative and creative site planning.
 - 1. Multi-family residential projects within the DVL zoning district shall provide a minimum density of 16 dwelling units per acre.
 - 2. Development standards and incentives.
 - a. **Residential parking.** Parking requirements identified in Chapter 18.48 (Parking and Loading Standards), including the number of required on-site parking spaces and the requirement that one space per unit shall be in a fully enclosed garage, may be

modified through a parking management plan. The parking management plan shall demonstrate that there is sufficient on-site parking for all proposed uses and shall be approved by the review body concurrent with the land use application.

- b. **Inclusionary housing.** Multi-family residential projects shall comply with Chapter 18.214 (Inclusionary Housing).
- c. **Floor area.** If a non-residential project is proposed concurrent with a multi-family, the residential floor space shall not be counted towards the allowed floor area as determined by the floor area criteria development standard.
- d. **Site Coverage.** The maximum site coverage development standard may be increased up to 10%
- e. **Non-residential Parking.** The number of parking spaces required for the non-residential portion of the project may be reduced through an approved parking management plan.
- f. **Setbacks.**
 - (1) **I-80 setback.** The 125-foot setback from property lines adjacent to Interstate 80 may be reduced to a minimum of 50 feet by the review authority, if the review authority finds that the reduction will further General Plan Housing Element goals and will create a superior site design than would otherwise be achieved through strict application of the setback. The reduced setback shall be required to be landscaped to create a visual buffer to and from the highway and to screen any development proposed within the 125-foot setback. Trees shall be provided at a rate of one for every 20 lineal feet of landscaped area and shrubs shall be provided at a rate of one for every five lineal feet of landscaped area. Additional trees and shrubs may be required by the review authority as determined on a case-by-case basis. Parking may be allowed within this reduced setback if vehicles are adequately screened from I-80 with additional landscaping and/or the project demonstrates that vehicles will not be visible from I-80 or off-ramp.
 - (2) **Truckee Cemetery setback.** Parking, driveways, roads, and other surface improvements may be located within the 100-foot Truckee Cemetery setback if the review authority finds that there would be adequate screening to minimize potential impacts to the cemetery. Structures are prohibited within this setback. Landscaping shall be incorporated within the setback area to provide adequate screening. Trees shall be provided at a rate of one for every 20 lineal feet of landscaped area and shrubs shall be provided at a rate of one for every five lineal feet of landscaped area to screen improvements located within the 100-foot Truckee Cemetery setback. Additional trees and shrubs may be required by the review authority as determined on a case-by-case basis.

18.58.190 – Outdoor Display and Sale Standards

This Section provides development and operational standards for outdoor uses, including permanent outdoor display and sales (Subsection A, below), outdoor dining and seating areas (Subsection B, below), and outdoor garden supply areas (Subsection C, below).

A. Permanent outdoor displays and sales. The permanent outdoor sale and display of merchandise shall comply with the following standards.

1. Small displays. Notwithstanding the permit requirements of Article II, small outdoor sales and display areas (e.g., mannequins, sidewalk displays, etc.) that comply with the following standards shall be exempt from permit requirements:

a. The display and/or sales area:

- (1) May only be located near the main business's entrance(s);
- (2) Shall not exceed a total of 12 square feet;
- (3) Shall be oriented towards pedestrian traffic; and
- (4) Shall not interfere with pedestrian or vehicular access, and shall not be located within parking spaces.

b. The products may only be displayed during regular business hours of the main business; they shall be brought in, each day, after closing.

2. Medium displays. Notwithstanding the permit requirements of Article II, medium outdoor sales and display areas (greater than 12 square feet in size) may be allowed subject to the approval of a Zoning Clearance in compliance with Chapter 18.72 (Zoning Clearance) and compliance with the following standards:

a. The display and/or sales area:

- (1) May only be located near the main business's entrance(s);
- (2) Shall not exceed 100 square feet;
- (3) Shall be oriented toward pedestrian traffic; and
- (4) Shall not interfere with pedestrian or vehicular access, including ADA-accessible pedestrian walkways and required parking spaces.

b. The products may only be displayed during regular business hours of the main business; they shall be brought in, each day, after closing.

c. No tents, canopies or other similar overhangs shall be permitted as part the outdoor sales and display area.

3. Large displays. Large outdoor sales and displays of merchandise may be permitted subject to the requirements of Article II and the following standards:

- a. Location of sales areas.** Outdoor sales and display areas shall be located entirely on private property and shall not encroach into required setback areas. In zoning districts where no setback area is required, the outdoor sales area shall be set back a minimum of 10 feet from adjoining property line(s). The review authority may modify or waive the setback requirements if the review authority finds it is reasonable and necessary to modify or waive the requirements based on the nature and intensity of the outdoor activity;
- b. Location of merchandise.** Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation and does not encroach upon driveways, landscaped areas, required parking spaces, or ADA-accessible pedestrian walkways. Displays shall not obstruct traffic safety sight areas or otherwise create hazards for pedestrian or vehicular traffic;
- c. Size of sales and display area.** The size of the outdoor sales and display area shall be limited to a maximum of 25 percent of the gross floor area of the retail business.
- d. Height of displayed materials.** The outdoor display of merchandise shall not exceed a height of seven feet above finish grade. The review authority may allow heights greater than seven feet if the review authority finds it is reasonable and necessary to increase the height requirement based on the nature and intensity of the outdoor activity;
- e. Relationship to main use.** The outdoor sales and display area shall be directly related to a business occupying a permanent structure on the subject parcel;
- f. Screening required.**
 - (1) Outdoor sales and display areas shall be screened from adjoining public rights-of-way by decorative walls, fences and/or landscaping in compliance with Section 18.30.110 (Screening).
 - (2) Screening shall be provided to a height of one foot above the approved height of the items, materials, or merchandise being displayed.
 - (3) The review authority may modify or waive the screening requirements if the review authority finds it is reasonable and necessary to modify or waive the requirements based on the nature and intensity of the outdoor activity.
- g. Signs.** Additional signs, beyond those normally allowed for the subject use, shall not be provided as a result of the outdoor display and sales area(s).

B. Outdoor dining and seating areas. Outdoor dining and seating areas shall comply with the following standards:

2. **Seating.** The number of seats provided outdoors shall not exceed the number provided indoors. The Community Development Director may waive this requirement for outdoor restaurants that do not provide any indoor seating.
3. **Alcoholic beverage sales.** Areas in which alcoholic beverages will be served shall comply with the standards established by the State Department of Alcoholic Beverage Control and the following standards:
 - a. The dining area shall be accessible from inside the restaurant only, unless the review authority waives this requirement in circumstances where this is not feasible or practical;
 - b. The dining area shall be clearly and physically defined. It shall be clearly a part of the restaurant it serves; and
 - c. The dining area shall be supervised by a restaurant employee to ensure conformance with laws regarding on-site consumption of alcoholic beverages.
3. **Parking requirements.** Outdoor dining and seating areas shall comply with the following off-street parking requirements
 - a. Off-street parking requirements shall be calculated in compliance with Chapter 18.48 (Parking and Loading Standards). The Director may reduce or waive parking requirements for outdoor dining areas that are less than 600 square feet in area and less than 50 percent of the indoor dining area; and
 - b. Outdoor dining areas that are not part of a specific restaurant, but are used in common with several restaurants or tenants within a commercial center, shall not be required to provide additional off-street parking for these common outdoor areas.
4. **Clean-up facilities.** Outdoor dining areas, whether part of a restaurant or seating in common, shall provide adequate clean-up facilities and associated procedures in the following manner:
 - a. Outdoor dining areas shall be cleaned on a continual basis for removal of litter and food items which constitute a nuisance to public health and safety; and
 - b. Outdoor dining areas shall contain waste receptacles for use by the public and/or restaurant employees.
5. **Design and use compatibility.** To ensure compatibility with surrounding uses and a high standard of design quality, the following standards shall be implemented:
 - a. **Compatible elements.** Outdoor dining and seating areas and associated structural elements, awnings, covers, furniture, umbrellas or other physical elements which are visible from the public rights-of-way shall be compatible with the overall design of the main structure(s);

- b. **Entertainment.** Outdoor dining and seating areas that provide dancing, entertainment or amplified music shall require the preparation of a noise analysis with appropriate mitigation measures to ensure that noise levels will not exceed those specified in Chapter 18.44 (Noise);
 - c. **Lighting.** Lighting to illuminate the outdoor dining and seating areas shall be provided in compliance with Section 18.30.060 (Exterior Lighting);
 - d. **Pedestrian orientation.** The use of awnings, plants, umbrellas and other human scale elements is encouraged to enhance the pedestrian experience;
 - e. **Potential impacts.** Outdoor dining and seating areas and their relation to churches, hospitals, public schools and residential uses shall be considered, and proper mitigation measures shall be applied to eliminate potential impacts related to glare, light, loitering and noise;
 - f. **Obstructions.** Outdoor dining and seating areas shall not obstruct pedestrian or vehicular traffic;
 - g. **Setbacks.** Outdoor dining and seating areas shall be set back a minimum of five feet from property lines or parking lots; and
 - h. **Signs.** Signs and advertising materials placed in an outdoor dining or seating area shall be in compliance with Chapter 18.54 (Signs).
6. **Additional finding for approval.** The review authority shall make a determination that the hours of operation requested are appropriate to the proposed use, and consideration has been given to the proposed use's relation to adjoining:
- a. Churches, and other places of worship;
 - b. Hospitals, and other medical clinics;
 - c. Public/private schools; and
 - d. Residential areas.
- C. **Outdoor garden supply sales.** The portions of outdoor garden supply sales areas used for the display and storage of garden supplies (e.g. fertilizer, garden tools) shall be screened with fencing, meshing or other similar sight-obscuring material, in compliance with Section 18.58.200 (Outdoor Storage and Work Areas), below. Screening is not required for areas for the display and storage of plants, shrubs, trees, and other landscaping.
- D. **Outdoor storage of merchandise.** Outdoor storage of merchandise, accessory to a retail use, may be permitted subject to the requirements of Article II (Zoning Districts and Allowable Land Uses) and the following standards:
- a. **Relationship to main use.** The outdoor storage area shall be directly related to a retail business occupying a permanent structure on the subject parcel;

b. Location of outdoor storage area.

- (1) The outdoor storage area shall be located directly adjacent to the retail business. Outdoor storage areas may be located to the side or rear of a retail business. Outdoor storage areas may be allowed on the side of a building facing a public right of way only if the review authority finds that there are no other feasible locations and that the location would not negatively impact traffic visibility and site aesthetics. Outdoor storage areas are prohibited in front of a retail business.
- (2) The outdoor storage area must be located entirely on private property and shall not encroach into required setback areas. In zoning districts where no setback area is required, the outdoor storage area shall be set back a minimum of 10 feet from adjoining property line(s). The review authority may modify or waive the setback requirements if the review authority finds that there would be no aesthetic impacts to adjacent properties.

c. Size of outdoor storage area. The size of the outdoor storage area shall be limited to a maximum of 25 percent of the gross floor area of the retail business;**d. Height of stored materials.** The outdoor retail storage area shall not exceed a height of six feet above finish grade. The review authority may allow heights greater than seven feet if the review authority finds that there would be no aesthetic impacts to adjacent properties;**e. Screening required.**

- (2) Outdoor retail merchandise storage areas shall be screened from adjoining public rights-of-way by permanent decorative walls, fences and/or landscaping. The use of chain link fencing shall be prohibited.
- (3) Materials used to screen the outdoor storage area shall be complementary to and consistent with the façade of the existing retail building.
- (4) Screening shall be provided to a height of one foot above the approved height of the items, materials, or merchandise being displayed.
- (5) Screening shall be limited to the perimeter of the storage area; covers over the outdoor storage area are not permitted, including temporary pop-up tents, tarps or awnings. Use of cargo containers and other temporary storage structures shall be prohibited.
- (5) The review authority may modify or waive the screening requirements if the review authority finds that there would be no aesthetic impacts to adjacent properties.

18.58.200 - Outdoor Storage and Work Areas

This Section establishes standards for uses with outdoor storage and work yards areas.

A. Screening of outdoor storage and work areas. Where allowed by Article II (Zoning Districts and Allowable Land Uses), outdoor storage and work areas, including auto dismantling operations, auto wrecking yards, building materials sales, equipment yards, junk yards, lumber yards, recycling facility-processing centers, scrap metal yards, waste resource and waste recycling operations, snow removal businesses, construction contractor's yards, and uses with similar outside storage and work yards, shall comply with the following screening requirements:

1. The perimeter of the storage and/or work yard shall be enclosed and screened by a solid, sight-obscuring masonry wall or metal or wood fence with a minimum height of six feet and a maximum height of eight feet. The type and design of the wall or fence shall be approved in advance of construction or installation as part of the land use permit. The wall or fence shall include operable gate(s) to be used as the only entrance(s) and exit(s) for the property. The wall, fence, and gate(s) shall be properly maintained to continuously conform to the conditions established by the review authority. The review authority may approve a maximum fence/wall height greater than 10 feet for projects adjacent to or visible from residential or other sensitive land uses if determined necessary for compatibility.
2. All operations in conjunction with the above listed uses, including the loading and unloading of equipment and materials, shall be conducted entirely within the walled or fenced area(s);
3. All equipment and materials, including storage containers, trailers and trucks shall be stored within the walled or fenced area(s). The equipment and materials shall not be maintained, stored or used so as to be visible above the height of the sight-obscuring wall or fence from any exterior property line except as follows:
 - a. Mechanical equipment, including cranes, crushers and loaders, may be of a height which may be visible beyond the limits of the property; and
 - d. Except for equipment designed to move under its own power, all mechanical equipment with a height exceeding the sight-obscuring wall or fence shall be located a minimum distance of 40 feet from any exterior property line.

B. Outdoor storage in the River Protection (-RP) Overlay District. Consistent with Section 18.20.050.D.6, outdoor storage and work areas on parcels adjacent to the Truckee River shall be prohibited.

18.58.210 - Recycling Facilities

A. Purpose. This Section establishes standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities.

B. Applicability. Any recycling facility intending to operate in the Town shall comply with the following provisions:

1. Recycling facilities are subject to permit review in the commercial and manufacturing zoning districts in compliance with Table 3-15.

**TABLE 3-15
PERMIT REQUIREMENTS FOR RECYCLING FACILITIES**

Type of facility	Zoning districts allowed	Permit required
Reverse vending machine(s)	All Commercial M, DM	Zoning Clearance for up to 5 reverse vending machines
Small collection	CG, CS, DMU, DC, DVL M, DM	Minor Use Permit Zoning Clearance
Large collection	M, DM	Zoning Clearance
Light and heavy processing (scrap and dismantling yards)	M	Use Permit

2. **Development and operating standards.** Recycling facilities shall comply with the following specific standards:

- a. **Reverse vending machines.** Reverse vending machine(s) located within a commercial or manufacturing location shall not require additional parking spaces for recycling customers and may be allowed in all commercial and manufacturing zoning districts, subject to Zoning Clearance and compliance with the following standards:

- (1) Shall be installed as an accessory use in full compliance with the applicable provisions of this Development Code and the Municipal Code;
- (2) If located inside of a structure, shall be within 30 feet of the entrance and shall not obstruct pedestrian circulation;
- (3) If located outside of a structure, shall not occupy parking spaces required by the main use and shall be constructed of durable waterproof and rustproof material(s);
- (4) Shall not exceed a total of five machines with a maximum area of 50 square feet for each installation, including any protective enclosure of up to eight feet in height;
- (5) Shall have a maximum sign area of four square feet for each machine, exclusive of operating instructions;
- (6) Shall have operating hours which are consistent with the operating hours of the main use; and
- (7) Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn in compliance with Section 18.30.060 (Exterior Lighting).

- b. Small collection facilities.** Small collection facilities are allowed within the DMU, DC, DVL, CG and CS zoning districts, subject to a Minor Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits), in the manufacturing zoning district, subject to a Zoning Clearance in compliance with Chapter 18.72 (Zoning Clearance), and in compliance with the following standards:
- (1) Shall be installed in full compliance with the applicable provisions of this Development Code and the Municipal Code;
 - (2) Shall not exceed an area of 500 square feet nor three parking spaces, not including space that will be periodically needed for the removal of materials or exchange of containers;
 - (3) Shall be set back at least 10 feet from any public right-of-way and not obstruct pedestrian or vehicular traffic;
 - (4) Shall accept only glass, metal or plastic containers, paper and reusable items;
 - (5) Shall not use power-driven processing equipment except for small, compact machinery (e.g., can shredder, glass breaker, reverse vending machine);
 - (6) Shall use containers that are constructed with durable waterproof and rustproof material(s), secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule;
 - (7) Shall not be located within 50 feet of any parcel zoned or occupied for residential use;
 - (8) Collection containers and site fencing shall be of a color and design to be both compatible and harmonious with the surrounding uses and neighborhood;
 - (9) The facility shall not impair the landscaping required by Chapter 18.40 (Landscape Standards) for any concurrent use allowed by this Development Code;
 - (10) Additional parking spaces shall not be required for customers of a small collection facility located in the established parking lot of the main use. One space shall be provided for the attendant, if needed;
 - (11) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
 - (12) Use of parking spaces by the facility and by the attendant, if provided, shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows that existing capacity is not fully utilized during the time the recycling facility will be on the site; and

- (13) Shall be subject to landscaping and/or screening as determined through land use permit review.
- c. Large collection facilities.** A large collection facility which is larger than 350 square feet, or on a separate parcel not accessory to a main use, which has a permanent structure is allowed in the DM and M zoning districts, subject to a Zoning Clearance in compliance with Chapter 18.72 (Zoning Clearances) and the following standards:
- (1) The facility does not abut a parcel zoned or occupied for residential use;
 - (2) The facility shall be screened from the public rights-of-way, within an enclosed structure, or behind fences, walls or screen planting;
 - (3) Structure setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located;
 - (4) Exterior storage of material shall be in sturdy containers which are secured and maintained in good condition at all times. Storage, excluding truck trailers, shall not be visible above the height of the required fence, wall or screen planting;
 - (5) The site shall be maintained clean, sanitary and free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;
 - (6) Any containers provided for “after hours” donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof material(s), with sufficient capacity to accommodate materials collected, and secured from unauthorized entry or removal of materials; and
 - (7) Dust, fumes, odor, smoke or vibration, above ambient levels, shall not be detectable from adjoining parcels.
- d. Processing facilities.** Light and heavy processing facilities are allowed in the manufacturing zoning district subject to a Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits), and compliance with the following standards:
- (1) The facility shall not abut a parcel zoned or occupied for residential use;
 - (2) Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding, sorting of source-separated recyclable materials, and repairing of reusable materials;
 - (3) A light processing facility shall not exceed 45,000 square feet, may have up to an average of two outbound truck shipments of material each day, and

shall not bale, compact or shred ferrous metals other than beverage and food containers.

- (4) A heavy processor may exceed 45,000 square feet and two outbound truck shipments each day, and may perform those functions not allowed at light processing facilities;
 - (5) Exterior storage of material shall be in sturdy containers or enclosures which are maintained and secured in good condition at all times. Storage containers for flammable materials shall be constructed of nonflammable material(s). Outdoor storage shall be screened by a six-foot high opaque fence or solid masonry wall. Storage, excluding truck trailers, shall not be visible above the height of the required fence or wall;
 - (6) Any containers provided for “after hours” donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof material(s), with sufficient capacity to accommodate materials collected, and secured from unauthorized entry or removal of the materials; and
 - (7) Dust, fumes, odor, smoke or vibration, above ambient levels, shall not be detectable from adjoining parcels.
- e. **Time limit.** Any permit issued in compliance with this Section shall have a maximum term established by the approved Use Permit. Before permit renewal, the Director shall consider the permittee’s history of compliance with the established conditions of approval, as well as the applicable provisions of this Section and the Municipal Code.

3. **General standards.** All recycling facilities shall comply with the following standards:

- a. **Signs.** Facilities shall be provided with identification and informational signs as follows:
 - (1) Recycling facilities may have wall signs with a maximum area of 15 percent for each side of the structure or 24 square feet, whichever is less. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container; and
 - (2) Signs shall be both compatible and harmonious with the character of their location.
- b. **Refuse disposal.** The facility shall maintain adequate on-site refuse containers for the disposal of non-recyclable and non-hazardous waste materials.

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.** An accessory structure shall comply with the requirements of this Development Code applicable to the main structure, including heights, parcel coverage and setbacks. An accessory structure for multi-family residential uses shall be architecturally compatible with the main structure.
 - 3. Detached structures.**
 - 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. Decks, porches and stairways.** Decks, porches and stairways shall comply with State law (California Code of Regulations, Title 24). Stairways or landings shall not extend beyond any future right-of-way line established in compliance with this Development Code unless an encroachment permit is issued by the Town Engineer.

- E. 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).
- F. 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 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 is not attached to the accessory dwelling unit or main dwelling.
- 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..
- H. Home occupations.** Home occupations are subject to the requirements of Section 18.58.120 (Home Occupations).

- 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.
- 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).
- 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.
- 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 3-16, below.

**TABLE 3-16
CUMULATIVE SIZE OF ACCESSORY STRUCTURES**

Type of Structure	Size of Parcel	Maximum Cumulative Floor Area
Agricultural accessory structures	Less than five acres	2,000 sq.ft. (1)
	Five acres or greater	5,000 sq.ft. (1)
All other structures including detached garages but not agricultural accessory structures	Less than one acre	1,000 sq.ft. (2)(3)
	One to five acres	2,000 sq. ft. (2,3)
	Five acres or more	2,000 sq.ft. or 100% of the gross floor area of the dwelling(s), whichever is greater. (2,3)

Notes:

- (1) An open-air agricultural accessory structure (i.e., uncovered and unenclosed) shall not be construed as an accessory structure for the purpose of calculating floor area.
- (2) Consistent with Section 18.58.220.F.c, a garage for an accessory dwelling unit that is not attached to the accessory dwelling unit or main dwelling shall be counted towards the cumulative maximum size for detached garages on a parcel.
- (3) Except for a detached accessory garage or an agricultural accessory structure, the floor area of a single detached accessory structure shall not exceed 30 percent, nor shall the sum of the floor area(s) of the total number of detached accessory structures exceed 40 percent of the floor area of the main dwelling. A covered patio or barbecue area shall not be construed as an accessory structure for the purpose of calculating floor area.

18.58.240 - Senior Citizen Projects

This Section establishes procedures, standards and a density bonus for the development of apartments for senior citizens and/or senior citizen independent living centers (Subsection A, below) and senior citizen congregate care housing facilities (Subsection B, below). The intent of these standards is to ensure compatibility with surrounding land uses and to provide a campus-like atmosphere coordinating all on-site facilities.

- A. Senior citizen apartments or independent living centers.** When approved as part of a Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits), senior citizen apartments or independent living centers shall be designed in compliance with the following requirements:
- 1. Additional facilities.** If developed in a campus-like atmosphere and as a part of a senior independent living center, skilled nursing facilities and/or intermediate care facilities may be allowed with the approval of the required Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits); and
 - 2. Parking.** Off-street parking shall comply with Chapter 18.48 (Parking and Loading Standards). Those standards may be further reduced up to 50% if the review authority

finds that, based on the operational characteristics of the project, there will be no substantial adverse impacts.

B. Senior citizen congregate care housing facilities. When approved as part of a Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits), the site development standards for senior citizen congregate care housing facilities shall be in compliance with the following requirements:

1. Allowable density:

- a. The number of allowable residential dwelling units shall not exceed a maximum density of 20 units for each net acre of land; and
- b. A density bonus may be utilized if the development proposal can be found consistent with the applicable provisions of Chapter 18.212 (Density Bonuses, Concessions and Incentives).

4. Minimum floor area. The minimum floor area for each residential unit shall be as identified in Table 3-17.

**TABLE 3-17
MINIMUM FLOOR AREA FOR RESIDENTIAL UNITS**

Type of living unit	Minimum floor area
Studio	410 square feet
One-bedroom	510 square feet if kitchen-dining and living areas are combined
	580 square feet if kitchen-dining and living areas are separate
Two-bedroom	610 square feet if kitchen-dining and living areas are combined
	680 square feet if kitchen-dining and living areas are separate

3. Disabled access, safety and security features:

- a. The main entrance to the facility, common areas and all living units shall provide disabled access in compliance with applicable State and Federal law;
- b. Indoor common areas and living units shall be provided with necessary safety equipment (e.g., safety bars, etc.), as well as emergency signal/intercom systems, subject to the approval of the Director;
- c. Adequate internal and external lighting shall be provided for security purposes. The external lighting shall be stationary, directed away from adjoining properties and public rights-of-way, and of an intensity compatible with the surrounding neighborhood in compliance with Section 18.30.060 (Exterior Lighting); and

- d. The entire development project shall be designed to provide maximum security for residents, guests and employees.

4. Common facility requirements:

- a. Entertainment, recreational and social activity areas. Common entertainment, recreational and social activity areas of a number, size and scale consistent with the number of living units shall be provided;
- b. Common laundry facilities of sufficient number and accessibility, consistent with the number of living units shall be provided; and
- c. The development may provide one or more of the following specific common facilities for the exclusive use of the residents:
 - (1) Beauty and barber shop;
 - (2) Central cooking and dining room(s);
 - (3) Exercise room(s); and
 - (4) Small scale drug store and/or medical facility (not exceeding 850 sq. ft.).

5. Parking. Off-street parking shall be provided in the following manner:

- a. Standards relating to off-street parking, access, number of spaces required, dimensional requirements, disabled parking, landscaping, lighting, shading, striping, surfacing, etc., shall be in compliance with the standards outlined in Chapter 18.48 (Parking and Loading Standards); and
- b. Adequate and suitably striped or marked paved areas for shuttle parking shall be provided. Shaded waiting areas shall be provided adjoining the shuttle stops.

6. Transit facilities. A bus turnout and shelter along the street frontage shall be provided.

18.58.245 – Supportive Housing

This Section establishes standards for the development and operation of supportive housing. The requirements for supportive housing shall be consistent with Government Code Section 65650-65656.

- A. Applicability.** Supportive housing is allowed in all zones where residential units are allowed and are subject to the same regulations that apply to other residential uses of the same type in that zone. If a conflict arises between the general development standards and the development standards applicable to supportive housing, the development standards of this Section shall supersede any conflicting development standard of Article II or Article III.

B. By-right supportive housing. Supportive housing is allowed by right within the RM, DRS, DRM, DRH, CG, CN, CS, M, and DMU zoning districts, if the proposed housing development satisfies all of the following requirements.

1. Affordability restrictions.

- a. Units within the development are subject to a recorded affordability restriction for 55 years.
- b. One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding.
- c. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.

2. Information requirements. The developer provides the planning agency with a plan for providing supportive services, with documentation demonstrating that supportive services will be provided onsite to residents in the project, and describing those services, which shall include all of the following:

- a. The name of the proposed entity or entities that will provide supportive services;
- b. The proposed funding source or sources for the provided onsite supportive services; and
- c. Proposed staffing levels.

3. Mixed use requirements. For mixed-use projects, nonresidential floor area shall be used for onsite supportive services in the following amounts:

- a. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive service; or.
- b. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.

4. Replacement units. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915 of the Government Code.

5. Required development standards:

- a. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator; and
- b. Comply with the requirements set forth in Section 18.58.180 (Multi-Family Residential Projects).
- c. Reductions in the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a supportive housing project is terminated through no fault of the project owner shall comply with Government Code Section 65651.

C. Other zoning districts. Supportive housing allowed in all other zoning districts or does not meet the previously outlined criteria shall be subject to the same regulations that apply to other residential uses of the same type in that zoning district.

18.58.250 - Telecommunications Facilities

This Section establishes standards for the development and operation of telecommunications facilities including cellular wireless communications and data network facilities (Subsection A), satellite antennas (Subsection B), single pole/tower amateur radio antennas (Subsection C), and television and radio broadcasting towers (Subsection D).

A. Cellular wireless communications and data network facilities (Large and Small). Cellular wireless telephone and data network antennas, including supporting towers and related ground-mounted structures and equipment, shall comply with the following requirements.

- 1. Permit requirements.** The land use permit requirement for cellular wireless communications and data network facilities shall be as determined by Article II (Zoning Districts and Allowable Land Uses). Large cellular wireless communications and data network facilities shall require approval of a Use Permit; small cellular wireless communications facilities shall require approval of a Minor Use Permit. Plans for the cellular wireless communications and data network facility shall be submitted with the land use permit application in compliance with Chapter 18.70 (Applications, Processing and Fees).
- 2. Height.** Cellular wireless communications and data network facilities up to a maximum of 10 feet high shall fall under the definition of a small cellular wireless and data network facility.
- 3. Site selection.** Sites for cellular wireless communications and data network facilities shall be selected according to the following order of preference:
 - a. On existing structures (e.g., a church steeple, communication towers, freestanding sign, water tank, etc.);

- b. In locations where the existing topography, vegetation or other structures provide the greatest amount of screening; or
- c. On vacant land without significant visual mitigation, only in commercial and manufacturing zoning districts.

As part of the application process, applicants for cellular wireless communication and data network facilities shall be required to provide written documentation demonstrating a good faith effort in locating facilities in compliance with Subsection 2.a (Site selection order of preference), above.

- 4. **Prohibited areas.** Cellular wireless communications and data network facilities shall not be established within the RS, RM, DRS, DRM and DRH zoning districts.
 - 5. **Co-location.** The Town shall encourage and allow “co-location” of cellular wireless communications and data network equipment on appropriate existing Town structures and towers subject to reasonable engineering requirements. The Town shall encourage utility providers, special districts and other public agencies to allow “co-location” of cellular wireless communications and data network equipment on appropriate existing structures and towers subject to reasonable engineering requirements.
 - 6. **Painting.** The equipment and supporting structure shall be painted a single, neutral, non-glossy color (e.g., earth tones, gray, black) and, to the extent possible, compatible with the appearance and character of the surrounding neighborhood.
 - 7. **Setbacks.** Equipment shall not be located within any front or street side yard setbacks in any zoning district and shall not extend beyond the property lines.
 - 8. **Signs.** One sign, a maximum of 10 square feet in area, is allowed per side of the equipment enclosure. Signs shall be a maximum of 10 square feet on each elevation. Signs shall be posted and readable at ground level at all equipment/tower sites.
 - 9. **Undergrounding required.** Electrical and equipment wiring shall be placed underground.
 - 10. **Unused/obsolete equipment.** Unused/obsolete equipment or towers shall be removed from the site within six months after their need has ceased.
- B. Satellite antennas.** Satellite antennas, including portable units and dish antennas, shall be designed, installed and maintained in compliance with the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC) and as follows, when these provisions are not in conflict with applicable State and Federal regulations. (Normal/typical television antennas or satellite dishes with a maximum diameter of one meter [approximately 39 inches] are not regulated by this Section):
- 1. **Application requirements.** Plans for antennas shall be submitted with each application for a Building Permit, and shall include a “simple” site plan and elevation drawings indicating the color, diameter, foundation details, height, landscaping, setbacks and method of screening. The plans shall be subject to the approval of the Director;

2. **Painting.** The antennas and supporting structure shall be painted a single, neutral, non-glossy color (e.g., earth tones, gray, black) and, to the extent possible, compatible with the appearance and character of the surrounding neighborhood;
3. **Setbacks.** An antenna shall not be located within any front or street side yard setbacks in any zoning district and shall not extend beyond the property lines;
4. **Undergrounding required.** Electrical and antenna wiring shall be placed underground whenever possible;
5. **Residential zoning district standards.** In any residential zoning district, antennas shall be subject to the following standards:
 - a. **Mounting location.** Only ground-mounted antennas shall be allowed and the antennas shall be located only within the rear yard of the parcel, at least five feet from the rear lot line of an interior parcel, or 15 feet from the street side of a corner parcel. This provision may be modified by the Director if strict compliance would result in no/poor satellite reception. However, the maximum diameter of a non-ground-mounted antenna shall be one meter (approximately 39 inches);
 - b. **Size limitations.** The diameter of the ground-mounted antenna shall not exceed eight feet. This provision may be modified by the Director if strict compliance would result in no/poor satellite reception;
 - c. **Screening.** The antenna shall be separated from adjoining properties by at least a six-foot-high solid fence or wall, or by plants or trees of equal minimum height, approved by the Director;
 - d. **Height limit.** The height of the antennas shall not exceed 10 feet at the highest point of the antenna. This provision may be modified by the Director if strict compliance would result in no/poor satellite reception;
 - e. **Limitation on use of antenna.** The antenna shall be used for private, non-commercial purposes only;
 - f. **Number of antennas allowed.** Only one antenna may be allowed on any parcel;
 - g. **Projections.** An antenna shall not project into an area in which antennas shall not be located; and
 - h. **Setbacks.** An antenna that is taller than adjoining property line fences shall be located away from the side or rear property line a distance that is equal to or greater than the height of the antenna.
6. **Non-residential zoning district standards.** In any non-residential zoning district, antennas may be roof- or ground-mounted and shall be subject to the following standards:

- 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).

CHAPTER 18.60 - SURFACE MINING AND RECLAMATION STANDARDS

Sections:

- 18.60.010 - Purpose of Chapter
- 18.60.020 - State Standards
- 18.60.030 - Applicability
- 18.60.040 - Vested Rights
- 18.60.050 - Process
- 18.60.060 - Standards for Reclamation
- 18.60.070 - Statement of Responsibility
- 18.60.080 - Findings for Approval
- 18.60.090 - Financial Assurances
- 18.60.100 - Interim Management Plans
- 18.60.110 - Annual Report Requirements
- 18.60.120 - Inspections
- 18.60.130 - Violations and Penalties
- 18.60.140 - Appeals
- 18.60.150 - Fees
- 18.60.160 - Mineral Resource Protection

18.60.010 - Purpose of Chapter

- A. The Town recognizes that the extraction of minerals is essential to the continued economic well-being of the Town and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The Town also recognizes that surface mining takes place in diverse areas where the biological, climatic, geologic, topographic and social conditions are significantly different, and that reclamation operations and the specifications therefore may vary accordingly.
- B. This Chapter provides standards and procedures that are intended to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by the California Surface Mining and Reclamation Act of 1975 (Public Resources Code (PRC) Sections 2710 et seq., as amended, referred hereafter to as “SMARA”), PRC Section 2207 (relating to annual reporting requirements), and the State Mining and Geology Board regulations for surface mining and reclamation practice (California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq., referred to hereafter as the “State regulations”), to ensure the following:
 - 1. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses;

2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment; and
3. Residual hazards to the public health and safety are eliminated.

18.60.020 - State Standards

The provisions of SMARA (PRC Sections 2710 et seq.), PRC Section 2207, and the State regulations (CCR Section 3500 et seq.), as those provisions and regulations may be amended from time to time, are hereby incorporated into this Chapter by reference as though they were fully set forth here, except that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.

18.60.030 - Applicability

Except as provided in this Chapter, no person shall conduct surface mining operations unless a permit, Reclamation Plan and financial assurances for reclamation have first been approved by the Town. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the Town, including the application of CEQA, the requirement of land use permits or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be allowed under the law. The provisions of this Chapter shall apply to all lands within the Town, public and private.

This Chapter shall not apply to the following activities, subject to the above-referenced exceptions:

- A. Farming/on-site construction.** Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
- B. On-site excavation and earthmoving.** On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping or other land improvements, including the related excavation, grading, compaction or the creation of fills, road cuts and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:
 1. All required permits for the construction, landscaping or related land improvements have been approved by the Town in compliance with applicable provisions of State law and locally adopted plans and ordinances, including the California Environmental Quality Act ("CEQA," Public Resources Code, Division 13, Section 21000 et seq.);
 2. The Town's approval of the construction project included consideration of the on-site excavation and on-site earthmoving activities in compliance with CEQA;
 3. The approved construction project is consistent with the General Plan and the subject zoning district; and

4. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.
- C. Mineral processing.** Operation of a plant site used for mineral processing, including associated on-site structures, equipment, machines, tools or other materials, including the on-site stockpiling and on-site recovery of mined materials, subject to all of the following conditions:
1. The plant site is located on lands designated for commercial or manufacturing uses in the General Plan;
 2. The plant site is located on lands zoned commercial or manufacturing, or are contained within a zoning district intended exclusively for manufacturing activities;
 3. None of the minerals being processed are being extracted on-site; and
 4. All reclamation work has been completed in compliance with the approved Reclamation Plan for any mineral extraction activities that occurred on-site after January 1, 1976.
- D. Prospecting/extraction.** Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.
- E. Required by Federal law.** Surface mining operations that are required by Federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.
- F. Infrequent nature.** Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.
- G. Solar evaporation.** The solar evaporation of sea water or bay water for the production of salt and related minerals.
- H. Emergency activities.** Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing or restoring damage to property due to imminent or recent floods, disasters or other emergencies.
- I. Timber or forest operations.**
1. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjoining timber or forest operation roads.
 2. This exemption is only available if slope stability and erosion are controlled in compliance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the Department of Forestry and Fire Protection.

3. This exemption does not apply to on-site excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes.

18.60.040 - Vested Rights

A. Operations vested before January 1, 1976.

1. A person(s) who obtained a vested right to conduct surface mining operations before January 1, 1976, shall not be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in compliance with SMARA, State regulations and this Chapter.
2. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, they shall obtain Town approval of a Reclamation Plan covering the mined lands disturbed by subsequent surface mining.
3. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).

- B. Other requirements.** All other applicable requirements of State law and this Chapter shall apply to vested mining operations.

18.60.050 - Process

- A. Application.** Applications for a land use permit or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Department. The application shall be filed in compliance with this Chapter and procedures to be established by the Director. The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (Sections 2772-2773) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the Director.
- B. Required information.** As many copies of a land use permit and Reclamation Plan application, as may be required by the Director, shall be submitted in conjunction with all applications for the surface mining operations. For surface mining operations that are exempt from a land use permit in compliance with this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the Department at the same time.
- C. Environmental review forms.** Applications shall include all required environmental review forms and information identified by the Director.
- D. Public hearing.** Upon completion of the environmental review procedure and filing of all documents required by the Director, Site Approval or Reclamation Plan for the proposed or

existing surface mine shall reviewed at a public hearing before the Commission, and in compliance with Section 2774 of the Public Resources Code.

E. Notification to the State.

1. Within 30 days of acceptance of an application for a land use permit for surface mining operations and/or a Reclamation Plan as complete, the Department shall notify the State Department of Conservation of the filing of the application(s).
2. Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Department shall also notify the State Department of Transportation that the application has been received.

F. CEQA compliance. The Director shall process the application(s) through environmental review in compliance with the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the Town's environmental review guidelines.

G. State review of reclamation plan and financial assurance.

1. Before Planning Commission approval of a Reclamation Plan, financial assurances (as identified in this Chapter) or any amendments to the Reclamation Plan or existing financial assurances, the Director shall certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of State law, and submit the plan, assurance or amendments to the State Department of Conservation for review. The Commission may conceptually approve the Reclamation Plan and financial assurance before submittal to the State Department of Conservation.
2. If a land use permit is being processed concurrently with the Reclamation Plan, the Commission may simultaneously conceptually approve the land use permit. However, the Commission may defer action on the land use permit until taking final action on the Reclamation Plan and financial assurances.
3. If necessary to comply with permit processing deadlines, the Commission may conditionally approve the land use permit with the condition that the Director shall not issue the land use permit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.
4. In compliance with PRC Section 2774(d), the State Department of Conservation shall be given 30 days to review and comment on the Reclamation Plan and 45 days to review and comment on the financial assurance. The Director shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods and shall prepare a written response in compliance with PRC Section 2774(d). The Commission may review and conceptually approve the proposed response before submittal to the State Department of Conservation.

5. The Director shall submit the proposed response to the State Department of Conservation at least 30 days prior to Commission approval of the Reclamation Plan, financial assurances or any amendments to the Reclamation Plan or existing financial assurances. The Director shall also give the State Department of Conservation at least 30 days' notice of the time, place and date of the Commission hearing. Copies of any written comments received and responses prepared by the Director shall be promptly forwarded to the operator/applicant.
- H. Staff report.** Subsequent to the appropriate environmental review, the Director shall prepare a staff report with recommendations for consideration by the Commission.
- I. Commission hearing.** The Commission shall hold at least one noticed public hearing on the land use permit and/or Reclamation Plan, in compliance with Chapter 18.180 (Public Hearings) and Section 2774 of the Public Resources Code.
- J. Commission's action.** The Commission shall take action to approve, conditionally approve, or deny the land use permit and/or Reclamation Plan, and to approve the financial assurances in compliance with PRC Section 2770(d).
- K. Copy to the State.** Within 30 days of approval of the land use permit, Reclamation Plan, financial assurances or any amendments to the Reclamation Plan or existing financial assurances, the Director shall forward a copy to the State Department of Conservation of each:
1. Approved land use permit for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances; and
 2. Approved land use permit or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year, by July 1 of each year for every active or idle mining operation within the Town; and
 3. The final response of the Commission to the comments of the State Department of Conservation.
- L. Notice of Reclamation Plan Approval.** Upon approval or conditional approval of the reclamation plan or amendment to the reclamation plan, the Director shall record a Notice of Reclamation Approval with the Nevada County Recorder in compliance with PRC Section 2772.7.

18.60.060 - Standards for Reclamation

- A. State requirements.** All Reclamation Plans shall comply with the provisions of SMARA (Sections 2772 and 2773) and State regulations (CCR Sections 3500-3505). Reclamation Plans approved after January 15, 1993, Reclamation Plans for proposed new mining operations, and any substantial amendments to previously approved Reclamation Plans shall also comply with the requirements for reclamation performance standards (CCR Sections 3700-3713).
- B. Performance standards.** The Town may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of Town-wide performance standards.

- C. Initiation of reclamation activities.** Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal or fill, as approved by the Town. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include:
1. The beginning and expected ending dates for each phase;
 2. All reclamation activities required;
 3. Criteria for measuring completion of specific reclamation activities; and
 4. Estimated costs for completion of each phase of reclamation.

18.60.070 - Statement of Responsibility

- A. Responsibility for reclaiming lands.** The person submitting the Reclamation Plan shall sign a statement accepting responsibility for reclaiming the mined lands in compliance with the Reclamation Plan.
- B. Permanent record.** The statement shall be kept by the Department in the mining operation's permanent record.
- C. Statement of new operator.** Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility, before initiating or continuing operations, to the Department for placement in the permanent record.

18.60.080 - Findings for Approval

- A. Land use permit approvals.** In addition to any findings required by the Municipal Code, the approval of a land use permit for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations.
- B. Reclamation Plans.** For Reclamation Plans, the following findings shall be required:
1. The Reclamation Plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions;
 2. The Reclamation Plan complies with applicable requirements of State regulations (CCR Sections 3500-3505, and Sections 3700-3713);
 3. The Reclamation Plan and potential use of reclaimed land in compliance with the plan are consistent with this Chapter and the General Plan and any applicable resource plan or element;

4. The Reclamation Plan has been reviewed in compliance with CEQA and the Town's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations would be mitigated to the maximum extent feasible;
5. The land and/or resources (e.g., water bodies to be reclaimed, etc.) would be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography and other resources, or that suitable off-site development would compensate for related disturbance to resource values;
6. The Reclamation Plan would restore the mined lands to an usable condition which is readily adaptable for alternative land uses in compliance with the General Plan and applicable resource plan; and
7. A written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Director. Where the Town's position is at variance with the recommendations and objections raised by the State Department of Conservation, the response shall address, in detail, why specific comments and suggestions were not accepted.

18.60.090 - Financial Assurances

A. Security.

1. To ensure that reclamation will proceed in compliance with the approved Reclamation Plan, the Town shall require, as a condition of approval, security which will be released upon satisfactory performance.
2. The applicant may post security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the Town and the State Mining and Geology Board as specified in State regulations and in compliance with 18.84.040 (Performance Guarantees), and which the Town reasonably determines are adequate to perform reclamation in compliance with the surface mining operation's approved Reclamation Plan.
3. The financial assurances shall be made payable to the Town and the State Department of Conservation.

B. Financial assurances required. Financial assurances will be required to ensure compliance with elements of the Reclamation Plan, including revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

C. Cost estimates.

1. Cost estimates for the financial assurance shall be submitted to the Department for review and approval before the operator secures financial assurances.

2. The Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review.
3. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be presumed that the cost estimates are adequate, unless the Town has reason to determine that additional costs may be incurred.
4. The Director shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA and State regulations.

D. Amount of financial assurances.

1. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year.
2. Cost estimates shall be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Director.
3. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs.
4. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Reclamation Plan shall be based upon cost estimates that include labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee.
5. A contingency factor of 10 percent shall be added to the cost of financial assurances.

E. Abandonment of operations. In projecting the costs of financial assurances, it shall be presumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the Town or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

F. Duration of financial assurances. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

G. Adjustment of financial assurances.

1. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation and reclamation of lands accomplished in compliance with the approved Reclamation Plan.
2. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, except that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

H. Request for Modifications to financial assurances. The operator shall submit request for modifications to financial assurances to the Director each year before the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If modifications to the financial assurances are not requested the operator shall explain, in writing, why modifications are not required.

I. Modification or Release of Financial Assurances.

1. Prior to adjustment, modification or release of a financial assurance, the Director shall submit to the State Department of Conservation the documents required by CCR Section 3805.5 and certify to the Department of Conservation that the adjustment, modification or release of the financial assurance complies with the applicable requirements of State law, and submit the documents required by CCR Section 3805.5 to the State Department of Conservation for review.
2. In compliance with CCR Section 3805.5(b), the State Department of Conservation shall be given 45 days from the date of receipt of the documents to review and comment on the financial assurance in accordance with PRC Section 2774. The Director shall evaluate written comments received, if any, from the State Department of Conservation during the comment period and shall prepare a written response in compliance with PRC Section 2774(d).
3. The Director shall submit the proposed response to the State Department of Conservation at least 30 days prior to review authority approval of an adjustment or modification to the financial assurance. The Director shall also give the State Department of Conservation at least 30 days' notice of the time, place and date of any review authority hearing. Copies of any written comments received and responses prepared by the Director shall be promptly forwarded to the operator/applicant.
4. For the release of a financial assurance, the following findings shall be required:
 - a. There are no outstanding reclamation liabilities on the mined land and that the original financial assurance should be released pursuant to PRC Section 2773.1;
 - b. There are no violations of the mining operation; and
 - c. The review authority has obtained written concurrence of the Director of the State Department of Conservation that the completion of reclamation of the mined land

disturbed by the surface mining operation is in accordance with the requirements of the approved reclamation plan.

18.60.100 - Interim Management Plans

- A. Interim Management Plan (IMP).** Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Department a proposed Interim Management Plan (IMP).
1. The proposed IMP shall fully comply with the requirements of SMARA, including all Site Approval conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety.
 2. The proposed IMP shall be submitted on forms provided by the Department, and shall be processed as an amendment to the Reclamation Plan.
 3. IMPs shall not be considered a project for the purposes of CEQA.
- B. Idle operations financial assurances.** Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.
- C. Submittal to the State.** Upon receipt of a complete proposed IMP, the Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days before review and approval by the Commission.
- D. Commission's action.**
1. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the Commission shall review and approve or deny the IMP in compliance with this Chapter.
 2. The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Director, to submit a revised IMP.
 3. The Commission shall approve or deny the revised IMP within 60 days of receipt.
 4. If the Commission denies the revised IMP, the operator may appeal that action to the Council, in compliance with Chapter 18.140 (Appeals).
- E. Duration of IMP.** The IMP may remain in effect for a period not to exceed five years, at which time the Commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in compliance with its approved Reclamation Plan.

18.60.110 - Annual Report Requirements

- A. Existing operations.** Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board.
- B. New operations.** New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner.
- C. Fees and report required.** Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

18.60.120 - Inspections

- A. Scheduling and conduct of inspections.**
 - 1. The Director shall arrange for inspection of a surface mining operation within six months of receipt of the annual report required in Section 18.60.110, above, to determine whether the surface mining operation is in compliance with the approved land use permit and/or Reclamation Plan, approved financial assurances and State regulations.
 - 2. At least one inspection shall be conducted each calendar year.
 - 3. The inspections may be made by a State-licensed/registered civil engineer, geologist, forester or landscape architect, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the Director.
 - 4. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.
- B. Notification to the State.** The Director shall notify the State Department of Conservation within 30 days of completion of the inspection that the inspection has been conducted, and shall forward a copy of the inspection notice and any supporting documentation to the mining operator.
- C. Inspection costs.** The operator shall be solely responsible for the reasonable cost of the inspections.

18.60.130 - Violations and Penalties

If the Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable land use permit, any other required permit and/or the Reclamation Plan, the Town shall follow the procedures identified in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions of Chapter 18.190 (Revocations and Modifications) for revocation and/or abandonment of a land use permit which are not preempted by SMARA.

18.60.140 - Appeals

Any person aggrieved by an act or determination of the Department, Director or Commission in the exercise of the authority granted in this Chapter shall have the right to appeal to the Commission or Council, as applicable, in compliance with Chapter 18.140 (Appeals).

18.60.150 - Fees

- A. Establishment of fees.** The Town shall establish fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State regulations, including processing of applications, annual reports, inspections, monitoring, enforcement and compliance.
- B. Operator responsibility.** The fees shall be paid by the operator, as required by the Council's Fee Resolution, at the time of filing of the land use permit application, Reclamation Plan application, and at other times as are determined by the Town to be appropriate in order to ensure that all reasonable costs of implementing this Chapter are borne by the mining operator.

18.60.160 - Mineral Resource Protection

- A. Compatible areas.** Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the General Plan.
- B. Land use decisions.**
 1. In compliance with PRC Section 2762, the General Plan and resource maps will be updated to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and Geology Board of the information.
 2. Land use decisions within the Town will be guided by information provided by the California Department of Conservation on the location of significant mineral resource areas.

3. Conservation and potential development of identified mineral resource areas shall be considered and encouraged.
4. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area.
5. Before approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.
6. Before approving a use that would otherwise be incompatible with mineral resource protection, the total tonnage of aggregate or other minerals that may be lost to development shall be estimated and the project's direct and cumulative impacts on mineral resources shall be evaluated.

CHAPTER 18.62 - TEMPORARY USES AND EVENTS

Sections:

- 18.62.010 - Purpose of Chapter
- 18.62.020 - Applicability
- 18.62.030 - Exempt Temporary Uses and Events
- 18.62.040 - General Requirements for All Temporary Uses
- 18.62.050 - Requirements for Specific Temporary Uses and Events
- 18.62.060 - Conditions of Approval

18.62.010 - Purpose of Chapter

This Chapter provides standards for short-term commercial uses and events that may not meet the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature.

18.62.020 - Applicability

- A. Scope of requirements.** This Chapter identifies the provisions (exempt uses, allowable uses, development standards, etc.) to assist in the review and determination on a Temporary Use Permit to ensure basic health, safety and community welfare standards are met, and only suitable temporary uses with the minimum necessary conditions or limitations consistent with the temporary nature of the use are approved.
- B. Permit requirements.** The provisions of this Chapter shall be applied together with Chapter 18.80 (Temporary Use Permits), which identifies the following additional information regarding the processing and review of a Temporary Use Permit:
 1. Purpose of a Temporary Use Permit;
 2. Applicability of a Temporary Use Permit;
 3. Findings and Decision on a Temporary Use Permit;
 4. Conditions of Approval to be imposed on a Temporary Use Permit; and
 5. Post Approval Procedures for an approved Temporary Use Permit.
- C. Allowed uses.** Only those temporary uses and events identified in Section 18.62.030 (Exempt Temporary Uses and Events), Section 18.62.050 (Requirements for Specific Temporary Uses and Events), and Tables 2-2 (Allowed Uses and Permit Requirements for Residential Zoning Districts), 2-3 (Allowed Uses and Permit Requirements for Downtown Residential Zoning Districts), 2-6 (Allowed Uses and Permit Requirements for Commercial and Manufacturing Districts), 2-7 (Allowed Uses and Permit Requirements for Downtown Commercial and Manufacturing Districts) and 2-9 (Allowed Uses and Permit Requirements for Special Purpose Districts) shall be allowed. All other temporary uses of land shall be prohibited.

18.62.030 - Exempt Temporary Uses and Events

The following temporary uses and events are not subject to the requirements of this Chapter, and are also not subject to the permit requirements established by Article II (Zoning Districts and Allowable Land Uses) or Chapter 18.80 (Temporary Use Permits).

- A. **Community events.** Community events as identified by Town Council resolution.
- B. **Garage sales.** Garage sales lasting no more than three consecutive days and no more than once every three months.
- C. **Food trucks.** Mobile food vending and food preparation units are subject to the following requirements:
 1. Food trucks may not be located in any single area for a period exceeding six hours.
 2. Food trucks may only be located on developed private property and must have written consent from the property owner.
 3. The location of the food truck shall not interfere with pedestrian or vehicular access, and shall not be located within required parking spaces for any business on the site.
 4. Food trucks are subject to the requirements of the Nevada County Environmental Health Department (NCEHD) and must have written approval from NCEHD to operate.
 5. Food trucks used during the catering of private events or as part of an approved Special Event Permit are exempt from the above-mentioned time limits.
- D. **Parades and street events.** Parades and other temporary events within a public right-of-way, provided that all requirements of the Public Works Director and Police Chief are met.
- E. **Temporary uses and events on public lands.** Temporary uses and events conducted on land or within a structure under the control and ownership of a public agency, provided that all requirements of the public agency and the Police Chief are met.

18.62.040 - General Requirements for All Temporary Uses

- A. **Cumulative time limits.** Temporary uses shall not be allowed on or within a parcel, shopping center, professional center or business park for more than 90 days in any calendar year.
- B. **Building Permits.** Any new structure or any new electrical service connection shall require a Building Permit unless specifically exempted by the Town Building Code.
- C. **County Health Department approval.** All temporary uses are, where applicable, subject to the issuance of a Certificate of Operation from the Nevada County Health Department for all temporary uses involving the handling of foods.

- D. Parking.** Adequate temporary parking facilities, pedestrian and vehicular circulation, including vehicular ingress and egress and public transportation shall be provided in compliance with the requirements of the Director. The Director may require parking areas to be surfaced with a minimum of two inches of crushed rock or other surface(s).
- E. Pedestrian and display areas.** The Director may require all pedestrian traffic and display areas not located within an existing paved area to be covered with green grass or a minimum of two inches of sawdust, wood shavings or other surface(s).
- F. Signs.** Signs shall be substantially attached to the stand, vehicle or other structures used for the temporary sale of goods and the maximum allowable aggregate sign area shall be 16 square feet. The location of signs shall be approved by the Director. A-frame or sandwich board signs shall be prohibited.
- G. Site restoration.**
1. The subject site shall be restored to its original condition within five days from the date of termination of the permit.
 2. The Director may require the submission of a performance bond or other surety measures, in compliance with Section 18.84.040 (Performance Guarantees), satisfactory to the Director, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event, the property will be cleaned of debris, litter or any other evidence of the temporary event upon completion or removal of the event, restored to the former condition, and shall continue to be used in compliance with this Development Code.
- H. Issuance of Permit.** Temporary Use Permits shall be issued no more than 30 days in advance of the initial date of operation.
- I. Fixed period of time.** The Director may set a fixed period of time for the permit. Where not specified, the period of time shall not exceed the time limits established for the temporary use in Section 18.62.050 (Requirements for Specific Temporary Uses and Events).
- J. Operating hours.** The Director may regulate operating hours and days, including limitation of the duration of the temporary use, as identified in Subsection H, above.
- K. Nuisance factors.** The Director may apply conditions to regulate nuisance factors including prevention of glare or direct illumination on adjoining parcels, dirt, dust, gases, heat, noise, odors, smoke, waste and vibration.
- L. Screening required.** The Director may require temporary outdoor sales areas to be screened from adjoining public rights-of-way by temporary decorative walls, fences and/or landscaping.
- M. Security.** Security and safety measures shall be provided in compliance with the requirements of the Police Chief.
- N. Setbacks.** Appropriate setbacks shall be maintained to ensure adequate separation from adjoining land uses and a safe environment for pedestrians and vehicles, subject to the approval of the Director.

- O. Waste collection and disposal.** Provisions shall be made for solid, hazardous and toxic waste collection, recycling and/or disposal, in compliance with the requirements of the Director.
- P. Other conditions.** Any other conditions which will ensure the operation of the proposed temporary use or event in an orderly and efficient manner and in full compliance with the purpose/intent of this Chapter.

18.62.050 - Requirements for Specific Temporary Uses and Events

The following temporary uses and events are subject to the permit requirements established by Article II (Zoning Districts and Allowable Land Uses) and shall comply with the following standards:

- A. Commercial filming.** Commercial filming may be authorized on properties within residential, commercial/manufacturing and special purpose zoning districts.
- B. Construction offices/yards.**
 - 1. A contractors' construction office and/or yard may be authorized during construction or remodeling of a permanent multi-family residential, commercial or manufacturing structure, or a public infrastructure project when a valid Building Permit or similar authorization is in force for the approved construction project.
 - 2. The office and/or yard may be located off-site from the construction project.
 - 3. The permit shall expire upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.
- C. Material processing.**
 - 1. Temporary on-site material processing may be authorized during construction or remodeling of a permanent structure when a valid Building Permit is in force for the approved construction project.
 - 2. The permit shall expire upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.
- D. Seasonal sales lots.** Christmas tree and pumpkin and associated sales lots or the sale of other seasonal products and temporary residence/security trailers, when determined by the Director to be necessary for the sales event, may be authorized for a parcel or site for not more than 60 days in a single calendar year.
- E. Soil remediation.** On-site soil remediation activities may be authorized for not more than 30 days.
- F. Temporary outdoor displays, events, sales, and services.**

Temporary Uses and Events

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1. Shall be for an on-site business and tied directly to products and services provided by the business.
2. Shall comply with the standards identified in Section 18.62.060 (Conditions of Approval), below.
3. May be authorized on a parcel or within a shopping center, professional center or business park for not more than 90 days in a single calendar year.

G. Temporary uses, non-profit organization.

1. The temporary use shall be directly conducted, staffed and operated by the non-profit organization.
2. An event sponsored by a non-profit organization with individual for-profit vendors or stands (e.g. arts craft fair) shall not be allowed under this Subsection.
3. The temporary use(s) may be authorized on a parcel or within a shopping center, professional center or business park for not more than 90 days in a single calendar year.

H. Temporary work trailers.

1. The trailer or portable structure(s) being used as a temporary work site for employees of a business may be authorized during construction or remodeling of a permanent commercial or manufacturing structure when a valid Building Permit is in force for the approved construction project.
2. The permit shall expire upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.

18.62.060 - Conditions of Approval

In approving an application for a Temporary Use Permit, the Director may impose conditions deemed reasonable and necessary to ensure that the approval will be in compliance with this Chapter and the findings required by Section 18.80.030 (Findings and Decision). The conditions may address any pertinent factors affecting the operation of the temporary use or event, and may include the following:

- A. Time limits.** Provision for a fixed period of time as specified by the permit, or where not specified, not to exceed 90 days for a temporary event;
- B. Nuisance mitigation.** Regulation of nuisance factors including prevention of glare or direct illumination on adjoining parcels, dirt, dust, gases, heat, noise, odors, smoke, waste and vibration;
- C. Hours of operation.** Regulation of operating hours and days, including limitation of the duration of the temporary event, as identified in Subsection A.1, above;
- D. Parking.** Provision for adequate temporary parking facilities, pedestrian and vehicular circulation, including vehicular ingress and egress, and public transportation, if applicable, in compliance with Chapter 18.48 (Parking and Loading Standards);

- E. Performance guarantees.** Submission of a performance bond or other surety measures in compliance with Section 18.84.040 (Performance Guarantees), satisfactory to the Director, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event, the property will be cleaned of debris, litter or any other evidence of the temporary event upon completion or removal of the event, restored to the former condition, and shall continue to be used in compliance with this Development Code;
- F. Sanitary and medical facilities.** Provision for sanitary and medical facilities, as appropriate;
- G. Screening.** Temporary outdoor sales areas screened from adjoining public rights-of-way by temporary decorative walls, fences and/or landscaping, subject to the approval of the Director, and in compliance with Section 18.30.110 (Screening);
- H. Security and safety.** Provision for security and safety measures, if applicable;
- I. Setbacks.** Appropriate setbacks shall be maintained to ensure adequate separation from adjoining land uses and a safe environment for pedestrians and vehicles, subject to the approval of the Director;
- J. Signs.** Regulation of signs, in compliance with Chapter 18.54 (Signs);
- K. Location of structures and facilities.** Regulation of temporary structures and facilities, including placement, height and size, location of equipment, and open spaces, including buffer areas and other yards;
- L. Waste collection.** Provision for solid, hazardous and toxic waste collection, recycling and/or disposal;
- M. Compliance with applicable standards.** A requirement that the approval of the requested Temporary Use Permit is contingent upon a finding, by the Director, that the operation will be in compliance with the applicable provisions of this Section, the Development Code and successful approval of any/all required permits from another department(s) or governing agency; and
- N. Other conditions.** Other conditions that will ensure the operation of the proposed temporary event in an orderly and efficient manner and in full compliance with the purpose/intent of this Section.

CHAPTER 18.64 - TRUCKEE-TAHOE AIRPORT AREA RESTRICTIONS

Sections:

- 18.64.010 - Purpose of Chapter
- 18.64.020 - Applicability
- 18.64.040 - Airport Height Zones and Height Limits
- 18.64.050 - Airport Compatibility Zones
- 18.64.060 - Airport Noise Zones
- 18.64.080 - Nonconforming Uses and Structures

18.64.010 - Purpose of Chapter

Obstructions in the vicinity of the Truckee-Tahoe Airport have the potential for endangering the lives and property of users of the Truckee-Tahoe Airport, and property or occupants of land in the vicinity; may affect existing and future instrument approach minimums of such airports; and may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of such airports and the public investment therein. The purpose of the airport area restrictions is to regulate land uses in the vicinity of the Truckee-Tahoe Airport and below areas where aircraft perform approach and departure maneuvers, to protect people and property both in the air and on the ground, and to minimize noise and other conflicts between airport operations and surrounding land uses.

18.64.020 - Applicability

The regulations of this Chapter shall apply to all areas located within the Airport Operations (-AO) overlay zoning district. Land uses, structures and natural hazards shall comply with the development, policies, standards and requirements of the Truckee Tahoe Airport Land Use Compatibility Plan, adopted December 2, 2004 as amended, this Chapter and other applicable regulations of this Development Code.

18.64.040 – Airport Height Zones and Height Limits

- A. Establishment of height zones.** In order to carry out the provisions of this Chapter, there are hereby created and established certain height zones that include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces. An area located in more than one of the following height zones is considered to be only in the height zone with the more restrictive height limitation. The various height zones are hereby established and defined as those set forth in Federal Aviation Regulations, Volume XI, Part 77 of the U.S. Federal Aviation Administration and Figure 2 C and Appendix B of the Truckee Tahoe Airport Land Use Compatibility Plan.
- g. Effect of height limits.** Except as otherwise provided by Section 18.64.040.C no object or structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any airport height zone created by this Chapter to a height in excess of the

applicable height established by FAR Part 77 and the Truckee Tahoe Airport Land Use Compatibility Plan

C. Exceptions to height limit. The height limits of this section may be exceeded as follows:

1. The construction or maintenance of any structure, object or growth of any tree may extend up to a height up to 35 feet above the surface of the land or up to the natural height of trees within the immediate area of the object or structure, whichever is greater. This exception also applies to areas defined as a Natural Hazard.
2. A structure or object may be erected, altered or maintained to exceed the height limits of this section if:
 - a. The Federal Aviation Administration has determined that the proposed structure or object does not constitute a hazard to air navigation and documentation of such determination has been provided to the Town Planner; or
 - b. The California Department of Transportation, Division of Aeronautics has issued a permit allowing construction of the proposed structure or object in accordance with Section 21659 of the California Public Utilities Code.

18.64.050 – Airport Compatibility Zones

- A. Establishment of airport compatibility zones.** In order to carry out the provisions of this section, there are hereby created and established certain airport compatibility zones that include all of the land lying beneath the clear zones, approach/departure zones and overflight zone. The various airport compatibility zones are hereby established and defined as set forth in the Truckee Tahoe Airport Land Use Compatibility Plan.
- B. Limitations on land uses.** No use of land or structures in an airport compatibility zone shall be established, reconstructed, altered, allowed or replaced unless the use of land or structures complies with the policies, restrictions and standards of the Truckee Tahoe Airport Land Use Compatibility Plan. No tentative map for property located in an airport compatibility zone shall be approved unless the subdivision complies with the policies, restrictions and standards of the Truckee Tahoe Airport Land Use Compatibility Plan.

18.64.060 – Airport Noise Zones

- A. Establishment of airport noise zones.** In order to carry out the provisions of this section, there are hereby created and established certain airport noise zones that include all of the land lying beneath the projected 2020 airport noise contours of 55 db CNEL, 60 db CNEL and 65 db CNEL. The various airport noise zones are hereby established and defined set forth in the Truckee Tahoe Airport Land Use Compatibility Plan.
- B. Limitations on land uses.** No use of land or structures in an airport noise zone shall be established, reconstructed, altered, allowed or replaced unless the use of land or structures complies with the policies, restrictions and standards of the Truckee Tahoe Airport Land Use Compatibility Plan. No tentative map for property located in an airport noise zone shall be

approved unless the subdivision complies with the policies, restrictions and standards of the Truckee Tahoe Airport Land Use Compatibility Plan.

18.64.080 – Nonconforming Uses and Structures

The regulations prescribed by this Chapter shall not be construed to require the removal, lowering or other changes or alterations of any structure, object or tree not conforming to the regulations as of the effective date of this Development Code, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure or object, the construction or alteration for which a land use permit has been issued prior to the effective date of this Development Code and is diligently pursued.

