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TITLE 3 LAND USE AND DEVELOPMENT CODE CHAPTER II: ZONING REGULATIONS ARTICLE 2 ZONING DISTRICTS							

Sec. L-II 2.6 Special Purpose Districts

- A. **Purpose of Section.** The purpose of this Section is to provide for a variety of zoning districts that further the intent of the General Plan and implement specific Plan land use map designations.
- B. **Purposes of Individual Districts.**
1. **IDR (Interim Development Reserve).** The IDR District is intended to be used as an interim zoning district to reflect and reserve the development potential of property designated as Planned Development and Special Development Area in the General Plan. It functions as a temporary holding zone and reserves the development potential of the property until a Zoning Map and a Comprehensive Master Plan and/or Specific Plan for the property has been adopted consistent with Nevada County General Plan policies 1.5.t. and 1.5.u., and the property is rezoned to permanent specific zoning districts consistent with the above Plan(s). The District shall be combined with one or more zoning districts that shall include acreages consistent with the General Plan land use maps.
 2. **OS (Open Space).** The OS District provides for areas of open space protected from development. This includes, but is not limited to, areas dedicated to recreation, resource and habitat preservation, and protection of environmental resources. Such areas may be in public ownership or private ownership where such areas are permanently devoted to open space through clustering or other open space requirements. This District shall allow only very low-intensity land uses that ensure consistency with the purpose of the District.
 3. **PD (Planned Development Base District).** The PD Base District implements General Plan Policy 1.5.t to provide for development where mixed uses are desirable. This district provides for the comprehensive planning of a site in advance of any development, taking into consideration clustering of intensive land uses and maximizing conservation of open space in a manner sensitive to site capabilities and constraints. The intent of this District is to encourage innovative and creative design in the provision of a variety of mixed uses. This district is consistent with all General Plan designations provided the proposed land uses are consistent with those designations within which the project is located.
 4. **P (Public).** The P District provides for areas occupied by Federal, State and local government agencies, or by a private entity under contract, agreement or franchise with a governmental agency if the use is a service or function normally provided by the agency entering into a contract or agreement, or issuing a franchise.
 5. **REC (Recreation).** The REC District provides for a wide range of active and passive recreation uses and supporting services. Such uses may have a significant effect on environmental resources and will require careful site design and development. Prior to any site development, a Comprehensive Master Plan for the entire site shall be approved by the planning agency. See Section L-II 5.17 Comprehensive Master Plans and Specific Plans. All projects shall be reviewed and approved consistent with the approved Plan. The more intensive uses should be in close proximity to a major highway or arterial with controlled or indirect access.
- C. **Planned Development Base District Standards.** The PD District can be used to implement only one Plan designation or multiple designations as part of a mixed-use development. Planned developments provide for a mix of building types and land uses. They should be comprehensively planned and under unified control. Planned developments often provide common areas and other amenities not found in standard types of development. Planned developments shall ensure that uses relate well to each other, both internally and to neighboring uses. The Board of Supervisors shall approve a Comprehensive Master Plan for the entire site at the time of the zoning amendment and prior to any site development. See Section 5.17 Comprehensive Master Plans, Zoning Maps and Specific Plans.
1. **Allowed Uses.** Allowed uses include any use or combination of uses that are arranged and designed in such a manner as to result in a development that is internally compatible, compatible with surrounding uses, and consistent with the General Plan. Where this district implements the Planned Development or Special Development Area General Plan designations, or 2 or more General Plan designations for a parcel or group of

contiguous parcels, the total area dedicated to each specific land use must not exceed the acreage allowed by the General Plan. However, the area of a use (other than open space) may vary from that otherwise allowed by the Plan to accommodate site-specific conditions identified in the adopted Comprehensive Master Plan, provided the cumulative change does not exceed 5% of the total parcel(s) acreage. In no instance may the residential density allowed by the Plan be exceeded.

2. **Site Development Standards.** Except as noted below, all development standards applied to a project shall meet or exceed the standards contained in the base district that would typically be applicable to the use, as well as all standards as found in Article 4 of this Chapter.

However, when the Comprehensive Master Plan provides for not less than a 100-foot non-disturbance buffer around the entire edge of the parcel (excluding site access), standards less than provided for in this Chapter are permissible for the following: front yard, side yard, and rear yard building setbacks (fire safety provisions must be ensured through alternative means), fencing, walls, and hedges, outdoor trash enclosures, and minimum parcel size (cannot exceed that needed to meet public water and sewage disposal requirements).

3. **Processing.** A PD Base District application shall be processed as an amendment to the Zoning Ordinance and shall include the Comprehensive Master Plan. The application shall include all associated land use permit applications, including zoning compliance, Development Permits, Use Permits, and/or other permits to be processed concurrently with the zoning amendment. Phased developments shall include a list of future land use permits needed by type and time frame.

4. **Common Ownership Areas.** In planned developments with areas of common ownership, the tentative map, dedications, covenants, and other legal agreements shall provide for the following:

- a. Give automatic membership with a non-profit property owners association or similar instrument.
- b. Place title to common property with the association, a non-profit land trust, or public agency.
- c. Appropriately and permanently limit the use of the common property, including but not limited to prohibiting further subdivision.
- d. Give each parcel owner the non-exclusive right to the use of the common property, subject to any applicable limitations established by the County.
- e. Assign the operation and maintenance of the common property to the homeowner's association or other entity approved by the County.
- f. Place an association charge on each parcel to ensure sufficient funds for perpetual maintenance of the common property, such charge to be a lien on the property.
- g. Restrict the use of the common property to the uses allowed by the applicable zoning and/or Conditional Use Permit.
- h. Establish a fire safety management plan providing for long-term vegetation management to minimize the fire hazard for such areas.

D. **IDR Interim Development Reserve Standards.**

1. **General.** No development may occur within the IDR District other than that provided for in Table 2.6.F without the adoption of a Zoning Master Plan and a Comprehensive Master Plan or Specific Plan, except for interim uses and minor additions as provided for in this Section. See Section. L-II 5.17 for Comprehensive Master Plan, Zoning Map, and Specific Plan criteria.

2. **Interim Uses.** Prior to submittal of a Zoning Map, Comprehensive Master Plan or Specific Plan, interim uses that do not preclude development of the site for its intended use as designated on the General Plan land use map, and which are consistent with the purpose and intent of the District, subject to the permitting requirements of Table 2.6.F Except for single-family residential dwellings, an interim use shall be defined as a use which does not require construction of a permanent foundation or permanent infrastructure improvements. The land use permit approving the interim use shall establish time limits for the interim use.

3. **Minor Additions.** Minor improvements may be allowed for uses that are consistent with the purpose and intent of the District, subject to the permitting requirements of Table 2.6.F. Minor improvements shall be limited to remodels that do not result in a more intense land use, and building additions that do not exceed 10% of the existing total gross floor area on a single building site. Existing total gross floor area shall be that area

which was legally established prior to the requirement for a Comprehensive Master Plan being established on the site.

E. REC Recreation District Standards.

1. **General.** The REC district provides for a wide range of active and passive recreation uses and supporting services. Such uses may have a significant effect on environmental resources and will require careful site design and development. Prior to any site development, a Comprehensive Master Plan for the entire site shall be approved by the Planning Commission, except for interim uses and minor additions as provided in this Section. See Section 5.17 for Comprehensive Master Plan and Specific Plan criteria. All projects approved subject to a Comprehensive Master Plan shall be reviewed and approved consistent with the approved Plan. The more intensive uses should be in close proximity to a major highway or arterial with controlled or indirect access.

2. **Interim Uses.** Prior to submittal of a Comprehensive Master Plan interim uses that do not preclude development of the site for its intended use as designated on the General Plan land use map, and which are consistent with the purpose and intent of the District, subject to the permitting requirements of Table 2.6.F. An interim use shall be defined as a use which does not require construction of a permanent foundation or permanent infrastructure improvements. The land use permit authorizing the interim use shall establish time limits for the interim use.

3. **Minor Additions.** Minor improvements may be allowed for uses that are consistent with the purpose and intent of the District, subject to the permitting requirements of Table 2.6.F. Minor improvements shall be limited to remodels that do not result in a more intense land use, and building additions that do not exceed 10% of the existing total gross floor area on a single building site. Existing total gross floor area shall be that area which was legally established prior to the requirement for a Comprehensive Master Plan being established on the site.

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

Key to Land Use Permit Requirements:

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

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	IDR (1)	OS	PD (2)	P (3)	REC (4)	L-II Sections
Residential Uses						
Community Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	NP		A	NP	
Day Care Home, small family (8 or fewer children)	A	NP		A	NP	
Day Care Home, large family (9 to 14 children)	DP	NP		NP	NP	3.9
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	NP		UP	UP	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	IDR (1)	OS	PD (2)	P (3)	REC (4)	L-II Sections
Dwelling units as a part of a mixed-use development where residential is not the primary use, and is an integral part of the nonresidential use, not to exceed 4 units per acre. Integral shall mean that all uses are designed and located so as to be visually and functionally related.	NP	NP		UP	UP	
Emergency Shelter Housing (6 or fewer people)	NP	NP		A	NP	
Security Housing, Temporary	NP	NP		UP	NA	3.15
Residential accessory uses and structures including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs.	A	NP		A	NP	
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	NP		A	NP	3.15
Commercial Uses						
Bed and Breakfast Inns	NP	NP		NP	UP	3.5
Community meeting and social event facilities	NP	NP		UP	UP	3.7
Fitness Centers	NP	NP		NP	UP	3.11
Parking facilities not attached to a specific use	NA	NA		Varies	NA	2.7.10
Recreation facilities, including, but not limited to, video arcades, bowling alleys, skating rinks, pool halls, miniature golf, skateboard or BMX facilities, racquetball and tennis clubs.	NP	NP		NP	UP	
Commercial Cannabis Cultivation	NP	NP	NP	NP	NP	3.30
Industrial Uses						
None Listed						
Agricultural, Resource, and Open Space Uses						
Animal Keeping and Raising	Varies					3.4
Agricultural uses and structures, including but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, and private stables.	A	NP		NP	NP	
Field Retail Stand	NP	NP	NP	NP	NP	3.3
Farm Stand	DP	NP	DP	DP	DP	3.3
Certified Farmers' Markets	DP	NP	DP	DP	DP	3.3
Crop and Tree Farming	A	UP	A	A	A	3.3
Agricultural, Resource, and Open Space Uses (cont'd)						
Mining, Mineral Exploration	Varies					3.22.D.2
Mining, Subsurface	UP	UP		UP	UP	3.21
Mining, surface (must include ME District)	NP	NP		UP	NP	3.22
Mining, surface access to subsurface mining	UP	NP		UP	UP	3.22
Mining, Surface vent and escape shafts (subsurface mining)	UP	NP		UP	UP	3.22
Wildlife Rehabilitation Facilities	DP	DP	DP	DP	DP	3.26
Stables, commercial	NP	NP		NP	UP	
Institutional and Public Uses						
Antennae, minor and certain non-commercial	NP	NP		A	A	3.8

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	IDR ⁽¹⁾	OS	PD ⁽²⁾	P ⁽³⁾	REC ⁽⁴⁾	L-II Sections
Airports or airstrips	NP	NP		UP	NP	
Churches	NP	NP		NP	UP	3.7
Communication Towers	NP	NP		UP	UP	3.8
Emergency services (including fire and ambulance stations)	UP	NP		DP	UP	
Heliports	NP	NP	NP	UP	NP	
Hospitals	NP	NP		UP	NP	
Public Facilities and Uses	UP	NP		UP	UP	
Public Utility Uses and Structures	Varies					3.14
Temporary Staging Areas for public road projects	UP	UP	UP	UP	UP	
Recreational Uses						
Accessory and support uses related directly to a primary recreational use, including, but not limited to, restaurants, retail facilities, administrative offices, sales offices, laundromats, educational facilities, churches, service organization facilities, community meeting facilities.	NP	NP		UP	UP	
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 sites per acre.	NP	NP		UP	UP	
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 beds per acre.	NP	NP		UP	UP	
Parks and Playgrounds	NP	UP		UP	UP	
Recreational activities, including, but not limited to, destination and day use resorts, ski runs and facilities, golf courses and driving ranges, country clubs, marinas, sports fields and stadiums, arenas and gyms, guest and dude ranches, shooting ranges, gun clubs, skeet shooting, recreational structures, motorized recreational facilities, and exhibition, convention, conference, and sporting facilities.	NP	NP		UP	UP	
Trails, Pedestrian and Equestrian	A	UP		A	A	4.1.8
Watchman/caretaker unit (1 per publicly owned park facility)	NP	NP		A	A	
Other Uses						
Continuation of any use which was lawfully established on the property before any such property was zoned IDR or PD.	A	NA	A	NA	NA	

Footnotes:

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

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

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

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

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

(Ord. 2467, 5/14/19)

Table L-II 2.6.G
Special Purpose Districts Site Development Standards

Key to Site Development Standards:

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

SITE DEVELOPMENT STANDARDS	IDR	OS	P	PD	REC	L-II Sections
Setback Standards ^{(1) (3) (4)}						
Front yard (ROW at least 50' in width)	20' from ROW			(5)	20' from ROW (with mean average 30')	4.2.5.E
Front yard (ROW less than 50' in width)	45' from ROW C/L				45' from ROW C/L (with mean average 55')	4.2.5.E
Exterior yard (ROW at least 50' in width)	15' from ROW				10' from ROW (with mean average 20')	4.2.5
Exterior yard (ROW less than 50' in width)	40' from ROW C/L				35' from ROW C/L (with mean average 45')	4.2.5
Interior yard (Parcel at least 3 acres)	30'				30' (15' for parcels less than 1 acre)	4.2.5
Interior yard (Parcel less than 3 acres) ⁽¹⁾						4.2.5.G
Rear yard (Parcel at least 3 acres)						4.2.5
Rear yard (Parcel less than 3 acres) ⁽¹⁾						4.2.5.G
Other Standards (See Sections 4.2 Design Standards & 4.3 Resource Standards)						
Building Height Limit	45' or 3 stories, whichever is less			(5)	45'	4.2.4
Fencing & Hedges	Table 4.2.6.D					4.2.6
Maximum Impervious Surface	10%	5%	85%	(5)	10% (20% if < 5 acres)	4.2.10
On-Site Parking	Table 4.2.9.F.12.b					4.2.9
Signs	Sign Standards see Section 4.2.12.K					4.2.12
Minimum Road Frontage ⁽²⁾	200'		None	(5)	100'	
Minimum Parcel Size:						
Parcel w/ public water & sewer ⁽²⁾	5 acres	5 acres	None	(5)	0.5 acres	4.1.3.E.4.c
Parcel w/ public water or sewer ⁽²⁾					1.5 acres	4.1.3.E.4.c
Parcel w/ private water & sewer ⁽²⁾					3 acres	4.1.3.E.4.c

Footnotes:

- (1) Setbacks for residential units may be reduced on parcels less than 3 acres subject to Section L-II 4.2.5.G.
- (2) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the table. Where clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Section L-II 4.1.5)
- (3) For arterial and collector roads, the front yard setback shall be 20' and the exterior side yard setback shall be 15' from the existing or ultimate right-of-way, whichever is greater. (See Section L-II 4.2.5.F)
- (4) For arterial and collector roads, the front yard setback shall be 20' from the existing or ultimate right-of-way, whichever is greater, with a mean average of 30', and the exterior side yard setback shall be 10' from the existing or ultimate right-of-way, whichever is greater, with a mean average of 20'. (See Section L-II 4.2.5.F)
- (5) See Section L-II 2.6.C for PD standards.

(Ord. 2441, Adopt. 9/12/17, Eff. 10/12/17; Ord. 2427, 1/24/17)

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