

ORDINANCE NO. 2024-1154

AN ORDINANCE OF THE COUNTY OF PLUMAS, STATE OF CALIFORNIA,
AMENDING PLUMAS COUNTY CODE TITLE 9 PLANNING AND ZONING, CHAPTER 2 ZONING,
ARTICLE 2, ARTICLE 4, ARTICLE 5, ARTICLE 13, ARTICLE 14, ARTICLE 15, ARTICLE 16, ARTICLE 17,
ARTICLE 18, ARTICLE 19, ARTICLE 20, ARTICLE 21, ARTICLE 22, ARTICLE 23, ARTICLE 25,
ARTICLE 26, ARTICLE 30, ARTICLE 31, ARTICLE 33, ARTICLE 34;
AND ADDING PLUMAS COUNTY CODE TITLE 9 PLANNING AND ZONING, CHAPTER 2 ZONING,
ARTICLE 45; AND AMENDING PLUMAS COUNTY CODE TITLE 9 PLANNING AND ZONING, CHAPTER
9 STATE RESPONSIBILITY AREA FIRE SAFE REGULATIONS, ARTICLE 4

The Board of Supervisors of the County of Plumas, State of California, ORDAINS as follows:

SECTION 1. Ordinance Amendments

Title 9 Planning and Zoning of the Plumas County Code is amended, deleted, or added to and adopted as set forth in the pre-adoption draft, as attached in Exhibit "A."

Chapter 2 Zoning. Article 2. Definitions:

Sec. 9-2.201.1. Accessory dwelling unit., Sec. 9-2.201.2. Accessory dwelling unit, attached., Sec. 9-2.201.3. Accessory dwelling unit, detached., Sec. 9-2.201.4. Accessory dwelling unit, conversion., Sec. 9-2.201.5. Accessory dwelling unit, junior., Sec. 9-2.213.5. Bed and breakfast inn., Sec. 9-2.232. Family., and Sec. 9-2.240. Guest house.

Chapter 2 Zoning. Article 4. General Requirements

Sec. 9-2.405. Camping., Sec. 9-2.408. Garages and carports., and Sec. 9-2.414. Parking and loading.

Chapter 2 Zoning. Article 5. Nonconforming Structures and Uses

Sec. 9-2.503. Nonconforming structures.

Chapter 2 Zoning. Article 13. Single-Family Residential Zones (2-R, 3-R, 7-R)

Sec. 9-2.1302. Uses (2-R, 3-R, 7-R)., and Sec. 9-2.1305. Yards (2-R, 3-R, 7-R).

Chapter 2 Zoning. Article 14. Multiple-Family Residential Zone (M-R)

Sec. 9-2.1402. Uses (M-R)., and Sec. 9-2.1405. Yards (M-R).

Chapter 2 Zoning. Article 15. Suburban Zone (S-1)

Sec. 9-2.1502. Uses (S-1)., and Sec. 9-2.1505. Yards (S-1).

Chapter 2 Zoning. Article 16. Secondary Suburban Zone (S-3)

Sec. 9-2.1602. Uses (S-3)., and Sec. 9-2.1605. Yards (S-3).

Chapter 2 Zoning. Article 17. Rural Zone (R-10)

Sec. 9-2.1702. Uses (R-10)., and Sec. 9-2.1705. Yards (R-10).

Chapter 2 Zoning. Article 18. Rural Zone (R-20)

Sec. 9-2.1802. Uses (R-20)., and Sec. 9-2.1805. Yards (R-20).

Chapter 2 Zoning. Article 19. Core Commercial Zone (C-1)

Sec. 9-2.1902. Uses (C-1)., and Sec. 9-2.1905. Yards (C-1).

Chapter 2 Zoning. Article 20. Periphery Commercial Zone (C-2)

Sec. 9-2.2002. Uses. (C-2)., and Sec. 9-2.2005. Yards (C-2).

Chapter 2 Zoning. Article 21. Convenience Commercial Zone (C-3)

Sec. 9-2.2102. Uses (C-3)., and Sec. 9-2.2105. Yards (C-3).

Chapter 2 Zoning. Article 22. Recreation Commercial Zone (R-C)

Sec. 9-2.2202. Uses (R-C)., and Sec. 9-2.2205. Yards (R-C).

Chapter 2 Zoning. Article 23. Recreation Zones (Rec-P, Rec-1, Rec-3, Rec-10, Rec-20)

Sec. 9-2.2302. Uses (Rec)., and Sec. 9-2.2305. Yards (Rec).

Chapter 2 Zoning. Article 25. Heavy Industrial Zone (I-1)

Sec. 9-2.2502. Uses (I-1)., and Sec. 9-2.2505. Yards (I-1).

Chapter 2 Zoning. Article 26. Light Industrial Zone (I-2)

Sec. 9-2.2602. Uses (I-2)., and Sec. 9-2.2605. Yards (I-2).

Chapter 2 Zoning, Article 30. Agricultural Preserve Zone (AP)

Sec. 9-2.3002. Uses (AP)., and Sec. 9-2.3005. Yards (AP).

Chapter 2 Zoning, Article 31. General Agriculture Zone (GA)

Sec. 9-2.3102. Uses (GA)., and Sec. 9-2.3105. Yards (GA).

Chapter 2 Zoning, Article 33. General Forest Zone (GF)

Sec. 9-2.3302. Uses (GF)., and Sec. 9-2.3305. Yards (GF).

Chapter 2 Zoning, Article 34. Mining Zone (M)

Sec. 9-2.3402. Uses (M)., and Sec. 9-2.3405. Yards (M).

Chapter 2 Zoning, Article 45: Accessory Dwelling Units

Sec. 9-2.4501. Purpose and intent., Sec. 9-2.4502. Applicability., Sec. 9-2.4503. Definitions., Sec. 9-2.4504.

Permit procedures., Sec. 9-2.4505. Development standards., Sec. 9-2.4506. Parking., Sec. 9-2.4507. Additional requirements., and Sec. 9-2.4508. Junior accessory dwelling units.

Chapter 9 State Responsibility Area Fire Safe Regulations, Article 4. Definitions

Sec. 9-9.404. Dwelling.

SECTION 2. Effective Date

This ordinance shall become effective 30 days from the date of final passage.

SECTION 3. Codification

This ordinance shall be codified as set forth in the final draft as attached in Exhibit "B."

SECTION 4. CEQA

The ordinance adoption is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) under California Public Resources Code Sec. 21080.17, which exempts the adoption of an accessory dwelling unit ordinance to implement the provisions of Government Code Sec. 65852.2 (State ADU Law), and CEQA Guidelines Section 15303 (Class 3) – Categorical Exemption – which exempts new construction or conversion of small structures, such as ADUs.

SECTION 5. Publication

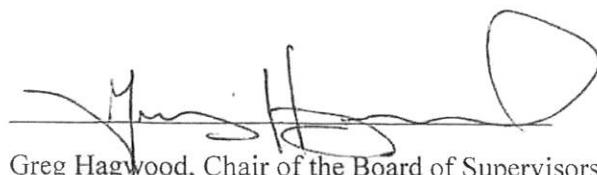
A summary of this ordinance shall be posted in a prominent location, pursuant to Section 25124(a) of the Government Code of the State of California, before the expiration of fifteen (15) days after the passage of the ordinance, once, with the names of the supervisors voting for and against the ordinance, at the board of supervisors' chambers and shall remain posted thereafter for at least one (1) week.

The foregoing ordinance was introduced at a regular meeting of the Board of Supervisors on the 16th day of April 2024, and passed and adopted on the 7th day of May 2024 by the following vote:

AYES: Supervisors: Ceresola, McGowan, Goss, Engel, Hagwood

NOES: Supervisors:

ABSENT: Supervisors:



Greg Hagwood, Chair of the Board of Supervisors

ATTEST:



Allen Hiskey, Clerk of the Board of Supervisors

Approved as to form:



Sara James
Deputy Plumas County Counsel

PRE-ADOPTION DRAFT

“EXHIBIT A”

PLUMAS COUNTY CODE

TITLE 9 PLANNING AND ZONING

CHAPTER 2 ZONING

Article 2. Definitions

Sec. 9-2.201.1. Accessory dwelling unit.

“Accessory dwelling unit” or “ADU” shall mean an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and is located on the same parcel as the a proposed or existing single-family dwelling unit or multiple-family dwelling structure is or will be situated. An accessory dwelling unit shall also include an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code and a manufactured home, as defined in Section 18007 of the Health and Safety Code. For more information on accessory dwelling units, refer to Article 45, Accessory Dwelling Units, of this chapter.

~~An accessory dwelling unit shall either be attached to the existing dwelling unit, or located within the living area of the existing dwelling unit, or detached from the existing dwelling unit and located on the same property as the existing dwelling unit. The increased floor area of an attached accessory dwelling unit shall not exceed fifty (50%) percent of the existing living area, with a maximum increase in floor area of 1,200 square feet. The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet, excluding garages or any accessory structure. No passageway from any street to an entrance of the accessory dwelling unit shall be required.~~

Sec. 9-2.201.2. Accessory dwelling unit, attached.

“Attached accessory dwelling unit” shall mean a second independent living unit attached to the primary dwelling unit.

Sec. 9-2.201.3. Accessory dwelling unit, detached.

“Detached accessory dwelling unit” shall mean a second independent living unit separated from the primary dwelling unit.

Sec. 9-2.201.4. Accessory dwelling unit, conversion.

“Conversion accessory dwelling unit” shall mean a space such as a garage, primary bedroom, or other accessory structure that is converted into a second independent living unit.

Sec. 9-2.201.5. Accessory dwelling unit, junior.

“Junior accessory dwelling unit” or “JADU” shall mean a type of accessory dwelling unit that is contained entirely within the primary dwelling unit, including attached garages and shall not exceed 500 square feet. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing primary dwelling unit.

Sec. 9-2.213.5. Bed and breakfast inn.

“Bed and breakfast inn” shall mean a lodging facility where:

- (a) The maximum number of guest rooms:
 - (1) Does not exceed five (5); except

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(2) If the number of dwelling units and additional quarters and the ~~one guest house accessory dwelling units~~ as would be permitted by the zoning for the property and the size of the property, both as permitted uses and as uses subject to issuance of a planned development permit, less one for the residence of the owner or manager, would be more than five (5), then the maximum number of guest rooms does not exceed that number.

(b) The owner or manager resides on the property;

(c) Meals are served to guests of the inn only;

(d) On-site parking is adequately screened from view from the street;

(e) The use maintains the architectural integrity of the building and the character of the neighborhood; and

(f) There is no more than one business sign of no more than six (6) square feet, or no more than one business sign of no more than twenty-four (24) square feet where the use is in the Multiple-Family Residential Zone (M-R).

Sec. 9-2.232. Family.

“Family” shall mean ~~a person or persons living as an economic unit one or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.~~

See. 9-2.240. Guest house.

~~“Guest house” shall mean an independent structure of an area of no more than 1,200 square feet, excluding garages and carports.~~

Article 4. General Requirements

Sec. 9-2.405. Camping.

(a) Camping shall be prohibited within Prime Opportunity Areas as designated by the General Plan, except within camp grounds.

(b) Camping shall be permitted on all private lands not within the Prime Opportunity Areas as designated by the General Plan if all aspects of the County health regulations are met, subject to the concurrence of the property owner for no more than 120 days in a calendar year. The number of nonstructural temporary shelters and recreational vehicles used for camping on a property may be at least one and otherwise shall not exceed the number of dwelling units and additional quarters and the ~~guest house accessory dwelling units~~ permitted on the property by the zoning, less the number thereof on the property. Camping conducted under the provisions of this subsection shall not be a camp ground use for the purposes of this chapter.

Sec. 9-2.408. Garages and carports.

(a) *Garage and carport conversion.* Garages and carports may be converted to other uses only if they meet the yard requirements of the zone in which the garage or carport is located, except that no setback shall be required for an existing garage that is converted to an accessory dwelling unit. ~~A setback of no more than five (5) feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.~~ For more information on accessory dwelling units, refer to Article 45, Accessory Dwelling Units, of this chapter.

(b) *Garages.*

(1) Garages shall be located not closer than forty (40') feet from the center line of the street nor ten (10') feet from the front line, whichever is greater, except as set forth below.

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- (2) Garages need not be set back further than the minimum front yard for the zone in which they are located.
- (3) Where the front yard adjoins a Class 7 road, garages shall be no closer than thirty-five (35') feet from the center line of the street or ten (10') feet from the front line, whichever is greater.
- (4) Where the front yard adjoins a Class 8 road, garages shall be no closer than thirty (30') feet from the center line of the street or ten (10') feet from the front line, whichever is greater.
- (5) Where the front yard adjoins a Class 9 or 10 road with a projected traffic volume or 400 ADT or less, determined as set forth in Section 9-4.703 of Article 7 of Chapter 4 of this Title, garages shall be no closer than thirty (30') feet from the center line of the street or ten (10') feet from the front line, whichever is greater.

(c) *Carports.*

- (1) Carports shall be located not closer than thirty (30') feet from the center line of the street, except as set forth below.
- (2) Carports need not be set back further than the minimum front yard for the zone in which they are located.
- (3) Where the front yard adjoins a Class 7 road, carports shall be no closer than twenty-five (25') feet from the center line of the street.
- (4) Where the front yard adjoins a Class 8 road, carports shall be no closer than twenty (20') feet from the center line of the street.
- (5) Where the front yard adjoins a Class 9 or 10 road with a projected traffic volume or 400 ADT or less, determined as set forth in Section 9-4.703 of Article 7 of Chapter 4 of this Title, carports shall be no closer than twenty (20') feet from the center line of the street.
- (6) In no case shall a carport extend beyond the front line.

(d) *Roof shedding.* In no case shall the roof of a garage or carport shed onto the road right-of-way.

Sec. 9-2.414. Parking and loading.

(a) *Application.* Listed in this section are the minimum off-street parking requirements. Uses involving the receipt and distribution of materials shall be subject to the minimum loading space requirements. Where parking and loading requirements cannot be based solely upon the uses listed, the Planning Director shall determine the requirements or the additional requirements. Any parking and loading requirements may be modified, as necessary, by the Planning Director.

(b) *Number of spaces.* Off-street parking spaces shall be provided at the rates set forth below:

| Basis | Parking Spaces |
|-------------------------------|---|
| Dwelling units | Two |
| Accessory dwelling units | One, except as modified below in Article 45, Accessory Dwelling Units, of this chapter |
| Additional quarters | One |
| Guest houses | One |
| Employees | One for each of the employees working at one time |
| Seating | One for every four seats, or fraction thereof |
| Sales and service floor areas | One for each 500 square feet, or fraction thereof |
| Boat ramps | Twenty |

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~~No off street parking spaces shall be required for accessory dwelling units that meet any of the following listed instances:~~

- ~~(1) The accessory dwelling unit is located within one half mile of public transit.~~
- ~~(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.~~
- ~~(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.~~
- ~~(4) When on street parking permits are required but not offered to the occupant of the accessory dwelling unit.~~
- ~~(5) When there is a car share vehicle located within one block of the accessory dwelling unit.~~

| | Loading Spaces |
|--|---|
| Any of floor, storage or merchandise areas or combinations thereof | One for each 5,000 square feet, or fraction thereof |

(c) *Design.*

(1) *Parking lots.* The following shall be the minimum parking lot design standards:

| Angle of Space | Parking Space Dimensions | | Maneuvering Aisle Width | |
|---------------------|--------------------------|------------------------------|-------------------------|---------|
| | Depth | Width Perpendicular to Depth | One-Way | Two-Way |
| 0° (Parallel) | 8' | 20' | 12' | 22' |
| 45° | 16' | 12' | 15' | 22' |
| 60° | 18' | 10' | 20' | 22' |
| 90° (Perpendicular) | 18' | 9' | 27' | 27' |

All maneuvering aisles shall be off-street. When five (5) or more spaces are required, maneuvering aisles and all required parking spaces shall be provided off-street and on-site. When four (4) or fewer spaces are required, the requirement for off-street parking shall be waived if the property has sufficient street frontage to provide for the number of waived spaces; except that off-street parking required for dwelling units, ~~and~~ additional quarters ~~and guest houses~~ shall not be waived. When off-street parking of four (4) or fewer spaces is provided, maneuvering aisles shall be provided. Maneuvering aisles shall not be required for off-street parking required for dwelling units, ~~and~~ additional quarters ~~and guest houses~~ when four (4) or fewer spaces are required. Maneuvering aisles shall be required for off-street parking required for dwelling units, ~~and guest houses and~~ additional quarters when five (5) or more spaces are required. All spaces shall have unimpeded access. Where parking rows opposite each other are of different angles and share the same maneuvering aisle, the greater of two (2) required widths shall be used.

All spaces along property lines shall have a minimum six (6") inch by six (6") inch raised curb or equivalent barrier precluding entry from other property or from streets not used for maneuvering.

(2) *Loading spaces.* The following shall be the minimum loading space design standards:

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| Use | Width | Depth | Clearance Height |
|------------|-------|-------|------------------|
| Commercial | 10' | 35' | 14' |
| Industrial | 10' | 50' | 14' |

Exits from loading spaces onto streets shall not be made by backing, and entries to loading spaces shall not be made by maneuvering in the traveled way of the street.

(3) *Boat ramps.* Boat ramp parking spaces shall be thirty-five (35') feet long.

Article 5. Nonconforming Structures and Uses

Sec. 9-2.503. Nonconforming structures.

(a) *Repair, maintenance, and internal alterations.* A lawful nonconforming structure may be repaired, maintained, or altered internally, unless otherwise restricted.

(b) *Restoration.* A lawful nonconforming structure which is damaged to an extent which does not permit use for the intended purpose may be restored either within one year after the occurrence of the damage or upon the issuance of a special use permit.

(c) *Enlargement.*

(1) A structure, lawfully nonconforming as to yard requirements, height, or lot coverage, may not be added to or enlarged unless the additions and enlargements are made in conformance with the regulations of the applicable zone or upon the issuance of a variance; except as modified below:

(1.1) Enlargement of an accessory dwelling unit as set forth in Article 45, Accessory Dwelling Units, of this chapter.

(2) A structure, lawfully nonconforming for reasons other than those set forth in subsection (1) of this subsection, may be added to or enlarged upon the issuance of a special use permit.

(d) *Relocation.* A lawful nonconforming structure shall not be moved to any other lot or to any other portion of the lot on which it is presently located unless, as a result of the move, the structure shall conform with the regulations of the zone in which the structure will be located after the move.

Article 13. Single-Family Residential Zones (2-R, 3-R, 7-R)

Sec. 9-2.1302. Uses (2-R, 3-R, 7-R).

(a) The following uses shall be permitted in the Single-Family Residential Zones (2-R, 3-R, 7-R):

(1) One dwelling unit; one accessory dwelling unit; and one additional detached dwelling unit on any parcel of twice or more the minimum lot area; and

(1.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter;

(2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, limited home businesses and bed and breakfast inns; and

(3) Backyard chickens as set forth in Article 43, Backyard Chickens, of this chapter.

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- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, child day care facilities, community care facilities, 4-H and FFA animal projects, home businesses, parks, places of assembly, public utility facilities, public service facilities, and schools.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units and manufactured homes, including those in recreation oriented residential developments, at the ratio of up to one dwelling unit or manufactured home for each unit of minimum lot area within the area of the parcel.
- (d) Telecommunications facilities in the Single-Family Residential Zones (2-R, 3-R, 7-R) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.1305. Yards (2-R, 3-R, 7-R).

The minimum yard requirements in the Single-Family Residential Zones (2-R, 3-R, 7-R) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet per story; ~~and~~
- (c) ~~Setback for existing garage that is converted to an accessory dwelling unit: None; and~~
- (d) ~~Side and rear yard setbacks for an accessory dwelling unit that is constructed above a garage: Five (5') feet.~~

Article 14. Multiple-Family Residential Zone (M-R)

Sec. 9-2.1402. Uses (M-R).

- (a) The following uses shall be permitted in the Multiple-Family Residential Zone (M-R):
 - (1) Dwelling units and manufactured homes, at the ratio of up to one dwelling unit or manufactured home for each 1/21.8 acre of lot area; ~~accessory dwelling units; and~~
 - (1.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (2) Child day care homes, emergency shelter, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, limited home business, one- or two-person business offices, and one- or two-person personal services.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, bed and breakfast inns, child day care facilities, community care facilities, 4-H and FFA animal projects, health services, home businesses, limited administrative offices, lodging facilities, parking lots, places of assembly, public utility facilities, public service facilities, recreation facilities, rooming facilities, and schools.
- (c) Telecommunications facilities in the Multiple-Family Residential Zone (M-R) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

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Sec. 9-2.1405. Yards (M-R).

The minimum yard requirements in the Multiple-Family Residential Zone (M-R) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: None and;
- (b) Side and rear yards: Five (5') feet per story; and
- (c) ~~Setback for existing garage that is converted to an accessory dwelling unit: None; and~~
- (d) ~~Side and rear yard setbacks for an accessory dwelling unit that is constructed above a garage: Five (5') feet.~~

Article 15. Suburban Zone (S-1)

Sec. 9-2.1502. Uses (S-1).

- (a) The following uses shall be permitted in the Suburban Zone (S-1):
 - (1) One dwelling unit, including additional quarters; one guest house; and one additional detached dwelling unit on any parcel of twice or more the minimum lot area; and
 - (1.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, home businesses, small animal husbandry, and horticulture.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, bed and breakfast inns, child day care facilities, community care facilities, 4-H breeding projects and FFA animal projects, nurseries, places of assembly, public utility facilities, public service facilities, recreation facilities, and schools.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units and manufactured homes, including those in recreation oriented residential developments, at the ratio of up to one dwelling unit or manufactured home for each unit of minimum lot area within the area of the parcel.
- (d) Telecommunications facilities in the Suburban Zone (S-1) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.1505. Yards (S-1).

The minimum yard requirements in the Suburban Zone (S-1) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet per story.

Article 16. Secondary Suburban Zone (S-3)

Sec. 9-2.1602. Uses (S-3).

- (a) The following uses shall be permitted in the Secondary Suburban Zone (S-3):
 - (1) One dwelling unit, including additional quarters; one guest house; and one additional dwelling unit on any parcel of twice or more the minimum lot area; and

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(1.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and

- (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, small animal husbandry, large animal husbandry, horticulture, home businesses, and veterinary services.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, bed and breakfast inns, child day care facilities, community care facilities, places of assembly, public utility facilities, public service facilities, recreation facilities, and schools; and
 - (2) Home industry, nurseries, and animal breeding and boarding.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units and manufactured homes, including those in recreation-oriented residential developments, at the ratio of up to one dwelling unit or manufactured home for each unit of minimum lot area within the area of the parcel.
- (d) Telecommunications facilities in the Secondary Suburban Zone (S-3) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.1605. Yards (S-3).

The minimum yard requirements in the Secondary Suburban Zone (S-3) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet per story.

Article 17. Rural Zone (R-10)

Sec. 9-2.1702. Uses (R-10).

- (a) The following uses shall be permitted in the Rural Zone (R-10):
 - (1) One dwelling unit, including additional quarters; one guest house; and one additional dwelling unit on any parcel of twice or more the minimum lot area, any of which may be alternative housing;
 - (1.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facility, limited residential community care facilities, small animal husbandry, large animal husbandry, home businesses, and horticulture; and
 - (3) Wildlife management, kennels, and veterinary services.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facility, bed and breakfast inns, child day care facilities, community care facilities, places of assembly, public utility facilities, public service facilities, recreation facilities, and schools; and
 - (2) Home industry, commercial animal husbandry, agricultural auction yards, limited electric generation, mining, nurseries, shooting ranges, animal breeding and boarding, and hunting clubs.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:

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- (1) Dwelling units and manufactured homes, including those in recreation oriented residential developments, at the ratio of up to one dwelling unit or manufactured home for each unit of minimum lot area within the area of the parcel.
- (d) Telecommunications facilities in the Rural Zone (R-10) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.1705. Yards (R-10).

The minimum yard requirements in the Rural Zone (R-10) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet per story.

Article 18. Rural Zone (R-20)

Sec. 9-2.1802. Uses (R-20).

- (a) The following uses shall be permitted in the Rural Zone (R-20):
 - (1) One dwelling unit, including additional quarters; one guest house; and one additional dwelling unit on any parcel of twice or more the minimum lot area, any of which may be alternative housing;
 - (1.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter;
 - (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, small animal husbandry, large animal husbandry, home businesses, and horticulture; and
 - (3) Wildlife management, kennels, and veterinary services.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, bed and breakfast inns, child day care facilities, community care facilities, places of assembly, public utility facilities, public service facilities, recreation facilities, and schools; and
 - (2) Home industry, commercial animal husbandry, agricultural auction yards, limited electric generation, mining, nurseries, shooting ranges, animal breeding and boarding, and hunting clubs.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units and manufactured homes, including those in recreation oriented residential developments, at the ratio of up to one dwelling unit or manufactured home for each unit of minimum lot area within the area of the parcel.
- (d) Telecommunications facilities in the Rural Zone (R-20) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.1805. Yards (R-20).

The minimum yard requirements in the Rural Zone (R-20) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and

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(b) Side and rear yards: Five (5') feet per story.

Article 19. Core Commercial Zone (C-1)

Sec. 9-2.1902. Uses (C-1).

(a) The following uses shall be permitted in the Core Commercial Zone (C-1):

- (1) Business offices, child day care homes, limited child day care homes, child day care facilities, personal services, retail stores, taverns, restaurants, and parking lots.
- (2) Lodging on the second floor if the entire first floor is in commercial use.
- (3) One dwelling unit, including additional quarters, where the residential use does not exceed the floor area of the commercial use; **and**
- (4) Dwelling units on the second floor if the entire first floor is in commercial use; **and**

(5) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

- (1) Alcohol and drug recovery facilities, limited electric generation, gas stations, health service, mining, places of assembly, postal services, public service facilities, public utility facilities, recreation facilities, schools, and community care facilities.
- (c) Telecommunications facilities in the Core Commercial Zone (C-1) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.1905. Yards (C-1).

The minimum yard requirements in the Core Commercial Zone (C-1) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) **and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards)**:

(a) Front yards: None; and

(b) Side and rear yards: None, except ten (10') feet for yards adjacent to a residentially zoned parcel.

Article 20. Periphery Commercial Zone (C-2)

Sec. 9-2.2002. Uses. (C-2).

(a) The following uses shall be permitted in the Periphery Commercial Zone (C-2):

- (1) Building supply, business offices, child day care homes, limited child day care homes, child day care facilities, gas stations, health services, heavy equipment sales, heavy equipment services, lodging facilities, personal services, places of assembly, postal services, prefabricated building sales, recreation facilities, restaurants, retail stores, self-service facilities, taverns, vehicle sales, vehicle services, wholesale commercial supply, and parking lots;
- (2) One dwelling unit, including additional quarters, where the residential use does not exceed the floor area of the commercial use or one dwelling unit, including additional quarters, on the rear fifty (50%) percent of the parcel; **and**
- (3) Dwelling units on the second floor if the entire first floor is in commercial use; **and**

(4) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

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- (1) Alcohol and drug recovery facilities, animal breeding and boarding, camp grounds, community care facilities, limited electric generation, mining, public service facilities, public utility facilities, recycling facilities, schools, indoor shooting ranges, storage, transport stations, undertaking, used goods sales, veterinary services, warehousing, and wholesaling; and
- (2) Assembly, manufacturing, and processing which are based upon materials which are already in processed form.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units, including additional quarters, on the rear fifty (50%) percent of the parcel.
- (d) Telecommunications facilities in the Periphery Commercial Zone (C-2) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.2005. Yards (C-2).

The minimum yard requirements in the Periphery Commercial Zone (C-2) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: None, except ten (10') feet for yards adjacent to a residentially zoned parcel; and
- (b) Side and rear yards: None, except ten (10') feet for yards adjacent to a residentially zoned parcel.

Article 21. Convenience Commercial Zone (C-3)

Sec. 9-2.2102. Uses (C-3).

- (a) The following uses shall be permitted in the Convenience Commercial Zone (C-3):
 - (1) Building supply, business offices, child day care homes, limited child day care homes, child day care facilities, gas stations, heavy equipment services, farm supply sales, health services, laundromats™, lodging facilities, personal services, places of assembly, limited recycling facilities, postal services, recreation facilities, restaurants, retail stores, taverns, parking lots, and vehicle services.
 - (2) One dwelling unit, including additional quarters, where the residential use does not exceed the floor area of the commercial use or one dwelling unit on the rear fifty (50%) percent of the parcel; and
 - (3) Dwelling units on the second floor if the entire first floor is in commercial use; and
 - (4) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facility, animal breeding and boarding, camp grounds, community care facilities, limited electric generation, mining, public service facilities, public utility facilities, schools, storage, used goods sales, veterinary services, and transport stations.
- (c) Telecommunications facilities in the Convenience Commercial Zone (C-3) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.2105. Yards (C-3).

The minimum yard requirements in the Convenience Commercial Zone (C-3) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: None, except ten (10') feet when adjacent to a residentially zoned parcel; and
- (b) Side and rear yards: None, except ten (10') feet for yards adjacent to a residentially zoned parcel.

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Article 22. Recreation Commercial Zone (R-C)

Sec. 9-2.2202. Uses (R-C).

(a) The following uses shall be permitted in the Recreation Commercial Zone (R-C):

- (1) Boat ramps, boat services, business offices, child day care homes, limited child day care homes, child day care facilities, gas stations, health services, laundromats™, lodging facilities, marinas, personal services, places of assembly, postal services, limited recycling facilities, recreation facilities, resorts, restaurants, retail stores, and taverns;
- (2) One dwelling unit, including additional quarters, where the residential use does not exceed the floor area of the commercial use or one dwelling unit, including additional quarters, on the rear fifty (50%) percent of the parcel; and
- (3) Dwelling units on the second floor if the entire first floor is in commercial use; and
- (4) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

- (1) Alcohol and drug recovery facilities, animal breeding and boarding, camp grounds, community care facilities, limited electric generation, mining, public service facilities, public utility facilities, recycling facilities, schools, veterinary services, wholesale commercial supply, parking lots, transport stations, and storage.

(c) The following uses shall be permitted subject to the issuance of a planned development permit:

- (1) Dwelling units, including additional quarters, on the rear fifty (50%) percent of the parcel.

(d) Telecommunications facilities in the Recreation Commercial Zone (R-C) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.2205. Yards (R-C).

The minimum yard requirements in the Recreation Commercial Zone (R-C) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet, except ten (10') feet for yards adjacent to a residentially zoned parcel.

Article 23. Recreation Zones

(Rec-P, Rec-1, Rec-3, Rec-10, Rec-20)

Sec. 9-2.2302. Uses (Rec).

(a) The following uses shall be permitted in the Recreation Zones (Rec-P, Rec-1, Rec-3, Rec-10, Rec-20):

- (1) Boat ramps, boat services, camp grounds, lodging facilities, marinas, postal services, recreation facilities, and resorts;
- (2) When in conjunction with and subordinate to a use permitted in subsection (1) of this subsection, business offices, child day care homes, limited child day care homes, child day care facilities, gas stations, health services, Laundromats™, personal services, places of assembly, limited recycling facilities, restaurants, retail stores, and taverns; and
- (3) One dwelling unit, including additional quarters, or limited residential alcohol and drug recovery facility; and

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(4) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter.

- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, community care facilities, mining, public service facilities, public utility facilities, recycling facilities, rooming facilities, and schools.
 - (2) In Rec-P, Rec-1 and Rec-3: Indoor shooting ranges.
 - (3) In Rec-10 and Rec-20: Limited electric generation and shooting ranges.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit: dwelling units in recreation-oriented residential developments at the ratio of up to:
 - (1) Rec-P: Seven (7) per acre;
 - (2) Rec-1: One to three (3) acres per dwelling unit;
 - (3) Rec-3: Three (3) to ten (10) acres per dwelling unit;
 - (4) Rec-10: Ten (10) to twenty (20) acres per dwelling unit; and
 - (5) Rec-20: Twenty (20) acres per dwelling unit.
- (d) Telecommunications facilities in the Recreation Zones (Rec-P, Rec-1, Rec-3, Rec-10, Rec-20) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.2305. Yards (Rec).

The minimum yard requirements in the Recreation Zones (Rec-P, Rec-1, Rec-3, Rec-10, Rec-20) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet, except ten (10') feet for yards adjacent to a residentially zoned parcel.

Article 25. Heavy Industrial Zone (I-1)

Sec. 9-2.2502. Uses (I-1).

- (a) The following uses shall be permitted in the Heavy Industrial Zone (I-1) subject to site development review as set forth in Article 11.3 of this chapter:
 - (1) Assembly, building supply, manufacturing, processing, electric generation, junk yards, salvage operations, public utility facilities, heavy equipment sales, heavy equipment services, storage, and transport stations;
 - (2) Retail sales and wholesaling when associated with and appurtenant to a use permitted in subsection (1) of this subsection or subsection (b) of this section;
 - (3) One dwelling unit, including additional quarters, when in conjunction with an industrial use; and (3.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (4) Child day care homes and limited child day care homes.
- (b) The following uses shall be permitted subject to the issuance of a special use permit.
 - (1) Mining, and public service facilities; and
 - (2) Permitted uses which exceed the height limitations.

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(c) Telecommunications facilities in the Heavy Industrial Zone (I-1) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.2505. Yards (I-1).

The minimum yard requirements in the Heavy Industrial Zone (I-1) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

(a) Front yards: Not less than twenty (20') feet; and

(b) Side and rear yards: None, except ten (10') feet for yards adjacent to a residentially zoned parcel.

Article 26. Light Industrial Zone (I-2)

Sec. 9-2.2602. Uses (I-2).

(a) The following uses shall be permitted in the Light Industrial Zone (I-2) subject to site development review as set forth in Article 11.3 of this chapter:

(1) Assembly, manufacturing, and processing which are based upon materials which are already in processed form;

(2) Building supply, car wash, storage, transport stations, warehousing, wholesaling, public utility facilities, vehicle sales, and vehicle services;

(3) Retail sales when associated with and appurtenant to a use permitted by subsections (1) and (2) of this subsection and subsection (b) of this section;

(4) One dwelling unit, including additional quarters, when in conjunction with an industrial use; and (4.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and

(5) Child day care homes and limited child day care homes.

(b) The following uses shall be permitted subject to the issuance of a special use permit:

(1) Junk yards, salvage operations, heavy equipment services, places of assembly, and public service facilities.

(c) Telecommunications facilities in the Light Industrial Zone (I-2) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.2605. Yards (I-2).

The minimum yard requirements in the Light Industrial Zone (I-2) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

(a) Front yards: none, except ten (10') feet for yards adjacent to a residentially zoned parcel; and

(b) Side and rear yards: none, except ten (10') feet for yards adjacent to residentially zoned parcels.

Article 30. Agricultural Preserve Zone (AP)

Sec. 9-2.3002. Uses (AP).

(a) The following uses shall be permitted in the Agricultural Preserve Zone (AP):

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- (1) Agriculture, timber management, agricultural product sales, animal breeding and boarding, and employee housing;
- (2) One (1) dwelling unit; ~~and~~
(2.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
- (3) Child day care homes and limited child day care homes.

- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Mining, limited electric generation, public utility facilities, public service facilities, wildlife management, transport stations, agricultural auction yards, agricultural processing, outdoor shooting ranges, hunting clubs, bed and breakfast inns, and commercial social events; and
 - (2) Recreational uses, but not limited to walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation.
- (c) The following use shall be permitted subject to the issuance of an administrative use permit:
 - (1) Commercial social events, limited.

Sec. 9-2.3005. Yards (AP).

The minimum yard requirements in the Agricultural Preserve Zone (AP) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Not less than twenty (20') feet; and
- (b) Side and rear yards: Not less than five (5') feet.

Article 31. General Agriculture Zone (GA)

Sec. 9-2.3102. Uses (GA).

- (a) The following uses shall be permitted in the General Agriculture Zone (GA):
 - (1) Agriculture, timber management, wildlife management, agricultural product sales, animal breeding and boarding, and employee housing;
 - (2) One (1) dwelling unit and, on any parcel of eighty (80) acres or more, one additional dwelling unit; ~~and~~
(2.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (3) Child day care homes, limited child day care homes, and home businesses.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Mining, limited electric generation, home industry, public utility facilities, public service facilities, agricultural auction yards, agricultural processing, transport stations, veterinary services, outdoor shooting ranges, hunting clubs, and commercial social events; and
 - (2) On land of a soil type not suitable for identification as an important agricultural area, non-commercial campgrounds, recreation facilities, and resorts.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units at the ratio of up to one (1) per forty (40) acres of lot area.
- (d) The following use shall be permitted subject to the issuance of an administrative use permit:
 - (1) Commercial social events, limited.

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Sec. 9-2.3105. Yards (GA).

The minimum yard requirements in the General Agriculture Zone (GA) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Not less than twenty (20') feet; and
- (b) Side and rear yards: Not less than five (5') feet.

Article 33. General Forest Zone (GF)

Sec. 9-2.3302. Uses (GF).

- (a) The following uses shall be permitted in the General Forest Zone (GF):
 - (1) Timber management, agriculture, wildlife management, and animal breeding and boarding;
 - (2) One dwelling unit and, on any parcel of eighty (80) acres or more, one additional dwelling unit; and
(2.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (3) Child day care homes, limited child day care homes, and home businesses.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Mining, limited electric generation, home industry, public utility facilities, public service facilities, outdoor shooting ranges, and hunting clubs.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units at the ratio of up to one per each forty (40) acres of lot area.
- (d) Telecommunications facilities in the General Forest Zone (GF) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.3305. Yards (GF).

The minimum yard requirements in the General Forest Zone (GF) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Not less than twenty (20') feet; and
- (b) Side and rear yards: Not less than five (5') feet.

Article 34. Mining Zone (M)

Sec. 9-2.3402. Uses (M).

- (a) The following uses shall be permitted in the Mining Zone (M):
 - (1) Mining, agriculture, timber management, hydroelectric generation, water impoundment, public utility facilities, animal breeding and boarding, and limited electric generation;
 - (2) One dwelling unit; and
(2.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (3) Child day care homes and limited child day care homes.
- (b) The following uses shall be permitted subject to site development review as set forth in Article 11.3 of this chapter:

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- (1) Hydroelectric generation.
- (c) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Recreation facilities and public service facilities.
- (d) Telecommunications facilities in the Mining Zone (M) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.3405. Yards (M).

The minimum yard requirements in the Mining Zone (M) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet.

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CHAPTER 2 ZONING

Article 45: Accessory Dwelling Units

Sec. 9-2.4501. Purpose and intent.

The purpose of this article is to establish accessory dwelling unit (ADU), including junior accessory dwelling unit (JADU) ministerial permit procedures, development standards, and regulations consistent with State ADU Law.

Sec. 9-2.4502. Applicability.

Attached, detached, and conversion accessory dwelling units and junior accessory dwelling units shall be permitted in any zone where a dwelling unit or dwelling units are permitted subject to the provisions of this article.

Sec. 9-2.4503. Definitions.

- (a) “Accessory dwelling unit” shall be as defined in Section 9-2.201.1 of this Chapter.
- (b) “Accessory dwelling unit, attached” shall be as defined in Section 9-2.201.2 of this Chapter.
- (c) “Accessory dwelling unit, detached” shall be as defined in Section 9-2.201.3 of this Chapter.
- (d) “Accessory dwelling unit, conversion” shall be as defined in Section 9-2.201.4 of this Chapter.
- (e) “Accessory dwelling unit, junior” shall be as defined in Section 9-2.201.5 of this Chapter.
- (f) “Efficiency kitchen” also known as a “kitchenette,” shall be defined to include: (1) a cooking facility with appliances, (2) a food preparation counter, and (3) storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- (g) “Living area” shall mean the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (h) “Multiple-Family Dwelling Structure” shall mean a structure with two or more attached dwelling units on a single parcel.
- (i) “Primary Dwelling Unit” also known as a “Dwelling unit” shall be as defined in Section 9-2.228 of this Chapter.
- (j) “Public transit” shall mean various means of transportation such as buses that are available to the public, charge set fees, and run on fixed routes.
- (k) “Tandem parking” shall mean two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another.
- (l) “Walking distance” shall mean the distance a pedestrian must travel to reach public transit.

Sec. 9-2.4504. Permit procedures.

- (a) The Building Department shall approve or deny a ministerial building permit for an accessory dwelling unit or junior accessory dwelling unit without discretionary review or a hearing, consistent with the provisions of this chapter and state law, within sixty (60) days of submittal of a complete building permit application if there is an existing single-family dwelling unit or multiple-family dwelling structure on the lot.
- (b) If the Building Department has not acted upon the accessory dwelling unit or junior accessory dwelling unit application within sixty (60) days, the application shall be deemed approved.
- (c) If the Building Department denies an application for an accessory dwelling unit or junior accessory dwelling unit, the Building Department shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

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(d) For pre-approved accessory dwelling units, the Building Department shall issue an expedited building permit within thirty (30) days of submittal of a complete building permit application.

Sec. 9-2.4505. Development standards.

Accessory dwelling units shall be subject to the California Building Code and the following development standards:

- (a) Number of accessory dwelling units per parcel.
 - (1) For parcels with an existing or proposed single-family dwelling unit(s) the following shall be permitted:
 - (i) one attached or conversion accessory dwelling unit; and
 - (ii) one new construction detached accessory dwelling unit; and
 - (iii) one junior accessory dwelling unit (conforming to the standards set forth in Section 9-2.4508).
 - (2) For parcels with an existing or proposed multiple-family dwelling structure(s) the following shall be permitted:
 - (i) two detached accessory dwelling units; and
 - (ii) at least one conversion accessory dwelling unit from non-living area space with the total number of interior accessory dwelling unit conversions being limited to no more than twenty-five (25%) percent of the total number of dwelling units in the multiple-family dwelling structure, but not less than one.
 - (3) For parcels with an existing or proposed residential component of a mixed use commercial, recreation commercial, or recreation development the following shall be permitted:
 - (i) two detached accessory dwelling units; and
 - (ii) one conversion accessory dwelling unit from the living area space of an existing dwelling unit.
- (b) Guaranteed allowance of statewide exemption ADU.
 - (1) An accessory dwelling unit up to 800 square feet, sixteen (16') feet in height, and with four (4') foot side and rear yard setbacks shall be known as a statewide exemption ADU and shall not be prohibited.
 - (2) No lot coverage, floor area ratio, open space requirement, or minimum lot area limitation shall preclude the construction of a statewide exemption ADU.
- (c) Unit Size, Lot Area, and Coverage.
 - (1) Accessory dwelling units are exempt from minimum lot area and coverage requirements.
 - (2) The living area of an attached accessory dwelling unit shall not exceed fifty (50%) percent of the existing living area of the primary dwelling unit, or 800 square feet, whichever is greater, but in no case shall an attached accessory dwelling unit exceed 1,200 square feet.
 - (3) The total living area of a detached accessory dwelling unit shall not exceed 1,200 square feet.
 - (4) An accessory dwelling unit created within an existing accessory structure may be expanded up to 150 square feet, but this expansion shall be limited to accommodating ingress and egress.
 - (5) The conversion of an existing detached accessory structure or conversion of a portion of an existing primary dwelling unit, as well as new construction of detached accessory dwelling units created with an existing or proposed multiple-family dwelling structure do not have unit size limitations.
- (d) Height.
 - (1) Accessory dwelling units shall not exceed thirty-five (35') feet in height.
- (e) Yards.
 - (1) The minimum yard requirements shall be as follows:
 - (i) Front yard setbacks cannot prevent the creation of an accessory dwelling unit less than 800 square feet; and

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- (i) Front, side, and rear setbacks for existing structures converted to an accessory dwelling unit, existing structures partially converted to an accessory dwelling unit, or accessory dwelling units constructed in the same location and to the same dimensions as an existing structure: None; and
 - (iii) Side and rear yard setbacks for an accessory dwelling unit: Four (4') feet; and
 - (iv) Side and rear yard setbacks for an accessory dwelling unit that is constructed above a garage: Four (4') feet.
- (f) Utilities.
 - (1) An accessory dwelling unit may be metered separately from the primary dwelling unit for gas, electricity, communications, water, and sewer services.
 - (2) An accessory dwelling unit served by an onsite septic system known as an onsite wastewater treatment system (OWTS), community sewage disposal system, or public sanitary sewer connection shall be subject to the requirements of Chapter 6 of Title 6 of this Code with the approval of Environmental Health or the applicable sewer management agency or organization.
 - (3) An accessory dwelling unit water supply system shall be subject to the requirements of Chapter 9 of Title 6 of this Code with the approval of Environmental Health or the applicable water management agency or organization.
- (g) Utility connection fees or capacity charges.
 - (1) Utility connection fees or capacity charges may not be imposed on a conversion accessory dwelling unit when the unit is created within the space of an existing single-family dwelling unit.
- (h) Fire sprinklers.
 - (1) Fire sprinklers shall be required to be installed in an accessory dwelling unit where fire sprinklers are required by building codes for the proposed primary dwelling unit.
 - (2) Fire sprinklers shall not be required to be installed in an accessory dwelling unit where fire sprinklers were not required by building codes for the existing primary dwelling unit.
 - (3) In no case shall the new construction of an accessory dwelling unit trigger a requirement for fire sprinklers to be installed in the existing primary dwelling unit.
- (i) Solar Photovoltaic (PV) System
 - (1) New construction detached accessory dwelling units shall be required to install a solar PV system, and the solar PV system can be ground mounted, installed on the roof of the detached accessory dwelling unit, or on the roof of the primary dwelling unit.
 - (2) Attached accessory dwelling units and conversion accessory dwelling units shall not be required to install a solar PV system.

Sec. 9-2.4506. Parking.

- (a) Number of spaces. One off-street parking space is required for accessory dwelling units, except as modified below:
 - (1) No off-street parking spaces shall be required for accessory dwelling units that meet any of the following listed instances:
 - (i) The accessory dwelling unit is located within one-half mile of public transit.
 - (ii) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - (iii) The accessory dwelling unit is part of the existing primary dwelling unit or an existing accessory structure.
 - (iv) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (v) When there is a car share vehicle located within one block of the accessory dwelling unit.

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- (vi) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multiple-family dwelling structure on the same lot.
- (b) Configuration. If a parking space is required for an accessory dwelling unit, the space may be located within any setback area or in a tandem configuration on a driveway.
- (c) Displacement of existing parking. When accessory dwelling units are created through the conversion of a garage, carport, or covered parking structure, replacement of off-street parking spaces shall not be required.

Sec. 9-2.4507. Additional requirements.

- (a) Impact fees.
 - (1) Accessory dwelling units shall not be subject to impact fees.
- (b) Existing nonconforming units.
 - (1) No public improvements shall be required for the creation or conversion of an accessory dwelling unit.
 - (2) As a condition for ministerial approval of an accessory dwelling unit, an applicant shall not be required to correct nonconforming zoning conditions.
- (c) Separate conveyance.
 - (1) The separate conveyance of an accessory dwelling unit shall be permitted in compliance with State ADU Law.
- (d) Rental/leasing agreements.
 - (1) Accessory dwelling units may be leased separate from the primary dwelling unit for terms longer than thirty (30) days, except that a statewide exemption ADU shall be leased for terms longer than thirty (30) days.
- (e) Covenants, Restrictions, and Conditions (CC&Rs)
 - (1) Pursuant to California Civil Code Sec. 4751, CC&Rs cannot prohibit or unreasonably restrict the construction or use of an accessory dwelling unit. For purposes of this subdivision, unreasonable restrictions mean restrictions that unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct an accessory dwelling unit.

Sec. 9-2.4508. Junior accessory dwelling units.

Junior accessory dwelling units shall be subject to the California Building Code and the following development standards:

- (a) Number of junior accessory dwelling units per parcel.
 - (1) For parcels developed with an existing or proposed single-family dwelling unit the following shall be permitted:
 - (i) One junior accessory dwelling unit is permitted within the existing or proposed walls of the primary single-family dwelling unit. Enclosed uses within the primary dwelling unit, such as attached garages, are considered a part of the proposed or existing primary dwelling unit.
 - (2) For parcels with an existing or proposed multiple-family dwelling structure(s) junior accessory dwelling units shall not be permitted.
 - (3) For parcels developed with an existing or proposed residential component of a mixed use commercial, recreation commercial, or recreation development the following shall be permitted:
 - (i) One junior accessory dwelling unit is permitted within the existing or proposed walls of a dwelling unit. Enclosed uses, such as attached garages, are considered a part of the proposed or existing dwelling unit.
 - (4) Junior accessory dwelling units shall not be permitted in accessory structures, with the exception of attached garages.

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(5) A junior accessory dwelling unit can be combined with a detached accessory dwelling unit on the same parcel.

(b) Unit size.

(1) Junior accessory dwelling units shall not exceed 500 square feet.

(c) Features/facilities.

(1) Each junior accessory dwelling unit shall, at minimum, include:

(i) Exterior access, separate from the interior entry to the primary dwelling unit.

(ii) One accessible bathroom, which can be located in the primary dwelling unit. If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

(iii) One efficiency kitchen, as defined in Section 9-2.4504.

(d) Utilities.

(1) A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for purposes of providing service for water, sewer, or power, including connection fees.

(2) A junior accessory dwelling unit served by an onsite septic system known as an onsite wastewater treatment system (OWTS), community sewage disposal system, or public sanitary sewer connection shall be subject to the requirements of Chapter 6 of Title 6 of this Code with the approval of Environmental Health or the applicable sewer management agency or organization.

(3) A junior accessory dwelling unit water supply system shall be subject to the requirements of Chapter 9 of Title 6 of this Code with the approval of Environmental Health or the applicable water management agency or organization.

(e) Fire sprinklers.

(1) Junior accessory dwelling units shall be required to install fire sprinklers if either of the following conditions exist:

(i) The primary dwelling unit has fire sprinklers.

(ii) There are any active improvements or additions that would require the primary dwelling unit to install fire sprinklers.

(f) Solar Photovoltaic (PV) System

(1) Junior accessory dwelling units shall not be required to install a solar PV system.

(g) Utility connection fees or capacity charges.

(1) Utility connection fees or capacity charges may not be imposed on a junior accessory dwelling unit when the unit is created within the space of an existing single-family dwelling unit.

(h) Separate conveyance.

(1) The sale of the junior accessory dwelling unit separate from the sale of the primary dwelling unit is not permitted.

(i) Owner-occupancy requirement.

(1) The property owner must permanently reside in either the primary dwelling unit or the junior accessory dwelling unit; however, owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(j) Covenants, Conditions, and Restrictions (CC&Rs)

(1) Pursuant to California Civil Code Sec. 4751, CC&Rs cannot prohibit or unreasonably restrict the construction or use of a junior accessory dwelling unit. For purposes of this subdivision, unreasonable restrictions mean restrictions that unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct a junior accessory dwelling unit.

PRE-ADOPTION DRAFT
“EXHIBIT A”
PLUMAS COUNTY CODE
TITLE 9 PLANNING AND ZONING
CHAPTER 9 STATE RESPONSIBILITY AREA FIRE SAFE
REGULATIONS

Article 4. Definitions

Sec. 9-9.404. Dwelling.

“Dwelling” shall mean a building, or portion of a building, which provides for sleeping, cooking, eating, and sanitation for one family (as defined in Section 9-2.22832 of Chapter 2 of this Title).~~and shall mean any additional quarters and guest house.~~

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PLUMAS COUNTY CODE TITLE 9 PLANNING AND ZONING CHAPTER 2 ZONING

Article 2. Definitions

Sec. 9-2.201.1. Accessory dwelling unit.

“Accessory dwelling unit” or “ADU” shall mean an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and is located on the same parcel as a proposed or existing single-family dwelling unit or multiple-family dwelling structure is or will be situated. An accessory dwelling unit shall also include an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code and a manufactured home, as defined in Section 18007 of the Health and Safety Code. For more information on accessory dwelling units, refer to Article 45, Accessory Dwelling Units, of this chapter.

Sec. 9-2.201.2. Accessory dwelling unit, attached.

“Attached accessory dwelling unit” shall mean a second independent living unit attached to the primary dwelling unit.

Sec. 9-2.201.3. Accessory dwelling unit, detached.

“Detached accessory dwelling unit” shall mean a second independent living unit separated from the primary dwelling unit.

Sec. 9-2.201.4. Accessory dwelling unit, conversion.

“Conversion accessory dwelling unit” shall mean a space such as a garage, primary bedroom, or other accessory structure that is converted into a second independent living unit.

Sec. 9-2.201.5. Accessory dwelling unit, junior.

“Junior accessory dwelling unit” or “JADU” shall mean a type of accessory dwelling unit that is contained entirely within the primary dwelling unit, including attached garages and shall not exceed 500 square feet. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing primary dwelling unit.

Sec. 9-2.213.5. Bed and breakfast inn.

“Bed and breakfast inn” shall mean a lodging facility where:

- (a) The maximum number of guest rooms:
 - (1) Does not exceed five (5); except
 - (2) If the number of dwelling units and additional quarters and the accessory dwelling units as would be permitted by the zoning for the property and the size of the property, both as permitted uses and as uses subject to issuance of a planned development permit, less one for the residence of the owner or manager, would be more than five (5), then the maximum number of guest rooms does not exceed that number.

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- (b) The owner or manager resides on the property;
- (c) Meals are served to guests of the inn only;
- (d) On-site parking is adequately screened from view from the street;
- (e) The use maintains the architectural integrity of the building and the character of the neighborhood; and
- (f) There is no more than one business sign of no more than six (6) square feet, or no more than one business sign of no more than twenty-four (24) square feet where the use is in the Multiple-Family Residential Zone (M-R).

Sec. 9-2.232. Family.

“Family” shall mean one or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

Article 4. General Requirements

Sec. 9-2.405. Camping.

- (a) Camping shall be prohibited within Prime Opportunity Areas as designated by the General Plan, except within camp grounds.
- (b) Camping shall be permitted on all private lands not within the Prime Opportunity Areas as designated by the General Plan if all aspects of the County health regulations are met, subject to the concurrence of the property owner for no more than 120 days in a calendar year. The number of nonstructural temporary shelters and recreational vehicles used for camping on a property may be at least one and otherwise shall not exceed the number of dwelling units and additional quarters and the accessory dwelling units permitted on the property by the zoning, less the number thereof on the property. Camping conducted under the provisions of this subsection shall not be a camp ground use for the purposes of this chapter.

Sec. 9-2.408. Garages and carports.

- (a) *Garage and carport conversion.* Garages and carports may be converted to other uses only if they meet the yard requirements of the zone in which the garage or carport is located, except that no setback shall be required for an existing garage that is converted to an accessory dwelling unit. For more information on accessory dwelling units, refer to Article 45, Accessory Dwelling Units, of this chapter.
- (b) *Garages.*
 - (1) Garages shall be located not closer than forty (40') feet from the center line of the street nor ten (10') feet from the front line, whichever is greater, except as set forth below.
 - (2) Garages need not be set back further than the minimum front yard for the zone in which they are located.
 - (3) Where the front yard adjoins a Class 7 road, garages shall be no closer than thirty-five (35') feet from the center line of the street or ten (10') feet from the front line, whichever is greater.
 - (4) Where the front yard adjoins a Class 8 road, garages shall be no closer than thirty (30') feet from the center line of the street or ten (10') feet from the front line, whichever is greater.
 - (5) Where the front yard adjoins a Class 9 or 10 road with a projected traffic volume or 400 ADT or less, determined as set forth in Section 9-4.703 of Article 7 of Chapter 4 of this Title, garages shall be no closer than thirty (30') feet from the center line of the street or ten (10') feet from the front line, whichever is greater.

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(c) *Carports.*

- (1) Carports shall be located not closer than thirty (30') feet from the center line of the street, except as set forth below.
- (2) Carports need not be set back further than the minimum front yard for the zone in which they are located.
- (3) Where the front yard adjoins a Class 7 road, carports shall be no closer than twenty-five (25') feet from the center line of the street.
- (4) Where the front yard adjoins a Class 8 road, carports shall be no closer than twenty (20') feet from the center line of the street.
- (5) Where the front yard adjoins a Class 9 or 10 road with a projected traffic volume or 400 ADT or less, determined as set forth in Section 9-4.703 of Article 7 of Chapter 4 of this Title, carports shall be no closer than twenty (20') feet from the center line of the street.
- (6) In no case shall a carport extend beyond the front line.

(d) *Roof shedding.* In no case shall the roof of a garage or carport shed onto the road right-of-way.

Sec. 9-2.414. Parking and loading.

(a) *Application.* Listed in this section are the minimum off-street parking requirements. Uses involving the receipt and distribution of materials shall be subject to the minimum loading space requirements. Where parking and loading requirements cannot be based solely upon the uses listed, the Planning Director shall determine the requirements or the additional requirements. Any parking and loading requirements may be modified, as necessary, by the Planning Director.

(b) *Number of spaces.* Off-street parking spaces shall be provided at the rates set forth below:

| Basis | Parking Spaces |
|-------------------------------|--|
| Dwelling units | Two |
| Accessory dwelling units | One, except as modified in Article 45, Accessory Dwelling Units, of this chapter |
| Additional quarters | One |
| Employees | One for each of the employees working at one time |
| Seating | One for every four seats, or fraction thereof |
| Sales and service floor areas | One for each 500 square feet, or fraction thereof |
| Boat ramps | Twenty |

| Basis | Loading Spaces |
|--|---|
| Any of floor, storage or merchandise areas or combinations thereof | One for each 5,000 square feet, or fraction thereof |

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(c) *Design.*

(1) *Parking lots.* The following shall be the minimum parking lot design standards:

| Angle of Space | Parking Space Dimensions | | Maneuvering Aisle Width | |
|---------------------|--------------------------|------------------------------|-------------------------|---------|
| | Depth | Width Perpendicular to Depth | One-Way | Two-Way |
| 0° (Parallel) | 8' | 20' | 12' | 22' |
| 45° | 16' | 12' | 15' | 22' |
| 60° | 18' | 10' | 20' | 22' |
| 90° (Perpendicular) | 18' | 9' | 27' | 27' |

All maneuvering aisles shall be off-street. When five (5) or more spaces are required, maneuvering aisles and all required parking spaces shall be provided off-street and on-site. When four (4) or fewer spaces are required, the requirement for off-street parking shall be waived if the property has sufficient street frontage to provide for the number of waived spaces; except that off-street parking required for dwelling units and additional quarters shall not be waived. When off-street parking of four (4) or fewer spaces is provided, maneuvering aisles shall be provided. Maneuvering aisles shall not be required for off-street parking required for dwelling units and additional quarters when four (4) or fewer spaces are required. Maneuvering aisles shall be required for off-street parking required for dwelling units and additional quarters when five (5) or more spaces are required. All spaces shall have unimpeded access. Where parking rows opposite each other are of different angles and share the same maneuvering aisle, the greater of two (2) required widths shall be used.

All spaces along property lines shall have a minimum six (6") inch by six (6") inch raised curb or equivalent barrier precluding entry from other property or from streets not used for maneuvering.

(2) *Loading spaces.* The following shall be the minimum loading space design standards:

| Use | Width | Depth | Clearance Height |
|------------|-------|-------|------------------|
| Commercial | 10' | 35' | 14' |
| Industrial | 10' | 50' | 14' |

Exits from loading spaces onto streets shall not be made by backing, and entries to loading spaces shall not be made by maneuvering in the traveled way of the street.

(3) *Boat ramps.* Boat ramp parking spaces shall be thirty-five (35') feet long.

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Article 5. Nonconforming Structures and Uses

Sec. 9-2.503. Nonconforming structures.

- (a) *Repair, maintenance, and internal alterations.* A lawful nonconforming structure may be repaired, maintained, or altered internally, unless otherwise restricted.
- (b) *Restoration.* A lawful nonconforming structure which is damaged to an extent which does not permit use for the intended purpose may be restored either within one year after the occurrence of the damage or upon the issuance of a special use permit.
- (c) *Enlargement.*
 - (1) A structure, lawfully nonconforming as to yard requirements, height, or lot coverage, may not be added to or enlarged unless the additions and enlargements are made in conformance with the regulations of the applicable zone or upon the issuance of a variance except as modified below:
 - (1.1) Enlargement of an accessory dwelling unit as set forth in Article 45, Accessory Dwelling Units, of this chapter.
 - (2) A structure, lawfully nonconforming for reasons other than those set forth in subsection (1) of this subsection, may be added to or enlarged upon the issuance of a special use permit.
- (d) *Relocation.* A lawful nonconforming structure shall not be moved to any other lot or to any other portion of the lot on which it is presently located unless, as a result of the move, the structure shall conform with the regulations of the zone in which the structure will be located after the move.

Article 13. Single-Family Residential Zones (2-R, 3-R, 7-R)

Sec. 9-2.1302. Uses (2-R, 3-R, 7-R).

- (a) The following uses shall be permitted in the Single-Family Residential Zones (2-R, 3-R, 7-R):
 - (1) One dwelling unit; and one additional detached dwelling unit on any parcel of twice or more the minimum lot area;
 - (1.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter;
 - (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, limited home businesses and bed and breakfast inns; and
 - (3) Backyard chickens as set forth in Article 43, Backyard Chickens, of this chapter.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, child day care facilities, community care facilities, 4-H and FFA animal projects, home businesses, parks, places of assembly, public utility facilities, public service facilities, and schools.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units and manufactured homes, including those in recreation oriented residential developments, at the ratio of up to one dwelling unit or manufactured home for each unit of minimum lot area within the area of the parcel.

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(d) Telecommunications facilities in the Single-Family Residential Zones (2-R, 3-R, 7-R) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.1305. Yards (2-R, 3-R, 7-R).

The minimum yard requirements in the Single-Family Residential Zones (2-R, 3-R, 7-R) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet per story

Article 14. Multiple-Family Residential Zone (M-R)

Sec. 9-2.1402. Uses (M-R).

- (a) The following uses shall be permitted in the Multiple-Family Residential Zone (M-R):
 - (1) Dwelling units and manufactured homes, at the ratio of up to one dwelling unit or manufactured home for each 1/21.8 acre of lot area;
 - (1.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (2) Child day care homes, emergency shelter, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, limited home business, one- or two-person business offices, and one- or two-person personal services.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, bed and breakfast inns, child day care facilities, community care facilities, 4-H and FFA animal projects, health services, home businesses, limited administrative offices, lodging facilities, parking lots, places of assembly, public utility facilities, public service facilities, recreation facilities, rooming facilities, and schools.
- (c) Telecommunications facilities in the Multiple-Family Residential Zone (M-R) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.1405. Yards (M-R).

The minimum yard requirements in the Multiple-Family Residential Zone (M-R) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: None; and
- (b) Side and rear yards: Five (5') feet per story

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Article 15. Suburban Zone (S-1)

Sec. 9-2.1502. Uses (S-1).

- (a) The following uses shall be permitted in the Suburban Zone (S-1):
 - (1) One dwelling unit, including additional quarters; and one additional detached dwelling unit on any parcel of twice or more the minimum lot area;
 - (1.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, home businesses, small animal husbandry, and horticulture.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, bed and breakfast inns, child day care facilities, community care facilities, 4-H breeding projects and FFA animal projects, nurseries, places of assembly, public utility facilities, public service facilities, recreation facilities, and schools.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units and manufactured homes, including those in recreation oriented residential developments, at the ratio of up to one dwelling unit or manufactured home for each unit of minimum lot area within the area of the parcel.
- (d) Telecommunications facilities in the Suburban Zone (S-1) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.1505. Yards (S-1).

The minimum yard requirements in the Suburban Zone (S-1) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet per story.

Article 16. Secondary Suburban Zone (S-3)

Sec. 9-2.1602. Uses (S-3).

- (a) The following uses shall be permitted in the Secondary Suburban Zone (S-3):
 - (1) One dwelling unit, including additional quarters; and one additional dwelling unit on any parcel of twice or more the minimum lot area;
 - (1.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, small animal husbandry, large animal husbandry, horticulture, home businesses, and veterinary services.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:

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- (1) Alcohol and drug recovery facilities, bed and breakfast inns, child day care facilities, community care facilities, places of assembly, public utility facilities, public service facilities, recreation facilities, and schools; and
- (2) Home industry, nurseries, and animal breeding and boarding.

(c) The following uses shall be permitted subject to the issuance of a planned development permit:

- (1) Dwelling units and manufactured homes, including those in recreation-oriented residential developments, at the ratio of up to one dwelling unit or manufactured home for each unit of minimum lot area within the area of the parcel.

(d) Telecommunications facilities in the Secondary Suburban Zone (S-3) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.1605. Yards (S-3).

The minimum yard requirements in the Secondary Suburban Zone (S-3) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet per story.

Article 17. Rural Zone (R-10)

Sec. 9-2.1702. Uses (R-10).

- (a) The following uses shall be permitted in the Rural Zone (R-10):
 - (1) One dwelling unit, including additional quarters; and one additional dwelling unit on any parcel of twice or more the minimum lot area, any of which may be alternative housing;
 - (1.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter;
 - (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facility, limited residential community care facilities, small animal husbandry, large animal husbandry, home businesses, and horticulture; and
 - (3) Wildlife management, kennels, and veterinary services.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facility, bed and breakfast inns, child day care facilities, community care facilities, places of assembly, public utility facilities, public service facilities, recreation facilities, and schools; and
 - (2) Home industry, commercial animal husbandry, agricultural auction yards, limited electric generation, mining, nurseries, shooting ranges, animal breeding and boarding, and hunting clubs.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units and manufactured homes, including those in recreation oriented residential developments, at the ratio of up to one dwelling unit or manufactured home for each unit of minimum lot area within the area of the parcel.

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(d) Telecommunications facilities in the Rural Zone (R-10) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.1705. Yards (R-10).

The minimum yard requirements in the Rural Zone (R-10) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet per story.

Article 18. Rural Zone (R-20)

Sec. 9-2.1802. Uses (R-20).

- (a) The following uses shall be permitted in the Rural Zone (R-20):
 - (1) One dwelling unit, including additional quarters; and one additional dwelling unit on any parcel of twice or more the minimum lot area, any of which may be alternative housing;
 - (1.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter;
 - (2) Child day care homes, limited child day care homes, limited residential alcohol and drug recovery facilities, limited residential community care facilities, small animal husbandry, large animal husbandry, home businesses, and horticulture; and
 - (3) Wildlife management, kennels, and veterinary services.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, bed and breakfast inns, child day care facilities, community care facilities, places of assembly, public utility facilities, public service facilities, recreation facilities, and schools; and
 - (2) Home industry, commercial animal husbandry, agricultural auction yards, limited electric generation, mining, nurseries, shooting ranges, animal breeding and boarding, and hunting clubs.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units and manufactured homes, including those in recreation oriented residential developments, at the ratio of up to one dwelling unit or manufactured home for each unit of minimum lot area within the area of the parcel.
- (d) Telecommunications facilities in the Rural Zone (R-20) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.1805. Yards (R-20).

The minimum yard requirements in the Rural Zone (R-20) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet per story.

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Article 19. Core Commercial Zone (C-1)

Sec. 9-2.1902. Uses (C-1).

- (a) The following uses shall be permitted in the Core Commercial Zone (C-1):
 - (1) Business offices, child day care homes, limited child day care homes, child day care facilities, personal services, retail stores, taverns, restaurants, and parking lots;
 - (2) Lodging on the second floor if the entire first floor is in commercial use;
 - (3) One dwelling unit, including additional quarters, where the residential use does not exceed the floor area of the commercial use;
 - (4) Dwelling units on the second floor if the entire first floor is in commercial use; and
 - (5) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, limited electric generation, gas stations, health service, mining, places of assembly, postal services, public service facilities, public utility facilities, recreation facilities, schools, and community care facilities.
- (c) Telecommunications facilities in the Core Commercial Zone (C-1) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.1905. Yards (C-1).

The minimum yard requirements in the Core Commercial Zone (C-1) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: None; and
- (b) Side and rear yards: None, except ten (10') feet for yards adjacent to a residentially zoned parcel.

Article 20. Periphery Commercial Zone (C-2)

Sec. 9-2.2002. Uses. (C-2).

- (a) The following uses shall be permitted in the Periphery Commercial Zone (C-2):
 - (1) Building supply, business offices, child day care homes, limited child day care homes, child day care facilities, gas stations, health services, heavy equipment sales, heavy equipment services, lodging facilities, personal services, places of assembly, postal services, prefabricated building sales, recreation facilities, restaurants, retail stores, self-service facilities, taverns, vehicle sales, vehicle services, wholesale commercial supply, and parking lots;
 - (2) One dwelling unit, including additional quarters, where the residential use does not exceed the floor area of the commercial use or one dwelling unit, including additional quarters, on the rear fifty (50%) percent of the parcel;
 - (3) Dwelling units on the second floor if the entire first floor is in commercial use; and
 - (4) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter.

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- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, animal breeding and boarding, camp grounds, community care facilities, limited electric generation, mining, public service facilities, public utility facilities, recycling facilities, schools, indoor shooting ranges, storage, transport stations, undertaking, used goods sales, veterinary services, warehousing, and wholesaling; and
 - (2) Assembly, manufacturing, and processing which are based upon materials which are already in processed form.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units, including additional quarters, on the rear fifty (50%) percent of the parcel.
- (d) Telecommunications facilities in the Periphery Commercial Zone (C-2) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.2005. Yards (C-2).

The minimum yard requirements in the Periphery Commercial Zone (C-2) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: None, except ten (10') feet for yards adjacent to a residentially zoned parcel; and
- (b) Side and rear yards: None, except ten (10') feet for yards adjacent to a residentially zoned parcel.

Article 21. Convenience Commercial Zone (C-3)

Sec. 9-2.2102. Uses (C-3).

- (a) The following uses shall be permitted in the Convenience Commercial Zone (C-3):
 - (1) Building supply, business offices, child day care homes, limited child day care homes, child day care facilities, gas stations, heavy equipment services, farm supply sales, health services, laundromats™, lodging facilities, personal services, places of assembly, limited recycling facilities, postal services, recreation facilities, restaurants, retail stores, taverns, parking lots, and vehicle services;
 - (2) One dwelling unit, including additional quarters, where the residential use does not exceed the floor area of the commercial use or one dwelling unit on the rear fifty (50%) percent of the parcel;
 - (3) Dwelling units on the second floor if the entire first floor is in commercial use; and
 - (4) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facility, animal breeding and boarding, camp grounds, community care facilities, limited electric generation, mining, public service facilities, public utility facilities, schools, storage, used goods sales, veterinary services, and transport stations.
- (c) Telecommunications facilities in the Convenience Commercial Zone (C-3) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

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Sec. 9-2.2105. Yards (C-3).

The minimum yard requirements in the Convenience Commercial Zone (C-3) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: None, except ten (10') feet when adjacent to a residentially zoned parcel; and
- (b) Side and rear yards: None, except ten (10') feet for yards adjacent to a residentially zoned parcel.

Article 22. Recreation Commercial Zone (R-C)

Sec. 9-2.2202. Uses (R-C).

- (a) The following uses shall be permitted in the Recreation Commercial Zone (R-C):
 - (1) Boat ramps, boat services, business offices, child day care homes, limited child day care homes, child day care facilities, gas stations, health services, laundromats™, lodging facilities, marinas, personal services, places of assembly, postal services, limited recycling facilities, recreation facilities, resorts, restaurants, retail stores, and taverns;
 - (2) One dwelling unit, including additional quarters, where the residential use does not exceed the floor area of the commercial use or one dwelling unit, including additional quarters, on the rear fifty (50%) percent of the parcel;
 - (3) Dwelling units on the second floor if the entire first floor is in commercial use; and
 - (4) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, animal breeding and boarding, camp grounds, community care facilities, limited electric generation, mining, public service facilities, public utility facilities, recycling facilities, schools, veterinary services, wholesale commercial supply, parking lots, transport stations, and storage.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units, including additional quarters, on the rear fifty (50%) percent of the parcel.
- (d) Telecommunications facilities in the Recreation Commercial Zone (R-C) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.2205. Yards (R-C).

The minimum yard requirements in the Recreation Commercial Zone (R-C) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet, except ten (10') feet for yards adjacent to a residentially zoned parcel.

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Article 23. Recreation Zones (Rec-P, Rec-1, Rec-3, Rec-10, Rec-20)

Sec. 9-2.2302. Uses (Rec).

- (a) The following uses shall be permitted in the Recreation Zones (Rec-P, Rec-1, Rec-3, Rec-10, Rec-20):
 - (1) Boat ramps, boat services, camp grounds, lodging facilities, marinas, postal services, recreation facilities, and resorts;
 - (2) When in conjunction with and subordinate to a use permitted in subsection (1) of this subsection, business offices, child day care homes, limited child day care homes, child day care facilities, gas stations, health services, Laundromats™, personal services, places of assembly, limited recycling facilities, restaurants, retail stores, and taverns;
 - (3) One dwelling unit, including additional quarters, or limited residential alcohol and drug recovery facility; and
 - (4) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Alcohol and drug recovery facilities, community care facilities, mining, public service facilities, public utility facilities, recycling facilities, rooming facilities, and schools.
 - (2) In Rec-P, Rec-1 and Rec-3: Indoor shooting ranges.
 - (3) In Rec-10 and Rec-20: Limited electric generation and shooting ranges.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit: dwelling units in recreation-oriented residential developments at the ratio of up to:
 - (1) Rec-P: Seven (7) per acre;
 - (2) Rec-1: One to three (3) acres per dwelling unit;
 - (3) Rec-3: Three (3) to ten (10) acres per dwelling unit;
 - (4) Rec-10: Ten (10) to twenty (20) acres per dwelling unit; and
 - (5) Rec-20: Twenty (20) acres per dwelling unit.
- (d) Telecommunications facilities in the Recreation Zones (Rec-P, Rec-1, Rec-3, Rec-10, Rec-20) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.2305. Yards (Rec).

The minimum yard requirements in the Recreation Zones (Rec-P, Rec-1, Rec-3, Rec-10, Rec-20) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet, except ten (10') feet for yards adjacent to a residentially zoned parcel.

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Article 25. Heavy Industrial Zone (I-1)

Sec. 9-2.2502. Uses (I-1).

- (a) The following uses shall be permitted in the Heavy Industrial Zone (I-1) subject to site development review as set forth in Article 11.3 of this chapter:
 - (1) Assembly, building supply, manufacturing, processing, electric generation, junk yards, salvage operations, public utility facilities, heavy equipment sales, heavy equipment services, storage, and transport stations;
 - (2) Retail sales and wholesaling when associated with and appurtenant to a use permitted in subsection (1) of this subsection or subsection (b) of this section;
 - (3) One dwelling unit, including additional quarters, when in conjunction with an industrial use;
 - (3.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (4) Child day care homes and limited child day care homes.
- (b) The following uses shall be permitted subject to the issuance of a special use permit.
 - (1) Mining, and public service facilities; and
 - (2) Permitted uses which exceed the height limitations.
- (c) Telecommunications facilities in the Heavy Industrial Zone (I-1) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.2505. Yards (I-1).

The minimum yard requirements in the Heavy Industrial Zone (I-1) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Not less than twenty (20') feet; and
- (b) Side and rear yards: None, except ten (10') feet for yards adjacent to a residentially zoned parcel.

Article 26. Light Industrial Zone (I-2)

Sec. 9-2.2602. Uses (I-2).

- (a) The following uses shall be permitted in the Light Industrial Zone (I-2) subject to site development review as set forth in Article 11.3 of this chapter:
 - (1) Assembly, manufacturing, and processing which are based upon materials which are already in processed form;
 - (2) Building supply, car wash, storage, transport stations, warehousing, wholesaling, public utility facilities, vehicle sales, and vehicle services;
 - (3) Retail sales when associated with and appurtenant to a use permitted by subsections (1) and (2) of this subsection and subsection (b) of this section;
 - (4) One dwelling unit, including additional quarters, when in conjunction with an industrial use;
 - (4.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and

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- (5) Child day care homes and limited child day care homes.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Junk yards, salvage operations, heavy equipment services, places of assembly, and public service facilities.
- (c) Telecommunications facilities in the Light Industrial Zone (I-2) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.2605. Yards (I-2).

The minimum yard requirements in the Light Industrial Zone (I-2) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: none, except ten (10') feet for yards adjacent to a residentially zoned parcel; and
- (b) Side and rear yards: none, except ten (10') feet for yards adjacent to residentially zoned parcels.

Article 30. Agricultural Preserve Zone (AP)

Sec. 9-2.3002. Uses (AP).

- (a) The following uses shall be permitted in the Agricultural Preserve Zone (AP):
 - (1) Agriculture, timber management, agricultural product sales, animal breeding and boarding, and employee housing;
 - (2) One (1) dwelling unit;
 - (2.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (3) Child day care homes and limited child day care homes.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Mining, limited electric generation, public utility facilities, public service facilities, wildlife management, transport stations, agricultural auction yards, agricultural processing, outdoor shooting ranges, hunting clubs, bed and breakfast inns, and commercial social events; and
 - (2) Recreational uses, but not limited to walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation.
- (c) The following use shall be permitted subject to the issuance of an administrative use permit:
 - (1) Commercial social events, limited.

Sec. 9-2.3005. Yards (AP).

The minimum yard requirements in the Agricultural Preserve Zone (AP) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Not less than twenty (20') feet; and
- (b) Side and rear yards: Not less than five (5') feet.

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Article 31. General Agriculture Zone (GA)

Sec. 9-2.3102. Uses (GA).

- (a) The following uses shall be permitted in the General Agriculture Zone (GA):
 - (1) Agriculture, timber management, wildlife management, agricultural product sales, animal breeding and boarding, and employee housing;
 - (2) One (1) dwelling unit and, on any parcel of eighty (80) acres or more, one additional dwelling unit;
 - (2.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (3) Child day care homes, limited child day care homes, and home businesses.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Mining, limited electric generation, home industry, public utility facilities, public service facilities, agricultural auction yards, agricultural processing, transport stations, veterinary services, outdoor shooting ranges, hunting clubs, and commercial social events; and
 - (2) On land of a soil type not suitable for identification as an important agricultural area, non-commercial campgrounds, recreation facilities, and resorts.
- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units at the ratio of up to one (1) per forty (40) acres of lot area.
- (d) The following use shall be permitted subject to the issuance of an administrative use permit:
 - (1) Commercial social events, limited.

Sec. 9-2.3105. Yards (GA).

The minimum yard requirements in the General Agriculture Zone (GA) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Not less than twenty (20') feet; and
- (b) Side and rear yards: Not less than five (5') feet.

Article 33. General Forest Zone (GF)

Sec. 9-2.3302. Uses (GF).

- (a) The following uses shall be permitted in the General Forest Zone (GF):
 - (1) Timber management, agriculture, wildlife management, and animal breeding and boarding;
 - (2) One dwelling unit and, on any parcel of eighty (80) acres or more, one additional dwelling unit;
 - (2.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (3) Child day care homes, limited child day care homes, and home businesses.
- (b) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Mining, limited electric generation, home industry, public utility facilities, public service facilities, outdoor shooting ranges, and hunting clubs.

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- (c) The following uses shall be permitted subject to the issuance of a planned development permit:
 - (1) Dwelling units at the ratio of up to one per each forty (40) acres of lot area.
- (d) Telecommunications facilities in the General Forest Zone (GF) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.3305. Yards (GF).

The minimum yard requirements in the General Forest Zone (GF) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Not less than twenty (20') feet; and
- (b) Side and rear yards: Not less than five (5') feet.

Article 34. Mining Zone (M)

Sec. 9-2.3402. Uses (M).

- (a) The following uses shall be permitted in the Mining Zone (M):
 - (1) Mining, agriculture, timber management, hydroelectric generation, water impoundment, public utility facilities, animal breeding and boarding, and limited electric generation;
 - (2) One dwelling unit;
 - (2.1) Accessory dwelling units as set forth in Article 45, Accessory Dwelling Units, of this chapter; and
 - (3) Child day care homes and limited child day care homes.
- (b) The following uses shall be permitted subject to site development review as set forth in Article 11.3 of this chapter:
 - (1) Hydroelectric generation.
- (c) The following uses shall be permitted subject to the issuance of a special use permit:
 - (1) Recreation facilities and public service facilities.
- (d) Telecommunications facilities in the Mining Zone (M) shall be as permitted in Section 9-2.4105, Permits Required, of Article 41, Telecommunications, of this chapter, except as exempted under Section 9-2.4106, Exemptions, of Article 41, Telecommunications, of this chapter.

Sec. 9-2.3405. Yards (M).

The minimum yard requirements in the Mining Zone (M) shall be as follows, except as modified by Section 9-2.419 of Article 4 of this Chapter (General Requirements: Yards) and Sec. 9-2.4504 of Article 45 of this Chapter (Accessory Dwelling Units: Development Standards):

- (a) Front yards: Twenty (20') feet; and
- (b) Side and rear yards: Five (5') feet.

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PLUMAS COUNTY CODE TITLE 9 PLANNING AND ZONING CHAPTER 2 ZONING

Article 45: Accessory Dwelling Units

Sec. 9-2.4501. Purpose and intent.

The purpose of this article is to establish accessory dwelling unit (ADU), including junior accessory dwelling unit (JADU) ministerial permit procedures, development standards, and regulations consistent with State ADU Law.

Sec. 9-2.4502. Applicability.

Attached, detached, and conversion accessory dwelling units and junior accessory dwelling units shall be permitted in any zone where a dwelling unit or dwelling units are permitted subject to the provisions of this article.

Sec. 9-2.4503. Definitions.

- (a) “Accessory dwelling unit” shall be as defined in Section 9-2.201.1 of this Chapter.
- (b) “Accessory dwelling unit, attached” shall be as defined in Section 9-2.201.2 of this Chapter.
- (c) “Accessory dwelling unit, detached” shall be as defined in Section 9-2.201.3 of this Chapter.
- (d) “Accessory dwelling unit, conversion” shall be as defined in Section 9-2.201.4 of this Chapter.
- (e) “Accessory dwelling unit, junior” shall be as defined in Section 9-2.201.5 of this Chapter.
- (f) “Efficiency kitchen” also known as a “kitchenette,” shall be defined to include: (1) a cooking facility with appliances, (2) a food preparation counter, and (3) storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- (g) “Living area” shall mean the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (h) “Multiple-Family Dwelling Structure” shall mean a structure with two or more attached dwelling units on a single parcel.
- (i) “Primary Dwelling Unit” also known as a “Dwelling unit” shall be as defined in Section 9-2.228 of this Chapter.
- (j) “Public transit” shall mean various means of transportation such as buses that are available to the public, charge set fees, and run on fixed routes.
- (k) “Tandem parking” shall mean two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another.
- (l) “Walking distance” shall mean the distance a pedestrian must travel to reach public transit.

Sec. 9-2.4504. Permit procedures.

- (a) The Building Department shall approve or deny a ministerial building permit for an accessory dwelling unit or junior accessory dwelling unit without discretionary review or a hearing, consistent with the provisions of this chapter and state law, within sixty (60) days of submittal of a complete building permit application if there is an existing single-family dwelling unit or multiple-family dwelling structure on the lot.
- (b) If the Building Department has not acted upon the accessory dwelling unit or junior accessory dwelling unit application within sixty (60) days, the application shall be deemed approved.
- (c) If the Building Department denies an application for an accessory dwelling unit or junior accessory dwelling unit, the Building Department shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.
- (d) For pre-approved accessory dwelling units, the Building Department shall issue an expedited building permit within thirty (30) days of submittal of a complete building permit application.

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Sec. 9-2.4505. Development standards.

Accessory dwelling units shall be subject to the California Building Code and the following development standards:

- (a) Number of accessory dwelling units per parcel.
 - (1) For parcels with an existing or proposed single-family dwelling unit(s) the following shall be permitted:
 - (i) one attached or conversion accessory dwelling unit; and
 - (ii) one new construction detached accessory dwelling unit; and
 - (iii) one junior accessory dwelling unit (conforming to the standards set forth in Section 9-2.4508).
 - (2) For parcels with an existing or proposed multiple-family dwelling structure(s) the following shall be permitted:
 - (i) two detached accessory dwelling units; and
 - (ii) at least one conversion accessory dwelling unit from non-living area space with the total number of interior accessory dwelling unit conversions being limited to no more than twenty-five (25%) percent of the total number of dwelling units in the multiple-family dwelling structure, but not less than one.
 - (3) For parcels with an existing or proposed residential component of a mixed use commercial, recreation commercial, or recreation development the following shall be permitted:
 - (i) two detached accessory dwelling units; and
 - (ii) one conversion accessory dwelling unit from the living area space of an existing dwelling unit.
- (b) Guaranteed allowance of statewide exemption ADU.
 - (1) An accessory dwelling unit up to 800 square feet, sixteen (16') feet in height, and with four (4') foot side and rear yard setbacks shall be known as a statewide exemption ADU and shall not be prohibited.
 - (2) No lot coverage, floor area ratio, open space requirement, or minimum lot area limitation shall preclude the construction of a statewide exemption ADU.
- (c) Unit Size, Lot Area, and Coverage.
 - (1) Accessory dwelling units are exempt from minimum lot area and coverage requirements.
 - (2) The living area of an attached accessory dwelling unit shall not exceed fifty (50%) percent of the existing living area of the primary dwelling unit, or 800 square feet, whichever is greater, but in no case shall an attached accessory dwelling unit exceed 1,200 square feet.
 - (3) The total living area of a detached accessory dwelling unit shall not exceed 1,200 square feet.
 - (4) An accessory dwelling unit created within an existing accessory structure may be expanded up to 150 square feet, but this expansion shall be limited to accommodating ingress and egress.
 - (5) The conversion of an existing detached accessory structure or conversion of a portion of an existing primary dwelling unit, as well as new construction of detached accessory dwelling units created with an existing or proposed multiple-family dwelling structure do not have unit size limitations.
- (d) Height.
 - (1) Accessory dwelling units shall not exceed thirty-five (35') feet in height.
- (e) Yards.
 - (1) The minimum yard requirements shall be as follows:
 - (i) Front yard setbacks cannot prevent the creation of an accessory dwelling unit less than 800 square feet; and
 - (ii) Front, side, and rear setbacks for existing structures converted to an accessory dwelling unit, existing structures partially converted to an accessory dwelling unit, or accessory

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dwelling units constructed in the same location and to the same dimensions as an existing structure: None; and

- (iii) Side and rear yard setbacks for an accessory dwelling unit: Four (4') feet; and
- (iv) Side and rear yard setbacks for an accessory dwelling unit that is constructed above a garage: Four (4') feet.

(f) Utilities.

- (1) An accessory dwelling unit may be metered separately from the primary dwelling unit for gas, electricity, communications, water, and sewer services.
- (2) An accessory dwelling unit served by an onsite septic system known as an onsite wastewater treatment system (OWTS), community sewage disposal system, or public sanitary sewer connection shall be subject to the requirements of Chapter 6 of Title 6 of this Code with the approval of Environmental Health or the applicable sewer management agency or organization.
- (3) An accessory dwelling unit water supply system shall be subject to the requirements of Chapter 9 of Title 6 of this Code with the approval of Environmental Health or the applicable water management agency or organization.

(g) Utility connection fees or capacity charges.

- (1) Utility connection fees or capacity charges may not be imposed on a conversion accessory dwelling unit when the unit is created within the space of an existing single-family dwelling unit.

(h) Fire sprinklers.

- (1) Fire sprinklers shall be required to be installed in an accessory dwelling unit where fire sprinklers are required by building codes for the proposed primary dwelling unit.
- (2) Fire sprinklers shall not be required to be installed in an accessory dwelling unit where fire sprinklers were not required by building codes for the existing primary dwelling unit.
- (3) In no case shall the new construction of an accessory dwelling unit trigger a requirement for fire sprinklers to be installed in the existing primary dwelling unit.

(i) Solar Photovoltaic (PV) System

- (1) New construction detached accessory dwelling units shall be required to install a solar PV system, and the solar PV system can be ground mounted, installed on the roof of the detached accessory dwelling unit, or on the roof of the primary dwelling unit.
- (2) Attached accessory dwelling units and conversion accessory dwelling units shall not be required to install a solar PV system.

Sec. 9-2.4506. Parking.

(a) *Number of spaces.* One off-street parking space is required for accessory dwelling units, except as modified below:

- (1) No off-street parking spaces shall be required for accessory dwelling units that meet any of the following listed instances:
 - (i) The accessory dwelling unit is located within one-half mile of public transit.
 - (ii) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - (iii) The accessory dwelling unit is part of the existing primary dwelling unit or an existing accessory structure.
 - (iv) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (v) When there is a car share vehicle located within one block of the accessory dwelling unit.
 - (vi) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multiple-family dwelling structure on the same lot.

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- (b) *Configuration.* If a parking space is required for an accessory dwelling unit, the space may be located within any setback area or in a tandem configuration on a driveway.
- (c) *Displacement of existing parking.* When accessory dwelling units are created through the conversion of a garage, carport, or covered parking structure, replacement of off-street parking spaces shall not be required.

Sec. 9-2.4507. Additional requirements.

- (a) Impact fees.
 - (1) Accessory dwelling units shall not be subject to impact fees.
- (b) Existing nonconforming units.
 - (1) No public improvements shall be required for the creation or conversion of an accessory dwelling unit.
 - (2) As a condition for ministerial approval of an accessory dwelling unit, an applicant shall not be required to correct nonconforming zoning conditions.
- (c) Separate conveyance.
 - (1) The separate conveyance of an accessory dwelling unit shall be permitted in compliance with State ADU Law.
- (d) Rental/leasing agreements.
 - (1) Accessory dwelling units may be leased separate from the primary dwelling unit for terms longer than thirty (30) days, except that a statewide exemption ADU shall be leased for terms longer than thirty (30) days.
- (e) Covenants, Conditions, and Restrictions (CC&Rs)
 - (1) Pursuant to California Civil Code Sec. 4751, CC&Rs cannot prohibit or unreasonably restrict the construction or use of an accessory dwelling unit. For purposes of this subdivision, unreasonable restrictions mean restrictions that unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct an accessory dwelling unit.

Sec. 9-2.4508. Junior accessory dwelling units.

Junior accessory dwelling units shall be subject to the California Building Code and the following development standards:

- (a) Number of junior accessory dwelling units per parcel.
 - (1) For parcels developed with an existing or proposed single-family dwelling unit the following shall be permitted:
 - (i) One junior accessory dwelling unit is permitted within the existing or proposed walls of the primary single-family dwelling unit. Enclosed uses within the primary dwelling unit, such as attached garages, are considered a part of the proposed or existing primary dwelling unit.
 - (2) For parcels with an existing or proposed multiple-family dwelling structure(s) junior accessory dwelling units shall not be permitted.
 - (3) For parcels developed with an existing or proposed residential component of a mixed use commercial, recreation commercial, or recreation development the following shall be permitted:
 - (i) One junior accessory dwelling unit is permitted within the existing or proposed walls of a dwelling unit. Enclosed uses, such as attached garages, are considered a part of the proposed or existing dwelling unit.
 - (4) Junior accessory dwelling units shall not be permitted in accessory structures, with the exception of attached garages.
 - (5) A junior accessory dwelling unit can be combined with a detached accessory dwelling unit on the same parcel.

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- (b) Unit size.
 - (1) Junior accessory dwelling units shall not exceed 500 square feet.
- (c) Features/facilities.
 - (1) Each junior accessory dwelling unit shall, at minimum, include:
 - (i) Exterior access, separate from the interior entry to the primary dwelling unit.
 - (ii) One accessible bathroom, which can be located in the primary dwelling unit. If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
 - (iii) One efficiency kitchen, as defined in Section 9-2.4504.
- (d) Utilities.
 - (1) A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for purposes of providing service for water, sewer, or power, including connection fees.
 - (2) A junior accessory dwelling unit served by an onsite septic system known as an onsite wastewater treatment system (OWTS), community sewage disposal system, or public sanitary sewer connection shall be subject to the requirements of Chapter 6 of Title 6 of this Code with the approval of Environmental Health or the applicable sewer management agency or organization.
 - (3) A junior accessory dwelling unit water supply system shall be subject to the requirements of Chapter 9 of Title 6 of this Code with the approval of Environmental Health or the applicable water management agency or organization.
- (e) Fire sprinklers.
 - (1) Junior accessory dwelling units shall be required to install fire sprinklers if either of the following conditions exist:
 - (i) The primary dwelling unit has fire sprinklers.
 - (ii) There are any active improvements or additions that would require the primary dwelling unit to install fire sprinklers.
- (f) Solar Photovoltaic (PV) System
 - (1) Junior accessory dwelling units shall not be required to install a solar PV system.
- (g) Utility connection fees or capacity charges.
 - (1) Utility connection fees or capacity charges may not be imposed on a junior accessory dwelling unit when the unit is created within the space of an existing single-family dwelling unit.
- (h) Separate conveyance.
 - (1) The sale of the junior accessory dwelling unit separate from the sale of the primary dwelling unit is not permitted.
- (i) Owner-occupancy requirement.
 - (1) The property owner must permanently reside in either the primary dwelling unit or the junior accessory dwelling unit; however, owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
- (j) Covenants, Conditions, and Restrictions (CC&Rs)
 - (1) Pursuant to California Civil Code Sec. 4751, CC&Rs cannot prohibit or unreasonably restrict the construction or use of a junior accessory dwelling unit. For purposes of this subdivision, unreasonable restrictions mean restrictions that unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct a junior accessory dwelling unit.

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PLUMAS COUNTY CODE TITLE 9 PLANNING AND ZONING CHAPTER 9 STATE RESPONSIBILITY AREA FIRE SAFE REGULATIONS

Article 4. Definitions

Sec. 9-9.404. Dwelling.

“Dwelling” shall mean a building, or portion of a building, which provides for sleeping, cooking, eating, and sanitation for one family (as defined in Section 9-2.228 of Chapter 2 of this Title).