

Nevada County Codes

b. Findings for approval ensure consistency with and furthers the purpose of all Article 4.3 Resource Standards.

c. The modified standard is recorded as a part of the subdivision map, deed restriction, or other enforceable restriction.

Dwellings in Commercial/Industrial. Dwellings proposed in any commercial or industrial district shall provide setbacks as required in the R2 and R3 Districts, except when located within a commercial or industrial structure.

Swimming Pools. Shall maintain a minimum setback of 10 feet from any side or rear property line and shall not be permitted within any required front yard setback. Fencing standards for swimming pools are contained in Article 15 of the Nevada County Land Use and Development Code.

Properties East of the 10E Range Line. Attached or detached garages and/or carports may be constructed within 1 foot of the front property line if 20 feet is maintained from the edge of pavement or traveled way if unpaved.

Setback Easements. In order to provide required side and rear building setbacks on properties that cannot otherwise provide those setbacks, a building setback easement may be recorded and recognized on adjacent properties, pursuant to the following standards:

- a. Applications for setback easements shall include the written consent of the grantor and grantee property owners.
- b. Applications shall include a site plan exhibit for all affected properties, pursuant to Section 5.1 of this Chapter, including a clear delineation of the proposed easement, reflecting the required setbacks for both grantor and grantee properties.
- c. Applications for setback easements shall provide clear justification for the need of the easement, providing supporting documentation that other alternatives, including a variance, are not feasible.
- d. Setback Easements shall be recognized only after review and approval by the Planning Director who shall make findings that the recording of such easement will not jeopardize the integrity of the neighborhood nor will it conflict with any recorded Conditions, Covenant and Restrictions for all properties.
- e. A deed restriction shall be recorded concurrently with said easement in the Nevada County Recorder's Office, noting the purpose and intent of the setback easement and noting that building setbacks shall be measured from the setback easement.
- f. Reconveyance or other abandonment of a setback easement without the express approval of the County of Nevada shall constitute grounds for revocation of any permit issued pursuant to this Section.

For additional information on the Nevada County Zoning Regulations please refer to the Nevada County Codes webpage at:

<https://www.nevadacountyca.gov/1073/Land-Use-Development-Codes>

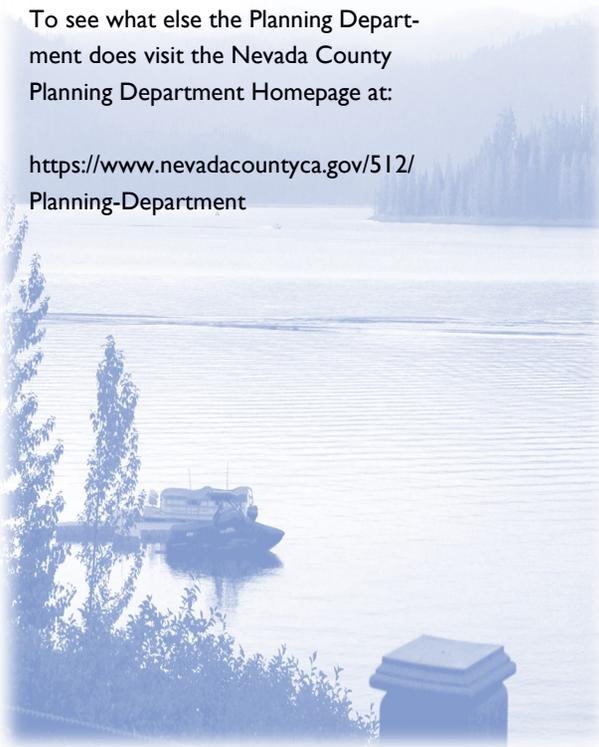
To see what else the Planning Department does visit the Nevada County Planning Department Homepage at:

<https://www.nevadacountyca.gov/512/Planning-Department>

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Nevada County
Community Development

Planning Department

Planning for the Future of Nevada County



Building Setbacks



Purpose. Building setbacks are intended to provide open areas around structures for visibility and traffic safety, access to and around structures for safety and convenience purposes, access to natural light, ventilation and direct sunlight, separation of incompatible land uses, space for privacy and landscaping, protection of natural resources, and defensible space against encroaching wildland fire.

Building Setbacks

Sec. 12.04.105

Definitions.

1. Setback - The distance by which a structure or an addition to a structure must be separated from a parcel line, natural feature, other structure, road, right-of-way, or easement.
2. Yard - An unoccupied space on a parcel on which a structure is situated, or for which a structure is intended, which is open from the ground upward, except as otherwise provided in this Chapter.
3. Yard, Front - A yard measured from the edge of the easement or right-of-way across the front of the parcel between side parcel lines and to a width required by the district in which said parcel is located.
4. Yard, Exterior Side - A yard along the edge of a side street, right-of-way or easement to a width required by the district in which said parcel is located.
5. Yard, Interior Side - A yard along the interior side parcel line of the parcel to a width required by the district in which said parcel is located.
6. Yard, Rear - A yard extending along the rear parcel line of the parcel, or edge of easement or right-of-way on a through parcel, and to a width required by the district in which said parcel is located.

Standard. Unless otherwise delineated on the zoning district map or otherwise provided in this Chapter, the space within a required setback as established for the base districts in Article 2 shall be unoccupied space open from the ground upward and no structure or addition to an existing structure of any kind shall be permitted within a required setback.

Natural Resources. Additional setbacks are required for selected natural resources as provided in Section 4.3 Resource Standards.

Determining the Front Yard.

1. Interior Parcels. The front yard shall be on the side containing the road right-of-way or easement.
2. Corner Parcels. The front yard shall be the shorter line abutting the road (except in commercial and industrial districts, in which case the longer line abutting the road shall be considered the front parcel line).
3. Flag Pole Parcels. The front yard shall be the parcel line nearest and perpendicular to the driveway or flag-pole portion.
4. Through Parcels. Shall maintain front yard setbacks on both the front and rear parcel lines.

Measurement.

1. Front and Exterior Side. Setbacks from local and fire standard (or emergency) access roads shall be measured

from the edge of the right-of-way, or from the centerline of the right-of-way, whichever setback standard is greater, to any portion of the structure.

Setbacks from arterial and collector roads shall be measured from the edge of the existing right-of-way, or ultimate right-of-way as provided in LUDC Section L-XVII 3.3 Table 2 or as determined by resolution of the Board of Supervisors, whichever setback standard is greater, to any portion of the structure.

2. Interior Side and Rear. Setbacks shall be measured from the side or rear property line to any portion of the structure.

Exceptions to Building Setbacks. Building setbacks must be maximized wherever possible, however, exceptions to setback standards are as follows:

1. Parcels that are less than three acres in size. Such parcels may reduce setbacks as follows:

R1, R2, and R3 districts shall provide a 5-foot interior side yard setback and a 20-foot rear yard setback;

RA, AG, AE, & FR districts shall provide a 10-foot interior side yard setback and a 20-foot rear yard setback;

Provided all of the following are satisfied:

a. The site is served by a community or public water supply pursuant to Chapter XVI, Section 4.3 of the LUDC, or, if approved by the California Department of Forestry, & Fire Protection, 2,500 gallons of storage available at 500 gallons per minute.

b. The underfloor (subdeck) space of structures, including decks, of combustible construction shall be enclosed on the side or sides within that area between the standard setback and the reduced setback. The enclosure shall be skirting of solid sheathing or equivalent material. Venting of covered areas shall be allowed consistent with the Uniform Building Code. This protection may be omitted for areas where the horizontal supports are greater than 8 feet from grade.

c. One of the following features is incorporated into that portion of the structure proposed within that area between the standard setback and the reduced setback:

1) The undersides of projections beyond the exterior wall including eaves, cantilever balconies and similar overhangs, shall be enclosed with solid sheathing or equivalent material. The undersides of attached decks 8 feet or taller must similarly be enclosed. Venting of covered areas shall be allowed consistent with the Uniform Building Code.

2) The sum of the area of unprotected openings in the exterior wall(s) shall not exceed 25% of the total area of the exterior wall(s).

3) Non-combustible materials or materials approved for one-hour fire-resistive construction shall be installed on the exterior side of the wall. The location of the wall shall be approved by the County Fire Marshal or his/her appointed designee.

4) If the proposed construction is located on the uphill side of a slope in excess of 20%, a 4-foot high, non-combustible wall may be constructed along the length of the exposed side of the structure.

5) If a setback easement is recorded on the adjacent parcel, providing the required 60 feet of defensible space between structures, which allows for modification and maintenance of vegetative fuels.

Architectural Features/Aboveground Utilities.

Such features, including but not limited to cornices, eaves, roof overhangs, canopies, decks and unenclosed porches not more than 18 inches in height, bay windows, steps, stairways, fire escapes, landing places, fireplaces, propane tanks and heating or air conditioning units, may extend into front and rear yard setbacks by not more than 5 feet.

Site Design Features. The following features are exempt from the setback requirements of this Section:

- a. Fences or walls that meet the height limits established in Section 4.2.6 of this Chapter.
- b. Retaining walls less than 4 feet in height above the finished grade.
- c. Signs consistent with Section 4.2.12.
- d. Underground utilities and septic tanks/leachlines.

Open-Air Structures Abutting Water. Notwithstanding any other provision of Chapters II and XII of this Code, the following water-use related structures that do not include walls or roofs, may be constructed without complying with the rear and side property line setback requirements as established in this Code for any parcel of real property that abuts a lake, watercourse, or floodplain:

- a. Docks & Piers
 - b. Boat Hoists and Canopies
 - c. Private boat launch facilities
 - d. Directional hazard or warning, marina and gasoline signs.
- See floodplain-related setback requirements in Section 4.3.10.

Clustered Parcel Development, Dwelling Groups, and Planned Developments.

Clustered parcels, dwelling groups, and planned developments (within both the base and combining districts) are exempt from the Article 2 setback standards, provided that:

- a. The modified setback standards are a part of a conditional use permit and/or subdivision map.