

MEMORANDUM

TO: Honorable City Council
FROM: Cindy Siegfried, City Planner (CS)
DATE: March 3, 2011
SUBJECT: Draft Ordinance Pertaining to New Bed & Breakfast Facilities - Request for Clarification

Recommendation: After review and hearing from Councilman Strawser, direct staff to proceed with review of the B&B ordinance to the Planning Commission.

Background/Discussion: At the regular City Council meeting on February 23, 2011, the Council reviewed the draft ordinance relative to B&Bs. The Council directed the ordinance proceed to the Planning Commission if all of Councilman Strawser's issues were addressed. Staff has had a discussion with Councilman Strawser and he appears to have further questions; therefore staff is bringing the matter back to the Council for direction.

Please note your Council packet contains the draft minutes of the February 23, 2011 meeting. For convenience of the Council, I am attaching the draft ordinance.

Attachments

ORDINANCE NO. 2011-XX

**AN ORDINANCE OF THE CITY OF NEVADA CITY AMENDING AND
ADDING TO TITLE 17 OF THE NEVADA CITY MUNICIPAL CODE
PERTAINING TO NEW BED AND BREAKFAST GUEST FACILITIES**

WHEREAS, Bed & Breakfast guest facilities were allowed with a conditional use permit by regulations approved pursuant to initiative Measure "B" approved by the voters in 1984; and

WHEREAS, those regulations allowing Bed & Breakfast guest facilities in residential and non-commercial zones were repealed by initiative Measure "G" approved by the voters in 1994; and

WHEREAS, it is desirable to clarify where new Bed & Breakfast guest facilities may be permitted or conditionally permitted;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Nevada City that the Nevada City Municipal Code is amended as follows:

Section 1.

There is hereby re-added to Title 17, a Section 17.72.070 which is to read as follows:

Section 17.72.070 Bed and breakfast guest facilities.

A. Bed and Breakfast Guest Facilities Defined. For purposes of this title, "bed and breakfast guest facilities" means any building used in whole or in part for sleeping and living facilities for not more than six guest units, available to the public for hire on an overnight or limited-term basis, sometimes permitting meal service limited to guests.

B. Where Permitted. New bed and breakfast guest facilities shall be prohibited in all residential zones within the city including, but not limited to, R1, R2, R3, RR, and any other residential zones that may hereinafter be created. They shall be permitted uses only in commercial zones of GB and SL and permitted subject to the obtaining of a conditional use permit in the LB and AF zones.

C. Special Findings for Grant of Use Permit. In order to approve or conditionally approve any application for a use permit for a bed and breakfast guest facility, the following findings must be made:

1. The property proposed for the bed and breakfast guest facilities has scenic or historical characteristics which could serve as a tourist attraction.

2. The property proposed for the use is suitable for conversion to a bed and breakfast guest facility and the conversion will not seriously damage the historical or scenic character and appearance of the property.

3. Adequate off-street parking can be provided equivalent to that required for hotels under this title.

4. The bed and breakfast use can be conducted without unduly interfering with the surrounding residential neighborhood.

D. Building Standards. Buildings proposed for conversion to bed and breakfast guest facilities shall be required to comply with residential building

code standards upon conversion; provided that where full meal service is to be provided, higher standards may be applied to kitchen facilities where necessary to protect the public health and safety.

E. Interpretation. The provisions of this title shall govern over any conflicting provisions of city ordinance. If any one provision of this section is declared invalid, the balance shall remain in full force and effect.

Section 2.

Subsection O of Section 17.16.040 of Title 17 pertaining to **Conditional uses** allowed in the AF Agriculture Forestry Zone is amended to read as follows:

O. Bed and breakfast guest facilities.

Section 3.

Subsection F of Section 17.20.040 of Title 17 permitting bed and breakfast inns as one of the **Conditional uses** in the RR Rural Residential Zone is repealed and deleted.

Section 4.

Subsection D of Section 17.40.020 of Title 17 pertaining to **Principal permitted uses** allowed in the GB General Business Zone is amended to add read as follows:

D. Hotels, motels, and bed and breakfast guest facilities.

Section 5.

Subsection B. of Section 17.52.020 of Title 17 pertaining to **Principal permitted uses** allowed in the SL Service Lodging Zone is amended to read as follows:

B. Bed and breakfast guest facilities;

Section 6.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Union, a newspaper of general circulation, published and circulated in the City of Nevada City and henceforth and therefore the same shall be in full force and effect.

ADOPTED AND APPROVED this ___ day of _____, 2011 by the following votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

Robert Bergman, Mayor

ATTEST:
