

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

Notes:

- (1) The cumulative floor area may be increased above the maximum standard subject to issuance of a Minor Use Permit in compliance with Chapter 18.76.
- (2) A Minor Use Permit may be approved for agricultural accessory structures in excess 5,000 sq.ft.
- (3) Except for a detached accessory garage or an agricultural accessory structure, the floor area of a single detached accessory structure shall not exceed 30 percent, nor shall the sum of the floor area(s) of the total number of detached accessory structures exceed 40 percent of the floor area of the main dwelling. A covered patio or barbecue area shall not be construed as an accessory structure for the purpose of calculating floor area.

18.58.230 - Secondary Residential Units

This Section establishes standards for the development and operation of secondary residential units (also known as accessory dwelling units), hereafter referred to as “secondary units.” For information on Junior Accessory Dwelling units, see Subsection M below.

- A. Applicability.** Secondary units are allowed in the DRS, DRM, RR and RS zoning districts subject to compliance with the development standards of the underlying zoning district for the primary dwelling and the requirements of this Section. If a conflict arises between the general development standards and the development standards applicable to secondary units, the development standards of this Section shall supersede any conflicting development standard of Article II or Article III.
- B. Number of units allowed.** One secondary unit shall be permitted on a single-family parcel developed with one main dwelling, but shall not be allowed on a parcel developed with two or more dwellings. A secondary unit that conforms to the development standards in this Section is deemed to be an accessory use and/or an accessory structure and will not be considered to exceed the allowable density for the lot upon which it is located.
- C. Location on site.**
 - 1. The secondary unit may be either attached to or located within the living area of the existing dwelling, or detached from the existing dwelling and located on the same lot as the existing dwelling;
 - 2. If detached, the secondary unit shall be separated from the main dwelling unit by no more than 100 feet, and shall be subject to the same side and rear setback requirements applicable to the main dwelling, except as described below:
 - a. Conversions: A legally constructed garage located within a front yard setback that is approved for conversion to a secondary unit shall comply with the requirements of Development Code Section 18.30.120.F.3, including restrictions on windows and other wall openings on the elevation facing the street. No additional setback is

required for the conversion of legally constructed garages within a side or rear yard setback.

- b. Additions: A minimum five-foot side or rear yard setback may be approved for a secondary unit that is constructed above or below a legally constructed garage.
3. The secondary unit shall be served by the same driveway encroachment as the main dwelling unit. Where the secondary unit is located on a corner lot with access from a street other than providing access for the primary residence, or a property with a road frontage exceeding 150 feet, a second driveway may be approved by the Community Development Director. Prior to approving a second driveway, notice of the Director's intent to approve two driveways shall be issued in conformance with Chapter 18.72 (Zoning Clearance), including the requirement to mail notice of the Director's intent to properties within 500 feet of the project site.

D. Floor area limitation. A secondary unit shall comply with the following floor area requirements.

1. **Maximum floor area.** The gross floor area of the secondary unit shall not exceed 50 percent of the existing living area of the primary dwelling (i.e., the interior habitable area of a dwelling unit including basements and attics but not including a garage or any accessory structure), up to a maximum gross floor area of 800 square feet on parcels less than an acre and 1,200 square feet on parcels of an acre or more, whichever is less. A secondary unit shall be allowed at least 500 square feet of gross floor area in all cases.
2. **Minimum floor area.** A minimum floor area of 150 square feet is required for all secondary units.

E. Manufactured home. A manufactured or modular unit placed on a permanent foundation may be used as a secondary unit in compliance with this section. A mobile home, recreational vehicle, or other movable habitable space (park model home, tiny home, etc.) that does not comply with the California Building Standards Code shall not be used as a secondary unit.

F. Parking. One on-site parking space shall be provided for a studio or one-bedroom secondary unit and two on-site spaces shall be provided for a secondary unit with two bedrooms or more, in addition to that required for the main dwelling unit, in compliance with Chapter 18.48 (Parking and Loading Standards) , except as described below:

1. **Parking exemptions.** On-site parking shall not be required if the secondary unit is located within a half mile of a transit stop or within the Downtown Specific Plan Area General Plan Land Use Designation; the secondary unit is part of an existing primary residence or an existing accessory structure; or a car share vehicle station is located within one block of the secondary unit.

G. Replacement parking spaces. If a garage, carport, or covered parking structure is demolished in conjunction with the construction of a second unit, the minimum required number of on-site parking spaces shall be replaced, but may be provided in any configuration on the same lot as

the secondary unit, including, but not limited to, as enclosed or covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.

- H. Water supply and sewage disposal.** All water supply and sewage disposal shall be provided by an established community system or by an on-site system approved by the Nevada County Environmental Health Department. A secondary unit shall not be allowed on a parcel that is served by an on-site septic system and is less than three acres.
- I. Occupancy and Rental requirements.** On a parcel with a primary dwelling unit and a secondary unit, only one of the units may be rented as a transient rental. There are no occupancy restrictions for long term rentals of 30 days or more on either unit. Both the primary dwelling and the secondary unit may be rented out as long-term rentals; one may be used as the permanent or seasonal residence of the property owner and the other may be rented out to a long-term renter; one may be a long-term rental and the other may be a transient rental; or one may be occupied by the property owner and the other may be a transient rental.
- J. Sale of unit prohibited.** No secondary unit shall be created for sale or financing through a condominium plan, community apartment plan, housing cooperative, or other subdivision. Sale of a secondary unit independent and/or separate from the main dwelling shall be prohibited.
- K. California Building Standards Code requirements.** Each secondary unit shall be constructed in compliance with all applicable California Building Standards Code requirements. Second units are not required to provide fire sprinklers if sprinklers are not required for the primary dwelling unit.
- L. Illegal secondary units.** This Section shall not validate any existing illegal secondary unit. To convert a non-allowed secondary unit to a legal, conforming unit, the standards and requirements for the conversion shall be the same as for a newly proposed secondary unit.
- M. Junior Accessory Dwelling Units.**
- 1. Applicability.** Junior accessory dwelling units are allowed in the DRS, DRM, RR and RS zoning districts, subject to compliance with the requirements of this Section.
 - 2. Number of units allowed.** A maximum of one junior accessory dwelling unit shall be allowed on a single-family parcel developed with one existing main dwelling, but shall not be allowed on a parcel developed with two or more dwelling units.
 - 3. Location on site.** A junior accessory dwelling unit shall be located within the existing walls of the single-family residence, and requires the inclusion of an existing bedroom.
 - 4. Access.** A separate entrance from the main entrance to the structure, with an interior entry to the main living area, shall be required.
 - 5. Floor area limitation.** The gross floor area of the junior accessory dwelling unit shall not exceed 500 square feet, and must be contained entirely within an existing single-family residence.

- 6. Cooking facilities.** The following cooking facilities shall be provided:
 - a. A sink with a maximum waste line diameter of 1.5 inches;
 - b. A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas; and
 - c. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- 7. Sanitation facilities.** A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- 8. Water supply and sewage disposal.** A junior accessory dwelling unit shall not be considered a separate dwelling unit for the purposes of providing service for water, sewer or power.
- 9. Parking.** No additional parking shall be required for a junior accessory dwelling unit.
- 10. Occupancy and Rental requirements.** On a parcel with a primary dwelling unit and a junior accessory dwelling unit, one of the units may be rented as a long-term rental. The owner may reside in either the remaining portion of the structure or in the newly created junior accessory dwelling unit.
- 11. Deed Restriction requirements.** A junior accessory dwelling unit requires the recordation of a deed restriction, which shall run with the land, and shall include the following:
 - a. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and
 - b. A restriction on the size and attributes of the junior accessory dwelling unit in compliance with this Section.
- 12. Illegal accessory dwelling units.** This Section shall not validate any existing illegal junior accessory dwelling unit. To convert a non-allowed junior accessory dwelling unit to a legal, conforming unit, the standards and requirements for the conversion shall be the same as for a newly proposed junior accessory dwelling unit.

18.58.240 - Senior Citizen Projects

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