

**COUNTY OF NEVADA**  
**PLANNING DEPARTMENT**  
Eric Rood Administration Bldg.  
950 Maidu Avenue  
Nevada City, California 95959-8617

**SECOND DWELLING UNIT GUIDELINES**

Nevada County Zoning Regulations allow for the development of a second dwelling unit on a single parcel, pursuant to Sec. 12.03.190 of the Nevada County Code. The specific ordinance requirements for each type of second dwelling are attached.

Accessory-Second Dwelling Units are allowed on lands within the R1, R2, R3, RA, AE, AG, FR, and TPZ zoning districts. Accessory second dwelling units may be established regardless of zoning density but are subject to the size limitations and requirements provided within the attached code section. This type of second dwelling unit is considered to be an allowed use, meaning that no additional land use permit is required from the Planning Department.

Second Dwelling Units-Consistent with Allowed Density are allowed on lands that have the potential to be further subdivided, within the RA, R1, AE, AG, FR, and the TPZ zoning districts. This type of second dwelling unit can be established, for example, on a 10-acre parcel zoned for 5-acre minimums, without the size or occupancy limitations of an accessory-second dwelling unit. This type of second dwelling unit requires the submittal of an Administrative Development Permit (ADP), which is a permit process that requires a multi-agency review but does not require a public hearing. The submittal of a complete application package to the Planning Department will begin a 30-day review process by the County Department of Environmental Health, the County Fire Marshal and/or your Fire District, and the Planning Department. Within thirty-six (36) days of receiving your complete application, the Planning Department will prepare a letter of conditional approval or denial. Administrative Development Permits can only be approved if you satisfy all State and local requirements.

**AGENCIES TO CHECK WITH:**

County Planning Department: For any Ordinance or procedural questions, including current fees for an Administrative Development Permit, call (530) 265-1222.

County Fire Planner: Fire safety improvements may be required. A summary list of required is attached, but additional information can be obtained by calling (530) 265-1714.

County Environmental Health Department: For information, including fees, for septic system or water supply requirements for your second dwelling, call (530) 265-1222.

County Building Department: For information regarding building permit submittal requirements, including fees, call (530) 265-1222.

**FEES** for both types of second dwelling units include those fees that are required to obtain your building permit, any applicable sewage disposal and domestic water supply permits, and encroachment permits (for driveways coming off a County road).

Development Fees that apply to all types of dwellings must be paid when your building permit is *issued*, and include County road fees, County recreation fees, school fees, and fire district fees. The County will collect road and recreation fees but require proof of payment of fire and school districts, which are paid directly to those districts. Information for all fees is available from the Building Department.

Second Dwelling Units-Consistent with Allowed Density require an additional filing fee for an Administrative Development Permit, payable to the Nevada County Planning Department, which must accompany the submittal of the permit application package to the Planning Department.

Attached within this package are:

1. County Ordinance requirements for both Accessory-Second Dwelling Units and Second Dwelling Units-Consistent with Allowed Density.
2. General Nevada County/California Fire Safe Standards.
3. A Second Dwelling Unit Owner Occupancy Certification Form Letter as required by Nevada County Code Sec. 12.03.192.

## **Section 12.03.190 Second Dwelling Units**

Second dwelling units provide an important source of affordable housing. By promoting the development of second dwelling units, the County may ease a rental-housing deficit, maximize limited land resources and existing infrastructure and assist low and moderate-income homeowners with supplemental income. Second dwelling units can increase the property tax base and contribute to the local affordable housing stock. An accessory-second dwelling unit that conforms to the requirements of this Section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use consistent with the existing general plan and zoning designations for the property on which is it allowed consistent with State Second-Unit Legislation.

## **Section 12.03.191 Accessory-Second Dwelling Units**

- A. Purpose.** To maintain the social fabric of families and to improve affordable housing opportunities for the County’s workforce, family members, students, senior citizens, in-home health providers, the disabled, and others at below market prices in existing neighborhoods in Nevada County.
- B. Standards.** A second dwelling unit shall be permitted, regardless of minimum parcel size and zoning densities, on all parcels within the R1, R2, R3, RA, AE, AG, FR and TPZ zoning districts, subject to zoning compliance and building permit issuance and the following standards:
1. Second dwelling units may be a conventionally on-site constructed attached or detached structure, a manufactured home or a converted existing accessory structure provided that building permits are obtained, and the following size limitations are satisfied:
    - a. On parcels of less than one acre in size, all second dwelling units shall be attached to the main dwelling.
    - b. The second dwelling unit shall not exceed the following size limitations, as measured from the interior walls:
      - 1) Attached Units: maximum 30% of the existing residence gross floor area, but not to exceed 1,200 square feet.
      - 2) Detached Units: maximum size shall be 1,200 square feet.
      - 3) Detached second dwelling units may have an attached garage or carport that does not exceed 480 square feet.
      - 4) Covered decks and entryways shall not exceed a 10’ depth. Enclosed decks or porches shall not exceed 15% of the total gross floor area of the second dwelling unit and shall be constructed as non-habitable space.

2. Previously approved senior citizen or disabled housing units may be modified to increase the square footage, not to exceed 1,200 square feet or change the occupancy to rescind previously recorded restrictive covenants, subject to all applicable development fees and standards in effect at the time and consistent with this Section.
3. Either the primary or second dwelling unit on the site shall be owner occupied. A certified letter, stating that one unit will be owner occupied shall be filed with the Planning Department prior to issuance of a building permit.
4. There shall be no more than one second dwelling unit, as provided for in this Section, per parcel.
5. A second dwelling unit shall not be allowed on any parcel on which employee housing has been established pursuant to Nevada County Code Sec. 12.03.100.
6. Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, shall be the sole responsibility of the property owner.
7. If the second dwelling unit is proposed to be constructed within a City's Sphere of Influence, the second unit must also comply with any standards (including, but not limited to, the unit's size and permitting requirements) of the City that are more restrictive than those provided for in this Section.
8. All water supply and sewage disposal requirements shall be complied with as administered by the Department of Environmental Health or other appropriate serving entity.
9. Compliance is required with all local Fire Safety Regulations that are generally applicable to single-family residential development including Title 4 (Fire Safety Regulations), Title 12 (Zoning), Title 13 (Subdivisions), Title 14 (Buildings), and Title 16 (Road Standards; Street Addressing and Naming) of this Code, certified as equaling or exceeding the California Fire Safe Regulations pursuant to Public Resources Code Section 4290.
10. The unit must comply with all conditions, including payment of any mitigation fees, which are imposed upon the issuance of any permit.
11. The onsite driveway access shall meet the minimum fire safe driveway standard pursuant to Nevada County Code Title 4, Chapter 3, Sec. 4.03.020.
12. All second dwelling units that are located beyond the dead-end road limit as established by Nevada County Code Title 16 are subject to the following provisions:



- d) The mechanism for maintaining defensible space.
      - e) Identification of a feasible evacuation plan and/or safe evacuation routes for use by future occupants of the project.
- 14. All second dwelling units shall be subject to all Nevada County Code standards, permits and mitigation fees applicable to single-family residential construction within the zoning district where the subject property is located, including but not limited to building height, setbacks, lot coverage, parking, resource standards, and site plan review.
- 15. Nevada County recommends, but does not mandate that the following accessibility improvements are considered when constructing a second dwelling unit:
  - a. At least one accessible bathroom (enough room for wheelchair maneuverability).
  - b. Bathroom with reinforced walls for grab bars.
  - c. Minimum 36” hallways and 36” clear space on doors into one bathroom and the exterior.
  - d. Design and construct second units to allow wheelchair access. Where there are duplicate uses of rooms (i.e. two bathrooms, two bedrooms), one of those rooms should be made accessible.
  - e. Provide a no step entry with accessible path from the parking area.
  - f. Wheelchair maneuverability in kitchen.
  - g. 32-inch clear space on interior doors, exterior door should be 36 inches.
  - h. Light switches at 44 to 48 inches.
  - i. Lever hardware.
  - j. View windows.
  - k. Construction design that will allow for easy adaptability, such as counter section (36 inches wide) that can be lowered or pull out board that can be used as work space, cabinet doors that can be removed to allow access to sinks, straight stairway to second floor units or stacked closets to allow for an elevator.

**Section 12.03.192 Second Dwelling Units-Consistent with Allowed Density**

- A. Purpose.** To allow for second dwelling units on parcels with available density without limiting the size of the unit.
- B. Standards.** A second dwelling unit, consistent with allowed density, shall be permitted on all parcels within the RA, the R1, the AE, the AG, the FR, and the TPZ zoning districts, where the property is at least twice the minimum lot size, subject to an Administrative Development Permit pursuant to Section 12.05.050 of the Nevada County Code, but not subject to design review, provided the following standards are satisfied:
1. The second unit shall comply with zoning density established for the parcel on which the second unit is located.
  2. No more than one second dwelling unit may be allowed on any one parcel pursuant to this section.
  3. The unit must comply with all applicable standards of the Nevada County Code, including all water supply and sewage disposal requirements, as administered by the Department of Environmental Health.
  4. The unit shall comply with all conditions, including payment of any mitigation fees, which are imposed upon the issuance of any permit authorizing it.
  5. Compliance is required with all local Fire Safety Regulations, including Section 12.04.218, and Titles 4 and 16 of the Nevada County Code, certified as equaling or exceeding the California Fire Safe Regulations pursuant to Public Resources Code Sec. 4290. (Ord. #2146)

## **NEVADA COUNTY/CALIFORNIA FIRE SAFE STANDARDS**

The standards below provide a general overview of the County/California Fire Safe Standards. The complete Nevada County Fire Safe Regulations are contained in Nevada County Code Title 4 (Fire Safety Regulations), Title 12 (Zoning), Title 13 (Subdivisions), Title 14 (Buildings), and Title 16 (Road Standards; Street Addressing and Naming). Please review to the specific Ordinance language in 12.03.190, or contact the Nevada County Fire Protection Planner to determine the applicable standards for the type of second dwelling unit you are proposing.

1. **Roads:** State law and County Code generally requires that roads be a minimum 18' in width and capable of supporting a 40,000 pound load; grades shall not exceed 16% and there are maximum lengths for dead-end roads (one-mile maximum length for properties zoned for 20-acres or more; ½ mile length for properties zoned for 5-19.99, and ¼ mile maximum length for properties zoned for 1-4.99-acre minimums). County Ordinance requires that all roads serving more than two parcels be named and posted. Contact the County Department of Public Works, Roads Division or the County Fire Protection Planner for information.
2. **Water Storage:** County Ordinance requires that all second dwelling units provide water storage for fire protection. If you are not served by public water or a community water system, you will be required to provide at least 2,500 gallons of on-site water storage. Ponds and doughboy pools are seldom acceptable and there are restrictions on using storage tanks that previously held fuels. It is important that you consult with the County Fire Protection Planner before designing a water storage system.
3. **Driveways:** Driveway permits are required for all dwellings that are constructed more than 50' from the access road. Driveways that have a slope of 16-20% must be paved and no driveways are currently permitted to exceed 20%. A turnaround will be required at the end of the driveway. If you have a driveway that exceeds 150' in length, you will be required to construct turnouts. If your driveway or road is gated there may be additional requirements.
4. **Fuel Modification:** State law and County Code requires that flammable vegetation be removed from within 100' of structures. County Ordinance required clearance of flammable vegetation for a distance of 10' along both sides of driveways. Flammable vegetation and fuels caused by development and construction, including road and driveway construction, must be disposed of prior to final inspection of a building permit. When removing brush, keep in mind that burning is only possible during the non-fire season months and some other method may be necessary for brush disposal during the fire season.



**COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617  
(530) 265-1222 FAX (530) 265-9851 <http://mynevadacounty.com>

Trisha Tillotson  
Community Development Agency Director

Brian Foss  
Planning Director

**SECOND DWELLING UNIT OWNER OCCUPANCY CERTIFICATION**

**ASSESSORS PARCEL NO(s):** \_\_\_\_\_ **FILE NO:** \_\_\_\_\_

**PROPERTY OWNER NAME AND ADDRESS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY ADDRESS OF SECOND DWELLING UNIT:** \_\_\_\_\_

\_\_\_\_\_

I hereby declare, under penalty of perjury, that occupancy of the second dwelling unit, on the property listed above, is as permitted by the provisions of Section 12.03.190 of the Nevada County Code, which provides for approval of a second dwelling unit on a parcel and that the information provided herein is accurate. I certify that either the \_\_\_ primary or \_\_\_ secondary (check the applicable unit to be owner-occupied; if designation changes, a new certification shall be submitted) dwelling unit on the site shall be owner occupied.

**NOTE: MUST PRINT AND SIGN BELOW THE FULL NAME(S) OF PROPERTY OWNER(S) PER THE RECORDED DEED:**

_____ <b>Printed Name</b>	_____ <b>Signature</b>	_____ <b>Dated</b>
_____ <b>Printed Name</b>	_____ <b>Signature</b>	_____ <b>Dated</b>