

Code Compliance Division  
**SECOND DWELLING UNITS**  
**SENIOR AND DISABLED HOUSING**



**Section L-II 3.19 Second Dwelling Units**

**A. Purpose:** To maintain the social fabric of families and to improve affordable housing opportunities for 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 residential or rural zoning districts allowing the construction of one single-family residence, subject to an Administrative Development Permit pursuant to Section 5.5 of this Chapter, but not subject to design review, provided the following standards are satisfied:

1. The unit shall satisfy one of the following sets of size standards:
  - a. On parcels of less than one acre in size, the second dwelling shall be attached to the main dwelling.
  - b. The second dwelling unit shall not exceed the following size limitations:
    - 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.

**2.** Such housing may be a conventionally on-site constructed, attached or detached structure, or a manufactured home.

**3.** All units shall be designed and constructed to allow wheelchair access (excepting #4.a-c below). Where there are duplicate uses of rooms (i.e. two bathrooms, two bedrooms), one of the rooms shall be made accessible.

**4.** Exceptions to providing wheelchair access to housing units include:

**a.** The placement of a manufactured home constructed prior to February 20, 1992,

or

**b.** The conversion of a structure constructed prior to February 20, 1992, if interior remodeling does not involve new hallway, kitchen or bathroom walls.

**c.** Allowance for units on second floors of accessory structures, including garages, without accessibility standards, except that a bathroom within such units shall provide structural reinforcement for future installation of grab bars.

**5.** Second units (excepting 4.c above) shall be constructed using the following accessibility standards as follows:

**a. Required:**

**1)** Planning must be done to demonstrate that a no step entry with accessible path from parking area can be built.

**2)** Accessible bathroom (enough room for wheelchair maneuverability).

**3)** Bathroom with reinforced wall for grab bars.

**4)** 36-inch hallways.

**5)** Wheelchair maneuverability in kitchen.

**6)** 32-inch clear space on interior doors, exterior door shall be 36 inches.

**7)** Light switches at 44 to 48 inches.

**b.** Not required, but recommended, accessibility standards include:

**1)** Lever hardware.

**2)** View windows.

**3)** Construction design that will allow for easy adaptability, i.e. 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 elevator.

**6.** There shall be no more than one such unit per parcel.

**7.** Either the primary or secondary dwelling unit on the site shall be owner occupied. A certified letter, stating that one unit will be owner occupied (Adopted 10-23-07 3-52 07/15/08 Nevada County LUDC – Chapter II – Zoning Regulations *Specific Land Uses*) shall be filed with the Planning Department prior to issuance of a building permit.

**8.** Where the unit is to be constructed on property subject to recorded deed restrictions or CC&R provisions not required by the County that may preclude such a unit, any approval shall not become effective until thirty (30) days after the applicant has given written notice thereof to the active Homeowners' Association or other entity entitled to enforce such restrictions or CC&Rs. If no such entity can reasonably be located, the applicant shall provide notice to all property owners subject to same restrictions or CC&Rs. The applicant shall provide the County with proof of notice to be included in the Planning file. (Ord. #2176)

**9.** Floor area calculations shall be measured from exterior walls.

**10.** Detached second dwellings may have an attached garage or carport that does not exceed 480 square feet.

**11.** 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.

**12.** All water supply and sewage disposal requirements shall be complied with, as administered by the Department of Environmental Health.

**13.** Existing accessory structures may be converted to second dwelling units provided building permits are obtained for the conversion and the size limitations of this Section are complied with.

**14.** The unit must comply with all applicable standards of the Land Use and Development Code. In addition, if the 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.

**15.** The unit must comply with all conditions, including payment of any mitigation fees, which are imposed upon the issuance of any permit.

**16.** Previously approved senior citizen or disabled housing units may be modified to increase the square footage or change the occupancy, subject to all applicable development fees and standards in effect at the time and consistent with this Chapter. (Adopted 10-23-07 3-53 07/15/08 Nevada County LUDC – Chapter II – Zoning Regulations *Specific Land Uses*)

**17.** Compliance is required with all local Fire Safety Regulations, including Chapter XVI and XVII of this Code, certified as equaling or exceeding the California Fire Safe Regulations pursuant to Public Resources Code Section. 4290.

**18.** Prior to issuance of the Administrative Development Permit, the proposal must be approved by the County Departments of Planning, Building, Environmental Health or Sanitation, and Public Works, and by the local fire protection district or by the County Fire Marshal, if located outside any local fire protection district boundaries, for compliance with land use, building, health, sanitation, transportation, and fire safety requirements.

**C.** (Repealed by Ord. #2236, effective 6/21/07; Ord. #2149)

**D.** Second Dwelling Units Consistent with Allowed Density

**1.** 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, subject to an Administrative Development Permit pursuant to Section L-II 5.5 of this Chapter, but not subject to design review, provided the following standards are satisfied:

- a. The second unit shall comply with zoning density established for the parcel on which the second unit is located.
- b. No more than one second dwelling may be allowed on any one parcel pursuant to this section.
- c. The unit must comply with all applicable standards of the Land Use and Development Code, including all water supply and sewage disposal requirements, as administered by the Department of Environmental Health.
- d. The unit shall comply with all conditions, including payment of any mitigation fees, which are imposed upon the issuance of any permit authorizing it.
- e. Compliance is required with all local Fire Safety Regulations, including Section L-II 4.3.18, and Chapters XVI and XVII of the Land Use and Development Code, certified as equaling or exceeding the California Fire Safe Regulations pursuant to Public Resources Code Sec. 4290. (Ord. #2146)

### **Section L-II 3.20 Senior Citizen and Disabled Housing Facilities**

**A. Purpose:** The purpose of this Section is to establish procedures, standards and density bonuses for the development of senior citizen or disabled apartments and/or senior citizen or disabled independent living centers. Senior citizen apartments and/or independent living centers are restricted to persons 55 years of age or older, whereas disabled apartments and/or independent living centers do not have such age restrictions. The intent of these standards is to ensure compatibility with adjacent land uses and proximity to public services, including transit, to insure access for senior citizens or disabled persons.

#### **B. Definitions:**

**1. Senior Apartment** - Multiple-family residential structures designed to meet the needs of the senior citizen (55 years of age or older). Dwelling units shall be self-contained and easily accessible to senior citizens. In case of married or cohabitant couples, one occupant may be younger than the required 55 minimum age, however, any such occupant shall be not less than 18 years of age.

**2. Senior Independent Living Center** - A multiple-family residential development that provides housing for occupants 55 years of age or older. In cases of married or

cohabited couples, one occupant may be younger than 55 years of age. No person under 18 years of age may be in residence. Such center may consist of, but is not limited to, individual apartment units, community dining centers and common indoor and/or outdoor recreational facilities. All facilities shall be physically accessible to the senior citizens they are intended to serve.

**3. Disabled Independent Living Center** - A multiple-family residential development that provides for occupants who are disabled and their families. Such center may consist of, but is not limited to, individual apartment units, community dining centers, and common indoor and/or outdoor recreation facilities. All facilities shall be physically accessible to the disabled citizens they are intended to serve.

**C. Site Development Standards:** When approved as a part of a Use Permit, the site development standards for Senior Citizen or Disabled Apartments or a Senior or Disabled Independent Living Center shall be in conformance with the site development standards contained herein and in the district in which the premises are located.

1. In order for a project to qualify for a density bonus under this Section, it must meet the following minimum standards:
  - a. Residents must be 55 years of age or older or disabled. In the case of married or cohabitant couples, at least one occupant must be 55 years or older or disabled.
  - b. The project must be located on an existing transit line, have an all weather bus shelter stop, approved by the local transit authority, immediately adjacent to the project, and be readily served by a public transit provider.
  - c. The project must provide for or otherwise bear the cost of providing for paratransit demands of the project's residents.
  - d. A minimum of 5% of the total indoor floor space must be devoted to recreation/ social/educational facilities (i.e., recreation room, library, TV room, multi-purpose common room, etc.)
  - e. All on-site facilities may only be used for the private use of the residents living on-site and their invited guests.
2. Off-street parking shall be pursuant to Section 4.2.9. Those standards may be further reduced under Table 3.20 below. As part of the Use Permit consideration, the Zoning

Administrator may restrict the total number of resident cars to be parked on-site or designate employee or visitor parking.

**3.** The proposed project shall be served by a public water supply as defined in Section L-X 1.2 of the Land Use and Development Code and a publicly owned and operated sanitary sewer system as defined in Section L-VI 3.2 of the Land Use and Development Code.

**4.** The minimum setbacks contained in the zoning district in which the premises are located shall be adhered to provided that no structure shall be constructed closer than 10' from any side property line.

**5.** Engineered improvement plans shall include grading plans, drainage plans, paving plans and all other improvements.

**6.** Signs shall be pursuant to Section 4.2.12 of this Chapter.

**7.** If the nature of the project changes, i.e., changes to a conventional unrestricted apartment use, the project shall meet all the applicable standards of the Nevada County Land Use and Development Code.

**8.** Skilled nursing and/or intermediate care facilities are allowed if developed as a part of a senior or disabled independent living center.

**9.** Projects must meet all site development standards of the district unless exempted by these regulations.

**10.** The project must satisfy the American Disability Act standards for elderly and disabled persons.

**11.** Density bonuses may be granted for senior or disabled independent living centers and/or apartments based upon the following chart:

**Table L-II 3.20**

<b>Density Bonus Standards</b>			
<b>Allowable Density Bonus</b>		<b>If all dwelling units are within, or have available:</b>	<b>% Parking may be reduced as provided in Subsection C.2</b>
1	10%	Provide and operate private ADA equipped paratransit vehicles for all residents' use	10%
2	10%	Within 750 ft. of transit stop or directly served by public transit	10%
3	25%	Minimum of 2 meals per day served in community dining hall	5%
4	--	Age 55 years or older (by State Requirements)	5%
5	20%	Within 1500 ft. of an existing regional or neighborhood shopping center	5%
6	10%	Within 100 ft. of an existing neighborhood or community park or public recreation facility	5%
7	20%	Self-contained village, no outside public access (i.e. drug and sundry store, beauty and barber shop, etc.) minimum of 5% or 800 sq. ft., whichever is greater, of the common floor space	5%
8	5%	Community washers & dryers provided	5%
9	25%	Households of lower and moderate income as defined in Article 6 of this Chapter	--
10	10%	Within 1 mile of health care facilities, emergency/acute care	5%
11	10%	On-site outdoor recreation facilities (parks, paths, tennis courts, pools, etc.) Min. 10% of gross floor area	--
Maximum Bonus 125%		55%	

\* Density Bonus is a density increase over the otherwise maximum allowable residential units permitted under existing zoning or the General Plan Land Use Element whichever is more restrictive.

EXAMPLE: The zoning for a parcel is R3 (20 units per acres). By meeting all of the density bonus standards, the bonus is 125%.

$$20 \text{ UPA} \times 1.25 = 25 \text{ UPA} + 20 \text{ UPA} = 45 \text{ UPA Total}$$